

REASONS FOR DECISION

WATER USE APPLICATION RE07-023

Meadow Lakes Golf Course Inc.

MacRae Creek

The Yukon Water Board (“the board”) has concluded deliberations pertaining to Water Use Application RE07-023 for a Type B Licence for a recreational undertaking.

The purpose of the application is to use 550 cubic metres per day of water from MacRae Creek and use groundwater to irrigate the Meadow Lakes Golf Course.

Notice of this application was provided in accordance with the requirements of the *Waters Act*. In response, the board received an intervention from Government of Yukon Environment.

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

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.

In making licensing decisions pertaining to this application, the board also took into account the *Waters Act*, *Waters Regulation*, the application, the Decision Document, recommendations from intervener(s), the board’s standard licence requirements, Mining Claims Map 105D/10, Chapter 14 of the Umbrella Final Agreement and board policies.

GY

GY recommended that the conditions for monitoring nutrients should be the same as in the previous licence for this operation. The board has included conditions in the licence for the monitoring of nutrients.

GY recommended that the conditions for water quality samples taken from station ML-2 should meet the parameters set by the board. The board included in the licence conditions for water quality samples taken at two monitoring sites.

GY recommended that the conditions for monitoring nutrients should be the same as in the previous licence for this operation. The board has included conditions in the licence for the monitoring of nutrients.

GY recommended that Total Phosphorus should be used. The board has included this in the licence.

GY recommended that an adequate setback should be required to prevent run-off or see page of fertilizer from entering any water bodies. GY did not indicate that the previous licence restriction of a 5 metre buffer was not sufficient, nor did they suggest any alternative for the board to consider. The applicant stated in the application that in a previous licence a 5 metre set back had been required and that they plan to maintain that setback. The board has included a 5 metre buffer strip be maintained between the land on which fertilizer is applied and any watercourse, including the water retention ponds.

GY indicated that pesticides should not be used within 30 metres of a watercourse, unless the use is authorized under the *Yukon Pesticides Regulation*. The applicant stated that no pesticides would be use, therefore the board did not include this in the licence.

GY recommended that water withdrawal rates from MacRae Creek should not exceed 1/3 of the volume at the upstream boundary of the golf course. The board has included a condition in the licence that water withdrawal rates for MacRae Creek shall not exceed 1/3 of the volume or the instantaneous flows.

GY recommended that all water intakes should be screened to prevent the entrapment of fish. The board has included conditions in the licence for fish screens.

Expiry Date

The applicant requested on the Schedule 4 Applicant an expiry date of 2033. The application was received October 4, 2007 a licence can only be issued for a period up to 25 years the board determined that this licence would have an expiry date of October 31, 2032.

Chapter 14

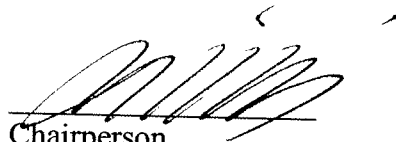
The board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to settlement land, including seasonal rate of flow, as follows:

Fox Farm Road separates settlement land parcel C-49B/D from the Golf Course. MacRae Creek does not flow on, through or adjacent to this parcel of settlement land, therefore the board determined that there would be no substantial alteration to the quantity, quality or rate of flow of water, including season rate of flow of water flowing on, through or adjacent to settlement land parcel C-49B/D.

Settlement land parcel C-48B is located down gradient and down stream from the project location and borders the Yukon River. MacRae Creek does not flow on, through or adjacent to this parcel of settlement land, therefore the board determined that there would be no substantial alteration to the quantity, quality or rate of flow of water, including season rate of flow of water, flowing on, through or adjacent to settlement land parcel C-48B.

Settlement land parcel C-146B is located approximately 3 km downstream from the project location and on the same side of MacRae Creek as the project area. This parcel of settlement land has a southeasterly boundary of the northwesterly bank of MacRae Creek. Based on the flow data provided by the applicant, the average stream flow in MacRae Creek is approximately 27,475 m³/d and the applicant is proposing to use approximately 2% of the average stream flow per day for irrigation. The board determined that the use of approximately 2% of the average flow of water would not substantially alter the quantity or rate of flow of water, including season rate of flow of water, flowing on, through or adjacent to settlement land parcel C-146B.

The board determined that the requirement in the licence for a buffer zone of 5 metres between any land on which fertilizer is applied and any watercourse, including the retention ponds and the methodology used to carry out irrigation of the Golf Course, that this project will not substantially alter the quality water flowing on, through or adjacent to settlement land.


Chairperson
Yukon Water Board

Feb 8/08
Date