

Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihmaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

scientific knowledge

April 19, 2006

Simon Awa
Deputy Minister
Department of Environment
Government of Nunavut

Joe Adla Kunuk
Chief Executive Officer
Nunavut Tunngavik Inc.

Re: NWMB Special Meeting No. 12

Dear Colleagues:

This letter is in response to recent correspondence from Joe Kunuk (March 27th and April 6th 2006) and Steve Pinksen (March 29th 2006). The Nunavut Wildlife Management Board (NWMB or Board) would like to reply to the following positions/requests raised in the two letters from Joe:

1. (Mar 27/06) The NWMB take into account NTI's situation (i.e., NTI was not sure what documents to file by March 27th because it was not in receipt of GN materials proposing limitations and justifications until that date) if asked by NTI at a later date to refer to un-filed documents or to accept late-filing.

NWMB: As requested, the Board will take into account NTI's situation. However, please note that the Board anticipated that situation in setting an April 21st timeline (in the Ad Hoc Procedures) for written and translated reviews of, or responses or challenges to, initial materials filed with the NWMB or produced by the NWMB.

2. (Mar 27/06) Any member of the Nunavut Wildlife Legislation Working Group should be permitted to refer, in the course of the Board's decision process, to relevant correspondence between the three members, or written comments on previously-suggested limitations exchanged by the members in the Working Group process – provided that copies are made available as necessary.

NWMB: Subject to any persuasive reasons that may be provided to the NWMB, the Board is of the view that procedural fairness requires that the NWMB not consider oral submissions at the Special Meeting that are not based on sufficient materials filed within a reasonable time before the meeting. Although the NWMB's original date for the receipt of response submissions

was April 21st, given the filing delays that have occurred to date, the NWMB invites NTI to file relevant and translated Working Group correspondence/written comments by 5:00 PM on April 26th 2006.

3. (Mar 27/06) It is essential that all the limitations at issue be proposed to the NWMB distinctly.

NWMB: If, by “distinctly”, NTI means “plainly” or “in a clearly understandable manner”, the NWMB agrees. However, the Board does not necessarily expect every non-contentious limitation to be proposed separately. For instance, the various NQLs set out in subsections 8(3)(b) to (j) of the Harvesting Regulations can all be proposed/presented at the same time. Naturally, if a submission, question or concern is raised that applies to just one of those NQLs, the NWMB will address that matter separately.

4. (Mar 27/06) Even where the limitation is not “in contention”, the NWMB should not consider establishing an Inuit harvesting limitation in the absence of a written rationale for the proposal, supported by evidence.

NWMB: The Board agrees that all proposed limitations require adequate justification. Unfortunately, the NWMB’s March 2nd 2006 letter was not explicit regarding this requirement. The NWMB’s staff and legal advisor have therefore prepared a list of all the TAHs and NQLs accompanied by proposed justifications, developed from:

- The “Initial materials filed with the NWMB or produced by the NWMB”;
- A review of relevant provisions of the Nunavut Land Claims Agreement (NLCA), the Wildlife Act and the international Agreement on the Conservation of Polar Bears; and
- In the case of the justifications for subsections 11(1), (2) and (3) of the Harvesting Regulations, the justification reasons for those limitations provided by the NWMB in a letter to NTI dated February 14th 2005.

A copy of the document is attached to this letter, and will be translated and filed on the NWMB’s Online Registry. The Board invites written, translated responses to the document from NTI and the GN by 5:00 PM on April 26th 2006. Please note the following:

- The NWMB members did not participate in the development of the document, and the justifications do not necessarily represent their views;
- All of the information/justification in the document comes from one or more of the NLCA, the Wildlife Act, the international Agreement on the Conservation of Polar Bears, materials already filed with the NWMB for Special Meeting No. 12, and past correspondence between the NWMB and NTI, cc’d at the time to the GN and the three RWOs.

- Sections 12, 16, 17, 18, 20, 29, 30, 35(1), 36, 41(1), 46(2) and 47 of the Licences and Tags Regulations, and section 2 of the Open Seasons Order, although included in the initial materials filed with the NWMB, were not included in the Board's Nov/05 list of NQLs. They were included in a list of NQLs provided to the NWMB by the GN on April 6th 2006. However, the NWMB inadvertently failed to place that list on the Registry for Special Meeting No. 12 until April 18th.
- Should NTI consider that the inclusion of any of the 13 for consideration at the meeting would be prejudicial to Inuit, the Board directs that NTI file an appropriate written and translated submission with reasons by 5:00 PM, April 26th 2006.

Please also note that the rules of evidence applied in court proceedings do not apply to proceedings before the NWMB.

5. (Mar 27/06) NTI requests that the NWMB direct the GN to file the materials concerning limitations not "in contention", as soon as possible.

NWMB: The time for filing initial materials is well past. The NWMB hereby directs the GN to review for accuracy the attached TAH and NQL list (including the justifications) prepared by the NWMB staff and legal advisor, and to file its written, translated response by 5:00 PM on April 26th 2006. If the response contains significant rationales or evidence not already contained in the NLCA, the Wildlife Act, the international Agreement on the Conservation of Polar Bears, or in materials previously filed for Special Meeting No. 12, the additional material will not be considered at that meeting.

6. (Mar 27/06) If the Board anticipates or becomes aware of any issues for decision at the Special Meeting that in its view warrant an *in camera* treatment under the NWMB's *Ad Hoc* Procedures, NTI requests that the Board give notice of those issues at the earliest opportunity and permit NTI and other parties to make submissions on the procedure that the Board intends to follow.

NWMB: Currently, the NWMB is not aware of any such issues. The Board agrees to NTI's request, except that notice and opportunity to respond will of necessity be minimal if a confidential or sensitive matter arises in the course of the meeting.

7. (Mar 27/06) NTI requests that the NWMB notify NTI and the other parties as soon as possible of any other material (Besides the Summary Report on the Nov/05 Informal Hearing) that the Board intends to consider of its own initiative at the Special Meeting, and make such material available.

NWMB: The Board has now produced and made available all of the documents developed on its own initiative.

8. (Mar 27/06) Please provide NTI with a copy of the Article 40 materials made available to Article 40 Aboriginal groups and referred to in the NWMB's March 2/06 letter.

NWMB: The materials provided in a Compact Disk to the Article 40 groups are the following:

- *A copy of the Wildlife Act, the most recent draft Regulations and Orders, and summary versions of the draft Regulations and Orders; and*
- *A copy of the NWMB's power point presentation of the Board's November 2005 list of TAHs and NQLs.*

The NWMB and the GN also provided a cover letter, which can be accessed on the Online Registry for Special Meeting No. 12. The NWMB understands that NTI already has copies of all of the other materials.

9. (Apr 6/06) NTI requests that the Board inform all parties as soon as possible how it proposes to proceed in light of the following:
- (a) *The GN has not filed a complete list of the limitations that the Board is being asked to decide on, or the full justifications and evidence for Inuit harvesting limitations "in contention" or recently revised; and*
 - (b) *The NWMB expects the list of Inuit harvesting limitations submitted to identify in each case the decision requested, and the justification and evidence to provide the Board with a sufficient statement of the proponent's related reasons.*

NWMB: Please see the Board's responses to positions/requests 2 to 7 above.

10. (Apr 6/06) NTI requests the Board's assurance that each limitation on Inuit harvesting will be identified and dealt with individually at the meeting, allowing Inuit participants to address each proposed decision on its merits.

NWMB: Please see the Board's response to position 3 above.

11. (Apr 6/06) Any Inuit harvesting limitations contained in the regulations or orders made following the Special Meeting that were not identified as limitations in the Board's decision process, may not be considered established by the Board in accordance with the requirements of the *Nunavut Land Claims Agreement*.

NWMB: No new harvesting limitations arising from the draft Regulations and Orders and falling within the jurisdiction of the Board can be "deemed" to have

been decided by the Board. All newly-proposed harvesting limitations falling within the jurisdiction of the NWMB must be established pursuant to the relevant terms of the NLCA.

12. (Apr 6/06) NTI must rely on the NWMB's Nov/05 list of TAHs and NQLs in order to prepare for Special Meeting No. 12, except for:
- (a) limitations that have been omitted from the draft regulations and orders filed,
 - (b) further limitations already identified by NTI, and
 - (c) those limitations still in the draft regulations and orders that the GN has indicated in its filed materials are not going forward.

NWMB: Please see the Board's responses to positions/requests 4 and 5 above.

13. (Apr 6/06) If any Inuit harvesting limitations are proposed to the NWMB after April 5th for consideration at the Special Meeting, and those limitations were not contained in the Nov/05 NWMB list or have not already been identified by NTI, procedural fairness requires that such limitations not be considered at Special Meeting No. 12.

NWMB: Please see the Board's responses to positions/requests 4 and 5 above.

14. (Apr 6/06) In preparing its response, NTI will rely only on the original Dec 31/05 GN TAH Report (as opposed to the revised copy filed on the NWMB's Registry) solely for the purpose described in the GN's Mar 29/06 letter.

NWMB: The GN has confirmed with the NWMB that the only difference between the 2 documents is the one identified by NTI (no preamble in the revised copy).

15. (Apr 6/06) If there are any unmarked substantive changes to the original version of the GN TAH Report, they should not be considered at Special Meeting No. 12.

NWMB: Please see the Board's response to position 14 above.

16. (Apr 6/06) NTI is relying on the GN's Mar 29/06 letter for assurance that any limitations recommended in the TAH Report and not contained in the draft Regulations and Orders filed are not being proposed to the Board at this time.

NWMB: The Board agrees with NTI's position.

17. (Apr 6/06) NTI's stated position in the Working Group process was that all limitations on Inuit harvesting must be sufficiently justified in the public process of decision-making conducted by the Board under the NLCA, regardless whether NTI expressed concerns in the Working Group.

NWMB: Please see the Board's response to position 4 above.

18. (Apr 6/06) If additional rationale or evidence is filed after April 5, procedural fairness requires that Inuit harvesting limitations relating to the additional material not be considered at Special Meeting No. 12.

NWMB: Please see the Board's response to request 5 above.

19. (Apr 6/06) Procedural fairness requires that the NWMB not consider oral submissions at the Special Meeting that are not based on sufficient materials filed by April 5th.

NWMB: Please see the Board's responses to positions 2 and 4 above.

Should either of you have any follow-up questions or concerns with respect to this letter, please do not hesitate to contact the NWMB.

Yours sincerely,



Jim Noble
Chief Operating Officer
Nunavut Wildlife Management Board

- c.c. Phillip Kadlun, Chairperson of the Kitikmeot Hunters and Trappers Association
David Aksawnee, Chairperson of the Kivalliq Wildlife Board
Jayco Alooos, Vice-chairperson of the Qikiqtaaluk Wildlife Board
Steve Pinksen, Director, Department of Environment
The Chairpersons of Nunavut's Hunters and Trappers Organizations

PROPOSED TOTAL ALLOWABLE HARVESTS AND NON-QUOTA LIMITATIONS IN THE DRAFT 2005 WILDLIFE REGULATIONS AND ORDERS

April 13, 2006

INTRODUCTION

The following list of harvest limitation provisions (total allowable harvests (TAHs) and non-quota limitations (NQLs)) in the draft 2005 Wildlife Regulations and Orders, accompanied by proposed justifications for those limitations, was prepared by the NWMB staff and legal advisor as an aid to all participants at the NWMB's upcoming Special Meeting No. 12. The list and the proposed justifications were developed from:

- The "*Initial materials filed with the NWMB or produced by the NWMB*"¹;
- A review of relevant provisions of the *Nunavut Land Claims Agreement* (NLCA), the *Wildlife Act* and the international *Agreement on the Conservation of Polar Bears*; and
- In the case of the justifications for subsections 11(1), (2) and (3) of the *Harvesting Regulations*, the justification reasons for those limitations provided by the NWMB in a letter to NTI dated February 14th 2005.²

The NWMB members did not participate in the development of the document, and the justifications provided do not necessarily represent their views. The members will independently and impartially review and evaluate all of the evidence and submissions provided to them in connection with Special Meeting No. 12, prior to making any decisions pursuant to the terms of the NLCA.

Please note the following:

The symbol "☼" beside a provision indicates that the provision is not subject to section 5.3.3 of the *Nunavut Land Claims Agreement* (NLCA).

The symbol "⊗" beside a provision indicates that the provision is currently in contention between the GN and NTI.

The GN has informed the NWMB in its March 2006 written response to NWMB December 2005 comments & requests (available on the NWMB's Online Registry for Special Meeting No. 12) that:

¹ The Initial materials can be viewed and printed at the NWMB's Online Registry (www.nwmb.com – "Public Meetings and Hearings").

² The NWMB approved the NQLs in subsections 11(1), (2) and (3) in October of 2004, pursuant to the terms of the NLCA. In a letter dated January 13th 2005, NTI requested that the NWMB provide its complete reasons for the decisions. Those reasons were set out in the February 14th 2005 letter. Copies of both letters may be viewed on the NWMB's Online Registry under "Response Submissions".

- *“With the exception of some project and species specific IQ studies, there is very limited IQ evidence readily available, and no organized or coordinated effort to gather it. In most cases our available and applied IQ comes from discussions with hunters and HTOs, and this is referenced in the TAH report”; and*
- *“An increase in harvest can occur for many reasons, but a common one is commercialization. It is noteworthy that in the previous wildlife management regime there were very tight conditions under which wildlife could be sold, and this was therefore a built-in limitation on the amount of wildlife that would likely be harvested. The present wildlife management regime is the opposite with regard to commercialization, and individuals exercising their right to harvest and dispose freely of wildlife may increase harvest levels in response. Our abilities to monitor sales, and respond quickly with necessary conservation restriction, may be limited, so establishing TAH levels within conservation limits – even if they are above present harvest levels that don’t impact Inuit harvesters – is a valid conservation purpose.”*

The GN also informed the NWMB in its March 29th 2005 letter (available on the NWMB Registry) that:

- *“...the December 31, 2005 version of the TAH report [available on the NWMB Registry] constitutes our basis for the proposed TAH’s, seasons, and provisions requiring a sex selectivity in harvest, and that all proposed limitations are suggest[ed] for a valid conservation purpose. [NLCA S.5.3.3(a)]”*

Accordingly, unless explicitly stated otherwise, all harvest limitations subject to NLCA S.5.3.3 in the list below are proposed under Subsection 5.3.3(a).

PROPOSED TAHs FOR PEARY CARIBOU (PEARY CARIBOU TAH ORDER):

⊗S.1&2: TAHs FOR 5 POPULATIONS ARE SET OUT IN SCHEDULE A OF THE ORDER.

<h4>JUSTIFICATION FOR THE HARVEST LIMITATION</h4>
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| <ul style="list-style-type: none"> • Proposed to be listed by Canada as an endangered species under the federal <i>Species at Risk Act</i> (SARA) – see the 2004 COSEWIC Status Report (referenced in the GN’s TAH Report, pp.25 and 39); • Development of a Peary caribou management plan - in collaboration with the affected HTOs and other co-management partners - has been ongoing for sometime; • The TAH of 14 for the Bathurst Island Archipelago is based on 5% of mean population estimate with a growth rate of 30% annually, and has been approved by the affected HTO; • The TAHs of 0 for Somerset/Prince of Wales and for North Devon are based on the very low population numbers on those islands; • The TAH of 2 for West Devon is based on a 2002 survey estimate of 65 animals; and |
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- The TAH of 50 for Ellesmere/Axel Heiberg reflects current harvests, which appear to be sustainable.

PROPOSED TAHs FOR BIRDS OF PREY (BIRDS OF PREY TAH ORDER):

☉S.1: TAHs FOR 10 POPULATIONS ARE SET OUT IN SCHEDULE A OF THE ORDER.

JUSTIFICATION FOR THE HARVEST LIMITATION

- (Anatum) Peregrine falcons are listed as a threatened species under SARA;
- All populations are poorly defined due to lack of research on these species;
- Management of gyrfalcons is a concern due to the large black market that presently exists for live-captured birds, which are sold at high prices;
- The TAHs for the 3 gyrfalcon populations were arrived at after consultation with population biologists familiar with gyrfalcon biology in Arctic Canada (P. Bromley and K. Poole);
- Because there is a general lack of interest in harvesting the rest of the birds of prey listed in the Order, and because COSEWIC³ has proposed that short-eared owls, golden eagles, bald eagles and harriers be listed under SARA,⁴ a TAH of 0 is recommended for these species; and
- To date, no submissions or information regarding fair portions of the proposed TAHs, if any, to be allocated to Article 40 harvesters.
- (Presumptions as to needs wildlife.)

PROPOSED TAHs FOR MUSKOX (MUSKOX TAH ORDER):

☉S.1: TAHs FOR 12 POPULATIONS ARE SET OUT IN SCHEDULE A OF THE ORDER.

JUSTIFICATION FOR THE HARVEST LIMITATION

- TAH of 5 for MX/01 based on 3% of mean abundance estimate determined in 2001 (only 3% because of marginal population growth since 1997 – TAH allows for growth);
- TAH of 0 for MX/02 – subject to revision pending data analysis (the most appropriate TAH is likely to be 3% of mean abundance estimate);
- TAH of 70 for MX/03, based on 5% total abundance estimate (5% because of long history of unused tags and evidence suggesting an increasing population);
- TAH of 27 for MX/05 based on 5% of mean abundance estimate;
- TAH of 14 for MX/06 based on 5% of minimum count of muskox in survey data;
- TAH of 4 for MX/07 based on 5% of minimum count of muskox in survey data;
- TAH of 0 for MX/08 due to very low abundance – a small TAH may be recommended after survey calculations are complete;

³ The Committee on the Status of Endangered Wildlife in Canada.

⁴ Note that the NWMB's review of COSEWIC's most current list of species proposed to be listed under SARA (*Canadian Species at Risk*, April 2006: www.cosewic.gc.ca/eng/sct0/rpt/rpt_csar_e.cfm) produced a total of only 2 birds of prey occurring in Nunavut: tundra peregrine falcon and short-eared owl – both recommended as species of special concern.

- TAH of 32 for MX/09 – subject to revision (new TAH (likely an increase) to be based on rates of population growth and the objective of Resolute Bay to reduce the population);
- TAH of 358 for MX/11, based on between 3 and 4% of population estimates for 4 different areas – at least 3 of which have had either ground or aerial surveys (two in 2000 (aerial surveys), one in 2002 (ground survey));
- TAH of 20 for MX/12 – no justification provided;
- TAH of 101 for MX/13 based on survey results and approximately 3% of the lower confidence interval of survey means – TAH allows for growth);
- For the three smallest muskox populations where harvests are recommended (MX/01, MX/06 and MX/07), sex-selective harvesting is also recommended to conserve females in order to mitigate the impact of harvesting on each population and to encourage each population to attain and retain numbers (other small herds either do not have a recommended harvest or are presently under-utilized, such that implementing sex-selectivity does not appear to be necessary); and
- To date, no submissions or information regarding fair portions of the proposed TAHs in MX/11 and MX/13, if any, to be allocated to Article 40 harvesters.
- (Presumptions as to needs wildlife.)

PROPOSED HARVESTING PROHIBITION (HARVESTING REGULATIONS):
 S.14: NO PERSON SHALL HARVEST PORSILD'S BRYUM (A MOSS GROWING IN QUTTINIRPAAQ NATIONAL PARK, ELLESMERE ISLAND).

<p align="center">JUSTIFICATION FOR THE HARVEST LIMITATION</p>

- Proposed to be listed by Canada as a threatened species under the federal *Species at Risk Act* (SARA));
- Little scientific evidence; and
- Proposal based on the precautionary approach.

PROPOSED TAH RULES (HARVESTING REGULATIONS):

S.21(3): EVERY DEAD MEMBER OF A SPECIES WITH A TAH IS CONSIDERED TO HAVE BEEN HARVESTED, UNLESS:

(A): IT DIED FROM NATURAL CAUSES; OR

(B): IT WAS KILLED FOR HUMANE REASONS IN ACCORDANCE WITH THE REGULATIONS.

S.21(4): IF A MEMBER OF A SPECIES WITH A TAH IS HARVESTED IN A LOCATION OUTSIDE ANY AREA RECOGNIZED FOR A POPULATION OF THAT SPECIES, THE WILDLIFE IS DEEMED TO BE HARVESTED FROM THE CLOSEST POPULATION.

S.20(1): THE RWO DECIDES WHICH ALLOCATION OF THE TAH SHOULD BE USED WHEN:

(A): WILDLIFE IS HARVESTED BY SOMEONE WITH NO ALLOCATION;

(B): THERE IS NO SURPLUS FOR THE SPECIES; AND

(C): THE STOCK OR POPULATION IS ALLOCATED TO MORE THAN 1 COMMUNITY OR ABORIGINAL GROUP IN THE REGION.⁵

S.20(2): IF THE RWO DOES NOT MAKE A DECISION WITHIN 45 DAYS OF THE DATE OF THE HARVEST, THE HARVESTED WILDLIFE IS TAKEN FROM THE TAH ALLOCATED TO THE COMMUNITY OR ABORIGINAL GROUP NEAREST THE PLACE WHERE THE WILDLIFE WAS KILLED.⁶

PROPOSED TAH RULES FOR POLAR BEARS (HARVESTING REGULATIONS):

S.22(1): IF A FEMALE POLAR BEAR IS HARVESTED WHEN ACCOMPANIED BY ANOTHER BEAR UNDER 3 YEARS OF AGE, THE OTHER BEAR IS DEEMED TO BE HARVESTED AT THE SAME TIME.

S.22(2): A POLAR BEAR DEEMED HARVESTED UNDER S.22(1) IS COUNTED AS ½ A DEAD BEAR IF:

(A): LESS THAN 2 YEARS OLD; AND

(B): THE FEMALE BEAR WAS KILLED TO PRESERVE A HUMAN LIFE, PROTECT PROPERTY OR PREVENT A PERSON'S STARVATION.

PROPOSED NQLs: TRAPS (CERTIFIED TRAPS ORDER)

[UNDER THE *WILDLIFE ACT* S.82, UNLESS A TRAP IS CERTIFIED, ITS USE IS PROHIBITED.]

S.1: A LIST OF TRAPS CERTIFIED IN ACCORDANCE WITH THE *AGREEMENT ON INTERNATIONAL HUMANE TRAPPING STANDARDS*.

S.2: A LIST OF TRAPS, CERTIFIED AS HUMANE AND SAFE, THAT ARE NOT SUBJECT TO THE *AGREEMENT ON INTERNATIONAL HUMANE TRAPPING STANDARDS*.⁷

JUSTIFICATION FOR THE HARVEST LIMITATION

- There are currently no traps proposed to be included in either list.

**PROPOSED NQLs: WILDLIFE SANCTUARIES
(CONSERVATION AREAS MANAGEMENT ORDER)**

✧S.1: EXCEPT FOR AN INUK, AN ASSIGNEE OF THE RIGHT TO HARVEST, OR AN NLCA ARTICLE 40 HARVESTER, NO PERSON SHALL HARVEST OR POSSESS WILDLIFE IN A WILDLIFE SANCTUARY.

⁵ The GN disagrees that s.20(1) falls within the NWMB's TAH jurisdiction.

⁶ The GN disagrees that s.20(2) falls within the NWMB's TAH jurisdiction.

⁷ Necessary changes need to be made to the *Wildlife Act* - recognizing the NWMB's jurisdiction with respect to the certification of traps - before the NWMB makes any decisions concerning the *Certified Traps Order*. However, the GN disagrees that s.1 & 2 fall within the NWMB's NQL jurisdiction.

PROPOSED NQLs: ANNUAL AND DAILY LIMITS (GAME HARVESTING AND POSSESSION LIMITS ORDER):

☼S.1&2: NO NON-NUK SHALL HARVEST A SPECIES BEYOND THE ANNUAL AND DAILY LIMITS SET OUT IN SCHEDULES 1 AND 2.

S.4: THE ORDER DOES NOT APPLY IN RESPECT OF ANY SPECIES WITH A TAH.

- **Note** that, as currently drafted, s.1&2 apply to assignees of the right to harvest (NLCA S.5.7.34(a)) and Article 40 harvesters. However, in certain circumstances such harvesters may be subject to the same restrictions as Inuit assignors (NLCA S.5.7.37), or may have the same rights as Inuit under Article 5 (NLCA S.40.2.4), or may harvest on a basis equivalent to Inuit under Article 5 (NLCA S.40.3.3, 40.4.2 and 40.5.2).

PROPOSED NQLs: EMERGENCY KILLS (HARVESTING REGULATIONS)

S.15: IT IS NOT AN OFFENCE FOR A PERSON TO USE ANY METHOD, TECHNIQUE OR TECHNOLOGY TO KILL WILDLIFE IF NECESSARY TO PRESERVE A HUMAN LIFE, PROTECT A PERSON'S PROPERTY OR PREVENT STARVATION.⁸

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(b). See NLCA Sections 5.6.52 and 5.6.53.

PROPOSED NQLs: HUMANE KILLS (HARVESTING REGULATIONS)

S.16(1) & (2): A PERSON MAY KILL - BY THE QUICKEST METHOD AVAILABLE - WILDLIFE THAT HAS LITTLE LIKELIHOOD OF SURVIVING BECAUSE IT IS SUFFERING FROM A LIFE-THREATENING DISEASE, IS DYING, OR WAS NATURALLY ABANDONED BY ITS MOTHER AND IS TOO YOUNG TO SURVIVE ON ITS OWN, EVEN IF THE PERSON HAS NO AUTHORITY TO HARVEST THAT WILDLIFE.⁹

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(b). This provision provides an exception to existing lawful restrictions, in compliance with the traditional character of Inuit harvesting (NLCA S.5.1.3(a)(i)), with *Wildlife Act* sections 8(k) (*Sirliqsaaqtittittailiniq*) and (m) (*Ikpigusuttiarniq*), and with sections 9(2) and (3) of the *Harvesting Regulations*.
- This is a law of general application regarding humane killing of wildlife (NLCA S.5.7.42(b)).

PROPOSED NQLs: TRAPS (HARVESTING REGULATIONS)

☼S.5: EXCEPT FOR AN INUK, ARTICLE 40 HARVESTER, ASSIGNEE OF THE RIGHT TO HARVEST, OR SOMEONE EXERCISING AN ABORIGINAL OR

⁸ The GN disagrees that s.15 falls within the NWMB's NQL jurisdiction.

⁹ The GN disagrees that s.16 falls within the NWMB's NQL jurisdiction.

TREATY RIGHT TO HARVEST OUTSIDE THE NSA, NO PERSON SHALL USE A TRAP TO HARVEST MUSKOX, BEARS, CARIBOU, MOOSE, DEER OR REINDEER.

S.6(1): NO PERSON SHALL USE A JAW-TYPE LEG HOLD RESTRAINING TRAP ON LAND TO HARVEST BEAVER, OTTER, MARTEN, FISHER, MUSKRAT OR BADGER.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(b). This trap is inhumane. Its use would not reflect the traditional character of Inuit harvesting (NLCA S.5.1.3(a)(i)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- This is a law of general application regarding humane killing of wildlife (NLCA S.5.7.42(b)).
- This provision is also included to implement Annex IV to the *Agreement on International Humane Trapping Standards* (AIHTS).

S.6(2): NO PERSON SHALL USE A CONVENTIONAL STEEL-JAWED LEG HOLD RESTRAINING TRAP ON LAND TO HARVEST COYOTE, WOLF, BOBCAT, LYNX OR RACoon.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(b). This trap is inhumane. Its use would not reflect the traditional character of Inuit harvesting (NLCA S.5.1.3(a)(i)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- This is a law of general application regarding humane killing of wildlife (NLCA S.5.7.42(b)).
- This provision is also included to implement Annex IV to the *Agreement on International Humane Trapping Standards* (AIHTS).

S.6(3): A PERSON USING A LIVE-CAPTURE TRAP TO HARVEST FURBEARERS SHALL INSPECT THE TRAP AT LEAST ONCE EVERY 72 HOURS AND, SUBJECT TO BY-CATCH RULES (S.17), REMOVE ANY ANIMAL IN THE TRAP.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(b). To check traps less often would be inhumane, and would therefore not reflect the traditional character of Inuit harvesting (NLCA S.5.1.3(a)(i)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- This is a law of general application regarding humane killing of wildlife (NLCA S.5.7.42(b)).

PROPOSED NQLs: USE OF DOGS (HARVESTING REGULATIONS)

S.7(1): SUBJECT TO S.7(2), NO PERSON SHALL USE A DOG TO KILL OR OTHERWISE HARVEST GAME, EXCEPT SMALL GAME, A BEAR, [A MUSKOX?] OR A WOLVERINE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Using dogs in the harvest of big game is currently prohibited.
- Dogs tend to harass and weary ungulates, causing stress and affecting survival and reproduction.
- This prohibition is being continued based on the precautionary approach.

⚙️ S.7(2) A PERSON MAY USE A DOG TO CHASE, DRIVE, FLUSH, ATTRACT, PURSUE, WORRY, FOLLOW, SEARCH FOR OR RETRIEVE SMALL GAME, A BEAR, [A MUSKOX?] OR A WOLVERINE, AND MAY USE DOGS TO PULL A SLED AS TRANSPORTATION.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Using dogs in the harvest of big game is currently prohibited.
- Dogs tend to harass and weary ungulates, causing stress and affecting survival and reproduction.
- This prohibition is being continued based on the precautionary approach.

PROPOSED NQLs: PROHIBITED TRAPS AND WEAPONS (HARVESTING REGULATIONS) S.8 (1)

(A): A SHOTGUN WITH A GAUGE NO. OF 8 OR LESS;
(B): A TRAP WITH METAL TEETH OR SERRATION ON ITS JAWS;
(C): A FOOTHOLD TRAP WITH A SPRING POLE;
(D): A TRAP NOT IN A MECHANICALLY FIT CONDITION;
(E): A TRAP NOT SECURELY FASTENED TO AN ANCHOR OR DRAG;
(F): A HANDGUN;
(G): ANYTHING REGULATED UNDER S.84 OF THE *CRIMINAL CODE* AS A RESTRICTED FIREARM OR PROHIBITED FIREARM, WEAPON, DEVICE OR AMMUNITION; OR
(H): A WEAPON OPERATED BY REMOTE CONTROL FROM ANOTHER LOCATION.

JUSTIFICATION FOR THE HARVEST LIMITATION

- These traps and weapons are prohibited because they raise the following concerns:
 - Not powerful enough to ensure the (efficient) killing of the animal ((a), (c), (d), (e) and (f) (NLCA S.5.3.3(a));
 - Public safety concern ((a) to (h) (NLCA S.5.3.3(c));
 - Inhumane/not reflective of the traditional character of Inuit harvesting ((a) to (h) (NLCA S.5.3.3(b)) – see also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*;

- Conflicts with a law of general application regarding public safety and firearms control (g) (NLCA S.5.7.42(b)); and
- To the extent that this provision addresses public safety and humane killing concerns, it is a law of general application regarding humane killing of wildlife and public safety (NLCA S.5.7.42(b)).

PROPOSED NQLs: SMALL GAME (HARVESTING REGULATIONS)

S.8(2): NO PERSON SHALL HARVEST SMALL GAME WITH A CROSSBOW, OTHER THAN A COMPOUND CROSSBOW, WITH A PULL OF LESS THAN 55KG AT FULL DRAW.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(a) and (b). To use a less-powerful bow would be inhumane, and would therefore not reflect the traditional character of Inuit harvesting (NLCA S.5.1.3(a)(i)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*. In addition, the use of a less-powerful weapon could result in an unacceptable number of struck and lost animals.
- This is a law of general application regarding humane killing of wildlife (NLCA S.5.7.42(b)).

PROPOSED NQLs: USE OF PASSIVE WEAPONS FOR BIG GAME (HARVESTING REGULATIONS)

☼S.8(3)(A) & S.8(4): EXCEPT FOR AN INUK OR AN ASSIGNEE OF THE RIGHT TO HARVEST USING A TRADITIONAL WEAPON, NO PERSON SHALL HARVEST BIG GAME WITH A NON-PROJECTILE (PASSIVE) WEAPON, OTHER THAN A TRAP.

[☼S.8(3)(A) & S.8(4): NO PERSON SHALL HARVEST BIG GAME WITH A NON-TRADITIONAL NON-PROJECTILE (PASSIVE) WEAPON, OTHER THAN A TRAP.]

JUSTIFICATION FOR THE HARVEST LIMITATION

- The use of a non-traditional passive weapon to harvest big game is prohibited because it raises the following concerns:
 - Potentially not powerful enough to ensure the (efficient) killing of the animal – struck and lost concerns (NLCA S.5.3.3(a));
 - Potential public safety concern (NLCA S.5.3.3(c)); and
 - Potentially inhumane/not reflective of the traditional character of Inuit harvesting (NLCA S.5.1.3(a)(i) and 5.3.3(b)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- To the extent that this provision addresses public safety and humane killing concerns, it is a law of general application regarding humane killing of wildlife and public safety (NLCA S.5.7.42(b)).

PROPOSED NQLs: BIG GAME (HARVESTING REGULATIONS)

S.8(3): NO PERSON SHALL HARVEST BIG GAME WITH:

(B): A MUZZLE-LOADER OF LESS THAN .44 CALIBRE;

(C): SHOTGUN AMMUNITION WITH PELLETS SMALLER THAN 00 BUCK OR SSG;

(D): A CROSSBOW, OTHER THAN A COMPOUND CROSSBOW, WITH A PULL OF LESS THAN 68 KG AT FULL DRAW;

(E): A COMPOUND CROSSBOW WITH A PULL OF LESS THAN 45 KG AT FULL DRAW;

(F): A CROSSBOW QUARREL WITH A BROADHEAD LESS THAN 2.22 CM AT ITS WIDEST POINT;

(G): A CROSSBOW QUARREL WEIGHING LESS THAN 16.2G;

(H): A SNARE MADE OF BRASS OR STAINLESS STEEL WIRE;

(I): A SNARE MADE OF A SINGLE STRAND OF WIRE; OR

(J): A SNARE WITHOUT A LOCKING DEVICE THAT PREVENTS THE SNARE FROM LOOSENING ONCE THE ANIMAL IS CAUGHT.

JUSTIFICATION FOR THE HARVEST LIMITATION

- These weapons, snares and ammunition are prohibited because they raise the following concerns:
 - Not powerful enough to ensure the (efficient) killing of the animal ((b) to (i) (NLCA S.5.3.3(a));
 - Potential public safety concern ((b) to (j) (NLCA S.5.3.3(c)); and
 - Inhumane/not reflective of the traditional character of Inuit harvesting ((b) to (j) (NLCA S.5.3.3(b)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- To the extent that this provision addresses public safety and humane killing concerns, it is a law of general application regarding humane killing of wildlife and public safety (NLCA S.5.7.42(b)).

PROPOSED NQLs: AMMUNITION (HARVESTING REGULATIONS)

S.8(5): NO PERSON SHALL USE AMMUNITION LESS THAN 6 MM OR .243 CAL TO HARVEST A BEAR, MOOSE OR MUSKOX.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This ammunition is prohibited because it raises the following concerns:
 - Not powerful enough to ensure the (efficient) killing of the animal (NLCA S.5.3.3(a));
 - Potential public safety concern (NLCA S.5.3.3(c)); and
 - Inhumane/not reflective of the traditional character of Inuit harvesting (NLCA S.5.3.3(b)). See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- To the extent that this provision addresses public safety and humane killing concerns, it is a law of general application regarding humane killing of wildlife and public safety (NLCA S.5.7.42(b)).

PROPOSED NQLs: RESPECT FOR IQ PRINCIPLES (HARVESTING REGULATIONS)

☼S.9(1): NO PERSON SHALL HARVEST GAME WITH AN INTENTION THAT CONTRAVENES THE IQ PRINCIPLE OF ILIIJAQSUITTAILINIQ/KIMAITAILINIK.

☼S.9(2): NO PERSON SHALL HARVEST GAME IN A MANNER THAT CONTRAVENES THE IQ PRINCIPLE OF SIRLIQSAQTITTITAILINIQ/NAKLIHAAKTITIHUILUHI.

☼S.9(3): NO PERSON SHALL TREAT GAME IN A MANNER THAT CONTRAVENES THE IQ PRINCIPLE OF IKPIGUSUTTIARNIQ NIRJUTILMAANIK/PITIAKLUGIT NEKYUTIT.

☼S.9(4): EVERY PERSON HARVESTING GAME SHALL FOLLOW THE IQ PRINCIPLE OF PILIMMAKSARNIQ/AYOIKYUMIKATAKHIMANIK WITH RESPECT TO HIS OR HER HUNTING SKILLS.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Justification falls under NLCA S.5.3.3(b). The adoption of these provisions assists in the creation of a system of harvesting rights, priorities and privileges that reflect the traditional patterns and character of Inuit harvesting.
- With respect to S.9(4), justification also falls under NLCA S.5.3.3(a). Improving and maintaining hunting skills effects a valid conservation purpose, by minimizing the number of struck, wounded and lost animals.
- To the extent that S.9(1), (2) and (3) address humane killing concerns, they are laws of general application regarding humane killing of wildlife (NLCA S.5.7.42(b)).
- Note that the GN has publicly assured the HTOs and RWOs that enforcement would never be taken by an officer on his own. Consultations would first be carried out with the community, elders and senior members of the GN's Department of Environment. In addition, operational guidelines will be developed. The GN intends to implement these particular provisions carefully and sensitively.

PROPOSED NQLs: BIRDS OF PREY (HARVESTING REGULATIONS)

☼S.10(1): NO PERSON, OTHER THAN AN INUK, SHALL KILL A BIRD OF PREY, EVEN IF THE PERSON HAS AUTHORITY TO HARVEST IT.

- **Note** that, as currently drafted, this section applies to assignees of the right to harvest (NLCA S.5.7.34(a)) and Article 40 harvesters. However, in certain circumstances such harvesters may be subject to the same restrictions as Inuit assignors (NLCA S.5.7.37), or may have the same rights as Inuit under Article 5 (NLCA S.40.2.4), or may harvest on a basis equivalent to Inuit under Article 5 (NLCA S.40.3.3, 40.4.2 and 40.5.2).

⊗S.10(2): NO PERSON SHALL HARVEST/CAPTURE A BIRD OF PREY, OTHER THAN A SNOWY OWL, THAT IS MORE THAN ONE YEAR OF AGE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Because the removal of birds less than one year of age is thought to be largely compensatory for the population, it is proposed that harvesting be limited to “*fall passage birds/screamers*”.

S.10(3): NO PERSON SHALL CAPTURE A LIVE BIRD OF PREY WITH A TRAP, UNLESS THE TRAP IS CONSTANTLY ATTENDED BY A QUALIFIED FALCONER.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Because populations are currently poorly defined and individual birds are commercially very valuable, the death of even a single trapped bird is a potentially significant conservation and economic loss. This requirement minimizes the loss of a captured bird.

PROPOSED NQLs: POLAR BEARS (HARVESTING REGULATIONS)

⊗S.11(1): NO PERSON SHALL HARVEST A POLAR BEAR UNDER 3 YEARS OF AGE UNLESS:

(A): IT APPEARS TO BE ABANDONED; OR

(B): ITS MOTHER WAS KILLED AS AN EMERGENCY KILL AND THERE IS LITTLE LIKELIHOOD OF IT SURVIVING.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Considering that:
 - The 2004 Polar Memoranda of Understanding (MOUs) contain a holistic and integrated set of components for wildlife management;
 - Nunavut’s polar bear management system has for some time, and for sound reasons, supported male selective harvests;
 - necessary TAHs already prevent many harvesters from taking even one bear;
 - polar bears have relatively low population numbers and reproductive rates;
 - an attempt to harvest a young bear accompanied by its mother could reasonably result in the additional wounding or death of the mother or another member of the family group; and
 - Inuit may still be permitted – through exemption permits (*Wildlife Act*, s.21; *Licences & Tags Regulations*, s.41) - to harvest bears under three years of age; Therefore, this restriction limits Inuit harvesting only to the extent necessary to effect the valid purpose of preserving vital, healthy polar bear populations capable of sustaining harvesting needs as defined in NLCA Article 5.
- In addition, the HTOs and RWOs agreed to this restriction in the MOUs. Their signatures on the MOUs can be taken as reasonable evidence that they agree to

this limitation – and that they specifically recommended the NWMB’s approval of the limitation.

⊗S.11(2): NO PERSON SHALL HARVEST A FEMALE POLAR BEAR THAT IS ACCOMPANIED BY A BEAR THAT IS OR APPEARS TO BE UNDER 3 YEARS OF AGE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Considering that:
 - The 2004 Polar Memoranda of Understanding (MOUs) contain a holistic and integrated set of components for wildlife management;
 - Nunavut’s polar bear management system has for some time, and for sound reasons, supported male selective harvests;
 - necessary TAHs already prevent many harvesters from taking even one bear;
 - polar bears have relatively low population numbers and reproductive rates;
 - the harvest of a mother bear would likely result in the deaths of other members of the family group; and
 - Inuit are otherwise permitted to harvest females and (subject to reasonable restrictions) bears under three years of age;

Therefore, this restriction limits Inuit harvesting only to the extent necessary to effect the valid purpose of preserving vital, healthy polar bear populations capable of sustaining harvesting needs as defined in NLCA Article 5.

- In addition, the HTOs and RWOs agreed to this restriction in the MOUs. Their signatures on the MOUs can be taken as reasonable evidence that they agree to this limitation – and that they specifically recommended the NWMB’s approval of the limitation.

⊗S.11(3): NO PERSON SHALL HARVEST A FEMALE POLAR BEAR THAT IS IN A DEN OR THAT IS CONSTRUCTING A DEN.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Considering that:
 - The 2004 Polar Memoranda of Understanding (MOUs) contain a holistic and integrated set of components for wildlife management;
 - Nunavut’s polar bear management system has for some time, and for sound reasons, supported male selective harvests;
 - necessary TAHs already prevent many harvesters from taking even one bear;
 - polar bears have relatively low population numbers and reproductive rates;
 - the killing of a pregnant or mother bear in a den or constructing a den would likely result in the deaths of other members of the family group, and would necessarily result in the deaths of all members of the potential family group; and
 - harvesters are otherwise permitted to harvest female polar bears;

Therefore, this restriction limits Inuit harvesting only to the extent necessary to effect the valid purpose of preserving vital, healthy polar bear populations capable of sustaining harvesting needs as defined in NLCA Article 5.

- In addition, the HTOs and RWOs agreed to this restriction in the MOUs. Their signatures on the MOUs can be taken as reasonable evidence that they agree to this limitation – and that they specifically recommended the NWMB’s approval of the limitation.

⚙️S.12(1): NO PERSON, OTHER THAN AN INUK OR AN ASSIGNEE EXERCISING A RIGHT TO HARVEST, SHALL HUNT A POLAR BEAR WITHIN 6 HOURS OF BEING TRANSPORTED BY ANY VEHICLE OR OTHER CONVEYANCE, EXCEPT A SLED PULLED BY DOGS, TO A PLACE OUTSIDE A SETTLEMENT IN PREPARATION FOR THE HUNT.

- Under the terms of the International Agreement, Canada “*may allow the taking of polar bears when such taking is carried out ...by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party*”.
- Upon its ratification of the International Agreement, Canada declared that, “*based on the clause ‘in accordance with the laws of that Party’, the local people ...may authorize the selling of a polar bear permit... to a non-Inuit ... hunter, but ...that the hunt be conducted under the guidance of a native hunter and by using a dog team...*”
- Accordingly, in present legislation there is a restriction on the use of vehicles for sport hunting polar bears. In recent years, some vehicles used to transport sport hunters to hunt sites have been used either for the hunt or to otherwise provide advantage to the hunt – contrary to the legislation and the International Agreement. The waiting period is proposed to bring clarity to the polar bear sport hunting rules, and to support compliance with the legislation and the International Agreement.

S.12(2): NO GUIDE SHALL ASSIST A HUNTER BY USING A VEHICLE OR OTHER CONVEYANCE TO LOCATE, SPOT, CHASE, DRIVE, FLUSH, ATTRACT, PURSUE, WORRY OR FOLLOW A POLAR BEAR, BUT MAY USE IT TO RETRIEVE A HARVESTED POLAR BEAR.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Under the terms of the International Agreement, Canada “*may allow the taking of polar bears when such taking is carried out ...by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party*”.
- Upon its ratification of the International Agreement, Canada declared that, “*based on the clause ‘in accordance with the laws of that Party’, the local people ...may authorize the selling of a polar bear permit... to a non-Inuit ... hunter, but ...that*

the hunt be conducted under the guidance of a native hunter and by using a dog team...”

PROPOSED NQLs: GRIZZLY BEARS (HARVESTING REGULATIONS)

⊗S.13(1): NO PERSON SHALL HARVEST A GRIZZLY BEAR UNDER TWO YEARS OF AGE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Grizzly bear is proposed by COSEWIC to be listed as a species of special concern under SARA.
- Taking into account that no TAH or closed seasons are proposed for grizzly bears, the GN recommends for conservation reasons that female grizzlies be conserved.
- The GN’s TAH Report recommends “*that harvesting a grizzly bear under two years of age be allowed only if it is not accompanying a female. (p.12)*”
- An attempt to harvest a young bear accompanied by its mother could reasonably result in the additional wounding or death of the mother.

⊗S.13(2): NO PERSON SHALL HARVEST A FEMALE GRIZZLY BEAR ACCOMPANIED BY A BEAR THAT IS OR APPEARS TO BE UNDER TWO YEARS OF AGE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Taking into account that no TAH or closed seasons are proposed for grizzly bears, the GN recommends for conservation reasons that female grizzlies be conserved; and
- It is unlikely that offspring under two years of age will survive in the absence of their mother.

⊗S.13(3): NO PERSON SHALL HARVEST A FEMALE GRIZZLY BEAR THAT IS IN A DEN OR THAT IS CONSTRUCTING A DEN.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Taking into account that no TAH or closed seasons are proposed for grizzly bears, the GN recommends for conservation reasons that female grizzlies be conserved; and
- The killing of a pregnant or mother bear in a den or constructing a den would likely result in the deaths of other members of the family group, and would necessarily result in the deaths of all members of the potential family group.

PROPOSED NQLs: ILLEGAL BY-CATCH (HARVESTING REGULATIONS)

S.17(1): IF ILLEGAL BY-CATCH IS ALIVE WHEN DISCOVERED BY THE PERSON IN CONTROL OF A TRAP, THE PERSON SHALL:

- (A): RELEASE IT IF THAT WOULD RESULT IN A REASONABLE LIKELIHOOD OF SURVIVAL AND LITTLE OR NO DANGER TO THE PERSON RELEASING IT;
(B): KILL IT:

- (i) IF THERE IS LITTLE LIKELIHOOD OF SURVIVAL IF RELEASED;
- (ii) IF A CONSERVATION OFFICER SO AUTHORIZES; OR
- (iii) IF THE PERSON WOULD BE IN DANGER IF HE OR SHE RELEASED IT AND THE BY-CATCH WOULD BE UNLIKELY TO SURVIVE THE TIME IT WOULD TAKE FOR A CONSERVATION OFFICER TO COME AND RELEASE IT.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Illegal bycatch means wildlife caught in a trap and that has been harvested contrary to the terms of the *Wildlife Act*.
- The release of the by-catch under (a) satisfies conservation concerns (NLCA S.5.3.3(a)), and the killing of it under (b) satisfies public safety (NLCA S.5.3.3(c)) and humane concerns (NLCA S.5.3.3(b)/5.1.3(a)(i)) See also *Wildlife Act* s.8(k) and (m), and s.9(2) and (3) of the *Harvesting Regulations*.
- To the extent that this provision addresses public safety and humane killing concerns, it is a law of general application regarding humane killing of wildlife and public safety (NLCA S.5.7.42(b)).

PROPOSED NQLs: LICENCE APPLICATIONS (LICENCES AND TAGS REGULATIONS)

S.3(1): AN APPLICANT FOR A LICENCE [THAT INVOLVES HARVESTING] MUST PROVIDE THE FOLLOWING INFORMATION TO THE ISSUER:

(C): THE SPECIFIC TYPE OF ACTIVITY TO BE LICENSED;

(E): THE SPECIES OF WILDLIFE TO WHICH THE LICENCE RELATES;

(G): DETAILS OF THE APPLICANT'S SHARE OF THE TAH IN THE CASE OF A SPECIES SUBJECT TO A TAH; AND

(I): THE PERIOD DURING WHICH THE LICENSED ACTIVITY IS TO BE CONDUCTED;¹⁰

JUSTIFICATION FOR THE HARVEST LIMITATION

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those non-Inuit hunters permitted to do so are hunting the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

PROPOSED NQLs: PROJECT OUTLINES (LICENCES AND TAGS REGULATIONS)

S.5(1): ANY PROJECT OUTLINE REQUIRED AS PART OF AN APPLICATION FOR A LICENCE [THAT INVOLVES HARVESTING] MUST INCLUDE:

(A): THE PURPOSE OF THE PROPOSED ACTIVITY;

¹⁰ The GN disagrees that s.3(1) falls within the NWMB's NQL jurisdiction.

(F): THE [HARVESTING] METHODS TO BE USED TO CONDUCT THE PROPOSED PROJECT ACTIVITY; AND

(H): IN THE CASE OF A RESEARCH PERMIT, AN ESTIMATE OF THE QUANTITY OF WILDLIFE TO BE HARVESTED OR HANDLED...¹¹

JUSTIFICATION FOR THE HARVEST LIMITATION

- The requirement for project outlines is a necessary component of the licensing scheme - which itself is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those non-Inuit hunters permitted to do so are hunting the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

PROPOSED NQLs: HARVESTING LICENCES (LICENCES AND TAGS REGULATIONS)

S.12: A PERSON HOLDING A LICENCE MUST FOLLOW THE TERMS AND CONDITIONS OF HIS OR HER LICENCE.¹²

JUSTIFICATION FOR THE HARVEST LIMITATION

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those non-Inuit hunters permitted to do so are hunting the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

S.16. EXCEPT FOR AN INUK, A PERSON IS REQUIRED TO HAVE A HARVESTING LICENCE TO HARVEST GAME OR OTHER PRESCRIBED WILDLIFE. [AN INUK HARVESTING FROM THE SURPLUS MAY BE REQUIRED TO HAVE A COMMERCIAL HARVESTING LICENCE.] A HARVESTING LICENCE IS CONDITIONAL ON THE HOLDER OF THE LICENCE HARVESTING IN ACCORDANCE WITH THE ACT, REGULATIONS AND ORDERS MADE UNDER THE ACT.

JUSTIFICATION FOR THE HARVEST LIMITATION

¹¹ The GN disagrees that s.5(1) falls within the NWMB's NQL jurisdiction.

¹² The NWMB's NQL jurisdiction with respect to s.12 is confined to licences for the harvest/capture of wildlife.

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those non-Inuit hunters permitted to do so are hunting the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

☼S.17: A NON-INUIT RESIDENT OF NUNAVUT, A NON-RESIDENT OF NUNAVUT AND A NON-RESIDENT FOREIGNER EACH REQUIRE A HUNTING LICENCE TO HARVEST SMALL GAME, WHITE TAILED DEER, OR OTHER SPECIES AS AUTHORIZED BY A SPECIES AUTHORIZATION TAG.

☼S.18: A PERSON HOLDING A GENERAL HUNTING LICENCE (GHL) IS AUTHORIZED TO HARVEST GAME IN THE NSA, (OTHER THAN FURBEARERS) NOT EXCEEDING:
 (A) THE FULL LEVEL OF HIS OR HER ECONOMIC, SOCIAL AND CULTURAL NEEDS, IF NO TAH HAS BEEN ESTABLISHED BY FOR THE SPECIES OF GAME BY THE NWMB; OR
 (B) THE TAH ESTABLISHED BY THE NWMB.

PROPOSED NQLs: LIVE POSSESSION LICENCES (LICENCES AND TAGS REGULATIONS)

S.20.A PERSON HOLDING A LIVE POSSESSION LICENCE IS AUTHORIZED TO CAPTURE, POSSESS AND FEED WILDLIFE OF THE SPECIES AND NUMBER AUTHORIZED BY THE LICENCE.¹³

JUSTIFICATION FOR THE HARVEST LIMITATION

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those non-Inuit hunters permitted to do so are hunting/capturing the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

S.21(2): THE SUPERINTENDENT SHALL NOT ISSUE A LIVE POSSESSION LICENCE FOR A BIRD OF PREY UNLESS SATISFIED THAT THE CAPTURE (AND POSSESSION) WILL BE DONE BY A FALCONER WHO:

¹³ The NWMB's NQL jurisdiction with respect to the requirement for a live possession licence is confined to the capture of wildlife.

(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 THE LAST 5 YEARS.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those non-Inuit hunters permitted to do so are hunting/capturing the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

S.21(3): ANY TRAP USED FOR THE CAPTURE MUST BE CONSTANTLY ATTENDED BY THE FALCONER REFERRED TO IN S.21(2).

JUSTIFICATION FOR THE HARVEST LIMITATION

- Because populations are currently poorly defined and individual birds are commercially very valuable, the death of even a single trapped bird is a potentially significant conservation and economic loss. This requirement minimizes the loss of a captured bird.

PROPOSED NQLs: BIG GAME GUIDE LICENCES (LICENCES AND TAGS REGULATIONS)

S. 29: A BIG GAME GUIDE LICENCE IS REQUIRED FOR ANY PERSON ACTING AS A GUIDE, FOR COMPENSATION, TO A PERSON WHO REQUIRES A GUIDE UNDER THE ACT TO HARVEST GAME.¹⁴

JUSTIFICATION FOR THE HARVEST LIMITATION

- This section does not include a restriction or limitation on Inuit harvesting. It contains a restriction (the requirement to obtain a licence) on big game guiding for compensation.

PROPOSED NQLs: SPECIES AT RISK LICENCE (LICENCES AND TAGS REGULATIONS)

S.30: A PERSON HOLDING A SPECIES AT RISK LICENCE IS AUTHORIZED TO ENGAGE IN [HARVESTING] ACTIVITIES OTHERWISE PROHIBITED OR RESTRICTED UNDER THE ACT IN RESPECT OF AN EXTINCT OR LISTED SPECIES.

¹⁴ S.29 does not fall within the NWMB's NQL jurisdiction because the section deals only with the licencing of guides, not harvesters.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those persons permitted to do so are harvesting/capturing the authorized wildlife, at the correct times, using lawful methods, and in the appropriate areas.

PROPOSED NQLs: HARVESTING INSTRUCTION LICENCE (LICENCES AND TAGS REGULATIONS)

S. 35(1): ANY PERSON ESTABLISHING, OFFERING OR PROVIDING ANY ORGANIZED COURSE OF INSTRUCTION DURING WHICH GAME IS TO BE HARVESTED REQUIRES A HARVESTING INSTRUCTION LICENCE. .

S. 35(3): INSTRUCTORS AND STUDENTS BOTH REQUIRE THE APPROPRIATE LICENSE OR OTHER AUTHORITY UNDER S.18 OF THE ACT IN ORDER TO HARVEST ANY GAME.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The licence provides a helpful means of identification, and its terms and conditions assist in ensuring that only those hunters permitted to do so are providing organized courses during which game is to be harvested. In addition, it ensures that only those non-Inuit hunters permitted to do so are hunting/capturing the authorized animals, at the correct times, using lawful methods, and in the appropriate areas. It also provides the same assistance to managers and enforcers with respect to Inuit hunters accessing wildlife from the surplus.

PROPOSED NQLs: RESEARCH PERMIT (LICENCES AND TAGS REGULATIONS)

S. 36: ANY PERSON CONDUCTING RESEARCH ON WILDLIFE OR COLLECTING WILDLIFE SPECIMENS FOR RESEARCH REQUIRES A WILDLIFE RESEARCH PERMIT.¹⁵

JUSTIFICATION FOR THE HARVEST LIMITATION

- “Licence” is defined by the *Wildlife Act* (s.2) as including a permit. This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The permit provides a helpful means of

¹⁵ The NWMB’s NQL jurisdiction with respect to the requirement for a research permit is confined to the harvest of wildlife.

identification, and its terms and conditions assist in ensuring that only those researchers permitted to do so are hunting/capturing the authorized animals, at the correct times, using lawful methods, and in the appropriate areas.

PROPOSED NQLs: EXEMPTION PERMIT (LICENCES AND TAGS REGULATIONS)

S.41(1): ANY PERSON USING A WEAPON, EQUIPMENT, TECHNIQUE, PROCEDURE OR CONDUCTING AN ACTIVITY THAT WOULD OTHERWISE BE CONTRARY TO THE ACT AND THE REGULATIONS AND ORDERS MADE UNDER THE ACT REQUIRES AN EXEMPTION PERMIT.¹⁶

JUSTIFICATION FOR THE HARVEST LIMITATION

- “Licence” is defined by the *Wildlife Act* (s.2) as including a permit. This licensing scheme is an integral part of the foundation of the conservation program under the *Wildlife Act*. It is through the issuing of licences to the various types of users that wildlife managers and enforcers are able to keep track of the numbers and categories of hunters and their harvests. The permit provides a helpful means of identification, and its terms and conditions assist in ensuring that only those persons permitted to do so are hunting/capturing the authorized animals, at the correct times, using lawful methods, and in the appropriate areas.

PROPOSED NQLs: TAGS (LICENCES AND TAGS REGULATIONS)

S.43(2): AN APPLICANT FOR A TAG MUST PROVIDE THE FOLLOWING INFORMATION:

(B): THE SPECIES OF WILDLIFE TO WHICH THE TAG RELATES; AND
(C): DETAILS OF ANY SHARE OF THE TAH ALLOCATED TO THE APPLICANT.¹⁷

JUSTIFICATION FOR THE HARVEST LIMITATION

- Tagging is an integral part of the foundation of the conservation program under the *Wildlife Act*. As set out in s.126 of the Act, the purpose of a tag is to:
 - Evidence a person’s authority to harvest or possess wildlife;
 - Regulate the allocation of a share of the TAH;
 - Collect information in relation to harvesting activities; and
 - Regulate harvesting or commercial activities in relation to wildlife.

PROPOSED NQLs: SPECIES AUTHORIZATION TAGS (LICENCES AND TAGS REGULATIONS)

S.44(1): EVERY PERSON WHO REQUIRES A LICENCE TO HARVEST WILDLIFE SHALL HOLD A SPECIES AUTHORIZATION TAG FOR THE FOLLOWING WILDLIFE:

¹⁶ The NWMB’s NQL jurisdiction with respect to the requirement for an exemption permit is confined to the use of a weapon, technique or procedure in the harvest of wildlife, or to the conduct of a harvesting activity.

¹⁷ The GN disagrees that s.43(2) falls within the NWMB’s NQL jurisdiction.

- (A): A FURBEARER;
- (B): BIG GAME, OTHER THAN WHITE TAILED DEER; AND
- (C): ANY WILDLIFE PRESCRIBED UNDER S.18 OF THE ACT.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Tagging is an integral part of the foundation of the conservation program under the *Wildlife Act*. As set out in s.126 of the Act, the purpose of a tag is to:
 - Evidence a person's authority to harvest or possess wildlife;
 - Regulate the allocation of a share of the TAH;
 - Collect information in relation to harvesting activities; and
 - Regulate harvesting or commercial activities in relation to wildlife.

S.46(1): THE HOLDER OF A HARVESTING LICENCE SHALL, UPON PURCHASING A SPECIES AUTHORIZATION TAG, AFFIX THAT TAG IN HIS OR HER LICENCE.¹⁸

JUSTIFICATION FOR THE HARVEST LIMITATION

- Tagging is an integral part of the foundation of the conservation program under the *Wildlife Act*. As set out in s.126 of the Act, the purpose of a tag is to:
 - Evidence a person's authority to harvest or possess wildlife;
 - Regulate the allocation of a share of the TAH;
 - Collect information in relation to harvesting activities; and
 - Regulate harvesting or commercial activities in relation to wildlife.

S.46 (2): AFTER HARVESTING WILDLIFE PURSUANT TO A SPECIES AUTHORIZATION TAG, HARVESTING LICENCE HOLDERS MUST CANCEL THE TAG TO INDICATE THE DATE WHEN THE HARVEST OCCURRED.¹⁹

JUSTIFICATION FOR THE HARVEST LIMITATION

- This subsection does not include a restriction or limitation on Inuit harvesting. It sets out a post-harvest obligation only (the requirement to cancel a tag) for hunters who have successfully completed particular harvests.

PROPOSED NQLs: FUR TAGS (LICENCES AND TAGS REGULATIONS)

S.47: FUR TAGS MUST BE ATTACHED TO ANY HIDE OR PELT HARVESTED FROM A FURBEARER FOR WHICH A TOTAL ALLOWABLE HARVEST IS ESTABLISHED.²⁰

¹⁸ The GN disagrees that s.46(1) falls within the NWMB's NQL jurisdiction.

¹⁹ S.46(2) does not fall within the NWMB's NQL jurisdiction because the subsection deals with a post-harvest obligation.

²⁰ S.47 does not fall within the NWMB's NQL jurisdiction because the section deals with a post-harvest obligation.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This subsection does not include a restriction or limitation on Inuit harvesting. It sets out a post-harvest obligation only (the requirement to attach a tag to a harvested hide or pelt) for hunters who have successfully completed particular harvests.

PROPOSED NQLs (OPEN SEASONS ORDER):

S.1: THE FOLLOWING SPECIES MAY BE HARVESTED FROM JULY 1 TO JUNE 30: BARREN GROUND CARIBOU, BIRDS OF PREY EXCEPT GYRFALCON, DEER, FOX AND OTHER FURBEARERS NOT OTHERWISE LISTED, GRIZZLY BEAR, MOOSE, MUSKOX POPULATIONS MX/01 TO MX/10, PEARY CARIBOU, POLAR BEAR, REINDEER, WOLF, WOLVERINES AND UPLAND GAME BIRDS.

⊗S.1: GYRFALCON MAY BE HARVESTED FROM SEPTEMBER 1 TO OCTOBER 31.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Because the removal of gyrfalcons less than one year of age is thought to be largely compensatory for the population, it is proposed that harvesting be limited to “*fall passage birds/screamers*”. Recognizing that the dates required for such harvesting may vary across Nunavut, and after consultations with recognized experts on arctic gyrfalcon ecology (B. Bromley and K. Poole), it is recommended that the harvest be restricted to the months of September and October.

⊗S.1: MUSKOX POPULATIONS MX/11 TO MX/13 MAY BE HARVESTED FROM OCTOBER 1 TO APRIL 15.

JUSTIFICATION FOR THE HARVEST LIMITATION

- Implementing a harvest season to protect against disruption of muskox groups during summer is a valid conservation strategy:
 - During summer, muskox form smaller groups, usually led by a single bull male (Banfield 1974). Males are thought to lead and coordinate harem defence against predators (Urquhart 1982). The loss of bull males at this time may predispose females with calves to unknown – but likely higher – levels of predation.
 - Bull males are also believed to play an important role in leading females and calves to adequate forage during summer. Summer is critical for muskox nutrition, pregnancy and successful parturition (Tedesco et al. 1993; Adamczewski et al. 1997).
 - During winter, the harem social structure dissolves (Banfield 1974), at which time the loss of some males from the larger multi-male and multi-female group is not thought to have an impact on predator defence or foraging behaviour.

- Management in MX/11, MX/12 and MX/13 is directed at increasing population growth rates and conserving expanding populations. Therefore, a harvest season from October 1st to April 15th is recommended.

S.2 (1): NO PERSON SHALL HARVEST WILDLIFE OUTSIDE ANY OPEN SEASON ESTABLISHED FOR THAT WILDLIFE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This is essentially a “*for greater certainty*” provision. The *Wildlife Act* itself (s.99) already establishes a prohibition against harvesting wildlife contrary to any regulation or order that controls or prohibits a person from harvesting in relation to a time or season for that wildlife, unless specifically authorized by a licence.

S.2 (2): IF THE OPEN SEASON DEPENDS ON THE TYPE, METHOD OR TECHNOLOGY USED TO HARVEST, ONLY AUTHORIZED TYPES, METHODS, OR TECHNOLOGIES MAY BE USED.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This is essentially a “*for greater certainty*” provision. The *Wildlife Act* itself (s.99) already establishes a prohibition against harvesting wildlife contrary to any regulation or order that controls or prohibits a person from harvesting in relation to a time or season for that wildlife, unless specifically authorized by a licence.

PROPOSED NQLs: BIRDS OF PREY (PRESCRIBED MATTERS REGULATIONS)

S.4: IN ORDER TO HARVEST A BIRD OF PREY, A PERSON MUST HAVE A RIGHT UNDER THE *WILDLIFE ACT* TO HARVEST THE BIRD WITHOUT A LICENCE, OR HOLD AN APPROPRIATE LICENCE.

JUSTIFICATION FOR THE HARVEST LIMITATION

- This is essentially a “*for greater certainty*” provision. The *Wildlife Act* itself (s.18 and s.59) already establishes that a person harvesting game or other prescribed wildlife requires either a licence or a right to harvest that game or wildlife.

PROPOSED NQLs: RAVENS (PRESCRIBED MATTERS REGULATIONS)

S.5: UNLESS LAWFULLY HARVESTING DOWN, NO PERSON SHALL INJURE, MOLEST OR DESTROY THE NEST OF ANY RAVEN.

JUSTIFICATION FOR THE HARVEST LIMITATION

- No justification provided.

PROPOSED NQLs: ALL TERRAIN VEHICLES (PRESCRIBED MATTERS REGULATIONS)

S.8: A PERSON MAY HUNT GAME WHILE ON A MOTORIZED ALL TERRAIN VEHICLE, OTHER THAN A SNOWMOBILE, THAT:

- (A): HAS A DRY WEIGHT OF 600 KG;
(B): RUNS ON WHEELS, TRACKS, AIR CUSHIONS OR ANY COMBINATION OF WHEELS, TRACKS OR AIR CUSHIONS; AND
(C): IS DESIGNED FOR CROSS-COUNTRY TRAVEL ON LAND, WATER, SNOW, ICE, MARSH, SWAMP OR ON OTHER NATURAL TERRAIN.

JUSTIFICATION FOR THE HARVEST LIMITATION

- S.87(2)(c) of the *Wildlife Act* permits a person to hunt game while on a prescribed all-terrain vehicle. This section – developed collaboratively by the GN, NTI, RWO and NWMB representatives on the Nunavut Wildlife Legislation Working Group – specifies the necessary characteristics of such a vehicle.

**PROPOSED TOTAL ALLOWABLE HARVESTS AND NON-QUOTA
LIMITATIONS IN THE DRAFT 2005 WILDLIFE REGULATIONS AND
ORDERS THAT ARE IN CONTENTION BETWEEN THE GN AND NTI**

April 13, 2006

The current understanding of the NWMB is that the following provisions are in contention between the GN and NTI:

1. TAHs for all birds of prey except falcons and snowy owls (TAH Order);
2. TAHs for muskox (TAH Order);
3. TAHs for peary caribou (TAH Order);
4. A prohibition on the use of dogs (by Inuit) to hunt muskox (s.7(2), *Harvesting Regs*);
5. A prohibition on Inuit use of non-traditional passive weapons to harvest big game (s.8(3)(a) & (4), *Harvesting Regs*);
6. Prohibitions on harvesting game contrary to 4 IQ principles: Iliijaqsuittailiniq (malice towards animals is prohibited), Sirliqsaaqtittittailiniq (avoid causing wild animals unnecessary suffering when harvesting them), Ikpigusuttiarniq Nirjutilmaanik (treat all wildlife respectfully) and Pilimmaksarniaq (skills must be improved and maintained through experience and practice) (s.9(1),(2), (3) & (4), *Harvesting Regs*);
7. A prohibition on the live capture of birds of prey older than one year of age (s.10(2), *Harvesting Regs*);
8. A requirement for sport hunters to wait 6 hours after arriving at a camp by motorized transport before hunting a polar bear (s.12(1), *Harvesting Regs*);
9. Subject to two exceptions, a prohibition on harvesting polar bears under three years of age (s.11(1), *Harvesting Regs*);
10. A prohibition on harvesting a female polar bear accompanied by a bear under three years of age (s.11(2), *Harvesting Regs*);
11. A prohibition on harvesting a female polar bear in a den or constructing a den (s.11(3), *Harvesting Regs*);
12. A prohibition on harvesting grizzly bears under two years of age (s.13(1), *Harvesting Regs*);
13. A prohibition on harvesting female grizzlies accompanied by bears under two years of age (s.13(2), *Harvesting Regs*);
14. A prohibition on harvesting a female grizzly in a den or constructing a den (s.13(3), *Harvesting Regs*); and
15. The imposition of a hunting season on the harvest of gyrfalcons, and on muskox in MX/11 to MX/13 (s.1, *Open Seasons Order*).