

Yukon Environmental & Socioeconomic Assessment Act Decision Document

This document meets the Yukon government's requirements as a Decision Body as set out in the *Yukon Environmental & Socioeconomic Assessment Act*.

Decision Document Issued By

YG Decision Body:	Environment Yukon
Federal Decision Body(ies):	N/A
First Nation Decision Body(ies):	N/A

Project

Project Name : Icy Waters Arctic Char Aquaculture Facility		YESAA File Number: 2009-0046																
Proponent Name:	Icy Waters Ltd.																	
Project Description:																		
<p>The principal purpose of this project is the continued use of water from Porter and McIntyre Creeks by Icy Waters Ltd. for its arctic char aquaculture facility located at km 3.8 of the Fish Lake road, Whitehorse, Yukon. The proponent is seeking a renewal to the current Type B Water License for a 25-year term (to year 2034).</p> <p>Principal activities include:</p> <ul style="list-style-type: none"> • Use of up to 10,368 m³/day of water from Porter Creek. • Use of up to 38,880 m³/day of water from McIntyre Creek (otherwise known as Fish Creek). • Continue to monitor water quality and quantity with some amendments to monitoring locations and parameter requirements as described in the current water license. <p>Icy Waters Ltd. seeks to maintain effluent quality standards from the current water license at:</p> <table style="margin-left: 40px;"> <thead> <tr> <th>Parameter</th> <th>Maximum Allowable Concentration</th> </tr> </thead> <tbody> <tr> <td>Total Nitrate (as N)</td> <td>0.5 mg/L</td> </tr> <tr> <td>Total Ammonia (as N)</td> <td>1.0 mg/L</td> </tr> <tr> <td>Total Suspended Solids</td> <td>10.0 mg/L (above background)</td> </tr> <tr> <td>pH</td> <td>No less than 6.5</td> </tr> <tr> <td>Oil and Grease</td> <td>None visible</td> </tr> </tbody> </table> <p>Icy Waters Ltd. proposes to amend the phosphorus effluent quality standard from the current water license (.065 mg/L) to:</p> <table style="margin-left: 40px;"> <thead> <tr> <th>Parameter</th> <th>Maximum Allowable Concentration</th> </tr> </thead> <tbody> <tr> <td>Total Phosphorus</td> <td>0.12 mg/L (above background)</td> </tr> </tbody> </table>			Parameter	Maximum Allowable Concentration	Total Nitrate (as N)	0.5 mg/L	Total Ammonia (as N)	1.0 mg/L	Total Suspended Solids	10.0 mg/L (above background)	pH	No less than 6.5	Oil and Grease	None visible	Parameter	Maximum Allowable Concentration	Total Phosphorus	0.12 mg/L (above background)
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Other Decision Bodies

None

Non-Self Governing First Nations

Non-self governing First Nation Consultation:	n/a
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Decision

Pursuant to YESAA s. 75, 76 and 80, the Yukon government has considered the assessment of this project and:	
	a) Accepts the following recommendation:
	b) Rejects the following recommendations (inserted below) for the following reason(s):
<input checked="" type="checkbox"/>	<p>c) Varies the recommendation (inserted below) as follows for the reason(s) specified: The Whitehorse Designated Office, pursuant to Section 56(1)(b) of the <i>Yukon Environmental and Socio-economic Assessment Act</i>, recommends to the decision body(s) that the project be allowed to proceed, subject to specified terms and conditions, as the designated office has determined that the project will have significant adverse environmental or socio-economic effects in or outside of Yukon that can be mitigated by those terms and conditions.</p> <p><u>YG accepts the following:</u></p> <p>2. An allowance for elevated levels of suspended solids conditions should be investigated (e.g., above background at times of scour). This will focus IWL discharge quality on routine operations and conditions.</p> <p>4. The monitoring program at Pumphouse Pond shall consider indicators of the productivity of the biological community.</p> <p>5. The monitoring program at Pumphouse Pond shall consider indicators of how eutrophication is causing effects on fish and fish habitat.</p> <p><u>YG varies the following:</u></p> <p>3. A monitoring program shall be developed to continue to monitor the discharge of IWL and the subsequent nutrient concentrations at Pump House Pond (PHP). a. The monitoring program shall consider the nutrient contributions of nitrogen (in appropriate forms) and phosphorus. b. The program shall report to an integrated database.</p> <p>Varied to: 3. A monitoring program shall be developed to continue to monitor the discharge of IWL</p>

and the subsequent nutrient concentrations at Pump House Pond (PHP).
 a. The monitoring program shall consider the nutrient contributions of phosphorus.
 b. The program shall report to an integrated database.

Rationale:

Environment Yukon believes the primary nutrient of interest is phosphorus; the addition of nitrogen forms could incur additional expense for the proponent (with minimal value added result) rather than facilitate more focused development of a nutrient management strategy. It is acknowledged however, that the Yukon Water Board may elect for the proponent to monitor other nutrient forms at its discretion.

YG removes the following:

1. The maximum allowable discharge standard of total phosphorus shall be 0.12 mg/l, not above background.

Rationale:

Environment Yukon has several reasons for not specifying a phosphorus limit at the YESAA stage:

- Our study information indicates that the amount of phosphorus permitted in effluent discharge ultimately determines the value of recreational experience for water users (notably recreational fishers) during the principal use period of June to August.
- The establishment of specific water quality effluent limits is within the purview of the Yukon Water Board. Both Environment Yukon and the proponent (Icy Waters Ltd.) agree that license terms should be discussed and developed through the formal regulatory water licensing process.

6. The term of the license shall be no more than a 5-year period.

Rationale:

As above, this is a licensing condition best determined by the Yukon Water Board, and will be informed by a full discussion of all other water license conditions.

Dates

Project Recommendation Issued: June 12, 2009	Decision Document Issued: July 9, 2009
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Recommendation Received From

Designated Office	<input checked="" type="checkbox"/>	Location: Whitehorse
Executive Committee	<input type="checkbox"/>	
Panel	<input type="checkbox"/>	a) Panel of the YESAB
	<input type="checkbox"/>	b) CEAA Panel
	<input type="checkbox"/>	c) Joint Panel (YESAB and other assessment body)

Authority

By signing below, the Yukon government has exercised its authority as per YESAA s. 75 or s. 76 to issue a decision document on this project.

Name: Jon Bowen

Position: Director, Environmental Programs

Signature: _____
Original signed by [Jon Bowen]

Date: _____

Copies Forwarded to (as required by YESAA s. 81):

- Other Decision Bodies none
- Project Proponent Jonathan Lucas, Icy Waters Ltd.
- DAP Branch, Executive Council Office
- YESAB Designated Office Whitehorse
- YESAB Executive Committee [when applicable]
- Minister Environment (Canada) [when applicable]