

YUKON WATER BOARD
REASONS FOR DECISION

Water Use Application PM07-550, Marlene Crawford and Bob Marchand
and Mining Land Use Approval AP07-550

The Yukon Water Board (the board) has made licensing decisions with respect to water use application PM07-550 for a type B licence for a placer mining undertaking and mining land use approval AP07550.

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); and
Government of Yukon, Energy, Mines and Resources, Client Services and Inspections Branch (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 that is included in the water use register. The YESAA Decision Document included several terms and conditions pertaining to water use. The board is satisfied that the licence and approval are not contrary to the YESAA Decision Document, as per section 86 of YESAA.

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.

In making licensing decisions pertaining to this application, the board took into account the *Waters Act*, *Waters Regulation*, the application, the YESAA Decision Document, recommendations from the interveners, the board's standard licence requirements, Territorial Resources Base Map 115I/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. The applicant did not propose to use the creek as a conduit and the licence only authorizes those undertakings described in the application, therefore, the licence does not permit this activity, but does allow total stream flow to be directed through the instream settling facilities, providing that the effluent standard is met.

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 recommendations to allow spring freshet to be routed through work areas. The board has included this condition in the licence.

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

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 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:

Settlement Land in this area is upstream from this operation, therefore the quantity, quality, or rate of flow of water flowing on, through, or adjacent to Settlement Land, including seasonal rate of flow will not be substantially altered.

YESAA Decision Document:

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

- "The proponent shall ensure that channels 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, but 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 the water use or mining land use and no condition will be included in either the licence or approval.

Original signed by chairperson
Chairperson
Yukon Water Board

June 19, 2007
Date