

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM08-628, Roland Berglund
and Mining Land Use Approval AP08628

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM008-628 for a type B licence for a placer mining undertaking and mining land use approval AP08628.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit a waste, to ford Goring Creek using an existing ford, to do permanent diversions on Goring 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 parties:

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

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 Map 116B/02, 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 # PM08-628 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, Mineral Resources 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.

Government of Yukon, Client Services and Inspections submitted a late intervention; the Board did decide to have the intervention included in the Register after considering that the information

would be useful in the Licensing process and that the applicant had received a copy of the intervention.

Client Services and Inspections stated that The Fish Habitat Management System has an effluent standard of 200 mg/L for Moderate-High Habitat Suitability. Note that this standard is subject to monitoring and adaptive management.

New Fords are not permitted for use but existing fords may be used; however, they are the least preferred method for crossing a watercourse.

Seasonal or temporary relocation of a channel is not permitted in a Moderate-High Habitat Suitability Watercourse. Any permanent or final diversion channels should be constructed in accordance to the Fish Habitat Management System for Yukon Placer Mining. The overall length of a diversion channel may not exceed 500 meters.

In-stream works permitted in a Moderate-High Habitat Suitability Watercourse are limited to the construction of a small dugout or wing dam to facilitate water acquisition.

The Riparian Zone is 20 meters and required leave strip is 30 meters.

The environmental impacts of this proposed operation should be readily mitigated if activities are conducted in accordance with the applicable regulations/legislation and standard operating conditions as well as 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 Resources Base Map 116B/02 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.

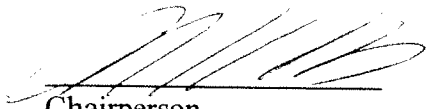
Territorial Resources Base Map 116B/02 and Mining Claims Map 116B/02 were reviewed for Settlement Land. Mining Map 116B/02 Settlement Land parcel TH R14-A is located adjacent to the application area. TH S 113-B1 is also located adjacent to the application area, however as Goring Creek has a flow that runs away from this it can be concluded that the application will not have an effect on TH S 113-B1.

In regards to the quantity of water, the water flowing in Goring creek during the mining season is approximately 129,600 m³/d. The applicant is proposing to use a maximum of 2,950 m³/d which is equivalent to 2% of the available flow which the Board could determine is not a significant alteration to the quantity or rate of flow of water flowing on, through or adjacent to Settlement Land.

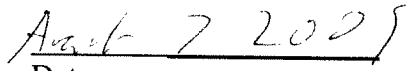
In regards to the quality of water, the Fisheries and Oceans Canada Authorization for the Klondike River Watershed includes effluent quality standards. These standards have been included in the licence. With the inclusion of the effluent quality standards in the licence the Board could conclude that 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 PM08-628 and AP08628 for Placer Land Use Approval for a Class 4 Operating Plan.



Chairperson
Yukon Water Board



Date