

REASONS FOR DECISION

WATER USE APPLICATION MS08-278 Government of Yukon, Highways and Public Works Rose River Bridge

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 conduct repairs and upgrades to the Rose River Bridge crossing at km 104 on the South Canal Road.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. One intervention was received from the Teslin Tlingit Council with no further comments pertaining to this project, but with the request for longer time periods to comment on projects in the future.

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 105F/03, 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 MS08-278 is not contrary to the terms and conditions included in the YESAA Decision Document.

Licensing Decisions

In addition to approving the application, the Board made the following determinations which are reflected in the water use licence:

In order to provide for maximum flexibility for the operator, the Board determined that the licence will include timing windows for the work to be conducted without reference to a specific calendar year.

Consistent with past practice, the Board determined to include in the licence a requirement for

the Licensee to post signs on bridge crossings that are not on main highways to indicate the maximum load limit. This will ensure that the loads can pass over the bridge safely and not damage the bridge or result in a vehicle or spill entering into the watercourse.

UFA-Chapter 14

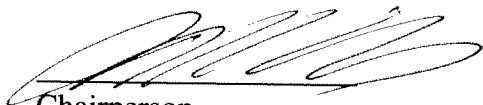
Maps 105F/03 is included in the Teslin Tlingit Council Final Agreement. GY indicated as part of the application that the bridge reserve abuts Settlement Land parcel TTC S-95B1. This project is located approximately 100m south of Settlement Land parcel TTC S-95B1 and approximately 170m north of Settlement Land parcel TTC S-94B1.

Settlement Land parcel TTC S-95B1 is located upstream of the proposed bridge crossing and the Board concluded that the works required for the repairs and upgrades to the Rose River bridge crossing will not substantially alter the quantity, quality or rate of water flowing on, through or adjacent to Settlement Land parcel TTC S-95B1, including seasonal rate of flow.

Settlement Land parcel TTC S-94B1 is located adjacent to Rose River, approximately 170m downstream of the bridge crossing. GY is proposing to obtain 20m³/d of water and has proposed mitigation measures for sediment control and erosion protection. With the mitigation measures included in the water use licence, the Board concluded that the proposed project will not substantially alter the quantity, quality or rate of flow of water flowing on, through or adjacent to Settlement Land parcel TTC S-94B1, 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 MS08-278.



Chairperson
Yukon Water Board

March 17, 2010
Date