

**By-Law No. 2017-9
of the Fisher River Cree Nation**

**Being a By-Law for the Recreational Access of Persons
Frequenting the Reserve**

WHEREAS the Council of the Fisher River Cree Nation desires to establish a By-Law to provide for the recreational use and access of persons on the reserve for prescribed purposes;

AND WHEREAS the Council of the Fisher River Cree Nation is empowered to make such By-Law, and any matter ancillary thereto pursuant to paragraphs 81(1)(m), (o), (q) and (r) of the *Indian Act*, R.S.C. 1985, c. I-5;

AND WHEREAS it is deemed to be expedient and necessary, for the benefit, comfort and safety of the inhabitants of the Fisher River reserve, to provide for the control of access by non-member persons for recreational activities on reserve lands.

NOW THEREFORE the Council of the Fisher River Cree Nation hereby makes the following By-Law:

Short title

1. This By-Law may be cited as "Fisher River Cree Nation Recreational Access By-Law".

Interpretation

2. In this By-Law,

"*Community Safety Officer*" means any person appointed by Council or contracted by Council from time to time for the purpose of administering, applying and enforcing this By-Law, and includes any Special or Band Constable, assistant or any person appointed by Council to assist in carrying out the provisions herein;

"*Council*" means the Chief and Council of the Fisher River Cree Nation as defined in the *Indian Act*;

"*Licence Application*" means the Licence Application located as Form 1 to this By-Law substantially in the form and content outlined, subject to amendment from time to time from Council;

"*recreational area*" means any area of the reserve designated by Council as a recreational area for the purposes of this By-Law;

"*reserve*" means the reserves of the Fisher River Cree Nation and includes the Fisher River Indian Reserve 44 and 44A and any other reserve lands under the authority of

Council and for greater certainty, this By-Law only applies to common Band land;

"*recreational activities*" include activities occurring on the reserve or recreational area related to:

- i) sport fishing from the riparian areas along the Fisher River, or sport fishing from non-motorized or motorized water craft on the Fisher River within the geographical boundaries of the reserve;
- ii) launching non-motorized or motorized watercraft on the Fisher River;
- iii) camping;
- iv) swimming or other water sports;
- v) picnicking;
- vi) hiking;
- vii) nature study or photographing scenic sites; or
- viii) snowshoeing.

"*riparian areas*" means a thirty (30) yard setback from the ordinary high water mark of the Fisher River where the ordinary high water mark is a line defined by the normal high water mark determined by the plant growth and soil conditions observed at and in the vicinity of land adjacent to the Fisher River, or as to mark a distinct character on the vegetation where it extends into the water or upon the soil itself;

"*trespass*" means the entry onto, or the presence on, the reserve by a person without lawful justification.

Access for Recreational Purposes

- 3.1 The Council may designate persons who are employees of the Band and under the administration of the Council for the purposes of this By-Law;
- 3.2 The Council may contract with any person to serve as the Community Safety Officer who shall carry out the duties and responsibilities of the Fisher River Cree Nation for the purposes of this By-Law;
- 3.3 Prior to non-member persons undertaking recreation activities on reserve lands, they must first obtain a licence from the Band and pay all necessary fees in order to obtain such licence;
- 3.4 Nothing in this By-Law negates any requirement under any other federal or provincial law to obtain for recreational purposes a licence, permit, approval or other authorization in connection with the use of reserve lands. Upon request, the non-member must produce for verification purposes, such valid federal or

provincial authorization(s).

Application Process

- 4.1 Any non-member who wishes to undertake recreational activities on reserve lands shall contact the Community Safety Officer and provide certain information outlined in the application form as attached in Form 1 to this By-Law.
- 4.2 Any recreational access fee prescribed by the Band shall be paid by the applicant.

No Access Allowed

5. A person may not be allowed recreational access if one or more of the following circumstances exist:
 - (a) a fire ban imposed by a competent authority under any law in force in Manitoba is in effect in respect of a part or all of the reserve;
 - (b) the proposed use would involve hunting (as it is defined in *The Manitoba Wildlife Act*, C.C.S.M. c. W130);
 - (c) the proposed use would involve trapping; and
 - (d) the proposed use would be contrary to any land management plan, Land Code or policies implemented by Council from time to time related to the reserve.

Duties of Recreational Access Licence Holders

6. No person who for recreational access purposes has obtained a licence pursuant to section 3(2) herein, shall
 - (a) litter on reserve lands;
 - (b) bring an animal within the boundaries of the reserve unless that animal is used for animal guide purposes;
 - (c) park a vehicle that blocks an approach to land without the consent of the on reserve interest holder;
 - (d) set, or maintain a fire without the consent of the Council or Council's designate;
 - (e) not enter or use any buildings without the consent of the owner of such building(s); or
 - (f) may not cause any damage whatsoever to the reserve lands.

Penalty

7. A person who violates any provision of this By-Law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding thirty days, or to both.

Coming Into Force

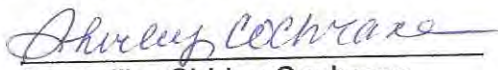
8. This By-Law shall come into force upon it being first published pursuant to subsection 86(1) of the *Indian Act*.

This By-Law is hereby made at a duly convened meeting of the Council of the Fisher River Cree Nation this 23rd day May, 2017.

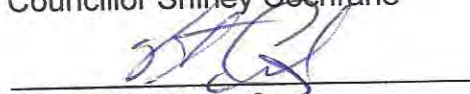
Voting in favour of the By-Law are the following members of the Council:


Chief David Crate


Councillor Carl Cochrane


Councillor Shirley Cochrane


Councillor Darrell Thaddeus


Councillor Vince Crate

Being the majority of those members of the Council of the Fisher River Cree Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members.

Number of members of the Council present at the meeting: 5

FORM 1

RECREATIONAL ACCESS LICENCE APPLICATION

1. Applicant's Name: _____
2. Permanent Address: _____
3. Phone Number(s): Home: _____ Office: _____
Cellular: _____
4. Occupation: _____
5. Employers Name/Address: _____
6. Social Insurance Number: _____
7. Valid fishing licence? Yes _____ No _____
8. Application fee paid? Yes _____ No _____ Amount of fee: \$ _____
9. Recreational Activity (ies) to be undertaken?

_____ Sport fishing from the riparian areas along the Fisher River, or sport fishing from non-motorized or motorized water craft on the Fisher River within the geographical boundaries of the reserve;

_____ Launching non-motorized or motorized watercraft on the Fisher River;

_____ Camping;

_____ Swimming or other water sports;

_____ Picnicking;

_____ Hiking;

_____ Nature study or Photographing scenic sites;

_____ Snowshoeing.

Privacy Policy

10. (a) Privacy Policy of the Fisher River Cree Nation in the implementation of this By-Law. The most important aspect of our business requires a relationship of trust with our recreational applicants to our lands. In order to provide our applicants with the best possible outcome it is necessary that we obtain information about our newly established relationship.
- (b) The information Council are in trusted with is of a personal nature. Our applicants have a right to expect that any personal information that they provide to Council or that Council obtains from other sources in order to act on their behalf will be kept in the strictest confidence and that access to this personal information will be restricted to those having a legitimate need to review or use of that information.

Personal Information

11. (a) Personal information is information that identifies an individual personally. Personal information may include name, address, home, telephone number(s), work history, liabilities, assets income, banking records, health records, and other information of a personal nature relating to religious beliefs or criminal records. The personal information collected will be limited to information needed for the purpose of licence application.
- (b) Council only allows access to an individual's personal information to those employees who need to use it in their work. Employees are subject to termination for the unauthorized use or disclosure of an individual's personal information.
- (c) On completion of a licence application, the file in its entirety will securely be stored for a period of two years. It will be the responsibility of the recreational applicant to request any personal information they require before the two year period is reached. After the completion of the two year period the licence application file will be destroyed.