

**POLICY DIRECTION RESPECTING
SECURITY FOR TYPE A AND TYPE BE WATER LICENCES
INVOLVING TYPE II MINES**

Pursuant to subsection 11(1) of the *Waters Act* (the '*Act*'), the Minister responsible for the Executive Council Office, as the Minister responsible for the issuance of policy directions under the *Act* pursuant to Order in Council 2003/275, gives the following policy direction to the Yukon Water Board (the '*Board*').

1. If

- (a) a court of competent jurisdiction has exercised its authority in overseeing and authorizing the sale of the assets of a type II site (the '*site*'), as defined in the Yukon Northern Affairs Program Devolution Transfer Agreement, made between the Government of Canada and the Government of Yukon, dated October 29, 2001; and
- (b) the purchaser of the assets (the '*purchaser*'), as a condition of the sale referred to in paragraph (a), has entered into an agreement with the Government of Canada or the Government of Canada and the Government of Yukon setting out, amongst other things,
 - (i) responsibility for environmental liabilities at the site that have arisen as a result of past mining activities at the site (the '*historic liabilities*'), and
 - (ii) financial arrangements concerning care and maintenance and remediation of these historic liabilities,

then, in exercising its discretion under subsection 15(1) of the *Act* respecting security in relation to an application for a type A or B licence made by the purchaser or an assignment to the purchaser of a type A or B licence, the Board shall take into account the extent to which the purchaser or assignee is to assume responsibility for the historic liabilities as per the agreement referred to in paragraph (b) and determine security in relation to that level of responsibility such that the Government of Canada, or the Government of Canada and the Government of Yukon, as the case may be, is not required to both furnish and maintain security, directly or indirectly as a result of an obligation placed on the purchaser to furnish and maintain security, and assume the costs associated with care and maintenance or remediation of the historic liabilities.

- 2. This direction shall apply to the issuance, amendment and renewal of a license related to an undertaking at a type II site.
- 3. The date this policy direction is effective, the policy direction issued on April 11, 2006, entitled *Reclamation Security – Type II Sites Policy Direction*, is revoked.

This policy direction is effective as of the 6 day of June, 2019

Sandy Silver, Minister, Executive Council Office