

## YUKON WATER BOARD REASONS FOR DECISION

### Water Use Application PM09-653, George Abermeth and Mining Land Use Approval AP09653

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM09653, for a type B licence and Class 4 mining land use approval AP09653 on Australia Creek and Wounded Moose Creek 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 received interventions from the following parties:

- Government of Yukon ("GY"), Energy, Mines and Resources, Client Services and Inspections; and
- GY, Energy, Mines and Resources, Mining Land Use.

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, Yukon Placer Mining Fish Habitat Suitability Map, Mining Map 115 O/10e, 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 PM09-653 is not contrary to the terms and conditions included in the Decision Document.

The Board decided to incorporate clause 13 of the Decision Document into the mining land use approval; the wording is reflected in clause 9.

The Board concluded that they did not have the legislative authority to require a FireSmart treatment around the camp area as required by clause 11 of the Decision Document. The Board acknowledges that it is a good practice and it is encouraged.

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, Client Services and Inspections

GY confirmed for the Board that the project is located within the Indian River Watershed and provided the applicable compliance standard under Department of Fisheries and Oceans Canada Indian River Watershed Authorization ("authorization"), which is 2.5 ml/L. GY also recommended that the point of compliance should be at the point of entry to the stream. The Board included the standard clause for the effluent and point of compliance to satisfy the authorization.

GY Mining Land Use

The Board determined that the issuance of approval AP09653, which reflects the requirements of Schedule 1 of the *Placer Mining Land Use Regulations*, will satisfy the Mining Lands recommendation for compliance.

Construction of a Bridge

Clause 27 of the water use licence authorizes the construction of a bridge across Wounded Moose Creek. The Board directed the Licensee to adhere to the DFO Operation Statement for the construction of a free-span bridge. If the bridge can not be constructed in adherence with the DFO Operational Statement, the Licensee should contact the DFO to determine if they need a site-specific authorization.

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:

- *Tr'ondëk Hwëch'in Final Agreement and Mining Claim Map 115 O/10e*
  - No Settlement Land was identified within 20km downstream of the proposed project.

Given the above considerations of geography, 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 PM09-653 and AP09653 for a Class 4 Placer Mining Land Use Operating Plan.

  
Chairperson  
Yukon Water Board

August 25, 2010  
Date