

REASONS FOR DECISION

WATER USE APPLICATION MN07-075
McNevin Management Ltd.
Eagle Plains Complex, Km 371 Dempster Highway

The Yukon Water Board (“the Board”) has concluded deliberations pertaining to Water Use Licence Application MN07-075 for a Type B Licence for a municipal undertaking.

The purpose of the application is to obtain water for municipal purposes for the Eagle Plains Complex and to convey wastewater that is generated by the Complex to a mechanical treatment system which discharges treated effluent to a rock pit.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the Board received intervention from North Yukon Renewable Resources Council.

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

In making licensing decisions pertaining to this application, the Board took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the intervener, the Board's standard licence requirements, Map 116I/02 and 116I/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 satisfied that the issuance of licence MN07-075 is not contrary to the terms and conditions included in the YESAA Decision Document.

North Yukon Renewable Resources Council

The Council recommended that the Board should issue a temporary licence for the installation of the new treatment system and also a trial period of 2 years. If the treatment system proves to be adequate, the Council recommended that a 25 year licence could then be granted.

The Board noted that the designs for the mechanical treatment system and rock pit were sealed by a Professional Engineer, which meets the Board’s requirements. The Board included effluent quality discharge standards in the licence, which must be met prior to the Licensee discharging to the rock pit. The Board is satisfied that compliance tools exist in the licence and with effluent quality discharge standards being met and all discharges reporting to the rock pit, that there will be no significant impact to the surrounding vegetated environment.

Existing Sewage Lagoon

The Board acknowledged that the current lagoon system was never engineered and that the present application is based on a mechanical treatment system that was designed and sealed by a Professional Engineer. The new system also ensures that the effluent discharge standards are met before the waste reaches the rock pit.

The Licensee acknowledged in their application that existing licence for an existing sewage lagoon and included a commitment to the Board, that the lagoon will be decommissioned under the old licence before this new one will take effect.

Expiry Date

The Licensee has complied with the Board's direction to provide a new wastewater treatment system. The "burn area" that is referenced in the North Yukon Renewable Resources Council letter of intervention is a result of the existing sewage lagoon. The Board reviewed the scope of the Decision Document and was satisfied that the term is consistent with the application before the Board. The Board approved the Licensee's request for a 25 year term. If there is any future indication that the wastewater that is discharged to ground is negatively impacting the environment or is not meeting the conditions of the licence, Government of Yukon has the ability to enforce the conditions of the licence to ensure compliance or can request that the Board cancel the licence.

UFA-Chapter 14

Maps 116I/02 and 116I/07 are included in the Vuntut Gwitchin First Nation Final Agreement. Vuntut Gwitchin First Nation did not intervene on this application.

The Eagle Plains Complex is surrounded by settlement land.

The use of water from the groundwater infiltration well should not substantially alter the quantity or rate of water flowing on, through or adjacent to settlement land, including seasonal rate of flow in the Eagle River. The Decision Document includes a condition that the use of water from the Eagle River cannot exceed one third of the instantaneous volume of the Eagle River at the time of withdrawal. The Board noted in past Reasons for Decision that this water use is typically in itself does not require a water use licence. The condition of the Decision Document does not provide a condition that is enforceable as the condition is subjective and based on an individual's perception of the instantaneous volume of water flowing in the Eagle River at the time of withdrawal. Regardless of this condition the Board previously determined that the withdrawal of 42 cubic metres of water from the Eagle River will not substantially alter the quantity or rate of flow of water flowing on, through or adjacent to settlement land.

The intervener has not provided sufficient evidence to support that there is a substantial alteration to the quality of water. Therefore, with the proposal of the Licensee to install a mechanical wastewater treatment system that will meet effluent standards included in the draft licence, the board could conclude that the quality of water flowing on, through or adjacent to settlement land will not be substantially altered.

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 MN07-075.



Chairperson
Yukon Water Board

June 13, 2010
Date