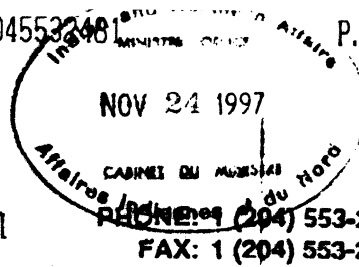


Mathias Colomb Cree Nation

PUKATAWAGAN, MANITOBA
R0B 1G0

By-Law No. 9

of the Mathias Colomb Band.



18-4-0
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A By-law for the preservation, protection and management of
fur bearing Animals and other Game.

Whereas the Council of the Mathias Colomb Band, also known as the Mathias Colomb Cree Nation desires to make a by-law governing the preservation, protection and management of fur bearing animals and other game on the reserve, matters ancillary thereto, and a penalty for the violation thereof;

And Whereas the Council of the Mathias Colomb Band, also known as the Mathias Colomb Cree Nation has the power to make such by-law pursuant to paragraphs 81(1) (o), (q) and (r) of the Indian Act;

And Whereas it is considered to be expedient and necessary to provide for the preservation, protection and management of fur bearing animals and other game on the reserve;

Now Therefore the Council of the Mathias Colomb Band hereby makes the following by-law:

1. This by-law may be cited as the "Hunting By-Law on the Mathias Colomb Band Indian Reserve".

2. In this by-law,

"Band" means the Mathias Colomb Band;

"Council" means the Council, as defined in the Indian Act, of the Mathias Colomb Band;

"fur bearing animal" includes a bear, fox, beaver, mink, otter, fisher, marten, muskrat, skunk, raccoon, weasel, bobcat, lynx, coyote, squirrel and varying hare;

"game" means any vertebrate animal or bird, excluding fish, amphibians and reptiles, that is wild by nature, and includes deer, moose, elk, caribou and fur bearing animals;

"game officer" means a game officer appointed under section 3, and includes an officer who has been designated by the Council, pursuant to section 4, to administer and enforce this by-law;

"hunting" means making, wounding, killing, chasing, pursuing, worrying, capturing, following after or on the trail of, searching for, shooting at, stalking or lying in wait for any game, whether

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or not the game is subsequently captured, wounded or killed;

"officer" means a police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve.

"reserve" means the reserve of the Mathias Colomb Band and includes the Band's Reserve No. 198 and No. 199.

"snare" means any device for the taking of game whereby it is caught in a noose;

"take" includes the capturing or the taking into Poisson of game, whether dead or alive;

"trap" means any spring trap, deadfall box or net used to capture game;

"trapping" means taking game by snare or trap.

3. (1) The Council may, by resolution, appoint one or more game officers to perform such functions in respect of the administration and enforcement of this by-law as are prescribed herein.

(2) The Council may, in the resolution, provide for reasonable remuneration to be paid to a game officer appointed under subsection (1).

4. The Council may designate any officer to perform such functions in respect of the administration and enforcement of this by-law as are prescribed herein to be performed by a game officer.

5. (1) No person shall engage in hunting or trapping within the reserve except as permitted by this by-law.

(2) Notwithstanding anything in this by-law, a person may, where necessary for the prevention of

(a) damage to private property, or

(b) injury to occupants of occupied land,

hunt, take, trap, snare, shoot or kill game at any time if the incident is reported, and such game or carcass is surrendered, immediately to the nearest game officer.

6. Subject to the provisions of this by-law, members of the Band may engage in hunting and trapping within the reserve at any time.

7. (1) A person who is not a member of the Band may apply to the Council for a permit to hunt or to trap game within the reserve.

(2) The application shall specify

(a) the place for which the permit is sought;

(b) the species of game for which the permit is sought;

(c) the type of hunting or trapping equipment to be used; and

(d) such other information as is required to enable the Council to address the considerations

set out in the subsection (3) and the criteria set out in subsection (4).

(3) In determining whether or not a permit should be issued, the Council shall take into consideration

(a) whether or not the applicant is a resident of the reserve;

(b) whether or not the applicant has previously held a permit and, if so, has complied with the provisions of the permit and this or any previous by-law with respect to hunting and trapping;

(c) the extent of the contribution, if any, the applicant makes to the reserve community;

(d) the number of permits already issued for the species of game for which the permit is sought; and

(e) whether or not there is sufficient game of that species in the reserve at the time to meet the needs of Band members and permit holders without detrimentally affecting the species.

(4) Where the Council determines that

(a) the issue of a permit will not detrimentally affect the species of game in respect of which the permit is sought; and

(b) the applicant is a suitable person to have a permit to hunt or trap on the reserve.

the Council may issue a written permit authorizing the person to hunt or trap on the reserve, specifying therein the time, place, type of equipment, bag limit, size limit and species of game that

may be hunted or trapped by the person holding the permit.

(5) The fee for a permit is as follows: (follow fee schedule for categories of permit e.g. Manitoba permit).

(6) A permit issued pursuant to this section is nontransferable.

8. A person holding a permit issued under subsection 7(4) shall not hunt or trap within the reserve except in accordance with the terms of the permit issued by the Council.

9. A permit issued under this by-law is invalid

(a) if it is not signed by the person to whom it is issued,

(b) if the date of expiry has been omitted, removed or defaced.

10. (1) A person hunting or trapping under the authority of a permit issued pursuant to section 7 shall have the permit on his/her person while hunting or trapping within the reserve.

(2) A game officer may at any time require any permit holder who is hunting or trapping within the reserve to produce his/her permit.

11. The Council may, after a notice and hearing, cancel the permit of any person where it is satisfied

(a) that the person has contravened the terms of the permit or of this by-law, or

(b) that the continuation of the permit would be detrimental to the preservation or protection of fur bearing animals or other game on the reserve.

12. The holder of the permit obtained by any false or misleading statement or information made or given in respect of any information required for the issuance of the permit shall be deemed to be the holder of a void permit and the holder may be prosecuted if he/she were not the holder of a permit.

13. A non Band member who is under the age of sixteen years may hunt and trap without a

permit if accompanied by and under the supervision of a Band member or a person holding a permit issued under section 7.

14. No person while engaged in hunting shall discharge a firearm within one hundred and fifty metres of

- i) a residential building,
- ii) a public road or bridge, or
- iii) a game preserve or bird or fish sanctuary.

15. No person while engaged in hunting shall discharge a firearm

- i) on or from a public road,
- ii) across a public road, or
- iii) from a vehicle, aircraft or power boat.

16. No person while engaged in hunting in the Reserve shall conceal his / her identity or wear a mask or disguise.

17. No person while engaged in hunting or trapping or while going to or returning from a hunting camp, or while in a locality that game usually inhabits or in which game is usually found, shall between one half-hour after sundown and one half-hour before sunrise have a firearm in his / her possession unless it is unloaded and encased.

18. No person while engaged in hunting shall have a loaded firearm in his / her possession while he / she is under the influence of alcohol or a drug.

19. Every person is guilty of the offence of hunting carelessly who, being in possession of a firearm for the purpose of such hunting, discharges or causes to be discharged or handles the firearm without due care and attention or without reasonable consideration for person or property.

20. No person shall use any poison, explosive or deleterious substance for hunting purposes.

21. No person shall use any device which connects a firearm to a trap or a remote control or delayed-action mechanisms or which causes a firearm to discharge without the hunter himself / herself pressing upon the trigger of such firearm.

22. No person shall hunt game at night by means of or with the assistance of a light.

23. A person who

i) fails to observe or who otherwise contravenes any provision of this by-law or any ban or restriction imposed hereunder, or

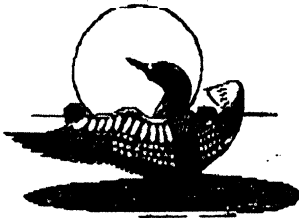
ii) resists or willfully obstructs a game officer in the performance of any duty or in the exercise of any power under this by-law, commits an offence.

24. Where an act or omission in contravention of this by-law or any ban or restriction imposed hereunder continues for more than one day, such act or omission shall be deemed to be separate offence committed on each day during which it continues, and may be punished as such.

25. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

This By-law is hereby made a duly convened meeting of the Council of the Mathias Colomb

Band this 22 day of April 1997



Mathias Colomb Cree Nation
PUKATAWAGAN, MANITOBA
R0B 1G0

PHONE: 1 (204) 553-2089-2090
FAX: 1 (204) 553-2419

THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Chief and Council of the Mathias Colomb Cree Nation this 22 day of April 1997.

Voting in favor of the by-law are the following members of the Chief and Council:

[Signature] Chief

[Signature] Councillor [Signature] Councillor

[Signature] Councillor [Signature] Councillor

[Signature] Councillor [Signature] Councillor

[Signature] Councillor [Signature] Councillor

[Signature] Councillor [Signature] Councillor

being a majority of these members of the Chief and Council of the Mathias Colomb Band present at the aforesaid meeting of the Chief and Council.

The quorum of the Chief and Council is 6 members.

I, [Signature] Chief / Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development pursuant to subsection 82(1) of the Indian Act, this 2 day of NOVEMBER 1997.

[Signature] Witness