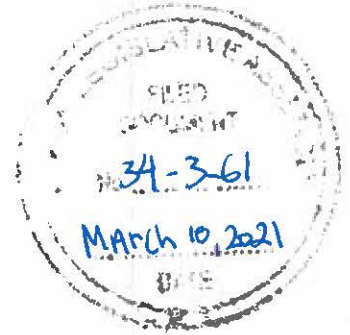




# Yukon Legislative Assembly

Box 2703, Whitehorse, Yukon Y1A 2C6



March 9, 2021

Hon. Ranj Pillai  
Deputy Premier  
Minister of Energy, Mines and Resources  
Box 2703  
Whitehorse, Yukon Y1A 2C6

Dear Minister Pillai,

**RE: Potential impact of a 60-metre Riparian Buffer on Titled Land by Marsh Lake**

Earlier this year, your government began consultation with residents of the Shallow Bay area on proposed zoning. I have heard many concerns from Yukoners, including from people living outside the area who are worried by the potential future implications if government chooses to propose similar restrictions in their area.

The Shallow Bay proposed zoning is taking an unprecedented step in going after titled land with a 60-metre no-development buffer from nearby water.

If implemented, it would have a very serious negative impact on the Yukon citizens whose land is targeted, including potentially preventing them from being able to continue to get insurance for their homes.

Previously, riparian buffers contained in local area plans and zoning applied on Crown land – and have not been imposed on privately titled land.

While the current proposal only targets land owners by Shallow Bay and Horse Creek, people in other areas are asking the question: “If it starts there, where does it stop?”

There is growing concern that if your Cabinet approves this provision in one zoning area, it might be proposed in other zoning areas next.

The fact that this no-development riparian buffer will impact titled property, removing some of the existing legal rights of the owners, is worrisome. It is also concerning residents in other areas whose homes or property are within 60 metres (about 200 feet) of a creek, river, lake, or pond.

While your government is not yet proposing a no-development riparian buffer in the Marsh Lake area, people are worried that if your government starts going after titled land near water in one area, the same thing may be proposed in their area next.

In your government's document explaining the proposed zoning for the Shallow Bay area, it says this about the Riparian Buffer: "The proposed regulation applies a riparian buffer throughout the Shallow Bay planning area. The purpose of the riparian buffer is to avoid development impacts on the Shallow Bay wetland, to protect areas of important wildlife habitat from new development, and to keep the shorelines along Shallow Bay and Horse Creek in a natural state. The no-development buffer is 60 metres from the ordinary high-water mark of Shallow Bay and Horse Creek. Development includes the construction of any buildings or structures, docks, drainage, water or sewer systems, roads or trails."

In the document your department posted responding to questions asked at the January 21<sup>st</sup> virtual public meeting, it says this about homes, buildings, and other current uses in the proposed buffer area: "Land uses, lots and buildings that exist before area development regulations are completed are called "non-conforming" if they do not comply with the new zoning. These non-conforming uses and buildings are legal and can remain under the new regulation. These developments can be maintained but they cannot be re-built."

For the ease of reference of other people reading this letter, those two documents are online here: <https://yukon.ca/shallow-bay-area-development-regulations>

Your department prepared a map showing the impact of the proposed 60-metre no-development buffer on titled land in the Shallow Bay area, which is currently online here: <https://yukon.ca/sites/yukon.ca/files/emr-proposed-buffer-shallow-bay-area.pdf>

For the information of people who own land along Marsh Lake who are wanting to understand the potential effects such a proposal could have if it were proposed in their area next, please provide me with a map showing the impact a 60-metre no-development riparian buffer from Marsh Lake on titled land next to it.

Sincerely,



Brad Cathers  
MLA for Lake Laberge

Cc. John Streicker, MLA for Mount Lorne-Southern Lakes