

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM08-624, Steve Hughes and Mining Land Use Approval AP08624

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM08-624, for a type B licence and Class 4 mining land use approval AP08624 on McCrimmon Creek for a placer mining undertaking.

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 an intervention from GY, Energy, Mines and Resources, Mining Land Use.

No party requested a public hearing. The Applicant did not respond to the intervention.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the intervener, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, the Board's standard licence requirements, Yukon Placer Mining Fish Habitat Suitability Map, Mining Map 115 O/07, 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”) that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM08-624 is not contrary to the terms and conditions included in the Decision Document.

The YESAA Decision Document included a condition that the seeding activities in the previously disturbed areas should be avoided to prevent the introduction of non-native species. The typical wording in the mining land use approval states “*If adequate seed stock or root stock is not naturally available, re-seeding or transplanting of vegetation is required. Only non-invasive species may be used for re-seeding or transplanting.*” This typical clause was omitted from the approval so as to not conflict with the Decision Document.

GY Mining Land Use

The Board determined that the issuance of approval AP08624, which reflects the requirements of Schedule 1 of the *Placer Mining Land Use Regulations*, will satisfy the Mining Lands recommendation for compliance.

Chapter 14 of the UFA

The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as follows:

- Tr'ondëk Hwëch'in Final Agreement and Mining Claim Map 1150/07
 - The closest parcels of Settlement Land are TH R-18A and TH R-82A, located approximately 11.5 km downstream of the proposed operations on Black Hills Creek.
- Water Flow estimates and Water Use
 - According to the estimates provided in the application, the requested quantity of water to be used for the mining operations represents approximately 2.5% of the McCrimmon Creek's total flow during mining season. McCrimmon Creek is a tributary to Black Hills Creek.
- Water Quality
 - The Department of Fisheries and Oceans has issued an Authorization for the Stewart River Watershed. The Authorization includes sediment discharge standards for placer mine effluent.
 - The effluent discharge standards for freshwater fisheries production zones have been included in the licence.

Given the above considerations of geography, flow rate estimates, and water quality, the Board concluded that the proposed operation will not substantially alter the quantity, quality, or rate of flow of water flowing on, through, or adjacent to Settlement Land, including seasonal rate of flow.

Conclusion

The Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Water Use Licence PM08-624 and AP08624 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board

August 25, 2000

Date