

**YUKON WATER BOARD
AMENDMENT OF LICENCE**

LICENSEE: GATENBY ENTERPRISES LTD

LICENCE NUMBER: PM04-407

AMENDMENT NUMBER: ONE (1)

Application Number: PM07-563

Pursuant to the Waters Act, Water Use Licence PM04-407, is hereby amended as follows:

1. Clause 18, is hereby added to Part D - Watercourse Crossings

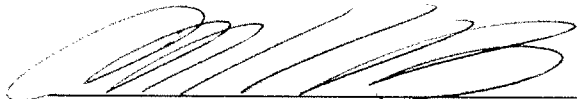
The Licensee may place a steel decked bridge across Dominion Creek on grant P0687.
At completion of mining the bridge shall be removed.

Dated this 9 day of

YUKON WATER BOARD

June, 2008

Kelly Bastien
Witness



Chairperson

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM07-563 (amended to PM04-407)
Gatenby Enterprises Ltd.

The Yukon Water Board (“the board”) has made licensing decisions with respect to water use application PM07-563 (amendment to PM04-407) for a type B licence for a placer mining undertaking.

The purpose of the application is to place a bridge across Dominion Creek on grant P0687. No other changes to either the Water Use Licence or the placer mining land use operating plan approval were requested.

Notice of the application was provided in accordance with the requirements of the *Waters Act*. In response, the board received interventions from the following parties:

Government of Yukon, Energy, Mines and Resources, Client Services and Inspections Branch (“GY”); and Favron Enterprises Ltd.

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 Decision Document that is included in the water use register. The board is satisfied that the amendment is not contrary to the Decision Document, as per section 86 of YESAA.

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 1150/10, Chapter 14 of the Umbrella Final Agreement (“UFA”) and board policies.

GY

GY recommended that the point of compliance should be at the point of entry to the stream. As this is an amendment to only place a bridge across the creek and no other changes were requested to the current licence. The board decided that the current effluent standards and the point of compliance stipulated in PM04-407 would remain unchanged and would satisfy this concern.

Favron Enterprises Ltd.

Favron Enterprises had concerns regarding the location of the bridge and how it may impact the flow of water on their grants. They are concerned that water may be diverted into the drainage ditch, without permission and if this did occur then they could not deal with the excess water. The Board determined that the applicant stated that the bridge would be on grant P0687 and that licence PM04-407 would still be in effect and the applicant is obligated to operate in the same way as stated in application PM04-407 and as, stipulated in Water Use License PM04-470, and if the applicant diverts water without permission it would be up to Client Services and Inspection to deal with that issue.

Chapter 14 of the UFA

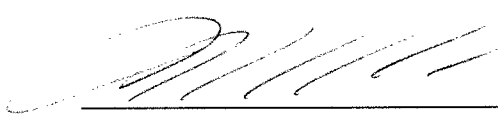
The board examined the proposed use of water as it relates to Chapter 14 of the UFA, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as, it related to the current water use licence and determined at that time, that there would be no substantial alteration to the quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow. As this is only an amendment to place a bridge across the creek the above determination has not changed for this amendment.

YESAA Decision Document:

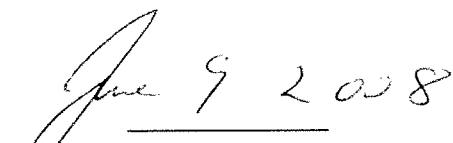
The board reviewed the Decision Document for conditions that would be applicable to water related activities and noted that a licence cannot be issued that is contrary to a Decision Document. The Decision Document included the following requirements:

- "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 this amendment and will not be included .



 Chairperson
 Yukon Water Board



 Date