

**BY.LAW NO. 001  
OF THE DAY STAR FIRST NATION  
A BY-LAW FOR THE PRESERVATION,  
PROTECTION AND MANGEMENT OF BIG GAME**

**WHEREAS** the Council of the Day Star First Nation desires to make a By-law governing the preservation, protection and management of Big Game on the reserve, matters ancillary thereto, and penalty for the violation thereof:

**AND WHEREAS** the Council of the Day Star First Nation has the power to make such By-law pursuant to paragraph 81 (l) (o), (q) 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 THEREFORE**, the Council of the Day Star First Nation, without prejudice to the inherent rights and Treaty rights and powers of the First Nation and its citizens, hereby makes the following By-law under the Indian Act:

**PART I**

**Short Title and Interpretation**

Short Title

1. This By-law may be cited as the "Big Game Hunting By-law" on the Day Star Indian Reserve."

Interpretation

2. In this By-law:

- (a) **"First Nation"** means the Day Star First Nation;
- (b) **"big game"** includes:
  - i) pronghorn antelope;
  - ii) bear;
  - iii) bison, other than domestically raised bison; and
  - iv) any member of the deer family, whether known as caribou, deer, elk, moose or otherwise;
- (c) **"Council"** means the Council, as defined in the Indian Act, of the Day Star First Nation;

- (d) **Game Officer**” means a person appointed under section 3, and includes an officer who has been designated by the Council, pursuant to section 4, to administer and enforce this by-law;
- (e) **“hunting”** includes taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or following on the trail of, search for, shooting at, trapping, setting snares for, stalking or lying in wait for any Big Game, or attempting to do any of those things, whether or not the Big Game is then or subsequently captured, wounded or killed;
- (f) **“Reserve”** means the Day Star Indian Reserve, and its treaty land entitlement lands, if any, as it may exist from time to time and includes all lands added to the reserve after the date of this By—law.

## PART II Administration

### Administration

- 3. Council may, by band council resolution:
  - (a) appoint a Game Officer, and such other officers as may be necessary, who will carry out the Big Game administrative functions under this By-law including enforcement;
  - (b) provide for reasonable remuneration to be paid to the Game Officer, and other appointed officers;
  - (c) appoint the Game Officer for a fixed term of not less than two (2) years after which reappointment shall be discussed by both parties;
  - (d) dismiss the Game Officer from the appointed position, for failure to carry out duties as described in this bylaw; or, for having been convicted of an employment related offense under the Criminal Code (Canada), or, for contravening the Day Star First Nation’s Conflict of Interest guidelines; and
- 4. The Council may designate any officer to perform such functions in respect of the administration and enforcement of this by-law as are prescribed herein to be performed by a Game Officer.

## PART III

## **Hunting and Trapping Rights or Members**

### Hunting and Trapping by First Nation Members

5. Notwithstanding any provision of this By-law, members of the First Nation may engage in hunting within the reserve at any time pursuant to their right under Treaty No.4.

## **PART IV**

### **General Prohibition on Hunting**

#### General Prohibition on Hunting

6. (1) No person who is not a member of the First Nation shall hunt any Big Game within the Indian Reserve except as permitted by this by-law; and
  - (2) Notwithstanding anything in this by-law, a person may, where necessary for the prevention of
    - (a) injury to persons on the reserve, whether or not they are members of band, hunt, take, trap, snare, shoot or kill big 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; or
    - (b) damage to private property, livestock or other domestic animals.

## **PART V**

### **Hunting Permits**

#### Hunting Permits

7. (1) A person who is not a member of the First Nation may apply to the Council for a permit to hunt game within the Reserve.
  - (2) The application shall specify:
    - (a) The name and address of the applicant;
    - (b) The applicant's age;
    - (c) Whether the applicant has attending a hunting safety course;
    - (d) The location for which the permit is sought;
    - (e) The species of game for which the permit is sought;
    - (f) The type of hunting 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 in subsection (3) and the criteria set out in subsection (4).

(3) In determining whether or not a permit should be issued, the Council shall take into consideration

- (a) whether or not the applicant is a resident of the reserve; whether or not the applicant has previously held a permit and , if so, has complied with the provisions of the permit and this or any previous by-law;
- (b) the extent of the contribution, if any, the applicant makes to the reserve community;
- (c) the number of permits already issued for the species of game for which the permit is sought; and
- (d) whether or not there is sufficient game of that species in the reserve at the time to meet the needs of Band members and permit holders without detrimentally affecting the species.

(4) Where the Council determines that

- (a) The issue of a permit will not detrimentally affect the species of game in respect of which the permit is sought; and
- (b) The applicant is a suitable person to have a permit to hunt or trap on the reserve;

The Council may issue a permit authorizing the person to hunt on the reserve, specifying the time, place, type of equipment, and species of game that may be hunted by the person holding the permit.

(5) The fee for a permit will be established by the Council by Band Council Resolution in September of each year.

(6) A permit issued under this by-law is invalid

- (a) if it is not signed by the person to whom it is issued; or
- (b) if the date of expiry has been omitted, removed or defaced.

(7) A person hunting under the authority of a permit issued pursuant to section 7 shall have the permit on his person while hunting on the reserve.

(8) The Game Officer may at any time require any permit holder who is hunting within the reserve to produce his permit.

(9) No person shall hunt on the reserve unless guided by a person or persons employed by the Council.

**PART VI  
Prohibited Zones**

**Prohibited Zones**

8. No person shall at any time engage in hunting within the following areas of the reserve:
- (a) within 150 metres of any occupied residence on the reserve; or
  - (b) within 150 metres of any settlement, public structure or construction site on the reserve.

**PART VII  
Hunting with Firearms**

**Hunting with Firearms**

9. No person while engaged in hunting shall discharge a firearm within one hundred and fifty metres of:
- (1) a residential building;
  - (2) a public road or bridge; or
  - (3) a game preserve or fish sanctuary.
10. (1) No person while engaged in hunting shall discharge a firearm:
- (a) on or from a public road;
    - (ii) across a public road; or
    - (iii) from an aircraft, powerboat, all terrain vehicle, and snowmobile.
- (2) Notwithstanding subsection 10. (1), encased firearms may be carried on an all-terrain vehicle or snowmobile.

**PART VIII  
Safety**

**Safety**

11. All persons, while engaged in hunting with a firearm, shall wear an orange or red coloured cap or an orange or red closed fitting head covering.
12. No person while engaged in hunting in the reserve, shall conceal his identity or wear a mask or disguise.

13. No person while engaged in hunting or while going to or returning from a hunting camp, or while in a locality where Big Game usually inhabits or in which Big 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.
14. No person, while engaged in hunting, shall have a loaded firearm in his possession while he is under the influence of alcohol or a drug.
15. No person shall use any poison, explosive, deleterious substance for hunting purposes.
16. 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 upon the trigger of such firearm.

#### PART IX **Conservation**

##### Conservation

17. A person shall not:
  - (a) destroy, injure, disturb, gather or take the nest or eggs of any game bird;  
or,
  - (b) destroy or injure the shelter or habitat of any wildlife.

#### PART X **Leaving Game In The Field**

##### Leaving Game In The Field

18. (1) A person who has killed or is in possession of any game shall not allow its edible flesh to be wasted, destroyed, spoiled or abandoned in the field.  
  
(2) A person who kills or injures any game shall make every reasonable effort to retrieve the game.

#### PART XI **Property in Big Game**

##### Property in Big Game

19. Property in all game on the Reserve is hereby declared to be collectively vested in the First Nation, and no person shall acquire any prior or exclusive right or property to any Big Game otherwise than in accordance with this By-law.

**PART XII**  
**Storage and Use of Big Game Taken on Reserve**

**Storage and Use of Big Game Taken on Reserve**

20. (1) A person who is not a member of the First Nation and who has obtained a permit pursuant to section 7:

(a) may take the antlers, horns, and capes of any game that he or she has killed or is in possession thereof for his or her use and may transport such antlers, horns and capes out of the Reserve; and

(b) shall give the edible flesh of any game that he or she has killed or in possession thereof to the Council.

(2) The Council shall provide a permanent refrigerated facility for use as storage for any edible flesh of any game that it has or they have received pursuant to subsection 1(b).

(3) The Council shall distribute the game that it has or they have obtained pursuant to subsection 2 to the elders of the First Nation and any others members of the First Nation for use as food.

**PART XIII**  
**Enforcement**

**Enforcement**

21. A person who:

(a) fails to observe or who otherwise contravenes any provision of this By-law or any ban or restriction 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.

22. 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 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.

**PART XIV**  
**Penalty**

**Penalty**

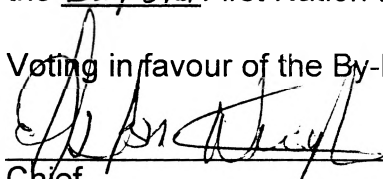
23. A person who violates this By-law is liable on summary conviction to a fine not exceeding \$1,000, or to imprisonment for a term not exceeding thirty

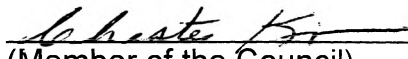
days, or to both.

24. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.
25. This by-law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the Indian Act.

**THIS BY LAW IS HEREBY** made at a duly convened meeting of the Council of the Day Star First Nation this 15 day of Sept, 2003.

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

  
\_\_\_\_\_  
Chief

  
\_\_\_\_\_  
(Member of the Council)

  
\_\_\_\_\_  
(Member of the Council)

  
\_\_\_\_\_  
(Member of the Council)

\_\_\_\_\_  
(Member of the Council)

being the majority of those members of the Council of the Day Star First Nation present at the aforesaid meeting of the Council.

The Quorum of the Council is 3 members.

Number of members of the Council present at the meeting: 3

I, Chester Kinequon Chief/Councilor of the First Nation, do hereby certify that a true copy of the foregoing By-law mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act this 15 day of September, 2003.



Mildred Kenegison  
Witness

Roberta B...  
Chief/Councilor

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

Chronological no. - N° consécutif  
File reference no. - N° de référence du dossier  
DS2003/04-13

E: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.  
A: 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.

The council of the conseil de		DAY STAR FIRST NATION		Cash free balance - Solde disponible	
Date of duly convened meeting Date de l'assemblée dument convoquée		D-J 1 0	M 1 1	Y-A 0 3	Province SASK.
				Capital account Compte capital	\$ _____
				Revenue account Compte revenu	\$ _____

WE HEREBY RESOLVE;  
DECIDE, PAR LES PRÉSENTES:

WHEREAS The Day Star Chief and Council have agreed to implement a By-law to conduct and control an *Outfitting Project* on the Day Star First Nation;

AND WHEREAS the *Outfitting By-Law* requires amendments to be made before it can be processed;

BE IT RESOLVED that the Day Star Chief and Council have met and are in agreement with the proposed changes to the *Outfitting By-Law* and that this By-Law be implemented immediately.

Quorum 3

\_\_\_\_\_  
(Councillor - Conseiller)

\_\_\_\_\_  
(Councillor - Conseiller)

\_\_\_\_\_  
(Councillor - Conseiller)

\_\_\_\_\_  
(Chief - Chef)

*Robert...*  
(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			Recommending officer - Recommandé par		
Signature _____ Date _____			Signature _____ Date _____		
Approving officer - Approuvé par			Approving officer - Approuvé par		
Signature _____ Date _____			Signature _____ Date _____		