

AKWESASNE MOHAWK COUNCIL RESOLUTION

2007/2008 - #161

THE MOHAWK COUNCIL OF AKWESASNE

AGENCY SOUTHERN ONTARIO DISTRICT

PROVINCE ONTARIO / QUEBEC

PLACE ADMINISTRATION BUILDING I BOARDROOM

DATE 04 SEPTEMBER 2007
DAY MONTH YEAR

THIS MEETING TOOK PLACE
IN THE TERRITORY OF
AKWESASNE, WITH THE
FOLLOWING MEMBERS OF
THE AKWESASNE
MOHAWK COUNCIL
PRESIDING.



RECORDED VOTE:

FOR: 9

AGAINST: 1

ABSTENTION:

DO HEREBY RESOLVE:

MOVED: John Adams

SECONDED: Louie Lazere

WHEREAS, the Mohawks of Akwesasne have the existing and inherent right of self-determination, which includes the inherent jurisdiction over their lands, peoples and territory;

AND WHEREAS, the Mohawks of Akwesasne have aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada, which include the inherent right of self-determination and jurisdiction over their lands, peoples and territory;

AND WHEREAS, the Mohawk Council of Akwesasne is the community government within the territory of Akwesasne and has inherent jurisdiction to make laws, regulations and policies to meet the needs and concerns of the Mohawks of Akwesasne;

AND WHEREAS, the Mohawk Council of Akwesasne intends to preserve the cultural, political and economic integrity of the Mohawk territory and community of Akwesasne;

AND WHEREAS The Mohawk Council of Akwesasne did enact the "Wildlife Conservation By-Law # 19/85" under resolution 1998/70-78 on April 29, 1989;

AND WHEREAS the resolution numbered 1998/1990-78 is referencing the document entitled "Wildlife Conservation By-Law # 19/85" as a "Community Law";

THEREFORE BE IT RESOLVED that from this day forward, the document entitled "Wildlife Conservation By-Law # 19/85" will hereafter be referred to as "Wildlife Conservation Community Law", as attached hereto.

CARRIED...

Shirley Phillips
CHIEF
Wendy Smedley
CHIEF
John Hogue [4]
CHIEF
[Signature]
CHIEF

Timothy Thompson
GRAND CHIEF
Julie Phillips Jacobs
CHIEF
A. Benedict (x)
CHIEF
Lana [Signature]
CHIEF
Nona Benedict (x)
CHIEF

[Signature] (x)
CHIEF
Cheryl Gauthier (x)
CHIEF
[Signature]
CHIEF

Mohawk Council of Akwesasne

RESOLUTION PREPARATION/SUBMISSION FORM

Prepared by: Brian David/Justice

Date: August 23, 2007

TOPIC:

“Wildlife Conservation By-Law # 19/85”

BACKGROUND: The history of Akwesasne’s Wildlife Conservation By-Law # 19/85 was to have it recognized as a “By-Law” under the Indian Act system for enacting laws, however the submissions to Indian Affairs resulted in rejections. After that MCA submitted the document to Mohawk Nation Council for ratification. When it was ratified by Mohawk Nation Council, the MCR referred and recognized the document as a “Community Law” rather than a “By-Law”. Therefore we wish to correct the name for further references.

COST IMPLICATIONS:

None.

IMPACT: Human Resources, Financial or Other:

None.

AKWESASNE MOHAWK COUNCIL RESOLUTION

1989/90 - 78



THE	MOHAWK COUNCIL OF AKWESASNE	CURRENT CAPITAL BALANCE	\$ _____
AGENCY	Ontario Region	COMMITTED	\$ _____
PROVINCE	Ontario / Quebec	CURRENT REVENUE BALANCE	\$ _____
PLACE	St. Regis Recreation Hall	COMMITTED	\$ _____
DATE	<u>29</u> <u>April</u> <u>89</u> DAY MONTH YEAR		

DO HEREBY RESOLVE:

MOVED: Mike MitchellSECONDED: Angie Barnes

Whereas the Mohawk Council of Akwesasne is a Community Government within the Mohawk Territory of Akwesasne;

Whereas the Mohawk Nation Council of Chiefs is the historic National Government of the Mohawk people;

Therefore, be it resolved that this amended Wildlife Conservation By-Law be accepted with the Interpretation By-Law by the Mohawk Nation as a Community Law for the protection and preservation of all wildlife within the Mohawk Territory of Akwesasne.

CARRIED

MOHAWK COUNCIL OF AKWESASNE

WILDLIFE CONSERVATION BY-LAW NO. ^{19 85}
--/--

All laws previously passed by the Mohawk Council of Akwesasne with respect to hunting, fishing and trapping are hereby repealed;

Without restricting the generality of the foregoing, laws which are specifically repealed include:

By-law No. 19/85, passed April 29 , 1989.

Etc.

For the purpose of the laws of Canada, this by-law is made pursuant to Section 81(1) (a), (c), (d), (f), (g), (l), (m), (o), (p), (q) and (r) of the Indian Act, R.S., c. I-6.

Definitions

In this Law,

- (a) "Akwasasne Conservation Authority" means that group of persons appointed by the Mohawk Council to administer and enforce this law and other applicable laws governing conservation;
- (b) "Angling" means taking or attempting to take fish by means of a hook and line, and includes casting and trolling, provided the person is tending the line.
- (c) "Artificial Light" means a flashlight, lantern of any kind, torch, flare, spotlight or the headlights of any vehicle and any other source of illumination other than the sun and the moon and the stars;
- (d) "Automatic weapon" means any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger.
- (e) "Bag Limit" means the maximum number established by this law of individuals of a species or group of species that a hunter or fisherman may take legally in one day;
- (f) "Bait", in connection with migratory birds, means corn, wheat, oats or other cultivated grain or any product thereof or any manufactured product or material that may attract migratory game birds and includes plastic corn and any other imitation grain;
- (g) "Bait-fish" means the mud minnow family, the sucker family, the stickleback family, the genus *Leucichthys* of the whitefish family, the darter subfamily and any member of the minnow family except carp or goldfish.
- (h) "Bait Station Area" means an area established by the Mohawk Council or Akwasasne Conservation Authority where bait is deposited for the purpose of luring migratory birds from unharvested crops;
- (i) "Big game" means moose, deer, bear and any other animal defined as such by the Mohawk Council;
- (j) "Conservation Officer" means an Akwasasne Conservation Officer appointed by the Mohawk Council to enforce this law;

- (u) "Game" means a game animal, game bird or fur-bearing animal, and includes any part of such animal;
- (v) "Game animal" means any animal, except fur-bearing animals, protected by the Akwesasne Wildlife Conservation Law No. 19/85, and includes any part of such animal;
- (w) "Game bird" means a ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or white turkey, crow, cowbird, blackbird, starling, house-sparrow, Migratory Game Birds, Migratory Insectivorous Birds, Migratory Non-Game Birds, and includes and part of such bird;
- (x) "Hunt" means to chase, pursue, worry, follow after or on the trail of, stalk or lie in wait for the purpose of taking any animal or bird, and any molesting, trapping, attempting to trap, shooting or shooting at any animal or bird, whether or not the animal or bird is then or subsequently captured, killed or injured.
- (y) "Lure Crop Area" means an area of crop land designated by the Mohawk Council or the Akwesasne Conservation Authority to remain unharvested for the purpose of luring migratory birds away from other unharvested crops.
- (z) "Migratory Birds" means Migratory game birds, migratory insectivorous birds and migratory non-game birds and includes any such birds raised in captivity that cannot be readily be distinguished from wild migratory birds by their size, shape or colour, and any part of such birds;
- (aa) "Migratory Game Birds" means
 - a] Anatidae or waterfowl, including brant, wild ducks, geese and swans;
 - b] Gruidae or cranes, including little brown, sandhill and whooping cranes;
 - c] Rallidae or or rails, including coots, gallinules and sora and other rails;

- (ll) "Primitive weapons" means archery weapons and flintlock or percussion cap muzzle-loading guns;
- (mm) "Rabbit" includes cottontail rabbit, varying hare and European hare;
- (nn) "Snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
- (oo) "Sport fishing" means fishing by any person who is not a community member, by angling, for reasons of sport.
- (pp) "Taxidermist" means any person who engages in the business of preservation or mounting of fauna;
- (qq) "Trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "Trapping" has a corresponding meaning;
- (rr) "Vessel" means a boat or ship, and includes a skiff, canoe, punt and raft;
- (ss) "Wildlife" means all populations of wild fauna within the boundaries of Akwesasne;
- (tt) "Wildlife Conservation" means the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the community members, and secondarily the satisfaction of the needs of non-members for sport hunting and fishing;
- (uu) "Wildlife Sanctuary" means a territory set aside by the Mohawk Council to preserve such area in its natural state, to set aside such area for scientific research, for educational purposes, and, if need be, to safeguard animal and plant species threatened with disappearance or extinction; also, any area of land or water with a particular kind of environment set aside by the Mohawk Council for temporary or permanent protection of certain species of animals.
- (vv) "Wolf" means any of the species *Canis Lupus* L. or *Canis Latrans* Say.

PART II: Appointment and powers of Conservation Officers
and the enforcement of this law

5. The Mohawk Council may by resolution appoint persons to be Conservation Officers for the purpose of enforcing this law.
6. All officers of the Akwesasne Mohawk Police are ex officio Conservation Officers with the power and duty to enforce this law.
7. Without authorization from the Mohawk Council, no person shall enforce, or purport to enforce, this law or any other law dealing with the same subject matter as this law within the territory of Akwesasne.
8. The duties, remuneration, uniform, equipment and training of Conservation Officers may be set by the Mohawk Council by resolution.
9. A Conservation Officer may arrest, without a warrant, any person whom he finds in violation of any provision of this law. He shall cause every person whom he has arrested to appear before a Justice of the Peace as soon as practicable and in no case later than twenty-four hours after such arrest.
10. Every Conservation Officer in the performance of his duties may enter upon or pass across or over any property, whether public or private.
11. Every Conservation Officer may, without a warrant, enter and search any vehicle, aircraft, boat, building or premises other than a private dwelling, and open or cause to be open and examine any trunk, box, bag, parcel or receptacle, if he has reasonable and probable grounds to believe that it contains:
 - i) any animal, fur, fish or bird, or part thereof, held contrary to this law; or
 - ii) any object which has been used to violate this law.

b] Where, following such application, it appears to the Justice of the Peace,

i] that the applicant is innocent of any complicity in the offence resulting in such forfeiture, or of any collusion with the offender in relation thereto, and

ii] that he exercised all reasonable care in respect of the person permitted to obtain possession of the article to satisfy himself that they were not likely to be used contrary to the provisions of this law,

the Justice of the Peace may order that the interest of the claimant be not affected by such forfeiture.

16. Every Conservation Officer shall notify the Akwesasne Conservation Authority in writing of the particulars of every seizure which he makes under the authority of this law, including the name and address of the person from whom the article was seized.

17. A Conservation Officer shall provide any person from whom he has seized any article with a receipt containing the name of the officer, the date of the seizure, and a description of the article, and the officer shall retain a copy of such receipt.

18. A Conservation Officer who has seized an article shall retain or arrange safe custody of that article until it is dealt with by a Justice of the Peace pursuant to this law.

19. With respect to any article seized pursuant to this law, a Justice of the Peace may, upon hearing any charges arising out of the seizure, or, if no charges have been laid, within thirty days of the seizure:

a] order that the article be forfeit pursuant to Section 13,

b] order that the article be returned to its owner or to a person claiming an interest in it pursuant to Section 15, or

c] order that the article be disposed of or destroyed by the Conservation Officer.

PART III:

Permits

23. No person shall hunt, trap, fish for, capture, kill, take, molest, buy, sell, possess, barter or trade, ship or transport, disturb or destroy, or by any act or negligence harm,

- a] any birds, their nests, eggs or any bird habitat or shelter of any description;
- b] any non-domestic fur-bearing animals, their shelter or habitat of any description;
- c] fish or aquatic animals of any species, their spawn, spawning area, habitat or any area frequented by fish or aquatic animals, or any species of wildlife fauna in Akwesasne.

without a permit issued specifically for that purpose by the Akwesasne Conservation Authority.

24. The Mohawk Council may appoint a person or persons to issue permits pursuant to this law.

25. The Mohawk Council may by resolution set fees for any permits issued pursuant to Section 23 of this law.

26. Any person who applies for a permit pursuant to this law shall pay the fee prescribed for that permit by the Mohawk Council.

27. Any person who applies for a permit under this law shall, when requested by the Akwesasne Conservation Authority or by the person appointed pursuant to Section 24, furnish such information respecting the purpose for which the permit is to be used, as the Akwesasne Conservation Authority may require.

28. A permit issued under this law is invalid

- a] if it is not signed by the person to whom it is issued,
- b] if it is in the possession of a person other than the person to whom it is issued, or
- c] if the date of expiry has been omitted, removed or defaced.

36. The holder of a permit obtained by any false or misleading statement or information made or given in respect of 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 could be prosecuted if he were not the holder of a permit.
37. Every person hunting or fishing in Akwesasne who is required to have a permit must wear his permit on his person, exhibit it to any Conservation Officer who requests him to do so, and inform such officer of his name and address.
38. A community member carrying proper identification proving his status as a community member shall not require a permit under this law or any other law,
 - a) to hunt or fish for food for himself and other members of the community,
 - b) to transport any fish or game he has hunted or fished or received from any other member of the community, or
 - c) to possess any fish or game he has hunted or fished in compliance with this law,but a community member shall in all other respects comply with the provisions of this law.
39. Any person who knowingly makes any false statement or provides false information in any application, report or return required by this law is guilty of an offence.
40. Unless the Akwesasne Conservation Authority orders otherwise, all permits held by a person shall become null and void upon his conviction of any violation of this law, and that person shall not be eligible to apply for any permit under this law for a period of one year from the date of the conviction.
41. The holder of any avicultural, duck down, taxidermist, special, scientific or commercial permit issued under this law shall at all reasonable times allow a Conservation Officer to enter and inspect the premises used in his operations and the books and records kept by him in connection with those operations.

PART IV: Protection of Habitat
 and the Environment

46. No person shall take, molest, buy, sell, possess, barter or trade, ship or transport, disturb or destroy, or by any act or negligence harm, the habitat, shelter, nesting structure or any area frequented by any birds, fur-bearing animals or fish or aquatic animals in Akwesasne, unless that person has a permit issued specifically for that purpose by the Akwesasne Conservation Authority.
47. No person shall deposit or permit to be deposited oil, oil wastes, or any other substance harmful to wildlife in any water or in any area frequented by wildlife in Akwesasne.
48. No person shall deposit offensive debris of any description or leave offensive debris in the area in which he is camped, docked or hunting.
49. No person shall leave or deposit or cause to be thrown, left or deposited upon any shore, beach or bank of any water, or upon the beach between the high and low water marks, remains or offal of fish or aquatic animals, or leave decayed or decaying fish in any net or other fishing apparatus.
50. Remains or offal of fish or aquatic animals may be buried ashore above the high water mark.
51. No person engaged in logging, lumbering, land clearing or other operations shall put or knowingly allow to be put, any slash, stumps or other debris into any water in Akwesasne frequented by fish or that flows into such water, or on the ice over such water, or at a place from which it is likely to be carried into such water.
52. No person shall release or introduce any animal, bird or fish imported into Akwesasne or propagated from stock imported into Akwesasne, except with the consent in writing of the Akwesasne Conservation Authority.
53. No person shall permit any animal, bird or fish imported into Akwesasne or propagated from stock imported into Akwesasne to escape.

62. Where there has occurred a deposit of a harmful or injurious substance that has not been authorized by the Akwesasne Conservation Authority or the Mohawk Council, the person who

- a) owns the harmful or injurious substance or has or had the charge, management or control thereof, or
- b) has caused or contributed to the deposit or danger of the substance

shall immediately take such steps to remove the substance from the land or water, or to treat the substance in such manner as to reduce it to a less harmful state, as directed by the Akwesasne Conservation Authority.

63. Where, in the opinion of the Akwesasne Conservation Authority, a person has not carried out its directions given under Section 62, the Akwesasne Conservation Authority may cause those directions to be carried out at the expense of that person and may recover the cost thereof in the name of the Mohawk Council and of the Mohawks of Akwesasne in any court of competent jurisdiction.

64. In this law, "deleterious substance" means

- a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or other aquatic life, or fish or other aquatic life habitat or to the use by man of fish or other aquatic life in that water, or,
- b) any water containing a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish, other aquatic life, or fish or aquatic life habitat, or to the use by man of fish or other aquatic life in that water.

PART V

Methods of hunting and fishing
and safety provisions:

66. No person shall hunt any animal or bird in Akwesasne earlier than one half-hour before sunrise or later than one half-hour after sunset on any day.
67. No person shall hunt a migratory bird except with a shotgun not larger than number ten gauge, or with a long bow and arrow;
68. No person shall hunt any animal, bird or any wild fauna in Akwesasne
 - b) by the use of live birds;
 - c) by the use or aid of recorded calls;
 - d) with a shotgun of any description capable of holding more than three shells unless the capacity of the gun has been reduced to a three-shell capacity in the magazine and chamber combined by means of the cutting off or the altering or plugging of the magazine with a one-piece metal, plastic or wood filler that cannot be removed unless the gun is disassembled;
 - e) by the use of a shotgun loaded with a single bullet or slug;
 - f) by means of rockets, explosive materials, or explosive projectiles or shells;
 - g) by means of any automatic weapon.
69. No person shall hunt any animal or bird in Akwesasne by means of an aircraft, sailboat, power boat or motorized vehicle of any description, except for the purpose of transportation before and after any hunting activity.
70. No person shall use a vehicle, vessel or aircraft for the purpose of chasing or hunting any animal or bird.
71. No person shall, while hunting in Akwesasne, have with him for his own use more than one firearm at a time unless the additional firearm is unloaded and encased or disassembled.

80. No person within the boundaries of Akwesasne shall possess or use explosives for the purpose of construction unless such possession or use has been approved by the Akwesasne Conservation Authority.
81. 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 upon the trigger of such firearm.
82. No person shall have a loaded firearm in his possession while he is under the influence of alcohol or a drug.
83. No person shall have in his possession or transport a loaded firearm in a vehicle, aircraft or power boat.
84. A firearm having an unfired shell or cartridge in the chamber or in a magazine attached to the firearm shall be deemed to be loaded.
85. The sections of this Part relating to the possession, use and transportation of firearms do not apply to any person who by reason of his employment or duties is authorized to be in possession of or to transport such a firearm.
86. No person shall use a purse seine in any Akwesasne waters for the purpose of taking any fish.
87. No person shall take, catch or fish for, smallmouth bass and largemouth bass, muskellunge, brook trout, brown trout, rainbow trout and Atlantic salmon by any means other than angling.
88. No person shall take fish by snagging or the use of unbaited hooks, except in the case of artificial lures used for casting or trolling.
89. Angling through ice with only two lines is permitted.
90. All provisions pertaining to angling shall also pertain to ice fishing.
91. No person while ice fishing shall:
 - a) fish with more than two lines;
 - b) be more than fifty metres away from any line with which he is fishing;

PART VI:

Migratory Birds

100. No person shall hunt any migratory bird in Akwesasne except during an open season specified by the Akwesasne Conservation Authority for that species.
101. Notwithstanding anything in this law, the Akwesasne Conservation Authority may issue a permit to any person to:
- a] kill, capture or possess any migratory game bird;
 - b] collect and possess carcasses, eggs or nests of any migratory bird.
102. A permit issued pursuant to Section 101 may specify:
- a) the open season for any species of bird;
 - b) the bag limit for any species of bird, and
 - c) the possession limit for any species of bird.
103. No person shall
- a] disturb, destroy or take a nest, egg, nest shelter, or nesting structure of a migratory bird, or,
 - b] have in his possession a live migratory bird, or carcass, skin, nest or egg of a migratory bird,
- except under the authority of a permit.
104. No person shall, in Akwesasne, kill, in any one day, a number of migratory birds of any species that, in the aggregate, exceeds the number specified as the bag limit.
105. No person shall have in his possession carcasses of migratory birds of any species in excess of the number specified as the possession limit for that species during open season, unless that person has in his possession,
- a] an export permit from the Akwesasne Conservation Authority certifying that carcasses were lawfully taken in an area other than Akwesasne, and the number of carcasses does not exceed the possession limit for that species in the area that issued the export permit, as the case may be, and

112. No person shall ship, transport, or offer for shipment or transport a package or container of any kind that contains a migratory bird or nest or eggs thereof unless the exterior of the package or container is clearly marked with the name and address of the shipper, the number of the permit under which the birds, nests or eggs were taken and an accurate statement of the contents of the package or container.
113. No person shall ship or transport carcasses of migratory birds in Akwesasne unless,
- a) those birds were taken lawfully under a migratory game bird hunting permit in the open season
 - b) those birds are transported during the open season or within five days after its termination,
 - c) the number of those birds does not exceed the number specified as the possession limit for that species as set out in this law, and
 - d) that person is issued and has in his possession an export permit issued by the Akwesasne Conservation Authority certifying that those birds were lawfully taken in Akwesasne.
114. No person shall pass through Akwesasne for the purpose of trafficking in migratory game birds or the nests or eggs of migratory birds that have been captured, killed, taken or shipped contrary to the applicable laws of the jurisdiction in which such birds, nests, or eggs were captured, killed, taken or shipped.
115. No person shall hunt for Migratory Game Birds within five hundred metres of any place where bait has been deposited.

120. a) Notwithstanding Section 119, the Akwesasne Conservation Authority may issue permits to any resident of Akwesasne to use aircraft or firearms, in an area and during a time specified in the permit, for the purpose of scaring Migratory Birds that are causing or likely to cause damage to crops or other property in the area.
- b) Where the Akwesasne Conservation Authority is satisfied that scaring Migratory Birds is not a sufficient deterrent to prevent the birds from doing serious damage to any property, the Akwesasne Conservation Authority may grant a permit authorizing all persons residing within Akwesasne to kill Migratory Birds described in the permit during the time and in the area specified in the permit.
121. The Akwesasne Conservation Authority may issue to a land owner, or to a person who leases or manages an area of land, a permit for that area authorizing that person and his nominees to scare or kill, within that area, Migratory Birds that are causing or are likely to cause damage therein.
122. A permit referred to in Section 120 is valid
- a) from the date of issue to the date of expiry specified in the permit,
- b) until the date of cancellation by a Conservation Officer, or
- c) until the crop in the area mentioned in the permit has been removed,
- whichever date occurs first.
123. a) A person to whom a permit is issued pursuant to Section 120 may nominate as many residents of Akwesasne to assist in scaring or killing the birds as the permit allows.
- b) A nomination under this Section shall be made in writing, and the nominee shall carry the document with him at all times when he is engaged in the permitted activities.

PART VII:

Fishing

129. No person shall fish for, catch or kill fish in any water in Akwesasne that is the subject of a lease or commercial fishing permit, except by permission of the lessee or permit holder, nor shall disturb or injure any such fishery.
130. Seines, nets or other fishing apparatus shall not be set or used in such a manner or in such a place as to obstruct the navigation of boats or other vessels, and no person in navigating any boat or vessel shall destroy or wantonly injure in any way, seines, nets or other fishing apparatus lawfully set.
131. Every person using stakes, posts, buoys or other materials placed for fishing purposes in any water in Akwesasne shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season.
132. One third of the width of any river or stream, and the entire width of the main channel of any river in Akwesasne designated by the Akwesasne Conservation Authority, shall always be left open, and no kind of net or other fishing apparatus, logs or other material of any kind shall be placed therein.
133. The use of weirs for catching eels exclusively, and the use of dams for catching eels, shall be prevented only in cases where, and at all times when, they injure other fisheries or, by completely barring any passage, they deprive other weirs of a share of the run of eels; and such place, time and circumstances shall be determined by any Conservation Officer.
134. Disputes about fishing limits, claims to fishery stations, or the position and use of nets and other fishing equipment may be settled by a Conservation Officer.

141. The fish guard or screen referred to in Section 140 shall have meshes or holes of such dimensions as the Akwesasne Conservation Authority may prescribe, and shall be installed and maintained by the owner of the water intake, ditch, channel or canal.
142. The owner of the water intake, ditch, channel or canal referred to in Section 140 shall maintain the fish guard or screen in a good state of repair and shall only remove it to replace or repair it; and when the fish guard or screen is being replaced or repaired the entrance of the water intake, ditch, channel or canal shall be closed.
143. No person shall destroy fish by any means other than fishing, except as authorized by the Akwesasne Conservation Authority.
144. The Akwesasne Conservation Authority, with the concurrence of the Mohawk Council, may authorize any river or other water, or specific part thereof, to be set apart for the natural or artificial propagation of fish.
145. No person shall sell, offer for sale, purchase or barter any fish in Akwesasne or taken in Akwesasne waters except under the authority of a permit issued by the Akwesasne Conservation Authority which provides specifically for:
 - a) the species of fish which may be so disposed of;
 - b) the amount or weight of each such species;
 - c) the period during which sales may take place;
 - d) the waters from which such fish may be taken;
 - e) the location in which the sale may take place.
146. No person shall sell, offer for sale, barter or purchase, or be involved in the sale, barter or purchase of any fish taken from Akwesasne waters by angling or taken in any other manner by a person without a permit issued under Section 145.
147. No person shall buy, sell or possess a fish or part of a fish taken from Akwesasne waters during the closed season for that species.

PART VIII: Hunting and Trapping

152. The Akwesasne Conservation Authority may issue permits to hunt raccoon at night.
153. The holder of a permit to hunt raccoon at night, notwithstanding any other provision of this by-law, may possess and use a firearm not greater than .22 calibre and a light for the purpose of hunting raccoon at night during the open season specified in that permit.
154. No person shall for hire, gain or reward hunt game, or employ, hire or, for valuable consideration, induce any other person to hunt game.
155. No person shall hunt or trap or with any firearm in his possession go upon any land, water or marsh after he has had oral or written notice not to hunt or trap thereon by the owner or by a person authorized by the owner to give such notice.
 - a) by an owner of land pursuant to Section 155.
 - b) by the Akwesasne Conservation Authority for the purposes of this law.
157. No person shall, for the purpose of hunting or trapping, enter into or allow a dog to enter into growing or standing grain or any other crop without the permission of the owner or a person authorized by the owner to give such permission.
158. No person in a party of more than twelve persons shall hunt or with any firearm enter upon any land in Akwesasne without the permission of the owner or a person authorized by the owner to give such permission.
159. No person shall enter or attempt to enter upon lands owned by the Mohawks of Akwesasne that are used for the purpose of propagating or retaining game without
 - a) authorization in writing from the Mohawk Council or the Akwesasne Conservation Authority; and
 - b) paying any fee prescribed therefor by the Akwesasne Conservation Authority.

169. The holder of a permit to hunt or trap fur-bearing animals may sell any fur-bearing animal, or any pelt of any fur-bearing animal taken by him under the authority of the permit.
170. A farmer or any member of his family residing with him may without a permit hunt or trap on his lands fur-bearing animals during the open seasons, and may without a permit hunt on those lands birds and animals, other than big game, during the open seasons. A farmer may without a permit sell the fur-bearing animals so hunted or trapped or the pelts thereof, and shall keep such records and make such returns relating thereto as the Akwesasne Conservation Authority may prescribe.
171. No person shall touch or interfere with any set trap, unless authorized by the Akwesasne Conservation Authority or the owner of the trap.
172. No person shall during the closed season have in his possession or in the possession of any person in his behalf, any fur-bearing animal wherever killed,
- a) except that the pelt of an animal killed in Akwesasne may be possessed during the closed season under a permit if applied for within ten days after the close of the season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, otter and mink that have been sealed or marked by the Akwesasne Conservation Authority, and
 - b) except that a pelt of an animal killed outside Akwesasne may be possessed during the closed season under a permit from the Akwesasne Conservation Authority if the permit is applied for within forty-eight hours after the pelt is received, and
 - c) except that a hunter or trapper may retain any pelt after the close of the season if he or a member of his family is tanning the pelt.

181. No person shall hunt big game in Akwesasne without a permit issued by the Akwesasne Conservation Authority.
182. No person shall hunt big game in Akwesasne
 - a) by means of _a net, baited line or similar contrivance, nor set any of them for such animals,
 - b) by means of a trap or with the assistance of a dog.
183. Any person found in possession of a firearm and an artificial light at night in a place where big game is habitually found shall be presumed to be or have been hunting contrary to this law.
184. No person owning or harbouring a dog shall allow him to run at large in any place where big game is habitually found.
185. No person shall hunt big game while it is swimming.
186. No person shall sell, offer for sale, purchase or barter, a big game animal, or possess a big game animal for sale, except under the authority of a permit issued by the Akwesasne Conservation Authority.
187. No person shall, during a closed season, take a big game animal for educational or scientific purposes, except with the written authority of the Akwesasne Conservation Authority.
188. Notwithstanding any other provision of this law, the Akwesasne Conservation Authority may issue a permit for the sale of the meat of a big game animal if taken lawfully in Akwesasne or elsewhere, and any person may without a permit possess or buy such meat for his own use.
189. No person shall hunt game birds in Akwesasne except under the authority of a permit and in accordance with the terms and conditions set by the Akwesasne Conservation Authority.
190. No person shall hunt any game bird during the closed season, or any other bird at any time, except crows, cowbirds, blackbirds, starlings and house sparrows.
191. No person shall hunt pheasant with a rifle.

PART IX:

Special Permits

199. The holder of a scientific permit may, for scientific or educational purposes,
- a] kill a Migratory Bird,
 - b] take a Migratory Bird, its nest or eggs, or
 - c] band a Migratory Bird
- subject to conditions prescribed in the permit.
200. A scientific permit may be issued by the Akwesasne Conservation Authority to a person or persons acting on behalf of a museum, university, scientific society or government if the application includes a statement from at least two qualified ornithologists recommending that the permit be issued.
201. A person who holds a scientific permit shall
- a] within thirty days from the date of expiry of the permit, make a report in writing to the Akwesasne Conservation Authority stating the number of nests and eggs of each species of those birds taken or destroyed by that person;
 - b] on taking or destroying any birds, nests or eggs under the authority of a permit, enter in the record the number of birds of each species, and the number of eggs or nests of each species of birds taken or destroyed, as the case may be, and
 - c] state such other information as the Akwesasne Conservation Authority may require.
202. No person shall buy, sell, possess or transport live migratory birds or their eggs for avicultural purposes except under the authority of an avicultural permit issued by the Akwesasne Conservation Authority .
203. The holder of an avicultural permit may kill migratory birds held by him pursuant to his avicultural permit, in any manner except by shooting, for consumption by himself or other persons but not for sale or any other purpose.

205. No person shall release into the wild a migratory bird held under the authority of an avicultural permit unless authorized in writing by the Akwesasne Conservation Authority .
206. A permit to collect, possess, sell or transport duck down may be issued by the Akwesasne Conservation Authority to a person who owns or leases a duck breeding area or who has permission in writing from the owner or lessee of such an area to collect duck down therein.
207. A person holding a permit issued pursuant to Section 206 shall leave sufficient duck down in each nest to protect the eggs from predators and environmental chilling.
208. No taxidermist shall have in his possession the carcass of a migratory bird unless he has a permit issued by the Akwesasne Conservation Authority entitling him to have Migratory Birds in his possession for the purpose of taxidermy.
209. No taxidermist shall receive or accept specimens of Migratory Birds or their eggs for preservation or mounting unless the specimens are accompanied by a statement in writing signed by the owner giving his full name and address and the date on which, the place where, and the permit number under which the specimens were taken.
210. Every taxidermist shall keep records showing, in respect of specimens of migratory birds and eggs received by him,
 - a] the name of each species and the number thereof,
 - b] the date and place the birds and eggs were taken,
 - c] the date when the birds and eggs were received, and
 - d] the names and addresses of the owners of the birds or eggs, the permit numbers under which they were collected, and the persons from whom they were received by the taxidermist.

PART X:

Offences

212. A person who violates any provision or requirement of this law is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one month, or to both fine and imprisonment.
213. Any person who aids or abets another person to violate any provision of this law is party to such offence and is liable to the same penalties as the person who commits the offence.
214. In addition to any penalty it may impose, the Court may order a person convicted of any offence against this law to cease all activity specified in any lease or permit, and may order the lease or permit revoked.
215. Where an offence is committed on more than one day, or is continued for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.
216. In the prosecution for an offence against any provision of this law, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been charged with the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

March 22/04 Conservation Meeting @ CIABIdg

- chaired by Gil Terrance
- Environment (Conservation) Director, Henry Lickers delivers budgetary specifics and concerns.
- 3 Conservation officers in attendance