

YUKON WATER BOARD  
REASONS FOR DECISION

Water Use Application PM04-407, Gatenby Enterprises Limited  
and Mining Land Use Approval AP04407

The Yukon Water Board (the Board) has made licensing decisions with respect to water use application PM04-407, for a type B licence for a placer mining undertaking, and mining land use approval AP04407.

The purpose of the application was to obtain a water use licence to: obtain and store water, deposit a waste, and 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 (GY), Energy, Mines and Resources, Client Services and Inspection Branch;  
Government of Yukon (GY), Energy, Mines and Resources, Mineral Resources;  
Tr'ondëk Hwëch'in; and  
Consolidated Mines Yukon Ltd.

No party requested a public hearing. The applicant did respond to the intervention from Consolidated Mines Yukon Ltd.

Prior to making licensing decisions, the Board undertook an environmental screening of the project pursuant to the *Environmental Assessment Act* (EAA). The Board is satisfied that any known adverse effects that may be caused by the project are insignificant or can be mitigated with known technology or reasonable work practices.

In making licensing decisions pertaining to this application, the Board took into account the application itself, the EAA screening report, the recommendations of interveners, the Board's standard licence requirements, Territorial Resources Base Maps 1150-10 and 1150-15, and Board policies.

The applicant did not propose alternative approaches to the Operating Conditions in the *Placer Mining Land Use Regulation*. These Operating Conditions have been incorporated into the Placer Mining Land Use Approval For a Class 4 Operating Plan.

The effluent discharge standards and operating standards which are stipulated in the Yukon Placer Authorization and the Fish Habitat Restoration Plan, have been incorporated into the Licence.

DFO provided recommendations for the use of fish screens. However the applicant is only using water that is flowing through the Miner's Ditch and groundwater. The licence only authorizes the use of water from the Miner's Ditch and groundwater, as described in the application.

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. 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. Therefore, if erosion occurs between the compliance point and the stream, enforcement tools exist to deal with remediation of it.

Tr'ondëk Hwëch'in recommended that they should be notified if any evidence of archaeological sites or burial grounds is discovered. The Placer Mining Land Use approval requires the Licensee to contact the Chief of Placer Land Use if any evidence is found of an archaeological site or burial ground. Protection of the site from further disturbance is required until authorization is given by the Chief of Placer Land Use. The Board received advice that the Chief of Placer Land Use is required to contact the affected First Nation. The Board also encourages the Licensee to contact the affected First Nation.

Tr'ondëk Hwëch'in recommended that environmentally sound mining practices should be adhered to. The Board expects all applicants to conduct their mining operations using the practices indicated within their application, practices allowed by the *Regulation*, and practices which will be environmentally sound. In review of the water use application and the Placer Mining Land Use application, the Board examines the approach proposed, and either approves it or imposes conditions that may differ from the approach proposed by the Licensee. For water use, the conditions in the licence are based on environmentally sound practices and the Board expects the miner to comply with the conditions of the licence and approval.

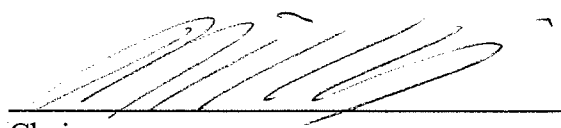
Consolidated Mines Yukon Limited recommended that the upstream miners have the ability to use the Miner's Ditch to drain their groundwater. The Board determined that a clause will be included in the licence to ensure that the water flowing through the Miner's Ditch is free flowing at all times.

Consolidated Mines Yukon Limited recommended that an inspection should be conducted mid July or mid August to ensure that all parties make an informed decision. The Board members determined that if they waited until mid July or mid August to make a decision, it would be too late for this operator to mine this season. The Board encourages dialogue between the miners who currently use the Miner's Ditch, to achieve resolution.

The Board examined the proposed use of water as it relates to quantity, quality, rate of flow of water flowing on, through, or adjacent to Settlement Land, including seasonal rate of flow.

Tr'ondëk Hwëch'in Settlement Land S93B is adjacent to Dominion Creek and approximately 0.61 km from the operation. The effluent from this operation will be directed into Sulphur Creek via the Miner's Ditch. Therefore, the Board determined that the quality of water flowing on, through or adjacent to Settlement Land S93B will not be substantially altered. The applicant is only taking water from the Miner's Ditch. Therefore, the quantity or rate of flow of water flowing on, through or adjacent to Settlement Land S93B will not be substantially altered.

The Board concurred with the recommendations contained in Part Six of the screening report.

  
Chairperson  
Yukon Water Board

Date

April 29, 2005