

BY LAW NUMBER 4

A By Law of Old Massett Village Council of the Haida Nation respecting preservation and protection of animals, fish and game.

1. This By Law is called the Protected and Sensitive Species By Law.

2. WHEREAS the Old Massett Village Council also known as Massett Band, is empowered to make by laws governing the preservation, protection and management of fur bearing animals fish and other game, and any other matter ancillary thereto and the imposition of a penalty for the violation thereof pursuant to the Laws of the Haida Nation and the Laws of Canada; NOW THEREFORE the Council of the Massett Haida's hereby enacts as a by law as follows:

DEFINITIONS:

1. COUNCIL is the Council of the Village of Old Massett also known as the Massett Band, or agents authorized to act on behalf of the Council.

2. PROTECTED SPECIES is an animal, fish, bird or plant that is exposed to unnecessary risk of harm by an activity that is preventable or may be amended in such a manner as to remove the risk of harm, may be listed as a species requiring a protective action by the Council. Such a species may be listed as a Protected Species.

3. REGISTERED PERSON who is listed with Council and may be permitted to conduct various specified activities in various specified areas.

4. SENSITIVE SPECIES are animals, fish, birds or plants that require special consideration and behaviour on the part of human observers at all times.

5. SPECIFIED AREAS includes lands and waters vital to the protection and preservation of the protected and or sensitive species.

ENACTING SECTIONS:

1. The Council shall maintain a list of protected species.

2. The Council shall maintain a list of sensitive species and descriptions of appropriate behaviours for human observers.

3. These lists will be publicly posted in the Island newspaper, the Old Massett Village Council offices as well as forwarded by mail to all registered person as required.

ENACTING SECTIONS continued:

4. No person shall harvest, gather, interfere, harass, damage, molest, harm or hurt a protected species or permit such activities from occurring when prevention is possible.

5. No person shall participate in an activity contrary to the intention of the Protected and/or Sensitive Species lists, unless such action is required to preserve the life of a human.

VIOLATIONS:

1. Where a contravention of this By Law occurs and a conviction entered a penalty no exceeding One Thousand Dollars (\$1,000) or imprisonment for a term not exceeding Thirty (30) days, or both, may be applied.

2. Where a contravention occurs and a conviction entered, in addition to any other remedy and to any penalty imposed by this By Law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

3. Where this By Law is contravened, such contravention may be restrained by the court at the insistence of the Council.

This By Law entitled the PROTECTED AND SENSITIVE SPECIES BY LAW and numbered 4 by this Council was approved and passed at a duly convened meeting of the Council of the Village of Old Massett on this 19th day of August, 1991, and is hereby signed by the following persons all being legal Councillors' and being a majority of the Council.

Michael K. Lyndon
Chief Councillor

Archie Abrahams
Councillor

Helen Ross
Councillor

Percy Allison
Deputy Chief Councillor

Wesley A.
Councillor

Clayton
Councillor

August 19, 1991