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**A By-law for the Preservation, Protection and Management
Of Game and Fur Bearing Animals**

**BYLAW #1-01
OF THE PHEASANT RUMP NAKOTA FIRST NATION**

WHEREAS the Council of the Pheasant Rump Nakota First Nation is desirous of making a By-law for the preservation, protection and management of Game and Fur Bearing Animals on Pheasant Rump Nakota First Nation Lands, matters ancillary thereto, and penalties for violation thereof; and

WHEREAS the Council of the Pheasant Rump Nakota First Nation considers it expedient and necessary to provide for the preservation, protection, and management of Game and Fur Bearing Animals on Pheasant Rump Nakota First Nation lands;

AND WHEREAS nothing in this bylaw is to be construed so as to abrogate or derogate from any existing Aboriginal or Treaty rights;

NOW THEREFORE the Council of Pheasant Rump Nakota First Nation hereby enacts the following by-law;

Short Title

1. This by-law may be cited as the "Hunting and Trapping By-Law of the Pheasant Rump Nakota First Nation #68."

Interpretation

2. (1) In this bylaw, the following words, and phrases shall have the meanings ascribed thereto:
 - a) "Act" means The Indian Act, R.S.C. 1985 c. 1-5 as amended or replaced from time to time and any reference to a section of the Indian Act shall include that section as amended from time to time;
 - b) "Band" means the Pheasant Rump Nakota First Nation #68.
 - c) "Council" means the Council of the Band as defined in the Act, as duly elected by the Members of the Pheasant Rump Nakota First Nation;
 - d) "Fur Bearing Animal" includes a bear, fox, beaver, mink, otter, muskrat, raccoon, weasel, bobcat, lynx, coyote, squirrel and varying hare along with any other Fur Bearing Animal as may be designated by resolution of the Council;
 - e) "Game" means any vertebrate animal, Fur Bearing Animal or bird excluding fish, amphibians, and reptiles that are wild by nature and include, without restricting the generality of the foregoing, deer, moose, elk, and antelope along with any other species of Game as may be designated by resolution of the Council;

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- f) "Game Officer" means any person or persons appointed by resolution of the Council to administer and enforce this bylaw as provided for in Article 3 hereof;
 - g) "Hunting" means the taking, wounding, killing, chasing, pursuing, 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;
 - h) "Member" means a Member of the Band within the meaning of the Act, and unless otherwise provided for herein, shall include all registered Members recorded on the Department of Indian and Northern Development Indian Register in respect of the Band;
 - i) "Motorized vehicle" includes a motorized conveyance, trailer, tractor, snowmobile, all-terrain vehicle or any other conveyance that is drawn, propelled or driven by any mechanical means and includes any accessory attached to the vehicle;
 - j) "Conversation Officer" means a police officer, police constable or other person charged with the duty to preserve and maintain the public peace including any person appointed by the Council for the purpose of maintaining law and order on Pheasant Rump Nakota First Nation lands.
 - k) "Pheasant Rump Nakota First Nation reserve status lands" includes all lands administered by the Band including, without restricting the generality of the foregoing, all Reserve lands of the Pheasant Rump Nakota First Nation, all lands as may be added to the Reserve following the date of this bylaw and all lands derived or acquired by the Pheasant Rump Nakota First Nation under any Treaty Land Entitlement, specific claims or other similar processes;
 - l) "snare" means any device for the taking of Game whereby it is caught in a noose;
 - m) "take" includes the capturing or the taking into possession of Game whether dead or alive'
 - n) "trap" means any spring trap, gin, deadfall box or net used to capture Game;
 - o) "trapping" means the taking of Game by 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-laws 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).

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General Prohibitions on Hunting and Trapping

4. (1). No person shall engage in the hunting or trapping of Game on Pheasant Rump Nakota First Nation lands except as permitted by this bylaw.
- (2) Notwithstanding anything in this bylaw, a person may, where necessary for the prevention of:
 - a) Damage to private property, livestock or other domestic animals; or
 - b) Injury to any person on Pheasant Rump Nakota First Nation.

Hunt, take, trap, snare, shoot or kill Game at any time provided to the incident is immediately reported to the Band Council and such Game or carcass I surrendered to the nearest Game Officer of Officers.

Hunting and trapping by Band Members

5. (1) Subject to the provisions of this by-law, members of the Band may apply to the Council for a permit to hunt or trap game within the reserve.
 - (2) Save and except for the application of the provisions of subsection (1) above along with the provisions of article 6 respecting the issuance of hunting and trapping permits, all remaining provisions of this bylaw shall apply equally to Band Members
6. (1) A person who is not a member of the Pheasant Rump Nakota First Nation may apply to the Council for a permit to hunt or to trap game on Pheasant Rump Nakota First Nation lands at any time.
 - (2) Every application for a permit shall specify:
 - (a) the name, age and address of the applicant;
 - (b) whether the applicant has attended a hunting safety course;
 - (c) whether the applicant has ever been convicted of any offences involving hunting or the use of firearms;
 - (d) the dates and locations for which the permit is sought;
 - (e) the species of Game for which the permit is sought;
 - (f) the specific type of hunting equipment to be used; and
 - (g) such other information as may be required by Council.
 - (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 Pheasant Rump Nakota First Nation;
 - (b) whether or not the applicant has previously held a permit and, if so, has complied with the provisions of the permit;
 - (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 Pheasant Rump Nakota First Nation lands at the time of the application to meet the needs of Members and permit holders without detrimentally affecting the species.
- (4) The fee for a permit is as follows: \$50.00/permit/category.
- (5) Every applicant for a permit shall:
- a) submit the application to Council;
 - b) include in the application all information or materials as may be required by Council pursuant to the provisions hereof; and
 - c) submit to the Council the fee in the amount prescribed by Council in accordance with the provisions of subsection (4) hereof.
- (6) Where an applicant is received by the Council, the Council may:
- a) issue to the applicant a permit to hunt or trap game on Pheasant Rump Nakota First Nation lands where the Council is satisfied that
 - 1) the issuance of a permit to the applicant will not detrimentally affect the species of game in respect of which the permit is sought;
 - 2) the applicant is a suitable person to have the permit issued; and,
 - 3) the applicant has paid the prescribed fee as required in accordance with the provisions of subsection (4); or
 - b) refuse to issue the permit.
- (7) Council may include as a provision of the permit any term or condition that Council considers appropriate.
- (8) Every permit issued shall be signed by authorized officials on behalf of the Council and shall specify 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 along with the duration for which the permit is to be in effect.
- (9) Notwithstanding anything to the contrary herein contained, the Council may from time to time issue special permits which would allow non-Band members to hunt or trap on Pheasant Rump Nakota First Nation lands under the supervision of trained outfitters and guides. The provisions respecting the granting of permits as provided for hereunder shall apply equally to the granting of special permits by Council.
- (10) Council may by resolution affix the rates payable to the Band with respect to the provision of trained outfitters and guides. All costs associated with respect

to the provision of guiding and outfitting service provided to an applicant shall be borne exclusively by the applicant.

- (11) Any permit issued to an applicant shall be non-transferable.
- (12) A person holding a permit issued under this bylaw shall not hunt or trap on Pheasant Rump Nakota Nation lands except in accordance with the terms of the permit as issued by the Council.
- (13) A permit issued under this bylaw is invalid:
 - a. if it is not signed by the person to whom it is issued; or
 - b. if the date of expiry has been omitted, removed or defaced.
- (14) A person hunting or trapping under the authority of a permit issued pursuant to this bylaw shall be required to have the permit on his person at all times while hunting or trapping on Pheasant Rump Nakota Nation lands.
- (15) A Band Councilor, Game Officer or officer may at any time require any permit holder who is hunting or trapping on Pheasant Rump Nakota Nation lands to produce their permit for inspection.
- (16) Where it has reasonable grounds to believe that a person to whom a permit has been issued has contravened the terms of the permit or this bylaw, or that the continuation of the permit would be detrimental to the preservation or protection of Game on Pheasant Rump Nakota Nation lands, an independent committee consisting of Chief and Council and/or Band members may after giving permit holders, as the case may be, the opportunity to be heard, revoke, suspend or cancel the permit granted to the permit holder.
- (17) Copies of all decisions made by Council pursuant to subsection (16) hereof shall be provided to all Game Officers upon issuance by Council.
- (18) The holder of a 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 in the same manner and with the same effect as he could be prosecuted if he were not the holder of a permit.
- (19) For the purpose of regulating the conducting of hunting and trapping on Pheasant Rump Nakota Nation lands, the Council may by resolution:
 - a. set the hunting and trapping seasons for any particular species of Game and prescribe the time during the course of any year upon which hunting or trapping of Game may or may not be engaged in, as the case may be, by non-Members; and

- b. adopt any policies or procedures regulating or governing the conducting of hunting or trapping on Pheasant Rump Nakota Nation lands as may be deemed necessary by Council.
- (20) Copies of all resolutions or policies adopted by Council pursuant to the provisions of subsection (19) hereof shall be:
- a. posted in conspicuous places throughout Pheasant Rump Nakota Nation lands in which hunting and trapping is engaged;
 - b. posted at the offices of the Council or such other place as may be designated by Council; and
 - c. provided to each applicant upon issuance of a permit as provided for under this bylaw.

Game Preserves and Sanctuaries

7. (1) Council may through amendment to this bylaw designate any portion of Pheasant Rump Nakota First Nation lands as a Game preserve or sanctuary for any species of Game.
- (2) Notice of the location of all Game preserves and sanctuaries as designated by Council shall be:
- a) posted in conspicuous places throughout Pheasant Rump Nakota Nation lands in which hunting or trapping is engaged in;
 - b) posted at the offices of the Council or such other places as may be designated by Council; and
 - c) provided to each applicant upon issuance of a permit as provided for under this bylaw.

Prohibited Hunting and Trapping Areas

8. (1) No person shall at any time engage in hunting or trapping within the following areas:
- a) within 150 metres of any occupied residence on Pheasant Rump Nakota Nation lands;
 - b) within 150 metres of any settlement of Pheasant Rump Nakota Nation lands which, without restricting the generality of the foregoing, shall include the Administration Office, Health Clinic or any other public building or complex situated on Pheasant Rump Nakota Nation lands.
 - c) on lands with standing crops;
 - d) on lands in which domesticated livestock are pastured or stored; or
 - e) on any game preserve or sanctuary
 - f) as established by the Council in accordance with the provisions of subsection 7(1) hereof.

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Hunting With Firearms

9. (1) No person while engaged in hunting shall discharge a firearm within 150 metres of:
- a) any occupied residence, building or settlement as referenced in subsection 8. (1)(a) and (b) hereof;
 - b) a public road or bridge;
 - c) any Game preserve or sanctuary as established by amendment to this bylaw in accordance with the provisions of subsection 7(1) hereof.
- (2) No person engaged in hunting shall discharge a firearm:
- a) on or from a public bridge;
 - b) across a public road or bridge; or
 - c) from a motorized vehicle, aircraft or boat.
- (3) Unless otherwise provided for herein or in any permit issued pursuant to this bylaw, no person while engaged in hunting on Pheasant Rump Nakota Nation lands shall conceal his identity or wear a mask or disguise.
- (4) No person while engaged in hunting or trapping or while going to or returning from a hunting camp or while in locality that Game usually inhabit or in which Game is usually found, shall between one half hour after sundown and one half hour before sunrise have a firearm in their possession unless it is unloaded and encased.
- (5) No person while engaged in hunting or trapping shall operate or have in their possession a loaded firearm while that person is under the influence of alcohol or drugs while that person is in operation of a motorized vehicle, aircraft or boat.
- (6) 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 persons or property.
- (7) No person shall use any poison, explosive or deterious substance for hunting or trapping purposes.
- (8) No person shall use any device which connects a firearm to a trap or to a remote control or delayed action mechanism or which causes a firearm to discharge without the hunter himself pressing upon the trigger of such firearm.

Protected Species

10. (1) The Council may by resolution designate a species of Game as a protected species and impose a temporary ban or restriction of the hunting or trapping of any species of Game by giving notices in accordance with provisions of this section.

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- (2) Notice of the ban or restriction shall be posted not less than 24 hours prior to the ban or restriction coming into force.
- (3) Notices of the ban or restriction shall be:
- a) posted in conspicuous places throughout Pheasant Rump Nakota Nation lands in which hunting or trapping is engaged in;
 - b) posted at the offices of the Band Council or such other places as may be designated by Council; and
 - c) provided to each applicant, where applicable, upon issuance of a permit as provided for under this bylaw.
- (4) The notices shall specify the date and time the ban or restriction is to come into force and the particulars of the ban or restriction imposed.

Conservation

11. (1) No person shall at any time:

- a) disturb, destroy, injure, gather or take the nest or eggs of any bird; or
- b) disturb, destroy or injure the shelter or habitat of any Game without permission first having been obtained from Council or a Game Officer.

Rules for Hunting and Trapping

12. (1) No person shall:

- a) engage in the hunting or trapping of Game within a Game preserve or sanctuary as designated through amendment to this bylaw pursuant to the provisions of subsection 7(1) hereof;
- b) engage in the hunting or trapping of any species of Game designated by Council as a protected species;
- c) engage in the hunting of deer, bear, moose, elk or antelope by means of a trap or snare;
- d) attempt to kill any species of Game by use of any poison, explosive or deteriorious substance;
- e) engage in hunting or trapping of Game in any day later than one half hour after sunset or earlier than one half hour before sunrise;
- f) engage in the hunting or trapping of Game by means of or with the assistance of a light;
- g) use a motorized vehicle, aircraft or boat in connection with hunting or trapping except as a means of transportation before and after any hunting activities; or
- h) engage in the hunting or trapping of Game using a restricted firearm as may be prescribed through amendment to this bylaw in accordance with the provisions of subsection 13(1) hereof.

Restricted Firearms

13. (1) Council may through amendment to this bylaw designate a class or classes of firearms which may not be used in conjunction with hunting activities on Pheasant Rump Nakota Nation lands

(2) Copies of all resolutions adopted by Council pursuant to subsection (2) hereof shall upon issuance be provided to all Game officers for their records.

Enforcement

14. (1) Any person who:

- a) fails to observe or who otherwise contravenes any provision of this bylaw or any ban or restriction imposed hereunder; or
- b) resists or willfully obstructs a game officer or officers in the performance of any duty or exercise of any power under this bylaw,

commits an offence.

Penalty

15. (1) A person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment of a term not exceeding thirty days, or to both.

- (2) Should a court determine that a provision of this bylaw is invalid for any reason, the provision shall be severed from the bylaw and the validity of the rest of the bylaw shall not be affected.
- (3) This bylaw comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the Indian Act.

PHEASANT RUMP NAKOTA FIRST NATION #68
P.O. BOX 238 KISBEY, SK S0C 1L0

BYLAW #1-01
OF THE PHEASANT RUMP NAKOTA FIRST NATION

By-law number 1-01 enacted on the 20th day of Sept, 2001, and being a By-law to regulate preservation, protection and management of fur bearing animals and other game.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the council of the Pheasant Rump Nakota Nation Band this 20 day of Sept, 2001.

Voting in favor of the by-law are the following members of the council:

Richard McArthur
Chief Richard McArthur

Warren McArthur
Council Warren McArthur

Joanne Sheepskin
Council Joanne Sheepskin

Patrick McArthur
Council Patrick McArthur

Being the majority of those members of the Council of the Pheasant Rump Nakota Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.
Number of members of the council present at the meeting 3.

I, Richard McArthur (Chief) Councilor 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 at the Regina office of the department pursuant to subsection 82(1) of the Indian Act, this 20 day of Sept, 2001.

Donna Bear
(witness)

Richard McArthur
(Chief Councilor)