

**THE LENNOX ISLAND BAND**

**BY-LAW NO. 1995. |  
BEING A BY-LAW RESPECTING THE PRESERVATION,  
PROTECTION AND MANAGEMENT OF THE FISHERY**

**ENACTED ON THE 7<sup>th</sup> DAY OF April 1995**

WHEREAS Section 81, paragraphs (e), (n), (o), (p.2), (q) and (r), of the Indian Act empowers the Council of a Band of Indians to pass by-laws to provide for the establishment of pounds, the appointment of pound keepers, the regulation of their duties, the regulation of the conduct of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise, the preservation, protection and management of fish, the rights of spouses and children who reside with members of the Band on the reserve and matters arising out of or ancillary to the exercise of powers under this section, and the imposition of a penalty for the violation of any such by-law;

AND WHEREAS the Council of the Lennox Island Band wishes to affirm the existence of the Aboriginal and Treaty Rights of the members of the Lennox Island First Nation to fish as an integral component of their culture and economy;

AND WHEREAS the Council of the Lennox Island Band is committed to achieving an adequate standard of community nutrition and economic well being without jeopardizing the integrity of the natural environment;

AND WHEREAS the Council of the Lennox Island Band wishes to protect the fisheries in Lennox Island First Nation waters from over exploitation;

AND WHEREAS the Council of the Lennox Island Band wishes to establish management structures to develop appropriate fisheries policies based on scientific and other data and mechanisms for measuring the ecological health of the fisheries environment in Lennox Island First Nation waters.

THEREFORE, the Council of the Lennox Island Band of Indians enacts a by-law as follows:

**Short Title**

1. This by-law may be cited as the "Lennox Island Fisheries By-Law".

**Interpretation**

2. For purposes of this by-law:

"*close time*" means a specified period during which fish to which it applies may not be fished;

"*council*" means the Council of the Lennox Island Band, elected by custom, as recognized by the *Indian Act* R.S.C. 1985 and amendments thereto;

"*First Nation waters*" means those bodies of water over which the Council has jurisdiction;

"*fish*" includes

(a) parts of fish; and

(b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals;

"*fisheries authority*" means the Lennox Island First Nation Fisheries Authority established pursuant to section 3(1);

"*fisheries conservation officer*" means the Lennox Island First Nation Fisheries Conservation Officer appointed under section 5(1);

"*fisheries guardian*" means a Lennox Island First Nation Fisheries Guardian designated pursuant to section 6(1);

"*member*" means a person whose name appears on the Lennox Island Band List or who is entitled to have his or her name appear on the Lennox Island Band List;

"*management plan*" means the management plan adopted under section 6.

"*reserve*" means the Lennox Island Indian Reserve No. 1;

### **Fisheries Authority**

3. (1) There is hereby established the Lennox Island First Nation Fisheries Authority.
- (2) The Council may appoint by resolution five, seven or nine members of the Lennox Island First Nation to constitute the Lennox Island First Nation Fisheries Authority.

- (3) The Fisheries Authority, established under paragraph (1), shall be responsible for the administration and enforcement of this by-law and shall report to the Chief and Council.
4. (1) The members of the Fisheries Authority shall elect from amongst themselves an executive composed of three members.
- (2) The executive of the Fisheries Authority shall meet on a regular basis to deal with the ongoing activities associated with managing the Lennox Island Fisheries and shall
- (a) ensure that members of the Lennox Island First Nation are aware of the Management Plan and how it is to be enforced;
  - (b) administer and enforce the management plan
  - (c) maintain financial records of all purchases sales and expenditures; and
  - (d) prepare an annual report based on its activities on or before February 28 of each year.

#### **Fisheries Conservation Officer**

5. (1) The Council may appoint by resolution a Lennox Island First Nation Fisheries Conservation Officer to assist the Fisheries Authority in the enforcement of this law.
- (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the fisheries conservation officer.
- (3) The fisheries conservation officer shall:
- (a) manage, conserve and protect the Lennox Island fishery;
  - (b) report to the Lennox Island First Nation Fisheries Authority and the Council;
  - (c) distribute fisheries tags as outlined in the Management Plan;
  - (d) work with the Fisheries Guardians in enforcing the Management Plan;

- (e) investigate complaints and prepare reports based on alleged contraventions of the Management Plan;
- (f) monitor the catch of Aboriginal and non aboriginal fishermen;
- (g) prepare reports based on enforcement activities associated with the Management Plan;
- (h) recommend closure of the fishery when necessary for conservation purposes; and
- (i) prepare an annual report on or before February 28 of each year to include;
  - (i) details on the implementation and enforcement of the Management Plan; and
  - (ii) recommendations for the next year's Management Plan.

### **Fisheries Guardians**

6. (1) The Council may appoint by band council resolution one or more Lennox Island First Nation Fisheries Guardians to provide for the enforcement of this law.
- (2) The Council may, in the band council resolution, provide for reasonable remuneration to be paid to the fisheries guardians.
- (3) The fisheries guardians shall:
  - (a) manage, conserve and protect the Lennox Island Fishery;
  - (b) report to the fisheries conservation officer;
  - (c) conduct stock assessment activities;
  - (d) carry out patrols on land and water;
  - (e) inspect fishing gear and fish;
  - (f) report activities that are harmful to fish habitat to the fisheries conservation officer; and

(g) prepare reports on their activities to the fisheries conservation officer.

### **Management Plan**

7. (1) On or before March 31 of each year the Chief and Council shall convene a general meeting for the members of the Lennox Island First Nation to discuss the previous year's fishery and to develop the next years Management Plan.  
  
(2) The Chief and Council shall adopt the next years Management Plan taking into account the discussion and position of the members of the Lennox Island First Nation at the general meeting referred to in subsection (1).
8. The Management Plan for each year shall:
  - (a) be founded on the principles of conservation and good management of the fisheries;
  - (b) provide direction and guidance to members of the Lennox Island First Nation on fisheries' issues;
  - (c) be based on information contained in the annual reports of the fisheries conservation officer and the fisheries authority;
  - (d) take into account the socio economic needs of the community members;
  - (e) set the number of fisheries tags to be issued;
  - (f) provide for a distribution scheme for the fisheries tags; and
  - (g) provide for the disposition of fish.

### **Resolutions**

9. The Council may pass resolutions to carry out the purposes and provisions of this by-law.

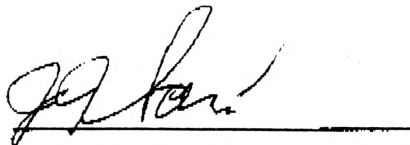
### **Offences and Penalties**

10. No person shall fish within First Nation waters except as permitted by this by-law.

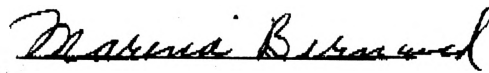
11. No person shall fish within First Nation waters unless his or her fishing equipment is identified by tags issued by the Fisheries Authority.
12. A person who commits an offence under this by-law is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Lennox Island Band this 7<sup>th</sup> day of April, 1995.

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



John Sark



Marina Bernard

being the majority of those members of the Council of the Lennox Island Band present at the aforesaid meeting of the Council.

The quorum of the Council is two members.

Number of members of the Council present at this meeting: three.

I, **JACK SARK**, Chief of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District offices pursuant to subsection 82(1) of the Indian Act, this 7<sup>th</sup> day of April, 1995.

