

**YESAA Triggered - YG LAND APPLICATION REPORT**  
**Updated to 19, January 2012**

**GENERAL**

Application Number	2010-2200
Name	<b>Ann-Kathrin Janssen &amp; Hendrik Weise</b>
Application Type	Lot Enlargement
Date Review Completed	August 30, 2011
DO Application Number (YESAB)	2010-0253

**LOCATION**

NTS Map #	105D08	
Geographic Location Name	In Judas Creek Subdivision	
Latitude and Longitude	134° 14' W, 60° 26' N	
Watershed and Drainage Region		
Nearest Community(s)	Name: within Judas Creek Subdivision, Marsh Lake	Distance from project: km
	Name:	Distance from project: km
First Nation Traditional Territory(s)		
Surrounding Land Status		

**APPLICANT’S REASON FOR APPLICATION AND SIZE (INCLUDE SIZE OF ORIGINAL PARCEL AS WELL AS ENLARGEMENT AREA, IF IT IS A LOT ENLARGEMENT APPLICATION):** We are applying for the lot extension because we would like to build a new house. We are currently living in a cabin on our property 124 Judas Creek Drive. This cabin is not sufficiently insulated and would need a lot of upgrading for longer term occupation. The location of this cabin has also proven to be inadequate as it is located in the lowest spot of the surrounding area. This causes problems during heavy rain fall and in the spring during snow melt. Therefore we have chosen not to build at the same spot, but would like to relocate to higher ground adjacent to our current lot. We would like to build a new house with garage to the left of the existing cabin. Our plan is to use the existing septic field for this new house. We are hoping to start building in the Spring 2011, but it may become spring 2012, depending on how long it will take to secure the necessary permits and builders.

**APPLICATION SKETCH UP DATED OCTOBER 19, 2011 (LANDS BRANCH) IS ATTACHED TO THIS REPORT**

**SUMMARY OF RESPONSES TO DISTRIBUTION:**

<b>Lands – Client Services:</b> The area appears suitable for the intended purpose. However, there has been no ground inspection to this date.
<b>Southern Lakes:</b> <i>Date Received: November 10/10</i> <b>Existing Improvements:</b> No, the area is vacant  <b>Soil:</b> moderately drained to the north and east. Well drained to the south and west near the road.  <b>Vegetation Cover:</b> Mature spruce and aspen

**Terrain:** Sloping to the north east from the road.

**Water bodies:** None noted

**Exposure:**

**Erosion or possible permafrost:** None noted

**Access Roads:** Existing access off Judas Creek drive

**Suitable for Building foundation:** Suitable

**Suitable for Septic:** Suitable

**Distance to Water Supply:** Adj. Lot

**Subject to Flooding:** No

**Environmentally Sensitive Areas:** No

**If roads in area, any maintained YTG:**

**Distance to nearest community:**

**Distance to Power:** Power is in place

**Garbage Disposal:**

**General Comments:** The area is quite off level and will require some excavation work to find and develop a suitable building site. The NE corner of application area is moderately drained and would receive spring runoff. There were no other concern with the application area.

**Yukon**



**Yukon**



**Yukon**



**Yukon**



**Land Claims Implementation Secretariat:**

*Received by (method) on Date: No comments received by August 30, 2011*

**Property Assessments:**

*Received by mail on Nov. 5/10: No retp. concerns*

**Planning/Land Development/Building Safety:**

*Received by DART on May 24/11:*

Land Use Planner :

Lot 124 Judas Creek – Lot enlargement

- This application is for a 0.27 ha enlargement to Lot 124 Judas Creek which will double the size of the lot.
- Applicant has indicated that they wish to build to new house on the enlargement area
- There is currently no planning or zoning in Judas Creek although a Local Area Plan is underway for the Marsh Lake area.
- Its worth noting that there is a Land Use Authorization for an approx 1.0 ha parcel of land to the east of Lot 124 that is for a sewage disposal system and is also currently used as access to Lot 124.
- Amount of land applied for might be a bit excessive for a 24'x32' house, especially as the applicant has indicated that they will continue to use the existing sewage disposal system.
- If approved, subject to approval per the Subdivision Act and Regulations

**Land Use:**

Received by email on Nov. 4/10: Land use has no concerns with the application

**Environment:**

Received by DART on May 24/11 : The location of this proposed lot enlargement is approximately 510 metres from Marsh Lake, within an area known to have a variety of wildlife and is identified as being within a key wildlife area.

The application area is situated within the winter range of the Carcross Caribou herd and immediately abuts designated core winter range of this herd. Development of this site, as for others within the winter range, limits use or reduces the wintering range that may contribute to cumulative negative effects on the herd in the area and limit the recovery of the Carcross caribou herd.

**Valued Ecosystem Components:**

Wildlife

Water

Wildlife:

1. Carcross Caribou Herd: wintering range

The proposed project occurs within the winter range of the Carcross woodland caribou herd. Radio telemetry data from Environment Yukon shows that this site immediately abuts the 85% kernel of available caribou data. The 85% kernel was described as a core winter range for the Carcross caribou herd (Florkiewicz et al, 2007). The area contains lichen habitats, such as open pine and open needle-leaf areas, that are important feeding areas for caribou.

A recovery program for Southern Lakes woodland caribou herds (which include the Carcross and Ibex herds) was initiated in 1992, and remains in effect (<http://www.yfwcm.ca/mgmtplans/slcrp/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. 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.

2. Bear and other wildlife:

Within the surrounding area of this proposed land application there are bear (as well as other carnivores), moose, deer, grouse, raptors and a wide variety of other birds and smaller mammals. Proximity to riparian areas such as this are valued typically as migration corridors for many species and interruption reduces habitat function and value, and may cause greater human-wildlife conflict and reduced wildlife survival. When areas such as this are altered, the risk of harm to the plant and animals remains high at all times.

As rural residential lands continue to expand into wild they have the potential for attracting certain types of wildlife (Grizzly bears, etc). The proposed application has potential to set up ongoing wildlife interaction and conflicts. There is recognition that these situations may set the stage for human/predator conflicts in perpetuity where the wild carnivores are systematically removed. This has impacts on not only a species at risk (Grizzly bear), but the ability of Conservation Officers and wildlife managers to respond.

Bears and other scavengers can very easily become accustomed to human activities in rural/residential neighborhoods, as easily as a remote areas, and once realizing human activities are not a threat and are not deterred due to routine activities and noise.

Water:

Land developments close to water bodies may pose a risk to the water body. Rivers, streams and wetlands are typically rich habitats for wildlife. Healthy aquatic ecosystems are dynamic – they are always changing and any work altering wetlands, streams and riparian areas carries a high risk of affecting water quality and quantity, fish and wildlife species, and riparian and aquatic habitats at source point and downstream. These areas also maintain valuable aquatic and terrestrial wildlife habitats and provide higher complexity and structural diversity of vegetation and wildlife than any found in upland areas.

**Cumulative Effects:**

Rural sprawl continues to deplete forests and valuable habitat where fish, wildlife and vegetation live, in this case, the Carcross caribou herd. As human populations and development increase in rural residential areas, more caribou habitat will be impacted and fewer options to maintain intact habitats available to caribou will exist. These future constraints highlight the need to minimize development within core winter caribou range areas. Again, given this lot enlargement would occur within a moderately developed area, development being directed away from the core winter range Environment Yukon does not believe the project will have a significant adverse effect to the Carcross herd.

**Effects / Impacts:**

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 of the area and loss of biodiversity. As the proposed activities involve the clearing of land to build a residence, the result will be the permanent loss of natural habitat.

Increase of the zone of influence – Carcross caribou herd:

Land dispositions and/or developments within the winter range of the Southern Lakes caribou are likely to diminish the value of key habitats. Key areas are used by wildlife for critical seasonal life functions and are recognized as being of high environmental value. Winter range is key habitat for woodland caribou and is used traditionally year after year. Caribou require extensive space and a variety of habitats, and undertake traditional movements, presumably as a strategy to minimize predation, exploit seasonal pastures, and avoid deep snow. Over most of their range, caribou subsist on lichens in the winter and are therefore associated with forests that support a relatively high biomass of lichens. In part because this staple winter food is slow growing, and fragile to physical disturbances, caribou habitat is considered sensitive to a wide range of disturbances. At present, the quantity of open pine lichen habitat required to sustain the southern lakes caribou population is at a threshold where additional losses from development within the caribou range represents a significant risk to the population, and may cause significant negative impacts to the Carcross caribou herd. The increased activity associated with a residential development increases the disturbance to caribou which may have a negative impact on the Carcross herd.

Bear mortality:

As rural residential lands continue to expand into wild lands they have the potential for attracting certain types of wildlife (Grizzly bears, etc). The proposed application has potential to set up ongoing wildlife interaction and conflicts. There is recognition that these situations may set the stage for human/predator conflicts in perpetuity where the wild carnivores are systematically removed. This has impacts on not only a species at risk (Grizzly bear), but the ability of Conservation Officers and wildlife managers to respond. Bears can very easily become accustomed to human activities in rural/residential neighborhoods, as easily as a remote area and once realizing human activities are not a threat and are not deterred due to routine activities and noise.

Water contamination/loss of fish habitat:

This application is approximately 510 metres from the OHWM of Marsh Lake and lies in the vicinity of several smaller water bodies which could be negatively impacted should contaminants enter the water system. Contaminants can cause serious harm to fish and other aquatic life resulting in mortality and the altering of life-cycles.

Cumulative Impacts:

All un-planned developments within wildlife areas limit the ability to predict or manage cumulative effects to wildlife and habitat. Given this concern and the result of land applications permanently alienating wildlife habitat, any new development in this area is considered to eliminate habitat and add to the zone of influence on the Carcross caribou herd potentially affecting their recovery.

**Recommended Mitigations:**

All activities shall be managed in such a way as to not allow for contaminants and/or erosion from runoff to enter any of the surrounding water bodies.

At minimum, the configuration of this application should be setback 100m from the OHWM of Marsh Lake.

Land use planning should occur before further development takes place in this area.

<p>The proponent shall make every effort to avoid disturbing or harassing wildlife. Garbage (including kitchen waste), pet food and other attractants must be handled and stored in such a way so as not to become accessible to wildlife. The District Conservation Officer should be contacted for any necessary information regarding bear deterrent practices and if any incidences occur involving wildlife. 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.</p>
<p><b>Tourism:</b> <i>Received by (method) on Date:</i></p>
<p><b>Heritage Resources:</b> <i>Received by email on Oct. 29/10: It has been reviewed and found to have no concerns.</i></p>
<p><b>Highways:</b> <i>Received by DART on May 20/11: No additional access(es) will be permitted if the Lot enlargement is granted</i></p>
<p><b>Forestry:</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i></p>
<p><b>Agriculture:</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i></p>
<p><b>Department of Fisheries and Oceans:</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i></p>
<p><b>Environmental Health:</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i></p>
<p><b>Municipalities (if any):</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i></p>
<p><b>First Nations (enter name):</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i></p>
<p><b>Marsh Lake Local Advisory Council:</b> <i>Received by email on Dec. 3/10: The Marsh Lake Local Advisory Council reviewed this lot extension application at our November regular Council meeting. At that time we were informed that three of four immediate neighbours to Lot 124 are in opposition to this application. Reasons given for this opposition stem from a concern over keeping the corridor open for wildlife to access the Judas Creek wetlands area plus a desire on the part of the residents not to infill into the green spaces along the Judas Creek Drive. Regarding lot extension applications in Marsh Lake over the past decade, the Marsh Lake LAC has:</i></p> <ol style="list-style-type: none"> <li>1. Consistently supported (or at least not opposed) extensions needed for septic fields, wells, or to bring power to a property; but,</li> <li>2. Consistently and vigorously opposed second or subsequent lot extension applications regardless of stated rationale or changes of ownership.</li> </ol> <p>The application for Lot 124 would be the second extension for this lot and the stated need for extension is to build a second residence, not a need for e.g., a septic field. The Marsh Lake LAC therefore opposes this application.</p> <p>In addition, we wish to point out that by granting this extension the Yukon government will create a lot with approximately double the usual frontage along Judas Creek Drive. Such a situation, especially with two residences on the lot, will almost inevitably result in a future application (whether by the current or future owner) to subdivide the lot. This runs entirely counter to the strong and often expressed opposition by residents of Judas Creek to infilling along the road.</p>

<b>Yukon Electrical Company Ltd:</b> <i>Received by email on Nov. 12/10:</i> If the land application for the property adjoining Lot 124 Judas Creek is approved as a lot consolidation Yukon Electrical is requesting that a condition of the sale be that the owners will grant to us an easement 4m in width, on the new consolidated lot, along and abutting the road allowance. This easement would be to protect the existing power line.
<b>Yukon Energy Corp:</b> <i>Received by email on Dec. 6, 10:</i> Yukon Energy Corporation has no concerns or comments regarding the above land application.
<b>Neighbours (only enter the Lot # &amp; Name if they respond):</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i>
<b>Trappers (enter in Concession # &amp; Name; if any):</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i>
<b>Big Game Outfitter (enter in Concession # &amp; Name; if any):</b> <i>Received by (method) on Date: No comments received by August 30, 2011</i>

**DECISION:**

**Deferral subject to:**

Further consultation with the applicant stating that the area under application did not appear suitable for building and to inquire if there would be interest in changing of the location of application to include an area north and/or east of the existing lot to better suit his proposed need for application.

**Conditionally approved subject to:**

1. The proponent shall comply with the Migratory Birds Act and Regulations;
2. Contractors shall have a spill kit on site for use in case of accidental release;
3. Best Management Practices shall be employed while refueling equipment in order to minimize the potential of spills or leaks occurring.

**Conditional approval subject to:**

- a) Reconfiguration as shown on the attached sketch, dated December 19, 2011;
- b) Subdivision Approval.

**INTERIM DECISION LETTER SENT TO CLIENT:**

**December 29, 2011**

**FINAL DECISION LETTER SENT TO CLIENT:**

**January 18, 2012**