

REASONS FOR DECISION
WATER USE LICENCE AG95-003
Amendment to AG91-002
Sylvia Hackney, Lot 1171 Takhini Hotsprings Road

The Yukon Territory Water Board ("the Board") has concluded it's deliberations pertaining to water use application AG95-003, an application for amendment to a type B water use licence for an agricultural undertaking.

The Licensee applied for an amendment to water use licence AG91-002. This licence was issued in May of 1992 and authorized the withdrawal of water from an upper slough located within a cutoff oxbow bend of the Takhini River, downstream from the Takhini Hot Springs. The water is used to irrigate 150 acres of agricultural lands adjacent to the Takhini River. Quantity of water used is restricted to two (2) ten day cycles per year, allowing the applicant to pump water every second day during the cycle at a rate of 782 m³ per day not exceeding 8055 m³ per year. Approximately 75 kilograms of fertilizer is used per acre each year. No herbicides or pesticides are used.

Application AG95-003 is a request to pump a maximum of 200,000 m³ of water per year from the Takhini River for irrigation.

Public notice of this application was provided in accordance with the requirements of the Yukon Waters Act ("the Act"). In response, the Board received interventions from Indian and Northern Affairs Canada ("DIAND"), Fisheries and Oceans Canada ("DFO"), and Yukon Territorial Government ("YTG"). The Board did not receive any request that a public hearing be held into this application and the applicant did not respond to the interventions.

The Board completed an environmental assessment of this project, as required by the Canadian Environmental Assessment Act ("CEAA"). The CEAA decision was 20(1)(a) "Project may proceed as it is not likely to cause significant environmental effects."

DIAND noted concerns regarding the location of the pump site, management of petroleum products and wastes at the pump location, reporting of spills, notification of construction activities, and continued use of the upper slough as a water source. DIAND noted that licence AG91-002 stipulated that monitoring data would be reviewed after the fourth water use cycle in order to determine if there were any adverse impacts to Old John's Slough and that this review has not taken place. The Board acknowledges that there has been no formal review by the Board.

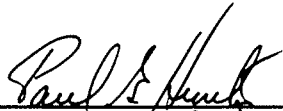
However, since no evidence or suggestion of detrimental impact has been brought to the Board's attention by either enforcement agencies or by any parties to the original public hearing, the Board is comfortable that there has been no detrimental impact and that water use from the slough may continue. However, the Board once again encourages government agencies to continue to offer technical assistance to the Licensee regarding compliance to the monitoring requirements. In particular, the Board notes that the monitoring requirements of licence AG91-002 remain in effect whenever water is withdrawn from the slough.

The Board agreed to DIAND's recommendations regarding the new pump location. The Board also agreed that if the applicant withdraws water from the upper slough, then all monitoring conditions will remain in effect.

DFO made recommendations regarding the pump site, erosion control, excessive drainage, management of deleterious substances, and screens to exclude fish. DFO recommended the prohibition of heavy equipment within 30 meters of the natural boundary of the Takhini River. This is to protect the leave strip which provides a barrier against excessive drainage and increased sedimentation of the Takhini River. The Board agreed with the DFO recommendations.

YTG Renewable Resources and YTG Agricultural Branch responded and stated that they have no concerns with the application.

No term of the licence limits the application of any Federal or Territorial Law. Without limiting the generality of this statement, but in order to provide further clarification, the Board notes that the licence does not constitute approval or authorization pursuant to the Fisheries Act.



Paul Hunter, Chairperson
YUKON TERRITORY WATER BOARD

Date:

Aug 25/95