

## MINUTES

LAND APPLICATION REVIEW COMMITTEE  
Large Boardroom, 419 Range Road  
Whitehorse  
October 13, 2005  
TIME: 9:00 a.m.

NOTE TO READER: These minutes are only a synopsis of what has transpired with respect to an application.

### Present:

Bryony McIntyre, Chair	E.M.R., Lands
Colin Beairsto	E.M.R., Lands
Tanya Groundwater	E.M.R., Lands
Eric Petersen	E.M.R., Lands
Roger Horner	E.M.R., Lands
Randy Lamb	Environment
Greg Hare	Heritage, Archaeology
Judy Linton	C.S., Land Planning
Eero Karanka	DFO
Bernie Cross	H.P.W., Transportation Engineering
Cathryn Paish	Tourism
Shanna Epp	Tourism
Shawn Ryan	Applicant #2005-0177
Renee Mayes & Ed Kormendy, Tr'on dek Hwech'in First Nation [by conference call]	Application #2005-0177
Cameron Long	Applicant #2005-0197
Kriss Sarson, Community Services	Applicant #2005-0015 & 0016
Gary Crawford	Intervener, Application #2005-0015
Walter Hinnek	Intervener, Application #2005-0015
Rod Nickel, Business Development Bank of Canada	Intervener, Application #2005-0015
Gail & John Hendley, Guggieville, Bonz. Gold	Interveners, Application #2005-0015
Chuck & Camellia Sigurdson [by conference call]	Interveners, Application #2005-0015
Brad Callison & Paul Rivest	Application #2005-0205
Paul McDonagh	Applicant #2005-0200
Joyce Bachli	Recording Secretary

### Review of Agenda

Delegates scheduled: Cathy Wood is scheduled at 9:15 a.m., Community Services and interveners at 9:30 a.m., Cameron and Valerie Long at 9:45, Brad Callison at 10:15 a.m.; Paul McDonagh at 10:30 a.m. and Gagnon & Korte at 11:15 a.m. [did not show].

### OLD BUSINESS

**1. #2005-0002: Raymond Gagnon & Irene Korte – 3.0 ha, parcel near Mendenhall Subdivision Access, South side of Alaska Highway, Quad 115A/16 – Commercial – deferred April 14, 2005 LARC**

Removed from agenda - applicants did not provide new information.

**2. #2005-0015: Community Development Branch, Community Services, Yukon Government - 20.2 ha, parcel near Callison, Quad 116B/03 – Reserve – Sewage Lagoon – deferred May 13, 2005 LARC**

Kriss Sarson, Community Services; together with interveners: Gary Crawford, Gail & John Hendley, Walter Hinnek, Chuck & Camellia Sigurdson (teleconference) and Rod Nickel, BDBC, attended at 9:55 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Sarson provided an update, complete with topographical mapping:

- Community consultation process: To date, have held four meetings in Dawson City; mixed response, lots of people don't want a lagoon and lots of people don't want the lagoon in their back yard.
- Some prefer the mechanical system, as it is smaller and can be located in town.
- Conflicting issue is aesthetics versus sustainability in terms of O & M costs. The lagoon system is approximately \$300,000/\$320,000 per year versus mechanical system at \$640,000. The last meeting the choice was the system has to be affordable so it does not financially strap the City.
- Updated memo was tabled, complete with graphs showing the performance of the pilot plant, which is located downtown by the screening plant. This fall, almost 95 percent reduction of all contaminants has been achieved, i.e. effluent produced is comparable to a secondary mechanical treatment. This speaks well to what the system can do, especially in relation to future regulations that may come into effect.
- North Pole, Alaska's system, which has been in place for 20 years, is being utilized for comparison purposes. They have met all regulatory requirements and been able to achieve 98/99 percent reduction, i.e. take a BOD from 220 to below 10 milligrams/litre. The current water licence specifies 45.
- The graphs were referenced to illustrate a comparison of licence requirements to pilot project, illustrating that the aerial lagoon technology will suffice to fulfill what Dawson requires. The scaled-down version actually replicates a lagoon system. Upgrading of equipment may occur on the treatment end, but the process in general will be the same.
- Lagoon sites: At their last general assembly, the First Nation passed a resolution that they will not make any of their land available. So, sites across the river, on First Nations' lands, are not an option. Without the bridge, accessibility has eliminated some sites. Sites on the dome are not financially feasible due to pumping requirements. The site at the north end of Dawson was viewed as the worst selection, as between three and six houses would have to be moved, plus there would be an infringement on about 30 additional building lots, plus it is right in town. The alternative dome site (placer mined-out site) was seen as too expensive, both capital-wise and operationally, in terms of construction costs and change in elevation. The three sites in the Callison area are the only options left. Site "B" was dropped due to construction and elevation concerns. Sites "C" and "A" are left and "C" has been chosen: proximity to town (closest), minimum distance for pumping, less heat loss because of shorter pumping requirement. Site "A" is basically a peat bog and would have to be excavated to gravel and infilled to build the lagoon; higher operation costs due to being further from Dawson. A risk assessment eliminated the south island site due to flooding, spring breakup and accessibility complications. Construction would mean winter-hauling everything to the island.

Questions/Comments of Community Services:

- Under the Subdivision Regulations, a house must be 300 meters away from a sewage lagoon. A variance can be applied for.
- Tourism questioned: Given the data on the charts, what kind of smell can be anticipated and was advised if the system is operating correctly, there will be no smell. A picture of the North Pole, Alaska system was tabled. The only time the system would malfunction would be if the blowers that pump air into the lagoon (aerated lagoon system) stop. If they stop for about a week until the system goes anaerobic, there will be odour.

- Because air is being pumped in with mechanical blowers, there will be a backup generator; and it would have to be a major event that would cause a failure.
- Peaks on the graphs during June/July are mostly due to influx of tourists and increased volume. Currently, in the wintertime, the City does not exceed its water licence requirements. Tourism season has spikes of ammonia.
  - The three tanks in the pilot plant mimic the proposed construction, with different length of retention in each tank.
  - For all sites, the total area is approximately the same, i.e. about 300 meters by 400 meters.
  - The option of utilizing the system only in the summer season is not permitted under regulation. Once the process commences, the wastewater has to continue to go through the system.
  - Comment that First Nations will be utilizing the system despite their reluctance to allow the lagoon on their land.
  - Dumping will be allowed at the site, and the noxious odour was seen as unacceptable. Community Services advised that with present dumping, as the station fills up with strong waste, the pumps kick in and there will be a slug loading and a big rush of high-strength wastewater coming to the screening plant. A mister was utilized to keep the smell down at the pumping station. In future, this wastewater will get pumped into the screening plant.
  - Regarding smells at the test centre, Community Services advised that the pilot plant is outside the building; monitoring of the hydrogen sulphide levels (rotten-egg smell) has revealed only one day where the smell was strong enough to be noticed when standing right beside the plant. There is no smell within a metre or two of the plant. The operators, who are private contractors, also do a smell test every day. None of the tests show that there should be anything causing smells.
  - The system operates under an honour system (unlocked); and from a typical holding tank (grey water), there should not be heavy odour. All septic waste is to go to the Dempster Highway station, but no one regulates it. As of September 19<sup>th</sup>, no dumping is allowed. Once the new system is in place, it can handle whatever is dumped, and there will be no need to go to the Dempster.
  - Odour problems at the new system will be controlled by: 300 meters away from anybody, proper dumping station so there is no exposure to the air, i.e. connect to a vacuum pump with a pressure discharge rather than gravity flow. The process takes about two minutes.
  - Chuck Sigurdson: Regarding the townsite site, with a 300-metre setback, feels there is enough room. There would be no need to buy lots, because nobody lives in the area. Community Services advised in the north end of Dawson, for the required footprint to build the lagoon, not including the buffer, three-to-six houses would have to be purchased. This was investigated by laying a scaled drawing of the lagoon overtop of the map of the area.
  - Regarding the Callison site, 300 metres were scaled off to ensure the lagoon can be fit on Site "C". The permafrost will have to be removed before the plant is built on site.
  - Mr. Sigurdson advised with the test project, he can smell the plant every time he drives down Fifth Avenue. Community Services responded tests indicate the smell is coming from the screening plant, not the test plant.
  - The Sigurdsons would like to see downstream sites pursued before upstream sites; and if that means getting Tr'ondek Hwech'in First Nation on side, that should be a priority. Community Services indicated there is a deadline of 2008. The First Nation issue is with the City of Dawson. The City and the First Nations say "no"; and although they are not the ones generating the waste, the residents in the valley seem to have no say. They have their own systems in place and are not the ones creating the problem. Suggested installing a mechanical system, with hoteliers charging a room tax to pay for same.
  - Regarding the purpose of the hearing, the meeting is to look at Site "C" only; Site "A" was just identified through the process and has not been applied for. There are higher capital and operational costs for that facility due to location and technical concerns.
  - Costs that should be considered include buying out miners who are affected.

- Walter Hinnek noted Community Services is stuck on one option and questioned what the miners are supposed to do. They are working their claims and have a lot of money invested. Photos and a list of mining equipment were tabled. He noted the number of First Nation sites that have been eliminated.

Comments from interveners:

- Walter Hinnek & Gary Crawford: have a group of 76/78 claims, which go all the way up to the highway; verbal agreement to take in Mr. Hawks' claims, approximately 30 more.
- Are working presently on site to the left of the lagoon where there was drilling done 10 years ago. Where test holes were dug is where they are drilling and planning to excavate next year [illustrated on map where claims are located]. They estimate at least 15 years of mining left, worth about 70 or 90 million dollars. The mine has been in operation since the early '70's. They spent five or six years underground, but now that is too dangerous.
- Questioned the safety of the system in view of the earthquake possibility and alleged if it ruptures, it will go down to Dawson. Therefore, it makes sense to stay below Dawson with the system, however most of those sites are First Nation land. Community Services stated with best practices should be able to factor in worst-case scenarios. The department needs certainty of a site, and issues of First Nations are not within their jurisdiction.
- There is a site further down the road with lots of white tailings where the lagoon should go.
- Rod Nickel, BDBC: concerns with the site, as the bank has a vested interest in piece of adjacent property and have concerns with the lagoon going in at the proposed location vis-à-vis prohibiting doing future business with clients, as they are uncertain of impact in regards to the marketability and value of the property.
- Gail & John Hendley - tabled relevant correspondence, just purchased Guggieville; lagoon will be less than a kilometre from their property, which can have 700 people at any one day. Any odour will affect their business, which involves accommodation and eating and going to sites. Conklin Drilling will be right beside the lagoon. Anything that will be a detriment to their business will affect their ability to make payments and not make their bank very happy. Lagoons need proper operation and maintenance; and with the City not being able to run their own town, they question how they will have enough expertise to run the system. North Pole spent half a million dollars to take out the solids and have been in litigation with the City of Fairbanks for over a year to get it done. The First Nations should be more strongly approached. Between Guggieville and Bonanza Gold, they have about 15 hectares of titled land, which is about the same as the amount of land being talked about in north Dawson. The value of their land is about 3.5 million dollars. This is a "NIMFY" Not in my front yard situation. Like the First Nations, they are saying "no".
- Chuck & Cam Sigurdson: should pursue First Nations; Site "A" best for lagoon, will not affect drinking water. Their previous letter should go on record, as well. This application is holding up their application for title. This is a "NIMFY" situation. North Pole does not notice the smell, because they have a refinery. Some of the agriculture land [very little land zoned agriculture in the area] will be lost.

Response by Community Services:

- The stakeholders conducted an on-site visit to North Pole in July, and they all commented there was no smell.

Chair Bryony McIntyre clarified a reserve from Lands Branch for Community Services does not give them the right to develop; only identifies, sets aside and prevents other applications. Consultation, environmental assessment and regulatory requirements have to be met.

The group left the meeting at 10:48 a.m.

Information Package from Community Services, dated August 30, 2005, was circulated to LARC members and all property and claim holders that received original notification of the application.

The City of Dawson: There were no comments or concerns raised with regard to the application.

September 1, 2005, letter sent to Nugget Factory Inc. by Energy, Mines and Resources – Lands Branch. Letter was returned to sender. The letter stated the application deferral till the October 12, 2005, LARC meeting.

September 1, 2005, letter sent to Art Osborne by Energy, Mines and Resources – Lands Branch. Letter was returned to sender. The letter stated the application deferral till the October 12, 2005 LARC meeting.

Letter received from Walter Hinnek/Gary Crawford on September 27, 2005 outlining request to attend meeting to present comments.

Letter received from Joe & Karen McIntyre on September 27, 2005 outlining opposition to proposed location.

Letter received from Bonanza Gold Motel & RV Park/Guggieville RV Park dated September 28, 2005 outlining their opposition to this location.

Letter received from Conklin Mining dated September 28, 2005 outlining their opposition to the Location.

Building Safety comments: "This is within the Dawson City zoning, no comments".

The committee discussed options in detail, including conflicts with Parcel "C".

Kriss Sarson attended in the afternoon for further discussion.

Chair Bryony McIntyre suggested that Community Services could request a reserve be placed on both Parcels "C" and "A" behind C-4 . "A" has less site conflicts, and it is a balance between costs, i.e. compensation, and conflicts. Cost of compensation would be determined by the courts. The preferred site has more basic land use conflicts, and the Committee feels both options should be left open to conduct further investigation. In reality, Yukon Government does not have to get a reserve to investigate for site suitability.

Mr. Sarsen advised that regular meetings have been held in Dawson City, commencing in March, and some of the issues have been addressed and explained. The highest attendance has been about 18, which represents less than one percent of the population. It was suggested that the meetings should be held at a different time of the year, i.e. not in the summer. He also noted that they investigated the Fairview, Alberta situation six months ago; and the reason it stinks is because they have four anaerobic cells, and then, they go to aerobic. The first four cells generate the odours, with the heavy loading in the first cell, which is reverse to the proposal system for Dawson. In North Pole, the houses are within 20-to-30 meters, and there are no odour complaints. Once construction is completed, the City of Dawson takes over responsibility for the system. It is estimated O & M for heating alone could be \$200,000. The cost of construction may be as high as 34 million for Site "A" and 25 million for Site "C".

It will ultimately be a senior management decision which site is chosen. Recognition that like to have a number of options to review Decision has to be made in the best interests of the most people after a serious and thorough analysis of options.

Two options can be reserved and only one pursued.

Fisheries and Oceans: There are a couple of small ponds in Parcel "C". According to the locals, there are no fish in the ponds, but an investigation would have to be conducted to determine same.

Tourism: A major concern appears that until August, residents did not know which options were prioritized and were surprised it was narrowed down to one option. The opinion is that 300 meters is not going to be an adequate buffer from the impacts; and from a tourism-related perspective, this is a serious consideration for peoples' personal and professional lives. The potential impact of sewage related to Guggieville is taken very seriously. Tourism is a really important part of Dawson City's economy. A representative of a major funding bank attending to express concern is an indication of how serious the concern is. The smell also has a perception of being a health problem, which can affect tourism.

Community Services Land Planning: Effect on tourism, residents and mining claims; Site "A" should be looked at more seriously, as it does not have as many conflicts and is close to an existing dump.

Mining Recorder, Property Assessments, Land Use, Lands Policy, Transportation Engineering, Environment and Heritage had no concerns.

**Recommendation:** Approval of support for setting both Parcels "A" and "C" aside to provide Community Services with the ability to continue investigation and consultation. The application on the island (2005-0016) is to be withdrawn. Community Services to start a process of consulting directly with residents around Site "A", located on the other side of Callison:

**3. #2005-0016: Community Development Branch, Community Services, Yukon Government – 73.0 ha, parcel near the Yukon River, Quad 116B/03 – Reserve – Sewage Lagoon – deferred May 13, 2005 LARC**

Application will be withdrawn by Community Services.

**NEW BUSINESS**

**1. #2005-0197: Cameron & Valerie Long – 5.97 ha, km 430.4 Robert Campbell Highway, near Forest reserve 105K04-012, Quad 105K/04 – Rural Residential**

Cameron Long attended at 9:37 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Long advised:

- Main purpose for applying for land is they prefer a rural lifestyle. They have lived in Faro for the last year and explored other options, i.e. Tintina Subdivision, and are concerned because of parcel size, lack of water and ground slope.
- Land claims issues and forest reserve areas of concern have been avoided in the application, complete with buffering.
- The ground is level and only 25 kilometres away from Faro.
- Arranged a site visit with the Ross River NRO and the trapper (one kilometre west on the Robert Campbell), who supports their application.
- Highways Engineering was contacted regarding any gravel reserves. The Road Foreman from Drury Creek flagged an appropriate access area.
- The reason for the configuration involves the lay of the land, providing a buffer from the highway and the McGundy River, avoiding old growth poplar on the Carmacks side, plus providing a buffer from the sample plot. As they plan to have livestock and greenhouses, they would prefer as much land as possible.

- The slope from the proposed parcel to the Magundy River: minimal slope within the highlighted area: maximum 1-2% south-facing, and 20 meters towards the river, it drops in elevation (10 feet), levelling out to the river. The applied-for area is above the natural berm of the river.
- There are no public trails in the area, and it is basically unused.

Mr. Long left the meeting at 9:50 a.m.

Written Submission: We have lived in the Yukon for the past three years. Our first two and a half years were spent in Whitehorse and we are currently living in Faro. We love this area as well as the town but don't enjoy living in a subdivision and crave a rural lifestyle. We have always dreamed of living in Yukon and would like to share that dream with our children.

We believe that this property would be the ideal location to raise our family – giving us the lifestyle we are looking for while remaining close to town. Peace, solitude and an opportunity for reflection away from the pressures of modern living. We could give our children a true appreciation for nature as well as an educational experience out their front door. ...

We plan to build our principal residence on this property and raise our children there. We would like to become as self sufficient as possible and would like to build a greenhouse and raise stock for personal use. We have an interest in four horses currently in Whitehorse.

Year 1 – Survey. Year 2 Fire Smart, access road, clear building site. Year 3 Cut logs for building, well and septic. Year 4 commence building residence. Year 5 Residence completed. Start greenhouse and livestock shelter. Area fenced for livestock.

#### NRO COMMENTS:

Existing improvements: none; soil: 20 cm organic, 3 cm volcanic ash over clay till with coarse fragments; vegetation cover: mature and immature white spruce, some aspen and black poplar. 6 to 40 cm diameter, 2 to 25 meter tall, various aged patches. willow, feather moss, potentilla, lupine, small spruce; terrain: flat, slope to south 2 %; waterbodies: Magundy River to South 80 meters; exposure: south 2 %; access roads: Campbell Highway to north of parcel; suitable for building foundation and septic; distance to water supply: 80 meters; rarely subject to flooding; no environmentally sensitive areas. General comments: parcel conforms to a minimum 60 meter buffer distance to the Magundy River. This parcel is well suited to residential use.

Whitehorse Mining Recorder: No apparent conflicts with mineral dispositions at coordinates provided.

LCIS: The area being applied for is within the traditional territory of the Ross River Dena Council (RRDC) – a Kaska Dena Council member. The application area is not within the traditional territory of the Teslin Tlingit Council, however, note that that First Nation has been included on the distribution list for pre-screening. The application area is not in conflict with the interim parcels being held for the RRDC.

Property Assessments: No RETP concerns.

Land Use: May need a land use permit if constructing access

Building Safety: Reduce to 3.99 ha & as there is no zoning Building Permits/Plumbing Permits will be required on all new buildings.

Little Salmon/Carmacks First Nations forwarded a letter (received September 28, 2005):  
 "The Lands & Resources Department of the Little Salmon Carmacks First Nation (LSCFN) has reviewed the above noted application and have the following comments:

- It looks like this parcel is outside of our Traditional Territory but it is near the Magundy river. We feel that this application like all others in the Magundy River will need to be deferred until at least November to compile more fish and wildlife information of the area.”

Ross River Dena Council forwarded a letter (received October 3, 2005):

We have reviewed the above application and will provide you with these comments. We are not in support of this application as location is a wildlife habitat that needs to be left as is. Impacts on sheep have devastated the population in this area. I have contacted the Little Salmon/Carmacks First Nation of this concern and they have begun a study of wildlife in this area. We are in support of this study and we like to see all land application not be process in this area. There is also salmon stream concerns on the Magundy River as number of residents have settle in this area also impacted the salmon. These are our concerns in the matter please consider them when you are dealing with this application.

Teslin Renewable Resource Council: The Teslin Renewable Resources Council is in receipt of the above mentioned application for review. The area of interest does not fall within our Council's mandated traditional territory and therefore our Council has no authority to comment on this application.

Environment: The Magundy corridor, specifically identified in the community-based fish and wildlife plan for the Little Salmon Carmacks First Nation, is an area with very high wildlife values. Commitments have been made in the plan to document wildlife values, using both technical surveys and local knowledge interviews. The Renewable Resource Council and First Nation have made commitments to request land use planning in the form of a local area plan for these river corridors once the necessary information is collated. The Magundy River has valuable moose calving and wintering habitat. Parts of the area are used by wintering caribou and many other species of birds and animals and the riparian areas, as well. Given the area's high wildlife values and the communities concerns, the application should be deferred until land use planning occurs. There are no conflicts with the region's sheep habitat and movement area.

Community Services Land Planning: There is no planning or zoning in the area, and the lot should be less than four hectares, reconfigured and moved closer to the road; appropriate setbacks from the Magundy River.

Tourism notes to keep a visual buffer.

Transportation Engineering: Will need an access permit; depending on configuration, may require a land use permit.

Lands, Policy keep at 3.99 hectares.

Fisheries and Oceans: The riparian setback looks adequate.

Heritage had no concerns.

**Recommendation:** Approval in principle for a 3.99-hectare parcel, subject to reconfiguration, reducing setback from the highway (30 m from centreline) but maintaining a visual buffer.

**Action #1: Environment is to clarify what is occurring in terms of data collection for wildlife for the area.**

**2. #2005-0202: Richard Brost – 2.25 ha, 1 km west of Keno, near km 108 Silver Trail, Quad 105M/14 – Commercial**

The applicant wishes to lease the parcel for use as a sawmill site. It will also include truck turn around, log and lumber drying and storage area, equipment shed (16' x 16'), parking area for trucks, skidder, D-4.

In August 2002 the applicant received a 2 year Land Use Permit YA2X927 to set up and operate a sawmill on the site. The permit has expired in 2004, and in order to continue operating on site, Mr. Brost has made this application.

**NRO COMMENTS:**

Existing improvements: yes, applicant has a sawmill and two trailers on site and is milling lumber. Formerly covered by Land Use Permit; soil: shallow organic layer underlain by coarse gravel deposit; vegetation cover: 40% selix spp, 30% spruce spp., 30% aspen spp; terrain: gently sloping to the south west. Area has been previously quarried or mined; exposure: 240° SW; access roads: Duncan Creek Road to Keno; suitable for building foundation; suitable for septic; outhouse; distance to water supply: 300 meters; not subject to flooding; no environmentally sensitive areas. General Comments: site is suitable for intended purpose. Spoke with Mining Recorder, there are both placer and quartz claims on the site. There is evidence of heavily mineralized rocks that may be residual of the previous milling activity in the area. See attached map and sketches. Applicants sketch is accurate and has been reproduced for this inspection report.

Mayo Mining Recorder: Conflicts with Placer Claim P16979, Quartz Claims 56401, 38642, 38643

LCIS: The area under application is within the traditional territory of the First Nation of Nacho Nyak Dun. The area being applied for is not in conflict with the settlement land of that First Nation.

Land Use: Applicant had a former land use permit, which has now expired. No concerns with this application

Building Safety: Renew lease if possible; and as there is no zoning, Building Permits/Plumbing Permits will be required on all new buildings.

Placer/quartz holders: Were contacted, one is the receiver, Price Waterhouse; and the other was sent by mail. No comments received.

Tourism, Fisheries and Oceans, Lands Policy, Environment, Transportation Engineering, Community Services Land Planning and Heritage had no concerns.

**Recommendation:** Approval for a lease.

**3. #2005-0205: Brad Callison – 2.39 ha, adjoining Lot 1156, LTO 2002-0176, Callison Industrial Subdivision, City of Dawson, Quad 116B/03 – Industrial Enlargement**

Brad Callison and Paul Rivest attended at 10:55 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Callison advised that he has applied for an extension for R.V. park. In the first season, put in dry parking and water tank. Related experience of danger of ponds to the public, such as young kids who may getting trapped in the tailings piles; would like to get title to the tailings piles so he can fill them and develop the property. Only other option is to fence the area. In order to fill the

ponds, he would need access to the back end, plus some storage. The project would take a couple of summers and require a lot of equipment.

Chair Bryony McIntyre advised of a letter received from the owner of Lot 1068, who has concerns about this application cutting off their potential enlargement capabilities.

Mr. Callison advised when he talked to Mr. Bach, he had no concerns with his application. They did not indicate they were going to apply. Mr. Rivest noted if a development such as a pipeline occurs, a yard will be required near Dawson for storage. Mr. Callison observed regarding Bear Creek, there is no longer a channel or water flow, and there are no longer any fish in the ponds.

Messrs. Callison and Rivest left the meeting at 11:07 a.m.

The application is for the land surrounding existing lot 1156 quad 116B/3, Dawson City. The area of Yukon Lands being applied for abuts this existing lot on the east and the west and is currently tailings ponds and slopes. Some of the land is adjacent to existing lots.

Note: The old lot 1074 is still the titled parcel. Mr. Callison did not have title raised to new lot 1156. He wishes to skip raising title to 1156 and proceed to the larger expanded lot.

#### NRO COMMENTS:

No existing improvements: there are some located near the applied lands; soil: gravel and rocks, dredge pilings, very well drained soils; vegetation cover: sparse vegetation cover, 15% willow, 2% birch, rest of area consists of dredge piles; terrain: generally level with some sloping piles and pond banks; waterbodies: two ponds on site; exposure: from all quadrants, site is within the flats of the Klondike Valley; access roads: Klondike Highway; suitable for building foundation and suitable for septic; distance to water supply: two kilometres to Dawson City; subject to flooding: not very likely to happen; environmentally sensitive areas: none known, dredge ponds may be grayling habitat. General comments: this area is very suitable for development. It is surrounded by lots within the Phase II Callison Sub-division area. It's close to Dawson City and the area is being progressively developed. There are no concerns from our office with this application. There maybe fish in the ponds within the applied lands DFO may have input in regards to the ponds on site. Please see photos attached.

Dawson Mining Recorder: There is no apparent conflict with mining dispositions.

LCIS: The application area is within the traditional territory of Trondek Hwech'in. The area being applied for is not in conflict with the First Nation's settlement land.

Building Safety: This is within the Dawson City zoning.

An e-mail from the City of Dawson, Development Control Officer: "We would greatly appreciate if a decision is not finally taken on this without our input I have had an initial discussion with my CAO and would like the opportunity to pass this on to our Trustee and Advisory Committee. Some initial thoughts are:

1. We note Mr. Callison has already had one enlargement to this property. Since that time, the property was developed as an RV park but is now posted for sale. He has not developed this in any way into a viable business, as I have observed zero visitors there. I still have not received the management plan the intervener referred to; but if the intention is for more RV park space, I believe Mr. Callison should be asked to show his current business on this space is viable and thriving and actually needs more space.
2. Mr. Callison has no current business licence on the property, so we feel it is not appropriate for him to be requesting land to extend a business that is not currently licensed or in operation.

3. We are becoming increasingly concerned about individuals applying for and receiving vacant land inside the City and not developing the land. In particular, there is a significant shortage, i.e. none available, of industrial developed lots, and we receive numerous requests for such land. This is putting pressure on our residential lots, with industrial enterprises being proposed in these areas. Any vacant land at all is in very tight supply in our area, and we do not wish to see more being sold to individuals without a proven track record of developing that land into viable commercial industrial developments, tying up land that would otherwise be used more effectively. We are suspicious that this is a land grab with no intention for development, and there may be some history with neighbouring property owners.

We need to pass this to our Advisory Committee for an official position that you can take into consideration.”

Tr’ondek Hwech’in First Nation forwarded a letter dated September 28, 2005:

“The above mentioned application has been reviewed and we recommend approval with the provision that the fish habitat potential of the ponds is closely looked at and appropriate action be taken to ensure no net reduction of fish habitat in the area.”

Lot 1068, Kenneth Bach Letter received on September 27, 2005 outlined concerns with the application as submitted.

Environment: Like to stress it should be verified that any ponds that could potentially be filled in be checked for fish habitat. Granting title is allowed because they are man-made waterbodies. Fencing may be less expensive than the expense of filling in the ponds.

Community Services Land Planning: Do not see the justification, no operational need, as they already have a large empty lot. Safety can be achieved by fencing.

Chair Bryony McIntyre advised the applicants received their original lot through the Klondike Valley Placer Program, being the claimholder. The configuration is as a result of setbacks from the ponds. At that time, there was a setback from the ponds, as they did have fish in them.

Lands Policy: In view of the need for a yard for industrial activity, they support the application, in view of the large expenditure of money the applicant appears willing to invest.

Heritage: noted that generally the loss of dredge ponds should be lamented.

Fisheries and Oceans: A fish habitat determination is required for the ponds. With Callison Phase 2, 1998 survey, no sampling of the ponds occurred.

Tourism and Transportation Engineering had no concerns.

**Recommendation:** Deferral to February, 2005 to allow the City of Dawson to provide a formal position. The parcel boundaries need to be reconfigured to allow for possible enlargement of lot 1068. Access must not be blocked off.

**Action #2: Lands and DFO will determine if there any fisheries information on the two ponds.**

**4. #2005-0200 : Paul McDonagh – 6.0 ha, near km 60 Dempster Highway & North Klondike River, Quad 116B/08 – Rural Residential**

Paul McDonagh attended at 11:08 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. McDonagh:

- Family currently resides at Kilometre 2.5 Dempster Highway, Percy Henry's old place, which is a beautiful spot, but as it is right on the highway, they have truck traffic going by.
- Have 10 dogs, concern with traffic; also nearest water supply is about 2.5 kilometres away.
- Prefer a site in the mountains and plan to build a home and cultivate a small field of hay for dogs and horses and run a greenhouse.
- Band land goes up to Kilometre 20; and between Kilometre 20 and Kilometre 60, there are very limited number of sites available that met their needs and had a combination of characteristics they are looking for.
- There is not a lot of suitable ground in the Klondike Valley.
- Would like to get away from the sewage lagoon, which is situated about 1.5 kilometres north of their present site.
- The parcel is set back about 100 meters from the North Klondike and the distance from the road is about 600/700 meters.
- Response to Tr'ondek Hwech'in First Nation's concerns: The land is not Band land or hunting ground for First Nations currently. There are three other lots in the area. Yukon Environment has not identified the area as a wildlife protection zone, and the highway will have more impact on wildlife than what this application does. Their intention is not to develop a farm, just enough land to cultivate some straw for their animals.
- Four hectares would meet the applicant's needs but six would be better, as they are planning on having dogs and horses. The trees on the parcel are large [selective logging will be used to build their home], which is indicative of good soil. Vegetation in the summer is lush.
- There are no plans to run a business, strictly residential. Livestock will be contained.
- A land use permit will be applied for to construct an access road. There are no signs of stumps to indicate any previous cutting.
- Transportation Engineering advised access and land use permits will be required; the road up to the property line is a public road. An access road to their parcel would be open to the public. No gating will be permitted at the highway.

Mr. McDonagh left the meeting at 11:22.

#### NRO COMMENTS:

No existing improvements; soil: poorly drained soils, thick organic layer 8 inches thick, soils are dark and moist; vegetation cover: heavily vegetated with trees and ground vegetation, spruce 70%, willow 20%, aspen 10%, ground vegetation consists of shrubs, ferns and mosses; terrain: flat, low lying ground, area is level and located within the North Klondike Valley flats; waterbodies: North Klondike River 40 meters from river high water mark; four small ponds within the area, two small creeks within the area; exposure: from the south, north and west. located on the east side of the valley; access roads: Dempster Highway; applied land is about 800 meters from the highway; suitable for building foundation; not suitable for septic, proponent identified outhouse use which would be suitable; distance to water supply: 40 meters; subject to flooding: not likely to happen, but area is low and near the river; environmentally sensitive areas: site is located on high ground surrounded by low lying wet area. General comments: This area is abundant with wildlife moose, caribou, grizzly, etc. General area is low lying but the immediate applied land is located on higher ground within the low lying area. Land use permit will be required for an access road if applied land is approved. The access road would be approximately 800 meters in length. No problems expected from this office in regards to the applied lands being approved. There are other rural residents within the general area of applied land. Please see attached photos.

Dawson Mining Recorder: In this area there is no apparent conflict with mining dispositions.

LCIS: The area under application is within the traditional territory of Trondek Hwech'in. The area being applied for is not in conflict with the settlement land of that First Nation.

Land Use: May need a land use permit if constructing access

Building Safety: Agree with land planning; and as there is no zoning, Building Permits/Plumbing Permits will be required on all new buildings.

Tr'ondek Hwech'in First Nation submitted letter dated September 28, 2005:

"The above mentioned application has been reviewed and several concerns have been brought forward. We object to this application for several reasons. This area is heavily used by Tr'ondek Hwech'in citizens for traditional purposes, including hunting. Every time a spot application is approved, another area is removed from hunting for a kilometre in any direction. This application is close enough to Tr'ondek Hwech'in selections in the area to negatively impact the lifestyle practiced by the members who use those selections for traditional purposes. Pursuant to the compatible land use requirements in Section 25 of the Tr'ondek Hwech'in Self Government Agreement, we want this application refused. Additionally, a close look at density and cumulative effects need to be undertaken with regards to development along the Dempster Highway before any more spot applications are considered. We also have concerns about the effect on wildlife and the destruction of wildlife habitat in the area, in view of the applicant's intention to have livestock and crops. Small personal farms can lead to larger farms and considerable impact. As you know, the further north you go, the more fragile the ecosystem becomes. We believe that this use will have a negative effect on the area. Because the application does not show how the parcel would be accessed, our comments cannot be complete at this time. The location and type of access will be commented on when that information is provided. In accordance with Chapter 13 of the Final Agreement, Tr'ondek Hwech'in requires that any heritage resources "discovered" within the traditional territory are reported immediately to the Tr'ondek Hwech'in Heritage Department. Information regarding the location of these resources is appreciated (i.e. GPS coordinates and descriptive location, photographs, etc.) Individuals and organizations are required to refrain from moving or disturbing heritage resources."

Environment: The site is directly across the north Klondike River from mountains that have key nesting habitat for gyrfalcons and golden eagles. Habitat Protection Guidelines do not recommend any permanent land conversions within one kilometre of raptor nests; buffering of the nests may be required. The site is directly across the road from Tombstone Park and corridor. There are concerns regarding the impact of a residential property with a dog team across from the park affecting wilderness recreation values in the park. Check with Fisheries re: effects of such a property, with livestock and a dog team being near a river that is classified as a salmon-spawning stream. The site would have less concern if set back further from the river, i.e., mitigating the potential runoff from 10 dogs and a couple of horses.

Community Services Land Planning: No planning or zoning, across the road from the Tombstone protected area, size of 3.99 hectares or less; question suitability of sites this far north for forage production. It would be preferable to move this parcel closer to the road and closer to existing rural residential properties to decrease the cumulative impact on wildlife.

Transportation Engineering: Access off the highway could be difficult, and the department should be consulted for a suitable spot. A land use permit will be required.

Lands Policy: This whole area could be considered a node. Regarding First Nation concerns with impact on hunting, there is no hunting permitted within the one-kilometre corridor and a steep mountain behind.

Heritage: No known sites in the area and low archaeological potential; Tr'on dek Hwech'in's position that the applicant notify them of any heritage resources discovered, there is no legal

obligation. Yukon Government is the manager of heritage resources off settlement land. There appears to be an inconsistency in the First Nation's position on applications in the area.

Fisheries and Oceans: Recommend a further setback from the river.

Tourism: No concerns.

**Recommendation:** Approval in principle for a 3.99-hectare reconfigured parcel, subject to 60-metre setback from the North Klondike River; parcel to be located closer to the highway and existing residential sites (site specifics and other residential parcel). Subdivision approval will be required

ACTION ITEM: Environment to advise on whether there is a 1 km buffer from raptor nests.

**5. #2005-0177: Cathy Wood – 1.5 ha, parcel adjoining Lot 1079, near Dredgepond Subdivision, City of Dawson, Quad 116B/03 – Residential Lot Enlargement**

Shawn Ryan, representing Cathy Wood, attended at 9:15 a.m. to speak to the application. The process was explained, and roundtable introductions were made. Renee Mayes and Ed Kormendy, Tr'ondek Hwech'in First Nation, attended via teleconference.

Mr. Ryan made a presentation, complete with digital photos:

- There is a creek flowing off their property down past their neighbour's house, and they are trying to protect it and make a picnic area.
- Concerned with the First Nation trying to put a road through, as they believe it is fish habitat, and there is not too much habitat in the Klondike. The applicant wishes to enhance the habitat, rather than develop it. Mr. Ryan invited Fisheries to inspect. The type of fish is grayling, and the creek runs yearround. If the First Nation develops access, they will take out natural habitat.
- They are not intending to prevent access. There is over a mile of highway and a road going almost to the other side, and Mr. Ryan alleged there are other options for access. The creek will constrain the amount of space the First Nation has to build a road.
- They plan to utilize the tailings pile for material to provide a buffer to minimize dust.
- Suggested an engineered report be obtained by Lands.

Chair Bryony McIntyre: The reason for the configuration of the lot is because of issues of access for Tr'ondek Hwech'in First Nation in C-13. An investigation has been conducted about alternative accesses.

Mr. Ryan left the meeting at 9:33 a.m. The photos were to be supplied to Tr'ondek Hwech'in during the noon hour.

Letter received from client (Sept 7 in anticipation of September LARC) – Application was postponed to October. Unfortunately, I was hoping to be in attendance at this review meeting but circumstances did not allow me to come from Dawson. I wanted to present some maps and pictures of some of the proposed land in question. One portion of the land applied for extends between my Lot 1079 and my neighbour Lot 1085. It has a flowing creek and trees on it. As stated in my application, I have no interest in developing that area but wish to preserve it in its natural state. My concern is that should the land not be granted, that it will be given to the Trondek First Nation as an access corridor to their lands behind Lot 1085. I would like to state that there is plenty of direct access to their lands from the highway. If an access corridor were granted, a culvert would need to be put in and the creek that flows all winter long would be destroyed, as would the trees. If the creek area should not be granted to Lot 1079 then I would ask that it not be turned into an access corridor. I hope that the pictures and map may be viewed

by committee members. If there are still questions then I would be happy at a later time to meet with the LARC committee.

Lot 1000 Quad 116B/3 was approved for a lot enlargement by LARC on October 13, 1999 and became Lot 1085. Configuration of this lot expansion was a product of discussion with the City of Dawson and the Trondek Hwech'in First Nation to ensure an access route between 1085 and 1079 for TKFN settlement land to the north.

#### NRO COMMENTS:

No existing improvements; soil: tailing piles, mixed rock with granular sand; vegetation cover: mostly tailing piles; comprises 10% of applied area – trees aspen, some spruce; significantly low levels an? Not providing percentage vegetation - grasses, willows, alder etc.; terrain: rolling tailing piles with some pits; waterbodies: two major water bodies observed may have some beaver. A five-meter buffer would be more than sufficient if needing one at all; exposure: exposed from all quadrants; access roads: yes, Prospector Road onto private Woods' property; suitable for building foundation: unknown; suitable for septic: unknown; distance to water supply: 10m (easterly down slope to tailing pond); subject to flooding: not anticipated; environmentally sensitive areas: yes, there are a few low-lying areas, see comments. General comments: Spoke with Cathy Woods and asked what her needs are for the area. She would like more property for her family (children play area) and would also like to create a sound and privacy barrier by piling rock tailings around her property. She would like to keep tailing ponds and creek in new applied area for aesthetics reasons. Cathy Woods does not plan or intend on building over the low-lying areas. No concerns anticipated, area would be suitable to meet her needs.

Building Safety: This is within the Dawson City zoning No comments

City of Dawson: The City of Dawson Advisory Committee and Trustee reviewed the above application at their regular meeting on July 19, 2005. There were no comments or concerns raised with regard to the application. Reviewed the application, which is for a lot enlargement from 0.8 ha to 2.3 ha, and have no concerns. The application is in compliance with the Zoning and Historical Control Bylaw 97-25. In fact as the land in question is zoned Rural Residential which requires a minimum lot size of 1.6 ha (4.0 ac) the approval of this enlargement by LARC will actually bring the lot in question in compliance with the zoning requirements and in line with other residential lots in the area. The proposed use is also compatible with the area and zoning.

Tr'ondek Hwech'in First Nation submitted a letter dated August 18, 2005: We have reviewed the above mentioned application and must inform you that this application cannot be granted, for the same reasons that an application from Barb Wood was refused in 2000. This land has been recognized as the only viable access to most of THFN settlement parcel C-13B. Further, we ask that this piece of land be formally reserved for this access. Please inform us of the process that must be entered into for this to happen. A subsequent letter dated August 31, 2005: Further to our earlier communication regarding this application, we feel that this is an appropriate time for LARC to address the access issue to THFN Settlement Land Parcel C-13B, and make a recommendation to reserve the area for the access. The First Nation's readily available, logistically feasible access to parcel of settlement land is somewhat limited, with the land to the west/north being bordered by the Klondike River, resulting in a fairly significant stream crossing to access the parcel. The only usable land is to the south, further towards the river from the area under application. The First Nation is attempting to identify the best place that would have the least amount of impact on the area to access their parcel. They will undergo all the regular permitting processes and comply with standards in place to ensure limit disruption to the bare minimum. The First Nation questions the motive for the application. If any land is left over between their access and what remains, they support public green space. The top of Barb Wood's driveway is actually part of the 20 meters in question. A fair amount of tailings are being moved to peoples' lots for the gravel. With land being a premium in the Klondike Valley, lot size should be kept to a minimum to prevent a land grab to enable applicants to subdivide and sell.

Chair Bryony McIntyre advised lot size is a municipal decision, and the First Nation should discuss this matter with the City of Dawson.

Chair Bryony McIntyre noted that the reference to the "previous application for 1085," there was a lot of discussion and investigation at that time about access into C-13. The files were reviewed: The City of Dawson, YTG and Tr'ondek Hwech'in First Nation previously performed a site visit and supported retention of this area for access and felt that access to C-13 through the proposed corridor would cause unnecessary disturbance to the area and would be far more costly. The joint recommendation in 2000 was that the lot enlargement only extend to the edge of the existing road (the driveway to 1085). When the Wood parcel was surveyed, this area should have been set aside for continued access for C-13 and the hinterland. The land behind is on Lot 1072, which is John Cramp's.

Environment: Concerns over potentially blocked access for fishing or recreation; concerns over the fishery habitat. Portions of land adjacent to the water should be excluded, buffered and set back.

Community Services Land Planning: Don't see that the applicant has demonstrated an operational need for more land; want to acquire the land to protect it. Private ownership of land does not guarantee it will be protected; retaining land in public hands is preferable way to do so. Enlargement would result in loss of public access to the river and adjacent lands.

Tourism: Support maintaining public access to the creek.

Lands: Highest and best use of the land is to remain Crown. The First Nation has formally requested that the neck of land be formalized as a reserve.

Transportation Engineering: Don't view this as an access issue for the department. The parcel is large and there is access from the highway. The only issue is access within the parcel.

Fisheries and Oceans: Support 30-metre buffers around waterbody because of fisheries habitat, which would take neck of land out of the application entirely. The road access raises the possibility of a habitat alteration disruption and destruction issue, which is separate from this application.

Mining Recorder, Property Assessments, Land Use, Lands Policy and Heritage, had no concerns.

**Recommendation:** Denial for the area located between Lot 1085 and Lot 1079, the area will be retained for both future access potential to the settlement land of THFN and also to maintain public access to the Klondike River. The applicants could proceed with a small enlargement at the back side of the property. A notation is to be put in Lands records to prevent future applications for this land.

**Action #3: Chair Bryony McIntyre will provide Transportation Engineering with copies of previous correspondence on the Wood file.**

The next LARC meetings are Wednesday, November 9 and Thursday, November 10, 2005, 9:00 a.m. the large boardroom at 419 Range Road, Whitehorse.