

Horseshoe Slough

Nuna K'óhonete Yédäk Tah'é

Habitat Protection Area

Management Plan



2007

Five Year Review of the Horseshoe Slough Habitat Protection Area Management Plan

The Horseshoe Slough Habitat Protection Area was created under Chapter 10, Schedule B, of the First Nation of Na-Cho Nyäk Dun Final Agreement. The agreement was signed in 1993 and the management plan was approved by Yukon government in 2001.

In keeping with section 4.8 of Schedule B, the plan was jointly reviewed after five years by the Yukon government and the Mayo District Renewable Resources Council, after its initial approval and will be reviewed subsequently at least every 10 years. The plan will be reviewed no later than 2017.

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Background

Description of the Area

Horseshoe Slough is an oxbow lake. That is an abandoned U-shaped channel of the Stewart River that is connected to the main active channel. It is approximately 70 kilometres upstream of Mayo and 10 kilometres upstream of Fraser Falls. The Horseshoe Slough Habitat Protection Area is 87.7 square kilometres 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 hectares. 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:

- 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.

A biodiversity survey of Horseshoe Slough was completed in 1999-2000 which included gathering local knowledge, waterbird population surveys, surveys of other wetland species. The results of this work are summarized in the following report:

Sinnott, K., and D. Mossop. 2001. The Horseshoe Slough Wetland, Mayo, Yukon. An ecological reconnaissance using waterbirds as indicator species. First Nation of Na-Cho Nyak Dun and Yukon College. 49 pages.

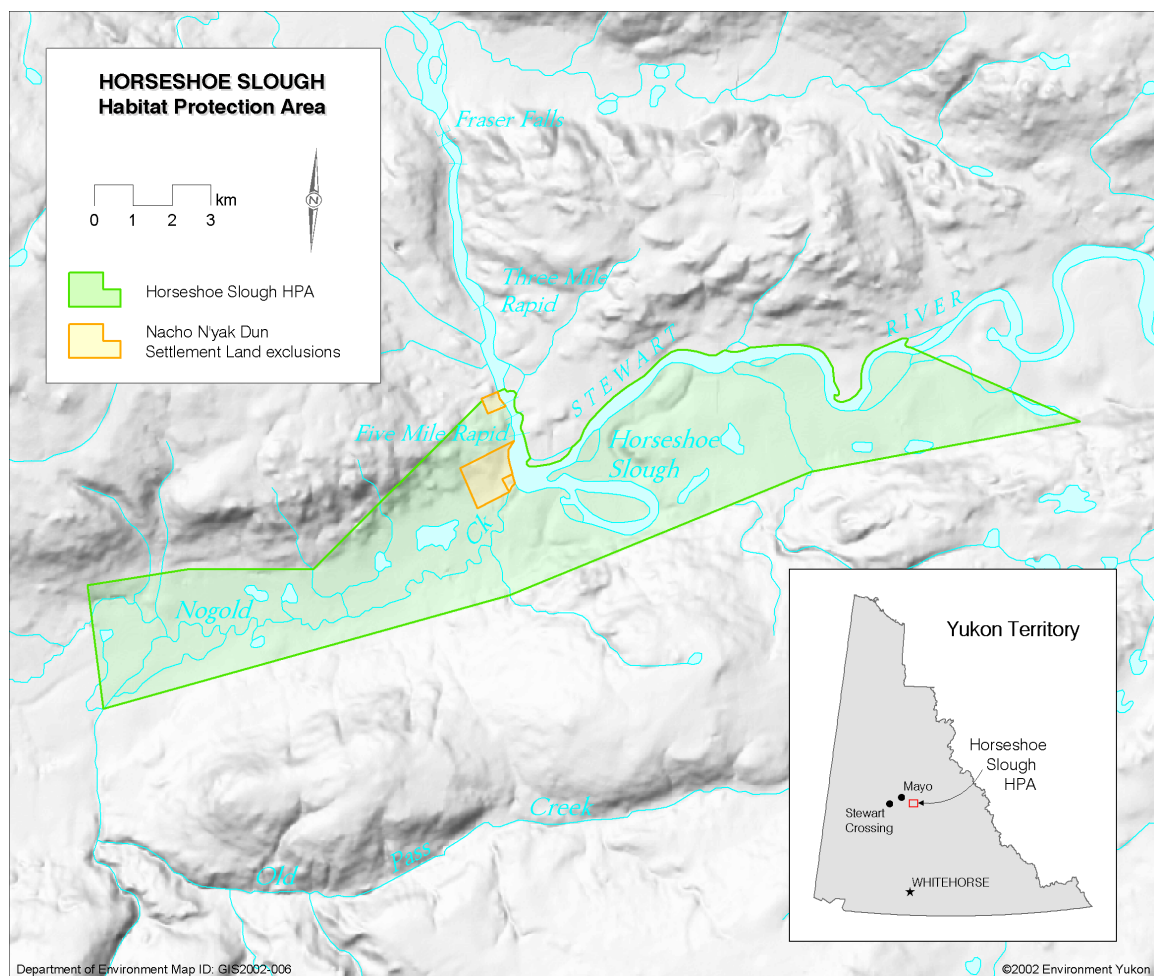


Figure 1. The lower portion of No Gold Creek, which flows into the Stewart River at Horseshoe Slough, is a wetland complex of oxbows and pothole lakes.

Existing Land Use

The First Nation of Na-Cho Nyäk Dun 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 all-terrain vehicle and snowmobile along a trail situated north of the habitat protection area. 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 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 Habitat Protection Area. Hunting that does occur in the habitat protection area 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 Yukon *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 First Nations or Tetlit Gwich'in hunting for subsistence as permitted under the First Nation of Na-Cho Nyäk Dun Final Agreement. The Yukon and federal governments may only restrict harvesting activities of Yukon First Nations 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 Na-Cho Nyäk Dun may, under self-government powers, regulate subsistence harvesting by beneficiaries, the Tetlit Gwich'in and other Yukon First Nations that have been given consent.

There are two trapping concessions (91 and 96) located at least partially within the management area. Currently 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 Na-Cho Nyäk Dun, the Government of Canada and the Government of Yukon agreed to establish the Horseshoe Slough Habitat Protection Area pursuant to the Yukon *Wildlife Act*, as set out in Schedule B, Chapter 10 of the First Nation of Na-Cho Nyäk Dun Final Agreement (Appendix 1). The area was designated the Horseshoe Slough Habitat Protection Area under section 187 (1) of the Yukon *Wildlife Act*, regulation section 89.1 in 2002.

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 Na-Cho Nyäk 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.

Resource Use

One of the requirements of the First Nation of Na-Cho Nyäk Dun Final Agreement (Section 4.5, Schedule B, Chapter 10 – Special Management Areas) is to ensure 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.

Issue	Recommendations
Hunting	
Hunting by members of the First Nation of Na-Cho Nyäk Dun and other First Nations	<p>The First Nation of Na-Cho Nyäk 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 First Nation of Na-Cho Nyäk Dun Final Agreement. 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.</p> <p>Subsistence harvesting by First Nation of Na-Cho Nyäk Dun members and the Tetlit Gwich’in will be monitored and managed conservatively by the First Nation of Na-Cho Nyäk Dun.</p> <p>Citizens of First Nations other than Na-Cho Nyäk Dun and Tetlit Gwich’in must have the consent of the First Nation of Na-Cho Nyäk Dun prior to engaging in subsistence harvesting within the area.</p>
Hunting by other residents of Yukon	<p>No additional restrictions will apply to the habitat protection area. Hunting will be subject to Laws of General Application.</p> <p>Harvesting by residents of Yukon will be monitored, and managed in accordance with the principles of conservation by the Environment Yukon.</p>

Issue	Recommendations
Hunting by non-residents	It is recommended that 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.

Issue	Recommendations
Fishing	
Fishing by members of the First Nation of Na-Cho Nyäk Dun and other First Nations	<p>The First Nation of Na-Cho Nyäk 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 First Nation of Na-Cho Nyäk Dun Final Agreement [p.111].</p> <p>Citizens of First Nations other than Na-Cho Nyäk Dun and Tetlit Gwich'in must have the consent of the First Nation of Na-Cho Nyäk Dun prior to engaging in subsistence fishing within the area.</p>
Fishing by others	No additional restrictions will apply to the habitat protection area. Fishing will be subject to Laws of General Application as described in the Yukon Sport Fishing Regulations.

Issue	Recommendations
Wood Cutting	
Local domestic use	<p>The cutting of firewood for local domestic use will be allowed within the habitat protection area and will be regulated through a permitting process under the Yukon (<i>Territorial</i>) <i>Lands Act</i>. The Natural Resources Officer, from the Yukon Department of Energy, Mines and Resources will be responsible for issuing woodcutting permits, in consultation with Environment Yukon and the First Nation of Na-Cho Nyäk Dun Lands Branch.</p> <p>The cutting, removal and use of diamond willow, burls etc. from the habitat protection area will not be restricted and will not require a permit.</p>
Commercial woodcutting	Permits for commercial woodcutting will not be issued.
Trapping	
Trapping	Trapping within the habitat protection area will be subject to the Laws of General Application and First Nation final agreements for category 1 traplines.
Visitor Use	
Visitor use	Wildlife viewing, canoeing and other recreational use, which does not negatively impact on the area, will be encouraged and monitored. Interpretive panels have been placed at Binet House in Mayo and Fraser Falls, just downstream of the habitat protection area. Signs identifying the habitat protection area are in place at the entrance to Horseshoe Slough.

Land Use

Issue	Recommendations
Building	
Construction of buildings	New residential development within the habitat protection area 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 habitat protection area. This management plan applies only to the habitat protection area.
Grazing Leases	
Disposition of grazing Leases Agriculture applications	Grazing Leases will not be issued within the boundaries of the habitat protection area Agriculture applications will not be accepted in this area.
Hydroelectric	
Hydroelectric dam development	It is recommended that the values associated with the Horseshoe Slough Habitat Protection Area be taken into consideration when assessing any proposed dam construction on the Stewart or 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. Any proposed dam construction will be subject to the <i>Yukon Environmental and Socioeconomic Assessment Act</i> , within which the potential impacts on Horseshoe Slough would be assessed.

Issue	Recommendations
Mining	
Exploration and development	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>In light of the above, it is recommended that the interim withdrawal from prospecting or mining under the <i>Yukon Quartz Mining Act</i> and <i>Yukon Placer Mining Act</i> be made a permanent withdrawal.</p>

Issue	Recommendations
Oil and Gas	
Exploration and Development	<p>Horseshoe Slough is not located in a known oil or gas basin.</p> <p>Oil and gas exploration and development involves a range of activities such as cutting seismic lines, infilling to create gravel drill pads and the creation of all season roads. These activities within a wetland complex could 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, such activity would conflict with two of the management principles which state that the Horseshoe Slough Habitat Protection Area shall be managed for:</p> <ul style="list-style-type: none"> • 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. <p>In light of the above, it is recommended that the interim surface withdrawal from exploration and development under the Canada <i>Petroleum Resources Act</i> (replaced by Yukon <i>Oil and Gas Act</i>) be made permanent. Lateral drilling from outside the habitat protection area would still be possible.</p>

Issue	Recommendations
Off-Road Vehicles within the Habitat Protection Area	
Snowmachines	<p>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.</p> <p>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. It is recommended that conservation officers from the Environment Yukon 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 Yukon <i>Wildlife Act</i> to minimize any potential impacts on wildlife.</p>
Motor boats	Motor boat use will be monitored and regulated if necessary.
All terrain vehicles	<p>The use of all terrain vehicles should be restricted to designated trails only.</p> <p>Mayo District Renewable Resources Council has produced a pamphlet with suggested guidelines for all terrain vehicle use in the wilderness.</p>
Aircraft landing and access	Aircraft landing use of Horseshoe Slough will be monitored and regulated if necessary.
Roads and Trails	
<p>Roads and all terrain vehicle trails</p> <p>Snowmachine trails</p>	<p>It is recommended that no new roads (including winter roads and all terrain vehicle trails) be developed within the Horseshoe Slough Habitat Protection Area. Existing trails may be used and maintained.</p> <p>Snowmachine trails, if proposed, may be subject to the Yukon Environmental and Socioeconomic Assessment process depending on their design width and dimensions.</p>

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 Na-Cho Nyäk Dun and Yukon government.

Task	Agency	Timeline
Boundaries		
<p>Assess boundaries Assessment of any proposal to relocate the established boundary in order to promote ecological integrity or facilitate effective management.</p>	<p>Environment Yukon and First Nation of Na-Cho Nyäk Dun, in consultation with Mayo District Renewable Resources Council and citizens living within the habitat protection area.</p>	<p>During the next plan review, no changes at this time.</p>
Data Collection		
<p>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:</p> <ul style="list-style-type: none"> • Further the objectives of the management plan; • Assist in addressing land use issues; and • Allow agencies to monitor the success of the plan. 	<p>First Nation of Na-Cho Nyäk Dun, Mayo District Renewable Resources Council, Environment Yukon, Yukon Government Heritage Resources, with the residents of Nogold.</p>	<p>As required</p>

Task	Agency	Timeline
Designating Trails and Cutting Areas		
Designate all terrain vehicle trails and woodcutting areas if necessary	Energy, Mines and Resources and Environment Yukon, through consultation with First Nation of Na-Cho Nyäk Dun including residents of Horseshoe Slough, and Mayo District Renewable Resources Council.	As required.
Monitoring Activities in the Habitat Protection Area		
Monitoring	Environment Yukon, through consultation with First Nation of Na-Cho Nyäk Dun including residents of Nogold, and Mayo District Renewable Resources Council.	As required.
Education		
Education and appreciation – Develop programs, i.e. Outpost Program and other programs to educate students.	First Nation of Na-Cho Nyäk Dun, Mayo District Renewable Resources Council, Environment Yukon, Heritage Resources and other agencies as requested.	Ongoing.
Fire Protection		
Process and requirements for fire protection - To be discussed by all parties affected. To minimize retardants and heavy machinery if possible.	First Nation of Na-Cho Nyäk Dun , Mayo District Renewable Resources Council, Environment Yukon, and Community Services.	As required.

Task	Agency	Timeline
Funding		
Funding proposals - Write proposals to organizations and foundations to obtain funding if required.	Mayo District Renewable Resources Council, Environment Yukon, and First Nation of Na-Cho Nyäk Dun	As required, no activity proposed.
Signage		
Signage – To inform visitors of special status and guidelines affecting the use of the habitat protection area.	Environment Yukon, Mayo District Renewable Resources Council.	This task was completed in 2001 with interpretive panels installed at Binet House and Fraser Falls.
Land Survey and Land Transfer		
A land description survey must be completed before the land can be transferred to Yukon government	Department of Indian Affairs and Northern Development	This task was complete in 1999.
Review of Management Plan		
Review and amendment of the management plan	First Nation of Na-Cho Nyäk Dun, Mayo District Renewable Resources Council, Yukon government, and other agencies as appropriate.	Next plan review planned for 10 years (2017) unless the parties agree otherwise (as per First Nation of Na-Cho Nyäk Dun Final Agreement, p.112)

Appendix - Schedule B - Horseshoe Slough Habitat Protection Area

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
 - 1.5.1.4 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;

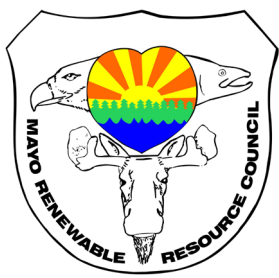
- 4.3.2 the protection of the full diversity of Wildlife populations and their habitats from activities which could reduce the land's capability to support Wildlife; and

- 4.3.3 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.



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