

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM08-601 , Robert Burton
and Mining Land Use Approval AP08601

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM08-601 for a type B licence for a placer mining undertaking and mining land use approval AP08601.

The purpose of the application is to obtain a water use licence to obtain and store water at a maximum quantity of 4100 m³/day, 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 Government of Yukon (“GY”), Client Services and Inspections as follows:

They provided that the proposed activity is in the Whitehorse Mining District and can be found on N.T.S Map 115B/16 at 60° 55' North latitude and 138° 05' West longitude.

They also provided the sediment discharge standard for Telluride Creek as 1850 mg/L. All authorized sediment discharge levels are measured in excess of natural background taken at a point above the uppermost mine operation.

No party requested a public hearing. The applicant did not respond to the interventions.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the interveners, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, the Board's standard licence requirements, Mining Map/Territorial Resources Base Map #115B/16, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

Environmental Assessment

This application required an environmental assessment under the YESAA.

Prior to making licensing decisions, the Board reviewed the YESAA Decision Document (“Decision Document”) that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence #PM08-601 is not contrary to the terms and conditions included in the Decision Document.

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.

GY

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

Chapter 14 of the UFA

The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, 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:

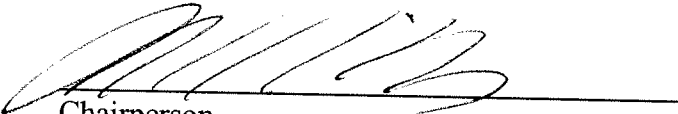
Territorial Resources Base Map 115B/16, as referenced in the Champagne and Aishihik First Nations Final Agreement, Claim map 115B/16 was reviewed to assist the board members in their understanding of the location of the undertaking and Settlement Land.

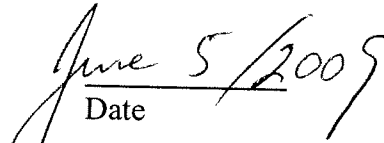
Champagne and Aishihik First Nations Settlement Land parcel R-47A is located at the confluence of Telluride Creek and the Jarvis River, grants P47472 to P47474 are adjacent to the Jarvis River. Telluride Creek is a tributary of Jarvis River and has an influence on Jarvis River upstream of the Settlement Land.

The applicant requested the use of 4,100 cubic metres per day of water use from Telluride Creek, which is approximately 1.2% of the total flow available during the mining season. The proponent will be returning the flow of water to Telluride Creek through seepage and then into the Telluride Creek, and therefore will not alter the quantity of flow. The effluent discharge standard supplied in the Yukon Placer Authorization will also control the quality of Telluride Creek. This information lead to concluding that there will be no substantial alteration to the quantity, quality or rate of flow of water flowing on, through, or adjacent to Settlement Land, including seasonal rate of flow.

Conclusion

The Board has approved the issuance of Water Use Licence PM08-601 and AP0008601 for Placer Land Use Approval for a Class 4 Operating Plan.


Chairperson
Yukon Water Board


Date