

YUKON TERRITORY WATER BOARD

AMENDMENT OF LICENCE

LICENSEE: Dave Andrew

Licence: AG98-012

AMENDMENT NUMBER: ONE (1)

Application Number: AG00-021

Pursuant to the Yukon Waters Act, Water Use Licence AG98-012, is hereby amended as follows:

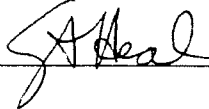
1. Clause 27 is hereby withdrawn and replaced by:

All works associated with the undertaking, and any related equipment, shall be removed from the Takhini River no later than September 30th of each year.


Dated this 15th day of

September, 2000

Witness



YUKON TERRITORY WATER BOARD



Brian Lendrum, Chairperson

REASONS FOR DECISION
WATER USE APPLICATION AG00-021 (AMEND. TO AG98-012)
DAVE ANDREW

The Yukon Territory Water Board has concluded deliberations pertaining to Water Use Licence Application AG00-021 (amend. to AG98-012) for a Type B Licence for an agricultural undertaking. Mr. Dave Andrew has requested that the removal date set out in Clause 27 be extended from August 31 of each year, to September 30th of each year.

Public notice of this application was provided in accordance with the requirements of the Yukon Waters Act. In response, the Board received an intervention from the Department of Indian and Northern Affairs Canada ("DIAND"-Water Resources). No comments were received from the Kwanlin Dun First Nation, Ta'an Kwäch'än Council or the Champagne/Aishihik First Nation. The Board did not receive a request for a public hearing. The proponent did not respond to the DIAND-Water Resources intervention.


Prior to making licensing decisions, the Board undertook an environmental assessment of this project, pursuant to the Canadian Environmental Assessment Act (CEAA). The Board is satisfied that the project is not likely to cause significant adverse environmental effects.

General Operating Conditions

The current licence requires that any related equipment shall be removed from the Takhini River no later than August 31. The Licensee has requested that the current licence be amended to reflect that all works associated with the undertaking, and any related equipment, shall be removed from the Takhini River no later than September 30th of each year. The date change also corresponds with the fire season. A letter of support from the Fire Marshal was submitted for the Board's consideration. Mr. Andrew's system is equipped to supply water to the Ibex Valley Volunteer Fire Department in the event of an emergency. The original register did not provide any information as to why the removal date was set for August 31 of each year. August 31 is one month after seasonal closure.

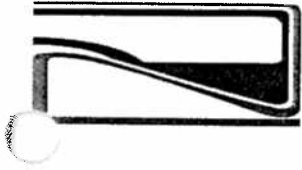
DIAND-Water Resources did not have any concerns regarding the amendment to the current licence. DIAND addressed a typographical error in the purpose of the licence. The Board was informed that this error was corrected by letter to Mr. Andrew, dated January 26, 2000.

No term of the Licence limits the application of any Federal, Territorial, or First Nation 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.



Brian Lendrum - Chairperson
Yukon Territory Water Board

Date: September 15th, 2000



**Yukon
Territory
Water Board**

**Office des eaux
du Territoire
du Yukon**

January 26, 2000

Dave Andrew
Box 5576
Whitehorse, Yukon Y1A 5H4

RE: WATER USE LICENCE AG98-012

This is to advise you that your water use licence contains a typographical error on the cover page. The Purpose of the licence should read:

Agricultural undertaking, as proposed in water use application AG98-012.

I apologise for any inconvenience that this typographical error may cause.

Judi Doering, Manager
Water Board Secretariat

cc Water Resources, DIAND (M. Jasek)
Water use register, section 10
& append to original licence

YUKON TERRITORY WATER BOARD

WATER USE LICENCE

Pursuant to the *Yukon Waters Act* and Regulations, the Yukon Territory Water Board hereby grants a Type B Water Use Licence for an Agricultural undertaking to:

Dave Andrew
Box 5576
Whitehorse, Yukon
Y1A 5H4

LICENCE NUMBER: AG98-012

LICENCE TYPE: B

UNDERTAKING: Agriculture

LOCATION: Takhini River

EFFECTIVE DATE: The effective date of this licence shall be the date on which the signature of the Chairperson of the Yukon Territory Water Board is affixed.

EXPIRY DATE: 31 March 2023

PURPOSE: Construction and operation of a fish counting fence as proposed in Water Use Application AG98-012.


This licence shall be subject to the restrictions and conditions contained herein and to the restrictions and conditions contained in the Yukon Waters Act and the Regulations made thereunder.

Dated this 30 day of
April, 1999

YUKON TERRITORY WATER BOARD



Witness



Chairperson

PART A - GENERAL CONDITIONS

Definitions

1.
 - a) "Act" means Yukon Waters Act and any amendments thereto.
 - b) "Regulations" means the Regulations made under the Act.
 - c) "Board" means the Yukon Territory Water Board.
 - d) "Inspector" means any person designated as an Inspector under the Act.
 - e) "Waste" means any substance defined in Section 2 of the Yukon Waters Act.
 - f) "Application" and "Water Use Application" mean Water Use Application AG98-012, including any additional submissions and/or revisions, submitted to the Board by the Licensee.
 - g) "Deleterious Substance" means a deleterious substance as defined in Section 34(1) of the Fisheries Act.
 - h) "Watercourse" means any stream, lake, pond, river, creek, spring, ravine or swamp whether ordinarily containing water or not.

Representations, Warranties and Undertakings

2. The Board has relied on the representations, warranties and undertakings provided by the applicant in the material filed as Application AG98-012. Such representations, warranties and undertakings are considered by the Board to be a part of the licence, but shall be subject to, and may be modified by the terms and conditions of the licence.

Other Laws

3. No term of this licence limits the application of any other Federal, Territorial or First Nation Laws or of any licence of Occupation of Land

Correspondence

4. Where any direction, notice, order, or report under this licence is required to be in writing, it shall be given:
 - (a) to the Licensee, if left at or mailed by registered mail to the following address:

Dave Andrew
Box 5576
Whitehorse, Yukon
Y1A 5H4

and shall be deemed to have been given to the Licensee on the day it was left or seven (7) days

after the day it was mailed, as the case may be.

- (b) To the Board, if faxed to (867) 668-3628, or left at or sent by registered mail to the following address:

Yukon Territory Water Board
Suite 106, 419 Range Road
Whitehorse, Yukon
Y1A 3V1

and shall be deemed to have been given to the Board on the day it was left or seven (7) days after it was mailed, as the case may be.

If normal mail service is interrupted by a strike, slowdown, force majeure or other cause, a Notice sent by Registered Mail will not be deemed to be received until actually received and the Party sending the Notice shall, if possible, deliver such Notice in order to ensure prompt receipt thereof.

Non-Compliance

5. In the event that the Licensee fails to comply with any provision or condition of this licence, the Board may, with the approval of the Minister and subject to the Act, cancel the licence.

Waste Discharge Standards

6. This licence is issued to the Licensee, subject to the conditions contained herein, with respect to the use of water. However, it is also a condition of granting of this licence to the Licensee that, whenever future Regulations are made by the Governor in Council under the Yukon Waters Act, or any other structure imposing conditions relating to water use that are more stringent than any conditions included in this licence, this licence shall be deemed, upon prescription of such Regulations, to be automatically amended to conform with such Regulations.

Deleterious Substances

7. No deleterious substances shall be deposited or allowed to be deposited into any watercourse. This includes, but is not limited to, fuels, coolants, hydraulic fluids and lubricants.

Spills and Unauthorized Discharges

8. The Licensee shall develop and submit to the Board a Spill Contingency and Monitoring Plan within thirty (30) days of the effective date of this licence.

9. The Licensee shall immediately contact the 24-hour Yukon Spill Report Line (867) 667-7244 and implement the Spill Contingency Plan, should a spill or an unauthorized discharge occur. A detailed written report on any such event, including but not limited to, dates, quantities, parameters, causes and other relevant details and explanations, shall be submitted to the Board not later than fifteen (15) days after the occurrence.

Term of Licence

10. The expiry date of this licence shall be 31 March 2023.

PART B - OPERATING CONDITIONS

Description of Water Use

11. The Licensee is hereby authorized to obtain water from the Takhini River in the amount of 3598 m³/day for the purpose of irrigating agricultural land as proposed in Water Use Application AG98-012 and as required by the terms of this licence.

General Operating Conditions

12. The Licensee shall notify the Board in writing at least ten days prior to the start of irrigation of its intention to commence irrigation.
13. All construction or installation work authorized by this licence shall occur on property that the Licensee has the right to enter upon and use for that purpose.
14. Notification, including the name and phone number of the field supervisor, shall be provided to the Board, in writing, no later than ten (10) days prior to the commencement of any construction, installation or removal work.
15. No work is permitted to be carried out within the wetted perimeter of the Takhini River, except for the placement and removal of the water supply intake.
16. The release of sediment from any of the works, or associated works or undertakings, is not permitted.
17. Neither the bed nor the banks of the Takhini River shall be modified by either excavation or the placement of material.
18. The pump shall be located in an area which does not aggravate or contribute to river bank erosion.

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19. The pump intake shall be screened in accordance with the requirements of Fisheries and Oceans Canada.
 20. Access to the pump area shall be cleared by hand and shall only be large enough to allow access for pump maintenance.
 21. The use of pesticides, herbicides or fungicides is prohibited.
 22. All fertilizer use shall be recorded, including:
 - (a) date and location and extent of use;
 - (b) type of fertilizer; and
 - (c) rate of application.
 23. A fifteen metre wide undisturbed buffer strip shall be maintained between the area being irrigated, fertilized and harvested and any adjacent watercourse.
 24. The Licensee shall submit an annual report to the Yukon Territory Water Board. The report shall cover the period of January 1 to December 31 of each calendar year and shall be submitted to the Board on or before February 28 of the year following the year reported. The report shall include the information required by this licence and by the Regulations, including, but not necessarily limited to:
 - (a) a description of the water use operations carried out during the year and the quantity of water used; and
 - (b) the recorded information regarding fertilizer use.
 25. All works associated with the undertaking shall be inspected not less than once per day during the operating period.
 26. All works associated with the undertaking shall be maintained in good repair and any instability or other deficiency shall be rectified immediately.
 27. The works associated with the undertaking, and any related equipment, shall be removed from the Takhini River within two weeks of the completion of the annual irrigation period, but in no event later than 31 August.
 28. Materials and equipment associated with the undertaking shall be securely stored above the ordinary high water mark of the Takhini River or removed from the site when not in use.