

The Wildlife-Landowner Assistance Regulations, 1991

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Chapter W-13.1 Reg 48
(effective December 17, 1991).

Table of Contents

- 1 Title
- 2 Interpretation
- 3 Wildlife survival
- 4 Preventative assistance
- 5 Damage assistance
- 6 Calculation and proration of payments
- 7 Labour requirements
- 8 R.R.S. c.W-13.1 Reg 6 repealed

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

CHAPTER W-13.1 REG 48

The Wildlife Act

Title

1 These regulations may be cited as *The Wildlife-Landowner Assistance Regulations, 1991*.

Interpretation

2 In these regulations:

- (a) **“approved”** means approved by the minister;
- (b) **“big game”** includes:
 - (i) pronghorn antelope;
 - (ii) bear;
 - (iii) bison, other than domestically raised bison; and
 - (iv) any member of the deer family, whether known as caribou, deer, elk, moose or otherwise;
- (c) **“game”** means big game or game bird;
- (d) **“game bird”** means migratory game bird or upland game bird;
- (e) **“livestock”** means cattle, horses, mules, swine, sheep and goats and includes chicken, turkeys, geese and ducks;
- (f) **“migratory game bird”** includes any game bird protected by the *Migratory Birds Convention Act* (Canada), as amended from time to time, or the regulations made under that Act;
- (g) **“open season”** means, with respect to a species of wildlife, an open season established pursuant to *The Wildlife Act* during which it is lawful to hunt that species;
- (h) **“provincial park”** means a provincial park as defined by *The Parks Act*;
- (i) **“upland game bird”** includes the following birds and the birds of all species of the following families:
 - (i) tetraonidae, commonly known as grouse, including ruffed grouse, spruce grouse, prairie chickens, sharp-tail grouse, sage grouse and ptarmigans; and
 - (ii) phasianidae, commonly known as pheasants and partridges, including ring-necked pheasants, European grey or Hungarian partridges.

Wildlife survival

3 During winters when, in the minister's opinion, wildlife mortality is likely, the minister may provide:

- (a) funds; or
- (b) in his or her discretion, materials or feed;

in any amount and manner that the minister considers reasonable in the circumstances, to approved persons or organizations, to meet all necessary expenses to ensure that an approved program for wildlife survival is carried out.

27 Dec 91 cW-13.1 Reg 48 s3.

Preventative assistance

4(1) The minister may provide preventative assistance to an owner of agricultural produce in order to prevent damage to the owner's agricultural produce by game where the owner:

- (a) in the opinion of the minister, has taken all reasonable steps to protect the agricultural produce from damage; and
- (b) has informed a wildlife officer of impending damage or on the first sign of damage.

(2) Subject to subsections (3) and (4) and section 6, the maximum amount of preventative assistance that may be provided pursuant to subsection (1) is equal to the amount required to reimburse the owner for the cost of:

- (a) any materials authorized by a wildlife officer to protect the agricultural produce from damage; and
- (b) any agricultural produce used in a program sanctioned by a wildlife officer.

(3) The minister may, in his or her discretion, provide the materials or agricultural produce described in clauses (2)(a) and (b) in lieu of providing preventative assistance.

(4) No preventative assistance material or produce is to be provided pursuant to this section for:

- (a) hay bales that have not been collected from the field and stacked;
- (b) standing grain that is unharvested due to poor farming practices; or
- (c) unprotected grain piles or grain that is stored in a negligent fashion or in a structure that is in a state of disrepair.

27 Dec 91 cW-13.1 Reg 48 s4.

Damage assistance

5(1) The minister may provide damage assistance to an owner of livestock where damage to the owner's livestock by bears or cougars continues despite the application of the preventative measures recommended by a wildlife officer.

W-13.1 REG 48 WILDLIFE-LANDOWNER ASSISTANCE, 1991

(2) Subject to subsections (3) and (4) and section 6, the total amount of damage assistance payable to each claimant in each fiscal year of the department is the lesser of:

- (a) \$2,500; or
- (b) 75% of the damage assessed by a wildlife officer.

(3) No payment of damage assistance is to be made pursuant to this section:

- (a) where damage is assessed at an amount equal to or less than \$100;
- (b) for damage to livestock, where the damage is the result of insufficient surveillance by the owner of the livestock leading to an undue delay in notifying a wildlife officer of damage or impending damage in time to institute preventative techniques;
- (c) where the owner has not complied to the best of his or her ability with all recommendations made by a wildlife officer to prevent or reduce wildlife damage;
- (d) for damage to livestock occurring within a provincial park or in the Northern Provincial Forest.

(4) After a claim has been paid, a wildlife officer may prescribe measures to be taken by the owner to prevent future damage and no further damage assistance is payable to that owner unless the owner takes the specified preventative measures.

27 Dec 91 cW-13.1 Reg 48 s5.

Calculation and proration of payments

6(1) Calculation of claims for damage are based on market prices at the time of the loss.

(2) Individual payments made pursuant to these regulations for the amount of all claims received for damage may be prorated at the minister's discretion in proportion to the moneys appropriated for the program in each fiscal year.

27 Dec 91 cW-13.1 Reg 48 s6.

Labour requirements

7 Persons obtaining assistance pursuant to these regulations are responsible for providing any labour necessary to:

- (a) properly utilize and maintain preventative materials; or
- (b) operate wildlife survival programs.

27 Dec 91 cW-13.1 Reg 48 s7.

R.R.S. c.W-13.1 Reg 6 repealed

8 *The Wildlife-Landowner Assistance Regulations* are repealed.

27 Dec 91 cW-13.1 Reg 48 s8.