

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM07-558, Steven Johnson
and Mining Land Use Approval AP07558

The Yukon Water Board (the board) has made licensing decisions with respect to water use application PM07-558 for a type B licence for a placer mining undertaking and mining land use approval AP07558.

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
Mayo District Renewable Resources Council.

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 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, Mining Claims Map 115P/16, Chapter 14 of the Umbrella Final Agreement (UFA) 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, 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, diversions and instream settling; however, the applicant does not propose to use the creek as a conduit, build diversions 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 ditches, drains, dams, or any structure built or otherwise effected is able to withstand seasonal floods. The typical condition that requires all ditches, drains, dams or any structure built or otherwise effected to withstand seasonal floods has been included in the licence.

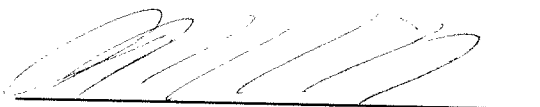
DFO has provided standard recommendations to ensure that spring freshet is not routed through work areas. The typical conditions prohibiting spring freshet from being routed through work areas has been included in the licence.

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:

Mining Map 115P/16 is referenced in the First Nation of Nacho Nyak Dun Final Agreement. Map 115P/16 indicates that settlement land parcel NND R-20B is located on and adjacent to the proposed operation on Murphy's Pup. The applicant indicates there is 86,400 cubic metres of water per day available during the mining season. He is proposing to use 2,000 cubic metres of water per day. This represents approximately 2.3 % of the total creek flow, therefore the quality 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 0.5 ml/L of settleable solids, being deposited into Murphy's Pup, will ensure that the quality of water flowing on, through or adjacent to settlement land is not substantially altered.



Chairperson
Yukon Water Board

March 15, 2008

Date