

YUKON WATER BOARD
REASONS FOR DECISION

Water Use Application PM05-482, Amendment to PM04-367
Bruno Poulin, Carmen Poulin, Antoinette Poulin and Mario Poulin
and Mining Land Use Approval AP05482

The Yukon Water Board (the Board) has made licensing decisions with respect to water use application PM05-482, an amendment to PM04-367, for a type B licence for a placer mining undertaking and mining land use approval AP05-482.

The purpose of the amendment is to obtain water from Evelyn Creek and groundwater.

Notice of the application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received interventions from Government of Yukon (GY), Energy, Mines and Resources, Mineral Resources.

No party requested a public hearing. The applicant did not respond to the intervention.

Prior to making licensing decisions, the Board undertook an environmental screening of the project pursuant to the *Environmental Assessment Act* (EAA).

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application itself, the EAA screening report, the Board's standard licence requirements, Territorial Resources Base Map105C/14 and Board policies. The Board also took into account the EAA screening report for water use licence PM04-367 and placer land use approval AP04367, which was issued in June 2005.

The Board noted that DFO, in their intervention on PM04-367, defined different areas on Evelyn Creek as Area "A" and Area "B" and the Board included these definitions in the amendment for clarity.

The Board noted that the condition for fish screens should include the reference to leave strips in section (g).

The Board determined that, in addition to the amendment of water use licence PM04-367, they would initiate an amendment to the mining land use approval to allow for the use of explosives. The applicant clearly indicated in application PM04-367 that explosives would be used and conditions should have been included in the Mining Land Use Operating Plan Approval AP04367. The interveners reviewed application AP04367 and had no concerns with the use of explosives.

The following conditions for use of explosives have been included in the amended approval:

1. Explosives must be set off in a way that minimizes their impact on wildlife and the public.
2. Explosives must be set off in such a manner that forest fires, unplanned landslides, artificial damming or other obstruction of the streams are avoided.

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 closest parcel of settlement land is situated approximately 1.3 kilometres downstream from this operation. The amount of water flowing in Evelyn Creek is approximately 691,200 cubic metres per day. The applicant is authorized to withdraw a maximum combined quantity of 1,636 cubic metres per day from Evelyn Creek and groundwater. Should the Licensee withdraw 1,636 cubic metres of water per day from Evelyn Creek, this water use would amount to .24% of the total available flow in Evelyn Creek. Therefore, the quantity or rate of flow of water flowing on, through or adjacent to settlement land will not be substantially altered.

The applicant will not have any direct surface discharge to any watercourse. Therefore, the quality of water flowing on, through or adjacent to settlement land will not be substantially altered.

The Board notes that no condition of the water licence or approval limits the application of any federal, territorial, first nation or municipal legislation.

The Board's decisions are also explained in Part Seven of the EAA screening report.

Original Signed by Bruce Willis

Chairperson
Yukon Water Board

October 18, 2005

Date