

NISGA'A FISHERIES AND WILDLIFE ACT

NISGA'A LISIMS GOVERNMENT

WILP SI'AYUUKHL NISGA'A

**NISGA'A FISHERIES
AND WILDLIFE ACT**

**UNOFFICIAL CONSOLIDATION
CURRENT TO MARCH 29, 2018**

NISGA'A FISHERIES AND WILDLIFE ACT

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Definitions

1. In this Act,

“aquatic plants” means all marine and freshwater plants, including kelp, marine flowering plants, benthic and detached algae, brown algae, red algae, green algae, and phytoplankton;

“designated species” means

- (a) a species of wildlife for which the minister has determined under the Wildlife and Migratory Birds Chapter of the Nisga'a Treaty that there should be a total allowable harvest in the Nass Wildlife Area, or
- (b) an initial designated species

in the Nass Wildlife Area;

“director” means the Director of Fish and Wildlife;

“domestic purposes” means food, social and ceremonial purposes;

“fish” means

- (a) fish, including anadromous fish,
- (b) shellfish, crustaceans, and marine animals,
- (c) the parts of fish, shellfish, crustaceans, and marine animals, and
- (d) the eggs, sperm, spawn, larvae, spat, juvenile stages and adult stages of fish, shellfish, crustaceans and marine animals

but does not include “wildlife fish”;

“fishing” means fishing for, catching or attempting to catch fish or wildlife fish by any method, and includes harvesting aquatic plants;

“fishing season” means the period from April 1 in any year to March 31 of the following year;

“fishing vessel” means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish or wildlife fish, or harvesting aquatic plants;

“Harvest Agreement” means the agreement entered into under paragraphs 21 and 22 of the Fisheries Chapter of the Nisga'a Treaty;

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“harvesting” means hunting or fishing;

“hunting” means shooting at, attracting, searching for, chasing, pursuing, following after or on the trail of, stalking or lying in wait for wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently wounded, killed or captured,

- (a) with intention to capture the wildlife, or
- (b) while in possession of a firearm or other weapon;

“hunting season” means the period from April 1 in any year to March 31 of the following year;

“initial designated species” means a species designated under paragraph 15 of the Wildlife and Migratory Birds Chapter of the Nisga'a Treaty;

“Joint Fisheries Management Committee” means the committee established under paragraph 77 of the Fisheries Chapter of the Nisga'a Treaty;

“migratory birds” has the meaning set out in any federal legislation that is enacted further to international conventions respecting migratory birds and that is binding on British Columbia, and includes the eggs of migratory birds;

“Nass salmon” means chinook, chum, coho, sockeye, and pink salmon originating in the Nass Area;

“Nass steelhead” means summer-run Nass steelhead and winter-run Nass steelhead originating in the Nass Area;

“Nass Wildlife Area” means the area described in Appendix J of the Nisga'a Treaty;

“Nisga'a annual fishing plan” means an annual fishing plan, or an in-season adjustment to an annual fishing plan, approved in accordance with the Fisheries Chapter of the Nisga'a Treaty;

“Nisga'a annual wildlife management plan” means an annual management plan approved in accordance with the Wildlife and Migratory Birds Chapter of the Nisga'a Treaty;

“Nisga'a fish allocation” means a Nisga'a fish entitlement or a right to harvest fish under the Harvest Agreement for which there is

- (a) a defined harvest quantity or quota,
- (b) a formula defining a harvest quantity or quota, or
- (c) defined harvest area other than the entire Nass Area;

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“Nisga’a fish and wildlife enforcement officer” means a person appointed under section 14(1)(a);

“Nisga’a fish and wildlife guardian” means a person appointed under section 14(1)(b);

“Nisga’a fish entitlement” means a right to harvest fish or aquatic plants under the Nisga’a Treaty, but does not include the right to harvest fish under the Harvest Agreement, or under federal or provincial laws of general application;

“Nisga’a fisheries” means

- (a) fisheries to harvest fish under Nisga’a fish entitlements,
- (b) fisheries to harvest Nass salmon under Nisga’a fish allocations under the Harvest Agreement,
- (c) harvests of aquatic plants under Nisga’a fish entitlements, and
- (d) fisheries to harvest wildlife fish;

“Nisga’a fishing licence” means a licence issued under this Act to harvest in Nisga’a fisheries;

“Nisga’a hunting licence” means a licence issued under this Act to hunt under Nisga’a wildlife entitlements;

“Nisga’a wildlife allocation” means a Nisga’a wildlife entitlement to a defined share of the total allowable harvest of a designated species;

“Nisga’a wildlife entitlement” means a right to harvest wildlife under the Nisga’a Treaty, but does not include a right to harvest wildlife under federal or provincial laws of general application;

“Nisga’a wildlife harvesting” means hunting for wildlife under Nisga’a wildlife entitlements;

“summer-run Nass steelhead” means

- (a) those Nass steelhead within the Nass River that migrate from marine environments to fresh water environments between June 1 and October 31 in any year, and
- (b) all Nass steelhead within watersheds draining into the Nass River upstream of the confluence of the Tseax River and the Nass River;

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“surplus” means the amount, in any year, of a species of Nass salmon that exceeds the physical incubation and rearing capacity of a natural area, or an enhancement facility, for that species, and that has not been harvested in Nisga'a fisheries or other aboriginal, commercial, or recreational fisheries;

“wildlife” means

- (a) all vertebrate and invertebrate animals, other than fish, and
- (b) the eggs, juvenile stages, and adult stages of all vertebrate and invertebrate animals, other than fish,

and, for greater certainty, includes migratory birds and wildlife fish;

“Wildlife Committee” means the committee established under paragraph 45 of the Wildlife and Migratory Birds Chapter of the Nisga'a Treaty;

“wildlife fish” means

- (a) lampreys, crustaceans, mollusks, and non-anadromous fish, from or in non-tidal waters,
- (b) the parts of lampreys, crustaceans, mollusks, and non-anadromous fish, from or in non-tidal waters, and
- (c) the eggs, sperm, spawn, larvae, spat, juvenile stages, and adult stages of lampreys, crustaceans, mollusks, and non-anadromous fish, from or in non-tidal waters;

“winter-run Nass steelhead” means

- (a) those Nass steelhead within the Nass River that migrate from marine environments to fresh water environments between November 1 in any year, and May 31 in the next year,
- (b) all Nass steelhead within watersheds draining into the Nass River downstream of the confluence of the Tseax River and the Nass River, including the Tseax River watershed, and
- (c) all Nass steelhead within watersheds draining into the Nass Area, other than the Nass River watershed and watersheds draining into the Nass River;

“year” means a calendar year unless otherwise specified.

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PART 1 – REQUIREMENTS FOR HARVESTING/SALE/TRADE/BARTER**Compliance with requirements**

2. A person may
 - (a) harvest fish, aquatic plants or wildlife under the Nisga'a Treaty or the Harvest Agreement, or
 - (b) sell, trade or barter fish, aquatic plants or wildlife harvested under the Nisga'a Treaty or the Harvest Agreement,

only in accordance with the Nisga'a Treaty, the Harvest Agreement, this Act and its regulations, the Nisga'a annual fishing plan or the Nisga'a annual wildlife management plan, whichever is applicable, the conditions of a Nisga'a fishing licence or Nisga'a hunting licence issued to that person, and any orders made or directions given by the director as permitted under this Act.

Fishing licence required

3. A person may harvest in Nisga'a fisheries only if they have, in their possession a valid and current Nisga'a fishing licence issued to that person.

Hunting licence required

4. (1) A person, may harvest under Nisga'a wildlife entitlements only if they have in their possession a valid and current Nisga'a hunting licence issued to that person.
- (2) A person who is younger than a prescribed age may harvest under Nisga'a wildlife entitlements only if
 - (a) they have in their possession a valid and current Nisga'a hunting licence issued to that person, and
 - (b) they are accompanied by another person who is older than a prescribed age and has in their possession a valid and current Nisga'a hunting licence issued to that older person.

Right to licences

5. (1) Subject to this Act and the regulations, every Nisga'a citizen is entitled to a Nisga'a fishing licence and a Nisga'a hunting licence.

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- (2) Except as provided in subsection (3) or the regulations, a person who is not a Nisga'a citizen is not entitled to a Nisga'a fishing licence or a Nisga'a hunting licence.
 - (3) A person who is not a Nisga'a citizen may be issued a Nisga'a fishing licence if that person
 - (a) is an agent or contractor of the Nisga'a Nation, and
 - (b) requires a licence to carry out the instructions of or contract with the Nisga'a Nation.

Issuance of licences

6. (1) A person may apply for a Nisga'a fishing licence or a Nisga'a hunting licence by submitting to the director
 - (a) an application in the form approved by the director,
 - (b) any prescribed fee, and
 - (c) any supporting documents required by the director.
- (2) On receipt of an application under subsection (1), and if satisfied that the requirements of the Act and regulations have been met, the director may issue a Nisga'a fishing licence or Nisga'a hunting licence to the applicant.
- (3) Subject to the regulations, the director may attach conditions to a licence issued under this section.

Suspension of licences

7. (1) Subject to the regulations, if the director has reasonable grounds to believe that the holder of a Nisga'a fishing licence or a Nisga'a hunting licence has contravened section 2, the director may, by written notice to the holder, give notice of the director's intention to suspend the holder's licence for a specified period.
- (2) A notice under subsection (1) must be
 - (a) personally delivered to the holder of the licence, or
 - (b) sent by registered mail to the last known address of the holder of the licence.

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- (3) A notice under subsection (1) must
 - (a) set out the reasons for the intended suspension, and
 - (b) that the holder of the licence is entitled to make representations why the licence should not be suspended, by giving the director a written response within 15 days from the earlier of
 - (i) the date the holder is personally served with the notice, and
 - (ii) 5 days from the date the notice was sent by registered mail.
- (4) The holder of a Nisga'a fishing licence or Nisga'a hunting licence whose licence has been suspended may not harvest in Nisga'a fisheries or harvest under Nisga'a wildlife entitlements during the period of suspension.

Compliance with Nisga'a annual plans

- 8. (1) A person who harvests fish or aquatic plants in Nisga'a fisheries or sells fish or aquatic plants harvested in Nisga'a fisheries must comply with the Nisga'a annual fishing plan.
- (2) A person who harvests wildlife fish in Nisga'a fisheries must comply with the Nisga'a annual wildlife management plan.
- (3) A person who harvests under Nisga'a wildlife entitlements must comply with the Nisga'a annual wildlife management plan.

Sale of fish harvests

- 9. (1) A person may sell fish or aquatic plants harvested in Nisga'a fisheries only if authorized to do so under this Act or the regulations.
- (2) Subject to any restrictions in Nisga'a annual fishing plans and the regulations, every Nisga'a citizen who has in their possession a valid and current Nisga'a Individual Sale Fishing Permit issued to that person may sell Nass salmon harvested in Nisga'a fisheries to the Nisga'a Nation or to a Nisga'a Corporation designated by regulation.
- (3) Subject to any restrictions in Nisga'a annual fishing plans and the regulations, an agent or contractor of the Nisga'a Nation who
 - (a) has a valid and current Nisga'a fishing licence, and

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(b) has contracted to sell fish on behalf of the Nisga'a Nation

may sell fish harvested in Nisga'a fisheries if the sale is consistent with the conditions of the agent's or contractor's contract with the Nisga'a Nation.

- (4) Subject to any restrictions in Nisga'a annual fishing plans and the regulations, the Nisga'a Nation and a Nisga'a Corporation designated by regulation may sell Nass salmon harvested in Nisga'a fisheries.

Sale of wildlife harvests

10. A person may sell wildlife harvested under Nisga'a wildlife entitlements only if authorized to do so under this Act or the regulations.

Trade or barter of fish harvests

11. (1) Every Nisga'a citizen may trade or barter with other Nisga'a citizens or with other aboriginal people any fish or aquatic plants harvested under Nisga'a fisheries.
- (2) A person who, for the purpose of trade or barter, transports outside Nisga'a Lands fish or aquatic plants harvested under Nisga'a fisheries, must ensure that those fish or aquatic plants are identified, in accordance with the regulations, as being for trade or barter.

Trade or barter wildlife harvests

12. (1) Every Nisga'a citizen may trade or barter with other Nisga'a citizens or with other aboriginal people any wildlife harvested under Nisga'a wildlife entitlements.
- (2) Subject to subsection (3), a person who, for the purpose of trade or barter, transports outside Nisga'a Lands wildlife or wildlife parts harvested under Nisga'a wildlife entitlement must ensure that the wildlife or wildlife parts are identified, in accordance with the regulations, as being for trade or barter.
- (3) Subsection (2) does not apply to migratory birds harvested under Nisga'a wildlife entitlements.

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PART 2 – NISGA'A FISH AND WILDLIFE MANAGEMENT**Director of Fish and Wildlife**

13. (1) The office of the Director of Fish and Wildlife is established.
- (2) The director must
- (a) manage Nisga'a fisheries and Nisga'a wildlife harvesting,
 - (b) exercise the director's authority, and
 - (c) carry out the director's responsibilities
- in a manner that is consistent with the Nisga'a Treaty, the Harvest Agreement, this Act and its regulations, the Nisga'a annual fishing plan, the Nisga'a annual wildlife management plan and any policies adopted by the executive.
- (3) The director
- (a) may issue Nisga'a fishing licences and Nisga'a hunting licences,
 - (b) must participate in the annual accounting of salmon harvesting required by the Nisga'a Treaty,
 - (c) may propose enhancement initiatives, including seeking recommendations of the Joint Fisheries Management Committee and the approval of the executive and the minister,
 - (d) must conduct enhancement initiatives approved by the executive and the minister,
 - (e) must participate in studies or other activities approved by the executive,
 - (f) must determine who can use traplines held by the Nisga'a Nation and under what conditions,
 - (g) must determine who can use any guide outfitters' licences and guide outfitters' certificates held by the Nisga'a Nation, and under what conditions,
 - (h) must determine who can use any angling guide licence held by the Nisga'a Nation, and under what conditions,
 - (i) must administer the provisions of the Nisga'a annual wildlife management plan in respect of Nisga'a guiding of anglers within Nisga'a Lands,

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- (j) must provide the Wildlife Committee with all relevant non-confidential data in the possession of Nisga'a Lisims Government in respect of all wildlife harvesting and other matters relevant to wildlife management within the Nass Wildlife Area, and
 - (k) may establish a training program for Nisga'a hunters.
- (4) The director may make any order or take any action that is reasonably necessary for the purpose of carrying out the director's responsibilities, including, but not limited to,
- (a) opening or closing any areas or locations for harvesting all or any species of fish, aquatic plants or wildlife fish in Nisga'a fisheries,
 - (b) permitting or prohibiting the harvesting or sale of any species of fish, aquatic plants or wildlife fish in Nisga'a fisheries,
 - (c) prohibiting any person from harvesting or selling fish or aquatic plants or wildlife fish in Nisga'a fisheries until they satisfy the director that they have the right to harvest or sell,
 - (d) cooperating with provincial and federal officials to fulfill Nisga'a Nation obligations under the Nisga'a Treaty in accordance with any agreements reached between the Nisga'a Nation and British Columbia or Canada and
 - (e) enforcing the provisions of this Act, the regulations and the Nisga'a Treaty in respect of fish, aquatic plants and wildlife matters.

Appointment of fish and wildlife officials

- 14.** (1) For the purposes of this Act, the director may appoint any person, or class of persons, as
- (a) a Nisga'a fish and wildlife enforcement officer, or
 - (b) a Nisga'a fish and wildlife guardian.
- (2) The director may limit, in any manner the director considers appropriate, the powers that a Nisga'a fish and wildlife enforcement officer or Nisga'a fish and wildlife guardian may exercise under this Act, the regulations, the *Nisga'a Offence Act* or any other enactment.
- (3) The director may assign to a Nisga'a fish and wildlife enforcement officer or a Nisga'a fish and wildlife guardian one or more of the following duties:
- (a) the monitoring of fishing activities, the examination and measurement of fishing

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- gear, the recording of scientific data and observations and the taking of samples;
- (b) the monitoring of the landing of fish and wildlife fish and the verification of the weight and species of fish and wildlife fish caught and retained; and
 - (c) conducting biological examination and sampling of fish and wildlife fish.
- (4) The director must provide each Nisga'a fish and wildlife enforcement officer and Nisga'a fish and wildlife guardian with a document in the form approved by the director
- (a) certifying the official's designation, and
 - (b) if the official's powers are limited under subsection (2), specifying the powers that the official may exercise.
- (5) On entering any place permitted under this Act, the regulations, the *Nisga'a Offence Act* or any other enactment, a Nisga'a fish and wildlife enforcement officer or Nisga'a fish and wildlife guardian must, on request, show the certificate of designation to the person in charge of the place.

Harvesting opportunities

- 15.** (1) The executive may, by regulation, establish the distribution of harvesting opportunities under Nisga'a fish entitlements and Nisga'a wildlife entitlements.
- (2) In establishing a distribution under subsection (1), the executive must take into account the following:
- (a) the collective interests of the Nisga'a Nation;
 - (b) the estimated requirements for fish, aquatic plants and wildlife harvesting for Nisga'a citizens who
 - (i) reside in Nisga'a Lands, and
 - (ii) reside outside Nisga'a Lands;
 - (c) available information on the annual harvests of each species of fish, aquatic plants and wildlife by each Nisga'a Village; and
 - (d) any other matters that the executive considers to be relevant.
- (3) The director must manage the methods, timing and locations of harvesting under Nisga'a fish entitlements and Nisga'a wildlife entitlements in a way that, to the extent it is

practicable to do so,

- (a) provides fair and reasonable opportunities for Nisga'a citizens to harvest
 - (i) fish and aquatic plants at locations within the Nass Area, and
 - (ii) wildlife at locations within the Nass Wildlife Area, and
- (b) achieves the distribution of harvesting opportunities determined by the executive under subsection (1).

Allocation of Nass salmon

- 16.** (1) The executive must, by written direction to the director, determine for each fishing season
- (a) the portion of that year's Nisga'a fish allocations of Nass salmon that is to be used for domestic purposes,
 - (b) the portion of that year's Nisga'a fish allocations of Nass salmon that is to be available for sale, and
 - (c) the percentage of the portion described in paragraph (b) that may be harvested and sold on behalf of the Nisga'a Nation.
- (2) The director must manage the methods, timing and locations of harvesting Nass salmon under Nisga'a fish entitlements in a way that, to the extent it is practicable to do so, achieves the apportionment of each year's Nisga'a fish allocations of Nass salmon as established by regulation under subsection (1).

Consents on behalf of the Nisga'a Nation

- 17.** The executive may
- (a) consent to registration by British Columbia of new traplines on Nisga'a Lands,
 - (b) consent to the issuance by British Columbia of any new guide outfitter's certificate or licence that applies to any portion of Nisga'a Lands,
 - (c) consent to the issuance by British Columbia of any new angling guide licences that apply to watercourses within Nisga'a Lands, or to the inclusion by British Columbia of watercourses within Nisga'a Lands in the angling guide licences set out in Appendix C-7 of the Nisga'a Treaty, other than the watercourses that are listed in those angling guide licences on the effective date.

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Agreements on behalf of the Nisga'a Nation

18. (1) The executive may enter into agreements
- (a) with the minister, in any year, to adjust the species composition of the Nisga'a harvest of Nass salmon under Nisga'a fisheries for a fishing season,
 - (b) with the minister, in any year, in respect of the harvest of surplus Nass salmon for a fishing season,
 - (c) with the minister in respect of the harvests by the Nisga'a Nation of Nass salmon or Nass steelhead that result from Nisga'a enhancement initiatives,
 - (d) with Canada or British Columbia in respect of enforcement of federal, provincial or Nisga'a laws in respect of fisheries, wildlife or migratory birds,
 - (e) with other aboriginal people in respect of harvesting fish or aquatic plants in the Nass Area or wildlife in the Nass Wildlife Area,
 - (f) with Canada or British Columbia that establishes Nisga'a fish allocations of winter-run Nass steelhead, other non-salmon species or aquatic plants,
 - (g) with British Columbia in respect of Nisga'a Nation contributions to any provincial fund dedicated to wildlife conservation and habitat protection,
 - (h) respecting any Nisga'a wildlife allocation of a designated species,
 - (i) concerning Nisga'a Lisims Government authority for the management of traplines in the Nass Wildlife Area that are registered to the Nisga'a Nation, a Nisga'a Village, a Nisga'a Institution, a Nisga'a Corporation, or Nisga'a citizens, and
 - (j) for purposes of managing habitat critical for conservation of migratory birds or endangered species.
- (2) The executive may
- (a) request a review of the Nisga'a wildlife allocation of an initial designated species,
 - (b) request that any species of wildlife be designated under the Nisga'a Treaty, and
 - (c) propose any Nisga'a wildlife allocation of a designated species.

Harvest Agreement

- 19.** The executive may enter into the Harvest Agreement.

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PART 3 – JOINT MANAGEMENT**Joint Fisheries Management Committee**

20. (1) A designated executive member and the director are the members of the Joint Fisheries Management Committee representing the Nisga'a Nation.
- (2) The executive may appoint an alternate member to represent the Nisga'a Nation on the Joint Fisheries Management Committee when the designated executive member or the director is unable to attend a meeting of the Committee.
- (3) The Nisga'a Nation's representatives on the Joint Fisheries Management Committee must represent the Nisga'a Nation in accordance with directions of the executive.

Wildlife Committee

21. (1) A designated executive member and the director are the members of the Wildlife Committee representing the Nisga'a Nation.
- (2) If British Columbia appoints three or four members to the Wildlife Committee, the executive must appoint additional members to provide equal representation for the Nisga'a Nation.
- (3) The executive may appoint an alternate member to represent the Nisga'a Nation on the Wildlife Committee when a Nisga'a Nation representative is unable to attend a meeting of the Committee.
- (4) The Nisga'a Nation representatives on the Wildlife Committee must represent the Nisga'a Nation in accordance with directions of the executive.

Nisga'a annual plans

22. (1) The director must,
- (a) before March 1 each year, prepare a draft of the Nisga'a annual fishing plan, and
- (b) before June 1 each year, prepare a draft of the Nisga'a annual wildlife management plan
- for consideration by the Executive.
- (2) The Executive must,

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- (a) before March 31 each year, adopt, or vary and adopt, the draft Nisga'a annual fishing plan prepared by the director and forward the adopted plan to the Joint Fisheries Management Committee, and
 - (b) before June 30 each year, adopt, or vary and adopt, the draft Nisga'a annual wildlife management plan prepared by the director and forward the adopted plan to the Wildlife Committee.
- (3) The Nisga'a annual fishing plan and Nisga'a annual wildlife management plan must be published in accordance with Nisga'a law.
- (4) In the event of a conflict or inconsistency between a provision of a Nisga'a annual fishing plan or a Nisga'a annual wildlife management plan and a regulation made under this Act or any other enactment, the provision of the Nisga'a annual fishing plan or the Nisga'a annual wildlife management plan, as the case may be, prevails.

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PART 4 – GENERAL**Offences**

- 23.** (1) Every person who
- (a) contravenes section 2, 3, 4, 7(4), 8, 9(1), 10, 11(2) or 12(2),
 - (b) fails or refuses to comply with an order made by the director under section 13(4)(a), (b) or (c), or
 - (c) obstructs, harasses or otherwise interferes with a Nisga'a fish and wildlife enforcement officer, a Nisga'a fish and wildlife guardian or an employee of the Nisga'a Nation while performing their duties or functions under, or respecting matters related to, this Act or the regulations,
- commits an offence punishable under the *Nisga'a Offence Act*.
- (2) Proceedings for making a complaint or laying an information in respect of a matter under this Act or the regulations must not be instituted more than 2 years after the time when the director became aware of the subject matter of the proceedings.

Right to request review of decision

- 24.** A person
- (a) whose application for a Nisga'a fishing licence or Nisga'a hunting licence is refused by the director, or
 - (b) whose Nisga'a fishing licence or Nisga'a hunting licence has been suspended by the director,
- may request a review of that decision under the *Nisga'a Administrative Decisions Review Act*.

Regulations

- 25.** For the purposes of this Act, the executive may make regulations in respect of
- (a) Nisga'a fishing licences and Nisga'a hunting licences including, but not limited to,
 - (i) any fees to be charged for application or issuance of licences,

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- (ii) applications and supporting documents for licences,
 - (iii) conditions of licences,
 - (iv) the term of licences,
 - (v) suspension of licences, the procedure for suspending licences and the effect of suspensions,
 - (vi) the issuance of Nisga'a fishing licences to persons who are not Nisga'a citizens, and
 - (vii) amendment or correction of licences,
- (b) the methods, timing and locations of harvesting in Nisga'a fisheries and permitting the director to vary those requirements,
 - (c) the methods, timing and locations of harvesting under Nisga'a wildlife entitlements and permitting the director to vary those requirements,
 - (d) the trade or barter of fish, aquatic plants or wildlife and the identification for trade or barter of fish, aquatic plants or wildlife,
 - (e) the sale of fish and aquatic plants harvested in Nisga'a fisheries and sale of wildlife harvests,
 - (f) the registration of fishing vessels that may be used for harvesting, for the purposes of sale, in Nisga'a fisheries including,
 - (i) any fees to be charged for registration of vessels,
 - (ii) applications and supporting documents for registrations,
 - (iii) conditions of registrations,
 - (iv) the term of registrations,
 - (v) suspension of registrations, the procedure for suspending registrations and the effect of suspensions,
 - (vi) amendment or correction of registrations,
 - (vii) the identification of registered fishing vessels, and
 - (viii) the change of ownership of a registered fishing vessel,

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- (g) the type of fishing gear and identification of fishing gear that may be used for harvesting in Nisga'a fisheries,
 - (h) the dumping and wasting of fish or wildlife fish,
 - (i) the release of incidental catch,
 - (j) the cleaning of fishing gear and authority to permit the cleaning of fishing gear,
 - (k) the carrying out of inspections and examinations of harvesting activities,
 - (l) the alteration of aquatic habitat and activities conducted in aquatic habitat,
 - (m) landing and reporting requirements for harvesting fish and wildlife fish and requirements to permit the identification of harvested fish and wildlife fish,
 - (n) the designation of landing sites and permitting the director to make those designations, and
 - (o) any other matter the executive considers necessary and advisable for purposes of this Act.

Transitional

- 26.** (1) Despite any other provision of this Act or the regulations, until June 15, 2001,
- (a) a Nisga'a citizen is deemed to be the holder of a Nisga'a fishing licence, and
 - (b) for purposes of section 3, a person who is in possession of proof that they are a Nisga'a citizen is deemed to be in possession of a valid and current Nisga'a fishing licence.
- (2) Despite any other provision of this Act or the regulations, until June 15, 2001,
- (a) a Nisga'a citizen who is 10 years of age or older is deemed to be the holder of a Nisga'a hunting licence, and
 - (b) for purposes of section 4(1), a person who is in possession of proof that they are 10 years of age or older and a Nisga'a citizen is deemed to be in possession of a valid and current Nisga'a hunting licence.

Commencement

27. Section 4(2) comes into force by regulation of the executive.

NISGA'A FISHERIES AND WILDLIFE ACT

LEGISLATIVE HISTORY

Nisga'a Fisheries and Wildlife Act, NLGSR 2000/16, in force May 11, 2000 (section 4(2) in force September 24, 2007 [NLGSR 2007/10])

Amendments

Section	Amendment	In Force
9	(2) amended [2001/08, s.2(1)]	March 31, 2001 [2001/08]
22	(1) and (2) repealed and replaced [2001/08, s.2(2)] (1) and (2) repealed and replaced [2018/01, s.1]	March 31, 2001 [2001/08] March 29, 2018
23	(1) amended and (2) added [2003/04, s.1]	March 7, 2003
26	(1) and (2) amended [2001/08, s.2(3)]	March 31, 2001 [2001/08]

Amending Acts:

NLGSR 2001/08	<i>Nisga'a Statute Amendment Act #3</i>
NLGSR 2003/04	<i>Nisga'a Statute Amendment Act #10</i>
NLGSR 2018/01	<i>Nisga'a Fisheries and Wildlife Amendment Act, 2018</i>

Regulations:

NLGSR 2001/06	<i>Nisga'a Fisheries Regulations</i>
NLGSR 2002/11	<i>Nisga'a Fisheries Regulation, 2002</i>
NLGSR 2003/03	<i>Nisga'a Fisheries Amendment Regulation, 2003</i>
NLGSR 2003/13	<i>Nisga'a Wildlife Regulations, 2003</i>
NLGSR 2004/03	<i>Nisga'a Wildlife Amendment Regulation, 2004</i>
NLGSR 2005/11	<i>Nisga'a Fisheries Regulations, 2002 Amendment Regulation, 2005</i>
NLGSR 2006/03	<i>Nisga'a Fisheries Regulation, 2002 Amendment Regulation, 2006</i>
NLGSR 2007/08	<i>Nisga'a Fisheries Designation Regulation</i>
NLGSR 2007/10	<i>Nisga'a Fisheries and Wildlife Regulation No. 2, 2007</i>
NLGSR 2012/03	<i>Nisga'a Fisheries Amendment Regulation, 2012</i>
NLGSR 2013/03	<i>Nisga'a Fisheries Amendment Regulation, 2013</i>