

WILDLIFE ACT - LOI SUR LA FAUNE ET LA FLORE

The Commissioner in Executive Council, under sections 191 and 201 of the *Wildlife Act*, makes the annexed *Licences and Tags Regulations*.

[*Insert French version*]

Dated,
Fait le 2006.

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Ann Meekitjuk Hanson
Commissioner of Nunavut
Commissaire du Nunavut

WILDLIFE ACT

LICENCES AND TAGS REGULATIONS

PART 1
GENERAL MATTERS

Interpretation

1. In these regulations,

“application” means an application for a licence and includes a project outline or other material submitted in support of the application;

“contact information” in respect of a person means that person’s full name, address and telephone number;

“commercial licence” means

- (a) a dealer’s licence,
- (b) an animal husbandry licence,
- (c) a big game guide licence,
- (d) a tanning licence,
- (e) a taxidermy licence,
- (f) a wildlife observation licence,
- (g) a big game outfitter’s licence, or
- (h) a commercial harvesting licence;

“DIO” means a Designated Inuit Organization within the meaning of the Agreement;

“fur tag” is a metal band issued to a person to whom a share of total allowable harvest for a furbearer was allocated or assigned as evidence of the lawful harvest and possession of the fur from that furbearer;

“issuer” means a person authorized to issue licences under the Act;

“NIRB” means the Nunavut Impact Review Board within the meaning of the Agreement;

“NPC” means the Nunavut Planning Commission within the meaning of the Agreement;

“species authorization tag” means a sticker issued to a licence holder authorizing the licence holder to harvest a member of the species authorized by the sticker.

List of Licences and Permits

2. (1) The following licences and permits are established or continued for the purposes of the Act:

- (a) a harvesting licence;
- (b) a live possession licence;
- (c) a dealer’s licence;
- (d) a tanning licence;
- (e) a taxidermy licence;
- (f) an animal husbandry licence;
- (g) a big game guide licence;
- (h) a species at risk licence;
- (i) an import permit;
- (j) an export permit;
- (k) a harvesting instruction licence;
- (l) a research permit;
- (m) a wildlife observation licence;
- (n) big game outfitter licence;
- (m) an exemption permit.

(2) For greater certainty, each licence and permit is subject to the specific provisions in the Act and these regulations applicable to it.

(3) A licence must be in a form approved by the Minister and may be issued in the form of a booklet that accommodates the inclusion of species authorization tags.

Application for Licence

3. (1) For the purposes of paragraph 22(1)(b) of the Act, an applicant for a licence must provide the following information to the issuer:

- (a) the applicant’s contact information and, in the case of an individual, his or her date of birth;
- (b) the type of licence requested;
- (c) the specific types of activity to be licensed;
- (d) a description of any business or facility to be operated by the applicant under the licence;

- (e) the species of wildlife to which the licence relates;
- (f) a declaration as to whether the applicant is eligible to hold that licence and evidence of eligibility where specific eligibility criteria are applicable;
- (g) in the case of a harvesting licence, details of the applicant's share of the total allowable harvest in the case of a species for which a total allowable harvest applies;
- (h) a project outline where required by these regulations;
- (i) the period during which the licensed activity is to be conducted;
- (j) in the case of an application by a corporate body, a copy of its certificate of status under its incorporating statute.

(2) The fees and surcharges for licences and tags are set out in the *Fees Regulations*.

(3) For greater certainty, the eligibility criteria for a licence required by these regulations are in addition to those in the Act .

(4) If the applicant wishes to be exempted by the Superintendent from being ineligible for a licence under paragraph 22(4)(b) of the Act, he or she shall provide sufficient details of the failure or offence referred to in that paragraph to enable the Superintendent to make a decision under subsection 22(6) of the Act.

(5) If an application is incomplete, the Superintendent may refuse to accept it or put it on hold until it is complete.

Discretionary Refusal

4. The Superintendent may refuse to issue a licence if satisfied that to do so would be inconsistent with

- (a) the values of set out in subsection 1(2) of the Act;
- (b) the principles of conservation set out subsection 1(3) of the Act; or
- (c) the principles of Inuit Qaujimajatuqangit applicable under section 9 of the Act.

Project Outlines

5. (1) Any project outline required by these regulations as part of an application for a licence must include the following information:
- (a) the purpose of the proposed project activity;
 - (b) the contact information of the sponsor of the project, if any;
 - (c) the contact information of all persons who will be acting under the authority of the licence, including the project co-ordinator or leader and any trainees, instructors or assistants;
 - (d) all sources of financial support for the project;
 - (e) the extent of any sponsor participation in the project;
 - (f) the methods to be used to conduct the proposed project activity;
 - (g) in the case of a project involving the live possession of wildlife, the proposed care and feeding to be provided for the captured wildlife and the proposed transportation Plans for the captured wildlife;
 - (h) in the case of an application for a research permit, an estimate of the quantity of wildlife to be harvested or handled and whether any wildlife will be exported;
 - (i) the relevant experience of the applicant and others involved in the project;
 - (j) a description of any additional licences or permits that the applicant requires for the project under the laws of Nunavut or Canada.
- (2) If an application for a licence requires a project outline under these regulations, the Superintendent shall send a copy of the application to the NWMB and to any HTO in the locality where the project will be conducted.
- (3) The NWMB, and any HTO that receives a copy of the application, may submit its comments to the Superintendent within 40 days from the date it received the copy of the application.
- (4) The Superintendent shall send a copy of any comments received under subsection (3) to the applicant and the applicant shall have 21 days from the date the applicant received the copy of the comments to respond to any issues arising from those comments, including the amendment or withdrawal of the application.
- (5) Before issuing the licence, the Superintendent shall consider
- (a) any comments received from the NWMB or the HTO within the 40 day period;

- (b) any response from the applicant within the 21 day period;
and
- (c) whether the project is in the public interest.

(6) The Superintendent may require the applicant to make amendments to or to provide additional information to the project outline before the licence is issued.

(7) Unless the Superintendent considers it necessary, the application need not be resubmitted to the NWMB or the HTO if the project outline is changed under subsection (6).

(8) In addition to any conditions required under these regulations or imposed by the Superintendent under subsection 30(1) of the Act, the information provided in the application and any changes made to the project outline are conditions on the licence.

NWMB Decisions

6. (1) If an accepted decision of the NWMB is required to issue a licence,
- (a) the applicant must, in accordance with the rules of the NWMB, request the NWMB to make the required decision;
 - (b) the Superintendent shall ensure that the NWMB is fully informed of the details of the application; and
 - (c) the Superintendent shall not issue the licence until the required decision is made.

(2) Subsection (1) also applies to any decision of the NWMB that may be required but is not included within the definition of “accepted decision of the NWMB” in section 2 of the Act.

NIRB and NPC

7. (1) If a review, decision, approval or authorization is required from the NIRB or the NPC before a licence is issued,
- (a) the applicant must, in accordance with the rules of the NIRB or NPC, request it to conduct or make the required review, decision, approval or authorization;
 - (b) the Superintendent shall ensure that the NIRB or NPC is fully informed of the details of the application;

- (c) the Superintendent shall not issue the licence until the required review, decision, approval or authorization is made; and
- (d) the licence must incorporate any terms and conditions in a NIRB project certificate in accordance with the Agreement.

Consent of HTO

8. (1) If the Act or the regulations require the consent of a HTO to issue a licence, the Superintendent shall fully inform the HTO of the details of the application and the licence shall not be issued unless the applicant submits evidence of the HTO's consent to the application.

(2) If the applicant for a licence is a HTO or is sponsored by a HTO, the HTO shall be deemed to be fully informed and its consent shall be deemed to have been given to the application.

Notice of Issuance of Licence

- 9.** (1) The Superintendent shall give notice of the issuance of any licence for which a project outline was required to
- (a) any HTO in the locality where the activity authorized under the licence is to take place; and
 - (b) the NWMB, NIRB or NPC, if its review, decision, approval or authorization was required before the licence was issued.

(2) The obligation to give notice in subsection (1) is in addition to any other requirement in the Act or regulations to give notice.

Preferences and Rights of First Refusal

10. The Superintendent shall, in accordance with section 113 of the Act, ensure that preference is given when allocating commercial licences and live possession licences issued for commercial purposes.

11. (1) If a DIO has a right of first refusal within the Nunavut Settlement Area in respect of the issuance of a licence, in accordance with section 104 of the Act, the Superintendent shall ensure compliance with the procedures required by that section.

(2) For greater certainty, the following licences are deemed to be subject to the right of first refusal referred to in subsection (1):

- (a) animal husbandry licence;
- (b) dealer's licence;
- (c) tanning licence;
- (d) taxidermy licence.

(3) In accordance with the Agreement, the steps to be followed when exercising a right of first refusal pursuant to section 104 of the Act are as follows:

- (a) upon receipt of a letter of interest from an individual, other than an Inuk, or an organization, other than the DIO, to establish a facility, business or venture to which the right of first refusal applies, the Superintendent shall notify the DIO in writing of such interest;
- (b) the DIO shall have 120 days after receipt of a notice under paragraph (a) to inform the Superintendent of its intent to exercise the right of first refusal;
- (c) the Superintendent shall have 21 days from receipt of written notice from the DIO to notify the original applicant of the DIO's intentions;
- (d) the DIO shall have 120 days within which to complete any required community consultations and to submit a site specific project proposal with the Superintendent;
- (e) the Superintendent shall have 60 days after the completion of the requirements of paragraph (d) to approve the project proposal, with or without conditions, or to reject the proposal;
- (f) if the project proposal is approved, the DIO shall have 230 days within which to acquire any required building permits and to submit copies of all building Plans;
- (g) after having complied with the requirements of paragraph (f), the DIO shall have 590 days within which to complete all construction and to secure the approval of the appropriate building inspection agencies;
- (h) the Minister may extend any time periods listed in this section when requested by the DIO.

Terms and Conditions

12. No licence holder shall breach the terms and conditions of his or her licence.

Replacement of Licences or Tags

- 13.** A person who wishes to replace a licence or tag that is lost or destroyed must provide the Superintendent with
- (a) an statutory declaration explaining the loss or destruction in a form approved by the Minister; and
 - (b) the replacement fee.

Reissuing Commercial Licences

14. (1) The holder of a commercial licence is entitled, upon application, to have that licence reissued each subsequent year for a period of up to 10 years, unless the holder becomes ineligible to hold that licence.

(2) The 10 year period referred to in subsection (1) commences on the date the commercial licence is first issued.

(3) For the commercial licence to be reissued, the licence holder must apply before the licence expires in the manner approved by the Superintendent.

Vendors

15. A vendor shall be paid a commission on the issuance of licences, permits or tags in accordance with the *Fees Regulations*.

PART 2 LICENCES

Harvesting Licence

16. (1) A harvesting licence is required to harvest game or other prescribed wildlife, pursuant to section 19 of the Act.

(2) Harvesting licences are subdivided into the following classes:

- (a) a resident hunting licence;
- (b) a non-resident hunting licence;
- (c) a non-resident foreigner hunting licence;

- (d) a general hunting licence, continued by section 244 of the Act;
- (e) a non-Inuk aboriginal harvesting licence;
- (f) a commercial harvesting licence.

(3) A harvesting licence is conditional on the holder of the licence

- (a) harvesting in accordance with the Act and the regulations and orders made under the Act;
- (b) where a total allowable harvest is applicable to the wildlife being harvested, acquiring a share of the total allowable harvest for that wildlife; and
- (c) where a tag is required for the harvesting or possession of the wildlife being harvested or possessed, holding the appropriate tag for that wildlife.

17. Subject to these regulations, a resident hunting licence, a non-resident hunting licence and a non-resident foreigner hunting licence authorize the holder to

- (a) harvest small game, other than furbearers;
- (b) harvest white tailed deer; and
- (c) harvest a member of such other species as may be authorized by a species authorization tag issued to the licence holder.

18. For the purposes of section 244 of the Act, a general hunting licence authorizes the holder to harvest game, other than furbearers, in the Nunavut Settlement Area in an amount not exceeding

- (a) the full level of his or her economic, social and cultural needs, if no total allowable harvest for the species of game has been established by the NWMB; or
- (b) the amount allocated by the Minister under subsection 122(3) of the Act, if a total allowable harvest for the species of game has been established by the NWMB.

19. (1) A non-Inuk aboriginal harvesting licence authorizes the holder to harvest game in accordance with the holder's aboriginal or treaty rights to harvest wildlife, which may be set out in the licence.

(2) The Superintendent may issue a non-Inuk aboriginal harvesting licence individually to a person eligible to hold it or collectively to the band or group representing those persons.

(3) A non-Inuk aboriginal harvesting licence may only be issued in respect of the following persons:

- (a) an Inuk of Northern Quebec;
- (b) a member of an aboriginal people of the Northwest Territories;
- (c) a member of a Manitoba Band or a Saskatchewan Band;
- (d) any other aboriginal person with an aboriginal or treaty right to harvest game or other prescribed wildlife in Nunavut.

(4) For greater certainty, these regulations do not require a person to obtain a licence to harvest game or other prescribed wildlife if he or she has a right referred to in section 10, 12, 13, 14 or 16 of the Act to harvest it without a licence.

Live Possession Licences

20. (1) A live possession licence authorizes the holder to capture, possess and feed live wildlife of the species and number authorized by the licence.

(2) A project outline that includes a description of the destination and end use for the wildlife is required as part of an application for a live possession licence.

(3) Unless an extension is granted by the Superintendent, the project outline must be submitted no later than May 1 in the year in which possession of the wildlife is to begin.

(4) For greater certainty,

- (a) an Inuk or a person with a right to harvest a species prescribed in section 7 of the *Prescribed Matters Regulations* does not require a licence to capture, possess and feed live wildlife of that prescribed species;
- (b) a person holding a live possession licence does not require a separate harvesting licence to capture the wildlife authorized under the live possession licence;
- (c) a person holding an animal husbandry licence does not require a separate live possession licence to possess the wildlife authorized under animal husbandry licence;
- (d) if the species of wildlife to be possessed is a furbearer, the applicant requires the consent of the HTO;
- (e) any export of live wildlife requires an export permit;

- (f) the harvesting of eggs for purposes other than for hatching is not considered to be keeping a live wild animal captive and does not require a live possession licence; and
 - (g) a live possession licence may only be issued for a species that may be lawfully harvested.
- (5) A live possession licence is conditional on the holder of the licence
- (a) harvesting in accordance with the Act and the regulations and orders made under the Act;
 - (b) where a total allowable harvest is applicable to the wildlife being captured, acquiring a share of the total allowable harvest for that wildlife; and
 - (c) where tags are required for the harvesting or possession of a species, holding the appropriate tags for each member of that species.
- 21.** (1) This section applies to a live possession licence for a bird of prey.
- (2) In addition to any other criteria, the Superintendent shall not issue the licence unless satisfied that the capture and possession will be done by a falconer who
- (a) has demonstrated the experience or ability to capture and care for that species of bird of prey; and
 - (b) has not been convicted of an offence related to the harvesting or possession of wildlife within five years prior to the application.
- (3) It is a condition of the licence that any trap used for the capture must be constantly attended by the falconer referred to in subsection (2).

Dealer's Licence

- 22.** (1) A dealer's licence is required to
- (a) operate a business or facility to traffic in the meat of game, pursuant to section 108 of the Act;
 - (b) purchase wildlife as a commercial activity or above the prescribed rate or quantity, pursuant to section 109 of the Act; or
 - (c) buy raw hides or pelts above the prescribed quantity, pursuant to section 110 of the Act.

(2) A dealer's licence authorizes the holder to conduct the specific activities authorized by the licence.

(3) The holder of a dealer's licence who traffics in meat is subject to any applicable law relating to the safety of the meat and the issuance or holding of a dealer's licence is not a guarantee or certification to the public of the fitness of any meat being trafficked.

(4) For greater certainty, an Inuk carrying on business as a sole proprietor, or in a partnership consisting exclusively of Inuit partners, does not require a dealer's licence to dispose of lawfully harvested wildlife, but is subject to the *Reporting Regulations* when conducting commercial activity.

23. (1) A dealer's licence does not authorize the holder to traffic in unlawfully harvested wildlife.

(2) A dealer's licence may only be issued to an applicant who provides to the Superintendent a description of the source of the wildlife in which the applicant intends to traffic and evidence that the source has the right to harvest and provide that wildlife.

Receipts

24. (1) Subject to this section, any person, other than an Inuk, acquiring or receiving wildlife from a person who does not hold a dealer's licence shall obtain a receipt from that other person stating

- (a) the contact information of the person providing it;
- (b) the authority by which the other person obtained it, including his or her licence number or enrolment number, if applicable;
- (c) the date of the transaction; and
- (d) a description of the wildlife, including the species, its weight and the parts it consists of.

- (2) Subsection (1) does not apply to any transaction respecting
- (a) 20 kg or less of the meat of big game; or
 - (b) a manufactured product.

Tanning Licences

25. (1) A tanning licence is required to tan, dye or preserve the pelt or hide of wildlife for compensation, pursuant to subsection 115(1) of the Act.

(2) A tanning licence authorizes the holder to tan, dye or preserve the pelt or hide of wildlife for compensation.

(3) A tanning licence is not required if the person

- (a) tans, dyes or preserves a pelt or hide by a traditional Inuit method;
- (b) tans, dyes or preserves raw caribou hides with a fair market value less than \$ 5,000 per year before being dyed or preserved; or
- (c) tans, dyes or preserves any raw hides or pelts, other than caribou, with a fair market value less than \$ 2,000 per year before being dyed or preserved.

Taxidermy Licences

26. (1) A taxidermy licence is required to prepare, preserve, stuff or mount wildlife for compensation, pursuant to subsection 115(2) of the Act.

(2) Subject to subsection 115(3) of the Act, a taxidermy licence authorizes the holder to prepare, preserve, stuff and mount wildlife for compensation.

Animal Husbandry Licences

27. (1) An animal husbandry licence is required to establish and operate facilities for the purpose of indigenous wildlife and reindeer propagation, cultivation or husbandry.

(2) An animal husbandry licence authorizes the holder to acquire or harvest the species and establish and operate facilities for the species at the specific location authorized by the licence.

(3) A project outline is required as part of an application for an animal husbandry licence.

28. An animal husbandry licence is conditional on the holder

- (a) protecting against unnecessary suffering by the wildlife;

- (b) providing suitable and adequate food, water, shelter and care for the wildlife;
- (c) preventing the escape of the wildlife;
- (d) ensuring the safe and sanitary cleaning of the wildlife enclosures; and
- (e) preventing members of the public from coming into direct contact with the wildlife.

Big Game Guide Licences

29. (1) A big game guide licence is required to act as a guide, for compensation, to a person harvesting game, pursuant to subsection 112(1) of the Act.

(2) A big game guide licence is subdivided into the following two classes:

- (a) community big game guide;
- (b) professional big game guide.

(3) A community big game guide licence authorizes the holder to act as a guide, for compensation, to the holder of a resident hunting licence who is harvesting game.

(4) A professional big game guide licence authorizes the holder to act as a guide, for compensation, to the holder of a resident hunting licence, a non-resident hunting licence or a non-resident foreigner hunting licence who is harvesting game.

(5) Pursuant to the Agreement and subsection 23(1) of the Act, a big game guide licence may only be issued to an applicant who provides to the Superintendent evidence that the applicant is approved by a HTO in accordance with the qualifications for that class of big game guide established by the NWMB.

(6) No big game guide shall provide guiding services to more than two hunters at a time.

(7) For greater certainty, section 111 of the Act applies in respect of the services provided by a big game guide.

Species at Risk Licences

30. (1) A species at risk licence is required to engage in an activity for education or research that is otherwise prohibited under the Act in respect of an extinct species or a listed species, pursuant to section 20 of the Act.

(2) A species at risk licence authorizes the holder to engage in the specific activities in respect of the species authorized by the licence.

Import Permits

31. (1) An import permit is required, pursuant to subsection 105(1) of the Act, to import into Nunavut

- (a) any live wildlife;
- (b) any prescribed live domestic animal; or
- (c) any prescribed dead wildlife.

(2) No import permit is required, pursuant to paragraph 105(1)(b) of the Act, to import the following live animals:

- (a) *Cavia cobaya* - guinea pig;
- (b) *Cricetus cricetus* - hamster;
- (c) *Gerbillus* - gerbil;
- (d) *Mus musculus* - [white] house mouse;
- (e) *Oryctolagus* - rabbit;
- (f) a pet reptile;
- (g) a pet bird.

(3) An import permit authorizes the holder to import the wildlife or domestic animal of the species, sex and number and to the location authorized by the permit.

(4) An import permit for live wildlife or a live domestic animal may only be issued to an applicant who provides to the issuer a certificate from a veterinarian confirming that the wildlife or animal to be imported is in good health.

(5) Notice of an application for an import permit to import live wildlife must be given to the HTO of the locality to which the wildlife is destined.

32. (1) No person shall import and no import permit shall be issued for the following live animals:

- (a) *Alopex* - white fox and arctic fox;
- (b) *Arvicolinae* - vole and lemming;
- (c) *Cervidae* - deer

- (d) *Cynomys* - prairie dog;
- (e) *Leporidae* - hare and rabbit, other than *Oryctolagus cuniculus* - European rabbit,
- (f) *Marmota* - marmot, groundhog and woodchuck;
- (g) *Mephitis* - striped skunk;
- (h) *Myocastor coypus* - nutria;
- (i) *Neotoma* - wood rat;
- (j) *Nyctereutes procyonoides* - raccoon dog;
- (k) *Peromyscus* - deer mouse;
- (l) *Procyon lotor* - raccoon;
- (m) *Rattus* - rat;
- (n) *Sigmodontinae* - new world rat and mouse;
- (o) *Spilogale putorius* - spotted skunk;
- (p) *Tamias* - chipmunk;
- (q) *Vulpes* - red, cross, black and silver fox.

(2) An import permit must be refused if the Superintendent believes that the import would pose an appreciable risk of disease to wildlife or damage to habitat.

Export Permits

33. (1) An export permit is required to export wildlife from Nunavut, pursuant to subsection 106(1) of the Act.

(2) An export permit authorizes the holder to export wildlife of the species, sex and quantity authorized by the licence.

(3) A non-resident hunting licence and a non-resident foreigner hunting licence is deemed to be an export permit, authorizing the export of the wildlife lawfully harvested pursuant to the licence, within 30 days after the day the wildlife was killed.

(4) For greater certainty, the holder of a commercial harvesting licence does require an export permit to export wildlife harvested under the commercial harvesting licence.

34. (1) An export permit may only be issued to an applicant who

- (a) presents the wildlife to be exported to a conservation officer for inspection;
- (b) provides the applicant's harvesting licence number or enrolment number;

- (c) provides a tag, statutory declaration or other evidence that the wildlife to be exported was lawfully harvested or acquired; and
- (d) provides the contact information of the consignee.

(2) For greater certainty, in addition to the criteria in section 32 of the Act, the issuance of an export permit may be refused if

- (a) the export of the wildlife would be illegal;
- (b) the wildlife was unlawfully harvested;
- (c) the wildlife is possessed unlawfully;
- (d) the wildlife is an extinct species or a listed species;
- (e) the importation of the wildlife into the destination jurisdiction would be illegal; or
- (f) in the case of wildlife to be exported alive, the HTO of the locality where the wildlife was harvested objects to the export.

Harvesting Instruction Licence

35. (1) A harvesting instruction licence is required, pursuant to section 116 of the Act, to establish, offer or provide any organized course of instruction during which game is to be harvested.

(2) A harvesting instruction licence authorizes the holder and instructors hired by the holder to establish, offer or provide any organized instruction course on the harvesting of game authorized by the licence.

(3) For greater certainty, any instructor or student requires the appropriate licence or other authority referred to in section 18 of the Act to harvest the game.

(4) A project outline is required as part of an application for a harvesting instruction licence, unless the course is sponsored by a HTO.

Research Permit

36. (1) A research permit is required to conduct research on wildlife or collect wildlife specimens for research, pursuant to subsection 117(1) of the Act.

(2) A wildlife research permit authorizes the holder to conduct the specific research on the species of wildlife authorized by the licence and to collect wildlife specimens for the purposes of that research.

(3) A project outline is required as part of an application for a wildlife research permit.

(4) The Superintendent may make the issuance of a wildlife research permit conditional on the applicant providing financial security in a form and amount approved by the Minister to ensure

- (a) due observance of the Act, the regulations and orders made under the Act and any terms and conditions applicable to the licence; and
- (b) restoration of any habitat affected by the applicant's activities.

(5) For greater certainty, a research permit may include authority equivalent to

- (a) the appropriate licence or other authority referred to in section 18 of the Act if the research involves harvesting the wildlife;
- (b) a live possession licence for the possession of any wildlife as part of the research,
- (c) an exemption permit if the research involves the use of any weapon, equipment, technique, procedure or activity that would otherwise be contrary to the Act and the regulations and orders made under the Act;
- (d) an export permit if any wildlife that would otherwise require an export permit is to be exported as part of the research; and
- (e) any other licence or permit required under the Act that the Superintendent considers necessary as part of the research.

(6) No research permit may be issued for a period exceeding five years from the date of its issue.

Wildlife Observation Licence

37. (1) A wildlife observation licence is required, pursuant to subsection 117(2) of the Act, to establish, offer or provide any organized activity in which wildlife is the object of

interaction, manipulation or close observation, including the making of a film or the provision of an expedition, safari or cruise.

(2) A wildlife observation licence authorizes the holder to establish, offer or provide the specific activity authorized by the licence.

(3) A project outline is required as part of an application for a wildlife observation licence.

(4) For greater certainty, the incidental observation of wildlife during the course of travelling by foot or by vehicle or other conveyance does not require a wildlife observation licence.

Big Game Outfitting Licence

38. (1) A big game outfitter's licence authorizes the holder of the licence to provide guides, personnel and equipment to persons harvesting or wishing to harvest big game in the areas authorized by the big game outfitter's licence.

(2) For greater certainty, the holder of a big game outfitter's licence does not require an outfitter's licence under the *Travel and Tourism Act* in respect of those specific activities authorized under the big game outfitter licence.

(3) An application for a big game outfitters licence must also include the following information:

- (a) the location of the applicant's place of business and the area in which he or she intends to operate as a big game outfitter;
- (b) the name, address and position each employee who may be employed in the applicant's outfitting business or service;
- (c) evidence that the applicant has public liability insurance coverage referred to in subsection 39(4).

39. (1) An application for a big game outfitter's licence must be refused where the Superintendent has reason to believe that

- (a) the clients who would be hunting a species, for which a total allowable harvest is established, would not be able to acquire a share of the total allowable harvest for that species; or

- (b) the application does not have the consent of the HTO of the proposed area of operations.

(2) It is a condition of the licence that the licence holder provide a satisfactory standard of service in respect of the services offered to his or her clients.

(3) A big game outfitter shall ensure that each guide working for the big game outfitter holds a big game guide licence and carries it with them while they are performing guiding services.

(4) An outfitter shall maintain public liability insurance coverage that provides coverage in respect of the licensed activities in an amount not less than \$1,000,000.

(5) The public liability insurance coverage must remain in effect for the term of the licence.

(6) If the public liability insurance coverage expires or terminates during the term of the licence, the big game outfitters licence is automatically revoked at the time of the expiry or termination.

40. An outfitter shall report without delay to the appropriate authority a contravention by his or her staff, guides or clients of

- (a) the Act and the regulations and orders made under the Act;
- (b) the *Fisheries Act* (Canada) or regulations made under that Act; or
- (c) the *Nunavut Archaeological and Palaeontological Sites Regulations* (Canada) or the *Historical Resources Act* or regulations made under that Act.

Exemption Permit

41. (1) An exemption permit is required to use a weapon, equipment, technique, procedure or conduct an activity that would otherwise be contrary to the Act and the regulations and orders made under the Act, pursuant to section 21 of the Act.

(2) An exemption permit authorizes the holder to use the specific weapon, equipment, technique, procedure or conduct the specific activity authorized by the permit, notwithstanding that it would otherwise be contrary to the Act and the regulations and orders made under the Act.

PART 3
TAGS

Issuance of Tags

- 42.** A species authorization tag and a fur tag must be in a form approved by the Minister.
- 43.** (1) A person may apply for and obtain a tag in accordance with procedures approved by the Superintendent.
- (2) For the purposes of subsection 126(1) of the Act, an applicant for a tag must provide the following information to the issuer:
- (a) the applicant's contact information;
 - (b) the species of wildlife to which the tag relates;
 - (c) details of any share of the total allowable harvest allocated to the applicant.
- (3) A tag application may be combined with an application for a licence.
- (4) If a fur tag is issued in combination with a species authorization tag, the issuer shall record the number of the fur tag on the species authorization tag.
- (5) A species authorization tag expires at the end of June in any year.
- (6) A fur tag that is not attached to a hide or pelt, expires at the end of June in any year.

Requirement for Species Authorization Tags

- 44.** (1) No person who requires a licence to harvest wildlife shall harvest the following wildlife, unless he or she hold a species authorization tag authorizing it:
- (a) a furbearer;
 - (b) big game, other than white tailed deer;
 - (c) any wildlife prescribed for the purposes of section 18 of the Act.
- 45.** (1) To be eligible to apply for a species authorization tag authorizing the harvest of a furbearer inside the Nunavut Settlement Area, a person must

- (a) have held a valid general hunting licence on October 27, 1981, and have actually harvested furbearers after the date of ratification of the Agreement in that area of the Nunavut Settlement Area in which he or she desires to harvest furbearers;
- (b) obtain the consent of the HTO in the locality where the harvesting will occur; or
- (c) be an Inuk who desires to harvest furbearers from the surplus portion of the total allowable harvest allocated to him or her.

(2) For the purposes of paragraph (1)(a) a “general hunting licence” means a general hunting licence issued by the Government of the Northwest Territories under the former *Wildlife Act* on or before the date referred to in that paragraph.

- (3) A species authorization tag authorizing the harvest of a furbearer is subject to
- (a) any total allowable harvest established for the furbearer and any presumption as to needs in respect of that furbearer under the Agreement; and
 - (b) in the case of a licence holder who obtained the species authorization tag with the consent of an HTO in accordance with paragraph (1)(b), any conditions imposed by that HTO.

46. (1) The holder of a harvesting licence shall, upon purchasing a species authorization tag, affix that tag in his or her licence in accordance with instructions approved by the Superintendent.

(2) Immediately after harvesting wildlife pursuant to a species authorization tag, the holder of the tag shall, in accordance with instructions approved by the Superintendent, cancel the tag by cutting notches in the page of the licence to which the tag is affixed to indicate the date when the harvest occurred.

Fur Tags

47. (1) Any person who harvests a furbearer, for which a total allowable harvest is established, shall attach a fur tag to the hide or pelt in accordance with this section.

(2) The fur tag must be attached in a manner that it cannot be reused.

(3) The fur tag must be attached to the raw hide or pelt as soon as practicable, but the attachment of the fur tag may be delayed until immediately after the hide or pelt is fleshed.

- (4) Unless the fur tag is attached to the hide or pelt, no person shall
- (a) export the pelt or hide from Nunavut;
 - (b) transport the pelt or hide by air within Nunavut; or
 - (c) traffic the pelt or hide.

(5) A person may remove a fur tag from a pelt or hide when making a manufactured product.

PART 4 PROHIBITIONS AND TRANSITIONAL

Prohibitions

48. No person shall enter a facility operated under an animal husbandry licence, unless

- (a) the licence authorizes it;
- (b) he or she is the operator or an employee of the facility or a conservation officer; or
- (c) he or she is a veterinarian or a person acting with the permission of the operator of the facility or a conservation officer.

49. (1) No person who is not the holder of a big game outfitter's licence shall

- (a) act as a big game outfitter; or
- (b) advertise or promote his or her availability to act as a big game outfitter.

(2) No person who is not the holder of a big game outfitter's licence shall publish or cause to be published an advertisement respecting the big game outfitter's services that contains statements, illustrations or photographs that are false or misleading.

50. No person shall advertise or promote the availability of another person to act as a big game outfitter in Nunavut if he or she knows, or ought to know, that the other person does not hold a big game outfitter's licence.

51. (1) No person shall remove a fur tag attached to hide or pelt unless

- (a) the hide or pelt is being made into a manufactured product;
or
- (b) a conservation officer authorizes its removal.

(2) No person shall traffic in or possess a hide or pelt without a fur tag if that hide or pelt is required to be tagged.

(3) No person shall attach a fur tag to anything other than the hide or pelt for which it was issued.

52. (1) No person shall buy, sell or barter, or offer to buy, sell or barter, any meat of wildlife harvested under

- (a) a resident hunting licence;
- (b) a non-resident hunting licence; or
- (c) a non-resident foreigner hunting licence.

(2) For greater certainty, subsection (1) does not prohibit giving the meat of wildlife.

Transitional

53. (1) Any valid licence or permit issued under the *Wildlife Act* before these regulations come into force continues in effect until the earlier of

- (a) the date it expires;
- (b) the date it is cancelled or suspended; or
- (c) June 30, 2006.

(2) A valid licence or permit referred to in subsection (1) is to be treated for all purposes as if it were issued under these regulations, and any person holding it may continue to exercise any right or privilege available under that licence or permit, except to the extent that it is inconsistent or in conflict with the Act and the regulations and orders made under the Act.

(3) A person may not renew a licence or permit referred to in subsection (1) but must instead make an application for a new licence or permit in accordance with these regulations.