

REASONS FOR DECISION

WATER USE APPLICATION CN04-006 City of Whitehorse Erosion Protection of the Yukon River bank

The Yukon Water Board (the Board) has concluded deliberations pertaining to Water Use Licence Application CN04-006 for a Type B Licence for a conservation undertaking.

The purpose of the application is to install rip rap to stabilize the bank of the Yukon River near the Selkirk Street Pumphouse located within the city limits of Whitehorse, YT.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received interventions from the following parties:

Riverdale Community Association,
Yukon Canoe and Kayak Club,
Government of Yukon (GY)-Environment, and
Fisheries and Oceans Canada (DFO).

The Board did not receive a request for a public hearing. The applicant did not respond to the interventions.

Prior to making licensing decisions, the Board undertook an integrated environmental assessment of this project with GY-Land Use, pursuant to the *Environmental Assessment Act* (EAA).

The Board is satisfied that any known adverse effects that may be caused by the project are insignificant or can be mitigated with known technology or reasonable work practices. The Board's decisions are also explained in Part 7 of the EAA screening report.

In making licensing decisions pertaining to this application, the Board took into account the application itself, the EAA screening report, the recommendations of interveners, the Board's standard licence requirements, Territorial Resources Base Map 105D/11, Chapter 14 of the Umbrella Final Agreement, the Yukon Waters Act, its Regulations and Board policies.

Riverdale Community Association

The Association intervened to provide support to the City's proposal to stabilize the bank of the Yukon River with rip rap. Although no recommendations were provided by the Association, the Board approved the issuance of a water use licence that includes authorization for the rip rap stabilization to be conducted.

Yukon Canoe and Kayak Club

The Club intervened to provide support for this project and expressed an urgency that the project proceed to make the area safe for recreational users. The Board determined that a water use

licence will authorize the City of Whitehorse to conduct the rip rap stabilization on the bank of the Yukon River. The onus will be on the City of Whitehorse to complete the works within the timing window provided by DFO and included in the water use licence.

GY-Environment

GY-Environment recommended that the licence should include conditions similar to the conditions approved by the Board in water use licence MS98-118 which was for the construction of the Robert Service Way. MS98-118 was reviewed to identify licence conditions that would be applicable to CN04-006. Since the issuance of water use licence MS98-118 and devolution of responsibilities of natural resources from the Department of Indian Affairs and Northern Development to the Government of Yukon, the Board has revised and updated standard licence conditions that are typically included in water use licenses for similar projects. The updated conditions are included in water use licence CN04-006. Water use licence CN04-006 includes a licence condition for the Licensee to report on the efficacy of the works undertaken as part of the annual report. The Board has determined that the annual report will include the details of any monitoring and to indicate if the rip rap stabilization has achieved the result anticipated by the City in protecting the Yukon River bank from further erosion for a period of 5 years. The five year period for reporting the efficacy of the rip rap stabilization will provide sufficient time for the City and GY to determine if further monitoring is required or if further work is required to stabilize the river bank and to apply for an amendment to the water use licence if necessary.

As recommended by GY-Environment and included by the Board as a standard condition in water use licenses, CN04-006 includes a standard condition that requires fuels, lubricants etc., to be used, stored and/or transferred a minimum of 30 metres from the natural boundary of any watercourse.

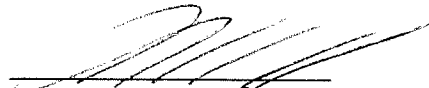
GY-Environment recommended that the Licensee should be permitted to undertake modifications to the erosion control works when required to maintain stream bed and bank stability. In the application the applicant proposed to use a maximum quantity of 100 cubic metres of rip rap for yearly maintenance to the area stabilized by rip rap. The Board approved the use of rip rap for yearly maintenance and the water use licence includes authorization for the City to conduct yearly maintenance using a maximum quantity of 100 cubic metres of rip rap.

DFO

DFO recommended a timing window from spring break up to July 15 of any given year for the placement of rip rap. The Board concurred with this recommendation and has included the timing window in the water use licence.

Expiry Date

The Board determined that the water use licence will expire on May 7, 2025 as proposed by the City.



Chairperson
Yukon Water Board

May 20, 2005
Date