

## REASONS FOR DECISION

### WATER USE APPLICATION MS10-044 Yukon Energy Corporation Crooked Creek

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MS10-044 for a Type B Licence for a miscellaneous undertaking.

The purpose of the project is a reactivation of a historic trail so that material, equipment, and personnel are able to access Yukon Energy’s electrical transmission line right-of-way. This application is for the installation and maintenance of a bridge on Crooked Creek near Stewart Crossing.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board did not receive any interventions, nor did it receive a request for a public hearing.

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the interveners, the Board's standard licence requirements, , the YESAA Decision Document, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

#### Environmental Assessment

This application required an environmental assessment under the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”).

Prior to making licensing decisions, the Board reviewed the YESAA Decision Document that is included in the water use register. As per section 86 of YESAA, the Board is also satisfied that the issuance of licence MS10-044 is not contrary to the terms and conditions included in the YESAA Decision Document.

Condition 3 of the Decision Document is not enforceable the way it is written. The Board interpreted that the intent of the condition is to maintain flexibility around the timing window if warranted by contacting DFO. This condition and intent is reflected in clause 31 a) of the water use licence.

#### Decommissioning and Proposed Licence Term

This application is for 25 years so that ongoing maintenance of the bridge can occur, along with periodic deactivation and reactivation of the bridge.

During deactivation and reactivation of the bridge, all work would be conducted from above the highwater mark. The bridge structure (not the abutments) would be removed or placed by either a crane, or skidded by winch.

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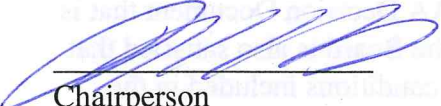
UFA-Chapter 14

- Nacho Nyak Dun
  - The closest parcel of Settlement Land is NND C-39B. Settlement Land NND C-39B is located approximately 2 km down gradient of the proposed operations.
- Water Flow estimates and Water Use
  - Water use or alteration of the flow is not being proposed.
- Water Quality
  - Given that this is a free span bridge, effects to water quality is not anticipated. Temporary sediment control mitigations are proposed if required.

Given the above considerations of geography, flow rate estimates, and water quality, the Board concluded that the proposed operation will not substantially alter the quantity, quality, or rate of flow of water flowing on, through, or adjacent to Settlement Land, including seasonal rate of flow.

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 MS10-044.

  
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Chairperson  
Yukon Water Board

August 25, 2010  
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Date