

# Wild Life and Endangered Species Acts Enforcement Provision Changes

What We Heard



September 2024



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## Background

The Government of Newfoundland and Labrador is reviewing enforcement provisions under the Wild Life Act and the Endangered Species Act. The Wild Life Act, enacted before Confederation, is one of the oldest pieces of legislation in Newfoundland and Labrador. The Endangered Species Act was enacted in 2001. The fines and penalties in these acts are quite dated, and some language in both Acts and associate Regulations require modernization.

## Methodology

The Department of Fisheries, Forestry and Agriculture conducted a public consultation to gather input on proposed legislative changes to the Wild Life Act and Endangered Species Act, including an online questionnaire and written submissions.

The questionnaire was posted on the engageNL on December 19, 2023 until January 11, 2024. The department received 253 submissions via engageNL.

Questions were based on proposed changes to the Acts and Regulations. The two areas covered were:

- Increases to fines and penalties for various offences.
- New prohibitions and revised legislation/ regulations to modernize enforcement and regulatory language.

## Participants

A total of 253 participants completed the online questionnaire via the engageNL portal. Participants were from across the island of Newfoundland and five were from Labrador. The department received seven written responses, one telephone response, and one face-to-face meeting with an individual to further discuss their responses.

Most of the respondents were adults who either hunted or trapped. Almost all participants noted that they are involved in outdoor pursuits including hunting, berry picking, mountain biking, hiking, trapping, ATVing or simply owning a cabin.

<b>Areas represented by respondents:</b>	<b>Number of Responses</b>	<b>Percentage</b>
Avalon Peninsula (excluding Northeast Avalon)	33	13.04%
Burin Peninsula Region	7	2.77%
Clarenville and Bonavista Region	19	7.51%
Corner Brook and Rocky Harbour Region	37	14.62%
Gander and New-Wes-Valley Region	23	9.09%
Grand Falls-Windsor, Baie Verte and Harbour Breton Region	27	10.67%
Labrador	5	1.98%
Northeast Avalon (St. John's/Mount Pearl/CBS area)	68	26.88%
Outside of Newfoundland and Labrador	2	0.79%
St. Anthony and Sally's Cove Region	7	2.77%
Stephenville, Port aux Basques and Burgeo Region	19	7.51%
No answer	6	2.37%
<b>TOTAL</b>	<b>253</b>	<b>100.00%</b>

<b>I am answering these questions as a(n):</b>	<b>Number of Responses</b>	<b>Percentage</b>
Academic	12	1.04%
Adult member of the public	232	20.12%
Angler with a disability	4	0.35%
Berry picker	123	10.67%
Business group	7	0.61%
Cabin owner	113	9.80%
Conservationist/ Environmental organization	26	2.25%
Enforcement personnel	14	1.21%
Hiker	98	8.50%
Hunter	208	18.04%
Member of a community group	13	1.13%
Member of a hunter or trapper association	23	1.99%
Member of an Indigenous community	10	0.87%
Mountain biker	20	1.73%
Other Government official (municipal, provincial, or federal)	16	1.39%
Outfitter or guide	56	4.86%
Registered hunter	113	9.80%
Trapper	56	4.86%
Youth member of the public (17 years and under)	1	0.09%
Other	8	0.69%

## Survey Questions and Responses

### Wild Life Act and Regulations

#### Increases to Fines and Penalties for Various Offences

Respondents generally agreed to increasing fines and penalties for offences under the **Wild Life Act and Regulations** (54-75 per cent support depending on question). There was support for increased fines as a deterrent and to protect wildlife resources. Many respondents commented that they were not sure jail time was appropriate but agreed financial penalties should be used.

The only exception was question six, related to increased fines for minor offenses. Many respondents were unsure what was meant by minor offenses and thought this needed to be better defined. Most respondents disagreed with the proposed maximum. Several individuals did state that they felt \$500 was too low but that \$25,000 was extreme for a minor offence. There was the concern that honest people sometimes make mistakes and generally these minor offenses are mistakes.

Many respondents referenced an increased need for education regarding prohibitions under the Act and Regulations, including both before and after penalties are employed. Several respondents thought that, where appropriate, enforcement officers should consider educating people instead of laying charges.

When asked if anyone convicted of an offense involving big game should also be prohibited from hunting other species such as small game, and vice versa, 68 per cent of respondents agreed this is a good deterrent, but that judges need to be able to apply this prohibition based on the circumstances, including consideration of why the violation occurred.

#### Questions and Results

Question 1 **Government should increase fines and penalties for hunting and fishing violations under the Wild Life Act and Regulations.**

Response	Number of Respondents	Percentage of Respondents
Agree	167	66.01%
Disagree	51	20.16%
Unsure	33	13.04%
No answer	2	0.79%

**Question 2 Increase the fine for obstructing or impersonating a wildlife officer from the current maximum of \$500, to a maximum of \$25,000 and, if in default of payment, to imprisonment for a period not exceeding six months.**

Response	Number of Respondents	Percentage of Respondents
Agree	171	67.59%
Disagree	53	20.95%
Unsure	28	11.07%
No answer	1	0.40%

**Question 3 Increase the fine for prohibition of wastage of game from the current maximum of \$500, to a maximum of \$25,000 and, if in default of payment, to imprisonment for a period not exceeding three months.**

Response	Number of Respondents	Percentage of Respondents
Agree	149	58.89%
Disagree	58	22.92%
Unsure	45	17.79%
No answer	1	0.40%

**Question 4 Increase the fine for a first offense from the current \$1,000-\$5,000, to \$2,000-\$25,000, or imprisonment for a term not less than one month or more than six months, or to both a fine and imprisonment.**

Response	Number of Respondents	Percentage of Respondents
Agree	138	54.55%
Disagree	87	34.39%
Unsure	27	10.67%
No answer	1	0.40%

**Question 5 Increase the fine for a second offence from the current \$3,000-\$10,000, to \$6,000-\$25,000, or imprisonment for a term not less than one month or more than six months or to both a fine and imprisonment.**

Response	Number of Respondents	Percentage of Respondents
Agree	192	75.89%
Disagree	47	18.58%
Unsure	13	5.14%
No answer	1	0.40%

**Question 6 Allow general penalties for minor offences to increase from the current maximum of \$500, to \$25,000.**

Response	Number of Respondents	Percentage of Respondents
Agree	91	35.97%
Disagree	130	51.38%
Unsure	31	12.25%
No answer	1	0.40%

**Question 7 Persons convicted of an offense involving big game should also be prohibited from hunting other species such as small game, and vice versa.**

Response	Number of Respondents	Percentage of Respondents
Agree	173	68.38%
Disagree	59	23.32%
Unsure	20	7.91%
No answer	1	0.40%

### **New Prohibitions and Revised Legislation/ Regulations**

There is general agreement that the definition of a dwelling should include industrial work camps occupied for more than three months throughout the year. Several respondents suggested cabins should be included in the definition of a dwelling. Others noted it would be too difficult to hunt if cabins were included and most are vacant most of the time.

Sixty-eight percent of respondents agree that live traps should be checked at least once every 24 hours. However, several respondents did point out that there are often safety considerations, such as winter storms, that sometime prevent the daily check.



Fifty-eight per cent of respondents did not agree that hunters should be required to affix big game tags (moose or caribou) to the animal immediately following its death, prior to cleaning or dressing the animal and removing any parts. Many respondents cited concerns if an animal has to be left overnight, the animal may go missing and the hunter wouldn't be able to go hunting again. There doesn't seem to be an understanding that a licence is to take one animal only. Others raised concern that if the animal must be moved the tags could get torn, which could cause issues with cleaning the animal, and that bleeding and paunching the animal should be priority.

To help clarify current legislation, respondents were asked if individuals should be permitted to take their dog(s) into places frequented by wildlife as long as the dog(s) remain under the direct control of their handler and the dog(s) does not harass any wildlife. Seventy-one of respondents agreed.

With respect to increasing the time associated with the Statue of Limitations on wildlife offenses from one year to three, respondents were split (50 per cent in support and 40 per cent not in agreement).

**Question 8 The current wildlife regulations prohibits the discharge of a firearm within 1,000 meters of a school, playground, athletic field or within 300 meters of a dwelling. Government is currently developing a definition of a dwelling which will primarily include residences within municipalities and local service districts. The definition of a dwelling should also include industrial work camps where there are occupants living there for more than three (3) consecutive months throughout the year.**

Response	Number of Respondents	Percentage of Respondents
Agree	173	68.38%
Disagree	52	20.55%
Unsure	27	10.67%
No answer	1	0.40%

**Question 9 Hunters and trappers should be required to check live holding devices (traps and snares) every 24 hours.**

Response	Number of Respondents	Percentage of Respondents
Agree	173	68.38%
Disagree	51	20.16%
Unsure	28	11.07%
No answer	1	0.40%

**Question 10 Hunters should be required to affix big game tags (moose or caribou) to the animal immediately following its death, prior to the cleaning or dressing of the animal and the removal of any parts.**

Response	Number of Respondents	Percentage of Respondents
Agree	79	31.23%
Disagree	148	58.50%
Unsure	25	9.88%
No answer	1	0.40%

**Question 11 Currently under Wild Life Regulations, dogs are not permitted to be in an area frequented by wildlife during April 1 to August 31, except under permit. Individuals should be permitted to take their dog(s) into places frequented by wildlife as long as the dog(s) remain under the direct control of their handler and the dog(s) does not harass any wildlife.**

Response	Number of Respondents	Percentage of Respondents
Agree	181	71.54%
Disagree	52	20.55%
Unsure	17	6.72%
No answer	3	1.19%

**Question 12 The Statute of Limitations (The time limit from the date of occurrence in which charges (court proceedings must be initiated) on wildlife offences should be extended from one year to three (3).**

Response	Number of Respondents	Percentage of Respondents
Agree	127	50.20%
Disagree	103	40.71%
Unsure	22	8.70%
No answer	1	0.40%

### **Endangered Species Act Revised Legislation**

Respondents were asked one question regarding the Endangered Species Act, which was based on revisions to the legislation to modernize language in line with current procedures. The Provincial Government is considering whether to increase the decision-making period following a recommendation by an assessment body from 90 days to 180 days to provide ample time for consultation if required. Sixty per cent of respondents agreed with this change, with many supporting the additional time allowance as an opportunity to conduct meaningful consultation.

**Question 13 Under the Endangered Species Act, government receives recommendations for the listing of species from two committees, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Species Status Advisory Committee (SSAC). Currently government is required to make a decision within 90 days of receiving the recommendation. Government is looking to extend this time to provide sufficient time to undertake Indigenous consultation and appropriate stakeholder engagement. Government should extend the time required for a listing decision from 90 days to 180 days, after receiving a recommendation from COSEWIC or the SSAC.**

Response	Number of Respondents	Percentage of Respondents
Agree	152	60.08%
Disagree	53	20.95%
Unsure	45	17.79%
No answer	3	1.19%

### Increases to Fines and Penalties for Various Offences

Respondents generally agreed to increases in fines and penalties for offences under the **Endangered Species Act** (62-74 per cent support depending on question). Most respondents commented that Species at Risk protections require strong fines and penalties to support them. Respondents mentioned that increased education is required, as well as leniency for honest mistakes. Respondents overwhelmingly agreed that corporation fines should increase, and corporations should be held accountable for violations of the Endangered Species Act.

**Question 14 Increase the fine for a first offense from the current \$1000-\$50,000, to new fines of \$3000-\$50,000, or imprisonment for a term not less than one month or more than six months, or to both a fine and imprisonment.**

Response	Number of Respondents	Percentage of Respondents
Agree	158	62.45%
Disagree	71	28.06%
Unsure	21	8.30%
No answer	3	1.19%

**Question 15 Increase the fine for a second offence from the current \$2,000-\$100,000, to new fines of \$6,000-\$100,000, or imprisonment for a term not less than one month or more than six months, or to both a fine and imprisonment.**

Response	Number of Respondents	Percentage of Respondents
Agree	172	67.98%
Disagree	58	22.92%
Unsure	20	7.91%
No answer	3	1.19%

**Question 16 Increase the fine for a third offence or more from the current \$4,000-\$200,000, to new fines of \$12,000-\$250,000, or imprisonment for a term not less than one month or more than six months, or to both a fine and imprisonment.**

Response	Number of Respondents	Percentage of Respondents
Agree	165	65.22%
Disagree	63	24.90%
Unsure	20	7.91%
No answer	5	1.98%

**Question 17 Endangered Species Act penalties for a corporation should no longer be separated into first, second and third offences, but should be changed to a fine of not less than \$5,000 and no more than \$2,000,000.**

Response	Number of Respondents	Percentage of Respondents
Agree	172	67.98%
Disagree	50	19.76%
Unsure	29	11.46%
No answer	2	0.79%

**Question 18 Endangered Species Act penalties for a corporation should no longer be separated into first, second and third offences, but should be changed to a fine of not less than \$5,000 and no more than \$2,000,000.**

Response	Number of Respondents	Percentage of Respondents
Agree	166	65.61%
Disagree	56	22.13%
Unsure	27	10.67%
No answer	4	1.58%

Question 19 **Where a corporation obstructs a wildlife officer, the fine should increase from not exceeding \$500 and imprisonment for a period not exceeding six months currently, to a fine of not less than \$10,000 and no more than \$50,000.**

Response	Number of Respondents	Percentage of Respondents
Agree	188	74.31%
Disagree	33	13.04%
Unsure	29	11.46%
No answer	3	1.19%

### **Additional comments on the proposed amendments**

Respondents were asked if they would like to add additional comments regarding the proposed amendments to the **Wild Life Act, Endangered Species Act**, and applicable regulations. One hundred and forty-two respondents provided additional comments, covering items pertinent to the consultation at hand, and others that were outside the scope of the consultation. Those relevant to the proposed amendments were consistent with the results outlined in the previous questions.

Topics covered by the additional comments included:

- General wildlife management.
- Fish management and enforcement.
- No hunting zones and dwelling definition.
- Program for hunters and anglers with disabilities.
- Enforcement of legislation and officer conduct.
- Additional regulation changes on hunting practices.
- Wildlife Reserves.
- Firearms.
- ATV and drone use/ regulations and considerations.
- Not for profit licences.
- Outfitting industry.
- Forest industry and safety.
- Definition of Resident as it relates to retired Armed Forces members.

### **Written Submissions**

The department received six written submissions, with only two focused on the proposed amendments.

- A non-governmental environmental organization supported proposed fine increases and thought the amendments could go further by providing harsher penalties with respect to netting rivers, including increased penalties associated with a prohibition against holding a licence.
- An individual requested providing the ability to get others to hunt on your licence if you needed help or couldn't get out in the woods.
- A veteran requested to have the definition of resident include Newfoundlanders and Labradorians who are veterans and don't live in the province after they retire.
- An individual requested amending the Wildlife Regulations to incorporate falconry.
- An individual recommended the department should consider including prohibitions against feeding wildlife as part of the amendment.

## Conclusion

In general, respondents supported the increase of fines under both the **Wild Life Act and Regulations**, and the **Endangered Species Act**, although some respondents added that they thought some of the fine increases were too high and jail time was not warranted for these infractions.

Many respondents included the need for additional education and public outreach as part of their comments. Respondents encouraged considering using education first before ticketing or laying charges.

Conservation concerns for big game populations and inland fish species (salmon and trout) were shared by many respondents over multiple questions. The information gathered through the online questionnaire will help prioritize future regulatory changes to the **Wild Life and Endangered Species Acts**.

The Department of Fisheries, Forestry and Agriculture appreciates the thoughtful feedback of all participants and the passion and dedication of the hunting community and outdoor enthusiasts to the conservation of our wild species in this province.

