

BACKGROUNDER

PROPOSED *NATIONAL PARKS OF CANADA WILD ANIMALS REGULATIONS*

USE OF FIREARMS FOR PROTECTION

Background

The Parks Canada Agency is proposing the *National Parks of Canada Wild Animals Regulations* (the Regulations) to replace the *National Parks Wildlife Regulations*.

The proposed Regulations would allow certain categories of park users to carry and use firearms for self-protection and the protection of others from bears in northern national parks and national park reserves (national parks)¹.

The proposed Regulations do not apply to Aboriginal peoples while exercising their rights to carry out harvesting and/or harvesting-related activities in the national parks; or to local users in Wapusk National Park who carry out traditional renewable resource harvesting, under the park establishment agreement (*Federal-Provincial Memorandum of Agreement for Wapusk National Park*).

The current *National Parks Wildlife Regulations* do not explicitly permit park users to carry and use firearms for protection. These regulations were developed before the establishment of most national parks in northern Canada, and do not take into account the unique context surrounding their establishment and management, which includes:

Economic Commitments

Land claim agreements, impact and benefit agreements and park establishment agreements for northern national parks include provisions relating to economic benefits for local communities. Some of these agreements specifically provide that beneficiary guides may carry and use firearms for self-protection and the protection of their clients.

Visitor Safety Risks

Increased interest in Canada's North has resulted in an increased potential for visitation in northern national parks. Polar bears are present in ten of Parks Canada's northern national parks and there is a documented history of human-bear interactions in many parks. The impacts of climate change on sea ice may result in changes in the density and behavior of polar bears on land in these parks.

These factors bring an increased risk of dangerous human-bear encounters, not only for visitors but also for other park users such as researchers and members of sovereignty operations.

¹ For more information on the Regulations, please see the "Backgrounder on the Proposed *National Parks of Canada Wild Animals Regulations* – Summary of Significant Provisions".

Sovereignty Operations

The Government is asserting its presence in the North to protect Canada's Arctic sovereignty. In recent years there has been an increase in the Department of National Defence (DND) patrols in northern national parks along the coast and this is expected to continue. DND members and Canadian Rangers, when they are conducting sovereignty operations in northern national parks, may require the use of firearms for protection from bears.

Application of the Firearms Provisions in the proposed *National Parks of Canada Wild Animals Regulations*

Parks Canada proposes to allow certain categories of park users to carry and use firearms for self-protection and the protection of others from bears. These users would be required to obtain a Parks Canada Firearm Permit (firearm permit).

Firearm permits would only be issued in northern national parks where polar bears are known to be present for all or part of the year (see Appendix – Polar Bear Parks) or in national parks for which the agreements with respect to their establishment provide for the use of firearms for protection.

Who may be authorized to carry and use a firearm for protection²?

The following categories of park users may be authorized to carry and use firearms for self-protection and the protection of others from bears:

1. **Bear monitors** - in all national parks to which the provisions apply. Must be beneficiaries (this requirement does not apply in Wapusk National Park).
2. **Beneficiary guides** - in all national parks to which the provisions apply.
3. **Non-beneficiary guides** - only in Polar Bear Parks provided beneficiary guides are not available. This requirement does not apply in Wapusk National Park. Non-beneficiary guides can hire bear monitors to provide protection for their clients.
4. **Researchers** – in Wapusk National Park, and in the other Polar Bear Parks when bear monitors are not available or if it is logistically unfeasible to hire a bear monitor.
5. **Local users** – in Wapusk National Park. Local users are defined in the *Wapusk National Park of Canada Park Use Regulations*.
6. **Commercial sport hunting guides** – only Inuvialuit guides who must traverse through Aulavik National Park and Tuktot Nogait National Park or Inuit guides who must traverse through Sirmilik National Park, Auyuittuq National Park or Quttinirpaaq National Park.
7. **Members of sovereignty operations** – in national parks where an agreement exists between Parks Canada and the Department of National Defence.

² See table “Who may be authorized to carry and use a firearm for protection” for more information.



Firearm Permit Criteria

The superintendent may issue a firearm permit to the categories of users listed above, taking into account the following criteria³:

- 1) the person has a valid registration certificate issued under the *Firearms Act* for the firearm to which the application applies;
- 2) the person is authorized under the *Firearms Act* to possess the type of firearm and to carry and transport the firearm; and
- 3) the person has submitted with their application a detailed summary of the knowledge, skills and experience that qualify the applicant to safely carry, transport and use a firearm for self-protection and the protection of others from bears in the type of environment to which their application pertains.

Bear Deterrents

Firearms should only be used as a last resort for emergency protection in case of a bear attack. Parks Canada will continue to strongly encourage park users to apply precautionary methods, avoidance and other forms of deterrent for protection from bears.

Consultation Timeline

Parks Canada officials responsible for northern national parks are consulting on the proposed Regulations with Aboriginal peoples, partners, stakeholders and interested Canadians starting June 2011. This is part of a national consultation process that will continue until December 31, 2011. Following these consultations, the proposed Regulations will be revised as appropriate. Information on how the proposed Regulations were amended following the consultations will be available at www.parksCanada.gc.ca/consultations-animals.

The revised Regulations will then be published in the *Canada Gazette*, Part I for 90 days to provide an additional opportunity for comments.

More information on the proposed Regulations or on how to participate in the consultations can be found on the Parks Canada Website at www.parksCanada.gc.ca/consultations-animals.

³ See table "Parks Canada Firearm Permit Criteria" for more information.

Appendix – Polar Bear Parks

Parks where polar bears are known to be present all or part of the year:

- Aulavik National Park
- Auyuittuq National Park
- Ivvavik National Park
- Quttinirpaaq National Park
- Sirmilik National Park
- Torngat Mountains National Park
- Tuktot Nogait National Park
- Ukkusiksalik National Park *
- Vuntut National Park
- Wapusk National Park

*Once Ukkusiksalik National Park is listed under Schedule 1 of the *Canada National Parks Act*, the Act and all relevant regulations will apply to this park.

BACKGROUNDER

PROPOSED *NATIONAL PARKS OF CANADA WILD ANIMALS REGULATIONS*

SUMMARY OF SIGNIFICANT PROVISIONS

Background

The *National Parks Wildlife Regulations* were originally brought into force pursuant to the *Canada National Parks Act* in 1981. Since the last amendment in 1997, several changes have taken place, including:

- coming into force of a new *Canada National Parks Act* (2000), which includes new regulation-making authorities;
- establishment of new national parks and national park reserves (national parks) in northern Canada;
- new obligations under various land claim agreements, impact and benefit agreements and park establishment agreements; and
- increased potential for visitation in northern national parks.

Given these changes, Parks Canada is proposing the *National Parks of Canada Wild Animals Regulations* (the Regulations) to replace the *National Parks Wildlife Regulations*. The proposed Regulations:

- extend protection provided by the Regulations to all wild animals at any developmental stage and to any of their parts or derivatives;
- enhance the protection of wild animal dwelling places;
- regulate the use, possession and transportation of firearms and other weapons;
- respect obligations under various land claim agreements, impact and benefit agreements or park establishment agreements;
- address the implementation of subsistence harvest quotas developed with co-operative management partners consistent with provisions of the Inuvialuit Final Agreement in Ivvavik National Park, Aulavik National Park and Tuktoyaktuk National Park; and,
- enhance visitor safety in national parks where polar bears are present by allowing certain categories of park users to carry and use firearms for their protection and the protection of others.

The proposed Regulations are fully consistent with provisions in relevant land claim agreements, impact and benefit agreements or park establishment agreements with regards to the carrying out of traditional resource harvesting and/or harvesting-related activities in national parks.

The following is a summary of the significant provisions of the proposed Regulations:

SHORT TITLE	DESCRIPTION	SECTION
Defining “wild animal”	A new definition of “wild animal” would include any individual of the animal kingdom that is not, or no longer, domesticated, at any developmental stage and to any part or derivative of a wild animal.	1
Defining “transporting rules”	This definition would provide clarity on the circumstances under which a firearm, a bow or a trap can be transported in a national park.	1
Prohibitions	Additional provisions would enhance the protection of wild animals by prohibiting: the possession of wild animals as well as their parts or derivatives; the attraction or the enticement of wild animals to approach or to leave the park; and the removal of nests, lairs, dens or beaver lodges or dams or any other type of dwelling place for wild animals.	3(1)
Food storage	A new provision would help reduce wild animal-human encounters due to the improper storage or disposal of food or other things that can be consumed by wild animals.	3(1)(f)
Weapons and traps	These provisions outline prohibitions relating to weapons and traps, such as possession, carrying, use, transportation or transactions.	4
Defining “weapons”	A definition of weapon would extend the application of prohibitions under section 4 beyond firearms and bows and their projectiles.	1
Firearms for protection*	Authority would be given to the superintendent to authorize members of the Canadian Forces Sovereignty Operations (s.7), bear monitors (par.9(a)), guides (par.9(b)), researchers (par.9(c)), and local users (par.9(d)) to carry, transport and use a firearm for self-protection and the protection of others from bears.	7, 9
	This provision outlines the circumstances under which a person mentioned in sections 7 and 9 could obtain a Parks Canada Firearm Permit, including permit criteria (par.13(a) to (c)) and the parks for which the permit could be issued (par.13(d) and (e)).	13
Commercial sport hunting guides	This provision would authorize the use of a firearm for self-protection and the protection of their clients to Inuvialuit guides who must traverse through Aulavik National Park and Tukturnogait National Park; and Inuit guides who must traverse Sirmilik National Park, Auyuittuq National Park or Quttinirpaaq National Park.	12
Harvest quotas	Provisions would address the implementation of subsistence harvest quotas in Ivvavik National Park, Aulavik National Park and Tukturnogait National Park	TBD**

*See “Backgrounder on the Proposed *National Parks of Canada Wild Animals Regulations - Use of Firearms for Protection*” for more information.

** See “Backgrounder on the Implementation of Subsistence Harvest Quotas in Ivvavik National Park, Aulavik National Park and Tukturnogait National Park” for more information



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Consultation Timeline

Parks Canada is holding consultations on the proposed Regulations with Aboriginal peoples, partners, stakeholders and interested Canadians until December 31, 2011. Following these consultations, the proposed Regulations will be revised as appropriate. Information on how the proposed Regulations were amended following the consultations will be available at www.parksCanada.gc.ca/consultations-animals. The revised Regulations will then be published in the *Canada Gazette*, Part I for 90 days to provide an additional opportunity for comments.

Information on the proposed Regulations or on how to participate in the consultations can be found on the Parks Canada Website at www.parksCanada.gc.ca/consultations-animals.



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PROPOSED NATIONAL PARKS OF CANADA WILD ANIMALS REGULATIONS

Parks Canada is proposing to replace the current *National Parks Wildlife Regulations* with the proposed *National Parks of Canada Wild Animals Regulations* (the Regulations).

Why is the name of the proposed Regulations changing from the *National Parks Wildlife Regulations* to the *National Parks of Canada Wild Animals Regulations*?

- The provisions of the proposed *National Parks of Canada Wild Animals Regulations* focus on animals. This is reflected in the name of the proposed Regulations.
- The term “wildlife” is now generally understood to include flora (plants).
- Provisions related to flora (plants) can be found in the *National Parks General Regulations*.

Why are new Regulations needed?

- The proposed Regulations not only amend certain provisions in the current *National Parks Wildlife Regulations* but also add new provisions.
- Current *National Parks Wildlife Regulations* were in place prior to the establishment of most northern national parks and national park reserves and do not reflect the northern context and do not explicitly permit the use of firearms with the exception of:
 - Traditional harvesting
 - Parks Canada staff and other authorized persons for park management purposes.

What is the purpose of the proposed Regulations?

- Extend protection provided by the Regulations to all wild animals at any developmental stage and to any of their parts or derivatives;
- Enhance the protection of wild animal dwelling places;
- Regulate the use, possession and transportation of firearms and other weapons;
- Respect obligations under various land claim agreements, impact and benefit agreements or park establishment agreements; and,
- Enhance visitor safety in national parks where polar bears are present by allowing certain categories of park users to carry and use firearms for their protection and the protection of others.

Why is Parks Canada providing for the use of firearms for protection in the proposed *National Parks of Canada Wild Animals Regulations*?

- Land claim agreements, impact and benefit agreements and park establishment agreements for northern national parks and national park reserves contain provisions relating to economic benefits for local communities. Some of these agreements specifically provide that beneficiary guides may carry and use firearms for self-protection and protection of their clients.
- The presence of polar bears and increased potential for visitation to northern national parks present an enhanced risk of dangerous human-bear encounters.
- Cruise ship and outfitting companies interested in operating in national parks have raised concerns regarding client safety.



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- Other park users also need protection from polar bears and may require the use of firearms for safety reasons.
- Firearm permits would only be issued in national parks where polar bears are known to be present all or part of the year (Polar Bear Parks) or in national parks for which the agreements with respect to their establishment contain provisions that provide for the use of firearms for protection.

To which national parks would the firearms provisions apply?

National parks where polar bears are known to be present all or part of the year (Polar Bear Parks) or parks where an agreement exists which provides for the use of firearms for protection.

Polar Bear Parks:

Aulavik National Park

Auyuittuq National Park

Ivvavik National Park

Quttinirpaaq National Park

Sirmilik National Park

Torngat Mountains National Park

Tuktut Nogait National Park

Ukkusiksalik National Park*

Vuntut National Park

Wapusk National Park

*Once Ukkusiksalik National Park is listed under Schedule 1 of the *Canada National Parks Act*, the Act and all relevant regulations will apply to this park.

Who may be authorized to carry and use a firearm for protection?

The following categories of park users may be authorized to carry and use firearms for self-protection and the protection of others from bears:

1. **Bear monitors** - in all national parks to which the provisions apply. Must be beneficiaries (this requirement does not apply in Wapusk National Park).
2. **Beneficiary guides** - in all national parks to which the provisions apply.
3. **Non-beneficiary guides** - only in Polar Bear Parks provided beneficiary guides are not available. This requirement does not apply in Wapusk National Park. Non-beneficiary guides can hire bear monitors to provide protection for their clients.
4. **Researchers** – in Wapusk National Park, and in the other Polar Bear Parks when bear monitors are not available or if it is logistically unfeasible to hire a bear monitor.
5. **Local users** – in Wapusk National Park. Local users are defined in the *Wapusk National Park of Canada Park Use Regulations*.
6. **Commercial sport hunting guides** – only Inuvialuit guides who must traverse through Aulavik National Park and Tuktut Nogait National Park or Inuit guides who must traverse through Sirmilik National Park, Auyuittuq National Park or Quttinirpaaq National Park.
7. **Members of sovereignty operations** – in national parks where an agreement exists between Parks Canada and the Department of National Defence.





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When are national parks going to carry out consultations?

National Park or National Park Reserve	Timeline for consultations
Torngat Mountains and Vuntut National Parks, Nahanni National Park Reserve, Kluane National Park and Reserve	June-August 2011
Wapusk National Park	June-October 2011
Tuktut Nogait, Aulavik, and Ivvavik National Parks	September-December 2011
Auyuittuq, Sirmilik, Quttinirpaaq and Ukkusiksalik National Parks	August-December 2011

Please visit the Parks Canada Website for more information www.parkscanada.gc.ca/consultations-animals.



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Who may be authorized to carry and use a firearm for protection?

Category of Park User	National Park or National Park Reserve	Specific Requirement
Bear monitors	<ul style="list-style-type: none"> • Polar Bear Parks or • Parks where an agreement provides for use of firearms for protection 	<ul style="list-style-type: none"> • Only beneficiaries (this requirement does not apply in Wapusk)
Beneficiary guides	<ul style="list-style-type: none"> • Polar Bear Parks or • Parks where an agreement provides for use of firearms for protection 	<ul style="list-style-type: none"> • None
Non-beneficiary guides	<ul style="list-style-type: none"> • Polar Bear Parks 	<ul style="list-style-type: none"> • Only when beneficiary guides are not available (this requirement does not apply in Wapusk)
Researchers	<ul style="list-style-type: none"> • Polar Bear Parks 	<ul style="list-style-type: none"> • Only when bear monitors are not available or when it is logistically unfeasible (this requirement does not apply in Wapusk)
Local users	<ul style="list-style-type: none"> • Wapusk 	<ul style="list-style-type: none"> • As defined in the <i>Wapusk National Park of Canada Park Use Regulations</i>
Commercial sport hunting guides	<ul style="list-style-type: none"> • Aulavik, Tukturnogait, Sirmilik, Auyiittuq, Quttinirpaaq 	<ul style="list-style-type: none"> • Only Inuvialuit guides who must traverse through Aulavik or Tukturnogait or Inuit guides who must traverse through Sirmilik, Auyiittuq or Quttinirpaaq
Members of sovereignty operations	<ul style="list-style-type: none"> • Parks where an agreement exists between Parks Canada and Department of National Defence 	<ul style="list-style-type: none"> • As per conditions set out in agreement between Parks Canada and Department of National Defence

Polar Bear Park = parks where polar bears are known to be present all or part of the year

See “Backgrounder on the Proposed *National Parks of Canada Wild Animals Regulations - Use of Firearms for Protection*” for more information.

Type of firearm and ammunition permitted under the Parks Canada Firearm Permit

Type of Firearm	Ammunition
<ul style="list-style-type: none"> • pump or bolt action 12 gauge shotgun 	<ul style="list-style-type: none"> • minimum one ounce rifled slug
OR	
<ul style="list-style-type: none"> • bolt, pump or lever action rifle in a minimum caliber of .30 	<ul style="list-style-type: none"> • with a bullet weight of more than 200 grains • commercial factory manufactured hunting ammunition (not handloaded) • hollow point ammunition and full metal jacket ammunition not permitted

Parks Canada Firearm Permit Criteria

Designated park users applying for a Parks Canada Firearm Permit for self-protection and the protection of others from bears must meet the following firearms requirements:

Firearms Registration and Authorization	Qualifications
Any one of: <ul style="list-style-type: none"> • Valid Firearm Registration Certificate <i>or</i> • Valid Non-Resident Firearm Declaration <i>or</i> • Valid Firearm Identification Number assigned to an agency firearm 	Detailed summary of knowledge, skills and experience <ul style="list-style-type: none"> • Use of firearm for protection • Northern environments
and	
Any one of: <ul style="list-style-type: none"> • Valid Possession Only Licence (POL) * <i>or</i> • Valid Possession and Acquisition Licence (PAL) <i>or</i> • Valid Non-resident Temporary Borrowing Licence for Non-restricted Firearms <i>or</i> • Valid Non-Resident Firearm Declaration <i>or</i> • Authorization as a public agent from a public service agency 	
Note	
* Also requires completion of Canada Firearms Safety Training Course Requirements take into account provisions of the <i>Aboriginal Peoples of Canada Adaptations Regulations - Firearms</i>	