

**YESAA Triggered - YG LAND APPLICATION REPORT
October 6, 2011**

GENERAL

Application Number	2009-2742
Name	Michael Sheppard
Application Type	Rural Residential
Date Review Completed	October 6, 2011
DO Application Number (YESAB)	2010-0270

LOCATION

NTS Map #	105M12	
Geographic Location Name	Minto Bridge, approx 12 km north of Mayo on Silver Trail	
Latitude and Longitude	63° 42' N 135° 52 'W	
Watershed and Drainage Region	Warham Lake, Minto River, Mayo River	
Nearest Community(s)	Name: Mayo	Distance from project: 18 km
	Name:	Distance from project: km
First Nation Traditional Territory(s)	Nach Nyak Dun	
Surrounding Land Status		

APPLICANT'S REASON FOR APPLICATION AND SIZE: to establish primary residence and to be completed in five years.

APPLICATION SKETCH DATED OCTOBER 25, 2009 (LANDS BRANCH) IS ATTACHED TO THIS REPORT

SUMMARY OF RESPONSES TO DISTRIBUTION:

Lands – Client Services:
Natural Resources Officer INSPECTION COMMENTS – Northern Tutchone District:
<i>Date Received: February 23, 2011</i>
Existing Improvements: An old trail was discovered on the application area. The trail was overgrown with trees and shrubs. The inspector was unable to drive a snowmobile down it. The overgrown trail runs from the southeast corner of the parcel heading north west. There were no other improvements identified.
Soil: Was unable to determine soil type due to seasonal conditions.
Vegetation Cover: The area inspected was forested, dominated by immature white spruce some willow were found on site. The shrub and herb layer were not identified at time of inspection due to seasonal conditions.
Terrain: The area applied for has a southwest aspect, gradually sloping to the southeast.
Water bodies: There is a small pond located approximately 33m from the west boundary of the application area
Erosion or possible permafrost: There were no sign of erosion. However, the inspector was unable to determine whether permafrost would be an issue due to seasonal conditions.
Access Roads: The application area can be accessed from the Silver Trail Hwy. The applicant proposes to clear the old trail from Silver Trail Hwy to application area.

<p>Suitable for Building foundation: n/a</p> <p>Suitable for Septic: Outdoor privy</p> <p>Distance to Water Supply: Water delivery or well</p> <p>Subject to Flooding: The area is located approximately 359m above sea level. The trees found on the site were small white spruce that could indicate an area where the vegetation was removed or it could indicate an area that is poorly drained subject to seasonal flooding.</p> <p>Environmentally Sensitive Areas: None found during inspection</p> <p>General Comments: The area applied for is suitable for its intended purposes as a country residential lot. However, there is reasonable grounds to suspect seasonal flooding. The inspector recommends a snow free assessment of the area to determine the soil condition (permafrost).</p>
<p>Land Claims Implementation Secretariat: No comments received by February 23, 2011</p>
<p>Property Assessments: <i>Received by mail on October 15, 2010</i> <i>No RETP concerns</i></p>
<p>Planning/Land Development/Building Safety: No comments received by February 23, 2011</p>
<p>Land Use: No comments received by February 23, 2011</p>
<p>Environment: <i>Received by DART on February 18, 2011:</i> Environment Yukon has reviewed this rural/residential application and would like to provide the following comments and observations.</p> <p><u>Valued Ecological Components:</u></p> <p><u>Water</u> The wetlands at Minto Bridge on the Mayo River are high quality with abundant populations of muskrats, beavers, nesting ducks, geese, and swans. The pond across the road from this application has nesting mew gulls. The application is very close to Minto Creek, so appropriate set-backs are necessary. The applicant states they will be 100m from any lakes and rivers, however, the parcel appears to be closer than this. We would recommend this setback as described by the applicant be maintained. We also understand that interpretive panels are being set up which would indicate the value of protecting these areas and the wildlife that live there.</p> <p><u>Socio-economic impacts</u> Given that this application is 2 km from the nearest occupied dwelling (the Minto Bridge farm) and hunting is not permitted within 1 km of an occupied dwelling, this application will alienate a circle of 2 km surrounding it, from hunting opportunities. This is a consistent comment from multiple users regarding land use applications in this area. There is also an active trap line concession. The application is about 1 km from one of Environment Yukon's permanent ecological monitoring sites to the north (which is a designated scientific reserve). This distance is adequate to not create an impact; however, unmanaged pets from this property, for example, could be detrimental.</p> <p><u>Vegetation and soils</u> The vegetation on the site is mostly black spruce, which suggests wet soils and permafrost and may not be suitable for a septic system.</p> <p>Recommendations:</p> <ol style="list-style-type: none">1. Maintain 100 m setback from Minto Creek and any other watercourse or wetlands.2. Ensure installation of septic system is not affected by permafrost

Propose land use planning before future development occurs to reduce the potential for the creation of a development node (this is an undesignated FD area).
<p>Tourism: No comments received by February 23, 2011</p>
<p>Heritage Resources: <i>Received by mail on July 15, 2010</i> No heritage resources will be impacted by the project. No further work recommended; not further historic resources concerns with Land Application 2009-2742</p>
<p>Highways: No comments received by February 23, 2011</p>
<p>Forestry: No comments received by February 23, 2011</p>
<p>Agriculture: No comments received by February 23, 2011</p>
<p>Department of Fisheries and Oceans: No comments received by February 23, 2011</p>
<p>Environmental Health: <i>Received by DART on February 15, 2011:</i> Proponent states that he will be building a home and installing a septic tank system for sewage disposal. This activity may have socio-economic effects which affect human health, specifically, cumulative effects with regards to sewage disposal.</p> <ul style="list-style-type: none"> - Non-Discretionary Requirements - 1) Sewage disposal systems must be installed and used in accordance with the <i>Sewage Disposal Systems Regulation</i>. - Permits and Authorizations - 1) Under the <i>Sewage Disposal Systems Regulation</i>: 1) Permit to Install a Sewage Disposal System; and 2) Authorization to Use a Sewage Disposal System. - Omissions by Proponent - None. - Special Considerations - None.
<p>Community Services: <i>Received by DART on February 15, 2011:</i> FireSmart Manager: Recommended guidelines for fire service access driveways:</p> <ul style="list-style-type: none"> • Driveways more than 45 metres in length should be a minimum of 3.7 metres in width and provide 4.1 metres vertical clearance over the full width. Fire officials may specify additional width and clearance. • Turnouts shall be spaced so that drivers can see from one turnout to the next. Turnout requirement is waived where the fire service access width is 6.1 metres or more. Driveways more than 90 metres in length should be provided with turnouts at locations approved by fire officials. • Driveway gradients should not exceed 10%. Exceptions to this may be negotiated with fire officials. • Driveway turns should not restrict the access of the largest emergency vehicle likely to be operated on the driveway. Fire officials will specify local emergency response agency

requirements.

- All gates should be at least 9 metres from the public right-of-way and should not open outward. Gate openings should provide a clear opening at least .6 metres wider than the traveled way.
- Fire service personnel should be able to unlock any gate restricting fire service access.
- Driveways should have an all-weather surface capable of supporting any fire apparatus likely to be operated on the fire service access.
- Dead-end driveways more than 91 metres in length shall be provided with a turnaround at the terminus having no less than 15 metres outside diameter of traveled way. Fire officials may authorize a hammerhead T” turnaround to provide three point turnaround ability. Dead-end roads should have signs warning of their no-through-traffic status.

It is recommended that the new house be built using FireSmart standards and the area around the home be treated under these standards as well. The FireSmart office offers a free FireSmart assessment for rural properties; we would be pleased to offer an assessment on this property once the house is complete. Information is available at the FireSmart office at 91790 Alaska Highway or contact the FireSmart Manager at (867) 667-3013.

During exceptional fire environment conditions fire suppression action will be dedicated to the highest priorities; subject to available resources, prevailing fire environment conditions, and the need to retain such resources for the overall protection of Yukon communities. If a fire occurs near the area, depending on other priorities at the time, please be aware that there may be limited resources and equipment dispatched to the site if any.

If any burning of slash or other woody debris is required between May 1st and September 30th, a burn permit is required. Please contact your local Regional Protection Manager.

Senior Building / Plumbing Inspector / Development Officer:

To ensure the safety, health, accessibility and fire and structural protection of the proposed building(s), permits will be required for any building construction proposed for this project.

First Nations of Na-cho Nyak Dun:

Received by email on November 2, 2010:

I am writing to you in regards to the application which I have recently received from you. The First Nation of Na Cho Nyak Dun has been concerned over these Rural Residential spot applications for several years now, and continue to be concerned over ones that we think could be redirected to more suitable location so they don't continue to contribute to an accumulation of leases which are becoming of a concern to many local resource uses along the highway in this area.

We would be in support of this application if it was relocated between the two existing leases which are established already in the area in question. There is an Agricultural lease and a more recent lease about two kilometers south of Minto Bridge. We would much rather see this application be moved to be situated between the two existing sites so they don't contribute to add to the stresses of local and resident harvesters in the future. We would like to suggest that if there are any more applications in this general area that they be reallocated to this area so it would sort of be like a rural residential subdivision of sorts. NND has been in discussion with YG lands branch regarding Rural Residential Planning for the future,

although we have not come up with any completed plans for this, we would like to think that applications of this sort would be worked on and agreed to in a cooperative working manner which benefits all Yukon residents in the future. Thank you for your attention to this matter. Dennis Buyck NND Lands Manager
Renewable Resource Council (enter name if any): No comments received by February 23, 2011
Yukon Electrical Company Ltd: No comments received by February 23, 2011
Yukon Energy Corp: <i>Received by email on October 21, 2010:</i> Yukon Energy Corporation has no concerns or comments regarding the above land application.
Neighbours (only enter the Lot # & Name if they respond): No comments received by February 23, 2011
Trappers (enter in Concession # & Name; if any): No comments received by February 23, 2011
Big Game Outfitter (enter in Concession # & Name; if any): No comments received by February 23, 2011

DECISION:

Decision – Approved

- Subject to:
- Access permit from Highways and Public Works
 - Re-configuration (parcel to abut the Silver Trail Highway)
 - Subdivision Approval
 - Check with the Inspector on current usage of the trail.

The Terms & Condition of the YESAB Evaluation

1. *Geotechnical drilling shall be completed prior to any clearing and construction in order to characterize the permafrost content in the area.*

4. The proponent shall keep all garbage including kitchen waste, in a container that prevents access to bears and other wildlife, until properly disposed of by hauling to a licensed landfill facility or by burning to ash.
5. The proponent shall minimize disturbances to wildlife where possible.
9. In the event that heritage resources are discovered, the objects shall not be disturbed or removed. GPS coordinates and/or site descriptions shall be provided for easy reference.
6. Clearing activities shall not occur prior to July 31st, to avoid violating the provisions of the Migratory Bird Regulation. If clearing cannot be avoided, the proponent shall undertake a pre-clearing nest survey by an experienced and qualified person. The Canadian Wildlife Service (SWS) may be contacted for advice on this matter and for information on the location of any known nesting sites.

YG Varies the following recommendations.

2. Any in ground works must be engineered so that they do no cause permafrost degradation.

Changed to

2. Where construction is taking place on permafrost any in ground works must be engineered or designed so they do not cause permafrost degradation.

Reason: Engineering a building may be costly and using a design that achieves the same goals would be as effective.

7. While undertaking the project, if the proponent discovers any ethnographic movable heritage resources, which are directly related to the culture and history of First Nation's people, the proponent shall notify the Heritage Resources Department of the First Nation of Na-Cho Nyak Dun in addition to notifying the Yukon Government Heritage Branch.

And

8. If the proponent is unable to readily determine whether a moveable heritage resources found within the project area is an ethnographic object directly related to the culture and history of First Nations people, the proponent shall notify the Heritage Department of the First Nation of Nacho Nyak dun in addition to the Yukon Government, Heritage Branch.

Changed to:

Any heritage resources located by the proponent should be reported to the Yukon Government, Heritage Branch.

Reason: The project takes place exclusively on commissioner’s Land, and therefore the management of heritage resources is under the mandate of Government of Yukon.

INTERIM DECISION LETTER SENT TO CLIENT:

October 13, 2011

FINAL DECISION LETTER SENT TO CLIENT: