

YUKON WATER Board  
REASONS FOR DECISION  
Water Use Application PM09-639, William Cain  
and Mining Land Use Approval AP09639

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM009-639 for a type B licence for a placer mining undertaking and mining land use approval AP09639.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit waste 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

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 ##, 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 PM09-639 is not contrary to the terms and conditions included in the Decision Document; however, the Board noted that the Decision Document restricted the Board’s ability to make licensing decisions under the *Waters Act*.

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.

#### GY

GY 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.

If slope stabilization becomes necessary in areas where a 2 horizontal to 1 vertical slope cannot be achieved, the proponent should take measures to ensure stabilizations. Harvesting and staking willows on site would help to stabilize slopes where a 2:1 ratio cannot be achieved. The proponent should ensure that unsettled material does not enter any watercourse.

Compliance to Standard Operating Conditions as outline in Schedule 1 of the Placer Mining Land Use Regulations will mitigate any Mining Land Use concerns.

The Board has recognized that there are adequate clauses in the Placer Mining Land Use Approval for these recommendations.

Chapter 14 of the UFA

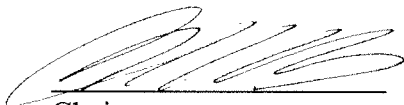
The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as follows:

Maps 115O/14e is included in the Tron'dek Hwech'in First Nation Final Agreement. Tron'dek Hwech'in First Nation did not intervene to the Board regarding this project.

Territorial Resources Base Map 115 O/14e was reviewed for Settlement Land. There were no Settlement Land parcels located near the application area and therefore the Board concluded that this application will not affect the quality, quantity or rate of flow on through or adjacent to First Nation Land, including seasonal rate of flow.

Conclusion

The Board has approved the issuance of Water Use Licence PM0 and AP0 for Placer Land Use Approval for a Class 4 Operating Plan.



Chairperson  
Yukon Water Board

October 14, 2009

Date