

NUNAVUT PARKS SERVICE FIREARMS PERMITTING POLICY

POLICY STATEMENT

The Department of Sustainable Development is committed to ensuring that all visitors, residents, and outfitters using Nunavut's Territorial Parks do so in a manner that protects personal safety, the safety of clients, and protects natural resources, while minimizing the impacts to wildlife populations from defense kills.

Changes to the regulations of the Territorial *Parks Act* authorize the Superintendent of Parks to issue a firearms-related Park Use Permit ("PUP") to outfitting companies, and individuals. A firearms-related PUP may only authorize the use of firearms for the emergency protection of park users from dangerous wildlife, as provided by ss. 3.3 of the *Territorial Parks Regulations* (see **Appendix A**). Except as may be authorized in the *Nunavut Land Claims Agreement*, hunting or the use of firearms other than for emergency protection are not authorized by the *Territorial Parks Act*, its regulations, or this policy.

Inuit using a park for the sole purpose of harvesting and/or harvesting-related activities as per the *Nunavut Land Claims Agreement* are exempt from the application of this Policy

1.0 PURPOSE

This policy establishes guidelines and duties for the Superintendent, when

- Deciding under the authority of the *Territorial Park Act* and *Regulations*, whether and on what conditions to issue a firearms-related PUP to an outfitting company or individual visiting a Territorial Park, or
- Exercising discretion under the authority of the *Territorial Park Act* and *Regulations*, to decide whether and on what conditions the requirement to obtain a PUP for firearm use may be waived.
- This policy also establishes guidelines concerning certain mandatory terms, compliance with, and the enforcement of firearms-related PUP's.

1.1 DEFINITIONS

Territorial Park: For the purposes of this policy a *Territorial Park* shall be defined as any Park designated as such within the appropriate appendix of the *Territorial Parks Act*.

Outfitter: For the purposes of this policy an *Outfitter* shall be defined as any individual or company licensed under the *Travel and Tourism Act*, *Outfitter Regulations*, to provide tourism-related outfitting services within Nunavut.

Guide: For the purposes of this policy a *Guide* shall be defined as any person employed by an Outfitter or Outfitting Company to lead clients through a territorial park.

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Park Use Permit: For the purposes of this policy a *Park Use Permit* is defined as a permit issued under the authority of the *Nunavut Territorial Parks Act* for the express purposes identified within the regulations of the *Nunavut Territorial Parks Act*.

Visitor: For the purposes of this policy a *Visitor* shall be defined as any individual who is a non-resident of Nunavut who decides to enter or use the facilities within a Territorial Park without the benefit of an Outfitter or Guide.

Client: For the purposes of this policy a *Client* shall be defined as any individual who uses the services of an Outfitter or Outfitting Company for the purpose of traveling within a Territorial park.

Resident: For the purposes of this policy a *Resident* shall be defined as an individual who has resided in Nunavut for a period of three consecutive months, or in the case of a business or company, *Resident* means an entity which can demonstrate Nunavut registration, and which maintains a duly registered head office in Nunavut.

2.0 CRITERIA

2.1 UNIVERSAL TERMS AND CONDITIONS

The Superintendent of Parks shall apply the following terms and conditions to **ALL** applicants wishing to obtain a firearms-related PUP for travel within a Territorial Park.

The Superintendent of Parks shall take all appropriate steps to ensure that applicants are fully informed about firearms uses which are authorized by a firearms-related PUP issued pursuant to ss.3.3 of the *Territorial Parks Regulations*, and firearms uses which are forbidden (**see Appendix A**).

All applicants shall provide the following documentation to the Superintendent or his/her designate:

- i) Evidence of having successfully passed the Canadian Firearms Safety Course.
- ii) Evidence of a valid possession or possession and acquisition license issued by the Government of Canada. (For Non-Canadian applicants evidence of a license which meets the criteria established by the Government of Canada and which the Government of Canada recognizes as a substitute will be accepted).
- iii) Evidence of the legal registration of the firearm to be used while in the Park (subject to all of the current terms and conditions established by the Government of Canada).
- iv) A complete written description of the firearm(s) to be carried within the Park will be required.

The Superintendent shall not issue a firearms-related permit to any applicant who proposes to bring a *prohibited or restricted* firearm (as defined by the *Canada Firearms Act*) into a Territorial Park). Only *non-restricted* firearms, as defined by the *Canada Firearms Act*, may be permitted.

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The Superintendent shall decline any application that does not comply with the above criteria.

The Superintendent shall include the following terms on all firearms-related PUP's:

- i) "The permit holder is authorized to possess and use a firearm in a Territorial Park under the terms and conditions more fully stated in this permit, and may discharge the firearm only where authorized to do so for the emergency protection of persons or property from dangerous wildlife, by ss. 3.3 of the *Territorial Parks Regulations*."
- ii) A person authorized by this permit to carry a firearm in a Territorial Park, shall carry the permit on his or her person at all times when in the Park.

2.2 OUTFITTER CRITERIA AND PROCEDURES

ALL Outfitters must meet the following criteria:

Non-Resident Outfitting Companies shall document to the Superintendent,

- i) A list naming all employees to be authorized by a firearms-related PUP issued in the name of that company;
- ii) Confirmation that all such employees have completed a bear safety and/or deterrence course acceptable to the Superintendent;
- iii) A statement of the qualifications and past experience of the Outfitter and employees, including their experience working in areas where dangerous animals are present;
- iv) The location and nature of all activities where the Outfitter proposes to carry a firearm, together with any inherent dangers anticipated.
- v) Other measures that will be used to ensure the safety of Clients while in the park, including a statement as to public liability insurance held by the Outfitter for the benefit of its Clients.

Nunavut outfitters shall provide the Superintendent with a copy of their most recent application for Outfitters License, and the License, and shall also indicate

- i) A list naming all employees to be authorized by a firearms-related PUP issued in the name of that company;
- ii) The location and nature of all activities where the Outfitter proposes to carry a firearm, together with any inherent dangers anticipated.
- iii) Experience of the Outfitter and employees working in areas where dangerous animals are present, and
- iv) Such additional information as may be required by the Superintendent.

If The Superintendent is not satisfied with the level of overall experience and expertise demonstrated by an Outfitter, he may require the Nunavut outfitter to complete a bear safety and/or deterrence course acceptable to the Superintendent, or the application may be declined.

The Superintendent shall deny **any** application that does not provide sufficient information to consider each of the criteria established above.

Permits issued to an Outfitter are non-transferable and applicable only to the person identified on the permit, except as provided below.

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The Superintendent shall require that Outfitting Companies who use multiple guides provide all of the required documentation for **each** guide expected to operate within a Territorial Park **before** a PUP will be issued in the name of that company.

Once a company has been issued a valid firearms-related PUP, then all guides employed by that company, and approved by the Superintendent, will be covered by this general company permit.

If any guide not previously approved by the Superintendent under a general company permit is found to be carrying a firearm within a Territorial Park as an employee of that company; that company's firearms-related PUP shall be immediately revoked, and the GN may also file charges or exercise other remedies pursuant to the *Territorial Parks Act* where warranted.

It is also understood that because of the nature of Outfitting in the North, and because of the fact that multiple trips are the norm for most companies, firearms related PUPs issued to outfitting companies may be issued on a seasonal or annual basis, not to exceed one year

Outfitting Companies shall be required to apply annually, and to comply with all of the relevant application criteria established by this policy.

The Department of Sustainable Development shall require the Superintendent of Parks to apply the criteria identified in **Sections 2.1 and 2.2** uniformly to **ALL** outfitting companies wishing to obtain a firearms-related PUP for operation within a Territorial park.

2.3 VISITOR CRITERIA AND PROCEDURES

A firearms-related PUP shall state the specific excursion dates, when the PUP is in effect. Annual and/or ongoing permits shall not be issued to visitors.

The Superintendent of Parks shall apply the criteria identified in **Section 2.1 and 2.3** uniformly to **ALL** Visitors wishing to obtain a firearms-related PUP:

In addition the applicant shall provide the following supporting documentation to the Superintendent or his/her designate:

- i) Evidence of having attended any mandatory bear awareness and safety presentations required by Nunavut Parks for visitors entering specific parks within Nunavut;
- ii) Whether the Visitor will be the Client of an Outfitter;
- iii) The Park or, location or area within a Park to be visited;
- iv) All activities, which the Visitor proposes for the excursion.

The Superintendent shall deny **any** application that does not provide the information required above, and shall consider all of the information provided in determining whether and on what terms a firearms-related PUP should issue.

2.4 RESIDENT CRITERIA AND PROCEDURES

A firearms-related PUP may be issued to residents on a trip-by-trip, or on an annual basis, and that the permit will be valid only for the dates specified.

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The Superintendent of Parks shall apply the criteria identified in **Section 2.1 and 2.4** uniformly to **ALL** Residents wishing to obtain a firearms-related PUP for operation within a Territorial Park:

All applicants shall provide the following supporting documentation to the Superintendent or his/her designate:

- i) Evidence of having attended any mandatory bear awareness and safety courses required by Nunavut Parks to anyone entering a specific park within Nunavut
- ii) Whether the Resident will be the Client of an Outfitter;
- iii) The Park or, location or area within a Park to be visited;
- iv) All activities, which the Resident proposes for the excursion.

The Superintendent shall deny **any** application that does not meet the criteria as established above.

3.0 INSPECTION AND CONTROL

The Superintendent may require as a stipulation to the issuance of a PUP; that while in a park, a firearm must be sealed, but that such sealing does not impede the safe and timely use of that firearm in an emergency.

To ensure compliance with or enforce a firearms-related PUP, the Superintendent, a Parks Officer or any other authorized official may exercise their full authority, including the authority pursuant to the *Territorial Parks Act* and *Regulations* to carry out examinations and inquiries, to issue orders, to cancel a permit or to lay charges.

4.0 EXCEPTIONS AND DISCRETIONARY WAIVERS OF PUP REQUIREMENTS

4.1 An Inuk, **NOT** affiliated with an Outfitting business, who intends to use his/her firearm for harvesting and/or harvesting-related activities, is exempt from any permit requirements.

4.2 An Inuk officially owning an outfitting business or employed as a guide, will be required to comply with the terms and conditions of this policy if he/she wishes to take clients into a Territorial Park.

4.3 Nunavut Wildlife Officers, Park Officers, authorized Park employees, and any Peace Officer acting in the course of his or her duties is exempt from any permit requirements and fees concerning their authorized use of a firearm.

4.4 The Superintendent may consider all of the following factors when applying his/her discretionary authority pursuant to ss. 3.3 of the *Territorial Park Regulations*, to decide whether and on what conditions the requirement to obtain a PUP for firearm use may be waived.

- i) The type of Park being visited;
- ii) The location of the Park, and the past history of negative encounters between wildlife and Park users in the area;
- iii) Any current information from Outfitters, adjacent HTOs as well as adjacent communities regarding the presence and/or location of dangerous wildlife within a Park;

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- iv) The duration of any proposed trip;
- v) The relative isolation of the park, and the ability of the user to obtain assistance from a Wildlife Officer or Parks Staff;
- vi) Such other factors related to the safety of persons and property in the Park, as the Superintendent deems relevant.

4.5 The Superintendent of Parks shall exercise his or her discretion to implement the following exceptions and variances.

1. For all travelers transiting a Territorial Park en route to another area outside of the Park boundary the Superintendent may waive permit requirements as authorized by Regulation 3.3 (7). The Superintendent may consider the following in making his/her decision:
 - i) The intended length of time to be spent within park boundaries,
 - ii) The intention of the traveler to stop for an extended period of time within the park boundaries (i.e. a day or more), and
 - iii) Such other factors related to the safety of persons and property in the Park as the Superintendent deems relevant.
2. Where local by-law prohibits the discharge of a firearm, (such as when a park falls within a community's municipal boundaries), or where the planned route of travel transects within range of an inhabited settlement, or where the potential for serious injury may occur if a firearm is discharged (such as in areas that are crowded or have historically high patterns of traffic and use), the Superintendent may exercise his discretion to refuse to issue a firearms-related PUP in the interest of public safety.
3. Where an applicant has indicated that he/she will be traveling through the Park with a licenced and permitted Outfitter, the Superintendent has the discretion to deny that applicant a firearm related PUP.
4. Because of current federal firearms permitting policies, the Superintendent shall have the discretion to waive the requirement for a foreign visitor** to show evidence of having taken a course similar to the Canadian Firearms Safety Course.

**** This exception does not extend to foreign nationals providing outfitting services in Nunavut, or who wish to work as guides for outfitting companies in Nunavut.**

5. The Superintendent may, based on the season a trip is taken into a Territorial Park, waive permit requirements.
6. Where there are reasonable grounds to do so, the Superintendent may waive the requirement for an applicant to attend a bear awareness and safety lecture prior to the issuance of a firearms-related Parks Use Permit for trips during the spring and winter months.

4.6 A Waiver issued by the Superintendent may be either verbal or written, when written the waiver shall state

- the area or areas
- persons or companies
- period of time and/or

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- class of activities

to which the waiver applies

For all waivers, both verbal and written the Superintendent shall record the waiver citing name address, time and date of application, plus period of validity.

In the case of verbal waivers, the Superintendent shall upon registering the waiver provide to the applicant a registration number which the applicant will then use as proof of the waiver's registration, if requested to do so by a Parks or Wildlife Officer. A copy of the written waiver must be retained by the applicant as proof of permission.

The Superintendent shall on a daily basis or as appropriate provide copies of all waivers processed to the affected community wildlife or parks office for the information of all officers patrolling a designated park or conservation area.

5.0 AUTHORITY OF THE SUPERINTENDENT OF PARKS

The Superintendent of Parks may:

- i) Levy a fee for the issuing of a firearms-related Parks Use Permit consistent with the complexity of the application and the fee structure outlined within the Territorial Parks Act.
- ii) Decline to issue a firearms-related PUP or waiver in appropriate circumstances consistent with the Act, Regulations and this Policy.
- iii) Cancel a firearms-related PUP in the event of a contravention of the Act, Regulations, or any directives of this Policy which have been included as terms and conditions binding on the PUP holder.

6.0 PREROGATIVE OF THE EXECUTIVE COUNCIL

Nothing in this policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions, or take actions respecting the information contained within this policy.

7.0 Sunset Clause

This policy will be in effect from the date of signature until March 2007.

This policy will be reviewed and evaluated by the Department on an annual basis.

Original Signed by: _____

Premier, and Chairman of the Executive Council

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Appendix A: TERRITORIAL PARKS REGULATIONS, AMENDMENT

The Commissioner, on the recommendation of the Minister, under section 15 of the *Territorial Parks Act* and every enabling power, makes the following regulations:

1. The *Territorial Parks Regulations, R.R.N.W.T. 1990, c. T-13*, as duplicated for Nunavut, are amended by these regulations.

2. The following is added after section 3:

Firearms

3.1 “Firearm” for the purposes of sections 3.2, 3.3 and 3.4 includes a gun that fires missiles by means of explosives, compressed air or springs, but does not include a bow or explosive device.

3.2 In a territorial park, the following persons may possess and discharge firearms without a permit:

- (a) an Inuk person engaged in hunting for food;
- (b) a person appointed as a wildlife officer under the *Wildlife Act*;
- (c) a park officer or authorized park employee; or
- (d) a peace officer acting in the course of his or her duties.

3.3 (1) The Superintendent may issue permits for the possession and use of firearms in a territorial park.

(2) A person applying for a permit must:

- (a) have a valid licence to possess a firearm under the *Firearms Act* (Canada);
- (b) propose to engage in an activity in the park
 - (i) for which a permit has been granted, or
 - (ii) which is authorized, pursuant to the *Territorial Parks Act* or other applicable legislation; and
- (c) be
 - (i) a licensed outfitter or employee of a licensed outfitter,
 - (ii) a guide,
 - (iii) a person intending to visit a park, or
 - (iv) a researcher.

(3) In deciding whether to issue a permit under subsection (1), the Superintendent shall consider all relevant factors, including but not limited to:

- (a) the qualifications and experience of the applicant;
- (b) the nature and inherent dangers of the proposed activity;
- (c) the location in which the proposed activity will take place;
- (d) the type and calibre of firearm proposed to be carried; and

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(e) any other factors related to the safety of persons and property in the park.

(4) A person who is granted a permit to possess and use a firearm in a territorial park may discharge the firearm with the intent to frighten or drive away wildlife only where it is necessary

- (a) to preserve his or her life;
- (b) to preserve the life of another person;
- (c) to protect his or her property; or
- (d) to protect another person's property.

(5) A person who is granted a permit to possess and use a firearm in a territorial park may discharge the firearm with intent to kill wildlife only where it is necessary

- (a) to preserve his or her life; or
- (b) to preserve the life of another person.

(6) A person who discharges a firearm in a park for any reason must, as soon as possible, provide a report to the Superintendent in a form and with content acceptable to the Superintendent.

(7) The Superintendent may, in his or her sole discretion, waive the requirement to obtain a permit to possess and use a firearm in a territorial park with respect to

- (a) an area or areas designated by the Superintendent,
- (b) a period of time, or
- (c) a class of activities.

(8) Subsections (4), (5) and (6) apply, with modifications as necessary, to a person carrying firearms in a territorial park under a Superintendent's waiver.

(9) A Superintendent's waiver may contain any conditions, qualifications and limitations the Superintendent considers necessary.

(10) Nothing in this section shall detract from the rights of Inuit or other aboriginal groups as established by the Nunavut Land Claims Agreement or other applicable aboriginal land claim settlements.

3.4 A person may carry and use without a permit bear deterrent devices such as cracker shells that are designed to frighten but not injure wildlife, unless the devices are intended to be discharged from a firearm.