

REASONS FOR DECISION

WATER USE APPLICATION AG07-033 AMEND. TO AG06-029 GORDON SINCLAIR FLAT CREEK

The Yukon Water Board (“the board”) has concluded deliberations pertaining to Water Use Application AG07-033 to amend Type B Licence AG06-029 for an agricultural undertaking.

The purpose of the application is to construct the intake at a new location approximately 850 metres upstream of the location that was originally proposed and authorized in AG06-029. The Licensee also proposed to include a storage tank in the water supply pipeline to relieve pressure in the system due to the increased elevation of the intake.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. The board did not receive any interventions in response to the public notice.

In making licensing decisions pertaining to this application, the board also took into account the *Waters Act*, *Waters Regulation*, the application, the board's standard licence requirements, Territorial Resources Base Maps 105D/13 and 105D/14, *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, Chapter 14 of the Umbrella Final Agreement (“UFA”) and board policies.

Environmental Assessment

This application required an environmental assessment under the YESAA.

Prior to making licensing decisions, the board reviewed the YESAA Decision Document that is included in the water use register. As per section 86 of YESAA, the board is also satisfied that the issuance of AG07-033 (amend. to AG06-029) is not contrary to the terms and conditions included in the Decision Document. Where conditions were applicable to the water use application the board noted that those conditions were already captured in water use licence AG06-029.

UFA-Chapter 14

The board has the responsibility under Chapter 14 of the UFA to determine whether a project will result in the substantial alteration of the quantity, quality or rate of flow of water flowing on, through, or adjacent to settlement land. This application is the second request for amendment and in the previous applications the board made a determination and is detailed below.

The board made the following determination during its deliberation of application AG06-029:

“During the review of the existing licence, AG04-028, the board examined the water use of this operation as it relates to Chapter 14 of the Umbrella Final Agreement, as to quantity, quality and rate of flow of water flowing on, through or adjacent to settlement land, including seasonal rate of flow. With the inclusion of conditions within the water use licence, the board determined that the quantity, quality and rate of flow of water flowing on, through or adjacent to settlement land, including seasonal rate of flow would not be substantially altered.


In review of water use application AG06-029 (amend. to AG04-028), the Licensee proposed to amend the licence to allow bed and bank modifications. The board concluded that the intent of the proposed modifications is to comply with the conditions of licence AG04-028 and the proposed amendments would be financially feasible for the Licensee to carry out the undertaking. The board further determined that the modifications proposed in application AG06-029 will meet the conditions that were included in water use licence AG04-028 and the proposed works will not substantially alter the quantity, quality of water flowing on through or adjacent to settlement land, including seasonal rate of flow.”

In review of the current application AG07-033 to amend the licence to authorize a new intake location and to include a water storage tank as part of the water pipeline, the board concluded that the proposed works 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. Although a new site is proposed, the construction of the intake remains the same as previously authorized and the board is satisfied with the information from Mr. Sinclair that the modifications to the bank of Flat Creek will not be as extensive at the new location as it would have required at the location originally licenced.

Territorial Resources Base Map 105D/13 is included in the Champagne and Aishihik First Nation Final Agreement, the Ta'an Kwäch'än Council Final Agreement and the Kwanlin Dun First Nation Final Agreement. Map 105D/14 is included in the Ta'an Kwäch'än Council Final Agreement and the Kwanlin Dun First Nation Final Agreement. The board did not receive any interventions from any party in regards to this application.

Conclusion

The board has approved the issuance of amendment two to water use licence AG06-029.



Chairperson
Yukon Water Board

October 10, 2007
Date