

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM07-567, Don Ruman
and Mining Land Use Approval AP07567

The Yukon Water Board (“the board”) has made licensing decisions with respect to water use application PM07-567 for a type B licence for a placer mining undertaking and mining land use approval AP07567.

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-Client Services and Inspections”); and
Government of Yukon, Energy, Mines and Resources, Mineral Resources (“GY-Mining Land Use”).

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 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 1150/15, Chapter 14 of the Umbrella Final Agreement (“UFA”) and board policies.

DFO

DFO provided recommendations for the effluent quality standard. However the applicant does not propose to discharge effluent to any watercourse. The licence only authorizes those undertakings described in the application, therefore, the licence does not permit a direct surface discharge to any watercourse.

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 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 prohibiting spring freshet from being 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. The board has included criteria for the use of fish screens in all licences when withdrawing water from a fish stream.

DFO provided recommendations for the bed and banks to be left in a stable condition. The board has included DFO's recommendations in the licence pertaining to stability of the banks.

GY - Client Services and Inspections

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.

GY recommended that the burning of waste is not allowed. The board included the typical conditions in the approval for the removal of all waste materials, including but not limited to, scrap metal, machinery and parts, barrels and containers, from the site, excluding silt and other natural materials, which would satisfy this concern. The board expects the Licensee to comply with the conditions of the licence and approval.

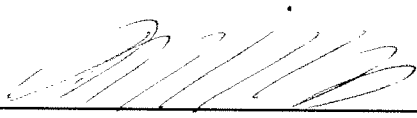
GY - Mining Land Use

GY commented that fuel tanks should be registered. The board included the typical conditions in the approval that all fuel tanks that exceed 4,000 litres must be registered according to the *Canadian Environmental Protection Act*.

GY commented that waste fuel must be disposed of in accordance with the *Special Waste Regulations*. The board noted that this is a typical condition in the Approval.

Chapter 14 of the UFA

The board examined the proposed use of water as it relates to Chapter 14 of the UFA. In review of the Territorial Resources Base Map 1150/15, as referenced in the Tr'ondëk Hwëch'in Final Agreement, the board determined that there is no Settlement Land within the Dominion Creek or Jensen Creek watershed near this operation. Therefore, there will be no substantial alteration as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow.



Chairperson
Yukon Water Board

March 15, 2008

Date