

WILDLIFE ACT

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HARVESTING REGULATIONS

The Commissioner in Executive Council, in accordance with an accepted decision of the NWMB, pursuant to subsection 157(1) of the *Wildlife Act*, and under subsections 81(2) and 82(3), and sections 195 and 201 of the *Wildlife Act* and every enabling power, makes the attached *Harvesting Regulations*.

Interpretation

1. For the purposes of these regulations,

“emergency kill” means wildlife killed or harvested, 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; (*abattage d’urgence*)

“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; (*arme de poing*)

“humane kill” means wildlife killed for humane reasons in accordance with section 13; (*abattage sans cruauté*)

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

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

- (a) the Canadian declaration made under the *Agreement on International Humane Trapping Standards*;
- (b) the *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 as defined in section 8 of 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 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.

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(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 14, remove any animal found in the trap.

6. (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 or a bear, muskox or wolverine; and
- (b) use dogs to pull a sled as transportation in the course of harvesting game.

7. (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 section 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 big game with

- (a) a muzzle-loader of less than .44 calibre;
- (b) shotgun ammunition with pellets smaller than 00 buck or SSG;
- (c) a crossbow, other than a compound crossbow, with a pull of less than 68 kg at full draw;
- (d) a compound crossbow with a pull of less than 45 kg at full draw;
- (e) a crossbow quarrel with a broadhead less than 2.22 cm at its widest point;
- (f) a crossbow quarrel weighing less than 16.2 g;
- (g) a snare made of brass or stainless steel wire;
- (h) a snare made of a single strand of wire; or
- (i) a snare without a locking device that prevents the snare from loosening once the animal is caught.

Special Harvesting Rules for Birds

8. (1) No person shall kill a bird of prey, even if the person has authority to harvest it.

(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 birds of prey, in an area outside the Nunavut Settlement Area.

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Special Harvesting Rules for Bears

- 9.** (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 or harvested 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.
- 10.** (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 such vehicle or conveyance to retrieve a polar bear after it has been harvested.

Emergency Kills

- 11.** A person may use any method, technique or technology to kill or harvest wildlife where it is necessary to preserve a human life, protect a person's property or prevent starvation in accordance with section 97 of the Act to effect the kill or harvest.

Humane Kills

- 12.** (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 in accordance with section 16.

Illegal Bycatch

- 13.** (1) A person in control of a trap who discovers illegal bycatch alive shall
- (a) release the illegal bycatch, if the release would result in a reasonable likelihood of it surviving with little or no danger to the person releasing it; or
 - (b) kill the illegal bycatch if
 - (i) there is little likelihood of it surviving after release,
 - (ii) 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 in accordance with section 16.

Collars

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14. 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

15. (1) This section applies to dead wildlife that is

- (a) an emergency kill;
- (b) a humane kill;
- (c) an illegal bycatch that is not released accordance with section 14; or
- (d) found by a person in the absence of anyone purporting to have lawful possession of it.

(2) Despite not having a right to harvest the wildlife, the person who killed or found the wildlife may take possession of 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

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

- (a) is harvested by a person with no allocation of the total allowable harvest for that wildlife;
- (b) is subject to a total allowable harvest and there is no surplus for that species; and
- (c) 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 after the date of the harvest being reported to the RWO, 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.

17. (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.

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(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 and certified as lawfully acquired and possessed under subsection 15(5).

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

18. (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.

Conservation Area Prohibitions

19. (1) Subject to subsection (2), no person shall harvest or possess wildlife in the

- (a) Bowman Bay Wildlife Sanctuary;
- (b) James Bay Special Management Area;
- (c) the Thelon Wildlife Sanctuary; or
- (d) Twin Islands Wildlife Sanctuary.

(2) Subsection (1) does not apply to

- (a) an Inuk;
- (b) a person who is exercising his or her right to harvest wildlife under section 12, 13 or 14 of the Act;
- (c) a person who is an assignee exercising his or her right to harvest a quantity of wildlife under section 16 of the Act; or
- (d) a person who is exercising an aboriginal or treaty right to harvest, in an area outside the Nunavut Settlement Area.

Commencement

20. These regulations come into force on July 1, 2015.