YUUŁU?IŁ?ATḤ GOVERNMENT

Enacted under the Resources Harvesting Act section 9.1

WILDLIFE AND MIGRATORY BIRDS REGULATION

YFNR 7/2011



OFFICIAL CONSOLIDATION – CURRENT TO MAY 2, 2023

This is a certified true copy of the consolidated Wildlife and Migratory Birds Regulation YFNR 7/2011, Current to May 2, 2023

Date:	May 8, 2023
Signed:	Harulfon Law 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 an application for Yuulu?il?ath hunting documentation;
 - "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 Yuułu?ił?atḥ enrollee;
 - "hunting gear" means any equipment, tools, materials, objects or methods used to harvest wildlife;
 - "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 a tl'unim hunt authorization issued by the wildlife manager in accordance with this regulation;

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"wildlife manager" means a manager of wildlife appointed under section 5.1 of the Act;

"Yuulu?il?ath hunting documentation number" means the number designating a valid and current Yuulu?il?ath hunting documentation at the time the Yuulu?il?ath hunting documentation is issued.

PART 2 - ADMINISTRATION

Wildlife manager

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

Duties of the wildlife manager

- 2.2 The wildlife manager must carry out the following duties:
 - (a) manage and administer the right to harvest wildlife;
 - (b) ensure that Yuulu?il?ath 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 Yuulu?il?ath enactment,
 - (ii) by the wildlife manager, or
 - (iii) by the lands manager;
 - (c) report, as required by the lands manager, to the Executive on wildlife harvesting activities; and
 - (d) any other duties assigned to the wildlife manager
 - (i) under this or any other Yuułu?ił?ath enactment, or
 - (ii) by the lands manager.

Wildlife manager's authority may be delegated

- 2.3 (a) Upon the approval of the lands manager, the wildlife manager may delegate the performance of any of the wildlife manager's duties or the exercise of any of the wildlife manager's powers to
 - (i) another wildlife manager within the Department of Lands and Resources,
 - (ii) a Yuulu?il?ath government employee, or

- (iii) an independent contractor of the Yuulu?il?ath First Nation.
- (b) Despite the delegation of any duties or powers under subsection (a), the wildlife manager remains responsible for ensuring that those duties are carried out properly and those powers are exercised appropriately.
- (c) In the event that Yuulu?il?ath hunting documentation is revoked for a family member of the wildlife manager, the wildlife manager must, in accordance with the Integrity Act, delegate his or her responsibility respecting the revoking of that Yuulu?il?ath 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 wildlife manager has the sole authority to authorize the issuance of Yuulu?il?atḥ hunting documentation by means of approving an application.
 - (b) A person applying for Yuulu?il?ath hunting documentation must submit an application that contains the following information:
 - (i) the full name and mailing address of the applicant;
 - (ii) the phone number of the applicant;
 - (iii) the Yuulu?il?ath 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 10 years of 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.
 - (c) When an application is received by the wildlife manager, the wildlife manager must record the following information:
 - (i) the date the application was received;
 - (ii) the date the Yuulu?il?ath hunting documentation was issued or refused;
 - (iii) if the Yuułu?ił?ath hunting documentation is issued;
 - (A) its date of issuance and its date of expiration,

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- (B) any conditions imposed on the Yuulu?il?ath hunting documentation, and
- (C) the Yuułu?ił?ath hunting documentation number,
- (iv) the fee paid, if any; and
- (v) the name of the authorized Yuulu?il?ath government employee who processed the application.

Conditions for issuing documentation

- 3.2 (a) For the proper management and control of harvesting wildlife under the right to harvest wildlife and the conservation and protection of wildlife, the wildlife manager may attach the conditions the wildlife manager decides are appropriate to Yuulu?il?ath hunting documentation that are not inconsistent with the Act, this regulation, any other Yuulu?il?ath enactment and a wildlife harvest plan.
 - (b) It is a condition of every Yuulu?il?ath hunting documentation issued that the holder of the Yuulu?il?ath hunting documentation comply with the Maa-nulth Treaty, the Act, this regulation, any directions issued by the wildlife manager or lands manager as permitted under the Act or this regulation and the wildlife harvest plan.
 - (c) Every person carrying out any activity under the authority of Yuułu?ił?atḥ hunting documentation must comply with every condition of that Yuułu?ił?atḥ hunting documentation.

Form of documentation

- 3.3 (a) Yuulu?il?atḥ hunting documentation issued by the wildlife manager must include the following:
 - (i) the Yuułu?ił?ath First Nation logo;
 - (ii) the Yuulu?il?ath hunting documentation number;
 - (iii) the photograph of the holder of the Yuulu?il?ath hunting documentation:
 - (iv) the name and address of the holder of the Yuułu?ił?atḥ hunting documentation;
 - (v) the date of issue of the Yuulu?il?ath hunting documentation;

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- (vi) the date of expiration of the Yuulu?il?atḥ hunting documentation; and
- (vii) a location for the signature of the holder of the Yuulu?il?ath hunting documentation.
- (b) Yuulu?il?ath hunting documentation issued by the wildlife manager is not valid unless it is signed in ink by the holder of the Yuulu?il?ath hunting documentation on the place designated on the Yuulu?il?ath hunting documentation.

Term of documentation

- 3.4 (a) Yuulu?il?ath hunting documentation has a term of five years.
 - (b) If the holder of Yuulu?il?ath hunting documentation ceases to be a Yuulu?il?ath enrollee, the holder must immediately cease hunting under the right to harvest wildlife and the right to harvest migratory birds and the Yuulu?il?ath hunting documentation issued to that holder is deemed to be cancelled as of the date that holder ceased to be a Yuulu?il?ath enrollee and must be delivered to the wildlife manager forthwith and, in any event, no later than five business days from the date the Yuulu?il?ath hunting documentation was deemed cancelled.
 - (c) If a person's Yuulu?il?ath hunting documentation is cancelled or suspended, the person must deliver the Yuulu?il?ath hunting documentation to the wildlife manager within five business days of the notice of cancellation or suspension.

Replacement of documentation

- 3.5 (a) If the holder of Yuulu?il?ath hunting documentation
 - (i) has a change of name or address,
 - (ii) has had their Yuułu?ił?atḥ hunting documentation lost, stolen or destroyed, or
 - (iii) has an illegible Yuulu?il?ath hunting documentation,
 - the wildlife manager may issue a replacement Yuulu?il?ath hunting documentation showing any applicable changes.
 - (b) On receipt of a replacement Yuulu?il?ath hunting documentation, the holder of the Yuulu?il?ath hunting documentation must immediately destroy the Yuulu?il?ath hunting documentation that has been replaced if it is still in the holder's possession.

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(c) If the holder of a replacement Yuulu?il?atḥ hunting documentation recovers the Yuulu?il?atḥ hunting documentation that was replaced, the holder must immediately destroy it.

Documentation issued in error

- 3.6 If Yuulu?il?ath hunting documentation was issued in error or contains an error, the wildlife manager may:
 - (a) request the holder of the Yuulu?il?ath hunting documentation to deliver it to the wildlife manager, and
 - (b) the holder of the Yuulu?il?ath hunting documentation must within five business days comply with the request.

Ownership of documentation

3.7 Yuulu?il?ath hunting documentation is the property of the Yuulu?il?ath First Nation and is not transferable.

Surrender of documentation on suspension

- 3.8 If Yuulu?il?ath hunting documentation is suspended, the holder of the Yuulu?il?ath hunting documentation must:
 - (a) within five business days deliver the documentation to the wildlife 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

- 3.9 A holder of Yuulu?il?ath hunting documentation must:
 - (a) carry that Yuulu?il?ath hunting documentation at all times while exercising the right to harvest wildlife and the right to harvest migratory birds, and
 - (b) produce that Yuulu?il?ath hunting documentation on the request of an enforcement officer.

Restrictions on alteration and use of documentation

- **3.10** (a) A person other than the wildlife manager must not
 - (i) alter or deface Yuulu?il?ath hunting documentation,

- (ii) use or produce Yuułu?ił?atḥ hunting documentation that has been altered or defaced,
- (iii) use or produce Yuulu?il?atḥ hunting documentation that has been issued to another person under the pretence of being the holder of that Yuulu?il?atḥ hunting documentation, or
- (iv) use or produce Yuułu?ił?atḥ hunting documentation that has since been replaced under section 3.5.
- (b) A holder of Yuulu?il?atḥ hunting documentation must not permit another person to use that Yuulu?il?atḥ 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 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

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- 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.

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- (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 wildlife 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 wildlife manager.
 - (c) The wildlife 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 wildlife manager has considered and acts within the obligations of the lands manager under section 6.3 of the Act;
 - (ii) [Repealed]
 - (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 wildlife manager may impose whatever additional conditions or restriction the wildlife 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, and

- (ii) the distribution of the tl'unim harvested according to Yuulu?ił?atḥ 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

- 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.

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(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?il?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

A Yuulu?il?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?il?ath territory

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

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- (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 Yuułu?ił?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,
 - 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.

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- (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 Yuułu?ił?atḥ law,
 - (ii) published in accordance with Yuułu?ił?atḥ 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.

LEGISLATIVE HISTORY

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

Amendments

Section	Amendment	In Force
Schedule 1	YFNR 17/2013, s.2.2	March 19, 2013
4.5 and 5.6	YFNS 44/2015, s.4.13(a)	April 14, 2015
5.1(b)	YFNS 44/2015, s.4.13(b)	April 14, 2015
3.1(b.1)	YFNR 44/2019, s.2.1(a)	February 21, 2019
Schedule 1	YFNR 44/2019, s.2.1(b)	February 21, 2019
Schedule 1	YFNR 44/2019, s.2.1(c)	February 21, 2019
Schedule 2	YFNO 20/2019, s.2	May 21, 2019
1.3	YFNR 55/2022, s.2.2(a)	May 31, 2022
2.1(a)	YFNR 55/2022, s.2.2(b)	May 31, 2022
3.1(b)	YFNR 55/2022, s.2.2(c)	May 31, 2022
3.1(b.1)	YFNR 55/2022, s.2.2(d)	May 31, 2022
3.1(c)	YFNR 55/2022, s.2.2(e)	May 31, 2022
3.1(d)	YFNR 55/2022, s.2.2(f)	May 31, 2022
3.2(a)	YFNR 55/2022, s.2.2(g)	May 31, 2022
3.3(a) and (b)	YFNR 55/2022, s.2.2(h)	May 31, 2022
3.6	YFNR 55/2022, s.2.2(i)	May 31, 2022
4.6(a),(b),(c) and (d)	YFNR 55/2022, s.2.2(j)	May 31, 2022
4.6(c)(i)	YFNR 55/2022, s.2.2(k)	May 31, 2022
4.6(c)(ii)	YFNR 55/2022, s.2.2(1)	May 31, 2022
4.6(d)(i)	YFNR 55/2022, s.2.2(m)	May 31, 2022
Schedules 1 and 2	YFNR 55/2022, s.2.2(n)	May 31, 2022
4.6(c)(ii)	YFNR 57/2023, s. 5.2(b)	May 2, 2023

Amending Acts:

YFNS 44/2015 Enforcement Framework Amendment Act No. 2 enacted April 14, 2015

Amending Regulations:

YFNR 17/2013 High Capacity Fisher Forms Amending Regulation enacted March 19, 2013

YFNR 44/2019 Park Harvesting Documentation Amending Regulation enacted February 21, 2019

YFNR 55/2022 Resources Harvesting Forms Amending Regulation enacted May 31, 2022

YFNR 57/2023 Executive Committee Regulation enacted May 2, 2023

Orders:

YFNO 20/2019 Law Clerk Order enacted May 21, 2019