

## **YUKON WATER BOARD REASONS FOR DECISION**

### **Water Use Application PM09-644 (amend #1 of PM08-605), Peter Rellstab and amended Mining Plan under Mining Land Use Approval AP08605**

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM09-644 (amendment #1 of PM08-605), for a type B licence and an amended mining plan for Class 4 mining land use approval AP08605 on an unnamed creek, tributary of Hight Creek, for a placer mining undertaking. The application included fording the creek and placing overburden on the opposite side of the unnamed creek, away from the mining area.

Notice of the application was provided in accordance with the requirements of the *Waters Act* and the *Placer Mining Land Use Regulation*. 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, Mining Map 115P/16, 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. The Decision Document does not include any terms or conditions. As per section 86 of YESAA, the Board is satisfied that the issuance of the amended licence is not contrary to the Decision Document.

#### Administrative Amendments

The Board recognized that the original licence for PM08-605 was signed by the Chairperson on May 20, 2009. The licence was corrected by the Chairperson to reflect the appropriate watershed and effluent quality discharge standard. The corrected licence indicates that the Chairperson signed the licence on June 19, 2008, which is an error. For accuracy, that date should have been June 19, 2009 which is reflected in the reasons for decisions.

The Board made several administrative amendments to this licence to ensure the licence contains the conditions that are currently used by the Board for placer mining undertakings.

The Board following conditions which were included in the corrected licence have been deleted:

1. Part A, the definition of “Thalweg”; and
2. Part B, clause 3 pertains to representations, warranties and undertakings provided by the Licensee. The Board determined at a previous meeting that this statement will be included in the reasons for decisions for all undertakings.
3. Part B, clause 5. The clause was modified to remove the reference to (a), since it was not required.
4. Part B, clause 8. The determined at a previous meeting that this clause will be removed from all water use licences as it states what is already provided for within the *Waters Act*.

The Board added the following conditions to the amended licence:

1. Part D, pertains to water crossings. This section includes authorization to allow fording of the watercourse, including typical conditions to be adhered to during the construction and/or maintenance of the fords.

#### Mining Plan

The Licensee provided an updated mining plan which indicates the location of the ford crossings and placement of overburden on the opposite side of the unnamed creek, away from the mining area. The Board approved the updated mining plan; however, notes that approval AP08605 will not require any physical changes to recognize the approved plan.

#### Chapter 14 of the UFA

Previously during the review of application PM08-605, 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/16, as referenced in the First Nation of Nacho Nyak Dun Final Agreement, has been reviewed by the Board to determine the location of the undertaking and Settlement Land. Although the map does indicate Settlement Land parcels, these parcels are in different drainages from the proposed operation.

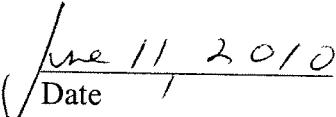
Therefore, the Board concluded that the proposed undertaking will not substantially alter the quantity, quality or rate of flow of water that is flowing on, through or adjacent to Settlement Land.”

Based on the review of application PM09-644, the Board determined that the previous conclusion, which is quoted above, has not changed.

#### 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 the amended Water Use Licence PM08-605.

  
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Chairperson  
Yukon Water Board

  
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Date