

**Carrie.Stewart**

**From:** Bill Kendrick [Bill.Kendrick@gov.trondek.com]  
**Sent:** Monday, March 15, 2010 3:55 PM  
**To:** Jason.Colbert; Yukon Water Board  
**Cc:** Darren Taylor; Micah Olesh; Carola.Scheu  
**Subject:** RE: Doug Jackson Water Licence Application PM10-006  
**Importance:** High

RECEIVED  
MAR 15 2010  
PM10-006

Received via email  
@ 3:55pm

Hi Jason,

Good afternoon... TH has a "comment submission" ("intervention") concerning this application. It is attached, along with the three additional documents that are referenced in our comment submission.

Please do not hesitate to contact me if you have any questions.

Best regards,  
Bill

**Bill Kendrick**  
**Land and Resources Officer**  
**Tr'ondëk Hwëch'in**  
**Phone: (867) 993-7105**  
**Fax: (867) 993-6553**  
**Email: [bill.kendrick@gov.trondek.com](mailto:bill.kendrick@gov.trondek.com)**

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**From:** Jason.Colbert@gov.yk.ca [mailto:Jason.Colbert@gov.yk.ca]  
**Sent:** March 15, 2010 12:40 PM  
**To:** Bill Kendrick  
**Subject:** RE: Doug Jackson Water Licence Application PM10-006

Just a reminder that today at 4pm is the deadline for comments for the above application if the Tr'ondek Hwech'in wish to intervene.

Have a great day

Jason  
-----Original Message-----  
t  
12, 2010 8:20 AM  
gov.trondek.com'

ackson Water Licence Application PM10-006

Good morning Bill,

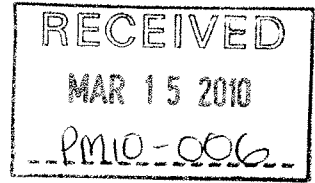
We did get confirmation that this will not have to go back to YESAA. However as discussed yesturday, there is an issue with the amount of water being utilized on through and adjacent to Settlement Land Parcel THR 20-A. I am wondering if the Tr'ondek Hwech'in First Nation will be inputting an intervention on this application. The current deadline for comments is March 15, 2010, which is the coming Monday, at 4:00 pm.

If you could get back to me that would be appreciated. Also I was wondering if a Land Use permit will be issued by the First Nation for this application as it is within Category A First Nation Settlement Land.

3/15/2010

Thank-you for all your help

Jason Colbert  
Water Licensing Officer  
Executive Council Office  
(867) 456-3982



Information from ESET Smart Security, version of virus signature database 4946  
(20100315)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Information from ESET Smart Security, version of virus signature database 4947  
(20100315)

The message was checked by ESET Smart Security.

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**TR'ONDĚK HWĚCH'IN COMMENTS**



<b>Water License #:</b>	<b>PM10-006</b>	<b>RECEIVED</b>	
<b>Proponent:</b>	<b>Doug Jackson</b>	MAR 15 2010	
<b>Date:</b>	February 15, 2010	PM10-006	
<b>Contact:</b>	Bill Kendrick	Received via email @ 3:55 pm	
<b>Department:</b>	Natural Resources	<b>Branch:</b>	Land and Resources
<b>Submitted to:</b>	Assessment Officer YESAB Dawson Designated Office Box 5060 Dawson City, Yukon Y0B 1G0		

**Settlement Land**

As you are already aware, the Tr'ondĕk Hwĕch'in (TH) *Land and Resources Act* provides authority for the application of reasonable terms and conditions while Tr'ondĕk Hwĕch'in Settlement Land is being utilized for development activity involving pre-existing mineral claims in good standing. To this end, a TH Land Use Permit will be issued for this project.

It is the understanding of TH that any issued Water License and Mining Land Use Approval will apply to the entire project area, including to areas of TH Settlement Land that overlap with the mineral claims involved in this project. The TH Land Use Permit simply sets out additional terms and conditions that will be applied to the Settlement Land area which overlaps the mineral claims.

To be clear, TH would like to see the proponent have a successful venture, and is supportive of Mr. Jackson's water license and mining land use approval application. However, Tr'ondĕk Hwĕch'in must continue to have the ability to use and peacefully enjoy Settlement Land R-20A. The ability for TH Lands enforcement staff to freely access Settlement Land is to be respected so that the First Nation can, for example, inspect for unnecessary damage or confirm conditions of continued access to its land. Assurances have been received from the proponent to this end, including the provision of a gate access key. TH thanks the proponent for this understanding and arrangement.

TH notes that land parcel R-20A is both within and downstream from the project location. It is essential that all water use decisions do not negatively affect any particular user, including TH. According to the TH Final Agreement, the First Nation "has the right to have Water which is on or flowing through or adjacent to its Settlement Land remain substantially unaltered as to quantity, quality and rate of flow, including seasonal rate of flow." (Chapter 14)

As a Decision Body, TH approved the joint Decision Document (GY and TH) issued for this project, with a note indicating that a host of proponent commitments will need to be incorporated into the Water License and/or Mining Land Use Approval.

MAR 15 2010

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3:55pm  
PM10-006

## TR'ONDĚK HWĚCH'IN COMMENTS



### Proponent Commitments

The proponent for this project, Douglas Jackson, made a variety of commitments associated with this project. These commitments are contained in a submission letter to YESAB (Online Registry Document 2009-0197-024-1) and in the completed TH Land Use Permit Application (YESAB document 2009-0197-022-1). Both of these documents are attached, to complete your file.

Please note that the original Evaluation Report issued by YESAB omitted some of these commitments; this was corrected in a subsequent document (YESAB 2009-0197-030-1):

- Proponent commits to notifying the Tr'ondëk Hwëch'in in the case of a Fuel Spill or Heritage Resource Discovery.

The list of commitments made by the proponent help mitigate a variety of concerns. As a result, YESAB recommendations associated with reducing or eliminating certain effects became unnecessary since the proponent already committed to them. TH has a positive working relationship with the proponent, and is confident that the Yukon Water Board too will work with the proponent and TH to incorporate the requested terms and conditions.

**Please include, where appropriate, the proponent's commitments in the Water License and Mining Land Use Approval.**

### Heritage Resources

In the event of a heritage resource discovery, TH must be immediately notified. Please note that we ask for notification if any "heritage resource" is discovered. The term "heritage resource" is more broadly defined than simply "archaeological sites and palaeontological sites"; the term that is used as the title for this section within the MLUA that the Yukon Water Board issues. (Please note that the definition of Heritage Resources in the TH Final Agreement is broader than the comparable definition used by the Yukon Government.)

Please change the title of Part F of your MLU document, "Archaeological Sites and Palaeontological Sites" accordingly, to "Heritage Resources."

To avoid any potential significant adverse effects, YESAB has been recommending that all reporting of heritage resources be made to the First Nation within its Traditional Territory. The FN is obligated to contact YG (broader definition includes everything that would fall under the YG Heritage mandate).

Failure to report a heritage resources discovery to the TH could lead to significant socio-economic adverse effects as well as a breach of TH's treaty rights. Please abide by YESAB's ongoing recommendation by writing into the water license/land use approval the requirement that TH is to be immediately contacted in the event of an accidental heritage resource discovery.

Section 13.8.7.1 and section 13.8.7.3 of the TH Final Agreement should be noted. It is through a joint process, with consent of both the Chief of Placer Land Use and TH, that such areas can be further disturbed. Please note the language of 13.8.7.3: "A Person shall not further disturb... unless

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## TR'ONDĚK HWĚCH'IN COMMENTS

permitted by Laws of General Application, and that person obtains:... the consent of the Tr'ondek Hwech'in."

### **Suggested Re-writing of Terms and Conditions for inclusion:**

#### Part F Heritage Resources

- All heritage resources, including but not limited to archaeological, paleontological, and burial sites should be avoided;
- If any heritage resources, including archaeological objects or paleontological objects, are encountered, the operator must
  - a) immediately mark and protect the area from further disturbance; and
  - b) contact the Chief of Placer Land Use at (867) 456-3822
  - c) in the case of heritage resources, including but not limited to archaeological sites, human remains, grave sites, burial sites and all other abandoned, man-made structures older than 50 years old, immediately contact Tr'onděk Hwěch'in Heritage Department at (867) 993-7100 and YG - Heritage Resources at (867)-667-3771 or (867) 667-5386
  - d) set aside and protect fossils that are unearthed, and at the end of each season the Operator shall contact Yukon Palaeontology at (867) 667-8089 and TH Heritage at (867) 993-7100.
  - e) immediately contact Yukon Palaeontology and TH Heritage if any mummified fossil remains with intact flesh are discovered.
  - f) prevent any further disturbances from being carried out within 30 meters of a heritage resource, including an archaeological or paleontological site, until the Chief of Placer Land Use indicates in writing that the activities may proceed. In the case of encountering a heritage resource on TH Settlement Land, no further activity may be carried out within 30 meters of the resource until the Tr'onděk Hwěch'in also indicate, in writing, that the activities may be resumed.

### **Fuel Spill Management**

Tr'onděk Hwěch'in land parcel R-20A is both within and downstream from the project location, clearly making the Tr'onděk Hwěch'in a potentially affected party and responsible authority. In the event of a fuel or oil spill, TH Settlement Land will be affected. In order to best mitigate the significant adverse effects of such an unforeseen circumstance, it is most desirable to have broad reporting requirements so that the regulatory authority most able to respond at the time is immediately informed and therefore able to respond. We ask that the applicable sections of the Water License and Mining Land Use Approval include a clause that requires the licensee to contact TH. (There are sections within both the Water License and Mining Land Use Approval that speaks to this issue.)

## TR'ONDĚK HWĚCH'IN COMMENTS



### Terms and Conditions for inclusion in Water License and Mining Land Use Approval:

- The proponent shall clearly mark with stakes or flags the location of any reportable petroleum spill, oil spill, or hazardous material spill, as defined under the Yukon Spill Regulations pursuant to the Environment Act, and forthwith report the time, manner, location, amount and type of spill to the Tr'onděk Hwěch'in at (867) 993-7100, to the Yukon Government Protection Service by phone at (867) 667-7244 or fax; 667-7962, and to Dawson Mining Inspections at (867) 993-7300. The Yukon Government's Chief of Placer Land Use must also be notified in writing, no later than 10 days after any emergency measures have been taken to prevent harm to the environment.

### Notification Processes: A note on Regulatory Response Time

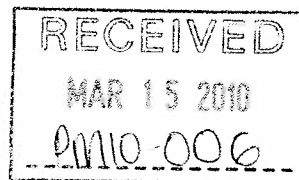
Concerning the aforementioned requirements that TH is to be notified in the event of an accidental heritage resource discovery or fuel spill (for example), there is also the additional benefit that must not be underestimated, namely response time. As with all government regulatory authorities, there can be times when key staff is absent, when staff have unexpectedly quit their positions, or when staff turnover sees new staff come on without adequate training, etc. Any such scenario makes timely government response a challenge. Broadening the reporting requirements in the water license to the two applicable governments can allow for significant adverse effects to be dealt with more expediently.

For example, if a fuel spill is reported to multiple authorities when it occurs, there is a good chance that one entity may be better suited at the particular time to respond. In the event of a heritage discovery, the identification/mitigation process can be started as soon as possible. By quickly dealing with any such challenges, efficiency is improved; this will allow the mining operator to resume work as soon as possible so that valuable time is not lost in what is already a short operating season.

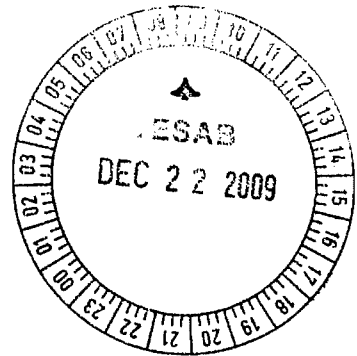
To conclude, what TH is requesting here with this water license is very reasonable; simply broaden a couple of key notification processes in both the Water License and Mining Land Use Approval to include the Tr'ondek Hwech'in.

### For Further Information

Please contact Bill Kendrick at (867) 993-7105 or at [bill.kendrick@gov.trondek.com](mailto:bill.kendrick@gov.trondek.com) if you have any questions, concerns, or require additional information about this Yukon Water Board comment submission ("intervention").



via email @  
3:55pm.



Douglas Jackson  
Box 1087  
Dawson City, Yukon  
Y0B 1G0

December 22, 2009

Dear YESAB Dawson:

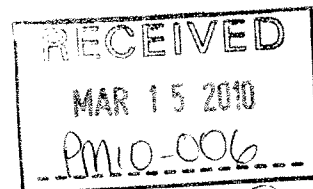
I have been in discussion with the Tr'ondëk Hwëch'in about my proposed project at my mining claims at American Hill Gulch (which overlap TH parcel R-20A) and understand their concerns and requested mitigations. To this end I agree to the following:

- I am planning to keep the mineral claims in good standing, but if the unforeseen occurs and I am leaving the project area and do not wish to take some structures or infrastructure (as obligated under the mining laws), I will discuss with TH the option of TH keeping those structures/infrastructure that I would otherwise need to destroy/demolish.
- Upon request by TH, I will further develop my reclamation program with TH as I recognize TH's long-term interest in the parcel
- I will respect TH's right to freely access and inspect the land and have enabled such access by issuing TH a key for my access gate into the mining areas. TH has assured me that they will make reasonable efforts to contact me prior to undertaking any inspections of these areas.
- I understand that the above terms and conditions will be a part of the pending TH Land Use Permit issued, and I will further work with TH and the Yukon Water Board to operationalize these terms and conditions during the Water Board Licensing process.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Douglas Jackson



via email @  
3:55pm



# Tr'ondëk Hwëch'in Lands and Resources Department Land Use Permit Application

Application No:

Date Received: Dec 17/09

Tr'ondëk Hwëch'in Citizen   
Non-Citizen

Other Yukon First Nation   
Business/Government

### Application Information

Name/Company Name Douglas Jackson

Address Box 1087 Dawson City

Phone \_\_\_\_\_ or \_\_\_\_\_ Fax \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Business Licence \_\_\_\_\_

### Project Description

Proposed Activity: Allocation  Residential  Forestry  Mining  Exploration  Road Work  Other \_\_\_\_\_

Location: (describe general area of interest and attach map)

mining claims on R20A

Settlement Land Block Number: R20A

Settlement Land Type: Rural A-Block  Community Land \_\_\_\_\_ Rural B-Block \_\_\_\_\_ Other (describe) \_\_\_\_\_

Map made by Tr'ondek Hwech'in Geomatics? Yes \_\_\_\_\_ No \_\_\_\_\_ (eg. fee simple lands, resource management areas, etc)

Intended Activity: (Describe in full detail, attach sheet as needed)

all activities occurring on settlement land overlap are described in mining lands application. These describe activities on R20A

Number of Personnel on Site at Any Given Time: 2

Schedule of Activities:

Expected Start Date: March 15 Expected End Date: Oct 31 Expected Project Duration: 10 years

Days of Operation: every day Times of Operation: 16 hrs

List equipment for all activities (including drills and pumps):

Loaders 2 Dozer  
Hoe, sluice plant and  
pump.

Water Usage: (List all uses of water during activity and the source)

Domestic (Camp use) 4940m<sup>3</sup> m<sup>3</sup>/day Bonanza source  
Other \_\_\_\_\_

Will it be required to:

Cross a watercourse \_\_\_\_\_ Control flooding \_\_\_\_\_  
Alter the flow or store water \_\_\_\_\_ Divert Water \_\_\_\_\_

### Fuel Containment

Volume of fuel stored on site: \_\_\_\_\_ Method of fuel storage: \_\_\_\_\_

Fuel spill containment plans (please attach separate contingency plan if necessary):

In slip tank none stored on site

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**Potential Environmental/Socio-Economic Impacts**

Describe the effects of the proposed program on land, water, flora & fauna, existing uses of the area, and related socio-economic values (use separate sheet if necessary):

See mining application for supporting info  
wood salvaged if ~~also~~ requested will not harass  
wild life mining area extensively used in summer area  
I support local economy

Proposed mitigation and restoration plans:

on going restoration as mining continues In event  
of emergency (eg. fuel spill, Heritage Discovery)  
I will contact TH To Inform

**Proposed Disposal Methods**

Garbage: Local Dump.

Sewage: outside privy since 1940's

Brush & trees: will use or allow th to collect

Overburden: Black muck used for reclamation and also  
stockpiled and maintained.

**Access**

Area will be accessed by:

Existing Road:  New Road: \_\_\_\_\_ Water Route: \_\_\_\_\_ Air Method: \_\_\_\_\_

Provide details:

**Other Rights, Licenses, Permits**

Other rights, licenses, or permits related to this permit application (mineral claims, timber permits, water licenses, etc.)

water licenses and land use and mining approval.

**Applicant Consent**

I/we certify that all information is true and correct to the best of my knowledge and belief.

I/we understand that any misrepresentation of submitted information may invalidate any approval of this application.

I/we confirm that if the authorization is granted, all work or activities will be undertaken consistently as outlined in this application and in compliance with any terms or conditions specified or contained in said authorization.

X Darryl Jackson

X \_\_\_\_\_

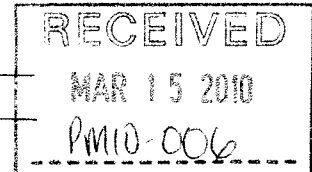
Date: Dec 17 2009

Date: \_\_\_\_\_

**Fee Schedule (for internal use only)**

Application Fee \$ _____	Date Received _____	Initials _____
Royalty Fee \$ _____	Date Received _____	Initials _____
Lease Fees \$ _____	Date Received _____	Initials _____
TOTAL FEES \$ _____		

Security Deposit \$ _____	Date Received _____
Insurance Coverage - Yes _____ No _____	Date Confirmed _____



via email @

3:55 pm

Jan 06, 2010

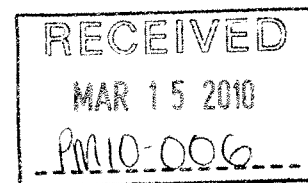
Our Reference: 2009-0197-030-1

**Re: Recommendations**  
**YESAB Project Number: 2009-0197**  
**Project Title: Mining on American Hill Gulch in Klondike Valley**

Dear

As referenced on Page 15 and 20 of the Evaluation Report the has proponent committed to notifying the Tr&rsquo;ond&euuml;k Hw&euuml;ch&rsquo;in in the case of Fuel Spill or Heritage Discovery. The Assessment Officer failed to carry this commitment forward as a key mitigation to Appendix 1; it should have been listed. Please accept this notice that the following Commitment should be listed in Appendix 1 of <span> </span>the evaluation report for project 2009-0197 which has been posted on the YESAB Online Registry &ndash; 2009-0197-029-1 (Dec. 31<sup>st</sup>, 2010).

<span><span><span style="font: normal normal normal 7pt/normal 'Times New Roman'"> </span></span></span>The Proponent commits to notifying the Tr&rsquo;ond&euuml;k Hw&euuml;ch&rsquo;in in the case of Fuel Spill or Heritage Discovery (see TH Land Use Permit Application).



via email @  
3:55pm.