

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: Louise 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...

<u>Shirace Phillips</u> CHIEF	<u>Timothy Thompson</u> GRAND CHIEF	
<u>Willy Smedley</u> CHIEF	<u>Julie Phillips Jacobs</u> CHIEF	
<u>John Hogue</u> (4) CHIEF	<u>A. Bonadio (4)</u> CHIEF	<u>[Signature]</u> CHIEF
<u>[Signature]</u> CHIEF	<u>Louise Lazere</u> CHIEF	<u>Cheryl Jacob (4)</u> CHIEF
	<u>Nona Benedict (4)</u> CHIEF	<u>[Signature]</u> 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 Mitchell
 SECONDED: 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.*

