

YUKON WATER BOARD  
REASONS FOR DECISION  
Water Use Application PM07-597, Steven VanBibber  
and Mining Land Use Approval AP07597

The Yukon Water Board (“the board”) has made licensing decisions with respect to water use application PM07-597 for a type B licence for a placer mining undertaking and mining land use approval AP07597.

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, Mineral Resources (“GY”); and Tr’ondëk Hwëch’in (“TH”).

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

Neither the applicant or the YESAA 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 YESAA Decision Document, recommendations from the interveners, the board's standard licence requirements, Mining Claims Map 1150/14, 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.

DFO commented that the bridge should not constrict the natural width of the stream and should not release harmful toxins in the water. The board advises the Licensee to not constrict the natural width of the stream and not to allow any release of harmful toxins into the water.

### **GY**

GY recommended that all grants should be included in the Mining Land Use Approval. The mining land use approval includes a condition that the approval applies on all the grants included in a water use licence, it will also include specific grants that may not have been included in the water use licence. In this case the grants were not contiguous and one grant could not be included in the water use licence, but it has been included in the approval at the licensee's request.

### **Tr'ondëk Hwëch'in**

Tr'ondëk Hwëch'in recommended that they should be notified if any evidence of archaeological sites or burial grounds are 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 has previously been advised 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 they be contacted in the case of a spill. The included a condition in the approval that the Licensee contact TH in the event of a spill. The board noted that this condition is also consistent with the Decision Document.

Tr'ondëk Hwëch'in recommended that all reclamation work be completed in a timely fashion and to a reasonable standard. The board noted that both the licence and approval included condition pertaining to reclamation of the site and advised the Licensee to adhere to those conditions.

### **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:

Part of the grants are on Settlement land R-20A. Bonanza Creek runs on, through or adjacent to Settlement Land approximately 6.10 km downstream from the operation. The Licensee is proposing to use approximately 1% of the total flows in Bonanza Creek, therefore the board determined that quantity or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow will not be substantially altered.

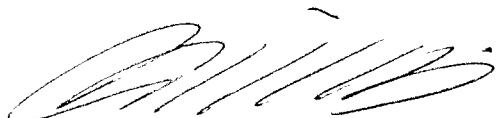
The board determined that the sediment discharge standards stipulated in the Klondike River Authorization and in the licence of 0.2 ml/L design target, 1.0 ml/L action level and 2.5 ml/L compliance level of settleable solids being deposited into Bonanza Creek, would ensure the quality of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, would not be substantially altered.

**YESAA Decision Document:**

The board reviewed the YESAA 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 YESAA Decision Document.

**Conclusion:**

The Board has approved the issuance of Water Use Licence PM08-597 and the Placer Mining Land Use Approval AP08597.



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Chairperson  
Yukon Water Board

August 26, 2008  
Date