

REASONS FOR DECISION

WATER USE APPLICATION MN11-043 Government of Yukon

Destruction Bay Septic System

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MN11-043 for a Type B Licence for a municipal undertaking.

Purpose

The purpose of the application is to construct, operate, and maintain the upper septic system in Destruction Bay.

Public Notice

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received interventions from the following parties:

Government of Yukon (“GY”) - Environment.

The Board did not receive a request for a public hearing. The applicant did not respond to the intervention.

Information Considered by the Board

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the interveners, the Board's standard licence requirements, Mining Maps 115G/07 and 115G/02, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, Chapter 14 of the Umbrella Final Agreement (“UFA”) and Board policies.

GY Environment

GY Environment stated that GY has no concerns with the project as proposed, but also included some suggestions for the Board to consider from GY Environmental Health.

The application before the Board is limited in scope to the proposed septic system. The Board determined that the licence will not include conditions for actions to be taken by the Talbot Arm Hotel as that is beyond the scope of this application.

During deliberation of the application, the Board considered the previous failure of the existing septic system, the geographic location of the septic field, any existing down gradient wells that may exist, the gradient and proximity of the septic field to Kluane Lake. The Board considered whether or not to include a licence condition that monitoring wells be installed downslope of the septic field, and that samples from the wells be taken and analysed for contaminants. The benefit from having monitoring wells down gradient from the septic field would ensure that any potential contamination of groundwater is detected, the analytical results could conclude that the septic system is functioning adequately.

The Board concluded that it did not have enough evidence before it to include monitoring wells as a licence condition, at this time. However, the Board strongly recommends that the Licensee develop a downslope groundwater monitoring well plan that focuses on protection of any existing drinking water wells and the water quality in Kluane Lake. Such a plan will immediately identify any issues with the functioning of the system and early action for mitigation to be employed.

Environmental Assessment

This application required an environmental assessment under the 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 satisfied that the issuance of licence MN11-043 is not contrary to the terms and conditions included in the YESAA Decision Document.

UFA-Chapter 14

Maps 115G/7 and 115G/02 are included in the Kluane First Nation Final Agreement. Kluane First Nation did not intervene to the Board regarding this project.

Territorial Resources Base Maps 115G/7 and 115G/02 were reviewed for settlement land. Mining Map 115G/7 indicates settlement land parcel KFN S-53B1, approximately 2 km from the project location.

The applicant has not proposed to use water; therefore the quantity and rate of flow will not be substantially altered.

The conditions of the licence will minimize sediment inputs to the water and will not substantially alter the quality of water. There is no proposed discharge of waste to surface waters.


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 septic system, 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 MN11-043.



Chairperson
Yukon Water Board



Date