

RATIONALE

For Attachment to Correction of Amendment 1 to Water Use Licence QZ01-051
Yukon Zinc Corporation

On July 10, 2009 the Board reviewed an application (QZ09-086) for an emergency amendment to Water Use Licence QZ01-051. The emergency amendment was subsequently signed by the Minister and the Chairperson on July 10, 2009. This licence contains a typographical error which requires correction. The following information identifies the error and the rationale for the correction.

The following documents were reviewed:

- Emergency licence amendment register QZ09-086
- Water Use Licence register QZ01-051
- Board package and minutes, July 10, 2009 emergency Board meeting
- Standard draft licence clauses and Board practice.

Part E - Effluent Quality Standards

Clause 41 of the original licence (QZ01-051) shows a Nickel parameter of 0.5 mg/L. In the Licensee's application for an emergency amendment of the licence it asked for different effluent quality standards for the following parameters: Selenium, Ammonia, Cadmium, Copper and Lead. It specifically stated that all other parameters would remain unchanged.

The Board in its deliberations discussed the proposed changes. At no time was the Nickel parameter part of the discussion, since the Licensee had asked to have this parameter unchanged.

Clause 41 of emergency amendment 1 to Licence QZ01-051 therefore shows a typographical error for the Nickel parameter.

Power and Jurisdiction

The Yukon Water Board has the power and jurisdiction to amend water use licenses in two strictly limited cases, specifically:

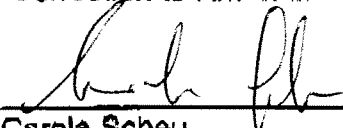
- 1) where there is an accidental slip or omission in drawing up the licence; or
- 2) where the licence does not reflect the intent of the Board.

In this case, the typographical error clearly indicates that an accidental slip was committed by the Secretariat and that the final licence does not reflect the decision made by the Board.

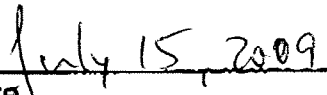
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It is reasonable to conclude that staff, when preparing the final licence for the Minister's and Chairperson's signature, did not take notice of the typographical error in Part E, clause 41. Under the circumstances, sufficient rationale exists to conclude that the clerical error occurred in the drawing of the emergency amendment and that the error should be corrected via the attachment of a "Correction to Amendment 1 to Licence QZ01-051."

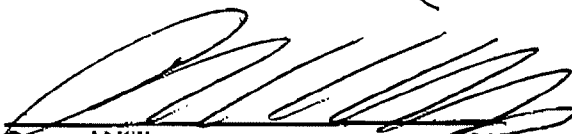


Carola Scheu
Manager
Yukon Water Board

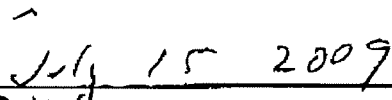


Date

I concur with the rationale outlined above and direct that the relevant correction be made to Amendment 1 to Licence QZ01-051.



Bruce Willis
Chairperson
Yukon Water Board



Date