

Proposed New Wildlife Regulations for the NWT



Conservation for Today and Tomorrow

A new *Wildlife Act* for the Northwest Territories was passed by the Legislative Assembly in October 2013, and is scheduled to come into effect in November 2014. Regulation changes are needed to bring the new *Wildlife Act* into force. The Department of Environment and Natural Resources is seeking your input into the proposed regulation changes.

Please send your comments by fax, mail or e-mail by **August 31, 2014** to:

Lynda Yonge, Director, Wildlife Division
Environment and Natural Resources
Government of the NWT
P.O. Box 1320
Yellowknife NT X1A 2L9

Phone (867) 920-8043

Fax: (867) 873-0293

Email: wildlife@gov.nt.ca

A plain language version of the new *Wildlife Act* is available on the ENR website at www.enr.gov.nt.ca/pending-legislation.

A new *Wildlife Act* for the Northwest Territories

The new *Wildlife Act* (the Act) was passed by the Legislative Assembly in October 2013 and will come into force in November 2014. This new Act is respectful of residents' interests, Aboriginal and treaty harvesting rights, and the wildlife harvesting and management processes in land claim agreements. The fundamental goal of the new Act is to ensure the wise use and conservation of wildlife in the Northwest Territories (NWT).

Several changes have been made in the new Act that will affect harvesters in the NWT:

- A person with an Aboriginal or treaty right to harvest in the NWT does not need a licence from the government to exercise that right, but they do need to have identification that proves they have a harvesting right for the area in which they are harvesting.
- The general hunting licence (GHL) will remain in place, and Aboriginal harvesters will require a GHL to harvest in areas where they do not have Aboriginal or treaty rights. Anyone who currently has a GHL will be able to keep their GHL for their lifetime. To be eligible for a new GHL, applicants must have an Aboriginal or treaty right to harvest wildlife in the NWT. They must also be eligible to be a member of an NWT Aboriginal organization listed in the Regulations.
- The special harvesters licence (SHL) will replace special GHLs. The SHL enables Aboriginal rights holders to permit others to harvest in their area. Local harvesting committees must provide their support for an SHL before it can be issued. The intent of the SHL is to allow non-rights holders who have become part of the community to participate in subsistence harvesting activities.
- The residency requirement for a hunting licence is one year.
- Minimum age to obtain a hunting licence will be 12. Youth under 18 must be accompanied by an adult hunter while hunting.
- Youth between 12 and 18 may hunt under the authority of an adult hunter's licence.

- Offences and punishments (fines and jail time) have been increased for individuals, companies, and repeat offenders.
- Some land claim agreements provide an exclusive right to harvest wildlife in some areas. Anyone who is not recognized as having the right to harvest in these areas under the land claim agreement will require permission to harvest.

Regulations for the new *Wildlife Act*

To implement the new *Wildlife Act*, current regulations need to be updated and new regulations need to be developed. Regulation changes will be done in three phases:

- Phase 1 – immediate changes needed to bring the Act into force. This includes changing current regulations that are inconsistent with the new Act, and making sure regulations are in place so people can continue to harvest and use wildlife in a safe and sustainable manner. The remaining regulations will stay in place until reviewed during later phases.
- Phase 2 – regulations to implement some of the new concepts in the *Wildlife Act*. These include regulations respecting the import of harmful species, the release of alien species into NWT habitat, wildlife management and monitoring plans for developers, and harvest reporting and hunter training requirements.
- Phase 3 – ongoing; regulations will be developed as the need arises. This includes developing regulations to designate conservation areas to protect wildlife or wildlife habitat, and refining regulations to address specific concerns or regional issues.

This booklet summarizes proposed changes for the first phase of regulation development under the new Act. It addresses only the regulations that are immediately required when the legislation comes into force.

The proposed regulations have been developed through an extensive review of:

- existing regulations
- results of consultation and public engagement undertaken over the past twelve years
- input from the same collaborative *Wildlife Act* Working Group (with representatives from Aboriginal governments and renewable resources boards) and Stakeholders *Wildlife Act* Advisory Group (SWAAG) that helped develop the new Act

The Department of Environment and Natural Resources (ENR) is now seeking input from members of the public on the first set of proposed regulations. There will be other opportunities for input into regulations to be developed after November 2014. For more information, contact a Renewable Resource Officer near you or check our website at www.enr.gov.nt.ca.

Proposed Phase 1 *Wildlife Act* Regulation Changes

1. Hunting and Trapping

While most big game and small game hunting regulations will remain the same, there are several changes that will affect hunters in the NWT:

- Under current regulations, non-resident and non-resident alien hunters must pay a *trophy fee* to export wildlife or wildlife parts they have harvested. The *trophy fee* will be replaced with a *harvest fee* that will apply to all big game successfully harvested by non-resident and non-resident alien hunters, regardless of whether any parts are exported from the NWT.
- Current regulations refer to bison in the Slave River Lowlands as *hybrid* or *plains bison*. These bison are genetically the same as the *wood bison* found elsewhere in the NWT. Regulations will be changed to classify all bison in the NWT as *wood bison*.
- Some changes are being proposed for ammunition and equipment standards for licenced big game hunters:
 - Currently, no person can hunt wood bison with ammunition that produces less than 2,800 joules of energy at the muzzle of the firearm, or a bullet that is less than 200 grains. These prohibitions will be replaced with a requirement for licenced hunters to use at least .30 calibre ammunition to hunt wood bison.
 - Currently, the minimum ammunition standard to harvest wolves and wolverine above the tree line is .222 calibre. The new regulations will set a minimum standard of .222 calibre ammunition for licenced hunters hunting wolf and wolverine in all areas of the NWT.
 - The minimum equipment requirement for licenced hunters hunting polar bears will remain the same—2,800 joules of energy at the muzzle of the firearm.
 - A minimum standard of .243 calibre ammunition will be set for licenced hunters hunting all other types of big game. This increase in calibre type is to reduce wounding loss.

- Minimum standards for crossbows will require bolt heads to have a broadhead with a minimum cutting diameter of 2.2 cm (7/8 inch), crossbow pull or draw of no less than 68 kg (150 lbs), and a bolt (quarrel) weight of no less than 16.2 g (250 grains).
- The small game regulations will be updated to be consistent with the land claim agreements in the NWT. Some the land claim agreements include an exclusive right for beneficiaries to harvest furbearers in certain areas. This means that licenced hunters cannot harvest the following species without permission from the land claim organization:
 - Ground squirrel, red squirrel, marmot, and hare in the Inuvialuit Settlement Region
 - Ground squirrel, red squirrel, and marmot in the Gwich'in Settlement Area
 - Red squirrel and marmot in the Sahtu Settlement Area
 - Woodchuck and red squirrel on Tłı̄chǫ lands
- The seasons, bag limits, tag requirements, and conditions in the big game, small game and trapping regulations will stay the same for licenced hunters and GHL holders. Limits on Aboriginal harvesting of barren-ground caribou, grizzly bears, muskox, polar bear and wood bison that have been put in place for conservation reasons will also remain the same.

2. Wastage

Wildlife is a valuable resource and should not be wasted. Hunters are encouraged to use all parts of the game they harvest; however, there are regional and cultural differences with respect to what parts people eat or use in the NWT. The new regulations will set a minimum standard, under which leaving the following parts in the field would be considered wastage and an offence for any type of hunter:

Type	Part
Bison, Caribou (all types), Deer (all types), Elk, Moose, Mountain Goat, Mountain Sheep, Muskox	Backstraps, hindquarters above the knee, front quarters above the knee, tenderloins, and neck meat.
Migratory game birds and upland game birds	Breast meat
Coyote, Wolf, Wolverine, Beaver, Fox (all types), Otter, Lynx, Marten, Fisher, Skunk, Ermine (Stoat), Least weasel, Mink, and Muskrat	Hide or pelt

Meat contaminated with gut content, or shot-damaged parts, may be cut away and left behind.

If big game has been rendered inedible according to a cultural belief or practice, parts may be left in the field. However:

- the parts must be marked with the hunter's name, licence or identification number, and date
- the hunter must report the occurrence to the Superintendent of Wildlife or an officer as soon as practicable
- the hunter must explain why the meat is inedible, to the satisfaction of the Superintendent of Wildlife
- the officer can dispose of the big game in a manner the officer thinks best

If a hunter has reasonable grounds to believe the harvested big game is diseased, parts may be left in the field. However:

- the hunter must mark the wildlife with his or her name, licence or identification number, and date
- the hunter must take reasonable precautions to protect the big game from being disturbed by other animals
- the hunter must report the diseased wildlife to the Superintendent of Wildlife or an officer as soon as is practicable

- an officer may seize the diseased big game for examination or testing

Sometimes, hunters will *cache* or temporarily leave game on the land and return to it later. In those cases, the hunter must:

- mark the meat or cache with a tag or the harvester's name, licence or identification number, and date
- take reasonable precautions to protect the cache from disturbance from other animals and the natural environment

Failure to take these steps for inedible, diseased or cached big game could result in wastage charges.

3. Gifting

Often, hunters give meat to others. Limits on how much meat a person can receive as a gift have been removed from the regulations, to respect the tradition of sharing that is common to all cultures. To protect recipients of gifted wildlife from potentially being charged with illegal possession under the new Act, receipts will be required for gifts of game meat over 5kg. The receipt must show:

- the harvester's name, licence or identification number
- the date the meat was gifted
- the species of game the meat came from
- weight of the gifted meat

Recipients of gifts of meat less than 5kg are encouraged to label their packages with the harvester's name and identification or licence number, but are not required to do so.

4. Possession of Wildlife Without a Permit or Licence.

Under the new *Wildlife Act*, to possess meat or parts of game or other animals listed in the regulations, you must have lawfully harvested it, received it from someone who lawfully harvested, or have a permit for possession. This does not apply to wildlife parts that are tanned or taxidermied, manufactured into food, clothing, jewellery or art, or to

wildlife parts that you lawfully possessed before the Act came into force. The new regulations would also allow you to possess the following wildlife parts without a permit:

- naturally shed antlers
- porcupine quills
- inedible parts of upland game birds
- owl pellets or feces from other species
- road-killed small game
- hooves unless certification is needed
- hides or pelts other than furbearers unless certification is needed
- bones, including skulls with antlers or horns attached, unless certification is needed

There are conservation concerns about some species. To possess parts of the following animals, you must first take them to a Wildlife Officer to have them certified:

- birds of prey
- birds of prey eggs
- grizzly bear
- polar bear
- Dall's sheep
- muskox
- wood bison

5. Big Game Killed to Prevent Starvation, in Defence of Life or Property, or Accidentally Killed or Wounded with a Motor Vehicle

Under the new *Wildlife Act*, a person can kill big game or other species listed in the regulations to prevent starvation or defend life or property. However, it must be reported to an officer. Under the new regulations:

- you must report the wounding or killing to an officer as soon as you can, and provide details including your name, date, time, location, species, amount, and any other related information requested by an officer
- the direction of an officer must be followed

- if practicable, the big game killed in defence of life or property must be submitted to an officer
- no one can keep any part of big game or prescribed wildlife that is killed in defence of life or property

Where big game is accidentally killed or seriously wounded by a motorized vehicle, regulations will require that you report the accident to an officer within 24 hours. You must provide your name, date, time, location, amount of wildlife killed or seriously wounded, species, and any other related information requested by an officer.

6. Residency

To obtain a resident hunting licence in the NWT, a person must live in the NWT for one continuous year before applying. If you are a resident and you temporarily move somewhere else for a particular purpose for less than 12 months, you would still be considered a NWT resident as long as your move is temporary, you intend to return to the NWT, and you do return to the NWT at the end of the 12 month period. The proposed regulations include exemptions from the 12 month limit on temporary absences, including absences for:

- continuous education outside of the NWT, or for any family member accompanying an individual receiving education outside of the NWT
- medical treatment including mental health and addictions treatment
- providing caretaker services for a family member that resides outside the NWT
- providing caretaker services for a family member who must leave the NWT for an extended period
- incarceration
- employer sponsored or endorsed leave
- volunteering services outside the NWT
- serving on active duty as a member of the Canadian Forces or the RCMP where the member is temporarily stationed or deployed outside the NWT
- a family member accompanying an individual on active military or police service

A *family member* will be defined in the regulations as a father, mother, step-parents, brother, sister, spouse, common-law spouse, child, step-child, foster child, father-in-law, mother-in-law, grandmother, grandfather, grandchild, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

7. Other Permits and Licences

Currently, there is a limit of one year on Wildlife Research Permits. The new regulations will allow multi-year Wildlife Research Permits to be issued under the Act.

8. Appeal Processes

The proposed regulations will lay out an appeal process for licences or permits that are refused.

Type of applicants:

- Resident and non-resident hunting licences and wildlife permits that are not for a commercial wildlife business

Process:

- The refused applicant must submit a written statement to an officer. The officer will provide the statement to the Superintendent of Wildlife, who provides a written decision within two months.

Type of applicants:

- Special Harvester Licence

Process:

- In the Gwich'in and Sahtu areas, a refused application must follow the appeal process laid out in the land claim agreements. Elsewhere in the NWT, an applicant may inform the Minister in writing that they would like to appeal the refusal. The Minister shall, within 30 days, contact the local harvesting committee to confirm the application has been considered and confirm the committee's response.

Type of applicants:

- General Hunting Licence or a licence for a commercial wildlife business licence

Process:

- The refused applicant sends a written notice of appeal to the Minister. The Minister will appoint an outside advisor who will review the facts presented by the applicant and the Department, and make recommendations to the Minister respecting the appeal. The decision of the Minister will be final and will be provided, with reasons, to the applicant within 30 days of receiving a report from the advisor.