

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM06-545, Martin Knutson
and Mining Land Use Approval AP06545

The Yukon Water Board (the board) has made licensing decisions with respect to water use application PM06-545 for a type B licence for a placer mining undertaking and mining land use approval AP06545.

The purpose of the application is to obtain a water use licence to obtain and store water, deposit a waste 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:

Fisheries and Oceans Canada (DFO);
Government of Yukon, Energy, Mines and Resources, Client Services and Inspections Branch (GY); and
Government of Yukon, Energy, Mines and Resources, Mineral Resources (GY).

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*. The board is satisfied that the licence and approval are not contrary to the Decision Document, as per section 86 of YESAA.

Neither the applicant or the 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.

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 116B/3, Chapter 14 of the Umbrella Final Agreement (UFA) and board policies.

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 and the Fish Habitat Restoration Plan, have been incorporated in the licence.

DFO provided specific recommendations for the use of the creek as a conduit and instream settling;

however, the applicant does not propose to use the creek as a conduit or to instream settle. The licence only authorizes those undertakings described in the application, therefore, the licence does not permit either of these activities.

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 to ensure that spring freshet is not routed through work areas. The typical conditions not to allow spring freshet to be routed through work areas has been included in the licence.

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

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

DFO provided specific recommendations for the culvert. The board has included DFO's recommendations and recommendations from the Decision Document in the licence pertaining to the installation of the culvert. The board did not included any condition in the licence regarding the bridge, as the applicant did not propose the use of a bridge in this application. Should the applicant want to construct a bridge crossing in the future the Board advises that Licensee to contact an inspector, as an amendment to this licence may be required.

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.

The board reviewed the Decision Document for conditions that would be applicable to water related activities and noted that it cannot issue a licence that is contrary to a Decision Document. The Decision Document included the following requirements:

- "The proponent shall ensure that channels, dugouts and settling ponds are constructed and restored consistent with the *Guidelines for the Design and Construction of Stream Channels for Yukon Placer Mined Streams*." The board noted that it would be difficult to enforce the licence, if the licence only required compliance to the *Guidelines for the Design and Construction of Stream Channels for Yukon Placer Mined Streams* ("The White Book"). The board did not include this recommendation in the licence, did include recommendations specific to the project, that were provided to the board from DFO through the boards' process.
- "The permittee shall equip each camp with bear deterrent devices and maintain such devices in good working order throughout the duration of camp occupancy. The District Conservation Officer can be contacted for any necessary information regarding bear deterrent devices." The board determined that this requirement is not pertinent to either water use or mining land use and no condition will be included in either the licence or approval.

Chapter 14 of the UFA

The board examined the proposed use of water as it relates to Chapter 14 of the UFA, 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 proposed operation is approximately 2 km upstream from settlement land. The applicant is requesting the use of approximately 10.5% of the total creek flow during the mining season. With the return of most of the water back into Hunker Creek through overflow spillways from the final settling facility there will be no substantial alteration to quantity and rate of flow of water flowing on, through or adjacent to settlement land, including seasonal rate of flow.

The effluent standard recommended by DFO and stipulated in the YPA of 5.0 ml/L of settleable solids being deposited into Hunker Creek, will ensure that the quality of water flowing on, through or adjacent to settlement land is not substantially altered.

Chairperson
Yukon Water Board

Date