

BY-LAW NO. 5
Of the POUNDMAKER CREE Nation Band
A By-law for the Preservation, Protection
And Management of Fur Bearing Animals
And Other Game

WHEREAS the Council of the POUNDMAKER 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 POUNDMAKER Band 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 POUNDMAKER Band hereby makes the following by-law:

Title

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

Definitions

- 2.1 "**Game**" means deer, moose, elk, bear and any other vertebrate animal wild by nature and/or being designated so by the Council.
- 2.2 "**Game Officer**" means an appointed officer who is responsible for the administration and enforcement of this by-law.
- 2.3 "**Inherent Right**" means a right given by the Creator to a person or a group of people, and being Divinely given the inherent right to be passed on from generation to generation.
- 2.4 "**Hunting**" means taking, wounding, killing, chasing, capturing, searching for, shooting at, stalking or ambushing any Game, whether or not the game is subsequently killed.
- 2.5 "**Officer**" means a police officer, police constable or other person charged with the duty to preserve and maintain public order and peace, or any other person appointed by the Council for the purpose of maintaining law and order on POUNDMAKER Band Lands.

2.6 "Lands" means the reserves of the POUNDMAKER First Nation as it may exist from time to time and includes all land added to the reserve after the date of this by-law.

2.7 "Snare" means any device used to capture or take Game.

2.8 "Trap" means any spring trap, gin, dead-fall box or next used to capture game.

Administration

3.1 The Council may by resolution, appoint one or more game officers to carry out duties pertaining to the administration and enforcement of this by-law as prescribed herein.

3.2 The Council may, in the resolution, provide for a reasonable remuneration to be paid to a game officer appointed under subsection 3.

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

General Prohibitions on Hunting

5.1 No persons other than the POUNDMAKER First Nation Band Members shall engage in hunting Game on POUNDMAKER Band Lands except as permitted by this by-law.

5.2 Notwithstanding anything in this by-law a person may, where necessary to prevent damage to private property or injury to occupants of occupied POUNDMAKER lands, hunt, take, snare, shoot or kill Game anytime if the incident is reported, and such Game or carcass is surrendered forthwith to the nearest Game Officer.

6. Subject to the provisions of this by-law, members of the POUNDMAKER First Nation may engage in hunting on POUNDMAKER Band lands between the hours of one-half hour before sunrise until one-half hour after sunset.

Hunting Permits

7.1 A person who is not a member of the POUNDMAKER First Nation and is of the age of majority (18 years old) may apply to the Council for a permit to hunt Game on POUNDMAKER Band lands and such a person shall be subject to a permit fee which can be increased when needed to address changes of conditions, circumstances related to this by-law.

7.2 The applicant shall specify:

- a. The name, age and address of the applicant;
- b. The date and place for which the permit is sought;
- c. The species of Game for which the permit is sought;
- d. The specific type of equipment used; and
- e. Such other information as is required to enable the Council to address the considerations as set out in subsection 7.2 and the criteria set out in subsection 7.3.

7.3 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 POUNDMAKER First Nation;
- b. whether or not the applicant has previously held a permit, and if so, complied with the provisions of the permit and any previous by-law pertaining to hunting.

7.4 Where the Council determines that:

- a. the issuance of a permit will not detrimentally affect the species of Game for which the permit is sought and the lands of the POUNDMAKER First Nation; and
- b. the applicant is suitable to have a permit to hunt on POUNDMAKER Band Lands, the Council may issue a written permit authorizing the person to hunt on POUNDMAKER First Nation Band lands, specifying therein the name and address of the applicant, the time and place, the specific type of equipment, the type of Game species to be hunted and the bag limit and size of the species of game that may be hunted by the permit holder.
- (c.) The number of permits already issued for the species of Game for which the permit is sought, and
- d. Whether or not there is sufficient game of that species on any POUNDMAKER Band lands at the time to meet the needs of Band members and permit holders without detrimentally affecting that species.

7.5 Notwithstanding the criteria and considerations in 7.1, 7.2, 7.3 and 7.4, the POUNDMAKER Band may from time to time issue a special permit to allow a ~~non-band member~~ to hunt on POUNDMAKER Band lands under the supervision of trained Band outfitters and guides according to hunting seasons as stipulated in the "Saskatchewan Hunting and Trapping Guide" which is published on a yearly basis.

7.6 A permit issued pursuant to this section is non-transferable.

8. A person holding a permit issued under subsection 7.4 and 7.5 shall not hunt on POUNDMAKER Band lands except in accordance with the terms of the permit issued by the Council.

- 9. A permit issued under this by-law is not valid if:
 - 9.1 it is not signed by the person to whom it is issued,
 - 9.2 the date of expiry has been omitted, removed or defaced.
- 10.1 A person hunting under authority of a permit issued pursuant to section 7 shall have the permit on his person while hunting on POUNDMAKER Band lands.
- 10.2 A Band Councilor or Game Officer may at any time require any permit holder who is hunting on POUNDMAKER Band lands to produce his permit.
- 11. Council may after a notice and hearing, cancel the permit of any person where it is satisfied that:
 - 11.1 the person has contravened the terms of the permit of this by-law, or
 - 11.2 the continuation of this permit would be detrimental to the preservation or protection of Game animals or other Game on POUNDMAKER Band lands.
- 12. The holder of a permit obtained through any false or misleading statement of information made or given pertaining to any information required for the issuance of the permit, shall be deemed to be a holder of a void permit and the holder of the void permit may be prosecuted in the same manner and with the same effect as he could be prosecuted if he were not a holder of a permit.
- 13. For the purpose of preserving Game on the POUNDMAKER Band lands, the Council reserves the right not to issue a Game hunting permit to anyone during the period between January 1 and August 31.

Prohibited Hunting Areas

- 14. No person hunting under permits shall at any time engage in hunting within the following areas of POUNDMAKER Band lands:
 - 14.1 within 500 meters of any occupied residence on POUNDMAKER Band land;
 - 14.2 within 500 meters of any settlement on POUNDMAKER Band land, which for the purpose of this by-law means any public building situated on POUNDMAKER Band lands.
 - 14.3 On lands with standing crops or
 - 14.4 On lands on which herds of domesticated livestock are pastured or housed or are known to be or seen on any grazing lands in the pasture.

Hunting with Firearms

- 15. No person hunting under permit shall discharge or cause to be discharged a firearm within 150 meters of:
 - 15.1 a residential building or settlement building as per subsection 14
 - 15.2 a public road or bridge

- 15.3 any game preserve or bird sanctuary that may be set up by the Band.
- 16. No person hunting under permit shall discharge a firearm:
 - 16.1 on or from a public road
 - 16.2 across a public road
 - 16.3 from a motor vehicle, aircraft or power boat
- 17. No person hunting under permit shall have a loaded firearm in his possession:
 - 17.1 while he is under the influence of alcohol or a drug
 - 17.2 while he is in a motor vehicle, aircraft or power boat
- 18. No person who is in possession of a firearm for the purpose of hunting shall discharge or cause to be discharged carelessly the firearm, or in other ways handle the firearm without due care, attention or without consideration of the safety of other persons and property.
- 19. No person shall use any devices which connects a firearm to a trap or remote control or delayed-action mechanism or which causes a firearm to be discharged without the hunter himself pressing upon the trigger.

Hunting Rules

- 20. No person hunting under permit shall hunt deer, bears, moose, elk or any other Game in restricted areas set out in section 14 of this act.
- 21. No person hunting under permit shall hunt deer, bears, moose, elk or any other Game by using a trap or snare.
- 22. No person hunting under permit shall use any poison, explosive or deleterious substance for hunting purposes.
- 23.1 No person hunting under permit shall hunt deer, bears, moose, elk or other Game by means of, or with the assistance of a dog or when accompanied by a dog.
- 23.2 Subsection 23.1 does not apply where the hunting of Game is necessary for the prevention of:
 - a. damage to private or public property, or
 - b. injury to occupants of occupied land, if the incident is reported and the carcass is surrendered immediately to the nearest game office.
- 1. No person while engaged in hunting on POUNDMAKER Band lands shall conceal his identity in any way, shape or form.
- 2. All persons engaged in hunting on POUNDMAKER Band lands are subject to the rules and guidelines set down in this act and in any amendments to this act.

Conservation

3. A person shall not disturb, destroy or injure the shelter or habitat of Game or any other game.
4. No person shall at any time engage in the hunting of any species which may from time to time be designated by Band Council Resolution.
- 27.1 The Council may designate a species of Game as a protected species and impose a temporary ban on the hunting of any species of game under section 26, by giving notice in accordance with subsection 27.2 and 27.3.
- 27.2 Notice of the ban or restriction shall be posted not less than 24 hours prior to the ban or restriction coming into force. The notice shall be posted:
 - a. in conspicuous places in areas of POUNDMAKER Band lands on which hunting is engaged in and
 - b. in the Band Council Office and other public buildings on the POUNDMAKER First Nation.
- 27.3 The notice shall specify the date and time the ban or restriction is to come into effect and cease and the particulars of the ban or restriction imposed.
- 27.4 No ban or restriction imposed under this section shall remain in force for a period of more than thirty days, unless a further ban or restriction is imposed and further notice is given in accordance with subsections 27.2 and 27.3.

Enforcement

28. A person who:
 - 28.1 fails to observe or otherwise contravenes any provision of this by-law or any ban or restriction imposed hereunder; or
 - 28.2 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 and is thus subject to a penalty as set down in Section 30.
29. Where an act or omission is in contravention of this by-law or any ban or restriction imposed hereunder continues for more than one day, such acts or omission shall be deemed to be a separate offence committed on each day during which it continues and may be punished as such.

Penalty

30. 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 not exceeding thirty days or both.

Amendment

31. This by-law can be amended by the Council of the POUNDMAKER First Nation to suit any changes and circumstances that pertain to Game Hunting on POUNDMAKER Band lands according to the regular enactment procedures stipulated in the Indian Act.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the POUNDMAKER First Nation this _____ day of _____, 20__.

Voting in favor of the By-law are the following members of the Council.



Chief



Member of Council



Member of Council


Member of Council

Member of Council

Being the majority of those members of the Council of the POUNDMAKER First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 3 (three) members.

Number of members of the Council present at the meeting 3.

I,  _____, Chief/Councilor of the Band, do hereby certify that a true copy of the foregoing by-law was hand delivered to the Minister of Indian Affairs and Northern Development at the Prince Albert office of the department pursuant to subsection 82(1) of the Indian Act, this 8 day of Aug, 2000.