

YESAA Triggered - YG LAND APPLICATION REPORT
Updated to 11 October 2011

GENERAL

Application Number	2010-1840
Name	KENNETH COLBERT
Application Type	Rural Residential
Date Review Completed	October 31, 2011
DO Application Number (YESAB)	2011-0181

LOCATION

NTS Map #	105C/04
Geographic Location Name	Near the north shore of Atlin Lake
Latitude and Longitude	60° 01' 133° 48'
Watershed and Drainage Region	
Nearest Community(s)	Name: Distance from project: km
	Name: Distance from project: km
First Nation Traditional Territory(s)	Carcross/Tagish First Nation
Surrounding Land Status	Titled Land, First Nation Land & Vacant Commissioners Land

APPLICANT'S REASON FOR APPLICATION AND SIZE: I wish to build a retirement home for the future. I plan to be completed and ready to move there in approximately 5 years.

APPLICATION SKETCH DATED AUGUST 9, 2011 (LANDS BRANCH) IS ATTACHED TO THIS REPORT

SUMMARY OF RESPONSES TO DISTRIBUTION:

Lands – Client Services:

Natural Resources Officer INSPECTION COMMENTS –Southern Lakes District (WD):

Date Received: August 31, 2011

Existing Improvements: The only improvement would be an existing access road off the Atlin road.

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Soil: Sandy and well drained exposed site, dry rocky slopes consisting of “Sandy Loam soils”

Vegetation Cover: 90% Poplar, 10% Spruce. Ground veg: Soap berry, Dwarf shrubs, and Kinnikinnick.

Terrain: Terrain features consist of rolling hills with rocky outcrops, dry forest with open clearings. The aspect is primarily south facing.

Water bodies: No water is adjacent to application area.

Exposure:

Erosion or possible permafrost: No concerns with erosion or permafrost.

Access Roads: Easy access to application area from off the Atlin Road.

Suitable for Building foundation: Application area suitable for a foundation.

Suitable for Septic: Application area is acceptable for septic systems.

Distance to Water Supply: Possible ground water source - well

Subject to Flooding:

Environmentally Sensitive Areas:

If roads in area, any maintained YTG:

Distance to nearest community:

Distance to Power:

Garbage Disposal:

General Comments:



Looking from the existing access road, down the West boundary, ribbon line of App. 2010-1840. The site is well drained, slightly sloping consisting of mostly open forest stands of Aspen.



Looking down the North boundary of App. Area. This upper bench area consisting of moist to dry coniferous / deciduous woods.



Looking south towards access road. No concerns or issues with the application area.

Land Claims Implementation Secretariat: Received by (method) on Date:

Property Assessments: Received by mail on July 13, 2011:
No RETP concerns

Land Planning: Received on August 31, 2011:

There is no planning or zoning at this location

- There is only one other recreational/residential property in this area, and this was the result of an enlargement to a small recreational cottage lot. The other two properties have a commercial or intuitional use.
- I am concerned that the disposition of a rural residential parcel at this location without the guidance of a local area plan, will set a precedence for further residential applications, and promote the development of a residential node in this area before the effect of this kind of development at this location could be properly assessed. This area has a high recreational value.
- The application however does meet the minimum lot size requirement per the Subdivision Act and regulations and is approved for disposition would be subject to subdivision approval.

Land Development/Building Safety: Received on August 26, 2011:
Permits

Senior Building / Plumbing Inspector / Development Officer

Development, building, plumbing, electrical and/or gas permits may be required from the Building Safety Branch prior to the placement or construction of any building or structure on the site. Please contact the Building Safety Branch at 867-667-5741 for more information.

Wildland Fire Management (867-456-3845)

- To ensure clean and efficient burning, debris piles and/or windrows shall contain woody debris only: no garbage, no mixed soils.
- **Do not bury fires from winter burning operations.** All occurrences of fire spreading beyond the debris piles must be reported to the local Zone Protection Manager with the local Fire District Office. Uncontrolled fires can also be reported to the Wildfire Reporting Line at 1-888-798-3473.
- **Winter burning operations must be extinguished prior to the start of the fire season.**
- The distance from the pile or windrow to standing timber shall be the greater of either 15 m or twice the width of the pile/windrow.
- Mechanical piled brush piles should be separated from each other by at least 15 m.
- Windrows or brush piles should be piled on either mineral soil or in an area with a maximum of 15 cm of duff. No burning of piles or windrows should occur on deep organic soils.
- Windrows and piles should be a minimum of 15 m away from the high water mark of any waterbody.

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- Piles or windrows located near habitation or highways should be burned only when weather conditions are favorable to ensure the safe dispersal of smoke.
- For large projects or multiple piles, the proponent should develop a project burn plan that identifies the above points and that also addresses how the proponent will ensure complete extinguishment prior to the commencement of the fire season (burning during the fire season would require monitoring of the fire until extinguished).

For large burning projects or multiple piles/windrows notify the local Wildland Fire Management office and the local Fire Department (n/a Fox lake) prior to ignition. Advise them of the amount of burning proposed and the anticipated timeline.

Land Use: *Received by email on August 19, 2011:*

Applicant may require a land use permit for access construction if the lot does not abut the existing road.

Received by email on July 13, 2011:

Land Use has no specific concern with this application, but does note that the applicant has property in Whitehorse and currently works here.....Rural Res?

Environment: *Received on August 25, 2011:*

Environment Yukon has reviewed this application and submits the following comments and recommendations regarding environmental values of the application area, potential impacts, and associated mitigations.

Environmental Values:

Wildlife Habitat - General

Numerous wildlife species inhabit the application area and surrounding landscape. Moose and bear sign was noted within and adjacent to the application area during a site visit by Environment Staff on August 24, 2011.

Wildlife Key Areas

The application area overlaps and is adjacent to Wildlife Key Areas (WKAs), as summarized below. WKAs are geographical locations used by wildlife for critical, seasonal life functions. Importantly, documented WKAs should not be considered as a comprehensive representation of all critical wildlife areas in Yukon.

- Application area overlaps with Woodland Caribou WKA ID-2212 (Carcross Caribou herd winter range, Oct – April, anecdotal information).
- A Woodland Caribou WKA ID-2190 (Carcross Caribou herd winter range, Oct – April, survey information) is approximately 400 m east and 800 m northwest of the application area.

Southern Lakes Caribou

The proposed project occurs within the winter range of the Southern Lakes caribou, and more specifically overlaps with the winter range of the Carcross and Atlin caribou herds. A recovery program for Southern Lakes caribou (which include the Carcross, Ibex, and Atlin herds) was initiated in 1992, and remains in effect (<http://www.yfwc.ca/mgmtplans/slcrlp/goals.php>). The recovery program is delivered in partnership with six First Nations, Council for Yukon First Nations, and the governments of Yukon, British Columbia, and Canada. A Southern Lakes Caribou herd action plan was developed in 1994, as a living document to guide caribou recovery. Since 1994, the Southern Lakes Caribou herd has been surveyed extensively, including radio-collaring and habitat mapping as part of the recovery strategy.

Grizzly Bears

Both anecdotal information and survey data collected by Yukon Environment indicates that the general area is commonly frequented by grizzly bear.

Effects / Impacts:

1. Loss of wildlife habitat:

Development activities and rural sprawl add to the continued loss of wildlife habitat. Loss of habitat may lead to increased wildlife conflicts, wildlife avoidance, and loss of biodiversity. The Southern Lakes caribou are still recovering and development within their range (particularly winter range) can cause further stress to the herd. Caribou can be excluded directly from important forage areas and can be excluded indirectly through disturbance associated with development. Development near important range can increase the zone of influence in which caribou avoid areas because of disturbance. This land application constitutes a long-term loss and/or degradation of wildlife habitat.

2. Bear-human conflicts:

As wild lands become developed, the potential for bear-human conflicts increases. The proposed permanent residence has potential to increase bear-human conflicts resulting in bear mortality and/or human injury and fatality.

3. Cumulative Impacts:

All land developments in the area contribute to cumulative environmental impacts, which are difficult to predict and manage. In regards to the Carcross caribou herd, Florkiewicz *et al.* (2007) indicates that “while the physical extent of each successive land disposition, timber harvest, or land use activity may be small relative to existing dispositions, they should be evaluated in the context of cumulative habitat loss and/or displacement of caribou from important winter habitats” (pg. 182).

Environment’s Recommendations:

1. All activities should be managed in such as way as to not allow for any contaminants or sediment to enter any water bodies.
2. Any proposed, current and past developments should be taken into consideration when assessing the cumulative impacts for this area. Zone of influence considerations should also be incorporated in relation to potential impacts to the wildlife in the area.
3. To fully evaluate potential environmental impacts to this area, Environment recommends that the area undergo land planning prior to further land development.
4. The proponent shall make every effort to avoid disturbing or harassing wildlife, in particular any wintering caribou.
5. Construction activities that would disturb wintering caribou (*i.e.* use of heavy machinery) should not occur during the winter (October – April), when caribou may be over-wintering in the area.
6. The *Wildlife Act* prohibits any person from encouraging wildlife to become a public nuisance; this includes allowing wildlife access to attractants (*i.e.* solid waste). Garbage and other potential wildlife attractants (e.g. food, compost, and pet food) must be handled and stored in such a way so as not to become accessible to wildlife.
7. The District Conservation Officer should be contacted for any necessary information regarding bear deterrent practices and if any incidences involving wildlife occur.

Tourism: No comments received:

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<p>Heritage Resources: Received by mail on June 30, 2011: No heritage resources will be impacted by the project. No further work recommended: no further historic resources concerns with Land application 2010-1840</p>
<p>Highways: Received by email on August 22, 2011: I have reviewed this application for YESAA and noticed that on the sketch the offset from the existing road is 15 meters. That offset will have to be increased to 30 meters as under the highways act all roads have a 60 meter right of way 30 meters either side of existing centerline.</p>
<p>Forestry: Received by (method) on Date:</p>
<p>Agriculture: Received by (method) on Date:</p>
<p>Department of Fisheries and Oceans: No comments received:</p>
<p>Environmental Health: Received on August 30, 2011: Proponent states that they plan to establish a residence. 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 system 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.

Carcross Tagish First Nations: Received by (method) on Date:



CARCROSS / TAGISH FIRST NATION

Office of the Khá Sháde Héni
BOX 130
CARCROSS, YUKON Y0B 1B0
Phone: 867-821-4251
Fax: 867-821-4802
Email: gavin.gardiner@ctfn.ca



August 2011

John Cole
Manager, Lands and Client Services
Land Management Branch
Box 2703 (K-320)
Whitehorse, YT
Y1A-2C6

Dear Manger Cole:

RE: Notice of Initiation of Consultation Response by C/TFN- Kenneth Colbert – Rural Residential Application – 105C04-101840 – Your File# 2890-45-105C04-101840

The Carcross/Tagish Land Use Team met on August 8th 2011 to discuss this application in great detail. A detail is requested until such time as some land use planning initiatives are undertaken between our governments. We recently have an approved Interim Forest Management Plan in the Lubbock, and need to undertake some more land use planning. The area is also within the shared overlap Traditional Territory of the Taku-River Tlingit. C/TFN has the following concerns:

- the application is approximately 90m from High Creek and is situated on a rock bench outcrop with a high possibility of missed archeological findings: in the initial 7 shovel test sites conducted in the heritage assessment,
- it is on an ecologically important riparian transition zone from the creek wetland to Atlin Lake containing a known subsistence wildlife corridor with evident trails in previous assessment notes,
- the area is on a C/TFN and/or T/TFN Traditional Trail well known as the Historic Telegraph Trail Route,
- your department's un-supported spot application policy is proposing to infringe on our member's trap-line livelihood, subsistence gathering and traditional harvesting, restricting the exercising of our citizen's rights within one kilometer of his main trap-line cabin and the erection of a proposed residence,
- the proposal will imply a trap-line compensation agreement be struck with the line holder,
- it also is not compatible with the existing and un-planned existing land uses or tenures.

FIELD REPORT

Date – Aug. 15th, 2011
Location – North Shore-Atlin Lake
Long. - 133° 48' W, 60° 01' N.
Field Staff – Tami Hamilton, Frank James
Re: Kenneth Colbert – Land Application 2010-1840

Site Description:

- Topography is gradually sloping with flat open areas with sandy clay loam.
- Vegetation consists of Pine and Trembling Aspen with predominantly Kinkinnick ground cover.
- There is an predominant rock bench/outcrop on the eastern portion of the application area.
- Atlin Lake is approximately 550m. to the west of the application area.
- Application is approximately 43m. from Agay Mene Park.
- Application is approximately 90m. From High Creek, a possible ecologically important riparian wetland. *Note*, it should be emphasized that the wetland area is quite prevalent and extends from the Atlin Lake to the Atlin Road and continues into the park area.
- The application area is adjacent to existing roads that lead to the lake and branch off to two separate Institutional leases, (Camp Yukon and Skookoum Jim Cultural Camp) and the fire-line



Taku River Tlingit First Nation



September 8, 2011
John Cole
Manager, Lands and Client Services
Land Management Branch
Box 2703 (K-320)
Whitehorse, YT
Y1A 2C6

Re: Rural Residential Land Application – km 36.5 Atlin Road (your file # 2800-45-105C04-101840)

Dear Mr. Cole,

The Taku River Tlingit First Nation requests that the above application not be approved at this time. As you may know, our traditional territory extends into southern portions of the Yukon where it is shared with C/TFN or TTC. The above application is located in an overlap area we share with C/TFN.

We do not support such applications on an ad hoc basis outside of any land claim settlement between TRTFN and Yukon Government or a regional land use plan. The area in question has cultural and ecological values that it is important to ensure are maintained. We respectfully encourage the Yukon Government to move forward on land planning initiatives in the area.

Respectfully,

Nicole Gordon
Manager of Fisheries, Land and Resources
Taku River Tlingit First Nation

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<p>Marsh Lake Advisory Council: No comments received:</p>
<p>Yukon Electrical Company Ltd: No comments received:</p>
<p>Yukon Energy Corp: Received by Email on August 2, 2011 Yukon Energy Corporation has no concerns or comments regarding the above land application.</p>
<p>Neighbours Camp Yukon - Received by email on August 5, 2011: Regarding: Land Application#2010-1840, Kenneth Colbert, near the north end of Atlin Lake- We, at Camp Yukon have read over the application and have no objections to Mr. Colbert's proposal. We don't see that it will deter from the environment that is presently there and value. I would like to ask why this application is being moved ahead for consideration when your department made us move our application for a small land use permit boat launch south of our property on to the Parks Department where we were rejected because of Agay Mene Park negotiations? They told me clearly that no land applications were being considered lest they interfere with Park negotiations. I spoke to John Ward of the Taku River Tlinglits about the boat launch and he thought it was nonsense that the Parks Dept. would think that it could effect Park talks. Is there a double standard here? Looking forward to your reply, Joel Nettleton,</p>
<p>Trappers (enter in Concession # & Name, if any): Received by (method) on Date: No comments received</p>
<p>Big Game Outfitter (enter in Concession # & Name; if any): Received by (method) on Date: No comments received</p>

DECISION: Denied

DECISION LETTER SENT TO CLIENT: October 31, 2011

FINAL DECISION LETTER SENT TO CLIENT: