

## REASONS FOR DECISION

### WATER USE AMENDMENT APPLICATION HY98-008 - RON BERDAHL FIRE SUPPRESSION POND - UNNAMED WATERCOURSE

The Yukon Territory Water Board has concluded deliberations pertaining to application HY98-008 for a Type B Licence for a power undertaking.

Ron Berdahl proposes to use an existing small pond, adjacent to the hydro development, for fire suppression purposes. Use of the fire suppression pond must now be amended as it is not included in the power undertaking authorized by licence HY93-001.

Public notice of this application was provided in accordance with the requirements of the *Yukon Waters Act*. In response, the Board received interventions from the Department of Indian Affairs and Northern Development - Water Resources Division, YTG Renewable Resources, the Canadian Coast Guard and DIAND Land Resources Division included their comments in the Integrated CEAA Screening Report. The Board did not receive a request for a public hearing. The applicant responded to DIAND Water Resources' intervention.

The following reasons pertain only to those terms and conditions which differ from the intervenors' recommendations or the original water use application.

The Board discussed a DIAND Water Resources recommendation that would require the Licensee to install a liner system in the pond to prevent exfiltration. The Licensee's position was that lower downstream water levels are more likely due to historically low water levels in the region rather than because of exfiltration and that the pond would likely self seal after the next freshet, or increase in flow due to snowmelt.

The Board has determined that it did not have sufficient rationale to determine that exfiltration was problematic and that the installation of a liner could have greater potential for environmental impact.

#### Term of Licence:

An expiry date of September 30, 2018 was requested by the applicant and the Board agreed.

The Board included environmental protection measures in the Licence to minimize erosion and to conserve the vegetative cover surrounding the pond.

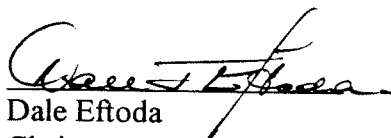
Prior to making licensing decisions, the Board undertook an integrated environmental assessment of this project, in conjunction with DIAND Land Resources Division, pursuant to the *Canadian Environmental Assessment Act* (CEAA). The Board is satisfied that the project is not likely to cause significant adverse environmental effects.

Reasons for Decision - Water Use License Amendment HY98-008

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DIAND Land Resources Division has approved the Ron Berdahl's Crown Lands Occupation application, on the condition that the applicant obtains a valid Water Use Licence and maintains it in good standing. Consolidation with an agreement of sale is not an option.

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*.

  
Dale Eftoda

Chairperson

YUKON TERRITORY WATER BOARD

Date: July 26<sup>th</sup>, 1999