

Fish, Wildlife and Trapline Regulations

These regulations are made pursuant to sections 12, 25, 31 and 36 and subsections 11(9), 28(6) and 35(6) of the *Wildlife Act*.

Definitions

1. In these Regulations,
'Act' means the *Wildlife Act*,
'licencee' means a person issued a licence under Part III of the *Act*,
'permittee' means a person issued a habitat protection permit or research permit under the *Act*.

PART ONE: ACCESS LICENCES

Conditions of Licence

- 2.(1) It is a condition of every licence that a licensee report the results of all hunting or fishing undertaken under the authority of the licence on a form provided by the General Council as soon as practicable after the hunting or fishing occurs.
- (2) An officer may refuse to issue a licence to a person if that person failed while previously a licensee to report as set out in subsection (1), regardless of whether a prosecution has been initiated under the *Act* or these regulations in relation to subsection (1), unless that person complies with subsection (1) at the time they apply for the licence under Part III of the *Act*.

PART TWO: CATEGORY 1 TRAPLINES

Application for Trapline

3. Applications for Category 1 traplines must be made using a form provided by the General Council and must include the following information about the applicant or the applicants, if a group trapline is being applied for:
 - (a) The name and mailing address of the applicant or applicants;
 - (b) Whether a group trapline or individual trapline is being applied for;
 - (c) Description of any previous trapping experience of the applicant or applicants;
 - (d) Whether the applicant or applicants have completed a trapper's training course approved by the Council and if so, the date of completion.
 - (e) Harvest records of the applicant or applicants for the previous three years, if the applicant or applicants trapped in that three year period;
 - (f) A list of equipment presently available to the applicant or applicants for trapping;
 - (g) Whether the applicant or applicants are Citizens;
 - (h) Whether the applicant or applicants have clan support for the application, and
 - (i) Any other information as determined by the General Council.

Responsibilities of Trappers

- 4.(1) It is a condition of maintaining a Category 1 trapline that a Category 1 trapline holder must ensure
- (a) that trapping is conducted using only humane trapping methods, as determined by the Council, and
 - (b) that the trapline is trapped at least once every two years by either the trapline holder or their designated assistants.
- (2) The General Council may revoke a trapline allocated to a Category 1 trapline holder if the conditions described in subsection (1) are not met by that trapline holder.
- (3) The General Council must give the Category 1 trapline holder, by written notice,
- (a) in the case of paragraph 4(1)(a), sixty days to modify their trapping methods to meet the condition set out in paragraph 4(1)(a), and
 - (b) in the case of paragraph 4(1)(b), one year to enable the trapline holder to commence trapping as set out in paragraph 4(1)(b)
- before they can revoke a trapline allocation as referred to in subsection (2).

Allocation Criteria

5. The General Council must consider the following in allocating Category 1 traplines in accordance with s.20(1) of the *Act*:
- (a) all of the information provided in the application form submitted in accordance with section 3;
 - (b) whether the applicant or applicants have clan support for the allocation;
 - (c) whether the applicant or applicants have a family or clan connection to the trapline to be allocated;
 - (d) whether the applicant or applicants are 16 years or older, and
 - (e) any other factors the General Council thinks are important in the circumstances.

Category 1 Trapline Register

6. (1) The Category 1 trapline register must contain the following:
- (a) a list of all Category 1 traplines;
 - (b) a list of all persons eligible to trap on the trapline, as defined in subsection 23(2) of the *Act*,
 - (c) a copy of the Category 1 Trapline Certificate issued for each trapline;
 - (d) identification of whether the trapline is being managed and used as a group or individual trapline;
 - (e) copies of letters from the original trapline holder who agreed to the designation of their trapline as a Category 1 trapline, and
 - (f) a list of any unoccupied traplines.
- (2) The Register must be located at the head offices of Lands and Resources, Teslin Tlingit Council in Teslin, Yukon.

PART THREE: HABITAT PROTECTION AND RESEARCH PERMITS

Developments

7. The Act and these regulations do not apply to developments listed in Schedule 1.

Review of Applications

8. Where the General Council receives an application for a habitat protection permit or a research permit, the General Council must, within 10 working days of receiving the application,
- (a) notify the applicant, in writing and with reasons, that the application was not made in accordance with the *Act* or these regulations and cannot be accepted as submitted;
 - (b) issue or renew a habitat protection permit or a research permit in accordance with subsection 28(2), subsection 28(3), subsection 35(2) or subsection 35(3) of the *Act*, respectively;
 - (c) notify the applicant, in writing and with reasons, that further time is required to review the application;
 - (d) notify the applicant, in writing, that additional studies or investigations must be made by the applicant before the application can be considered; or
 - (e) refuse to issue or renew a habitat protection permit or research permit in accordance with subsection 28(2), subsection 28(3), subsection 35(2) or subsection 35(3) of the *Act*, respectively, and notify the applicant, in writing and with reasons, of the refusal.

Time Extensions

9.(1) Where the General Council takes action under either paragraph 8(1)(c) or 8(1)(d), they shall issue or renew a habitat protection permit or a research permit, as the case may be, in accordance with paragraph 8(1)(b) or refuse to issue or renew a permit, in accordance with paragraph 8(1)(e), within 100 days after receipt of an application.

(2) Where the General Council fails to take action within the time limits described in section 8 or subsection 9(1), the application will be deemed to have been rejected by the General Council.

Environmental or Development Assessment

10. The time lines described in sections 8 and 9 do not start until after:
- (a) a Decision Document has been issued by a Decision Body, in accordance with development assessment legislation established and enacted in accordance with Chapter 12 of the final agreement, or
 - (b) an environmental assessment of the development has occurred in accordance with laws of the Teslin Tlingit Council,

if the development is subject to development assessment or environmental assessment as provided in paragraphs (a) and (b).

Display of Permits

11. Every permittee must display an exact copy of their habitat protection permit or research permit, as the case may be, including the terms and conditions of the permit, in a location visible to an officer at the site of the development.

Assignment of Permits

12(1) A habitat protection permit or a research permit may not be assigned except as authorized by the General Council.

(2) An application for authorization for assignment must be made using a form provided by the General Council and shall be accompanied by the fee specified in Schedule 2.

Reports

13. It is a condition of every habitat protection permit and research permit that the permittee maintain accurate and detailed reports and records, consistent with the terms and condition of their permit, and on the anniversary date of the issuance or renewal of their permit or at the end of the term of their permit, whichever comes first in the year, they must submit to the General Council a report describing:

- (a) the areal extend of habitat affected by the development or research and a detailed description of the impact on habitat resulting from the development or research;
- (b) the resources removed or otherwise affected by the development or research;
- (c) any wildlife sitings made during the period addressed by the report;
- (d) any restoration or rehabilitation work undertaken during the reporting period;
- (e) any restoration or rehabilitation work yet to be undertaken, with a timeline for the completion of this work;
- (f) the location of any roads, trails, cleared areas that were used by the permittee during the development or research, and noting those that existed before the development or research occurred and those cleared by the permittee in accordance with their permit;
- (g) buildings, campsites, fuel storage sites, waste disposal sites and other works and places that were constructed or used by the permittee during the development or research, and
- (h) the impact the development or research had on the environment and the traditional land uses and activities of Citizens.

PART FOUR: GENERAL

Fees

14. The fees respecting the issuance or renewal of permits, licences or traplines issued or allocated under the *Act* are prescribed in Schedule 2.

Tickets

15. For the purposes of subsection 65(1) of the *Act*, proceedings in respect of any offence specified in Schedule 3 may be commenced by way of a ticket.

Fines

16. Fines to be paid in respect of an offence specified in Schedule 3 shall be the amount specified in Schedule 3, under the heading 'Penalty' opposite the heading 'Description of the Offence'.

SCHEDULE 1. ACTIVITIES NOT CONSIDERED TO BE DEVELOPMENTS
(reference s. 7)

CATEGORY

Forest Harvesting

Fuelwood – less than 8 cords/year for personal use by Citizens

Traditional Activities

Trapping (Category 1 or Category 2 allocation)

Harvesting in accordance with the *Act*

Gathering, berrypicking and related activities undertaken by Citizens.

SCHEDULE 2: FEES
(reference s. 14)

Licences

Category A Settlement Land Hunting or Fishing Licence

Individual under 65 years of age \$20.00

Individual 65 years of age and older Free

Settlement Land

Outfitter \$200.00

Habitat Protection Permit

Issuance or Renewal \$15.00

Assignment of Permit \$10.00

Research Permit

Issuance or Renewal \$15.00

Assignment of Permit \$10.00

Traplins

Probationary Period \$20.00

Up to Five Year Period \$20.00

Renewal \$20.00

SCHEDULE 3: TICKETABLE OFFENCES AND FINES
(reference s. 16)

AUTHORITY	DESCRIPTION OF OFFENCE	PENALTY
s. 7(1)	Subsistence Hunting without Proof of Enrollment	\$ 50.00
s. 10(1)	Subsistence Hunting without Proof of Consent	100.00
s. 11(2)	Hunting without Licence (Individual)	150.00
s.11(3)	Hunting without Licence - Settlement Land (Outfitter)	500.00
s. 11(5)	Fishing without Licence (Individual)	150.00
s. 15(1)	Damage to Settlement Land or Improvements	250.00
s. 18	Dangerous Hunting	250.00
s.17(2)	Failure to Report Defence Kill	200.00
s. 18(2)	Emergency Kill Resulting from Mismanagement	250.00
s. 18(3)	Failure to Report Emergency Kill	200.00
s. 19(2)	Failure to Report Dangerous Wildlife Kill	200.00
s. 24	Trapping without Certificate	50.00
s. 27	No Habitat Protection Permit	250.00
s. 32	Littering	100.00
s. 34	No Research Permit	250.00
s. 38	Transfer of Authorization	200.00
s. 39	Failure to Produce Authorization	200.00
s. 40(1)	False Statement	250.00
s. 41(1)	Duplication of Authorization	200.00
s. 41(2)	Duplication of Proof of Enrollment	200.00
s. 45	Obstruction of Officer	250.00
s. 46(1)	Failure of Vehicle to Stop	250.00
s. 47(2)	Destruction of Signs and Notices	100.00
s. 57(3)	Disobey or Disregard Order	250.00
s. 58(4)	Disobey or Disregard Notice of Non-Compliance	250.00
s. 60(2)	Failure to Assist Officer	200.00

WILDLIFE ACT DELEGATIONS

SECTION	DELEGATE FROM	DELEGATE TO	SUBJECT
s. 2(1)	General Council	Director	Form – Harvest Report
s. 3	General Council	Director	Application Form – Category 1 Trapline
s. 4(2)	General Council	Council	Revocation of Trapline
s. 4(3)	General Council	Council	Notice of Potential Revocation of Trapline
s. 5	General Council	Director	Trapline Allocation
s. 8	General Council	Director	Notice of Inadequate Application
s. 9(1)	General Council	Director	Time Extension – Permits
s. 9(2)	General Council	Director	Rejection of Application
s. 10(2)	General Council	Director	Form for Proof of Consent
s. 11(5)	General Council	Director	Application Form for Licence
s. 11(6)	General Council	Council	Terms and Conditions to Access Settlement Land for Hunting
s. 11(7)	General Council	Director	Form for Licence
s. 12(1)	General Council	Director	Authorization of Assignment of Permit
s. 12(2)	General Council	Director	Form – Assignment of Permit
s. 13	General Council	Director	Submission of Report
s. 20	General Council	Council	Trapline Allocation
s. 21(3)	General Council	Director	Form for Category 1 Trapline Certificates
s. 28(1)	General Council	Director	Application Form for Habitat Protection Permit
s. 28(2)	General Council	Director	Habitat Protection Permit – issue
s. 28(3)	General Council	Director	Habitat Protection Permit – renew
s. 28(5)	General Council	Director	Form for Habitat Protection Permit
s. 29	General Council	Director	Permit Substitution
s. 30	General Council	Director	Security
s. 33	General Council	Council	Recommendations on Government research / surveys
s. 35(1)	General Council	Director	Application Form for Research Permit
s. 35(2)	General Council	Director	Research Permit (private) - issue
s. 35(3)	General Council	Director	Research Permit (private) – renew
s. 35(5)	General Council	Director	Form for Research Permit
s. 42	General Council	Council	Appoint Officers
s. 43(2)	General Council	Director	Issuance of Officer Identification Cards
s. 54(3)	General Council	Director	Disposal of Things Seized or Detained
s. 65(4)(b)	General Council	Director	Disposal of Things Seized or Detained Upon Conviction