

**Non YESAA - YG LAND APPLICATION REPORT**  
**Updated to (6, December 2011)**

**GENERAL**

Application Number	2011-1681
Name	<b>James Donald Connelly</b>
Application Type	Lot Enlargement
Date Review Completed	November 22, 2011

**LOCATION**

NTS Map #	105D/08	
Geographic Location Name	In Tagish Beach Subdivision, Adjoining Lot 153, 44937 LTO, 60475 CLSR	
Latitude and Longitude	60° 15'N; 134° 19'W	
Watershed and Drainage Region		
Nearest Community(s)	Name: Tagish	Distance from project: km
	Name:	Distance from project: km
First Nation Traditional Territory(s)	Carcross/Tagish First Nation	
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):** For lawn and recreational and most importantly a safe play area for 5 grandchildren.

**APPLICATION SKETCH DATED AUG 11, 2011 (LANDS BRANCH) IS ATTACHED TO THIS REPORT**

**SUMMARY OF RESPONSES TO DISTRIBUTION: (WHERE NO COMMENTS RECEIVED PLEASE NOTE “NO COMMENT RECEIVED BY MONTH, DAY, YEAR”)**

<b>CONSIDERATION FOR USE</b>		
<ul style="list-style-type: none"> <li>- used as valued component</li> <li>- information</li> <li>- basis for information request</li> <li>- potential project effect</li> <li>- expert opinion</li> <li>- policy or position</li> <li>- regulation</li> <li>- beyond scope of evaluation</li> <li>- beneficial effect/consideration complete mitigation</li> </ul>		
<b>CONTRIBUTOR</b>	<b>SUMMARY OF COMMENTS</b> (Use Font Arial 10 when entering comments; when pasting from comments received)	<b>CONSIDERATION FOR USE</b>
<b>Natural Resources Officer INSPECTION COMMENTS – Southern Lakes</b>	<p><i>Date Received:</i></p> <p><b>Existing Improvements:</b> The area has the limbs cleared of the lower portions of the spruce timber in the area. The area is very tidy with no underbrush.</p> <p><b>Soil:</b> the soils in the area are dry, with a sandy subsurface material present. The soils in this area are very suitable for its intended purpose.</p> <p><b>Vegetation Cover:</b> The majority of vegetation cover consists of spruce with sparse poplar and willow present on the applied for area.</p> <p><b>Terrain:</b> the topography in this area is sloping towards the Tagish Lake with a</p>	


<p>level flat area within the high water mark. The area applied for is gently rolling with an east aspect.</p> <p><b>Water bodies:</b> The Tagish Lake is located adjacent to the applied for area. The area applied for is outside the high water mark.</p> <p><b>Exposure:</b></p> <p><b>Erosion or possible permafrost:</b> The area applied for as well surrounding area had no visible signs of erosion at the time of inspection. The shoreline has shown very little to no erosion in front of this particular lot 153. the area maintains stability at the shoreline there was some erosion occurring.</p> <p><b>Access Roads:</b> the access to this applied for parcel is located in front of the existing parcel on the east side between the primary residence and the Tagish Lake.</p> <p><b>Suitable for Building foundation:</b></p> <p><b>Suitable for Septic:</b></p> <p><b>Distance to Water Supply:</b> The applicant has a waterline that crosses the applied for parcel in the summer months which draws water from the Tagish Lake to supply his garden and plants.</p> <p><b>Subject to Flooding:</b> the lower portion of the applied for area could get flooded with a real high spring freshet. There was no signs of previous flooding.</p> <p><b>Environmentally Sensitive Areas:</b> During the time of inspection no potentially environmentally sensitive areas have been identified.</p> <p><b>If roads in area, any maintained YTG:</b></p> <p><b>Distance to nearest community:</b></p> <p><b>Distance to Power:</b></p> <p><b>Garbage Disposal:</b></p> <p><b>General Comments:</b> In speaking with the applicant in regards to the applied for lot extention, he mentioned that for the safety of his grandkids this area was the best suited place for them to play in as well have the swings and toys. The area adjacent to the existing lot has vehicle parking as well the traffic has increase on the street due to the boat launch. The area is well suited for the applicants intended purpose. The inspection report contains details of the site.</p>
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**Yukon**



**Yukon**



	<p style="text-align: center;"><b>Yukon</b></p> 	
<b>Land Claims Implementation Secretariat:</b>	<i>Received by (method) on Date: No comments received by October 24, 2011</i>	
<b>Property Assessments:</b>	<i>Received by mail on Aug. 30/11: No retp. concerns</i>	
<b>Planning/Land Development /Building Safety:</b>	<i>Received by (method) on Date: No comments received by October 24, 2011</i>	
<b>Land Use:</b>	<i>Received by email on Sept. 21/11: Land use has no concerns with this applicant with a water lot lease. The area applied for is a natural extension of their current property and the OHWM can be maintained as is.</i>	
<b>Environment:</b>	<i>Received by (method) on Date: No comments received by October 24, 2011</i>	
<b>Tourism:</b>	<i>Received by (method) on Date: No comments received by October 24, 2011</i>	
<b>Heritage Resources:</b>	<i>Received by email on October 3/11: We completed the inspection of Land Application 2011-1681 (Connelly) adjoining Lot 153 Tagish Beach on September 29. There are not further heritage resources concerns with this application.</i>	

YG LAND APPLICATION REPORT – Not YESAA Triggered

	<p>Received by email on Sept. 01/11: Land Application 2011-1681 (Connelly) in the Tagish Beach Subdivision is in an area of high archaeological potential. Two archaeological sites have been identified within 500m on either side of the application. Our office will complete an inspection of the applied for area in the 2011 field season. We will inform Lands Branch of the assessment results when completed.</p>	
<b>Highways:</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	
<b>Forestry:</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	
<b>Agriculture:</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	
<b>Dept of Fisheries &amp; Oceans:</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	
<b>Environmental Health:</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	
<b>Municipal (enter name if any):</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	
<b>First Nation Carcross/Tagish:</b>	<p>Received by email on November 16, 2011: The CTFN Land Use Team has reviewed the above noted expansion application and have recommended that Mr. Connelly's application not be approved for the following reasons;</p> <ol style="list-style-type: none"> <li>1. First and foremost, we feel that any further expansion in this area will extinguish the already limited public access through the Water-Front-Right_of_way. As per 5.15.3 of CTFN Final Agreement, "any person has the right of access without consent the waterfront-right-of-way for travel and for non-commercial recreational including camping and sport fishing." It should be noted that there is an existing marine lease (2010-1420) with improvements directly adjacent to the proposed expansion area. The remaining area between would be insufficient for public access and would limit any use and enjoyment by public.</li> <li>2. Second; the applicant indicated in his application that there were no historic or heritage values or trails in the proposed area. We inspected the area and did find and GPS'd an existing pathway through the site and photo documented potentially historic resources that may indicate that there was a "telegraph line" that may have run along the west shore of Tagish Lake. Also, our Heritage Trails Map and Traditional Knowledge Experts inform us that historically, there was a trail in the area that was used to travel to the 10 Mile area from Tagish.</li> <li>3. Thirdly, CTFN questions why this application is not going to the YESAB Screening Process as there appears to be sufficient evidence that the applicant will need to remove trees and further develop the site in order to achieve the desired site plan.</li> </ol> <p>To reiterate, CTFN opposes Mr. Connelly's lot expansion proposal as we feel this would further limit any public use and enjoyment of the area. Additionally, we strongly recommend that there be further archaeological and heritage assessments done for this and adjoining areas to ensure culturally and historically significant sites are not destroyed.</p>	
<b>Renewable Resource Council (enter name if applicable):</b>	<p>Received by (method) on Date: No comments received by October 24, 2011</p>	

<b>Yukon Electrical Company Ltd:</b>	<i>Received by (method) on Date: No comments received by October 11, 2011</i>	
<b>Yukon Energy Corp:</b>	<i>Received by email on September 30/11: Yukon Energy Corporation has no concerns or comments regarding the above land application.</i>	
<b>Neighbours (only enter the Lot # &amp; Name if they respond):</b>	<i>Received by (method) on Date: no comments received by October 24/11</i>	
<b>Trappers (enter in Concession # &amp; Name; if any):</b>	<i>Received by (method) on Date: N/A</i>	
<b>Big Game Outfitter (enter in Concession # &amp; Name; if any):</b>	<i>Received by (method) on Date: N/A</i>	

**DECISION:**

**Denied**

The area has high recreational values towards the waterfront reserve and is currently available for all public use. The original subdivision plan indicates an intention to leave a waterfront buffer larger than 30.48 metres. The stated need of the lot enlargement can already be achieved without alienation of the land to private use. The enlargement is inconsistent with the settlement pattern of the Local Area Plan.

**INTERIM DECISION LETTER SENT TO CLIENT:**

*(No IDL where application denied)*

**FINAL DECISION LETTER SENT TO CLIENT:**