

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM08-622 , Anton Kosuta
and Mining Land Use Approval AP08622

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM08-622 for a type B licence for a placer mining undertaking and mining land use approval AP08622.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit a waste into Independence Creek and to obtain an approved placer mining land use operating plan.

Notice of the application was provided in accordance with the requirements of the *Waters Act* and the *Placer Mining Land Use Regulation*. In response, the Board received interventions from the following:

Government of Yukon (“GY”), Energy, Mines and Resources, Client Services and Inspections;
Government of Yukon (“GY”), Energy, Mines and Resources, Mineral Resources Branch;

No party requested a public hearing. The applicant did not respond to the interventions.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the interveners, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, the Board's standard licence requirements, Mining Map/Territorial Resources Base Map 1150/14, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

Environmental Assessment

This application required an environmental assessment under the YESAA.

Prior to making licensing decisions, the Board reviewed the YESAA Decision Document (“Decision Document”), project #2009-0041, which is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM09-631 is not contrary to the terms and conditions included in the Decision Document.

Neither the applicant nor the YESAA Decision Document proposed any alternative approaches to the operating conditions in the *Placer Mining Land Use Regulation*. These operating conditions have been incorporated into the Placer Land Use Approval For a Class 4 Operating Plan.

Government of Yukon:

Energy Mines and Resources, Client Services and Inspections:

YG advised the Board that the effluent standards for this portion of Hunker Creek is Design Target 0.2 ml/L, Action Level of 1.0 ml/L and a Compliance Level of 2.5 ml/L.

YG advised the Board that Rick Gillespie has maintained a good compliance history and that no concerns were noted with the application.

Energy Mines and Resources, Minerals Branch:

YG advised that if slope stabilization becomes necessary in areas where a 2 horizontal to 1 vertical cannot be achieved, the proponent should take measures to ensure stabilization. Harvesting and staking willows on site would help to stabilize slopes where a 2:1 ratio cannot be achieved.

The burning of Special Waste in a barrel is prohibited under the *Special Waste Regulations*. Special Waste should be taken to an approved waste disposal site.

Reclamation should be progressive and on-going.

The proponent should ensure that all activities are in accordance with the guidelines made under the new Fish Habitat Management System for Yukon Placer Mining.

Compliance to Standard Operating Conditions as Outlined in Schedule 1 of the *Placer Mining Land Use Regulations* will mitigate any Mining Land Use concerns.

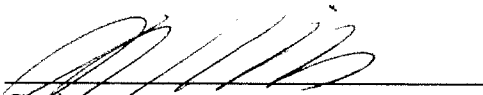
Chapter 14 of the UFA

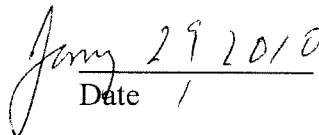
Maps 1150/14 is included in the Tr'ondek Hwech'in First Nation Final Agreement. Tr'ondek Hwech'in First Nation did not intervene to the Board regarding this project.

Territorial Resources Base Map 1150/14 and Mining Claims Map 1150/14 were reviewed for Settlement Land. No Settlement Land Parcels were identified downstream of the application area. This could lead the Board to conclude that the proposed operation will not substantially alter the quality of water that is flowing on, through or adjacent to Settlement Land

Conclusion

The Board has approved the issuance of Water Use Licence PM08-622 and AP08-622 for Placer Land Use Approval for a Class 4 Operating Plan.


Chairperson
Yukon Water Board


Date /