

Kawacatoose Cree Nation Outfitting By-Law #
**A BY-LAW FOR THE PRESERVATION,
PROTECTION AND MANGEMENT OF BIG GAME**

WHEREAS the Council of the Kawacatoose Cree 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 Kawacatoose Cree 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 Kawacatoose Cree 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 "Outfitting By-law" on the Kawacatoose Indian Reserve."

Interpretation

2. In this By-law:

- (a) **"First Nation"** means the Kawacatoose Cree Nation;
- (b) **"big game"** includes:
 - i) White-tailed deer;
 - ii) Mule deer;
 - iii) Elk,
 - iv) Moose, and
 - v) Bear
- (c) **"client"** means a person to whom an outfitter provides an outfitting service or a guide employed by an outfitter provides a guiding service;
- (d) **"Council"** means the Council, as defined in the Indian Act, of the Kawacatoose Cree Nation;

- (e) **“Game Officer”** means a person appointed by the Council, who will receive applications, appeals, issue permits and licenses and carry out the permit and licensing administrative functions under this bylaw including enforcement;
- (f) **“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;
- (g) **“outfitter”** means a person who provides an outfitting service;
- (h) **“outfitter’s License”** means a license issued pursuant to this bylaw;
- (i) **“outfitting service”** means the provision of guiding services or the provision of guiding services together with the provision of equipment, food, and accommodation for a client;
- (j) **“Reserve”** means the Kawacatoose 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;
- (k) **“Treaty Land Entitlement or “TLE lands”** means land that has been purchased for the purpose of creating entitlement reserves pursuant to treaty land agreements.

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 one (1) 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 Kawacatoose Cree 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 Outfitter's License

Outfitter's License

7. (1) No person shall, without an outfitter's license:
 - (a) act as an outfitter; or
 - (b) advertise or promote an outfitting service on the Reserve.
 - (2) A person is not required to hold an outfitter's license while providing guiding services, if that person provides the guiding service while employed by another person who holds an outfitter's license.
 - (3) The Council shall issue an Outfitters License if it determines that:
 - (a) issuing of a license will not detrimentally affect the species of game in respect of which the license is sought; and
 - (b) the applicant has entered into a subsisting outfitting service agreement with the Council, which terms and conditions shall include:
 - (i) the number of clients and the fees to be charged to the clients;
 - (ii) that the outfitter will issue permits to its clients;
 - (iii) specifying the time, place, type of equipment, bag limit, size limit, and species of Big Game that may be hunted by the Outfitter's clients, whether or not the applicant has previously held a license and, if so, complied with the provisions of the license and this or any previous By-law with respect to hunting; and
 - (iv) specifying the land where the hunting can take place.
 - (4) A license issued pursuant to this section is non-transferable.
8. The Council may, after notice and hearing, cancel the outfitter's license of any person where it is satisfied:
 - (a) that the person has contravened the terms of the license or of this By-law; or

(b) that the continuation of the license may be detrimental to the preservation or protection of Big Game animals or other game on the reserve.

9. The holder of a license or permit obtained by any false or misleading statement or information made or given in respect to any information required for the issuance of the license or permit shall be deemed to be the holder of a void license or permit and the holder may be prosecuted in the same manner and with the same effect as he would be prosecuted if he were not the holder of a license or permit.
10. No license or permit shall be issued to authorize hunting for Big Game between March 1 and July 1.
11. Notwithstanding section 10, a license or permit for spring black bear may be issued between April 1 and June 30.

PART VI Hunting Permits

Hunting Permits

12. (1) A person who is not a member of the First Nation may enter into an agreement with an Outfitter, who has been issued an Outfitters Licence, for a permit to hunt Big Game within the Reserve.
- (2) An outfitter with an Outfitter's License shall issue a permit to its clients on the basis of its subsisting outfitting service agreement with the Council pursuant to Section 7 (3).
- (3) A person holding a permit under subsection 7(3)(b) shall not hunt within the reserve except in accordance with the terms of the Outfitters License issued by the Council.
- (4) 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.
- (5) A person hunting under the authority of a permit issued pursuant to section 7(3)(b) shall have the permit on his person while hunting on the reserve.
- (6) A First Nation Councilor or Game Officer may at any time require any permit holder who is hunting within the reserve to produce his permit.

- (7) No person shall hunt on the reserve unless guided by a person or persons employed by a person who holds an Outfitter's License.

PART VII Prohibited Zones

Prohibited Zones

13. No person shall at any time engage in hunting within the following areas of the reserve:
- (a) within 500 metres of any occupied residence on the reserve; or
 - (b) within 500 metres of any settlement, public structure or construction site on the reserve.

PART VIII Hunting with Firearms

Hunting with Firearms

14. No person while engaged in hunting shall discharge a firearm within five hundred metres of:
- (1) a residential building;
15. (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 15.(1), encased firearms may be carried on an all-terrain vehicle or snowmobile.

PART IX Safety

Safety

16. All persons, while engaged in hunting with a firearm, "are encouraged" to wear an orange or red coloured cap or an orange or red closed fitting head covering.
17. No person while engaged in hunting in the reserve, shall conceal his identity or wear a mask or disguise.
18. 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.
19. 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.
20. Everyone 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 or property.

PART X Conservation

Conservation

24. A person shall not:

- (a) destroy or injure the shelter or habitat of any wildlife.

PART XI Leaving Game In The Field

Leaving Game In The Field

25. (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 XII Storage and Use of Big Game Taken on Reserve

Storage and Use of Big Game Taken on Reserve

26. (1) A person who is not a member of the First Nation and who has obtained a permit pursuant to section 7 and 12:

- (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 Outfitter.

(2) The Outfitter 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 2(b).

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

PART XIII Enforcement

Enforcement

27. 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.

28. 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

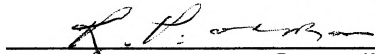

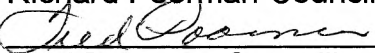
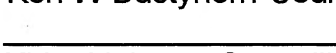
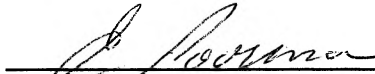
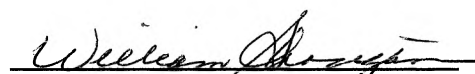


Penalty

29. A person who commits an offence under this By-law, as determined by the Game Officer or the Council, 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 a fine and imprisonment.

30. 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.
31. 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 Kawacatoose Cree Nation this 07th day of March, 2008.

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

 Richard Poorman-Councillor	 Ken W Dustyhorn-Councillor
 Fred Poorman-Councillor	 Kirby Littlelent-Councillor
 Edward Poorman-Councillor	 William Strongarm-Councillor
 Raylene Medicine-Rope-Councillor	 Delmont Asapace-Councillor

being the majority of those members of the Council of the KAWACATOOSE First Nation 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: 8 of 9

I, Edward Poorman Chief/~~Councillor~~ 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 10th day of March 2008, 2008.


Witness


Chief/Councillor