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CHAPTER W-4.1
WILDLIFE CONSERVATION ACT
FUR HARVESTING REGULATIONS

Pursuant to section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

1. (1) In these regulations
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| | Definitions |
| (a) "Act" means the <i>Wildlife Conservation Act</i> R.S.P.E.I. 1988, Cap. W-4.1; | Act |
| (b) "body-gripping trap" means any device designed to catch and hold an animal by the body rather than by the foot, but does not include a snare; | body-gripping trap |
| (c) "box trap" means any box-shaped trap designed to capture an animal alive by constraining the animal only by means of the walls of the trap, which may be made in any shape or size and of any material such as wood, metal, wire, netting or other material; | box trap |
| (d) "certificate" means a trapper education certificate issued under subsection 3(4); | certificate |
| (e) "Department" means the Department of Environment, Energy and Forestry; | Department |
| (f) "former Act" means the <i>Fish and Game Protection Act</i> R.S.P.E.I. 1988, Cap. F-12; | former Act |
| (g) "green hide" means a raw or untanned hide or pelt of a fur-bearing animal; | green hide |
| (h) "running pole set" means a pole that is secured to a tree at an incline and that has a trap attached to it; | running pole set |
| (i) "spring pole set" means a device intended to raise into the air an animal caught in a live-holding device; | spring pole set |
| (j) "submarine trap" means a trap made of any material of box-like construction designed to be set underwater and capable of taking more than one fur-bearing animal at a time. | submarine trap |
- (2) Animals listed in Schedule A are designated as fur-bearing animals for the purposes of the Act and these regulations. (EC663/04)
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| | Fur-bearing animals |
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TRAPPING LICENSES

- Trapping license 2. (1) The Minister may issue a trapping license to an applicant who
- (a) either
 - (i) was the holder of a trapping license under the former Act and who was issued a registration number prior to 1987, or
 - (ii) is at least 16 years of age and has successfully completed a trapper education program approved by the Minister;
 - (b) pays the prescribed fee set out in Schedule B; and
 - (c) is not precluded from making an application under subsection (3).
- Junior trapping license (2) The Minister may issue a junior trapping license to an applicant who
- (a) is under 16 years of age;
 - (b) has successfully completed a trapper education program approved by the Minister; and
 - (c) pays the prescribed fee set out in Schedule B.
- If license suspended (3) A person whose license was suspended under subsection 31(2) of the Act may not make an application for a trapping license unless
- (a) the suspension has expired; and
 - (b) the applicant holds a trapper education certificate issued after the applicant's license was suspended.
- Trapper registration number (4) The Department shall, in respect of each person who is issued a trapping license,
- (a) assign to the person a permanent trapper registration number, which shall be a letter and number combination or a combination of letters that is unique to each such person; and
 - (b) issue to the person metal dies containing the person's permanent trapper registration number for stamping traps or snares in accordance with subsection (5).
- Tagged traps or snares (5) No person shall set a trap or a snare for a fur-bearing animal unless the trap or snare is clearly stamped with the person's permanent trapper registration number using the metal dies issued to the person by the Department under subsection (4).
- Exception (6) A trapping license issued under these regulations authorizes the holder, during the term of the license, to trap fur-bearing animals listed in Schedule A, subject to the Act and these regulations.
- Idem* (7) For greater certainty, a snowshoe hare is not a fur-bearing animal for the purposes of the Act and these regulations.

(8) A trapping license issued under these regulations expires on March 31st following the date of issue. (EC663/04) Term

TRAPPER EDUCATION PROGRAM

3. (1) A trapper education program, approved by the Minister, shall be offered by or on behalf of the Department at least once annually for the purpose of training people in internationally accepted standards for trapping fur-bearing animals. Trapper education program

(2) A fee, approved by the Minister, may be charged for the program. Fee

(3) An application for the program shall be made on the form approved by the Minister. Application form

(4) A trapper education certificate shall be issued by the Minister to persons who have successfully completed the program. Trapper education certificate

(5) No person under the age of 12 years may take the program, unless permitted by the Minister to do so. (EC663/04) Under age 12

SNARES

4. (1) No person shall place in wildlife habitat any snare constructed of wire having a gauge larger than single strand brass wire of 20 gauge except during the open season for snaring red fox or coyote. Wire gauge

(2) All snares constructed of wire having a gauge larger than single strand brass wire of 20 gauge shall be equipped with a self-locking device. Larger than 20 gauge

(3) Subsections (1) and (2) do not apply to snares set under water during the open season for beaver. Exception

(4) No person, while in wildlife habitat, shall be in possession of snares that are not clearly marked with the person's permanent trapper registration number. Unmarked snares

(5) No person shall set a snare for coyote or red fox within 50 metres of a bait unless Bait

(a) the bait is camouflaged or concealed in a manner that renders the bait undetectable from the air; or

(b) the bait is placed in an open field. (EC663/04)

BODY-GRIPPING TRAPS

5. (1) For the purposes of this section, "dog-proof enclosure" means a special trap-holding device that is designed to keep a dog away from a "dog-proof enclosure", defined

trap by creating a barrier to the trap allowing entry only to fur-bearing animals through certain openings.

- Body-gripping trap (2) No person shall set a body-gripping trap having a jaw spread greater than 16 cm (6.3 inches) except
- (a) in or over water;
 - (b) in a dog-proof enclosure that meets the requirements of subsections (3) to (5); or
 - (c) where the trap is set at least 1.5 m (5 feet) off the ground.
- Standards for dog-proof enclosure (3) A dog-proof enclosure used for a body-gripping trap shall be placed so that no part of the opening of the enclosure is more than 12.7 cm (5 inches) off the ground.
- Idem* (4) A dog-proof enclosure used for a baited or scented set using a body-gripping trap not greater than 17.78 cm by 17.78 cm (7 inches by 7 inches) shall not have
- (a) any opening greater than 322.6 cm² (50 inches²) in area unless the trap trigger is set back at least 17.78 cm (7 inches) from any opening; or
 - (b) any opening greater than 20.32 cm (8 inches) in height and greater than 25.4 cm (10 inches) in width unless the trap tripper is set back at least 25.4 cm (10 inches) from any opening.
- Idem* (5) A dog-proof enclosure used for an unbaited or unscented set using a body-gripping trap not greater than 17.78 cm by 17.78 cm (7 inches by 7 inches) shall not have any opening greater than 25.4 cm by 25.4 cm (10 inches by 10 inches) unless the trap trigger is set back at least 38.1 cm (15 inches) from any opening. (EC663/04)

FOOT-HOLD TRAPS

- Foot-hold traps **6.** (1) No person shall set a foot-hold trap
- (a) for beaver, mink or muskrat unless the trap is attached to a device that is designed to submerge the animal under water and prevent the animal from resurfacing;
 - (b) for mink or muskrat unless the trap is sufficiently heavy to submerge the animal under water and prevent the animal from resurfacing;
 - (c) for weasel or red squirrel unless the trap is set in such a manner as to kill the animal immediately upon the springing of the trap;
 - (d) for raccoon unless the trap has jaws which are padded with a rubber compound specifically designed to minimize injury to the animal; or
 - (e) for coyote or red fox unless the trap has
 - (i) laminated jaws,

- (ii) off-set jaws,
- (iii) padded jaws, or
- (iv) other similarly effective means of improving the humaneness of the trap.

(2) No person shall set a foot-hold trap for a fur-bearing animal not referred to in subsection (1). Offence

(3) No person shall set No pole set with foot-hold trap
 (a) a running pole set; or
 (b) a spring pole set,
 in combination with a foot-hold trap. (EC663/04)

GENERAL RESTRICTIONS AND DUTIES

7. No person shall set a toothed trap, a deadfall or a hook. (EC663/04) Other traps

8. (1) No person shall, with respect to a particular species of fur-bearing animal, Out of season traps

- (a) place a trap in wildlife habitat, either set or unset, before the first day of the open season for that species; or
- (b) leave a trap in wildlife habitat, either set or unset, after the close of the trapping season for that species.

(2) No person shall, while in wildlife habitat, possess or set a trapping device during open season for fur-bearing animals, unless the trapping device is Permitted trapping devices

- (a) a box trap;
- (b) a body-gripping trap that is designed to kill quickly;
- (c) a submarine trap;
- (d) a non-powered snare; or
- (e) a steel-jawed trap that has a jaw spread of less than 19 cm (7.5 inches).

(3) Subsection (2) does not apply to a person who possesses or sets a trap not listed in subsection (1) under the authority of a license or permit from the Minister. (EC663/04) Exception

9. (1) No person shall Prohibited activities

- (a) cut, spear, break, destroy or otherwise interfere with the den or burrow of a red fox or coyote;
- (b) cut, spear, break, destroy or interfere with any beaver house or dam, a mink den, a muskrat house or den, or set a trap within 3 metres (10 feet) of the house or den of a beaver;
- (c) except during the open season for mink or muskrat, set a trap for, or attempt to trap, raccoon in places frequented by mink or muskrat, or attempt to trap raccoon by the use of traps set in or over water;

- (d) take or attempt to take any beaver, mink or muskrat by any means other than trapping;
- (e) set a trap designed to hold an animal alive without examining each trap at least once a day;
- (f) set a trap designed to kill an animal without examining each trap at least once every 48 hours;
- (g) break, interfere with, destroy, remove or otherwise disturb any trap not registered to that person;
- (h) set a snare within 200 m (656 feet) of an occupied dwelling without the permission of the homeowner or occupier;
- (i) set a baited snare within 300 m (984 feet) of an occupied dwelling without the permission of the homeowner or occupier; or
- (j) set a snare for red fox or coyote unless the snare is constructed of wire having a minimum size of 1.98 mm (5/64 inches).

Exception (2) Subsection (1) does not apply to any person responsible for the enforcement of this Act while in the discharge of the person's duty. (EC663/04)

POSSESSION, SALE AND EXPORT OF FURS

Green hides, etc. **10.** (1) No person shall, without a permit issued by the Minister under section 10 of the Act, be in possession of the green hide, carcass or any portion of a fur-bearing animal during the period between 10 days after the close of a season and the first day of the next open season for that fur-bearing animal.

Information, etc. to conservation officer (2) Every person in possession of a green hide, carcass or any portion of a fur-bearing animal shall, when required by a conservation officer,

- (a) provide information on the trapping of the fur-bearing animal; and
- (b) turn over to the conservation officer or other employee of the Department the green hide, carcass or any portion of the fur-bearing animal.

Sale only to dealer (3) No person shall buy, acquire or deal in the pelts or hides of any fur-bearing animal, skinned or unskinned, unless the person holds a valid fur dealer's license issued under these regulations. (EC663/04)

Fur dealer's license **11.** (1) The Minister may, on application, issue a fur dealer's license to an applicant if the applicant files the following information with the Minister:

- (a) the name and address of the applicant and, if applicable, the partners and the head office or chief place of business in the province;

- (b) the names and addresses of all agents in the province employed in buying or selling furs;
- (c) the location of the warehouses, shops or other buildings in which skins or furs will be stored;
- (d) the location from which skins or furs will be shipped out of the province by the applicant.

(2) Where a change occurs in the information provided under subsection (1), the holder of the fur dealer's license shall immediately file with the Minister the necessary changes to the information previously filed.

Changes in
information

(3) The Minister may, at any time, cancel or suspend a fur dealer's license where the Minister has reason to believe that

Cancel, suspend
license

- (a) the information provided by the fur dealer is inaccurate or outdated; or
- (b) the holder of the fur dealer's license has contravened the Act or these regulations.

(4) A fur dealer's license authorizes its holder to buy, sell, barter, or offer for sale or barter the skins and furs of any fur-bearing animal, and generally to carry on the business of a fur dealer in the province. (EC663/04)

Fur dealer's license

12. (1) No person shall carry on the business of a fur dealer, or buy, sell, barter or offer for sale any fur-bearing animal, or the skin, fur, green hide or part of any fur-bearing animal, without a fur dealer's license issued under these regulations.

Sale of furs, etc.

(2) Notwithstanding subsection (1), a person holding a valid trapping license may sell the skin, fur, green hide or part of any fur-bearing animal to a licensed fur dealer. (EC663/04)

Sale to fur dealer

13. (1) Every licensed fur dealer shall

Records

- (a) keep a record of
 - (i) all skins, furs, green hides and parts of any fur-bearing animal bought or acquired,
 - (ii) the names and addresses of the persons from whom they were bought or acquired, and
 - (iii) the date of purchase or acquisition; and
- (b) make records kept under this section available for inspection by a conservation officer or other employee of the Department at all reasonable times.

(2) Subject to subsection (3), every licensed fur dealer shall, on or before the tenth day of each month during any open season and within 30

Reports

days following the closing of any season, make a report to the Director of Wildlife, stating

- (a) the number and species of furs bought by the licensed fur dealer during the preceding month;
- (b) the names and addresses of the persons from whom they were bought and to whom sold; and
- (c) the number and species of skins or furs taken by hunting or otherwise captured by such holder during the preceding month.

Idem

(3) Where a licensed dealer has not bought or otherwise acquired skins or furs during the preceding month, the licensed dealer shall make a report to the Director of Wildlife stating that no skins or furs have been bought or acquired.

Idem

(4) No licensed fur dealer shall make a false statement in a report, or refuse to produce records for inspection by a conservation officer or other employee of the Department. (EC663/04)

Offence and penalty

14. Every person who contravenes any provision of these regulations is guilty of an offence and is liable, on summary conviction, to a fine not less than \$200 and not more than \$10,000. (EC663/04)

15. (1) The *Fish and Game Protection Act* General Regulations (EC818/66) are amended

(a) in section 9, by the revocation of Division 4; and

(b) by the revocation of

- (i) the heading preceding subsection 38(1),**
- (ii) subsections 38(1), 39(1) and sections 40 to 46,**
- (iii) sections 48 to 50, and**
- (iv) sections 52 to 56.**

(2) The *Wildlife Conservation Act* Regulations (EC676/98) are amended by the revocation of sections 3 and 5. (EC663/04)

SCHEDULE A

FUR-BEARING ANIMALS

beaver
bobcat
coyote
eastern chipmunk
fisher
lynx
marten
mink
muskrat
northern flying squirrel
river otter
raccoon
red fox
red squirrel
striped skunk
weasel (ermine)
wolverine

(EC663/04)

SCHEDULE B
FEES

(All fees include G.S.T.)

1. Trapping License	\$10
2. Junior Trapping License	\$5

(EC663/04)