

# *Horseshoe Slough Habitat Protection Area*

## Management Plan

*Nuna k'óhonete Yédäk Tah'é*

PHOTO: KERT STINNOTT

**Yukon**  
Environment





Approval Recommended

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# BACKGROUND

## Description of area

Horseshoe Slough is an oxbow lake. It is an abandoned U-shaped channel of the Stewart River that is connected to the main active channel. It is approximately 70 km upstream of Mayo and 10 km upstream of Fraser Falls. The Habitat Protection Area (HPA) itself is 87.7 km<sup>2</sup> in size and contains the lower portion of Nogold Creek, which flows into the Stewart River near Horseshoe Slough. Nogold Creek meanders through a valley filled with several hundred small ponds, ranging in size from less than one tenth of a hectare up to 32.5 hectare. The numerous ponds are the result of permafrost processes operating in a relatively cold climate on fine-textured soils in the valley bottom, with an abundance of water draining from the hillsides.

## Ecological importance of Horseshoe Slough

The Horseshoe Slough wetland is located on the Pacific Flyway and is considered regionally significant for waterfowl. It provides nesting and moulting habitat for ducks (12 species), Trumpeter Swans, Canada Geese, Red-necked and Horned Grebes, Pacific Loon and American Coot. Other important wildlife values associated with the area include the following:

- gulls, terns and shorebirds breed in the area;
- beavers, muskrats and other furbearers, such as lynx are present; and
- bears and moose use the area.

As a wetland, Horseshoe Slough also contributes to many other important hydrological and ecological functions, such as:

- water purification and storage of fresh water;
- natural flood reduction and control;
- a vital element of climatic cycles;
- a natural storage base for carbon;
- a nutrient source for connected waters; and,
- preservation of biodiversity.

## Existing land use

The First Nation of Nacho Nyak Dun (FNNND) has two parcels of settlement land which are surrounded by the Horseshoe Slough Habitat Protection Area. These include Settlement Land parcels S-176B and S-123B, which are not subject to the terms and conditions of this plan. Settlement Land S-176B is situated along the west bank of the Stewart River near the outlet of Nogold Creek. It is the only area within

the wetland where any residential development occurs. The community situated within S-176B is referred to locally as “Nogold” and consists of a small number of cabins located near the riverbank. The residents of Nogold access the area by boat along the Stewart River and by ATV / snowmobile along a trail situated north of the HPA. No expansion of the existing community or development on S-176B is anticipated by the First Nation in the near future.

The wetland is part of Outfitting Concession No. 7, which is currently operated by Rogue River Outfitters. The outfitter caters mostly to non-resident, big game hunters who are generally interested in caribou and moose. The concession has four base camps and all of the operations are located to the east of the Area. The outfitter has voluntarily agreed to not hunt within the Horseshoe Slough HPA as reflected in the current Moose and Caribou Quota Agreement with the outfitter. Hunting that does occur in the HPA is done by Nogold residents or other Yukoners.

The Habitat Protection Area falls within game management sub-zones 4-04 and 4-09. As regulated under the Wildlife Act, the hunting of male moose, male caribou, mountain sheep, black bear, grizzly bear, wolverine, wolf, and coyotes is permitted by licensed hunters within these sub-zones. Licensed hunters must comply with seasons and bag limits when hunting as permitted. These same restrictions do not apply to Yukon Indian People or Tetlit Gwich'in hunting for subsistence as permitted under the Nacho Nyak Dun Final Agreement. The Yukon and federal governments may only restrict harvesting activities of Yukon Indian People through processes set out in the First Nations Final Agreements, and only for reasons of conservation, public health or public safety. The First Nation of Nacho Nyak Dun may, under self-government powers, regulate subsistence harvesting by beneficiaries, the Tetlit Gwichin and other Yukon Indian People that have been given consent.

There are three trapping concessions (90, 91 and 96) located at least partially within the management area. There are no placer or quartz mining claims or land use authorizations within the wetland.

### **Establishment of Horseshoe Slough Habitat Protection Area**

The First Nation of Nacho Nyak Dun, the Government of Canada and the Government of Yukon agreed to establish the Horseshoe Slough Habitat Protection Area pursuant to the Wildlife Act, as set out in Schedule B, Chapter 10 of the Nacho Nyak Dun Final Agreement (Appendix 1).

### **Management principles**

Horseshoe Slough Habitat Protection Area shall be guided by (schedule B. 4.3):

- the conservation of important Wildlife and Wildlife habitat for the benefit of Yukon residents;
- the recognition and protection of the traditional and current use of the Area by the First Nation of Nacho Nyak Dun;

- the protection of the full diversity of Wildlife populations and their habitats from activities which could reduce the land's capability to support Wildlife; and,
- the encouragement of public awareness of and appreciation for the natural resources of the Area.

**Implementation of regional, national and international commitments to protect wetlands**

The protection of Horseshoe Slough is consistent with the goals of:

- the Yukon Waterfowl Management Plan;
- the North American Waterfowl Management Plan;
- the Federal Policy on Wetland Conservation;
- the Yukon Protected Areas Strategy;
- the Canadian Biodiversity Strategy.
- the First Nation of Nacho Nyak Dun Final Agreement.

## RESOURCE USE

One of the requirements of the First Nation of Nacho Nyak Dun Final Agreement (Section 4.5, Schedule B, Chapter 10 – Special Management Areas, SMA) is to ensure that the development of this management plan is completed through a public consultation process. As one of the steps to meeting this objective, a community-based management planning session was held in Mayo on April 16-17, 1997 in order to seek the public's views on various land uses and activities within the management area. The following recommendations for the management area reflect the outcome of the discussions from these meetings and subsequent discussions among the steering committee.

### HUNTING RECOMMENDATIONS

#### *Hunting by members of the First Nation of Nacho Nyak Dun and other First Nations*

The Nacho Nyak Dun shall have the right to harvest fish and wildlife in the area in accordance with the harvesting rights outlined in Chapter 16 – Fish and Wildlife of the NNDFCA. The Tetlit Gwich'in shall have the right to harvest fish and wildlife in accordance with Appendix C of the Gwich'in Comprehensive Land Claim Agreement.

Subsistence harvesting by NND members and the Tetlit Gwich'in will be monitored and managed conservatively by the First Nation of Nacho Nyak Dun.

Citizens of First Nations other than Nacho Nyak Dun and Tetlit Gwich'in must have the consent of the NND prior to engaging in subsistence harvesting within the Area.

#### *Hunting by other residents of the Yukon*

No additional restrictions will apply to the HPA. Hunting will be subject to Laws of General Application.

Harvesting by residents of the Yukon will be monitored, and managed in accordance with the principles of conservation by the Yukon Department of Renewable Resources.

#### *Hunting by non-residents*

It is recommended that the government continues to monitor hunting by clients of the outfitting concession holder. Any restrictions that may apply would be dealt with through other management processes. It is noted that the outfitter has in the past, voluntarily agreed to not hunt the area.

## **FISHING RECOMMENDATIONS**

### *Fishing by members of the First Nation of Nacho Nyak Dun and other First Nations*

The Nacho Nyak Dun shall have the right to harvest fish and wildlife in accordance with their harvesting rights pursuant to Chapter 16 – Fish and Wildlife of the FNNND FA [p.111].

Citizens of First Nations other than Nacho Nyak Dun and Tetlit Gwich'in must have the consent of the NND prior to engaging in subsistence fishing within the area.

### *Fishing by others*

No additional restrictions will apply to the management area. Fishing will be subject to Laws of General Application as described in the Yukon Sport Fishing Regulations.

## **WOODCUTTING RECOMMENDATIONS**

### *Local domestic woodcutting*

The cutting of firewood for local domestic use will be allowed within the HPA and will be regulated through a permitting process under the Yukon Lands Act. The Environmental Protection and Assessment Branch at the Yukon, Department of Renewable Resources (DRR) will be responsible for identifying designated fuelwood cutting areas and issuing woodcutting permits. This responsibility will likely be given to the forestry department under devolution.

The cutting, removal and use of diamond willow from the HPA will not be restricted and will not require a permit.

### *Commercial woodcutting*

Permits for commercial woodcutting will not be issued.

## **TRAPPING RECOMMENDATIONS**

### *Trapping*

Trapping within the HPA will be subject to the Laws of General Application and First Nation Final Agreements.

## **VISITOR USE RECOMMENDATIONS**

### *Visitor use*

Wildlife viewing, canoeing and other recreational use, which is compatible with the protection of wildlife and their habitats, will be encouraged and monitored. The erection of signage to inform visitors of the restrictions applying to the use of the area as outlined in this management plan should be considered.

## LAND USE

### BUILDING RECOMMENDATIONS

#### *Construction of buildings*

New residential development within the HPA will not be permitted because it would negatively impact wetland functions, lead to the loss of important waterfowl habitat, and conflict with the objectives of the management plan. It is not anticipated that there will be any future demand for residential development within the management area, as this would likely be accommodated on the existing settlement land around Nogold (i.e. S-176B), which is located outside the HPA. This management plan applies only to the Habitat Protection Area.

### GRAZING LEASES RECOMMENDATIONS

#### *Disposition of grazing leases*

Grazing Leases will not be issued within the boundaries of the Habitat Protection Area.

#### *Agriculture applications*

Agriculture applications will not be accepted in this area.

### HYDROELECTRIC RECOMMENDATIONS

#### *Hydroelectric dam development*

It is recommended that the values associated with the Horseshoe Slough HPA be taken into consideration when assessing any proposed dam construction at Frazer Falls, 3-Mile or 5-Mile Rapids or on the Hess River. Particular attention should be given to the possible impacts that such development could have on the habitat, ecosystem and residents of Horseshoe Slough. It is anticipated that any proposed dam construction will be subject to the Development Assessment Process, within which the potential impacts on Horseshoe Slough would be assessed.

## MINING RECOMMENDATIONS

### *Exploration and development*

Mining exploration and development involves such activities as blasting, drilling, trenching, removal of vegetation, and other mineral extraction and processing activities. Such activities within a wetland complex would result in changes to the existing hydrology and, negatively impact wetland functions. This would lead to the loss of wetland area and associated waterfowl habitat. Consequently, this activity would conflict with two of the management principles which state that the Horseshoe Slough Habitat Protection Area shall be managed for:

- the conservation of important wildlife and wildlife habitat for the benefit of Yukon residents; and,
- the protection of the full diversity of Wildlife populations and their habitats from activities which could reduce the land's capability to support Wildlife.

In light of the above, it is recommended that the interim withdrawal from prospecting or mining under the Yukon Quartz Mining Act and Yukon Placer Mining Act be maintained until a regulatory framework consistent with the management principles of this plan has been established. The need for continued interim withdrawal will be evaluated during the first plan review in 2006.

## OIL AND GAS RECOMMENDATIONS

### *Exploration and development*

Oil and gas exploration and development involves such activities as vegetation removal, road construction, draining, dredging, drilling and other production-related activities. Such activities within a wetland complex would result in changes to the existing hydrology, and negatively impact wetland functions. This would lead to the loss of wetland area and associated waterfowl habitat. Consequently, this activity would conflict with two of the management principles which state that the Horseshoe Slough Habitat Protection Area shall be managed for:

- the conservation of important wildlife and wildlife habitat for the benefit of Yukon residents; and,
- the protection of the full diversity of wildlife populations and their habitats from activities which could reduce the land's capability to support wildlife.

In light of the above, it is recommended that the interim withdrawal from exploration and development under the Canada Petroleum Resources Act (replaced by Yukon Oil and Gas Act) be maintained until a regulatory framework consistent with the management principles of this plan has been established. The need for continued interim withdrawal will be evaluated during the first plan review as per 4.10.

## OFF-ROAD VEHICLES WITHIN HSHPA RECOMMENDATIONS

The Habitat Protection Area has been identified as an important key habitat for moose during the late winter months. During this time, moose access the river valley to forage and obtain shelter from deep snow.

### *Snowmachines*

It is recognized that the noise and high speeds of snow machines disturb moose. However, the degree of disturbance is largely related to the frequency and intensity of snow machine use. Since little information exists on snow machine use within the HPA, it is recommended that Conservation Officers from the Department of Renewable Resources periodically monitor the area, in order to assess the need to regulate this activity. Observations by community residents of the frequency and intensity of snow machine use should also be considered when assessing potential impacts. If deemed necessary, management regulations affecting snow machine use may be developed under the Wildlife Act to minimize any potential impacts on wildlife.

### *Motor boats*

Motor boat use will be monitored and regulated if necessary.

### *All terrain vehicles (ATVs)*

The use of ATVs should be restricted to designated trails only.

MDRRC has produced a pamphlet with suggested guidelines for ATV use in the wilderness.

### *Aircraft landing and access*

Aircraft landing use of Horseshoe Slough will be monitored and regulated if necessary.

## ROADS AND TRAILS RECOMMENDATIONS

### *Roads and ATV trails*

It is recommended that no new roads (including winter roads and ATV trails) be developed within the Horseshoe Slough Habitat Protection Area. Existing trails may be used and maintained.

### *Snowmachine trails*

Snowmachine trails, if proposed, may be subject to the Development Assessment Process depending on their design width and dimensions.

## TASKS AND TIMELINES

Recommended tasks and timelines are based on the Community Management Planning meeting, and input from the Steering Committee, the First Nation of Nacho Nyak Dun and the Yukon government.

Task	Agency or agencies	Timeline
<b>Boundaries</b> Assess boundaries – Assessment of any proposal to relocate the established boundary in order to promote ecological integrity or facilitate effective management.	DRR and FNNND, in consultation with MDRRC and members living within the Habitat Protection Area	During next plan review.
<b>Data collection</b> If data is needed, collection will be done with existing available resources and in accordance with established priorities. It will be limited to those activities which will: <ul style="list-style-type: none"> <li>• further the objectives of the management plan;</li> <li>• assist in addressing land use issues; and</li> <li>• allow agencies to monitor the success of the plan.</li> </ul>	FNNND, MDRRC, DRR, Heritage Branch with the residents of HSSHPA.	As required
<b>Designating trails and cutting areas</b> Designate ATV trails and woodcutting areas	DRR, through consultation with FNNND including residents of HS, and MDRRC	As required
<b>Monitoring activities in the HPA</b> Monitoring	DRR, through consultation with FNNND including residents of HSS, MDRRC	As required
<b>Education</b> Education and appreciation – Develop programs, i.e. Outpost Program and other programs to educate students	FNNND, MDRRC, DRR, Heritage Branch and other agencies as requested	Ongoing
<b>Fire protection</b> Process and requirements for fire protection - To be discussed by all parties affected.	FNNND, MDRRC, DRR and DIAND	As required
<b>Funding</b> Funding proposals - Write proposals to organizations and foundations to obtain funding if required.	MDRRC, DRR, FNNND	As required
<b>Signage</b> Signage – To inform visitors of special status and guidelines affecting the use of the Habitat Protection Area.	DRR / MDRRC	2001
<b>Land survey and land transfer</b> A land description survey must be completed before the land can be transferred to the Yukon government	DIAND	1999 (done)
<b>Review of management plan</b> Review and amendment of the management plan	FNNND, MDRRC, DRR, Heritage Branch and other agencies as appropriate.	No later than 5 years after initial approval and at every 10 years thereafter. (Final Agreement, p.112)

HPA - Habitat Protection Area    FNNND – First Nation of Nacho Nyak Dun    MDRRC - Mayo District Renewable Resources Council  
 DRR - Department of Renewable Resources    DIAND - Department of Indian Affairs and Northern Development

## Appendix 1: Schedule B, Chapter 10 of the First Nation of Nacho Nyak Dun Final Agreement

### 1.0 Establishment

- 1.1. The boundaries of the Horseshoe Slough Habitat Protection Area (the “Area”) shall be as set out on map “Horseshoe Slough Habitat Protection Area, (HSHPA)” in Appendix B - Maps, which forms a separate volume to this Agreement.
- 1.2. Canada shall transfer to the Commissioner of the Yukon the administration and control of the land comprising the Area, excluding the mines and minerals and the right to work the mines and minerals, as soon as practicable after the Effective Date of this Agreement.
- 1.3. Subject to 1.2, the Yukon shall establish the Area pursuant to the *Wildlife Act*, R.S.Y. 1986, c. 178.
- 1.4. No lands forming part of the Area shall be removed from habitat protection status under the *Wildlife Act*, R.S.Y. 1986, c. 178, without the consent of the First Nation of Nacho Nyak Dun.
- 1.5. Subject to 1.5.1, Canada shall withdraw the mines and minerals in the Area from locating, prospecting or mining under the *Yukon Quartz Mining Act*, R.S.C. 1985, c. Y-4 and the *Yukon Placer Mining Act*, R.S.C. 1985, c. Y-3 and from exploration and development under the *Canada Petroleum Resources Act*, R.S.C. 1985 (2nd Supp.), c. 36 for 18 months from the Effective Date of this Agreement or until the management plan is approved pursuant to 4.7, whichever comes first.
  - 1.5.1 The withdrawal shall be subject to:
    - 1.5.1.1 recorded mineral claims and leases under the *Yukon Quartz Mining Act*, R.S.C. 1985, c. Y-4 and recorded placer mining claims and leases to prospect under the *Yukon Placer Mining Act*, R.S.C. 1985, c. Y-3;
    - 1.5.1.2 oil and gas rights, interests and privileges under the *Canada Petroleum Resources Act*, R.S.C. 1985 (2nd Supp.), c. 36;
    - 1.5.1.3 rights granted under Section 8 of the *Territorial Lands Act*, R.S.C. 1985, c. T-7; and 4.4.4.4 new licences, permits or other rights which may be granted in respect of an interest described in 1.5.1.1, 1.5.1.2 or 1.5.1.3.

### 2.0 Fish and Wildlife

- 2.1 The Nacho Nyak Dun shall have the right to harvest Fish and Wildlife in the Area in accordance with their Harvesting rights pursuant to Chapter 16 - Fish and Wildlife.

### 3.0 Forest Resources

- 3.1 The Nacho Nyak Dun shall have the right, during all seasons of the year, to harvest Forest Resources in the Area only for traditional purposes incidental to:
  - 3.1.1 the exercise of their traditional pursuits of hunting, fishing, trapping and gathering; and
  - 3.1.2 to the practice of their traditional customs, culture and religion or for the traditional production of handicrafts and implements.
- 3.2 The right provided by 3.1 is subject to the provisions of 17.3.2, 17.3.3, 17.3.4 and 17.3.6 of Chapter 17 – Forest Resources.

### 4.0 Management Plan

- 4.1 A steering committee shall be established to prepare a management plan for the Area.
- 4.2 The steering committee shall be comprised of four members, two nominated by Government and two by the Mayo District Renewable Resources Council.
- 4.3 The preparation of the management plan shall be guided by the following management principles:
  - 4.3.1 the conservation of important Wildlife and Wildlife habitat for the benefit of Yukon residents;
  - 4.3.2 the recognition and protection of the traditional and current use of the Area by the First Nation of Nacho Nyak Dun;
  - 4.3.3 the protection of the full diversity of Wildlife populations and their habitats from activities which could reduce the land’s capability to support Wildlife; and
  - 4.3.4 the encouragement of public awareness of and appreciation for the natural resources of the Area.

- 4.4 The management plan shall include recommendations to implement the management principles in 4.3 and may include recommendations respecting any withdrawal of portions of the mines and minerals of the Area from locating, prospecting or mining under the *Yukon Quartz Mining Act*, R.S.C. 1985, c. Y-4 and the *Yukon Placer Mining Act*, R.S.C. 1985, c. Y-3 and from exploration and development under the *Canada Petroleum Resources Act*, R.S.C. 1985 (2nd Supp.), c. 36.
- 4.5 The preparation of the management plan shall include a process for public consultation.
- 4.6 The steering committee shall make best efforts to recommend the management plan to the Minister within 18 months of the Effective Date of this Agreement.
- 4.7 The Minister, within 60 days of the receipt of the management plan, shall accept, vary or set aside the recommendations.
- 4.7.1 The Minister may extend the time provided in 4.7 by 30 days.
- 4.8 The Minister shall forward his decision under 4.7 to the Mayo District Renewable Resources Council and the First Nation of Nacho Nyak Dun.
- 4.9 The management plan shall be reviewed jointly by Government and the Mayo District Renewable Resources Council no later than five years after its initial approval and at least every 10 years thereafter.
- 4.10 The Mayo District Renewable Resources Council may propose amendments to the management plan to the Minister for his approval.
- 4.11 The Minister shall Consult with the Mayo District Renewable Resources Council prior to amending the management plan.
- 5.0 Implementation**
- 5.1 The Yukon shall manage the Area in accordance with the Wildlife Act, R.S.Y. 1986, c. 178 and the approved management plan, and Canada shall manage the mines and minerals in the Area in the accordance with the approved management plan.





