

Index

ACTION PLAN

See also Species at Risk Act (SARA)
Generally, **3:10, 3:110 to 3:122 [SARA 47 to 55]**

ALBERTA REGULATION

See also Alberta Wildlife Act (AWA)
Legislative summary, **4:1**
Alberta Land Stewardship Act, **4:13**
Alberta Species at Risk Program, **4:1**
five program areas, **4:1**
Wildlife Act, **4:1**
prohibitions only relating to animals, **4:1**

Wilderness Areas, Ecological Reserves,
Natural Areas and Heritage
Rangelands Act, **4:12**

Wildlife Act
generally, **4:2 to 4:11**
administration, **4:8**
Indigenous interests, **4:11**
licensing and permitting, **4:6**
public participation, **4:10**
recovery planning, **4:7**
regulatory-making powers, **4:9**
species and habitat protection
generally, **4:4**
enforcement, **4:5**
contraventions and fines, **4:5**
licence prohibitions, **4:5**
mens rea offences, **4:5**
strict liability offences, **4:5**
wilful behaviour requirement, **4:5**
summary of protection, **4:4**
key definitions, **4:4**
no open season for endangered
animals, **4:4**
possession, **4:4**
prohibition against disturbing or
destroying den of wildlife,
4:4
prohibition against hunting
wildlife without licence, **4:4**
Wildlife Regulation establishing
open season, **4:4**

ALBERTA REGULATION—Cont'd

Wildlife Act—Cont'd
species listing
generally, **4:3**
assessment of species, **4:3**
animals only listed, **4:3**
members from scientific com-
munity and land-use sec-
tor, **4:3**
“endangered” and “threatened”
defined, **4:3**
Endangered Species Conservation
Committee (ESCC), **4:3**

ALBERTA WILDLIFE ACT (AWA)

See also Alberta regulation
Administration, **4:19 to 4:23 [AWA 2 to 6]**
assistance to officers and guardians,
4:20 [AWA 3]
establishing, **4:23 [AWA 6]**
recovery plans, **4:23 [AWA 6(3), (4)]**
rewards and remuneration, **4:21 [AWA 4]**
terms and conditions imposed, **4:22 [AWA 5]**
wildlife guardians, **4:19 [AWA 2]**
Application of Part
generally, **4:77 [AWA 54]**
escape and recapture of animals from
certain premises, **4:83 [AWA 60]**
exportation of wildlife, **4:82 [AWA 59]**
importation of live wildlife and con-
trolled animals, **4:81 [AWA 58]**
possession of poisoned wildlife, **4:79 [AWA 56]**
possession of wildlife and controlled
animals, **4:78 [AWA 55]**
records, maintenance of, **4:87 [AWA 64]**
release from custody, **4:84 [AWA 61]**
taxidermy and tanning, **4:86 [AWA 63]**
trafficking in wildlife, **4:85 [AWA 62]**
transportation of wildlife, **4:80 [AWA 57]**

ALBERTA WILDLIFE ACT (AWA)

—Cont'd

Appointment of wildlife officers, **4:17, 4:18 [AWA 1.1, 1.2]**

Claims against Crown
generally, **4:28 [AWA 11]**
disputes as to Crown's ownership, **4:27 [AWA 10]**
property in dead wildlife, **4:25 [AWA 8]**
property in live wildlife, **4:24 [AWA 7]**
transfer of property in wildlife, **4:26 [AWA 9]**

Collection licence: eligibility
generally, **4:141**
collection licence: entitlements, **4:141**
definitions, **4:141**
exemptions and exclusions, **4:141**
interpretation for purposes of Act, **4:141**
endangered species, **4:140**
hunting and related activities, **4:141**
open seasons, **4:141**
interpretation and application, **4:141**
research permit, **4:141**
zoo permits, **4:141**

Commentary, **4:2 to 4:11**

Crown's relationship to wildlife, **4:24 to 4:28 [AWA 7 to 11]**

Definitions
generally, **4:15 [AWA 1(1)]**
"animal," **4:15 [AWA 1(1), (4), (5)]**
"appointed officer," **4:15 [AWA 1(1)]**
"authorization," **4:15 [AWA 1(1)]**
"big game," **4:15 [AWA 1(1)]**
"bird of prey," **4:15 [AWA 1(1)]**
"controlled animal," **4:15 [AWA 1(1)]**
"Crown," **4:15 [AWA 1(1)]**
"dog," **4:15 [AWA 1(1)]**
"domestic cervid," **4:15 [AWA 1(1)]**
"endangered animal," **4:15 [AWA 1(1)]**
"endangered organism," **4:15 [AWA 1(1)]**
"endangered species," **4:15 [AWA 1(1)]**
"fur-bearing animal," **4:15 [AWA 1(1)]**
"fur farm," **4:15 [AWA 1(1)]**
"game bird," **4:15 [AWA 1(1)]**
"guide," **4:15 [AWA 1(1)]**
"hunt," **4:15 [AWA 1(1), (2)]**

ALBERTA WILDLIFE ACT (AWA)

—Cont'd

Definitions—Cont'd
"licence," **4:15 [AWA 1(1)]**
"migratory game bird," **4:15 [AWA 1(1)]**
"Minister," **4:15 [AWA 1(1)]**
"non-game animal," **4:15 [AWA 1(1)]**
"non-licence animal," **4:15 [AWA 1(1)]**
"permit," **4:15 [AWA 1(1)]**
"permit premises," **4:15 [AWA 1(1)]**
"possession," **4:15 [AWA 1(3)]**
"prescribed," **4:15 [AWA 1(1)]**
"privately owned land," **4:15 [AWA 1(1)]**
"record," **4:15 [AWA 1(1)]**
"recreational licence," **4:15 [AWA 1(1)]**
"resident," **4:15 [AWA 1(1)]**
"skin," **4:15 [AWA 1(1)]**
"subject animal," **4:15 [AWA 1(1)]**
"tag," **4:15 [AWA 1(1)]**
"traffic," **4:15 [AWA 1(1)]**
"trap," **4:15 [AWA 1(1)]**
"upland game bird," **4:15 [AWA 1(1)]**
"vehicle," **4:15 [AWA 1(1)]**
"weapon," **4:15 [AWA 1(1)]**
"wildlife," **4:15 [AWA 1(1)]**
"wildlife guardian," **4:15 [AWA 1(1)]**
"wildlife officer," **4:15 [AWA 1(1)]**

Enforcement
generally, **4:88 to 4:107 [AWA 65 to 82.1]**
application by person claiming interest, **4:101 [AWA 78]**
closure of areas to public, **4:104 [AWA 81]**
diseased animals, **4:102 [AWA 79]**
disposal of forfeited things, **4:100 [AWA 77]**
disposition of seized things, **4:98, 4:99 [AWA 75, 76]**
initial, **4:98 [AWA 75]**
subsequent, **4:99 [AWA 76]**
entry on land, **4:89 [AWA 66]**
inspection of permit and other premises, **4:95 [AWA 72]**
inspection of subject animals, **4:92 [AWA 69]**

ALBERTA WILDLIFE ACT (AWA)

—Cont’d

Enforcement—Cont’d

inspection of weapons, ammunition and projectiles, **4:93 [AWA 70]**

inspection without warrant, **4:89 [AWA 66]**

passing over land, **4:89 [AWA 66]**

peace officer, status as, **4:88 [AWA 65]**

powers of seizure, **4:97 [AWA 74]**

power to demand licence or permit, **4:91 [AWA 68]**

power to stop and order movement of vehicles and animals, **4:90 [AWA 67]**

privately owned animals, damage or threat caused by, **4:103 [AWA 80]**

production of identification, **4:96 [AWA 73]**

reporting, **4:106 [AWA 82]**

search without warrant, **4:94 [AWA 71]**

written return, **4:106 [AWA 82(1)]**

warrants, **4:107 [AWA 82.1]**

wildlife attractants, orders respecting, **4:105 [AWA 81.1]**

Evidence, 4:108 to 4:110 [AWA 83 to 85]

administering oaths, power of, **4:108 [AWA 83]**

certificates, admissibility of, **4:110 [AWA 85]**

location of hunting, evidence of, **4:109 [AWA 84]**

Forms and precedents, 4:143

Hunting, deemed, 4:15 [AWA 1(6)]

Hunting and related activities

generally, **4:44 to 4:75 [AWA 23 to 53]**

activities related to hunting

generally, **4:47 to 4:75 [AWA 47 to 53]**

access to land for purpose of hunting, disposition of, **4:71 [AWA 49]**

bird dogs, **4:72 [AWA 50]**

discharge of firearm at night, **4:75 [AWA 53]**

disturbance of traps, **4:70 [AWA 48]**

firearms around buildings, **4:74 [AWA 52]**

firearms on roads, **4:73 [AWA 51]**

ALBERTA WILDLIFE ACT (AWA)

—Cont’d

Hunting and related activities—Cont’d

activities related to hunting—Cont’d
harassment of hunters, prohibition of, **4:69 [AWA 47]**

general rules for hunting

generally, **4:44 to 4:61 [AWA 23 to 39]**

alcohol and drugs, **4:51 [AWA 30]**

carry licence or other proof, requirement to, **4:47 [AWA 26]**

clothing required, **4:55 [AWA 34]**

hunting at night, **4:49 [AWA 28]**

hunting for trafficking purposes, **4:56 [AWA 35]**

hunting in dangerous manner, **4:48 [AWA 27]**

hunting in wildlife sanctuary, **4:61 [AWA 39]**

hunting on occupied land, **4:60 [AWA 38]**

hunting out of season, **4:46 [AWA 25]**

hunting without licence, **4:45 [AWA 24]**

minors, **4:52 [AWA 31]**

open seasons, **4:44 [AWA 23]**

poisonous substances, **4:53 [AWA 32(4) to (7)]**

prohibited items in hunting wildlife, **4:53 [AWA 32]**

protection of livestock and other property, **4:50 [AWA 29]**

tags, affixation of, **4:59 [AWA 37]**

vehicles, boats and aircraft, use of, **4:54 [AWA 33]**

wildlife habitation, disturbance of, **4:57, 4:58 [AWA 36]**

hunting of particular kinds of animals
generally, **4:62 to 4:68 [AWA 40 to 46]**

aircraft flight, hunting following, **4:65 [AWA 43]**

domestic cervid production farm, hunting on, **4:68 [AWA 46]**

equipment and other items prohibited, **4:62 [AWA 40]**

non-residents, hunting by, **4:64 [AWA 42]**

ALBERTA WILDLIFE ACT (AWA)

—Cont'd

Hunting and related activities—Cont'd
 hunting of particular kinds of animals
 —Cont'd
 spoilage of skin and edible flesh,
 prohibition against, **4:63 [AWA 41]**
 swimming big game animals, **4:66 [AWA 44]**

Items prohibited for hunting big game,
4:136 [AWA Sch. Item 2]
 items prohibited for hunting fur-bearing
 animals, **4:139 [AWA Sch. Item 5]**
 items prohibited for hunting game
 birds, **4:137 [AWA Sch. Item 3]**
 items prohibited for hunting migratory
 game birds, **4:138 [AWA Sch. Item 4]**

Licences and permits

generally, **4:31 to 4:43 [AWA 12 to 22.1]**
 ALSA regional plans, **4:30 [AWA 11.1]**
 authorizations, **4:43 [AWA 22.1]**
 cancellation and suspension, **4:38 [AWA 19]**
 defacement, **4:42 [AWA 22]**
 establishment and entitlements, **4:31 [AWA 12]**
 expiry, **4:36 [AWA 17]**
 ineligibility, **4:34 [AWA 15]**
 issuance of, **4:32 [AWA 13]**
 non-transferability, **4:40 [AWA 20]**
 nullity, **4:35 [AWA 16]**
 refusal to issue, **4:39 [AWA 19.1]**
 tags, **4:33 [AWA 14]**
 use of and carrying another's licence,
4:41 [AWA 21]
 validity, **4:37 [AWA 18]**

Offences and penalties

generally, **4:111 to 4:128 [AWA 86 to 102]**
 cancellation and suspension of licence
 on conviction, **4:127 [AWA 101]**
 compensation for loss of property,
4:122 [AWA 96.1]
 contravention following conviction and
 order, **4:126 [AWA 100]**
 false or misleading information, **4:113 [AWA 88]**

ALBERTA WILDLIFE ACT (AWA)

—Cont'd

Offences and penalties—Cont'd

fine representing value of financial
 benefits, additional, **4:121 [AWA 96]**
 limitation of time for prosecution,
4:114 [AWA 89]
 offences against Act and regulations,
4:111 [AWA 86]
 penalties and orders, further and sepa-
 rate, **4:120 [AWA 95]**
 penalties for vicarious liability
 offences, **4:119 [AWA 94]**
 penalties generally, **4:117 [AWA 92]**
 powers of court to make directions,
 additional, **4:123 [AWA 97]**
 recoverability of court-awarded
 financial penalty, **4:124 [AWA 98]**
 satisfaction for loss of property, **4:122 [AWA 96.1]**
 separate offences, **4:115 [AWA 90]**
 signs, altering or destroying, **4:112 [AWA 87]**
 suspension of licence for failure to pay
 fine, **4:128 [AWA 102]**
 variation of order, **4:125 [AWA 99]**
 vicarious liability, **4:116, 4:119 [AWA 91, 94]**

penalties for vicarious liability
 offences, **4:119 [AWA 94]**

Policy, guidelines and agreements, **4:142**

Possession and commerce in animals,
4:77 to 4:87 [AWA 54 to 64]

Regulations generally, **4:130 to 4:132 [AWA 103 to 105]**

ALSA regional plans, regulations in
 compliance, **4:133 [AWA 105.1]**

Lieutenant Governor in Council regula-
 tions, **4:131 [AWA 104]**

Ministerial regulations, **4:130 [AWA 103]**

scope of regulations, **4:132 [AWA 105]**

Schedule: items prohibited for hunting
 purposes, AWA Sch. items prohibited
 for hunting all wildlife, **4:135 [AWA Sch. Item 1]**

Wildlife Regulation (Alta. Reg. 143/97),
4:140, 4:141

ALTERNATIVE MEASURES

Generally, **3:206 to 3:219 [SARA 108 to 119]**

INDEX

B.C

Agreements, **5:199**
Agricultural and cleared land, **5:66**
[BCWA 39]
Angling guide licences, issue of, **5:80**
[BCWA 52]
Angling licences, **5:35** [BCWA 12]
Appeals to Environmental Appeal Board,
5:148 [BCWA 101.1]
Application of Act, **5:204** [PMFLA 3]
Arrest without warrant, **5:120** [BCWA
87]
Assistant guide licence, issue of, **5:82**
[BCWA 54]
Birds, nests and eggs, **5:61** [BCWA 34]
Camps, inspection of, **5:125** [BCWA 91]
Cancellation not for park, **5:98** [BCWA
68]
Captive animal, escape of, **5:106** [BCWA
76]
Capture of wildlife, attempting, **5:55**
[BCWA 29]
Citizenship or residence, proof of, **5:153**
[BCWA 105]
Commentary, **5:2 to 5:13, 5:17**
Commercial vendors of licences, **5:149**
[BCWA 102]
Community watersheds, **5:182** [FRPA
150]
Compulsory angling guide licence, **5:77**
[BCWA 49]
Compulsory guide outfitter licence, **5:76**
[BCWA 48]
Conditions of licence or certificate not
fulfilled, action if, **5:90** [BCWA 61]
Controlled alien species
application of Act to, **5:29** [BCWA 6.6]
conveyance, use of, **5:53** [BCWA 27]
costs and proceeds of disposition,
5:141 [BCWA 97.73]
defined, **5:21** [BCWA 1(1)]
disposition of seized, **5:139 to 5:141**
[BCWA 97.71 to 97.73]
regulations re, **5:27, 5:28** [BCWA 6.4,
6.5]
seizure or destruction of, **5:138, 5:141**
[BCWA 97.7, 97.73]
Course of training, prescribed, **5:44**
[BCWA 18]
Critical wildlife areas and wildlife
sanctuaries, **5:25** [BCWA 5]

B.C—Cont'd

Critical wildlife habitat, **5:205** [PMFLA
15]
Damage to land set aside for wildlife,
5:30 [BCWA 7]
Damaging beaver dams, **5:32** [BCWA 9]
Dangerous hunting or trapping, **5:54**
[BCWA 28]
Dangerous wildlife protection order,
5:122 [BCWA 88.1]
Defences to prosecution, **5:208** [PMFLA
37]
Definitions, **5:202** [PMFLA 1]
generally, **5:21** [BCWA 1(1)]
“accompany,” **5:21** [BCWA 1(1)]
“amphibian,” **5:21** [BCWA 1(1)]
“angler day,” **5:21** [BCWA 1(1)]
“angler day quota,” **5:21** [BCWA 1(1)]
“angling,” **5:21** [BCWA 1(1)]
“angling guide,” **5:21** [BCWA 1(1)]
“angling guide operating plan,” **5:21**
[BCWA 1(1)]
“angling site,” **5:21** [BCWA 1(1)]
“animal,” **5:21** [BCWA 1(1)]
“appeal board,” **5:21** [BCWA 1(1)]
“assessor,” **5:202** [PMFLA 1]
“assistant angling guide,” **5:21**
[BCWA 1(1)]
“assistant director,” **5:21** [BCWA 1(1)]
“assistant guide,” **5:21** [BCWA 1(1)]
“attractant,” **5:21** [BCWA 1(1)]
“bag limit,” **5:21** [BCWA 1(1)]
“big game,” **5:21** [BCWA 1(1)]
“bird,” **5:21** [BCWA 1(1)]
“board,” **5:202** [PMFLA 1]
“bow,” **5:21** [BCWA 1(1)]
“camp,” **5:21** [BCWA 1(1)]
“carry,” **5:21** [BCWA 1(1)]
“closed season,” **5:21** [BCWA 1(1)]
“cold storage plant,” **5:21** [BCWA
1(1)]
“commission,” **5:202** [PMFLA 1]
“conservation officer,” **5:21** [BCWA
1(1)]
“constable,” **5:21** [BCWA 1(1)]
“controlled alien species,” **5:21**
[BCWA 1(1)]
“council,” **5:202** [PMFLA 1]
“critical wildlife area,” **5:21** [BCWA
1(1)]
“crossbow,” **5:21** [BCWA 1(1)]

B.C—Cont'd

Definitions, **5:202** [PMFLA 1]—Cont'd
 “Crown land,” **5:21** [BCWA 1(1)]
 “dangerous wildlife,” **5:21** [BCWA 1(1)]
 “developmental stage,” **5:21** [BCWA 1(1)]
 “director,” **5:21** [BCWA 1(1)]
 “domestic animal,” **5:21** [BCWA 1(1)]
 “endangered species,” **5:21** [BCWA 1(1)]
 “exit fee,” **5:202** [PMFLA 1]
 “firearm,” **5:21** [BCWA 1(1)]
 “fish,” **5:21** [BCWA 1(1)]
 “fur bearing animal,” **5:21** [BCWA 1(1)]
 “fur management plan,” **5:21** [BCWA 1(1)]
 “fur trader,” **5:21** [BCWA 1(1)]
 “game,” **5:21** [BCWA 1(1)]
 “game bird,” **5:21** [BCWA 1(1)]
 “guide,” **5:21** [BCWA 1(1)]
 “guide for fish,” **5:21** [BCWA 1(1)]
 “guide outfitter,” **5:21** [BCWA 1(1)]
 “guiding area,” **5:21** [BCWA 1(1)]
 “guiding territory,” **5:21** [BCWA 1(1)]
 “guiding territory certificate,” **5:21** [BCWA 1(1)]
 “habitat,” **5:21** [BCWA 1(1)]
 “harass,” **5:21** [BCWA 1(1)]
 “hunt,” **5:21** [BCWA 1(1)]
 “hunting licence,” **5:21** [BCWA 1(1)]
 “Indian,” **5:21** [BCWA 1(1)]
 “limited entry hunting authorization,” **5:21** [BCWA 1(1)]
 “longbow,” **5:21** [BCWA 1(1)]
 “mammal,” **5:21** [BCWA 1(1)]
 “management commitment,” **5:202** [PMFLA 1]
 “meatcutter,” **5:21** [BCWA 1(1)]
 “native species,” **5:21** [BCWA 1(1)]
 “nest,” **5:21** [BCWA 1(1)]
 “non resident,” **5:21** [BCWA 1(1)]
 “non resident alien,” **5:21** [BCWA 1(1)]
 “no shooting area,” **5:21** [BCWA 1(1)]
 “officer,” **5:21** [BCWA 1(1)]
 “open season,” **5:21** [BCWA 1(1)]
 “owner,” **5:202** [PMFLA 1]
 “person,” **5:21** [BCWA 1(1)]
 possession, **5:21** [BCWA 1(2)]

B.C—Cont'd

Definitions, **5:202** [PMFLA 1]—Cont'd
 “private managed forest land,” **5:202** [PMFLA 1]
 “prohibited hours,” **5:21** [BCWA 1(1)]
 “quota,” **5:21** [BCWA 1(1)]
 “raptor,” **5:21** [BCWA 1(1)]
 “regional manager,” **5:21** [BCWA 1(1)]
 “reptile,” **5:21** [BCWA 1(1)]
 “resident,” **5:21** [BCWA 1(1)]
 “responsible official,” **5:132** [BCWA 97.1]
 “small game,” **5:21** [BCWA 1(1)]
 “spear fishing,” **5:21** [BCWA 1(1)]
 “species,” **5:21** [BCWA 1(1)]
 “species individual,” **5:21** [BCWA 1(1)]
 “stream,” **5:21** [BCWA 1(1)]
 “tanner,” **5:21** [BCWA 1(1)]
 “taxidermist,” **5:21** [BCWA 1(1)]
 “threatened species,” **5:21** [BCWA 1(1)]
 “traffic,” **5:21** [BCWA 1(1)]
 “trap,” **5:21** [BCWA 1(1)]
 “trapline,” **5:21** [BCWA 1(1)]
 “wildlife,” **5:21, 5:132** [BCWA 1(1), 97.1]
 “wildlife management area,” **5:21** [BCWA 1(1)]
 “wildlife sanctuary,” **5:21** [BCWA 1(1)]
 Definitions (Pt. 1), **5:196**
 forest stewardship plans (Pt. 2), **5:196**
 objectives set by government for fish habitat in watersheds, **5:196**
 objectives set by government for water, fish etc. within riparian areas, **5:196**
 objectives set by government for water in community watersheds, **5:196**
 objectives set by government for wildlife, **5:196**
 objectives set by government for wildlife and biodiversity, **5:196**
 offences (Pt. 8), **5:196**
 resource features and wildlife habitat features, **5:196**
 wildlife measurers, general, **5:196**

B.C—Cont'd

Destruction of animals, **5:109 [BCWA 79]**
 Detention of property seized until fine paid, **5:143 [BCWA 98.1]**
 Director, powers of, **5:145 [BCWA 100]**
 Director's certificate, admissibility of, **5:155 [BCWA 107]**
 Disposal of guiding areas, **5:95 [BCWA 65]**
 Disposition of property seized, **5:142 [BCWA 98]**
 Disputes respecting priority of rights, **5:73 [BCWA 45]**
 Documents not transferable, **5:111 [BCWA 81]**
 Dogs hunting game, **5:108 [BCWA 78]**
 Employee committing offence, liability where, **5:151 [BCWA 104]**
 Endangered and threatened species, **5:26 [BCWA 6]**
 Entry into premises, **5:123 [BCWA 89]**
 Estate of guide, certificate or licence being part of, **5:93 [BCWA 64]**
 Failure to provide information, **5:65 [BCWA 38]**
 False statements, **5:112 [BCWA 82]**
 Feeding dangerous wildlife, **5:60 [BCWA 33.1]**
 Financial responsibility, **5:33 [BCWA 10]**
 Fine, additional, **5:117 [BCWA 84.3]**
 Fine, failure to pay, **5:118 [BCWA 85]**
 Fines and penalties, **5:114 [BCWA 84]**
 Firearms, inspection of, **5:124 [BCWA 90]**
 Firearms, surrender of, **5:121 [BCWA 88]**
 Forest and Range Practices Act (FRPA) see also British Columbia regulation
 Forest and range resources, **5:192 [FRPA 154]**
 Forest Planning and Practices Regulation (B.C. Reg. 14/2004), **5:196**
 Forest stewardship plan, **5:179 [FRPA 5]**
 Forms and precedents, **5:177**
 Forms and precedents, **5:200, 5:216**
 Fur, royalties for, **5:103 [BCWA 73]**
 Fur trader's licence, **5:102 [BCWA 72]**
 Government Actions Regulation (GAR) generally, **5:195**
 commentary, **5:15**

B.C—Cont'd

Government Actions Regulation (GAR) —Cont'd
 community watersheds and water quality objectives, **5:195**
 consultations and reviews, **5:195**
 fisheries sensitive watersheds and objectives, **5:195**
 interpretation, **5:195**
 lakeshore management zones and objectives, **5:195**
 limitation on actions, **5:195**
 notice of order, **5:195**
 orders applying, **5:195**
 resource features, **5:195**
 scenic areas and visual quality objectives, **5:195**
 species at risk, **5:195**
 temperature sensitive streams, **5:195**
 ungulate winter ranges and objectives, **5:195**
 visual quality class continued, **5:195**
 categories of landscape modification applying, **5:195**
 wildlife habitat areas and objectives, **5:195**
 wildlife habitat features, **5:195**
 wildlife measures, general, **5:195**
 Guidelines, **5:198**
 Guide outfitter's certificate, **5:87 [BCWA 59]**
 Guide outfitters licence, issue of, **5:79 [BCWA 51]**
 assistant guide licence, issue of, **5:82 [BCWA 54]**
 Guide reports, **5:83 [BCWA 55]**
 Guiding for fish and angling, restrictions on, **5:81 [BCWA 53]**
 Guiding territory certificate, **5:87 [BCWA 59]**
 Habitat Conservation Trust
 definitions, **5:166 [BCWA 118]**
 government as agent, **5:168 [BCWA 120]**
 regulations re, **5:173 [BCWA 125]**
 reporting requirements
 governments, **5:172 [BCWA 124]**
 trustee, **5:171 [BCWA 123]**
 trust property
 bequests and gifts, **5:167 [BCWA 119(3)]**

B.C—Cont'd

Habitat Conservation Trust—Cont'd
 trust property—Cont'd
 conversion, **5:169 [BCWA 121(3)]**
 defined, **5:167 [BCWA 119]**
 holding, **5:169 [BCWA 121]**
 payments and transfers, **5:167 [BCWA 119(4)]**
 use, **5:169, 5:170 [BCWA 121(3), 122]**
 Hearing conducted, **5:90 [BCWA 61]**
 Hunters licensed, **5:84 [BCWA 56]**
 Hunting, trapping and firearm prohibitions, **5:52 [BCWA 26]**
 Hunting and firearms licences, **5:34 [BCWA 11]**
 Import and export of wildlife, **5:47 [BCWA 21]**
 Interpretation, **5:203 [PMFLA 2]**
 Killing of wildlife, accidental, **5:105 [BCWA 75]**
 Knowledge of Act, applicants required to have, **5:78 [BCWA 50]**
 Lakeshore management zones and objectives, **5:184 [FRPA 150.2]**
 Licences, issue of, **5:38 [BCWA 15]**
 Licences, suspension and cancellation of, **5:50 [BCWA 24]**
 Licences as prescribed, **5:36 [BCWA 13]**
 Licences limited, number of, **5:37 [BCWA 14]**
 Limitation for prosecuting offence, **5:150 [BCWA 103]**
 Limited entry hunting authorization, **5:40 [BCWA 16]**
 Minister's powers, **5:23 [BCWA 3]**
 Non residents and big game, **5:75 [BCWA 47]**
 Non use of area, **5:86 [BCWA 58]**
 Non-use of guiding territory, **5:88 [BCWA 59.1]**
 No shooting area, **5:58 [BCWA 32]**
 Notice requirements, **5:156 [BCWA 107.1]**
 Objectives set by government
 generally, **5:180 [FRPA 149]**
 consistency among objectives, **5:186 [FRPA 150.4]**
 operational plans and practices, **5:188 [FRPA 151]**
 policies, **5:197**

B.C—Cont'd

Obstructing licensed persons, **5:110 [BCWA 80]**
 Obstructing officers, **5:130 [BCWA 96]**
 Offence Act, application of, **5:159 [BCWA 110]**
 Offences, **5:206 [PMFLA 35]**
 Officers exempted, **5:119 [BCWA 86]**
 Orders of court, **5:207 [PMFLA 36]**
 Permit applications and fees, **5:46 [BCWA 20]**
 Permit in guide area, **5:100 [BCWA 70]**
 Permits, suspension and cancellation of, **5:51 [BCWA 25]**
 Permits generally, **5:45 [BCWA 19]**
 Policies, guidelines and agreements, **5:176, 5:215**
 Possession, **5:21 [BCWA 1(2)]**
 Possession of carcass, **5:63 [BCWA 36]**
 Possession of wildlife, **5:59 [BCWA 33]**
 Powers cumulative, **5:210 [PMFLA 39]**
 Practices and planning, **5:191 [FRPA 153]**
 Presumption that wildlife hunted or fish taken in B.C., **5:154 [BCWA 106]**
 Private Managed Forest Land Act (PMFLA) see also British Columbia regulation
 Production of licence or permit, **5:131 [BCWA 97]**
 Prohibition of hunting or trapping, **5:67 [BCWA 40]**
 Prohibition within trapline, **5:69 [BCWA 41]**
 Property in wildlife, **5:22 [BCWA 2]**
 Proprietary rights in wildlife, **5:97 [BCWA 67]**
 Protection order, dangerous wildlife, **5:122 [BCWA 88.1]**
 Quotas, **5:89 [BCWA 60]**
 Reasons for and notice of decisions, **5:147 [BCWA 101]**
 appeals to Environmental Appeal Board, **5:148 [BCWA 101.1]**
 Records, requirement to keep, **5:101 [BCWA 71]**
 Registration of traplines, **5:70 [BCWA 42]**
 Regulations, **5:211, 5:212 [PMFLA 42, 43]**
 generally, **5:175**

B.C—Cont'd

Regulations, **5:211, 5:212 [PMFLA 42, 43]**—Cont'd
 power of council to make, **5:212 [PMFLA 43]**
 power of Lieutenant Governor in Council to make, **5:211 [PMFLA 42]**
 remedies preserved, **5:209 [PMFLA 38]**
 Regulations by Lieutenant Governor in Council, **5:157 [BCWA 108]**
 Regulations by minister, **5:158 [BCWA 109]**
 Release or escape of animals, **5:107 [BCWA 77]**
 Retrieval of wildlife killed, **5:62 [BCWA 35]**
 Right of action against person damaging wildlife habitat, **5:31 [BCWA 8]**
 Royalties for fur, **5:103 [BCWA 73]**
 Royalties on animal taken, **5:99 [BCWA 69]**
 Scenic areas and visual quality objectives, **5:185 [FRPA 150.3]**
 Search warrants, **5:126 [BCWA 92]**
 Search without warrant, **5:127 [BCWA 93]**
 Seized wildlife, detention of, **5:135 [BCWA 97.4]**
 Seizure of live wildlife, **5:133 [BCWA 97.2]**
 Seizure of pelt or skin, **5:104 [BCWA 74]**
 Seizure of perishable wildlife, **5:134 [BCWA 97.3]**
 Seizure of wildlife or fish, **5:128 [BCWA 94]**
 Sentencing, creative, **5:115 [BCWA 84.1]**
 orders, **5:116 [BCWA 84.2]**
 variation of, **5:115 [BCWA 84.1]**
 Shooting across highway, **5:57 [BCWA 31]**
 Signs and notices, posting, **5:113 [BCWA 83]**
 Species list, **5:175**
 Species listed, **5:213, 5:214**
 generally, **5:194**
 copies of orders, **5:194**
 Private Managed Forest Land Regulation (B.C. Reg. 371/2004)
 generally, **5:214**

B.C—Cont'd

Species listed, **5:213, 5:214**—Cont'd
 Private Managed Forest Land Regulation (B.C. Reg. 371/2004)
 —Cont'd
 critical wildlife habitat, **5:214**
 definitions, **5:214**
 previously unrecognized, **5:214**
 requirements if determined to be present, **5:214**
 entry onto land, **5:214**
 exit fees, **5:214**
 adjustment factors (Sch. B), **5:214**
 exemption, **5:214**
 forest management activities (Sch. A), **5:214**
 information required from owner, **5:214**
 notice of appeal, **5:214**
 deficient notice, **5:214**
 offences, **5:214**
 species at risk (Sch. C), **5:214**
 Species listed: Designation and Exemption Regulation (B.C. Reg. 168/90)
 generally, **5:174, 5:175**
 big game, **5:175**
 domestic animals, **5:175**
 exemptions from Wildlife Act
 generally, **5:175**
 private property, **5:175**
 reporting killing, **5:175**
 Schedules A-E, **5:175**
 SPCA exemption, **5:175**
 furbearing animals, **5:175**
 game birds, **5:175**
 small game, **5:175**
 vertebrates listed
 generally, **5:175**
 amphibians (Sch. A), **5:175**
 birds (Sch. A), **5:175**
 mammals (Sch. A), **5:175**
 reptiles (Sch. A), **5:175**
 swimming wildlife, **5:56 [BCWA 30]**
 Streams, wetlands and lakes, **5:187 [FRPA 150.5]**
 Trafficking in wildlife, **5:48 [BCWA 22]**
 Transfers subject to approval, **5:91 [BCWA 62]**
 Transportation of wildlife, **5:64 [BCWA 37]**

B.C.—Cont'd

- Trapline, use of, **5:71 [BCWA 43]**
- Traps, interference with, **5:74 [BCWA 46]**
- Traps set, leaving, **5:72 [BCWA 44]**
- Ungulate winter range, wildlife habitat area and general wildlife measures, **5:181 [FRPA 149.1]**
- Vehicles, power to stop, **5:129 [BCWA 95]**
- Watersheds with significant downstream fisheries values, **5:183 [FRPA 150.1]**
- Wildlife Act (BCWA) see also British Columbia regulation
- Wildlife management areas, power to designate, **5:24 [BCWA 4]**
- Wildlife seized and detained as evidence, **5:136, 5:137 [BCWA 97.5, 97.6]**
 - access to, **5:136 [BCWA 97.5]**
 - disposition of, **5:137 [BCWA 97.6]**
- Youth licences, **5:42 [BCWA 17.1]**

BRITISH COLUMBIA REGULATION

- See also B.C.
- Administration, **5:9**
- Compensation
 - generally, **5:7**
 - mechanisms to establish species at risk list, **5:2 to 5:12**
 - permitting, **5:6**
 - licences for hunting and trapping activities, **5:6**
 - Permit Regulation, **5:6**
 - public participation, **5:11**
 - recovery planning, **5:8**
 - regulatory-making powers, **5:10**
 - species and habitat protection
 - generally, **5:4**
 - enforcement, **5:5**
 - contravention of Act resulting in fines or imprisonment, **5:5**
 - strict liability offences, **5:5**
 - risk categories, **5:3**
 - “endangered species,” **5:3**
 - “threatened species,” **5:3**
 - “species,” extended definition of, **5:3**
 - summary of protection
 - generally, **5:4**
 - habitat conservation trust fund, **5:4**

BRITISH COLUMBIA REGULATION

—Cont'd

- Compensation—Cont'd
 - species and habitat protection—Cont'd
 - summary of protection—Cont'd
 - prohibition against altering, destroying or damaging wildlife habitat, **5:4**
 - prohibition against hunting, trapping, wounding or killing wildlife, **5:4**
 - exemptions, **5:4**
 - prohibition against taking, injuring or destroying birds or their eggs, **5:4**
 - “hunting” defined, **5:4**
 - species listing, **5:3**
 - wildlife management areas, designation of, **5:4**
- Forest and Range Practices Act (FRPA)
 - generally, **5:13**
 - forest practices in Crown forests, governing, **5:13**
 - protection of wildlife in forestry planning
 - generally, **5:13**
 - “wildlife” defined, **5:13**
 - species and habitat protection, **5:15**
 - B.C. government actions under GAR, **5:15**
 - enforcement, **5:16**
 - due diligence, defence of, **5:16**
 - failure to comply, **5:16**
 - administrative penalties, **5:16**
 - range of mechanisms, **5:16**
 - planning regulations, **5:15**
 - forest stewardship plans, **5:15**
 - objectives for species at risk, **5:15**
 - preferred wildlife measures, **5:15**
 - procedures manual, **5:15**
 - review and comment opportunity for “holders of agreements,” **5:15**
 - species listing, **5:14**
- Forest and Range Practices Act (FRPA) and B.C. Wildlife Act (BCWA)
- Government Action Regulation (GAR)
 - identifying at-risk species, **5:14**
- Indigenous interests, **5:12**
- Legislative summary
 - generally, **5:1**

**BRITISH COLUMBIA REGULATION
—Cont'd**

- Legislative summary—Cont'd
 - B.C. Conservation Data Centre ranking species, **5:1**
 - Canada-British Columbia Agreement on Species at Risk, **5:1**
 - Coordinating Committee, **5:1**
 - Steering Committee, **5:1**
 - Ecological Reserve Act, **5:1**
 - Ecological Reserve Regulations, **5:1**
 - prohibitions, **5:1**
 - Environmental Stewardship Division (MOE), **5:1**
 - Identified Wildlife Management Strategy, **5:1**
 - Wildlife Act, **5:1**
- Private Managed Forest Land Act (PMFLA)
 - generally, **5:17**
 - critical wildlife habitat if species at risk, establishing, **5:17**
 - forest activities on private lands, regulating, **5:17**
 - “voluntary” regulation, **5:17**
 - objectives for forest management, **5:17**
 - owner notified prior to designation
 - generally, **5:17**
 - penalty for failure to comply, **5:17**
 - publication of lists of species at risk, **5:17**
 - Schedule C listing species at risk, **5:17**
 - “species at risk” defined, **5:17**
- Wildlife Act (BCWA), **5:2 to 5:12**

**CANADA-BRITISH COLUMBIA
AGREEMENT ON SPECIES AT
RISK**

- See also Species at Risk Act
- Agreement amendment, review and termination, **3:262 to 3:266**
- Agreements, permits and other instruments, **3:159, 3:262 to 3:266** [SARA 78]
- Appendix A: Accord for the Protection of Species at Risk
 - see Overview
- Communications and outreach, **3:262 to 3:266**
- Coordinating Committee, **3:262 to 3:266**

**CANADA-BRITISH COLUMBIA
AGREEMENT ON SPECIES AT
RISK—Cont'd**

- Data and information sharing, **3:262 to 3:266**
- Definitions, **3:262 to 3:266**
- Dispute resolution, **3:262 to 3:266**
- Emergency orders, **3:164, 3:165** [SARA 80], **3:262 to 3:266**
- Enforcement, **3:262 to 3:266**
- Environmental assessment, **3:262 to 3:266**
- Funding, **3:262 to 3:266**
- Indigenous engagement, **3:262 to 3:266**
- Interpretation, **3:262 to 3:266**
- Listing processes, **3:262 to 3:266**
- Principles, **3:262 to 3:266**
- Purpose, **3:262 to 3:266**
- Recovery planning, **3:262 to 3:266**
- Signatures, **3:262 to 3:266**
- Steering Committee, **3:262 to 3:266**
- Stewardship, **3:262 to 3:266**

**CANADA-ONTARIO AGREEMENT ON
SPECIES AT RISK**

- Generally, **3:262 to 3:266**

**CANADA-SASKATCHEWAN
AGREEMENT ON SPECIES AT
RISK**

- Generally, **3:262 to 3:266**

**COMMISSION FOR
ENVIRONMENTAL
COOPERATION (CEC)**

- Generally, **3:2 to 3:21**

**COOPERATION AGREEMENT FOR
THE PROTECTION AND
RECOVERY OF SPECIES AT RISK
IN QUEBEC**

- See also Species at Risk Act (SARA)
 - Department of National Defence, agreement with Canada regarding management of species at risk on defence establishments, **3:30 to 3:246**
- Generally, **3:262 to 3:266**

DUE DILIGENCE, DEFENCE OF

- Generally, **3:22**

DUE DILIGENCE, DEFENCE OF

—Cont'd

Agreements, programs and projects
 content of agreements, **3:383** [FA 4.1(2)]
 equivalent provisions, **3:384** [FA 4.2]
 Minister may enter into agreements, **3:383** [FA 4.1(1)]
 objectives of, **3:386** [FA 4.4]
 publication of agreements, **3:383** [FA 4.1(4)]
 regulations re agreements, **3:383** [FA 4.1(3)]
 report to Parliament, re, **3:385** [FA 4.3]
 Appeals, **3:519** [FA 86]
 Application of Act, **3:380**, **3:381** [FA 3, 4]
 Her Majesty, binding on, **3:380** [FA 3(2)]
 licences to take spawn, **3:381** [FA 4]
 provincial rights not affected, **3:380** [FA 3(1)]
 Burden of proving licence, **3:501** [FA 78.5]
 Canada National Marine Conservation Areas Act, **3:28**
 Canada National Parks Act (CNPA), **3:25**
 Canada Wildlife Act (CWA), **3:27**
 direct link with SARA concerning critical habitat, **3:27**
 hunting and fishing prohibited in wildlife areas, **3:27**
 protection of wildlife on "public lands," **3:27**
 Canadian Environmental Assessment Act 2012 (CEAA 2012), **3:29**
 best practices guide, **3:29**
 designated projects under, **3:29**
 project review, **3:29**
 SARA listed species, **3:29**
 Cancellation of lease or licence, **3:504** [FA 79.1]
 Commentary, **3:23**
 Continuing offences, **3:497** [FA 78.1]
 content of ticket, **3:512** [FA 79.7(2)]
 corporate officers, **3:498** [FA 78.2]
 due diligence defence, **3:502** [FA 78.6]
 employers, **3:499** [FA 78.3]
 fine, additional, **3:503** [FA 79]
 forfeiture, notice of, **3:512** [FA 79.7(3)]
 licence holders, **3:500** [FA 78.4]
 offences, ticketable, **3:416** [FA 23]

DUE DILIGENCE, DEFENCE OF

—Cont'd

Continuing offences, **3:497** [FA 78.1]
 —Cont'd
 orders of court, **3:505** [FA 79.2]
 payment, consequences of, **3:512** [FA 79.7(4)]
 procedure, **3:512** [FA 79.7(1)]
 punishment not otherwise provided for, **3:496** [FA 78]
 subsequent contravention, **3:509** [FA 79.6]
 suspended sentence, **3:506**, **3:507** [FA 79.3, 79.4]
 variation of orders, **3:508** [FA 79.5]
 Definitions, **3:374** [FA 2]
 "analyst, **3:374** [FA 2]
 "Canadian fisheries waters," **3:374** [FA 2]
 "close time," **3:374** [FA 2]
 "fish," **3:374** [FA 2]
 "fishery," **3:374** [FA 2]
 "fishery guardian," **3:374** [FA 2]
 "fishery officer," **3:374** [FA 2]
 "fishing," **3:374** [FA 2]
 "fishing vessel," **3:374** [FA 2]
 "inspector," **3:374** [FA 2]
 "Minister," **3:374** [FA 2]
 "obstruction," **3:374** [FA 2]
 "vehicle," **3:374** [FA 2]
 Designation, **3:387** [FA 5(1) to (3)]
 First Nations' laws, **3:387** [FA 5(4)]
 Direct link between SARA and CNPA, **3:25**
 Disposition of seized things, **3:485** to **3:495** [FA 70 to 77]
 appeal from judge's order, **3:494** [FA 76]
 application by person claiming interest, **3:493** [FA 75]
 order by judge, **3:493** [FA 75(4)]
 costs, recovery of, **3:487** [FA 71.1]
 custody of seized things, **3:485** [FA 70]
 definitions, **3:492** [FA 74]
 detention of seized things, **3:486** [FA 71]
 disposal of forfeited things, **3:489** [FA 73]
 exception, **3:495** [FA 77]
 fish, culture of, **3:475** to **3:477** [FA 57 to 59]

DUE DILIGENCE, DEFENCE OF

—Cont'd

- Disposition of seized things, **3:485 to 3:495 [FA 70 to 77]**—Cont'd
 - forfeiture of things, **3:488 [FA 72]**
 - release of seized fish, **3:491 [FA 73.2]**
 - return of things not forfeited, **3:490 [FA 73.1]**
- Divided jurisdiction, **2:7**
 - aquatic species, **2:7**
 - constitutional validity untested, **2:7**
 - criminal law power, **2:7**
 - migratory birds and its habitat, **2:7**
 - provincial jurisdiction, **2:7**
 - Species at Risk Act (SARA), **2:7**
 - wildlife on federal lands, **2:7**
 - Constitution Act, 1867, ss. 91, 92, **2:7**
 - environmental subject areas not expressly covered in Constitution Act, 1867, **2:7**
 - wildlife, **2:8**
 - federal jurisdiction, **2:7**
- Federal regulation, **3:25 to 3:29**
- Fees, **3:394 [FA 8]**
 - Minister able to cancel licence, **3:395 [FA 9]**
- Fisheries Act, **3:23**
 - agreements, programs and projects, **3:383 [FA 4.1]**
 - deposit of deleterious substance into waters, prohibiting, **3:23**
 - direct links between SARA and Fisheries Act, **3:23**
 - Fisheries and Oceans Canada (DFO)
 - given number of tools
 - generally, **3:23**
 - broad discretion providing extensive protection for aquatic species, **3:23**
 - permitting killing of aquatic species, **3:23**
 - “pollution prevention provisions,” **3:23**
 - programs protecting and recovering species and fish habitat, **3:23**
 - SARA directing conditions under which discretion exercised, **3:23**
 - SARA precluding fishing of listed aquatic species, **3:23**
 - subspecies of sockeye salmon not added to SARA’s legal list, **3:23**

DUE DILIGENCE, DEFENCE OF

—Cont'd

- Fisheries Act, **3:23**—Cont'd
 - licences containing extensive conditions, **3:23**
 - patchwork of regulatory instruments, **3:1**
 - prohibition against fishing or harvesting marine plants unless licence, **3:23**
 - protection against harmful alteration, disruption or destruction of fish habitat (HADD)
 - generally, **3:23**
 - DFO able to authorize activities causing HADD provided mitigating measures, **3:23**
 - discretion narrowed when fish habitat designated under SARA, **3:23**
 - “fish habitat” defined, **3:23**
 - legislative summary, **3:1**
 - SARA also protecting critical habitat of aquatic species, **3:23**
 - Species at Risk Act (SARA), **3:1**
- Fishery leases and licences, **3:393 to 3:395 [FA 7 to 9]**
- Fishery officers and fishery guardians, powers of, **3:465 to 3:473 [FA 49 to 56]**
 - arrest, **3:467 [FA 50]**
 - boundaries of estuary fishing, **3:472 [FA 55]**
 - disputes, **3:470 [FA 53]**
 - distances between fisheries, **3:471 [FA 54]**
 - duty to assist, **3:465 [FA 49(1.2)]**
 - entry by fishery officer, **3:469 [FA 52]**
 - gurry grounds, **3:473 [FA 56]**
 - inspection, **3:465 [FA 49(1)]**
 - search with warrant, **3:465, 3:466 [FA 49(2), (3), 49.1]**
 - seizure of fishing vessel, **3:468 [FA 51]**
- Fishery officers and fishery guardians
 - generally, **3:387 [FA 5]**
- Fish guards, **3:429 [FA 30]**
 - fishing plan, **3:433 [FA 33.1]**
 - fish-ways and canals, **3:426 [FA 27]**
- Fish habitat protection and pollution
 - prevention, **3:434 to 3:455 [FA 34 to 42.1]**
 - annual report to Parliament, **3:455 [FA 42.1]**

DUE DILIGENCE, DEFENCE OF

—Cont'd

Fish habitat protection and pollution
prevention, **3:434 to 3:455** [FA 34 to
42.1]—Cont'd
civil liability, **3:450** [FA 42]
definitions
generally, **3:434** [FA 34(1)]
analyst's certificate as proof, **3:445**
[FA 38(11)]
assistance to inspectors, corrective
measures, duty to take, **3:445**
[FA 38(10), FA 38(6) to (7.2)]
"deleterious substance," **3:434** [FA
34(1), (2)]
"deposit," **3:434** [FA 34(1)]
entry by, authority and powers,
3:445 [FA 38(3), (3.1)]
"fish habitat," **3:434** [FA 34(1)]
harmful alteration of fish habitat,
3:439 [FA 35]
inspectors and analysts, designated,
3:445 [FA 38]
powers of inspector, **3:445** [FA
38(3)]
"water frequented by fish," **3:434**
[FA 34(1)]
deposits authorized by regulation,
3:442, 3:443 [FA 36(4), (5)]
offence and punishment, **3:448** [FA 40]
manner of proof, **3:448** [FA 40(5)]
search warrant searches, **3:446** [FA 39]
throwing overboard of certain sub-
stances prohibited, **3:442, 3:443**
[FA 36]
work or undertaking, requiring plans
and specifications for, **3:444** [FA
37]
Fish-ways, construction of, **3:413 to**
3:415 [FA 20 to 22]
fish-ways to be made as Minister
directs, **3:413** [FA 20]
Minister able to authorize payment of
one-half of expense, **3:414** [FA
21(1)]
obstructions and fish stops, **3:414** [FA
21(3), (4)]
water for descent of fish, **3:415** [FA 22]
Form of procedure, **3:516, 3:517** [FA 83,
84]

DUE DILIGENCE, DEFENCE OF

—Cont'd

Incorporation by reference, regulations
and documents, **3:538 to 3:540** [FA
89 to 91]
Indigenous interests, **2:14, 3:19 to 3:21**
administration and regulations
generally, **3:14, 3:15**
administrative bodies, **3:14**
advisory committee, **3:14**
CESCC, **3:14**
COSEWIC, **3:14**
NACOSAR, **3:14**
"competent ministers," **3:14**
federal Cabinet, **3:14**
regulation-making powers, **3:15**
competent minister, **3:15**
Governor General in Council,
3:15
Minister of the Environment,
3:15
approach of Dr. Pearse, **3:13**
"de facto expropriation" test, **3:13**
destruction of critical habitat, **3:13**
government's intentions, **3:13**
illegal to harm listed species or
migratory birds or residences,
3:13
regulations for claiming compensa-
tion, **3:13**
"extraordinary" losses, **3:13**
vague and uncertain provisions,
3:13
compensation, **3:13, 3:137, 3:138**
[SARA 64]
constitutionality of indigenous rights,
2:14
endangered species falling within its
provisions, **3:24**
enforcement, **3:8**
constitutionality of SARA untested,
3:7
"federal land," **3:7**
"federal species," **3:7**
limitations on applicability of
prohibitions, **3:7, 3:89, 3:90**
[SARA 34]
listed species and critical habitat
on federal land, **3:7, 3:89,**
3:90 [SARA 34]
non-federal land, **3:7**

DUE DILIGENCE, DEFENCE OF

—Cont'd

- Indigenous interests, **2:14, 3:19 to 3:21**
 - Cont'd
 - enforcement, **3:8**—Cont'd
 - COSEWIC, **3:5, 3:57 to 3:66**
 - [SARA 14 to 20]
 - assessment of species at risk, **3:4**
 - categories at risk, **3:4**
 - Committee on the Status of Endangered Wildlife in Canada (COSEWIC), **3:4**
 - composition of committee, **3:5, 3:61** [SARA 16]
 - federal Cabinet having final decision, **3:4**
 - functions, **3:5, 3:59, 3:60** [SARA 15]
 - listing process, **3:4**
 - quantitative criteria, **3:5**
 - species or subspecies level, **3:4**
 - U.S. Endangered Species Act's scientific approach, **3:4**
 - defence of due diligence
 - generally, **3:8**
 - sentencing considerations, **3:8**
 - specific sentences, **3:8**
 - federal safety net, **3:2 to 3:21**
 - summary of protections
 - generally, **3:6, 3:127, 3:128** [SARA 58]
 - critical habitat, **3:6**
 - exemptions, **3:6**
 - species, **3:6**
 - species listing, **3:4, 3:5**
 - WAPPRIITA, **3:24**
 - “indigenous interests,” meaning of, **2:14**
 - “indigenous rights,” **2:14**
 - “indigenous title,” **2:14**
 - indigenous treaties, **2:14**
 - international convention obligations, **3:24**
 - international trade and international transport of listed wild animals, controlling, **3:24**
 - introduction
 - generally, **3:2 to 3:21**
 - enforcement issues, **3:2 to 3:21**
 - Evaluation Report findings, **3:2 to 3:21**

DUE DILIGENCE, DEFENCE OF

—Cont'd

- Indigenous interests, **2:14, 3:19 to 3:21**
 - Cont'd
 - introduction—Cont'd
 - federal/provincial divide over wildlife regulation, **3:2 to 3:21**
 - legislative history, **3:2, 3:3**
 - Nunavut Wildlife Management Board
 - generally, **3:20**
 - recognition of indigenous traditional knowledge and rights, **3:20**
 - wildlife management boards
 - providing advice or approval, **3:20**
 - SARA's implications for First Nations
 - generally, **3:21**
 - infringement of indigenous rights
 - able to be justified, **3:21**
 - modern land settlement agreement
 - not likely included, **3:21**
 - prohibitions applying to First Nations reserves, **3:21**
 - prohibitions vs. traditional indigenous rights to hunt and fish, **3:21**
 - parliamentary review, **3:2 to 3:21**
 - permitting
 - generally, **3:9**
 - permits for specific purposes, **3:9**
 - permits incorporated under other statutes, **3:9**
 - permits issued to fishermen, **3:9**
 - statutory conditions to be satisfied, **3:9**
 - prohibition against importing animals or plants in contravention of foreign law, **3:24**
 - provincial legislation, application of, **2:14**
 - public participation
 - generally, **3:16 to 3:18**
 - Canadian Wildlife Service, **3:18**
 - contents of SARA Registry, **3:17**
 - orders and notices published in Canada Gazette, **3:17**
 - Species at Risk (Environment Canada), **3:18**
 - COSEWIC's website, **3:18**
 - public consultation, **3:16**

DUE DILIGENCE, DEFENCE OF

—Cont'd

Indigenous interests, **2:14, 3:19 to 3:21**
 —Cont'd
 public participation—Cont'd
 SARA registry and Canada Gazette, **3:17**
 reconciliation within Canadian society and government consultation duty generally, **2:14**
 Haida decision: duty to consult and accommodate where no treaty, **2:14**
 protections in Constitution Act, 1867, s. 35, **2:14**
 recovery planning
 generally, **3:10 to 3:12, 3:95 to 3:109 [SARA 37 to 46]**
 action plan, **3:10**
 management plans for species of specific concern, **3:10**
 no limitations on planning provisions, **3:10**
 recovery strategies, **3:10**
 critical habitat
 generally, **3:11**
 definition, **3:11**
 designation of protections by federal government, **3:11**
 identification of critical habitat in recovery strategy, **3:11**
 recovery strategies and plans requiring provincial/territorial co-operation, **3:11**
 plans and agreements, **3:10**
 RENEW's role, **3:12**
 species and habitat protection, **3:6 to 3:8**
 summary convictions and convictions for indictable offences, **3:24**
 Wild Animal and Plant Trade Regulations, **3:24**
 exemptions, **3:24**
 Information returns, **3:479 [FA 61]**
 Liability, joint, **3:513 [FA 80]**
 Limitation of suits, **3:515 [FA 82]**
 Lobster fisheries, **3:411 [FA 18]**
 Marine plants, **3:460 to 3:464 [FA 44 to 48]**
 definitions, **3:463 [FA 47]**
 licences, **3:461 [FA 45]**

DUE DILIGENCE, DEFENCE OF

—Cont'd

Marine plants, **3:460 to 3:464 [FA 44 to 48]**—Cont'd
 prohibition of harvesting, **3:460 [FA 44]**
 regulations, **3:462 [FA 46]**
 traditional harvesting by aborigine, **3:464 [FA 48]**
 Migratory Birds Convention Act, 1994 (MBCA), **3:22**
 application of SARA's prohibitions on non-federal land, **3:22**
 hunting of migratory game birds limited to prescribed open season, **3:22**
 hunting permits limited by SARA to species not listed, **3:22**
 regulations prohibiting hunting of migratory bird without permit, **3:22**
 sanctuaries, migratory bird, **3:22**
 substance not to be deposited that being harmful to birds or critical habitat, **3:22**
 Obstruction, consequences of, **3:484 [FA 66 to 69]**
 failure to provide fish guard, **3:484 [FA 69]**
 failure to provide fish-way, **3:484 [FA 66]**
 payments re, **3:484 [FA 67]**
 Obstruction and false information, **3:482, 3:483 [FA 62, 63]**
 Oceans Act, **3:26**
 geographic boundaries of Canada's maritime zones, establishing, **3:26**
 Oceans Management Strategy, establishing, **3:26**
 SARA applying to sedimentary living organisms on continental shelf, **3:26**
 SARA prohibiting destruction of critical habitat in marine-protected area, **3:26**
 marine protected areas established under Oceans Act, **3:26**
 Offences and punishment, **3:496 to 3:509 [FA 78 to 79.6]**
 Oysters, **3:475 to 3:477 [FA 57 to 59]**
 Penalties and forfeitures, application of, **3:518, 3:519 [FA 85, 86]**

DUE DILIGENCE, DEFENCE OF

—Cont'd

- Prohibitions, general, **3:416 to 3:433** [FA **23 to 33.1**]
- Protection of wildlife species, **3:25**
- Quasi-criminal law in nature, **2:9 to 2:13**
- Regulations, **3:542, 3:538** [FA **43 to 43.2, 89**]
- Sentencing, **2:13, 3:197, 3:198** [SARA **102**]
- B.C. wildlife cases
 - generally, **2:13**
 - defence of due diligence generally, **2:10**
 - due diligence and environment, **2:11**
 - factors considered, **2:11**
 - foreseeability of actus reus of offence charged, **2:11**
 - reasonable precaution, **2:11**
 - test of reasonableness, **2:11**
 - due diligence and protection of endangered species, **2:12**
 - sentencing criteria for environmental offences, **2:13**
- Species at Risk Act (SARA) having substantial consequences, **2:13**
- steps constituting appropriate due diligence, **2:12**
- strict liability and due diligence, **2:10**
- Short title, **3:373** [FA **1**]
- Species at Risk Act (SARA), **3:2 to 3:21**
- Structure of endangered species laws, **2:8**
 - indigenous peoples, requirements regarding, **2:8**
 - principle areas or themes, **2:8**
- United States Law, **2:15**
- Endangered Species Act (ESA), **2:15**
 - key differences with SARA, **2:15**
 - citizen suits against federal agencies, **2:15**
 - listing of endangered species, **2:15**
 - provisions similar to Canadian statutes, **2:15**
- Vacant public property, **3:478** [FA **60**]
- Waters other than Canadian fisheries waters, **3:535, 3:537** [FA **87, 88**]

INDIGENOUS INTERESTS

- Newfoundland and Labrador
 - see Newfoundland and Labrador regulation

INDIGENOUS INTERESTS—Cont'd

- Nova Scotia, **9:12**
- Nunavut, **15:12, 15:18, 15:25 to 15:28** [NWA **5, 12 to 15**]
- Ontario, **10:11, 10:17, 10:41, 10:90** [ONT ESA **2(1), 19, 46**]
- Saskatchewan, **13:12**
- Yukon, **16:11**
 - see Yukon regulation, Wildlife Act

MANITOBA ENDANGERED SPECIES ACT (MB ESA)

- See also Manitoba regulation
- Administration, **6:19 to 6:24** [MB ESA **4 to 7**]
- Advisory committee, **6:21** [MB ESA **6**]
 - ministerial agreements, **6:19** [MB ESA **5**]
- officer, powers and duties of, **6:19** [MB ESA **4**]
- property, acquisition of, **6:24** [MB ESA **7**]
- Application of Act, **6:18** [MB ESA **3**]
- Crown bound, **6:18** [MB ESA **3(2)**]
- Definitions, **6:16** [MB ESA **1**]
 - “Crown agency,” **6:16** [MB ESA **1**]
 - “development,” **6:16** [MB ESA **1**]
 - “endangered species,” **6:16** [MB ESA **1**]
 - “extinct species,” **6:16** [MB ESA **1**]
 - “extirpated species,” **6:16** [MB ESA **1**]
 - “habitat,” **6:16** [MB ESA **1**]
 - “indigenous,” **6:16** [MB ESA **1**]
 - “minister,” **6:16** [MB ESA **1**]
 - “officer,” **6:16** [MB ESA **1**]
 - “species,” **6:16** [MB ESA **1**]
 - “threatened species,” **6:16** [MB ESA **1**]
 - “wildlife group,” **6:16** [MB ESA **1**]
- Developments, exemption of, **6:31** [MB ESA **12**]
- endangered species, **6:26** [MB ESA **8(1)**]
- extinct species, **6:26** [MB ESA **8(3)**]
- extirpated species, **6:26** [MB ESA **8(4)**]
- permits by minister, **6:30** [MB ESA **11**]
- prohibitions, **6:29** [MB ESA **10**]
- regulations, **6:28** [MB ESA **9**]
- threatened species, **6:26** [MB ESA **8(2)**]

MANITOBA ENDANGERED SPECIES

ACT (MB ESA)—Cont'd

- Endangered species, designation of and activities relating to, **6:26 to 6:31** [MB ESA 8 to 12]
- Forms and precedents, **6:60**
- Offences, **6:50, 6:52** [MB ESA 13, 14]
 - continuing offence, **6:52** [MB ESA 14]
 - offence and penalty, **6:50** [MB ESA 13(1)]
 - director of corporation, **6:50** [MB ESA 13(4)]
 - regulations, contravention of, **6:50** [MB ESA 13(2)]
 - subsequent offences, **6:50** [MB ESA 13(3)]
- Policies, guidelines and agreements, **6:59**
- Purposes of Act, **6:17** [MB ESA 2(1)]
- Reference in consolidated statutes, **6:54** [MB ESA 15]
- Regulations, **6:57, 6:58**
- Species list (Man. Reg. 25/98), **6:56**
 - endangered species, **6:56**
 - extirpated species, **6:56**
 - repeal, **6:56**
 - threatened species, **6:56**

MANITOBA REGULATION

- See also Manitoba Endangered Species Act (MB ESA)
- Administration, **3:285 to 3:295** [MBCA 6 to 11.1], **6:9**
 - assistance to game officers, **3:291** [MBCA 8.3]
 - compliance order
 - generally, **3:296** [MBCA 11.2]
 - compliance with, **3:300** [MBCA 11.24]
 - contents and effect of, **3:297** [MBCA 11.21]
 - Crown claim for costs and expenses, **3:302** [MBCA 11.26]
 - exigent circumstances, **3:298** [MBCA 11.22]
 - intervention by game officer, **3:301** [MBCA 11.25]
 - notice of intent to issue, **3:299** [MBCA 11.23]
 - regulations re, **3:305** [MBCA 11.29]
 - review of, request for, **3:303, 3:306** [MBCA 11.27, 11.3]

MANITOBA REGULATION—Cont'd

- Administration, **3:285 to 3:295** [MBCA 6 to 11.1], **6:9**—Cont'd
 - compliance order—Cont'd
 - variation/cancellation of, **3:304** [MBCA 11.28]
 - costs, liability for, **3:294** [MBCA 11]
 - custody of things seized, **3:292** [MBCA 9]
 - delegation by Minister, **3:295** [MBCA 11.1]
 - disposition by Minister, **3:293** [MBCA 10]
 - game officers, **3:285** [MBCA 6]
 - immunity for game officers, **3:286** [MBCA 6.1]
 - inspections, **3:287** [MBCA 7]
 - inspection warrant, **3:287** [MBCA 7(4), (5)]
 - powers of direction and detention of vessels, **3:289** [MBCA 8.1]
 - right of passage, **3:290** [MBCA 8.2]
 - search and seizure without warrant, **3:288** [MBCA 8]
- Analyst's certificate, **3:338** [MBCA 18.2]
- Application of Act, **3:272** [MBCA 2.1]
- Civil remedies not affected, **3:335** [MBCA 17.1]
- Commentary, **3:22**
- Compensation, **6:8**
 - permitting, **6:6**
- prohibiting activities harming listed species, **6:2 to 6:12**
- protecting plants or animals, **6:2 to 6:12**
- public participation, **6:11**
- recovery planning, **6:7**
- regulatory-making powers, **6:10**
- species and habitat protection
 - generally, **6:4**
 - categories of risk, **6:3**
- Endangered Species Advisory Committee, **6:3**
- enforcement
 - generally, **6:5**
 - failure to comply, **6:5**
 - maximum fines and prison terms, **6:5**
 - strict liability offences, **6:5**
- "extinct species" defined, **6:3**
- regulation listing species at risk, **6:3**

MANITOBA REGULATION—Cont'd

Compensation, **6:8**—Cont'd
 species and habitat protection—Cont'd
 summary of protections, **6:4**
 “habitat” defined, **6:4**
 prohibitions against harmful activities, **6:4**
 species listed, **6:3**
 “vulnerable” category, **6:3**
 Conservation Agreement Act, **6:14**
 Content of ticket, **3:347** [MBCA 19(2)]
 payment, consequences of, **3:347**
 [MBCA 19(4)]
 procedure, **3:347** [MBCA 19(1)]
 Contraventions Act, application of, **3:341**
 [MBCA 18.23]
 Court’s jurisdiction, **3:345** [MBCA 18.4]
 Criminal law, application of, **3:344**
 [MBCA 18.3]
 offences deemed committed in Canada,
 3:344 [MBCA 18.3(1), (2)]
 Definitions, **3:270** [MBCA 2(1)]
 “Canadian vessel,” **3:270** [MBCA
 2(1)]
 “Chief Review Officer,” **3:270**
 [MBCA 2(1)]
 “conveyance,” **3:270** [MBCA 2(1)]
 “deposit,” **3:270** [MBCA 2(1)]
 “environment,” **3:270** [MBCA 2(1)]
 “fixed platform,” **3:270** [MBCA 2(1)]
 “foreign national,” **3:270** [MBCA
 2(1)]
 “foreign vessel,” **3:270** [MBCA 2(1)]
 “master,” **3:270** [MBCA 2(1)]
 “migratory bird,” **3:270** [MBCA 2(1)]
 “Minister,” **3:270** [MBCA 2(1)]
 “nest,” **3:270** [MBCA 2(1)]
 “operator,” **3:270** [MBCA 2(1)]
 “owner,” **3:270** [MBCA 2(1)]
 “possession,” **3:270** [MBCA 2(2)]
 “vessel,” **3:270** [MBCA 2(1)]
 Disclosure of information, **3:349** [MBCA
 19.1]
 Documents, records and data, **3:337**
 [MBCA 18.1]
 Endangered Species Act (MB ESA), **6:2**
 to **6:12**
 Forfeiture, **3:330** [MBCA 14]
 Her Majesty, binding on, **3:273** [MBCA
 3]

MANITOBA REGULATION—Cont'd

Indigenous and treaty rights, **3:270**
 [MBCA 2(3)]
 Indigenous interests, **6:12**
 Legislative summary, **6:1**
 cost-sharing partnership, **6:1**
 Critical Wildlife Habitat Program, **6:1**
 Endangered Species Act (MB ESA),
 6:1
 Limitation period, **3:336** [MBCA 18]
 List of migratory birds protected (Article
 1), **3:352**
 Migratory Bird Sanctuary Regulations
 (Can. Reg. 1036), **3:353 to 3:371**
 Alberta (Sch. I, Pt. VIII), **3:353 to**
 3:371
 British Columbia (Sch. I, Pt. IX), **3:353**
 to 3:371
 definitions, **3:353 to 3:371**
 migratory bird sanctuaries, **3:353 to**
 3:371
 New Brunswick (Sch. I, Pt. IV), **3:353**
 to 3:371
 Newfoundland (Sch. 1, Pt. 1), **3:353 to**
 3:371
 Northwest Territories (Sch. I, Pt. X),
 3:353 to 3:371
 Nova Scotia (Sch. I, Pt. III), **3:353 to**
 3:371
 Ontario (Sch. I, Pt. VI), **3:353 to 3:371**
 permits, **3:353 to 3:371**
 Prince Edward Island (Sch. I, Pt. II),
 3:353 to 3:371
 Quebec (Sch. I, Pt. V), **3:353 to 3:371**
 Quebec and Northwest Territories (Sch.
 I, Pt. XI), **3:353 to 3:371**
 Quebec and Northwest Territories (Sch.
 I, Pt. XII), **3:353 to 3:371**
 Saskatchewan (Sch. I, Pt. VII), **3:353**
 to 3:371
 Migratory Birds Regulations SOR 2022-
 105, **3:353 to 3:371**
 airport permits, **3:353 to 3:371**
 application of regulations, **3:353 to**
 3:371
 avicultural permit, **3:353 to 3:371**
 bag limits, **3:353 to 3:371**
 bait restrictions, **3:353 to 3:371**
 danger/damage, permits re birds caus-
 ing, **3:353 to 3:371**
 definitions, **3:353 to 3:371**

MANITOBA REGULATION—Cont'd

Migratory Birds Regulations SOR 2022-105, **3:353 to 3:371**—Cont'd
 eiderdown permits, **3:353 to 3:371**
 foreign species, **3:353 to 3:371**
 general provisions, **3:353 to 3:371**
 hunting methods and equipment, **3:353 to 3:371**
 hunting restrictions, **3:353 to 3:371**
 Minister's powers, **3:353 to 3:371**
 overabundant species, **3:353 to 3:371**
 permits, **3:353 to 3:371**
 possession of migratory birds, **3:353 to 3:371**
 posters, **3:353 to 3:371**
 prohibitions, general, **3:353 to 3:371**
 sale, gift or purchase of migratory birds, **3:353 to 3:371**
 sandhill cranes, restrictions respecting, **3:353 to 3:371**
 scientific permits, **3:353 to 3:371**
 shipment of migratory birds, **3:353 to 3:371**
 short title, **3:353 to 3:371**
 taxidermist permits, **3:353 to 3:371**
 Obligations, **3:283, 3:284** [MBCA 5.4, 5.5]
 Offences, ticketable, **3:347** [MBCA 19]
 Offences and punishment, **3:308** [MBCA 13]
 continuing offence, **3:308** [MBCA 13(3)]
 contravention of Act or regulations, **3:308** [MBCA 13(1)]
 directions or orders, **3:308** [MBCA 13(1.5)]
 due diligence, **3:308** [MBCA 13(1.8)]
 fines, **3:308** [MBCA 13(4) to (6)]
 parties to offence, penalties, **3:308** [MBCA 13(1.2), MBCA 13(1.1), (1.11)]
 proof of offence, sentencing considerations, **3:308** [MBCA 13(1.3), (1.4), (1.6), (1.7), MBCA 13(4.1)]
 subsequent offence, **3:308** [MBCA 13(2)]
 Orders of court, **3:333** [MBCA 16]
 Permit, refusal/suspension of, **3:340** [MBCA 18.22]

MANITOBA REGULATION—Cont'd

Prohibitions, **3:276 to 3:281** [MBCA 5 to 5.3]
 deposit of substance, **3:278, 3:279** [MBCA 5.1]
 destroying document, record or data required under Act, **3:280** [MBCA 5.2]
 employer not to discipline employee for disclosing contravention of Act, **3:281** [MBCA 5.3]
 possessing, buying or selling migratory birds, **3:276, 3:277** [MBCA 5]
 Purpose of Act, **3:274** [MBCA 4]
 Registry of convictions of corporations, **3:339** [MBCA 18.21]
 Regulations, **3:269** [MBCA 1]
 see also Migratory Bird Sanctuary Regulations (Can Reg. 1036), Migratory Birds Regulations
 Retention or sale, **3:331** [MBCA 15]
 Review and report to Parliament, **3:353**
 Short title, **3:269** [MBCA 1]
 Suspended sentence, **3:334** [MBCA 17]
 Wildlife Act, **6:13**

NEW BRUNSWICK ENDANGERED SPECIES ACT (NB ESA)

Administration, **7:8**
 categories of risk, **7:3**
 designation of species at risk, **7:3**
 endangered species vs. regionally endangered species, **7:3**
 permitting, **7:6**
 public participation, **7:10**
 recovery planning, **7:7**
 regulatory-making powers, **7:9**
 species and habitat protection
 generally, **7:4**
 enforcement, **7:5**
 failure to comply, **7:5**
 maximum fines and imprisonment, **7:5**
 mens rea offences, **7:5**
 summary of protection, **7:4**
 preventing species and habitat from being harmed, **7:4**
 prohibitions against harmful activities, **7:4**
 species listed, **7:3**

NEW BRUNSWICK ENDANGERED SPECIES ACT (NB ESA)—Cont’d

Administration of Act, **7:22** [NB ESA 7]
 Amendment to, **7:24** [NB ESA 9]
 Application of, **7:20** [NB ESA 5]
 Commencement, **7:26** [NB ESA 11]
 Commentary, **7:1, 7:2 to 7:12**
 Crown, Act binding, **7:17** [NB ESA 2]
 Definitions, **7:16** [NB ESA 1]
 “assistant conservation officer,” **7:16** [NB ESA 1]
 “assistant game warden,” **7:16** [NB ESA 1]
 “conservation officer,” **7:16** [NB ESA 1]
 “deputy game warden,” **7:16** [NB ESA 1]
 “endangered species,” **7:16** [NB ESA 1]
 “Minister,” **7:16** [NB ESA 1]
 “regionally endangered species,” **7:16** [NB ESA 1]
 “species,” **7:16** [NB ESA 1]
 Ecological reserves reclassified, **7:14**
 level of human activity allowed, **7:14**
 Protected Natural Areas, creating, **7:14**
 Endangered species, **7:100, 7:101**
 Endangered Species Act (NB ESA), **7:2 to 7:12**
 Exceptions, **7:19** [NB ESA 4]
 Fish and Wildlife Act, **7:13, 7:20, 7:24** [NB ESA 5, 9]
 Forms and precedents, **7:104**
 Indigenous interests, **7:12**
 Legislative summary, **7:1**
 Endangered Species Act (NB ESA), **7:1**
 power to set aside areas for protection, **7:1**
 protection of species at risk and habit of species, **7:1**
 New Brunswick regulation, **7:100, 7:101**
 Offence and penalty, **7:21** [NB ESA 6]
 Policies, **7:103**
 Policies, guidelines and agreements, **7:103**
 Prohibitions, **7:18** [NB ESA 3]
 Protected Natural Areas Act, **7:14**
 Regionally endangered species, **7:100, 7:101**
 Regulations, **7:100 to 7:102, 7:23** [NB ESA 8]

NEW BRUNSWICK ENDANGERED SPECIES ACT (NB ESA)—Cont’d

Species list (N.B. Reg. 96-26), **7:100, 7:101**

NEWFOUNDLAND AND LABRADOR ENDANGERED SPECIES ACT (NFLD ESA)

See also Newfoundland and Labrador regulation
 Agreement with other government, **8:44, 8:45** [NFLD ESA 27]
 Annual report, **8:37** [NFLD ESA 20]
 defences, **8:34** [NFLD ESA 17]
 economic activity, **8:36** [NFLD ESA 19]
 exemptions, **8:38** [NFLD ESA 21]
 permit conditions, **8:36** [NFLD ESA 19(2)]
 extirpated or extinct species, **8:31** [NFLD ESA 15]
 recovery team and recovery plan, **8:31** [NFLD ESA 15]
 management plan, **8:29** [NFLD ESA 13]
 permitting, **8:35** [NFLD ESA 18]
 conditions attached to permits, **8:35** [NFLD ESA 18(2)]
 prohibitions, **8:32, 8:33** [NFLD ESA 16]
 recovery team and recovery plan, **8:30** [NFLD ESA 14]
 threatened or endangered species, **8:30** [NFLD ESA 14]
 vulnerable species, **8:29** [NFLD ESA 13]
 Application of Act, **8:18 to 8:21** [NFLD ESA 3 to 5.1]
 Commentary, **8:2 to 8:12**
 Consequences of designating species at risk, **8:29 to 8:38** [NFLD ESA 13 to 21]
 Crown bound, **8:20** [NFLD ESA 5]
 Definitions, **8:17** [NFLD ESA 2]
 “conservation officer,” **8:17** [NFLD ESA 2]
 “COSEWIC,” **8:17** [NFLD ESA 2]
 “critical habitat,” **8:17** [NFLD ESA 2]
 “designated,” **8:17** [NFLD ESA 2]
 “designated species,” **8:17** [NFLD ESA 2]
 “land,” **8:17** [NFLD ESA 2]

**NEWFOUNDLAND AND LABRADOR
ENDANGERED SPECIES ACT
(NFLD ESA)—Cont'd**

Definitions, **8:17** [NFLD ESA 2]
—Cont'd
“land owner,” **8:17** [NFLD ESA 2]
“management plan,” **8:17** [NFLD
ESA 2]
“minister,” **8:17** [NFLD ESA 2]
“recovery habitat,” **8:17** [NFLD ESA
2]
“recovery plan,” **8:17** [NFLD ESA 2]
“residence,” **8:17** [NFLD ESA 2]
“species,” **8:17** [NFLD ESA 2]
“specimen,” **8:17** [NFLD ESA 2]
“SSAC,” **8:17** [NFLD ESA 2]
Endangered species (Sch. A), **8:66**
Enforcement of Act, **8:49 to 8:61** [NFLD
ESA 31 to 43]
application by person claiming interest,
8:55 [NFLD ESA 37]
arrest without warrant, **8:53** [NFLD
ESA 35]
conservation officers, appointment of,
8:49 [NFLD ESA 31]
corporate directors and officers,
liability of, **8:60** [NFLD ESA 42]
court powers on conviction, **8:61**
[NFLD ESA 43]
inspection, powers of, **8:50** [NFLD
ESA 32]
investigation, powers of, **8:51** [NFLD
ESA 33]
obstruction of conservation officer,
8:59 [NFLD ESA 41]
offences, **8:56** [NFLD ESA 38]
corporation, **8:56** [NFLD ESA
38(3)]
proof of offence, **8:57** [NFLD ESA
39]
search warrant, **8:52** [NFLD ESA
34]
seizure and confiscation, **8:54** [NFLD
ESA 36]
sentencing guidelines, **8:58** [NFLD
ESA 40]
Forms and precedents, **8:70**
General matters, **8:62 to 8:65** [NFLD
ESA 44 to 47]
information, release of, **8:63** [NFLD
ESA 45]

**NEWFOUNDLAND AND LABRADOR
ENDANGERED SPECIES ACT
(NFLD ESA)—Cont'd**

General matters, **8:62 to 8:65** [NFLD
ESA 44 to 47]—Cont'd
policies, **8:69**
policies, guidelines and agreements,
8:69
prosecution, delay in, **8:64** [NFLD
ESA 46]
regulations, **8:62** [NFLD ESA 44]
species already designated, **8:65**
[NFLD ESA 47]
Implementation, **8:42** [NFLD ESA 25]
management plan, **8:41** [NFLD ESA
24]
recovery plan, **8:40** [NFLD ESA 23]
recovery team, **8:39** [NFLD ESA 22]
shared jurisdiction, **8:43** [NFLD ESA
26]
Labrador Inuit rights, **8:21** [NFLD ESA
5.1]
species not all able to be designated,
8:18 [NFLD ESA 3]
when Act not applying, **8:19** [NFLD
ESA 4]
Protection of habitat of designated spe-
cies, **8:46 to 8:48** [NFLD ESA 28 to
30]
conservation management agreements,
8:47 [NFLD ESA 29]
critical and recovery habitat, **8:46**
[NFLD ESA 28]
expropriation, **8:48** [NFLD ESA 30]
Recovery or management plan, develop-
ing, **8:39 to 8:45** [NFLD ESA 22 to
27]
Regulations, **8:66 to 8:68**
Species at risk, determining, **8:22 to 8:28**
[NFLD ESA 6 to 12]
Committee responsibilities, **8:27**
[NFLD ESA 11]
designation by Minister, **8:23** [NFLD
ESA 7]
ecological knowledge, **8:28** [NFLD
ESA 12]
emergency designation, **8:25** [NFLD
ESA 9]
removal of designation, **8:26** [NFLD
ESA 10]
response to recommendation, **8:24**
[NFLD ESA 8]

**NEWFOUNDLAND AND LABRADOR
ENDANGERED SPECIES ACT
(NFLD ESA)—Cont'd**

- Species at risk, determining, **8:22 to 8:28**
[NFLD ESA 6 to 12]—Cont'd
- Species Status Advisory Committee
(SSAC), **8:22** [NFLD ESA 6]
- Species list (Nfld. Reg. 57/02), **8:66**
- Species Status Advisory Committee
(SSAC) (Nfld. Reg. 94/01), **8:22 to**
8:27, 8:67, 8:68 [NFLD ESA 6, 11]
- Threatened species (Sch. B), **8:66**
- Vulnerable species (Sch. C), **8:66**

**NEWFOUNDLAND AND LABRADOR
REGULATION**

- See also Newfoundland and Labrador
Endangered Species Act (NFLD
ESA)
- Endangered Species Act (Nfld ESA), **8:2**
to 8:12
- Indigenous interests, **8:12**
 - administration, **8:9**
 - categories of risk
 - generally, **8:3**
 - five categories defined, **8:3**
 - emergency designation of species,
8:3
 - regulations listing species at risk,
8:3
 - Species Status Advisory Committee
(SSAC) advising on designa-
tion, **8:3**
 - “best scientific knowledge avail-
able,” **8:3**
 - COSEWIC criteria followed, **8:3**
 - criteria adjusted for local circum-
stances and conditions, **8:3**
 - functions of Committee, **8:3**
 - compensation, **8:7**
 - comprehensive statute, **8:2 to 8:12**
 - Indigenous traditional knowledge
considered, **8:12**
 - Labrador Inuit Land Claims Agreement
Act, **8:12**
 - agreement permitting harvesting of
wildlife and plants, **8:12**
 - Labrador Inuit Settlement Area,
8:12
 - traditional ecological knowledge,
8:12

**NEWFOUNDLAND AND LABRADOR
REGULATION—Cont'd**

- Indigenous interests, **8:12**—Cont'd
 - permitting, **8:6**
 - conditions imposed, **8:6**
 - economically beneficial activity and
incidental harm to species, **8:6**
 - permits in prescribed circumstances,
8:6
 - reasonable alternatives not available,
8:6
 - protection of both flora and fauna, **8:2**
to 8:12
 - public participation
 - generally, **8:11**
 - agreements with other governments,
8:8
 - conservation management agreement
with landowner, **8:8**
 - consultation with different levels of
government, **8:8**
 - management plan for designated
vulnerable species, **8:8**
 - power of Lieutenant Governor in
Council to make, **8:10**
 - power of minister to make, **8:10**
 - recovery plan for extirpated species,
8:8
 - recovery plan for threatened or
endangered species, **8:8**
 - recovery planning, **8:8**
 - recovery teams, **8:8**
 - regulatory-making powers, **8:10**
 - release deadlines for plans, **8:8**
 - specific directions on development of
plans, **8:8**
 - SSAC species status reports, **8:11**
- species and habitat protection
 - generally, **8:4**
 - enforcement
 - generally, **8:5**
 - defences, **8:5**
 - self defence, **8:5**
 - due diligence, **8:5**
 - exemptions from prohibitions, **8:4**
 - failure to comply, **8:5**
 - maximum fines and imprisonment,
8:5
 - prohibitions against harmful
activities, **8:4**

NEWFOUNDLAND AND LABRADOR

REGULATION—Cont'd

- Indigenous interests, **8:12**—Cont'd
 - species and habitat protection—Cont'd
 - enforcement—Cont'd
 - recovery of critical habitat,
 - minister's order setting aside
 - area for, **8:4**
 - "residence" defined, **8:4**
 - sentencing, directions for, **8:5**
 - strict liability offences, **8:5**
 - summary of protection, **8:4**
 - species listing, **8:3**
 - Legislative summary, **8:1**
 - Endangered Species Act (Nfld ESA), **8:1**
 - Provincial Policy regarding Conservation of Species at Risk, **8:1**
 - Wilderness and Ecological Reserves Act, **8:1**
 - Wild Life Act, **8:1**
 - Wilderness and Ecological Reserves Act, **8:1, 8:14**
 - ecological reserves containing unique ecosystem species, **8:14**
 - purpose of reserves, **8:14**
 - wilderness and ecological reserves, **8:14**
 - human activity, little or none, **8:14**
 - Wild Life Act, **8:1, 8:13**
 - parks, reserves or wildlife parks, **8:13**
 - prescribed activities, **8:13**
 - regulatory-making powers, **8:13**

NORTHWEST TERRITORIES

REGULATION

- Legislative summary, **14:1**
 - membership groups, **14:1**
 - no specific species-at-risk legislation, **14:1**
 - NWT Biodiversity Action Plan, **14:1**
 - NWT Biodiversity Action Team, **14:1**
 - NWT SARA legislation proposed in Consultation Paper, **14:1**
- Species at Risk (NWT) Act, **14:2 to 14:12**
 - administration, **14:9**
 - Conference of Management Authorities (CMA), **14:2 to 14:12, 14:25 to 14:30** [NWT SARA 11 to 16]

NORTHWEST TERRITORIES

REGULATION—Cont'd

- Species at Risk (NWT) Act, **14:2 to 14:12**
 - Cont'd
 - administration, **14:9**—Cont'd
 - responsibility for management,
 - protection and recovery, **14:2 to 14:12**
 - Secretariat, **14:9, 14:38** [NWT SARA 24]
 - compensation, **14:7**
 - exemptions and permits, **14:6, 14:96 to 14:100** [NWT SARA 82 to 86]
 - Indigenous interests, **14:12, 14:16 to 14:18** [NWT SARA 2 to 4]
 - permitting, **14:6**
 - precautionary principle, **14:2 to 14:12, 14:21** [NWT SARA 7]
 - public participation, **14:11, 14:15** [NWT SARA 1(3)]
 - recovery planning, **14:8, 14:74** [NWT SARA 60]
 - responsibilities and process, **14:8, 14:75 to 14:86** [NWT SARA 61 to 72]
 - species of special concern, **14:8, 14:73** [NWT SARA 59]
 - regulatory-making powers, **14:10**
 - species and habitat protection
 - generally, **14:4**
 - enforcement, **14:5**
 - additional orders, **14:5, 14:142** [NWT SARA 128]
 - attempted offences, **14:5, 14:134** [NWT SARA 120]
 - defences, **14:5, 14:138** [NWT SARA 124]
 - finest, **14:5, 14:133** [NWT SARA 119]
 - summary of protections, **14:4**
 - designated habitat, **14:4, 14:94** [NWT SARA 80]
 - emergency provisions, **14:20** [NWT SARA 6]
 - species listing, **14:3**
 - Species at Risk Committee (SARC), **14:3**
 - assessment of species, **14:3**
 - listing process, **14:3**
 - Wildlife Act, **14:13**
 - endangered species, **14:13**

NORTHWEST TERRITORIES

REGULATION—Cont'd

Wildlife Act, **14:13**—Cont'd
 general prohibitions, **14:13**
 regulation of wildlife in NWT, **14:13**
 wildlife management units and
 sanctuaries, **14:13**

NORTHWEST TERRITORIES

**SPECIES AT RISK (NWT) ACT
 (NWT SARA)**

See also Northwest Territories Regulation
 Administration, **14:25 to 14:38, 14:152**
 [NWT SARA **11 to 24, 138**]

Canada, agreement with, **14:159,**
 14:160 [NWT SARA 144 to 145]

Conference of Management Authorities
 (CMA), **14:25 to 14:30 [NWT**
 SARA 11 to 16]

consensus agreements, **14:154 to**
 14:156 [NWT SARA 140 to 142]

disclosure of information, **14:160**
 [NWT SARA **146]**

review of Act, **14:161 [NWT SARA**
 147]

Secretariat, **14:38 [NWT SARA 24]**

Species at Risk Committee (SARC),
 14:31 to 14:37 [NWT SARA 17
 to 23]

Species at Risk list, **14:157 [NWT**
 SARA 143]

Application, species re, **14:22 [NWT**
 SARA 8]

Assessment of species, **14:39 to 14:48**
 [NWT SARA **25 to 34]**

criteria for assessment, **14:45 [NWT**
 SARA 31(1)]

extension of time, **14:44 [NWT SARA**
 30(6)]

Conflicts with other enactments, **14:19**
 [NWT SARA **5]**

Conservation

 see protection of species and habitat

Definitions, **14:15 [NWT SARA 1(1)]**

Emergency provisions, **14:20 [NWT**
 SARA 6]

Enforcement, **14:101 to 14:132 [NWT**
 SARA 87 to 118]

 arrest, **14:129 [NWT SARA 115]**

 counsel, right to, **14:130 [NWT SARA**
 116]

NORTHWEST TERRITORIES

**SPECIES AT RISK (NWT) ACT
 (NWT SARA)—Cont'd**

Enforcement, **14:101 to 14:132 [NWT**
 SARA 87 to 118]—Cont'd

 false statement/obstruction, **14:127**
 [NWT SARA **113]**

 force, **14:116 [NWT SARA 102]**

 guardians, **14:104 [NWT SARA 90]**

 inspection, **14:108 [NWT SARA 94]**

 limitation of liability, **14:132 [NWT**
 SARA 118]

 officers, **14:102, 14:103 [NWT SARA**
 88 to 89]

 production requirements, **14:105,**
 14:106, 14:128 [NWT SARA 91,
 92, 114]

 property seized, claims/disposition,
 14:124 to 14:126 [NWT SARA
 110 to 112]

 seizure, **14:117 to 14:123 [NWT**
 SARA 103 to 109]

 stopping vehicles, **14:107 [NWT**
 SARA 93]

 warrants, **14:109 to 14:115 [NWT**
 SARA 95 to 101]

Exemptions and permits, **14:96 to 14:100**
 [NWT SARA **82 to 86]**

Forms and precedents, **14:177**

Indigenous interests, **14:16 to 14:19**
 [NWT SARA **2 to 4, 5(2)]**

Listing of species, **14:49 to 14:69 [NWT**
 SARA 35 to 55], 14:177

 application to Minister, **14:67 to 14:69**
 [NWT SARA **53 to 55]**

 consensus agreement, **14:49 to 14:52**
 [NWT SARA **35 to 38]**

 listing procedure, **14:53 to 14:57**
 [NWT SARA **39 to 43]**

 reassessment, **14:61 to 14:66 [NWT**
 SARA 47 to 52]

 ten-year term, consensus re addition,
 14:59, 14:60 [NWT SARA 45,
 46]

 term of listing, **14:58 [NWT SARA 44]**

Offences and punishment, **14:133 to**
 14:151 [NWT SARA 119 to 137]

 attempted offences, **14:134 [NWT**
 SARA 120]

 contraventions, **14:133 [NWT SARA**
 119]

 costs, **14:148 [NWT SARA 134]**

NORTHWEST TERRITORIES

SPECIES AT RISK (NWT) ACT (NWT SARA)—Cont'd

Offences and punishment, **14:133 to 14:151** [NWT SARA 119 to 137]
—Cont'd
defences, **14:138** [NWT SARA 124]
employees or agents, **14:136** [NWT SARA 122]
forfeiture, **14:139** [NWT SARA 125]
licence, orders re, **14:145 to 14:147** [NWT SARA 131 to 133]
limitation period, **14:149** [NWT SARA 135]
Minister's expenses, **14:141** [NWT SARA 127]
orders of court, **14:142 to 14:144** [NWT SARA 128 to 130]
parties to offence, **14:135 to 14:137** [NWT SARA 121 to 123]
proof, **14:149, 14:151** [NWT SARA 135, 137]
retention or sale, **14:140** [NWT SARA 126]
Policies, guidelines and agreements, **14:176**
Precautionary principle, **14:21** [NWT SARA 7]
Protection of species and habitat, **14:61 to 14:95** [NWT SARA 47 to 81]
consensus agreements, **14:70, 14:71** [NWT SARA 56, 57]
designated habitat, **14:94, 14:95** [NWT SARA 80 to 81]
developments and applications, Minister's submissions re, **14:90 to 14:92** [NWT SARA 76 to 78]
habitat conservation, **14:93** [NWT SARA 79]
management plans and recovery strategies
generally, **14:72 to 14:89** [NWT SARA 58 to 75]
completion of management plan, **14:82, 14:83** [NWT SARA 68 to 69]
consensus agreement on plan/strategy, **14:79 to 14:81** [NWT SARA 65 to 67]
existing plans, **14:77** [NWT SARA 63]
implementation, **14:84 to 14:86** [NWT SARA 70 to 72]

NORTHWEST TERRITORIES

SPECIES AT RISK (NWT) ACT (NWT SARA)—Cont'd

Protection of species and habitat, **14:61 to 14:95** [NWT SARA 47 to 81]
—Cont'd
management plans and recovery strategies—Cont'd
existing plans, **14:77** [NWT SARA 63]—Cont'd
preparation of plan and strategy, **14:75 to 14:78** [NWT SARA 61 to 64]
progress reports, reviews, amendments, **14:87 to 14:89** [NWT SARA 73 to 75]
species of special concern, **14:73** [NWT SARA 59]
threatened, endangered, extirpated species, **14:74** [NWT SARA 60]
reporting, **14:87** [NWT SARA 73]
Public participation, **14:15** [NWT SARA 1(3)]
Purpose of Act, **14:23** [NWT SARA 9]
Regulations, **14:162 to 14:172** [NWT SARA 148 to 158], **14:177**
Species list, **14:49 to 14:69** [NWT SARA 35 to 55], **14:177**

NOVA SCOTIA ENDANGERED SPECIES ACT (NS ESA)

See also Nova Scotia regulation
Act applying to Crown, **9:17** [NS ESA 4]
Commentary, **9:1, 9:2 to 9:12**
Conflict with other enactments, **9:18** [NS ESA 5]
Conservation officers, **9:20** [NS ESA 7]
Core habitat, designation of, **9:30 to 9:33** [NS ESA 16 to 19]
Court powers, **9:38, 9:40** [NS ESA 24, 26]
Definitions, **9:16** [NS ESA 3]
“conservation officer,” **9:16** [NS ESA 3]
“core habitat,” **9:16** [NS ESA 3]
“Department,” **9:16** [NS ESA 3]
“endangered species,” **9:16** [NS ESA 3]
“extinct species,” **9:16** [NS ESA 3]
“extirpated species,” **9:16** [NS ESA 3]
“Fund,” **9:16** [NS ESA 3]

NOVA SCOTIA ENDANGERED

SPECIES ACT (NS ESA)—Cont'd

Definitions, **9:16** [NS ESA 3]—Cont'd
 “Group,” **9:16** [NS ESA 3]
 “habitat,” **9:16** [NS ESA 3]
 “management plan,” **9:16** [NS ESA 3]
 “Minister,” **9:16** [NS ESA 3]
 “private lands,” **9:16** [NS ESA 3]
 “public lands,” **9:16** [NS ESA 3]
 “recovery plan,” **9:16** [NS ESA 3]
 “registered owner,” **9:16** [NS ESA 3]
 “species,” **9:16** [NS ESA 3]
 “species at risk,” **9:16** [NS ESA 3]
 “threatened species,” **9:16** [NS ESA 3]
 “vulnerable species,” **9:16** [NS ESA 3]
 Forms and precedents, **9:49**
 Information available upon request, **9:35**
 [NS ESA 21]
 Limitation period, **9:41** [NS ESA 27]
 Listed species at risk, deemed, **9:25** [NS
 ESA 12]
 Listings by Minister, **9:24** [NS ESA 11]
 Minister’s orders where species listed on
 precautionary basis, **9:32** [NS ESA
 18]
 Minister’s powers, **9:30** [NS ESA 16]
 compensation of landowner of
 designated land, **9:30** [NS ESA
 16(7) to (11)]
 core habitat, agreements respecting,
 9:30 [NS ESA 16(1)]
 core habitat, designating, **9:30** [NS
 ESA 16(2) to (4)]
 “core habitat,” meaning of, **9:16** [NS
 ESA 3]
 regulations, **9:30** [NS ESA 16(5), (6)]
 Minister’s responsibilities, **9:19** [NS ESA
 6]
 No change in use, **9:34** [NS ESA 20]
 Offences, **9:36** [NS ESA 22]
 Payment of fine, security for, **9:39** [NS
 ESA 25]
 Permits, **9:27** [NS ESA 14]
 Policies, guidelines and agreements, **9:47**,
 9:48
 guidelines, **9:48**
 policies, **9:47**
 proclamation, **9:44** [NS ESA 30]
 prohibitions, **9:26** [NS ESA 13]
 prosecutions, **9:37** [NS ESA 23]
 purpose of Act, **9:15** [NS ESA 2]

NOVA SCOTIA ENDANGERED

SPECIES ACT (NS ESA)—Cont'd

Recovery team and plans, **9:28**, **9:29** [NS
 ESA 15]
 Regulations, **9:42** [NS ESA 28]
 Species-at-risk Working Group, **9:22**,
 9:23 [NS ESA 9, 10]

NOVA SCOTIA REGULATION

Endangered Species Act (NS ESA), **9:2** to
 9:12
 administration, **9:9**
 compensation, **9:7**
 Indigenous interests, **9:12**
 permitting, **9:6**
 public participation, **9:11**
 recovery planning, **9:8**
 endangered and threatened species,
 9:8
 responsibilities, **9:8**
 review of plans, **9:8**
 species and habitat protection
 generally, **9:4**
 enforcement, **9:5**
 Conservation Officer Service, **9:5**
 due diligence defence, **9:5**
 failure to comply, **9:5**
 maximum fines, **9:5**
 strict liability offence, **9:5**
 summary of protections, **9:4**
 Minister’s order on precautionary
 basis, **9:4**
 prohibitions against harmful
 activities, **9:4**
 regulations regarding specific core
 habitat, **9:4**
 Species-at-risk Working Group
 (SARWG) designating species
 generally, **9:3**
 categories of risk, **9:3**
 list of species deemed to be listed
 species, **9:3**
 responsibilities, **9:3**
 scientific experts, **9:3**
 scientific information and
 traditional knowledge
 utilized, **9:3**
 “best available information,”
 9:3
 species listing
 generally, **9:3**

NOVA SCOTIA REGULATION—Cont'd

Endangered Species Act (NS ESA), **9:2 to 9:12**—Cont'd
 species listing—Cont'd
 Minister having power to list species at risk, **9:3**
 orders restricting or prohibiting activities, **9:3**
 political oversight not required, **9:3**
 Legislative summary, **9:1**
 comprehensive statute, **9:1**
 general status assessment process, **9:1**
 “first alert” system, **9:1**
 Endangered Species Act (NS ESA), **9:1**
 habitat conservation funds, **9:1**
 other statutory mechanisms, **9:1**
 proactive mechanisms, **9:1**
 projects designed to identify and protect endangered species, **9:1**

NUNAVUT REGULATION

See also Nunavut Wildlife Act (NWA)
 Legislative summary, **15:1**
 functions under SARA, **15:1**
 endangered species, **15:1**
 protection of wildlife and wildlife habitat, **15:1**
 Nunavut Wildlife Management Board (NWMB), **15:1**
 Wildlife Act, **15:1**
 NWMB determining which prohibitions applying, **15:4**
 Species listing, **15:3**
 categories of risk for flora and fauna species
 generally, **15:3**
 functions of NSRC, **15:3**
 Minister required to establish list, **15:3**
 Nunavut Species at Risk Committee (NSRC), **15:3**
 Nunavut Wildlife Management Board (NWMB), **15:3**
 recommendations made to NWMB, **15:3**
 review of recommendations regarding species at risk, **15:3**
 Wildlife Act, **15:1, 15:2 to 15:12**
 compensation, **15:8**
 fauna and flora that being wild by nature, **15:2 to 15:12**

NUNAVUT REGULATION—Cont'd

Wildlife Act, **15:1, 15:2 to 15:12**
 —Cont'd
 guardianship and stewardship, guiding principles of, **15:2 to 15:12**
 Indigenous interests, **15:12**
 administration, **15:9**
 NWMB being main instrument of wildlife management, **15:9**
 co-management board, **15:9**
 Wildlife Management Division, **15:9**
 substantial provisions recognizing rights, **15:12**
 licensing
 generally, **15:6**
 activities involving species at risk, **15:6**
 harvesting game or prescribed wildlife, licences for, **15:6**
 “incidental take” not allowed, **15:6**
 interim and emergency measures, **15:6**
 licences for prescribed purposes, **15:6**
 public participation, **15:11**
 purpose of Act, **15:2 to 15:12**
 range of values, **15:2 to 15:12**
 recovery planning
 generally, **15:7**
 components of recovery policy, **15:7**
 management plans for species of special concern, **15:7**
 reviewing each recovery policy and management plan, **15:7**
 Superintendent of Wildlife preparing recovery policy, **15:7**
 considerations taken into account, **15:7**
 consultation process, **15:7**
 regulatory-making powers, **15:10**
 species and habitat protection
 generally, **15:4**
 conservation officers
 generally, **15:5**
 activities specifically prohibited, **15:4**
 Commissioner in Executive Council, **15:4**
 prohibitions against harming critical habitats, **15:4**

NUNAVUT REGULATION—Cont'd

Wildlife Act, **15:1, 15:2 to 15:12**

—Cont'd

species and habitat protection—Cont'd
conservation officers—Cont'd
blanket prohibition upon designation as endangered species, **15:4**
exception, **15:4**
contraventions and fines and/or imprisonment, **15:5**
alternative measures, **15:5**
critical habitats, designation as, **15:4**
due diligence defence, **15:5**
exemptions, **15:5**
extirpated and extinct species, specific protections for, **15:4**
limited harvesting, trafficking and possession permitted, **15:4**
NWMB's decisions requiring ministerial order for implementation, **15:4**
possession of species at risk, **15:4**
exemptions, **15:4**
prohibitions once species designated, **15:4**
strict liability offences, **15:5**
summary of protection, **15:4**
enforcement, **15:5**

NUNAVUT WILDLIFE ACT (NWA)

See also Nunavut regulation

Alternative measures, **15:98 [NWA 241]**
application of Act, **15:19, 15:20 [NWA 6, 7]**

no bar to proceedings, **15:99 [NWA 242]**

Binding effect, **15:20 [NWA 7]**

Conservation principles, **15:14 [NWA 1(3)]**

Critical habitat, special management areas and other areas, **15:52 to 15:56 [NWA 139 to 144]**

administrative areas, **15:54 [NWA 142]**

co-management, **15:55 [NWA 143]**

compensation, **15:52 [NWA 140]**

designation of critical habitat, **15:51 [NWA 139]**

habitat protection areas, **15:56 [NWA 144]**

NUNAVUT WILDLIFE ACT (NWA)

—Cont'd

Critical habitat, special management areas and other areas, **15:52 to 15:56 [NWA 139 to 144]**—Cont'd
special management areas, **15:53 [NWA 141]**

Definitions, **15:15 [NWA 2]**

“abode,” **15:15 [NWA 2]**

“accepted decision of the NWMB,” **15:15 [NWA 2]**

“adjusted basic needs level,” **15:15 [NWA 2]**

“Agreement,” **15:15 [NWA 2]**

“alternative measures,” **15:15 [NWA 2]**

“attractant,” **15:15 [NWA 2]**

“basic needs level,” **15:15 [NWA 2]**

“big game,” **15:15 [NWA 2]**

“biological diversity,” **15:15 [NWA 2]**

“bird of prey,” **15:15 [NWA 2]**

“conservation officer,” **15:15 [NWA 2]**

“convicted,” **15:15 [NWA 2]**

“COSEWIC,” **15:15 [NWA 2]**

“critical habitat,” **15:15 [NWA 2]**

“Designated Inuit Organization,” **15:15 [NWA 2]**

“dwelling,” **15:15 [NWA 2]**

“ecosystem,” **15:15 [NWA 2]**

“endangered,” **15:15 [NWA 2]**

“extirpated,” **15:15 [NWA 2]**

“Fund,” **15:15 [NWA 2]**

“furbearers,” **15:15 [NWA 2]**

“game,” **15:15 [NWA 2]**

“habitat,” **15:15 [NWA 2]**

“harvest,” **15:15 [NWA 2]**

“hunt,” **15:15 [NWA 2]**

“Hunters and Trappers Organization,” **15:15 [NWA 2]**

“Inuit of Northern Quebec,” **15:15 [NWA 2]**

“Inuit Qaujimajatuqangit,” **15:15 [NWA 2]**

“Inuk,” **15:15 [NWA 2]**

“licence,” **15:15 [NWA 2]**

“listed species,” **15:15 [NWA 2]**

“List of Species at Risk,” **15:15 [NWA 2]**

“Manitoba band,” **15:15 [NWA 2]**

“member,” **15:15 [NWA 2]**

NUNAVUT WILDLIFE ACT (NWA)

—Cont'd

Definitions, **15:15 [NWA 2]**—Cont'd
 “non-quota limitation,” **15:15 [NWA 2]**
 “NSRC,” **15:15 [NWA 2]**
 “Nunavut Settlement Area,” **15:15 [NWA 2]**
 “NWMB,” **15:15 [NWA 2]**
 “of special concern,” **15:15 [NWA 2]**
 “place,” **15:15 [NWA 2]**
 “prescribed,” **15:15 [NWA 2]**
 “proper identification,” **15:15 [NWA 2]**
 “recovery policy,” **15:15 [NWA 2]**
 “Regional Wildlife Organization,” **15:15 [NWA 2]**
 “Saskatchewan band,” **15:15 [NWA 2]**
 “sell,” **15:15 [NWA 2]**
 “small game,” **15:15 [NWA 2]**
 “special management area,” **15:15 [NWA 2]**
 “species,” **15:15 [NWA 2]**
 “species at risk,” **15:15 [NWA 2]**
 “superintendent,” **15:15 [NWA 2]**
 “surplus,” **15:15 [NWA 2]**
 “tag,” **15:15 [NWA 2]**
 “threatened,” **15:15 [NWA 2]**
 “total allowable harvest,” **15:15 [NWA 2]**
 “traffic,” **15:15 [NWA 2]**
 “trap,” **15:15 [NWA 2]**
 “trapping,” **15:15 [NWA 2]**
 “vehicle or other conveyance,” **15:15 [NWA 2]**
 “vendor,” **15:15 [NWA 2]**
 “weapon,” **15:15 [NWA 2]**
 “wild animal,” **15:15 [NWA 2]**
 “wildlife,” **15:15 [NWA 2]**
 “wildlife guardian,” **15:15 [NWA 2]**
 “wildlife sanctuary,” **15:15 [NWA 2]**
 Evidence and presumptions, **15:92 to 15:97 [NWA 235 to 240]**
 certificate evidence and presumptions, **15:96 [NWA 239]**
 financial responsibility, **15:58 [NWA 146]**
 possession, deemed, **15:95 [NWA 238]**
 presumption of time or season, **15:97 [NWA 240]**
 presumptions, **15:94 [NWA 237]**

NUNAVUT WILDLIFE ACT (NWA)

—Cont'd

Evidence and presumptions, **15:92 to 15:97 [NWA 235 to 240]**—Cont'd
 residence, proof of, **15:92 [NWA 235]**
 wildlife harvested in Nunavut, **15:93 [NWA 236]**
 Extinct or extirpated species, **15:35 [NWA 62]**
 interim protection, **15:36 [NWA 63]**
 lawful possession, **15:37 [NWA 64]**
 species list, **15:100**
 Forfeiture, **15:81 to 15:84 [NWA 225 to 228]**
 application by person claiming interest, **15:82 [NWA 226]**
 costs, liability for, **15:83 [NWA 227]**
 forfeiture of thing seized, **15:81 [NWA 225]**
 order of forfeiture, **15:84 [NWA 228]**
 Forms and precedents, **15:103**
 Guiding principles and concepts, **15:21 [NWA 8]**
 Habitat, respect for, **15:38 to 15:40 [NWA 65 to 67]**
 habitat protection, **15:38 [NWA 65]**
 littering, **15:40 [NWA 67]**
 prohibited activities, **15:39 [NWA 66]**
 Implementation, **15:45 [NWA 133]**
 Indigenous and treaty rights, **15:18 [NWA 5]**
 Indigenous treaty rights, **15:25 to 15:28 [NWA 12 to 15]**
 Interpretation, **15:16 [NWA 3]**
 Inuit Language, **15:16 [NWA 3(2)]**
 Inuit Qaujimajatuqangit, **15:16, 15:21, 15:22 [NWA 3(2), 8, 9]**
 Inuit rights, **15:23, 15:24, 15:29 [NWA 10, 11, 16]**
 other rights, **15:29, 15:30 [NWA 16, 17]**
 right of access, **15:24 [NWA 11]**
 right to harvest, **15:23 [NWA 10]**
 Inuit treaty rights, **15:25 [NWA 12]**
 Judicial powers, other, **15:85 [NWA 229]**
 Licence, requirement for, **15:32 [NWA 19]**
 Licence, species at risk, **15:33 [NWA 20]**
 Licence, specific exemptions for, **15:34 [NWA 21]**

NUNAVUT WILDLIFE ACT (NWA)

—Cont'd

Licence to harvest wildlife, **15:31** [NWA 18]
 Management functions, **15:60 to 15:75** [NWA 148 to 162, 194]
 advisory committees, **15:71 to 15:73** [NWA 159 to 161]
 Commissioner in Executive Council, **15:75** [NWA 194]
 species at risk regulations, **15:75** [NWA 194]
 confidentiality, **15:65** [NWA 153]
 establishment, **15:63** [NWA 151]
 functions, **15:64** [NWA 152]
 other board, **15:66** [NWA 154]
 decision making process, **15:67 to 15:70** [NWA 155 to 158]
 Minister's initiative, **15:67** [NWA 155]
 NWMB decisions, **15:68 to 15:70** [NWA 156 to 158]
 implementation of accepted decisions, **15:69** [NWA 157]
 review of orders, **15:70** [NWA 158]
 elders advisory committee, **15:72** [NWA 160]
 NSRC established, **15:71** [NWA 159]
 remuneration, **15:73** [NWA 161]
 Minister's powers, **15:60, 15:61** [NWA 148, 149]
 interim and emergency decisions, **15:62** [NWA 150]
 Nunavut Wildlife Management Board (NWMB), **15:63 to 15:66** [NWA 151 to 154]
 superintendent, **15:74** [NWA 162]
 powers and duties, **15:74** [NWA 162(2)]
 No change in use, **15:59** [NWA 147]
 Offences and punishment, **15:76 to 15:80, 15:86, 15:87** [NWA 220 to 224, 230, 231]
 failure to pay fine, **15:80** [NWA 224]
 fines cumulative, **15:79** [NWA 223]
 offences, **15:76** [NWA 220]
 penalties, **15:77** [NWA 221]
 sentence, suspended, **15:87** [NWA 231]

NUNAVUT WILDLIFE ACT (NWA)

—Cont'd

Offences and punishment, **15:76 to 15:80, 15:86, 15:87** [NWA 220 to 224, 230, 231]—Cont'd
 sentencing, application to vary, **15:86** [NWA 230]
 sentencing considerations, **15:78** [NWA 222]
 Policies, guidelines and agreements, **15:102**
 Proof of residence, **15:92** [NWA 235]
 Prosecutions, **15:88, 15:89** [NWA 232, 233]
 corporate officers, liability of, **15:89** [NWA 233]
 due diligence, **15:90, 15:91** [NWA 234]
 limitation period, **15:88** [NWA 232]
 Purpose of Act, **15:14** [NWA 1(1)]
 Range of values, **15:14** [NWA 1(2)]
 Recovery of species at risk, **15:46 to 15:50** [NWA 134 to 138]
 contents of recovery policy, **15:47** [NWA 135]
 decision of NWMB, **15:50** [NWA 138]
 ecosystem management, **15:49** [NWA 137]
 preparation of management plan, **15:48** [NWA 136]
 preparation of policy, **15:46** [NWA 134]
 Regulations, **15:101**
 Residence, determining, **15:17** [NWA 4]
 Right of action, **15:57** [NWA 145]
 Sentence, suspended, **15:87** [NWA 231]
 Sentencing, application to vary, **15:86** [NWA 230]
 Species at risk, designating, **15:41 to 15:43** [NWA 129 to 131]
 NWMB, decision of, **15:43** [NWA 131]
 outside request, **15:42** [NWA 130]
 recommendations by NSRC, **15:41** [NWA 129]
 Species at risk, interim and emergency measures for, **15:44, 15:45** [NWA 132, 133]
 Species at risk, respect for, **15:35 to 15:37** [NWA 62 to 64]

**NUNAVUT WILDLIFE MANAGEMENT
BOARD-CANADA
MEMORANDUM OF
UNDERSTANDING**

See also Species at Risk Act (SARA)
Generally, **3:20, 3:262 to 3:266**

**ONTARIO ENDANGERED SPECIES
ACT, 2007 (ONT ESA)**

See also Ontario regulation
Advisory committee, **10:92 [ONT ESA 48]**

Agreements, **10:16, 10:36, 10:112 [ONT ESA 1, 16]**

Application to Crown, **10:99 [ONT ESA 54]**

Classification of species

committee, **10:18 [ONT ESA 3]**

defences, **10:5, 10:83, 10:94 [ONT ESA 39, 49(4)]**

functions of COSSARO, **10:19 [ONT ESA 4]**

list of species at risk, **10:22, 10:106 [ONT ESA 7, Scheds. 1 to 5]**

ministerial requirements, **10:23 [ONT ESA 8]**

reports by COSSARO, **10:21 [ONT ESA 6]**

rules for, **10:20 [ONT ESA 5]**

Definitions

“aboriginal person,” **10:17 [ONT ESA 2(1)]**

arrest, **10:75, 10:76 [ONT ESA 31, 32]**

“authorizing official,” **10:40 [ONT ESA 18(5)]**

“COSSARO,” **10:17 [ONT ESA 2(1)]**

“enforcement officer,” **10:17 [ONT ESA 2(1)]**

exemptions from Act, **10:78 [ONT ESA 34]**

force, use of, **10:76 [ONT ESA 32]**

forfeiture, **10:67, 10:68 [ONT ESA 26]**

“habitat,” **10:17 [ONT ESA 2]**

habitat protection order, **10:5, 10:71, 10:72 [ONT ESA 28]**

hearing, **10:74 [ONT ESA 30]**

identification of officers, **10:63 [ONT ESA 22]**

inspections, **10:64, 10:65 [ONT ESA 23, 24]**

“instrument,” **10:40 [ONT ESA 18(5)]**

“justice,” **10:17 [ONT ESA 2(1)]**

**ONTARIO ENDANGERED SPECIES
ACT, 2007 (ONT ESA)—Cont’d**

Definitions—Cont’d

“Minister,” **10:17 [ONT ESA 2(1)]**

“Ministry,” **10:17 [ONT ESA 2(1)]**

obstruction of officer, **10:79 [ONT ESA 35]**

“officer in charge,” **10:17 [ONT ESA 2(1)]**

officers, **10:62, 10:63, 10:75 to 10:79 [ONT ESA 21, 22, 31 to 35]**

“person,” **10:17 [ONT ESA 2(1)]**

“proposal for a regulation,” **10:102, 10:103 [ONT ESA 57(4)]**

“recovery strategy,” **10:17 [ONT ESA 2(1)]**

“regulations,” **10:17 [ONT ESA 2(1)]**

searches re offences, **10:66 [ONT ESA 25]**

seizure, **10:67 [ONT ESA 26]**

service of orders, **10:73 [ONT ESA 29]**

“species,” **10:17 [ONT ESA 2(1)]**

“Species at Risk in Ontario List,” **10:17 [ONT ESA 2(1)]**

stop order, **10:69 [ONT ESA 27]**

warrants, **10:64 [ONT ESA 23]**

Evidence

proof of inspected or seized things, **10:89 [ONT ESA 45]**

similar species, **10:88 [ONT ESA 44]**

Exemptions, (O. Reg. 242/08), **10:107, 10:108**

Fees, **10:95 [ONT ESA 50]**

Forms, **10:113**

Guidelines, **10:111**

Indigenous persons

agreements with, **10:41 [ONT ESA 19]**

defined, **10:17 [ONT ESA 2(1)]**

existing rights protected, **10:11, 10:90 [ONT ESA 46]**

permits for, **10:41, 10:42 [ONT ESA 19, 20]**

Information for public, **10:96, 10:97 [ONT ESA 51, 52]**

Instruments under other Acts, **10:40 [ONT ESA 18]**

Laws of other jurisdictions, **10:94 [ONT ESA 49]**

Offences and penalties

generally, **10:80 [ONT ESA 36]**

ONTARIO ENDANGERED SPECIES

ACT, 2007 (ONT ESA)—Cont'd

Offences and penalties—Cont'd

compliance orders, **10:85 [ONT ESA 41]**

corporations, **10:81 [ONT ESA 37]**

deemed similar species, **10:88 [ONT ESA 44]**

defences, **10:83 [ONT ESA 39]**

employers, **10:82 [ONT ESA 38]**

judge, presiding, **10:86 [ONT ESA 42]**

limitation period, **10:87 [ONT ESA 43]**

penalties, **10:5, 10:84 [ONT ESA 40]**

proof of inspected/seized thing, **10:89 [ONT ESA 45]**

Permits, **10:6, 10:38, 10:39, 10:41, 10:42 [ONT ESA 17, 19, 20]**

Personal information

policies, **10:110**

power to collect, **10:98 [ONT ESA 53]**

Precedents, **10:113**

Protection of species

ecosystem approach, **10:33 [ONT ESA 13]**

incorporation of existing plans, **10:35 [ONT ESA 15]**

management plans, **10:30, 10:34, 10:35 [ONT ESA 12, 14, 15]**

prohibitions on damage to habitat etc., **10:27, 10:28 [ONT ESA 10]**

prohibitions on killing, possession etc., **10:25, 10:26 [ONT ESA 9]**

recovery strategies, **10:29, 10:34, 10:35 [ONT ESA 11, 14, 15]**

Purposes of Act, **10:16 [ONT ESA 1]**

Recovery of species see protection of species regulations

exemptions, (O. Reg. 242/08), **10:107, 10:108**

general (O. Reg. 242/08), **10:107, 10:108**

habitat, re, **10:101 [ONT ESA 56]**

power to make, **10:100 to 10:103 [ONT ESA 55 to 57]**

special requirements, **10:102, 10:103 [ONT ESA 57]**

species list (O. Reg. 230/08), **10:106**

Stewardship agreements, **10:36 [ONT ESA 16]**

Stewardship program, **10:91, 10:113 [ONT ESA 47]**

ONTARIO FISH AND WILDLIFE

CONSERVATION ACT, 1997 (FWCA)

See also Ontario regulation

Animals for research, **10:118 [FWCA 4]**

Cancellation of licence, **10:183 [FWCA 104]**

corporations, **10:177 [FWCA 98]**

discretionary order, **10:183 [FWCA 104(2)]**

compensation, **10:185 [FWCA 106]**

due diligence defence, **10:180 [FWCA 101]**

employers and principals, **10:178 [FWCA 99]**

licensees, **10:179 [FWCA 100]**

limitation period, **10:182 [FWCA 103]**

offences generally, **10:176 [FWCA 97]**

penalty, **10:181 [FWCA 102]**

proof of hunting or trapping, **10:188 [FWCA 109]**

proof of inspected or seized documents, **10:187 [FWCA 108]**

proof of licence, **10:186 [FWCA 107]**

proof of sunrise and sunset times, **10:189 [FWCA 110]**

suspension of licence, **10:184 [FWCA 105]**

Commentary, **10:12**

Definitions, **10:115 [FWCA 1(1)]**

“animal,” **10:115 [FWCA 1(1)]**

“boat,” **10:115 [FWCA 1(1)]**

“body-gripping trap,” **10:115 [FWCA 1(1)]**

“buy or sell,” **10:115 [FWCA 1(1)]**

“closed season,” **10:115 [FWCA 1(1)]**

“commercial fish net,” **10:115 [FWCA 1(1)]**

“conveyance,” **10:115 [FWCA 1(1)]**

“document,” **10:115 [FWCA 1(1)]**

“domestic animal,” **10:115 [FWCA 1(1)]**

“farmed animal,” **10:115 [FWCA 1(1)]**

“farmer,” **10:115 [FWCA 1(1)]**

“firearm,” **10:115 [FWCA 1(1)]**

“fish,” **10:115 [FWCA 1(1)]**

“furbearing mammal,” **10:115 [FWCA 1(1)]**

“game amphibian,” **10:115 [FWCA 1(1)]**

**ONTARIO FISH AND WILDLIFE
CONSERVATION ACT, 1997
(FWCA)—Cont'd**

Definitions, **10:115 [FWCA 1(1)]**

—Cont'd

“game bird,” **10:115 [FWCA 1(1)]**

“game bird hunting preserve,” **10:115 [FWCA 1(1)]**

“game mammal,” **10:115 [FWCA 1(1)]**

“game reptile,” **10:115 [FWCA 1(1)]**

“game wildlife,” **10:115 [FWCA 1(1)]**

“hunting,” **10:115 [FWCA 1(1)]**

“licence,” **10:115 [FWCA 1(1)]**

“migratory bird,” **10:115 [FWCA 1(1)]**

“Minister,” **10:115 [FWCA 1(1)]**

“Ministry,” **10:115 [FWCA 1(1)]**

“motorboat,” **10:115 [FWCA 1(1)]**

“non-resident,” **10:115 [FWCA 1(1)]**

“Ontario Fishery Regulations,” **10:115 [FWCA 1(1)]**

“open season,” **10:115 [FWCA 1(1)]**

“pelt,” **10:115 [FWCA 1(1)]**

“regulations,” **10:115 [FWCA 1(1)]**

“resident,” **10:115 [FWCA 1(1)]**

“snare,” **10:115 [FWCA 1(1)]**

“specially protected amphibian,”
10:115 [FWCA 1(1)]

“specially protected bird,” **10:115 [FWCA 1(1)]**

“specially protected invertebrate,”
10:115 [FWCA 1(1)]

“specially protected mammal,” **10:115 [FWCA 1(1)]**

“specially protected raptor,” **10:115 [FWCA 1(1)]**

“specially protected reptile,” **10:115 [FWCA 1(1)]**

“specially protected wildlife,” **10:115 [FWCA 1(1)]**

“transport,” **10:115 [FWCA 1(1)]**

“trap,” **10:115 [FWCA 1(1)]**

“vehicle,” **10:115 [FWCA 1(1)]**

“wildlife,” **10:115 [FWCA 1(1)]**

Endangered Species Act (ONT ESA),
conflict with, **10:116 [FWCA 2]**

Enforcement, **10:164 to 10:175 [FWCA 86 to 96]**

arrest without warrant, **10:172 [FWCA 93]**

**ONTARIO FISH AND WILDLIFE
CONSERVATION ACT, 1997
(FWCA)—Cont'd**

Enforcement, **10:164 to 10:175 [FWCA 86 to 96]**—Cont'd

conservation officers, **10:165 [FWCA 87]**

entry on private land, **10:173 [FWCA 94]**

exemption, **10:174 [FWCA 95]**

farmed animals, **10:164 [FWCA 86]**

inspection of firearms or ammunition,
10:166 [FWCA 88]

inspection of places, **10:168 [FWCA 90]**

powers during inspection, **10:168 [FWCA 90(7)]**

warrant for dwelling, **10:168 [FWCA 90(4), (5)]**

inspection of vehicles, boats, and
aircraft, **10:167 [FWCA 89]**

obstruction of conservation officer,
10:175 [FWCA 96]

release, **10:172 [FWCA 93(3)]**

searches without warrant, **10:169 [FWCA 91(2)]**

searches with warrant, **10:169, 10:170 [FWCA 91(1) to 91.1]**

seizures

generally, **10:171 [FWCA 92]**

application by person with interest,
forfeiture on conviction, **10:171 [FWCA 92(14) to (16), FWCA 92(9)]**

farmed animals, **10:117 [FWCA 3]**

forfeiture where possession being
offence, payment of fine,
10:171 [FWCA 92(11), (12), FWCA 92(5)]

return of seized things, **10:171 [FWCA 92(4)]**

Hunting, trapping, fishing and related
activities, **10:119 to 10:153 [FWCA 5 to 39]**

general restrictions

generally, **10:119 to 10:127 [FWCA 5 to 13]**

abandonment of meat, **10:150 [FWCA 36]**

dens, black bears and furbearing
mammals, **10:122 [FWCA 8]**

**ONTARIO FISH AND WILDLIFE
CONSERVATION ACT, 1997
(FWCA)—Cont'd**

Hunting, trapping, fishing and related activities, **10:119 to 10:153 [FWCA 5 to 39]**—Cont'd
 general restrictions—Cont'd
 dog training and trials, **10:149 [FWCA 35]**
 education and science, **10:153 [FWCA 39]**
 exceptions, **10:119 [FWCA 5(2)]**
 farmers, **10:120 [FWCA 6(3)]**
 nests and eggs, **10:121 [FWCA 7]**
 trappers, **10:120 [FWCA 6(2)]**
 fishing preserves, **10:148 [FWCA 34]**
 game bird hunting preserves, **10:147 [FWCA 33]**
 guides and black bear hunting services, **10:146 [FWCA 32]**
 hunting or trapping for gain, **10:125 [FWCA 11]**
 illegally killed wildlife, **10:126 [FWCA 12]**
 licence requirement for hunting or trapping, **10:120 [FWCA 6(1)]**
 miscellaneous provisions, **10:150 to 10:153 [FWCA 36 to 39]**
 obstruction of hunting, trapping or fishing, **10:127 [FWCA 13]**
 ownership of bed of body of water, **10:152 [FWCA 38]**
 possession of certain nets, **10:151 [FWCA 37]**
 prohibition against hunting or trapping of certain species, **10:119 [FWCA 5(1)]**
 provincial parks and Crown game preserves, **10:123 [FWCA 9]**
 trespassing, **10:124 [FWCA 10]**
 hunting and fishing services, **10:146 to 10:149 [FWCA 32 to 35]**
 Trespass to Property Act, **10:124 [FWCA 10]**
 protection of property, **10:145 [FWCA 31]**
 safety and methods
 generally, **10:128 to 10:144 [FWCA 14 to 30]**
 adhesives, **10:144 [FWCA 30]**

**ONTARIO FISH AND WILDLIFE
CONSERVATION ACT, 1997
(FWCA)—Cont'd**

Hunting, trapping, fishing and related activities, **10:119 to 10:153 [FWCA 5 to 39]**—Cont'd
 safety and methods—Cont'd
 birds of prey, **10:141 [FWCA 27]**
 body-gripping traps, **10:136 [FWCA 22]**
 careless use of firearm, **10:130 [FWCA 16]**
 dog training during closed season, **10:140 [FWCA 26]**
 ferrets, **10:142 [FWCA 28]**
 hunter clothing, **10:129 [FWCA 15]**
 hunting at night, **10:134 [FWCA 20]**
 hunting with dogs, **10:139 [FWCA 25]**
 loaded firearms in hunting areas, **10:131 [FWCA 17]**
 poison, **10:143 [FWCA 29]**
 set firearms not to be used, **10:132 [FWCA 18]**
 shotguns, **10:133 [FWCA 19]**
 swimming bears, deer, etc., **10:137 [FWCA 23]**
 trapping not permitted for certain mammals, **10:135 [FWCA 21]**
 unsafe areas, **10:128 [FWCA 14]**
 vehicles, **10:138 [FWCA 24]**
 Interpretation, **10:115 [FWCA 1(2) to (7)]**
 Live wildlife and fish, **10:154 to 10:161 [FWCA 40 to 47]**
 aquaculture, **10:161 [FWCA 47]**
 birds of prey, marking, **10:156 [FWCA 42]**
 hunting animals in captivity, **10:155 [FWCA 41]**
 propagation of wildlife, **10:159 [FWCA 45]**
 rehabilitation or care, **10:158 [FWCA 44]**
 release of wildlife, **10:160 [FWCA 46]**
 wildlife in captivity, **10:154 [FWCA 40]**
 wildlife in transit, **10:157 [FWCA 43]**
 Offences and penalties, **10:176 to 10:190 [FWCA 97 to 111]**

**ONTARIO FISH AND WILDLIFE
CONSERVATION ACT, 1997
(FWCA)—Cont'd**

Regulations, **10:191 to 10:193 [FWCA 112 to 114]**
 power of Lieutenant Governor in Council to make, **10:191 [FWCA 112]**
 power of Minister to make, **10:192 [FWCA 113]**
 scope of regulations, **10:193 [FWCA 114]**
 specially protected amphibian (Sch. 10), **10:195**
 specially protected birds (Sch. 8), **10:195**
 specially protected invertebrates (Sch. 11), **10:195**
 specially protected mammals (Sch. 6), **10:195**
 specially protected raptors (Sch. 7), **10:195**
 specially protected reptiles (Sch. 9), **10:195**
 species list, **10:195**

ONTARIO REGULATION

See also Ontario Endangered Species Act, 2007 (ONT ESA); Ontario Fish and Wildlife Conservation Act, 1997 (FWCA)
 Crown Forest Sustainability Act, **10:13**
 Endangered Species Act, 2007 (ONT ESA), **10:1, 10:2 to 10:11, 10:15 to 10:105**
 administration, **10:8**
 agency, **10:108.2**
 agreements, **10:16, 10:36, 10:112 [ONT ESA 16, 1]**
 Committee on the status of Species at Risk in Ontario (COSSARO), **10:3**
 enforcement
 generally, **10:5**
 Endangered Species Regulation setting out species declared to be threatened, **10:106**
 species listed, **10:3, 10:106**
 summary of protection, **10:4**
 exemptions, **10:107, 10:108**
 five year report by agency, **10:108.3**
 forms, **10:113**

ONTARIO REGULATION—Cont'd

Endangered Species Act, 2007 (ONT ESA), **10:1, 10:2 to 10:11, 10:15 to 10:105—Cont'd**
 guidelines, **10:110**
 habitat, **10:108.1**
 Indigenous interests, **10:11**
 permitting, **10:6**
 policies, **10:110**
 precedents, **10:113**
 public participation, **10:10**
 recovery planning, **10:7**
 regulation-making powers, **10:9**
 regulations, **10:106 to 10:108**
 species and habitat protection, **10:4**
 species conservation charges, **10:108.4**
 Fish and Wildlife Conservation Act, 1997 (FWCA), **10:12**
 Act applying only to animals, **10:12**
 due diligence defence, **10:12**
 failure to comply, **10:12**
 general prohibitions against taking of nests or eggs of wildlife, **10:12**
 Planning Act, **10:14**
 prohibiting hunting, trapping and possessing wildlife species without licence, **10:12**
 prohibitions where designated as specifically protected wildlife, **10:12**
 strict liability offences, **10:12**
 where conflicting with ESA, **10:12**
 Legislative summary, **10:1**

OVERVIEW

Accord for the Protection of Species at Risk, **2:1, 2:2**
 Federal government's three-part strategy, **2:1, 2:2**
 Habitat Stewardship Program (HSP), **2:5**
 Inter-jurisdictional co-operation, **2:1**
 broader recognition of problem, **2:1**
 Canada and United States "partnership," **2:1**
 federal government's three-part strategy, **2:1**
 international conventions, **2:1**
 "species at risk," **2:1**
 "National approach to protect species at risk," **2:2**

OVERVIEW—Cont’d

- Recovery of Nationally Endangered Wildlife (RENEW), **2:4**
- key planning body for recovery, **2:4**
- Species at Risk Act (SARA), **2:4**
- limitations, **2:4**
- recovery planning provisions, **2:4**
- variety of recovery plans, **2:4**
- Text of Accord, **2:3**

**PRINCE EDWARD ISLAND
REGULATION**

- See also Prince Edward Island Wildlife Conservation Act (WCA)
- Administration
 - generally, **11:8**
 - categories of risk
 - generally, **11:3**
 - designating species, **11:3**
 - “endangered species,” **11:3**
 - “species of special concern,” **11:3**
 - “threatened species,” **11:3**
 - extirpated species, **11:3**
 - Species at Risk Advisory Committee, **11:3**
 - “wildlife” defined, **11:3**
- conservation agreements with private landowners, **11:2 to 11:11**
- enforcement
 - generally, **11:5**
 - Conservation Officer Service, **11:5**
 - failure to comply with prohibitions, **11:5**
 - strict liability offences, **11:5**
 - summary of protection, **11:4**
 - no species designated, **11:4**
 - prohibitions applying upon designation, **11:4**
 - “wildlife habitat” defined, **11:4**
- lack of regulation designating species at risk, **11:2 to 11:11**
- permitting, **11:6**
 - permits authorizing holder to trap or kill wildlife, **11:6**
- WCA differing from other endangered species legislation, **11:6**
- protecting, managing and conserving wildlife and habitats, **11:2 to 11:11**
- public participation, **11:10**

PRINCE EDWARD ISLAND

REGULATION—Cont’d

- Administration—Cont’d
 - recovery planning, **11:7**
 - regulatory-making powers, **11:9**
 - species and habitat protection, **11:4**
 - species listing, **11:3**
 - species set out in SARA, applicability of, **11:2 to 11:11**
 - wildlife management areas, designation of, **11:2 to 11:11**
- Indigenous interests, **11:11**
- Legislative summary, **11:1**
 - Species at Risk Advisory Committee, **11:1**
 - Wildlife Conservation Act (WCA), **11:1**
 - general protection for all wildlife, **11:1**
- Natural Areas Protection Act, **11:12**
- Wildlife Conservation Act (WCA), **11:2 to 11:11**

**PRINCE EDWARD ISLAND WILDLIFE
CONSERVATION ACT (WCA)**

- See also Prince Edward Island regulation
- Administration
 - generally, **11:16 to 11:24 [WCA 3 to 6]**
 - cadet conservation officers, **11:18 [WCA 3.2]**
 - Chief Conservation Officer, **11:17 [WCA 3.1]**
 - conservation officers, **11:17 to 11:22 [WCA 3.1 to 5.1]**
 - appointment, **11:17, 11:18 [WCA 3.1, 3.2]**
 - liability, **11:22 [WCA 5.1]**
 - powers, **11:19 [WCA 4]**
 - evidence of authorization/appointment, **11:23 [WCA 5.2]**
 - liability, **11:22 [WCA 5.1]**
 - Minister’s powers, **11:16 [WCA 3(3)]**
 - Minister’s responsibility, **11:16 [WCA 3(1), (2)]**
 - natural resource inspectors, **11:17 to 11:22 [WCA 3.1 to 5.1]**
 - wildlife inventory and report, **11:24 [WCA 6]**
- Commencement, **11:61 [WCA 35]**
- Commentary, **11:2 to 11:11**

**PRINCE EDWARD ISLAND WILDLIFE
CONSERVATION ACT (WCA)**

—Cont'd

Conservation agreements, **11:38 [WCA 18]**

terms, **11:38 [WCA 18(4)]**

Definitions

generally, **11:14 [WCA 1(1)]**

“aboriginal person,” **11:14 [WCA 1(1)]**

“angling,” **11:14 [WCA 1(1)]**

“bow,” **11:14 [WCA 1(1)]**

“cadet conservation officer,” **11:14 [WCA 1(1)]**

“Chief Conservation Officer,” **11:14 [WCA 1(1)]**

“closed season,” **11:14 [WCA 1(1)]**

“conservation officer,” **11:14 [WCA 1(1)]**

“endangered species,” **11:14 [WCA 1(1)]**

“exotic,” **11:14 [WCA 1(1)]**

“extinct species,” **11:14 [WCA 1(1)]**

“extirpated species,” **11:14 [WCA 1(1)]**

“firearm,” **11:14 [WCA 1(1)]**

“fish,” **11:14 [WCA 1(1)]**

“fishery regulations,” **11:14 [WCA 1(1)]**

“fishing preserve,” **11:14 [WCA 1(1)]**

“fur-bearing animals,” **11:14 [WCA 1(1)]**

“fur farm,” **11:14 [WCA 1(1)]**

“game,” **11:14 [WCA 1(1)]**

“game animal,” **11:14 [WCA 1(1)]**

“game bird,” **11:14 [WCA 1(1)]**

“hunting,” **11:14 [WCA 1(1)]**

“justice,” **11:14 [WCA 1(1)]**

“license,” **11:14 [WCA 1(1)]**

“loaded firearm,” **11:14 [WCA 1(1)]**

“migratory birds,” **11:14 [WCA 1(1)]**

“Minister,” **11:14 [WCA 1(1)]**

“natural resource inspector,” **11:14 [WCA 1(1)]**

“open season,” **11:14 [WCA 1(1)]**

“owner,” **11:14 [WCA 1(1)]**

“permit,” **11:14 [WCA 1(1)]**

“possession,” **11:14 [WCA 1(2)]**

“resident,” **11:14 [WCA 1(1)]**

“shooting preserve,” **11:14 [WCA 1(1)]**

**PRINCE EDWARD ISLAND WILDLIFE
CONSERVATION ACT (WCA)**

—Cont'd

Definitions—Cont'd

“snare,” **11:14 [WCA 1(1)]**

“species of special concern,” **11:14 [WCA 1(1)]**

“taking,” **11:14 [WCA 1(1)]**

“threatened species,” **11:14 [WCA 1(1)]**

“trap,” **11:14 [WCA 1(1)]**

“trapping,” **11:14 [WCA 1(1)]**

“vehicle,” **11:14 [WCA 1(1)]**

“wildlife,” **11:14 [WCA 1(1)]**

“wildlife habitat,” **11:14 [WCA 1(1)]**

**Endangered and threatened species and
species of special concern**

generally, **11:26, 11:27 [WCA 7, 8]**

advisory committee, powers to create,
11:27 [WCA 8]

conservation measures, **11:27 [WCA 8]**

offences, **11:26 [WCA 7(4)]**

Enforcement

generally, **11:41 to 11:52 [WCA 20 to 27]**

arrest without warrant, **11:41 [WCA 20(1)]**

detention of seized property, **11:48 [WCA 23]**

disposal at public auction, **11:51 [WCA 26]**

release of seized vehicle or vessel,
11:48 [WCA 23(4)]

emergency order, entry and inspection,
11:41, 11:43, 11:44 [WCA 20(7) to (10), WCA 21.1, 21.2]

failure to comply with order, **11:41, 11:52 [WCA 20(12), 27]**

liability for trespass, **11:42 [WCA 21]**

offence, **11:41 [WCA 20(12)]**

order of Minister or conservation
officer, return of seized property,
11:41, 11:49 [WCA 20(4) to (12), WCA 24]

sale of equipment seized, **11:50 [WCA 25]**

seizure by conservation officer, **11:45, 11:47 [WCA 21.3, 22]**

Fines, **11:58 [WCA 32(1), (2)]**

Fishing and shooting preserves, **11:36 [WCA 16]**

**PRINCE EDWARD ISLAND WILDLIFE
CONSERVATION ACT (WCA)**

—Cont'd

- Forms and precedents, **11:67**
- Liability of officers of corporation, **11:58**
[WCA 32(4)]
- Migratory birds, **11:28** [WCA 9]
- Ownership of wildlife, **11:15** [WCA 2]
- Permits and licenses
 - generally, **11:30 to 11:35** [WCA 10 to 15]
 - exception, **11:33** [WCA 13]
 - licenses, **11:31** [WCA 11]
 - offences, **11:35** [WCA 15]
 - permits, **11:30** [WCA 10]
 - production of licence, requirement, **11:34** [WCA 14.1]
 - requirement of permit or licence, **11:32** [WCA 12]
- Policies, guidelines and agreements, **11:66**
- Ponds, government-stocked, **11:37** [WCA 17]
- Prohibited activities, **11:39** [WCA 19]
 - misrepresentation, **11:40** [WCA 19.1]
 - offences, **11:39** [WCA 19(1)]
- Prosecutions
 - generally, **11:54 to 11:56** [WCA 29 to 31]
 - conviction or offence, effect of, **11:56** [WCA 31(1)]
 - offence of hunting, fishing, trapping when suspended, **11:56** [WCA 31(3)]
 - suspension of license for conviction, **11:56** [WCA 31(2)]
 - regulations, **11:63 to 11:65, 11:53** [WCA 28]
 - residence of accused, **11:55** [WCA 30]
 - summary proceedings, **11:54** [WCA 29]
- Remedial action, order for, **11:58** [WCA 32(3)]
- Species list, **11:62**
- Wildlife management areas, **11:36** [WCA 16]

**QUEBEC AN ACT RESPECTING
THREATENED OR VULNERABLE
SPECIES (TVSA)**

See also Quebec regulation

**QUEBEC AN ACT RESPECTING
THREATENED OR VULNERABLE
SPECIES (TVSA)—Cont'd**

- Activities having impact on threatened or vulnerable plant species or habitats, **12:29 to 12:40** [TVSA 16 to 26]
- Alteration of plant habitat
 - generally, **12:33** [TVSA 19]
 - application for authorization, **12:34, 12:35** [TVSA 20, 21]
 - denial, **12:35** [TVSA 21]
 - authorization by Minister of SDEP for activity altering habitat, **12:32** [TVSA 18]
 - conditions and criteria, **12:32** [TVSA 18]
 - delegation of Minister's powers, **12:40** [TVSA 26]
 - failure to comply with conditions in authorization, **12:37** [TVSA 23]
 - information required by Minister, **12:36** [TVSA 22]
 - Ministerial orders relating to authorization or lack of authorization, **12:39** [TVSA 25]
 - prohibited practices: activity altering habitat, **12:31** [TVSA 17]
 - exceptions, **12:31** [TVSA 17(1) to (5)]
 - prohibited practices: possession of threatened or vulnerable species, **12:29, 12:30** [TVSA 16]
 - example: possession of wild leek bulbs, **12:29, 12:30** [TVSA 16]
 - exceptions, **12:29, 12:30** [TVSA 16(1) to (4)]
 - representations prior to suspending authorization, **12:38** [TVSA 24]
- Amending and final provisions, **12:67 to 12:76** [TVSA 50 to 59]
 - commentary, **12:2 to 12:10**
 - Minister responsible, **12:74** [TVSA 57]
- Confiscation
 - application of Act, **12:17, 12:18** [TVSA 4, 5]
 - government bound, **12:16** [TVSA 3]
 - inspector of plant life, **12:42** [TVSA 28]
 - interpretation and scope, **12:14 to 12:18** [TVSA 1 to 5]
 - scope of application, **12:14** [TVSA 1]

**QUEBEC AN ACT RESPECTING
THREATENED OR VULNERABLE
SPECIES (TVSA)—Cont'd**

Designation of threatened or vulnerable species and demarcation of habitats, **12:22 to 12:28 [TVSA 9 to 15]**
 cooperation between Ministers, **12:25 [TVSA 12]**
 custody of originals of chart, **12:27 [TVSA 14]**
 demarcation of habitat on chart, preparing, **12:24 [TVSA 11]**
 identification and designation, **12:23 [TVSA 10]**
 list of species, **12:22 [TVSA 9]**
 notice of chart of habitat, **12:26 [TVSA 13]**
 transmission of copies of charts, **12:28 [TVSA 15]**
 Forms and precedents, **12:87**
 Hindering
 municipality as party to agreement, **12:66 [TVSA 49]**
 offences and penalties, **12:56, 12:57 [TVSA 40]**
 Inspection and investigation, **12:41 to 12:42 [TVSA 27 to 28]**
 Monetary administrative penalties, **12:80 [TVSA 9.1 to 9.2]**
 Penal provisions, **12:56 to 12:66 [TVSA 40 to 49]**
 Penal sanctions, **12:80 [TVSA 9.3 to 9.4]**
 Policies, guidelines and agreements
 generally, **12:84 to 12:86**
 agreements, **12:86**
 guidelines, **12:85**
 policies, **12:84**
 Powers and duties of Minister of SDEP
 generally, **12:19 to 12:21 [TVSA 6 to 8]**
 acquisition of immovables, **12:21 [TVSA 8]**
 policy of protection and management, proposing, **12:19 [TVSA 6]**
 powers of Minister, **12:20 [TVSA 7]**
 Regulations
 generally, **12:78 to 12:83, 12:55 [TVSA 39]**
 determination of indemnity, **12:78 to 12:83**

**QUEBEC AN ACT RESPECTING
THREATENED OR VULNERABLE
SPECIES (TVSA)—Cont'd**

Regulations—Cont'd
 disposal of things seized (Que. Reg. R. 0.2.1), **12:78 to 12:83**
 species list, **12:77**
 threatened or vulnerable plant species and their habitats (Que. Reg. R. 0.4), **12:77, 12:78 to 12:83**
 exemptions, **12:78 to 12:83**
 plant habitats (Div. IV), **12:78 to 12:83**
 special provisions (Div. V), **12:78 to 12:83**
 threatened plant species (Div. II), **12:78 to 12:83**
 vulnerable plant species (Div. III), **12:78 to 12:83**
 threatened or vulnerable species and their habitats (Que. Reg. R. 0.2.3), **12:77, 12:78 to 12:83**
 threatened plant species (Div. II), **12:77**
 vulnerable plant species (Div. III), **12:77**
 threatened wildlife species (Div. I), **12:77**
 vulnerable wildlife species (Div. II), **12:77**

QUEBEC REGULATION

See also Quebec An Act respecting threatened or vulnerable species (TVSA)
 An Act respecting threatened or vulnerable species (TVSA), **12:2 to 12:10**
 Definitions, relevant, **12:11**
 Foundation established for promoting conservation and development of habitats, **12:11**
 general prohibition against hunting and trapping animals, **12:11**
 exception for hunting and trapping allowed by regulation, **12:11**
 instruments available for protection of wildlife habitat, **12:11**
 lands set aside for habitat, **12:11**
 offences and fines, **12:11**
 protection against harm of species listed, **12:11**
 Forest Act
 generally, **12:12**

QUEBEC REGULATION—Cont'd

- Forest Act—Cont'd
 - consultation process
 - generally, **12:12**
 - forest management activities
 - prohibited, **12:12**
 - exception where expedient, **12:11**
 - offence and fines or damages, **12:12**
 - three distinct categories, **12:12**
 - exceptional forest ecosystems being set aside, **12:12**
- Indigenous interests
 - generally, **12:10**
 - administration
 - generally, **12:7**
 - agreements with municipalities, **12:7**
 - authorizations and orders, **12:5**
 - authorizations by government for altering habitat, **12:5**
 - authorizations by Minister for altering habitat, **12:5**
 - exemptions from prohibitions, **12:5**
 - factors considered, **12:5**
 - failure to comply with conditions, **12:5**
 - order of Minister suspending activity or requiring compliance, **12:5**
 - public participation, **12:9**
 - recovery planning, **12:6**
 - regulatory-making powers, **12:8**
 - power of government to make regulations, **12:8**
 - regulations created, **12:8**
 - species and habitat protection
 - generally, **12:3**
 - categories of risk, **12:2**
 - definitions, **12:2**
 - demarcation of habitats on charts, **12:2**
 - enforcement, **12:4**
 - false information to inspector, **12:4**
 - joint order and consultation, **12:2**
 - maximum fines, **12:4**
 - process for designation of species, **12:2**
 - Quebec government empowered to designate threatened and vulnerable species, **12:2**
 - refusal to provide information required, **12:4**

QUEBEC REGULATION—Cont'd

- Indigenous interests—Cont'd
 - species and habitat protection—Cont'd
 - regulations listing species and habitats, **12:2**
 - requirements for demarcation of charts, **12:2**
 - species listing, **12:2**
 - strict liability offences, **12:4**
 - summary of protection
 - generally, **12:3**
 - exemptions for educational, scientific or management purposes, **12:3**
 - exemptions from prohibitions against altering ecosystem, **12:3**
 - Minister's powers, **12:3**
 - plant species protected under TVSA, **12:3**
 - possession of threatened or vulnerable plant, **12:3**
 - prohibitions respecting designated plant or wild population, **12:3**
 - specific exemptions, **12:3**
 - wildlife protection officers, **12:4**
- Legislative summary, **12:1**
 - government strategy and action plan, **12:1**
- Quebec TVSA, **12:1**
- Quebec Wildlife Act, **12:11**

RECOVERY PLANNING

- See also Species at Risk Act (SARA)
- Alberta Wildlife Act, **4:7, 4:23 [AWA 6(3), (4)]**
- B.C. Wildlife Act, **5:8**
- Critical habitat
 - generally, **3:11**
 - definition, **3:11**
 - designation of protections by federal government, **3:11**
 - identification of critical habitat in recovery strategy, **3:11**
 - recovery strategies and plans requiring provincial/territorial co-operation, **3:11**
- Manitoba, **6:7**
- New Brunswick, **7:7**
- Newfoundland
 - generally, **8:8**

RECOVERY PLANNING—Cont'd

- Newfoundland—Cont'd
 - agreements with other governments, **8:8**
 - conservation management agreement with landowner, **8:8**
 - consultation with different levels of government, **8:8**
 - management plan for designated vulnerable species, **8:8**
 - recovery plan for extirpated species, **8:8**
 - recovery plan for threatened of endangered species, **8:8**
 - recovery teams, **8:8**
 - release deadlines for plans, **8:8**
 - specific directions on development of plans, **8:8**
- Northwest Territories, **14:8, 14:74 [NWT SARA 60]**
- Nova Scotia
 - generally, **9:8**
 - endangered and threatened species, **9:8**
 - responsibilities, **9:8**
 - review of plans, **9:8**
- Nunavut
 - generally, **15:7**
 - components of recovery policy, **15:7**
 - management plans for species of special concern, **15:7**
 - reviewing each recovery policy and management plan, **15:7**
 - Superintendent of Wildlife preparing recovery policy, **15:7**
 - considerations taken into account, **15:7**
 - consultation process, **15:7**
- Ontario, **10:7**
- Plans and agreements
 - see Species at Risk Act (SARA), measures to protect listed wildlife species
- Prince Edward Island, **11:7**
- Quebec, **12:6**
- Saskatchewan
 - generally, **13:8**
 - designated species or ecosystem managements, **13:8, 13:65 [SWA 50]**
 - Ministerial power to determine priority, **13:8**

RECOVERY PLANNING—Cont'd

- Saskatchewan—Cont'd
 - recovery plans to protect endangered species, **13:8**
- Yukon, **16:7**
- SASKATCHEWAN REGULATION**
 - See also Saskatchewan Wildlife Act, 1998 (SWA)
 - Biodiversity Action Plan, **13:1**
 - Canada-Saskatchewan Agreement, **13:1**
 - goals
 - generally, **13:1**
 - Objective 4: Species and Ecosystems at Risk, **13:1**
 - principles, **13:1**
 - specific conservation actions, **13:1**
 - Saskatchewan Conservation Data Centre (SKDC), **13:1**
 - standardized information gathered, interpreted and distributed, **13:1**
 - Saskatchewan Representative Areas Network (RAN), **13:1**
 - conservation easements with private landowners, **13:1**
 - representative and unique landscapes conserved, **13:1**
 - Wildlife Act, 1998, **13:1**
 - Wildlife Habitat Protection Act (WHPA), **13:1, 13:13**
 - Indigenous interests
 - generally, **13:12**
 - administration, **13:9**
 - compensation, **13:7**
 - licensing, **13:6**
 - public participation, **13:11**
 - recovery planning
 - generally, **13:8**
 - designated species or ecosystem managements, **13:8**
 - Ministerial power to determine priority, **13:8**
 - recovery plans to protect endangered species, **13:8**
 - regulatory-making powers, **13:10**
 - enforcement
 - generally, **13:5**
 - constitutional challenge unsuccessful, **13:5**
 - contraventions of Act and fines, **13:5**

SASKATCHEWAN REGULATION

—Cont'd

- Indigenous interests—Cont'd
 - regulatory-making powers, **13:10**
 - Cont'd
 - enforcement—Cont'd
 - prohibitions against applying for licences, **13:5**
 - strict liability offences, **13:5**
 - exemptions from prohibitions
 - generally, **13:4**
 - prohibitions when species classified, **13:4**
 - wildlife officers, powers of, **13:4**
- Wild Species at Risk Regulations
 - prohibitions, **13:4**
- Lieutenant Governor in Council's
 - power to make, **13:10**
- species and habitat protection, **13:4**
- summary of protection, **13:4**
- species listing
 - generally, **13:3**
 - assessment of species by Scientific Working Group, **13:3**
 - categories of risk, **13:3**
 - COSEWIC risk categories and definitions, **13:3**
 - definitions, **13:3**
 - prohibitions against harming species, **13:3**
- Legislative summary, **13:1**
- Wildlife Act, 1998, **13:1, 13:2 to 13:12**
- Wildlife Habitat Protection Act (WHPA), **13:1, 13:13**
 - designation of habitat lands, **13:13**

SASKATCHEWAN WILDLIFE ACT, 1998 (SWA)

- See also Saskatchewan regulation
- Activity prohibited
 - generally, **13:66 [SWA 51]**
- Crown bound, **13:62 [SWA 47]**
- definitions of categories of species, **13:60 [SWA 45]**
- designation and listing of wild species, **13:64 [SWA 49]**
- health and property, licence to protect, **13:67 [SWA 52]**
- Minister determining wild species to be at risk, **13:63 [SWA 48]**
- recovery plans, **13:65 [SWA 50]**

SASKATCHEWAN WILDLIFE ACT,

1998 (SWA)—Cont'd

- Activity prohibited—Cont'd
 - rights and privileges subject to this Part, **13:61 [SWA 46]**
 - wildlife officer, powers of, **13:68 [SWA 53]**
- Administration, **13:19 to 13:25 [SWA 4 to 10]**
- Administration of Act
 - generally, **13:19 [SWA 4]**
 - advisory committees, **13:23 [SWA 8]**
 - agreements, **13:24 [SWA 9]**
 - payment for damage, **13:25 [SWA 10]**
 - wildlife officers, appointment of, **13:21, 13:22 [SWA 6, 7]**
 - deputy wildlife officers, **13:22 [SWA 7]**
- Commentary, **13:2 to 13:12**
- Definitions
 - generally, **13:17 [SWA 2]**
 - “Act,” **13:69 [SWA 54]**
 - additional powers on inspection, **13:76 [SWA 59.1]**
 - arrest without warrant, **13:72 [SWA 56]**
 - “camp,” **13:17 [SWA 2]**
 - “certificate,” **13:17 [SWA 2]**
 - copies of records removed, **13:80 [SWA 62]**
 - “Crown,” **13:17 [SWA 2]**
 - “department,” **13:17 [SWA 2]**
 - “deputy wildlife officer,” **13:17 [SWA 2]**
 - “director,” **13:17 [SWA 2]**
 - duty to assist inspection, **13:77 [SWA 60]**
 - enforcement, **13:69 to 13:82 [SWA 54 to 63.1]**
 - entry on land, **13:74 [SWA 58]**
 - “exotic wildlife,” **13:17 [SWA 2]**
 - “firearm,” **13:17 [SWA 2]**
 - “fur animal,” **13:17 [SWA 2]**
 - “fur dealer,” **13:17 [SWA 2]**
 - “habitat,” **13:17 [SWA 2]**
 - “hunting,” **13:17 [SWA 2]**
 - “Indian,” **13:17 [SWA 2]**
 - inspections, **13:75 to 13:78 [SWA 59 to 60.1]**
 - investigations, **13:79 [SWA 61]**
 - “licence,” **13:17 [SWA 2]**
 - “minister,” **13:17 [SWA 2]**

**SASKATCHEWAN WILDLIFE ACT,
1998 (SWA)—Cont'd**

Definitions—Cont'd

“native,” **13:17 [SWA 2]**
obstruction, **13:82 [SWA 63.1]**
“open season,” **13:17 [SWA 2]**
“person,” **13:17 [SWA 2]**
“record,” **13:69 [SWA 54]**
“seal,” **13:17 [SWA 2]**
search of person, **13:73 [SWA 57]**
seizure of certain objects, **13:81 [SWA 63]**
“snare,” **13:17 [SWA 2]**
stopping and detaining vehicle, **13:78 [SWA 60.1]**
“take,” **13:17 [SWA 2]**
“tanner,” **13:17 [SWA 2]**
“taxidermist,” **13:17 [SWA 2]**
“traffic,” **13:17 [SWA 2]**
“trap,” **13:17 [SWA 2]**
“vehicle,” **13:17, 13:69 [SWA 2, 54]**
“wildlife,” **13:17 [SWA 2]**
“wildlife farm,” **13:17 [SWA 2]**
“wildlife officer,” **13:17, 13:69 [SWA 2, 54]**
wildlife officers, general powers of, **13:70 [SWA 54.1]**
wildlife officers accompanied, **13:71 [SWA 55]**
“wild species,” **13:17 [SWA 2]**
“wild species at risk,” **13:17 [SWA 2]**

Forms and precedents, 13:116

General provisions

generally, **13:97 to 13:103 [SWA 77 to 83]**
articles forfeited, vehicles impounded, **13:99 [SWA 79]**
immunity, **13:97 [SWA 77]**
liability exemption for property seized, **13:102 [SWA 82]**
proceeds from disposal, **13:101 [SWA 81]**
regulations by Lieutenant Governor in Council, **13:103 [SWA 83(1)]**
regulations by minister, **13:103 [SWA 83(2)]**
return of things seized, **13:100 [SWA 80]**
service of notice or documents, **13:98 [SWA 78]**

**SASKATCHEWAN WILDLIFE ACT,
1998 (SWA)—Cont'd**

Hunting, trapping and taking

generally, **13:38 to 13:59 [SWA 23 to 44]**
altering licece, **13:31 [SWA 16]**
amendment of licence, **13:32 [SWA 17]**
application for licence, **13:27 [SWA 12]**
automatic cancellation on conviction, **13:34 [SWA 19]**
cancellation of licence on taking limit generally, **13:51 [SWA 36]**
captivity of wildlife, **13:47 [SWA 32]**
careless hunting, **13:53 [SWA 38]**
carrying of firearm proof of hunting, **13:45 [SWA 30]**
certain land, hunting on, **13:56 [SWA 41]**
legible signs, **13:56 [SWA 41]**
export and import of wildlife, **13:46 [SWA 31]**
Indian, hunting of wildlife by, **13:50 [SWA 35]**
intoxicated, hunting while, **13:54 [SWA 39]**
loaded firearms in vehicle or while on horseback, **13:55 [SWA 40]**
occupier's liability, **13:57 [SWA 42]**
persons under 16, **13:52 [SWA 37(1)]**
possession of wildlife, **13:48, 13:49 [SWA 33, 34]**
possession by Indian, **13:49 [SWA 34]**
sale of hunting rights, **13:58 [SWA 43]**
trafficking in wildlife, **13:59 [SWA 44]**
hunting of wildlife
generally, **13:40 [SWA 25]**
licence of person causing accident, **13:43 [SWA 28]**
reinstatement, power of, **13:44 [SWA 29]**
special licences issued, **13:41 [SWA 26]**
trapping area, constitution of, **13:42 [SWA 27]**

**SASKATCHEWAN WILDLIFE ACT,
1998 (SWA)—Cont'd**

- Hunting, trapping and taking—Cont'd
 - issuance of licence on terms and conditions, **13:28 [SWA 13]**
 - licence not transferable, **13:29 [SWA 14]**
 - licence required for hunting, **13:40 to 13:44 [SWA 25 to 29]**
 - licence void, **13:35 [SWA 20]**
 - production of licence, **13:30 [SWA 15]**
 - prohibitions and prosecutions, **13:45 to 13:59 [SWA 30 to 44]**
 - propagation, rehabilitation and scientific purposes, licence for, **13:36 [SWA 21]**
 - property in wildlife in Crown, **13:38 [SWA 23]**
 - licences, **13:27 to 13:37 [SWA 12 to 22]**
 - property rights in captive wildlife, **13:39 [SWA 24]**
 - property rights in wildlife, **13:38, 13:39 [SWA 23, 24]**
 - suspension or cancellation of licence, **13:32 [SWA 17(2)]**
 - notice of cancellation of licence, **13:33 [SWA 18]**
 - vendors able to issue licences, **13:37 [SWA 22]**
- Offences and penalties
 - generally, **13:83 to 13:95 [SWA 64 to 76]**
 - aiding and abetting, **13:88 [SWA 69]**
 - certificate and reports of evidence, **13:86 [SWA 67]**
 - directors liable, **13:90 [SWA 71]**
 - false information, **13:83 [SWA 64]**
 - injury to property, **13:85 [SWA 66]**
 - limitation period, **13:89 [SWA 70]**
 - obstruction, **13:84 [SWA 65]**
 - offences and penalties: Part IV, **13:93 [SWA 74]**
 - offences and penalties: Part V, **13:94 [SWA 75]**
 - penalty for contravention of Act, **13:92 [SWA 73]**
 - prohibition upon conviction from obtaining licence, **13:95 [SWA 76]**
 - proof of licence or permit, **13:87 [SWA 68]**
 - vicarious liability, **13:91 [SWA 72]**

**SASKATCHEWAN WILDLIFE ACT,
1998 (SWA)—Cont'd**

- Policies, guidelines and agreements, **13:114, 13:115**
 - guidelines, **13:115**
- Possession of thing, **13:18 [SWA 3]**
- Protection of wild species at risk, **13:60 to 13:68 [SWA 45 to 53]**
- Regulations, **13:112, 13:113, 13:103 [SWA 83]**
 - repeal, transitional, **13:105 to 13:111 [SWA 85 to 91]**
- Wild Species at Risk Regulation, **13:112, 13:113**
- Species list (Sask. Reg. 1)
 - generally, **13:112**
 - endangered wild species at risk (Appendix 2), **13:112**
 - extirpated wild species at risk (Appendix 1), **13:112**
 - threatened species at risk (Appendix 3), **13:112**

**SASKATCHEWAN WILDLIFE
HABITAT PROTECTION ACT,
1998 (WHPA)**

- See also Saskatchewan regulation
- Alteration prohibited, **13:125 [WHPA 7]**
- Commentary, **13:13**
- Conflict with other legislation, **13:129 [WHPA 10]**
- Crown bound, **13:130 [WHPA 11]**
- Definitions, **13:119 [WHPA 2]**
- Designation, **13:121 [WHPA 3]**
- Disposition of freehold title, **13:124 [WHPA 6]**
- Management and use, **13:123 [WHPA 5]**
- Offences and fines, **13:126 [WHPA 8]**
- Powers of court, additional, **13:127 [WHPA 8.1]**
- Regulations, **13:128 [WHPA 9]**

SPECIES AT RISK ACT (SARA)

- Administration
 - generally, **3:558 to 3:573 [WAP-PRIITA 12 to 21.1]**
 - abandonment of things seized, **3:567 [WAPPRIITA 17]**
 - costs, liability for, **3:571 [WAP-PRIITA 20.1]**
 - custody of things seized, **3:566 [WAP-PRIITA 16]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Administration—Cont'd
detention, **3:560 [WAPPRIITA 13]**
disposition by Minister, **3:570 [WAP-
PRIITA 20]**
documents admissible in evidence,
3:559 [WAPPRIITA 12.1]
forfeiture, **3:569 [WAPPRIITA 19]**
automatic forfeiture, **3:569 [WAP-
PRIITA 19(3)]**
inspections
generally, **3:561 [WAPPRIITA 14]**
assistance, **3:563, 3:564 [WAP-
PRIITA 14.2]**
notice to remove, **3:568 [WAP-
PRIITA 18]**
obstruction, **3:558 [WAPPRIITA
12(4)]**
officers, **3:558 [WAPPRIITA 12]**
powers, **3:558 [WAPPRIITA 12(2)]**
right of passage, **3:562 [WAP-
PRIITA 14.1]**
warrant, **3:561 [WAPPRIITA 14(4)]**
order by federal Cabinet, **3:573 [WAP-
PRIITA 21.1]**
regulations, **3:572 [WAPPRIITA 21]**
search without warrant, **3:565 [WAP-
PRIITA 15]**
Administration of Act, **3:43 to 3:49
[SARA 8 to 10]**
administrative agreements, **3:48, 3:49,
3:159 [SARA 10, 78]**
advisory committees, **3:47 [SARA 9]**
delegation of powers, **3:43, 3:44
[SARA 8(2)]**
Minister's responsibility, **3:43, 3:44
[SARA 8(1)]**
Agreement and reporting obligation
generally, **3:43, 3:44 [SARA 8(3)]**
alternative measures, **3:206 to 3:219
[SARA 108 to 119]**
alternative measures agreements, **3:206
to 3:212 [SARA 108 to 113]**
duration of agreement
generally, **3:206, 3:207, 3:209
[SARA 108, 110]**
CEPA Registry, **3:206, 3:207 [SARA
108]**
disclosure of information by enforce-
ment officer, **3:214 [SARA 115]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Agreement and reporting obligation
—Cont'd
duration of agreement—Cont'd
disclosure of records, **3:216 [SARA
117]**
failure to comply, **3:189, 3:190,
3:206, 3:207 [SARA 97(1),
108]**
filing in court for public access,
**3:206, 3:207, 3:210 [SARA
108, 111]**
government records, **3:215 [SARA
116(1)]**
information exchange agreements,
3:217 [SARA 118]
prescribed conditions, **3:206, 3:207
[SARA 108]**
private records, **3:215 [SARA
116(2)]**
recommencement of proceedings,
3:211 [SARA 112(2)]
records, **3:213 to 3:216 [SARA 114
to 117]**
regulations, **3:218, 3:219 [SARA
119]**
report filed in court upon compli-
ance, **3:206, 3:207, 3:210
[SARA 108, 111(2)]**
SARA Registry, **3:206, 3:207
[SARA 108]**
stay of proceedings, **3:206, 3:207,
3:211 [SARA 108, 112(1)]**
supervision of compliance, **3:206 to
3:208 [SARA 108, 109(2)]**
terms and conditions, **3:206 to 3:208
[SARA 108, 109(1)]**
third party information, **3:210
[SARA 111(3)]**
variation of agreement, **3:206, 3:207,
3:212 [SARA 108, 113]**
National Aboriginal Council on Species
at Risk, **3:45, 3:46 [SARA 8.1]**
stay of proceedings, **3:206, 3:207,
3:211 [SARA 108, 112(1)]**
use of alternative measures
generally, **3:206, 3:207 [SARA
108(1)]**
admissions or confessions not admis-
sible, **3:206, 3:207 [SARA
108(3)]**

SPECIES AT RISK ACT (SARA)

—Cont'd

- Agreement and reporting obligation
 - Cont'd
 - use of alternative measures—Cont'd
 - dismissal of charge, **3:206, 3:207** [SARA 108(4)]
 - laying of information, **3:206, 3:207** [SARA 108(6)]
 - no bar to proceedings, **3:206, 3:207** [SARA 108(5)]
 - restrictions on use, **3:206, 3:207** [SARA 108(2)]
- Assessment of wildlife species mentioned in Schedules
 - generally, **3:235 to 3:242** [SARA 130 to 133]
 - applying, **3:237, 3:238** [SARA 131]
 - assessment of status
 - generally, **3:235, 3:236** [SARA 130]
 - COSEWIC required to reassess all Schedule 2 and Schedule 3, species, **3:235, 3:236** [SARA 130]
 - deemed classification, **3:235, 3:236** [SARA 130(3)]
 - extension of time for assessments, **3:235, 3:236** [SARA 130(5)]
 - order extending time for assessment, **3:235, 3:236** [SARA 130]
 - recent reports, **3:235, 3:236** [SARA 130(7)]
 - Schedule 2, **3:235, 3:236** [SARA 130]
 - Schedule 3, **3:235, 3:236** [SARA 130]
 - time for assessment, **3:235, 3:236** [SARA 130(2), (4)]
 - time for management plan, **3:241, 3:242** [SARA 133]
 - time for recovery strategy, **3:239, 3:240** [SARA 132]
- Canadian Endangered Species Conservation Council (CESCC), **3:41, 3:42** [SARA 7]
- Coming into force, **3:602** [WAPPRIITA 30]
- Coming into force of SARA provisions, **3:245, 3:246** [SARA 142]
- Commentary, **3:24**
- Composition, **3:41, 3:42** [SARA 7(1)]
 - role, **3:41, 3:42** [SARA 7(2)]

SPECIES AT RISK ACT (SARA)

—Cont'd

- Content of ticket, **3:592, 3:593** [WAPPRIITA 23(2)]
- Corporate officers and directors, liability of, **3:594** [WAPPRIITA 24]
- Declaration re imports or exports
 - generally, **3:603**
 - definitions, **3:603**
 - exemptions, **3:603**
 - exportation from Canada, **3:603**
 - fauna and flora listed in appendix to Convention, **3:603**
 - forfeiture, **3:603**
 - importation into Canada, **3:603**
 - interprovincial transport, **3:603**
 - labelling, **3:603**
 - personal effects and household effects, **3:603**
 - pets, **3:603**
 - possession exemptions, **3:603**
 - removal notice, **3:603**
 - removal requirements, **3:603**
 - Schedule, **3:603**
 - fauna (Pt. 1), **3:603**
 - flora (Pt. 2), **3:603**
 - short title, **3:544** [WAPPRIITA 1], **3:603**
- Definitions, **3:544** [WAPPRIITA 2]
 - generally, **3:32, 3:33** [SARA 2(1)]
 - “action plan,” **3:32, 3:33** [SARA 2(1)]
 - “alternative measurers,” **3:32, 3:33** [SARA 2(1)]
 - “animal,” **3:544** [WAPPRIITA 2]
 - “aquatic species,” **3:32, 3:33** [SARA 2(1)]
 - “Attorney General,” **3:32, 3:33** [SARA 2(1)]
 - “Canadian Endangered Species Conservation Council,” **3:32, 3:33** [SARA 2(1)]
 - “competent minister,” **3:32, 3:33** [SARA 2(1), (3)]
 - “Convention,” **3:544** [WAPPRIITA 2]
 - “conveyance,” **3:32, 3:33** [SARA 2(1)], **3:544** [WAPPRIITA 2]
 - “COSEWIC,” **3:32, 3:33** [SARA 2(1)]
 - “critical habitat,” **3:32, 3:33** [SARA 2(1)]
 - “distribute,” **3:544** [WAPPRIITA 2]

SPECIES AT RISK ACT (SARA)

—Cont'd

Definitions, **3:544 [WAPPRIITA 2]**

—Cont'd

“emergency order,” **3:32, 3:33 [SARA 2(1)]**

“endangered species,” **3:32, 3:33 [SARA 2(1)]**

“extirpated species,” **3:32, 3:33 [SARA 2(1)]**

“federal land,” **3:32, 3:33 [SARA 2(1)]**

“habitat,” **3:32, 3:33 [SARA 2(1)]**

“individual,” **3:32, 3:33 [SARA 2(1)]**

“land claims agreement,” **3:32, 3:33 [SARA 2(1)]**

“List,” **3:32, 3:33 [SARA 2(1)]**

“listed,” **3:32, 3:33 [SARA 2(1)]**

“Minister,” **3:32, 3:33 [SARA 2(1)], 3:544 [WAPPRIITA 2]**

“offence,” **3:32, 3:33 [SARA 2(1)]**

“officer,” **3:544 [WAPPRIITA 2]**

“persons,” **3:162, 3:163 [SARA 79(3)]**

“plant,” **3:544 [WAPPRIITA 2]**

“prescribed,” **3:544 [WAPPRIITA 2]**

“project,” **3:162, 3:163 [SARA 79(3)]**

“provincial minister,” **3:32, 3:33 [SARA 2(1)]**

“public registry,” **3:32, 3:33 [SARA 2(1)]**

“recovery strategy,” **3:32, 3:33 [SARA 2(1)]**

“residence,” **3:32, 3:33 [SARA 2(1)]**

“sell,” **3:32, 3:33 [SARA 2(1)]**

“species at risk,” **3:32, 3:33 [SARA 2(1)]**

“species of special concern,” **3:32, 3:33 [SARA 2(1)]**

“status report,” **3:32, 3:33 [SARA 2(1)]**

“territorial minister,” **3:32, 3:33 [SARA 2(1)]**

“threatened species,” **3:32, 3:33 [SARA 2(1)]**

“transport,” **3:544 [WAPPRIITA 2]**

“treaty,” **3:32, 3:33 [SARA 2(1)]**

“wildlife management board,” **3:32, 3:33 [SARA 2(1)]**

“wildlife species,” **3:32, 3:33 [SARA 2(1), (2)]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Documents, requisite

generally, **3:555 [WAPPRIITA 9]**

exportation, **3:549, 3:550 [WAPPRIITA 6(2)]**

importation, **3:549, 3:550, 3:573 [WAPPRIITA 6(1), (2), 21.1]**

interprovincial transport, **3:549, 3:550 [WAPPRIITA 6(3)]**

possession, **3:553, 3:554 [WAPPRIITA 8]**

transport requiring provincial authorization, **3:551, 3:552 [WAPPRIITA 7]**

Employees/agents, offences by, **3:595 [WAPPRIITA 25]**

Endangered species

generally, **3:253 [SARA Sch. 2, Pt. 1]**

Schedule 3: species of special concern, **3:235, 3:236 [SARA 130, Sch. 3]**

“sedimentary,” meaning of, **3:36, 3:37 [SARA 4(2)]**

sedimentary living organisms, **3:36, 3:37 [SARA 4]**

short title, **3:31 [SARA 1]**

threatened species, **3:254 [SARA Sch. 2, Pt. 2]**

Endangered Species Act (ESA)

generally, **2:15, 3:59, 3:60, 3:150, 3:151 [SARA 15, 73]**

agreements and permits, **3:150, 3:151 [SARA 73]**

comprehensive approach to jeopardy analysis

generally, **3:150, 3:151 [SARA 73]**

factors considered by U.S. government, **3:150, 3:151 [SARA 73]**

“jeopardized” defined, **3:150, 3:151 [SARA 73]**

permit not “jeopardize” survival or recovery of species, **3:150, 3:151 [SARA 73]**

functions, **3:59, 3:60 [SARA 15]**

key differences with SARA, **2:15**

prohibitions against killing, harming or possessing, **3:85, 3:86 [SARA 32]**

provisions similar to Canadian statutes, **2:15**

SPECIES AT RISK ACT (SARA)

—Cont'd

Enforcement measures

generally, **3:172 to 3:188 [SARA 85 to 96]**

assistance of owner or person in charge
generally, **3:180, 3:181 [SARA 91]**
custody of things seized, **3:176 [SARA 87]**

disposition by competent minister,
3:177 [SARA 88]

disposition of things seized, **3:176 to 3:178 [SARA 87 to 89]**

liability for costs, **3:178 [SARA 89]**
offence penalty, **3:180, 3:181 [SARA 91]**

right of passage, **3:179 [SARA 90]**

assistance to enforcement officers,
3:179 to 3:183 [SARA 90 to 92]

enforcement officers, **3:172, 3:173 [SARA 85]**

cross-designation of enforcement
officers, **3:172, 3:173 [SARA 85]**

designation of enforcement officers,
3:172, 3:173 [SARA 85(1), (2)]

inspections, **3:174, 3:175 [SARA 86]**
application for investigation, **3:184, 3:185 [SARA 93(1)]**

statement to accompany applica-
tion, **3:184, 3:185 [SARA 93(2)]**

evidence sent to Attorney General,
3:187 [SARA 95]

investigations, **3:184 to 3:188 [SARA 93 to 96]**

investigation, **3:186 [SARA 94]**

notice of decision where investiga-
tion not conducted, **3:186 [SARA 94(3)]**

suspension or conclusion of
investigation

generally, **3:188 [SARA 96]**

confidentiality, **3:188 [SARA 96(4)]**

multiple investigations, where,
3:188 [SARA 96(5)]

report if investigation suspended,
3:188 [SARA 96(2)]

report when investigation
concluded, **3:188 [SARA 96(3)]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Enforcement measures—Cont'd

obstruction, **3:182, 3:183 [SARA 92]**

offence penalty, **3:182, 3:183 [SARA 92]**

Exceptions

generally, **3:168, 3:169 [SARA 83]**

additional possession exceptions
generally, **3:168, 3:169, 3:172, 3:173 [SARA 83(5), 85]**

amendments

generally, **3:108 [SARA 45]**

commitments to be considered,
3:96, 3:97 [SARA 38]

competent minister, **3:95 to 3:97 [SARA 37, 38]**

contents if recovery feasible,
3:101, 3:102 [SARA 41(1)]

contents if recovery not feasible,
3:101, 3:102 [SARA 41(2)]

cooperation with others, **3:98, 3:99 [SARA 39]**

consultation, **3:98, 3:99 [SARA 39(3)]**

recovery teams, **3:98, 3:99 [SARA 39]**

RENEW teams, **3:98, 3:99 [SARA 39]**

existing plans, **3:107 [SARA 44]**

feasibility, determination of, **3:100 [SARA 40]**

long and short-term strategies,
3:101, 3:102 [SARA 41]

multi-species/ecosystem approach,
3:101, 3:102 [SARA 41(3)]

proposed recovery strategy

generally, **3:103 to 3:106 [SARA 42, 43]**

mandatory deadlines for
publishing, **3:103, 3:104 [SARA 42]**

posting on SARA Registry,
3:103, 3:104 [SARA 42]

RENEW website, **3:103, 3:104 [SARA 42]**

reporting, **3:109 [SARA 46]**

written comments within 60
days, **3:105, 3:106 [SARA 43]**

strategy for recovery, **3:95 to 3:97 [SARA 37, 38]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Exceptions—Cont'd

additional possession exceptions

—Cont'd

authorizations under other Acts

generally, **3:168, 3:169 [SARA 83(2)]**

amendments, **3:146 [SARA 70]**

cooperation with others, **3:141, 3:142 [SARA 66]**

consultation, **3:141, 3:142 [SARA 66(3)]**

existing plans, **3:145 [SARA 69]**

land claims agreement, **3:141, 3:142 [SARA 66(2)]**

exceptions, general, **3:168, 3:169 [SARA 83(1)]**

exceptions for permitted activities, **3:168, 3:169 [SARA 83(4)]**

exemptions from prohibitions, **3:168, 3:169 [SARA 83]**

land claims agreements, **3:168, 3:169 [SARA 83(3)]**

management of species of special concern, **3:139 to 3:149 [SARA 65 to 72]**

monitoring implementation, **3:149 [SARA 72]**

multi-species or ecosystem approach permissible, **3:143 [SARA 67]**

preparation of management plan, **3:139, 3:140 [SARA 65]**

proposed management plan, **3:144 [SARA 68]**

deadlines for publishing, mandatory, **3:144 [SARA 68]**

finalization of management plan, **3:144 [SARA 68(4)]**

regulations, **3:147, 3:148 [SARA 71]**

consultation, **3:147, 3:148 [SARA 71(2), (3), (5)]**

offence penalty, **3:147, 3:148 [SARA 71]**

definitions

generally, **3:162, 3:163 [SARA 79(3)]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Exceptions—Cont'd

additional possession exceptions

—Cont'd

definitions—Cont'd

environmental assessment best practices guide, **3:162, 3:163 [SARA 79]**

“environmental effect” defined, **3:162, 3:163 [SARA 79]**

notification of Minister if project likely to effect species, **3:162, 3:163 [SARA 79(1)]**

required action, **3:162, 3:163 [SARA 79(2)]**

project review, **3:162, 3:163 [SARA 79]**

recovery strategy, **3:95 to 3:109 [SARA 37 to 46]**

regulations, **3:170, 3:171 [SARA 84]**

Federal-provincial agreement, **3:548 [WAPPRIITA 5]**

Fees and charges, **3:227, 3:228 [SARA 125]**

offences, **3:189, 3:190, 3:227, 3:228 [SARA 97(1.1), 125]**

regulations, **3:227, 3:228 [SARA 125]**

Forfeiture, notice of, **3:592, 3:593 [WAPPRIITA 23(3)]**

payment, consequences of, **3:592, 3:593 [WAPPRIITA 23(4)]**

procedure, **3:592, 3:593 [WAPPRIITA 23(1)]**

Forms and precedents, **3:261**

General provisions

generally, **3:594 to 3:599 [WAPPRIITA 24 to 28]**

employees or agents, offences by, **3:595 [WAPPRIITA 25]**

officers of corporations, **3:594 [WAPPRIITA 24]**

publication of information re contraventions, **3:594 [WAPPRIITA 24]**

report to Parliament, **3:599 [WAPPRIITA 28]**

unpaid fees or charges, **3:597 [WAPPRIITA 27]**

venue, **3:596 [WAPPRIITA 26]**

“Harm” defined

generally, **3:85, 3:86 [SARA 32]**

SPECIES AT RISK ACT (SARA)

—Cont’d

- “Harm” defined—Cont’d
- recovery of endangered, threatened and extirpated species
- generally, 3:95 to 3:171 [SARA 37 to 84]
- acquisition of lands, 3:135 [SARA 62]
- codes of practice, national standards or guidelines, 3:123, 3:124 [SARA 56]
- compensation for losses, 3:137, 3:138 [SARA 64]
- Federal Policy Discussion Paper, 3:123, 3:124 [SARA 56]
- consultation, 3:164, 3:165 [SARA 80(3)]
- Canada-British Columbia Agreement on Species at Risk, 3:164, 3:165 [SARA 80]
- contents of emergency order, 3:164, 3:165 [SARA 80(4)]
- emergency orders, 3:164 to 3:167 [SARA 80 to 82]
- environmental non-government organizations petitioning Minister to intervene, 3:164, 3:165 [SARA 80]
- equivalent measures, 3:166 [SARA 81]
- exemption, 3:164, 3:165 [SARA 80(5)]
- federal Cabinet, 3:164, 3:165 [SARA 80(1)]
- federal vs. non-federal lands, 3:164, 3:165 [SARA 80]
- offences, 3:164, 3:165 [SARA 80]
- progress reports on unprotected portions, 3:136 [SARA 63]
- prohibition against destroying critical habitat on federal land
- generally, 3:127, 3:128 [SARA 58]
- consultation, 3:127, 3:128 [SARA 58(6) to (9)]
- “critical habitat” defined, 3:32, 3:33, 3:127, 3:128 [SARA 2(1), 58]

SPECIES AT RISK ACT (SARA)

—Cont’d

- “Harm” defined—Cont’d
- recovery of endangered, threatened and extirpated species—Cont’d
- acquisition of lands, 3:135 [SARA 62]—Cont’d
- prohibition against destroying critical habitat on federal land
- Cont’d
- descriptions of critical habitat to be published, 3:127, 3:128 [SARA 58(2)]
- designation of critical habitat, 3:127, 3:128 [SARA 58]
- “federal lands” defined, 3:32, 3:33, 3:127, 3:128 [SARA 2(1), 58]
- federal lands or non-federal lands, 3:127, 3:128 [SARA 58]
- “habitat” defined, 3:32, 3:33, 3:127, 3:128 [SARA 2(1), 58]
- marine-protected areas
- designated, 3:127, 3:128 [SARA 58]
- migratory bird sanctuary, 3:127, 3:128 [SARA 58]
- national parks designated, 3:127, 3:128 [SARA 58]
- national wildlife area, 3:127, 3:128 [SARA 58]
- obligations to make recommendations, 3:127, 3:128 [SARA 58(5.2)]
- obligation to make order or statement, 3:127, 3:128 [SARA 58(5)]
- offence penalty, 3:127, 3:128 [SARA 58]
- protected areas, 3:127, 3:128 [SARA 58(2)]
- prohibition against destroying critical habitat on non-federal land
- generally, 3:133, 3:134 [SARA 61]
- Critical Habitat Policy Paper, 3:133, 3:134 [SARA 61]
- exception, federal safety net, 3:133, 3:134 [SARA

SPECIES AT RISK ACT (SARA)

—Cont'd

“Harm” defined—Cont'd
 recovery of endangered, threatened and
 extirpated species—Cont'd
 acquisition of lands, **3:135 [SARA
 62]**—Cont'd
 prohibition against destroying critical
 habitat on non-federal
 land—Cont'd
61(1.1), SARA 61]
 guide for making recommenda-
 tions, **3:133, 3:134 [SARA
 61]**
 Minister having power to make
 recommendation, **3:133,
 3:134 [SARA 61(3), (4)]**
 offence penalty, **3:133, 3:134
 [SARA 61]**
 prohibition protecting critical
 habitat of species listed
 provincially
 generally, **3:131 [SARA 60]**
 “federal lands” defined, **3:32,
 3:33, 3:131, 3:132 [SARA
 2(1), 60]**
 offence penalty, **3:131 [SARA
 60]**
 offences, **3:129, 3:130 [SARA
 59]**
 ordered by federal Cabinet,
3:131 [SARA 60]
 regulations re federal lands,
3:129, 3:130 [SARA 59]
 recommendations by competent
 minister, **3:164, 3:165
 [SARA 80(2)]**
 recommendation to repeal, **3:167
 [SARA 82]**
 timeline for critical habitat protec-
 tion provisions, **3:125, 3:126
 [SARA 57]**
 action plan, **3:110 to 3:122 [SARA
 47 to 55]**
 agreements and permits under
 other provincial or territorial
 Acts, **3:159 [SARA 78]**
 amendments, **3:118 [SARA 52]**
 Canada-British Columbia Agree-
 ment on Species at Risk,
3:159 [SARA 78]
 competent minister able to enter

SPECIES AT RISK ACT (SARA)

—Cont'd

“Harm” defined—Cont'd
 recovery of endangered, threatened and
 extirpated species—Cont'd
 action plan, **3:110 to 3:122 [SARA
 47 to 55]**—Cont'd
 agreement or issue permit
 generally, **3:150, 3:151 [SARA
 73(1)]**
 amendments, **3:150, 3:151
 [SARA 73(8)]**
 consultation, **3:150, 3:151
 [SARA 73(4), (5)]**
 expiry date, **3:150, 3:151
 [SARA 73(6.1)]**
 explanation in public registry,
**3:150, 3:151 [SARA
 73(3.1)]**
 pre-conditions, **3:150, 3:151
 [SARA 73(3)]**
 purpose of agreement or permit,
**3:150, 3:151 [SARA
 73(2)]**
 regulations, **3:150, 3:151
 [SARA 73(10), (11)]**
 review of agreements and
 permits, **3:150, 3:151
 [SARA 73(7)]**
 terms and conditions, **3:150,
 3:151 [SARA 73(6)]**
 competent minister acting under
 other Acts, **3:152, 3:153
 [SARA 74]**
 consultation, **3:112, 3:113 [SARA
 48(3)]**
 existing plans, **3:117 [SARA
 51]**
 land claims agreement, **3:112,
 3:113 [SARA 48(2)]**
 contents of action plan, **3:114,
 3:115 [SARA 49]**
 cooperation with others, **3:112,
 3:113 [SARA 48]**
 DFO guidelines, **3:150, 3:151
 [SARA 73]**
 exemption orders, **3:155 [SARA
 76]**
 exemptions from existing agree-
 ments or permits, **3:155
 [SARA 76]**

SPECIES AT RISK ACT (SARA)

—Cont’d

- “Harm” defined—Cont’d
- recovery of endangered, threatened and extirpated species—Cont’d
- action plan, **3:110 to 3:122 [SARA 47 to 55]**—Cont’d
- licences and permits under other Acts of Parliament, **3:157, 3:158 [SARA 77]**
- longline fishery for swordfish and tuna, **3:150, 3:151 [SARA 73]**
- alternatives considered unreasonable and unnecessary, **3:136 [SARA 63]**
- incidental capture of leatherback sea turtles, **3:150, 3:151 [SARA 73]**
- permit application forms, **3:150, 3:151 [SARA 73]**
- permits for “incidental” capture, **3:150, 3:151 [SARA 73]**
- monitoring and reporting, **3:122 [SARA 55]**
- National Energy Board, non-application to, **3:157, 3:158 [SARA 77(1.1)]**
- offences, **3:119, 3:120 [SARA 53]**
- permits, regulation re, **3:256**
- permits or agreements incorporated under other acts, **3:150, 3:151 [SARA 73]**
- permits vs. agreements, **3:150, 3:151 [SARA 73]**
- powers under other Acts, use of, **3:121 [SARA 54]**
- preparation, **3:110, 3:111 [SARA 47]**
- proposed action plan, **3:116 [SARA 50]**
- purposes for issuing permits, **3:150, 3:151 [SARA 73]**
 - affecting species being incidental to carrying out of activity, **3:150, 3:151 [SARA 73]**
 - “incidental” harm, **3:150, 3:151 [SARA 73]**
- regulations, **3:119, 3:120 [SARA 53]**
- agreements and permits, **3:150**

SPECIES AT RISK ACT (SARA)

—Cont’d

- “Harm” defined—Cont’d
- recovery of endangered, threatened and extirpated species—Cont’d
- action plan, **3:110 to 3:122 [SARA 47 to 55]**—Cont’d
- regulations, **3:119, 3:120 [SARA 53]**—Cont’d
- to **3:159 [SARA 73 to 78]**
- consultation, **3:119, 3:120 [SARA 53(2), (3), (5)]**
- statutory conditions to be satisfied for issuing permits, **3:150, 3:151 [SARA 73]**
- “surrogate” for SARA permit, **3:152, 3:153 [SARA 74]**
- terms and conditions, adding, **3:154 [SARA 75]**
- U.S. Endangered Species Act, **3:150, 3:151 [SARA 73]**
- comprehensive approach to jeopardy analysis, **3:150, 3:151 [SARA 73]**
- factors considered by U.S. government, **3:150, 3:151 [SARA 73]**
- “jeopardized” defined, **3:150, 3:151 [SARA 73]**
- permit not “jeopardize” survival or recovery of species, **3:150, 3:151 [SARA 73]**
- critical habitat protection, **3:123 to 3:138 [SARA 56 to 64]**
- Her Majesty, binding on, **3:38 [SARA 5], 3:546 [WAPPRITA 3]**
- Indigenous and treaty rights, **3:34 [SARA 3]**
- Measures to protect listed wildlife species generally, **3:85 to 3:171 [SARA 32 to 84]**
- general prohibitions
 - generally, **3:85 to 3:94 [SARA 32 to 36]**
 - application of prohibitions: non-federal lands, **3:89, 3:90 [SARA 34]**
 - application of prohibitions: wildlife provincially classified as endangered, **3:93, 3:94 [SARA 36]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Measures to protect listed wildlife species

—Cont'd

general prohibitions—Cont'd

“aquatic species” defined

generally, **3:32, 3:33 [SARA 2(1)]**

Critical Habitat Policy Paper,

3:89, 3:90 [SARA 34]

federal lands, **3:89, 3:90 [SARA 34]**

federal safety net provisions, **3:91, 3:92 [SARA 35]**

federal species, **3:89, 3:90 [SARA 34]**

governance/consultation

framework, **3:89, 3:90**

[SARA 34]

non-federal lands, **3:89, 3:90**

[SARA 34]

application of prohibitions: territories, **3:91, 3:92 [SARA 35]**

“federal safety net,” **3:89, 3:90 [SARA 34]**

safety net order, **3:89, 3:90**

[SARA 34]

damage or destruction of residence,

3:87, 3:88 [SARA 33]

killing, harming or possessing, **3:85,**

3:86 [SARA 32]

“harass” defined, **3:85, 3:86**

[SARA 32]

offence penalty, **3:85, 3:86**

[SARA 32]

“take” defined, **3:85, 3:86 [SARA 32]**

U.S. ESA prohibiting “taking” of species, **3:85, 3:86 [SARA 32]**

[SARA 32]

U.S. Fish and Wildlife Services,

3:85, 3:86 [SARA 32]

offence penalty, **3:87, 3:88 [SARA 33], 3:93, 3:94 [SARA 36]**

“residence,” meaning of, **3:32, 3:33**

[SARA 2(1)]

Residence Policy Paper, **3:87, 3:88**

[SARA 33]

Offences, **3:170, 3:171 [SARA 84]**

Offences, ticketable, **3:592, 3:593 [WAP-PRIITA 23]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Offences and punishment

generally, **3:189 to 3:205 [SARA 97 to 107], 3:574 [WAPPRIITA 22]**

continuing offence, **3:574 [WAP-PRIITA 22(4)]**

contraventions, **3:189, 3:190 [SARA 97]**

offences under s. 97(1), **3:189, 3:190 [SARA 97]**

suspended sentence, **3:189, 3:190 [SARA 97]**

due diligence, defence of, **3:194, 3:195 [SARA 100]**

strict liability offences, **3:194, 3:195 [SARA 100]**

employees or agents of accused committing offence, **3:193 [SARA 99]**

fine, additional, **3:574 [WAPPRIITA 22(5)]**

finest, **3:189, 3:190 [SARA 97]**

forfeiture, **3:199 [SARA 103]**

limitation period, **3:205 [SARA 107], 3:574 [WAPPRIITA 22(9)]**

officers and directors of corporation, liability of, **3:191, 3:192 [SARA 98]**

orders of court, **3:201, 3:202 [SARA 105], 3:574 [WAPPRIITA 22(6)]**

penalties, **3:189, 3:190 [SARA 97(1.1)]**

suspended sentence, **3:203, 3:204 [SARA 106]**

private prosecutions, **3:574 [WAP-PRIITA 22(11)]**

retention or sale, **3:200 [SARA 104]**

review of provisions, **3:600 [WAP-PRIITA 28.1]**

sentencing considerations, **3:197, 3:198 [SARA 102]**

mitigating factor, **3:197, 3:198 [SARA 102]**

suspended sentence, **3:203, 3:204 [SARA 106]**

venue, **3:196 [SARA 101]**

suspended sentence, **3:574 [WAP-PRIITA 22(7), (8)]**

Permits, federal, **3:556, 3:557 [WAP-PRIITA 10, 11]**

misrepresentation, **3:557 [WAP-PRIITA 11]**

SPECIES AT RISK ACT (SARA)

—Cont'd

- Policies, guidelines and agreements
 - generally, **3:257 to 3:260**
 - agreements, **3:260**
 - guidelines, **3:259**
 - policies, **3:258**
- Prohibitions, **3:549 to 3:555 [WAP-PRIITA 6 to 9]**
- Public registry
 - generally, **3:220 to 3:226 [SARA 120 to 124]**
 - documents to be published in registry, **3:220, 3:221, 3:225 [SARA 120, 123]**
 - easy-to-access format, **3:220, 3:221 [SARA 120]**
 - protection from proceedings, **3:224 [SARA 122]**
 - regulations, **3:222, 3:223 [SARA 121]**
 - restriction on release of information, **3:226 [SARA 124]**
 - SARA Registry, establishing, **3:220, 3:221 [SARA 120]**
- Purpose of Act, **3:547 [WAPPRIITA 4]**
- Purposes of Act, **3:39, 3:40 [SARA 6]**
- Recovery planning
 - see measures to protect listed wildlife species
- Regulations respecting wild animal and plant trade (Can. Reg. 96-263), **3:603**
- Reports and review of Act
 - generally, **3:229 to 3:234 [SARA 126 to 129]**
 - annual report to Parliament, **3:229, 3:230 [SARA 126]**
 - Parliamentary review of Act, **3:234 [SARA 129]**
 - reports on status of wildlife species, **3:233 [SARA 128]**
 - round table, convening, **3:231, 3:232 [SARA 127]**
- Schedule 2: endangered or threatened species, **3:235, 3:236 [SARA 130, Sch. 2]**
- Schedule 1: list of wildlife species at risk
 - generally, **3:247 [SARA Sch. 1]**
 - endangered species, **3:249 [SARA Sch. 1, Pt. 2]**

SPECIES AT RISK ACT (SARA)

—Cont'd

- Schedule 1: list of wildlife species at risk
 - Cont'd
 - extirpated species, **3:248 [SARA Sch. 1, Pt. 1]**
 - special concern, **3:251 [SARA Sch. 1, Pt. 4]**
 - threatened species, **3:250 [SARA Sch. 1, Pt. 3]**
- Stewardship
 - generally, **3:50 to 3:56 [SARA 10.1 to 13]**
 - action plan, **3:50, 3:51 [SARA 10.1, 10.2]**
 - contents, **3:51 [SARA 10.2]**
 - applications for assessments
 - generally, **3:69, 3:70 [SARA 22]**
 - composition and qualifications of committee, **3:61 [SARA 16]**
 - copies of assessment provided to Minister and Council, **3:74, 3:75 [SARA 25]**
 - establishment of committee, **3:57, 3:58 [SARA 14]**
 - functions
 - generally, **3:59, 3:60 [SARA 15]**
 - “aboriginal traditional knowledge” (ATK), **3:59, 3:60 [SARA 15(2)]**
 - assessments, conduct of, **3:59, 3:60 [SARA 15(1)]**
 - “best available information,” **3:59, 3:60 [SARA 15(2)]**
 - “community knowledge,” **3:59, 3:60 [SARA 15(2)]**
 - federal agencies to use “best scientific data available,” **3:59, 3:60 [SARA 15]**
 - orders registered in Canada
 - Gazette, **3:71, 3:72 [SARA 23]**
 - regulations and guidelines, **3:62 [SARA 17]**
 - treaties and land claims agreements, accounting for, **3:59, 3:60 [SARA 15(3)]**
 - U.S. Endangered Species Act (ESA), **3:59, 3:60 [SARA 15]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Stewardship—Cont'd

- applications for assessments—Cont'd
 - reporting, **3:74 to 3:77 [SARA 25, 26]**
 - annual reports, **3:76, 3:77 [SARA 26]**
 - review of classifications, **3:73 [SARA 24]**
 - rules, **3:65 [SARA 19]**
 - staff and facilities, **3:66 [SARA 20]**
 - status reports, **3:67, 3:68 [SARA 21]**
 - definition, **3:32, 3:33 [SARA 2(1)]**
 - subcommittees, **3:63, 3:64 [SARA 18]**
 - aboriginal traditional knowledge subcommittee, **3:63, 3:64 [SARA 18(3)]**
 - time for assessment, **3:71, 3:72 [SARA 23]**
- Committee on the Status of Endangered Wildlife in Canada (COSEWIC), **3:57 to 3:77 [SARA 14 to 26]**
- conservation agreements: other species, **3:54 [SARA 12]**
- conservation agreements: species at risk, **3:52, 3:53 [SARA 11]**
- contents, **3:52, 3:53 [SARA 11(2)], 3:54 [SARA 12(2)]**
 - no enforcement mechanisms, **3:52, 3:53 [SARA 11]**
- protection against extension of SARA's prohibitions, **3:52, 3:53 [SARA 11]**
- funding agreements, **3:55, 3:56 [SARA 13]**
 - provisions to be included, **3:55, 3:56 [SARA 13(2)]**
 - wildlife species listing process, **3:57 to 3:84 [SARA 14 to 31]**
- list of wildlife species at risk
 - generally, **3:78 to 3:84 [SARA 27 to 31]**
 - amendment of list by Minister, **3:78, 3:79 [SARA 27(3)]**
 - applications for assessment of imminent threat, **3:80 [SARA 28]**
 - emergency listing, **3:81 to 3:84 [SARA 29 to 31]**
 - recommendation to amend List, **3:84 [SARA 31]**

SPECIES AT RISK ACT (SARA)

—Cont'd

Stewardship—Cont'd

- list of wildlife species at risk—Cont'd
 - emergency listing, **3:81 to 3:84 [SARA 29 to 31]**—Cont'd
 - review, **3:83 [SARA 30]**
- Lieutenant Governor's orders posted in Canada Gazette, **3:78, 3:79 [SARA 27]**
- "List" defined, **3:32, 3:33 [SARA 2(1)]**
- Minister's recommendations following COSEWIC's assessments, **3:78, 3:79 [SARA 27]**
- power to amend List, **3:78, 3:79 [SARA 27, Sch. 1]**
 - categories of risk, **3:32, 3:33, 3:78, 3:79 [SARA 2(1), 27]**
- review of assessment, **3:78, 3:79 [SARA 27]**
- summary of number of species assessed by COSEWIC, **3:78, 3:79 [SARA 27]**
- U.S. Fish and Wildlife Services, **3:85, 3:86 [SARA 32]**
- "harass" defined, **3:85, 3:86 [SARA 32]**
- "harm" defined, **3:85, 3:86 [SARA 32]**

YUKON REGULATION

See also Yukon Wildlife Act (YWA)

Legislative summary, **16:1**

proposed Yukon Species at Risk Act, **16:1**

Wildlife Act, **16:1**

proposed amendments, **16:1**

protections for specially protected wildlife, **16:1**

Wildlife Act

generally, **16:1 to 16:11**

administration, **16:8**

Indigenous interests, **16:11**

Inuvialuit allowed to hunt specially protected wildlife, **16:11**

Inuvialuit Final Agreement, **16:11**

land claim agreements, **16:11**

permitting, **16:6**

public participation, **16:10**

recovery planning, **16:7**

regulatory-making powers, **16:9**

YUKON REGULATION—Cont'd

Wildlife Act—Cont'd

- species and habitat protection
 - generally, **16:4**
 - enforcement, **16:5**
 - conservation officers, **16:5**
 - contraventions and fines and/or imprisonment, **16:5**
 - strict liability offences, **16:5**
 - “specially defined wildlife” defined, **16:3**
- species listing, **16:3**
- summary of protection
 - generally, **16:4**
 - habitat protection areas, designating, **16:4**
 - “hunting” defined, **16:4**
 - hunting or trapping specially protected wildlife prohibited, **16:4**
 - exemption for Inuvialuk, **16:4**
 - minister’s emergency powers, **16:4**
 - prohibition against harassing wildlife, **16:4**
 - prohibition against possession of specially protected wildlife, **16:4**
 - exemption, **16:4**
 - vertebrate animals, **16:3**
 - wildlife sanctuary, prescribing, **16:4**

YUKON WILDLIFE ACT (YWA)

See also Yukon regulation

Commentary, **16:2 to 16:11**

Definitions

- generally, **16:13 [YWA 1]**
- “accompany,” **16:13 [YWA 1]**
- “Act,” **16:13 [YWA 1]**
- “big game animal,” **16:13 [YWA 1]**
- “big game guiding permit,” **16:13 [YWA 1]**
- “Canadian citizen,” **16:13 [YWA 1]**
- “Concession and Compensation Review Board,” **16:13 [YWA 1]**
- “dwelling house,” **16:13 [YWA 1]**
- “firearm,” **16:13 [YWA 1]**
- “fur bearing animal,” **16:13 [YWA 1]**
- “game bird,” **16:13 [YWA 1]**
- “game farm animal,” **16:13 [YWA 1]**
- “guide,” **16:13 [YWA 1]**

YUKON WILDLIFE ACT (YWA)

—Cont'd

Definitions—Cont'd

- “habitat,” **16:13 [YWA 1]**
- “harass,” **16:13 [YWA 1]**
- “hunt,” **16:13 [YWA 1]**
- “Inuvialuit,” **16:13 [YWA 1]**
- “Inuvialuit Final Agreement,” **16:13 [YWA 1]**
- “Inuvialuk,” **16:13 [YWA 1]**
- “licence,” **16:13 [YWA 1]**
- “Minister,” **16:13 [YWA 1]**
- “non-resident,” **16:13 [YWA 1]**
- “operating certificate,” **16:13 [YWA 1]**
- “outfitter,” **16:13 [YWA 1]**
- “outfitting concession,” **16:13 [YWA 1]**
- “outfitting concession area,” **16:13 [YWA 1]**
- “permanent resident,” **16:13 [YWA 1]**
- “permit,” **16:13 [YWA 1]**
- “private land,” **16:13 [YWA 1]**
- “small game,” **16:13 [YWA 1]**
- “specially protected wildlife,” **16:13 [YWA 1]**
- “traffic,” **16:13 [YWA 1]**
- “trap,” **16:13 [YWA 1]**
- “trapping concession,” **16:13 [YWA 1]**
- “trapping concession area,” **16:13 [YWA 1]**
- “type,” **16:13 [YWA 1]**
- “vehicle,” **16:13 [YWA 1]**
- “wildlife,” **16:13 [YWA 1]**
- “wildlife sanctuary,” **16:13 [YWA 1]**
- “Yukon North Slope,” **16:13 [YWA 1]**
- “Yukon resident,” **16:13 [YWA 1]**

Emergency powers of Minister, **16:49 [YWA 194]**

Forms and precedents, **16:74**

General prohibition

- generally, **16:18 [YWA 6]**
- harassment of wildlife, **16:23 [YWA 92]**
- licence requirement, **16:19 [YWA 7]**
- nests and eggs, **16:21 [YWA 17]**
- specially protected wildlife, **16:20 [YWA 8]**
- wildlife sanctuaries, **16:22 [YWA 37]**
- Habitat protection, **16:46 [YWA 187]**

YUKON WILDLIFE ACT (YWA)

—Cont'd

Hunting and trapping, general rules for, **16:18 to 16:21, 16:23 [YWA 6 to 8, 17, 92]**

Inuvialuit Final Agreement
generally, **16:50 to 16:70 [YWA 198 to 217, 226]**
application of certain provisions, **16:60, 16:61 [YWA 208, 209]**
application of Part 13 of Act, **16:51 [YWA 199]**
conservation criteria, **16:64 [YWA 212]**
definitions, **16:50 [YWA 198]**
exchange or barter wildlife products, Inuvialuit rights to, **16:54 [YWA 202]**
export of wildlife, **16:55 [YWA 203]**
general right to harvest, **16:52 [YWA 200]**
harvest, methods of, **16:53 [YWA 201]**
licence requirements, exemption from, **16:56 [YWA 204]**
licences able to be required, **16:57 [YWA 205]**

Minister's decision
generally, **16:69 [YWA 217]**
recommendation, final, **16:68 [YWA 216]**
recommendations, request for, **16:63 [YWA 211]**
recommendations to Minister, **16:65 to 16:67 [YWA 213 to 215]**
consideration of recommendation, **16:66 [YWA 214]**
remitted recommendation, **16:67 [YWA 215]**

preferential harvests, allocation of, **16:70 [YWA 226]**

proof of Inuvialuk status, **16:58 [YWA 206]**

total allowable harvests, process for establishing, **16:62 [YWA 210]**

Offences
generally, **16:24 to 16:45 [YWA 157 to 178]**
appeal not staying order, **16:41 [YWA 174]**
cancellation of licence or permit, automatic, **16:39 [YWA 172]**
compensation or refund not provided, **16:43 [YWA 176]**

YUKON WILDLIFE ACT (YWA)

—Cont'd

Offences—Cont'd
continuing offences, **16:30 [YWA 163]**
contraventions of Act, **16:24 [YWA 157]**
corporations, **16:25 [YWA 158]**
court orders, additional, **16:36 [YWA 169]**
cumulative fines, **16:31 [YWA 164]**
employers and principals, **16:26 [YWA 159]**
expenses, order to pay, **16:35 [YWA 168]**
fine, additional, **16:32 [YWA 165]**
fines and penalties, **16:28 [YWA 161]**
fines for second and subsequent offences, **16:29 [YWA 162]**
forfeiture after conviction, **16:34 [YWA 167]**
licensees and permittees, **16:27 [YWA 160]**
limitation period, **16:45 [YWA 178]**
order not to obtain licence or permit, **16:40 [YWA 173]**
surrender of licence and replacement, **16:42 [YWA 175]**
suspended sentence, orders under, **16:38 [YWA 171]**
suspension automatic for failure to pay fine, **16:44 [YWA 177]**
unpaid fines, **16:33 [YWA 166]**
variation of order, **16:37 [YWA 170]**

Offspring of wildlife, **16:17 [YWA 5]**

Periods of time, **16:15 [YWA 3]**

Policies, guidelines and agreements, **16:73**

Reference to species, **16:16 [YWA 4]**

Reference to wildlife, **16:14 [YWA 2]**

Regulations (Yuk. Reg. 1982/89), **16:71, 16:72**
definitions, **16:72**
habitat protection, **16:72**
specially protected wildlife (Sch. A, Pt. 5), **16:71, 16:72**

Regulations respecting Commissioner in Executive Council, **16:47 [YWA 192]**

Regulations respecting Minister's power, **16:48 [YWA 193]**

INDEX

YUKON WILDLIFE ACT (YWA)

—Cont'd

Species list: specially protected wildlife,
16:71, 16:72