

## REASONS FOR DECISION

WATER USE APPLICATION MS08-276  
Government of Yukon, Highways and Public Works  
Robert Campbell Highway, Starr Creek

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MS08-278 for a type B Licence for a miscellaneous undertaking.

The purpose of the application is to upgrade portions of the Robert Campbell Highway between Km 311.8 and 312.4 and replace the culvert at Starr Creek.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received one intervention from Government of Yukon - Environment (“GY”).

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, Map 105G/13, 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. The YESAA Decision Document approved the project to proceed as there would be no significant adverse environmental or socio-economical environment effects. As per section 86 of YESAA, the Board is also satisfied that the issuance of licence MS08-276 is not contrary to the terms and conditions included in the YESAA Decision Document.

The Board made the following licensing decisions relating to the Decision Document:

Condition 1 of the Decision Document requires de-watering water to be pumped to a natural low area or a sump. The Board determined that clauses 31 and 32 of the water use licence will satisfy this requirement.

Condition 5 of the Decision Document requires the use of clean rock and gravel in the channel. The Board is satisfied clause 40 of the water use licence will satisfy this requirement.

Condition 7 of the Decision Document requires water intakes be screened as per DFO requirements. The Board determined that the typical licence for water pumps that is included in clause 39 of the water use licence will satisfy this requirement.

Condition 8 of the Decision Document requires a spill contingency plan to be in place. The Board determined that clauses 6 to 9 of the water use licence will satisfy this requirement.

Condition 17 requires effective sediment and erosion control measures. The Board determined that the typical conditions within the water use licence will satisfy this requirement.

Condition 18 of the Decision Document required stabilization of excavated materials. The Board determined that clause 34 of the water use licence will provide adequate mitigation to satisfy this requirement.

Condition 21 of the Decision Document requires the proponent to produce and provide a procedural manual to the contractor to ensure the contractor understands what has been proposed in the water use application and when the works should be undertaken. The Board determined that clause 20 of the water use licence will satisfy the condition of the Decision Document.

Condition 23 of the Decision Document requires a decommissioning plan or strategy be prepared by the proponent. The Board determined that the licence will reflect this requirement in clause 19 and for the plan to be submitted to the Board a minimum of 30 days prior to commencement of activities authorized by this licence.

## **GY**

GY submitted comments to the Board in regards to the water use application. The comments are followed by the Board's decision, as follows:

“The Licensee shall line the embankments of the diversion channel with appropriate rip-rap and/or rock material.”

The Board is satisfied that this comment is mitigated by the inclusion of typical conditions in the licence.

“Excavated materials shall be stabilized and stored a minimum of 10 horizontal meters from any water body, to prevent deleterious substances from entering any water body.”

The Board is satisfied that this comment is mitigated by the inclusion of clause 34 in the licence.

“The Licensee shall provide the Water Board at least 10 days advance notice of the intent to open Starr Creek into the new channel and culvert.”

The Board is satisfied that this statement is dealt with by the inclusion of clause 18 in the licence.

### **Use of Heavy Equipment**

The licence contains a revised condition for the use of heavy equipment within the wetted perimeter of watercourses. The Board decided to revise the standard wording and replace it with “the tracks and/or wheels of heavy equipment” for added clarity. It was decided to make this condition a standard condition in future licences.

### **UFA-Chapter 14**

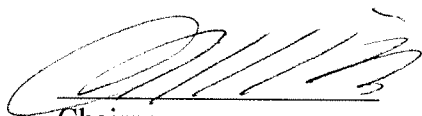
Map 105G/13 is located within the Traditional Territories of Liard First Nation and Ross River Dena Council. Neither First Nation has a settled agreement. The Board did not receive an intervention from either First Nation.

Mining Claims Map 105G/13 was reviewed for Settlement Land. There is no indication of parcels of Settlement Land for a Settled First Nation on the map.

Therefore, 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.

### **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 MS08-276.



Chairperson  
Yukon Water Board

June 11 2010  
Date