

BYLAW NO. 160-A
OF THE WOOD MOUNTAIN FIRST NATION AND TRUST SERVICES Date July 17/04

A BYLAW FOR THE PRESERVATION, PROTECTION AND MANAGEMENT OF BIG GAME

WHEREAS the Council of Wood Mountain First Nation desires to make a Bylaw governing the preservation, protection and management of the Big Game on the Reserve, matters ancillary thereto, and penalty for the violation thereof;

AND WHEREAS the Council of the Wood Mountain First Nation has the power to make such Bylaw pursuant to paragraphs 81(1)(0) and (q) and (r) in the Indian Act;

AND WHEREAS it is considered to be expedient and necessary to provide for the preservation, protection and management of Big Game on the Reserve;

NOW THEREFORE the Council of the Wood Mountain First Nation hereby makes the following Bylaw;

SHORT TITLE

- 1. This bylaw may be cited as the "Outfitting Bylaw on the Wood Mountain First Nation"

INTERPRETATION

- 2. In this Bylaw:

"Band" means the Wood Mountain First Nation.

"Big Game" means deer, moose, elk and bear together with such other vertebrate animal that is wild by nature as may be designated by resolution of Council.

"Predator" means any fur-bearing animal which preys on Big Game such as coyotes and wolf.

"Chief and Council" means the chief and council as deemed in the Indian Act , of the Wood Mountain First Nation.

"Game Officer" means a game officer appointed under Section 4 and includes an officer who has been designated by the Chief and council, pursuant to section 5, to administer and enforce this Bylaw.

Game Birds including migratory birds.

"Hunting" means taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or on the trail of search for, shooting at, stalking or lying in wait for any Big Game.

"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 Chief and Council for the purpose of maintaining law and order on the reserve.

"Reserve" means the reserves of the Wood Mountain First Nation as it may exist from time to time and includes all land added to the reserve after the date of the Bylaw.

"Take" includes the capturing or the taking into possession of Big Game, whether dead or alive.

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“Baiting” means the use of grains, grasses, salt or hay materials for hunting purposes.

“Dress” means the clothing worn during hunting.

“Outfitter” means a person designated to take clients hunting.

“Client” means a customer of the outfitter.

ADMINISTRATION

3. (1) The Chief and Council may, by resolution, appoint one or more game officers to perform such functions in respect of the administration and enforcement of the Bylaw as prescribed herein.

OUTFITTER

4. (1) The Band will allow one outfitter to operate on these lands.
- (2) The Outfitter will be allowed to take suitable clientele in accordance to their agreement with the Band.
- (3) The Outfitter must obey the regulations set forward in this document.

GENERAL PROHIBITION ON HUNTING AND TRAPPING

5. (1) No person shall engage in hunting Big Game within the reserve except as permitted by this Bylaw.
- (2) Notwithstanding anything in this Bylaw, a person may, where necessary for the prevention of:
- (a) damage to private property, or
 - (b) injury to occupied land

hunt, take, snare, shoot or kill Big Game at any time if the incident(s) is reported and such game or carcass is surrendered immediately to the nearest game officer.

HUNTING AND TRAPPING BY BAND MEMBERS

6. Subject to the provisions of this Bylaw, members of the Wood Mountain First Nation may engage in hunting and gathering within the reserve at any time, this Bylaw will not jeopardize the relationship they have with the land.

HUNTING LICENSES

7. (1) The Outfitter may purchase hunting licenses from the Wood Mountain First Nation.
- (2) These licenses can be purchased before/during hunting season.
- (3) Each Big Game license will have a fee of \$300.00 Canadian, or as set by Chief and Council.
- (4) A person hunting or trapping under the authority of a license issued shall have the license on his person while hunting within the reserve.

- (5) A license issued under this 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.
8. A band councillor or game officer may at any time require any license holder who is hunting within the reserve to produce their license.
9. The Chief and Council may, after a notice and hearing, cancel the license of any person where it is satisfied;
- (a) that the person has contravened the terms of the license or of this Bylaw; or
 - (b) that the continuation of the license would be detrimental to the preservation or protection of Big Game animals or other game on the reserve.
10. The holder of a license obtained by any false or misleading statement or information made or given in respect to any information required for the issuance of the license shall be deemed to be the holder of a void license and the holder may be prosecuted in the same manner and with the same effect as he could be prosecuted if he were not the holder of a license.
11. No license shall be issued to authorized hunting for Game between January 1 and March 31 of any year excepting predators.
12. No license shall be issued without the services of an outfitter or guide.
13. A tag must be attached to the carcass of the animal immediately upon taking possession of the same. The tag must show the date the animal was killed and the name of the hunter who killed it. In the event that the carcass is separated from the hide, a tag bearing this information must be attached to each item.

HUNTING WITH FIREARMS

14. No persons while engaged in hunting shall discharge a firearm within one hundred and fifty(150) metres of:
- (1) a residential building;
 - (2) a public road or bridge; or
 - (3) a game preserve or bird or fish sanctuary.
15. No person while engaged in hunting shall discharge a firearm:
- (1) on or from a public road;
 - (2) across a public road; or
 - (3) from a vehicle, aircraft or power boat.
16. No person while engaged in hunting or while going to and returning from a hunting camp, or while in a locality that Big Game usually inhabits or in which 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 and encased.
17. No person while engaged in hunting shall have a loaded firearm in his possession while he is under the influence of alcohol or drug.
18. 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 or property.

19. No person shall use any poison, explosive or deleterious substance for hunting purposes.
20. No person shall use any device which connects a firearm to a trap or to a remote control or delayed-action mechanism or which causes a firearm to discharge without the hunter himself pressing the trigger of such firearm.
21. No loaded firearms in a vehicle.
22. Unloaded firearms will be allowed on all terrain vehicles; they may be carried uncased.

CONSERVATION

23. A person shall not:
 - (1) disturb, destroy, injure, gather or take the nest or eggs of any game bird;
 - (2) disturb, destroy or injure the shelter or habitat of any game, including Big Game.
24. A person shall not cut, break or destroy a beaver house or beaver dams, except where the cutting, breaking or destroying is necessary to prevent damage to the property of that person.

ENDANGERED SPECIES

25. Where any species is considered endangered, band council will prohibit the hunting of that species. ie: burrowing owl

RULES OF HUNTING

26. No person shall hunt moose, deer, elk, deer by means of trap or snare.
27. No person shall kill or attempt to kill species of Big Game by the use of poison.
28. No person shall:
 - (1) hunt Big Game in any time later than one-half hour after sunset or earlier than one-half hour before sunrise; or
 - (2) hunt Big Game by means of or with assistance of a light.
29. No person shall use an aircraft, sailboat, power boat or motorized vehicle in connection with hunting, except as a means of transportation before and after any hunting activities.

ALL TERRAIN VEHICLES

30. Four wheel drive vehicles will be allowed for transportation while hunting.
31. Three wheelers, quads, argos or ski-doods will be allowed for transportation purposes during hunting or baiting activities.

BAITING

32. (1) Baiting will be allowed on these lands for the hunting of Big Game species and for predator control
- (2) There will be no set limit to amount of bait used as it is a quality food source.
- (3) Bait may also be used for the hunting of predators.

E. A. Owen
LAND & TRUST SERVICES Date *July 14/04*

DRESS CODE

- 33. (1) Clients and guides plus any other individuals involved with the outfitting operation may use camouflage clothing or regular clothing while hunting.
- (2) Blaze orange colors, camo orange and/or scarlet red will be worn as required by the outfitter.

ENFORCEMENT

- 34. A person who:
 - (1) fails to observe or who otherwise contravenes any provision of this Bylaw or any ban or restriction imposed hereunder; or
 - (2) resists or willfully obstructs a game officer in the performance of any duty or in the exercise of any power under this Bylaw
 commits an offence.

- 35. Where an act or omission is 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

- 36. A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$1,000.00 (one thousand dollars), or to imprisonment for a term not exceeding thirty(30) days, or to both.

This Bylaw is hereby passed by the Chief and Council of the Wood Mountain First Nation on this 09 day of JUNE, 2004.

Voting in favor of this Bylaw are the following members:

Chief

X *Colman B LeCain*
Councillor

Councillor

Ross Lethbridge
Councillor

Councillor

Loretta & Lethbridge
Councillor

Councillor

three (3) is quorum.