

CUMBERLAND HOUSE CREE NATION

By-law No. 01 of 2002

A By-law for the preservation, protection and management of big game on the Cumberland House Cree Nation Reserve.

WHEREAS, pursuant to section 81 of the Indian Act, the Council of a Band is authorized to make by-laws for certain specified purposes, including:

- (o) *the preservation, protection and management of wildlife on the band's reserve;*
- (q) *with respect to any matter arising out of or ancillary to the exercise of powers under this section; and*
- (r) *the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section;*

AND WHEREAS the Council of the Cumberland House Cree Nation, being the Council for the Band within the meaning of the Indian Act, considers it necessary and advisable to enact a by-law for those purposes;

THEREFORE, the Council of the Cumberland House Cree Nation enacts the following by-law:

Title

1. This By-law may be cited as the Cumberland House Cree Nation Big Game By-law.

Definitions

2. In this By-law:

- (a) "Band" means the Cumberland House Cree Nation;
- (b) "big game" means moose, elk, deer, bear or any other animal designated by Council;
- (c) "Council" means the Council of the Cumberland House Cree Nation;
- (d) "hunting" means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or on the trail of, searching for, shooting at,

trapping, setting snares for, stalking or lying in wait for any big game, whether or not the big game is subsequently captured, wounded or killed;

- (e) "hunting permit" means a permit to hunt big game on the reserve issued by the Council pursuant to section 5 of this By-law;
- (f) "licensed guide or outfitter" means a person who holds a valid or subsisting licence issued by the Cumberland House Cree Nation;
- (g) "member" means a Treaty Indian recognized as a registered member of the Cumberland House Cree Nation who has not professed membership in another Band;
- (h) "officer" means a person, including a police officer or other person, authorized by the Council to enforce the provisions of this By-law;
- (i) "permit holder" means a person who holds a hunting permit;
- (j) "reserve" means the Cumberland House Cree Nation Reserve, as it exists from time to time;
- (k) "take" includes taking dead or alive.

PROTECTION OF BIG GAME

Certain unauthorized hunting prohibited

3. No person shall hunt big game on the reserve unless he or she obtains a hunting permit or is exempted from the requirement of obtaining a permit under the terms of this By-law.

HUNTING PERMITS

4. Any person may apply to the Council for a permit to hunt big game on the reserve by submitting to the Council;
 - (a) an application containing the following information:
 - (i) the name of the licensed guide or outfitter who will assist the applicant while hunting as required by clause 8(b) of this By-law;

- (ii) the specific location on the reserve for which the hunting permit is sought;
 - (iii) the species of big game for which the hunting permit is sought;
 - (iv) the type of hunting equipment to be used; and
 - (v) any other information concerning the applicant's character and suitability to hold a hunting permit that is determined by the Band Council to be relevant and necessary;
- (b) a hunting permit fee of:
- (i) \$300.00 (USD if applicable) in the case of a permit to hunt moose;
 - (ii) \$300.00 (USD if applicable) in the case of a permit to hunt elk;
 - (iii) \$150.00 (USD if applicable) in the case of a permit to hunt deer;
 - (iv) \$150.00 (USD if applicable) in the case of a permit to hunt bear;
 - (v) in the case of any other animal designated by Council, in such amount as may be determined by the Council; and
 - (vi) the hunting permit fee shall be non-refundable unless the Council declines to issue the hunting permit;
- (c) the Council may vary the hunting permit fee on an annual basis by resolution, provided that any variation in the permit fee shall be posted at the Band office at least thirty (30) days prior to the change coming into force and provided further that the amended permit fee shall not be applied to any applications for a permit filed prior to the date when the change in the permit fee has been posted at the Band office.

Issuance and terms

- 5.(1) The Council may issue a written hunting permit to any person to hunt big game on the reserve for any period of time between September 1 and December 31 of each year, if the issuing of the permit will not negatively affect the species of big game for which the permit is sought and if the applicant is a suitable person to hold a permit to hunt big game on the reserve.

- (2) A hunting permit shall specify the time and place, type of hunting equipment, bag limit, size limit and species of big game that may be hunted by the person to whom the permit is issued.
- (3) A hunting permit is non-transferable.
- (4) A hunting permit is void if it is:
 - (a) obtained by any false or misleading statement or information;
 - (b) not signed by the person to whom it is issued; or
 - (c) if the expiry date on the permit is omitted, removed, altered or defaced.

Cancellation or suspension of hunting permit

- 6.(1) The Council may, after providing notice to the permit holder and a hearing at which the permit holder is able to be heard, cancel a hunting permit if:
 - (a) the permit holder has contravened the terms of the permit or a provision of this By-law;
 - (b) it is necessary to do so in order to preserve or protect big game on the reserve.
- (2) The Council may, by resolution, suspend a permit pending the conduct of a hearing. If a permit is suspended, the permit holder shall, upon receipt of notice of the suspension, be deemed, during the period of suspension, not to have a hunting permit.

Hunting by members

7. Members of the Band may engage in hunting within the reserve without obtaining a permit.

MANNER OF HUNTING BY PERMIT HOLDER

Rules of hunting

8. Every permit holder shall:
 - (a) hunt in accordance with this by-law and the terms and conditions stated in the hunting permit;

- (b) hunt only with the assistance of a licensed guide or outfitter;
- (c) carry the hunting permit at all times while hunting on the reserve;
- (d) produce the hunting permit on the request of an officer, a member of the Council or an authorized representative of the Council.

Prohibitions

9.(1) No person shall, while hunting big game on the reserve:

- (a) discharge a firearm within 500 metres of or across a residential building or a road or bridge or from a vehicle, aircraft or power boat;
- (b) have a loaded firearm in his or her possession while under the influence of alcohol or drugs;
- (c) use any poison, explosive or deleterious substance for the purpose of hunting;
- (d) conceal his or her identity or wear a mask or disguise;
- (e) use any device that connects a firearm to a trap or remote control or delayed action mechanism, or that causes a firearm to discharge without a person pressing the trigger of the firearm;
- (f) hunt by means of or with the assistance of a light;
- (g) use a crossbow; or
- (h) use an aircraft, sail boat, power boat or motorized vehicle.

(2) No person shall hunt moose, elk, deer or bear;

- (a) by means of a trap or snare; or
- (b) by means or with the assistance of or when accompanied by a dog.

Prohibited areas and times

10.(1) No person shall at any time hunt within 500 metres of an occupied residence on the reserve or of any settlement on the reserve;

- (2) No person shall hunt big game during the period from one-half hour after sunset until one-half hour before sunrise;
- (3) During the period from one-half hour after sunset until one-half hour before sunrise, no person shall have a firearm in his or her possession while hunting or while going to or returning from a hunting camp or while in a locality where big game is usually found, unless the firearm is unloaded and encased.

Careless hunting

11. Any person who, being in possession of a firearm for the purpose of hunting, discharges the firearm or causes it to be discharged or handles it without reasonable consideration for persons or property or without due care and attention is guilty of a contravention of this By-law.

Protected species

12. No person shall at any time engage in the hunting of any species which may, from time to time, be designated by resolution of the Council a protected species.
- 13.(1) The Council may designate a species of Big Game as a protected species and impose a temporary ban or restriction on the hunting of any species of Big Game under section 12, by giving notice in accordance with subsections (2) and (3).
 - (2) Notice of the ban or restriction shall be posted not less than 24 hours prior to the ban or restriction coming into force:
 - (a) in conspicuous places in areas of the reserve in which hunting is engaged in; and
 - (b) in the office of the Council.
 - (3) The notice shall specify the date and time the ban or restriction is to come into force and to cease, and the particulars of the ban or restriction imposed.
 - (4) No ban or restriction imposed under this section shall remain in force for a period of more than thirty days, unless a further ban or restriction is imposed and further notice is given in accordance with subsections (2) and (3).

Offence and penalty

- 14.(1) Any person who contravenes any provision of this By-law or of a condition to which a hunting permit is subject is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.00, to imprisonment for a period of not more than 30 days, or to both such fine and imprisonment.

(2) An offence that continues is deemed to be a new offence on each day during which it continues.

September 16, 2002
(Date)

Moved by Councillor Margaret Fiddler

Seconded by Councillor Eric Laliberte

That the By-law entitled "A By-law respecting the Preservation, Protection and Management of Wildlife on Cumberland House Cree Nation Reserves" be made as By-law No. 01-2002 of the Cumberland House Cree Nation was passed.

Number of Council Members present: 4

Those voting in favour of By-law No. 01 - 2002

Chief Pierre Settee
Chief Pierre Settee

[Signature]
Witness

Margaret Fiddler
Councillor

[Signature]
Councillor

Eric Laliberte
Councillor

Councillor

Those voting against By-law No. 01 - 2002: 0



Chronological no. - N° consécutif
2001/2002-350-46
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

The council of the Le conseil de		CUMBERLAND HOUSE CREE NATION		Cash free balance - Solde disponible	
Date of duly convened meeting Date de l'assemblée dument convoquée		D-J	M	Y-A	Province
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				Capital account Compte capital	\$ _____
				Revenue account Compte revenu	\$ _____

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

WHEREAS the Council of Cumberland House Cree Nation is given the authority under section 81(1)(o), (q) and (r) of the Indian Act to enable by-laws for the preservation, protection and management of wildlife on the Band's reserves;

AND WHEREAS the Council of the Cumberland House Cree Nation considers it appropriate and in the best interest of the Band Council Resolution;

AND WHEREAS the By-law has been considered and approved at a meeting of members of the Cumberland House Cree Nation;

NOW THEREFORE BE IT RESOLVED as follows:

1. That the attached By-law for the preservation, protection and management of wildlife on the Band's reserve, By-law No.01-2002 of the Cumberland House Cree Nation, is hereby enacted.
2. That a copy of the By-law be provided to the Minister of Indian Affairs and Northern Development or his agent within four days after this date as required under section 82(1) of the Indian Act.
3. That the By-law become effective forty days after a copy is forwarded to the Minister pursuant to the Act unless otherwise declared by the Minister.

Quorum 3

 (Councillor - Conseiller)

 (Councillor - Conseiller)

 (Councillor - Conseiller)

Pierre Slette
 (Chief - Chef)

[Signature]
 (Councillor - Conseiller)

[Signature]
 (Councillor - Conseiller)

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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