

## **Title XIX - Game and Fish Management**

### Chapter 1. Scope and Application

#### Sec. 101. Application

- (a) Members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation
- (b) Indians of the Fort Peck Indian Reservation not members of the Tribes
- (c) Non-Indians

#### Sec. 102. Fort Peck Game and Fish Commission

### Chapter 2. Permits

#### Sec. 201. Hunting, fishing or trapping without permits prohibited

#### Sec. 202. Persons eligible for permits

- (a) Indians of federally recognized tribes
- (b) Non-Indians licensed by the State

#### Sec. 203. Special permits, hunting and birding permits, and specific stamps

#### Sec. 204. Distribution of permits and stamps: accounting for fees and stubs

#### Sec. 205. Failure to turn money over

#### Sec. 206. Supervisor to file license stubs

#### Sec. 207. Contents of permits

#### Sec. 208. False oath or statement on permit application

#### Sec. 209. Alteration, transfer or improper use of permit

#### Sec. 210. Permit to be in possession while hunting, fishing or trapping

### Chapter 3. Limits and Seasons

#### Sec. 301. Seasons

#### Sec. 302. Limits

#### Sec. 303. Applicability to tribal members

### Chapter 4. Restrictions on Hunting

#### Sec. 401. Hunters to wear fluorescent orange outer garment

#### Sec. 402. Hours for hunting wildlife

#### Sec. 403. Use of snow machines prohibited

#### Sec. 404. Hunting and harassing game from aircraft prohibited

#### Sec. 405. Spotlighting prohibited

#### Sec. 406. Hunting with firearms while intoxicated or under the influence of liquor prohibited

#### Sec. 407. Hunting near occupied building(s) without permission prohibited

#### Sec. 408. Hunting for remuneration prohibited

#### Sec. 409. Unlawful possession of game prohibited

#### Sec. 410. Possession or control of game, birds, or animals prima facie evidence of unlawful activity

#### Sec. 411. Aiding in concealment of game unlawfully taken or possessed prohibited

#### Sec. 412. Fence gates to be closed; destruction of property

### Chapter 5. Restrictions on Fishing

- Sec. 501. Illegal methods for taken fish
- Sec. 502. Commercial sale of fish prohibited
- Sec. 503. Unlawful possession of fish prohibited
- Sec. 504. Possession of fish prima facie evidence of unlawful activity
- Sec. 505. Aiding in concealment of fish unlawfully taken or possessed prohibited

Chapter 6. Remedies for Destruction of Property by Hunter, Fisherman, or Trapper Sec. 601.  
Remedy for destruction of property of landowner

Sec. 601

Chapter 7. Administration and Enforcement

- Sec. 701. Commission may prescribe regulations
- Sec. 702. Violations of the Chapter
  - (a) Penalties applicable to Indians
  - (b) Penalties applicable to Non-Indians
  - (c) Upon suspension of hunting and fishing
- Sec. 703. Confiscation of fish, game and firearms
- Sec. 704. Unlawful game or fish mixed with legal
- Sec. 705. Confiscated property may be sold
- Sec. 706. Proceeds from sale of confiscated property
- Sec. 707. Perishable confiscated property

## Chapter 1. Scope and Application

### **Sec. 101. Application.**

(a) Members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. Subject to the special conditions set forth in Section 203(a), the provisions of this Title and regulations issued pursuant thereto shall govern the taking of game, fish and other wildlife within the exterior boundaries of the Fort Peck Reservation by members of the Assiniboine and Sioux Tribes.

(b) Indians of the Fort Peck Indian Reservation not members of the Tribes. The provisions of this Title, the regulations issued pursuant thereto and the conditions of the tribal permit shall govern the taking of fish and birds by all Indians on the Fort Peck Indian Reservation who are not members of the Tribes. The law of the United States, including Title 18 U.S.C. 1164 and 1165 shall also govern the taking of fish and birds by all such non-member Indians. The taking of other types of game by non-member Indians within the exterior limits of the Fort Peck Reservation is prohibited.

(c) Non-Indians. Subject to the special conditions set forth in Section 203 (b), the provisions of this Title and regulations issued pursuant thereto shall govern the taking of fish and birds within the exterior boundaries of the Fort Peck Indian Reservation by non-Indians.

**(AMENDED AS PER RESOLUTION NO. 1363-88- 9, DATED 09/23/88., and RESOLUTION NO. 579-90-4, DATED 4/09/90.)**

### **Sec. 102. Fort Peck Game and Fish Commission.**

There is hereby created a Fort Peck Game and Fish Commission, herein called the "Commission", consisting of one representative of each of the six (6) Reservation communities. The Commission shall operate according to a charter and by-laws adopted by the Commission and approved by the Executive Board. Where no Commission exists, the functions of the Commission shall be performed by the Executive Board and any reference in this Title to the Commission shall be

read to mean the Executive Board.

**(AMENDED AS PER RESOLUTION NO. 1264-2000-11, DATED 11/13/00).**

## **Chapter 2. Permits**

### **Sec. 201. Hunting, fishing or trapping without permits prohibited.**

Members of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation shall be allowed to hunt and fish on the Reservation with special free permits as provided in Sections 202 and 203. No Tribal member under eighteen (18) years of age shall hunt on the Reservation, except that Tribal members twelve (12) years of age or more may hunt if they successfully complete a hunter safety course approved by the Commission. No other person shall hunt, fish or trap within the exterior boundaries of the Fort Peck Reservation, as set forth in Section 101, unless duly authorized by permit issued by the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (hereinafter the "Tribes") in accordance with this Chapter and the regulations issued pursuant thereto.

### **Sec. 202. Persons eligible for permits.**

(a) Indians of federally recognized tribes. Indians of federally recognized tribes shall be eligible for Tribal permits without the requirement of state licenses.

(b) Non-Indians licensed by the State. Non-Indians are eligible to obtain a Tribal permit to hunt birds or fish subject to the special conditions set forth in Section 203(b) of this Chapter, and Section 101(c) of Chapter 1.

**(AMENDED AS PER RESOLUTION NO. 1363-88- 9, DATED 09/23/88, AND RESOLUTION NO. 579-90-4 DATED 4/09/90.)**

### **Sec. 203. Special Permits, hunting and birding permits, and specific stamps**

(a) Each hunter or fisherman who is a member of the Assiniboine and Sioux Tribes shall have a Tribal I.D. in their possession that serves as their hunting and fishing permit.

(b) Each hunter or fisherman who is not a member of the Assiniboine and Sioux Tribes shall obtain a bird permit and fishing permit and in addition shall obtain stamps for the specific birding and fishing privileges sought. The Specific stamps available shall be determined from time to time by the Commission. The permit and stamps shall be valid for a period specified by the Commission.

**(AMENDED BY RESOLUTION NO 133-2001-12) (REAFFIRMED BY RESOLUTION NO. 756-2002-7, DATED 7/22/2002)**

### **Sec. 204. Distribution of permits and stamps; accounting for fees and stubs.**

All general permits and stamps will be issued by the Commission. The Commission may appoint bonded Tribal game wardens or agents to distribute permits and stamps. Agents may deduct twenty five cents (\$.25) for each permit or stamp sold as a service fee. The balance of the fees collected and stubs of permits will be turned over to the Commission. Money and stubs will be turned over to the Commission at the end of each month. Deposits are to be accompanied by a report showing the amount received from the sale of each class of permit or stamp. Fees are to be deposited by the Commission to a special Fish and Wildlife Fund which will be used to help run the program.

### **Sec. 205. Failure to turn money over.**

Any person who fails, refuses or neglects to turn over money collected or permit stubs to the Commission shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) plus court costs. The Commission may take appropriate action to recover on the bond of the person in default.

**Sec. 206. Supervisor to file license stubs.**

The supervisor of the Fish and Game Department will keep a file of all permit stubs. These stubs may be inspected at any time by game wardens. At the end of each open season the unused permits will be returned to the Commission.

**Sec. 207. Contents of permits.**

Each permit shall:

- (a) Describe the applicant, including weight, height, color of hair and color of eyes.
- (b) Designate applicant's place of residence, including street address and post office.
- (c) Have printed upon it in large letters the word "Nontransferable".
- (d) Have printed upon it in large figures the year for which it is issued, and the date of expiration.
- (e) Have printed upon it that the holder agrees to abide by Tribal game, fish and trapping provisions and agrees, subject to Section 201, to be subject to Tribal Jurisdiction while within the boundaries of the Fort Peck Reservation.
- (f) Be issued in the name of the Fort Peck Tribal Executive Board.

**Sec. 208. False oath or statement on permit application.**

No person shall make any false oath or statement in an application for any permit issued under this Chapter.

**Sec. 209. Alteration, transfer or improper use of permit.**

No person shall alter or change in any manner or loan to another any permit or stamp issued by the authority of this Chapter. No person other than the person to whom it is issued shall use a permit or stamp.

**Sec. 210. Permit to be in possession while hunting, fishing or trapping.**

Any person holding a special permit, birding or fishing permit and a birding or fishing stamp as required under this Title shall carry such permit and stamps when hunting, fishing or trapping. Upon request of any member of the Commission or any game warden, he/she shall show the permit and stamps.

## **Chapter 3. Limits and Seasons**

**Sec. 301. Seasons.**

The Commission shall establish the season for various types of hunting and fishing. The seasons shall be set forth in regulations issued pursuant to this Title.

**Sec. 302. Limits.**

The Commission shall establish the bag and creel limits before each season. Such limits shall be set forth in regulations issued pursuant to this Title. The limits may be adjusted from time

to time during the season as needed.

**Sec. 303. Applicability to tribal members.**

No seasons or limits shall restrict hunting or fishing by Tribal members unless the regulations specifically state they are applicable to such hunting or fishing.

## **Chapter 4. Restrictions on Hunting**

**Sec. 401. Hunters to wear flourescent orange outer garment.**

Every person while hunting or accompanying someone hunting shall wear an outer garment above the waist containing a quantity of no less than four hundred square inches of daylight flourescent orange.

**(AMENDED AS PER RESOLUTION NO. 1084 2002-10, DATED 10/28/2002)**

**Sec. 402. Hours for hunting wildlife.**

No person shall pursue, shoot, kill, take or attempt to take any wildlife, between one-half (½) hour after sunset of one (1) day and one-half (½) hour before sunrise of the next day.

**Sec. 403. Use of snow machines prohibited.**

No person shall use snow machines for the hunting of deer, elk, or antelope, or other big game. Predators can be hunted by snow machine.

**Sec. 404. Hunting and harassing game from aircraft prohibited.**

Except when necessary for protection of life or property, no person operating or controlling the operation of any aircraft shall intentionally kill, chase, or harass any wild life animal or wild bird, protected or unprotected. The Commission may make exceptions for the hunting of predators that are killing livestock. A special permit issued by the Commission will be required for such hunting.

**Sec. 405. Spotighting prohibited.**

(a) No person shall throw or cast the rays of a spotlight having a luminance of greater than .75 candlepower into any field, pasture, woodland, forest, or prairie wherein wildlife or domestic livestock may be or may be reasonably expected to be while having in his/her possession or their possession or under their control a firearm or other implement whereby any wildlife or domestic animal could be killed by aid of an artificial light.

(b) The following persons shall be exempt from this Section: (i) All officers authorized to enforce the game and livestock laws on the Reservation; (ii) A landowner, including any lessee, permittee, employee or agent of such landowner, engaged in the pursuit of a legitimate activity on his/her own lands.

(c) The provisions of this Section do not apply where the headlights of a motor vehicle, operating and proceeding in a normal manner on any highway or roadway, cast a light upon such animal on or adjacent to the highway or roadway and there is no intent or attempt to locate that animal.

**Sec. 406. Hunting with firearms while intoxicated or under the influence of liquor prohibited.**

No person shall go in the field to hunt wildlife at any time with a firearm, when intoxicated or under the influence of intoxicating liquor or drugs. On conviction, his/her hunting permit shall

become void. If the conviction is reversed, the permit shall be restored to the defendant.

**Sec. 407. Hunting near occupied building(s) without permission prohibited .**

No person shall hunt or pursue game upon the premises of another within five hundred (500) yards of any occupied building, without consent of the person occupying such building.

**Sec. 408. Hunting for remuneration prohibited.**

(a) All hunting shall be for the subsistence use of the hunter and his or her family. No person shall hunt for another for remuneration, nor shall any person hire another to hunt for remuneration without permission of the Commission.

(b) No person shall hunt or kill any big game solely for the purpose of taking and selling the carcass. No person shall capture, kill or injure a big game animal and thereafter abandon or fail to dress or care for the same where the carcass is reasonably accessible.

**Sec. 409. Unlawful possession of game prohibited.**

No person shall possess any wild game on the Reservation except: (a) a person authorized to hunt or catch such game under this Title, or (b) a person who can show that he was given game by a person authorized to hunt or catch such game, or (c) a person who can show he/she possesses such game for a legitimate cultural purpose, and that such game has previously been designated as culturally significant by the Commission.

**Sec. 410. Possession or control of game, birds, or animals prima facie evidence of unlawful activity.**

Possession or control of any game, birds, or animals, or any part thereof on the Reservation, the killing, taking, or possession of which is unlawful or by a person who is not authorized to hunt such game is prima facie evidence that such game was caught, taken or killed in violation of this Title.

**Sec. 411. Aiding in concealment of game unlawfully taken or possessed prohibited .**

No person shall knowingly aid or assist in the concealment of any game that has been unlawfully taken or that is unlawfully possessed.

**Sec. 412. Fence gates to be closed; destruction of property.**

A person who opens a gate or bars in a fence enclosing farm premises shall not leave such gate or bars open unless he/she is in lawful possession of the premises. No person shall cut fences or otherwise destroy property belonging to another on any premises. In addition to other remedies, any person violating this provision will be required by the court having jurisdiction over the matter to pay for all damages resulting from such violation.

## **Chapter 5. Restrictions on Fishing**

**Sec. 501. Illegal methods for taking fish.**

No person shall lay, set or use any drug, poison, lime, medicated bait, explosive or any other lethal or injurious substance for the purpose of catching, taking, killing or destroying any fish. No person shall lay, set or use a gill net for the purpose of catching, taking, killing or destroying any fish.

**Sec. 502. Commercial sale of fish prohibited.**

No sale, barter, or trading of fish, other than minnows and similar bait fish, found in the waters of the Fort Peck Reservation shall be legal.

**Sec. 503. Unlawful possession of fish prohibited.**

No person shall possess any fish on the Reservation except: (a) a person authorized under this Title to take such fish, or (b) a person who can show that he/she was given fish by a person authorized to take such fish.

**Sec. 504. Possession of fish prima facie evidence of unlawful activity .**

Possession or control by any person of any fish, or any part thereof on the Reservation, the taking or possession of which is unlawful or by a person who is not authorized to fish, is prima facie evidence that such fish were taken in violation of this Chapter.

**Sec. 505. Aiding in concealment of fish unlawfully taken or possessed prohibited .**

No person shall knowingly aid or assist in the concealment of any fish that have been unlawfully taken or are unlawfully possessed.

## **Chapter 6. Remedies for Destruction of Property by Hunter, Fisherman, or Trapper**

**Sec. 601. Remedy for destruction of property of landowner.**

Any person who destroys or severely damages the property of a landowner or allottee while in the course of hunting, fishing, or trapping under authority of a Tribal permit, may have a complaint lodged against him or her with the Commission on such forms provided by, or in such a manner as prescribed by the Commission. The Commission shall make a determination as to the cause of such damage and as to the extent, and may prescribe such remedies deemed equitable and reasonable. The Commission may also revoke the permit of a hunter, fisherman or trapper found to be at fault in causing any damage to another's property.

## **Chapter 7. Administration and Enforcement**

**Sec. 701. Commission may prescribe regulations.**

(a) The Commission, will prescribe regulations establishing permit fees, season, limits, and such other conditions to the Tribal permit as it may deem appropriate.

(b) All regulations issued by the Tribes pursuant to this Section shall be published in the official newspapers of the area affected by the regulations. No order or regulation shall take effect until after such publication is released.

(c) All regulations issued under this Section will have the force of law. Any person violating a provision of such regulation shall be subject to the provisions of Section 702.

**Sec. 702. Violations of the Chapter.**

(a) Penalties applicable to Indians. Any Indian found guilty of violating any applicable provision of this Chapter, the regulations issued pursuant thereto, or the conditions of the permit, for which another penalty is not specifically provided, shall be guilty of a Class A misdemeanor, and in addition, at the discretion of the Court, the Court may suspend the privilege to hunt, fish or trap within the Reservation for period to be fixed by the Court.

(b) Penalties applicable to Non- Indians. Any non-Indian hunting, fishing or trapping who violates any applicable provision of this Code, the regulations issued pursuant thereto, or the conditions of the permit, for which another penalty is not specifically provided, shall be subject to a civil fine up to five hundred dollars (\$500.00). In addition, the non-Indian violator may be delivered to the custody of the Federal or State law enforcement officers, or reported to such officers for prosecution under applicable Federal or State law, as the case may be. In either case, all fish and game in custody or possession shall be taken by the arresting officer and preserved as evidence, and in addition, may, at the discretion of the Tribal Court, have the privilege to hunt, fish or trap on trust lands within the Reservation suspended for period to be fixed by the Court.

(c) Upon suspension of hunting and fishing provisions, the Court shall take any hunting or fishing permit held by the defendant and forward it, together with a certified copy of the suspension, to the Commission. Upon expiration of the suspension, the Commission shall return the defendant's permit if it is still valid. No person shall attempt to purchase a hunting or fishing permit while his or her privilege to hunt or fish is suspended.

**Sec. 703. Confiscation of fish, game and firearms.**

Game and fish wardens shall confiscate all wild birds, wild animals or fish or any part thereof taken, killed, possessed or transported contrary to this Chapter. They shall also confiscate all dogs, guns, seines, nets, lights, or other implements unlawfully used, in pursuing, taking, or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or parts thereof.

**Sec. 704. Unlawful game or fish mixed with legal.**

If two (2) or more animals, birds, or fish, or parts thereof are packed, stored, or contained in the same shipment, bag, or other container, and one (1) has been taken in violation of this Title, the entire contents shall be confiscated.

**Sec. 705. Confiscated property may be sold.**

A court having jurisdiction over the matter may order the sale of birds, animals, or fish, or any part thereof, or other property which has been confiscated. This order may be enforced only after a hearing and proper notice to the owner and the finding of the Court that the property:

(a) was taken, filled, possessed, or was being transported contrary to this Chapter by the person from whom it was confiscated,

(b) was being used in violation of this Chapter at the time it was confiscated, or

(c) had been used in violation of this Chapter within six (6) months previous to the time it was confiscated.

**Sec. 706. Proceeds from sale of confiscated property.**

All confiscated property ordered to be sold shall be sold by the Commission, for the highest price obtainable. A bill of sale will be given to each purchaser on forms prepared by the Commission. All proceeds after sale expenses shall be collected by the Commission and deposited to the properly established Tribal Fish and Game Fund.

**Sec. 707. Perishable confiscated property.**

Perishable property confiscated pursuant to this Chapter may be sold without Court Order by the officer making the confiscation, under the supervision of the Commission. The proceeds of such a sale will be deposited in the Tribal Court to await disposition by the Court.

**(THIS TITLE IS AMENDED AS PER RESOLUTION NO. 1364-88-9, DATED 09/23/88.)**

