

YUKON WATER BOARD
REASONS FOR DECISION

Water Use Application PM06-532 (amend. To PM04-378), No Name Resources
and Mining Land Use Approval AP06532

The Yukon Water Board (the board) has made licensing decisions with respect to water use application PM06-532 for a type B licence for a placer mining undertaking and mining land use approval AP06532.

The purpose of the application is to amend existing water use licence PM04-378 for the purpose of increasing the water amount from 10,910 m³/d to 21,820 m³/d, adding claims, adding Sixty Mile River, Thirteen Mile Creek and the Ten Mile Creek tributary pups as a source of water and to include drilling in the mining land use approval.

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); and
Government of Yukon (GY), Energy, Mines and Resources, Client Services and Inspections Branch.

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. The Decision Document included several terms and conditions pertaining to water use which restricted the board's authority under the *Waters Act*. As per section 86 of the YESAA, the board is satisfied that the licence and approval is not contrary to the Decision Document.

In making licensing decisions pertaining to this application, the board took into account the *Waters Act*, *Waters Regulation*, the application, the Decision Document, recommendations from the interveners, the board's standard licence requirements, Territorial Resources Base Map 115O/12 and Mining maps 115N/8 and 115N/9, the Umbrella Final Agreement and board policies.

Neither the applicant nor the Decision Document proposed 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

The effluent standard recommended by DFO is the same standard as referenced in the Yukon Placer Authorization (YPA). The YPA is an authorization under the *Fisheries Act* for the harmful alteration, disruption or destruction of fish and fish habitat in certain streams, or portions of streams, in the Yukon for placer mining works and undertakings, subject to compliance with the standards of allowable sediment discharge. The board has adopted the YPA as policy for the

minimum allowable discharge standard. The effluent discharge standards and operating standards, which are stipulated in the YPA, have been incorporated in the licence.

DFO provided specific recommendations for the use of the creek as a conduit and instream settling for Donovan Pup, Valentine Pup and Flume Pup. The board has included DFO recommendations regarding the use of the pups as a conduit in the licence. However, the applicant did not propose to use the pups to instream settle. The board has included a condition in the licence that allows the total stream flow of the pups to be directed through the out of stream settling ponds on Ten Mile Creek, which is consistent with the application.

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. The typical condition that requires all diversions, 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 allowing spring freshet to be routed through work areas in Donovan Pup, Valentine Pup and Flume Pup. The typical conditions to allow spring freshet to be routed through work areas in the pups has been included in the licence.

DFO has provided recommendations for the use of fish screens on all water intakes when withdrawing water from Sixty Mile River, Thirteen Mile Creek and the Type IV, fish portion of Ten Mile Creek. The board has included fish screens in all licences when withdrawing water from a fish stream.

DFO provided specific recommendations for diversions channels. The board has included DFO's recommendations in the licence pertaining to diversion channel width, depth, grade, cross valley dams, habitat structures and stability of the banks.

DFO has provided recommendations for leave strips along the Sixty Mile River. The board has included DFO's recommendations in the licence pertaining to leave strip widths, operation of heavy equipment, construction of works, clearing of vegetation and placement of materials.

DFO has provided specific recommendations for fording of the Sixty Mile River. The board has included DFO's recommendations pertaining to the use of existing fords, the crossing of machinery, timing and angles of crossings and stability of the banks.

GY

GY recommended that the point of compliance should be at the point of entry to the stream. The board included the standard clause for the effluent and point of compliance to satisfy this concern. The point of compliance will be at the point of discharge from the final settling facility. The licence also requires all works to be maintained in good order and be of adequate capacity.

Chapter 14 of the Umbrella Final Agreement

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:

Territorial Resources Base Map 115O/12 and Mining Maps 115N8 and 115N/9 are referenced in the Tr'ondëk Hwëch'in Final Agreement. Map 115O/12 indicates the presence of settlement land parcel S-79A located approximately 12.5 km downstream of the proposed operation on Sixty Mile River. The applicant indicates there is 12,960,000 cubic metres of water per day available during the mining season. He is proposing to use 21,820 cubic metres of water per day. This represents approximately 0.16 % of the available flow, therefore the quantity and rate of flow of water flowing on, through or adjacent to settlement land including seasonal rate of flow will not be substantially altered.

The effluent standard recommended by DFO and stipulated in the YPA of 2.0 ml/L of settleable solids, will ensure that the quality of water flowing on, through or adjacent to settlement land including seasonal rate of flow is not substantially altered.

Chairperson
Yukon Water Board

Date