

## O-CHI-CHAK-KO-SIPI FIRST NATION

## BY-LAW NO. 99-1

**A BY-LAW FOR THE CONTROL OF HUNTING AND THE  
PRESERVATION, PROTECTION AND MANAGEMENT OF WILDLIFE  
ON THE O-CHI-CHAK-KO-SIPI FIRST NATION RESERVE**

**WHEREAS** THE Council of O-Chi-Chak-Ko-Sipi First Nation desires to make a by-law governing the hunting of wildlife on reserve lands;

**AND WHEREAS** the Council has the power to make such a by-law under paragraphs 81(1)(o), (q) and (r) of the *Indian Act RSC 1985 c.1-5*;

**AND WHEREAS** such a by-law is considered expedient and necessary to provide for the safety of the public and the preservation, protection and management of wildlife on reserve lands;

**NOW THEREFORE** the Council of the O-Chi-Chak-Ko-Sipi First Nation makes the following by-law:

**Short title**

1. This by-law may be cited as: 'The O-Chi-Chak-Ko-Sipi First Nation Wildlife By-Law.'

**Interpretation**

2. In this by-law,

*band member* means a member of the Indian band called O-Chi-Chak-Ko-Sipi First Nation;

*Council* means the band council, as defined in the Indian Act, of the O-Chi-Chak-Ko-Sipi First Nation;

*First Nation* means the O-Chi-Chak-Ko-Sipi First Nation;

*hunting* means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, attempting to trap, shooting at, stalking or lying in wait for wildlife whether or not the wildlife is subsequently captured, killed, taken or wounded, but does not include stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking pictures of the wildlife;

*wildlife tag* means a unique identification tag issued under this by-law;

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*license* means a valid and subsisting license issued under this by-law.

*reserve* means the lands defined as a reserve within the meaning of the Indian Act and set apart for the use and benefit of the O-Chi-Chak-Ko-Sipi First Nation;

*resolution* means a recognized declaration of intent duly authorized by Council at a duly authorized meeting of Council and recorded and incorporated in the official minutes;

*trade* means offer for sale, expose for sale, advertise for sale, sell, buy, barter, exchange, deal or solicit;

*wildlife* means a vertebrate of any species or type which is wild by nature, but does not include fish;

*wildlife farm* means an area where wildlife is kept, raised, bred or propagated in captivity, for any purpose;

*wildlife farm animal* means a wildlife animal which was born or is or has been kept or raised on a wildlife farm;

*wildlife officer* means a person appointed as a wildlife officer by Council under section 4.

#### **Application of by-law**

3. (1) This by-law applies within the boundaries of the reserve of O-Chi-Chak-Ko-Sipi First Nation.
- (2) The Schedules are part of this by-law.
- (3) Where a form is prescribed in this by-law, the form used may vary from the prescribed form as long as it contains all of the relevant information referred to in the prescribed form.
- (4) This by-law shall be interpreted in such a way as to supersede provincial jurisdiction over hunting and the preservation, protection and management of wildlife within reserve lands.

### **Wildlife officers**

4. (1) Council may by resolution appoint one or more wildlife officers to perform the functions of administration and enforcement called for in this by-law.
- (2) Council may by resolution empower the Band Constable to perform the functions of a wildlife officer as defined in this by-law.
- (3) Council may in the resolution provide for reasonable remuneration to be paid to a wildlife officer so appointed.

### **General prohibition on hunting**

5. (1) No person shall engage in hunting within the reserve except as permitted in this by-law
  - (2) Despite anything in this by-law, where necessary for the prevention of damage to property or injury to persons, a person may hunt, trap or kill wildlife if the incident is reported to and the animal or carcass is surrendered immediately to a wildlife officer.
6. (1) For the purpose of wildlife management or research or the protection of property, Council may by resolution and subject to such terms and conditions as it may prescribe, direct or authorize a wildlife officer or a designated person to kill, capture or take any wildlife.
  - (2) Where a wildlife officer or designated person kills, captures or takes wildlife under a direction or authorization given under subsection (1), the property, rights, title and interest in and to the wildlife are vested in Council.

### **Hunting by band members**

7. (1) Subject to this by-law, a band member may engage in hunting within the reserve at any time.
- (2) No person may hunt or trap within a wildlife farm, located on reserve unless authorized to do so by a resolution issued by Council.

### **Hunting by persons who are not band members**

8. (1) Subject to this by-law, no person other than a band member may engage in hunting within the reserve unless authorized to do so by an O-Chi-Chak-Ko-Sipi First Nation hunting license issued by Council.
- (2) No person may hunt or trap within a wildlife farm, located on reserve unless authorized to do so by a special seal affixed to the O-Chi-Chak-Ko-Sipi First Nation hunting license issued by Council.
- (3) Council may by resolution prescribe fees for hunting by non band members.

## Enforcement

9. (1) Everyone commits an offense who
- (a) fails to observe or contravenes any provision of this by-law or any ban, restriction or rule imposed under it; or
  - (b) resists or willfully obstructs a wildlife officer in the performance of any duty or in the exercise of any power under this by-law.
10. A peace officer may arrest without warrant a person the officer finds apparently committing an offense under this by-law and bring the person before a court of competent jurisdiction to be dealt with according to law.

## Penalty

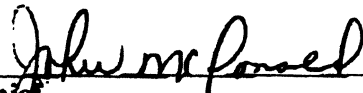
11. A person who commits an offense under section 10 is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment not exceeding 30 days or to both.

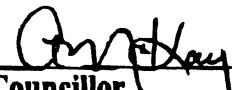
## Severability

12. 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.


**THIS BY-LAW IS HEREBY MADE** at a duly convened meeting of the Council of the O-Chi-Chak-Ko-Sipi First Nation this            day of            , 1999.

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

  
Chief

  
Councillor

\_\_\_\_\_  
Councillor

  
Councillor

being a majority of those members of the Council of O-Chi-Chak-Ko-Sipi First Nation present at the meeting of Council.

A quorum of the members is 3 members. \_\_\_\_\_ members were present at the meeting.

I, John McDonald, Chief of the O-Chi-Chak-Ko-Sipi First Nation, hereby certify that a true copy of this by-law was mailed to the Minister of Indian Affairs and Northern Development at the Manitoba Region office under subsection 82(1) of the *Indian Act*, this day of \_\_\_\_\_, 1999.

Desme ha Yote  
Witness

John McDonald  
Chief