

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM08-618, Tamarack Inc. and Mining Land Use Approval AP08618

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM08-618 (renewal of PM04-422), for a type B licence and Class 4 mining land use approval AP08618 on the Indian River for a placer mining undertaking.

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 did not receive any interventions.

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, Yukon Placer Mining Fish Habitat Suitability Map, Mining Map 1150/10, 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 PM08-618 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.

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:

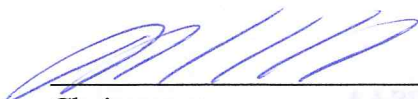
- The closest parcel of Settlement Land is TH R-61A, and is located approximately 20 km from the project area
- According to the estimates provided in the application, the requested quantity of water to be used for the mining operations represents less than 1% of the Indian River's total flow during mining season.

- The Department of Fisheries and Oceans has issued an Authorization for the Indian River Watershed. The Authorization includes sediment discharge standards for placer mine effluent.
- The effluent discharge standards for freshwater production zones have been included in the licence.

Given the above considerations of geography, flow rate estimates, and water quality, 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 PM08-618 and AP08618 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board

August 15 2010

Date