

**YUKON WATER BOARD
REASONS FOR DECISION**

**Water Use Application PM09-638, Neil Regimbald
and Mining Land Use Approval AP09638**

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM09-638, for a type B licence and Class 4 mining land use approval AP09638 on Dawn Gulch for a placer mining undertaking.

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 did not receive any interventions.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, the *Yukon Environmental and Socio-economic Assessment Act* ("YESAA") Decision Document, the Board's standard licence requirements, Yukon Placer Mining Fish Habitat Suitability Map, Mining Map 105 M/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") that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM09-638 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.

Effluent Discharge Criteria

The Mayo River Watershed still falls under the jurisdiction of the YPA, however efforts are underway to roll out the new DFO Authorization in the near future. While the application was still undergoing review, the DFO confirmed (by email) the anticipated effluent discharge standards for Dawn Gulch.

Under the YPA, the effluent discharge standards are 2.5 ml/L. Under the Habitat Management System, the compliance levels are anticipated to be 1.5 ml/L and 1.2 ml/L (specific applicable grant numbers are listed in clause 4 of the water use licence). The proponent agreed to these discharge standards. The flood design and boulder grouping spacing were also included in the

licence to reflect consistency with the anticipated requirements under the new Fish Habitat Management System.

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:

- Nacho Nyak Dun Final Agreement and Mining Claim Map 105M/14
 - The closest parcel of Settlement Land is NND R-2A and is located approximately 10km from the project area on Mayo Lake.
 - Settlement Land Parcel NND R-2A is referenced in the Nacho Nyak Dun Final Agreement.
- Water Flow estimates and Water Use
 - According to the estimates provided in the application, the requested quantity of water to be used for the mining operations represents approximately all of Dawn Gulch's total flow during mining season.
 - Dawn Gulch is a tributary of Mayo Lake.
- Water Quality
 - The Department of Fisheries and Oceans has not issued an Authorization for the Mayo River Watershed, however, in anticipation of the Authorization, the proponent has agreed to the anticipated discharge standards.
 - These anticipated effluent discharge standards have been included in the licence.

Given the above considerations of geography, flow rate estimates, and water quality, the Board concluded that the proposed operation will not substantially alter the quantity, quality, or rate of flow of water flowing on, through, or adjacent to Settlement Land, including seasonal rate of flow.

Conclusion

The Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Water Use Licence PM09-638 and AP09638 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board

August 25, 2000

Date