

# NUNAVUT WILDLIFE MANAGEMENT BOARD

## Minutes Conference Call No.68

Thursday, April 10, 2003; 10:30am (Iqaluit time)

### Present:

|                   |                    |
|-------------------|--------------------|
| Ben Kovic         | Chairperson        |
| Robert Moshenko   | Member             |
| Kevin McCormick   | Member             |
| Joannie Ikkidluak | Member             |
| Okalik Eegeesiak  | Member             |
| Nick Amautinuar   | Member             |
| Jim Noble         | Executive Director |
| Michael d'Eça     | NWMB Legal Advisor |
| Evie Amagoalik    | Interpreter        |

### Not Available:

|                     |        |
|---------------------|--------|
| Meeka Mike          | Member |
| Harry Flaherty      | Member |
| KIA Kivalliq Member | Vacant |

### 1. Opening by Chairperson

The chairman called the meeting to order at 10:30 am.

### 2. Review/Approval of Agenda

The agenda for this meeting consisted of final approval of the Non-Quota Limitations (NQLs) for the new Nunavut Wildlife Act.

### 3. Final Approval of NQLs in the Nunavut Wildlife Act

The Nunavut Wildlife Management Board (NWMB or Board), in partnership with the Government of Nunavut (GN) and Nunavut Tunngavik Inc (NTI), has recently completed two successful consultation workshops on NQLs under the *Nunavut Wildlife Bill*. An initial workshop was held in Iqaluit on April 1<sup>st</sup> and 2<sup>nd</sup> 2003 with representatives of Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) from the Kitikmeot and Baffin Regions. A second workshop was held in Rankin Inlet on April 8<sup>th</sup> and the morning of April 9<sup>th</sup> with

HTO and RWO representatives from the Kivalliq Region. Michael d'Eça noted that seventeen concerns were raised at these two meetings; half of these were NQL concerns only. Michael reviewed these concerns with the members. Michael noted that as a result of the consultations, it is clear that people are generally happy with the Act but there is concern about the short notice and lack of consultations with the communities. Michael recommended that if the Board feels the consultation was sufficient, then they should make a decision with a letter to the Minister outlining all the concerns which remain outstanding. Michael noted that eight NQLs should not receive approval. Members questioned when this decision was required by the Minister. Michael noted that it was originally requested back in March, and then moved to April 7, now moved to April 14, 2003. Michael also advised that the NWMB has always advised that the best time for approval of the NQLs would be near the end of third reading. Michael noted that the Standing Committee has requested an in camera session for the end of April to discuss NWMB concerns.

The Board decided (**Resolution 2003-006**) to approve some to the NQLs presented in the Wildlife Act and to not approve others until further consultation occurs. It was also decided to write a letter to the Minister of DSD reviewing all the outstanding issues with the Act to this point.

#### 4. Meeting adjourned.

Minutes Approved by: \_\_\_\_\_  
Chairperson Date

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## RESOLUTIONS

### RESOLUTION 2003 – 006:

Resolved that the NWMB, pursuant to section 5.6.48 of the *Nunavut Land Claims Agreement* and subject to Notes 1 and 2 below, establish the following Non-Quota Limitations, as set out in the *Nunavut Wildlife Bill*, which received second reading in the Legislative Assembly of Nunavut on March 28<sup>th</sup> 2003:

#### *Requirement for right or licence*

**18.** (1) *A person harvesting game and other prescribed wildlife requires a licence authorizing it, unless he or she is exercising a right referred to in section 10, 12, 13, 14 or 16.*

#### *Harvesting surplus wildlife*

**(2) For greater certainty, where a total allowable harvest for a stock or population of wildlife is established, a person requires a licence to harvest any wildlife from the surplus of that stock or population of wildlife.**

*Management or research exemptions*

**21.** (1) *The Superintendent may, by licence or order, authorize the use of a weapon, equipment, technique, procedure or activity that would otherwise be contrary to this Act, the regulations or an order, where*

- (a) *it is necessary to implement an accepted decision of the NWMB; or*
- (b) *the Superintendent considers it necessary or advisable in respect of those matters within the jurisdiction of the Government of Nunavut.*

*Authorized persons*

**(2) Only a conservation officer, wildlife guardian, scientist, Qaujimanilik, or a person acting under their authority, may be authorized under subsection (1).**

*Carrying licence*

**42.** (1) *A person who requires a licence under this Act to harvest wildlife, or to engage in any other activity, shall carry or possess a copy of the licence while harvesting that wildlife or engaging in that activity.*

*Request for production of document*

**43.** (1) *Where this Act requires a person engaging in an activity to carry a licence or other document, he or she shall produce the licence or document upon the request of a conservation officer.*

*Cease activity*

**(2) Where the licence or other document is not produced when the conservation officer requests it and the conservation officer has reasonable and probable grounds to believe that the person is acting without authority, the person shall cease the activity immediately upon the request of the conservation officer.**

*Delay in production of document*

**(3) A person is not guilty of an offence under subsection (1), if within 48 hours after the request, the person**

- (a) *produces the required licence or other document to the conservation officer or a designate of the officer; or*
- (b) *proves to the satisfaction of the conservation officer or a designate of the officer that he or she held the licence or other document at the time the request for it was made by the officer.*

*Interim protection for endangered or threatened species*

**63.** (1) *From the day that a species is designated as endangered or threatened until the day that an order made under section 133 comes into force, no person shall*

- (a) harvest, harm, harass, disturb or interfere with a member of the species;

*Prohibited activities in critical habitats*

- 66.** (1) Subject to subsection (2), no person shall at any time, within a critical habitat,
- (c) harvest, remove or destroy a member of the endangered or threatened species;
  - (f) alter, destroy or damage the critical habitat;
  - (h) destroy, damage, disturb or interfere with an abode of a member of the endangered or threatened species;
  - (i) contravene any regulation made with respect to the critical habitat;
  - (j) use a motorized vehicle or other conveyance;
  - (k) use motorized equipment; or
  - (l) land an aircraft.

*Exceptions*

(2) An order made under section 133 or a regulation made under subsection 139(3) may provide exemptions from the prohibition in subsection (1) for activities that will not adversely affect the critical habitat or the endangered or threatened species.

*Geographic control*

**69.** No person shall harvest any wildlife contrary to any licence, regulation or order that controls or prohibits the person from harvesting in relation to an area or geographic location.

*Wildlife control*

**70.** (1) No person shall harvest any wildlife contrary to any licence, regulation or order that regulates or prohibits the person from harvesting in relation to a characteristic of the wildlife, including the sex, age, species or size of wildlife.

*No removal of evidence*

(2) Where wildlife is regulated by reference to a characteristic, no person harvesting that wildlife shall, until authorized by the regulations,

- (a) remove, mutilate or destroy any prescribed part of the wildlife that evidences the characteristic;

*Swimming big game*

**71.** No person, other than an Inuk, shall hunt big game while it is swimming.

*Significant disturbance*

**73.** (1) No person shall, unless authorized by a licence,

- (b) *break into, destroy or damage any abode of a bear, fox, beaver, muskrat, weasel, wolf or wolverine outside any municipality or prescribed area.*

*Exception*

**(2) A person is not guilty of an offence under paragraph (1)(b) if the activity**

- (a) *is in respect of a wild animal other than a bear; and*
- (b) *is specifically authorized by a licence or is incidental to lawful trapping.*

*Humane treatment*

**75.** *Any person harvesting a wild animal shall respect the principles of Ilijaaqtailiniq and Sirliqsaqtittitailiniq.*

*Wastage*

*Retrieval of dead or wounded game*

**76.** *(1) A person who wounds or kills game shall make every reasonable effort to*  
(a) *retrieve the game and, if it is alive, to kill it;*

*General prohibitions*

**80.** *(1) No person shall use or have the following in his or her possession while harvesting wildlife:*

- (a) *any poison;*
- (b) *a set gun;*
- (c) *an automatic firearm capable of firing more than one projectile during one pressure of the trigger;*
- (d) *any tracer ammunition;*
- (e) *a projectile containing any explosive material;*
- (f) *any bait, unless it is for harvesting furbearers; or*
- (g) *any equipment or any type, method or technology of harvesting prohibited by the regulations.*

*Prohibited weapons and methods for big game*

**(2) No person shall harvest big game with**

- (a) *rim-fire ammunition;*
- (b) *ammunition of less than 5.56 mm in diameter;*
- (c) *ammunition with an empty cartridge case measuring less than 38 mm in length;*
- (d) *ammunition containing non-expanding or steel-jacketed bullets;*
- (e) *a bow with less than 20 kg draw weight at 700 mm draw; or*
- (f) *an arrow without a broad head point width of at least 25 mm at its widest point or an un-barbed three bladed bodkin head.*

*Compliance with regulations*

- 81.** (1) *A person harvesting wildlife shall comply with any regulations governing*
- (a) *the possession or use of equipment while harvesting wildlife; or*
  - (b) *the types, methods and technologies of harvesting wildlife.*

*Checking traps*

**82.** (3) *A person who uses live capture traps to harvest furbearers shall regularly check each trap to collect any harvested wildlife in accordance with the regulations.*

*Rendering traps safe*

(4) *A person who uses traps to harvest furbearers shall remove, spring or render harmless every trap used by the person before or on the last day of each open time or season and shall not set them before the first day of any applicable open time or season.*

*Attaching tags*

**86.** (2) *A person harvesting a wild animal shall, as soon as practicable after gaining possession of it, attach the required tag to the wild animal in accordance with the regulations.*

*Prohibited uses*

- 87.** (1) *Unless authorized under subsection (2) or the regulations, no person shall*
- (a) *harvest game from a vehicle or other conveyance;*
  - (b) *discharge a weapon within or from a vehicle or other conveyance;*
  - (c) *have in or on a vehicle or other conveyance a firearm with a live shell or cartridge in the barrel, breech or firing compartment, or a crossbow loaded with a quarrel;*
  - (d) *use a vehicle or other conveyance to harass wildlife;*
  - (e) *use a vehicle or other conveyance as a weapon to harvest wildlife.*

*Authorized uses*

- (2) *A person may hunt game while on*
- (a) *a snowmobile;*
  - (b) *a sled pulled by dogs;*
  - (c) *a prescribed all-terrain vehicle; or*
  - (d) *a boat, other than a barge, of less than 15 m in length.*

*Polar bear harvest*

(3) *No person, other than an Inuk, shall harvest a polar bear by any vehicle or other conveyance, except a sled pulled by dogs.*

*Spotting aircraft*

**88.** (1) *No person shall use an aircraft*

- (a) to spot the location of wildlife and communicate that location from the air to a person on land or water for the purpose of harvesting wildlife; or
- (b) to assist in the harvesting of wildlife in any other manner prohibited by the regulations.

*Dangerous harvesting*

**89.** (1) No person shall harvest wildlife

- (a) in a manner that endangers other persons; or
- (b) without due regard for the safety or property of other persons.

*Prohibited hunting and shooting*

(2) For greater certainty, subsection (1) prohibits a person from

- (a) hunting while impaired by alcohol or a drug;
- (b) hunting with a weapon that is in an unsafe condition;
- (c) discharging a weapon from, or causing the projectile from a weapon to pass along or across, the travelled portion of a trail, road or highway used by the public or to which the public has a right of access;
- (d) discharging a firearm within one kilometre of a dwelling or building, unless the person has the permission of the occupants to do so; or
- (e) discharging a weapon within a prescribed no shooting area.

*Feeding wild animal*

**90.** (1) No person shall intentionally feed or attempt to feed a wild animal.

*Use of attractants*

(2) No person shall deposit or place in, on or about a place an attractant, if there is a reasonable likelihood that it would endanger a person, a wild animal or a domestic animal.

*Exception*

(3) This section does not apply to

- (b) a person lawfully harvesting furbearers with bait;

*Closing of areas to the public*

**94.** (1) If a conservation officer believes on reasonable grounds that public safety is in immediate jeopardy in any area owing to the presence of a wild animal or domestic animal, the officer may order that the area be closed to the public for the period specified in the order or until such time as the officer believes that there is no longer any immediate jeopardy.

*Stop harvesting*

(2) If a conservation officer believes on reasonable grounds that public safety is in immediate jeopardy in any area owing to any harvesting contrary to

**section 89, the officer may order that the harvesting cease for the period specified in the order or, if no such period is specified, until such time as the officer believes that there is no longer any immediate jeopardy.**

*Surrender of weapons and other articles*

**95.** (1) *A conservation officer may request a person to surrender any licence, tag, equipment, weapon, vehicle or other conveyance in his or her possession, if the officer has reasonable and probable grounds to believe that the person is affected by alcohol or a drug in his or her ability to harvest a wild animal or handle a weapon safely and responsibly.*

*Compliance with request*

**(2)** *Upon a request being made under subsection (1), the person shall not harvest wildlife with a weapon and shall immediately surrender to the conservation officer those things referred to in subsection (1).*

*Prohibition*

**99.** *No person shall harvest wildlife contrary to any regulation or order that controls or prohibits the person from harvesting in relation to a time or season for that wildlife, unless specifically authorized by a licence.*

*Large scale harvesting*

**114.** (1) *No person shall harvest wildlife above a prescribed rate or quantity except in accordance*

- (a) *with the regulations and any applicable order; and*
- (b) *the terms and conditions established by the Superintendent.*

*Terms and conditions*

**(2)** *The Superintendent may establish terms and conditions for the purpose of subsection (1) where*

- (a) *it is necessary to implement an accepted decision of the NWMB; or*
- (b) *the Superintendent considers it necessary or advisable in respect of those matters within the jurisdiction of the Government of Nunavut.*

*Requiring tags*

**126.** (1) *The regulations may require a person to hold a tag and affix it to wildlife for the purpose of*

- (a) *evidencing that person's authority to harvest or possess wildlife;*
- (b) *regulating the allocation of a share of the total allowable harvest, including the basic needs level or adjusted basic needs level;*
- (c) *collecting information in relation to harvesting activities; and*
- (d) *regulating harvesting or commercial activities in relation to wildlife.*

*Licences*

**132.** (3) *The NWMB may, in addition to the limitations referred to in paragraph [132] (1)(e), decide that all or any licences relating to a listed species or to any other affected species be prohibited, suspended or cancelled.*

Note 1: The NWMB acknowledges that the limitations in a number of the above provisions will not be Non-Quota Limitations in all circumstances.

Note 2: The NWMB acknowledges that certain of the Non-Quota Limitations established by this resolution may also be characterized as modifications of existing Non-Quota Limitations. Because the proposed *Wildlife Act* will entirely replace the former *Wildlife Act* (R.S.N.W.T. 1988 c.W-4), and in the interests of simplicity, the NWMB has elected to treat each of the non-quota limitations in the *Wildlife Bill* as a limitation to be established under the new Act.

Moved by Robert Moshenko  
Carried

Seconded by Joannie Ikkidluak  
Date: 10 April 2003