

**YESAA Triggered - YG LAND APPLICATION REPORT
Updated to (26, July 2011)**

GENERAL

Application Number	2011-0683
Name	William & Lorrie Greer
Application Type	Water lot lease
Date Review Completed	August 1, 2011
DO Application Number (YESAB)	2011-0143

LOCATION

NTS Map #	105E03	
Geographic Location Name	Near Lot 104, 97223 CLSR, 2010-0090 LTO, Lake Laberge	
Latitude and Longitude	60° 4'N 135° 12' W	
Watershed and Drainage Region		
Nearest Community(s)	Name: Deep Creek	Distance from project: km
	Name: Whitehorse	Distance from project: 45km
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): I would like a permit or lease to install a private boat dock in front of my lot.

APPLICATION SKETCH DATED MAY 25, 2011 (LANDS BRANCH) IS ATTACHED TO THIS REPORT

SUMMARY OF RESPONSES TO DISTRIBUTION:

(Note – DART comments should be included in the boxes below). (WHERE NO COMMENTS RECEIVED PLEASE NOTE “NO COMMENT RECEIVED BY MONTH, DAY, YEAR”) (Use Font Arial 10 when entering comments; when pasting from comments received)

<p>Lands – Client Services: The area appears topographically suited for the intended purpose</p>
<p>Natural Resources Officer INSPECTION COMMENTS – Southern Lakes: <i>Date Received: June 17, 2011</i> Existing Improvements: N/A</p> <p>Soil: Lake bed sediments, clay and various sized rocks</p> <p>Vegetation Cover: none</p> <p>Terrain: Lake bed</p> <p>Water bodies: Lake Laberge</p> <p>Exposure:</p>

Erosion or possible permafrost: Natural – wave action

Access Roads: No new access proposed

Suitable for Building foundation: Galvanized posts to support dock structure

Suitable for Septic: N/A

Distance to Water Supply: N/A

Subject to Flooding: Lake level fluctuations

Environmentally Sensitive Areas: Shoreline and lake bed

If roads in area, any maintained YTG:

Distance to nearest community:

Distance to Power:

Garbage Disposal:

General Comments: Lake bed in area of dock is mix of sediment, clay and various sized rocks. Site is suitable for construction of a dock. If approved, the lease dimensions should be sufficient size to allow for extension of the dock walk way to be above the ordinary high water during high water levels. Recommend application be approved

Yukon



Land Claims Implementation Secretariat:

Received by (method) on Date: no comments received July 26/11

Property Assessments:

Received by mail on June 24, 2011: No retp. concerns

Planning/Land Development/Building Safety:

Received by DART on June 20, 2011: Land Use Planner:

- This application should be reviewed with respect to the policies and land use designation in the Deep Creek Community Plan and draft Deep Creek Development Area Regulations
- The area applied for for the dock construction is designated “Shoreline Protected Lands” in Deep Creek Plan.
- The shoreline Protected Lands designation extends from the property line to the OHWM. This designation does not appear to support any form of development

3.7 Shoreline Objective: “ to preserve those undeveloped portions of shoreline along Lake Laberge in their current form for the purpose of accommodating recreational uses and wildlife”

Recommendation:

3.7.1 “New development on the shoreline of Lake Laberge (including Richtofen Island) should be restricted to passive recreational uses only within the 100 meter shoreline protection zone”

3.7.2 “ General public access to Lake Laberge should be directed to the government campground”

- The Draft Deep Creek development area regulations also zones this area as SPO

-Shoreline Protection zone

“Shoreline Protection Zone Purpose

40 The purpose of the Shoreline Protection Zone is to protect and preserve areas of environmental and/or recreational significance from incompatible development along the shores of Lake Laberge”

Land Use:

Received by DART on June 23, 2011: Ensure that proper erosion control methods are followed. If proponent can access dock location utilizing existing access no land use permit will be required.

Received by email on June 20, 2011: The only concern Land use has is that in order to construct the dock they will likely need a LUP to access area. The machinery used to drive the pilings for the dock will likely need to be permitted.

More info on how they plan to do the work and with what machinery is needed to make that determination.

Environment:

Received by DART on June 21, 2011: Environment Yukon has reviewed the application for a dock lease on Lake Laberge and has no major concerns.

Environment Yukon, Water Resources Branch developed a publication entitled “Best Management Practices for Works Affecting Water in Yukon” which provides useful mitigation measures and considerations in order for proponents to comply with environmental regulations. Section 3.11 on page 78 provides best management practices for docks and barge landings on shorelines of lakes and rivers used in municipal, recreational and industrial applications. It is recommended that the proponent refer to this publication for advice on regulatory requirements and best management practices.

The Best Management Practices for Works Affecting Water in Yukon publication is available online her:

http://www.env.gov.yk.ca/mapspublications/documents/bestpractes_water.pdf

Tourism:

Received by (method) on Date: no comments received July 26/11

Heritage Resources:

Received by email on June 7/11: Heritage Resource Unit has reviewed application 2011-0683. The project area has elevated potential for the presence of heritage resources but the application is a lease and minor impacts are being proposed. For this reason heritage resources will not be impacted by this project. Heritage Resources unit has no further concerns with the project.

<p>Highways: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Forestry: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Agriculture: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Department of Fisheries and Oceans: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Environmental Health: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Municipalities (if any): <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>First Nations (enter name): <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Renewable Resource Council (enter name if any): <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Yukon Electrical Company Ltd: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Yukon Energy Corp: <i>Received by (method) on Date: no comments received July 26/11</i></p>
<p>Neighbours (only enter the Lot # & Name if they respond): <i>Received by email on July 20, 2011: Lot 54, Bonnie Burns</i> I only received the application regarding the above file in my mailbox on July 18 so therefore, I am now long past the due date to provide comments which were due July 16th. I guess this got held up in the mail strike however comments are still due within the month allotment I'm sure. However, even if it is a moot point, I am going to provide you some comments anyway, late or not. Initially I wouldn't have a problem going along with their application for a dock however past experience with their lot enlargement application in 2009 has not impressed me. When we approved their lot enlargement in 2009, there was no mention that they would be altering the access road. In fact it specifically states that the use of the existing road is not affected by the land application (page 4 of application number 2009-1240), yet, without any consultation to any of the neighbours, the Greers took it upon themselves to move the road. I have driven down this road for the past 28 years so imagine my surprise when upon returning home that particular day, and I automatically take the turn I have always taken in the past 28 years, now presents me a large trench, which I almost lost the front end of my truck into. During the course of this unauthorized construction, our telephone cable was severed. Initially we thought NWtel was down, as is typical, but upon asking when in town, we discovered that wasn't the case. When Greer was questioned whether he had cut our cable he vehemently denied it, only to discover that indeed he had. Needless to say we were not impressed when NWtel sent us the bill for repairs! We explained the situation to them and eventually were not charged. So now I am not sure if I support these same people obtaining a water lot in order to build a dock. What exactly does this mean anyway? Do they get title to the shoreline the dock is attached to? Shorelines, as I understand it, cannot be privately owned. Does this mean that now I will be trespassing when I walk along the beach from my house to the campground, when I have to go by their dock?</p>

I realize that I am past the deadline for comments, but please add my comments to the file anyway, even if it is too late for the decision process.

Thank you.

Bonnie Burns
Lot 54

Response from Applicant:

Received by letter on July 15, 2011: Lot 51, Judy Nadon

In response to the above application my comments are as follows:

My neighbour has been historically and traditionally a quiet community, happy that use of the lake is limited to access by a public boat ramp and boaters go away from shore to fish or sightsee. A 50' dock would encourage a wider range of water vessel use close to shore substantially increasing the noise disturbance created by one property owner.

Lake Laberge is a major migratory bird feeding grounds and many nesting and breeding species use the beach and there would certainly be disturbance to the water habitat during construction.

I am against the precedent which will be set if the Greer's application for a water lease is approved. Up until this application the shoreline has been free of structures with the exception of a public boat ramp, and the addition of one property owner's structure will interfere with this vision.

Use of a 50' dock off the shore-essentially extending their property by a 150', when you count the riparian zone and the 100' right of way-would deteriorate the special peace and beauty of the lake Laberge shore.

It is my hope that the YESA assessment will find a 50' dock inappropriate and that this generation can enjoy continued peace and quiet at our chosen lots.

Received by hand July 28, 2011: Lot 98

I live at Lot 98 Fossil Point road. I am opposed to Greer's wharf application. I'm worried about float planes coming low in the bay below me. Also if one person can have a long wharf then other people should be able to have one too.

Received by hand July 29, 2011: This letter is in my response to the two letters of concern received by me July 28, 2011, with regards to my water lot lease application with Lands Branch for the purpose of installing a private boat dock adjacent to my property.

I read with sadness the misconceptions and the negative tone of one of the letters and would like the opportunity to respond to some of the comments. I will share this with all my immediate neighbors and the related Lands Branch personnel as I prefer to be open and accountable for my actions.

Access Road - I'm sorry for the obvious hard feelings the access road relocation has promoted to some of my neighbors but I want to ensure all affected parties understand the circumstances involved with my lot enlargement application of 2009.

1. The relocation of a portion of the access road was not my choice. Relocation of the access road was one of the conditions Lands Branch included within the lot enlargement agreement (see attached Lands Branch Oct 2009 Decision letter and corresponding survey sketch). This work was required by Yukon Government and was to be completed solely at my expense.
2. The road re-location work was to be completed with required permits from the Dept of Highways and was to meet their design requirements prior to granting title of our new (enlarged) lot.
3. Whatever information that Lands Branch initially sent to my neighbors with regards to my lot enlargement application (i.e. the requirement for access road revisions), I do not know as I was not privy to that letter.

To my affected neighbors: I can understand that my perceived changing of "your" road without any forward discussion could be upsetting. I agree this information should have been included in your initial Lands Branch advisory letter for your consideration. For that communication lapse, I apologize on behalf

of myself and the Lands Branch process.

Despite your understandable annoyance to this change, I hope I have completed the road work as practically as possible. I attempted to modify as little of the road as possible while following the Dept of Highways road design directions regarding the intersection at Fossil Point Road. I have tried to be environmentally and aesthetically responsible with the road work. I have spent time and money with efforts to re-green the abandoned road section by planting (and hand watering) native grasses and trees. It was disconcerting to me last summer when my re-greening efforts of the abandoned road section were repeatedly vandalized. This summer I have planted four additional native trees to replace the ones damaged last year.

Phone Line - My accidental cutting of Northwestel's underground phone line was a mistake made by myself and my hired excavator operator. When Ken Nordin informed me of his downed phone I did not deny the possibility of my work affecting the disruption and went out the next day to investigate. The buried cable was not marked with underground flagging (as is common) and I informed Ken and Northwestel immediately of what had happened. Once Northwestel spliced the cut cable I immediately re-covered (protected) the line. The bottom line; I have not denied my actions caused the outage and am truly sorry for the communications disruption that I have caused.

Neighbors responses - Bonnie, when we met last summer you gave no mention of your concerns regarding the Fossil Point road change. Had I known you had seemingly serious issues with the work, I could have at least explained the reasons for it.

I also agree with Judy in that we wish for peace and tranquility on the lake area and as such we try to be respectful of noise pollution and limit our footprint in this regard. We do not own motorcycles, quads nor have dogs. Quality of life is important to us also and I share your desire for serenity. I also do not favor public or commercial development of the area but is it not reasonable that waterfront lot owners would want to experience the lake with boat access?

The presence of a basic four-foot wide, straight-line dock will not negatively affect any wildlife nor increase boat traffic as this will be our private dock and is not for public use. I have gone through the complete YESAB (environmental) review and proper permitting as I want to be above board on this request. Many dock owners have built what they want, how they want with no regards to regulations. I am hoping that a basic, straight-line dock in front of my lot (not visible by most neighbors) will not impair the lake experience for others and I don't foresee the presence of a dock affecting any public use of the beach area.

Lorrie and I only want to enjoy our lake property and exist in harmony with our neighbors. We are not trying to develop anything out of the ordinary that any cottage lot owner would not expect or what many presently have. It is my hope each of our cottage neighbors will reconsider the conditions affecting our past events and accept their new neighbors whether or not the dock lease is approved.

Trappers (enter in Concession # & Name; if any):

Received by (method) on Date: no comments received July 26/11

Big Game Outfitter (enter in Concession # & Name; if any):

Received by (method) on Date: no comments received July 26/11

DECISION:

Conditional Approval subject to:

All the terms listed in the Decision Document of July 27, 2011 as follows:

1. The proponent shall undertake activities in a manner consistent with DFO's Operational Statement for Dock and Boathouse Construction in Freshwater Systems (www.pac.dfo-mpo.gc.ca/habitat/os-eo/dock-quais-eng.htm)
2. The proponent shall undertake activities in a manner consistent with Yukon Environment's Best Management Practices for works affecting Water in Yukon (http://www.env.gov.yk.ca/mapspublications/documents/bestpractes_water.pdf). Section 3.11 of this publication specifically considers BMP's for docks on shorelines of lakes.

And further subject to:

- Minimal disturbance within the shoreline protection zone during and after construction;
- Cannot impede public access to the shoreline; and
- Two million dollar liability insurance on the dock, proof to be provided to Land Management Branch prior to the issuance of the Lease and on an annual basis for the term of the Lease.

INTERIM DECISION LETTER SENT TO CLIENT:

August 4, 2011

FINAL DECISION LETTER SENT TO CLIENT:

September 7, 2011