



TSAWWASSEN FIRST NATION
s'cəwaθən məsteyəx^w

Fisheries, Wildlife, Migratory Birds and Renewable Resources Act

HUNTING REGULATION

Date Enacted: 9 April 2014

Order Number: O.039-2014

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Table of Regulation Changes

Section(s) Amended	Date	Order number

Contents

PART 1 – ADMINISTRATION2

- Citation 2**
- Definitions..... 2**
- Manager’s Authority to Delegate 3**

PART 2 – LICENCING3

- Licence for Tsawwassen Members 3**
- Right to Hunt..... 3**
- Licence Requirement 3**
- Application for Licence 3**
- Refusal of Licence 4**
- Conditions of Licences..... 4**
- Form of Licence..... 4**
- Surrender of Licence on Suspension 5**
- Term of Licence..... 5**
- Replacement of Licence..... 5**
- Licence issued in error..... 5**
- Ownership of licence..... 5**
- Requirement to carry and produce licence..... 5**
- Restrictions on alteration and use of licence 6**
- Prohibition against hunting during documentation suspension 6**
- Guest hunters on Tsawwassen Lands..... 6**

PART 3 –HUNTING REQUIREMENTS.....6

- Hunting requirements 6**
- Hunting of designated species and populations..... 6**
- Recovery of wounded animals 7**
- Utilization of animals 7**
- Reporting 7**
- Hunting Seasons..... 7**

PART 4 – ENFORCEMENT7

- Enforcement 7**

Schedule A – Application Form..... 9

PART 1 – ADMINISTRATION

Citation

- 1 This regulation may be cited as the *Hunting Regulation*.

Definitions

- 2 In this regulation:

“**Act**” means the *Fisheries, Wildlife, Migratory Birds and Renewable Resources Act* (Tsawwassen);

“**designated species**” means Designated Wildlife Species and/or Designated Migratory Bird Population, as those terms are defined in the Final Agreement;

“**enforcement officer**” means the the designated Enforcement Officer (Sk^wəcxənəm) appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act* as well as a resource management officer appointed under section 28 of the Act and any individual authorized to enforce Federal Law or British Columbia Law in respect of wildlife (t^wcaməx^w) and migratory birds (sq^wiq^wəlex^w);

“**family member**” means a spouse, child, step-child, sibling, sibling-in-law, parent, parent-in-law, grandparent, or grandchild;

“**Final Agreement**” means the Tsawwassen First Nation Final Agreement;

“**hunt**” or “**hunting**” (ʔehe:wə) means shooting at, attracting, searching for, chasing, pursuing, following after or on the trail of, stalking or lying in wait (ʔicət), for wildlife (t^wcaməx^w) or migratory birds (sq^wiq^wəlex^w), or attempting to do any of those things, whether or not the wildlife (t^wcaməx^w) or migratory bird (sq^wəlex^w) is then or subsequently wounded, killed or captured,

- (a) with intention to capture the wildlife (t^wcaməx^w) or migratory bird (sq^wəlex^w), or
- (b) while in possession of a firearm (x^wnəçayəq) or other weapon;

“**Licence Holder**” means the holder of a Tsawwassen Hunting Licence;

“**Manager**” means the Tsawwassen First Nation Manager of Natural Resources;

“**Migratory Bird Agreement**” means an agreement entered into pursuant to section 35 of the Migratory Birds chapter of the Final Agreement;

“**Right to Harvest Migratory Birds**” means the right to harvest (ʔaləxət) migratory birds (sq^wiq^wəlex^w) under the Final Agreement;

“**Right to Harvest Wildlife**” means the right to harvest (ʔaləxət) wildlife (t^wcaməx^w) under the Final Agreement;

“**Tsawwassen Hunting Licence**” means a hunting licence issued by Tsawwassen First Nation that permits a Tsawwassen Member to hunt (ʔehe:wə) under the Right to Harvest Wildlife or the Right to Harvest Migratory Birds;

“**Tsawwassen Lands**” has the definition ascribed to it in the Final Agreement;

“**Tsawwassen Member**” means an individual who is enrolled as a member of Tsawwassen First Nation in accordance with the *Membership Act*;

“**Tsawwassen Migratory Birds Harvest Area**” has the definition ascribed to in the Final Agreement;

“**Tsawwassen Wildlife Harvest Area**” has the definition ascribed to it in the Final Agreement;

“**Wildlife Harvest Plan**” has the definition ascribed to it in the Final Agreement.

Manager's Authority to Delegate

- 3 (1) In the event that the Manager is unavailable to undertake any of his or her responsibilities under this regulation, he or she may delegate such responsibility to the Chief Administrative Officer or other designate.
- (2) In the event that a family member of the Manager makes an application for a Tsawwassen Hunting Licence, the Manager must delegate his or her responsibility regarding the issuance of that licence to the Chief Administrative Officer.

PART 2 – LICENCING

Licence for Tsawwassen Members

- 4 A person who is not a Tsawwassen Member may not be issued a Tsawwassen Hunting Licence.

Right to Hunt

- 5 The holder of a Tsawwassen Hunting Licence may exercise the Right to Harvest Migratory Birds in the Tsawwassen Migratory Birds Harvest Area or the Right to Harvest Wildlife in the Tsawwassen Wildlife Harvest Area in accordance with this regulation, the Act, the Final Agreement, and other applicable Tsawwassen Laws, and laws of British Columbia and Canada.

Licence Requirement

- 6 A person must not exercise the Right to Harvest Migratory Birds or the Right to Harvest Wildlife unless that person holds a valid Tsawwassen Hunting Licence.

Application for Licence

- 7 (1) Subject to section 3, the Manager has the sole authority to authorize the issuance of a Tsawwassen Hunting Licence by way of approving an application.
- (2) The application form which must be completed by an applicant for a Tsawwassen Hunting Licence is appended as Schedule A to this regulation, and must contain the following:
 - (a) the full name and residential mailing address of the applicant;
 - (b) the birth date of the applicant;
 - (c) the phone number of the applicant;
 - (d) Tsawwassen Member enrolment number;
 - (e) a passport-type photograph of the applicant;
 - (f) the type of hunting gear to be used by the applicant;
 - (g) proof that the applicant has completed the British Columbia Conservation Outdoor Recreation Education (CORE) training program; and
 - (h) the signature of the applicant.
- (3) The Manager may require an applicant for a Tsawwassen Hunting Licence to make a statutory declaration verifying the information given in the application or any supporting documents submitted as required by the Manager under section 8 of the Act.
- (4) When an application for a Tsawwassen Hunting Licence is received by the Manager, the following information must be recorded, as applicable:
 - (a) the date the application was received;
 - (b) the date the licence was issued or refused;
 - (c) if a licence is issued:
 - (i) its date of issuance and its date of expiration,

- (ii) any conditions imposed upon the licence, and
- (iii) the Tsawwassen Hunting Licence number of the licence;
- (d) if a licence is refused:
 - (i) brief reasons for the refusal;
 - (e) the fee paid, if any; and
 - (f) the name of the authorized Tsawwassen official who processed the application.
- (5) A Licence Holder must submit a new application following the expiry of his or her Tsawwassen Hunting Licence in order for the Manager to consider issuing a new licence.

Refusal of Licence

- 8** (1) The Manager may refuse to issue a Tsawwassen Hunting Licence:
- (a) if an applicant submits an incomplete application;
 - (b) if the Manager reasonably believes any information included on the application to be false;
 - (c) if the applicant has been convicted of any hunting-related offences within the previous 5 years; or,
 - (d) for any other reason which the Manager, in his or her sole discretion, believes to be relevant to the issuance of a Tsawwassen Hunting Licence.
- (2) A person whose Tsawwassen Hunting Licence application has been refused may apply in writing to the Chief Administrative Officer within 30 days of the refusal for a review of the decision.

Conditions of Licences

- 9** (1) The Manager may attach conditions to any Tsawwassen Hunting Licence that are consistent with the Act, this regulation, and any Wildlife Harvest Plans or Migratory Bird Agreements that exist at such time.
- (2) It is a condition of every Tsawwassen Hunting Licence issued that the Licence Holder comply with the Final Agreement, applicable Wildlife Harvest Plans or Migratory Bird Agreements, the Act, this regulation, orders of Executive Council, and any directions of the Manager, as permitted under the Act.
- (3) Every person carrying out any activity under the authority of any Tsawwassen Hunting Licence must comply with every condition of that licence.

Form of Licence

- 10** (1) Every Tsawwassen Hunting Licence issued by the Manager must include the following:
- (a) the Tsawwassen Hunting Licence designation number;
 - (b) a photograph of the Licence Holder;
 - (c) the name and address of the Licence Holder;
 - (d) the date of the issue of the licence;
 - (e) the date of the expiration of the licence; and
 - (f) a space for the signature of the Licence Holder.
- (2) A Tsawwassen Hunting Licence issued by the Manager is not valid unless it is signed in ink by the Licence Holder in the space designated on the licence.

Surrender of Licence on Suspension

- 11** If a Tsawwassen Hunting Licence is suspended under Section 11 of the Act, the Licence Holder must within 5 business days:
- (a) deliver the licence to the Manager; and
 - (b) cease all hunting activities authorized by the licence.

Term of Licence

- 12** (1) Subject to subsections (2) and (3), each Tsawwassen Hunting Licence has a term of five years.
- (2) If the Tsawwassen Hunting Licence holder ceases to be a Tsawwassen Member, the Tsawwassen Hunting Licence issued to that holder is automatically cancelled and must be delivered to the Manager within 5 business days of un-enrolment.
- (3) If a person's Tsawwassen Hunting Licence is cancelled or suspended by reason other than un-enrolment, the holder must deliver the licence to the Manager within five business days of receiving notice of the cancellation or suspension.

Replacement of Licence

- 13** (1) If a Licence Holder
- (a) has a change of name or address;
 - (b) has had their licence lost, stolen or destroyed; or
 - (c) has an illegible licence,
- the Licence Holder must notify the Manager in writing within 10 days of the occurrence of the event described in this section and the Manager may issue a replacement licence reflecting any changes.
- (2) On receipt of a replacement Tsawwassen Hunting Licence, the Licence Holder must immediately deliver to the Manager the licence that has been replaced if it is still in the holder's possession.
- (3) If the holder of a replacement Tsawwassen Hunting Licence recovers the licence that was replaced, the holder must immediately deliver the replaced licence to the Manager.

Licence issued in error

- 14** (1) If a Tsawwassen Hunting Licence was issued in error or contains an error, the Manager may:
- (a) request the Licence Holder to deliver it to the Manager forthwith; and
 - (b) the Licence Holder must within 5 days comply with the Manager's request.

Ownership of licence

- 15** Every Tsawwassen Hunting Licence remains the property of Tsawwassen First Nation and is not transferrable.

Requirement to carry and produce licence

- 16** (1) Every Licence Holder must:
- (a) carry his or her Tsawwassen Hunting Licence at all times while hunting under, or transporting wildlife or migratory birds hunted under, the Right to Harvest Wildlife or the Right to Harvest Migratory Birds; and
 - (b) produce that licence upon the demand of an enforcement officer.

Restrictions on alteration and use of licence

- 17** (1) A person must not
- (a) alter or deface a Tsawwassen Hunting Licence;
 - (b) use or produce a Tsawwassen Hunting Licence that has been altered or defaced;
 - (c) use or produce a Tsawwassen Hunting Licence that has been issued to another person under the pretence of being the Licence Holder; or
 - (d) use or produce a Tsawwassen Hunting Licence that has since been replaced under section 13 of this regulation.
- (2) A Licence Holder must not permit another person to use his or her licence.

Prohibition against hunting during documentation suspension

- 18** A person whose Tsawwassen Hunting Licence has been suspended or revoked must not exercise the Right to Harvest Wildlife or the Right to Harvest Migratory Birds associated with the suspended or revoked Tsawwassen Hunting Licence during the period:
- (a) of the suspension, or
 - (b) immediately upon revocation and thereafter.

Guest hunters on Tsawwassen Lands

- 19** (1) Nothing in this regulation prevents a guest of a Licence Holder from hunting on Tsawwassen Lands, provided they are accompanied by the Licence Holder and they are hunting in accordance with all applicable Tsawwassen First Nation, provincial and federal laws and regulations.
- (2) For greater certainty, an individual who is authorized to hunt (ʔehe:we) on Tsawwassen Lands pursuant to subsection (1) does not hunt (ʔehe:we) under the Tsawwassen Rights to Harvest Wildlife or Migratory Birds.

PART 3 –HUNTING REQUIREMENTS

Hunting requirements

- 20** Subject to any Wildlife Harvest Plan or Migratory Bird Agreement, hunting under the Right to Harvest Wildlife and the Right to Harvest Migratory Birds must be undertaken in accordance with applicable provincial and federal laws including, but not limited to, applicable provisions of the *Wildlife Act* (British Columbia).

Hunting of designated species and populations

- 21** (1) A person who hunts (ʔehe:we) a designated wildlife species must hunt (ʔehe:we) in accordance with any applicable Wildlife Harvest Plan.
- (2) A person who hunts (ʔehe:we) birds (sq^wiq^wəlex^w) from a designated migratory bird population must hunt in accordance with any applicable Migratory Bird Agreements.
- (3) A person who hunts (ʔehe:we) designated wildlife species or birds (sq^wiq^wəlex^w) from a designated migratory bird population must not have that wildlife or migratory bird (sq^wəlex) in their possession if it has been processed, cut, packed, or otherwise dealt with in such manner that:
- (a) the species of the wildlife (tcaməx^w) and/or migratory bird (sq^wəlex) cannot be readily identified;
 - (b) the sex of the wildlife (tcaməx^w) and/or migratory bird (sq^wəlex) cannot be readily identified; or

(c) the number of wildlife (t̄caməx^w) and/or migratory birds cannot be readily determined, until it is processed or preserved at that person's place of residence.

Recovery of wounded animals

- 22** (1) When wildlife (t̄caməx^w) or a migratory bird (sq^wəlex) is wounded in the exercise of the Right to Harvest Wildlife or the Right to Harvest Migratory Birds, every effort must be made by that hunter to recover that wounded wildlife (t̄caməx^w) or migratory bird (sq^wəlex), dispatch it as humanely as practicable, harvest it (?aləḫət) and utilize the edible portions from that wildlife (t̄caməx^w) or migratory bird (sq^wəlex).
- (2) Where the wounded wildlife (t̄caməx^w) or migratory bird (sq^wəlex) cannot be recovered and if it is a designated wildlife species or bird (sq^wəlex) from a designated migratory bird population, the wounding of that wildlife (t̄caməx^w) or migratory bird (sq^wəlex) must be reported to the Manager who must record that wounded wildlife (t̄caməx^w) or migratory bird (sq^wəlex) for the purposes of the allocation of that designated species or population.

Utilization of animals

- 23** (1) A person who is exercising the Right to Harvest Wildlife or the Right to Harvest Migratory Birds must not waste the edible parts (sq̄ilə) of the any wildlife (t̄caməx^w) or migratory bird (sq^wəlex) or any other reasonably usable or culturally significant part of any wildlife (t̄caməx^w) or migratory bird (sq^wəlex) that has been harvested (q̄pət).
- (2) For greater certainty, a person who is exercising the Right to Harvest Wildlife must at least utilize the four quarters of any deer (sməyəq) harvested and must not waste any meat that is suitable for human consumption.

Reporting

- 24** The Manager may at any time require a Licence Holder to provide the Manager with a report on the following matters:
- (a) the timing and precise location of hunts;
 - (b) the species, sex and age of the wildlife (t̄caməx^w) or migratory birds (sq^wiq^wəlex^w) hunted that season;
 - (a) the total number of animals hunted that season; and
 - (b) any other such information as the Manager may deem necessary.

Hunting Seasons

- 25** Notwithstanding section 20, the Rights to Harvest Wildlife and Migratory Birds may be exercised at any time during the year.

PART 4 – ENFORCEMENT

Enforcement

- 26** (1) Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the *Tsawwassen First Nation Ticket Regulation, 2013*;
 - (b) if no penalty is set out for the contravention in the *Tsawwassen First Nation Ticket Regulation, 2013*, then to a fine not exceeding \$2,000;
 - (c) to Tsawwassen Hunting Licence restrictions or suspension; or

- (d) to both Tsawwassen Hunting Licence restrictions or suspension under subsection c) and either a penalty under subsection a) or a fine under subsection b).
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
 - (3) Contraventions of this regulation are designated for enforcement under the *Fisheries, Wildlife, Migratory Birds and Renewable Resources Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).
 - (4) In addition to the designated Enforcement Officer (sk^vəcxənəm) appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act*, a resource management officer appointed under section 28 of the Act is designated as an enforcement officer for the purposes of this regulation.

Schedule A – Application Form

H U N T I N G L I C E N C E A P P L I C A T I O N F O R M

Surname: _____ Given Name(s): _____

D.O.B.: Year _____ Month _____ Day _____ Enrolment #: _____

Address: _____

Phone No.: (H) _____ (C) _____

Hunting Gear: _____

Have you been convicted of any hunting-related offences in the past 5 years?: _____ Y / N _____

If yes, please provide details: _____

IMPORTANT: THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION IN ORDER FOR IT TO BE CONSIDERED:

- A passport-type photograph of the applicant; and,
- Proof of completion of the British Columbia Conservation Outdoor Recreation Education (CORE) training program.

I acknowledge that I am responsible to inform myself and comply with the Final Agreement, *Fisheries, Wildlife, Migratory Bird and Renewable Resources Act*, regulations, harvest documents, , provincial and federal laws, and any direction or conditions that may be issued by the Manager. If I fail to comply with any of the aforementioned laws, regulations, documents, directions or conditions, I understand that my licence may be suspended.

Applicant Signature: _____ **Date:** _____

FOR OFFICE USE ONLY	
Date Application Received: _____	Approved: _____ Y / N _____
TFN Processing Official (name and title): _____	
If Application is Approved:	
Issuance Date: _____	Expiration Date: _____
Hunting Licence #: _____	
Conditions: _____	
If Application is Refused:	
Reason for Refusal: _____	