



# Statutory Requirements for Wildlife in the NWT

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# DISCLAIMER

This document is provided as an aide to developers drafting WMMPs to highlight those sections of the Northwest Territories *Wildlife Act* and *Species at Risk (NWT) Act* that most commonly apply to development activities. This is not an exhaustive list and other sections of these Acts may apply. The developer is responsible for familiarizing themselves with these Acts and current regulations.

The developer is also responsible for ensuring their activities comply with relevant federal legislation, including the Migratory Birds Regulations under the *Migratory Birds Convention Act* and the federal *Species at Risk Act*.

# Wildlife Act

Topic	Section of <i>Wildlife Act</i>	Notes
Birds and nests	<b>51.</b> (1) Subject to section 17, no person shall, unless authorized by a licence or permit to do so, destroy, disturb or take (a) an egg of a bird; (b) the nest of a bird when the nest is occupied by a bird or its egg; or (c) the nest of a prescribed bird.	s. 5.3 and Schedule B of the Wildlife General Regulations sets out prescribed birds to include raptors from the following families: <ul style="list-style-type: none"> <li>• Falconiformes</li> <li>• Strigiformes</li> <li>• Accipitriformes</li> </ul> <p>51. (1) (c) of the NWT <i>Wildlife Act</i> does not specify the nest has to be active and applies year round.</p>
Wildlife abodes	<b>51.</b> (2) Subject to section 17, no person shall, unless authorized by a licence or permit to do so, break into, destroy or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum.	As per s. 5.4 (1) and (2) of the Wildlife General Regulations, this applies to naturally-occurring bats roosts.  This section applies to any occupied or unoccupied den, beaver dam or lodge, muskrat push-up or hibernaculum.
Disturbance and harassment	<b>52.</b> Subject to section 17, no person shall, unless authorized by a licence or permit to do so, (a) engage in an activity that is likely to result in a significant disturbance to big game or other prescribed wildlife; or (b) unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife.	"big game" means species of wildlife prescribed as big game, or an individual of a species of big game;  Schedule A – Part 1 of the Wildlife General Regulations, sets out the species prescribed as big game, and Schedule B sets out prescribed wildlife for the purpose of paragraphs 52 (a) and (b) of the Wildlife Act.
Chasing Wildlife	<b>55.</b> Notwithstanding any other provision of this Act or the regulations, a person may chase wildlife away from a dwelling place, camp, work site, municipality or unincorporated community, or its immediate vicinity, if doing so is necessary to prevent injury or death to a person or damage to property.	"wildlife" means (a) all species of vertebrates and invertebrates found wild in nature in the Northwest Territories, and individuals of those species, except (i) fish as defined in section 2 of the <i>Fisheries Act</i> (Canada), and (ii) other prescribed species and subspecies, (b) species of wildlife referred to in paragraph (a) that are domesticated or held in captivity, and individuals of those species, and (c) prescribed species or subspecies of vertebrates and invertebrates, and individuals of those species or subspecies.

Defence of life and property	<p><b>56.</b> (1) Notwithstanding any other provision of this Act or the regulations but subject to subsection (4), a person may harvest and consume wildlife or take and consume the eggs of birds if it is necessary to prevent starvation of a person.</p> <p>(2) Notwithstanding any other provision of this Act or the regulations but subject to subsection (4), a person may kill wildlife if it is necessary to prevent injury or death to a person.</p> <p>(3) Notwithstanding any other provision of this Act or the regulations but subject to subsection (4) and any regulations specified as applying in respect of this section, a person may kill wildlife if it is necessary to prevent damage to property.</p> <p>(4) Subsections (1), (2) and (3) do not provide a defence to a contravention of this Act or the regulations for a person who resorts to harvesting or killing wildlife as a result of his or her mismanagement.</p>	
Reporting	<p><b>57.</b> Subject to the regulations, a person shall, as soon as is practicable, report the harvest or kill of big game or other prescribed wildlife to an officer, if</p> <p>(a) under section 56, the person harvested big game or other prescribed wildlife to prevent starvation, or killed big game or other prescribed wildlife to prevent injury or death to a person or damage to property; and</p> <p>(b) the harvest or kill would, but for subsection 56(1), (2) or (3), be a contravention of this Act or the regulations.</p>	Section 7 of the Wildlife General Regulations describes what information must be included in the report.
Accidental kill or wounding	<p><b>58.</b> A person who, with a motorized vehicle, accidentally kills or seriously wounds big game or other prescribed wildlife on a highway as defined in section 1 of the <i>Motor Vehicles Act</i>, shall report the event to an officer within the time fixed in the regulations.</p>	Sub-section 8(1) of the Wildlife General Regulations specifies that any person who accidentally kills or seriously wounds big game or other prescribed wildlife with a motorized vehicle on a highway must report the event to an officer within 24 hours after the incident.
Feeding wildlife	<p><b>65.</b> (1) Subject to subsection (2), no person shall intentionally feed big game, fur-bearers or other prescribed wildlife.</p> <p>(2) Subsection (1) does not apply in respect of a person feeding wildlife lawfully kept in captivity or in circumstances permitted by the regulations.</p>	Schedule A – Part 2 of the Wildlife General Regulations sets out the species prescribed as fur-bearers

Wildlife Attractants	<p><b>66.</b> (1) No person shall deposit, place or leave in, on or about land or premises food, food waste or another substance if there is a reasonable likelihood that it could attract big game or other prescribed wildlife to the land or premises and endanger a person, a domestic animal or wildlife.</p> <p>(2) Subsection (1) does not apply in respect of</p> <p>(a) the drying or caching of meat, pelts or hides, except in a manner contrary to regulations respecting the treatment, caching and identification of wildlife and parts of wildlife left temporarily on the land;</p> <p>(b) a person lawfully harvesting fur-bearers with bait; or</p> <p>(c) other persons and circumstances exempted by the regulations.</p>	
Damage to habitat	<p><b>93.</b> (1) No person shall substantially alter, damage or destroy habitat.</p> <p>(2) A person who establishes that he or she acted with legal justification in altering, damaging or destroying habitat shall not be convicted of an offence under subsection (1).</p>	<p>“habitat” means the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes;</p>
Requirement for Wildlife Management and Monitoring Plan	<p><b>95.</b> (1) A developer or other person or body may be required, in accordance with the regulations, to prepare a wildlife management and monitoring plan for approval by the Minister, and to adhere to the approved plan, if the Minister is satisfied that a development, proposed development, or other activity is likely to</p> <p>(a) result in a significant disturbance to big game or other prescribed wildlife;</p> <p>(b) substantially alter, damage or destroy habitat;</p> <p>(c) pose a threat of serious harm to wildlife or habitat; or</p> <p>(d) significantly contribute to cumulative impacts on a large number of big game or other prescribed wildlife, or on habitat</p>	<p>Regulations.13.1-13.3 of the Wildlife General Regulations define prescribed species as territorially managed wildlife (not migratory birds or fish) assessed or legally listed as species at risk under federal or NWT legislation.</p> <p>Information on species at risk in the NWT can be found at the <a href="#">NWT Species at Risk website</a>.</p> <p>Please consult the WMMP Guidelines <a href="http://www.enr.gov.nt.ca/en/services/legislation-and-regulations">www.enr.gov.nt.ca/en/services/legislation-and-regulations</a> for information about when a WMMP is required and how to develop a WMMP.</p>
Contents of the Wildlife Management and Monitoring Plan	<p><b>95.</b> (2) A wildlife management and monitoring plan must include</p> <p>(a) a description of potential disturbance to big game and other prescribed wildlife, potential harm to wildlife and potential</p>	

	impacts on habitat; (b) a description of measures to be implemented for the mitigation of potential impacts; (c) the process for monitoring impacts and assessing whether mitigative measures are effective; and (d) other prescribed requirements.	
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# Species at Risk (NWT) Act

Topic	Section of the Act or Regulations	Notes
Designated Habitat	<b>80.</b> No person shall destroy any part of designated habitat.	
Species conservation	<b>151.</b> (1) The Commissioner, on the recommendation of the Minister, may make regulations respecting the conservation of pre-listed species or listed species, including but not limited to (a) requiring the doing of things that may conserve the species; (b) prohibiting activities that may adversely affect the species; (d) imposing prohibitions against (i) killing, harming, harassing, capturing or taking an individual of a species,	For up-to-date information on Regulations and Permits issued under the Act go to <a href="http://nwtspeciesatrisk.ca/en/Regulations">nwtspeciesatrisk.ca/en/Regulations</a>
Habitat conservation	<b>152.</b> The Commissioner, on the recommendation of the Minister, may make regulations respecting the conservation of habitat of pre-listed species or listed species or the area in which the habitat is located or the surrounding area, including but not limited to (a) requiring the doing of things that may conserve the habitat or area; (b) prohibiting activities that may adversely affect the habitat or area; (c) imposing prohibitions against damaging or destroying the habitat or area; (d) controlling, restricting or prohibiting any use of, access to, or activity in the habitat or area; and (e) controlling, restricting or prohibiting the release of any substances in or into the habitat or area.	For up-to-date information on Regulations and Permits issued under the Act go to <a href="http://nwtspeciesatrisk.ca/en/Regulations">nwtspeciesatrisk.ca/en/Regulations</a>

Designating habitat	<b>153.</b> (1) The Commissioner, on the recommendation of the Minister, may, by regulation, designate habitat, or a component or combination of components of habitat, of a pre-listed species or a listed species.	For up-to-date information on Regulations and Permits issued under the Act go to <a href="http://nwtspeciesatrisk.ca/en/Regulations">nwtspeciesatrisk.ca/en/Regulations</a>
Designated habitat	<b>154.</b> The Commissioner, on the recommendation of the Minister, may make regulations respecting the conservation of designated habitat or the area in which designated habitat is located or the surrounding area, including but not limited to (a) requiring the doing of things that may conserve the designated habitat or area; (b) prohibiting activities that may adversely affect the designated habitat or area; (c) imposing prohibitions against damaging the designated habitat or area; (d) controlling, restricting or prohibiting any use of, access to, or activity in the designated habitat or area; and (e) controlling, restricting or prohibiting the release of any substances in or into the designated habitat or area.	For up-to-date information on Regulations and Permits issued under the Act go to <a href="http://nwtspeciesatrisk.ca/en/Regulations">nwtspeciesatrisk.ca/en/Regulations</a>