



SUBMISSION TO THE

NUNAVUT WILDLIFE MANAGEMENT BOARD

FOR

Information: X

Decision:

Issue: The verification and documentation process employed by the Department of Environment for polar bear defence kills

Background:

The NWMB has requested that DOE provide them with information on how defence killed polar bears are investigated and managed.

Current Status:

The NLCA and *Wildlife Act* (Nunavut) allow individuals to kill wildlife in defence of life and property. (See NLCA section 5.6.52 and *Wildlife Act* section 97). This occurs regularly, most commonly with polar bears, but occasionally with grizzly bears and other species

Pursuant to Wildlife Act section 100, a person who kills wildlife in defence must:

- a) reported it to conservation officer as soon as possible; and
- b) provide the conservation officer with the valuable parts (generally meaning the hide), or advise the conservation officer where it is located.

The conservation officer will conduct an investigation to determine if the defence kill is legitimate, or in legal terms, to determine if the kill was “*necessary to preserve a human life or to protect a person’s property.*” If it was a legitimate defence kill, the file is closed and the hide turned over to the HTO. If it was not a legitimate defence kill, charges may be laid and the hide held as evidence pending the outcome.

How the Process Works:

When a report is received that a bear(s) has been shot in defence of life or property, the Conservation Officer conducts an investigation. This will include interviewing all individuals involved, if possible visiting the site, and generally gathering and documenting all of the evidence, facts and circumstances surrounding the kill. As soon as possible after learning of the event the officer will take possession of the hide, required biological samples, and any other parts of the bear that may provide evidence of otherwise inform the determination of whether or not the kill was “necessary”. As a general rule, any meat is, as soon as possible, provided to the HTO for distribution.

In determining if the kill was necessary, in addition to the information learned in the investigation, the conservation officer may seek advice from any or all of:

supervisors, fellow officers, biologists, the problem wildlife specialist, or any other individual within the department; the hunters and trappers organization or other individuals within the community; and any other source of expertise or information as may seem appropriate at the time.

If it is determined that the defence kill was legitimate the hide is turned over to the HTO and they dispose of it as they see fit. (Note that while NLCA section 5.6.55 indicates that the hide is to be turned over to the NWMB, the NWMB has given DOE direction that the hides should be turned over to the relevant HTO.)

If there is reason to believe that the defense kill was not legitimate, or in other words was not necessary to defend a person's life or protect a persons property, the conservation officer will continue with the investigation, which may include the taking of additional statements, further visits to the site, and the collection of further evidence. When this information is all collected, the conservation officer will, in consultation with their supervisor decide whether or not to recommend that charges be laid. The final decision on proceeding with charges will be made by senior staff, often in consultation with the crown prosecutor.

If charges proceed and it is determined that the kill was not legitimate, the hide is disposed of in accordance with the instructions of the court. If charges proceed and it is determined that the kill was legitimate, the hide is provided to the HTO.