BY-LAW NO.

JUL 28 1998

DEPT. OF IXDIAN AFFAIRS AND NORTHERN DEVELOPMENT Frince Albert, Sask.

A BY-LAW FOR THE PRESERVATION, PROTECTION AND MANAGEMENT OF WILDLIFE -

WHEREAS the Council of SHOAL LAKE CREE NATION desires to make a by-law governing the preservation, protection, and management of wildlife on reserve lands and without limiting the foregoing, the creation of wildlife sustenance farms.

AND WHEREAS the Council has the power to make such a by-law under paragraphs 81(1)(a), (c), (d), (g), (h), (n), (o), (q) and (r) of the *Indian Act* RSC 1985 c-1.6:

AND WHEREAS such a by-law is considered expedient and necessary to provide for the preservation, protection, and management of wildlife on reserve lands;

NOW THEREFORE the Council of SHOAL LAKE CREE NATION make the following by-law:

Short title

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1. This by-law may be cited as the "Susterlance Farming By-Law"

Interpretation

2. In this by-law:

Canadian Food Inspection Agency (CFIA) means a department of the Government of Canada that tracks movement and disease status of individual wildlife and wildlife herds within Canada;

Band Member means a member of the Indian band called SHOAL LAKE CREE NATION.

By-laws mean the by-laws of the SHOAL LAKE CREE NATION; Capture or Capturing means hunting or trapping wildlife for the purposes of keeping wildlife in captivity or for the purpose of this by-law.

Council means the band Council, as defined in the Indian Act, of the SHOAL LAKE CREE NATION:

Electronic Immobilization means the use of electronic means to subdue, immobilize, control, restrain or repress a wildlife sustenance farm animal by the use of an electronic device;

First Nation means the SHOAL LAKE CREE NATION;

Habitat means the soil, water, food and cover components of the natural environment that are necessary to sustain wildlife;

Hunting means chasing, driving, flushing, attracting, pursuing, worrying, following after, or on the trail of, searching for, capturing, or capture, trapping, attempting to trap, shooting at, stalking, or lying in wait for wildlife, whether or not the wildlife is subsequently captured, killed, taken, or wounded, but does not include stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking pictures of the wildlife;

Wildlife Tag means a unique identification tag issued under this bylaw;

Licence or Permit means a valid and subsisting licence or permit issued or recognized under this by-law;

Manifest means a wildlife animal manifest as may be as prescribed in this by-law or the Schedules to this by-law (example: See Schedule "E");

Peace Officer means a police officer, constable or other person charged with the duty to preserve and maintain the public peace and includes a by-law enforcement officer or other person appointed by Council for the purpose of preserving and maintaining the public peace or enforcing this by-law;

Person includes a First Nation, municipal corporation, partnership, society, organization, club, and unincorporated association;

To Process includes to slaughter an animal or to make or obtain a product from an animal;

Reportable Disease means a reportable disease as prescribed for the purposes of s.2 of the Health of Animals Act SC 1990 c.21;

Reserve means all those lands defined as a "reserve" within the meaning of the *Indian Act* and set apart for the use and benefit of the SIIOAL LAKE CREE NATION and including the reserves indicated on the maps attached as Schedule "H" to this bylaw;

Resolution or "BCR" means a recognized declaration of intent duly authorized by Council at a duly authorized meeting of Council and recorded and incorporated in the official minutes;

Trade means offer for sale, expose for sale, advertise for sale, sell, buy, barter, exchange, deal or solicit;

Trapping means taking, capturing or killing or attempting to take, capture, or kill wildlife by any means or contrivance designed to ensnare, capture, hold, or otherwise restrain an animal whether or not that means or contrivance kills the animal or not;

Uniquely Identified means identified by means of:

- (a) a wildlife tag issued pursuant to this By-law;
- (b) an animal tag issued by Agriculture Canada under the *Health of Animals Act*; or

REVISED July 27, 1998

where applicable, a United States Department of Agriculture tag issued under the *Identification of Animals for Inter-State or International Movement Regulations* (United States);

Veterinarian Inspector means:

(a) a Veterinarian Inspector as defined in the Health of Animals Regulations;

OLD DOI 00011# 0/20

- (b)a Veterinarian as defined under the Captive Wildlife Regulations (W-13.1 REG 13 of Saskatchewan); or
- (c)a Veterinarian means a Doctor of veterinarian medicine; or
- (d)a person qualified to practice veterinarian medicine under the laws of the place he or she practices and authorized by Council to conduct examination of wildlife animals under this by-law.

Wildlife means a vertebrate of any species or type which is wild by nature but does not include fish;

Wildlife Sustenance Farm means an area where wildlife is kept raised, bred, or propagated in captivity for any purpose;

Wildlife Farm Animal means a wildlife animal which was born or captured from the wild is kept or raised on a wildlife sustenance farm;

Wildlife Officer means a person appointed as a wildlife officer by Council under section 4.

Application of by-law

- 3. (1) This by-law applies within the reserves of SHOAL LAKE CREE NATION.
 - (2) The Schedules are part of this by-law.
 - (3) Where a form is prescribed in this by-law, the form used may vary from the prescribed form as long as it contains all of the relevant information referred to in the prescribed form.
 - (4) This by-law shall be interpreted in such away as not to conflict with the *Health of Animals Act*, SC 1990 c.21 and *Regulations* C.R.C. 1978 c.296.

(5) This by-law shall be interpreted in such a way as to supersede provincial jurisdiction over the preservation, protection and management of wildlife within reserve lands. (example: Wildlife Act and Regulations).

Wildlife Officers

- 4. (1) Council may by resolution appoint one or more wildlife officers to perform the functions of administration and enforcement called for in this by-law.
 - (2) Council may in the resolution provide for reasonable remuneration to be paid to a wildlife officer so appointed.

Agreements for joint action

- 5. Council may on behalf of the FIRST NATION enter into an agreement with the government of Canada, the government of a province or territory of Canada, or the government of a foreign country or a state thereof, or an agency of any of the foregoing, or with a municipality or local government district, or any person for:
 - (a) the joint management of wildlife;
 - (b) the mutual assistance in the enforcement of laws relative to wildlife;
 - (c) the development and implementation of joint informational, educational or training programs;
 - (d) the conduct of joint biological or ecological investigations;
 - (e) reciprocal arrangements for fees to be charged for licences, permits and tags issued under this by-law and their counterparts issued in other jurisdictions;
 - (f) the joint management of wildlife habitat;
 - (g) the development and implementation of joint programs for the control of damage caused by wildlife; and
 - (h) the development and implementation of joint programs for the control of wildlife animals

or for all or any such matters. The agreement may include provisions for contributions by the First Nation toward the cost of implementing its provisions.

General prohibition on hunting and trapping

6. No person shall engage in hunting or trapping within the reserve except as permitted pursuant to a by-law of the SHOAL LAKE CREE NATION.

Licences

- 7. (1) No persons shall keep wildlife in captivity or shall establish or operate a wildlife sustenance farm unless the person holds a valid and subsisting wildlife licence or permit issued under this by-law.
 - (2) No person shall process wildlife unless the person holds a valid and subsisting licence or permit under this by-law.
 - (3) No person shall trade in wildlife or wildlife animal products unless the person holds a valid and subsisting wildlife licence or permit issued pursuant to this by-law.
- 8. A person wishing to obtain a licence shall:
 - (a) submit an application to Council on an application form as set out in Schedule "C";
 - (b) provide Council with any other information it considers necessary; and
 - (c) pay the requisite fee established by Council.
- 9. If Council is satisfied that the application is in accordance with this bylaw Council may issue a licence in the form of Schedule "D" with or without conditions.
- 10. (1) Unless renewed in accordance with subsection (2), a licence expires on December 31 of the year of its issuance or renewal, as the case may be.

- (2) Council shall renew a licence if the licence-holder:
 - (a) is in compliance with this by-law and any conditions to which the licence is subject; and
 - (b) pays the requisite fee established by Council.
- 11. (1) Subject to subsection (2), Council may by resolution suspend for any period that it considers appropriate or cancel a licence if the licence -holder fails to comply with this by-law or any condition to which the licence is subject.
 - (2) Council may not suspend or cancel a licence under subsection (1) without first giving the licence-holder reasonable notice and an opportunity to be heard.
 - (3) Despite subsections (1) and (2), where it is in the opinion of Council in the public interest to do so, Council may by resolution immediately suspend or cancel a licence, and on the suspension or cancellation, giving the licence-holder:
 - (a) written notice of the suspension or cancellation; and
 - (b) an opportunity to be heard within 15 days of the suspension or cancellation.
 - (4) Suspension or cancellation under this section is in addition to any other penalty that may be imposed under this by-law or any other law.
- 12. No person who holds wildlife animals shall allow them to:
 - (a)roam free;
 - (b)escape from captivity; or
 - (c) be released to the wild.

Capturing or bringing wildlife onto the Reserve

13. (I) No person shall capture, keep or bring a wildlife animal on the reserve unless that person holds a valid permit or licence issued under this by-law:

- (2) A person who captures, keeps or brings a wildlife animal on the reserve shall:
 - (a) hold the animal in quarantine for a period of not less than 14 days to ensure that no reportable disease is present; and
 - (b) during the period have the animal examined by a veterinarian inspector.
- (3) Where the wildlife animal has been brought from another jurisdiction within Canada, the veterinarian inspector conducting the examination under subsection (2) need not examine the animal for:
 - (a) blue tongue; or
 - (b) anaplasmosis.
- (4) A person who captures, keeps or brings a wildlife animal on the reserve shall:
 - (a) immediately report the fact to Council;
 - (b) give to the Council copies of the applicable permit and at the veterinarian inspector's report made as a result of the examination under subsection (2).

Diseased wildlife

- 14. (1) A person holding wildlife animals shall immediately report to Council or to a veterinarian inspector designated by Council, the existence of any wildlife animals that:
 - (a) the operator knows or suspects is infected with a reportable disease;
 - (b) the operator knows or suspects has been in contact with an animal infected with a reportable disease; or
 - (c) dies within 30 days of its being brought onto the reserve.
 - (2) A person holding wildlife animals shall immediately report the death of an animal to the Council, and where the person suspects that the animal died of a reportable disease, the person shall:
 - (a) have the animal examined by a veterinarian inspector;

- (b) report the veterinarian inspector's findings to the Council or to a veterinarian inspector designated by Council.
- 15. Council may by resolution:
 - (a) order that a wildlife sustenance farm where a named disease is found to have infected an animal be quarantined until it is satisfied that the disease is under control;
 - (c) order that a wildlife animal it believes to be infected be destroyed;
 - (d) authorize a veterinarian inspector to conduct examinations of wildlife animals.
- 16. The requirements of sections 13, 14 and 15 are in addition to those of the *Health* of *Animals Act* and *Regulations*.

Wildlife sustenance farms

- 17. On a wildlife sustenance farm, animal enclosures shall:
 - (a) contain natural bluffs or shelters sufficient to protect the animals from the wind;
 - (b) have a perimeter fence at least 8 feet high and securely locked so as to prevent public access to the enclosure and the escape of the animals.
- 18. The stocking density on a wildlife sustenance farm shall not exceed 10 adult animals per acre.
- 19. Wildlife animals shall be provided with feed and water adequate to meet normal seasonal maintenance and production requirements.
- 20. Dehorning, antler removal, semen collection or other wildlife handling procedures shall be conducted in a humane manner. Electronic immobilization is permissible, provided that it is carried out humanely.

21. The operator of a wildlife sustenance farm is responsible for ensuring that sections 17 to 20 are complied with.

Identification of wildlife animals

- 22. (1) A wildlife farm animal may not be brought or kept on the reserve unless it has previously been uniquely identified.
 - (2) A wildlife farm animal may not be held or traded on the reserve unless it has been uniquely identified.
 - (3) A wildlife animal born on a wildlife sustenance farm shall be uniquely identified by November 30 in the year of birth.
 - (4) The operator of a wildlife sustenance farm is responsible for ensuring that this section is complied with and for ensuring that the wildlife farm animals on the farm continue to carry the unique identification tags.
- 23. A person responsible for the unique identification of a wildlife sustenance farm animal shall apply to the Council for a wildlife tag.
- 24. If satisfied that the application is proper, the Council shall issue a wildlife tag to the applicant and make a record of the issuance of the tag

Trading in wildlife and wildlife animal products

- 25. (1) A seller of a wildlife farm animal shall provide a manifest in the form of Schedule "E" to the purchaser.
 - (2) The seller shall provide a copy of each manifest to a wildlife officer.
 - (3) The seller shall retain a copy of each manifest provided to the purchaser.
- 26. A seller of wildlife animal products shall provide the purchaser with a bill of sale indicating:
 - (a) the seller's name and address and if different, the sellers business address;
 - (b) a description of the wildlife animal products sold;
 - (c) the total weight at the products sold; and

- (d) unique identification numbers pertaining to the products sold.
- 27. No person may purchase a wildlife farm animal or wildlife animal products from a seller who does not hold a valid and subsisting licence under this by-law.

Records

- 28. (1) A animal sustenance farm operator shall maintain written records for each animal in its possession containing the following information:
 - (a) origin;
 - (b) date of birth if non and applicable;
 - (c) date of death;
 - (d) dates and particulars of purchase and sale;
 - (e) identifying visual characteristics;
 - (f) unique identification tag numbers; and
 - (g) dates and particulars of changes in unique identification.
 - (2) A person who purchases a wildlife farm animal for processing shall maintain written records containing the following information:
 - (a) unique identification tag numbers;
 - (b)the date of purchase; and
 - (c) the licence number of the seller.
 - (3) Person who sells a wildlife farm animal or wildlife animal products shall maintain written records containing the following information:
 - (a) the information required to be included in a manifest or bill of sale;
 - (b) the purchaser's name and address;
 - (c) the licence number of the purchaser, if any.
 - (d) A person who is required to maintain records under this section hall ensure that the records are available for inspection by a wildlife officer at all reasonable times.

Inspection

- 29. (1) A wildlife sustenance farm operator shall make all wildlife animals kept on the farm available for inspection at all reasonable times by:
 - (a) a wildlife officer:
 - (b) a veterinarian inspector authorized by Council;
 - (c) a CFIA; or
 - (d) were authorized by Council, a representative of the Province.
 - (2)A person who is in control of facilities where wildlife animals are processed or where wildlife farm animals or products are sold shall make the facilities available for inspection at all reasonable times by:
 - (a) a wildlife officer;
 - (b) a veterinarian inspector authorized by Council;
 - (c) a CFIA; or
 - (d) where authorized by Council, a representative of the Province.
 - (3) A wildlife sustenance farm operator or a person in control of facilities where wildlife animals are processed or where wildlife farm animals or products are sold shall ensure that all wildlife farm animals held or handled on the farm or facilities are inspected by
 - (a) a wildlife officer;
 - (b) a veterinarian inspector authorized by Council;
 - (c) a CFIA; or
 - (e) where authorized by Council, a representative of the Province.

Transportation

30. (1) No person shall ship by common carrier or mail, or deliver to another person for shipping by common carrier or mail, any package or container containing a wildlife animal, part of a wildlife animal, or a wildlife animal product unless there is plainly marked on the outside of the package or container a complete description of the contents.

- (2) Subject to subsection (3), no person shall accept delivery of a wildlife animal, part of a wildlife animal, or a wildlife animal product unless there is accompanying or attached to it valid and subsisting documentation indicating that the sender was licenced or permitted to possess it.
- (3) Subsection (2) does not apply to a person licenced under this bylaw who has been authorized by a transport or possession permit to accept delivery of a wildlife animal, part of a wildlife animal, or a wildlife animal product.

Import, export and possession permits

- 31. (1) No person shall:
 - (a) be in possession of a wildlife animal on a reserve without a licence or permit under this by-law;
 - (b) import onto the reserve a wildlife animal without an import permit; or
 - (c) export from the reserve a wildlife animal, part of a wildlife animal, or a wildlife animal product without an export permit.
 - (2) No person shall possess a wildlife animal on the reserve without a permit or licence under this by-law authorizing the possession.
- 32. (1) A person wishing to obtain a licence or permit shall submit an application to the Council on an application form as set out in Schedule "F".
 - (2) If the Council is satisfied that the application is in accordance with this by-law and other applicable by-laws, Council may issue a permit in the form of Schedule "G".

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Prohibition as to species of wildlife

- 33. (1) Council may by resolution declare the possession of any species or type of wildlife to be prohibited on the reserve.
 - (2) Except as may be provided in the resolution, no person shall possess or release into the wild an animal of a species or type the possession of which has been prohibited under subsection (1).

Enforcement

- 34. Everyone commits an offence who:
 - (a) fails to observe or contravenes any provision of this by-law;
 - (b) fails to observe or contravenes any ban, restriction or rule imposed under this by-law; or
 - (c) resists or willfully obstructs a wildlife officer or a veterinarian inspector in the performance of any duty or in the exercise of any power under this by-law.
- 35. Where an act or omission in contravention of this bylaw or any ban, restriction or rule imposed continues for more than one day, the act or omission shall be deemed to be a separate offence committed on each day it continues, and may be punished as such.
- 36. A peace officer may arrest without warrant a person the officer finds apparently committing an offence under this by-law and bring the person before a court of competent jurisdiction to be dealt with according to law.

Penalty

37. A person who commits an offence under section 42 is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment not exceeding 30 days, or to both.

[T] (306) 764-1537 [F] (306) 763-0505

Severability

38. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

THIS BY-LAW IS HEREBY MADE at a duly convened meeting of the Council of the SHOAL LAKE CREE NATION this 22 day of 1998. Voting in favour of the by-law are the following members of Council:

Chief Dennis Whitecap

Councillor Edgar Cook Councillor Robert Bear Councillor Bernelda Young

Councillor Kevin Bear Councillor Floyd Flett

being a majority of those members of the Council of SHOAL LAKE CREE NATION present at the meeting of Council duly called and convened.

A quorum of the members of Council is 5 members. ______ members were present at the meeting which this by-law has passed.

Chief Dennis Whitecap

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SCHEDULE "A"

APPLICATION FOR CAPTURING WILDLIFE FOR SUSTENANCE FARM PURPOSES

1.			
	Middle initial:		
	Mailing address:		
	Fax Number:		
	Date of birth:		
	Treaty number:	!	
	Band/First Nation:		
2.	Species of animals to be captu	red:	
3.	Number of animals proposed to	be captured:	
	1	1	
4.	Location or areas from which wildlife:	h applicant pi	oposes to capture the
5.	Location(s) where the animals	will be kept or	penned:
Date	Applic	ant	
	••		
FEE	\$enclosed		

SCHEDULE "B"

CAPTURING PERMIT

Name:			
Mailing address:			
is hereby permitted	d under th	e SHOAL LAI	KE CREE NATION Sustenance
			als on reserve lands.
<u> </u>	•		
Conditions/restrict	ions:	34	
	1)	number of exceed:	animals to be captured not to
	2)	sex of the an	imals:
	a \		
	3)	location whe	re animals can be captured;
	4)	place or loca	ation where animals can be kept
	•,	or penned	mon where unmined can be kept
Expiry date :			

Chief, Band Admi Authorized Band I			
NOTICE:			
This permit:		- 7	
1) must be carr	ied on the	person while	capturing;
2) must be pro-	duced for	inspection wh	en asked by a Wildlife Officer,
Band Admir	istrator o	r a representati	ve of Council;
3) This permit	is not tran	sferable.	

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SCHEDULE "C" (section 10)

APPLICATION FOR WILDLIFE SUSTENANCE FARM LICENCE

¹ Name of applicant:	ļ
Contact person:	
Mailing address:	
Telephone no.:	
Fax no.:	
Location of farm:	
9	
Attach proof of possession of land:	Permit:
1	BCR:
	Right of Use: Certificate of Possession:
	Certificate of Possession:
	Other:
1. Licence applied for (specify):	
elk farm	
deer farm	
wildlife processing	<u> </u>
wildlife trading	
other;(specify)
2. Describe perimeter fence (where appli	cable):
2.1 wire (height to top, material	
2.2 posts (length, thickness at i	op, depth in ground):

¹ If corporation or partnership specify all shareholders or partners.

	2.3	additional measures to assist	containment (electrification,
		fence alarm, buffer fence):	
	2.4	gates on perimeter (width, height,	construction, locking):
	2.5	barbed wire location on perimeter	fence:
	2.6	show or describe proposed corner	brace construction:
3.		be the land and number of acres	• •
	-	e. grassland pasture, open/dense formate percentages):	orest, meadow/muskeg - give
4.	Does na	ntural bush exist in land included in	proposed farm?
5.		sketch layout of proposed farm andling system, quarantine pen and	~ •
	5.1	number of suitable habitat acres in	initial farm plan
	5.2	number or acres if application is for	or expansion
	5.3	type of squeeze chute	
	5.4	type of handling modules	
6.	Provide	scale drawing including dimension	ons of the proposed handing
	facility i	including:	
	6.1	alleyway leading to handling pens	
	6.2	gates	
	6.3	handling pens or modules	
	6.4	squeeze chutes	
	6.5	loading facilities	
	6.6	water supply	
	6.7	quarantine facility	
I a		comply with the Sustenance Farmin	g by-law
Sig	nature:	Date	o:
	ي د		

SCHEDULE "D"

(section 17)

WILDLIFE SUSTENANCE FARM LICENCE

Name:	
Mailing address:	×
is hereby licenced under the Sustenance Far	ming by-law to operate:
wildlife sustenance farm	
wildlife processing facility	
wildlife trader	
other (specify)	
Conditions/restrictions:	
Expiry date:	
Chief, Band Administrator or	
Authorized Band Representative	
NOTICE: This line is not as a few life	
NOTICE: This licence is not transferable.	
FEE \$ enclosed	

SCHEDULE "E" (section 33)

WILDLIFE ANIMAL MANIFEST

Date:		
Paid to own	er:	
Owner:		<u>.</u>
Address:		
Phone numl	oer:	
Owner's lice	ence number:	
Contributor		
Address:		
Address,		!
Phone numl		
	or transported to:	
Address:		
D	CU 4 1	
Description	of livestock	
Ear tag num	iber:	
Sex:		
Weight:		1
Remarks:		1
Remains.		
		
I certify tha	t the information given at	ove is true.

Owner's signature:		. Ar
Received and checked by:		
Driver's signature:		
Vehicle licence number:		
Transporter's name:		
Address:		
GST registration number:		
Hauling charges:		
GST:		
Total:		

SCHEDULE "F" (section 40(1))

APPLICATION FOR IMPORT/EXPORT PERMIT

Name of applicant: Address:			_
Phone number:	• • • • • • • • • • • • • • • • • • • •		- -
Consignor/consignee:			_
Address:			
Phone number:		-	_
Transporter:			_
Address:			_
Phone number:			<u> </u>
Herd status:		<u> </u>	_
Description of animals	<u>.</u>		
Species and class:			_
Ear tag number:			_
Sex:			_
Weight:		ŀ	_
Description:			_
Negative test:	TB		
	BR		
Will animals move dir	ectly from co	nsignor to	consignee location?
I certify that the infor	mation given	above is to	rue. I agree to comply with
	Animals Act,		Movement Regulations and
Signature:			Date:

Certification by Vetermarian inspec	ior.
are moving directly from the her premise at the consignee. All of t	belief all of the animals described aboved of negative status of origin to the animals qualify for transportation to
the consignee.	
Signature:	_ Date :
FEE: \$enclosed	

SCHEDULE "G" (section 32(2))

IMPORT/EXPORT PERMIT

	authority of the Sus		
SHOAL LAKE setout:	CREE NATION and	subject to the	conditions herein
Names of permitt	ee:		
Address:		_ !	
D i .			
Phone number:			
	authorized under this p		
SHOAL LAKE II	NDIAN RESERVE to _		*
This Permit is voi (a) any o consig (b) any o	accordance with the atta d if: f the animals described gnor to the consignee lo f the animals described esser health status.	have not move	ed directly from the
Conditions/restric	tions:		
Expiry date:			
• •	ed under this permit:		
	•		
1. deer:			
2. elk:			
3. other:			
NOTICE: This r	permit is not transferable	e.	

SCHEDULE "H" (Section 2)

DEFINITION OF RESERVE

- The Reserves to which this applies are those indicated with a circle.

ie: Shoal Lake 28 A

