



HAISLA NATION COUNCIL

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Toll Free: 1-888-842-4752 | Fax: 250-632-2840 or 250-632-4794

Band Council Resolution No. 2018-676-09-46

Law No. 2018-001 of the Haisla Nation Dangerous Wildlife Law

WHEREAS the Haisla Nation has managed dangerous wildlife that has been a threat to their members or property since time immemorial;

AND WHEREAS the Chief and Council of Haisla Nation desire to make a law governing the management, and where applicable, destruction of Dangerous Wildlife on Reserve;

AND WHEREAS Chief and Council of Haisla Nation have the authority to make such a law pursuant to section 6.1 of the Haisla Nation Land Code, 2014;

AND WHEREAS it is considered to be appropriate and necessary to provide for the safety and well-being of Haisla Nation members and their property;

NOW THEREFORE, the Chief and Council of Haisla Nation make the following law:

Short Title

1. This Law may be cited as the “Haisla Nation Dangerous Wildlife Law”.

Definitions

2. In this Law,

“**Council**” means the Band Council, as defined in the *Indian Act*, of the Haisla Nation;

“**Dangerous Wildlife**” means any wildlife that Haisla Nation Chief and Council or the Wildlife Officer or a Designated Shooter deem, at their sole discretion, to be a threat or to have been a threat to a Haisla member(s) or Haisla member(s) property;

“**Designated Shooter**” means an individual appointed as a designated shooter pursuant to section 6 of this Law;

“**Emergency Situation**” means a situation where a Haisla Nation member concludes that human safety is in immediate jeopardy;

“**Reserve**” means the following Haisla Nation reserves:

- a) Kitamaat IR No.1;
- b) Kitamaat IR No. 2;
- c) Walth IR No. 3;
- d) Tahla (Kildala) IR No.4;
- e) Jugwees (Minette Bay) IR No. 5;
- f) Kitasa IR No.7;
- g) Kuaste (Mud Bay) (Kildala Arm) IR No.8;
- h) Kildala River (Thala) IR #10;
- i) Henderson's Ranch IR No. 11;
- j) Tosehka (Eagle Bay) IR No.12;
- k) Giltoyees IR No.13;
- l) Misgatlee IR No.14;
- m) Wekellals IR No.15;
- n) Kitlope IR No. 16;
- o) Kemano IR No. 17;
- p) Crab River (Crab Harbour) IR No. 18;
- q) Ja We Yah's IR No. 99;

"Wildlife Officer" means that person appointed by Council pursuant to section 3 of this Law.

Administration

- 3. Council may, by resolution, appoint a Wildlife Officer to perform functions required in respect of the administration of this Law.
- 4. Council may provide for reasonable remuneration to be paid to the Wildlife Officer and Designated Shooters.
- 5. Council may, by resolution and at its sole discretion, remove a Wildlife Officer.

Responsibilities of the Wildlife Officer

- 6. The Wildlife Officer shall:
 - a. appoint Designated Shooters (including, if desired, the Wildlife Officer) to assist in performing functions required in the administration of this Law;

- b. establish, and keep updated as required, a list of Designated Shooters to be posted at the Haisla Nation Council Office; and
 - c. have the authority to authorize the killing and/or removal of Dangerous Wildlife on Reserve, at the sole discretion of the Wildlife Officer.
7. The Wildlife Officer may, in consultation with Council, develop programs to educate members about animal safety, identify and implement measures to prevent or minimize interaction with Dangerous Wildlife, consult (where appropriate) with Provincial Wildlife Officer, and take other steps necessary or advisable to advance the objectives of this Law.

Community Safety

8. The Wildlife Office or Designated Shooter may kill Dangerous Wildlife anywhere on Reserve in a manner that satisfies the criteria in this Law, at the sole discretion of the Wildlife Officer.
9. The Wildlife Officer or Designated Shooter may bait Dangerous Wildlife on Reserve at the sole discretion of the Wildlife Officer. If baiting takes place, the bait site will be a safe distance from all areas frequented by persons, as determined at the sole discretion of the Wildlife Officer.
10. The Wildlife Officer or Designated Shooter will take the following steps, or ensure the following steps are taken, whenever Dangerous Wildlife is to be killed:
- a. ensure that any shooting lane, between the shooter and the Dangerous Wildlife, is clear of all persons and property. For greater certainty, the shooting of Dangerous Wildlife may occur from on a highway or across a highway, but not along a highway;
 - b. ensure that there is a back stop behind the Dangerous Wildlife, that will not allow the projectile being shot at the Dangerous Wildlife to pass or pass through the Dangerous Wildlife and within 200 meters of any person or property. For greater certainty, distance can constitute such a back stop.

When Dangerous Wildlife Can be Killed

11. The Wildlife Officer, or a Designated Shooter, may kill Dangerous Wildlife at any time of year, at the sole discretion of the Wildlife Officer.
12. The Wildlife Officer or Designated Shooter do not require a licence to kill Dangerous Wildlife.

13. Any Haisla Nation member may kill wildlife on Reserve in an Emergency Situation.
14. Haisla Nation Council may review the conduct of a Haisla Nation member who kills wildlife in an Emergency Situation, and impose a fine, not exceeding \$5,000, at the sole discretion of Haisla Council if the Haisla Nation member's conduct is deemed to have created an unsafe situation or if Haisla Nation Council determines that no Emergency Situation existed.

Killing Dangerous Wildlife

15. The Wildlife Officer, or a Designated Shooter will:
- a. immediately report the killing of any Dangerous Wildlife to the Haisla Nation Council. The Wildlife Officer is not required to report the killing to any other person or entity;
 - b. immediately dispose of Dangerous Wildlife which has been killed in accordance with instructions from Haisla Nation Council or, failing these instructions in a reasonable time, at the sole discretion of the Wildlife Officer.
16. If Dangerous Wildlife which is killed is accompanied by cubs, kittens, or other young, or there is sufficient evidence to indicate that the Dangerous Wildlife which was killed was nursing prior to the death, the Wildlife Officer will make best efforts to live trap such young and safely deliver the young to a wildlife refuge. If such capture and transport is not practical, the Wildlife Officer may kill these animals.

General

17. Should a court determine that a provision of this Law is invalid for any reason, the provision shall be read down or severed from the Law so as to have as little effect on the remainder of the Law as possible. The validity of the rest of the Law shall not be affected.

This Resolution was consented at a duly convened meeting of the Haisla Nation Council the 4th day of October, 2018.


A Quorum consists of six (6) Council Members


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Crystal Smith
Chief Councillor

Brenda Duncan
Deputy Chief Councillor


Taylor Cross
Councillor


Harvey Grant Jr.
Councillor



Margaret Grant
Councillor

Willard Grant
Councillor

Raymond Green
Councillor



Lucille Harms
Councillor

Trevor Martin
Councillor

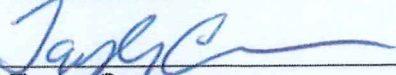

Freddy Ringham
Councillor

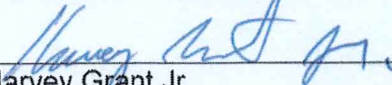
Kevin Stewart
Councillor

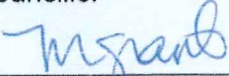
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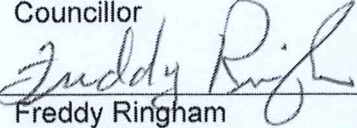

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