

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM09-631 , W. John. H. Scott
and Mining Land Use Approval AP09631

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM09-631 for a type B licence for a placer mining undertaking and mining land use approval AP09631.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit a waste into Eldorado and Clear Creeks, to divert water on Eldorado 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 Branch;

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 115P/14, 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 #2009-0043, that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM09-631 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, Minerals Branch:

GY advised 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. That compliance to Standard Operating Conditions as outlined in *Schedule 1 of the Placer Mining Land Use Regulation* will mitigate any Mining Land Use concerns.

Chapter 14 of the UFA

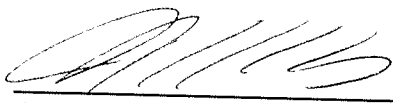
The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as follows:

Map 115P/14 was reviewed to help the Board in understanding the location of First Nation Settlement Land in relation to the application. This map is included in the Tr'ondëk Hwëch'in First Nation Final Agreement.

Territorial Resources Base Map 115P/14 and Mining Claims Map 115P/14 were reviewed for Settlement Land. No Settlement Parcels were identified, downstream, that would be affected by this water use application. The closest parcel is TH R-79B. This parcel is 13.7 km downstream of the application area, it is adjacent to Eldorado Creek but is not on the Creek. As the First Nation parcel TH R-79B is not affected by Eldorado Creek and there are many tributaries prior to being adjacent to TH R-79B the Board concluded that quality, quantity and rate of flow, including seasonal rate of flow will not be affected on through or adjacent to First Nation Settlement Land.

Conclusion

The Board has approved the issuance of Water Use Licence PM09-631 and AP09631 for Placer Land Use Approval for a Class 4 Operating Plan.



Chairperson
Yukon Water Board

July 10, 2009
Date