

## YUKON WATER BOARD REASONS FOR DECISION

### Water Use Application PM10-019, 38857 Yukon Inc. and Mining Land Use Approval AP10019

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM10-019, for a type B licence and Class 4 mining land use approval AP10019 on Back 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:

- GY, Energy, Mines and Resources - Mining Land Use; and
- GY, Energy, Mines and Resources –Abandoned Mines (late submission).

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 I/03, 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 PM10-019 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 project is located within the White River Watershed and provided the applicable compliance standard under Department of Fisheries and Oceans Canada White 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.

### Abandoned Mines

The comments from the Abandoned Mines Branch were solicited by staff given that the project area does overlap with the Mt. Nansen abandoned mine site. The Board accepted the late intervention. Overall, the only area of concern for the Abandoned Mines Branch was Pony Creek. The Licensee did not propose any diversions, deposit of waste, or water use from Pony Creek. The licence only reflects the proposed operations on Back Creek, as described in the Application. If the Licensee wishes to use Pony Creek for water use, deposit of waste, or any other uses that trigger a water use licence, then they should seek a formal amendment through the water licensing process.

### 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:

- Little Salmon/ Carmacks First Nation 115 I/03
  - The closest parcel of Settlement Land downstream of the project is LSC R-21B. Settlement Land LSC R-21B is located approximately 3.5km down-gradient of the proposed operations, adjacent to Victoria Creek
  - Settlement Land Parcel LSC R-21B is referenced in the Little Salmon/ Carmacks Final Agreement.
- Water Flow estimates and Water Use
  - The applicant is proposing to use 3600 m<sup>3</sup>/day.
  - Although this represents the entire flow of Back Creek, the down gradient Settlement Land is located adjacent to Victoria Creek.
  - There are several tributaries that drain into Victoria Creek other than Back Creek.
- Water Quality
  - The Department of Fisheries and Oceans has issued an Authorization for the White River Watershed. The Authorization includes sediment discharge standards for placer mine effluent.
  - The effluent standard value for freshwater production zones has been included in the licence.

Given the above considerations of geography, and water quality, 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 PM10-019 and AP10019 for a Class 4 Placer Mining Land Use Operating Plan.

  
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Chairperson  
Yukon Water Board

August 17, 2010  
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Date

