

MINUTES

LAND APPLICATION REVIEW COMMITTEE
BOARDROOM #2, SPORT YUKON BUILDING
Fourth Avenue
June 8, 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
Vera Bossenberry	E.M.R., Lands
Colin Beairsto	E.M.R., Lands
Eric Petersen	E.M.R., Lands
Pam Vust	E.M.R., Lands, Land Use
Cathryn Paish	Tourism
Nina Lindley	Environment
Stan Dueck	C.S., Building Safety
Judy Linton	C.S., Land Planning
Greg Hare	Heritage
Bernie Cross	Transportation Engineering
Christine Chippet	Yukon Electrical Co. Ltd.
Gillian McKee	Kwanlin Dun First Nation
Testloa G. Smith	Ross River Dena Council
Dan Cresswell	Carcross Tagish First Nation
Terry Thompson	Appellant #2004-0210
Eric Scott Thompson	Appellant #2004-0210
Tracy Makarewich	Appellant #2004-0210
Gary Burdess	Applicant #14560
Ian McDougall	Applicant #14560
Wendy Fournier	Applicant #14560
Ann Szabo (teleconference)	Applicant #105A02-097
Robert Johnstone	Applicant #2005-0076
Wanda Keobke	Applicant #2005-0076
Matthias Bindig	Applicant #2005-0046
Joyce Bachli	Recording Secretary

Review of Agenda

#105A02-047: Bluestone Holdings Ltd. and #2004-0036 PJ Acres have been removed from the agenda.

Delegates scheduled: Terry & Eric Thompson are scheduled for 9:30, Skyhigh Wilderness Ranch representatives at 10:00 a.m., Fred Hasselberg and Ann Szabo teleconference at Liard First Nation Office at 10:15 a.m., Robert Johnstone at 10:45 a.m. and Matthias Bindig at 11:15 a.m.

Minutes-April 14 & 15, 2005, Regular LARC Meeting

No comments were received.

Approval of the April 14 & 15, 2005, minutes as presented.

Minutes-May 12 & 13, 2005, Regular LARC Meeting

Colin Beairsto commented:

- Action Item #3 under Item 8 of the May 12, 2005, minutes has been completed.
- Action Item #2 under Item 1 of the May 13, 2005, minutes - Lands did check 40 Mile Heritage considerations, and there are none within the application area.

Approval of the May 12 & 13, 2005, minutes as presented.

Staff

Next month Vera Bossenberry and Janice Bruton are switching duties. Janice will be back on LARC.

Old Business

1. #105A02-047: Bluestone Holdings Ltd. - .36 ha, parcel adjoining Lots 1-8 to 1-11, CLSR 53701, Watson Lake Cottage Subdivision, Watson Lake, Quad 105A/02 – Commercial - deferred February 10, 2005 LARC

REMOVED FROM AGENDA

2. #2004-0210: Terry Thompson & Eric Scott Thompson – 4.2 ha, parcel Kilometre 1380 Alaska Highway, Quad 105C/05 – Purchase – Trapline Residence - denied October 14, 2004 LARC – Appeal

Terry Thompson and Eric Scott Thompson, Appellants, together with Tracy Makarewich attended at 9:25 a.m. to speak to the appeal. The process was explained, and roundtable introductions were made.

Ms. Makarewich explained they are appealing the decision. They understand the application was denied based on information from Environment. They have spoken to Environment on several occasions and haven't come to any conclusions as to what they can do. They have never received anything in writing besides the minutes, saying that the trapline isn't in good standing. Department of Environment advised the only way they can prove they have trapped more is to get legal declarations from people they have given furs to. Some people no longer live in the Yukon and some have passed away. They feel these are extraordinary measures that are being requested when there was no indication in the past there was an issue. The land application is to make the trapline a better place. It is the smallest trapline in the Yukon. They do not make much money on it and basically work all summer long to be able to afford to trap. By getting title to the land, they can make it easier to live and trap. They spend a lot of money on fuel. They would like to put in water and sewer. They have committed to the trapline in several ways: built tons of new trails, built a line cabin on Dalayee Lake, having to haul in all materials over a winter trail. Department of Environment did not indicate there was a problem with what they were doing until this land application. They ask that their application be reconsidered. They want to obtain title so they can put some money into the place to be able to trap better and so Terry Thompson can live more comfortably (on oxygen full time). Their intention is to make the trapline stronger, not to get title and sell it.

Environment advised the information provided earlier still stands in regard to their concerns.

The Thompson's requested a meeting with Environment on the phone February 1st to discuss the issue and were told it was a Lands issue and they did not want to hold a meeting with the applicants. There have never been issues in terms of obtaining their renewal, the last being from 2002-to-2007.

Terry Thompson advised he has lived in the Yukon for 50 years, and he can't understand why it's so tough to do anything.

A letter from Senior Conservation Officer Kris Gustafson was attached to the appeal, indicating he has no problem with their application or with their trapping operation from 1987 to 2000.

Ms. Makerawich continued that as it appears their trapline is not in good standing, they expected to have an inspection this winter, and they have not seen anyone from Environment.

In 2003/2004, they could not afford to trap, plus Terry Thompson's health didn't allow him to trap and Scott Thompson was in the Northwest Territories working. Department of Environment was advised, and they did not indicate it was a problem if they missed a season.

The Thompson's left the meeting at 9:35 a.m.

The previous recommendation was to deny per Department of Environment utilization requirement as specified in the Lands Branch, Trapping Cabin Land Application Policy.

Appeal letter, dated March 14, 2005, was received from Terry Thompson and Eric Scott Thompson.

Letter of February 2, 2005, was received from Kris Gustafson.

Letter of February 3, 2005, was received from Arthur Smith supporting the applicants.

Carcross Tagish First Nation recommended that the denial stand; however, being a trapper, the process does not sound right. They question how the issues regarding utilization will be straightened out.

Chair Bryony McIntyre replied it is up to the Department of Environment to determine whether renewal certificates will be granted under the *Wildlife Act*. All the Lands Branch is concerned with is that the applicant is a registered trapper. The policy says if someone has lived on their trapline for 15 years, they have the ability to acquire formal tenure, larger than a lease, not necessarily tied to the assets of the trapline, to make that residence permanent. EMR Lands and the Department of Environment will be discussing the interplay of the two responsible departments in this year prior to annual updates of policies for 2006.

Environment stated that there was an issue with whether Terry Thompson did live on the property consistently, as any contact with him has been in town.

There was agreement that the structures on the parcel indicate permanent residency.

Building Safety advised development and building permits will be required for any structures.

Community Services Land Planning commented with the additional information supplied, re: permanent, long-term residency and the validity of the trapline, the original decision should be overturned and the applicants be allowed to have two-plus hectares, to include the home parcel and whatever other land to make up the two hectares; subject to subdivision approval. There is no zoning, and legal access is not a problem.

Land Use, Tourism, Heritage, Transportation Engineering, Kwanlin Dun First Nation, Ross River Dena Council and Yukon Electrical Co. Ltd. had no concerns.

Recommendation: Approval in principle for a maximum two-hectare parcel, ensure public access to Squan Lake is maintained, plus setbacks from Ordinary High Water Mark. Subdivision approval will be required. Further discussions are to occur between Environment, Fish and

Wildlife Branch and the applicants regarding any issues in terms renewal of certificate, identification of issues surrounding utilization of trapline and inspections. No other trapper, in terms of this concession, can apply for another conversion of a basecamp within 15 years.

3. #2004-0036: PJ Acres – 4 to 7 ha, parcel at Windy Arm, Tagish Lake, Quad 105D/02 – Commercial/Tourist – Bed & Breakfast – Deferred October 14, 2004

REMOVED FROM AGENDA

4. #14560: Skyhigh Wilderness Ranch, 30.31 ha, Parcel C, Fish Lake Road, Quad 105D/11 Commercial – Lease expansion

Gary Burdess, Ian McDougall and Wendy Fournier (Sunshine Valley Ranch), representatives of Skyhigh Wilderness Ranch, attended at 10:03 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Messrs. Burdess and McDougall and Ms. Fournier provided an overview:

- Sylvia passed away about two years ago. Ian tried to run the company on his own for the last two years, and it was getting more difficult for him.
- Partnership formed to make it a tourist destination.
- Plans have been formulated for years, this application dates back to 1996; not doing anything new, just finalizing plans.
- Parcel C - expansion to the east to put most of the investment of capital into the higher-end cabins and eventually a lodge. Behind on Parcel C-2 is the holding corral part for the horses (wish to fence this portion) after they are on Parcel A during the day; then transferred to Wendy's Ranch (grazing lease). The holding area for the horses is really important because of the time factor vis-à-vis the preparedness element, combined with resting periods. There are about 35 horses, and they need to expand the ranch to cut down on some of the expenses.
- Parcel A - Development includes Ian's house, office, two-storey log hostel (16 beds), washhouse and outhouses.
- All dogs are in place to develop tours, plus there are three other dog mushers on Sunshine Valley property.

Questions/Comments:

- Kwanlin Dun First Nation - requested a map to show where tours for dog mushing and horseback riding occur. The First Nation has the right to use the land.
- Trapping trails are used for dogs and horses.
- Kwanlin Dun First Nation advised there is provision for the applicant's continued use of the trails on the settlement land but was uncertain whether they are indicated on any map, other than the land claim maps, which are difficult to interpret.
- Level of growth - keep the business Yukon and traditional. Parcel C will all have sufficient space, outhouses, log houses.
- Bottom part of Parcel C - large investment of capital and labour, wish to expand property.
- Film Commission is very interested in "trapper community" type of setting; had "Outdoor Life" on site, showed a great deal of interest and are going to do two segments of "Mad Trapper".
- Comparison of numbers of clients over last couple of years and for future - 200/250/week now; not looking for increase in numbers but having more to do so more facilities will be utilized by the clients.
- Plan for three years - building 12 rental cabins on Parcel C and eight RV sites (no septic provided).
- Environmental Health Services have conducted a site inspection for Parcel A and building permits are in place for the hostel, privies and the office.

- Fire suppression (well on site or holding tank) was recommended.
- The log cabins have very good fire ratings because of the slow burning rate of logs; smoke detectors will be in place.
- All cabins will have tin roofs because of the fireplaces and insurance costs.
- Winter tours and projects are primarily focused on Sunshine Valley, with summer activities being on Parcels C and A (Sky High Wilderness).
- As they have never previously had winter cabins, the increase will be 100 percent (nothing there presently); have not had much to offer in the winter previously.
- Will increase the number of horses in order to manage them more humanely and provide breaks.
- Heritage advised they will need to do an archaeological assessment of Parcel C-1, as it is an area of high archaeological potential. The applicant has been great over the years at contacting the office when anything is found. Heritage is not opposed to the application.
- The applicant has discussed with Kwanlin Dun First Nation that signs should be erected "Any artifacts found have to be turned in" and "Stay on the Trails".
- As far as development goes, C-2 is mainly a horse-holding area and a lease would be fine for the interim.
- The zoning application applies to all property currently under tenure, which will be expanded to include C-1 or C-2 or both.
- They would like to obtain title to provide certainty to the banks but have the rezoning in place before obtaining title.
- Plan to approach Kwanlin Dun regarding partnering up on some of the cabins in the back.

The group left the meeting at 10:30 a.m.

Application to further expand lease 105D/11/034. An enlargement and reconfiguration on the same lease was approved in principle at the May 14, 2004 LARC meeting, with Parcel A as an enlargement and Parcel B being downsized. The current application is to allow for expansion of rental cabin business, a small number of stalls for self-contained campers or motor home camping. Plans include a laundry/shower house, well and septic field. Cabins are planned for the upper portion of the lease for residences for employees. As well, part of the upper area will be corral.

Property Assessment Branch has no RETP concerns.

Forest Management Branch has no comments.

Intervener letter from Julie Bernier and Jasin Godard was received May 24, 2005, supporting Sky High Wilderness Ranch's commercial plan.

Laberge Renewable Resource Council submitted a letter, dated June 7, 2005 - Information provided is inadequate to properly assess the potential of negative impacts on habitat and disturbance of wildlife. They are more concerned about additional impacts on the wilderness than the additional alienation of lands, vis-à-vis additional routes and trails, use of all-terrain vehicles and additional disturbances by dogs.

Tourism has been working with the applicants on their business plan to help them identify potential markets and estimate future occupancy. The business plan is sound, and the intent is to not necessarily increase their number of clientele but to increase the revenue from the present clientele and be able to attract new clientele by diversifying packaged tours and building new cabins and a hostel and accommodating winter tourism. There is an easement in the final agreement with Kwanlin Dun First Nation for the existing trail routes, but it may be beneficial for the applicant to continue working with the First Nation. In response to Kwanlin Dun's concerns regarding plans for the future, Tourism noted from a visitor-use perspective, the applicants have not pre-marketed. So, no change in the level of activity is anticipated for this year. Now is a good time to work out some of the long-term issues with the First Nation.

Building Safety advised zoning is in the works. Once the land is acquired, development and building permits will be required for any structures, plus fire fighting plans. The applicants should contact Environmental Health Services regarding shower facilities, etc. for the RV park.

Environment flagged the potential impact of cumulative effects to the wilderness component of the entire area with the potential cabins and increase in traffic due to the high level of recreational day use from Whitehorse, as well as Yukon residents, e.g. Bird Club. Maps were tabled, illustrating the potential for a landscape corridor for movement. There have been a large number of sightings of wildlife in the area, i.e. moose and caribou.

Heritage has a known archaeological site in the middle of Parcel C-1 at the northern edge of the proposed RV park. The reason they are aware of it is because Ian McDougall advised them. Testing of the site to determine significance will be required to ascertain the amount of work required. Anything more than a small salvage operation will require resources outside the department. The possibility of accessing some of the purchase price funds to cover off a salvage operation would solve the situation. Archaeological components of a site may add to the tourist value; but before Heritage would agree to have it transferred over, they would like to conduct an assessment (10 percent sample). Once the site is deemed salvaged, it could be transferred and retain interpretive value. Depending on what is uncovered, the parcel may have to be reconfigured.

Transportation Engineering requested a 60-metre right-of-way on the Sunshine Valley Ranch Road and a 30-metre offset from existing centre line on the Fish Lake Road. There is presently a reserve request for right-of-way for road realignment off the Fish Lake Road, i.e. 30 meters offset from existing and proposed centre line, whichever is greater, in the C-1 portion of the parcel.

Ross River Dena Council supported First Nations' involvement in the artifacts.

Yukon Electrical Co. Ltd. would like to be able to continue to access the existing trail that runs from the Fish Lake Road to the Sunshine Valley Ranch Road.

Community Services Land Planning noted there is no planning but Whitehorse Periphery Zoning Regulations apply. The department is working with the applicant to craft an appropriate commercial zone that will meet their needs. They support the application to expand the business. Questions outstanding include: whether or not the parcels will be amalgamated and legal access; whether or not the RV park is feasible because of the condition of Fish Lake Road.

Kwanlin Dun First Nation noted potential effects on wildlife, wildlife corridors and the need for an archaeological assessment; dogs and their effects on wildlife and use of ATVs. Associated land uses that will occur outside the parcel because of the business have not been addressed, making it difficult to assess regarding scope, scale and duration of the season. The provisions in the agreement, called a "subject to special conditions", enables the applicant or anyone who holds the lease to have right of access to travel over and make stops on any portion of the parcel only if it is not designated developed settlement land. There is no designated trail and there can be no significant interference with the use and peaceful enjoyment of the parcel. The First Nation would like to be kept aware of the applicant's future plans to ascertain the degree of change in future use of the parcel. Kwanlin Dun First Nation has not had discussions with Laberge Renewable Resource Council as to whether they will have a joint Renewable Resource Council.

Chair Bryony McIntyre commented that 105D11/34 will be going to title, along with Parcel A, as one lot. Whatever happens on C-1 should be attached to the core parcel where the facilities will be located. The holding corral could be retained under a lease until the previous undertakings are fulfilled. All the land, including the current lease, should be zoned commercial to reflect the current use. Eventually all parcels will be consolidated into one.

Mining Recorder, Land Use and Carcross Tagish First Nation had no concerns.

Recommendation: Deferral to September, 2005, to continue the information-gathering process. The following to occur: archaeological initial assessment work and determination by the Heritage Branch as to whether the parcel configuration will be affected and whether a heritage salvage will be required, complete with estimate of costs. Applicants should meet with Kwanlin Dun First Nation and Tourism to go over the numbers and off-site impacts, management and mitigation of the business activity on the parcel, with a report back to LARC, to include use of the trails and any resultant wildlife impacts. The new alignment for the Fish Lake Road is to be plotted out to determine its impacts on the configuration of Parcel C-1. After initial heritage assessment and new road alignment plotted, Lands will work with client to reconfigure property boundaries to rationalize lot lines. Zoning process will continue, final parcel boundary to be what is included in the package for approval. .

Action #1: Lands Branch will get an estimate of market value on C-1.

Action #2: Tourism will review the draft LARC minutes for Skyhigh Wilderness Ranch before they are finalized and distributed.

NEW BUSINESS

1. #105A02-046: Fred Hasselberg – 0.10 ha, parcel near Kilometre 1033 Alaska Highway, Upper Liard, Quad 105A/02 – Purchase Lease - Residential

This is an application to purchase parcel currently held under lease. The applicant is a long-time resident and a Liard First Nation Elder.

The inspection report was tabled, plus a large map, identifying current leases on this stretch of the Liard River.

Property Assessment Branch has no RETP concerns

Intervener letter from Vlad Petrak, Upper Liard Lodge, dated 18 May, 2005 - owner of the two adjacent lots, Lots 69 and 70, as the parcel is accessed over their lots without their permission. They request this situation be rectified with other accesses, plus trespassing situation should be dealt with.

Letter from Liard First Nation – Photographs were tabled. The First Nation reviewed and met with both applicants to discuss proposed purchase of leases. Both applicants have held leases and resided on properties for a very long time. The lease areas are the respective traditional family areas of the grandparents and parents. Both applicants are elders of the Liard First Nation and the First Nation supports the purchase, with expansion. Regarding the intervener's comments, the applicants do not have any other access except via the roads they are presently using. This is not the fault of the applicants and should not deter the purchase. During the 1980's, large chunks of land from the applicant's leases were removed and placed in the river, creating a steep cutbank, which is not usable by the applicants. Lot expansions should be included in the purchases so that access is available to both applicants without offending the intervener. There is land available behind Mr. Hasselberg's property that can be cleared and used for access.

NRO COMMENTS

Improvements:

- A) Approximately 5 x 6 m Quonset building approx 14 m outside southern lease boundary, building is not within lease.

- B) Approximately 2.45 m x 12 m monoslope building attached at rear to a 5 x 6.5 m Quonset building partly within lease. Southern boundary of lease bisects the two buildings.
- C) Approximately 8 m x 10 m residence within lease.
- D) Approximately 5 m x 6.5 m Quonset building, appears to lie within 2 m of the western lease boundary within lease.
- E) Approximately 5 m x 6 m storage building, appears to be within 2 m of the north and west lease boundaries, building is within lease.
- F) Approximately 2 x 2 m metal garden shed is within lease.

Soil: dry gravel and sand; Vegetation Cover: some aspen, grass covered ground; Terrain: Undulating, sloping towards Yukon river; Waterbodies: Liard River; Erosion: River may have erosion potential only in very high water conditions; currently rip rap is stabilizing the river bank adjacent to the parcel; Exposure: Eastern exposure; Access Roads: Existing road access is partially on lease; other part of access is unauthorized on the adjacent private property lot; Suitable for Building foundation and Septic; Subject to Flooding: Parcel is within 30.38 m of the OHW mark; Environmentally Sensitive Areas: Yes – see above; General Comments: Additional facilities and area approximately 20 m wide by 36 m long directly south of the current lease has unauthorized occupation and usage. The occupation is comprised of bicycles, wood, tin, pickups, snowmobiles and an outdoor privy. Site condition: Various pieces of equipment and materials being stored on and off parcel, see additional facilities in photos. General recommendation: All covenants should be met prior to moving to title or purchase. The following covenants have not been met: Improvement Number 9, that the lessee is responsible for ensuring that all structures or improvements are contained within the boundaries of the lease area; Clause 10: That the lessee will not erect on the said land any buildings or structures, except fences, nearer than a distance than two meters away from any boundary of the lease area. Road access to Parcel 105A/02 046 and parking lot is currently via Lots 69 and 1094. On our site visit, the inspectors discussed the application with the owner of Lot 69-1094. Mr. Petrlak does not want the activity on his property to continue. The inspector recommends since Mr. Fred Hasselberg is a member of the Liard First Nation, that his driveway and parking area be relocated from its current location onto Liard First Nation C-112 selected land to access parcel 105A/01 046. They recommend that the road access be rerouted to avoid using private land of Lot 1094-690. Buildings and occupation outside the lease area should be moved or removed prior to the lease moving to purchase.

Building Safety recommended leaving the tenure as a lease. The buildings should be moved onto the applicant's property. Access issues need to be resolved.

Transportation Engineering advised most of the bank is armoured with riprap, so the chances of the parcel getting smaller are remote. The Liard First Nation has not signed off on their claims. It may be possible to get a road or access corridor off C-122. Examining the aerial photos and other photos, the roadway situation is really ambiguous. A survey would be necessary to determine exactly what the situation is regarding access. The Hasselberg access can be mitigated.

Community Services Land Planning commented Szabo has legal access but not physical access off the highway. It may be worthwhile to examine the original survey plans for the lots to determine whether the existing right of accesses were identified; and if so, there would be some claim that the access cannot be denied. As the parcel is within the 30.48-metre waterfront reserve, they do not support granting title. There are concerns over erosion, and they question whether Government should be taking the responsibility of titling land that may be subject to erosion or flooding.

Chair Bryony McIntyre commented that the reason for the applications is an invitation by Lands Branch to all current leaseholders in the area to apply for purchase. Lands noted that these are already long term residential leases with the potential to either become settlement lands or

renewed for further long term timelines. The fact that these residences currently exist is an established fact.

There was extensive discussion regarding access issues

Environment, Water Resources had a concern with erosion. They do not support anything being so close to the river, nor do they support the land being converted to title. However, if title is granted, it should just encompass the footprint of what the applicants hold.

Ross River Dena Council commented in view of the longevity of these elders' leases, they favour title being granted. The applicants have also utilized their accesses as far back as they can remember.

Yukon Electrical Co. Ltd. requested subject to existing power lines for both applications.

Forest Management Branch, Watson Lake Mining District, Land Use, Tourism, Carcross Tagish First Nation, Heritage and Kwanlin Dun First Nation had no concerns.

Recommendation: Deferral to August, 2005. Lands to investigate title on Lots 69 and 70 in regard to creation, subdivision and locations and time of use of current right-of-ways and access, discuss with Liard First Nation possible resolutions. Transportation to undertake inspection of accesses in relation to Highway right of way and Highways Act interpretations. Environment, Water Resources is to conduct a site visit to undertake a good assessment of the situation regarding flooding and erosion potential of this portion of the Liard River. There is another lease in this area already scheduled for the August review. Intent is to provide overall recommendations on this stretch of river.

2. #105A02-097: Ann Szabo - .22 ha, parcel near Kilometre 1033 Alaska Highway, Upper Liard, Quad 105A/02 – Purchase Lease - Residential

Ann Szabo attended via teleconference at 10:45 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Ms. Szabo provided background to the history:

- Laurie Allen wrote a letter on her behalf, which contains all the history on her background and parcel of land.
- Have been living on the little parcel for many years.
- Does not feel they are interfering with the intervener's parcel of land, as he has a big piece of property, which contains just a bar and rental trailers, with no restaurant.
- Ancestors lived on property, she is 63, and her husband is 65.
- Don't drink or party, just live in peace; no bother to the intervener.
- Intervener should have more things going on on their property before they have a say what should occur.
- Used to be an army barracks on intervener's property; previous owner passed away from cancer.
- No major problem with flooding, small amount of damage in 1972.
- Regional biologist indicated high water this year, but Ms. Szabo says the water line is now going down.
- Has never personally done any shoreline protection or riprap into the river; YTG road crew looked after that, well protected from the flood.
- Both Szabo and Hasselberg have a septic field, no problems, pumpout system.
- Have a well, lot of iron.

- Would like to see more lighting in their area, are in a dark corner; people walk back and forth from Albert Creek, and last year a First Nation person lost his way and froze.
- Requested clarification whether the road is on the intervener's lot.

Ms. Szabo signed off at 11:00 a.m.

This is an application to purchase parcel currently held under lease. The applicant is a long-time resident and a Liard First Nation Elder.

The inspection report was tabled, plus a large map, identifying current leases on this stretch of the Liard River.

Property Assessment Branch has no RETP concerns.

Intervener Letter from Vlad Petrlak, Upper Liard Lodge, dated 18 May, 2005 - owner of the two adjacent lots, Lots 69 and 70, as the parcel is accessed over their lots without their permission. They request this situation be rectified with other accesses, plus trespassing situation should be dealt with.

Letter from Liard First Nation – Photographs were tabled. The First Nation reviewed and met with both applicants to discuss proposed purchase of leases. Both applicants have held leases and resided on properties for a very long time. The lease areas are the respective traditional family areas of the grandparents and parents. Both applicants are elders of the Liard First Nation and the First Nation supports the purchase, with expansion. Regarding the intervener's comments, the applicants do not have any other access except via the roads they are presently using. This is not the fault of the applicants and should not deter the purchase. During the 1980's, large chunks of land from the applicant's leases were removed and placed in the river, creating a steep cutbank, which is not usable by the applicants. Lot expansions should be included in the purchases so that access is available to both applicants without offending the intervener. There is land available behind Mr. Hasselberg's property that can be cleared and used for access.

NRO COMMENTS

Improvements –

- A. Approximately 3 x 9.5 m meat storage/greenhouse, within lease.
- B. Approximately 5.5 m x 10.5 m residence, within lease.
- C. Approximately 5 x 6 m Quonset building, within lease.
- D. Approximately 5 x 6 m Quonset building, appears to on the boundary of lease.
- E. Approximately 3.5 m x 6 m new building on skids, not within lease.

Soil: dry gravel and sand; Vegetation Cover: some aspen, grass covered ground; Terrain: Undulating, sloping towards Liard River; Waterbodies: Liard River; Erosion: River may have erosion potential only in very high water conditions; currently rip rap is stabilizing the river bank adjacent to the parcel; Exposure: Eastern exposure; Access Roads: Existing road access is partially on lease; other part of access is unauthorized on the adjacent private property lot. Portion of access along north side of lot 69 appears to be on highway right of way; Suitable for Building foundation; Suitable for Septic, System in place; Subject to Flooding: Parcel is within 30.48 m of the OHW mark; Environmentally Sensitive Areas: Yes – see above; General Comments: Site is currently hiding several trailers, pickups, snow machines and all-terrain vehicles. One metal trailer was documented on the access road located on adjacent Lot 69. One lumber pile on the southwest corner of the lease appears to be on the lease boundary. The following clauses have not been met: One Quonset building, "D" appears to be on the boundary. One newly constructed building, "E" is not on the lease. The above-mentioned Quonset building is within two meters of the northern lease boundary. The above-noted newly constructed building "E" is located within 30.48-metre waterfront reserve.

NRO Recommendations:

- 1 Recommend that building E be moved onto the lease; it is on skids, or building can be included in expanded lease.
- 2 Reconfiguration of the road access to the parcel is required to eliminate the need to use private lot 69.
- 3 Recommend other option to legitimize occupation of buildings D and E. The application does not reflect an expansion of the parcel however by expanding the northern boundary by 15 metres all unauthorized occupations and road access problems could be solved.

Building Safety recommended leaving the tenure as a lease. The buildings should be moved onto the applicant's property. Access issues need to be resolved.

Transportation Engineering advised most of the bank is armoured with riprap, so the chances of the parcel getting smaller are remote. The Liard First Nation has not signed off on their claims. It may be possible to get a road or access corridor off C-122. Examining the aerial photos and other photos, the roadway situation is really ambiguous. A survey would be necessary to determine exactly what the situation is regarding access. The Hasselberg access can be mitigated.

Community Services Land Planning commented Szabo has legal access but not physical access off the highway. It may be worthwhile to examine the original survey plans for the lots to determine whether the existing right of accesses were identified; and if so, there would be some claim that the access cannot be denied. As the parcel is within the 30.48-metre waterfront reserve, they do not support granting title. There are concerns over erosion, and they questions whether Government should be taking the responsibility of titling land that may be subject to erosion or flooding.

Chair Bryony McIntyre commented that the reason for the applications is an invitation by Lands Branch to all current leaseholders in the area to apply for purchase. Lands noted that these are already long term residential leases with the potential to either become settlement lands or renewed for further long term timelines. The fact that these residences are currently existing is an established fact.

There was extensive discussion regarding access issues.

Environment, Water Resources had a concern with erosion. They do not support anything being so close to the river, nor do they support the land being converted to title. However, if title is granted, it should just encompass the footprint of what the applicants hold.

Ross River Dena Council commented in view of the longevity of these elders' leases, they favour title being granted. The applicants have also utilized their accesses as far back as they can remember.

Yukon Electrical Co. Ltd. requested subject to existing power lines for both applications.

Forest Management Branch, Watson Lake Mining District, Land Use, Tourism, Carcross Tagish First Nation, Heritage and Kwanlin Dun First Nation had no concerns.

Recommendation: Deferral to August, 2005. Lands to investigate title on Lots 69 and 70 in regard to creation, subdivision and locations and time of use of current right-of-ways and access, discuss with Liard First Nation possible resolutions. Transportation to undertake inspection of accesses in relation to Highway right of way and Highways Act interpretations. Environment, Water Resources is to conduct a site visit to undertake a good assessment of the situation regarding flooding and erosion potential of this portion of the Liard River. There is another lease

in this area already scheduled for the August review. Intent is to provide overall recommendations on this stretch of river.

3. #2005-0076: Robert Johnstone and Wanda Keobke – 12.4 ha, parcel located on Alaska Highway, 20 miles West of Teslin, Quad 105C/06 – Commercial

Robert Johnstone and Wanda Keobke attended at 11:03 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Ms. Keobke presented an addendum to their business plan to expand more on key areas such as market and a detailed layout of the timelines or phases. They believe their unique business components will encourage more tourists to stop in the Teslin area. They also hope to have local day-trippers from Marsh Lake, Atlin, Tagish and Whitehorse. Their love of the Yukon and interest in a multi-business has inspired them to apply for land, with the objective of creating a tranquil and unique rest stop along the Alaska Highway for the well being of travellers.

Mr. Johnstone added that indications are for more economic growth in the Teslin area, and tourism is probably the main area to look at.

Response to questions:

- Plan to have a multi-business.
- Proposing eight RV campsites, the reason being they wish to maintain a natural environment around the buildings and campsites.
- Initially access will utilize the old Alaska Highway; but at a later date, access to the main highway will be directly off a corner of the lot.
- Ownership of parcels in the area was reviewed, as well as flagging issues with the NRO.
- Visitation projections for the phases was not examined too closely; only did the first year.
- Full occupation for the entire season was not estimated.
- Heritage believes there may be interpretive potential for the old swath of highway.
- Picked this location because when Mr. Johnstone moved to the Yukon in the late '70's, he lived in Teslin. They love the area and have family nearby at the north end of the lake.
- Often go camping at the Teslin Lake Campground.
- The site itself has a nice gradual slope from the highway down to the lake, three elements of vegetation and a lovely view of the lake.
- The business will be seasonal.
- Have contacted Environmental Health Services regarding permits and spacing for RVs.
- Regarding the reason for the size, 12-hectare (30 acres), which is large for a tourist commercial property, Mr. Johnstone noted with the RV park, they require room for septic fields. They do not wish to clear trees, as the unique aspect of the venture will be lost. As well, they will have to do perc tests to determine a suitable location for septic.
- Transportation Engineering noted the old highway is still in their inventory and will not be closed. As it cannot be encompassed into their land, the parcel could be reconfigured to one side or the other or be one parcel that is split by the old Alaska Highway. The department may relinquish some of the width (300 feet), as it is not required on a low-volume road.
- Because the Alaska Highway is an access-controlled highway, chances of access from the Alaska Highway directly to the property are slim. Access will have to be maintained from the old Alaska Highway.
- As the culverts have been pulled out of the old Alaska Highway, Mr. Johnstone stated that some reconstruction would have to occur in order to utilize it. The department responded if more property is developed in the area, it may be utilized as a subdivision road.
- Mr. Johnstone stated in phoning members of LARC, Lands Branch discussed they should take the old Alaska Highway off the file of the blueprints altogether. The fellow from

Highways explained they would put a berm on each side of the property. Transportation Engineering responded that someone had given Mr. Johnstone "bad information". The highway would have to be officially closed by Order-in-Council, and the department will not do that.

- Mr. Johnstone noted the slope of the land further down on the old Alaska Highway may be an issue under current Lands policy due to its dramatic drop off.
- A letter was received from Teslin Tlingit Council regarding policy matters, but it did not address the site specifically. Mr. Johnstone advised he talked to William Sidney once. He was going to conduct a site visit with Gus, but that did not happen. It is difficult to track down the First Nation members.
- No comments were received from the ad in the paper.
- Comments were received from the Renewable Resource Council regarding lot size and alienation of land that may be available for trapping.

Mr. Johnstone and Ms. Keobke left the meeting at 11:26 a.m.

This is an application to purchase land for the development of a coffee/latté house, a store, a spa, and eventually an RV campground. The applicants' proposed development, Lakehouse Latté and Mini Spa, wish to achieve a tranquil and unique rest stop along the Alaska Highway for the well being of travelers. Within three years, they wish is to expand the spa services into a day spa destination to encourage tourists to stay another day in the Yukon.

LCIS comments that the application is within the traditional territory of the Teslin Tlingit Council but is not in conflict with settlement land and notes that an old fork of the Alaska Highway would need to be closed to accommodate the application.

Teslin Renewable Resource Council, commented in their letter of May 24, 2005 - with the increasing number of applications in the area the council is concerned about possible cumulative effects increased development could have on Teslin Lake, as well, the reduction of land available to trappers. They are concerned with the size of the parcel. Council's preference is to see new development wait for regional land use planning to occur. It will address parcel sizes for various activities in the region.

Teslin Tlingit Council commented by letter of May 6, 2005 – Due to the increase in applications in the last six months, the Lands Committee is unable to respond and would like the application deferred and all applications be treated like the Fish Lake Road ones.

NRO COMMENTS

Soil: Sandy – gravel loam; Vegetation Cover: Predominantly aspen (80%), with spruce (20%) having no commercial value; Terrain: Generally having a gentle slope from Alaska Hwy down to the lake; Waterbodies: Application is adjacent to Teslin Lake; Access Roads: Yes; Suitable for Building foundation and Septic; Distance to Water Supply: On site (well construction required); not Subject to Flooding; no Environmentally Sensitive Areas. General Comments: Area well suited for intended purpose. Access from application land directly to the Alaska Highway. May be a problem with GY highways with line of sight requirements.

Property assessment branch has no RETP concerns

The Northern Pipeline agency advises that Foothills Pipelines Ltd. has no concerns.

Tourism commented although this is a different kind of product, it has potential in this area. The addendum to their business plan includes detail on market demand analysis, with the local population that is their potential market; used the preliminary 2004 visitor exit survey to identify visitor numbers and the 1999 exit survey to do a breakdown and an examination of the markets they believe they can tap into. This is a modest multiple business on a single site, with the

applicants having a secure line of credit with enough cash investment. Their financial assessment is reasonable. However, the amount of land applied for is excessive for their need.

Building Safety noted there is no zoning. Development and building permits will be required for any structures. The parcel could include from the old Alaska Highway to Teslin Lake only. Setback from the 10-metre bank for stability should be provided.

Transportation Engineering advised taking out the old Alaska Highway portion will diminish the size by about three hectares. The road could be narrowed in the event of a planned subdivision in the immediate area, with utilization of a secondary road for such subdivision. Access would not be permitted from the prevent Alaska Highway.

Environment requested that the 100-foot reserve from the lake be observed.

Heritage conducted a walk-over inspection with Teslin Tlingit Council, and there is low archaeological potential. This is a big chunk of land, with a large gravel area on the top part near the new Alaska Highway, which may not be very usable.

Community Services Land Planning noted there is no planning or zoning in the area. They have concerns about the old Alaska Highway going right through the middle of the applied-for parcel. Perhaps the land could be extended longitudinally a little bit along the lake if it complies with Land policies (lake frontage not more than 25 percent). The land quantum is excessive. The location is good for the planned low-scale commercial activity. Subdivision approval will be required.

Chair Bryony McIntyre outlined issues: lack of zoning along the water; potential for subdivision into one-acre cottage lots, reconfiguration to increase setback from the lake would protect public access and control future lake frontage issues. Although the residential use has been separated from the commercial use, the focus under the policy is the commercial.

Whitehorse Mining Recorder, Forest Management Branch, Land Use, Carcross Tagish First Nation, Kwanlin Dun First Nation, Ross River Dena Council and Yukon Electrical Co. Ltd. had no concerns.

Recommendation: Deferral to August 2005, request applicants to submit a revised configuration, factoring in larger (60M) setback from Ordinary High Water Mark (recognition of high bank in area) and exclusion of the old Alaska Highway. Size of parcel needs to be reduced, focus on commercial development site. Also issue regarding slope and sewage disposal systems for commercial project and proposed residence. Will there be the necessary setback distances, should the septic field be combined. Teslin Tlingit Council to be requested to provide comments on the proposed use at this location. Note that subdivision issue could be controlled through spot zoning or provision of a restrictive covenant on title.

Action #5: Tourism will e-mail everyone the addendum to the Robert Johnstone and Wanda Keobke business plan.

4. #2005-0047: Government of Yukon, Highways – 5.9 ha, parcel located on the Pelly River, Quad 105K/03 – Bridgehead

This is an application for a bridgehead reserve for the existing bridge over the Pelly River at Faro.

The Town of Faro was granted Land Use Permit YA5X162 on March 25, 2005 for improvements to a boat launch on parcel C of the application.

LCIS comments that the application is within the traditional territory of the Ross River Dena Council. Parcel B of the application is in conflict with Ross River Dena Council S-141B, an interim protected site. The s-s site is to protect improvements on the s-site – a cabin, sauna and

shower installation. The property is gated and is used seasonally but regularly by a Ross River beneficiary. LCIS requests that the application for Parcel B not proceed at this time.

LCIS notes a Water Survey building in the vicinity of Parcel B.

Yukon Electric advises it has two unused power poles on parcel B which could be removed if necessary. If required, Yukon Electric will remove the poles.

NOTE – A typo in the application refers to a sewage disposal site.

NRO COMMENTS

Notes overlap of Parcel B with RRDC Selection S 141 B. Improvements on that parcel include a green house, sauna, outhouse, car, and log cabin with porch. Soil: 2 cm organic over sandy clay till with coarse fragments. Vegetation Cover: 10 m tall aspen, black poplar, white spruce, willow, lupine. 80% crown closure. Terrain: Gently rolling. Waterbodies: Pelly River. Exposure: West 2 %. Erosion: Water erosion possible. Note flooding in photograph. Access Roads: Mitchell Road through the parcel. Suitable for Building foundation. Not Suitable for Septic. Distance to Water Supply: Yes. Subject to Flooding: Yes. Environmentally Sensitive Areas: Yes. Riverbank and riparian. There were no general Comments.

Transportation Engineering advised they do not mind if Parcel B is excluded. Parcels C and A would be the critical ones if there was an emergency and they had to put another bridge in.

Ross River Dena Council confirmed the First Nation still has interests on Parcel B.

Land Use noted the Town of Faro presently has a land use permit to do the boat launching area, but they expect that to be done as soon as the water recedes.

Community Services Land Planning and Building Safety commented it would be nice to hear from the Town of Faro to ensure it complies with their zoning and OCP. If the parcel goes to title, it will require subdivision approval.

Forest Management Branch, Carcross Tagish First Nation, Tourism, Heritage, Kwanlin Dun First Nation and Environment had no concerns.

Recommendation: Approval for three parcels, Parcel B not to be approved at this time, since it is interim protected for Ross River Dena Council.

5. #2005-0046: Matthias Bindig – 2 ha, parcel located 1.5 Kilometre North of Keno City, Quad 105M/14 – Rural Residential

Matthias Bindig attended at 11:28 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Bindig advised he has lived outside of Keno for the past three-and-a-half, four years at a remote location on an island on Hanson Lakes, which is about 35 kilometres north of Keno. He has obtained work for the community club and mining museum and wishes to purchase land closer to Keno. Most of the land around Keno is tied up in hardrock claims, and there are no lots available in Keno. Mr. Bindig also wishes to be out of town, as he presently has four dogs and plans on getting more. There is easy access to the parcel, and it is only about a mile from Keno.

Regarding the cabin located on the property, Mr. Bindig stated the NRO from Mayo advised him such a structure wouldn't count as having value, so he put "no" to structures on the property on his application form. It is an old prospector's cabin, which has been on the property for about 80 or 85 years. The cabin has not been used since about 1979. There was quite a mess in the

area, and Mr. Bindig began cleaning up glass and metal parts. He has hauled out four or five trailer loads of junk. The owner of the hardrock claim is United Keno Hill (Price Waterhouse). Mr. Bindig called Price Waterhouse, and they did not even know where Keno was. Mr. Bindig advised the pictures that were tabled represented the worst time of the year and illustrates that the access road onto the property would need to be improved with two culverts and some work to avoid the spring runoff that goes right through the property.

The 4-by-4 road continues as a moose trail. It starts at a minesite called "Lucky Queen" and follows Erickson Gulch down on the ridge outside of the creek bed, going straight down the creek and gets lost in the bush shortly after the posted property line. Anything below that is unusable. Nobody uses that road except Mr. Bindig.

Heritage asked whether the cabin is critical to his plans, and Mr. Bindig advised he hadn't planned on using the cabin. It would be viewed as a historical structure. Although the foundation is rotting away, it would be a neat spot once the cabin is fixed up. Heritage advised that Historic Sites are not opposed to having cabins incorporated into private holdings, because they tend to get looked after better. Technically, anything older than 50 years is a heritage resource, and a provision would have to be made for its preservation. Mr. Bindig indicated he plans to look into the possibility of applying under the Historic Properties Assistance Fund. Regarding abandoned mining artifacts on the property, Mr. Bindig advised in the cleanup where he took items to the dump, there were mostly such things as 45-gallon drums and nothing usable.

Tourism asked about the proximity of the location of the cabin and the wildlife viewing trails and the Wernecke Road hiking trail (Gambler Gulch). On average, there are approximately 1800 tourists/summer coming to Keno, and very few use the hiking trails.

Chair Bryony McIntyre asked for clarification of the estimate by Mr. Bindig of 1.5 kilometres from Keno and the NRO's inspection of 2.89 kilometres. Mr. Bindig speculated the NRO may have measured from Keno, and his distance started at the Erickson Creek Bridge. Regarding tenure, Chair Bryony McIntyre advised this would not be formalized for probably six months, but camping on site is permitted, as long as it does not have a permanent foundation.

Mr. Bindig left the meeting at 11:40 a.m.

The applicant states there are currently no lots or land available in the Keno City area, where he wishes to reside. The parcel he is applying for would be for rural residential purposes only, and he expects to build a permanent residence within the first four years.

The application is within Trapline Concession #82 held by the First Nation of Nacho Nyack Dun. Mr. Bindig has requested assistant trapper status on the trapline from the First Nation.

Read undated client letter to First Nation.

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

Land Use comments that the applicants may need a land use permit if constructing access across land.

The application is on quartz mining lease (not a claim) Tom Boy 56505 owner is United Keno Hill Mines expiry 2021. It is now untitled surveyed Lot 854.

Price Waterhouse is the receiver and is currently looking for a buyer for the property. There are currently bidders for the property UKHM.

There were expired placer claims on the property Fred Holke and then Bob Keenan then staked the claim.

Property Assessment Branch advises – no Rural Electrification Program (RETP) concerns.

Keno Community Club, submitted a letter of support, dated February 10, 2005 - included in package.

NRO COMMENTS

Improvements: 1 10' x 12' log prospectors cabin greater than 50 years old

Soil: Majority of site is shallow organics and spagnum moss underlain by rock, gravel and silty loam; Vegetation Cover: 50% black spruce, Understorey is covered with moss, Labrador tea and bear berry; Terrain: Sloping south west - 40 (%) on a ridge running NE - SW; Exposure: Open SE exposure; Erosion or Possible permafrost: Some areas of stunted spruce, willow and moss may suggest permafrost to north and south of ridge; Access Roads: Gambler Trail from Keno City is an old unmaintained 4 X 4 road in moderate condition with stream crossings, culverts and winter glaciation in some sections; Suitable for Building foundation: The ridge area is suitable for a building foundation; Suitable for Septic: Yes; Distance to Water Supply: 30 metres – Erickson Creek; Subject to Flooding: No; Environmentally Sensitive Areas: Property is adjacent to Erickson Creek. Maintained Roads in Area – No; Silver Trail, leaving Keno City; Nearest Community: Keno City – 2.67 kilometres. General Comments: Ridge area where cabin is situated appears to be suitable for building foundations and does not appear to be prone to permafrost. However, the access trail from the Gambler Trail to the cabin is subject to spring fun off for a large portion, and there would be significant erosion concerns if a road and ditch system were not engineered & constructed to the site. The Gambler Trail from Keno City is in fair condition however there are sections that are covered by glaciation in winter months and access may be a challenge by vehicle in the winter.

Building Safety commented there is no zoning. Development and building permits will be required for any structures. The four-by-four trail should be excluded. A site visit should be conducted to determine the exact configuration of lot.

Community Services Land Planning noted the four-by-four road should be inspected to ensure no access is impeded to claims, etc. Reconfiguration of the parcel boundaries to exclude the road or have the applicant relocate the road would be preferable. The proposed lot size meets the two-hectare minimum in the *Subdivision Act* and Regulations. The department supports the application in principle. Subdivision approval will be required.

Environment commented they would like to check with Fisheries regarding the situation with the creek.

Heritage advised they will check with Historic Sites regarding their position vis-à-vis the cabin. Sometimes a historic site is better served having occupancy of buildings, rather than abandoned and rotting into the ground. If the cabin is deemed to be mining-related, it may belong to the claim holder.

First Nation of Nacho Nyak Dun, Property Assessment Branch, Mayo District Renewable Resources Council, Land Use, Tourism, Carcross Tagish First Nation, Transportation Engineering, Kwanlin Dun First Nation, River Dena Council and Yukon Electrical Co. Ltd., had no concerns.

Recommendation: Deferral to August, 2005 to resolve issues regarding the ownership of the cabin (quartz claims) and its heritage value, four-by-four trail, location of creek and appropriate configuration of parcel after required setbacks are determined.

Action #6: Eric Petersen will conduct a site visit with the NRO and Mining Inspector, GPS the location of the cabin and determine whether the cabin is considered a mine asset

The next LARC meetings are July 13 and 14, 2005, 9:00 a.m. **the large boardroom at 419 Range Road, Whitehorse.**

Note: Commencing in June, the meetings are Wednesday and Thursday, rather than Thursday and Friday; commencing in July, 2005, at 419 Range Road, rather than Sport Yukon.