

BRIDGE RIVER INDIAN BAND
FISHING BY-LAW NO.1-1980

*100123 28660 A to
the Affidavit of William
Grant Anderson sworn*

WHEREAS paragraph (c) of Section 81 of the Indian Act *On April 22, 1980*
impowers the Band Council to regulate law and
order, and this would enable Fisheries Officers *50R/80-347*
to maintain law and order at fishing stations.

WHEREAS paragraph (o) of Section 81 of the Indian Act
impowers the Band Council to preserve, protect
and manage fur bearing animals, fish and other
game.

WHEREAS paragraph (r) of Section 81 of the Indian Act
impowers the Band Council for imposition of a
penalty for violation of By-Laws.

THEREFORE the Band Council (Indian Government) of the
Bridge River Indian Band enacts the following
BY-LAW FOR THE PRESERVATION, PROTECTION AND
MANAGEMENT OF FISH.

1. In this By-Law unless the context otherwise requires:
 - a) "Bridge River Indian Band Waters" means all waters situated upon, within the boundaries of reserves or otherwise falling into the jurisdiction of the Indian Government or as set aside for the exclusive use and benefit of the Bridge River Indian Band of Indians.
 - b) "Fish" includes: Tyee Spring Salmon, Chinook Salmon, Sockeye Salmon, Coho Salmon, Brubotling Cod, Dolly Varden, Sturgeon, Steelhead and may include marine animals which may be identifies from time to time.
 - c) "Fishing" means catching fish by any method including dip-netting, set dip-netting and gill netting or by any other method of catching fish as authorized by Band Council.
 - d) "Fishery" includes the area, locality, place or situation in or on which a pound, net, weir or other fishing appliance is used, set, placed or located and the area, tract or stretch of water in or from which fish may be taken by the said pound, net, weir or other fishing appliance used in connection therewith.
 - e) Band Council means the elected government of the Bridge River Indian Band.
 - f) "Band Manager" means the person so appointed by the Band Council.
 - g) "Fishery Officer" means a person(s) so appointed by the Band Council and may include Band Constables.
2. This By-Law applies over all Bridge River Indian Band waters including:
 - a) Bridge River Reserve No. 1,
 - b) Bridge River Reserve No. 2,
 - c) or any other lands falling into the jurisdiction of the Bridge River Indian Band.
3. Band Council may appoint fishery officers whose acts and duties are as defined by the by-law and amendments hereto and whose titles are as specified in their appointments.

4. Band members and non-band members shall be permitted to engage in fishing upon Bridge River Indian Band waters, as shall be permitted by the Bridge River Indian Band.
5. Where unused dams, slides, obstructions, diversions or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Band Council to remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown to the Band Council, the Band Council may, without being liable to damages or in any way to indemnify the said owner or occupier, cause such slide, dam, obstruction, diversion or thing detrimental to fish life to be removed or destroyed and in cases where notice has been given to the owner or occupier the expense of so removing or destroying the same.
6. No person shall cause or knowingly permit into, or put or knowingly permit to be put, lime chemical substance or drugs, poisonous matter, mill rubbish, sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such waters, nor on ice over either such waters, or at a place from which it is likely to be carried into either such waters.
7. No person engaging in logging, lumbering, land clearing, mining or other operations, shall put or knowingly permit to be put, any slash stumps or other debris into any water frequented by fish or that flows into such waters, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.
8. The eggs or fry of fish on the spawning grounds shall not at any time be destroyed.
9. The Band Council may make regulations for carrying out the purposes and provisions of this by-law and in particular, but without restricting the generality of the foregoing, may make regulations:
 - a) for the proper management and control of the fisheries;
 - b) respecting the conservation and protection of fish;
 - c) respecting the catching, loading, landing handling, transporting, possession and disposal of fish;
 - d) respecting the use of fishing gear and equipment;
 - e) respecting the obstruction and pollution of any waters frequented by fish;
 - f) respecting the conservation, protection and development of spawning grounds;
 - g) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this by-law and providing for the carrying out of those duties and powers.
 - h) authorizing a person engaged or employed to administer and enforce any closed time or fishing regulation that has been enacted by the Band Council.
10. Any fishery officer or band constable duly appointed hereunder may enforce the provisions of this by-law or any regulations made hereunder.
11. Every person who violates any provision of this by-law is guilty of an offence and is punishable upon summary conviction to a fine appropriate to the damages or infractions as determined by the court.

12. When not otherwise specified every proprietor, agent, tenant, occupier or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable to any of the provisions of this by-law or any regulations hereof.
13. Except insofar as in this by-law is otherwise specially provided all penalties and forfeitures incurred under this by-law or amendments hereto are recoverable and enforceable by summary proceedings taken under the provisions of the Criminal Code relating to summary convictions.
14. Should any violation continue of any by-law or any regulation continue for more than one day then each day during which violations continue constitutes a separate offence and may be punished as such.
15. This By-Law may be cited for all purposes as "Fishing By-Law No. 1 - 1980.
16. The Band Council may from time to time make regulations not inconsistent with this by-law as they may deem necessary or advisable for the purpose of carrying into effect the provisions of this by-law according to their true intent and for supplying any deficiency and without restricting the generality of that power.
17. Fishing By-Law No. 1 - 1980 having been considered and passed is hereby signed by the Indian Government of the Bridge River Indian Band this 16th day of March, 1980

"Chief Saul Terry"
CHIEF

"Bradley Jack"
WITNESS

"Leonard Sampson"
COUNCILLOR

"Bradley Jack"
WITNESS

"Bradley Jack"
COUNCILLOR

"Leonard Sampson"
WITNESS