
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 tlu'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 wildlife manager and the wildlife 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 lands manager 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 Yuulu?il?ath 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 lands manager 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 lands manager 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 lands manager.
- (b) For certainty, a holder of a valid Yuulu?il?ath hunting documentation is not entitled to harvest tl'unim without being issued a valid tl'unim hunt authorization issued by the lands manager.
- (c) The lands manager may issue a tl'unim hunt authorization to one or more Yuulu?il?ath enrollees if the following conditions have been met:
- (i) the lands manager has considered and acts within the obligations of the lands manager 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 lands manager 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 lands manager may impose whatever additional conditions or restriction the lands manager considers necessary in the circumstances and not in conflict with the Act, this regulation or any other Yuulu?il?ath enactment, including
- (i) the charging of a fee no greater than the fees set out in section 3.6(c), and

- (ii) the distribution of the tl'unim harvested according to Yuulu?il?ath traditions and customs.
- (e) A holder of a valid tl'unim hunt authorization who harvests tl'unim must report to the wildlife manager in the manner required by the lands manager 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 Yuulu?il?ath enrollee,
 - (ii) the species of wildlife or migratory birds is approved for trade and barter by the lands manager, 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 lands manager, 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 wildlife 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 lands manager, and
 - (ii) signed by the wildlife 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 Yuulu?i?ath enrollee exercising a treaty harvesting right must report to the wildlife manager in the manner required by the lands manager 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 Yuulu?i?ath 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 Yuulu?i?ath territory

- 5.5 (a) A Yuulu?i?ath enrollee must not exercise his or her treaty harvesting rights outside of the Yuulu?i?ath territory except in compliance with this section.
- (b) If a Yuulu?i?ath enrollee wishes to exercise his or her treaty harvesting rights outside of the Yuulu?i?ath territory, that Yuulu?i?ath enrollee must request of the wildlife manager, in the manner required by the lands manager, permission for the Yuulu?i?ath enrollee to exercise his or her treaty harvesting rights outside of the Yuulu?i?ath 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 Yuulu?i?ath enrollee wishes to exercise his or her treaty harvesting right,

- (ii) times during which that Yuulu?il?ath enrollee wishes to exercise his or her treaty harvesting right,
 - (iii) species of migratory birds or wildlife that Yuulu?il?ath enrollee wishes to harvest, and
 - (iv) hunting gear and methods of harvest that Yuulu?il?ath enrollee intends to utilize in exercising his or her treaty harvesting rights.
- (d) If the wildlife manager receives a request under subsection (b), the wildlife 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 Yuulu?il?ath 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 Yuulu?il?ath enrollee in that Maa-nulth First Nation area.
- (e) If permission is given as contemplated in subsection (d), the wildlife manager may issue written authorization to the Yuulu?il?ath 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 wildlife manager may place the reasonable conditions the wildlife manager decides are necessary or advisable in the circumstances on that harvesting.
- (f) A Yuulu?il?ath enrollee issued written authorization under subsection (e) must only exercise his or her treaty harvesting rights outside of the Yuulu?il?ath territory in accordance with the laws of the applicable Maa-nulth First Nation and any conditions of the wildlife manager under subsection (e).

Variation of regulations

- 5.6 (a) The lands manager may, by Order, alter the
- (i) time or location for harvest if wildlife or migratory birds prescribed by these Regulations,
 - (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 wildlife manager or lands manager may, by Order, vary that time, location, sex, species or age for holders of Yuulu?il?ath hunting documentation.

- (b) The lands manager 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 Yuulu?il?ath law,
 - (ii) published in accordance with Yuulu?il?ath law, and
 - (iii) delivered in accordance with Yuulu?il?ath law to every person holding Yuulu?il?ath 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.