

**NISGA'A LISIMS GOVERNMENT**

**NISGA'A LISIMS GOVERNMENT EXECUTIVE**

**NISGA'A WILDLIFE REGULATIONS, 2003**

made under the

**NISGA'A FISHERIES AND WILDLIFE ACT**

**UNOFFICIAL CONSOLIDATION  
CURRENT TO MAY 10, 2016**

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**PART I – INTERPRETATION AND APPLICATION**

**Authority**

1. These regulations are made under the *Nisga'a Fisheries and Wildlife Act*.

**Application**

2. Unless specifically provided otherwise, these regulations apply to all hunting of wildlife under Nisga'a wildlife entitlements.

**Definitions**

3. (1) Except as specifically provided otherwise, in these regulations the terms used have the same meanings as in the Act.  
(2) In these regulations,  
    **“Act”** means the *Nisga'a Fisheries and Wildlife Act*;  
    **“bow”** means a longbow or crossbow;  
    **“designated species”** means moose, grizzly bear and mountain goat;  
    **“designated species permit”** means a permit issued under Part III for the hunting of an animal of a designated species;  
    **“designated species permit number”** means the number assigned to a designated species permit at the time the permit is issued;  
    **“enforcement officer”** means
  - (a) a Nisga'a fish and wildlife enforcement officer,
  - (b) a Nisga'a fish and wildlife guardian, or
  - (c) an enforcement officer designated under the *Nisga'a Offence Act* for purposes of enforcement of these regulations and the provisions of the *Nisga'a Fisheries and Wildlife Act* respecting wildlife;  
    **“firearm”** includes a rifle, shotgun, handgun or spring gun or any device that propels a projectile by means of an explosion, compressed gas or spring, but does not include a

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bow;

“**hunting**” does not include the taking or capturing of wildlife by means of a trap;

“**Nisga’a hunting licence**” means a licence issued under Part II for the hunting of wildlife;

“**Nisga’a hunting licence number**” means the number assigned to a Nisga’a hunting licence at the time the licence is issued;

“**rimfire cartridge**” means a shot cartridge with the percussion compound distributed in the rim surrounding the base of the shell;

“**shot**” means a cartridge manufactured so that it contains 8 or more roughly spherical projectiles;

“**shotgun**” means a single or double-barreled smoothbore shoulder weapon for firing shot at short ranges;

“**trap**” includes a snare, net or other device, as defined in a regulation made under the *Wildlife Act* of British Columbia, capable of being used in the taking or capturing of wildlife;

“**wildlife**” includes marine animals but does not include wildlife fish.

**PART II – NISGA'A HUNTING LICENCES****Application for licence**

4. (1) The application form approved by the director that is to be completed by an applicant for a Nisga'a hunting licence must contain a place for the following information:
  - (a) the full name, mailing address and telephone number of the applicant;
  - (b) the address where the applicant normally resides;
  - (c) the applicant's birth date;
  - (d) the applicant's Nisga'a citizenship number;
  - (e) the signature of the applicant.
- (2) The director may require an applicant for a Nisga'a hunting licence
  - (a) to make a statutory declaration verifying the information given in the application or any supporting documents submitted as required by the director under section 6 of the Act, and
  - (b) to provide information for purposes of monitoring the hunting of wildlife.
- (3) An application for a Nisga'a hunting licence must be accompanied by a fee of \$25.00.
- (4) An applicant who is 60 years of age or older is not required to pay the fee under subsection (3).
- (5) Before issuing an applicant a Nisga'a hunting licence, the director may require the applicant to successfully complete a hunter training course approved by the director if
  - (a) the applicant is under 16 years of age, or
  - (b) the applicant's previous licence was suspended under section 7 of the Act.
- (6) When an application for a Nisga'a hunting licence is received by the director, the following information must be recorded:
  - (a) the date the application was received;
  - (b) the date the licence was issued or refused;

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- (c) if a licence was issued,
  - (i) its date of issuance and its date of expiration,
  - (ii) any conditions imposed on the licence, and
  - (iii) the Nisga'a hunting licence number;
- (d) the fee paid, if any; and
- (e) the name of the authorized Nisga'a official who processed the application.

**Conditions of licences**

- 5. (1) For the proper management and control of Nisga'a wildlife harvests and the conservation and protection of wildlife, the director may attach conditions to a Nisga'a hunting licence that are not inconsistent with the Act, these regulations or the Nisga'a annual wildlife management plan.
- (2) It is a condition of every Nisga'a hunting licence that the holder of the licence comply with any provision of the following that regulates the hunting of wildlife: the Nisga'a Treaty, the Act, these regulations, any directions or orders of the director as permitted under the Act or these regulations, and the Nisga'a annual wildlife management plan.
- (3) The holder of a Nisga'a hunting licence must comply with every condition of that licence

**Form of licence**

- 6. (1) A Nisga'a hunting licence issued by the director must include the following:
  - (a) the Nisga'a hunting licence number;
  - (b) the photograph of the holder of the licence;
  - (c) the name, mailing address and residential address of the holder of the licence;
  - (d) the date of issuance of the licence;
  - (e) the date of expiration of the licence; and
  - (f) a place for the signature of the holder of the licence.

- (2) A Nisga'a hunting licence issued by the director is not valid unless it is signed by the holder of the licence in ink on the place designated on the licence.

### **Term of licence**

7. A Nisga'a hunting licence expires five years from its date of issuance.

### **Automatic cancellation of licence**

8. If the holder of a Nisga'a hunting licence ceases to be a Nisga'a citizen,
- (a) the Nisga'a hunting licence issued to that holder is automatically cancelled, and
  - (b) the holder must deliver the cancelled licence to the director immediately.

### **Replacement of licence**

9. (1) If the holder of a Nisga'a hunting licence
- (a) changes their name, mailing address or residential address,
  - (b) has had their licence lost, stolen or destroyed, or
  - (c) has a licence that has become illegible,
- the holder of the licence must notify the director in writing within 15 days after the occurrence of the event described in this subsection.
- (2) The director may issue a replacement licence, showing any applicable changes, to the holder of the licence described in subsection (1).
- (3) Before the director issues a replacement Nisga'a hunting licence based on the events referred to in subsection (1)(a) or (c), the holder of the licence must deliver to the director the licence which is to be replaced.
- (4) If the holder of a Nisga'a hunting licence recovers a lost or stolen licence that was replaced under this section, the holder must deliver the lost or stolen licence to the director immediately.



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**Licence issued in error**

10. (1) If a Nisga'a hunting licence contains an error or was issued in error, the director may request the holder of the licence to deliver the licence to the director.
- (2) If a request is made under subsection (1), the holder of the Nisga'a hunting licence must comply with that request immediately.

**Ownership of licence**

11. A Nisga'a hunting licence is the property of the Nisga'a Nation, and is not transferrable.

**Surrender of licence on suspension**

12. If a Nisga'a hunting licence is suspended under section 7 of the Act, the holder of the licence must deliver the licence to the director immediately after the date the suspension takes effect.

**Requirement to carry and produce licence**

13. At all times while hunting wildlife, the holder of a Nisga'a hunting licence must
- (a) carry the holder's licence, and
  - (b) produce the licence on the demand of an enforcement officer.

**Restrictions on alteration and use of licence**

14. (1) A person must not
- (c) alter or deface a Nisga'a hunting licence,
  - (d) use or produce a Nisga'a hunting licence that has been altered or defaced, or
  - (e) use or produce a Nisga'a hunting licence that has been issued to another person under the pretense of being the holder of that licence.
- (2) The holder of a Nisga'a hunting licence must not allow another person to use that licence.

**PART III – DESIGNATED SPECIES PERMITS****Permit required**

15. No person may hunt an animal of a designated species unless the person is the holder of a designated species permit for an animal of that species.

**Application for permit**

16. (1) The holder of a valid and current Nisga'a hunting licence who is 16 years of age or older may apply to the director for a designated species permit.
- (2) An application under subsection (1) must be in a form approved by the director and must contain a place for the following information:
- (a) the full name, mailing address and telephone number of the applicant;
  - (b) the applicant's birth date;
  - (c) the applicant's Nisga'a hunting licence number;
  - (d) the signature of the applicant.
- (3) The director may require an applicant for a designated species permit to make a statutory declaration verifying the information given in the application.
- (4) When an application for a designated species permit is received by the director, the following information must be recorded.
- (a) the date the application was received;
  - (b) the date the permit was issued or refused;
  - (c) if a permit was issued,
    - (i) its date of issuance and its date of expiration,
    - (ii) its designated species permit number, and
    - (iii) any conditions imposed on the permit;
  - (d) the name of the authorized Nisga'a official who processed the application.

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**Conditions on designated species permit**

- 17.** (1) The director may impose conditions on any designated species permit that
- (a) limit the hunting of an animal of that species to a specific sex or age group of that species, or
  - (b) limit the times and locations for hunting an animal of that species.
- (2) It is a condition of every designated species permit that only one animal of the designated species may be killed under that permit.
- (3) The holder of a designated species permit must comply with every condition on that permit.
- (4) Despite subsection (2) and subject to subsection (6), the holder of a designated species permit may kill more than one moose or mountain goat under a permit authorizing the hunting of those animals if
- (a) the opportunity for the first authorized kill and any additional kill occurs at the same time, and
  - (b) the holder of the permit reports the additional kill to the director within 48 hours of the additional kill.
- (5) If the holder of a designated species permit complies with subsection (4), any additional kill made under the authority of that subsection is authorized under the designated species permit.
- (6) The holder of a designated species permit may not make more than two additional kills in the circumstances described in subsection (4).

**Term of designated species permit**

- 18.** (1) The director may determine the expiration date of each designated species permit.
- (2) A designated species permit is valid until the expiration date specified on the permit by the director.

**Form of designated species permit**

- 19.** (1) A designated species permit issued by the director must be in the form approved by the director and must include the following information:

- (a) the Nisga'a hunting licence number of the permit holder;
  - (b) the designated species permit number;
  - (c) the name, mailing address and residential address of the permit holder;
  - (d) the date of issuance of the permit;
  - (e) the date of expiration of the permit;
  - (f) any conditions imposed on the permit under section 17; and
  - (g) a place for the signature of the permit holder.
- (2) A designated species permit issued by the director is not valid unless it is signed in ink by the permit holder on the place designated on the permit.

**Automatic cancellation**

- 20.** If a holder of a designated species permit ceases to be a Nisga'a citizen or ceases to be the holder of a valid and current Nisga'a hunting licence,
- (a) the designated species permit issued to that holder is automatically cancelled, and
  - (b) the permit holder must deliver the cancelled permit to the director immediately.

**Application of other provisions to permit**

- 21.** Sections 9 to 11, 13 and 14, read with the changes required by the context, apply to a designated species permit.

**Cancellation of permit for contravention**

- 22.** (1) If, while hunting wildlife, a designated species permit holder contravenes
- (a) any provision that regulates the hunting of wildlife under the Nisga'a Treaty, the Act, these regulations, and the Nisga'a annual wildlife management plan,
  - (b) any condition on the permit holder's Nisga'a hunting licence or on the permit holder's designated species permit, or
  - (c) an order or direction of the director respecting the hunting of wildlife,

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- the director may, by written notice to the permit holder, cancel the designated species permit effective on the date specified in the notice.
- (2) If a designated species permit holder contravenes section 23(1)(c) of the Act, the director may, by written notice to the permit holder, cancel the permit effective on the date specified in the notice.
- (3) A notice under subsection (1) or (2) must be
- (a) personally delivered to the designated species permit holder, or
  - (b) sent by registered mail to the mailing address of the designated species permit holder as recorded on the permit.
- (4) A notice under subsection (1) or (2) must set out
- (a) the reasons for the cancellation, and
  - (b) that the designated species permit holder may make representations why the permit should not have been cancelled, by giving the director a written response within five days from the earlier of
    - (i) the date the designated species permit holder was personally served with the notice, and
    - (ii) the date the notice was sent by registered mail.
- (5) Within 48 hours after receiving any representations made by the designated species permit holder as permitted under subsection (4), the director must make an order
- (a) confirming the cancellation of the permit, or
  - (b) reinstating the permit, subject to any conditions on the permit that the director considers necessary and advisable.
- (6) As soon as practicable after making an order under subsection (5), the director must give the designated species permit holder written notice of that order in the manner specified in subsection (3).
- (7) If the director confirms the cancellation of a permit under subsection (5)(a), the person whose permit has been cancelled may request a review of that decision under the *Nisga'a Administrative Decisions Review Act*.
- (8) The holder of a designated species permit cancelled under this section must deliver the cancelled permit to the director immediately after the later of

- (a) the permit holder's receipt of the notice of cancellation given under subsection (1) or (2), and
- (b) the date of cancellation specified in the notice of cancellation

### **Reporting of designated species kills**

- 23.** (1) Every holder of a designated species permit who kills an animal of that designated species must, within three business days of the kill,
- (a) make a written report of the kill to the director, and
  - (b) deliver to the director
    - (i) the designated species permit under which the hunting of the animal was authorized, and
    - (ii) evidence of the sex and species of the animal as required in subsection (2).
- (2) For purposes of subsection (1)(b)(ii), the following evidence must be delivered:
- (a) in the case of a moose, the lower mandible (jaw) or incisor (front) tooth;
  - (b) in the case of a mountain goat,
    - (i) the lower mandible (jaw) or incisory (front) tooth, and
    - (ii) the horns;
  - (c) in the case of a grizzly bear,
    - (i) the lower mandible (jaw) or vestigial premolar tooth,
    - (ii) a piece of hide, and
    - (iii) the head; and
  - (d) in the case of any female animal, the uterus.
- (3) The director may take delivery of the horns of a mountain goat and the head of a grizzly bear for the purposes only of inspection and measurement and must return these items to the designated species permit holder after the inspection and measurement have been completed.

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**Restricted hunting of designated species**

- 24.** (1) A designated species permit holder who is permitted to hunt a grizzly bear must not hunt
- (a) a female grizzly bear with cubs,
  - (b) a grizzly bear under two years of age, or
  - (c) a grizzly bear in the company of another grizzly bear that is under two years of age.
- (2) A designated species permit holder who is permitted to hunt mountain goat must not hunt mountain goat in the area known as Block 34 as described in the attached Schedule A.

**PART IV – HUNTING LIMITATIONS****Time and location of hunting**

25. (1) Subject to a direction or order of the director under section 13(4) of the Act or under section 36 of these regulations, a person must not hunt wildlife at a time or in a location other than as permitted in this section.
- (2) Subject to section 26 and any conditions on a Nisga'a hunting licence, the holder of a Nisga'a hunting licence may hunt wildlife, other than designated species, for domestic purposes at any time and in any location in the Nass Wildlife Area that has been ordered by the director to be open for hunting.
- (3) Subject to section 26 and any conditions on a designated species permit, the holder of a designated species permit may hunt an animal of that designated species for domestic purposes at any time and in any location in the Nass Wildlife Area that has been ordered by the director to be open for hunting.

**Prohibited times and locations**

26. (1) In this section,
- “**Nisga'a Highway**” has the same meaning as in the Nisga'a Treaty; and
- “**road allowance**” means the highway and that area of either side of the highway including the shoulder and ditch to the lesser of
- (a) a distance of 15 metres from
- (i) the midline of a road with less than three lanes, or
- (ii) the nearest edge of the paved surface of a highway with three lanes or more, and
- (b) the boundary of private property as indicated by a fence or the limit of cultivated land.
- (2) No person may hunt wildlife within Nisga'a Village Lands.
- (3) No person may hunt wildlife from one hour after sunset on any day until one hour before sunrise of the following day.
- (4) No person may hunt wildlife within 100 metres of a church, school building, school yard



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- or playground or any building that is occupied by people or animals.
- (5) No person may hunt wildlife within the road allowance of the Nisga'a Highway, the Cassiar highway (Highway 37) or the Stewart highway (Highway 37A).
- (6) No person may hunt wildlife with a firearm or a bow in the following areas:
- (a) within 400 metres of either side of the road allowance of Highway 37 south of its intersection with Highway 37A;
  - (b) within 400 metres of either side of the road allowance of Highway 37A and its intersection with Highway 37 and where it crosses Bitter Creek;
  - (c) within 400 metres of either side of the road allowance of the Nisga'a Highway.
- (7) No person may hunt wildlife on
- (a) cultivated land,
  - (b) Crown land that is subject to a grazing lease while the land is occupied by livestock, or
  - (c) "enclosed land" as defined in the *Trespass Act* of British Columbia[.]
- unless the person has the consent of the owner, lessee or occupier of that land.
- (8) No person may discharge a firearm in any location described in subsections (2), (4), (5) or (6).
- (9) Subsection (8) does not prohibit the discharge of a firearm that uses shot in a location described in subsection (6).

**PART V – HUNTING METHODS****Definitions**

27. In this Part,

“**big game**” means moose, deer, mountain goat, grizzly bear, black bear, mountain sheep, bison, pronghorn antelope, cougar, wolf, lynx, bobcat and wolverine;

“**bait**” means any thing, including dead wildlife or wildlife parts, meat, cereal, cultivated crops, a restrained animal or any manufactured product or material, that may attract wildlife, but does not include a material or product that simulates the appearance or has the form of wildlife;

“**crossbow**” means a bow fixed across a stock with a groove for the arrow or bolt and a mechanism for holding and releasing the string;

“**compound crossbow**” means a crossbow on which the bow string passes through a series of pulleys;

“**game bird**” means grouse, ptarmigan, pheasant, partridge, wild turkey, coots and snipe;

“**longbow**” includes a recurve bow and a compound cross bow;

“**motor vehicle**” means a vehicle that is designed to be self propelled;

“**non-toxic shot**” means shot gun pellets consisting of, by weight, not more than one percent lead;

“**power boat**” means any boat, canoe or yacht powered by electric, gasoline, oil, steam or other mechanical means;

“**small game**” means fox, raccoon, coyote, skunk, snowshoe hare;

“**vehicle**” means a wheeled or tracked device by which a person or thing may be transported or drawn on land but does not include

- (a) a device to be moved by human power,
- (b) a device used exclusively on stationary tracks, or
- (c) a motor assisted cycle.

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**Birds**

- 28.** (1) A person hunting migratory birds may only use a bow or a shotgun loaded with shot.
- (2) No person may hunt game birds, except grouse or ptarmigan, with a rifle.
- (3) No person may possess or wantonly take, injure or destroy a bird, its eggs, or its nest.
- (4) Subsection (3) does not apply to
- (a) crows, English sparrows, cowbirds, magpies, rock doves or European starlings or their eggs or nests,
  - (b) the collection of the eggs of gulls, geese or migratory birds for domestic purposes, or
  - (c) the collection of inedible byproducts, including down and nests, of migratory birds.

**Big game**

- 29.** (1) No person may hunt moose, mountain goat or grizzly bear with a shotgun.
- (2) No person may shoot big game while it is swimming unless under the circumstances the animal may be retrieved after it is shot.

**Use of vehicles**

- 30.** (1) No person may discharge a firearm, wound or kill wildlife from a power boat while the boat is under power.
- (2) Subject to subsection (3), no person may use a power boat, aircraft, or motor vehicle to disturb or drive wildlife for the purpose of hunting.
- (3) A person may use a power boat to drive seals and sea lions for the purpose of hunting but only at the times or locations specified by order of the director.
- (4) No person may hunt wildlife from a motor vehicle.
- (5) No person may
- (a) carry a cocked crossbow in or on a vehicle, or
  - (b) hunt with or discharge a bow from a vehicle.

- (6) No person may transport hunters by helicopter.
- (7) No person may use a helicopter for
  - (a) transportation to, from or during a hunting expedition,
  - (b) hunting wildlife, or
  - (c) the purpose of transporting wildlife killed by hunters.
- (8) No person may hunt wildlife from an aircraft.
- (9) No person may hunt wildlife within 6 hours after being airborne in an aircraft, other than a regularly scheduled commercial aircraft.

### **Hunting aids**

- 31.** (1) Subject to subsection (2), a person may use a dog to hunt wildlife.
- (2) A person who is using a dog to hunt deer, wolf, mountain goat, caribou, elk or moose must keep the dog on a leash and within the person's control.
- (3) No person may hunt wildlife using, or assisted by, a light or an illuminating device.
- (4) Subject to subsection (5), no person may use poison for hunting wildlife.
- (5) A person may use poison for the purpose of ridding residential property occupied by that person's family from lemmings, gophers, deer mice and ground squirrels if the poison used is registered under the *Pest Control Products Act* (Canada) for the use to which it is being put and is used in compliance with the *Pesticide Control Act* of British Columbia.
- (6) No person may use recorded or electronic calls while hunting wildlife.
- (7) A person may hunt black bear or grizzly bear by using bait.
- (8) If a person uses bait to hunt black bear or grizzly bear, the person must post
  - (a) at the location of the bait a clearly visible sign that contains the person's name and Nisga'a hunting licence number and, if applicable, the person's designated species permit number, and
  - (b) in the vicinity of the bait clearly visible signs that give reasonable warning to any persons who might enter that area that bait has been placed in the vicinity for the hunting of bears.

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**Use of firearms**

- 32.** (1) A person may use a shotgun to hunt deer, black bear, cougar, coyote, wolf, game birds and small game.
- (2) A person using a shotgun to hunt deer, black bear, cougar or wolf must use a shotgun with a bore size of at least 20 gauge and using shot shells loaded with shot of shot size 1 Buck or larger.
- (3) A person using a shotgun to hunt migratory birds must use a shotgun with a bore size no greater than 10 gauge.
- (4) A person may use more than one shotgun to hunt migratory birds but not more than one shotgun may be loaded at any time.
- (5) No person may hunt wildlife with a set gun or with a pump, repeating or auto-loading shotgun unless the magazine of the shotgun contains a plug that
- (a) is incapable of removal except by disassembling the gun, and
- (b) makes the magazine incapable of holding more than two cartridges.
- (6) Subsection (5) does not apply to a person who hunts a hare or rabbit, other than a snowshoe hare, a white-tailed jackrabbit, or a Nuttall's cottontail.
- (7) No person may hunt wildlife using a full metal jacketed non-expanding bullet or a tracer, incendiary or explosive bullet or an incendiary shot shell.
- (8) No person may hunt big game, excluding lynx, bobcat and wolverine, using rimfire cartridges.
- (9) A person hunting waterfowl with a shotgun must use non-toxic shot.

**Use of bows**

- 33.** (1) No person may hunt big game, other than deer, lynx, bobcat or wolverine, with a crossbow, other than a compound crossbow, having
- (a) a pull of less than 68 kg., or
- (b) a bolt with a broadhead less than 2.22 cm at the widest point.
- (2) No person may hunt with a crossbow having a bolt weighing less than 16.2 grams.
- (3) No person may hunt deer, lynx, bobcat, wolverine, small game or game birds with a

- crossbow, other than a compound crossbow, having a pull of less than 55 kg.
- (4) No person may hunt wildlife with a compound crossbow having a pull of less than 45 kg. at full draw.
  - (5) No person may hunt with a bow having a pull of less than 18 kg. within the archer's draw length.
  - (6) No person may hunt big game with a bow using an arrow having a broadhead less than 2.22 cm. at the widest point.

### **Killing for protection of life or property**

- 34.** (1) The limitations set out in these regulations are not intended to prohibit any person from hunting wildlife that threatens to harm people, animals or property if in the circumstances the person would be authorized to do so under provincial or federal laws of general application.
- (2) Without limiting subsection (1), the director may authorize an enforcement officer or any other person to hunt any wildlife that is dangerous to public safety.

### **Obligation to report certain killings**

- 35.** (1) If big game is killed by accident or unintentionally by collision or is killed in order to protect persons or animals from harm, the person who killed the game must report the incident to an enforcement officer or the director.
- (2) If a Nisga'a citizen makes a report under subsection (1) within 24 hours of the killing, the Nisga'a citizen may take and use the killed game for domestic purposes.

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**PART VI – GENERAL****Orders by director**

36. (1) If, by or under these regulations,
- (a) a time or location for hunting wildlife is prohibited, or
  - (b) a restriction is imposed on the sex, age or species of wildlife to be hunted,
- the director may, by order, vary that time, location or restriction and make different orders for different species of wildlife.
- (2) If, by or under these regulations, no restrictions are placed on the time or location of hunting wildlife or on the sex, age or species of wildlife to be hunted, the director may, by order, impose those restrictions and may make different orders for different species of wildlife.
- (3) At any time, the director may, by order, cancel all designated species permits for any or all designated species.
- (4) If the director makes an order under this section, other than an order under subsection (3), notice of the order must be given by the director by one or more of the following methods:
- (a) by posting the notice in the area or in the vicinity of the area affected by the order;
  - (b) by transmitting the notice by electronic mail to those persons affected by the order;
  - (c) by publishing in accordance with Nisga'a law;
  - (d) by mailing or delivering a written notice or giving oral notice to those affected by the order.
- (5) If the director makes an order under subsection (3), notice of the order must be given by the director to every affected designated species permit holder in the manner provided in subsection (4)(d).
- (6) Every designated species permit holder who has been given notice of the order of cancellation made under subsection (3) must deliver the cancelled designated species permit to the director immediately after receipt of the notice.

- (7) Any orders made by the director under this section must be for the proper management and control of Nisga'a wildlife harvests and the conservation and protection of wildlife and must not be inconsistent with the Nisga'a annual wildlife management plan.

### **Prescribed age**

37. For purposes of section 4(2) of the Act, the prescribed age is 16 years.

### **Offences**

38. Every person who contravenes section 5(3), 8(b), 9(1) or (4), 10(2), 12, 13(1) or (2), 14(1) or (2), 15, 17(3), 20(b), 22(8), 23(1), 24(1) or (2), 25(1), 26(2) to (8), 28(1) to (3), 29(1) or (2), 30(1) to (9), 31(2) to (4), (6) or (8), 32(2) to (5) and (7) to (9), 33(1) to (6), 35(1), 36(6), 39(1) and 40(1) commits an offence punishable under the *Nisga'a Offence Act*.

### **Transportation of wildlife kill**

39. (1) Subject to section 40(1), no person may ship or transport wildlife or wildlife parts unless he does so in accordance with subsection (2) or (3).
- (2) A person may ship or transport wildlife or wildlife parts if
- (a) he has killed the wildlife,
  - (b) he personally accompanies the wildlife or wildlife parts,
  - (c) he has in his possession his Nisga'a hunting licence, and
  - (d) if the wildlife is a designated species, he has in his possession the designated species permit under which he was authorized to hunt the designated species.
- (3) Subject to section 40(1), a person may ship or transport wildlife or wildlife parts killed by another person if the shipping or transporting person has in his possession a record of receipt of the wildlife or wildlife parts setting out the following information:
- (a) the date and place of receipt;
  - (b) the name and address of the person who killed the wildlife or of the person from whom the wildlife or wildlife parts were acquired;
  - (c) the Nisga'a hunting licence number of the person who killed the wildlife;
  - (d) if the wildlife is a designated species, the designated species permit number of the



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- person who killed the wildlife;
- (e) the name and address of the person to whom the wildlife or wildlife parts are to be delivered; and
  - (f) the species and sex of the wildlife if it is big game as defined in Part V of this regulation.
- (4) The director may specify and make available a form of receipt to be used for purposes of subsection (2).

**Transportation for trade or barter**

- 40.** (1) A person may ship or transport outside Nisga'a Lands any killed wildlife or wildlife parts for the purpose of trade or barter with Nisga'a citizens or other aboriginal people if the person has in his lawful possession a transportation permit issued under this section identifying the wildlife as being for trade or barter only.
- (2) A person may apply to the director for a transportation permit for purposes of subsection (1).
- (3) An application under subsection (1) must be in a form approved by the director and must contain a place for the following information:
- (a) the full name, mailing address and telephone number of the applicant;
  - (b) the applicant's birth date;
  - (c) the applicant's Nisga'a hunting licence number;
  - (d) the applicant's designated species permit number if the wildlife is a designated species;
  - (e) a description of the species and quantity of wildlife or wildlife parts to be transported;
  - (f) a statement that the wildlife or wildlife parts is being transported for trade or barter only;
  - (g) the name and address of the person to whom the wildlife or wildlife parts is being delivered;
  - (h) a statutory declaration from the applicant verifying the information given in the application;

- (i) the signature of the applicant.
- (4) When an application for a transportation permit is received by the director, the following information must be recorded:
- (a) the date the application was received;
  - (b) the date the application was issued or refused;
  - (c) if a permit was issued,
    - (i) its date of issuance and its date of expiration, and
    - (ii) its transportation permit number;
  - (d) the name of the authorized Nisga'a official who processed the application.

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SCHEDULE A



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**LEGISLATIVE HISTORY**

*Nisga'a Wildlife Regulations, 2003*, NLGSR 2003/13, in force September 25, 2003

**Amendments**

<b>Section</b>	<b>Amendment</b>	<b>In Force</b>
38	amended [NLGSR 2004/03, s. 1]	March 23, 2004
39	added [NLGSR 2004/03, s. 2]	March 23, 2004
40	added [NLGSR 2004/03, s. 2]	March 23, 2004

**Amending Regulations:**

NLGSR 2004/03      *Nisga'a Wildlife Amendment Regulation, 2004*