

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM11-017, Tatra Ventures and Mining Land Use Approval AP11017

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM11-017, for a type B licence and Class 4 mining land use approval AP11017 on Sulphur 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:

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

No party requested a public hearing. The Licensee 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 licence requirements, Yukon Placer Mining Fish Habitat Suitability Map, Mining Map 1150/10, 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 PM11-017 and approval AP11017 are not contrary to the terms and conditions included in the Decision Document.

DFO

DFO provided a letter of advice to the Licensee that confirms if the project is undertaken as described, a site specific authorization is not required. DFO requires the Licensee to contact their office prior to any culverts being removed in the future.

GY, Client Services and Inspections

GY confirmed for the Board that the project is located within the Indian River Watershed and provided the applicable compliance standard under Department of Fisheries and Oceans Canada Indian River Watershed Authorization, which is 2.5 ml/L. GY also indicated 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.

GY Mining Land Use

The application proposed to bury non-hazardous waste on site in an approved manner. This activity was not scoped in the YESAB assessment. The assessment scoped for disposal of solid waste by recycling, burning or removal to an approved landfill. GY Mining Land Use recommended that the project should not proceed until the appropriate *Environment Act* permits have been obtained.

The Board determined that the recommendation made by GY Mining Land Use will not impact on the processing of the water use licence and Class 4 approval. The Class 4 approval requires compliance with the *Solid Waste Regulation* which should satisfy the recommendation of GY Mining Land Use.

Chapter 14 of the UFA

Map 1150/10 is included in the Tr'ondëk Hwëch'in Final Agreement. The map was reviewed for Settlement Land. The map does not indicate the presence of any Settlement Land. Therefore, 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 PM11-017 and AP11017 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board

October 13, 2011
Date