

YUKON WATER BOARD  
REASONS FOR DECISION  
Water Use Application PM06-519  
and Mining Land Use Approval AP06519

The Yukon Water Board (the board) has made licensing decisions with respect to water use application PM06-519 for a type B licence for a placer mining undertaking and mining land use approval AP06519.

The purpose of the application is to obtain a water use licence to obtain and store water, discharge camp wastewater to ground via a septic field and to obtain an approved placer mining land use operating plan.

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; Fisheries and Oceans Canada (DFO); and Tr'ondëk Hwëch'in.

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

This application required an environmental assessment under the *Yukon Environmental and Socio-economic Assessment Act* (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 PM06-519 is not contrary to the terms and conditions included in the YESAA Decision Document; however, the board noted that the Decision Document restricted the board's ability to make licensing decisions under the *Waters Act*.

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 board's standard licence requirements, Territorial Resources Base Map 1150/14, Chapter 14 of the Umbrella Final Agreement and board policies.

Neither the applicant or 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.

**DFO**

DFO provided recommendations for the effluent quality standard. However, the board noted that the applicant does not propose a surface discharge of effluent to any watercourse. The licence only authorizes those undertakings described in the application, therefore, the licence does not permit a direct surface discharge to any watercourse.

DFO provided specific recommendations for stream channel diversions and instream settling; however, the applicant does not propose to construct diversion channels or to instream settle, except to construct a gravity fed intake ditch. The licence only authorizes those undertakings described in the application, therefore, the licence does not permit either of these activities. The licence does authorize the construction of an intake ditch to an out-of-stream pump pond/reservoir.

DFO provided standard recommendations for fuel, lubricants, cleansers, solvents and similar chemicals or substances to be transported, stored and disposed of in such a way as to ensure that they are not deposited in, or allowed to be deposited in, waters. The typical condition to transport, store and dispose of fuels, lubricants, cleansers, solvents and similar chemicals or substances in such a way as to ensure that they are not deposited in, or allowed to be deposited in, waters has been included in the licence.

DFO has provided standard recommendations that all diversions, ditches, drains, dams, or any structure built or otherwise effected is able to withstand seasonal floods. As noted above, the licence does not authorize the construction of diversions. The condition that requires all ditches, drains, dams or any structure built or otherwise effected to withstand seasonal floods has been included in the licence.

DFO has provided standard recommendations to ensure that spring freshet is not routed through work areas, including the recommendation that where diversion channels around work areas are built or excavated, they should be open in preparation for spring freshet. With the exception to the recommendation for diversion channels, the typical condition not to allow spring freshet to be routed through work area has been included in the licence.

DFO has provided recommendations for the use of fish screens on all water intakes when withdrawing water. The board has included fish screens in all licences when withdrawing water from a fish stream.

## **GY**

GY provided recommendations for the effluent quality standard and point of compliance. However, the board noted that the applicant does not propose a surface discharge of effluent to any watercourse. The licence only authorizes those undertakings described in the application, therefore, the licence does not permit a direct surface discharge to any watercourse.

## **Tr'ondëk Hwëch'in**

Tr'ondëk Hwëch'in recommended that they should be notified if any heritage resources are discovered. The Placer Mining Land Use Approval requires the Licensee to contact the Chief of Placer Land Use if any evidence is found of an archaeological site or burial ground. Protection of the site from further disturbance is required until authorization is given by the Chief of Placer Land Use. The board has previously been advised that the Chief of Placer Land Use is required to contact the affected First Nation. The board also encourages the Licensee to contact the affected First Nation.

Tr'ondëk Hwëch'in recommended that environmentally sound mining practices should be adhered to. The board expects all applicants to conduct their mining operations using the practices indicated within their application, practices allowed by the *Regulation* and practices which are environmentally sound. In review of the water use application and the Placer Mining Land Use application, the board examines the approach proposed and either approves it or imposes conditions that may differ from the approach proposed by the Licensee. For water use, the conditions in the licence are based on environmentally sound practices and the board expects the Licensee to comply with the conditions of the licence and approval.

### **Expiry Date**

The applicant proposed an expiry date of October 2012 for the board to consider. The board noted that the applicant provided a 5 year mining plan with the application. The board determined that the expiry date of the water use licence will be November 15, 2006. The term of the placer mining land use approval will be 5 years, commencing of the effective date of water use licence PM06-519.

### **Chapter 14 of the Umbrella Final Agreement**

Territorial Resource Base Map 1150/14 is included in the Tr'ondëk Hwëch'in Final Agreement. The map was reviewed by the board for site specific settlement land. Settlement land parcel R-16A is indicated on the map and is located approximately 20 km downstream of the proposed operation, adjacent to the Indian River.

The applicant proposed to use 9,820 m<sup>3</sup>/d water, which exceeds the amount of water flowing in the creek at low flow during the mining season; however, pump pond/reservoir will be gravity fed and the proponent has proposed to recycle 90% of the water in the reservoir/recycle pump pond during the 12 hour work day. The remaining 10% will be obtained from Quartz Creek via the gravity fed ditch, if water levels allow. The applicant indicates that water from the reservoirs will also seep into the ground and re enter Quartz Creek. The combination of the Quartz Creek flow and the additional water flow from the Indian River, the board concluded that the proposed use of water will not substantially alter the quantity or rate of flow of water flowing on, through or adjacent to settlement land.

The proponent is not proposing a surface discharge of effluent to Quartz Creek. Therefore, the proposed undertaking should not substantially alter the quality of water flowing on, through or adjacent to settlement land.

Original signed by Bruce Willis  
Chairperson  
Yukon Water Board

November 3, 2006  
Date