

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM07-591, Favron Enterprises Ltd.
and Mining Land Use Approval AP07591

The Yukon Water Board (“the board”) has made licensing decisions with respect to water use application PM07-591 for a type B licence for a placer mining undertaking and mining land use approval AP07591.

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

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 Map1150/10, 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.

GY

GY recommended that the point of compliance should be before the effluent enters the natural stream flow. The board included the standard clause for effluent and point of compliance to satisfy this concern. The point of compliance will be at the point in the effluent flow immediately before it enters the natural stream flow. The licence also requires all works to be maintained in good order and be of adequate capacity. Therefore, if erosion occurs, enforcement tools exist to deal with remediation.

GY commented that the applicant contact appropriate authorities for permitting requirements under the *Environment Act* and Environmental Health Services. The board advises the Licensee to contact the above authorities, to determine if any additional permitting will be required.

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:

The board reviewed, Territorial Resources Base Map 1150/10, as referenced in the Tr'ondëk Hwëch'in Final Agreement, and determined that there are no settlement land parcels located downstream in the Sulphur Creek watershed, therefore the quantity, quality, or rate of flow of water flowing on, through, or adjacent to settlement land, including seasonal rate of flow will not be 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:

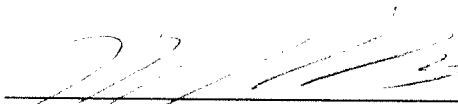
- "The proponent shall maintain a cooperative to shared resource management of the land." The board determined that this requirement is not related to either the water use or mining land use and no condition will be included in either the licence or approval.

- “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.

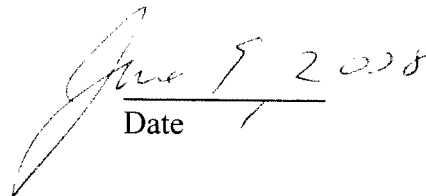
The board noted that the typical condition included in the licence that states “no condition of the water use licence limits the application of any federal, territorial, first nation or municipal legislation”, would cover these concerns.

Conclusion:

The Board has approved the issuance of Water Use Licence PM07-591 and the Placer Mining Land Use Approval AP07591.



Chairperson
Yukon Water Board



Date