

**KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'
FIRST NATIONS GOVERNMENT**

Enacted under the Resources Harvesting Act section 9.1

**WILDLIFE AND MIGRATORY BIRDS
REGULATION**

KCFNR 7/2011



OFFICIAL CONSOLIDATION – CURRENT TO DECEMBER 19, 2014

This is a certified true copy of the consolidated Wildlife and Migratory Birds Regulation
KCFNR 7/2011, Current to December 19, 2014

Date:

March 19, 2015

Signed:

Marilyn Ford
Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Wildlife and Migratory Birds Regulation.

Application

1.2 This regulation governs harvesting under the right to harvest migratory birds and the right to harvest wildlife.

Definitions

1.3 (a) In this regulation,

“Act” means the Resources Harvesting Act;

“application” means the applicable form attached as Schedule 1;

“designated” means, in relation to migratory birds or wildlife, a designated migratory bird population or a designated wildlife species, as the context requires;

“enforcement officer” means

(a) a resource management officer, or

(b) an officer as defined in the Wildlife Act (British Columbia);

“family member” means a spouse, son, daughter, parent, grandparent, grandchild, aunt, uncle, nephew or niece of a Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee;

“hunting gear” means any equipment, tools, materials, objects or methods used to harvest wildlife;

“Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation number” means the number designating a valid and current Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation at the time the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is issued;

“manager” means a manager of wildlife and migratory birds appointed under section 5.1 of the Act;

“reportable game” means

(a) grouse,

(b) deer and tl'unim, and

(c) bear, cougar and wolf;

“tl'unim” means Roosevelt Elk;

“tl'unim hunt authorization” means an authorization substantially in the form attached as Schedule 2.

PART 2 - ADMINISTRATION

Wildlife manager

- 2.1 (a) The position of manager of wildlife and migratory birds is established as a position within the Department of Lands and Resources.
- (b) In accordance with section 5.1 of the Act, the chief administrative officer may appoint an individual to hold the office of manager.
- (c) The manager reports to the director.

Duties of the wildlife manager

- 2.2 The manager must carry out the following duties:
- (a) manage and administer the right to harvest wildlife;
- (b) ensure that Ka:'yu:'k't'h'/Che:k'tles7et'h' government employees within the Department of Lands and Resources carry out the duties assigned to them relating to the right to harvest wildlife
- (i) under this or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment,
- (ii) by the manager, or
- (iii) by the director;
- (c) report, as required by the director, to the Executive on wildlife harvesting activities; and
- (d) any other duties assigned to the manager
- (i) under this or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment, or
- (ii) by the director.

Manager's authority may be delegated

- 2.3 (a) Upon the approval of the director, the manager may delegate the performance of any of the manager's duties or the exercise of any of the manager's powers to
- (i) another manager within the Department of Lands and Resources,
- (ii) a Ka:'yu:'k't'h'/Che:k'tles7et'h' government employee, or

- (iii) an independent contractor of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.
- (b) Despite the delegation of any duties or powers under subsection (a), the manager remains responsible for ensuring that those duties are carried out properly and those powers are exercised appropriately.
- (c) In the event that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is revoked for a family member of the manager, the manager must, in accordance with the Integrity Act, delegate his or her responsibility respecting the revoking of that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation to another individual identified in subsection (a).

PART 3 - HUNTING DOCUMENTATION

Application for documentation

- 3.1** (a) Subject to section 2.3, the manager has the sole authority to authorize the issuance of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation by means of approving an application.
- (b) The applicable form in Schedule 1 is prescribed for the purposes of section 2.6 of the Act for making an application for Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation.
- (c) An application must be completed by an applicant for Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation and that application must contain the following information:
- (i) the full name and mailing address of the applicant;
 - (ii) the phone number of the applicant;
 - (iii) the Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee's enrolment number, if applicable;
 - (iv) the type of hunting gear to be used by the applicant;
 - (v) proof that the applicant
 - (A) is at least the prescribed age, and
 - (B) has completed the British Columbia Hunter Training Program (CORE), or
 - (C) was at least 19 years of age on the effective date of the Maa-nulth Treaty;
 - (vi) the signature of the applicant;
 - (vii) a certification on the application stating the information given in the application or any supporting document submitted as required under section 2.6 of the Act is true.
- (d) When an application for Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is received by the director, the manager must record the following information:
- (i) the date the application was received;

- (ii) the date the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation was issued or refused;
- (iii) if the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is issued;
 - (A) its date of issuance and its date of expiration,
 - (B) any conditions imposed on the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation, and
 - (C) the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation number,
- (iv) the fee paid, if any; and
- (v) the name of the authorized Ka:'yu:'k't'h'/Che:k'tles7et'h' government employee who processed the application.

Prescribed age

3.2 The age of 14 years is prescribed for the purposes of section 2.3 of the Act

Conditions for issuing documentation

- 3.3** (a) For the proper management and control of harvesting wildlife under the right to harvest wildlife and the conservation and protection of wildlife, the director may attach the conditions the director decides are appropriate to Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that are not inconsistent with the Act, this regulation, any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment and a wildlife harvest plan.
- (b) It is a condition of every Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation issued that the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation comply with the Maa-nulth Treaty, the Act, this regulation, any directions issued by the manager or director as permitted under the Act or this regulation and the wildlife harvest plan.
- (c) Every person carrying out any activity under the authority of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation must comply with every condition of that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation.

Form of documentation

- 3.4** (a) Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation issued by the director must include the following:

- (i) the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations logo;
 - (ii) the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation number;
 - (iii) the photograph of the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation;
 - (iv) the name and address of the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation;
 - (v) the date of issue of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation;
 - (vi) the date of expiration of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation; and
 - (vii) a location for the signature of the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation.
- (b) Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation issued by the director is not valid unless it is signed in ink by the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation on the place designated on the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation.

Term of documentation

- 3.5** (a) Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation has a term of five years.
- (b) If the holder of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation ceases to be a Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee, the holder must immediately cease hunting under the right to harvest wildlife and the right to harvest migratory birds and the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation issued to that holder is deemed to be cancelled as of the date that holder ceased to be a Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee and must be delivered to the manager forthwith and, in any event, no later than five business days from the date the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation was deemed cancelled.
- (c) If a person's Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is cancelled or suspended, the person must deliver the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation to the manager within five business days of the notice of cancellation or suspension.

Replacement of documentation

- 3.6** (a) If the holder of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation

- (i) has a change of name or address,
 - (ii) has had their Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation lost, stolen or destroyed, or
 - (iii) has an illegible Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation,
- the manager may issue a replacement Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation showing any applicable changes.
- (b) On receipt of a replacement Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation, the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation must immediately destroy the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that has been replaced if it is still in the holder's possession.
 - (c) If the holder of a replacement Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation recovers the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that was replaced, the holder must immediately destroy it.

Documentation fees

- 3.7**
- (a) The fees set out in this section are prescribed for the purposes of section 2.6 of the Act.
 - (b) Before an applicant under section 3.1 is issued Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation or replacement Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation is issued under section 3.6, the applicant or holder of Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation, as the case may be, must pay the fees set out in subsection (c).
 - (c) The following fees are payable under subsection (b):
 - (i) by an applicant under section 3.1 who has never before been issued Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation, no fee is payable;
 - (ii) by an applicant under section 3.1 for renewal or reissuance of that applicant's Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation, \$25; and
 - (iii) by a holder of Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation for replacement Ka:'yu:'k't'h'/Che:k'tles7et'h' harvesting documentation under section 3.6, \$50.

Documentation issued in error

- 3.8** If Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation was issued in error or contains an error, the manager may:
- (a) request the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation to deliver it to the manager, and
 - (b) the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation must within five business days comply with the request.

Ownership of documentation

- 3.9** Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is the property of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and is not transferable.

Surrender of documentation on suspension

- 3.10** If Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is suspended, the holder of the Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation must:
- (a) within five business days deliver the documentation to the manager, and
 - (b) immediately cease hunting under the right to harvest wildlife and the right to harvest migratory birds.

Requirement to carry and produce documentation

- 3.11** A holder of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation must:
- (a) carry that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation at all times while exercising the right to harvest wildlife and the right to harvest migratory birds, and
 - (b) produce that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation on the request of an enforcement officer.

Restrictions on alteration and use of documentation

- 3.12** (a) A person other than the manager must not
- (i) alter or deface Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation,
 - (ii) use or produce Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that has been altered or defaced,

- (iii) use or produce Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that has been issued to another person under the pretence of being the holder of that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation, or
 - (iv) use or produce Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that has since been replaced under section 3.6.
- (b) A holder of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation must not permit another person to use that Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation.

PART 4 - HARVESTING REQUIREMENTS

Hunting gear

- 4.1** Hunting gear used in exercising the right to hunt wildlife and the right to hunt migratory birds must
- (a) for firearms
 - (i) be registered, by the owner, with the Canadian Firearms Registry under the Firearms Act (Canada),
 - (ii) be used only by the holder of a Possession Only Licence or a Possession and Acquisition Licence issued under the Firearms Act (Canada),
 - (iii) for the hunting of deer, use centre-fire ammunition, and
 - (iv) for hunting bear and tl'unim, have equal to or greater than 2,712 N.m of energy at muzzle.
 - (b) for long-bow, recurve bows and compound bows, have 18 kg or more draw-pull,
 - (c) for regular crossbows, have 68 kg or more draw-pull, and
 - (d) for compound crossbows, have 45 kg or more draw-pull.

Recovery of wounded animals

- 4.2**
- (a) When wildlife or migratory birds are wounded by a harvester in the exercise of the right to harvest wildlife or the right to harvest migratory birds, every effort must be made by that harvester to recover that wounded wildlife or migratory bird, dispatch it as humanely as practicable, harvest it and utilize the edible portions from that wildlife or migratory bird.
 - (b) Where the wounded wildlife or migratory bird has not been recovered and if it is a designated species of wildlife or migratory bird, the wounding of that wildlife or migratory bird must be reported to the manager and the manager must record that wounded wildlife or migratory bird as a harvested wildlife or migratory bird for the purposes of the allocation of that designated species.

Utilization of animals

- 4.3**
- (a) A person who is exercising the right to harvest wildlife or the right to harvest migratory birds must not waste the edible parts of any wildlife or migratory bird

or any other reasonably usable part of any wildlife or migratory bird that has been harvested.

- (b) For certainty, a person who is exercising the right to harvest wildlife must at least utilize the four quarters and backstrap of any deer, tl'unim and bear harvested and not waste any meat that is suitable for human consumption.

Identification of harvest

4.4 A person who harvests wildlife or migratory birds must not have that wildlife or migratory bird in their possession if it has been processed, cut, packed or otherwise dealt with in such a manner that

- (a) the species of wildlife or migratory bird cannot be readily identified,
- (b) the sex of the wildlife and migratory bird cannot be readily identified, or
- (c) the number of wildlife and migratory birds cannot be readily determined;

until it is processed or preserved at the harvester's place of residence.

Time and location of harvests

4.5 (a) The times and locations for the harvest of wildlife under the right to harvest wildlife or the harvest of migratory birds under the right to harvest migratory birds that are permitted or prohibited under this section are subject to an Order of the director under section 5.6 of this regulation.

(b) A person must not harvest wildlife under the right to harvest wildlife or harvest migratory birds under the right to harvest migratory birds at a time or in a location other than as permitted in this regulation.

(c) Subject to the Maa-nulth Treaty, the Act and this regulation, every person with valid Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation may harvest wildlife in the Maa-nulth wildlife harvest area and migratory birds in the Maa-nulth migratory birds harvest area at times and locations permitted by director from time to time.

(d) A person must not harvest wildlife under the right to harvest wildlife or harvest migratory birds under the right to harvest migratory birds within 400 metres of an occupied dwelling.

(e) A person may only harvest tl'unim under the right to harvest wildlife between September 1 and March 31 of each year and only during daylight hours beginning one hour before sunrise and ending one hour after sunset.

- (f) Subject to subsection (g), the director may, by Order, regulate the times for the harvest of wildlife to protect gestating ungulates and their dependent young.
- (g) The following wildlife may not be harvested under the right to harvest wildlife during the following times:
 - (i) elk between December 31 and September 1;
 - (ii) deer between January 1 and September 1; and
 - (iii) female bears, female cougars or female wolves at any time when they are in the company of, or reasonably can be expected to be caring for, dependent young.

Designated species authorization

- 4.6**
- (a) In exercising the right to harvest wildlife, a person must not harvest tl'unim except as authorized by a tl'unim hunt authorization issued by the director.
 - (b) For certainty, a holder of a valid Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation is not entitled to harvest tl'unim without being issued a valid tl'unim hunt authorization issued by the director.
 - (c) The director may issue a tl'unim hunt authorization to one or more Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollees if the following conditions have been met:
 - (i) the director has considered and acts within the obligations of the director under section 6.3 of the Act;
 - (ii) if an advisory committee has been appointed by the Executive under section 6.2 of the Act, the director has consulted with, and considered the advice or recommendation from, that advisory committee concerning the issuing of the tl'unim hunt authorization;
 - (iii) if the Executive has enacted a regulation under section 6.1 of the Act, the issuing of the tl'unim hunt authorization is subject to that regulation; and
 - (iv) a tl'unim hunt authorization is subject to any wildlife harvest plan pertaining to that tl'unim.
 - (d) In issuing a tl'unim hunt authorization under subsection (c), the director may impose whatever additional conditions or restriction the director considers necessary in the circumstances and not in conflict with the Act, this regulation or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment, including

- (i) the charging of a fee no greater than the fees set out in section 3.7(c), and
 - (ii) the distribution of the tl'unim harvested according to Ka:'yu:'k't'h'/Che:k'tles7et'h' traditions and customs.
- (e) A holder of a valid tl'unim hunt authorization who harvests tl'unim must report to the manager in the manner required by the director on the following matters:
- (i) the date the tl'unim was harvested;
 - (ii) the number of days spent hunting the tl'unim;
 - (iii) the location where the tl'unim was harvested;
 - (iv) the sex of the tl'unim harvested;
 - (v) the estimated age of the tl'unim harvested and any evidence used in determining the age of the tl'unim;
 - (vi) the state of health of the tl'unim harvested; and
 - (vii) sightings of any other tl'unim not harvested.

PART 5 - GENERAL

Trade and barter of wildlife

- 5.1 (a) A person who harvests wildlife or migratory birds under the right to harvest wildlife and the right to harvest migratory birds may trade and barter the harvest with other aboriginal people resident in British Columbia if
- (i) the harvester is a Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee,
 - (ii) the species of wildlife or migratory birds is approved for trade and barter by the director, and
 - (iii) the harvester is in possession of a transportation certificate referred to in section 5.2(a) if the trade and barter will occur, for harvested wildlife, outside the Maa-nulth wildlife harvest area or, for migratory birds, outside the Maa-nulth migratory birds harvest area.
- (b) All species of wildlife, except tl'unim, and migratory birds harvested in accordance with the Act and this regulation are approved for trade and barter unless otherwise prohibited by the director, by Order.

Transportation of wildlife and migratory birds

- 5.2 (a) A person that transports, for their own personal use or for trade and barter, wildlife or migratory birds harvested under the right to harvest wildlife or the right to harvest migratory birds outside the Maa-nulth wildlife harvest area, for harvested wildlife, or outside the Maa-nulth migratory birds harvest area, for migratory birds, is required to have in their possession a transportation certificate issued by the manager that specifies
- (i) the quantity of each species of wildlife or migratory birds being transported, and
 - (ii) the destination of the transported wildlife or migratory birds.
- (b) A transportation certificate referred to in subsection (a) must be
- (i) in a form approved by the director, and
 - (ii) signed by the manager.
- (c) A person must not alter or deface a transportation certificate issued under this section.

- (d) If a transportation certificate is issued under subsection (a), a person who is transporting wildlife or migratory birds for trade or barter must produce that transportation certificate on demand of an enforcement officer.

Reporting of game

5.3 A Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee exercising a treaty harvesting right must report to the manager in the manner required by the director on the following matters:

- (a) the date reportable game is harvested;
- (b) the number of days spent hunting the reportable game;
- (c) the location where the reportable game was harvested;
- (d) the sex of the reportable game harvested;
- (e) the estimated age of the reportable game harvested and any evidence used in determining the age of the reportable game.
- (f) the state of health of the reportable game harvested; and
- (g) sightings of any other reportable game not harvested.

Wildlife sharing agreements

5.4 A Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee harvesting wildlife under a wildlife sharing agreement must not trade or barter with other Maa-nulth-aht or with other aboriginal people resident in British Columbia any wildlife or wildlife parts, including meat or furs, harvested in accordance with the wildlife sharing agreement.

Treaty harvesting rights outside Ka:'yu:'k't'h'/Che:k'tles7et'h' territory

- 5.5**
- (a) A Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee must not exercise his or her treaty harvesting rights outside of the Ka:'yu:'k't'h'/Che:k'tles7et'h' territory except in compliance with this section.
 - (b) If a Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee wishes to exercise his or her treaty harvesting rights outside of the Ka:'yu:'k't'h'/Che:k'tles7et'h' territory, that Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee must request of the manager, in the manner required by the director, permission for the Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee to exercise his or her treaty harvesting rights outside of the Ka:'yu:'k't'h'/Che:k'tles7et'h' territory.
 - (c) A request made under subsection (b) must be in writing and include the

- (i) particular Maa-nulth First Nation area in which that Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee wishes to exercise his or her treaty harvesting right,
 - (ii) times during which that Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee wishes to exercise his or her treaty harvesting right,
 - (iii) species of migratory birds or wildlife that Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee wishes to harvest, and
 - (iv) hunting gear and methods of harvest that Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee intends to utilize in exercising his or her treaty harvesting rights.
- (d) If the manager receives a request under subsection (b), the manager must, before issuing authorization under subsection (e), contact the appropriate representative of the applicable Maa-nulth First Nation whose Maa-nulth First Nation area the Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee who made the request under subsection (b) wishes to exercise his or her treaty harvesting rights in and seek permission on behalf of that Maa-nulth First Nation in accordance with Nuu-chah-nulth traditional practices and protocols or any written protocols or agreements between the Maa-nulth First Nations for the exercise of those treaty harvesting rights by that Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee in that Maa-nulth First Nation area.
- (e) If permission is given as contemplated in subsection (d), the manager may issue written authorization to the Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee who made the request under subsection (b) to exercise his or her treaty harvesting rights in the Maa-nulth First Nation area of the Maa-nulth First Nation on whose behalf permission was given under subsection (d) and the manager may place the reasonable conditions the manager decides are necessary or advisable in the circumstances on that harvesting.
- (f) A Ka:'yu:'k't'h'/Che:k'tles7et'h' enrollee issued written authorization under subsection (e) must only exercise his or her treaty harvesting rights outside of the Ka:'yu:'k't'h'/Che:k'tles7et'h' territory in accordance with the laws of the applicable Maa-nulth First Nation and any conditions of the manager under subsection (e).

Variation of regulations

- 5.6** (a) The director may, by Order, alter the
- (i) time or location for harvest if wildlife or migratory birds prescribed by these Regulations,

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- (ii) quota or set a limit on the sex, age or size of wildlife or migratory birds permitted to be harvested or prohibited from being harvested under these regulations, the manager/director may, by Order, vary that time, location, sex, species or age for holders of Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation.
 - (b) The director must not make an Order under subsection (a) that is inconsistent with an approved wildlife harvest plan.
 - (c) An Order made under subsection (a) must be
 - (i) posted in accordance with Ka:'yu:'k't'h'/Che:k'tles7et'h' law,
 - (ii) published in accordance with Ka:'yu:'k't'h'/Che:k'tles7et'h' law, and
 - (iii) delivered in accordance with Ka:'yu:'k't'h'/Che:k'tles7et'h' law to every person holding Ka:'yu:'k't'h'/Che:k'tles7et'h' hunting documentation that is reasonably likely to be affected by the Order.

Offences

- 5.7 A person who contravenes this regulation commits an offence and is liable, on summary conviction, to a fine not exceeding \$10,000.

SCHEDULE 1 – APPLICATION FORMS

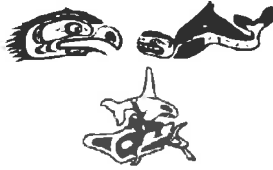
RH-1 – Ka:'yu:'k't'h'/Che:k'tles7et'h' Harvesting Documentation Application

RH-2 – Ka:'yu:'k't'h'/Che:k'tles7et'h' Fishing Documentation Application

RH-3 – Ka:'yu:'k't'h'/Che:k'tles7et'h' Hunting Documentation Application

RH-4 – Ka:'yu:'k't'h'/Che:k'tles7et'h' Park Gathering Application

RH-5 – Youth Ka:'yu:'k't'h'/Che:k'tles7et'h' Harvesting Documentation Application



FORM RH-1

Ka:'yu:'k't'h'/Che:k'tles7et'h' Harvesting Documentation Application

Eurollee Number: _____

**Ka:'yu:'k't'h'/Che:k'tles7et'h' Harvesting Documentation
Number/s (if any):** _____

Last Name: _____ **Given Name:** _____

Date of Birth: _____

Address: _____

Telephone: _____ **Email:** _____

Emergency Contact: _____

Emergency Contact Tel: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

**Conditions
(if any):** _____

Fee Paid (if any): _____

**Ka:'yu:'k't'h'/Che:k'tles7et'h' Harvesting
Documentation Number/s:** _____



FORM RH-2

Ka:'yu:'k't'h'/Che:k'tles7et'h' Fishing Documentation Application

Commercial Fishing Licence Number (if applicable): _____

Ka:'yu:'k't'h'/Che:k'tles7et'h' Fishing Documentation Number (if any): _____

Vessel Name: _____

Transport Canada Registration Number: _____

Length: _____ **Make:** _____

Construction: _____

Gear: _____

Registered _____

Owner: _____

Address: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions (if any): _____

Fee Paid (if any): _____

Ka:'yu:'k't'h'/Che:k'tles7et'h' Fishing Documentation Number: _____



FORM RH-3

Ka:'yu:'k't'h'/Che:k'tles7et'h' Hunting Documentation Application

Firearm Acquisition Number (if applicable): _____

Ka:'yu:'k't'h'/Che:k'tles7et'h' Hunting Documentation Number (if any): _____

Vehicle Make: _____

Plate Number: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions (if any): _____

Fee Paid (if any): _____

Ka:'yu:'k't'h'/Che:k'tles7et'h' Hunting Documentation Number: _____



FORM RH-4

Ka:'yu:'k't'h'/Che:k'tles7et'h' Park Gathering Documentation Application

Enrollee Number _____

Ka:'yu:'k't'h'/Che:k'tles7et'h' Park Gathering Documentation
Number (if any): _____

Last Name: _____ Given Name: _____

Date of Birth: _____

Address: _____

Telephone: _____ Email: _____

Emergency Contact: _____

Emergency Contact Tel: _____

I certify that the information provided by me in this application is true.

Signature: _____

Date: _____

OFFICE USE ONLY

Approved by: _____

Signature: _____

Date Issued: _____

Date Expires: _____

Conditions
(if any): _____

Fee Paid (if any): _____

Ka:'yu:'k't'h'/Che:k'tles7et'h' Park Gathering Documentation
Number: _____



RH-5

Youth Ka:'yu:'k't'h'/Che:k'tles7et'h' Harvesting Documentation Application

Surname: _____ Given Name(s): _____

D.O.B.: year _____ Month _____ Day _____

Address: _____

Phone No.: (h) _____ (c) _____

Name of member you are applying on behalf of: _____

Enrolment # of enrollee: _____

Hunting gear: _____

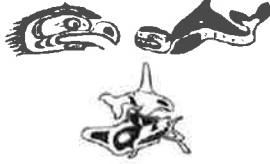
I certify that the information provided by me in this application is true. I acknowledge that I am responsible for informing myself and complying with the Maa-nulth Treaty, Resources Harvesting Act, regulations, harvest documents, Wildlife Harvest Plan and any direction or conditions that may be issued by the manager, director of lands and resources or chief administrative officer. If I fail to comply with any of the aforementioned laws, regulations, documents, directions or conditions, I understand that my documentation may be suspended.

APPLICANT SIGNATURE (Guardian): _____

Youth Hunter Signature: _____ DATE: _____

| |
|---|
| <p><u>OFFICE USE ONLY:</u></p> <p>Date of approval: Year ____ Month ____ Day ____</p> <p>Hunting Designation No.:</p> <p>Date of Expiration: Year ____ Month ____ Day ____</p> <p>Spousal Card No. (if any):</p> <p>Fee paid (if any): \$</p> <p>Conditions (if any):</p> <p>Authorized official issuing documentation (manager, director of lands and resources or chief administrative officer):</p> <p>Signature:</p> |
|---|

SCHEDULE 2 - TL'UNIM HUNT AUTHORIZATION AND REPORTING



FORM RH-6

TL'UNIM HUNT AUTHORIZATION AND REPORTING

THIS SECTION OFFICE USE ONLY
AUTHORIZATION #: _____

VALID FROM: _____ VALID UNTIL: _____

By our signatures below, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations authorizes
(Name) _____ to harvest ONE (sex) ___ tl'unim from the
_____ River Valley (Area ___ in the Provincial hunting regulation maps).

Conditions:

1. IMMEDIATELY UPON HARVESTING AN ANIMAL YOU MUST SIGN AND DATE THIS AUTHORIZATION AND CONTACT THE KA:'YU:'K'T'H'/CHE:K'TLES7ET'H' FIRST NATIONS ADMINISTRATION OFFICE SO THAT ANY FURTHER HUNTING IN YOUR HARVEST AREA IS CURTAILED TO AVOID OVERHARVESTING.
2. You must have this authorization letter with you at all times while hunting
3. When you harvest tl'unim you must return this authorization along with the lower jawbone and/or a front incisor tooth from your harvested animal. You will be asked to mark on a map where the animal was killed. You will also be asked to report tl'unim and (other species) sightings (numbers, dates, location, sex and ages) to the best of your ability.

Director of Lands and Resources

Manager

THIS SECTION TO BE FILLED OUT ONLY BY SUCCESSFUL HUNTER

SUCCESSFUL HUNTER'S SIGNATURE: _____

Date of Kill: _____

Print name:

(Must be signed immediately upon harvesting a tl'unim)

Sex of tl'unim (check one): Male ___ Female ___

THIS SECTION OFFICE USE ONLY

____ Check here if jaw or tooth and map location given after kill.

This authorization is part of our own tl'unim management initiative. It is intended to ensure that the elk herds are sustained and that we are able to practice our treaty harvesting rights. It is in no way intended to limit our treaty harvesting rights. The number of hunting authorizations issued is based on the best tl'unim management knowledge available. Thank you for your cooperation.

LEGISLATIVE HISTORY

Wildlife and Migratory Birds Regulation KCFNR 7/2011 enacted April 1, 2011

Amendments

| Section | Amendment | In Force |
|----------------|--------------------------|-------------------|
| 4.5 and 5.6 | KCFNS 36/2014, s.4.13(a) | December 19, 2014 |
| 5.1(b) | KCFNS 36/2014, s.4.13(b) | December 19, 2014 |

Amending Acts:

KCFNS 36/2014 Enforcement Framework Amendment Act No. 2 enacted December 19, 2014