

## **YUKON WATER BOARD REASONS FOR DECISION**

### **Water Use Application PM08-607, Ian and Kate Warrick carrying on business as Moosehorn Exploration Program Limited Partnership, Swamp Creek and Soya Creek and Mining Land Use Approval AP08607**

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM08-607, for a type B licence for a placer mining undertaking and mining land use approval AP08607.

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 class 4 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*; no interventions were received.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, the *Yukon Environmental and Socio-economic Assessment Act* ("YESAA") Decision Document, the Board's standard licence requirements, Mining Map 115N/02, 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 PM08-607 is not contrary to the terms and conditions included in the Decision Document.

Neither the Applicant nor 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.

#### Cross Valley Dams

The Board discussed final storage of the sediment as it is not always clear, especially in narrow valleys, where the Licensee is expected to store large quantities of sediment. There were concerns that typical licence clauses are too restrictive and do not leave enough flexibility for the Licensee and Inspector to adapt to operation-specific circumstances that arise in narrow valleys. The Board agreed to reflect the intent of the Fish Habitat System in Part G without unduly restricting the proposed operation.

The Licensee was granted flexibility and provided with three options for the prevention of seasonal flood damage in clause 29 c): they could choose to breach the dam, provide a seasonal bypass, or a sufficiently armoured dam.

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:

- There is no Settlement Land located within 20 km of the project location.
- The application describes that the water flow in the creek sometimes dries up for months

Given the above considerations of geography, the Board concluded that the proposed operation will not substantially alter 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 relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Water Use Licence PM08-607 and AP08607 for a Class 4 Placer Mining Land Use Operating Plan.

  
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Chairperson  
Yukon Water Board

August 25, 2010  
Date