

**YUKON WATER BOARD  
REASONS FOR DECISION**

**Water Use Application PM10-041, 1462352 Alberta Inc.  
and Mining Land Use Approval AP10041**

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM10-041, for a type B licence and Class 4 mining land use approval AP10041 on East Fork Swamp Creek for a placer mining undertaking.

Public Notice

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 an intervention from Government of Yukon (“GY”), Energy, Mines and Resources, Client Services and Inspections. A public hearing was not requested. The Licensee did not respond to the interventions.

Information Considered by the Board

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, information provided by the intervener, 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 115N/02, 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 PM10-041 and approval AP10041 is not contrary to the terms and conditions included in the Decision Document.

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 1.5 ml/L. GY also recommended that the point of compliance will 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.

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Expiry Date

The Board included an expiry date in the licence and approval that is based on the date that the Board deliberated on the applications.

Chapter 14 of the UFA

The undertaking is located within the Traditional Territories of White River First Nation and Kluane First Nation. Kluane First Nation has a Final Agreement; however, Map 115N02 is not included in the Final Agreement. Due to the proximity to the Traditional Territory of Tr'ondëk Hwëch'in, the Tr'ondëk Hwëch'in were notified of the applications. The Board did not receive any interventions from the First Nations that were previously noted. The map was reviewed by the Board and it was confirmed that there is no presence of Settlement Land indicated in the area of the undertaking. Therefore, the Board concluded that the 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 PM10-041 and AP10041 for a Class 4 Placer Mining Land Use Operating Plan.



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Chairperson  
Yukon Water Board

*September 26, 2011*  
Date