

Chronological no. - N° consécutif
2004-2005 # 20
File reference no. - N° de référence du dossier

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.  
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

		Cash free balance - Solde disponible	
The council of the Le conseil de		Capital account Compte capital	\$ _____
Date of duly convened meeting Date de l'assemblée dument convoquée	D-J M Y-A 2 7 0 6 0 5	Province SK	Revenue account Compte revenu \$ _____

DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES:

LITTLE PINE FIRST NATION  
BAND COUNCIL RESOLUTION

THE COUNCIL OF THE LITTLE PINE FIRST NATION DO HEREBY RESOLVE:

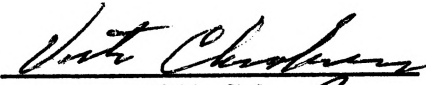

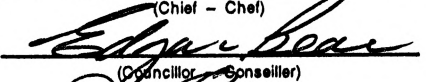
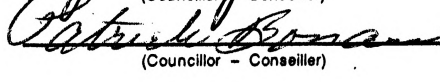
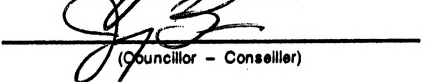
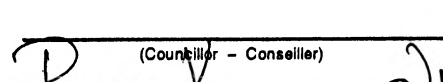
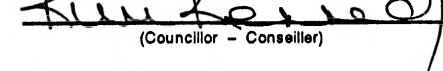
WHEREAS; the Chief and Council of the Little Pine First Nation desires to make a By-Law governing the preservation, protection and management of Big Game on the reserve, matters ancillary thereto, and enforcement for the violation thereof:

AND WHEREAS; the Little Pine First Nation has an Inherent and Treaty right to self-government which includes legislative making powers;

AND WHEREAS; the Chief and Council of the Little Pine First Nation also has the power to make such By-Law pursuant to paragraph 81(1)(o) and (r) of the Indian Act;

AND WHEREAS; it is considered expedient and necessary to provide for the preservation, protection and management of Big Game on the reserve;

NOW WHEREAS; the Chief and Council of Little Pine First Nation, without prejudice to the Inherent right and Treaty rights and powers of the First Nation and its citizens, hereby make the following By-Law under the Indian Act;

Quorum _____	 (Chief - Chef)	_____
 (Councillor - Conseiller)	 (Councillor - Conseiller)	_____
 (Councillor - Conseiller)	 (Councillor - Conseiller)	 (Councillor - Conseiller)
_____	_____	 (Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Expenditure - Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu	Expenditure - Dépenses	Authority (Indian Act Section Autorité (Article de la Loi sur les Indiens)	Source of funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
Recommending officer - Recommandé par  Signature _____ Date _____			Recommending officer - Recommandé par  Signature _____ Date _____		
Approving officer - Approuvé par  Signature _____ Date _____			Approving officer - Approuvé par  Signature _____ Date _____		

Little Pine First Nation

DRAFT  
Wildlife Act

Enacted June 27, 2005

**AN ACT RESPECTING THE WILDLIFE OF  
THE LITTLE PINE FIRST NATION**

**PREAMBLE**

**DECLARATION OF INHERENT RIGHTS**

1. The Creator put us in the country as First people.
2. The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.
3. The laws of the Creator define our birth rights and responsibilities.
4. The Creator gave us our spiritual beliefs, languages, our traditions and our customs.
5. We have maintained our freedom, our languages, our traditions since creation.
6. We continue to exercise our rights and fulfil the responsibilities and obligations given to us by the Creator.
7. The Creator has given us the rights to govern ourselves and the right to self-determination.
8. The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation.

## GENERAL PROVISIONS

1. The within part of the Act may be referred to as "the Little Pine First Nation Wildlife Part of the Act".
2. In the Wildlife Part of the Act:
  - (a) "base camp" means a permanent or fixed facility from which an Outfitter operates an outfitting service and provides accommodation and includes private residences;
  - (b) "Big Game" means mule and white tail deer, moose, elk and bear together with such other vertebrate animal that is wild by nature as may be designated by resolution by the Lands Management Board;
  - (c) "Chief" means the duly elected Chief of Little Pine First Nation;
  - (d) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora being an international agreement which regulates trade in a number of species of animals and plants, their parts and derivatives, and any articles made from them;
  - (e) "client" means a person who has obtained a Hunting Permit hunting Permit under the Wildlife Part of the Act and who is otherwise required to use outfitting services and guide services under the Wildlife Part of the Act;
  - (f) "Council" means a quorum of the Chief and Councillors;
  - (g) "Council of Elders" means the Council of Elders as established under The Government Act;
  - (h) "encased" means a circumstance where a firearm is enclosed in a case or cover with a closing mechanisms being either string, clips, zipper, buttons, Velcro or such other like closing mechanism, and not merely covered;
  - (i) "equipment" includes boats, canoes and other water vessels, aircraft, vehicles, motors, fuel, fishing and hunting gear and any other equipment for use in hunting, taking, trapping or catching wildlife;
  - (j) "Game Bird" means a migratory game bird and includes any game bird protected by the Migratory Birds Convention Act (Canada), as amended from time to time, or under that Act and also means upland game bird which includes the following birds and the birds of all species of the following families:
    - (i) Grouse, including ruffed grouse, spruce grouse, sharp-tailed grouse, sage grouse and ptarmigans; and
    - (ii) Pheasants and partridges, including ring-necked pheasants, European gray or Hungarian partridges;
  - (k) "Game Officer" means a member of the Royal Canadian Mounted Police or a Game Officer having lawful jurisdiction approved by the Lands Management Board in writing to administer and enforce the Wildlife Part of the Act;
  - (l) "the Government" means the Chief and Council of Little Pine First Nation;
  - (m) "guide" means a person who provides a guiding services pursuant to a Guide Permit issued under the Wildlife Part of the Act;
  - (n) "Guiding Agreement" means an agreement entered into between a guide and a client, in circumstances where the Outfitting Agreement with the client requires a separate agreement between the client and the guide(s);

- (o) "Guiding Services" means the service of direction, assistance, guidance or expertise where they are provided:
  - (i) For the purpose of assisting a person in hunting, taking or catching wildlife; and
  - (ii) With the promise or expectation of remuneration, economic or material gain, business or employment benefit or any other benefit or gain;
- (p) "hunting" means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or on the trail of, search for, shooting at, stalking or lying in wait for any Big Game, whether or not the game is subsequently captured, wounded or killed;
- (q) "Lands Management Board" means the board established under the Act and called the Lands Management Board with duties and responsibilities described in the Act;
- (r) "Lands Manager" means a person designated as such, from time to time, by the Government pursuant to the Act with duties and responsibilities defined under the Act;
- (s) "Lands Registry" means a registry that:
  - (a) Provides some or all of the services associated with the operation of the Act, as determined by a contract between such Registry and Little Pine;
  - (b) Is a different registry than the Federal Registry;
  - (c) Is either a corporation providing insured services OR a certified accountant(s) or a practicing lawyer with professional liability insurance, OR a corporation that has a contract with a certified accountant(s) or a practicing lawyer with professional liability insurance to provide the services of the Registrar of the Lands Registry;
- (t) "Little Pine" means Little Pine First Nation being a band of Indians historically and presently inhabiting territory, which territory is part of what is now called Canada, and who entered into a treaty with Canada known as "Treaty No. 6" on a Nation to Nation basis between Canada and Little Pine First Nation as represented by the then Chief and headmen of Little Pine First Nation;
- (u) "minor" means a person who is under the age of sixteen (16) years;
- (v) "occupied land" means Land occupied by persons who reside or attend on a daily basis for recreation, business or other reasons permitted by law;
- (w) "Outfitter" means the Little Pine First Nation company or a person who provides outfitting services under an Outfitting Permit within a stated geographic area on the Reserve pursuant to terms and conditions stated in the Wildlife Part of the Act and as may be contained in the Outfitting Agreement with Little Pine;
- (x) "Outfitting Agreement" means an Agreement entered into between a client and an Outfitter which may be the Little Pine First Nation;
- (y) "Outfitting Permit" means a Permit issued to an outfitter pursuant to the Wildlife Part of the Act to provide outfitting services on Reserve Land;
- (z) "outfitting services" means the provision of guiding services or guiding services and equipment where they are provided:
  - (i) For the purpose of assisting a person in hunting, taking or catching wildlife; and
  - (ii) With the promise or expectation of remuneration, economic or material gain, business or employment benefit or any other benefit or gain;

- (aa) "take" means the capturing or the taking into possession of Big Game, whether dead or alive;
  - (bb) "Trapping" means a contrivance to capture wildlife such as a trap or device or creation designed to trap;
  - (cc) "Wildlife" means:
    - (i) A vertebrate animal of any species, that is wild by nature on the Reserve; and
    - (ii) Any part of an animal mentioned in sub clause (i);
- 3. This Act governs the preservation, protection and management of wildlife and is made pursuant to the Little Pine First Nation Inherent Right to Self Government which includes law making pursuant to the Little Pine First Nation Lands and Resources Management Act.
- 4. The following persons are Game Officers who shall perform such functions in respect of the administration and enforcement of the Wildlife Part of the Act:
  - (a) The Lands Manager, unless otherwise stated determined by the Lands Management Board;
  - (b) Such other person or persons designated by the Lands Management Board with terms of engagement stated therein;
  - (c) Any Game Officer as may be designated by the Government, with the approval of the Lands Management Board.
- 5. All Peace Officers in the exercise of their duties under the Wildlife Part of the Act are entitled to all protection to which peace officers are entitled and have the following powers:
  - (a) Notwithstanding anything in the Act, may kill, injure, possess, disturb, capture, harvest, take or interfere with any wildlife species at risk;
  - (b) May be accompanied by another person(s) in the course of conducting a search;
  - (c) Without a warrant, may arrest any person found committing an offence against the Act;
  - (d) On the oath of a Peace Officer that there are reasonable grounds to believe that an offence has been committed against the Act, and that evidence of that offence is likely to be found in a place, premises, vehicle or boat, a justice of the peace or a judge may issue a warrant ("a search warrant") to enter and search any place or premises named in the warrant, search any vehicle or boat described in the warrant, and seize anything that may be evidence of an offence against the Act;
  - (e) With a search warrant, do the following:
    - (i) Enter and search any place or premises named in the warrant, search any vehicle or boat described in the warrant, and seize anything that may be evidence of an offence against the Act;
    - (ii) Open and examine any receptacle, storage place or compartment found in the place, premises, vehicle or boat named in the warrant;
    - (iii) Require the production of and examine any books, records, papers or documents that the Peace Officer believes on reasonable grounds, may contain information related to an offence against the Act;
    - (iv) Take, make copies or extracts and return the originals of any books, records, papers or documents examined pursuant to this section, and such copies certified as true copies made by the Peace Officer under the within section, are

admissible in evidence without proof of the office or signature of such Peace Officer and has the same probative force as the original;

- (f) Without a search warrant, exercise all of the same powers as exists with a search warrant if:

- (i) The conditions for obtaining a warrant exist;
- (ii) The Peace Officer believes, on reasonable grounds, that the delay necessary to obtain a warrant would result in danger to human safety or the loss, removal or destruction of evidence;

provided there is no entry to a premises ordinarily occupied as a private residence without a search warrant, unless the occupant of such premises consents to the entry.

- (g) Without a search warrant and for the purpose of ensuring compliance with the Act, at any reasonable time:

- (i) Enter and inspect any commercial premises of an Outfitter, any premises for which a Permit has been issued pursuant to the Act, or any premises containing any books, records, papers or documents required to be kept pursuant to the Act, which books, records, papers or documents shall be produced at the request of the Peace Officer. Provided there is no entry to a premises ordinarily occupied as a private residence without a search warrant, unless the occupant of such premises consents to the entry;
- (ii) The Peace Officer may examine the same and take, make copies or extracts and return the originals of such books, records, papers or documents examined pursuant to this section, and such copies certified as true copies made by the Peace Officer under the within section, are admissible in evidence without proof of the office or signature of such Peace Officer and has the same probative force as the original;
- (iii) Where a Peace Officer has reasonable grounds to belief that there is evidence in a vehicle or boat of an offence against the Act, the Peace Officer may request or signal to the person in charge of operating the vehicle or boat to stop the vehicle or boat, search the vehicle or boat for evidence of an offence, and seize anything that may be evidence of an offence. The person in charge of operating a vehicle or boat, shall, when requested or signalled by a Peace Officer immediately bring the vehicle or boat to a safe stop, approach the Peace Officer if so indicated and permit the Peace Officer to search the vehicle or boat;
- (iv) Where, due to circumstances, time or location, there could reasonably be expected to be a high incidence of offences against the Act in any area, a Peace Officer may request or signal to the person in charge of or operating a vehicle or boat in the area to stop the vehicle or boat, search the vehicle or boat for evidence of an offence, and seize anything that may be evidence of an offence. The person in charge of operating a vehicle or boat, shall, when requested or signalled by a Peace Officer immediately bring the vehicle or boat to a safe stop, approach the Peace Officer if so indicated and permit the Peace Officer to search the vehicle or boat;
- (v) A Peace Officer may search any person where the Peace Officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against the Act;
- (vi) A Peace Officer and any person or persons lawfully accompanying a Peace Officer for the purpose of carrying out the duties of the Peace Officer, may enter on or pass over any land, whether enclosed or not, and while so engaged he or she is liable only for any damage that he or she may wilfully cause.

## PERMITS

6. No person, other than a Citizen hunting for sustenance, can engage in hunting Big Game or Game Birds or trapping within the Reserve except as permitted by the Wildlife Part of the Act.

7. Notwithstanding anything in the Wildlife Part of the Act, a person may do the following:
  - (a) Hunt, take, trap, snare, shoot or kill wildlife at any time if the incident is reported, and such wildlife or carcass is surrendered, immediately to the nearest Game Officer or a member of the Lands Management Board in the following circumstances:
    - (i) Where necessary for the damage to private property or Little Pine Community property; or
    - (ii) Where necessary for any injury or any impending peril to occupants of occupied land;
8. A person wishing to hunt or trap Big Game or Game Birds or other wildlife on the Reserve, applies to the Lands Management Board for a Permit to do the same which application specifies the following:
  - (a) The name of the Outfitter which the applicant is or will be using, and a copy of the Outfitting Agreement;
  - (b) The place or area in which the Permit is to apply;
  - (c) The species of Big Game for which the Hunting Permit is sought;
  - (d) The species of game for which the Trapping Permit is sought;
  - (e) Whether the hunting equipment to be used is bow and arrow, muzzle loader or rifle; and
  - (f) The proposed hunter provides a true copy of a valid Guiding Agreement, in circumstances where the Outfitting Agreement requires such a separate agreement;
  - (g) Such other information as is required to enable the Lands Management Board to address the following considerations:
    - (i) Whether or not the applicant is a resident of the Reserve;
    - (ii) Whether or not the applicant has previously held a Permit under the Wildlife Part of the Act and, if so, has such applicant complied with the provisions of the Permit and this or any previous law with respect to hunting and/or trapping;
    - (iii) The number of permits already issued for the species of game with respect to which the Permit is sought; and
    - (iv) Whether or not there is sufficient game of that species in the Reserve at the time of issuance of the Permit to meet the needs of the Citizens and Permit Holders without detrimentally affecting the population for health of the species;
    - (v) Applicants under eighteen (18) years of age and all first-time hunters or trappers who have never possessed a Hunting or Trapping Permit are required to successfully complete a recognized Firearm Safety/Hunter Education course;
    - (vi) First time trappers are required to successfully complete a humane trapper education course or pass an equivalency test;
    - (vii) The name, age and address of any minors that will be accompanying the applicant or the name of the adult hunter that the youth will be accompanying, as the case may be.
9. A hunter applying for a Big Game or Game Bird Hunting Permit, signs a consent form and delivers the same to the Game Officer authorizing the Game Officer to conduct a search of the records of Saskatchewan Environment and Resource Management, or like department, or the Royal Canadian Mounted Police and obtain information to determine whether such applicant would otherwise be prohibited from obtaining such a Permit from the Province of Saskatchewan.
10. Where the Lands Management Board determines that:



- (a) The issuance of a Hunting or Trapping Permit will not detrimentally affect the species of game in respect of which the Permit is sought; and
- (b) The applicant for a Hunting or Trapping Permit is a suitable person to have a Permit to hunt or trap on the Reserve;
- (c) The applicant is not otherwise prohibited by Little Pine or some other jurisdiction from hunting, trapping or possessing firearms;
- (d) Other than in the case where the applicant is a Citizen, the applicant is being outfitted by a Outfitter and a copy of the Outfitting Agreement, as may exist from time to time is provided to the Lands Management Board;
- (e) Except in circumstances where the applicant is a Citizen, the applicant uses the services of a Outfitter and a Guide at all times while hunting;

The Lands Management Board may issue a non-transferrable written Permit authorizing the applicant to hunt or trap on the Reserve in a form as may be approved by the Lands Management Board.

11. The Lands Management Board can establish standing directions, procedures and authorities as contained in a Notice of Decision of the Lands Management Board as to the due diligence procedures and issuance of hunting Permits as determined by the Game Officer in the absence of the Lands Management Board.
12. A Hunting or Trapping Permit contains the following specifics:
  - (a) 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;
  - (b) The name of the Outfitter and the name of the guide(s) that are provided by the Outfitter or otherwise used by the hunter;
  - (c) A statement that the Permit gives the Permittee the right to take game off the Reserve to the place of origin of the hunter or trapper named in the Permit, subject to the terms of the Permit and the Act, provided the permitted wildlife species is properly tagged with a wildlife tag provided under the Act;
  - (d) A fee for consideration of a Permit as stated in the Permit itself.
13. Concurrent with issuance of the Hunting or Trapping Permit for Big Game, the hunter or trapper is issued one wildlife tag or seal for each Big Game species of wildlife described in the Hunting or Trapping Permit, which tag(s) or seal (s) is signed by a Game Officer, and the hunter or trapper who takes or kills any Big Game that may be taken or killed immediately does the following:
  - (a) Separate the "antler or horn seal" from the hide seal and from the meat seal;
  - (b) Cut out and remove the spaces provided in each seal to indicate the correct date of the kill;
  - (c) Securely attach the "antler or horn seal" to the antler or horn of the Big Game animal until the same is processed;
  - (d) Securely attach the "hide seal" to the hide of the Big Game animal until the hide is processed or destroyed;
  - (e) Securely attach the "meat seal" to the carcass of the Big Game animal until the carcass is processed and taken to the place where it is to be consumed.

14. In the event a hunter or trapper uses the wildlife tag or seal the following applies:
  - (a) The Hunting or Trapping Permit as the same relates to the same Big Game described in the tag or seal is no longer valid after the antler or horn seal, hide seal and meat seal are separated from each other;
  - (b) The associated Hunting or Trapping Permit is no longer valid for hunting when the last Big Game animal referred to in such Hunting or Trapping Permit has been taken;
  - (c) No tag or seal which has been previously used is valid;
  - (d) When the hide is removed from a Big Game animal, the person taking the animal keeps the hide with the carcass until the carcass is processed and taken to the place that it is intended to be processed;
  - (e) Notwithstanding the previous subsection, a person may transport a Big Game carcass separate from the hide if the complete tail with hide on or the complete lower hind leg, including the metatarsus and phalanges, with hide on, is kept attached to the carcass for species identification until the carcass is processed;
  - (f) No person shall leave a Big Game hide in the field.
15. A wildlife tag when affixed to the wildlife species in accordance with the description contained in the tag, is the export Permit allowing the hunter or trapper to take the tagged wildlife off the Reserve to the place of origin of the hunter or trapper named in on the tag, unless the subject species is an endangered species under CITES and in such circumstance, the hunter or trapper is required to obtain a CITIES Permit.
16. A person holding a Hunting or Trapping Permit issued under the Wildlife Part of the Act cannot hunt or trap within the Reserve except in accordance with the terms of the Permit issued by the Lands Management Board.
17. A minor between the ages of twelve (12) and fifteen (15) years of age is authorized to hunt or trap on the Reserve, with a Permit consented to by a parent or guardian of the minor, under the direct supervision of an adult of at least eighteen (18) years of age that successfully completed a Firearm Safety/Hunter Education course, and such adult is liable for all events relating directly or indirectly to such minor while hunting or trapping on the Reserve while under the supervision of the adult.
18. A Permit issued under the Wildlife Part of the Act is invalid in the following circumstances:
  - (a) If the Permit is not executed in accordance with the Permit Part of the Act;
  - (b) If the Permit is not signed by the person to whom it is issued;
  - (c) If the date of expiry has been omitted, removed or defaced.
19. A person hunting or trapping under the authority of a Permit issued under the Wildlife Part of the Act, shall have such Permit on his or her person while hunting or trapping on the Reserve.
20. A member of the Lands Management Board, a Game Officer or a Peace Officer may at any time require any Permit Holder who is hunting or trapping within the Reserve to produce his or her Permit.
21. The Lands Management Board after giving notice and conducting a hearing, can cancel the Permit of any person where it is satisfied that:
  - (a) The person has contravened the terms of the Permit or the Act;

- (b) The continuation of the Permit is detrimental to the preservation or protection of Big Game animals or other game on the Reserve.
- 22. A Permit is void if the Permit was obtained by any false or misleading statement or information, and in such event the Holder of the Permit can be prosecuted in the same manner and with the same affect as if such person was not the Holder of a Permit.
- 23. A person holding a Permit for any Big Game species or Game Bird species cannot hold more than one (1) such Permit for each such species.
- 24. The Lands Manager is not required to register hunting and trapping Permits with the Lands Registry.
- 25. No person can hunt coyotes or fox unless they hold a Hunting Permit hunting Permit for such predator issued by the Government.
- 26. No Hunting Permit hunting Permit can be issued for Big Game between January 1 and August 31 in any year, except that a Permit for spring black bear can be issued between April 1 and May 31 in any given year, except for game designated by the Lands Management Board for use at a Little Pine cultural and/or ceremonial event specified by the Lands Management Board.

#### **RESTRICTIONS**

- 27. Hunters holding a valid Permit who shoot a Big Game animal, except bear, which is unfit for human consumption because of parasites, disease or a previous wound can obtain another Permit free, provided that the animal is examined by a Game Officer and deemed to be unfit for human consumption.
- 28. A person who retains dead wildlife or parts of wildlife found on the Reserve is required to obtain a Permit within seven days of finding the Wildlife.
- 29. A person who has killed or is in possession of any game other than a bear shall not allow its edible flesh to be wasted, destroyed, spoiled or abandoned.
- 30. A person who kills or injures any game makes every reasonable effort to retrieve the game and include it in his or her lawful limit.
- 31. A migratory game bird may be given away as long as each bird is tagged with the following information: name and address of the hunter, signature of the hunter and Migratory Game Bird Permit number and date taken.
- 32. A person in possession of dead wildlife on the Reserve because the same was given to such person is required to provide the name, address and Hunting or Trapping Permit number of the hunter who killed such wildlife.
- 33. Notwithstanding the issuance of a Permit, no person, other than a Citizen, can hunt on the Reserve unless:
  - (a) Such persons is guided by a person or persons holding a Guide Permit issued by the Lands Management Board;
  - (b) The person has a subsisting Guiding Agreement with a guide or guides, which agreement states the fees and a description of the services to be rendered by the guide or guides, provided such services are acceptable to the Lands Management Board and not inconsistent with the Act;
  - (c) A guide is not required when hunting Game Birds or predators.

34. No person can hunt or trap within 500 meters of any occupied residence on the Reserve, any settlement, public structure or construction site on the Reserve, unless, in the case of a settlement, the hunter or trapper obtains the consent of the occupant of the same.
35. No person while engaged in hunting or trapping can discharge a firearm within 500 meters of a residential building, a public road or bridge, or a Game preserve or fish sanctuary, and no person while engaged in hunting or trapping can discharge their firearm on or from a public road, across a public road, or from an aircraft or powerboat, unless the aircraft was not in flight or not moving or powerboat was not under power at the material time.
36. No person can carry a loaded firearm in a vehicle on the Reserve.
37. All persons while engaged in hunting or trapping, will do the following:
  - (a) Wear an orange coloured cap or an orange close fitting head covering;
  - (b) Will not conceal his or her identity or wear a mask or disguise;
  - (c) Between one half hour after sun down and one half hour before sun rise have a firearm in his or her possession unless it is unloaded and encased, and such requirement extends to circumstances where a hunter is going to or returning from a hunting camp, or while in a locality where Big Game usually inhabit or in which game is usually found;
  - (d) Not be under the influence of alcohol or a drug, while hunting;
  - (e) Use any poison, explosive, or deleterious substance for hunting or trapping purposes;
  - (f) Use any devise which connects a firearm or other weapon to a trap or to a remote control or delayed action mechanism which causes a firearm to discharge without the hunter himself or herself pressing upon the trigger of such firearm.
38. Anyone, who being in possession of a firearm for the purpose of hunting, discharges or causes to be discharged or handles the firearm without due care and attention or without reasonable consideration for person or property is guilty of an offence.
39. Anyone who, while hunting at any time, uses a searchlight, vehicle headlight, spot light, jacklight or any other artificial light for the purpose of hunting any wildlife on Reserve is guilty of an offence.
40. No person shall destroy, injure, disturb, gather or take the nest or eggs of any game bird or destroy or injure the shelter or habitat of any wildlife.
41. No person shall injure, damage or, without permission, make use of any property owned or maintained by Little Pine, and no person shall tear down, remove, damage, deface or cover up any notice, sign or sign board erected, placed or maintained by or on behalf of Little Pine.

## **GUIDING**

42. No person can provide guiding services for hunting on the Reserve unless such person:
  - (a) Holds a valid Guide Permit issued by the Lands Management Board;
  - (b) Is employed by another person who holds an Outfitting Permit or the guide holds an Outfitting Permit.

43. An application for an Guide Permit or for the renewal of a Guide Permit is in a form specified by the Lands Management Board and includes any information that the Government may require, and without limitation, the granting of an Guide Permit is subject to the following:
- (a) The applicant cannot apply for or hold more than one Guide Permit at any time;
  - (b) An applicant where an individual or partnership, requires that each individual(s) be eighteen (18) years of age or older;
  - (c) The application is accompanied by the licence fees determined by the Lands Management Board;
  - (d) The applicant is not indebted to Little Pine;
  - (e) The applicant has not previously violated the Little Pine First Nation Wildlife Act within the last five (5) years, unless the Lands Management Board has officially waived such violation as the same relates to the applicant only.
44. The Lands Management Board may issue or renew a Guide Permit subject to any terms respecting:
- (a) The type of hunting that may be carried out;
  - (b) The area, including land, to which the guide is restricted;
  - (c) The times of year when the outfitter may carry out all or any portion of a guiding service;
  - (d) Under what circumstances a firearm may be carried by the guide while providing an guiding service, and including without limitation, where the game hunted reasonably poses a real risk or danger to the health and safety of the hunter(s) being guided;
  - (e) Reporting requirements as to the hunting operations and the clients that are using the services of the subject guide;
  - (f) Any other matter the Lands Management Board may consider appropriate;
  - (g) Every Guide Permit expires on March 31 following the date that it was issued, unless it is previously suspended or revoked pursuant to the Wildlife Part of the Act;
  - (g) A Guide Permit is not transferable.
45. A Guide is prohibited from hunting while providing guiding services.
46. An application for an Outfitting Permit or for the renewal of an Outfitting Permit is in a form specified by the Lands Management Board and includes any information that the Lands Management Board may require, and without limitation, the granting of an Outfitting Permit is subject to the following:
- (a) Proof that the Outfitter has successfully completed a recognized Firearm Safety/Hunter Education Course;
  - (b) A declaration that the Outfitter is not under a current suspension or prohibition from obtaining an Outfitting Permit in another jurisdiction;
  - (c) The applicant cannot apply for or hold more than one Outfitting Permit at any time;
  - (d) If the applicant is an individual or partnership, each individual(s) must be eighteen (18) years of age or older;

- (e) The application is accompanied by the Permit fees determined by the Lands Management Board;
  - (f) The applicant has a base camp on Reserve;
  - (g) The applicant is not indebted to Little Pine;
  - (h) The applicant has not previously violated the Act within the last five (5) years.
47. No person shall, without an Outfitting Permit:
- (a) Act as an outfitter; or
  - (b) Advertise or promote outfitting services on the Reserve.
48. The Lands Management Board may issue or renew an Outfitting Permit subject to terms, and the Outfitter is restricted to providing Outfitting Services in accordance with the Act and such terms, which terms can include any of the following subjects:
- (a) The type of hunting;
  - (b) The land area on the Reserve in which the outfitter is exclusively permitted to provide outfitting services for a particular species of Big Game or Game Birds or other wildlife;
  - (c) Location of the base Camp;
  - (d) The number of clients to which the outfitter may annually or at any time provide an outfitting service, for each species of wildlife;
  - (e) The quantity and type of equipment to be used in connection with an outfitting service;
  - (f) The species of wildlife and the number of each species that may be taken annually in connection with an outfitting service;
  - (g) An Outfitting Permit may be endorsed for one or more of the following:
    - (i) Big Game hunting;
    - (ii) Game Bird hunting;
    - (iii) Angling;
    - (iv) Other Wildlife;
  - (h) The times of year when the outfitter may carry out all or any portion of an outfitting service;
  - (i) Under what circumstances a firearm may be carried by a guide while providing outfitting services, or by a guide employed by the outfitter while providing a guiding service on behalf of the outfitter, including without limitation, where the game hunted reasonably poses a real risk or danger to the health and safety of the hunter(s) receiving the guiding or outfitting services;
  - (j) The requirement for the Outfitter to enter into a separate Outfitting Agreement with each client, and issuance receipts for all sums received from such client whether pursuant to the Outfitting Agreement or otherwise;
  - (k) Reporting requirements as to the hunting operations and the clients that are using the services of the subject Outfitter, including without limitation, providing the following:
    - (i) A copy of the Outfitting Agreement with each client;

- (ii) A copy of all receipts issued with respect to each outfitting agreement;
    - (iii) The names and addresses of all clients;
    - (iv) The number of species of wildlife and fish taken or caught by all clients;
    - (v) The location in which the wildlife and fish were taken or caught by all clients;
  - (l) Specify further sums in addition to the application fee, payable to the Lands Management Board by the Outfitter for outfitting operations by the Outfitter based on the fees received by the Outfitter from clients using the services of the Outfitter; or
  - (m) Any other matter the Lands Management Board may consider appropriate.
49. Every Outfitting Permit expires on March 31 following the date that an Outfitting Permit was issued or on March 31 in the last year of the stated term in the Outfitting Permit, which ever is the later, unless the Outfitting Permit is previously suspended or revoked pursuant to the Wildlife Part of the Act.
50. An Outfitting Permit has the following term:
- (a) Not exceeding two (2) years, subject to the right of the Outfitter to apply for a renewal of the Outfitting Permit not later than six (6) months before expiration of the Permit;
  - (b) Not exceeding five (5) years, provided the Outfitter can prove a substantial investment by way of facilities or equipment that requires a longer term for return of capital.
51. An Outfitting Permit grants an exclusive right to provide outfitting services relating to the species of wildlife specified in the Outfitting Permit and which exclusivity is limited to the geographic area on the Reserve specified in the Outfitting Permit. Two (2) or more Outfitting Permits can be granted for overlapping geographic areas provided such Permits do not deal with the same species of wildlife. The Lands Manager will advise Outfitters of circumstances of overlapping geographic areas described in Outfitting Permits in circumstances of overlapping periods of time. The Outfitting Permit does not confer any right to occupy the Lands referred to in the Permit.
52. An outfitter cannot construct or place any buildings, structures, permanent tree stands or improvements on the Permit Lands without prior authorization of the Government in writing, which authorization may be subject to terms and conditions.
53. In the event the outfitter or a guide engaged by the outfitter violates the Little Pine First Nation Wildlife Act, the Outfitting Permit can be cancelled, after notice and a hearing before the Lands Management Board. If the outfitter named in the Outfitting Permit is more than one (1) individual, the covenants contained in the Outfitting Permit are joint and several so that a breach by one (1) person cancels the entire Permit.
54. Subject to the cancellation provisions herein, an Outfitting Permit is automatically revoked where the outfitter sells or otherwise disposes of the base camp of the outfitter, unless the base camp is the private residence of the outfitter on the Reserve, which is substituted, by another private residence on the Reserve.
55. An Outfitting Permit is amended in the following circumstance:
- (a) Where an Outfitting Permit has been issued to a person who sells or otherwise disposes of any of the outcamps of such outfitter, the outfitter, within 30 days after the sale or other disposition, advises the Lands Management Board, and the Lands Management Board amends the Outfitting Permit;
  - (b) An outfitter may apply in writing to the Lands Management Board to have his, her or its Outfitting Permit amended.
56. The Lands Management Board amends, suspends or revokes an Outfitting Permit where:

- (a) The outfitter contravenes a term of the Outfitting Permit or any provision of the Wildlife Part of the Act;
  - (b) An employee of the outfitter contravened a term of the Outfitting Permit or any provision of the Wildlife Part of the Act and the contravention was committed by the employee while providing a guiding service on behalf of the outfitter;
  - (c) The Government considers the amendment, suspension or revocation necessary in the public interest; or
  - (d) The outfitter has not provided an outfitting service for two (2) consecutive years.
57. Where the Lands Management Board revokes an Outfitting Permit, the Lands Management Board may prohibit the person from applying for an Outfitting Permit for a period not exceeding five (5) years.
58. A decision by the Lands Management Board to amend, suspend or revoke an Outfitting Permit or to prohibit a person from applying for an Outfitting Permit is final, unless appealed to the Court in accordance with the Act.
59. The Lands Management Board provides notice to a person who holds an Outfitting Permit in the following circumstances:
- (a) Before amending, suspending or revoking an Outfitting Permit, the Lands Management Board shall provide the person, to whom an Outfitting Permit has been issued with reasonable notice of the intended action, including written reasons and an opportunity to make written representations to the Lands Management Board;
  - (b) Where, in the opinion of the Lands Management Board an emergency exists, the Lands Management Board may amend, suspend or revoke an Outfitting Permit without notice;
  - (c) The Lands Management Board and the Outfitter follow the forms and procedures dealing with documents and instruments surrounding an Outfitters Permit.
60. Every outfitter shall:
- (a) Place his, her or its outfitting services name or a distinguishing identifier agreed to by the Lands Management Board in a visible location on all boats, canoes and other water vessels, aircraft and vehicles used for transportation by the outfitter in connection the outfitting service of the outfitter;
  - (b) Ensure that all wildlife taken or caught by the clients of the outfitter are identified as belonging to the client or group of clients who took or caught the wildlife;
  - (c) Keep a written record of the names and addresses of all clients of the outfitter;
  - (d) At the request of a Game Officer, make available for inspection a written record, satisfactory to the Lands Management Board, of:
    - (i) The number of each species of wildlife and fish taken or caught by the clients of the outfitter; and
    - (ii) The location in which the wildlife and fish were taken or caught by the clients of the outfitter;
  - (e) Ensure that every guide employed the outfitter carries documentation, in a form satisfactory to the Government, evidencing the authority of the guide as a guide for the outfitter; and where clients are required to be guided while hunting pursuant to Wildlife



Part of the Act, provide or ensure that every guide employed the outfitter provides a guiding service to no more than three (3) clients at any one time.

61. No outfitter will:
  - (a) Contravene the terms of his, her or its Outfitting Permit;
  - (b) Knowingly provide false information to the Lands Management Board or a Game Officer; or
  - (c) Fail to produce an Outfitting Permit at the request of a Game Officer;
  - (d) No outfitter or guide while employed by an outfitter will:
    - (i) Exercise any hunting privilege while providing a guiding service;
    - (ii) Restrict or attempt to restrict access by any other person to Reserve Land wildlife resources;
    - (iii) Aid, abet, counsel or procure any other person to commit a contravention of a term imposed by the Outfitting or Guide Permit or any provision of the Wildlife Part of the Act; or
    - (iv) Fail to report a perceived contravention of the Wildlife Part of the Act or the Outfitting Permit by a client during a period when an outfitting service is being provided.
62. An Outfitting Permit is a Permit and the Lands Manager registers the same with the Lands Registry.
63. Citizens who are otherwise qualified to obtain a Guide Permit and/or an Outfitting Permit have priority to obtain such Permits over non Citizens, provided that if such a Permit has been issued to a non Citizen such Permit cannot be cancelled for reason that there is a qualified Citizen who requests a such a Permit.
64. The Game Officer registers all Outfitting Permits with the Lands Registry within ten (10) days of issuance. In default of the same, an outfitter can register the Outfitting Permit with the Lands Registry at any time. The Certificate of Registration Status is conclusive proof of the current status of an Outfitting Permit based on the documentation registered as of a specific date. The provisions respecting a Permit contained in the Act apply to an Outfitting Permit, save and except for inconsistencies with the Wildlife Part of the Act and in such event the Wildlife Part of the Act Governs.
65. Little Pine can engage in the business of outfitting in the following circumstances:
  - (a) Where there are no other outfitters for a particular hunting zone;
  - (b) Where the existing outfitters are not providing adequate outfitting services causing potential financial loss to Little Pine because of a decreased number of hunters or events occurring contributing to a poor reputation for Little Pine as a hunting destination, as determined in the absolute discretion of the Lands Management Board;
  - (c) Where Little Pine has expended significant capital funds to establish a hunting lodge and the existing outfitters are not maximizing the use of such lodge or are in arrears of rent or other charges relating to the use of the same.

## **LIABILITY AND ENFORCEMENT**

66. Hunters and trappers who hold valid Permits, hunt and trap at their own risk, and have no cause of action against Little Pine, its Government, the Lands Management Board, a Game Officer acting within the scope of the authority of the Game Officer, or their respective agents and employees.

Hunters and trappers who do not hold a valid Hunting or Trapping Permit and are hunting and trapping on the Reserve are in violation of the Wildlife Part of the Act and are trespassers and have no cause of action against any of the above parties for any matter or loss that may occur in connection with such activity.

67. A person is guilty of an offence if such person:
  - (a) Contravenes any provision of the Little Pine First Nation Wildlife Act or any ban or restriction imposed hereunder; or
  - (b) Resists or wilfully obstructs a Game Officer in the performance of any duty or in the exercise of any power under the Little Pine First Nation Wildlife Act ;
  - (c) Aides or abets in the commission of any of the above offences.
68. A person who commits an offence under the Act is liable on summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars or to imprisonment for a term not exceeding thirty (30) days, or to both.
69. Any articles seized in connection with an offence, other than a vehicle, are forfeited to Little Pine in the event the person charged with a contravention of the Act is convicted, and the thing(s) seized is returned to the person charged if such person is acquitted after appeals have been exhausted or if no prosecution is brought within sixty (60) days of seizure. Little Pine has the absolute discretion to return all or some of the items seized, subject to any terms Little Pine may impose, in the event the offence is regarded by the Lands Management Board as not warranting forfeiture.
70. In circumstances where the above penalties are insufficient and such greater penalty is not prohibited by law, any person who contravenes the Wildlife Part of the Act, is liable to a further penalty on summary conviction to a fine of not more than \$50,000.00 and, in the case of a continuing offence, to a further fine not more than one thousand (\$1,000.00) dollars for each day or part of a day during which the offence continues.
71. Where an act or omission is in contravention of the Little Pine First Nation Wildlife Act or any ban or restriction posed hereunder and such act or omission continues for more than one (1) day, such an 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.
72. In addition to any other penalty set out in the Little Pine First Nation Wildlife Act , in the event the person who commits an offence under the Wildlife Part of the Act is a Citizen, then such person cannot hold or run for political office and cannot be appointed by a Government to an office or otherwise be employed by the Government for a period of five (5) years with a right of such person to apply to the Council of Elders to have such restriction removed for reasons which the Council of Elders considers fair and equitable.
73. The forms and procedures used under the Wildlife Part of the Act and not otherwise specified in the Act, are as determined, from time to time, by the Lands Management Board on the advice of the Solicitor General, and recorded as part of the minutes of the Lands Management Board and records of the Wildlife Part of the Act.
74. The tradition and culture of Little Pine concerning hunting are encouraged and observed when hunting pursuant to the Little Pine First Nation Wildlife Act. An Outfitter is required to undergo a traditional cultural orientation and/or ceremony with a Non-Citizen hunter prior to commencing of the hunt and at the time of a kill.
75. The Little Pine First Nation Wildlife Act is enacted, repealed and amended by a majority vote of the Little Pine First Nation Chief and Council.