

YUKON WATER BOARD  
REASONS FOR DECISION  
Water Use Application PM08-604, Blackstone Placer Mining Ltd  
and Mining Land Use Approval AP08604

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM08-604 for a type B licence for a placer mining undertaking and mining land use approval AP08604.

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 an intervention from Government of Yukon, Energy, Mines and Resources, Mineral Resources (“GY”);

GY did not requested a public hearing. The applicant did not respond to the intervention.

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, Claims Maps 115P/14, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

**GY:**

GY noted that the Licensee made reference to a second fuel tank onsite that is currently not in use within the application and noted that if this tank were to be used, a fuel tank registration form will be required. The Board noted there is a standard condition in the Placer Land Use Approval for a Class 4 Operating Plan requiring all fuel tanks that exceed 4,000 litres to be registered according to the *Canadian Environmental Protection Act* and this would also be a requirement for the second fuel tank onsite when in use and if it exceeds 4000 litres.

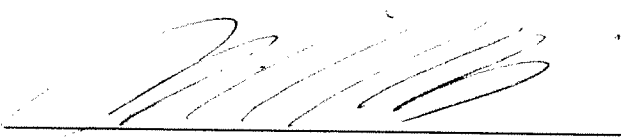
GY recommended that secondary containment be provided for fuel storage and if it is a bermed and lined area then it should be lined with material impervious to petroleum products. The Board determined that the standard condition in the Placer Land Use Approval for a Class 4 Operating Plan requiring that secondary containment be provided for all fuel tanks that exceed 4000 litres would satisfy this concern.

**Chapter 14 of the UFA**

The Board examined Territorial Resources Base Map 115P/14, as referenced in the First Nation of Nacho Nay'ak Dun Final Agreement and noted that there is no Settlement Land within the Clear Creek watershed. Therefore, the Board determined 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 PM08-604 and the Placer Mining Land Use Approval AP08-604.



Chairperson  
Yukon Water Board

*November 21, 2008*

Date