

Yukon Environmental & Socio-economic Assessment Act Decision Document

This document meets the Yukon government's and Fisheries and Oceans Canada requirements as a Decision Body as set out in the *Yukon Environmental & Socio-economic Assessment Act*.

Decision Document Issued By:

YG Decision Body:	EMR Mineral Resources
Federal Decision Body(ies):	Fisheries and Oceans Canada
First Nation Decision Body(ies):	[where applicable]

Project:

Project Name:	Clinton Creek Placer Mine	YESAA File Number: 2009-0059
Proponent Name:	Jan Labuscagne	

Project Scope

The principal activity is the Class 4 operation of a placer mine on 1 (one) placer claim located at the junction of Fortymile River and the Clinton Creek Road (West Side).

Principal Activity Include:

- Use of heavy machinery for obtaining water, stripping, trenching, drilling, processing material and reclamation activities.
- Mechanical stripping of up to 12,000m³/year of Overburden
- Processing of up to 60,000m³/year of material
- Water use of approximately 500m³/day (source: Fortymile River)

Accessory Activities Include:

Water Use

- Out of stream reservoir
- Out of stream settling ponds (L40m x W5m x D2m with 1m freeboard)

Fuel Use and Storage

- Storage of 2200L of petroleum products
- Waste petroleum products stored and removed weekly to disposal facility

Camp facilities on-site waste management

- 5 person camp
- Kitchen waste to be burned & other will be removed weekly to disposal facility

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Other Decision Bodies:

Other Decision Body Consultation:	▪ [list decision bodies consulted where applicable]
Consolidated Decision Document:	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Fisheries and Oceans Canada

Non-Self Governing First Nations:

Non-Self Governing First Nation Consultation:	▪ [list First Nation consulted where applicable]
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Decision

Pursuant to ss.75, 76 and 80, the Yukon government has considered the YESAA Assessment and:

a) Accepts the following recommendation(s):

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b) Rejects the following recommendation(s) as follows for the reason(s) specified:

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c) Varies the following recommendation(s) as follows for the reason(s) specified:

YG accepts the following:

1. Whenever possible, waste oil should be disposed of through Yukon Government's commercial waste oil collection service as an efficient and secure method to transport and process large volumes of waste.
2. Wherever possible, the proponent shall restrict the use of heavy equipment to active mining areas and to designated access routes, as established by the proponent.
3. The proponent shall make all efforts to avoid the disruption of regenerating areas or areas in a state of reclamation from previous mining operations.

Note pertaining to items 2 & 3: *Schedule 1 of the Placer Mining Land Use Regulation (Placer Operating Conditions) requires that all areas disturbed by the operation be reclaimed in order to allow for re-vegetation.*

The vegetative mat must be separated and stored separately from other overburden so that seed and root stock are protected; that an adequate soil layer be provided; that reseedling with native species or root stock be used if necessary; and that overburden, soil and vegetative mat be replaced in separate layers, in order as prescribed by the operating conditions. Adherence to the Operating Conditions should ensure that any area disturbed by the operation (whether previously undisturbed or newly disturbed) will be able to regenerate.

6. Seeding activities in disturbed areas should be limited to locally-collected, site-specific seeds stocks to prevent the introduction of non-native species.

Note: *Seeding is not recommended; expect natural re-vegetation to mitigate.*

8. Trenches shall be backfilled or sloped at one end to avoid entrapment of wildlife.

12. The proponent shall ensure that project activities, including the use of roads, do not unnecessarily disturb other users from using the area.

Note: *Access to through traffic must be maintained.*

YG varies the following:

7. Any heritage resources located by the applicant while working within Tr'ondëk Hwëch'in traditional territory shall be reported to the Tr'ondëk Hwëch'in Heritage Department at 993-7100. Information regarding the location of these resources should include, for example, GPS coordinates and descriptive location, photographs, etc.

Justification:

The project is on commissioner's land and falls within the mandate of Government of Yukon for heritage resources. The First Nations Heritage Departments are the lead department for heritage issues on Category A or Category B settlement lands.

Replaced with:

Any heritage resources located by the proponent should be reported to the Chief of Mining Land Use.

YG varies the following:

9. If new clearing is proposed during the breeding period (May 1-July 31), pre-clearing surveys should be conducted for nesting birds.
10. If any SARA or COSEWIC listed species are found to be present; evidenced by active nests (incl. tree cavities a 10-metre vegetation buffer zone should be maintained around nests.

Justification:

The proponent by law is required to follow the Migratory Birds Regulation.

Replaced with:

The proponent and planners shall exhibit due diligence with regard to their responsibility under the Migratory Birds Regulation, specifically Section 6, which contains general prohibitions against the disturbance and destruction of nests.

YG varies the following:

11. Holders of adjacent mining claims, or on or adjacent to the access routes, are to be contacted prior to disturbance or removal of any on-claim materials, workings, equipment, etc.
13. Other land users shall be notified 10 days prior to the actual commencement of the activity.

Justification:

All resources users in any particular area should be communicating on their activities to reduce land use conflicts. General clause provides balance and expectation for all parties.

Replaced with:

The proponent and other permitted resource users (trappers, big game outfitters and wilderness tourism outfitters, quartz / placer miners and subsistence harvesters) shall communicate plans and timing of activities to each other to reduce land use conflicts and any potential negative impacts on each other's interests.

YG varies the following be removing:

4. Live staking of willows beyond the riparian areas, at a replacement rate of 15%, should be encouraged.
5. The proponent should apply naturally occurring fertilizer to re-mediated areas to enhance conditions for growth.

Justification:

In the evaluation report, under the Environmental Quality section (5.2) there is no analysis provided showing that the live staking of willows at a rate of 15% will mitigate any adverse effects on environmental quality.

Furthermore, Schedule 1 of the Placer Mining Land Use Regulation (Placer Operating Conditions) requires that all areas disturbed by the operation be reclaimed in order to allow for re-vegetation.

The vegetative mat must be separated and stored separately from other overburden so that seed and root stock are protected; that an adequate soil layer be provided; that reseeded with native species or root stock be used if necessary; and that overburden, soil and vegetative mat be replaced in separate layers, in order as prescribed by the operating conditions . Adherence to the Operating Conditions should ensure that any area disturbed by the operation (whether previously undisturbed or newly disturbed) will be able to regenerate.

Fisheries and Oceans Canada varies the following by adding:

14. The proponent shall submit an Application for Authorization for Works or Undertakings Affecting Fish Habitat to Fisheries and Oceans Canada prior to conducting the proposed Placer Mining Activities in Clinton Creek and the Fortymile River. Please note that an application for Authorization does not guarantee the project will be granted Authorization. At a minimum, all works to conduct Placer Mining activities in Clinton Creek and the Fortymile River including mitigation measures, operation, sediment discharge standards and fish habitat reclamation measures should be in accordance with the requirements of the Fisheries and Oceans Canada Class Authorization "40 Mile River Watershed Authorization for Works or Undertakings Affecting Fish Habitat for Specified Streams in the Yukon Territory".

Justification:

The condition has been added to ensure that the placer miner is in compliance with the new class authorization implemented on April 11, 2008 replacing the previous "Yukon Placer Authorization". The new class authorization is directed at specific watershed based licensing to consider specific fish and fish habitat attributes within watersheds. Applicable to the Fortymile River watershed is the "40 Mile River Watershed Authorization for Works or Undertakings Affecting Fish Habitat for Specified Streams in the Yukon Territory".

Dates

Project Recommendation Issued: July 02, 2009	Decision Document Issued: July 22, 2009
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Recommendation Received From:

Designated Office	<input checked="" type="checkbox"/>	Location: Dawson City
Executive Committee	<input type="checkbox"/>	
Panel	<input type="checkbox"/>	a) Panel of the YESAB
	<input type="checkbox"/>	b) CEAA Panel
	<input type="checkbox"/>	c) Joint Panel (YESAB and other assessment body)

Authorization

By signing below, the Yukon government has exercised its authority as per YESAA s. 75 or s. 76 to issue a decision document on this project.

Name: Robert Holmes Position: Director, Mineral Resources
 Signature: [Signature] Date: July 22, 2009

By signing below, the Department of Fisheries and Oceans has exercised its authority as per YESAA s. 75 or s. 76 to issue a decision document on this project.

Name: Briar Young Position: Area Manager
Oceans, Habitat and Enhancement Branch
 Signature: [Signature] Date: July 22, 2009

Copies Forwarded to (as required by YESAA):

- Other Decision Bodies [list] Fisheries and Oceans Canada
- Project Proponent [name] Jan Labuscagne
- DAP Branch, Executive Council Office _____
- YESAB Designated Office [location] Dawson
- YESAB Executive Committee [when applicable] _____
- Minister Environment (Canada) [when applicable] _____
- Yukon Surface Rights Board [when applicable] _____
- Yukon Water Board [when applicable] _____



Fisheries and Oceans
Canada

Pêches et Océans
Canada

- Land Use Planning Commission:
- Independent Regulatory Agency
- Other Body/Person as Required

[when applicable] _____

[when applicable] _____

[List] _____