

BY-LAW NO. 1992.01

of the Buffalo Point Indian Band
A By-law for the Preservation, Protection
and Management of Fur Bearing Animals
and Other Game

WHEREAS the Council of the Buffalo Point Indian Band 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 Buffalo Point Indian Band has the power to and such by-law pursuant to paragraph 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 Buffalo Point Indian Band hereby makes the following by-law:

Short Titles

This by-law may be cited as the "Hunting By-law on the Buffalo Point Indian Reserve."

Interpretation

2. In this by-law,

"Band" means the Buffalo Point Indian Band;

"Council" means the Council, as defined in the Indian Act, of the Buffalo Point Indian Band;

"fur bearing animal" includes a bear, fox, beaver, mink, otter, fisher, marten, muskrat, skunk, racoon, 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 taking, 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 or not the game is subsequently captured, wounded or killed;

"officer" means a police officer, police constable, natural resources officer, or other person charged with the duty to preserve and maintain the public peace;

"reserve" means the reserve of the Buffalo Point Indian Band and includes the Band's Reserves No. 36 and 36A;

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

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

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

"trapping" means taking game by a snare or trap.

Administration

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.

General Prohibition on Hunting and Trapping

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.

Hunting and Trapping by Band Members

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

Hunting and Trapping Permits

7.(1) A person who is not a member of the Band may apply to the Council for a permit to hunt 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 equipment to be used; and

(d) such other information as is required to enable the Council to address the considerations 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;
 - (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 the 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 on the reserve.
- (5) The fee for a permit is as follows;
- Whitetail Deer \$150.00
- Black Bear \$150.00
- (6) A permit issued pursuant to this section is non-transferrable.
8. A person holding a permit issued under subsection 6(2) shall not hunt 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 is issued,
- (b) if the date of expiry has been omitted, removed or defaced.

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

(2) A game officer may at any time require any permit holder who is hunting within the reserve to produce his 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 a permit obtained by any false or misleading statement of 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 in the same manner and with the same effect as he could be prosecuted if he were not the holder of a permit.

Hunting and Trapping by a Person Under the Age of Sixteen Years

13. A person 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, and provided that he has completed a course in the safe handling and use of firearms, or successfully completed a test relating to the safe handling and use of firearms that, at the time he completed the course or test, was approved by the province or state in which he took the course or test.

Hunting Season

14. No permit shall be issued to authorize hunting for Whitetail deer between January 1 and September 1 and November 30 and December 31 of any year.

15. No person shall at any time engage in hunting or trapping within those areas as defined and designated in red ink on Reference Plan No. 58990 contained in Schedule "A" attached hereto and forming part of this by-law.

Trapping Equipment

16. The equipment used by any person shall meet the standards imposed by regulations made by the Minister pursuant to section 90 of The Wildlife Act, R.S.M.1987,c.130

17. No person shall trap game using a trap of the leg-hold variety.

18. No person shall hunt any whitetail deer or black bear using a rifle of the Rim Fire Rifle variety.

19. No person shall hunt or discharge a firearm within Five-hundred metres of:

- (a) a residential building,
- (b) a public road or bridge, or,
- (c) a game preserve or bird or fish sanctuary,
- (d) a sanitary landfill site,
- (e) an active gravel pit,
- (f) an established trail, or
- (g) a commercial building.

20. No person shall discharge a firearm

- (a) on or from a public road,
- (b) across a public road, or
- (c) from a vehicle, aircraft or power boat.

21. No person hunting in the Reserve shall conceal his identity or wear a mask or disguise.

22. 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 have a firearm in his possession unless it is unloaded and encased, between one half-hour after sundown and one half-hour before sunrise.

23. No person shall have a loaded firearm in his possession while he is under the influence of alcohol or a drug.

24. 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.

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

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

27.(a) No person shall have in his possession or transport a loaded firearm in a vehicle, aircraft or powerboat.

(b) For the purpose of subsection (a) a firearm having an unfired shell or cartridge in the chamber or in a magazine attached to the firearm shall be deemed to be loaded.

28. The sections of this by-law relating to the possession, use and transportation of firearms do not apply to any person who by reason of his employment or duties is authorized to be in possession of or to transport such a firearm.

29. No person shall at any time hunt or trap moose.

30.(1) The Council may impose a temporary ban or restriction on the hunting or trapping of any species not mentioned in section 30 , by giving notice in accordance with subsections (2) and (3).

(2) Notice of the ban or restriction shall be posted not less than 24 hours prior to the ban or restriction coming in force,

(a) in conspicuous places in areas of the reserve in which hunting or trapping is engaged in; and

(b) in the office of the Band Council.

(3) The notice shall specify the date and time the ban or restriction is to come into force and to cease, and the particulars of the ban or restriction imposed.

(4) No ban or restriction imposed under this section shall remain in force for a period of more than fourteen (14) days, unless a further ban or restriction is imposed and further notice is given in accordance with subsections (2) and (3).

Conservation

31. No person shall

(a) disturb, destroy, injure, gather or take the nest or eggs of any game bird;

(b) disturb, destroy or injure the shelter or habitat of any game.

32. No person shall cut, break or destroy a beaver house or beaver dam, except where the cutting, breaking or destroying is necessary to prevent damage to the property of that person.

Rules of Hunting and Trapping

33. No person shall hunt a bear or deer by means of a trap or snare.

34. No person shall kill or attempt to kill any species of game by the use of poison.

35. No person shall

(a) hunt game in any day later than one-half hour after sunset or earlier than one-half hour before sunrise; or

(b) hunt game by means of or with the assistance of a light.

36.(1) No person shall hunt bear or deer or any fur bearing animal by means of, or with the assistance of, a dog or when accompanied by a dog.

(2) Subsection (1) does not apply where the hunting of game with a dog is necessary for the prevention of

(a) damage to private property, or

(b) injury to occupants of occupied land,

if the incident is reported, and the carcass is surrendered, immediately to the nearest game officer.

37. An officer may, at any time and without incurring any liability therefor to the owner of the dog, kill any dog found running after, pursuing or molesting a big game animal, fur bearing animal or wild turkey.

38. No person shall tear down, remove, deface, damage or interfere with any notice or sign put up, posted or placed by the Band Council for the purpose of this by-law.

39. No person shall hunt game using an automatic weapon.

40. No person shall use an aircraft, sail boat, power boat, or motorized vehicle in connection with hunting, except as a means of transportation before and after any hunting activity.

Enforcement

41. Every one who

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

(b) resists or wilfully obstructs a game officer in the performance of any duty or in the exercise of any power under this by-law,

commits an offence.

42. 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 a separate offence committed on each day during which it continues, and may be punished as such.

43. A game officer may arrest without warrant any person whom he finds apparently committing an offence under this by-law

44. A game officer may seize without warrant

(a) any game that he has reasonable and probable grounds to believe has been hunted, taken, trapped, snared, poisoned or destroyed in violation of this by-law or a permit issued hereunder; and

(b) any firearm or other weapon, or trapping equipment, that he has reasonable and probable grounds to believe is being used or has recently been used in contravention of the provisions of this by-law or a permit issued hereunder.

45. Where a game officer believes on reasonable and probable grounds that a person is committing, or has recently committed, an offence under this by-law, he may without warrant stop any vehicle, boat, or other means of transportation of any description upon signal and search for game, or equipment referred to in section 44.

Penalty

46. 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.

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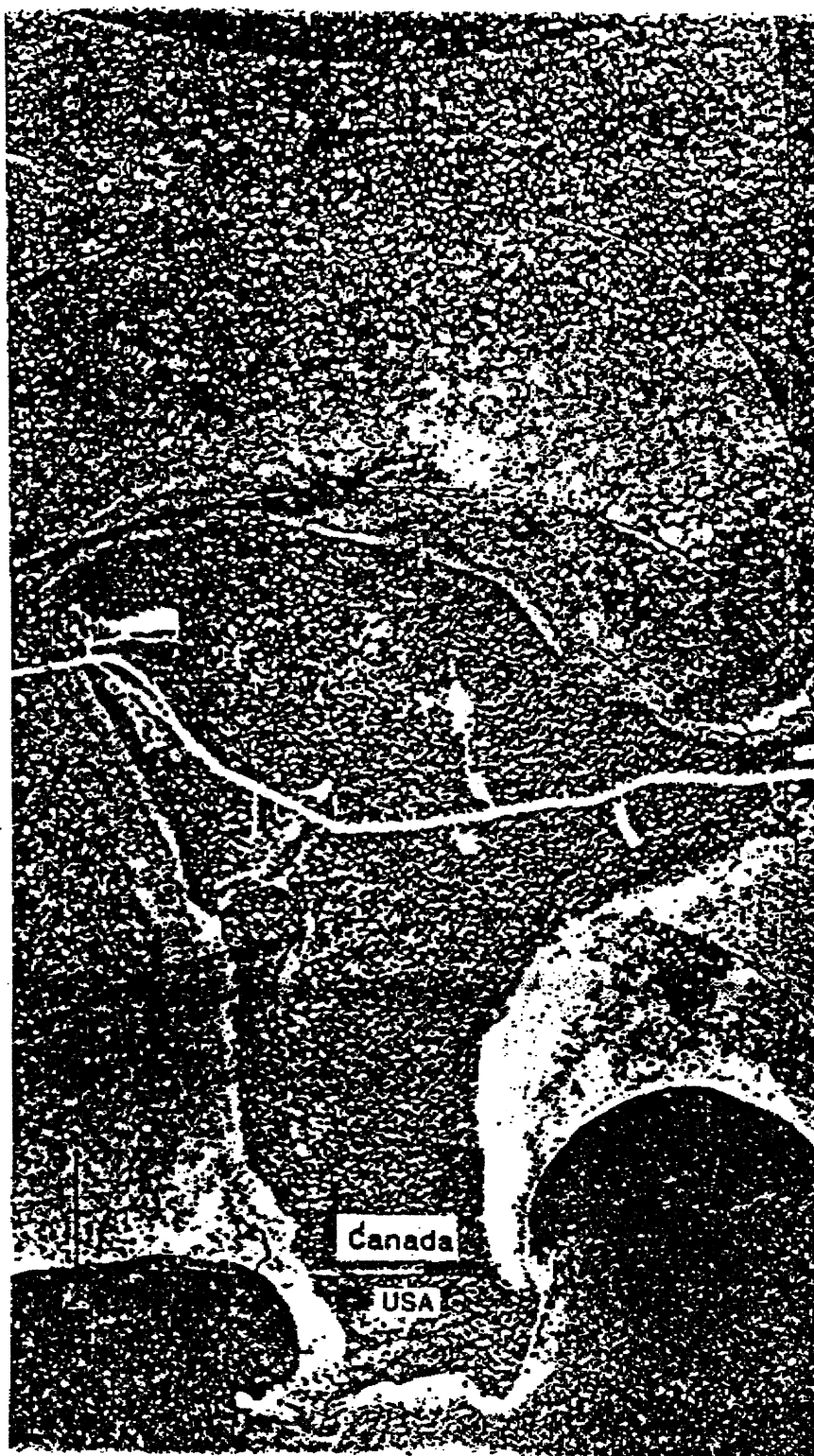
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This by-law is hereby made at a duly convened meeting
of the Council of the Buffalo Point Indian Band this ^{1st}
day of September, 1992.

John Thunder

John Thunder

APPENDIX "A"



Canada

USA

BUFFALO BAY RESORT
&
MARINE

Visitor Info
Center

EAST SHORE DRIVE

SOUTH SHORE HEIGHTS