



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

WILDLIFE CONSERVATION ACT GROUND HEMLOCK REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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WILDLIFE CONSERVATION ACT
Chapter W-4.1

GROUND HEMLOCK 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. Definitions

In these regulations

- (a) “**Act**” means the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;
- (b) “**buying station**” means a site or facility where harvested ground hemlock is brought to be weighed and purchased;
- (c) “**Department**” means the Department of Environment, Energy and Forestry;
- (d) “**ground hemlock**” means the evergreen shrub commonly known as the Canada Yew and identified scientifically as *Taxus canadensis* Marsh and includes both fresh and dried material;
- (e) “**ground hemlock buying license**” means a ground hemlock buying license issued by the Minister pursuant to section 4;
- (f) “**ground hemlock harvesting license**” means a ground hemlock harvesting license issued by the Minister pursuant to section 2;
- (g) “**harvesting**” means searching for, clipping or otherwise removing or attempting to clip or otherwise remove, foliage, stems, branches, roots, fruit or flowers from a ground hemlock plant;
- (h) “**licensed ground hemlock buyer**” means a person who holds a valid ground hemlock buying license;
- (i) “**licensed ground hemlock harvester**” means a person who holds a valid ground hemlock harvesting license. (EC194/06)

GROUND HEMLOCK HARVESTING LICENSE

2. Ground hemlock harvesting license

- (1) The Minister may issue a ground hemlock harvesting license to a person who applies for a harvesting license on a form approved by the Minister and who
 - (a) has successfully completed a ground hemlock harvester education program approved by the Minister;

- (b) has paid the fee prescribed in the Schedule to these regulations; and
- (c) is not precluded from making an application for a ground hemlock harvesting license under subsection (4).

Permanent ground hemlock harvester identification number

- (2) The Department shall, in respect of each person who is issued a harvesting license, assign to the person a permanent ground hemlock harvester identification number that is unique to each licensed ground hemlock harvester.

Cancellation or suspension of harvesting license

- (3) The Minister may, at any time, cancel or suspend a person's harvesting license for a period specified by the Minister where the Minister has reason to believe that
 - (a) the person has provided false or misleading information in respect of the person's harvesting license;
 - (b) the person who holds a harvesting license has contravened the Act, these regulations or a condition of the person's harvesting license; or
 - (c) the person who holds a ground hemlock harvesting license has outstanding fees payable to the Department.

Prohibition

- (4) A person whose harvesting license is suspended or cancelled under subsection (3) may not make an application for another harvesting license unless
 - (a) if the license was suspended, the suspension has expired;
 - (b) the applicant has successfully completed a ground hemlock harvester education program approved by the Minister after the cancellation or the expiry of the applicant's license suspension; and
 - (c) the applicant has no outstanding fees payable to the Department.

License expiry

- (5) A harvesting license issued under these regulations expires on March 31st of the third year following the date of issue, unless the license is sooner cancelled under subsection (3) or the date of the expiry of the license is otherwise specified in the terms and conditions of the harvesting license. *(EC194/06)*

GROUND HEMLOCK HARVESTER EDUCATION PROGRAM**3. Ground hemlock harvester education program**

- (1) A ground hemlock harvester education program, approved by the Minister, shall be offered by the Department, or on behalf of the Department, by instructors approved by the Minister, at least once annually for the purposes of training people in relevant legislation, record-keeping, harvesting techniques and other related topics identified by the Minister.

Fee

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

Application form

- (3) A person who wishes to apply for the harvester education program shall apply for the program on a form approved by the Minister. *(EC194/06)*



GROUND HEMLOCK BUYING LICENSE

4. Ground hemlock buying license

- (1) The Minister may issue a ground hemlock buying license to a person who applies for a buying license on a form approved by the Minister and who
 - (a) provides the names and addresses of all persons in the province who are eligible to act as an agent and operate one or more buying stations on behalf of the applicant;
 - (b) provides the location of warehouses, shops or other buildings in which ground hemlock will be stored;
 - (c) has successfully completed a ground hemlock buyer education program approved by the Minister;
 - (d) can show that every person who is eligible to act as an agent and operate one or more buying stations on behalf of the applicant has successfully completed a ground hemlock buyer education program approved by the Minister;
 - (e) is in compliance with the Act and these regulations;
 - (f) has paid the fee prescribed in the Schedule to these regulations; and
 - (g) is not precluded from making an application for a ground hemlock buying license under subsection (4).

Changes in information

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

Cancellation or suspension of buying license

- (3) The Minister may, at any time, cancel or suspend a buying license where the Minister has reason to believe that
 - (a) the person has provided false or misleading information in respect of the person's buying license;
 - (b) the person who holds a buying license has contravened the Act, these regulations or a condition of the person's buying license; or
 - (c) the person who holds a ground hemlock buying license has outstanding fees payable to the Department.

Prohibition

- (4) A person whose buying license is suspended or cancelled under subsection (3) may not make an application for another buying license unless
 - (a) if the license was suspended, the suspension has expired;
 - (b) the applicant has successfully completed a ground hemlock buyer education program approved by the Minister after the cancellation or the expiry of the applicant's license suspension; and
 - (c) the applicant has no outstanding fees payable to the Department.

Permanent ground hemlock buyer identification number

- (5) The Department shall, in respect of each person who is issued a buying license, assign to the person a permanent ground hemlock buyer identification number that is unique to each licensed ground hemlock buyer and person operating a buying station on behalf of the licensed ground hemlock buyer.

License expiry

- (6) A buying license issued under these regulations expires on March 31st of the third year following the date of issue, unless the license is sooner cancelled or suspended under subsection (3) or the date of the expiry of the license is otherwise specified in the terms and conditions of the buying license. *(EC194/06)*

GROUND HEMLOCK BUYER EDUCATION PROGRAM**5. Ground hemlock buyer education program**

- (1) A ground hemlock buyer education program, approved by the Minister, shall be offered by the Department, or on behalf of the Department, by instructors approved by the Minister, at least once annually for the purposes of training people in relevant legislation, record-keeping, harvesting techniques and other related topics identified by the Minister.

Fee

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

Application form

- (3) A person who wishes to apply for the buyer education program shall apply for the program on a form approved by the Minister. *(EC194/06)*

HARVEST AND TRANSPORT OF GROUND HEMLOCK**GENERAL RESTRICTIONS AND DUTIES****6. Prohibition**

- (1) No person shall harvest ground hemlock on land owned by another person unless the person
- (a) holds a valid ground hemlock harvesting license; and
 - (b) is in possession of written permission
 - (i) in the case of Crown land, from the Minister, or
 - (ii) from the registered owner of any other land.

Idem

- (2) No person who has been issued a ground hemlock harvesting license shall
- (a) harvest ground hemlock on a date during a year other than on a date falling between August 15 and April 30, inclusive; or
 - (b) harvest more than three years of most recent growth from any one branch or stem of ground hemlock.

Exemption

- (3) Subsection (2) does not apply to
- (a) the owner of the land from which the ground hemlock is harvested;
 - (b) any person harvesting less than five kilograms (5kg) of ground hemlock per season;
or



- (c) any person undertaking land-clearing activities to convert forest land to agricultural, residential, recreational or other non-forest use in compliance with federal, provincial or municipal legislation. (EC194/06)

7. Transport

- (1) No person shall transport ground hemlock unless
 - (a) the ground hemlock is in a bucket, bag or other container that is clearly marked with
 - (i) the name of the licensed ground hemlock harvester who harvested the ground hemlock,
 - (ii) the ground hemlock harvester's permanent ground hemlock harvester identification number,
 - (iii) the date of harvest,
 - (iv) the property identification number of the harvest site, and
 - (v) the precise position or location in latitude and longitude of the harvest site; and
 - (b) the person transporting the ground hemlock is
 - (i) a licensed ground hemlock harvester,
 - (ii) a licensed ground hemlock buyer,
 - (iii) an agent of the licensed ground hemlock harvester who harvested the ground hemlock, or
 - (iv) an agent of a person who holds a valid ground hemlock buying license.

Exemption

- (2) Subsection (1) does not apply to
 - (a) the owner of the land from which the ground hemlock is harvested; or
 - (b) any person harvesting less than five kilograms (5kg) of ground hemlock per season. (EC194/06)

POSSESSION, PURCHASE AND SALE OF GROUND HEMLOCK

8. Possession of ground hemlock

- (1) No person shall be in possession of five kilograms (5kg) or more of harvested ground hemlock unless the person
 - (a) holds a valid ground hemlock harvesting license;
 - (b) holds a valid ground hemlock buying license;
 - (c) is named on a valid ground hemlock buying license as an agent operating one or more buying stations on behalf of a licensed buyer; or
 - (d) is transporting the ground hemlock as an agent of a person referred to in clause (a) or (b).

Idem

- (2) No person shall be in possession of ground hemlock branches or stems that are more than three years of most recent growth.

Exemption

- (3) Subsections (1) and (2) do not apply to the owner of land from which the ground hemlock is harvested. (EC194/06)

9. Prohibition

- (1) No person shall buy, acquire or deal in ground hemlock unless the person
- (a) holds a valid ground hemlock buying license; or
 - (b) is named on a valid ground hemlock buying license as an agent operating one or more buying stations on behalf of a licensed buyer.

Exemption

- (2) Notwithstanding subsection (1), a person who holds a valid ground hemlock harvesting license may
- (a) acquire or deal in ground hemlock from a property owner with the property owner's permission; and
 - (b) sell ground hemlock to a licensed ground hemlock buyer or person operating one or more buying stations on behalf of a licensed buyer. (EC194/06)

10. Prohibition

- (1) No person shall buy or acquire ground hemlock from any other person except from a person who
- (a) holds a valid ground hemlock harvesting license;
 - (b) holds a valid ground hemlock buying license;
 - (c) is named on a valid ground hemlock buying license as a person operating one or more buying stations on behalf of a licensed buyer; or
 - (d) is the owner of the land from which the ground hemlock is harvested if the owner presents to the licensed buyer
 - (i) a property tax bill issued within the past 12 months that states the landowner's name, property number and acreage of the property; and
 - (ii) photographic identification of the landowner.

Idem

- (2) No person shall sell ground hemlock to another person unless the other person buying the ground hemlock
- (a) holds a valid ground hemlock buying license; or
 - (b) is named on a valid ground hemlock buying license as an agent operating one or more buying stations on behalf of a licensed buyer. (EC194/06)

11. Appointment of auditor

- (1) The Minister may appoint a Canada Customs and Revenue Agency auditor to inspect the records required to be maintained by a licensed ground hemlock buyer or an agent operating one or more buying stations on behalf of a licensed buyer.



Records

- (2) Every licensed ground hemlock buyer or every agent operating one or more buying stations on behalf of a licensed buyer, shall, in respect of every transaction in which the licensed ground hemlock buyer acquires ground hemlock from a licensed ground hemlock harvester,
- (a) keep a record of
 - (i) the licensed buyer's name,
 - (ii) the licensed buyer's permanent ground hemlock buyer identification number,
 - (iii) the licensed ground hemlock harvester's name, and where the ground hemlock harvester is the landowner, the landowner's name and address,
 - (iv) the licensed ground hemlock harvester's permanent ground hemlock harvester identification number or where the ground hemlock harvester is the landowner, the property number from a property tax bill issued within the past 12 months,
 - (v) the date of harvest,
 - (vi) the date of acquisition by the licensed ground hemlock buyer,
 - (vii) the property identification number of the harvest site,
 - (viii) the precise position or location in latitude and longitude of the harvest site, where the licensed ground hemlock harvester is not the landowner,
 - (ix) the weight acquired, with green or dry weight specified, and
 - (x) the price paid per unit weight (pound or kilogram); and
 - (b) provide a duplicate copy of this record to the licensed ground hemlock harvester or, where the ground hemlock harvester is the landowner, to the landowner.

Idem

- (3) Every licensed ground hemlock buyer and every licensed ground hemlock harvester shall
- (a) retain copies of the records required to be kept under subsection (1) for a period of not less than seven years; and
 - (b) make these records available for inspection, on request, by a conservation officer, peace officer, other employee of the Department or by a Canada Customs and Revenue Agency auditor. (EC194/06)

12. Report to Minister

- (1) Every licensed ground hemlock buyer shall, on or before April 30 of each year and on the last day of every sixth month thereafter, or on request of the Minister, make a report to the Minister stating
- (a) the property identification number of each harvest site from which ground hemlock acquired by the licensed ground hemlock buyer was harvested;
 - (b) the date of harvest;
 - (c) the area of each property;
 - (d) the estimated area of ground hemlock harvested on each property;
 - (e) the precise position or location in latitude and longitude of each harvest site;
 - (f) the weight of ground hemlock acquired from each property; and
 - (g) the permanent ground hemlock harvester identification number of each licensed harvester from which ground hemlock was acquired.

Idem

- (2) Where a licensed ground hemlock buyer has not bought or otherwise acquired ground hemlock during the preceding six months, the licensed buyer shall make a report to the Minister stating that no ground hemlock has been bought or acquired.

False statement or report

- (3) Every licensed ground hemlock buyer and every licensed ground hemlock harvester who
- (a) makes a false statement or report; or
 - (b) refuses to produce records for inspection, on request, by a conservation officer, peace officer, other employee of the Department or by a Canada Customs and Revenue Agency auditor,
- is guilty of an offence. (EC194/06)

IMPORT AND EXPORT

13. Import

No person shall import ground hemlock to the province unless the person

- (a) holds a valid ground hemlock buying license issued under these regulations; or
- (b) is named on a valid ground hemlock buying license as a person operating one or more buying stations on behalf of a licensed buyer. (EC194/06)

14. Export

No person shall export ground hemlock from the province unless the person

- (a) holds a valid ground hemlock buying license issued under these regulations; or
- (b) is named on a valid ground hemlock buying license as a person operating one or more buying stations on behalf of a licensed buyer. (EC194/06)

OFFENCE AND PENALTY

15. Offence and penalty

Every person who fails to comply with or contravenes any of the provisions of these regulations is guilty of an offence and is liable, on summary conviction,

- (a) to a fine of not less than \$200 and not more than \$2,000 where the person is a natural person; or
- (b) to a fine of not less than \$2,000 and not more than \$10,000 where the person is a corporation. (EC194/06)



SCHEDULE**FEEs**

1. Resident ground hemlock harvesting license	\$15
2. Non-resident ground hemlock harvesting license	15
3. Resident ground hemlock buying License	15
4. Non-resident ground hemlock buying license	15

(EC194/06)