

CROSS LAKE BAND OF INDIANS
CROSS LAKE, Manitoba
ROB OJO

By-law for the Preservation, Protection and
Management of Furbearing Animals and Other Game
on the Reserves of the CROSS LAKE BAND OF INDIANS

CERTIFIED to a true copy of a By-law of the Cross Lake Band
of Indians passed by Chief and council of the Cross Lake
Band of Indians the 19th day of SEPTEMBER , 1989.



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Chronological No. - N° consécutif 276 167 89
File Reference - N° de référence du dossier

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "From our Band Funds" "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds
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Place Nom de l'endroit	Cross Lake,	Committed Engagé	\$ _____
Date	<u>18th</u> <u>September</u> AD 19 <u>89</u> Day - Jour Month - Mois Year - Année		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

WHEREAS THE CROSS LAKE BAND OF INDIANS entered into solemn treaty arrangements with Her Majesty's Government of the Dominion of Canada by adhesion to Treaty No. 5;

AND WHEREAS pursuant to said Treaty Her Majesty agreed that the Members of the Cross Lake Band of Indians shall have the right to pursue their avocations of hunting and fishing throughout the lands covered by the Treaty;

AND WHEREAS Her Majesty's Dominion government enacted The Migratory Birds Convention Act and said Act and its enforcement on reserve has hampered the Band and its members in exercising their traditional pursuits;

AND WHEREAS the Cross Lake Band of Indians did not through the Treaty give up any of their authority to be a self-governing people;

AND WHEREAS through Section 81 (1)(o) of The Indian Act the Band Council has legislative authority to make by-laws for the preservation, protection and management of furbearing animals, fish and other game on the Reserve;

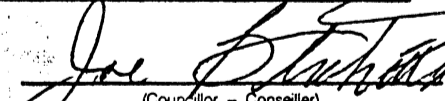

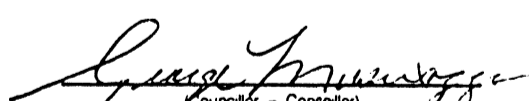
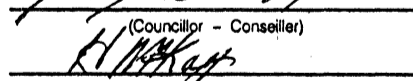
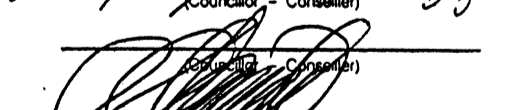
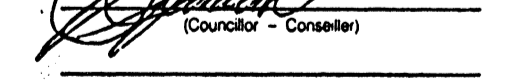
AND WHEREAS it is desirable to enact this by-law to ensure the preservation, protection and management of the furbearing animals and other game on lands currently reserved for the Cross Lake Band of Indians pursuant to The Indian Act and the Constitution Act 1867 and amendments thereto and on such lands as may in future become reserved for the Cross Lake Band of Indians pursuant to said Acts or similar Acts;

A quorum for this Band
Pour cette bande le quorum est

consists of / fixé à 4

Council Members.
Membres du Conseil.

.../2

 (Councillor - Conseiller)	 (Chief - Chef)	 (Councillor - Conseiller)
_____ (Councillor - Conseiller)	 (Councillor - Conseiller)	_____ (Councillor - Conseiller)
_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)	 (Councillor - Conseiller)
_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)	 (Councillor - Conseiller)
_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE				
1. Band Fund Code Code du compte de bande	2. Computer Balances - Soldes d'ordinateur A. Capital \$ _____ B. Revenue - Revenu \$ _____		3. Expenditure - Dépenses \$ _____	4. Authority (Indian Act Section) Autorité (Article de la Loi sur les Indiens)
5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu			6. Recommended - Recommandable	
Approved - Approuvable			Date _____	
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DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

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AND WHEREAS nothing in this by-law shall alter, diminish, abrogate, derogate or breach the Treaty and/or aboriginal rights of the Cross Lake Band of Indians or its members under Treaty No. 5 and/or the Constitution Act, 1982, nor it shall be interpreted to do so;

NOW THEREFORE the Band Council of the Cross Lake Band of Indians enacts as follows:

A By-law for the Preservation, Protection and Management of game on the Reserves

DEFINITIONS:

- In this By-law unless the context otherwise provides:
 - "Band Council" means the Council of the Cross Lake Band of Indians;
 - "Hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, attempting to trap, shooting at, stalking or lying in wait for any game;
 - "Band Member" means a Member of the Cross Lake Band of Indians.

.../3

A quorum for this Band
Pour cette bande le quorum est

consists of / fixé à 4

Council Members.
Membres du Conseil.

 (Councillor - Conseiller)	 (Chief - Chef)	 (Councillor - Conseiller)
_____	 (Councillor - Conseiller)	 (Councillor - Conseiller)
_____	_____	 (Councillor - Conseiller)
_____	_____	_____
_____	_____	_____

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DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

BAND MEMBERS MAY HUNT:

- Subject to Section 9 no one other than a Band Member shall engage in hunting.
- Notwithstanding The Migratory Birds Convention Act or any other Federal legislation governing hunting and notwithstanding any Provincial legislation which governs hunting within the Province of Manitoba and subject to Section 9 of this By-law, Members of the Cross Lake Band of Indians shall be permitted to engage in hunting any and all game for food on all reserves held for the Cross Lake Band of Indians. Such hunting can take place at any time and by any means.

RESTRICTIONS ON BAND HUNTING

- The eggs of game birds shall not at any time be destroyed.
- No person who kills or injures game shall fail to retrieve it or to make every reasonable effort to do so.
- No person who kills or injures game or is in possession of game that has been killed or injured shall abandon, waste or allow to be abandoned, wasted or spoiled, any edible or usable portions thereof.
- No one shall for hire, gain, remuneration or reward, hunt, kill or take or capture game.

.../4

A quorum for this Band Pour cette bande le quorum est
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Council Members. Membres du Conseil.

 (Councillor - Conseiller)	 (Chief - Chef)	 (Councillor - Conseiller)
_____	 (Councillor - Conseiller)	_____
_____	_____	 (Councillor - Conseiller)
_____	_____	_____
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DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

8. No one shall sell, buy, trade or barter or offer to sell, buy, trade or barter, or keep for the purposes of sale, the meat of any game. Notwithstanding this clause, the By-law hereby expressly recognizes the custom of the Cross Lake Band of Indians whereby younger healthier Band Members harvest game for the use of old and/or infirm Band Members or Band Members who are unable, for one reason or another to hunt for themselves.

ADMINISTRATION BY BAND COUNCIL:

9. The Band Council shall be responsible for carrying out the purposes and provisions of this By-law and in particular, but without restricting the generality of the foregoing, may:

- (a) Appoint officials of the Band to administer permits to non Band Members to hunt;
- (b) Appoint officials of the Band to issue hunting licenses and a fee respecting same;
- (c) Appoint officials to administer the conservation, protection and management of game and to co-operate with Federal and Provincial Conservation Wildlife Officials in the prudent management of game;
- (d) Appoint officials to make recommendations respecting limitation of the modes of hunting game;

A quorum for this Band
Pour cette bande le quorum est

consists of
fixé à 4

Council Members.
Membres du Conseil.

.../5

 _____ (Councillor - Conseiller)	 _____ (Councillor - Conseiller)	 _____ (Councillor - Conseiller)
_____ (Councillor - Conseiller)	 _____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)
_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)	 _____ (Councillor - Conseiller)
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DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

(e) Appoint officials to make recommendations for establishing limits of certain species of the game where circumstances warrant;

(f) Appoint officials to make recommendations respecting prohibiting the hunting of specific species of game where such prohibition is felt necessary for the conservation, protection, or management of such species;

(g) Appoint officials to make recommendations for prescribing rules of safety for the use and possession of firearms and other hunting apparatus;

(h) Appoint officials to make recommendations for prohibiting or regulating the use and possession of firearms or ammunition and other hunting apparatus in any part of the land to which this By-law applies;

(i) Appoint officials to make recommendations for prohibiting or regulating the hunting, killing, taking or capturing of any game of a specified age;

(j) Prescribe the powers and duties of persons engaged or employed in the administration and/or enforcement of this By-law and providing for the carrying out of those duties and powers;

MIGRATORY BIRDS CONVENTION ACT NOT TO APPLY:

10. In so far as it is inconsistent with this by law, The Migratory Birds Convention Act, does not apply on any lands reserved to the Cross

A quorum for this Band Pour cette bande le quorum est
consists of / fixé à <u>4</u>
Council Members. Membres du Conseil.

.../6

 (Councillor - Conseiller)	 (Councillor - Conseiller)	 (Councillor - Conseiller)
_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)	_____ (Councillor - Conseiller)
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DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

Lake Band of Indians pursuant to the Indian Act and/or the Constitution Act, 1867 and any amendments thereto.

OFFENSES:

11. Everyone who is not permitted by this By-law to hunt shall, if found hunting on lands to which this By-law applies, be guilty of an offense punishable on summary conviction and is liable to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty (30) days or both.

ENFORCEMENT:

12. The By-law shall be enforced by Band Constables or any other Peace Officers designated by the Council of the Cross Lake Band of Indians.

13. A violation of the By-law constitutes a separate offense in respect of each item and/or specimen of game that is the subject thereof.

14. A violation of the By-law that continues for more than one day constitutes a separate offense for each day during which it continues.

15. Everyone who violates or attempts to violate any provision of this By-law is guilty of an offence punishable on summary conviction and is liable to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty (30) days, or both.

.../7

A quorum for this Band
Pour cette bande le quorum est

consists of
fixé à 4

Council Members.
Membres du Conseil.

 (Councillor - Conseiller)	 (Chief - Chef)	 (Councillor - Conseiller)
_____	 (Councillor - Conseiller)	_____
_____	_____	 (Councillor - Conseiller)
_____	_____	 (Councillor - Conseiller)
_____	_____	_____

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INTERPRETATION:

16. In this By-law, the masculine includes the feminine, the feminine the masculine and the singular includes the plural and the plural the singular as the context requires.

DONE AND PASSED by Chief and Council in Council Assembled
this 19TH day of SEPTEMBER A.D., 1989.

A quorum for this Band / Pour cette bande le quorum est
consists of / fixé à **4**

Council Members / Membres du Conseil.

Joe Starbuck
(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

[Signature]
(Chief - Chef)

[Signature]
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

George M...
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

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