

0/1/97
21 Apr 97
2 Jul 97

Gordon's Band No. 391

By-law No. 1 of 1997

A By-law respecting the preservation, protection and management of wildlife on Gordon's 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 Gordon's First Nation, being the Council of 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 Gordon's First Nation enacts the following by-law:

Title

1. This By-law may be cited as the *Gordon's First Nation Big Game Protection By-law*.

Definitions

2. In this By-law:
 - (a) "Band Council" means the council of the Gordon's First Nation;
 - (b) "big game" includes white-tail deer, mule deer, moose, elk, antelope and bear;
 - (c) "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;

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- (d) "hunting permit" means a permit to hunt big game on the reserve issued by the Band Council pursuant to section 5 of this By-law;
- (e) "licensed guide or outfitter" means a person who holds a valid and subsisting licence issued pursuant to the *Gordon's First Nation Guides and Outfitters By-law*;
- (f) "permit holder" means a person who holds a hunting permit;
- (g) "reserve" means Gordon's Indian Reserve #86, as it exists from time to time;
- (h) "take" includes taking dead or alive.

PROTECTION OF BIG GAME

Certain unauthorized hunting prohibited

3. No person shall hunt big game on the reserve with the assistance of a licensed guide or outfitter, unless he or she obtains a hunting permit pursuant to this By-law.

HUNTING PERMITS

Application

4. Any person may apply to the Band Council for a permit to hunt big game on the reserve by submitting to the Band 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 7(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; and

- (b) a hunting permit fee of \$1,000.00.

Issuance and terms

- 5(1) The Band 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 revocation of hunting permit

- 6(1) The Band 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.

MANNER OF HUNTING BY PERMIT HOLDER

Rules of hunting

7 Every permit holder shall:

- (a) hunt in accordance with these by-laws 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 a member of the Band Council or an authorized representative of the Band Council.

Prohibitions

8(1) No permit holder shall, while hunting big game on the reserve:

- (a) discharge a firearm within 500 meters 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) by means of or with the assistance of a light;
- (g) using a crossbow; or
- (h) using an aircraft, sail boat, power boat or motorized vehicle.

Gordon's First Nation Big Game Protection By-law

- (2) No permit holder shall hunt moose, deer, elk or antelope:
 - (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

- 9(1) No permit holder shall at any time hunt within 500 metres of an occupied residence on the reserve or of any settlement on the reserve, ~~(including the Upper Camp, the Lower Camp and the Healing Lodge.)~~ *(D)*
- (2) No permit holder 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 permit holder 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.

DM
BC
P.S.
P.P.
MM
CP

Careless hunting

- 10 Any permit holder 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.

Offence and penalty

- 11(1) Any permit holder 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.

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June 2, 1997

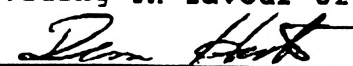
Moved by Councillor Jeannette Anderson

Seconded by Councillor Robert P Blind

That the By-law entitled " A By-law respecting the Preservation, Protection and management of Wildlife on Gordon Reserve" be made as By-Law No. 1 -1997 of the Gordon Band was passed.

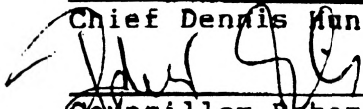
Number of Band Council Members present: 10

Those voting in favour of By-law No. 1 - 1997



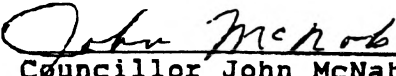
Chief Dennis Munter

Witness

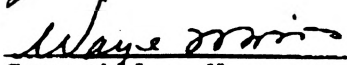


Councillor Robert P Blind

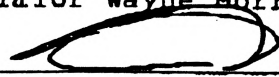
Councillor Robert K Pratt



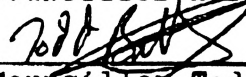
Councillor John McNab



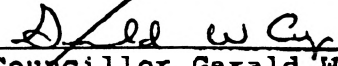
Councillor Wayne Morris



Councillor Herman Blind



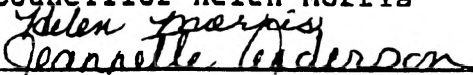
Councillor Todd Bitternose



Councillor Gerald W Cyr



Councillor Helen Morris



Councillor Jeannette Anderson

Those voting against By-Law No. 1-1997: None