

YUKON WATER BOARD

Pursuant to the *Waters Act* and *Waters Regulation*, the Yukon Water Board hereby grants a Type B water licence for a **miscellaneous** undertaking to:

**Government of Yukon
P.O. Box 2703
Whitehorse, YT, Y1A 2C1**


LICENCE NUMBER: MS10-021
LICENCE TYPE: B **UNDERTAKING:** MISCELLANEOUS
WATER MANAGEMENT AREA: #2 Yukon
LOCATION: Km 149 South Canol Road
MAP CO-ORDINATES: Latitude: 61° 32' 52" N Longitude: 133° 05' 38" W
PURPOSE: Rose River #5 culvert repair
EFFECTIVE DATE: The effective date of this licence shall be the date on which the signature of the Chairperson of the Yukon Water Board is affixed.
EXPIRY DATE: May 1, 2015

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

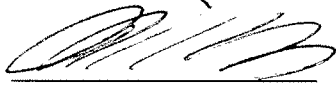
Dated this 7 day of

Approved by:

May, 2010.



Witness



Chairperson
YUKON WATER BOARD

PART A - DEFINITIONS

“Act” means *Waters Act* and any amendments thereto.

“Application” means Water Use Application MS10-021 including any additional submissions and/or revisions submitted to the Yukon Water Board by the Licensee, up to the date of the Board’s decision.

“Board” means the Yukon Water Board.

“Inspector” means any person designated as an Inspector under the Act.

“Natural Boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of water is so common and usual and so long continued as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, both in respect to vegetation and in respect to the nature of the soil itself. In addition, the best estimates of the edge of dormant or old side channels and marsh areas are considered to be Natural Boundaries.

“Regulation” means the *Waters Regulation* made under the Act.

“Spill Contingency Plan” means the *Oil/fuel handling and spill contingency plan* that was submitted as part of the Application and included in Water Use Register MS10-021 as exhibit 1.4 and any subsequent revisions.

“Waste” means any substance as defined in the Act.

“Watercourse” means any stream, lake, pond, river, creek, spring, ravine or swamp whether ordinarily containing water or not.

“Wetted Perimeter” means the horizontal extent of the present water level while the work is taking place.

PART B - GENERAL CONDITIONS

Other Laws

1. No condition of this licence limits the application of any other federal, territorial, first nation or municipal legislation.
2. All construction or installation of works authorized by this licence shall occur on property that the Licensee has the right to enter upon and use for that purpose.

Correspondence

3. 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 delivered, faxed or mailed by registered mail to the following address:

Government of Yukon
Highways and Public Works,
Transportation and Engineering Branch
P.O. Box 2703
Whitehorse, YT Y1A 2C1
Fax: 393-6447

and shall be deemed to have been given to the Licensee on the day it was delivered or faxed or 7 days after the day it was mailed, as the case may be.

- b) To the Board, if delivered, faxed or mailed by registered mail to the following address:

Yukon Water Board
Suite 106, 419 Range Road
Whitehorse, YT Y1A 3V1
Fax: (867) 456-3890

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

- c) The Board or the Licensee may, by notice in writing, change its address for delivery.

Non-Compliance

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

Spills and Unauthorized Discharges

5. The Licensee shall immediately contact the 24-hour Yukon Spill Report number, (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 10 days after the occurrence.

6. All personnel shall be trained in procedures to be followed and the equipment to be used in the containment of a spill.
7. Ten days prior to construction, the Licensee shall submit material safety data sheets to the Board for all petroleum products and/or hazardous materials that are to be present during this undertaking.
8. The Spill Contingency Plan shall be posted on site for the duration of the works.

Fuel Storage and Transfer

9. Fuel, lubricants, hydraulic fluids, coolants and similar substances shall be stored and/or transferred a minimum of 30 metres from the Natural Boundary of any Watercourse, in such a way that said substances are not deposited in or allowed to be deposited in waters.

Annual Reports

10. On or before the anniversary of the date of issuance of this licence, and for each year during which this licence is in effect, the Licensee shall submit an annual report to the Board. The report shall include the information required by the Regulation including, but not necessarily limited to:
 - a) the quantity and size of rip-rap used; and
 - b) any reclamation to the site; and
 - c) any inspection reports regarding the slope stability; and
 - d) the inspection results, including photographs, repairs or plans for modification required by the physical monitoring program; and
 - e) a detailed record of any major maintenance work carried out or planned to be carried out that could have an impact on water.

Reports

11. All reports required to be submitted to the Board will be unbound and reproducible by standard photocopier, accompanied by one electronic copy on a CD/DVD.
12. The Licensee shall provide to the Board 5 additional copies of all reports. The additional copies may be either 5 bound paper copies or 5 electronic copies on individual CDs/DVDs.
13. Electronic copies shall be IBM compatible in one of the following formats: Word 97 - 2003, Excel 97 - 2003 workbooks, or Adobe .pdf format. Water quality results must be presented in Excel 97-2003 .xls format.

Term of Licence

14. The term of this licence is for the period from the effective date to May 1, 2015.

PART C - OPERATING CONDITIONS

15. The Licensee is hereby authorized to:

- a) Repair the culvert on Rose River (known as Rose River #5) at Km 149 on the South Canal Highway,
- b) Divert Rose River,
- c) Alter the bed and banks of Rose River, and
- d) construct earthworks and erosion protection.

as described in the Application, and subject to the conditions of this licence. Where there is a discrepancy between the Application and this licence, the conditions of this licence shall prevail.

16. Notification, including the name and phone number of the field supervisor, shall be provided to the Board, in writing, 10 days prior to the start of construction.

PART D - DESIGN AND CONSTRUCTIONDesign

17. The culvert shall be repaired in accordance with the final design drawing which was sealed by a Professional Engineer licensed to practice in Yukon and submitted as part of the Application.
18. Where site conditions require minor modifications to the designs submitted to the Board, the Licensee shall notify the Board, a minimum of 10 days in advance, of the details of the modifications or variations from final detailed design, specifications and quality assurance/quality control procedures previously submitted to the Board, provide a detailed construction schedule and the name and contact number(s) of the construction superintendent. The notice shall be in writing and must include an explanation of the reasons for the change and an assessment of the potential impact on the performance of the works. The notice shall be sealed by a Professional Engineer licensed to practice in Yukon.

Construction

19. The in-stream works shall only occur during a timing window as recommended and in consultation with DFO.

20. When conducting any instream works, creek flow must be diverted around the work areas.
21. The Licensee shall salvage all fish prior to de-watering any work area.
22. All works associated with the undertaking shall be maintained in good repair.
23. Construction and/or maintenance equipment shall be mechanically sound and free of leaks.
24. The tracks and/or wheels of heavy equipment are prohibited from entering the Wetted Perimeter of Rose River.
25. Granular bedding and backfill material shall consist of non-frozen material.
26. All water withdrawn from the diversion channel shall be deposited into a constructed sump and/or a natural depression.
27. Excavated material from the watercourse shall be deposited a minimum of 10 horizontal metres beyond the Natural Boundary of Rose River.
28. Material excavated from the watercourse must be deposited in the Waste disposal area in such a manner as to remain in a stable condition.
29. Waste substances shall be used, transported, stored or disposed of in such a manner that they are not deposited, or allowed to be deposited, into any Watercourse or on any surrounding land.
30. Except as authorized by this licence, no Waste shall enter any Watercourse as a result of any operation carried out by the Licensee.
31. All disturbed ground surfaces shall be stabilized in such a manner so as to prevent erosion and surface runoff from carrying sediment into any Watercourse.

Water Pumps

32. The Licensee shall provide barriers consisting of fish guards, screens, coverings or nets on all water intakes as follows:
 - a) Screens or nets shall have a minimum of 3.5 openings per centimetre and openings no greater than 3.2 millimetres along any given side.
 - b) If a punch plate or similar material is used, openings shall be no greater than 3.2 millimetres in length or width.

- c) There shall be no less than 929 square centimetres of open screen for every 205 litres per minute being withdrawn.
- d) The barriers shall be monitored and maintained to ensure that they function effectively at all times when water is being withdrawn.
- e) The barriers shall be designed and installed in such a manner that the screen is submerged and a uniform flow distribution is maintained through the total screen area.
- f) Water shall not be withdrawn when the barrier is removed for renewal, repair or inspection.
- g) The Licensee shall cease pumping or decanting and take remedial action if there is alteration to the bed or bank of the water channel.

Rip-rap

33. Rip-rap shall be hard, dense, angular, non acid-generating quarry stone or boulders, free of seams, cracks, structural defects and contaminants, freeze-thaw resistant, non-slaking and free of fine-grained materials including silt and sand. Rip-rap gradation will conform to the specifications provided in the Application.

Geotextile

34. Specifications of the geotextile material shall comply with those described in the Application.

PART E - SITE DECOMMISSIONING AND RESTORATION

35. All disturbed ground surfaces shall be regraded in a manner which is consistent with the topography of the site and which prevents erosion and surface runoff from carrying sediment into any Watercourse. Where soil conditions permit, disturbed areas shall be re-vegetated with appropriate reclamation seeds and/or plant species that are native in Yukon.
36. All construction materials, equipment, temporary structures and debris shall be removed from the site upon completion of the work.
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