

THE CUMBERLAND HOUSE BAND

By-law No. 1 1981

RC

DRAFT - A BY-LAW FOR THE PRESERVATION, PROTECTION AND
8.6.81 MANAGEMENT OF FISH ON THE RESERVE (Indian Act
1-6 S-81-(0)

J.L. Chief
A.S. Councillor
P.S. Councillor

Chief J.L.
Councillor A.S.
Councillor P.S.

The Band Council of the CUMBERLAND HOUSE BAND

enacts as follows:

- 1. In this By-law unless the context otherwise requires:
 - 1.1 "CUMBERLAND HOUSE BAND waters' means all water situated upon or within the boundaries of Reserves set aside for the use and benefit of the CUMBERLAND HOUSE BAND of Indians.
 - 1.2 "Fish" includes shellfish, crustaceans and aquatic animals.
 - 1.3 "Fishery" includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed, or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir, or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith.
 - 1.4 "Fishing" means fishing for or catching fish by any method.

1.5 "Band Council" means the council of the CUMBERLAND HOUSE INDIAN BAND.

1.6 "Band manager" means that person so appointed by Band Council.

2. This By-law applies over all CUMBERLAND HOUSE INDIAN BAND water.

3. Band Council may appoint fishery officers whose acts and duties are as defined by this By-law and amendments hereto and whose titles are as specified in their appointments.

4. No person other than a member of the CUMBERLAND HOUSE INDIAN BAND shall engage in fishing upon CUMBERLAND HOUSE INDIAN BAND waters.

5. Members of the CUMBERLAND HOUSE INDIAN BAND shall be permitted to engage in fishing upon CUMBERLAND HOUSE INDIAN BAND waters at any time and by any means except by the use of rockets, explosive materials, projectiles, or shells.

6. Any fishery officer appointed hereunder may direct, either in writing or orally on sight, that nets or other fishing apparatus be reduced in size to occupy less than one-third (1/3) of the diameter of any stream or river.

7. Where unused slides, dams, obstructions, or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Band Council to remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown to the Band Coun-

cil, the Band Council may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause such slide, dam, obstruction, or thing detrimental to fish life to be removed or destroyed and in cases where notice has been given to the owner or occupier may recover from the said owner or occupier the expense of so removing or destroying the same.

8. Every person using stakes, posts, buoys or other materials placed for fishing purposes in any water shall remove the same within forty-eight (48) hours after ceasing to use them.

9. One-third (1/3) of the width of any river or stream shall be always left open, and no kind of net or other fishing apparatus, logs, or any material of any kind shall be used or placed therein.

10. The eggs or fry of fish on any spawning grounds in CUMBERLAND HOUSE INDIAN BAND water, shall not at any time be destroyed.

11. No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor in ice over either such waters.

12. No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.

13. The Band manager may make regulations for carrying out the purposes and provisions of this By-law and in particular but without restricting the generality of the foregoing, may make regulations:

13.1 for the proper management and control of fisheries;

13.2 respecting the conservation and protection of fish;

13.3 respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;

13.4 respecting the operation of fishing vessels;

13.5 respecting the use of fishing gear and equipment;

13.6 respecting the obstruction and pollution of any waters frequented by fish;

13.7 respecting the conservation and protection of spawning grounds;

13.8 prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this By-law and providing for the carrying out of those duties and powers;

13.9 authorizing a person engaged or employed in the administration or enforcement of this By-law to vary any closed time or fishing quota that has been fixed by the regulations.

14. Any fishery officer appointed hereunder may enforce the provisions of this By-law or any regulation made hereunder.

15. Everyone who violates or prepares to violate any provisions of this By-law, or any regulation, is guilty of an offense punishable on summary conviction and is liable to a fine of not more than ONE HUNDRED (\$100.00) DOLLARS.

16. When not otherwise specified every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any of the provisions of this By-law or of any regulation.

17. Penalties incurred under this By-law or amendments hereto shall be sued for within ~~two~~ (2) years from the commission of the offense.

Chief JL
Councillor AS
Councillor P.S.

18. Except insofar as in this By-law is otherwise specially provided all penalties and forfeitures incurred under this By-law or amendments hereto are recoverable and enforceable by summary proceedings taken under the provisions of the Criminal Code relating to summary convictions.

19. Should any violation of this By-law or of any regulation continue for more than one day then each day during which such violation continues constitutes a separate offense and may be punished as such.

20. This By-law may be cited for all purposes as "Fishing
By-Law, 1981, No. 1 1981".

CONSIDERED AND PASSED by the CUMBERLAND HOUSE BAND
Council, on the 10 day of June, A.D. 1981.

Chief - Joe Laliberte
CHIEF JOE LALIBERTE

Angus Sewap
Councillor

Paul Settee
Councillor

Anthony Johnston
Witness

Councillor

Councillor