

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM09-656, Bryan Bjork and Mining Land Use Approval AP09656

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM09-656, for a type B licence and Class 4 mining land use approval AP09656 on Ruby 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.

Furthermore, the Application included a letter from the Champagne and Aishihik First Nation highlighting their concerns with the proposed project. Although this was not an intervention, the Board discussed the letter as they would any other concerns raised by interventions.

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 H/04, 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 PM09-656 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.

GY, Client Services and Inspections

GY confirmed for the Board that the Watershed Authorization for this area is not complete, and therefore pursuant to the Yukon Placer Authorization, the effluent discharge standard is 2.0 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.

GY Mining Land Use

The Board determined that the issuance of approval AP09656, which reflects the requirements of Schedule 1 of the *Placer Mining Land Use Regulations*, will satisfy the Mining Lands recommendation for compliance.

Champagne and Aishihik First Nation (CAFN)

The closest parcel of Settlement Land is S365B-1, located within the project area. No concerns were raised by the CAFN or the cabin owner with this mining operation going ahead as long as activities are kept at a reasonable distance from the parcel boundaries. Clause 10 of the licence requires that a 15 metre buffer be maintained to the boundaries of the Settlement Land parcel S-365B1. Furthermore, clause 11 prevents the alteration of the access road to Settlement Land parcel S-365B1.

The CAFN also requested that the Licensee report field season activities to the CAFN Lands Manager following each field season. This requirement is reflected in clause 34 of the water use licence.

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:


- Champagne/Aishihik Map 115H/04
 - The closest parcel of Settlement Land is S365B-1, located within the project area.
- 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 9% of Ruby Creek's total flow during mining season; recycling is proposed.
- Water Quality
 - The effluent quality standard provided under the YPA for type IV stream is included in the licence.

Champagne and Aishihik First Nation has provided a general acceptance of the project, and the Board was able to mitigate most of the water based concerns in the licence.

Given the flow rate estimate, and effluent discharge criteria, 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 PM09-656 and AP09656 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board

August 25, 2010

Date

