

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM11-002, La Tierra Resources Ltd. and Mining Land Use Approval AP11002

The Yukon Water Board (the Board) has issued a licence for water use application PM11-002, for a type B licence and Class 4 mining land use approval AP11002 on the Indian River 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 an intervention from Government of Yukon (GY), Energy, Mines and Resources, Mining Land Use.

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, 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 1150/14c, 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) project #2011-0011 that is included in the water use register. As per section 86 of YESAA, the Board was satisfied that the issuance of licence PM11-002 is not contrary to the terms and conditions listed in the Decision Document.

During deliberations of the application and the conditions of the Decision Document, referenced below, the Board made the following determinations:

The Board determined that the following two conditions listed below are not enforceable conditions and would not be included as specific terms of either the water use licence or the approval. The Board was of the opinion that they are recommendations which the applicant should follow.

1. **“When burning more than 5 kg of waste (other than non-treated wood and brush), the proponent shall burn waste regularly (daily) and in a fuel or air forced incinerator to ensure a complete and efficient burn”.**
2. **“In order to facilitate the lawful disposal of waste oil, the proponent shall contact Environment Yukon: Environment Programs – Monitoring and Inspections to identify approved facilities that accept waste oil and which are easily accessible by**

the proponent”.

3. It was determined by the Board that the Decision Document condition which states: **“Clearing and stripping activities shall not occur prior to July 15th, to avoid violating the provision of the Migratory Bird Regulation. If clearing cannot be avoided, the proponent shall undertake a pre-clearing nest survey. The Canadian Wildlife Service (CWS) may be contacted for advice on this matter”**, was not suitable for inclusion in either the licence or the approval. Clause 38 of the water use licence and clause 7 of the mining land use approval, which refers to the application of other laws, will satisfy the intent of this Decision Document condition.
4. The Board determined that the condition from the Decision Document which states: **“The proponent shall equip each camp with bear deterrent devices and maintain such devices in good working order throughout the duration of camp occupation as per the ‘Guidelines for Industrial Activity in Bear Country’ booklet for best practices to reduce impacts on bears”**, shall be omitted from the water licence and mining land use approval as it falls under the realm of Best Practices.

The Board was satisfied that the following three remaining Decision Document conditions listed below are covered by typical clauses found in the mining land use approval.

5. **“All attractants, including waste, shall be kept in a container that prevents access by bears and other wildlife, until properly disposed of”.**
6. **“The proponent shall notify the Regional Biologist and Conservations Officer if any bears are frequenting the camp or exploration areas for advice on further mitigation”.**
7. **“Any heritage resources located by the proponent should be reported to the Chief of Placer Mining Land use”.**

GY, Energy, Mines and Resources - Mining Land Use

Mining Lands had no concerns with the proposed project.

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:

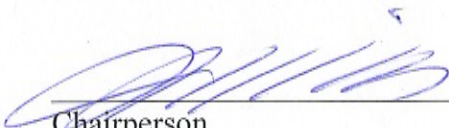
- Tr’ondëk Hwëch’in Final Agreement and Map 116B/03b and 115O/14h
 - Map 115O/14c was reviewed for Settlement Land. Map 115O/14c indicates Settlement Land parcel TH R-47A is located more than 20 kilometres downstream of the project location.

- Water Estimate Flows and Water Use
 - The estimated flow of the Indian River during mining season is 864,000 m³ per day. The Applicant applied to use 4,500 cubic metres per day. According to the estimates provided in the application, the requested quantity of water to use for the mining operations represents less than 1% of the total flow of the Indian River. During daily operations, the Applicant intends to recycle water at a rate of 44% and obtain 2,000 cubic metres of make-up water required for sluicing.
- Water Quality
 - The water use application identified a surface discharge to the Indian River through a gravity fed ditch from the final settling pond. The Board was satisfied that the water use licence includes effluent discharge conditions which will minimize sediment inputs to the water.

Given the distance of the project to TH R-47A, the flow rate estimates, and water quality, 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.

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 PM11-002 and AP11002 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board



Date