

Tsâwnjik Chu Nordenskiöld

HABITAT PROTECTION AREA

MANAGEMENT PLAN

Finalized APRIL, 2010



Prepared by
NORDENSKIÖLD STEERING COMMITTEE

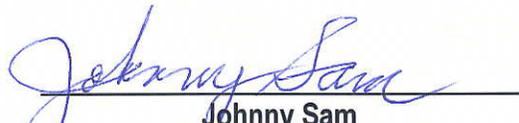


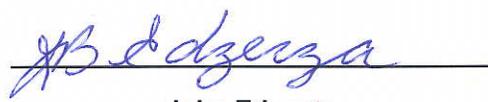
Yukon
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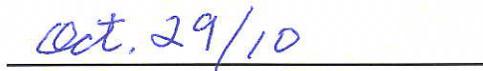
Tsâwnjik Chu (Nordenskiöld) Habitat Protection Area

MANAGEMENT PLAN

APPROVED BY


Johnny Sam
*Elder Councilor, Little Salmon/Carmacks
First Nation*


John Edzerza
*Minister, Environment Yukon
Government of Yukon*


Date

OVERVIEW

WHERE IS THE HABITAT PROTECTION AREA?

The *Tsáwnjik Chu* Habitat Protection Area is a 77.4-square-kilometre parcel of land located along the Nordenskiöld River, south of Carmacks and west of the Klondike Highway. It is entirely within the Little Salmon/Carmacks First Nation settlement land parcel R-2B. The Habitat Protection Area is about 30 kilometres long and 2.5 kilometres wide. It does not include any other adjacent private land or public land. (See map on next page.)

WHY IS THIS AREA SPECIAL?

Both the Little Salmon/Carmacks First Nation and the Yukon government recognize the importance of this area as a key place because of the river and wetland complexes and associated wildlife.

The Little Salmon/Carmacks First Nation calls *Tsáwnjik Chu* the “bread basket.” This wetland has been important for thousands of years. It has provided first nation hunters with moose, ducks and duck eggs, muskrat, salmon, other wildlife and fish. In particular, the area provides habitat for breeding and fall staging of ducks, swans and geese.

The first nation knows that this is a rich area that needs special protection from disturbances. It is an area that is needed for traditional harvesting and to teach the youth the ways of living off the land.

Biologists with the Yukon government have identified approximately 50 very important wetlands in the Yukon, of which *Tsáwnjik Chu* is one. These wetlands are habitat for waterfowl and other birds, as well as fish and animals. The plants and water in wetlands provide a home to many species and must be protected from disturbances and pollution.

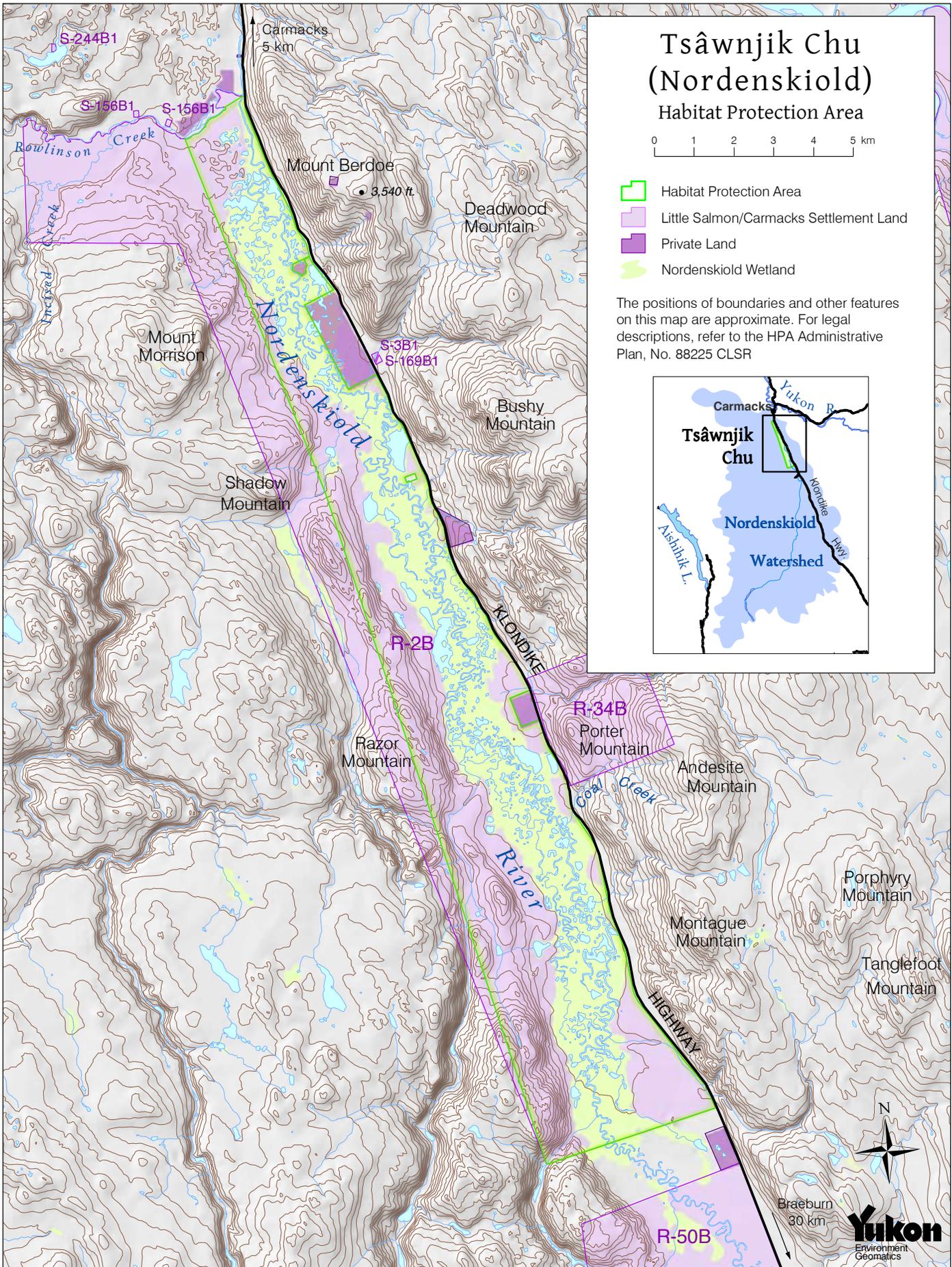
HOW ARE RESPONSIBILITIES SHARED BETWEEN THE PARTNERS?

The surface of the Habitat Protection Area is owned by the Little Salmon/Carmacks First Nation and the sub-surface is owned by the Yukon government. The first nation and the Yukon government each has a role in managing freshwater fish (not salmon), furbearers, wildlife and outfitter concessions within the Habitat Protection Area. The Yukon government enforces hunting laws for licensed hunters. The plan reflects the partnership these two governments agreed to for the management of the Habitat Protection Area.

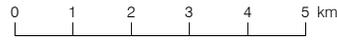
FOR HOW LONG WILL THIS MANAGEMENT PLAN BE IN EFFECT?

This management plan will be reviewed by the two governments five years from the date of signing and no later than every 10 years thereafter. The Little Salmon/Carmacks First Nation will continue to develop a lands act and policies related to land management that are consistent with the objectives of the area. Any changes during the five-year review that are recommended for the plan will need to be reviewed by the Carmacks Renewable Resources Council.

The provisions of Schedule A, Chapter 10 will continue to apply during the length of the management plan.



Tsâwnjik Chu (Nordenskiöld) Habitat Protection Area



- Habitat Protection Area
- Little Salmon/Carmacks Settlement Land
- Private Land
- Nordenskiöld Wetland

The positions of boundaries and other features on this map are approximate. For legal descriptions, refer to the HPA Administrative Plan, No. 88225 CLSR



HOW WAS THE MANAGEMENT PLAN MADE?

In 1997, when the Little Salmon/Carmacks First Nation Final Agreement was signed, the Little Salmon/Carmacks First Nation and the Yukon government agreed on the Habitat Protection Area. The Nordenskiöld Steering Committee was formed to review information about the area from first nation elders, the public, government agencies and scientists. The committee was made up of two representatives each from the Little Salmon/Carmacks First Nation and the Yukon government.

The steering committee then developed the management plan. The planning process included public open houses and consultation in 2000 and 2003. Additionally, in November 2005, there was an open house and a land use planning meeting organized by the first nation to discuss management of activities on R-2B settlement land (which includes all of *Tsáwnjik Chu*).

WHAT ARE THE KEY MANAGEMENT PLAN RECOMMENDATIONS?

In order to protect the integrity of the wetland complexes and the cultural and traditional use of the area, the key recommendations of the steering committee are as follows:

- Little Salmon/Carmacks First Nation should manage surface activities to ensure the protection of the ecological and cultural values. No largescale clearing, draining, or filling in of the wetlands will be permitted and land development shall be limited to potential cabin lots for personal use by Little Salmon/Carmacks First Nation citizens. Little Salmon/Carmacks First Nation will complete a land use plan for settlement land, and guidelines and policies to manage activities. Any land use plan will be consistent with the objectives of the Habitat Protection Area and the parties should be in agreement if significant land uses or developments are proposed.
- By Order in Council, Government of Yukon should permanently withdraw dispositions for sub-surface exploration and development of quartz, placer, and coal in the Habitat Protection Area. Any oil and gas development should be limited to sub-surface access from outside the Habitat Protection Area, i.e. no surface development.

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INTRODUCTION



Six Miles Camp, Carmacks, 1960s.
Yukon Archives PHO 372 881151 YA#28

VISION FOR THE AREA

First nation peoples have lived in and used *Tsáwnjik Chu* for many centuries. Its rich wildlife habitats made it a place that people could depend on for finding food, even in lean times. Elders today speak of *Tsáwnjik Chu* as their “bread basket.”

Chinook salmon, grayling, suckers and whitefish all use the river for their seasonal migrations.

Wetlands along the river provide habitat for a wide range of plants and animals. Ducks, duck eggs, swans, muskrats, beavers and moose have all been traditionally harvested in this valley.

Our vision for the *Tsáwnjik Chu* Habitat Protection Area is that it remain an area where wildlife populations continue to thrive, with negative human impacts on the habitat minimized. We wish to see it as an area that can sustain people with meat, fish and furs harvested as they always have been. It will be a place where first nation elders can teach youth about traditional values and ways, and all can appreciate the natural world and the spiritual peace that comes with being on the land. In short, our vision is that *Tsáwnjik Chu* will continue to be the local “bread basket” it has always been.

INFORMATION BASE

LITTLE SALMON/CARMACKS FIRST NATION FINAL AGREEMENT

The formal structure for the management of the *Tsáwnjik Chu* Habitat Protection Area comes from the Little Salmon/Carmacks First Nation Final Agreement, Chapter 10, Schedule A. The Final Agreement also describes the Little Salmon/Carmacks First Nation management responsibilities on settlement land and in its traditional territory.

YUKON WILDLIFE ACT

Once the management plan is approved, the Yukon government shall designate the *Tsáwnjik Chu* Habitat Protection Area, under provisions of the Yukon *Wildlife Act*. The designation does not alter Little Salmon/Carmacks First Nation jurisdiction of Category B land.

RESOURCE ASSESSMENT

The steering committee has compiled all available information on the natural and cultural resources of the *Tsáwnjik Chu* Habitat Protection Area. The information includes:

- a *Tsáwnjik Chu* Habitat Protection Area resource inventory (Laberge Environmental Services): current land uses, traditional and historic land uses, fish and wildlife, and natural resources (minerals, oil, gas, forestry);
- a heritage inventory of the *Tsáwnjik Chu* Habitat Protection Area/ (Hammerstone Archeological Consulting);
- inventory and survey reports on important bird habitats in the Yukon (Canadian Wildlife Service);
- annual road-side waterfowl survey data; and
- additional mineral, coal, forestry, tourism, and oil and gas information from the Yukon government.

OBJECTIVES

The Little Salmon/Carmacks First Nation Final Agreement formed a partnership between the two governments regarding the management of the *Tsâwnjik Chu* Habitat Protection Area. The intention of the management plan is to preserve the shared interests in the *Tsâwnjik Chu* Habitat Protection Area. Both governments agreed to four objectives in Schedule A of the Final Agreement to protect these interests.

1. Conservation of wildlife and wildlife habitat for the benefit of the Yukon.
2. Respect for traditional and current use of the Habitat Protection Area by Little Salmon/Carmacks First Nation people.
3. Protection of the full diversity of wildlife populations and their habitats from activities which could reduce the area's capability to support wildlife.
4. Encouragement of public awareness and appreciation for the natural resources of the Habitat Protection Area.

Note: It is understood throughout this management plan that “wildlife” includes fish, and that “wildlife habitat” includes fish habitat.

AMENDMENT PROCESS

This management plan will be reviewed by the two governments in five years. Any changes that are recommended for the plan will need to be reviewed by the local Renewable Resources Council. After the first review, subsequent reviews will be scheduled every 10 years.

ECOLOGICAL IMPORTANCE

WETLANDS

The *Tsáwnjik Chu* Habitat Protection Area is very important habitat for breeding, rearing and migrating waterfowl and shorebirds. Several surveys in the late 1970s and early 1980s documented the use of these wetlands by waterfowl. In 1980s, the wetlands were given a map notation status on territorial resource base maps to highlight its importance.

Ducks such as American Widgeon, Mallard, Green-winged Teal, Lesser Scaup, Barrow's Goldeneye and Northern Shoveler are the most common waterfowl, but swans and geese also use the area at critical times, especially in the fall. Duck numbers peak in mid-September and swans in mid-October. Swans generally migrate later than ducks and geese, waiting for their young to fledge before freeze-up. Their resting areas are dictated in part by availability of open water.

FISH

The Nordenskiöld River, which flows into the Yukon River, is a Class 1 (the highest level of sensitivity) salmon spawning stream. Chinook and chum salmon have long used the river. However, recent studies seem to indicate that use has decreased. Yukon River stocks have plummeted everywhere, however, in this case, it may be partially due to the numerous log jams found throughout the system which may be restricting migration. In 1998, Environmental and Administrative Services Yukon conducted a study on the upper 140 kilometres of the Nordenskiöld River (from 10 kilometres above Hutshi Lake to just below Kirkland Creek) to determine its current use by chinook salmon. The site closest to the Habitat Protection Area was below Kirkland Creek. This is approximately 10 kilometres upstream of the southern boundary. Historic spawning dunes were documented and had been used by salmon in recent years.



Environment Yukon

There are 11 species of fish (chinook salmon, chum salmon, lake trout, Arctic grayling, round whitefish, lake whitefish, longnose sucker, burbot, northern pike, Arctic lamprey and slimy sculpin) reported in the Nordenskiöld River.

MAMMALS

Furbearers, such as beaver, marten, muskrat, wolf, wolverine, red fox, coyote, mink and weasel are found in *Tsáwnjik Chu*.

In the *Tsáwnjik Chu* Habitat Protection Area, local people have observed moose in all seasons, and bears (both black and grizzly) in the summer. Mule deer have been observed on south-facing slopes of the hills on the east side of the Klondike Highway, but not in the wetland area itself. Elk are also regularly observed on the ridges east of the highway in this area. Normally, bison range to the west and south of the area, but have been observed on the edge of the Habitat Protection Area.

Big game harvest recorded during the past five years (from 2002 to 2006) suggests very little hunting activity by licenced hunters. The Habitat Protection Area is a part of Game Management Zone 5.43, where a total of 11 moose were taken over those five years. Harvest by first nations hunters is unknown but thought to be fairly small. There are parts of four trapline concessions in the Habitat Protection Area.

VEGETATION

The *Tsáwnjik Chu* Habitat Protection Area is dominated by the Nordenskiöld River and associated wetlands along its length. Most of the wetlands have shallow open water, characterized by peripheral sedge zones and extensive beds of submergent vegetation. Some of the wetlands have more complex sedge-grass communities, flooded willow stands, spike rush beds and horsetail scouring rush beds. The unique characteristics of these wetlands suggest that the area may contain some rare plant species or plants not previously described in the Yukon (Bruce Bennett, Environment Yukon, Government of Yukon, personal communication). The treed areas surrounding the wetland are comprised mainly of aspen and white spruce, with some pockets of black spruce.

MANAGEMENT TOPICS AND RECOMMENDATIONS

TRADITIONAL PRACTICES

...including fishing, hunting, trapping, berry and plant collection, cabin logs, firewood collection and camping.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation government under the Little Salmon/Carmacks First Nation Final Agreement

OBJECTIVE

To respect traditional and current uses of the area by Little Salmon/Carmacks First Nation people.

RECOMMENDATIONS

- The Little Salmon/Carmacks First Nation should collect traditional knowledge and use it to develop policies for monitoring and regulating land use in the Habitat Protection Area, consistent with the objectives of this plan. The Little Salmon/Carmacks First Nation government is responsible for traditional uses in the Habitat Protection Area. The Little Salmon/Carmacks First Nation will incorporate Doòli, or traditional law, into the management of traditional uses on settlement land.
- Additional education efforts should be made to teach traditional values about the wetlands.

ITEM

RESPONSIBILITY, PRIORITY

Lands Department traditional knowledge collection and policy development

Little Salmon/Carmacks First Nation
(high, year 1)



Joe O'Brien at trapping camp, Tatchun Creek, 1955.
Yukon Archives PHO 372 88/150 #29

ARCHAEOLOGICAL AND HISTORICAL SITES

...protecting cultural and heritage resources.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation and Government of Yukon

- Protection and management of historic resources, including historic burial sites, are legislated under the *Historic Resources Act*, the Archaeological Site Regulations of the Yukon *Historic Resources Act*, and the Yukon First Nations Land Claim Umbrella Final Agreement, Chapter 13. No disturbance is permitted to historic sites and no objects may be removed from historic sites. Discovery of historic resources on settlement lands must be reported to the Little Salmon/Carmacks First Nation.

OBJECTIVE

To protect archeological and historical sites in conjunction with the objectives of this plan.

RECOMMENDATIONS

- Care for archeological and historic sites should be addressed in the Little Salmon/Carmacks First Nation land use policies. These policies should be consistent with the objectives of this plan.
- Archeological investigations should be continued in the area.

ITEM

RESPONSIBILITY, PRIORITY

Lands Department land use policies development

Continue archaeology and historical studies
(medium, ongoing)

Continue data collection

Little Salmon/Carmacks First Nation and Government of Yukon
(medium, year 2)

EDUCATIONAL USES AND ACTIVITIES

...such as using the area for school field trips and for training youth in traditional activities.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation and Government of Yukon

OBJECTIVE

To encourage public appreciation for the area and to respect traditional and current uses of the area by Little Salmon/Carmacks First Nation people.

RECOMMENDATIONS

- An educational strategy and program should be developed for the Habitat Protection Area that will include partnerships with Little Salmon/Carmacks First Nation elders, trappers, the staff and students of Tantalus School in Carmacks, Little Salmon/Carmacks First Nation government and Environment Yukon.

ITEM

RESPONSIBILITY, PRIORITY

School-based strategy development (public strategy)

Little Salmon/Carmacks First Nation and Government of Yukon
(medium, years 2 to 3)

ENVIRONMENTAL MONITORING

...supporting and complementing existing programs.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation and Government of Yukon

OBJECTIVE

To establish monitoring activities that will provide information on the conservation and protection of wildlife and wildlife habitat in the Habitat Protection Area.

ITEM

RESPONSIBILITY, PRIORITY

Annual roadside waterfowl program

Little Salmon/Carmacks First Nation and Government of Yukon
(annual, years 1 to 5)

Water monitoring strategy

Little Salmon/Carmacks First Nation and Government of Yukon
(medium, years 2 to 3)

Inventory of traditional medicines

Little Salmon/Carmacks First Nation and Government of Yukon
(medium, years 2 to 3)

Moose and muskrat surveys

Little Salmon/Carmacks First Nation and Government of Yukon
(low, years 4 to 5)

RECOMMENDATIONS

- The Little Salmon/Carmacks First Nation and the Government of Yukon should coordinate monitoring activities, which may involve other agencies. These activities will include the following surveys:
 - moose in the Nordenskiöld and surrounding areas;
 - waterfowl;
 - muskrat;
 - water quality; and
 - plants and traditional medicines.
- The Little Salmon/Carmacks First Nation and the Government of Yukon will monitor the effects of bison and hunters on the area.



Red-necked Phalarope.

Cameron Eckert

WATER QUALITY MANAGEMENT IN THE WATERSHED

...protecting the integrity of the watershed.

PRIMARY RESPONSIBILITY

Government of Yukon and Little Salmon/Carmacks First Nation

- administered by the Government of Yukon under the *Waters Act*.
- federal Department of Fisheries and Oceans maintains jurisdiction over fish habitat and aspects of water quality.

OBJECTIVE

To manage the water quality of the watershed so as to conserve and protect wildlife and wildlife habitat in the Habitat Protection Area. Chapter 14 of the Final Agreement specifies that water will remain unaltered as to quantity, quality and rate of flow.

RECOMMENDATIONS

- Ensure wetland and water quality values in the Habitat Protection Area are considered in evaluating land use activities, environmental reviews, and other resource planning in the entire Nordenskiöld River watershed. The Yukon Environmental and Socio-economic Assessment Board and its designated offices in Mayo, Haines Junction and Whitehorse will be sent copies of this management plan.
- Efforts should be made to have this plan acknowledged by land use regulatory authorities and the administration of land use activities in the watershed should include an impact assessment on the wetland (Habitat Protection Area).
- A watershed monitoring plan shall be designed.
- An assessment should be considered to determine whether agricultural waste is having an impact on the Habitat Protection Area.

ITEM

RESPONSIBILITY, PRIORITY

Consideration of Habitat Protection Area plan in all reviews of land use activities in the watershed

Little Salmon/Carmacks First Nation, Government of Yukon and Government of Canada
(high, year 1)

Interdepartmental communication (all governments) about Habitat Protection Area plan

Little Salmon/Carmacks First Nation, Government of Yukon and Government of Canada
(high, years 1 to 2)

Assessment of impacts of agriculture waste on Habitat Protection Area water quality

Government of Yukon
(medium, years 2 to 3)

LAND STEWARDSHIP

...between managers and adjacent land owners.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation and Government of Yukon

OBJECTIVE

To encourage a land stewardship ethic that will promote the conservation of wildlife and wildlife habitat, and protect the Habitat Protection Area from activities that could reduce the area's capacity to support wildlife.

RECOMMENDATIONS

- The Little Salmon/Carmacks First Nation and the Government of Yukon should communicate the objectives of the plan with surrounding landowners. Effort should be put into the development of a stewardship ethic and getting support from all managers, landowners and the public.

ITEM

RESPONSIBILITY, PRIORITY

Communication with local residents and visitors about Habitat Protection Area plan and values

Little Salmon/Carmacks First Nation and Government of Yukon
(medium, years 2 to 3)

SURFACE ACCESS AND LAND USE ACTIVITIES

...such as new roads and new cabins.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation government

OBJECTIVE

To manage land use activities in a way that will protect wildlife and wildlife habitat, and to respect traditional and current uses of the Habitat Protection Area by Little Salmon/Carmacks First Nation people.

RECOMMENDATIONS

- The Little Salmon/Carmacks First Nation should develop a specific land use plan for parcel R-2B. The land use plan should be consistent with the objectives of the Habitat Protection Area and the parties should be in agreement if significant land uses or developments are proposed. The Little Salmon/Carmacks First Nation government is responsible for access to settlement land and to the Habitat Protection Area. The current Little Salmon/Carmacks First Nation policy for managing land use activities on its settlement land is determined on a case-by-case basis.
- The Little Salmon/Carmacks First Nation shall conduct an inventory of all access points into the Habitat Protection Area and monitor access and land use patterns in the future.

ITEM

RESPONSIBILITY, PRIORITY

Lands Department management plan and policy development

Little Salmon/Carmacks First Nation
(high, year 1)

Inventory of access points

Little Salmon/Carmacks First Nation
(high, year 1)

COMMERCIAL AGRICULTURAL ACTIVITIES

...such as grazing and new hay fields.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation government

OBJECTIVE

To manage agricultural activities in the Habitat Protection Area so as to protect wildlife and wildlife habitat.

RECOMMENDATIONS

- The Little Salmon/Carmacks First Nation should not allow any commercial agricultural activities in the Habitat Protection Area. At present, there are no agricultural activities in the Habitat Protection Area. Adjacent existing private land is not part of the Habitat Protection Area. Clearing of large parcels of land for agriculture would remove existing habitat for wildlife.
- The Little Salmon/Carmacks First Nation should establish guidelines to ensure protection of the Habitat Protection Area from grazing activities by adjacent land owners (especially during waterfowl nesting period). The steering committee recognizes that the first nation and the adjacent land owners will need to work together to achieve this.

ITEM

RESPONSIBILITY, PRIORITY

Lands Department management
and policy development

Little Salmon/Carmacks First
Nation

(high, years 1 to 2)



Grazing by horses can impact wetland areas.

Environment Yukon

SUB-SURFACE RIGHTS – MINERALS

...including exploration and development.

PRIMARY RESPONSIBILITY

Government of Yukon, Department of Energy, Mines and Resources

- Title to mines and minerals and the right to work them is under the control and administration of the Government of Yukon under the *Quartz Mining Act* and the *Placer Mining Act*.

OBJECTIVE

Wetlands provide important ecological processes that contribute to watershed functions including sediment removal, flood attenuation, groundwater recharge and discharge, shoreline protection, and wildlife habitat. Land alteration in the drainage area contributing to wetlands can cause various direct and indirect impacts. Most wetlands in this area are underlain by permafrost, hence surface disturbance can lead to melting, drainage of water and loss of wetland function. Land clearing can increase flow of storm-water to wetlands, while crossings can create flow constrictions. A combination of these changes may lead to increased ponding and greater water level fluctuation or hydrologic drought, dependant on the scale of development. In addition, land clearing and industrial development can contribute to greater inputs of organic and inorganic pollutants, especially during snowmelt and periods of heavy precipitation. The response of wetlands to development depends on the sensitivity and landscape position of the wetland. Sharp declines in the diversity of the native plant and animal communities and an increase in invasive plant species that can tolerate stressed conditions have been documented where wetlands have been impacted by human development.

RECOMMENDATIONS

- The steering committee recommends that the Habitat Protection Area should be permanently withdrawn from mineral staking, exploration and mining under the *Quartz Mining Act* and *Placer Mining Act*. Options for allowing sub-surface mining activities were considered by the steering committee. Critical to the evaluation were the compatibility of industrial surface activities and the ecology of this wetland environment. The public and the Little Salmon/ Carmacks First Nation leadership recognized that the Habitat Protection Area is a very small area, with habitat extremely sensitive to industrial activities.

ITEM
RESPONSIBILITY, PRIORITY
Pass an Order-in-Council
Government of Yukon
(high, year 1)

SUB-SURFACE RIGHTS – COAL

...including exploration and development.

PRIMARY RESPONSIBILITY

Government of Yukon, Energy, Mines and Resources

- Coal permits and licensing are administered under the *Territorial Lands (Yukon) Act* by Energy, Mines and Resources.

OBJECTIVE

To manage coal staking, exploration and mining activities so as to conserve wildlife and wildlife habitat, protect the full diversity of wildlife, and respect traditional and current uses of the Habitat Protection Area by Little Salmon/Carmacks First Nation people.

RECOMMENDATIONS

- The Habitat Protection Area should be permanently withdrawn from coal exploration and coal mining activities under the *Territorial Lands (Yukon) Act*. Options for allowing sub-surface coal mining activities were considered by the steering committee. Critical to the evaluation were the compatibility of industrial surface activities and the ecology of this wetland environment. The public and the Little Salmon/Carmacks First Nation leadership recognized that the Habitat Protection Area is a very small area, with habitat extremely sensitive to industrial activities.

ITEM
RESPONSIBILITY, PRIORITY
Pass an Order-in-Council
Government of Yukon
(high, year 1)

SUB-SURFACE RIGHTS – OIL AND GAS

...including exploration and development.

PRIMARY RESPONSIBILITY

Government of Yukon, Department of Energy, Mines and Resources and Little Salmon/Carmacks First Nation

- The *Yukon Oil and Gas Act* (YOGA) is administered by Energy, Mines and Resources for sub-surface access to resources. Surface access is regulated by the Little Salmon/Carmacks First Nation on settlement land.

OBJECTIVE

To manage oil- and gas-related activities so as to conserve wildlife and wildlife habitat, to protect the full diversity of wildlife, and to respect traditional and current uses of the Habitat Protection Area by Little Salmon/Carmacks First Nation people.

RECOMMENDATIONS

- The Habitat Protection Area should be permanently excluded from surface activities associated with oil and gas exploration and production by Little Salmon/Carmacks First Nation. However, sub-surface access to oil and gas reserves can be permitted without providing surface access to the Habitat Protection Area. Options for allowing surface oil and gas activities were considered by the steering committee. Critical to the evaluation were the compatibility of industrial surface activities and the ecology of this wetland environment. The public and the Little Salmon/Carmacks First Nation leadership recognized that the Habitat Protection Area is a very small area, with habitat extremely sensitive to industrial activities.
- If a pipeline corridor is established in this valley, it should be outside the Habitat Protection Area, preferably on the east side of the Klondike Highway.

TOURISM ACTIVITIES

...such as wildlife viewing and conducting tours on the land.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation and Government of Yukon

- Subject to the Little Salmon/Carmacks First Nation Final Agreement, permission is required for any commercial activities on settlement land.
- According to the *Wilderness Tourism Licensing Act*, which is administered by Government of Yukon, a licence must be obtained for guided commercial wilderness tourism activities in the Yukon.

OBJECTIVE

To encourage public awareness and appreciation of the area, as well as to respect traditional and current uses of the area by Little Salmon/Carmacks First Nation people, and to protect wildlife and wildlife habitat in the Habitat Protection Area.

RECOMMENDATIONS

- There should be no development of tourist facilities in the Habitat Protection Area, as large volumes of associated human activity could lead to unacceptably high levels of disturbance to wildlife.
- The issue of commercial tourism use should be revisited during the next plan review.
- Environment Yukon's Wildlife Viewing Program should be approached to help with interpretation activities for the Habitat Protection Area, such as at Montague Roadhouse and the Little Salmon/Carmacks First Nation Cultural Centre.

ITEM

RESPONSIBILITY, PRIORITY

Government of Yukon,
Department of Tourism and
Culture notification (wilderness
tourism licensing)

Little Salmon/Carmacks First
Nation and Government of Yukon
(medium, years 2 to 3)

Lands Department and
Government of Yukon wildlife
viewing strategy

Little Salmon/Carmacks First
Nation and Government of Yukon
(medium, years 2 to 3)

WILDLIFE HARVESTING

...continues under laws of general application.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation, Government of Yukon and, Department of Fisheries and Oceans, Canada

- According to the Little Salmon/Carmacks First Nation Final Agreement, permission is required for subsistence hunting by first nation hunters to hunt in all non-overlap parts of the Little Salmon/Carmacks First Nation traditional territory. The Northern Tutchone sharing accord gives this permission to hunt for other Northern Tutchone citizens. However, other first nation citizens must request permission to hunt for subsistence on settlement land.
- According to the Yukon Territory Fishing Regulations and the Yukon *Wildlife Act* which is administered by the Yukon Government, a license must be obtained for harvesting wildlife in the Yukon by resident non-first nation hunters or citizens. For the harvests of Yukon salmon, a license must be obtained through Fisheries and Oceans Canada for resident non-first nation hunters or citizens.

OBJECTIVE

To manage wildlife harvesting activities for resident non-first nation citizens so as to conserve wildlife and wildlife habitat, to protect the full diversity of wildlife, and to respect traditional and current uses of the Habitat Protection Area by Little Salmon/Carmacks First Nation people.

Little Salmon/Carmacks First Nation people will continue to use and encourage the practice of cultural activities in the Habitat Protection Area. Cultural activities in the past have included hunting, fishing, trapping, free grazing of animals, berry picking, medicinal plant harvesting, fuel wood gathering and habitat stewardship activities.

ITEM

RESPONSIBILITY, PRIORITY

Laws of general application

Government of Yukon, Little Salmon/Carmacks First Nation
(high, ongoing)

Monitor to manage first nation harvest

Government of Yukon,
Department of Fisheries and Oceans, Canada
(high, ongoing)

RECOMMENDATION

- Harvest of wildlife by Little Salmon/Carmacks First Nation people shall continue according to harvesting rights outlined in their Final Agreement; the first nation shall regulate access to subsistence harvesting by citizens of other first nations. Non-subsistence harvest of wildlife shall be regulated by the Government of Yukon under laws of general application. Current trapline concession holder(s) will continue to have access to furbearers within the Habitat Protection Area.

FORESTRY USE

...such as commercial timber harvesting and commercial firewood cutting.

PRIMARY RESPONSIBILITY

Little Salmon/Carmacks First Nation government

- On settlement land, under Chapter 17 of the Little Salmon/Carmacks First Nation Final Agreement, the Carmacks Renewable Resources Council have a recommendation-making role in regional forestry planning.

OBJECTIVE

To manage forest harvesting to protect wildlife and wildlife habitat.

RECOMMENDATIONS

- The Little Salmon/Carmacks First Nation should develop a land use plan for the Habitat Protection Area that will be consistent with the objectives of this plan. The Little Salmon/Carmacks First Nation government is responsible for forestry management on settlement land in the Habitat Protection Area. The current policy for managing forestry on settlement land is determined on a case-by-case basis.
- The Little Salmon/Carmacks First Nation should adopt a “no commercial harvesting” policy for the Habitat Protection Area. The term “commercial harvesting” should be defined by the Little Salmon/Carmacks First Nation, and it should reflect the difference between traditional and commercial uses, and specify acceptable levels of harvest.

ITEM RESPONSIBILITY, PRIORITY

Lands Department management
and policy development
Little Salmon/Carmacks First
Nation
(high, year 1)

FOREST FIRE MANAGEMENT

...in the Tsáwnjik Chu Habitat Protection Area and surrounding area.

PRIMARY RESPONSIBILITY

Government of Yukon and Little Salmon/Carmacks First Nation

OBJECTIVE

To manage wildfires and suppression activities so as to conserve and protect wildlife and wildlife habitat in the Habitat Protection Area.

RECOMMENDATIONS

- In recognition of the current “Full Fire Management Zonation” for the Habitat Protection Area, notification will be sent to suppression authorities that, subject to public safety, fire suppression activities in the Habitat Protection Area should be low-impact methods whenever possible. This should include restricted use of heavy machinery and retardant in the area.
- In the event of salvage opportunities created by fires, subsequent plan reviews would consider how best to manage wood cutting. Emphasis would be on limiting access to the area.

ITEM RESPONSIBILITY, PRIORITY

Communication with Department
of Community Services, Wildland
Fire Management
Government of Yukon
(high, year 1)

NORDENSKIOLD WETLAND HABITAT PROTECTION AREA

1.0 ESTABLISHMENT

- 1.1 The boundaries of the Nordenskiold Wetland Habitat Protection Area (the “Area”) shall be as set out on map “Nordenskiold Wetland Habitat Protection Area, (NWHPA)” in Appendix B – Maps, which forms a separate volume to this Agreement.
 - 1.1.1 for greater certainty, the Area comprises that portion of Parcel R-2B identified as Nordenskiold Wetland Habitat Protection Area on Territorial Resource Base Maps 115H/16 and 115I/1, dated July 21, 1997, in Appendix B – Maps, which forms a separate volume to this Agreement.
- 1.2 The Yukon shall designate the Area as a protected habitat area, pursuant to the *Wildlife Act*, R.S.Y. 1986, c. 178, as soon as practicable after the Effective Date of this Agreement.
- 1.3 Designation as a protected habitat area shall not be removed from any part of the Area except with the agreement of Government and the Little Salmon/Carmacks First Nation.
- 1.4 Subject to 1.4.1, 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, from exploration and development under the Canadian Petroleum Resources Act, R.S.C. 1985 (2d Supp.), c.36 and from staking out a location for the mining of coal and from issuance of a licence to explore for coal pursuant to the Territorial *Lands Act*, R.S.C. 1985, c. T-7, for 24 months from the Effective Date of this Agreement or until a management plan is approved pursuant to 5.1, whichever is earlier.
 - 1.4.1 The withdrawal shall be subject to :
 - 1.4.1.1 Recorded mineral claims and leases under the Yukon *Quartz 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, existing on the Effective Date;

- 1.4.1.2 Oil and gas rights interests and privileges under the *Canadian Petroleum Resources Act*, R.S.C. 1985 (2d Supp.), c. 36, existing on the Effective Date;

- 1.4.1.3 Rights granted under section 8 of the Territorial *Lands Act*, R.S.C. 1985, c. T-7, existing on the Effective Date; and

- 1.4.1.4 Subject to 1.4.2, new licenses, permits or other rights which may be granted in respect of an interest described in 1.4.1.1, 1.4.1.2 or 1.4.1.3.

- 1.4.2 In respect of land included in the Area, Government shall not issue a renewal or replacement of Coal Licenses Y472, Y473, or Y474 or issue a lease or permit for the mining of coal, prior to a management plan being approved pursuant to 5.1 or if to do so would be inconsistent with the approved management plan.

2.0 FISH AND WILDLIFE

- 2.1 For greater certainty, the Little Salmon/Carmacks First Nation and Little Salmon/Carmacks People have the right to Harvest Fish and Wildlife in the Area in accordance with Chapter 16 – Fish and Wildlife.
- 2.2 For greater certainty, the powers and responsibilities of Government and of the little Salmon/Carmacks First Nation for the management of Fish and Wildlife in the Area and their habitats shall be in accordance with Chapter 16 – Fish and Wildlife.

3.0 FOREST RESOURCES

- 3.1 The right of the Little Salmon/Carmacks First Nation and Little Salmon/Carmacks People to harvest Forest Resources and Trees in the Area pursuant to Chapter 17 – Forest Resources shall be subject to the provisions of the management plan approved pursuant to 5.1.

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, of whom two shall be nominated by the Little Salmon/Carmacks First Nation and two by Government.

- 4.3 The management plan shall be consistent with the following objectives:
- 4.3.1 Conservation of Wildlife and Wildlife habitat for the benefit of Yukon residents;
 - 4.3.2 Respect for traditional and current use of the Area by Little Salmon/Carmacks People;
 - 4.3.3 Protection of the full diversity of Wildlife populations and their habitats from activities which could reduce the Area's capability to support Wildlife, and
 - 4.3.4 Encouragement of public awareness of and appreciation for the natural resources of the Area.
- 4.4 The management plan shall include recommendations to implement to objectives set out in 4.3 and may include recommendations in respect of any withdrawal 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, from exploration and development under the *Canadian Petroleum Resources Act*, R.S.C. 1085 (2d Supp.), c.36, and from staking out a location for the mining of coal or from issuance of a license to explore for coal pursuant to the Territorial *Lands Act*, R.S.C. 1985, c. T-7.
- 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 complete the management plan within 24 months of the Effective Date of the Agreement.

5.0 APPROVAL AND REVIEW

- 5.1 Government and the Little Salmon/Carmacks First Nation shall jointly approve the management plan.
- 5.2 If Government and the Little Salmon/Carmacks First Nation are unable to agree on the terms of the management plan, Government or the Little Salmon/Carmacks First Nation may refer the matter to the dispute resolution process under 26.3.0.
- 5.2.1 Nothing in this schedule shall be construed to confer upon an arbitrator appointed pursuant to 5.2, any power to determine financial or other resources to be provided in connection with the Area by either the Little Salmon/Carmacks First Nation or Government.
- 5.3 Government and the Little Salmon/Carmacks First Nation shall review the management plan no later than five years after its initial approval and no later than every 10 years thereafter.
- 5.4 Government and the Little Salmon/Carmacks First Nation shall refer any proposed amendments to the management plan to the Carmacks Renewable Resources Council for its review and recommendations.

6.0 IMPLEMENTATION

- 6.1 The Area shall be managed in accordance with the approved management plan.
- 6.2 In the period prior to approval of the management plan pursuant to 5.1, the Area shall be managed in accordance with the objectives set out at 4.3.



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