

WILDLIFE ACT - LOI SUR LA FAUNE ET LA FLORE

The Commissioner in Executive Council under sections 80, 81, 195, 197 and 201 of the *Wildlife Act* and every enabling power, and in accordance with an accepted decision of the NWMB and the advice of the elders committee established under subsection 160(1), of the *Wildlife Act*, makes the annexed *Harvesting Regulations*.

[*Insert French version*].

Dated,

Fait le 2006.

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Ann Meekitjuk Hanson
Commissioner of Nunavut
Commissaire du Nunavut

WILDLIFE ACT

HARVESTING REGULATIONS

Interpretation

1. For the purposes of these regulations,

“emergency kill” means wildlife killed, in accordance with section 97 of the Act, because it was necessary to preserve a human life, protect a person’s property or prevent a person’s starvation;

“handgun” means a firearm that is designed or modified to be aimed and fired with one hand or a firearm with a barrel less than 305 mm in length;

“humane kill” means wildlife killed for humane reasons in accordance with section 16.

“illegal bycatch” means wildlife that is caught in a trap, if the wildlife was harvested, inadvertently or otherwise, contrary to sections 18, 29, 59, 62, 68, 69, 70 or 99 of the Act;

2. The prohibitions in these regulations are made in accordance with

- (a) the Canadian declaration made under the *Agreement on International Humane Trapping Standards*;
- (b) the international *Agreement on the Conservation of Polar Bears and Their Habitat*;
- (c) the conservation principles set out in subsection 1(3) of the Act; and
- (d) the principles of Inuit Qaujimagatuqangit established under the Act.

3. For greater certainty

- (a) a person may hunt game while on a vehicle or other conveyance in accordance with subsection 87(2) of the Act; and
- (b) the prohibitions in sections 75, 80 and 82 of the Act apply in addition to the provisions of these regulations.

Acceptable Biological Evidence of Sex and Age

4. Acceptable biological evidence of the sex or age of game is determined in accordance with sections 4, 5 and 6 of the *Reporting Regulations*.

Types, Methods and Technologies of Harvesting

5. (1) No person shall use a trap to harvest the following big game:
- (a) *Ovibos* - muskox;
 - (b) *Ursus* - bears;
 - (c) *Cervidae* - caribou, moose, deer and reindeer.
- (2) Subsection (1) does not apply if
- (a) the person is an Inuk;
 - (b) the person is exercising his or her right to harvest wildlife under section 12, 13 or 14 of the Act;
 - (c) the person is an assignee exercising his or her right to harvest a quantity of wildlife under section 16 of the Act; or
 - (d) the person is exercising an aboriginal or treaty right to harvest those species with a trap, in an area outside the Nunavut Settlement Area.
6. (1) No person shall use a jaw-type leg hold restraining trap on land to harvest the following game:
- (a) *Castor canadensis* - beaver;
 - (b) *Lutra canadensis* - otter;
 - (c) *Martes americana* - marten;
 - (d) *Martes pennanti* - fisher;
 - (e) *Ondatra zibethicus* - muskrat;
 - (f) *Taxidea taxus* - badger.
- (2) No person shall use a conventional steel-jawed leg hold restraining trap on land to harvest the following game:
- (a) *Canis latrans* - coyote;
 - (b) *Canis lupus* - wolf;
 - (c) *Felis rufus* - bobcat;
 - (d) *Lynx canadensis* - lynx;
 - (e) *Procyon lotor* - racoon.
- (3) A person who uses a live capture trap to harvest furbearers shall inspect the trap at least once every 72 hours and, subject to section 17, remove any animal found in the trap.
7. (1) Subject to subsection (2), no person shall use a dog to kill or otherwise harvest game, except small game, a bear, [a muskox?] or a wolverine.
- (2) For greater certainty, a person may

- (a) 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
- (b) use dogs to pull a sled as transportation in the course of harvesting game.

8. (1) No person shall harvest game with

- (a) a shotgun with a gauge number of 8 or less;
- (b) a trap with metal teeth or serration on the jaws of the trap;
- (c) a foothold trap with a spring pole;
- (d) a trap that is not in a mechanically fit condition;
- (e) a trap that is not securely fastened to an anchor or drag;
- (f) a handgun;
- (g) anything prescribed, under s. 84 of the *Criminal Code*, as a “prohibited firearm”, “restricted firearm”, “prohibited weapon”, “prohibited device” or “prohibited ammunition”; or
- (h) a weapon operated by remote control from another location.

(2) No person shall harvest small game with a crossbow, other than a compound crossbow, with a pull of less than 55 kg at full draw.

(3) No person shall harvest big game with

- (a) a weapon, other than a trap, that does not discharge a projectile by means of the force discharged by the weapon or its ammunition;
- (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 16.2 g;
- (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.

(4) Paragraph (3)(a) does not apply to an Inuk or an assignee exercising his or her right to harvest a quantity of wildlife under section 16 of the Act who is harvesting wildlife using a traditional type, method or technology of harvesting.

(5) No person shall use ammunition less than 6 mm or .243 cal to harvest a bear, moose or muskox.

Inuit Qaujimagatuqangit

9. (1) No person shall harvest game with an intention that contravenes the principle of *Iliijaqsuittailiniq / Kimaitailinik*.

(2) No person shall harvest game in a manner that contravenes the principle of *Sirliqsaaqtittittailiniq / Naklihaaktitihuiluhi*.

(3) No person shall treat game in a manner that contravenes the principle of *Ikpigusuttiarniq Nirjutilimaanik / Pitiaklugit nekyutit*.

(4) Every person harvesting game shall follow the principle of *Pilimmaksarniq / Ayoikyumikatakhimanik* with respect to his or her hunting skills.

Special Harvesting Rules for Birds

10. (1) No person, other than an Inuk, shall kill a bird of prey, even if the person has authority to harvest it.

(2) No person shall harvest / capture a bird of prey, other than a snowy owl, that is more than one year of age.

(3) No person shall capture a live bird of prey with a trap, unless the trap is constantly attended by a qualified falconer.

Special Harvesting Rules for Bears

11. (1) No person shall harvest a polar bear that is under three years of age unless

- (a) it appears to be abandoned by its mother; or
- (b) its mother bear was killed as an emergency kill in accordance with section 97 of the Act and there is little likelihood of it surviving.

(2) No person shall harvest a female polar bear that is accompanied by a bear that is or appears to be under three years of age.

(3) No person shall harvest a female polar bear that is in a den or that is constructing a den.

12. (1) No person, other than an Inuk or an assignee exercising his or her right to harvest a

quantity of wildlife under section 16 of the Act, 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 municipality or settlement in preparation for the hunt.

(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 polar bear after it has been harvested.

13. (1) No person shall harvest a grizzly bear that is under two years of age.

(2) No person shall harvest a female grizzly bear that is accompanied by a bear that is or appears to be under two years of age.

(3) No person shall harvest a female grizzly bear that is in a den or that is constructing a den.

Prohibited Flora

14. No person shall harvest Porsild's Bryum (moss).

Emergency Kills

15. For greater certainty, it is not an offence for a person to use any method, technique or technology to kill wildlife if it necessary to preserve a human life, protect a person's property or prevent starvation in accordance with section 97 of the Act.

Humane Kills

16. (1) A person may, for humane reasons, kill wildlife that has little likelihood of surviving because it

- (a) is suffering from a life-threatening disease;
- (b) is dying; or
- (c) was naturally abandoned by its mother and is too young to survive on its own.

(2) The person may kill the wildlife by the most expeditious method available and may do so even if he or she has no authority to harvest that wildlife.

(3) The person shall deliver the wildlife to a conservation officer for certification and

disposal accordance with section 19.

Illegal Bycatch

- 17.** (1) If illegal bycatch is alive when discovered by the person in control of the trap, he or she shall
- (a) release the illegal bycatch, if the release would result in a reasonable likelihood of it surviving and little or no danger to the person releasing it;
 - (b) kill the illegal bycatch if
 - (i) if there if there is little likelihood of it surviving if released,
 - (ii) if a conservation officer authorizes it, or
 - (iii) the person would be in danger if he or she released it and the bycatch would be unlikely to survive the time it would take for a conservation officer to come and release it.

(2) Unless the wildlife is released, the person in control of the trap shall deliver the wildlife to a conservation officer for certification and disposal accordance with section 19.

Collars

- 18.** A person who finds a radio telemetry transmitter or satellite collar on an animal or on the land or ice shall deliver it to a conservation officer as soon as practicable.

Certification and Disposal of Wildlife

- 19.** (1) This section applies to dead wildlife that
- (a) an emergency kill;
 - (b) a humane kill;
 - (c) is a illegal bycatch that is not released accordance with section 17;
or
 - (d) is found by a person in the absence of anyone purporting to have lawful possession of it.

(2) The person who killed or found the wildlife may take possession of it, notwithstanding that he or she had no right to harvest it, if he or she delivers it to a conservation officer as soon as practicable.

(3) A conservation officer shall issue to any person who delivers the wildlife an official

receipt signed by the officer and may take such specimens or samples of the wildlife as he or she considers necessary.

(4) Subject to subsection 100(2) of the Act, a conservation officer may, in accordance with directions from the Superintendent, dispose of the wildlife by

- (a) returning it to the person who delivered it or who advised the officer where the wildlife is located;
- (b) giving it to the appropriate HTO or RWO;
- (c) retaining it as the property of the Government of Nunavut;
- (d) giving it to a museum, school or similar institution;
- (e) disposing of it in the most expedient means that the officer thinks fit, if the wildlife is spoiled, decomposing or otherwise without monetary value; or
- (f) selling it by public auction and crediting the proceeds of the sale in the Natural Resources Conservation Trust Fund.

(5) A conservation officer may issue a certificate, in a manner approved by the Superintendent, certifying the wildlife as lawfully acquired and possessed.

(6) The person to whom the certificate is issued, may possess and export the wildlife without a licence or permit.

Total Allowable Harvest Rules

20. (1) The RWO is responsible for deciding which allocation of the total allowable harvest should be used when

- (a) wildlife is harvested by a person with no allocation of the total allowable harvest for that wildlife;
- (b) the wildlife is subject to a total allowable harvest and there is no surplus for that species; and
- (c) the wildlife belonged to a stock or population allocated to more than one community or Aboriginal group.

(2) If the RWO does not make a decision under subsection (1) within 45 days of the date of the harvest, the harvested wildlife shall be attributed to the total allowable harvest allocated to the community or Aboriginal group referred to in paragraph (1)(c) located nearest the place where the wildlife was killed.

21. (1) The rules in this section apply in respect of any species of wildlife for which a total allowable harvest is established.

(2) Every dead member of that species of wildlife must be accounted for in accordance with this section when administering, calculating and enforcing the provisions of the Act and regulations respecting the total allowable harvest for that species' population.

(3) Every dead member of that species of wildlife is considered to have been harvested, whether it was killed intentionally or not, unless it

- (a) died from natural causes; or
- (b) was a humane kill certified under subsection 19(5).

(4) If a member of that species of wildlife is harvested in a location that is not in any area recognized for a population of that species, the wildlife is deemed to be harvested from the population for that species closest to that location.

22. (1) If a female polar bear is harvested when it is accompanied by another bear that is under three years of age, that other bear is deemed to be harvested at the same time as the female bear.

(2) A harvested polar bear is to be counted towards the total allowable harvest as only one-half a polar bear if

- (a) it is less than two years old; and
- (b) it, at the time of the harvest, was accompanied by a female polar bear that was an emergency kill.