

**BY-LAW NO. 2**  
**Of the One Arrow Band**  
**A By-law for the Preservation, Protection**  
**And Management of Fur Bearing Animals**  
**And other Game**

**WHEREAS** THE COUNCIL OF THE ONE ARROW 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 ONE ARROW 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 ONE ARROW BAND hereby makes the following by-law:

**Short Title**

1. This by-law may be cited as the "One Arrow Hunting By-law".

**Interpretation**

2. In the by-law,

"Band" means the One Arrow Band;

"Big Game" includes antelope, bear, caribou, deer, elk, and moose.

"Council" means the Council, as defined in the Indian Act, of the One Arrow Band;

"Band Member" means any person whose name appears on the band list of the One Arrow Band or who is entitled to have his/her name appear on the band list.

"Fur Bearing Animal" includes bear, fox, beaver, mink, otter, fisher, marten, muskrat, skunk, raccoon, weasel, bobcat, lynx, coyote, squirrel and varying hare;

“Game” means any vertebrate animal or game bird, excluding fish, amphibians and reptiles, that is wild by nature, and includes deer, moose, elk, caribou and fur bearing animals;

“Game Officer” means any officer appointed by the Band Council for the purposes of administration and enforcement of this by-law, and may include RCMP members and provincial Conservation Officers.

“Game Bird” means ducks, geese, pheasants, ruffed grouse, spruce grouse, prairie chicken, sharp tailed grouse and those birds listed in the Migratory Bird Convention Act.

“Hunting” means taking, wounding, killing, chasing, pursuing, worrying, 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;

“peace officer” means an RCMP member or auxiliary member, or a provincial conservation officer, or any other person with the authority of a peace officer in the Province of Saskatchewan;

“Permit Fees” means fees established by Band Council Resolution and can be amended from time to time by further Band Council Resolutions;

“Reserve” means the reserve of the One Arrow Band and includes the Band’s Reserves No. 95, 95A, No.95-1A, 95-1B, 95-1C, 95-1D, 95-1E, 95-1F, 95-1G, 95-1H and 95-1I;

“Snare” means any device for the taking of game whereby it is caught in a noose;

“Take” includes the capturing of and/or the taking into possession of game, whether dead or alive;

“Trap” means any spring trap, gin, deadfall box or net used to capture game;

“Trapping” means taking game by a 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-law 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).

4. The Council may designate any game officer to perform such functions in respect of the administration and enforcement of this by-law.

#### **General Prohibition on Hunting and Trapping**

5. (1) No person shall engage in hunting or trapping within the reserve, except in accordance with the provisions of this by-law.  
  
(2) Notwithstanding the provisions of this by-law, a person may, where necessary for the prevention of:
  - (a) damage to private property, livestock, or domestic animals; or
  - (b) injury to persons on the reserve, whether or not they are band members,hunt, take, trap, snare, shoot or kill game if the incident is reported to the band council or a game officer, and the carcass is surrendered to a game officer without undue delay.

#### **Hunting and Trapping by Band Members**

6. Subject to the provisions of this by-law, Band Members may engage in hunting and trapping within the reserve at any time.

#### **Hunting and Trapping Permits**

7. (1) A person who is not a Band Member and is of the age of majority (18 years old) may apply to the Council for a permit to hunt game on One Arrow Band lands. A person who applies for such a permit may be subject to a permit fee.  
  
(2) A person applying for a big game permit may be subject to a big game permit fee of one hundred dollars (\$100). A person applying to for a permit for only game other than big game may be subject to a permit fee of fifty dollars (\$50).  
  
(3) The application shall specify:
  - (a) the name and address of the application;
  - (b) the applicant's age;
  - (c) whether the applicant has attended a hunting safety course;
  - (d) the location for which the permit is sought;
  - (e) the species of game for which the permit is sought;
  - (f) the type of hunting or trapping equipment to be used;
  - (g) whether the applicant has any previous convictions under federal or provincial hunting regulations; and

- (h) such other information as is required to enable the Council to address the considerations set out in subsection (3) and the criteria set out in the subsection (4).

(4) In determining whether or not a permit should be issued, the Council shall take into consideration;

- (a) whether or not the applicant has previously held a permit and, if so, has complied with the provisions of the permit and this or any previous by-law with respect to hunting and trapping;
- (b) the extent of the contribution, if any, the applicant makes to the reserve community.
- (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 in the reserve at the time to meet the needs of Band members and permit holders without detrimentally affecting the species.

(5) When the Council determines that the applicant has met the required criteria, the Council may then issue a permit subject to the following:

- (a) the issue of a permit will not detrimentally affect the species of game in respect of which the permit is sought; and
- (b) the applicant is a suitable person to have a permit to hunt or trap on the reserve.

(6) A permit issued pursuant to this section is non-transferable.

(7) The Council may issue a permit authorizing the applicant to hunt on reserve lands. Such permit shall be in writing specifying the name and address of the applicant, the correct time and place, specifying the type of equipment, the type of game species to be hunted, and the bag limit of the species of game that may be hunted by the permit holder.

(8) Notwithstanding the criteria and considerations in subsections (1), (2), (3) and (4), the One Arrow Band may from time to time issue permits to allow non-band members to hunt on the One Arrow Band Lands providing they meet the above criteria and may only hunt under the supervision of trained band outfitters and guides according to hunting seasons as stipulated in the provincial government "Saskatchewan Hunting and Trapping Guide" which is published on an annual basis.

8. A permit issued under this by-law is invalid

- (a) if it is not signed by the person to whom it is issued;
- (b) if the date of expiry has been omitted, removed or defaced.

9. (1) A person hunting or trapping under the authority of a permit issued pursuant to section 7 shall have the permit on his or her person while hunting or trapping within the reserve.  
  
(2) The Council or a game officer may at any time require any permit holder who is hunting or trapping within the reserve to produce his/her permit.
10. The Council may, after a notice and hearing, cancel the permit of any person where it is satisfied:
  - (a) that the person has contravened the terms of the permit or of this by-law, or
  - (b) that the continuation of the permit would be detrimental to the preservation or protection of fur bearing animals or other game on the reserve
11. 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 as if he were not the holder of a permit.

#### **Hunting and Trapping by a Person Under the Age of Eighteen Years**

12. A non-band member who is under the age of eighteen years may only hunt and trap without a permit if accompanied by and under the supervision of an adult Band member or a person holding a permit issued pursuant to section 7.

#### **Hunting Season**

13. No permit shall be issued to authorize hunting for deer, moose, elk, caribou, fur bearing animals or game birds between May 1<sup>st</sup> and September 30<sup>th</sup>, inclusive, of any calendar year.

#### **Prohibition Zones**

14. No person shall, at any time, engage in hunting within five hundred (500) meters of:
  - (a) a band office;
  - (b) a school;
  - (c) a house or residential building.

### **Hunting with Firearms**

15. No person, while engaged in hunting, shall discharge a firearm within one hundred and fifty (150) meters of:
  - (a) a public road or bridge; or
  - (b) a game preserve or bird or fish sanctuary.
16. No person, while engaged in hunting, shall discharge a firearm;
  - (a) on or from a public road or bridge;
  - (b) across a public road or bridge; or
  - (c) from a vehicle, aircraft or power boat.
17. No person, while engaged in hunting or while going to or returning from a hunting camp, or while in a locality that big game usually inhabits or in which game is usually found, shall between one-half hour after sundown or one-half hour before sunrise, have a firearm in his possession unless it is unloaded and encased.
18. No person shall carry a loaded firearm, or engage in hunting, while under the influence of alcohol or any mind-altering drug.
19. No person, while engaged in hunting, shall:
  - (a) discharge a firearm,
  - (b) cause a firearm to be discharged, or
  - (c) handle a firearmwithout due care and attention or without reasonable consideration for person and property.
20. No person shall use any poison, explosive or deleterious substance for hunting purposes.
21. 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 the trigger of such firearm.
22. No loaded firearms shall be stored, transported or handled in a vehicle, aircraft, or power boat.
23. Subject to other sections of this by-law, unloaded firearms carried on all-terrain vehicles need not be encased.

### **Protected Species**

24. (1) The Council may impose a temporary ban or restriction on the hunting or trapping of any species by giving notice in accordance with subsections (2) and (3).
- (2) Notice of the ban or restriction shall be posted not less than 24 hours prior to the ban or restriction coming into force,
- (a) in conspicuous places in areas of the reserve in which hunting or trapping is engaged in; and
  - (b) in the office of the Band Council.
- (3) The notice 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.
- (4) The ban or restriction imposed under this section shall not remain in force for period in excess of fourteen (14) days, unless a further ban or restriction is imposed and further notice is given in accordance with subsection (2) and (3).
- (5) No person shall tear down, remove, damage, deface, or cover any sign or signboard erected, placed, or maintained by or on behalf of the Council in relation to this or any other by-law.

### **Conservation**

25. No person shall intentionally
- (a) disturb, destroy, injure, gather or take the nest or eggs of any game bird;
  - (b) disturb, destroy, or injure the shelter or habitat of any game including big game.
26. No person shall cut, break or destroy a beaver house or beaver dam, except where the cutting, breaking or destroying is necessary to prevent damage to personal property.

### **Rules of Hunting and Trapping**

27. No person shall hunt any big game animal by means of a trap or snare.
28. No person shall kill, or attempt to kill, any species of game by the use of a poison.
29. No person shall:
- (a) hunt game in any day later than one-half hour after sunset or earlier than one

- half hour before sunrise; or  
(b) hunt game by means of or with the assistance of an artificial light.
30. (1) No person shall hunt any big game or fur bearing animal by means of, or with the assistance of, a dog or when accompanied by a dog.
- (2) Subsection (1) does not apply where the hunting of game with a dog is necessary for the prevention of:
- (a) damage to private property, or
  - (b) injury to occupants of occupied land,
- if the incident is reported and the carcass surrendered to a game officer without undue delay.
31. (1) No person shall hunt big game with a firearm having a bore of less than .23 calibre.
- (2) No person shall hunt any game, including big game, using a handgun or an automatic weapon.
32. No person shall use an aircraft, sail boat, power boat, canoe or motorized vehicle in connection with hunting, except as a means of retrieving downed game or as a means of transportation before or after any hunting activity.

### **Offences**

33. A person commits an offence when he or she:
- (a) fails to observe or who otherwise contravenes any provision of this by-law or any ban restriction imposed hereunder, or
  - (b) wilfully resists, obstructs, or delays a game officer in the performance of any duty or in the exercise of any power under this by-law.
34. Where an act or omission in contravention of this by-law, or any ban or restriction imposed hereunder, continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.



## Enforcement

35. Notwithstanding any other provision of this by-law, a peace officer may kill, injure, possess, disturb, capture, harvest, take or interfere with any game, fish or invertebrate:
- (a) in the exercise of his or her powers or the performance of his or her duties pursuant to this bylaw; and
  - (b) in the manner, at the time and in the places that the Council may specify.
36. (1) A peace officer may detain any person he finds in the act of hunting or trapping on reserve lands for the purposes of
- (a) establishing the identity of the person,
  - (b) inspecting any permit or document required to this by-law;
  - (c) inspecting any object or document relating to this by-law that is either produced by the person subject to an inspection or that is in plain view to a peace officer during an inspection;
- (2) A detention for the purposes of subsection (1) shall be conducted in a reasonable manner and without undue delay.
- (3)(a) A peace officer may arrest without warrant any person he finds in the act of committing an offence under the by-law;
- (b) A peace officer shall not arrest a person in any case where he believes that the public interest, having regard to all the circumstances, including the need to
- (i) establish the identity of the person;
  - (ii) secure or preserve evidence of or relating to an offence; or
  - (iii) prevent the continuation or repetition of an offence or the commission of another offence;
- maybe satisfied without so arresting the person, and he has no reasonable grounds to believe that, if he does not arrest the person, the person will fail to attend court in order to be dealt with according to law.
- (c) Notwithstanding subsection (b), a peace officer acting under subsection (a) is deemed to be acting lawfully and in the execution of his duty for the purposes of any proceedings under by-law, unless in such proceedings it is alleged and established by the person making the allegation that the peace officer did not comply with the requirements of subsection (b).
- (4) A peace officer may arrest without warrant any person who he believes on reasonable and probable grounds
- (a) has committed an offence under this by-law or any other offence, and
  - (b) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.

37. (1) Where a game officer that is also a peace officer believes on reasonable and probable grounds that a vehicle or boat is being used for a purpose contrary to this by-law, the game officer may request or signal to the person in charge of operating the vehicle or boat to stop the vehicle or boat.
- (2) When requested or signalled by a game officer pursuant to subsection (1), the person in charge of operating the vehicle or boat shall without delay:
- (a) bring the bring the vehicle or boat to a safe stop
  - (b) produce for inspection any game, fish, trap, snare, bait or document requested by the officer for the purposes of this by-law.
  - (c) provide all information requested by the game officer that is in relevant to the inspection.
- (3) When conducting an inspection pursuant to subsection (2), a game officer may:
- (a) inspect any game, fish or invertebrate;
  - (b) inspect any license or document required pursuant to this by-law;
  - (c) inspect any object or thing that relates to this by-law that is either produced by the person subject to the inspection or in plain view to the game officer during an inspection;
  - (d) ask questions that may be relevant to the inspection; and
  - (e) conduct any tests that may be relevant to the inspection.
38. Where a game officer is conducting an inspection pursuant to any of the provisions of this by-law, the game officer may be accompanied or assisted by any person or persons who, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to the game officer in carrying out the game officer's duties.

**Penalty**

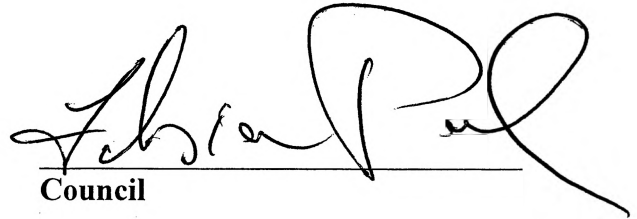
39. A person who commits an offence under this by-law is liable on summary conviction to a fine of not more than \$1,000.00 (one thousand dollars) or to a term of imprisonment not exceeding 30 (thirty) days, or to both a fine and term of imprisonment.

**THIS BY-LAW IS HEREBY PASSED BY THE CHIEF AND COUNCIL OF THE ONE ARROW FIRST NATION:**

On This 21 day of August, 2007


  
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Chief

  
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Council

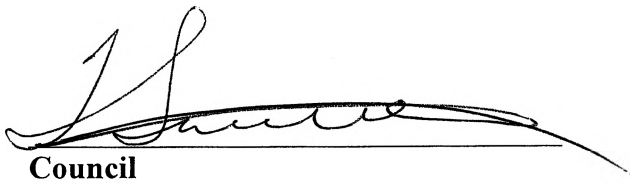
  
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