



Sakimay Band No. 74

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P.O. Box 339

GRENFELL, SASK.
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BYLAW #01-99

OF THE SAKIMAY INDIAN BAND # 364

A BY-LAW FOR THE PRESERVATION,

PROTECTION AND MANAGEMENT OF BIG GAME ANIMALS

WHEREAS the Council of the Sakimay Band No. 364 desires to make a By-law governing the preservation, protection and management of Big Game Animals on the Sakimay Indian Reserve # 364, matters ancillary thereto, and penalties for the violation thereof;

AND WHEREAS the Council of the Sakimay Band No. 364 has the power to make such By-law pursuant to paragraphs 81 (l) (o), (q) and (r) of *The Indian Act, R.S.C. 1985, c. 1-5, as amended from time to time*.

AND WHEREAS the Council of the Sakimay Band No. 364 considers it expedient and necessary to provide for the preservation, protection and management of Big Game Animals on the Sakimay Indian Reserve No. 74, Shesheep Indian Reserve No. 74A, Little Bone Indian Reserve No. 74B and Minoahchak Indian Reserve No. 74C.

AND THEREFORE, without prejudice to Aboriginal Right of Self-Determination and to Treaty Four Rights and Powers, the Council for the Sakimay Band No. 364 hereby makes the following By-law under *The Indian Act, R.S.C. 1985, c. 1-5, as amended from time to time*.

1. Short Title

- 1.(1) This By-law may be cited as the "Big Game Animal Hunting By-law on the Sakimay Indian Reserve No. 364."

2. Interpretation

- 2.(1) In this By-law, the following words and phrases shall have the meanings as described thereto:
- a) "Act" means *The Indian Act, R.S.C. 1985, c. 1-5, as amended 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 Sakimay Indian Band No. 364, Shesheep Indian Band No. 74A, Little Bone Indian Band No. 74B and Minoahchak Indian Band No. 74C.
 - c) "Big Game Animal" for the purpose of this by-law shall mean mule and white tail deer, moose, elk and bear.
 - d) "Council" means the Council of the Band, as defined in *The Indian Act*, and as duly elected by the members of the Sakimay Band No. 364.
 - e) "Game Officer" means a member of the Royal Canadian Mounted Police, a

- Conservation Game Officer or Band By-law Enforcement Officer. All person(s) shall be approved by the Council, in writing, to administer and enforce this By-law;
- f) "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 Big Game Animal, whether or not the Game is subsequently captured, wounded or killed;
 - g) "Member" means any Treaty Indian registered as a Member of the Sakimay Indian Band No. 364 according to the Sakimay Band Membership Code, June 1987, as amended from time to time.
 - h) "Reserve" means the Sakimay Indian Reserve No.74, Shesheep Indian Reserve No. 74A, Little Bone Indian Reserve No. 74B and Minoahchak Indian Reserve No. 74C, and all other lands as may be added to the Reserve following the date of this By-law derived or acquired by the Sakimay Band No. 364 under it's Specific Claim or Treaty Land Entitlement;
 - i) "Take" includes the capturing or the taking into possession of any Big Game Animal(s), whether dead or alive;

3. Administration

- 3.(1) The Council shall, by Band Council 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.
- 3.(2) The Council may, in the resolution, provide for reasonable remuneration to be paid to a Game Officer appointed under subsection 3 (1).

4. General Prohibition on Hunting

- 4.(1) a non status treaty person shall not engage in hunting Big Game Animals within the reserve except as permitted by this By-law.
- 4.(2) Notwithstanding anything in this By-law a person may, where necessary for the prevention of:
 - a) damage to private property, livestock or other domestic animals; or
 - b) injury to occupants of occupied Sakimay Indian Band No. 364 lands.

hunt, take, shoot or kill Big Game Animals at any time if the incident is immediately reported to the Band Council and such Game or carcass is surrendered immediately to the nearest Game Officer or any other Officer(s) stipulated in the By-law.

5. Hunting by Band Members

Notwithstanding any provision of this By-law, Members of the Band may engage in hunting within the reserve at any time pursuant to their rights under Treaty Four.

6. Hunting Permits

- 6.(1) A person who is not a Member of the Band may apply to the Council for a permit to hunt Big Game within the band.
- 6.(2) Every application for a permit shall specify:
- a) the name, age and address of the applicant;
 - b) whether the applicant has attended and completed a hunting safety course
 - c) the time, dates and locations for which the permit is sought;
 - d) the species and limit of Big Game for which the permit is sought;
 - e) specify the hunting equipment to be used is a bow and arrow, muzzle loader or rifle; and
 - f) such other information as may be required by Council.
- 6.(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 Sakimay Indian Reserve No. 364;
 - b) whether or not the applicant has previously held a permit and, if so, complied with the provisions of the permit or any previous By-law with respect to hunting;
 - c) the number of permits already issued for the species of Game of which the permit is sought; and
 - d) whether or not there is sufficient Game of that species in the reserve at the time of the application to meet the needs of Band Members and permit holders without detrimentally affecting the population or health of the species.
- 6.(4) Every applicant for a permit shall:
- a) Submit the application to the 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 an application fee as determined on an annual basis.
- 6.(5) Where an applicant is received by the Council, the Council may;
- a) issue to the applicant a permit to hunt on the Sakimay Indian Band lands where the Council is satisfied that:
 - i) the issue of a permit to the applicant will not detrimentally affect the species of Game in respect of which the permit is sought;

- ii) the applicant is a suitable person to have the permit issued; and
 - iii) an applicant has paid the prescribed fee as required in accordance with the provisions of subsection 6. 4(c) hereof; or
 - b) refuse to issue the permit.
- 6.(6) Council may include as a provision of the permit any term or condition that Council considers appropriate.
- 6.(7) 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, and species of Game that may be hunted by the person holding the permit along with the duration for which the permit is to be in effect.
- 6.(8) Notwithstanding anything to the contrary herein contained, the Council may from time to time issue special permits which would allow a non status treaty hunter to hunt on Sakimay Indian Band lands under the supervision of trained outfitters and guides.
The provisions respecting granting of permits as provided for hereunder shall apply equally to the granting of special permits by Council.
- 6.(9) Council shall, by Band Council Resolution, affix the rates payable to the Band with respect to the provision of trained outfitter's and guides. All costs associated with respect to the provision of guiding and outfitting service(s) provided to an applicant shall be borne exclusively by the applicant.
- 6.(10) Any permit issued to an applicant shall be non-transferable.
- 6.(11) A person holding a permit issued under this bylaw shall not hunt on the Sakimay Indian Band lands except in accordance with the terms of the permit as issued by the Council.
- 6.(12) 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.
- 6.(13) A person hunting 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 on the Reserve.
- 6.(14) A Band Councillor, Game Officer or Appointed Officer may at any time require any permit holder who is hunting on Reserve lands to produce their permit for inspection.
- 6.(15) 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 Reserve lands, the Council may after giving the permit holder, as the case may be, the opportunity to be heard, revoke, suspend or cancel the permit granted to the permit holder.

- 6.(16) Copies of all decisions made by Council pursuant to subsection (15) hereof shall be provided all Game Officers upon issuance by Council.
- 6.(17) The holder of a permit obtained by any false or misleading statement or information made or given pertaining to 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.
- 6.(18) For the purpose of preserving Game on Sakimay Indian Band lands, Council can issue permits at their discretion.

7. Hunting with Firearms

- 7.(1) a non status treaty person while engaged in hunting on Sakimay Indian Band lands shall not conceal his identity or wear a mask or disguise.
- 7.(2) a non status treaty person while engaged in hunting, 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 between one half hour after sundown and one half hour before sunrise have a firearm in their possession unless it is unloaded and stored..
- 7.(3) No person while engaged in hunting shall operate or have in their possession a loaded firearm while that person is under the influence of alcohol or drugs or while that person is in operation of a motorized vehicle, aircraft or boat.
- 7.(4) The notices 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.

8. Conservation

- 8.(1) No person shall at any time;
disturb, destroy or injure the shelter or habitat of any Game.

9. Rules of Hunting

- 9.(1) No person shall:
 - a) engage in the hunting of Game within Traditionally Sacred land or sanctuary as designated by Council.
 - b) engage in the hunting 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 the use of poison or explosive substance;

e) a non status treaty person shall not hunt on any given day later than one half hour after sunset or earlier than one half hour before sunrise.

10. Enforcement

10.(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;

shall be deemed to have committed an offence under this bylaw.

10.(2) A Game Officer or officer may seize without warrant:

a) any Game that has been hunted in violation of this bylaw or permit issued hereunder; and

b) any firearm, weapons and or equipment that has been used in contravention of the provisions of this bylaw or permit issued hereunder.

10.(3) Where a Game Officer believes on reasonable and probable grounds that a person is committing or has committed an offence under this bylaw he may, without warrant, stop any motorized vehicle, aircraft, boat or other means of transportation of any description upon signal and search it for Game or any prohibited equipment provided for under this bylaw.

11. Penalty

11.(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 both.

12. Enactment

12.(1) This bylaw is hereby enacted by the Council of the Sakimay Indian Reserve at a duly convened meeting held on the 15th Day of October 1999.

Voting in favor of the bylaw are the following Members of the Council:

[Signature] #583
(Member of Council)

Casseron Langulua #635
(Member of Council)

[Signature] #326
(Member of Council)

[Signature] #300
(Member of Council)

Wanda Sanguis #522
(Member of Council)

[Signature] #441
(Member of Council)

[Signature] #90
(Member of Council)

being the majority of those Members of the Council of the Sakimay Indian Band No. 364 present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.
Number of members of the Council present at the meeting: 6

I, Gilbert Panipekeesick Chief of the Band, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the Saskatchewan District/Regional office pursuant to subsection

82(1) of The Indian Act, this 19th day of October, 1999.

[Signature]
Witness

Gilbert Panipekeesick
Chief Gilbert Panipekeesick