

**YUKON WATER BOARD
REASONS FOR DECISION**

**Water Use Application PM10-025, Bernd Schmid
and Mining Land Use Approval AP10025**

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM10-025. The application is for a type B licence and Class 4 mining land use approval AP10-025 for a placer mining undertaking on Nugget Gulch.

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:

- Fisheries and Oceans Canada (“DFO”);
- Government of Yukon (“GY”), Energy, Mines and Resources, Client Services and Inspections (“CS &I); and
- GY, Energy, Mines and Resources, Mining Land Use (“MLU”).

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 1150/14e, 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 PM10-025 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.

DFO

DFO advised the Board that Nugget Gulch is classified as a Fresh Water Fisheries Production Zone (FWFPZ) stream. The Board is satisfied that the covering page of the Water Use Licence reflects the classification of the creek.

DFO recommended that based on the *Fish Habitat Design, Operation and Reclamation Workbook and Worksheets for Placer Mining in the Yukon Territory*:

- a minimum of 1 metre of riparian zone must be left in place along original (un-modified) channels, previously reclaimed channels and /or Permanent Diversion Channels;
- vegetation in the designated riparian zone (FWFPZ) may be cleared for a period of up to five years per section;
- vegetation in the designated riparian zone (FWFPZ) may be cleared to a maximum length of 400m per section; and
- there must be 100m of intact riparian zone between section of clearing;

and the Board has accepted these recommendations.

GY, CSI

GY,CSI confirmed for the Board that the project is located within the Klondike River Watershed and provided the applicable compliance standard under Department of Fisheries and Oceans Canada Klondike River Watershed Authorization (“authorization”), which is 1.5 ml/L. GY,CSI 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, MLU

GY,MLU had no concerns with the application.

Chapter 14 of the UFA

The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, and quantity, quality, and rate of flow of water flowing on, through and adjacent to Settlement Land, including seasonal rate of flow.

Map 1150/14 is included in the Tr’ondëk Hwëch’in Final Agreement. Tr’ondëk Hwëch’in did not intervene to the Board regarding this project.

Mining Claims Map 1150/14 and the Mining Lands Viewer were reviewed for Settlement Land. Map 1150/14 indicates Tr’ondëk Hwëch’in Settlement Land parcel R-20A is 6.5km downstream from the project.

The effluent discharge conditions of the licence will minimize sediment inputs to the water. The proposed water use is 2,000m³ per day which is approximately 2% of the estimated 103,680 m³ per

day flow of the water source, Nugget Gulch. Nugget Gulch flows into Eldorado Creek, which flows into Bonanza Creek about 1.5 km above R-20A.


On review of the location of the Settlement Land in comparison to the location of the project, the effluent discharge standards that would be required under a licence, and the small portion of daily flow that would be used, the Board concluded that this project 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 PM10-025 and AP1025 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board



Date