

**Justifications for
Repealing Existing Regulations Under the Wildlife Act
October 22, 2006
NWMB Special Meeting # 12
Submitted by the Government of Nunavut**

Introduction

The repeal of existing regulations and the quota and non-quota limitations in those regulations is premised on the assumption that the package of regulations and orders submitted for approval be enacted to replace them. If the NWMB does not approve certain non-quota limitations (NQL's) and total allowable harvest levels (TAH's), the provisions to be repealed may have to be adjusted accordingly. The justifications set out in this document are in addition to the justifications already set out in the Government of Nunavut's TAH Report and its justifications for new non-quota limitations document.

Big Game Hunting Regulations

These regulations currently regulate the hunting of big game. They would be replaced primarily by new provisions in

- Harvesting Regulations
- Game Harvesting and Possession Limits Order
- Licences and Tags Regulations
- Polar Bear TAH Order
- Reporting Regulations
- Fees Regulations

The following provisions are no longer needed:

- provisions related to draws for tags, since the allocation for TAH will be by HTOs.
- closed seasons for the following species, because the new proposed NQL's and TAH's will be sufficient to manage these species:
 - black bears, grizzly bears and polar bears
 - moose
 - wolves
 - barren ground caribou (for non-Inuit hunters)

The following provisions are not relevant to Nunavut:

- provisions related to the Agreement between the Committee for Original Peoples' Entitlement and the Government of Canada
- provisions on wood bison and Dall's sheep, since these species do not exist in Nunavut

NOTE: All existing provisions relating to muskox will not be repealed until a new package of NQL's and TAH's are approved and enacted for muskox.

Birds of Prey Regulations

These regulations currently regulate the capture, possession and sale of birds of prey. They would be replaced primarily by new provisions in

- the Harvesting Regulations
- the Birds of Prey TAH Order
- Open Seasons Order

The following provisions are no longer needed:

- provisions related to shelters for captured gyrfalcons, since this level of detail prevents the use of up-to-date standards
- provisions related to transport of captured gyrfalcons, since this level of detail prevents the use of up-to-date standards

Certification and Disposal of Wildlife Regulations


These regulations currently regulate how parts of wildlife are disposed of. They would be replaced primarily by new provisions in the Harvesting Regulations.

The provisions related to interpreting the former Wildlife Act are no longer needed.

The provisions related to the Agreement between the Committee for Original Peoples' Entitlement and the Government of Canada are not relevant to Nunavut.

Critical Wildlife Areas Regulations



These regulations currently describe critical wildlife areas. They would be replaced primarily by identical provisions on caribou calving areas in the Conservation Areas Regulations.

 NOTE: The Blue Nose East Caribou Calving Area will be continued, and the draft Conservation Areas Regulations previously submitted will be corrected to include this area.

The provisions related to critical wildlife areas in the NWT are not relevant to Nunavut.

Nuisance Bison Control Regulations

These regulations currently regulate bison and are not relevant to Nunavut. They are not being replaced.

NOTE: There is some doubt about whether these regulations continue to exist for Nunavut.  

However, the NWMB should make it clear that they should be repealed.

Polar Bear Defence Kill Regulations

These regulations currently regulate the reporting, sampling and tag allocations for emergency kills of polar bears. They would be replaced primarily by new provisions in

- the Harvesting Regulations
- Polar Bear TAH Order
- Reporting Regulations

The following provisions are no longer needed:

- provisions related to disposing of the hide of a polar bear, which are in the NLCA and the new Wildlife Act
- provisions on who issues polar bear tags, since the responsibility for allocating TAH now rests with RWOs and HTOs

Sale of Wildlife Regulations

These regulations currently regulate the sale and giving of wildlife, especially its meat. They would be replaced primarily by new provisions in

- Harvesting Regulations
- Licences and Tags Regulations
- Game Harvesting and Possession Limits Order
- Fees Regulations

The following provisions are no longer needed:

- provisions related to commercial tags, since the regulation of commercial harvesting is still under consideration
- provisions related to gifts of meat by Inuit, since this is allowed by the NLCA and the new Wildlife Act

The provisions related to the Agreement between the Committee for Original Peoples' Entitlement and the Government of Canada are not relevant to Nunavut.

Small Game Hunting Regulations


These regulations currently regulate the hunting of small game. They would be replaced primarily by new provisions in

- Harvesting Regulations
- Licences and Tags Regulations
- Game Harvesting and Possession Limits Order

- Open Seasons Order
- Fees Regulations

Dempster Highway Special Management Areas Regulations

These regulations currently regulate hunting in the Dempster Highway Special Management Area, which is not relevant for Nunavut. They are not being replaced.

 NOTE: There is some doubt about whether these regulations continue to exist for Nunavut. However, the NWMB should make it clear that they should be repealed.

Trapping Regulations

These regulations currently regulate trapping of fur-bearing animals. They would be replaced primarily by new provisions in

- Harvesting Regulations
- Licences and Tags Regulations
- Open Season Order
- Fees Regulations

The following provisions are no longer needed:

- provisions related to trapper education, since the harvest of furbearers is restricted
- provisions protecting beaver and muskrat dams, since these species are not relevant for Nunavut
- provisions related to special trapping areas and registered trapping areas, since they were used for economic purposes, not wildlife management

The following provisions are not relevant to Nunavut:

- provisions related to the Agreement between the Committee for Original Peoples' Entitlement and the Government of Canada

Wildlife Business Regulations

These regulations currently regulate the licensing of business related to wildlife. They would be replaced primarily by new provisions in

- the Harvesting Regulations
- the Licences and Tags Regulations
- Reporting Regulations
- the Fees Regulations

The following provisions are no longer needed:

- provisions related to the legal service of documents, since notice provisions are now more flexible
- provisions empowering the Superintendent to make "requests" of businesses, since this power is too vague
- provisions regulating travelling fur dealers, since this is not an activity that requires regulation
- provisions related to zones for outfitters, since they were used for economic purposes, not wildlife management
- provisions on guide qualifications, since these are to be established directly by the NWMB

Wildlife Export Regulations

These regulations currently regulate the export of wildlife from Nunavut. They would be replaced primarily by new provisions in the Licences and Tags Regulations

The following provisions are no longer needed:

- the prohibition on exports of the meat of barren-ground caribou taken under the authority of a commercial tag in Wildlife Management Barren-Ground Caribou Areas N/BC/08 and N/BC/11, since that meat may be exported with a proper permit
- provisions related to specific the export of meat by the Superintendent, since that is covered by the export permit generally
- provisions related to Dall's sheep, which are not relevant to Nunavut
- provisions related to wood bison, which are not relevant to Nunavut
- provisions related to GHM holders outside Nunavut, which are not relevant to Nunavut

Wildlife General Regulations

These regulations currently define terms for the purposes of the former Wildlife Act and make provisions for Hunters and Trappers Associations. They would be replaced primarily by new provisions in

- Harvesting Regulations
- Prescribed Matters Regulations

The following provisions are no longer needed:

- provisions related to recognition of Hunters and Trappers Associations, since that is covered by the NLCA and the new Wildlife Act.

- provisions defining classes of wildlife that are already defined in the new Wildlife Act

The provisions related to band councils and Hunters' and Trappers' Associations outside Nunavut are not relevant to Nunavut.

Wildlife Licences and Permits Regulations

These regulations currently regulate licences and permits issued in relation to wildlife. They would be replaced primarily by new provisions in

- Licences and Tags Regulations
- Fees Regulations

The following provisions are no longer needed:

- provisions related to registered trapping areas, since they were used for economic purposes, not wildlife management
- provisions related to reindeer preserve caribou licences, since no special licence, other than a hunting licence, is required for non-Inuit
- provisions related to wildlife transport permits, since this is not an activity that has presented a problem for wildlife management
- provisions related to border licences, since this will be dealt with by an new type of Aboriginal licence

Wildlife Management Barren-Ground Caribou Areas Regulations

These regulations currently describe wildlife management barren-ground caribou areas. They are not being replaced.



There is no need to limit harvesting of caribou by management zones. If caribou harvesting required regulation in the future, it would be done through a TAH. ?



Wildlife Management Grizzly Bear Areas Regulations

These regulations currently describe areas for the hunting of grizzly bears. There is no clear need to limit harvesting of grizzly bears by management zones, since the preferred method for regulating the harvesting of this species is by a TAH. However, a grizzly bear TAH is not being proposed at this time pending further consideration and consultation.

Wildlife Management Muskox Areas Regulations

These regulations currently regulate the areas for hunting muskox, which are used for the Big Game Hunting Regulations. They would be replaced primarily by new provisions in the

- Muskox TAH Order
- the Harvesting Regulations

Proposals to change the regulation of muskox are being reviewed again and will be resubmitted with changes from the present proposals. Therefore the justification for their repeal will await the final form of the new package of muskox regulatory provisions.

Wildlife Management Outfitters Areas Regulations

These regulations currently regulate the areas in which outfitters may operate.

These provisions are no longer needed because they relate to the economic aspects of the outfitting business and are not relevant to wildlife issues.



NOTE: There is some doubt about whether these regulations continue to exist for Nunavut. However, the NWMB should make it clear that they should be repealed.

Wildlife Preserves Regulations

These regulations currently describe wildlife preserves. They would be replaced primarily by new provisions in the Conservation Area Regulations.

The following provisions are not relevant to Nunavut:

- provisions related to Norah Wallis Michener Territorial Park
- Peel River Preserve

Wildlife Regions Regulations

These regulations currently divide the NWT and Nunavut into administrative regions. They are not being replaced.

These provisions are no longer needed because wildlife issues in Nunavut will be administered either for the whole of Nunavut or at the community level. Regions in the NWT are not relevant.

Wildlife Sanctuaries Regulations

These regulations currently describe wildlife sanctuaries. They would be replaced primarily by new provisions in the Conservation Area Regulations.


The provisions related to the bison sanctuary are not relevant to Nunavut.

Wildlife Management Units Regulations

These regulations currently divide Nunavut into management units. They are not being replaced.

These provisions are no longer needed because wildlife issues in Nunavut will be administered either for the whole of Nunavut or at the community level. Regions in the NWT are not relevant.

Wildlife Management Wood Bison Areas Regulations

These regulations currently describe wood bison management units. They are relevant in Nunavut. 

NOTE: There is some doubt about whether these regulations continue to exist for Nunavut. However, the NWMB should make it clear that they should be repealed.

Wildlife Management Zones Regulations

These regulations currently divide Nunavut into management zones. They are not being replaced.

These provisions are no longer needed because wildlife issues in Nunavut will be administered either for the whole of Nunavut or at the community level. Regions in the NWT are not relevant.