

SOL/86-737  
dated June 30/86.

RIVER DESERT BAND BYLAW NO. 7

By-law concerning the protection  
of the forest management sites on  
the Maniwaki Indian Reserve

WHEREAS Section 81 (d), (f), (g), (q) and (r) and Section 83 of the Indian Act empowers the Council of a Band to adopt by-laws concerning the prevention of nuisances, the maintenance of local works, the division of the reserve into zones and the prohibition of the carrying on of any class of business, trade or calling in any such zone; and

WHEREAS the River Desert Band has prepared a twenty-year forest management plan for the reserve forest land and,

WHEREAS over-exploitation and poor harvesting practices have practically ruined our forest land; and

WHEREAS the high cost of forest management dictates that areas managed receive the upmost protection; and

WHEREAS the management plan will allow for a rational approach to forest management on our reserve while allowing control cutting;

THEREFORE the Council of the River Desert Band adopts the following by-law.

DEFINITIONS

- (a) 'Band Council' means the duly elected Council of the River Desert Band
- (b) 'Reserve' means the River Desert Indian Reserve.
- (c) 'Forest Management Sites' mean the forestry areas which are held in common for the use and benefit of all band members.
- (d) 'Timber harvesting permits' means the permits for harvesting reserve timber authorized by an official appointed by Band Council resolution.

1. This by-law implements the forest management plan.
2. Subject to Section 3, no harvesting is allowed on the forest management sites.
3. Notwithstanding Section 2, the Band Council may issue permits to harvest timber under the following conditions:
  - a) to be a registered member of the River Desert Indian Band;
  - b) to harvest only defined species of trees as approved by Band Council resolution annually;
  - c) to harvest only hardwood timber of 30 centimetres or more stumpage diameter
  - d) to harvest only softwoods for sawlogs of 30 centimetres or more stumpage diameter;
  - e) to harvest hardwood and softwood for on reserve home heating purposes only on designated stovewood cutting sites approved by Band Council resolution;

- f) to harvest pine trees strictly for home construction and not for sale;
  - g) the maximum allowable cut for any Band member will be established by Band Council resolution annually;
  - h) harvesting fees for reserve timber will be established annually by Band Council resolution and will be deposited in the Band's capital account on a monthly basis;
  - i) timber harvesting fees on certificate of possession land will be established at one-half the rate for reserve lands held in common for the benefit of all Band members;
  - j) anyone harvesting timber on reserve land must have a timber harvesting permit;
  - k) reserve timber harvesting permits are not transferable and expire at the end of each month;
  - l) the right to harvest timber must be exercised by the person who's name appears on the timber harvesting permit;
  - m) harvesting timber will only be allowed in lands held in common providing these lands are able to sustain harvesting according to the forest management plan of the reserve.
4. The forest management sites are clearly outlined with red tree markings indicating their boundaries. There are written warnings on the sites stipulating that these are restricted zones under forest management.
  5. A plan of the reserve also shows the location of the forest management sites.
  6. Subject to Section 7, no motor vehicle is allowed on a forest management site, except for emergencies as directed in writing by the Band Council.
  7. Motor vehicles are only allowed to use designated roads through the forest management sites. Such roads are clearly depicted with road signs.
  8. Whoever contravenes the provisions of this by-law commits an infraction and is liable upon summary conviction to the imposition of:
    - a) A \$25 fine for each tree damaged or destroyed while driving a motor vehicle on a forest management site;
    - b) A \$25 fine for each tree harvested on a forest management site;
    - c) A \$100 fine for cutting wood without a timber harvesting permit;
    - d) A \$100 fine for cutting wood for sawlog purposes below 30 centimetres diameter;
    - e) A \$100 fine for cutting stovewood other than for on reserve personal home heating use;

f) A \$100 fine for each pine tree cut on common held land without a timber harvesting permit

g) A \$100 fine for cutting in excess of the amount authorized on a timber permit;

h) A \$200 fine for cutting timber without paying the harvesting fee established by Band Council resolution annually;

i) For each repeated conviction described in (a) to (h) above, a fine not exceeding \$1000 or imprisonment for a term not exceeding 30 days, or both.

j) A \$1000 fine for purchasing timber from reserve lands without a timber harvesting permit.

This by-law is adopted at a duly convened meeting of the River Desert Band Council held on this \_\_\_\_\_.

APPROVED BY CHIEF: *J. C. Whitford*

COUNCILLOR: *Calvin Tolley* COUNCILLOR: *Albert Tenasco Sr.*

COUNCILLOR: *Albert Tenasco Sr.* COUNCILLOR: *Patrick Decoutie*

DATE: *April 11/86*