

**Ni'iinlii'Njik
(Fishing Branch)
Wilderness Preserve & Habitat Protection Area
Management Plan**

2004
Updated 2010



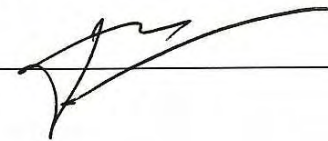
Recommended on behalf of the Vuntut Gwitchin government by Chief Joe Linklater:

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on May 7, 2004



Approved on behalf of the Yukon government by Jim Kenyon, Minister of Environment:

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on 04 05 07





The original Management Plan for the Wilderness Preserve and Habitat Protection Area was approved in 2004 by the Vuntut Gwitchin First Nation, North Yukon Renewable Resources Council, and Yukon Government.

This updated version of the plan was reviewed, edited and approved by the members of the Committee of Management Agencies, with representatives from Vuntut Gwitchin Government, North Yukon Renewable Resources Council, Yukon Government and Fisheries and Oceans Canada.

The content of the plan has been updated, but no substantive changes were made during this review. A full review of the management plan will occur after five seasons of commercial bear viewing operations. As of September 2010, three seasons of operation are complete.

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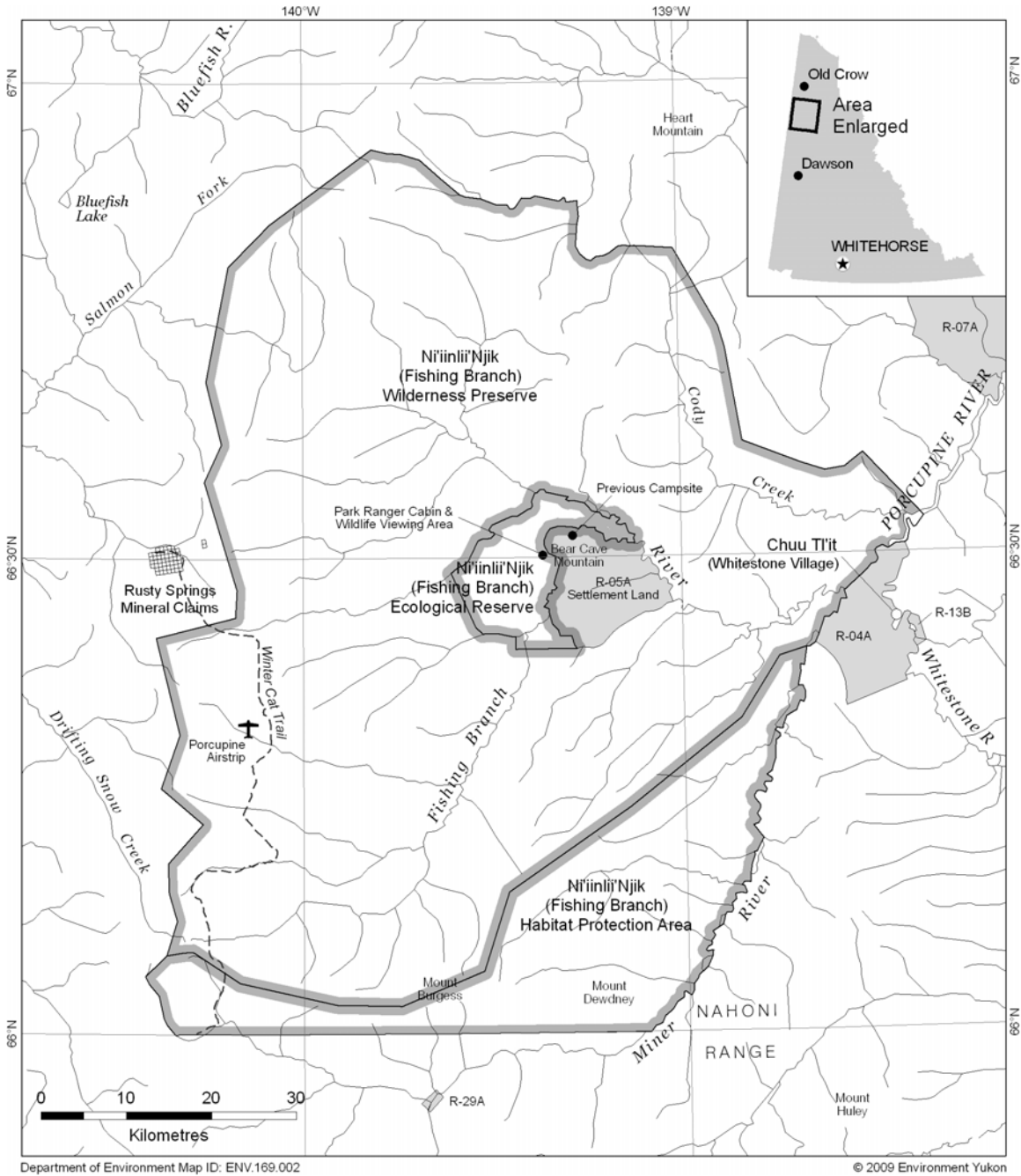
Acknowledgements

The preparation of the original Management Plan for the Wilderness Preserve and Habitat Protection Area has been made possible through the efforts of many participants including the following:

- The Fishing Branch Local Planning Team (LPT) who prepared the draft Management Plan:
Graham Baird, Co-chair - Vuntut Gwitchin First Nation
Shelley Gellatly, Co-chair – Yukon Territorial Government
Stanley Njootli, North Yukon Renewable Resources Council
Richard Wyman, Industry NGO Representative
Dorothy Frost, Conservation NGO Representative
Darius Elias, Vuntut Planning Commission
Jill Pangman, Tourism NGO Representative
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- We acknowledge the Vuntut Gwitchin First Nation, Eagle Plains Resources, and the Nature Conservancy of Canada for coming to an agreement, which resulted in the PAMA quartz mining claims not being renewed within the Wilderness Preserve. This arrangement will ensure the Wilderness Preserve meets the objectives under the *Parks and Land Certainty Act*. It also meets the objectives of the Vuntut Gwitchin Final Agreement to protect the Fishing Branch River and grizzly bear populations.
- Hugh Monaghan - Vuntut Gwitchin First Nation.
- 2009-2010 review and update:
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Map 1.

Ni'inlii' Njik (Fishing Branch) Wilderness Preserve & Habitat Protection Area showing the Ecological Reserve, Settlement Lands, Rusty Springs property, winter cat trail and abandoned Porcupine Airstrip.



1.0 BACKGROUND

The Fishing Branch Ecological Reserve and adjacent Vuntut Gwitchin First Nation Settlement Lands R-5A and S-3A1, hereafter referred to as 'Settlement Lands', (Figure 1) were identified for protection in Schedule B of Chapter 10 to the 1995 Vuntut Gwitchin Final Agreement (see Appendix C). The Vuntut Gwitchin and Yukon governments approved an integrated management plan for these areas in April 2000. The Ecological Reserve was formally established under the *Parks and Land Certainty Act* and withdrawn from development by Orders in Council effective April 1 2003.

Schedule B also provided for establishment of a larger habitat protection area around the Ecological Reserve. The Vuntut Gwitchin and Yukon governments agreed in 1999 to use the process outlined in the Yukon Protected Area Strategy (YPAS) to create a protected area that met the intent of Schedule B as well as requirements of a Goal 1 protected area under YPAS.

A Local Planning Team (LPT) was established in April of 1999 to lead a public consultation process and recommend boundaries for a protected area that met the above noted goals.

The LPT submitted a recommendation to the Yukon and Vuntut Gwitchin governments in November of 1999. Their recommendation included:

- a 5214 km² Wilderness Preserve, to be established under the *Yukon Parks Act* (now the *Parks and Land Certainty Act*), which met the YPAS Goal 1 criteria for a protected area;
- a 978 km² Habitat Protection Area, to be established under the *Yukon Wildlife Act*, which met the YPAS Goal 2 criteria;
- a series of suggested management guidelines to be considered during the preparation of the management plan.

The entire proposal met the intent of Schedule B to Chapter 10 of the *Vuntut Gwitchin Final Agreement* (Appendix C) for the establishment of a 'habitat protection area' surrounding the Ecological Reserve. The boundaries were accepted and approved by the Yukon government in December 1999 (Figure 1).

The Local Planning Team was then mandated to prepare and recommend one management plan for the Wilderness Preserve and Habitat Protection Area. Their work started in September of 2000 and concluded with the submission of their recommendations in November 2001, reflecting the considerations of related public consultations and a consensus of the Local Planning Team.

Government reviewed the Plan in consultation with the Vuntut Gwitchin First Nation and North Yukon Renewable Resources Council, resulting in this final Management Plan submitted for approval.

2.0 WILDERNESS PRESERVE & HABITAT PROTECTION AREA

2.1.1 Purpose

The Vuntut Gwitchin Final Agreement and the YPAS program identified the purposes of the Wilderness Preserve and Habitat Protection Area as follows:

- i) establish and manage a larger habitat protection area to surround the existing Fishing Branch Ecological Reserve and adjacent Vuntut Gwitchin Settlement Lands, as contemplated by Schedule B, Chapter 10 of the VGFNFA;
- ii) protect a representative example of the North Ogilvie Mountains and a portion of the Eagle Plains Ecoregions from development as a Goal 1 area identified under YPAS (Wilderness Preserve pursuant to the *Parks and Land Certainty Act*);
- iii) protect the entire Fishing Branch River and lower Cody Creek watersheds, as well as portions of the Miner River, Cody Creek and Salmon Fork headwaters, as recommended by the Local Planning Team in their 1999 Fishing Branch Wilderness Area Final Proposal; and
- iv) provide a buffer, through the creation of the Habitat Protection Area, to mitigate human activities that could adversely affect the Wilderness Preserve values, as recommended by the Local Planning Team in 1999.

The purpose of this Management Plan is to provide long-term direction for park managers and other authorities responsible for managing these lands and resources.

The primary function of the Plan is to outline the guidelines to be used when managing human activities within the Wilderness Preserve and Habitat Protection Area. The Plan highlights the key values that are to be considered when decisions are made related to these areas.

2.2 Description

The Wilderness Preserve and Habitat Protection Area are located approximately half way between Dawson City and Old Crow, in the Vuntut Gwitchin Traditional Territory. The Wilderness Preserve fully surrounds the previously established Ecological Reserve and adjacent Settlement Lands.

The Wilderness Preserve and Habitat Protection Area are accessible by helicopter, foot, snowmobile or boat (during high water conditions) from Old Crow.

The Wilderness Preserve (5214 km²) is protected under the Yukon *Parks and Land Certainty Act*. Established as a Goal 1 protected area through the Yukon Protected Areas Strategy, the Wilderness Preserve is protected from development. The Habitat Protection Area (978 km²), established pursuant to the Yukon *Wildlife Act* and located to the southeast, will permit development subject to the management guidelines identified in this Plan and any legislation that applies to the area.

The headwaters of the Fishing Branch River originate within the Wilderness Preserve. Fall chum salmon travel from the Bering Sea to spawn and die in this watershed. The resulting nutrient load, and warm upwelling water of this system, sustains an unusually diverse ecosystem for this latitude and location. Grizzly bears congregate in the Ecological Reserve each fall to feed on the spawning salmon. The integrity of the watershed is critical to the maintenance of these natural processes and biological relationships – including the salmon spawning areas and the grizzly bear-salmon interaction. The area also includes the migration route for the Porcupine Caribou herd and provides habitat for many other species of wildlife including Dall’s sheep and moose.

The Fishing Branch area is located in Beringia, a dry, cold northern region that was not glaciated during the last Ice Age. Karst topography is prevalent, including ancient caves. These Beringian caves contain an array of late Ice Age plants and animal fossils, as well as archaeological evidence of prehistoric human occupation. This area provides many opportunities to gain a better understanding of ancient life in Eastern Beringia. These historic resources, including archaeological and palaeontological resources, are managed in accordance to the *Historic Resources Act* and Chapter 13 of the Umbrella Final Agreement.

The Vuntut Gwitchin are strongly connected culturally and historically to the Ni’iinlii’ Njik area and reflect this in their concern for the protection of the water, wildlife and fish in this region. In accordance with the Final Agreement provisions in Section 8.0 of Schedule B to Chapter 10, the Wilderness Preserve and Habitat Protection Area enhance the protection provided by the previously established Ecological Reserve and adjacent Vuntut Gwitchin Settlement Lands.

The area contains a range of landforms and soils that are typical of the North Ogilvie Mountains Ecoregion including rugged mountains, gentle slopes, floodplains and karst topography, as well as good representation of surface features and disturbance patterns. The area is relatively undisturbed by human activity and as such presents opportunities to learn more about the ecological systems, natural features and cultural sites in the region.

2.3 Vision

The Wilderness Preserve and Habitat Protection Area will be managed in a fashion that fosters a spiritual connection to and respect for the water, land and wildlife, and promotes stewardship of the area by all.

The Wilderness Preserve and Habitat Protection Area will continue to demonstrate a high degree of ecological and cultural integrity, as demonstrated by the existence of:

- naturally occurring populations of wildlife e.g. salmon, grizzly bears, moose and caribou;
- on-going natural processes and ecological relationships which are relatively undisturbed by human activity in the area;

- continued opportunities for the Vuntut Gwitchin to harvest for subsistence as defined in Chapter 16 of the Umbrella Final Agreement;
- on-going management, protection, documentation and interpretation of the palaeontological, archaeological, cultural and historical values in the area, including those of the Gwitchin;
- on-going consultation with the Vuntut Gwitchin (including the use of traditional knowledge and experience) in the protection, cooperative management and operation of the area with the Vuntut Gwitchin government;
- on-going consultation with the scientific community in the protection, management and operation of the area.

2.4 Objectives

The objectives for the Wilderness Preserve and Habitat Protection Area flow from the Vuntut Gwitchin First Nation Final Agreement, Chapter 10, Schedule B, (Appendix C) and the management planning guidelines from the Fishing Branch Wilderness Area Final Proposal of November 24, 1999.

Objectives:

- to maintain the long term viability of natural population levels of grizzly bear (*Ursus arctos*) which concentrate seasonally at Bear Cave Mountain;
- to manage the Ecological Reserve, adjacent Vuntut Gwitchin Settlement Lands, Wilderness Preserve and Habitat Protection Area as an ecological unit;
- to maintain the ecological integrity of the area, including the salmon-grizzly bear relationships and karst-hydrological processes;
- to provide for a range of ecological, geomorphological, palaeontological and archaeological investigations, in a Beringian environment that is unique to northwestern North America;
- to protect the cultural values of the VGFN;
- to manage impacts to known and as yet to be identified historical and heritage resources through inventory assessment and mitigation;
- to protect habitat located within the winter range and migration corridors for the Porcupine Caribou herd;
- to provide for potential access routes and economic development in the Habitat Protection Area while providing management regulations to protect wildlife values; and
- to protect salmon spawning habitat in the Wilderness Preserve and Habitat Protection Area.

2.5 Integrated Management

A separate Management Plan for the Ecological Reserve and Settlement Lands was approved in April 2000, revised in 2004 and updated in 2009 (see Appendix B). In respect of the objective to manage the Ecological Reserve, Wilderness Preserve and Habitat Protection Area as an ecological unit (2.4), a Management Committee will be established to advise government on both the Ecological Reserve & Settlement Land Management Plan and the Wilderness Preserve & Habitat Protection Area Management Plan, as described in 3.2 and 4.2 below.

This Management Plan includes management guidelines for the Wilderness Preserve and Habitat Protection Area. A number of management guidelines listed in this Plan for the Wilderness Preserve (3.0) and Habitat Protection Area (4.0) are common to both areas and will therefore appear as repetition in the Plan.

Key differences in management guidelines are briefly summarized below:

- the Wilderness Preserve is primarily managed under the *Parks and Land Certainty Act* and the Habitat Protection Area under the *Wildlife Act*;
- the Natural Zone applies only to the Wilderness Preserve where the lands are withdrawn from resource exploration and development;
- the Habitat Protection Area is not withdrawn from resource exploration or development;
- access to mineral claims west of the Wilderness Preserve is permitted through the Wilderness Preserve by an existing winter cat trail only;
- visitation is expected primarily in the Ecological Reserve and Settlement Lands.

The Vuntut Gwitchin government will manage settlement lands within the Wilderness Preserve and Habitat Protection Area in a manner consistent with the management guidelines of this Plan.

3.0 WILDERNESS PRESERVE MANAGEMENT GUIDELINES

3.1 Regulatory Framework

It is of special interest to note that in accordance with the directives provided in Chapter 11 of the Vuntut Gwitchin First Nation Final Agreement, the North Yukon Regional Land Use Plan was officially approved in June 2009. The Plan provides management and land use direction for surrounding lands and references the Fishing Branch Management Plans for specific information within the Habitat Protection Area, Ecological Reserve and Settlement Lands. For more information on the North Yukon Regional Land Use Plan visit www.gov.yk.ca or www.vgfn.ca.

Nothing in this Management Plan will, or is intended to abrogate the rights guaranteed to Vuntut Gwitchin by the Vuntut Gwitchin Final and Self Government Agreements.

(Schedule B to Chapter 10 of the Final Agreement is provided in Appendix C of this Plan.)

The Ecological Reserve and Settlement Lands are not subject to this Management Plan as a more detailed management plan applies to those areas (see Appendix B). However, the management regimes of those areas will be coordinated with, and complementary to the Wilderness Preserve and Habitat Protection Area as outlined in the guidelines for Administration and Operations, Section 3.2 below.

All legislation of general application, including related Federal and Vuntut Gwitchin legislation and the Vuntut Gwitchin Final and Self Government Agreements, will continue to apply.

The Wilderness Preserve is Commissioner's land managed by the Yukon government in consultation with the Vuntut Gwitchin government. The Wilderness Preserve will be managed in accordance with the Yukon *Parks and Land Certainty Act*, *Wildlife Act*, *Historic Resources Act* and guidelines outlined in this Plan.

Development Permits issued under the *Parks and Land Certainty Act*, will undergo a review of environmental effects and may be subject to formal environmental assessment through the *Yukon Environmental and Socio-Economic Assessment Act* if so triggered. The following matters, though not inclusive, shall be taken into consideration: the significance of any environmental and socio-economic effects including the potential cumulative effects of the project, the purpose of and need for the project, all stages of the project, alternatives to the project, mitigative measures and consistency with the management plan guidelines.

3.2 Administration and Operations

Management of the Wilderness Preserve will be the responsibility of the Yukon government in cooperation with the Vuntut Gwitchin and Federal governments. Administration and operation will be subject to yearly budget appropriations of the respective governments.

Mandated boards and councils established through Final Agreements will continue to contribute to the management of the Wilderness Preserve according to their mandates.

All operations and management activities will adhere to the management guidelines described in this Plan, subject to the requirements of public health and safety, the protection of natural or cultural resources, or to respond to emergencies.

A Committee of Managing Agencies (CMA) is identified in Section 9.0 of the Fishing Branch Ecological Reserve and Settlement Lands Management Plan (Appendix B). This Committee will also be used to enable the integrated and effective implementation of the Wilderness Preserve and Habitat Protection Area Management Plan.

The CMA will act in an advisory capacity to the respective management authorities. It is not intended that the CMA replace mandated boards or councils. The primary role of the CMA is to facilitate administrative coordination amongst the agencies responsible for management of the resources of the area.

3.3 Zoning

This zoning does not apply to the Habitat Protection Area. The Yukon *Parks and Land Certainty Act* provides for the establishment of a wilderness preserve to protect an ecological unit or representative core area by conserving biodiversity and ecological viability.

The *Act* also provides for land use zones. The primary consideration for zoning in Yukon parks is the protection of natural features and ecosystems. Park management zones are described in the Yukon Parks Policy (1991). Different uses are permitted in each zone.

Given the purpose and objectives of the Wilderness Preserve, the entire Wilderness Preserve is designated as a Natural Zone as this zone is intended to conserve representative examples of ecoregional landscape and to provide for a variety of off-road outdoor recreation and education activities in a largely undisturbed natural environment. This zoning recognizes the relative isolation of the area, along with current and traditional activities of the Vuntut Gwitchin and other users.

The Natural Zone allows:

- limited facility development (e.g. foot trails, backcountry campsites);
- motorized water-based recreation (e.g. motorboat use);
- over-snow motorized land-based activities and motorized water based activities provided they do not threaten the natural resources to be protected. All-weather motorized land-based activities are not allowed. ‘Over-snow vehicle’ means a snowmobile and is not intended to include large tracked vehicles such as a Nodwell or similar machines or heavy equipment. All terrain vehicles not designed for over-snow use are not permitted.

The use of over-snow vehicles larger than conventional snowmobiles – to facilitate education and recreation activities may be considered during the next Management Plan review. Proposals to operate large over-snow vehicles should undergo an environmental assessment.

Helicopter, ski and floatplanes will be allowed to land within the Wilderness Preserve with a Park permit or authorization.

All activities within the Wilderness Preserve, including tourism development and filming projects, will be reviewed for their potential impact on Wilderness Preserve values prior to issuing a Park Permit.

3.4 Development & Access

The Wilderness Preserve will be managed in accordance with the expressed purpose of a Wilderness Preserve pursuant to the approved Management Plan and the *Parks and Land Certainty Act*.

3.4.1 Oil and Gas

There are no oil and gas dispositions within the Wilderness Preserve and any surface activities within the Wilderness Preserve in respect of oil and gas are prohibited. The oil and gas lands under the Wilderness Preserve are withdrawn from disposition for a period of 20 years.

Immediately following this 20 year period, but subject to discussions between the Yukon and Vuntut Gwitchin governments and approval by the Commissioner-in-Executive Council, oil and gas directional or horizontal drilling, and activities related to such drilling, can occur provided the drilling and related activities occur from a location outside the Wilderness Preserve, and are carried on in such a manner as to have no adverse effect on the Wilderness Preserve.

3.4.2 Mineral Claims

There are no mineral claims within the Wilderness Preserve and entry for the purposes of mineral exploration under the *Quartz Mining Act* and the *Placer Mining Act* are prohibited.

Eagle Plains Resources Ltd. owns a group of mineral claims, known as the Rusty Springs property (see Figure 1 map and Appendix D listing of mineral claims), adjacent to the western boundary of the Wilderness Preserve. A winter cat trail traversed the Wilderness Preserve and was used only one winter, over 20 years ago, to haul provisions into the Rusty Springs property. There were no regulatory requirements for engineering design or environmental screening at the time. No permanent improvements were conducted on the cat trail.

This Plan recognizes the historical use of the winter cat trail for the Rusty Springs property and the following guidelines will apply to use of the winter cat trail within the Wilderness Preserve:

- subject to the applicable permitting and environmental regulatory processes, and the mineral claims being held in continuous good standing, the owners of the Rusty Springs mineral claims, in developing their claims, can use winter access by way of the winter cat trail running through the Wilderness Preserve.
- use of the winter cat trail is limited to the current or any future owners of the Rusty Springs property and to future contiguous expansions of the existing claims for development and exploration purposes.

- if and when the mineral claims of the Rusty Springs property lapse, use of the cat trail will no longer be permitted.
- the owner of the Rusty Springs property can use the winter cat trail for tracked vehicles or other off road vehicles designed for over snow use to access their claims in the winter.
- improved or developed access through the Wilderness Preserve is inconsistent with the expressed purpose of a Wilderness Preserve, pursuant to the *Parks and Land Certainty Act*. Any need for improved or all-season access to Rusty Springs must occur outside the Wilderness Preserve.

3.4.3 Abandoned Porcupine Airstrip

An abandoned site, known as the Porcupine Airstrip, is an unimproved strip that was cleared for winter use over 30 years ago to support oil and gas exploration in the area. It has no official status or associated permits and is now overgrown. Use of this site for non-park uses is prohibited. In addition, there is no anticipated need for an airstrip to service the Wilderness Preserve, which is accessible by helicopter.

3.5 Natural Resources Protection and Use

Approved recommendations and/or management guidelines from the North Yukon Fish and Wildlife Management Plan will be considered for the Wilderness Preserve.

Nothing in this Management Plan supercedes the authority of existing mandated boards and councils with authority in this area (the Porcupine Caribou Management Board, the North Yukon Renewable Resources Council, the Yukon Salmon Sub-Committee, the Yukon Fish and Wildlife Management Board).

Natural ecological processes will continue without human interference unless they pose a threat to human life or property.

The Wilderness Preserve objectives have been outlined earlier in the document. The natural resources of particular interest in this area include the watersheds, grizzly bear populations, salmon spawning areas, grizzly/salmon interactions, karst topography, and habitat for the Porcupine Caribou Herd. The area also contains representative examples of landforms, soil and flora common to the North Ogilvie Mountains and Eagle Plains Ecoregions (refer to Fishing Branch Final Proposal, Nov. 24, 1999). The Wilderness Preserve illustrates a high degree of naturalness with relatively little sign of human activity.

The following management guidelines will be used to help ensure human activity and use of natural resources in the Wilderness Preserve are conducted in compliance with the objectives of the Plan:

- the Vuntut Gwitchin and Yukon governments will pursue a hunting closure of grizzly bears within the Wilderness Preserve. Initially, this will be done by requesting voluntary compliance by all hunters. Effectiveness of the voluntary compliance will be monitored. The CMA will further investigate the need for such a closure and make recommendations accordingly.
- development, such as town sites, mining, logging, hydroelectric projects, agriculture, and oil and gas surface work will not be permitted within the Wilderness Preserve.
- when salmon spawning areas are identified, the management guidelines relating to commercial bear viewing operations, trails, signs, attractants, outlined in Section 7.0 of the Ecological Reserve Management Plan will be adopted by park managers.

3.6 Historic and Heritage Resource Management

The Vuntut Gwitchin have a profound connection and sense of belonging to the Ni'iinlii' Njik region. The late fall salmon fishery at Fish Hole on the Fishing Branch River and the hunting of bears in their dens on Bear Cave Mountain are part of the traditional way of life of the Gwitchin, as recorded in their oral history and in the legends of Willow Man – *K'aiiheenjeik*. Through archaeological investigations, this way of life is known to extend back in time at least 8,000 years. The presence of ice age animal remains in the caves hints at potentially more ancient history, yet to be discovered. This part of the Traditional Territory is considered sacred to the Vuntut Gwitchin. The land and resources are an integral part of their culture and spiritual heritage. The Ni'iinlii' Njik region continues to provide the people with abundant food and clean water, as it has for many generations.

The Ni'iinlii' Njik region is also part of Beringia. Unlike other areas in the Yukon, the Ni'iinlii' Njik region was not covered by glaciers during the last Ice Age. Thus, highly significant ancient plant and animal fossils, and artifacts from human activity, have been found within caves dating back to the last Ice Age. Ongoing and future research in this area promises to increase our understanding of Eastern Beringia and possibly contribute to the story of early human occupation of the north.

The Fishing Branch Wilderness Preserve & Habitat Protection Area contain a wealth of archaeological, palaeontological and other historic resources as defined in the *Yukon Historic Resources Act* and Chapter 13 of the Umbrella Final Agreement. Archaeological resources include any artifacts or other products of ancient human workmanship, including prehistoric stone tools and campsites. Palaeontological resources include any evidence of plants and animals of the past, including fossil bones and plants

The following management guidelines will be used to assist in the protection and appreciation of the heritage resources:

- Gwitchin place names will be recognized and adopted when naming, renaming, and/or interpreting features and resources within the Wilderness Preserve and

Habitat Protection Area. Any requests to rename place names will be referred to the Yukon Geographical Place Name Board according to the Umbrella Final Agreement (Section 13.11.0);

- as recommended by the Vuntut Gwitchin Elders, the Ecological Reserve, related Vuntut Gwitchin Settlement lands, Wilderness Preserve and Habitat Protection Area will be called *Ni'iinlii' Njik*, which is Gwitchin for 'where fish spawn';
- the Vuntut Gwitchin culture and heritage will be recognized and encouraged through the implementation of this Plan;
- interpretive projects related to the historic and heritage resources of the Ni'iinlii' Njik region will be done in cooperation between the Vuntut Gwitchin government and Yukon Government Heritage Resources Unit;
- the Gwitchin language will be used in educational, interpretive and outreach material;
- the potential of the Ni'iinlii' Njik region to contribute to our understanding of the environment, fauna and human history of Beringia is recognized, particularly in the caves and karst topography of the region. Research to further our understanding of the area will be encouraged;
- Historic Resources, including archaeological, palaeontological and other historic objects will be managed according to regulations developed under the *Historic Resources Act* and Chapter 13 of the Umbrella Final Agreement.

3.7 Visitor Use

Measures will be taken as required to prevent food conditioning of bears and to reduce all other human/wildlife conflicts as outlined in Yukon Parks' "Leave No Trace Practices" (Yukon 2003). Among the options listed in this policy, disposal of waste water in the flow of streams is the preferred choice of action for reducing chance of human-bear conflict.

Search and rescue services will be coordinated and provided by the Emergency Measures Organization as on other public lands.

There is currently little recreational use of the Wilderness Preserve. The area is very difficult and expensive to access and recreational use of the area is not expected to increase significantly in the near future.

The Management Plan for the Ecological Reserve and Settlement Lands, where most visitor interest and use is expected, addresses visitor access, wildlife viewing and commercial activities in detail. It is anticipated that most visitor use and commercial tourism interest will be focused in that area related to grizzly bear viewing opportunities during the fall. It is also anticipated that most, if not all, on-site visitor services will be provided within the Ecological Reserve and Settlement Lands.

The Wilderness Preserve does not provide the same potential visitor opportunities as the Ecological Reserve and as such, there is little need for onsite visitor services at this time.

Access into the Wilderness Preserve will require a Park Permit (or required registration), which does not apply to Vuntut Gwitchin First Nation citizens who are pursuing subsistence activities.

The primary objective of a permitting/registration system will not be to restrict access, rather to facilitate communication between park managers and visitors (e.g. providing pre-trip planning info, public safety information, search and rescue information, interpretive information) and the collection of visitor use data (e.g. where people are going, numbers, and visitor satisfaction). This information will aid ongoing management of the Wilderness Preserve.

The visitor services management guidelines include the following:

- visitor information and services will be provided at staging areas e.g. Tombstone Territorial Park, Dawson City, Eagle Plains Hotel, Whitehorse, and Old Crow;
- pre-trip planning information will assist visitors in developing realistic expectations for the types of experiences and hazards they may encounter;
- aircraft landings and fuel storage will require a Park permit or other authorization; and
- visitors and commercial operators in the Wilderness Preserve will be encouraged to obtain insurance to cover the costs of evacuations in case of an emergency (with the subsequent review of the Management Plan to consider whether evacuation insurance should be mandatory).

3.8 Communications

In order to meet the objective to manage the Ecological Reserve, Wilderness Preserve and Habitat Protection Area as an ecological unit, it is essential that all land and natural resource managers with a mandate in this area communicate with each other on a regular basis and reflect this objective in their administrative activities.

Integrated communication services that inform, educate and interpret the values and resources of the Wilderness Preserve and Habitat Protection Area to the public will be required. Effective support for these areas will rely on a public that has developed an appreciation and understanding of the Wilderness Preserve and Habitat Protection Area and their associated resources.

The communication program will be the primary means of enhancing visitor safety and experiences, reducing unintentional visitor damage to protected area resources, and may assist in reducing search and rescue requirements.

Members of the CMA, discussed under the 3.2 Administration and Operations section, will be expected to communicate management issues and decisions to their respective governments and mandated boards and Councils.

Communication guidelines include the following:

- priority interpretive messages will flow from the protected area objectives, and will include: information on salmon/grizzly bear interaction, karst hydrological processes, archaeological and palaeontological sites and cultural/historic stories related to the Vuntut Gwitchin First Nation traditional occupation and use of the area;
- visitor information and interpretation for the Wilderness Preserve and Habitat Protection Area in Old Crow will be provided through the John Tizya Centre;
- filming and promotional activities conducted within the Wilderness Preserve will adhere to the management guidelines outlined in this Plan, with the Vuntut Gwitchin Government to be consulted before the issuance of any such permit;
- marketing initiatives for the protected area will be consistent with this Management Plan, and messages will reflect protected area objectives.

3.9 Research and Monitoring

The Wilderness Preserve and Habitat Protection Area have been established to protect specific resources as well as the ongoing natural functioning of ecosystems as identified in the protected area objectives. It is the responsibility of the Yukon, Vuntut Gwitchin and Federal governments to ensure that activities within their legislation and jurisdiction contribute to and do not compromise the protected area resources and values identified in this Plan.

The Yukon government is responsible for meeting the identified Wilderness Preserve objectives. Indicators to determine whether or not the resources are being protected need to be identified and monitored.

Researchers will follow applicable Yukon and Vuntut Gwitchin laws governing research activities, and will adhere to the procedures outlined in the *Guidebook on Scientific Research in the Yukon* and the *Principles and Procedures for Researchers in the Vuntut Gwitchin Traditional Territory*, as appropriate. All research and monitoring within the Wilderness Preserve and Habitat Protection Area will be consistent with the objectives and management plan guidelines, and permits will be assessed based on these factors.

This section outlines the guidelines for developing, managing and permitting any research and monitoring programs:

- indicators to identify and monitor the viability of grizzly bear populations at natural levels will be developed and implemented through the use of non-obtrusive techniques. Monitoring includes evaluating the effects of development and human activities in the Wilderness Preserve;

- Vuntut Gwitchin traditional and local knowledge will be incorporated into the design and application of research projects as appropriate;
- visitation to the Wilderness Preserve will be monitored through data gathered in the permit/registration system. If there is concern that the Wilderness Preserve objectives are not being met due to increasing visitor impacts (e.g. numbers and activities), visitor use restrictions may be considered in future management plans;
- more research is required to refine our understanding of the values and learn more about the natural and cultural resources in relation to where there may be potential conflict with human use and activity.

4.0 HABITAT PROTECTION AREA MANAGEMENT GUIDELINES

4.1 Regulatory Framework

It is of special interest to note that in accordance with the directives provided in Chapter 11 of the Vuntut Gwitchin First Nation Final Agreement, the North Yukon Regional Land Use Plan was officially approved in June 2009. The Plan provides management and land use direction for surrounding lands and references the Fishing Branch Management Plans for specific information within the Habitat Protection Area, Ecological Reserve and Settlement Lands. For more information on the North Yukon Regional Land Use Plan visit www.gov.yk.ca or www.vgfn.ca.

Nothing in this Management Plan will, or is intended to abrogate the rights guaranteed to Vuntut Gwitchin by the Vuntut Gwitchin Final and Self Government Agreements (Appendix C).

The Ecological Reserve and adjacent settlement lands are not subject to this Management Plan as a more detailed management plan applies to those areas. However, the management regimes of those areas will be coordinated with, and complementary to the Park and Habitat Protection Area as outlined in the general guidelines for Administration and Operations, Section 4.2 below.

All legislation of general application, including related Federal and Vuntut Gwitchin legislation and the Vuntut Gwitchin Final and Self Government Agreements, will continue to apply.

The Habitat Protection Area is designated under the Yukon *Wildlife Act*. The area is notated on Territorial Resource Base Maps, but not withdrawn from resource exploration or development. The Habitat Protection Area will be managed in accordance with the Yukon *Wildlife Act* and provisions of this Plan. The *Historic Resources Act* will also continue to apply, as will related Vuntut Gwitchin and Federal legislation.

There are no regulations required at this time for implementation of the Habitat Protection Area portion of the Plan. All of the legislation and regulations that pertain to

crown land will continue to apply in the Habitat Protection Area. Land use will be administered under Land Regulations by the Department of Energy Mines & Resources. Any new restriction that may be required to protect critical habitat will be implemented through regulations developed under the *Wildlife Act*.

4.2 Administration and Operations

Management of the Habitat Protection Area will be the responsibility of the Yukon government in cooperation with the Vuntut Gwitchin and Federal governments.

Administration and operation will be subject to yearly budget appropriations of the respective governments.

Mandated boards and councils established through Final Agreements will continue to contribute to the management of the Habitat Protection Area according to their mandates.

All operations and management activities will adhere to the management guidelines described in this Plan, subject to the requirements of public health and safety, the protection of natural or cultural resources, or to respond to emergencies.

A Committee of Managing Agencies is identified in Section 9.0 of the Fishing Branch Ecological Reserve and Settlement Lands Management Plan (Appendix B). This Committee will also be used to enable the integrated and effective implementation of the Wilderness Preserve and Habitat Protection Area Management Plan.

This Management Committee will act in an advisory capacity to the respective management authorities. It is not intended that this Management Committee replace mandated boards or councils. The primary role of this Committee is to facilitate administrative coordination amongst the agencies responsible for management of the resources of the area.

Information packages prepared by Yukon and Vuntut Gwitchin governments about the Habitat Protection Area will be provided to proposed and permitted users of natural resources within the area.

The Habitat Protection Area is intended to act as a buffer for the Ecological Reserve, adjacent Settlement Land and the Wilderness Preserve. The assessment of industrial and other permitted activities within the Habitat Protection Area will be based on the objectives for the Habitat Protection Area, with appropriate conditions or mitigative measures being prescribed.

4.3 Natural Resource Protection and Use

Approved recommendations and/or management guidelines from the North Yukon Fish and Wildlife Management Plan will be considered for the Habitat Protection Area.

Nothing in this Management Plan supercedes the authority of existing mandated boards and councils with authority in this area (the Porcupine Caribou Management Board, the North Yukon Renewable Resources Council, the Yukon Salmon Sub-Committee, the Yukon Fish and Wildlife Management Board). Natural ecological processes will continue without human interference unless they pose a threat to human life or property.

If critical wildlife habitat is identified within the Habitat Protection Area and further protection is required, Yukon *Wildlife Act* regulations will be developed and implemented on an 'as needed' basis by the Yukon government.

4.4 Historic and Heritage Resources Management

The Vuntut Gwitchin have a profound connection and sense of belonging to the Ni'iinlii' Njik region. The late fall salmon fishery at Fish Hole on the Fishing Branch River and the hunting of bears in their dens on Bear Cave Mountain are part of the traditional way of life of the Gwitchin, as recorded in their oral history and in the legends of Willow Man – *K'aaheenjeik*. Through archaeological investigations, this way of life is known to extend back in time at least 8,000 years. The presence of ice age animal remains in the caves hints at potentially more ancient history, yet to be discovered. This part of the Traditional Territory is considered sacred to the Vuntut Gwitchin. The land and resources are an integral part of their culture and spiritual heritage. The Ni'iinlii' Njik region continues to provide the people with abundant food and clean water, as it has for many generations.

The Ni'iinlii' Njik region is also part of Beringia. Unlike other areas in the Yukon, the Ni'iinlii' Njik region was not covered by glaciers during the last Ice Age. Thus, highly significant ancient plant and animal fossils, and artifacts from human activity, have been found within caves dating back to the last Ice Age. Ongoing and future research in this area promises to increase our understanding of Eastern Beringia and possibly contribute to the story of early human occupation of the north.

The Fishing Branch Wilderness Preserve and Habitat Protection Area contain a wealth of archaeological, palaeontological and other historic resources as defined in the *Yukon Historic Resources Act* and Chapter 13 of the Umbrella Final Agreement. Archaeological resources include any artifacts or other products of ancient human workmanship, including prehistoric stone tools and campsites. Palaeontological resources include any evidence of plants and animals of the past, including fossil bones and plants.

The following management guidelines will be used to assist in the protection and appreciation of the heritage resources:

- Gwitchin place names will be recognized and adopted when naming, renaming, and/or interpreting features and resources within the Wilderness Preserve and Habitat Protection Area. Any requests to rename place names will be referred to the Yukon Geographical Place Name Board according to the Umbrella Final Agreement (Section 13.11.0);

- as recommended by the Vuntut Gwitchin Elders, the Ecological Reserve, related Vuntut Gwitchin Settlement lands, Wilderness Preserve and Habitat Protection Area will be called *Ni'iinlii' Njik*, which is Gwitchin for 'where fish spawn';
- the Vuntut Gwitchin culture and heritage will be recognized and encouraged through the implementation of this Plan;
- interpretive projects related to the heritage resources of the Ni'iinlii' Njik region will be done in cooperation between the Vuntut Gwitchin government and Yukon Government Heritage Resources;
- the Gwitchin language will be used in educational, interpretive and outreach material;
- the potential of the Ni'iinlii' Njik region to contribute to our understanding of the environment, fauna and human history of Beringia is recognized, particularly in the caves and karst topography of the region. Research to further our understanding of the area will be encouraged;
- Historic Resources, including archaeological, palaeontological and other historic objects will be managed according to regulations developed under the *Historic Resources Act* and Chapter 13 of the Umbrella Final Agreement.

4.5 Visitor Use

Measures will be taken as required to prevent food conditioning of bears and to reduce all other human/wildlife conflicts as outlined in parts of Section 7.0 of the Ecological Reserve Plan. Search and rescue services will be coordinated and provided by the Emergency Measures Organization as on other public lands.

4.6 Communications

In order to meet the objective to manage the Ecological Reserve, Wilderness Preserve and Habitat Protection Area as an ecological unit, it is essential that all land and natural resource managers with a mandate in this area communicate with each other on a regular basis and reflect this objective in their administrative activities. Integrated communication services that inform, educate and interpret the values and resources of the Wilderness Preserve and Habitat Protection Area to the public will be required. Effective support for these areas will rely on a public that has developed an appreciation and understanding of the Wilderness Preserve and Habitat Protection Area and their associated resources. The communication program will be the primary means of enhancing visitor safety and experiences, reducing unintentional visitor damage to protected area resources, and may assist in reducing search and rescue requirements. Members of the CMA, as discussed under the 4.2 Administration and Operations section, will be expected to communicate management issues and decisions to their respective governments and mandated boards and councils.

Communication guidelines include the following:

- priority interpretive messages will flow from the protected area objectives, and will include: information on salmon/grizzly bear interaction, karst hydrological processes, archaeological and palaeontological records and cultural/historic stories related to the Vuntut Gwitchin First Nation traditional occupation and use of the area;
- visitor information and interpretation for the Wilderness Preserve and Habitat Protection Area in Old Crow will be provided through the John Tizya Visitor Reception Centre.

4.7 Research and Monitoring

The Wilderness Preserve and Habitat Protection Area have been established to protect specific resources as well as the ongoing natural functioning of ecosystems as identified in the protected area objectives. It is the responsibility of the Yukon, Vuntut Gwitchin and Federal governments to ensure that activities within their legislation and jurisdiction contribute to and do not compromise the protected area resources and values identified in this Plan. The Yukon government is responsible for meeting the identified Habitat Protection Area objectives. Indicators to determine whether or not the resources are being protected need to be identified and monitored.

Researchers will follow applicable Yukon and Vuntut Gwitchin laws governing research activities, and will adhere to the procedures outlined in the *Guidebook on Scientific Research in the Yukon* and the *Principles and Procedures for Researchers in the Vuntut Gwitchin Traditional Territory*, as appropriate. All research and monitoring within the Wilderness Preserve and Habitat Protection Area will be consistent with the objectives and management plan guidelines, and permits will be assessed based on these factors.

This section outlines the guidelines for developing, managing and permitting any research and monitoring programs:

- indicators to identify and monitor the viability of grizzly bear populations at natural levels will be developed and implemented through the use of non-obtrusive techniques. Monitoring includes evaluating the effects of development and human use activities in the Wilderness Preserve;
- Vuntut Gwitchin traditional and local knowledge will be incorporated into the design and application of research projects as appropriate;
- more research may be required to identify values in areas where there may be potential conflict with development activity;
- potential research will be conducted to determine important wildlife habitat in the Habitat Protection Area, as necessary. These data will be required to assist with land use permitting.

5.0 REGIONAL INTEGRATION

It is understood that the management guidelines outlined in this Plan apply only to the Wilderness Preserve and Habitat Protection Area. However, these areas cannot be managed in isolation from the surrounding lands and without consideration of the goals of the adjacent lands. The following guidelines will assist protected area managers in future discussions with adjacent land managers:

- the entire Miner River watershed, while not in the current Wilderness Preserve or Habitat Protection Area, is recognized as an important salmon spawning region. The area should be managed by the appropriate authorities so as to maintain these values. It is recommended that the parties review the boundary of the Habitat Protection Area after the overlap between the Vuntut Gwitchin and Tr'öndek Hwëch'in Traditional Territories is finalized;
- the 2009 North Yukon Land Use Plan identifies acceptable land uses on lands adjacent to the Wilderness Preserve and the HPA;
- tourism opportunities in the Wilderness Preserve and Habitat Protection Area must be consistent with the North Yukon Tourism Strategy. All tourism activities in the Wilderness Preserve and Habitat Protection Area should also be consistent with the Management Plan objectives;
- economic opportunities associated with the Wilderness Preserve and Habitat Protection Area should be identified as part of the development of any economic development plan prepared under the provisions of Chapter 22 of the Vuntut Gwitchin Final Agreement.

6.0 PLAN REVIEW AND ONGOING PUBLIC INVOLVEMENT

The *Parks and Land Certainty Act* requires that management plan reviews be conducted at least every 10 years, and reviews may be conducted sooner if required. Unless it is determined that an earlier review is required, the review for this Management Plan should be scheduled with the review of the Management Plan for the Ecological Reserve and Settlement Lands in the future. This will help meet the objective in Schedule B to Chapter 10 of the Vuntut Gwitchin Final Agreement to manage the Fishing Branch protected areas as an 'ecological unit'.

Future reviews of the Management Plan will include opportunities for the Yukon public to consider and comment on recommended changes.

7.0 IMPLEMENTATION

It is anticipated that most costs incurred for the implementation of the management regime for this complex will be linked to the management of the core area – the Ecological Reserve and adjacent Settlement Lands – with limited incremental costs

associated with the implementation of the management regime for the Wilderness Park and Habitat Protection Area.

APPENDICES

Appendix A – Definitions

Archaeology: study of objects that are the product of human art, workmanship or use, and it includes plant and animal remains that have been modified by or deposited in consequence of human activities.

Beringia: a landmass incorporating Northeast Asia and Northwestern North America and the exposed Bering Sea Floor that remained generally ice free even during the major Ice Ages. The region witnessed a number of important movements and exchanges of plant and animal species between the Eastern and Western Hemispheres and is acknowledged as the route by which the first human populations colonized the New World.

(Winter) Cat Trail: a trail for winter transportation is distinct from a winter road. The cat trail is opened in winter by a tracked vehicle after sufficient snow and ice have accumulated to support heavy equipment and avoid damage to vegetation. The trail is intended for use only by heavy tracked equipment pulling sleighs. A winter road, on the other hand, is a more improved form of access built and maintained to a standard, which enables access by wheeled vehicles (i.e. cars and trucks).

Eagle Plains Ecoregion: a Yukon ecoregion located between the North Ogilvie Mountains and Richardson Mountains Ecoregions

Eagle Plains Resources: a mining exploration company holding rights to the Rusty Spring mining claims, adjacent to the western boundary of the Wilderness Preserve

Karst: a type of limestone topography that is shaped over time by hydrological processes

Habitat Protection Area: a type of designation under the Yukon *Wildlife Act* to protect sensitive wildlife habitat

Historic Resource: includes:

- (a) a historic site,
- (b) a historic object, and
- (c) any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, pre-historic, historic, scientific, or aesthetic features; <<richesse historiques>> or <<patrimoine historique>>

Historic Site: means a historic site designated under the *Historic Resources Act*.

Mandated board or council: an organization established under the Yukon Umbrella Final Agreement

North Ogilvie Mountains Ecoregion: a Yukon ecoregion adjacent to the western boundary of the Eagle Plains Ecoregion, extending to the Alaska border.

Palaeontology: refers to the study of remains or a fossil or other object that indicates the existence of extinct or prehistoric plants and animals.

Wilderness Preserve: a type of designation under the *Parks and Land Certainty Act* that means a park established with a view to protecting an ecological unit or representative core area by conserving biodiversity and ecological viability

Yukon Protected Areas Strategy (YPAS): a Yukon Government strategy and program to identify and implement a network of ecologically representative areas to be protected, which was used to assess and establish the Wilderness Preserve and Habitat Protection Area. The strategy described two types of protection:

Goal 1: a core representative area in each ecoregion that protects ecological viability and is by definition protected from industrial development (e.g. Wilderness Preserves)

Goal 2: a type of protected area that does not necessarily exclude industrial development but is managed in such a way as to protect the values of the area (e.g. Habitat Protection Areas)

Appendix B - Section 9.0 of the Fishing Branch Ecological Reserve and Adjacent Settlement Lands Management Plan

Committee of Managing Agencies

9.1 Management Committee

A Management Committee will be established, co-chaired by Yukon Government and the Vuntut Gwitchin Government, with the participation of agencies responsible for management oversight of the ecological, archaeological, and cultural components of the Plan:

- Vuntut Gwitchin Government, Department of Natural Resources;
- North Yukon Renewable Resources Council;
- Yukon Government, Department of Environment;
- Yukon Government, Department of Tourism and Culture;
- Fisheries and Oceans Canada; and
- Such other persons or agencies as these members may agree.

The Management Committee would meet at least once a year:

- to be debriefed by the seasonal on-site staff;
- to ensure the integrated and effective implementation of the Management Principles and this Plan;
- to consider amendments to the Plan; and
- to debrief operational plan and budget

Each member of the Management Committee will be responsible for his or her own costs.

* The Yukon Department of Energy, Mines and Resources will participate on matters related to the land use administration in the Habitat Protection Area component of the Management Plan, as per section 4.1.

Appendix C - Schedule B to Chapter 10 of the *Vuntut Gwitchin First Nation Final Agreement*

FISHING BRANCH ECOLOGICAL RESERVE

1.0 Establishment

- 1.1 The boundaries of the Fishing branch Ecological Reserve (the “Ecological Reserve”) shall be as set out on map, “Fishing Branch ecological reserve, (FBER)”, 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 Ecological reserve, excluding the mines and minerals and the right to work the mines and minerals, as soon as practicable following the Effective Date of this Agreement.
- 1.3 As soon as practicable following the transfer of land under 1.2, the Yukon shall establish the Ecological Reserve pursuant to the *Parks Act*, R.S.Y. 1986, c. 126.
- 1.4 No land forming part of the Ecological Reserve shall be removed from ecological reserve status under the *Parks Act*, R.S.Y. 1986, c. 126, without the consent of the Vuntut Gwitchin First Nation.

2.0 Fish and Wildlife

- 2.1 Vuntut Gwitchin shall have the right to harvest Fish and Wildlife in the Ecological Reserve in accordance with their Harvesting rights pursuant to Chapter 16- Fish and Wildlife.

3.0 Mines and Minerals

- 3.1 Government shall withdraw the mines and minerals within the Ecological Reserve from locating, prospecting and 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 Sup.), c. 36.

4.0 Management Plan

- 4.1 Government and the Vuntut Gwitchin First Nation shall jointly prepare a management plan for the Ecological Reserve and recommend it to the Minister within two years of the Effective Date of this Agreement.
- 4.2 The management plan shall be consistent with the following management principles:

- 4.2.1 to manage the Ecological Reserve and Parcels R-5A and S-3A1 as an ecological unit;
 - 4.2.2 to recognize and protect the traditional and current use of the Ecological Reserve by Vuntut Gwitchin;
 - 4.2.3 to protect the full diversity of Wildlife populations, particularly Salmon and grizzly bear;
 - 4.2.4 to protect the habitat from activities which may reduce the capacity of the Ecological Reserve to support Wildlife; and
 - 4.2.5 to preserve the integrity of the natural landforms, geology, hydrology and special features of the Ecological Reserve.
- 4.3 The management plan shall include recommendations respecting the regulation of land use in the Ecological reserve for the purpose of minimizing land use conflicts and negative environmental impacts of activities in the Ecological Reserve.
- 4.4 The development of the management plan shall include a process for public consultation.
- 4.5 If Government and the Vuntut Gwitchin First Nation are unable to agree on part or all of the management plan, they shall recommend to the Minister that part of the management plan which has been prepared, if any, and, at the same time, jointly refer the outstanding matters to the Minister in writing.
- 4.6 The Minister shall:
- 4.6.1 accept, vary or set aside the recommendations made pursuant to 4.1 or 4.5; and
 - 4.6.2 consider and decide the outstanding matters referred pursuant to 4.5, within 60 days of the receipt of the recommendation or referral.
- 4.7 The Minister may extend the time provided in 4.6 by 30 days.
- 4.8 The Minister shall forward his decision under 4.6 to the Vuntut Gwitchin First Nation in writing.

5.0 Implementation

- 5.1 The Yukon shall manage the Ecological Reserve in accordance with the *Parks Act*, R.S.Y. 1986, c. 126, and the management plan for the Ecological Reserve approved by the Minister under 4.6.

6.0 Review of the Management Plan

- 6.1 The management plan shall be reviewed jointly by Government and the Vuntut Gwitchin First Nation not later than five years after its initial approval and at least every 10 years thereafter.

7.0 Management of Adjacent Parcels

- 7.1 The Vuntut Gwitchin First Nation shall manage Parcels R-5A and S-3A1 in a manner consistent with the principles in 4.2.

8.0 Habitat Protection Area

- 8.1 If Government proposes the establishment of a habitat protection area pursuant to the *Wildlife Act*, R.S.Y. 1986, c. 178, in the area surrounding the Ecological Reserve, the Vuntut Gwitchin First Nation shall consent to the establishment of the habitat protection area, provided that the habitat protection area is established in accordance with Chapter 10- Special Management Areas.
- 8.2 Nothing in 8.1 is intended to allow Government to include Vuntut Gwitchin First Nation Settlement Land in a proposed habitat protection area or to allow Government to affect the rights under this Agreement of Vuntut Gwitchin or the Vuntut Gwitchin First Nation within the area proposed to be included in the habitat protection area except in accordance with 10.4.0.
- 8.3 If Government establishes a habitat protection area pursuant to 8.1, Government shall manage the habitat protection area in accordance with the following objectives:
- 8.3.1 to protect the Fishing Branch River;
 - 8.3.2 to maintain the long term viability at natural population levels of grizzly bear (*Ursus arctos*) which concentrate seasonally at bear Cave Mountain; and
 - 8.3.3 to manage the Ecological Reserve and habitat protection area as an ecological unit.

Appendix D - Existing Mineral Claims at Rusty Springs Property

As identified on mineral claim maps 116K/08 and 116K/09 dated April 12, 2007, the Rusty Springs property includes the following quartz mineral claims: Alecia; Ben; Calli; Casey; Eric 1-8; Glen; James; Jessica 1-8; Joel 5-8; Katie; Kelsey; Lane; Lauren; Marlo; Trevor; 29; 50; Shelly 1-15 and Tyler.

Map 2: Location of the Existing Claims.

