

## BEARDY'S & OKEMASIS BAND # 96 & 97

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2000-11-21 A11:00

### BY-LAW No. 199A OF THE BEARDY'S & OKEMASIS FIRST NATION

#### A BY-LAW FOR THE PRESERVATION, PROTECTION AND MANAGEMENT OF BIG GAME

**WHEREAS** the Council of Beardy's & Okemasis First Nation desires to make a By-law governing the preservation, protection and management of the Big Game on the Reserve, matters ancillary thereto, and penalty for the violation thereof;

**AND WHEREAS** the Council of the Beardy's & Okemasis First Nation has the power to make such By-law pursuant to paragraphs 81(1) (o) and (q) and (r) in the Indian Act;

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

**NOW THEREFORE** the Council of the Beardy's & Okemasis First Nation hereby makes the following By-law;

#### **SHORT TITLE**

1. This by-law may be cited as the "Outfitting By-law on the Beardy's & Okemasis First Nation"

#### **INTERPRETATION**

2. In this By-law:

"Band" means the Beardy's & Okemasis First Nation.

Enacted 00/10/18  
mailed 00/10/22  
rec 00/11/22  
40 clay 00/12/01

P4012

W02482

"Big Game" means deer, moose, elk and bear together with such other vertebrate animal that is wild by nature as may be designated by resolution of the Council.

"Predator" means any fur-bearing animal which preys on Big Game such as; coyotes and wolf.

"Chief and Council" means the chief and council, as defined in the Indian Act, of the Beardy's & Okemasis First Nation.

"Game Officer" means a game officer appointed under Section 4, and includes an officer who has been designated by the Chief and Council, pursuant to Section 5, to administer and enforce this By-law.

Game birds including migratory birds.

"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.

"Officer" means 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 Chief and Council for the purpose of maintaining law and order on the reserve.

"Reserve" means the reserves of the Beardy's & Okemasis First Nation as it may exist from time to time and includes all land added to the reserve after the date of the By-law.

"Take" includes the capturing or the taking into possession of Big Game, whether dead or alive.

"Baiting" means the use of grains, grasses, salt or hay materials for hunting purposes;

"Dress" means the clothing worn during hunting;

"Outfitter" means a person designated to take clients hunting;

"Client" a customer of the outfitter;

### **ADMINISTRATION**

3. (1) The Chief and Council may, by resolution, appoint one or more game officers to perform such functions in respect of the administration and enforcement of the By-law as prescribed herein.

### **OUTFITTER**

4. (1) The Band will allow one outfitter to operate on these lands.
- (2) The outfitter will be allowed to take a suitable amount of clientele in accordance to their agreement with the Band.
- (3) The outfitter must obey the regulations set forward in this document.

### **GENERAL PROHIBITION ON HUNTING AND TRAPPING**

5. (1) No person shall engage in hunting Big Game within the reserve except as permitted by this By-law.
- (2) Notwithstanding anything in this By-law, a person may, where necessary for the prevention of:
  - (a) damage to private property, or
  - (b) injury to occupants of occupied land.

Hunt, take, snare, shoot or kill Big Game at any time if the incident(s) is reported, and such game or carcass is surrendered, immediately to the nearest game officer.

### **HUNTING AND TRAPPING BY BAND MEMBERS**

6. Subject to the provisions of this By-law, members of the Beardy's & Okemasis First Nation may engage in hunting and gathering within the reserve at any time, this By-law will not jeopardize the relationship they have with the land.

### **HUNTING LICENCES**

7. (1) The Outfitter may purchase hunting licenses from the Beardy's & Okemasis First Nation.
- (2) These licenses can be purchased before/during hunting season.

- (3) Each Big Game license will have a fee of \$300.00 Canadian, or as set by Chief and Council.
- (4) A person hunting or trapping under the authority of a license issued shall have the license on his person while hunting within the reserve.
- (5) A license issued pursuant to this By-law is non-transferable.
- (6) A license 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.
8. A Band Councillor or game officer may at any time require any license holder who is hunting within the reserve to produce his license.
9. The Chief and Council may, after a notice and hearing, cancel the license of any person where it is satisfied;
  - (a) that the person has contravened the terms of the license or of this By-law; or
  - (b) that the continuation of the license would be detrimental to the preservation or protection of Big Game animals or other game on the reserve.
10. The holder of a license obtained by any false or misleading statement or information made or given in respect to any information required for the issuance of the license shall be deemed to be the holder of a void license 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 license.
11. No license shall be issued to authorized hunting for Game between January 1 and March 31 of any year excepting predators.
12. No license shall be issued without the services of an outfitter or guide.
13. A tag must be attached to the carcass of the animal immediately upon taking possession of the same. The Tag must show the date the animal was killed and the name of the hunter who killed it. In the event that the carcass is separated from the hide, a Tag bearing this information must be attached to each item.

## **HUNTING WITH FIREARMS**

14. No persons while engaged in hunting shall discharge a firearm within one hundred and fifty (150) metres of;
  - (a) a residential building;
  - (b) a public road or bridge; or
  - (c) a game preserve or bird or fish sanctuary.
15. No person while engaged in hunting shall discharge a firearm;
  - (a) on or from a public road;
  - (b) across a public road; or
  - (c) from a vehicle, aircraft or power boat
16. 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 and one-half hour before sunrise have a firearm in his possession unless it is unloaded and encased.
17. No person while engaged in hunting shall have a loaded firearm in his possession while he is under the influence of alcohol or drug.
18. 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 or property.
19. No person shall use any poison, explosive or deleterious substance for hunting purposes.
20. 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.
21. No loaded firearms in a vehicle.
22. Unloaded firearms will be allowed on all terrain vehicles, they may be carried uncased.

## **CONSERVATION**

23. 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 shelter or habitat of any game including Big Game.
24. A person shall not cut, break or destroy a beaver house or beaver dams, Except where the cutting, breaking or destroying is necessary to prevent damage to the property of that person.

## **RULES OF HUNTING**

25. No person shall hunt moose, deer, elk, bear by means of trap or snare.
26. No person shall kill or attempt to kill any species of Big Game by the use of poison.
27. No person shall;
- (a) hunt Big Game in any time later than one-half hour after sunset or earlier than one-half hour before sunrise; or
  - (b) hunt Big Game by means of or with the assistance of a light.
28. No person shall use an aircraft, sailboat, power boat or motorized vehicle In connection with hunting, except as a means of transportation before and after any hunting activities.

## **ALL TERRAIN VEHICLES**

29. Four wheel drive vehicles will be allowed for transportation while hunting.
30. Three wheelers, quads, argos, or ski-doo's will be allowed for Transportation purposes during hunting or baiting activities.

## **BAITING**

31. (1) Baiting will be allowed on these lands for the hunting of Big Game species and for predator control.
- (2) There will be no set limit to amount of bait used as it is a quality food source.

- (3) Bait may also be used for the hunting of predators.

### **DRESS CODE**

33. (1) Clients and Guides plus any other individuals involved with the outfitting operation may use camouflage clothing or regular clothing while hunting.
- (2) Blaze orange colors, camo orange and or scarlet red will be worn as required by the outfitter.

### **ENFORCEMENT**

34. A person who:
- (1) fails to observe or who otherwise contravenes any provision of this By-law or any ban or restriction imposed hereunder; or
- (2) 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.
35. Where an act or omission is 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**

36. A person who commits an offence under this By-law is liable on summary Conviction to a fine not exceeding \$1,000.00, (one thousand dollars), or to imprisonment for a term not exceeding thirty days, or to both.

**THIS BY-LAW IS HEREBY PASSED BY THE CHIEF AND COUNCIL OF THE  
BEARDY'S & OKEMASIS FIRST NATION:**

On this 18 day of October, 2000.

Voting in favor of this By-law are the following members:

Chief Jay Pine

Chief

[Signature]

Councillor

[Signature]

Councillor

[Signature]

Councillor

[Signature]

Councillor

[Signature]

Councillor

[Signature]

Councillor





# Beardy's & Okemasis Band

Box 340 • Duck Lake, Saskatchewan • S0K 1J0 • Tel: (306) 467-4523

Chronological Number:

2000-2001/0021

File References:

## BAND COUNCIL RESOLUTION

NOTE: the words "From our Band Funds", "Capital" or "Revenue" whichever is the case, must appear on all resolutions requesting expenditures from Band Funds

The Council of the: Beardy's & Okemasis Band

Current Capital Balance \$ \_\_\_\_\_

District: North Central District

Committed \$ \_\_\_\_\_

Province: Saskatchewan

Current Revenue Balance \$ \_\_\_\_\_

Place: Beardy's & Okemasis Reserve

Committed \$ \_\_\_\_\_

Date: 05/09/00  
Day / Month / Year

### DO HEREBY RESOLVE:

**WHEREAS** the Chief & Council of the Beardy's & Okemasis First Nation are responsible for the affairs of the said First Nation;

**AND WHEREAS** Fort Carlton Outfitters is desirous of entering into a Land lease arrangement with the Beardy's & Okemasis First Nation lands lying with the **Rural Municipalities of Big Quill No.308, Duck Lake No. 463 and Rosthern No. 403**, also lands lying within the Beardy's & Okemasis Indian Reserve No. 96 & 97 describes as:

Section 25-Twp.44-Rge.3-W3M  
Section 30-Twp.44-Rge.3-W3M  
Section 35-Twp.44-Rge.3-W3M  
Section 36-Twp.44-Rge.3-W3M

Section 26-Twp.44-Rge.3-W3M  
Section 31-Twp.44-Rge.3-W3M  
Section 35-Twp.44-Rge.3-W3M

**AND WHEREAS** Fort Carlton Outfitters provides access to Lands to domestic and foreign hunters for purposes related to **Big Games and Migratory Bird Hunting**;

**AND WHEREAS** Fort Carlton Outfitters provides access to Lands in the **Rural Municipality of Blaine Lake No. 434, and the Rural Municipality of Leask No.464** to domestic and foreign hunters for purposes related to **Migratory Bird Hunting**;

**AND WHEREAS** Fort Carlton Outfitters will provide revenues to the Beardy's & Okemasis First Nation Minor Sports Program through a holding company referred to as:

### BEARDY'S "AAA" HOLDINGS

**AND WHEREAS** the said holding company will be under the auspices of:

Rick Gamble  
Brian Seesequasis  
Mel Parenteau  
Remi Mike

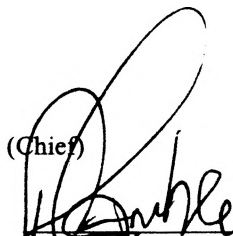
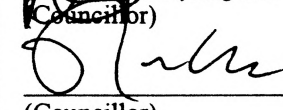
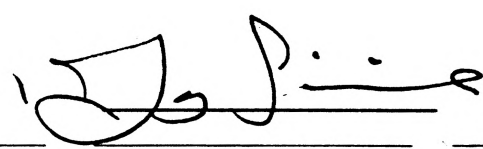
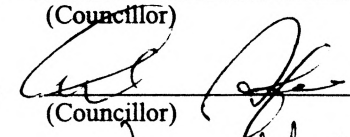
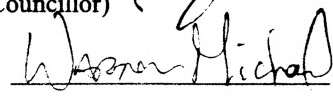
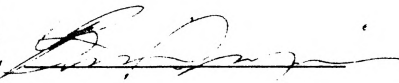
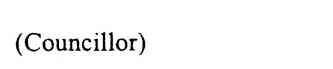

**AND WHEREAS** Beardy's 'AAA' Holdings will provide regular reports to the Chief and Council of the Beardy's & Okemasis First Nation as to revenues generated and dispersed;

**AND WHEREAS** the Chief and Council, by way of quorum are in agreement with this arrangement;

**NOW THEREFORE BE IT RESOLVED** that the Chief and Council of the Beardy's & Okemasis First Nation, by way of quorum, agree to allow access to and lease the said described lands to Fort Carlton Outfitters commencing in the year 2000 and ending in the year 2005;

**BE IT FURTHER RESOLVED** that Fort Carlton Outfitters will have access to the said described lands from September 1<sup>st</sup>, until December 15<sup>th</sup> of each year of this agreement, (inclusively);

**AND BE IT FINALLY RESOLVED** that this access to Fort Carlton Outfitters will be for the described lands only and for providing access to foreign and domestic hunters to the said lands for big game and migratory bird hunting only and no other purpose.

(Chief)   
 (Councillor)   
 (Councillor)   
 (Councillor)   
 (Councillor)   
 (Councillor)   
 (Councillor)   
 (Councillor) 

**A Quorum for this band  
 Consists of 5  
 Council Members**

FOR DEPARTMENTAL USE ONLY

1. Band Fund Code	2. Computer Balances A. Capital	B. Revenue	3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds  Capital Revenue
	\$	\$			
6. Recommended			7. Approved		
Date	Recommending Officer		date	Approving Officer	