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HUNTING BYLAW ON THE THUNDERCHILD RESERVE**BYLAW NO. 1997-01****A BYLAW FOR THE PRESERVATION, PROTECTION
AND MANAGEMENT OF FUR BEARING ANIMALS AND OTHER GAME**

WHEREAS the Council of the Thunderchild Band desires to make a bylaw governing the preservation, protection and management of fur bearing animals and other game on the reserve, matters ancillary thereto, and a penalty for the violation thereof;

AND WHEREAS the Council of the Thunderchild Band has the power to make such bylaw pursuant to paragraphs 81(1)(o), (q), and (r) of the *Indian Act*;

AND WHEREAS it is considered to be expedient and necessary to provide for the preservation, protection and management of fur bearing animals and other game on the reserve;

NOW THEREFORE the Council of the Thunderchild Band hereby makes the following bylaw:

Short Title

1. This bylaw may be cited as the "Hunting Bylaw on the Thunderchild Indian Reserve".

Interpretation

2. In this bylaw,

"*Band*" means the Council, as defined in the *Indian Act*, of the Thunderchild Band;

"*fur bearing animal*" includes a black bear, wolf, fox, beaver, mink, otter, fisher, marten, muskrat, skunk, racoon, weasel, bobcat, lynx, coyote, squirrel and varying hare;

"*game*" means any vertebrate animal or bird, excluding fish, amphibians and reptiles, that is wild by nature, and includes deer, moose, elk, caribou and fur bearing animals;

"*game bird*" means migratory game bird and upland game bird;

"*hunting*" means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or on the trail of, searching for, shooting at, stalking or lying in wait for any game, whether or not the game is subsequently captured, wounded or killed;

"*migratory game bird*" includes any game bird protected by the *Migratory Birds Convention Act* (Canada), as amended from time to time, or the regulations made under that Act;

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"officer" means an officer appointed under section 3, and includes an officer who has been designated by the Council, pursuant to section 4, to administer and enforce this bylaw, and a police officer means a police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a bylaw enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"reserve" means the reserve of the Thunderchild Band and includes the Band's present Reserves No. 115B, 115C and 115D, as well as any other reserves added hereafter;

"snare" means any device for the taking of game whereby it is caught in a noose;

"take" includes the capturing or the taking into possession of game, whether dead or alive;

"trap" means any spring trap, gin, deadfall box or net used to capture game;

"trapping" means taking game by a snare or trap.

"upland game bird" includes the following birds and the birds of all species of the following families:

- (i) *tetraonidae*, commonly known as grouse, including ruffed grouse, spruce grouse, prairie chicken, sharp-tailed grouse, sage grouse and ptarmigans; and
- (ii) *phasianidae*, commonly known as pheasants and partridges, including ring-necked pheasants, European grey or Hungarian partridges;

Administration

3. (1) The Council may, by resolution, appoint one or more officers to perform such functions in respect of the administration and enforcement of this bylaw as are prescribed herein.
- (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to an officer appointed under subsection (1).
4. The Council may designate any officer to perform such functions in respect of the administration and enforcement of this bylaw as are prescribed herein to be performed by an officer;

General Prohibition on Hunting and Trapping

5. (1) No person shall engage in hunting or trapping within the reserve except, as permitted by this bylaw.

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(2) Notwithstanding anything in this bylaw, a person may, where necessary for the prevention of

- (a) damage to private property, livestock or other domestic animals, or
- (b) injury to persons;

hunt, take, trap, snare, shoot or kill game at any time if the incident is reported to the Band Council, and such game or carcase is immediately surrendered to the nearest officer.

Hunting and Trapping by Band Members

6. Subject to the provisions of this bylaw, members or the Band may engage in hunting and trapping within the reserve at any time.

Hunting and Trapping Permits

7. (1) A person who is not a member of the Band may apply to the Council for a permit to hunt or to trap game within the reserve.
- (2) The application shall specify
- (a) name and address of the applicant
 - (b) age of the applicant;
 - (c) whether the applicant has attended a hunting safety course;
 - (d) whether the applicant has any previous convictions under federal or provincial hunting regulations;
 - (e) the place for which the permit is sought;
 - (f) the species of game for which the permit is sought;
 - (g) the type of hunting or trapping equipment to be used; 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).
 - (i) any other information the Band Council finds necessary to make an informed decision on granting an application.
- (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;
 - (b) 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 bylaw with respect to hunting and trapping;

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- (c) the extent of the contribution, if any, the applicant makes to the reserve community;
- (d) the number of permits already issued for the species of game for which the permit is sought; and
- (e) 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 written permit authorizing the person to hunt on the reserve, specifying therein the time, place, type of equipment, bag limit, size limit and species of game that may be hunted by the person holding the permit.

(5) The fee for a permit is as follows:

Hunting:

Moose, white-tail deer, mule deer, elk, and black bear - \$300

Trapping:

\$25

- (6) A permit issued pursuant to this section is non-transferable.
- (7) For purposes of conservation and preservation the Council may specify the time, place, type of equipment, bag limit, size limit and species of game that may be hunted by a Band member.

8. A permit issued under the bylaw 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.

9. (1) A person hunting or trapping under the authority of a permit issued pursuant to section 7 shall have the permit on his or her person while hunting or trapping within the reserve.

- (2) An officer may at any time require any permit holder who is hunting or trapping within the reserve to produce his or her permit.

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10. The Council may, after a notice and hearing, cancel the permit of any person where it is satisfied

- (a) that the person has contravened the terms of the permit or of this bylaw, or
- (b) that the continuation of the permit would be detrimental to the preservation or protection of fur bearing animals or other game on the reserve.

11. The holder of a permit obtained by any false or misleading statement or information made or given in respect to any information required for the issuance of the permit shall be deemed to be the holder of a void permit and the holder may be prosecuted in the same manner and with the same effect as he or she could be prosecuted if he or she were not the holder of a permit.

Hunting or Trapping by a Person Under the Age of Sixteen Years

12. A non Band member who is under the age of sixteen years may hunt or trap without a permit if accompanied by and under the supervision of a Band member or a person holding a permit issued under section 7, and must comply with the restrictions of time, place, type of equipment, bag limit, size limit and species of game specified on the permit pursuant to section 7(4).

Hunting Season

13. The hunting season for moose, elk, deer or black bear shall be determined by Council yearly, not later than April 15th of any year, after a review of the abundance of game and the state of the habitat.

Trapping Season

14. The trapping season and the species to be trapped shall be determined by Council on a year by year basis, not later than September 1st of any year.

Prohibited Zones

15. No person shall at any time engage in hunting within the following areas of the reserve:

Areas designated as sacred or ceremonial grounds by the Chief and Council.

The location of these areas shall be provided to the guides by the Council.

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Traps and Snares**16. No person shall:**

- (a) touch or interfere with any legally placed traps or snares, unless he or she is authorized by the owner;
- (b) leave a trap or snare set for a fur animal following the close of the open season for that animal;
- (c) use foot traps set in water for beaver, otter, mink or muskrat, unless the trap is set so that the animal drowns when caught;
- (d) set traps with an inside jaw-spread exceeding 24 centimetres;
- (e) set traps equipped with serrated teeth or jaws;
- (f) use hooks or sharp devices to snag or spear fur animals;
- (g) set spring-pole sets on poles or trees unless the trap is set in a manner to kill the animals with reasonable dispatch;
- (h) set snares, unless each snare is equipped with a locking device to prevent the noose from opening;
- (i) use a foot-hold trap for the destruction or capture of a fur animal other than a wolf, coyote, fox, lynx or bobcat unless the trap is set in a manner that will kill the fur animal with reasonable dispatch.

Hunting with Firearms**17. No person while engaged in hunting shall discharge a firearm**

- (a) within one 1,000 metres of the established townsite,
- (b) 500 metres of a residential building,
and 150 metres of
- (c) a public road or bridge.

18. No person while engaged in hunting shall discharge a firearm

- (a) on or from a public road,

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- (b) across a public road, or
 (c) from a vehicle, aircraft or power boat.

19. No person while engaged in hunting on the reserve shall conceal his or her identity or wear a mask or disguise.

20. No person while engaged in hunting or trapping or while going to or returning from a hunting camp, or while in a locality that game usually inhabits or in which game is usually found, shall have a firearm in his or her possession, unless it is unloaded and encased, between one half-hour after sundown and one half-hour before sunrise.

21. No person while engaged in hunting shall have a loaded firearm in his possession while he or she is under the influence of alcohol or a drug.

22. 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 and property.

23. No person shall use any poison, explosive or deleterious substance for hunting purposes.

24. No person shall use any device which connects a firearm to a trap or to a remote control or delayed-action mechanisms or which causes a firearm to discharge without the hunter himself pressing upon the trigger of such firearm.

Protected Species

25. No person shall at any time engage in the hunting or trapping of birds of prey or any game animal on the following list unless consent is first obtained from the Council for a specific traditional use:

Extirpated, extinct, endangered, threatened and vulnerable species in Saskatchewan.

Extirpated

Grizzly Bear
 Swift Fox
 Black-footed Ferret
 Greater Prairie Chicken

Extinct

Passenger Pigeon

Threatened

Baird's Sparrow
 Caspian Tern
 Eastern Yellow-bellied Racer (snake)
 Loggerhead Shrike
 Wood Bison
 Western Rattlesnake

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Endangered

Burrowing Owl
 Eskimo Curlew
 Peregrine Falcon
 Piping Plover
 Sage Thrasher
 Mountain Plover
 Whooping Crane

Vulnerable

Black-tailed Prairie Dog
 Cooper's Hawk
 Eastern Bluebird
 Ferruginous Hawk
 Great Grey Owl
 Long-billed Curlew
 Plains Pocket Gopher
 Prairie Rose
 Short-eared Owl
 Trumpeter Swan
 Wolverine
 Woodland Caribou

26. The Council may impose a temporary ban or restriction on the hunting or trapping of any species not mentioned in section 25, by giving notice in accordance with subsections (2) and (3).

- (1) 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 or trapping is engaged in; and
 - (b) in the office of the Band Council.
- (2) 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.
- (3) No ban or restriction imposed under this section shall remain in force for a period of more than fourteen days, unless a further ban or restriction is imposed and further notice is given in accordance with subsections (2) and (3).

Conservation

27. A person shall not

- (a) disturb, destroy, injure, gather or take the nest or eggs of any game bird except duck eggs which may be taken to be used for traditional cultural purposes;

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(b) disturb, destroy or injure the shelter or habitat of any game.

28. A person shall not cut, break or destroy a beaver house or beaver dam, without first giving notice to the Council and obtaining the Council's authority to destroy such a dam. In giving its authority, the Council may consider whether the cutting, breaking or destroying is necessary to prevent damage to the property of that person or the Band.

Rules of Hunting and Trapping

29. No person shall hunt a moose, deer, elk or caribou by means of a trap or snare.

30. No person shall kill or attempt to kill any species of game by the use of poison.

31. No person shall

(a) hunt game by means of or with the assistance of a light.

(b) unless a band member, hunt game in any day later than one-half hour after sunset or earlier than one-half hour before sunrise; or

32. (1) No person shall hunt moose, deer, elk, caribou or any fur bearing animal by means of, or with the assistance of, a dog or when accompanied by a dog.

(2) Subsection (1) does not apply where the hunting of game with a dog is necessary for the prevention of

(a) damage to private property, livestock or other domestic animals; or

(b) injury to persons,

If the incident is reported, and the carcass is surrendered, immediately to the nearest officer.

33. No person shall hunt game using a crossbow, hand-gun, fully automatic weapons or those using projectiles smaller than a .23 calibre.

34. No person shall use an aircraft, sail boat, power boat or motorized vehicle in connection with hunting, except as a means of transportation before and after any hunting activity.

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Enforcement

35. A person who

- (a) fails to observe or who otherwise contravenes any provision of this bylaw or any ban or restriction imposed hereunder, or
- (b) resists or wilfully obstructs an officer in the performance of any duty or in the exercise of any power under this bylaw,

commits an offence.

36. Where an act or omission in contravention of this bylaw 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

37. A person who commits an offence under this bylaw 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.

38. Bylaw number 9501 enacted on the 2 day of Nov, 1995 and bearing a Bylaw to regulate the preservation, protection and management of fur bearing animals and other game, be and the same is hereby repealed.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Thunderchild Band this 19th day of June, 1997.

Voting in favour of the bylaw are the following members of the Council.

Chief

Deey McWynne
Member of the Council

Joseph Joseph Deputy Chief
Member of the Council

Herold D. Jones
Member of the Council

Member of the Council

Charles Lady A.
Member of the Council

Member of the Council

James Sambank
Member of the Council

Maria Linklater
Member of the Council

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being the majority of those members of the Council of the Thunderchild Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.
Number of members of the Council present at the meeting: 6

I, Joe Simon Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing Bylaw was 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 26 day of June, 1997.

Chris
Witness

Joe Simon
Chief Councillor