

**YUKON WATER BOARD  
AMENDMENT OF LICENCE**

LICENSEE: GOVERNMENT OF YUKON

LICENCE NUMBER: MS06-258

AMENDMENT NUMBER: ONE (1)

Application Number: MS07-261

Pursuant to the *Waters Act*, Water Use Licence MS06-258, is hereby amended as follows:

**1. Part D, Clause 31 of this licence is hereby withdrawn and replaced by:**

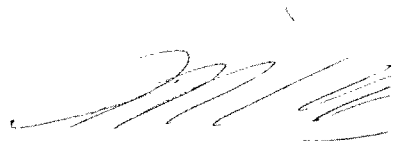
31. Infilling of the existing side channel of the Slims River shall not occur between April 15 and July 1 in any given year, unless the side channel to be infilled is in the dry.

Dated this 12 day of

September, 2007

  
\_\_\_\_\_  
Witness

YUKON WATER BOARD

  
\_\_\_\_\_  
Chairperson

## REASONS FOR DECISION

WATER USE APPLICATION MS07-261  
(AMEND. TO MS06-258)  
GOVERNMENT OF YUKON  
SHAKWAK PROJECT KM 1700 TO 1707.7 ALASKA HIGHWAY

The Yukon Water Board (“the board”) has concluded deliberations pertaining to Water Use Application MS07-261 to amend Type B Licence MS06-258 for a miscellaneous undertaking.

The purpose of the application is to amend clause 31 of the water use licence, which pertains specifically to the infilling of the existing side channel of the Slims River. The applicant requested the licence be amended to be consistent with the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the board did not receive any interventions.

The board did not receive a request for a public hearing. In review of the application, the board determined that the licence will be amended to include the timeframe between April 15 and July 1 of any given year as the period of time that infilling of the side channel of the Slims River will not occur unless the channel is in the dry.

The Board determined that this amendment is consistent with item 8 of the Decision Document. As per section 86 of YESAA, the board is also satisfied that the issuance of amendment one to licence MS06-258 is not contrary to the terms and conditions included in the YESAA Decision Document.

In making licensing decisions pertaining to this application, the board also took into account the *Waters Act*, *Waters Regulation*, the application, the board's standard licence requirements, Territorial Resources Base Map 115G/2 and Mining Map 115G/7, YESAA Decision Document, Chapter 14 of the Umbrella Final Agreement (“UFA”) and board policies.

### UFA-Chapter 14

The board considered its responsibilities under Chapter 14 of the UFA during its deliberation of water use application MS06-258 and concluded the following:


Territorial Resources Base Map 115G/2 and Mining Claims Map 115G/7 were reviewed for settlement land. White River First Nation does not have a final agreement and therefore no settlement land at this time. However, Map 115G/7 indicates Kluane First Nation settlement land parcel C-11B is in the Destruction Bay area near the project location, but water is not flowing on, through, or adjacent to this land parcel.

The project activities include adding rip-rap and granular material into the foreshore of Kluane Lake and the use of water for dust control and road compaction. The board determined that the quantity of water available in Kluane Lake and the proposed use of 500 cubic metres per day, does not amount to a significant amount of water being taken from Kluane Lake. Therefore the quantity and rate of flow, including seasonal rate of flow of water in Kluane Lake will not be substantially altered.

The conditions of the licence will minimize sediment inputs to the water of Kluane Lake and the channel of the Slims River. With the inclusion of these conditions and the mitigation proposed by the Licensee the board determined that the quality of water will not be substantially altered.

In review of the locations of settlement land in comparison to the purpose of the project and the methodology to be used to carry out construction of the road improvements, the board concluded that this project 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.

In review of water use application MS07-261 to amend water use licence MS06-258, the board determined that the proposed amendment 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.



Chairperson  
Yukon Water Board

September 12/07  
Date