

**YUKON WATER BOARD
AMENDMENT OF LICENCE**

LICENSEE: Hudson Bay Mining and Smelting Co. Ltd. LICENCE NUMBER: QZ99-046

AMENDMENT NUMBER: TWO (2) Application Number: QZ07-077

Pursuant to the *Waters Act*, Water Use Licence QZ99-046 and amendment number one, is hereby amended as follows:

1. Part D, Clause 17 of this licence is hereby withdrawn and replaced by:

17. After September 30, 2008, a grab sample of any waste discharge at Station W5, and any other point of entry of a waste discharge into receiving waters, shall meet the following effluent quality standards:

PARAMETER	CONCENTRATION
Arsenic (dissolved)	1.0 mg/L
Copper (total)	0.6 mg/L
Lead (total)	0.4 mg/L
Nickel (total)	1.0 mg/L
Zinc (total)	1.0 mg/L

Dated this 12 day of

September, 2007



Witness

YUKON WATER BOARD



Chairperson

REASONS FOR DECISION

WATER USE APPLICATION QZ07-077
(AMENDMENT NUMBER TWO TO QZ99-046)
HUDSON BAY MINING AND SMELTING COMPANY LTD.
TOM VALLEY MINE SITE

The Yukon Water Board (“the board”) has concluded deliberations pertaining to application QZ07-077, submitted by Hudson Bay Mining and Smelting Company Ltd. (HBMS), for an amendment to type B water use licence QZ99-046 for a quartz mining undertaking.

The purpose of the application is to amend clause 17 to require the effluent quality standards be achieved after September 30, 2008 in order to accommodate the phased studies which are currently being carried out by HBMS. The purpose of these studies is to provide the board with the necessary information to establish site specific effluent quality standards for any adit discharge or any other point of entry of a waste discharge into receiving waters. Amendment Number One to licence QZ99-046 currently requires compliance with the effluent quality standards after September 30, 2007.


Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the board received an intervention from Environment Canada.

The board did not receive a request for a public hearing. The applicant did not respond to the intervention.

In making licensing decisions pertaining to this application, the board took into account the application itself, the recommendations from the intervener, the *Waters Act*, its regulation, Territorial Resource Base Map 105O/1, Chapter 14 of the Umbrella Final Agreement (“UFA”) and board policies.

Environment Canada expressed concerns about uncontrolled discharges, but did not oppose the amendment, to allow HBMS additional time to conduct the studies and to complete a work plan that would determine appropriate site specific standards that would be achievable after September 30, 2008. As HBMS has provided evidence of ongoing studies, the board approved the applicant’s proposal to amend clause 17, requiring HBMS to achieve compliance with the effluent standards after September 30, 2008.

Territorial Resource Base Map 105O/1 is not included in any of the final agreements that have been signed to date; however, the map was reviewed by the board for site specific settlement land. The map does not indicate the presence of any settlement land. Therefore, the proposed amendment 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.



Chairperson
Yukon Water Board

September 12/07
Date