

**YESAA NON Triggered - YG LAND APPLICATION REPORT  
Updated to September 21, 2011**

**GENERAL**

Application Number	2010-1401
Name	<b>JOSEPH &amp; MARIE-ANNE CODERRE</b>
Application Type	Water Lot
Date Review Completed	September 8, 2011
DO Application Number (YESAB)	2010-0234 then closed work already done

**LOCATION**

NTS Map #	105D/09	
Geographic Location Name	Near the north shore of Atlin Lake	
Latitude and Longitude	60° 31' 134° 20'	
Watershed and Drainage Region		
Nearest Community(s)	Name: Whitehorse	Distance from project: km
	Name:	Distance from project: km
First Nation Traditional Territory(s)	Kwanlin Dun First Nation	
Surrounding Land Status	First Nations Land, Titled	

**APPLICANT'S REASON FOR APPLICATION AND SIZE:** Marsh Lake inundation (a few years ago) ate up the root system of several large trees that protected the shore front of Lot 16 every spring a large chunk of shore "falls". We intend to make a "ramp" to the shore to stop this fast erosion.

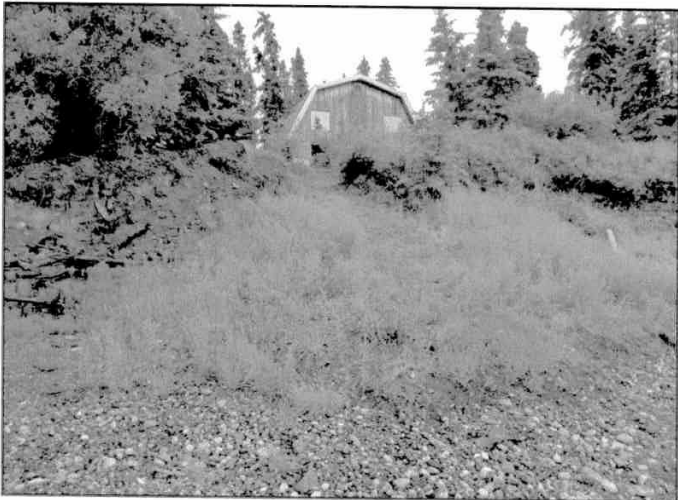
**SUMMARY OF RESPONSES TO DISTRIBUTION:**

<p><b>Natural Resources Officer INSPECTION COMMENTS – Southern Lakes</b> <i>Inspection requested in snow free conditions Date Received: June 21, 2011</i> <b>Existing Improvements:</b> Access has been cut into the waterfront reserve</p> <p><b>Soil:</b> The cut access is within silty loam with some beach sands and gravel, waterfront reserve is beach sand and gravel</p> <p><b>Vegetation Cover:</b> Access is revegetating partially with grasses and shrubs surrounding vegetation mainly mature riparian spruce</p> <p><b>Terrain:</b> Northeast aspect with a 5% slope</p> <p><b>Water bodies:</b> Marsh Lake adjacent</p> <p><b>Exposure:</b></p> <p><b>Erosion or possible permafrost:</b> Erosion possible in high water years</p> <p><b>Access Roads:</b> Existing access from Nolan Road through Lot 16 to start of cut access</p> <p><b>Suitable for Building foundation:</b> Not suitable</p> <p><b>Suitable for Septic:</b> Not suitable</p> <p><b>Distance to Water Supply:</b> Marsh Lake</p> <p><b>Subject to Flooding:</b> Yes, in high water years</p> <p><b>Environmentally Sensitive Areas:</b> Lake shore riparian zone</p> <p><b>General Comments:</b> There has been no further work completed since the last inspection. However some of the sand gravels placed within the waterfront reserve have washed away into Marsh Lake since last inspection of August 12, 2010. the rest of the access within the waterfront reserve has begun to re-vegetate with grasses and shrubs as shown in the attached photos. If further work is authorized on the access than it is recommended only coarse gravels are used to prevent further disturbance of lake shore causing further sedimentation of Marsh Lake. The banks on both sides of the 2 metre wide access have been undercut and will continue to erode over time it is recommended that the banks sides of the access be sloped and armoured with gravel and rock to prevent any further erosion As the vegetative layer of the shoreline has been removed trees surrounding the access have had their roots disturbed and now are in danger of falling in strong winds along the waterfront and into neighbouring properties, it is recommended that mitigative measures be taken to prevent further disturbance of any tree rooting structures. This access will require mitigative measures completed to prevent erosional run-off into Marsh Lake.</p>
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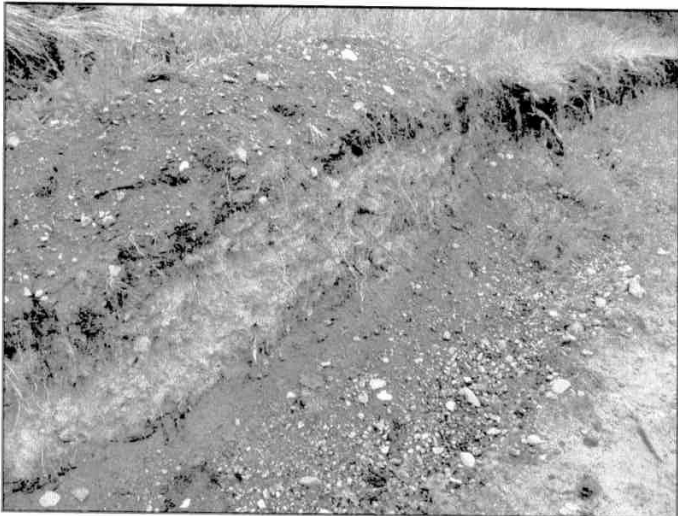
**Yukon**



**Yukon**  
Territorial Government



Yukon Department of  
Environment and  
Natural Resources



Yukon  
Government



**Land Claims Implementation Secretariat:** *No comment received by September 8, 2011*

**Property Assessments:** *Received by mail on July 30, 2010:*  
No RETP concerns

**Planning/Land Development:** *No comment received by September 8, 2011:*

**Building Safety:** *Received by mail November 30, 2010:*

This Lot is zoned “RL” Cottage Residential Zone, under the “M’Clintock Place Development Area Regulations O.I.C. 1996/145”. Please provide a copy of an up-to-date Building Location Certificate, in order that we can determine if the development on this Lot complies with the applicable zoning requirements: in regards to permitted uses and required set-backs from any buildings to the property lines. *“Prior to the placement or construction of any building or structure on the site, development, building, plumbing, electrical and/or gas permits will be required from the Building Safety Branch. Inquiries can be directed to 867-667-5741.”*

**Land Use:** *Received by email on August 27, 2010:*

Land Use has no specific concern with this app if the proposed work is accessed from their lot and is done by hand. If they do use a loader (one of their options) they may need a Land Use Permit depending on size of equipment.

There is no indication how they plan to do the work, or what type of material will be used. It should be rip rap non acid generating.

They state the proposed work is for erosion control but the scope of activity it totally inadequate for this objective. It appears they wish to build a ramp to the waterfront for access..

**Environment:** *Received by email on January 12, 2011:*

The applicant has stated that they want to put in a ramp from their house to the lake to prevent erosion, however, there is no description of what the ramp will be made of, when or how it will be constructed. They have mentioned the use of heavy equipment and yet there has been no trigger for a water licence or a YESAA review, so we are assuming that there will be no removal or moving of earth, although this has not been confirmed. In this case we offer the following comments and recommendations similar to erosion and flood control projects completed in this area.

### **Valued Ecosystem and Cultural Components:**

#### **Fish**

Marsh Lake is known to have viable fish populations; and as per the Yukon Fishing Regulations (2007-2008) is listed as a “Conservation Waters” which contains lake trout, arctic grayling, northern pike and whitefish. This lake is valuable as an area for fish rearing and spawning. This lake is also heavily used by light recreational fishers. When installed properly and maintained well, docks and ramps may not have a large impact to fish populations and may even provide some valuable cover.

#### **Riparian Area**

Riparian areas along the lake shorelines and other water bodies are invaluable to filter and prevent run-off from entering the lake and to offer cover/shade for fish and other species that use the lake shoreline as habitat. Healthy riparian areas have sufficient vegetation to filter run-off, support bank stabilization and need to be kept intact to retain these benefits. Riparian areas also offer, in themselves, habitat for other wildlife such as birds and small mammals. Consideration should be given to these valuable ecological components.

#### **Water Quality**

During the summer of 2007 Marsh Lake (as well as other areas in the Yukon) experienced unusually high water levels which caused bank erosion and flooding. The best possible flood preventive measure is to ensure that developments are not within an area that may become susceptible to flooding (above or below ground). When infrastructure is placed near shorelines, inevitably use of this area increases, very often substantially.

#### **Public Access**

One of the many things which make Yukon such a wonderful place to live is the accessibility to waterfronts and wild places. Access routes, either heavily or infrequently used, have inherent value to those who want to explore Yukon lakes and hinterlands. Infrastructure near lakes gives an impression that these areas are not open to public use when in fact they are.

**Environmental Effects:**

**1. Potential for contaminants entering the waters at Marsh Lake:**

A risk to the water quality exists due to accidental contaminant run-off entering Marsh Lake during normal and high water levels. Certain contaminants that enter the water system can cause damage to fish populations and invertebrates.

**2. Construction and maintenance of the ramp causing damage to the shoreline and/or lake bottom:**

In order for fish populations to remain viable, appropriate areas are needed for rearing and spawning; without knowing the proposed construction of this ramp we cannot determine whether it may lead to damage to shorelines and/or lake bottoms used by fish for rearing and spawning. Construction of the ramp should take place during periods of time when fish are not spawning or rearing.

**3. Removal of riparian vegetation:**

Removing riparian vegetation may cause destabilization of the lake bank resulting in an increase of erosion and clouding of the water which in turn interferes with fish migration and can harm spawning beds. Clouding of the water also can affect different bird species ability to feed on fish and aquatic vegetation. Loss of natural organic debris that naturally falls into water bodies from healthy riparian zones also reduces the amount of valuable nutrients entering the water and diminishes potential fish habitat.

**4. Potential removal of public access to waterfront:**

Blocking public access either by means of physical or visual barriers created by local residents may prevent the ability of public members to access hinterlands and/or waterfronts. As referenced and supported by EMR Lands, *Water Lot Lease Land Application Policy* – the definition of a Water Lot Lease does not prevent the public from using any portion of the foreshore or any portion of the lake or river. Therefore, an appropriate setback should be in place on waterfront lots to allow public to continue to access these beach areas.

**Environment's Recommendations:**

1. The proposed project activities (construction and maintenance of a ramp) shall be managed in such a way as to not allow for contaminants and/or run-off to enter the lake. Please refer to: *DFO, Marsh Lake Army Beach Subdivision Bank Stabilization Information, November 2007*.
2. Proponent will undertake work above the ordinary high water mark in the dry; materials to be used shall be clean and appropriately designed, including that disturbed areas and any backfill materials be well compacted to prevent future erosion.
3. The proponent shall not remove riparian vegetation unless absolutely necessary.
4. Department of Fisheries and Oceans shall be contacted by the proponent so that any needed authorizations may be obtained and permitting requirements can be explained.
5. The proponent shall ensure that public access along the beach is not restricted.

**Tourism:** *No comment received by September 8, 2011*

**Heritage Resources:** *Received by mail on July 10, 2010:*

No further work recommended; no further historic resources concerns with Land Application 2010-1401.

**Highways:** *No comment received by September 8, 2011*

**Forestry:** *No comment received by September 8, 2011*

**Agriculture:** *No comment received by September 8, 2011*

<b>Department of Fisheries and Oceans:</b> <i>No comment received by September 8, 2011</i>
<b>Environmental Health:</b> <i>No comment received by September 8, 2011</i>
<b>Municipalities (if any):</b> <i>No comment received by September 8, 2011:</i>
<b>First Nations:</b> <i>No comment received by September 8, 2011</i>
<b>Renewable Resource Council :</b> <i>No comment received by September 8, 2011</i>
<b>Yukon Electrical Company Ltd:</b> <i>No comment received by September 8, 2011</i>
<b>Yukon Energy Corp:</b> <i>No comment received by September 8, 2011</i>
<p><b>Neighbours:</b> <i>Received by email on September 10, 2010:</i>            Jan Slipetz, Lot 17            I'm sorry that I have taken so long to respond. I was away on holidays.            I have the following comments on Land Application 32010-1401, Joseph &amp; Marie-Anne Coderre. I live right next door on Lot 17, McLintock Place.            I am opposed to this action mainly because they just went ahead and did this without a permit on property that does not belong to them.            A small cat or bulldozer was used to dig a trench through a high embankment down to the lake. This trench cut right through the bank. There are very large trees located right beside this trench which are located near the front of my property line on the lake frontage. Some of the large tree roots have been cut and disturbed. These trees provide an excellent wind break.            We are located on a point at the far end of the lake from the old Marsh Lake Marina and Tagish. We get very strong winds that blow from the far end of the lake and I have concerns about these trees being destabilized and possibly falling on my house. They were fine until the trench was cut. One has to wonder why they didn't cut the trench on the opposite side of their lake front where there are no trees? I also have concerns that rising lake levels and extreme wave action might wash up and further erode this wide trench cut right through the bank. The bank needs to be stabilized with some type of rock waterbreak or gabion to prevent further shore erosion. This trench has destabilized the bank further.            Jan Slipetz            660-4343</p>
<b>Trappers (enter in Concession # &amp; Name; if any):</b> <i>No comment received by September 8, 2011</i>
<b>Big Game Outfitter (enter in Concession # &amp; Name; if any):</b> <i>No comment received by September 8, 2011</i>

**DECISION:** Recommendation – Denial

- 1) The applicant's unauthorized use of Crown Lands will not be permitted after the fact.
- 2) The applicant is required to remediate the land, including backfilling ramp and returning land to original state, based on direction from DFO & CSI.

**DECISION LETTER SENT TO CLIENT: September 23, 2011**

**FINAL DECISION LETTER SENT TO CLIENT:**