

## REASONS FOR DECISION

WATER USE APPLICATION MS09-284  
Government of Yukon  
Copper Joe Creek, Km 1695.4, Alaska Highway

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MS09-284 for a type B Licence for a miscellaneous undertaking.

The purpose of the application is to conduct remedial works to the streambed and banks of Copper Joe Creek.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received no interventions.

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 115G/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. The YESAA Decision Document approved the project to proceed as there would be no significant adverse environmental or socio-economic environmental effects. As per section 86 of YESAA, the Board is also satisfied that the issuance of licence MS09-284 is not contrary to the terms and conditions included in the YESAA Decision Document.

### **UFA-Chapter 14**

Maps 115G/07 is included in the Kluane First Nation Final Agreement. The Kluane First Nation did not intervene on this application. Territorial Resources Base Map 115G/07 was reviewed by the Board for Settlement Land. The Settlement Land parcel KFN R-45A is in the area near the project location. The Licensee did indicate in Exhibit 1.4 of the water use register that a meeting was held with representatives of Kluane First Nation to brief the First Nation of this project. There were no notable concerns expressed at that meeting. YG further indicated that it is anticipated that this project will have minimal disturbance to Kluane First Nation.

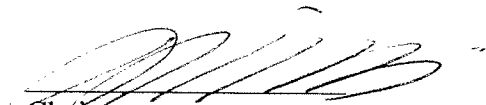
The project activities include adding rip-rap and granular material into Copper Joe Creek, and the remedial work to the stream bed and banks of Copper Joe Creek. The Licensee has proposed to use only 100 m<sup>3</sup>/day of water. The percent of water used from the current flow of Copper Joe Creek is approximately 0.001% of the daily flow; therefore, the quantity and rate of flow of water will not be substantially altered during the brief amount of time for which water use is proposed (14 days).


The Licensee has stated that all fuels and oils on site will be managed under the HPW-TEB Oil and Fuel Best Management Practices, which is included in Exhibit 1.3.2 of the water use register. To prevent unplanned releases to the water and surrounding area and to control erosion, measures will be in place to prevent sediment release to the stream. With the proposed plans and best management practices, the Board determined that the quality of flow in Copper Joe Creek 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 the remedial works to the creek, 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 MS09-284.

  
Chairperson  
Yukon Water Board

 20 2010  
Date