

New NWT Wildlife Act Comes Into Force November 28, 2014

By [John Donihee](#), Of Counsel. © Willms & Shier Environmental Lawyers LLP



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On November 28, 2014 the new Northwest Territories Wildlife Actⁱ will be called into force. The new Act sets out a comprehensive framework for the management of wildlife in the Northwest Territories and will affect all harvesters, including Aboriginal people, residents and non-residents using the services of Outfitting businesses. In addition, the statute's framework for wildlife and habitat management includes new provisions which will be of interest to resource developers operating or planning projects in the NWT. The result is a new statute and regulations which have been unanimously endorsed by all participants in the legislative development process. Most importantly, the legal framework resulting from this effort is consistent with Aboriginal rights, including land claims, and promises to accommodate the rights and interests of Aboriginal people in the future management of Northwest Territories wildlife.

This legislative event, years in the making, is the culmination of collaboration between the Government of the Northwest Territories, Aboriginal organizations including those with settled land claims, Métis and First Nations which are still in the negotiation process, and wildlife co-management tribunals which play a central role in wildlife management in the NWT. Work on the details of the regulations is ongoing, but the Act and most regulations will be in effect on November 28, 2014. This legislative effort also enacted the *Northwest Territories Species at Risk Act*,ⁱⁱ in 2009.

Key Aims and Effects of the Act

The new Act sets out a comprehensive modern framework for the management of wildlife in the Northwest Territories. It ensures that wildlife management will integrate Aboriginal rights and interests while contributing to the sustainability of northern wildlife. It will:

- ◆ integrate and ensure recognition and respect for Aboriginal rights in the wildlife management process
- ◆ encourage conservation and stewardship of wildlife and habitat
- ◆ enhance local control in the management of wildlife
- ◆ promote harvester training to improve safety and wildlife conservation
- ◆ permit better management of conservation areas
- ◆ establish a framework for wildlife and habitat management planning and monitoring in concert with resource development, and
- ◆ modernize enforcement provisions and increase penalties for offences.

Integration of NWT Land Claims and Collaborative Development Process

This new legislation is unique. It fully integrates the four existing land claims in force in the NWTⁱⁱⁱ and accommodates the Aboriginal rights and interests of Métis and First Nations which are still in the negotiating process. The Act was drafted through an open and inclusive process which involved direct collaboration between government officials, Aboriginal leaders, co-management tribunals and their counsel. The Government of the Northwest Territories underwrote extensive consultation with Aboriginal rights holders and the public throughout the process.

For further information about this legislation or its effects on wildlife conservation or resource development, please contact John Donihee directly at jdonihee@willmsshier.com / 613-217-8521.

John Donihee is Of Counsel at Willms & Shier Environmental Lawyers LLP and one of Canada's foremost experts in environmental, regulatory, administrative and Aboriginal law in Canada's North. John received the Government of the Northwest Territories Premier's Award for Collaboration in June 2014. This award recognized John's outstanding contribution to government goals and the public interest through his participation in a working group of government and Aboriginal representatives in drafting the new Northwest Territories Wildlife Act. You can reach John at 613-217-8521 or at jdonihee@willmsshier.com.

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ⁱ Bill 3, Fourth Session, Seventeenth Assembly, Royal Assent, November 1, 2013.

ⁱⁱ SNWT 2009, c 16.

ⁱⁱⁱ These include the Inuvialuit, Gwich'in, Sahtu and Tlicho final agreements.