

YUKON WATER BOARD  
REASONS FOR DECISION  
Water Use Application PM07-587, Gordon Scott  
and Mining Land Use Approval AP07587

The Yukon Water Board (“the board”) has made licensing decisions with respect to water use application PM07-587 for a type B licence for a placer mining undertaking and mining land use approval AP07587.

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, Mineral Resources (“GY”); 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 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 Maps 115P/12, 115P/13 and 115P/14, Chapter 14 of the Umbrella Final Agreement (“UFA”) and board policies.

**DFO**

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 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.

### **GY**

GY noted that the applicant referred to grants in the mining land use application that were removed. The grants that were removed by the applicant were not contiguous and the direction of board is that non-contiguous grants cannot be included in a water use licence, but they can be included in the placer mining land use approval. The applicant requested that grant numbers P35719, P35720, P36996 and P36998, be included in the placer mining land use approval. The board determined that these grant numbers will not be included in the water use licence, but will be included in the approval.

### **Mayo District Renewable Resources Council**

Mayo District Renewable Resources Council recommended that the construction of new trails should be kept to a minimum and reclaimed once the trails are no longer in use. The typical conditions pertaining to access roads and/or trails, has been included the Placer Land Use Approval.

Mayo District Renewable Resources Council recommended that care should be taken to prevent fuel spills. The typical conditions pertaining to fuel handling and transportation, has been included in the Placer Land Use Approval, as well as the typical condition that all fuels, lubricants, cleaners, solvents and similar chemicals or substances shall be used, transported, stored and disposed of in such a way that said substances are not deposited in, or allowed to be deposited in, waters, has been included in the licence. The applicant also supplied a Fuel Contingency Plan with the Water Use Application and this plan will be posted on site.

### **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:

Territorial Resources Base Maps 115P/12, 13 &14, as referenced in the First Nation of Nacho Nyak Dun Final Agreement, have been reviewed for settlement land. Map 115P/12 indicates the presence of settlement land parcel R-23B approximately 47 km downstream of the operation on Clear Creek. The applicant has indicated that there is approximately 13,824 cubic metres of water per day available during the mining season and is requesting the use of 982 cubic metres of water per day, which is approximately 7.1 % of the total creek flow and with the return of some of this water back into 65 Pup. With the Settlement Land downstream from this operation on Clear Creek, the board determined that the applicant is not using any water from Clear Creek for mining purposes and therefore the quantity and rate of flow of water flowing on, through or adjacent to settlement land, including seasonal rate of flow, would not be substantially altered.

The effluent discharge standards stipulated in the Stewart River Authorization and in the Water Use Licence of 0.2 ml/L design target, 1.0 ml/L action level and 1.5 ml/L compliance level of settleable solids being deposited into 65 Pup, will ensure that the quality of water flowing on, through or adjacent to settlement land is not substantially altered.

**YESAA Decision Document:**

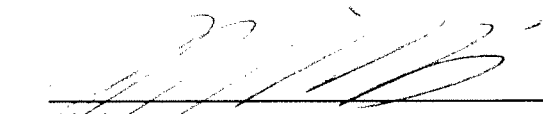
The board reviewed the Decision Document for conditions that would be applicable to water related activities and noted that a licence cannot be issued that is contrary to a Decision Document. The Decision Document included the following requirements:

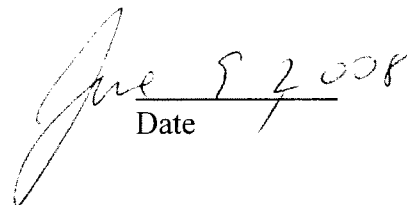
- "The proponent shall maintain a cooperative to shared resource management of the land." The board determined that this requirement is not related to either the water use or mining land use and no condition will be included in either the licence or approval.
- "Trap line and traps in the area are not to be damaged from work related to this project." The board determined that this requirement is not related to either the water use or mining land use and no condition will be included in either the licence or approval.

The board noted that the typical condition included in the licence that states "no condition of the water use licence limits the application of any federal, territorial, first nation or municipal legislation", would cover these concerns.

**Conclusion:**

The Board has approved the issuance of Water Use Licence PM07-587 and the Placer Mining Land Use Approval AP07587.

  
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Chairperson  
Yukon Water Board

  
Date June 5 2008