

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM08-625, 16406 Yukon Inc.
and Mining Land Use Approval AP08625

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM008-625 for a type B licence for a placer mining undertaking and mining land use approval AP08625.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit a waste, to ford Montana and Steele Creek using existing fords 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 parties:

Government of Yukon (“GY”), Energy, Mines and Resources, Mineral Resources;

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 interveners, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, the Board's standard licence requirements, Mining Map/Territorial Resources Base Maps 1150/10 and 1150/11, 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 # PM08-625 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:

Government of Yukon stated that 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

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:

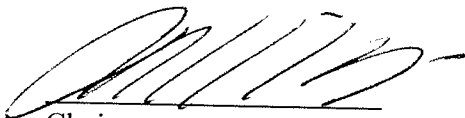
Territorial Resource Base Maps 1150/10 and 1150/11 are included in the Tr'ondek Hwech'in First Nation and the Nacho Nyak Dun First Nation Final Agreements. Tr'ondek Hwech'in First Nation and Nacho Nyak Dun First Nation did not intervene to the Board regarding this project.

Territorial Resources Base Map 1150/10 and 1150/11 and Mining Claims Map 1150/10 and 1150/11 were reviewed for Settlement Land. These maps did not identify any First Nation Settlement Land Parcels in the area.

As there are no Settlement Land parcels in the vicinity of this application the Board concluded that the quality, quantity and rate of flow on through or adjacent to Settlement Land will, including seasonal flow, will not be affected by this application.

Conclusion

The Board has approved the issuance of Water Use Licence PM08-625 and AP08625 for Placer Land Use Approval for a Class 4 Operating Plan.



Chairperson
Yukon Water Board

August 18, 2005
Date