

## REASONS FOR DECISION

WATER USE APPLICATION MS09-281  
Government of Yukon  
Beaver Creek, Km 1931, Alaska Highway

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MS09-281 for a Type B Licence for a miscellaneous undertaking.

The purpose of the application is to do remedial works to the guide banks on the Beaver Creek bridge, which is located at Km 1931, Alaska Highway.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received an intervention from Kluane First Nation.

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application, the intervention, the Board's standard licence requirements, Territorial Resources Base Map 105K/07, 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 MS09-281 is not contrary to the terms and conditions included in the YESAA Decision Document.

### **UFA-Chapter 14**

Map 105K/07 is not included in a Final Agreement. The project is located within the Traditional Territories of Kluane First Nation and the White River First Nation. Neither First Nation has a Final Agreement with Yukon government. However, both First Nations were sent a notice of application. The Kluane First Nation did intervene on the application, stating that the application was within the White River First Nation core area and therefore would not comment on the application. The White River First Nation did not intervene.

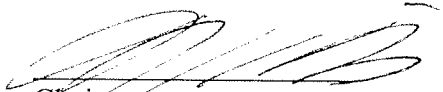
The project activities include placing riprap, concrete blocks and/or bagged riprap on the remaining portions of the north and south bridge approach, as well as on the guide banks that still require sediment control. The applicant has proposed to use only 2m<sup>3</sup>/day of water from Beaver Creek. The applicant has stated that all fuels and oils on site will be managed under the HPW-TEB Oil and Fuel Best Management Practices to prevent unplanned releases to the water and surrounding area.

Erosion control measures will be in place to prevent sediment release to the stream. The Board determined that these practices will provide adequate mitigation to protect the quality of flow for Beaver Creek.

As this application is not in an area under a Final Agreement, the Board concluded that this project will not substantially alter the quantity, quality or rate of water flow 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 MS09-281.



Chairperson  
Yukon Water Board

January 20 2010  
Date