

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM11-037, Gordon Scott and Mining Land Use Approval AP11037

The Yukon Water Board (the Board) has made licensing decisions with respect to water use application PM11-037, for a type B licence and Class 4 mining land use approval AP11037 on Clear Creek, Barney Creek, and 13 Gulch 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, Client Services and Inspections; and
- 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, 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 115P/14, 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 PM11-037 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.

GY, Client Services and Inspections

GY confirmed for the Board that the project is located within the Stewart River Watershed and provided the applicable compliance standard under Department of Fisheries and Oceans Canada Stewart River Watershed Authorization (“authorization”), which is 1.5 ml/L. The Board included the standard clause for the effluent and point of compliance to satisfy the authorization.

GY Mining Land Use

The Board determined that the issuance of approval AP11037, which reflects the requirements of Schedule 1 of the *Placer Mining Land Use Regulation*, will satisfy the Mining Lands recommendation for compliance.

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:

The application included a proposal to obtain and use 4,500 cubic metres per day (m³/d) of water. The proponent estimated that the available water in Clear Creek during the mining season is approximately 204,120 m³/d. The proposed use is equivalent to 2.2% of the available flow. The applicant has proposed to recycle 100% of the water that will be obtained and will require very little make up water from Clear Creek. There are also other tributaries that drain into Clear Creek between the operation and Settlement Land, which is on the Stewart River downstream from the mouth of Clear Creek. Therefore, the Board concluded that the quantity and rate of flow of water flowing on, through or adjacent to Settlement Land will not be substantially altered.

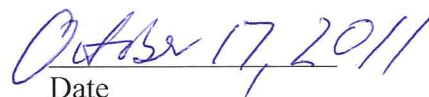
With the inclusion of an effluent quality discharge standard and typical conditions in the licence and approval that will minimize sediment inputs to the water, the Board determined that the quality of water flowing on, through or adjacent to Settlement Land will not be substantially altered.

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 PM11-037 and AP11037 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board



Date