

**LUCKY MAN CREE NATION**

**HUNTING BY-LAW**

**LUCKY MAN CREE NATION  
BY-LAW 2005-002**

**A BY-LAW FOR THE PRESERVATION,  
PROTECTION AND MANAGEMENT OF BIG GAME, FUR BEARING  
ANIMALS AND OTHER GAME**

**ENACTED ON THE 24<sup>th</sup> DAY OF OCTOBER, 2005.**

**WHEREAS** the Council of the Lucky Man Cree Nation Band desire to make a by-law governing the preservation, protection and management of Big Game, 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 Lucky Man Cree Nation Band is empowered to make such a by-law pursuant to paragraphs 81(1)(o), (q) and (r) of the Indian Act, R.S.C. 1985, c – I-5;

**AND WHEREAS** it is considered to be expedient and necessary to provide for the preservation, protection and management of Big Game, fur bearing animals and other game on the reserve;

**AND WHEREAS** the Council of the Lucky Man Cree Nation Band did enact by-law No. 2005-001 on the 20<sup>th</sup> day of September, 2005, and wishes to repeal the said by-law No. 2005-001 and replace it with this by-law;

**NOW THEREFORE** the Council of the Lucky Man Cree Nation Band hereby makes the following by-law:

**Short Title**

1. This by-law may be cited as the "**Lucky Man Cree Nation Hunting By-law**" on the Lucky Man Cree Nation Indian Reserve.

**Interpretation**

2. In this by-law,

"*Band*" means the Lucky Man Cree Nation, which is an Indian band as defined in the Indian Act;

"*Council*" means the Council, as defined in the Indian Act, of the Lucky Man Cree Nation;

"*fur bearing animal*" includes a bear, fox, beaver, mink, otter, fisher, marten, muskrat, skunk, racoon, weasel, bobcat, lynx, coyote, squirrel and varying hare;

"*game bird*" includes upland game birds and migratory game birds;

"*game officer*" means a game officer appointed under section 5, and includes any officer who has been designated by the Council, to administer and enforce this by-law; it also includes a police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a

by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"*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;

"*reserve*" means the Lucky Man Cree Nation Indian reserve, more particularly described as:

The whole of Sections Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), and Thirty-six (36). All in Township Forty-six (46), Range Nine (9), West of the Third Meridian, in the Province of Saskatchewan.

"*snare*" means any device for the taking of game whereby it is caught in a noose;

"*take*" includes the capturing or the taking into possession of game, whether dead or alive;

"*trap*" means any spring trap, gin, snare, deadfall box or net used to capture game;

"*trapping*" means taking game by a snare or trap;

"*upland game bird*" includes the following birds and the birds or all species of the following families:

- (a) *tetraonidae*, commonly known as grouse, including ruffed grouse, spruce grouse, prairie chickens, sharp-tailed grouse, sage grouse; and
- (b) *phasianidae*, commonly known as pheasants and partridges, including ring-necked pheasants, European grey or Hungarian partridges.

3. Wherever the context so requires, masculine gender shall include feminine gender, plural shall include singular and singular shall include plural.
4. Section headings are for convenience only and do not form a part of this by-law.

### **Administration**

5. The Council of the Lucky Man Cree Nation may, 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.
6. The Council may, in the resolution, provide for reasonable remuneration to be paid to a game officer, and other appointed officers.

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

7. No person shall engage in hunting or trapping within the reserve except as permitted by this by-law.
8. 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 located on the reserve; or
  - (b) injury to persons on the reserve, whether or not they are members of the Band, hunt, take, trap, snare, shoot or kill game at any time if the incident is immediately reported to the Council, and such game or carcass is surrendered to the nearest game officer.

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

9. Subject to the provisions of this by-law, members of the Band may engage in hunting and trapping within the reserve at any time. Band members who are under the age of sixteen may only hunt and trap if accompanied by and under the supervision of an adult Band member.

### **Hunting and Trapping by Non-Members**

10. A person who is not a member of the Lucky Man Cree Nation shall apply to the Council for a licence to hunt or to trap game within the reserve.
11. The application for a licence shall specify:
  - (a) the name and age of the applicant;
  - (b) the address of the applicant;
  - (c) whether the applicant has attended a hunting safety course;
  - (d) the location for which the licence is sought;
  - (e) the species of game for which the licence 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 below.
12. In determining whether or not a licence should be issued, the Council shall take the following into consideration:
  - (a) whether or not the applicant is a resident of the reserve;

- (b) whether or not the applicant has previously held a licence and, if so, has complied with the provisions of the licence and this or any previous by-law with respect to hunting and trapping;
- (c) the extent of the contribution, if any, the applicant makes to the reserve community;
- (d) the number of licences already issued for the species of game for which the licence is sought; and
- (e) whether or not there is sufficient game of that species in the reserve at the time to meet the needs of the members of the Lucky Man Cree Nation and other licence holders without detrimentally affecting the species.

13. Where the Council determines that:

- (a) the issue of a licence will not detrimentally affect the species of game in respect of which the licence is sought;
- (b) the issue of a licence will not detrimentally affect the lands of the Lucky Man Cree Nation; and
- (c) the applicant is a suitable person to have a licence to hunt or trap on the reserve;

the Council may issue a licence authorizing the person to hunt or trap on the reserve, specifying therein the time, dates, place, type of equipment, bag limit, size limit and species of game that may be hunted or trapped by the person holding the licence.

### **Licences**

14. The licence fees for game are as follows:

Deer	\$ 1,500.00	per species
Elk	\$ 1,500.00	per species
Moose	\$ 1,500.00	per species
Antelope	\$ 1,000.00	per species
Bear	\$ 500.00	per species
Coyote	\$ 50.00	per species
Wolf	\$ 500.00	per species
Bison	\$ 1,500.00	per species
Caribou	\$ 1,500.00	per species
Other Fur Bearing Animals	\$ 350.00	seasonal rate
Game Bird	\$ 110.00	seasonal rate

15. The Council may, by Band Council Resolution, vary the licence fees no later than June 1<sup>st</sup> of each year.

16. A licence issued pursuant to this section is non-transferrable.

17. A licence issued under this by-law is invalid:
  - (a) if it is not signed by the person to whom it is issued; and
  - (b) if the date of expiry has been omitted, removed or defaced.
18. A person hunting or trapping under the authority of a licence issued pursuant to this by-law shall have the licence on his person while hunting or trapping within the reserve.
19. A game officer or a member of the Chief and Council may at any time require any licence holder who is hunting or trapping within the reserve to produce his licence.
20. The Council may with or without notice, cancel the licence of any person where it is satisfied:
  - (a) that the person has contravened the terms of the licence or of this by-law; or
  - (b) that the continuation of the licence would be detrimental to the land or the preservation or protection of migratory birds, fur bearing animals or other game on the reserve.
21. The holder of a licence obtained by any false or misleading statement or information made or given in respect of any information required for the issuance of the licence shall be deemed to be the holder of a void licence 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 licence.

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

22. A non-band member who is under the age of 16 years may only hunt and trap without a licence if accompanied by and under the supervision of a person holding a licence issued under this by-law.
23. A non-band member who is under the age of 16 years must comply with time restrictions, place, type of equipment, bag limit, size limit, and species of game that may be hunted as part of the supervising licence holder's allowances which are granted pursuant to this by-law.

#### **Hunting and Trapping Season**

24. No licence shall be issued to authorize hunting deer, antelope, moose, elk or caribou between January 1<sup>st</sup> and September 1<sup>st</sup> of each year.
25. No licence shall be issued to authorize trapping for the following animals outside of the date specified:

Badger	Nov. 1 to Apr. 15
Bear	Nov. 30 to May 1
Beaver	Oct. 1 to May 31
Bobcat	Nov. 1 to Feb.15
Coyote	Open Season

Fisher	Nov. 1 to Feb. 28
Fox	Open Season
Lynx	Nov. 1 to Feb. 28
Marten	Nov. 1 to Feb. 28
Mink	Nov. 1 to Feb. 15
Muskrat	Oct. 15 to Apr. 30
Otter	Nov. 1 to Apr. 30
Raccoon	Open Season
Skunk	Open Season
Squirrel	Nov.1 to Mar.15
Weasel	Nov. 1 to Feb. 28
Wolf	Sept. 1 to Mar.15
Wolverine	Oct. 15 to Feb.15

26. No licence shall be issued to authorize the hunting of migratory game birds between March 10<sup>th</sup> and September 1<sup>st</sup> of each year.

### **Prohibited Areas**

27. No person shall at any time engage in hunting or trapping within the following areas of the reserve:
- (a) within 150 metres of any occupied residence on Lucky Man Cree Nation reserve;
  - (b) within 150 metres of any Band Hall, building or facility owned by the Lucky Man Cree Nation;
  - (c) within 150 metres of any recreational or camping site;
  - (d) on land with standing crops;
  - (e) 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; or
  - (f) any other areas determined by the Lucky Man Cree Nation from time to time and posted with a "No Hunting" sign.

### **Signs**

28. For the purpose of preserving game on the Lucky Man Cree Nation, the Council of the Lucky Man Cree Nation may post signs on the reserve indicating where hunting or trapping is restricted or prohibited.

## **Trapping Rules**

29. The equipment used by any person for trapping game shall meet the following standards:
- (a) All traps must be set in a manner that will kill the animal in a humane way and with reasonable dispatch;
  - (b) Mechanically activated foot snares may be used to trap all fur bearing game, other than fox, as a part of normal trapping operations, provided that foot snare set in water for beaver, otter, mink or muskrat is set so that the animal drowns when caught; and
  - (c) Snares shall be equipped with a locking device to prevent the noose from opening.
30. No person shall trap game using the following equipment:
- (a) traps with an inside jaw-spread exceeding 24 centimetres;
  - (b) traps equipped with serrated teeth or jaws; or
  - (c) spring-pole sets on poles or trees unless the trap is set in a manner to kill the animals within reasonable dispatch.

## **Hunting Rules**

31. A firearm of the type listed below shall not be used by any person for hunting any species of game:
- (a) hand-gun; or
  - (b) fully automatic weapons, including machine guns and rifles and any other gun or rifle designed to fire more than one shot with a single squeeze of the trigger.
32. A firearm of the type listed below shall not be used by any person, with the exception of members, for hunting moose, deer, elk, caribou, antelope or bear:
- (a) those weapons using projectiles smaller than a .23 calibre; or
  - (b) a rifle.
33. No person shall hunt moose, deer, elk, caribou, antelope or bear with:
- (a) bows of less than 40 pounds draw weight or arrows with heads measuring less than 2.2 centimetres in diameter; or
  - (b) crossbows of less than 150 pounds or 68 kilograms drawn weight or bolts with heads measuring less than 2.2 centimetres in diameter.
34. All persons hunting migratory game birds shall only use shotguns.



35. No person while engaged in hunting shall discharge a firearm within one hundred and fifty (150) metres of:
- (a) a residential building, Band Hall or any other buildings owned by the Lucky Man Cree Nation;
  - (b) a public road or bridge;
  - (c) a corral occupied by livestock; or
  - (d) a game preserve or bird or fish sanctuary.
36. No person while engaged in hunting shall discharge a firearm:
- (a) on or from a public or grid road;
  - (b) across a public or grid road; or
  - (c) from a vehicle, aircraft or power boat.
37. A person while engaged in hunting or 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 not have a firearm in their possession, unless it is unloaded and encased, between one half-hour after sundown and one half-hour before sunrise.
38. No person while engaged in hunting shall have a loaded firearm in his possession:
- (a) while he is under the influence of alcohol or a drug; or
  - (b) while he is in a vehicle, aircraft or power boat.
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39. 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 person and property.
40. No person shall use any device which connects a firearm to a trap or to a remote control or delayed-action mechanisms or which causes a firearm to discharge without the hunter himself pressing upon the trigger of such firearm.
41. No person while engaged in hunting in the reserve shall conceal his identity by wearing a mask or disguise.
42. No person shall:
- (a) hunt game during the period from one-half hour after sunset to one-half hour before sunrise; or

(b) hunt game by means of or with the assistance of an artificial light.

- 43. No person shall hunt deer, bear, moose, caribou, antelope or elk by using a trap or snare.
- 44. No person who engages in hunting shall use a live decoy of any kind.
- 45. No person shall hunt deer, bear, moose, caribou, antelope or elk by means of, or with the assistance of a dog or when accompanied by a dog.

#### **Poisons**

- 46. No person shall use any poison, explosive or deleterious substance for hunting or trapping purposes.

#### **Stands**

- 47. All stands shall be of a temporary nature for easy removal and constructed so as to cause little or no damage to the environment.

#### **Retrieval**

- 48. A person who kills game must immediately cancel and affix their species tag to the game.
- 49. A person who has killed any game or has in his possession any game shall not allow its edible flesh to be wasted, destroyed, spoiled or abandoned on the reserve.
- 50. A person who is not a member of the Lucky Man Cree Nation and who has obtained a licence under this by-law may take the antlers, horns and capes of any game that he has killed for his use and may transfer such items off the reserve provided he has paid all fees due and owing pursuant to this by-law.
- 51. A person who has killed any game or has in his possession any game shall give the edible flesh of any game to the Chief and Council of the Lucky Man Cree Nation to be distributed to the members.

#### **Protected Species**

- 52. No person shall at any time engage in the hunting or trapping of any game that has been designated as “extirpated”, “endangered”, or “threatened” as may be designated in the *Species at Risk Act*, 2002, as amended from time to time.
- 53. The Council may impose a temporary ban or restriction on the hunting or trapping of any species not mentioned above.

54. 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.

### **Conservation**

55. A person shall not:
- (a) disturb, destroy, injure, gather or take the nest or eggs of any game bird;
  - (b) disturb, destroy or injure the den, shelter or habitat of any game or other wildlife; or
  - (c) break or destroy a beaver house or beaver dam, except where the cutting, breaking or destroying is necessary to prevent damage to the property of that person.
56. Pursuant to subsection 55(c), a person is required to give notice to the Band Council and obtain their approval prior to destroying such a dam.

### **Enforcement**

57. A person who:
- (a) fails to observe or who otherwise contravenes any provision of this by-law or any ban, restriction or limitation imposed hereunder; or
  - (b) 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 subject to a penalty as provided for in this by-law.
58. 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.

### **Penalty**

59. A person who commits an offence under this by-law is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term, which does not exceed 30 days, or to both a fine and imprisonment.

### **Validity**

60. If any part or section or portion of this by-law is for any reason held to be invalid or is declared to be invalid by a decision of a Court of competent jurisdiction, that section or portion shall be deemed severable and shall not affect the validity of the remaining portions or sections of this by-law.

### Other Laws

61. Nothing in this by-law shall exempt any person from complying with the requirements of any other by-law in force within the boundaries of the Lucky Man Cree Nation reserve or from applying for and obtaining any license, permission, or approval required by this or any other by-law or regulation of the Lucky Man Cree Nation.

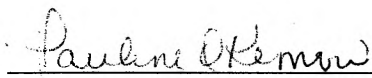
### Amendments

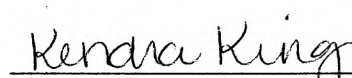
62. The Council of the Lucky Man Cree Nation reserve the right to revisit this by-law.
63. This by-law may be amended at duly convened Council meetings.

This by-law is approved and passed at a duly convened meeting of the Chief and Council of the Lucky Man Cree Nation this 24<sup>th</sup> day of October, 2005.

Voting in favour of the by-law are the following members:

Quorum 3

  
Chief – Pauline Okemow

  
Councillor – Kendra King

  
Councillor – Cheryl Kalanack

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Councillor - Richard Okemow

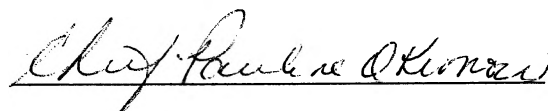
being the majority of those members of Chief and Council of the Lucky Man Cree Nation present at the meeting of the Chief and Council.

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

I, Pauline Okemow, Chief/Councillor, as the case may be, of the Lucky Man Cree Nation Band, do hereby certify that a true copy of the foregoing by-law No. 2005-002 was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 81 of the *Indian Act*, this 24<sup>th</sup> day of October, 2005.



Witness



Chief/Councillor