

YUKON WATER BOARD REASONS FOR DECISION

WATER USE APPLICATION MS10-033 Government of Yukon Culvert Replacement at Km 110.9, South Canol Road

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MS10-033 for a Type B Licence for a miscellaneous undertaking.

The purpose of the application is to replace a deteriorated culvert crossing at Km 110.9, South Canol Road to ensure safe crossing of the watercourse by the travelling public. To facilitate the replacement of the culvert, the project will involve constructing a temporary diversion, options for road detour and erosion and sediment control measures to protect the watercourse.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. The Board did not receive any interventions on this application.

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application, the Board's standard licence requirements, Maps 105F/06, 105F/07, 105F/03 and 105F/02, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

Environmental Assessment

This application did not require an environmental assessment under the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”).

The project activities are exempt under Schedule 2, Part 1, Section 1 of the *Exclusion List Regulations*: for maintenance or repair of a structure, facility or installation.

The Board determined that licensing decisions can be made, as a Decision Document was not required for this project and associated activities.

Proposed Expiry Date

The Licensee proposed an expiry date for the year 2016. The Board approved the term of licence and based the expiry date on the date of the Board meeting.

UFA-Chapter 14

The project is located within the Traditional Territories of Teslin Tlingit Council, Ross River Dena Council and Liard First Nation. Teslin Tlingit Council has a Final Agreement. Ross River Dena Council and Liard First Nation do not have a Final Agreement. The Board did not receive any interventions from the First Nations.

Map 105F/06, 105F/07, 105F/03 and 105F/02 were reviewed for Settlement Land. Several parcels of Teslin Tlingit Council Settlement Land are indicated on Maps 105F/03 and 105F/02.

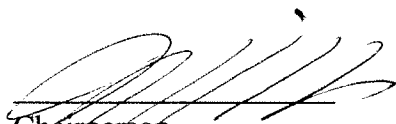
The project activities include constructing a temporary diversion to facilitate removal and replacement of the culvert crossing at Km 110.9 on the South Canal Road, in the dry. The project is scheduled to be completed within 3 to 4 weeks.

Although the Licensee proposed a water use quantity that is below the criteria that requires a licence, the proposed use was reviewed as it pertains to the Board's Chapter 14 responsibilities. The Licensee proposed to use a maximum quantity of 299 cubic metres of water per day, which is equivalent to 0.2% of the available water in the unnamed creek. Therefore, the Board determined that this is not a significant amount of water to be used and concluded that the proposed water use will not substantially alter the quantity or rate of flow of water that is flowing on, through or adjacent to Settlement Land, including seasonal rate of flow.

Although the Licensee did not propose to deposit a waste, the Board has a responsibility regarding the quality of water under Chapter 14. The culvert works will be completed in the dry and the conditions of the licence for construction of the temporary diversion will minimize sediment inputs to the watercourse. The Board concluded that the quality of water in the unnamed creek will not be substantially altered.

Conclusion

The Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Water Use Licence MS10-033.



Chairperson
Yukon Water Board

June 23, 2010.
Date