

**YUKON WATER BOARD
AMENDMENT OF LICENCE**

LICENSEE: MINTO EXPLORATIONS LTD.

Licence: QZ96-006

AMENDMENT NUMBER: 4

Application Number: QZ08-081

Pursuant to the *Waters Act*, Water Use Licence QZ96-006, as amended by amendment one, two, and three, is hereby further amended as follows:

The following clauses are hereby appended as follows:

PART H - One Time Discharge

84. The Licencee is hereby authorized for a one time controlled discharge of 350 000 m³ from the Reclaim Pond during the months of August or September 2008.
85. The one time discharge during this period of time shall comply with the following effluent quality standards:

Parameter	August 12 Result from Pond Sampling – 3 m depth (mg/L)	Existing Effluent Quality Standard (mg/L)	Proposed Effluent Quality Standards (from MMER) (mg/L)		
			Max. Authorized Monthly Mean Concentration	Max. Authorized Concentration in a Composite Sample	Max. Authorized Concentration in a Grab Sample
Copper (total)	0.050	0.01	0.30	0.45	0.60
Iron (total)	1.59	1.0	no standard	no standard	no standard
Lead (total)	0.0386	0.002	0.20	0.30	0.40
Manganese (total)	0.443	0.2	no standard	no standard	no standard
Nickel (total)	0.007	0.065	0.50	0.75	1.00
Zinc (total)	0.017	0.03	0.50	0.75	1.00
Total Suspended Solids	5	15	15.00	22.50	30.00

86. During the one time discharge the Licencee shall:
- a) monitor for TSS levels above and below the Reclaim Pond,
 - b) take color photographic pictures before, during and after discharge,
 - c) monitor flow levels before, during and after discharge, and
 - d) document details on how the discharge has been carried out.
87. Within 7 days of the completion of the controlled discharge, the Licencee shall provide a written report to the Board that includes, but is not necessarily limited to, the information required by clauses 85 and 86. The report must indicate that a copy of the report has been provided the Department of Fisheries and Oceans Canada.

Approved this 26th day of

August, 2008

[Signature]
Witness

[Signature]
Minister, Executive Council Office

Issued this 26th day of

August, 2008,
[Signature]
Witness

YUKON WATER BOARD
[Signature]
Chairperson

YUKON WATER BOARD

REASONS FOR DECISION Emergency Amendment Application #QZ08-081 Amendment to Licence #QZ96-006

On August 25, the Yukon Water Board (“the Board”) received an application for an emergency amendment to the above water use licence.

Background

Licence QZ96-006 authorizes the Licensee to discharge water from the Reclaim Pond at levels that are more restrictive than the Metal Mining Effluent Regulations (“MMER”).

Consultation

Under section 21(4) of the *Waters Act* (“the Act”), the Yukon Water Board may grant an emergency amendment to a water use licence without a public hearing or providing a notice of public hearing.

The Yukon Water Board invited input from the following parties: Selkirk First Nation, Yukon Government Water Resources and EMR Inspections, Environment Canada and the Department of Fisheries and Oceans.

Determination of Emergency

Since the Act does not set out any criteria for the determination of an emergency, the Board has, by practice, accepted the principle that an emergency is a sudden or unforeseen condition which, if not rectified, would endanger human life or the natural environment.

Excessive precipitation over the previous week had caused the Reclaim Pond on site to lose its freeboard despite attempts from the company to pump excess water to its open pit. The Licensee requested a one time discharge of 350 000 m³ at levels meeting the MMER guidelines to mitigate the current situation.

The Board determined that the current situation constitutes an emergency.

The Department of Fisheries and Oceans (DFO) agreed to the one time discharge provided it met specific monitoring and reporting conditions. These were reflected in conditions 86 and 87 of the amendment. DFO was satisfied with the discharge as long as MMER were met.

No other interventions were received.

The Board was concerned with such a large release of water and how it might impact the downstream environment. In the absence of more detailed information on rate of flow of discharge, it was determined to authorize a ‘controlled one time discharge’ of 350 000 m³ from the Reclaim Pond at some time during August or September.

It is the expectation of the Board that this discharge will comply with the MMER. Those parameters that were not part of the Licensee's emergency amendment request dated August 25 are expected to continue to meet the levels authorized in licence QZ96-006.

The Licensee will monitor and record the discharge and upon completion report back to the Board.

It is further understood that the intent of this amendment is to free the Reclaim Pond of excessive water amounting to a maximum of 350 000 m³ on a short term basis and to mitigate the current emergency situation. For clarity, it is the Board's intention that once this discharge begins, it shall be carried out up to a maximum of 350 000 m³. This amendment does not authorize the Licensee to an intermittent discharge over several weeks. Once the maximum amount of discharge has been reached, this amendment ceases to exist. If the Licensee ceases to discharge before the maximum quantity authorized by this amendment is reached, this amendment ceases to exist.

Conclusion

The Board approved amendment four for a one time discharge due to the determination that an emergency exists.



Chairperson
Yukon Water Board

August 29, 2008
Date