

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM08-627 , Hank Fehr
and Mining Land Use Approval AP08627

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM08-627 for a type B licence for a placer mining undertaking and mining land use approval AP08627.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit a waste into Seymour 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, Mineral Resources;

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 115I/06, 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 # 2009-0026, that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM08-627 is not contrary to the terms and conditions included in the Decision Document.

Neither the applicant or 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 Branch:

GY advised that the compliance point for the Moderate-Moderate classification zone is 200 mg/L and 1.2 ml/L in the Moderate-Low classification zone.

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:

Map 115I/06 is included in the Little Salmon Carmacks and Selkirk First Nations Final Agreements.

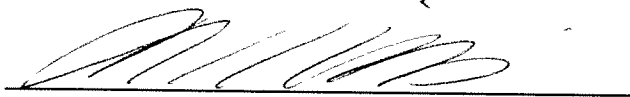
Territorial Resources Base Map 115I/06 and Mining Claims Map 115I/06 were reviewed for Settlement Land. Mining Map 115I/06 indicates Settlement Land parcel LSC R9A is adjacent to Big Creek which Seymour Creek is a tributary of.

In regards to the quantity of water, the water flowing in Seymour Creek during the mining season is approximately 950,400 m³/d. The applicant is proposing to use a maximum of 6,546 m³/d which is equivalent to 0.01% of the available flow which the Board determined is not a significant alteration to the quantity or rate of flow of water flowing on, through or adjacent to Settlement Land.

In regards to the quality of water, the Fisheries and Oceans Canada Authorization for the Big Creek Watershed includes effluent quality standards. These standards have been included in the licence. With the inclusion of the effluent quality standards in the licence the Board concluded that the proposed operation will not substantially alter the quality of water that is flowing on, through or adjacent to Settlement Land, including seasonal flow.

Conclusion

The Board has approved the issuance of Water Use Licence PM08-627 and AP08627 for Placer Land Use Approval for a Class 4 Operating Plan.



Chairperson
Yukon Water Board

Date July 10, 2009