

REASONS FOR DECISION

WATER USE APPLICATION MS08-277 Government of Yukon, Highways and Public Works Repairs and Upgrades to South McQuesten Bridge

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MS08-277 for a type B Licence for a miscellaneous undertaking.

The purpose of the application is to repair and upgrade the bridge crossing the South McQuesten River at Km 23.6 on the South McQuesten Road.

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, Territorial Resources Base Map 115P/16, 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.

GY

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

“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 29 in the licence.

“The Licensee shall provide the Water Board at least 10 days advance notice of the intent to undertake dewatering activities.”

The Board is satisfied that this comment is mitigated by the inclusion of clause 18 in the licence.

Term of Licence

The Board decided to issue the licence for 10 years as requested by the Licensee to ensure the Licensee has a valid licence independent of potential budgetary cutbacks or operational delays.

DFO Work Window

The Board included clause 22 in the licence to include the DFO time periods when work can be conducted, while ensuring the protection of Chinook salmon. The windows apply for any year of the licence should there be any delays to completing the undertaking.

UFA-Chapter 14

Maps 115P/16 is included in First Nation of Nacho Nyak Dun Traditional Territory. The First Nation did not intervene to the Board regarding this project.

Mining Claims Map 115P/16 was reviewed for Settlement Land. The Map indicates that Settlement Land parcel NND R20-B, which is approximately 89m upstream of the bridge crossing. The nearest downstream parcel of Settlement Land is NND R21-B, which is approximately 32 Km from the bridge crossing.


In regards to the quantity of water, the application included a proposal to use 100m³/d. The estimated mean annual flow in the South McQuesten River to be 3,732,480. The proposed water use is equivalent to 0.002% of the available water flow. The Board concluded that the proposed water use will not substantially alter the quantity and rate of flow of water that is flowing on, through or adjacent to Settlement Land.

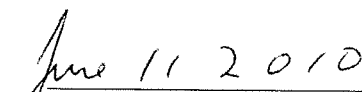
In regards to the quality of water, the existing bridge has been functioning adequately at this site. The new bridge location will elevate the bridge 0.5m higher than the existing bridge crossing. The conditions of the licence will minimize sediment inputs to the water and will not substantially alter the quality of water.

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 bridge upgrades and 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.

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 MS08-277.


Chairperson
Yukon Water Board


Date