

YUKON TERRITORY WATER BOARD  
AMENDMENT OF LICENCE

LICENSEE: Minto Explorations Ltd.

LICENCE NUMBER: QZ96-006

AMENDMENT NUMBER: One (1)

Application Number: QZ01-053

Pursuant to the Yukon Waters Act, Water Use Licence QZ96-006 is hereby amended as follows:

1. Clause 78 is hereby withdrawn and replaced by:

- a) The Licensee shall submit a Comprehensive Decommissioning and Reclamation Plan to the Board no later than the second anniversary of the Start Up Date.
- b) i) If the Start Up Date is not before November 1, 2003, then the Licensee shall submit to the Board an Interim Decommissioning and Reclamation Plan for all facilities, works and/or disturbances that exist or have occurred by that date, including but not necessarily limited to, the mill and camp sites. The plan shall include specific measures to be taken to reclaim the area and shall be accompanied by estimated costs and a schedule.
- ii) The Interim Decommissioning and Reclamation Plan shall be submitted to the Board no later than November 30, 2003, and the Licensee shall revise the plan annually until the Start Up Date. The revised plan shall include reclamation of any additional disturbances since November 1, 2003 and shall be submitted to the Board as a component of each annual report.
- iii) In the event that permanent closure occurs prior to the submission of the Comprehensive Decommissioning and Reclamation Plan, then, in addition to any other requirements of this licence, the Licensee shall also implement the current version of the Interim Decommissioning and Reclamation Plan.

This amendment is effective the date it is issued by the Yukon Territory Water Board.

Dated this 6<sup>th</sup> day of

Approved by:

August, 2002

Thomas Burgess  
Witness

[Signature]  
Minister of Indian Affairs and Northern  
Development

Dated this 12<sup>th</sup> day of

issued by the  
YUKON TERRITORY WATER BOARD

August, 2002

[Signature]  
Witness

[Signature]  
Chairperson

**YUKON TERRITORY WATER BOARD**  
**REASONS FOR DECISION**  
**Application QZ01-053, Amendment #1 to QZ96-006**  
**Minto Explorations Ltd.**

The Yukon Territory Water Board ("the Board") has concluded deliberations pertaining to application QZ01-053, an application for amendment of water use licence QZ96-006.

Water Use licence QZ96-006 is a type A licence for Quartz Mining Undertaking which was issued to Minto Explorations Ltd. ("Minto") in April, 1998. The licence requires Minto to submit a comprehensive decommissioning plan by either the third anniversary of the licence or by the second anniversary of the mill start up, whichever came sooner.

Due to conditions not anticipated at the time the licence was issued, Minto has not yet completed construction of its facilities, nor has it started milling. Minto did file a plan by the required date, but it has not been reviewed for adequacy. In this application, Minto applied to change the date for submission of the comprehensive decommissioning plan to the second anniversary of start up.

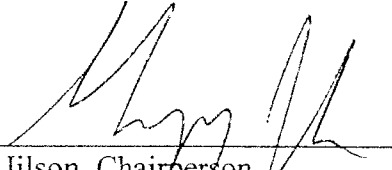
This mining project was screened by the Department of Indian Affairs and Northern Development ("DIAND") under the *Environmental Assessment Review Process Guidelines Order* "EARPGO". That screening was upgraded in 1999, in relation to issuing a Quartz Mining Production Licence, to consider cumulative effects not addressed under EARPGO. This amendment does not constitute any change to the project as assessed previously. DIAND officials have indicated to the Board that, using the results of those two previous assessments and pursuant to Sections 74(3) (a) & (d) and Section 24 of the *Canadian Environmental Assessment Act* ("CEAA"), a CEAA Section 20(1)(a) determination has been made.

The requested amendment did not affect the use, flow or quality of water nor the term of the licence thus the Board, pursuant to the *Yukon Waters Act* ("YWA") Section 21(1)(b), was not required to hold a public Hearing. Notice of receipt of the application was provided in accordance with the requirements of the YWA. In response, the Board received interventions from Selkirk First Nation ("SFN") and DIAND-Water Resources. DIAND-Water Resources did not have any concerns with the proposed amendment. No party requested that the Board hold a public hearing.

The SFN recommended that the licence not be amended until a plan is submitted. However, the Board noted that the recommendation is fundamentally inconsistent with the particulars surrounding this amendment request. The Board also believes that information needed to compile a meaningful comprehensive decommissioning plan will not be available until after the facilities are built. Therefore, the Board determined that the amendment will require the Licensee to

submit a Comprehensive Decommissioning and Reclamation Plan no later than the second anniversary of the Start Up Date.

The Board expressed concern, however, that there has already been some work carried out on the site and there is not a detailed reclamation plan for those facilities and there is no requirement to produce one if mine construction does not begin. Therefore the Board has determined that the Licensee should submit an Interim Plan for reclaiming the works already undertaken at the site and to update that Interim Plan should any additional work be carried out on the site. This plan need not be a major undertaking. It is the Board's intention that the Interim Plan simply state with specificity what measures will be undertaken, when they would be carried out and provide an estimate of the cost to complete them. This plan would provide the details for work that the licensee is already required to carry out, and submission of the plan would not authorize any new water use or waste deposit. The Board believes that the requirement of the Interim Plan might help address the concern expressed by the Selkirk First Nation.

  
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Gregg Jilson, Chairperson  
YUKON TERRITORY WATER BOARD

May 8 2002  
Date