

**YUKON WATER BOARD  
REASONS FOR DECISION**

**Water Use Application PM10-057 Charlie Brown  
Amendment to Water Use Licence PM05-502**

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM10-057 for an amendment to type B licence PM05-502 on Dredge Ponds and groundwater 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, Mining Land Use (“MLU”).
- Fisheries and Oceans Canada (“DFO”);
- GY, Energy, Mines and Resources, Client Services and Inspections (“CSI”); and

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, comments from the interveners, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document for PM05-0502, the Board's standard licence requirements, Mining Map 116B/3, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

Environmental Assessment

This application did not require 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 of PM05-502. As per section 86 of YESAA, the Board is satisfied that the issuance of licence amendment PM10-057 is not contrary to the terms and conditions included in the Decision Document.

GY MLU

Mining Lands intervened and advised that prospecting leases do not include the right to mine, but can be converted to grants, which would allow mining. The Board is satisfied that paragraph 25 of the licence satisfies this concern.

DFO

The Department of Fisheries and Oceans, Habitat Protection confirmed that use of one dredge pond is licensed under PM05-502, however use of any further dredge ponds will require habitat assessment prior to use.

The Board is satisfied that a habitat assessment will be necessary for the licensee to determine whether any further dredge pond it wishes to use contains fish or has connectivity to any Watercourse, per section 6 of the licence.

GY CSI

GY CSI intervened and confirmed the habitat classification; CSI also confirmed incidental discharge may occur in the undertaking.

The existing licence does not permit discharge of a waste to a water course or include effluent discharge standards for discharge to a watercourse. The Board was advised that amending the licence to include discharge standards for discharge of a waste to a watercourse would require a YESAA assessment.

Chapter 14 of the UFA

The Board examined the proposed amendment as it relates to Chapter 14 of the Umbrella Final Agreement and determined that the amendment would not alter its previous conclusion that the undertaking would not 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 Amendment #1 PM10-057 to Water Use Licence PM05-502.

  
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Chairperson  
Yukon Water Board

November 23, 2010  
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Date