



BLACKFEET NATION FISH AND WILDLIFE CODE:

FISH AND GAME RULES TO GOVERN FISHING, HUNTING AND TRAPPING ON THE BLACKFEET INDIAN RESERVATION

REVISION – AUGUST 2018

EMPOWERMENT This law is enacted pursuant to Article VI, Section 1(p) of the Constitution for the Blackfeet Tribe. This section grants the Blackfeet Tribal Business Council the power to “promulgate rules and regulations governing fishing, hunting and trapping on the Blackfeet Indian Reservation”.

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CHAPTER 1

FINDINGS, POLICY INTENT AND DEFINITIONS

Section 1. Findings

The Blackfeet Tribal Business Council finds that:

- A. All wildlife (which means shall include all species of animals and fish, found upon, above or under all land and waters within the exterior boundaries Blackfeet Indian Reservation) are the property of the Blackfeet Tribe.
- B. All wildlife is of spiritual, cultural and economic value to the Tribe, and the taking of such wildlife was historically under the control of the Tribe.
- C. In the treaties and agreements made with the United States Government, the Blackfeet Tribe reserved the right to control the taking of wildlife and the preservation and restoration of wildlife habitat within its aboriginal territory.
- D. The unregulated taking of wildlife and the destruction of wildlife habitats threaten the political integrity of the Tribe and the economic security and health, safety and welfare of tribal members and residents of the Blackfeet Indian Reservation.
- E. The management and preservation of wildlife and wildlife habitat is necessary in order to ensure the continuing existence of the wildlife species native to the Reservation.
- F. Many of the wildlife species found on the Reservation move on and off the Reservation; and in order to ensure their continuance on the Reservation, it is necessary to provide appropriate incentives (habitat) for the wildlife to enter and remain upon all lands within the exterior boundaries of the Blackfeet Indian Reservation.

Section 2. Policy

The policy of the Blackfeet Tribal Business Council shall be that:

Badger – Two Medicine: Reserved Hunting and Fishing Rights in the Blackfeet Unit. The program will draft, and negotiate with the Forest Service, proposed Tribal standards for the preservation and maintenance of animal habitat in the Blackfeet Unit of Lewis and Clark National Forest. The proposed Tribal Standards are to be presented by the Department for referral to the Blackfeet Tribal Business Council. The Program may recommend to the Council the enactment of special rules or regulations regulating hunting and fishing in the Blackfeet Unit by Tribal members.

Tribal members are to be afforded the greatest possible freedom to use the wildlife of the Tribe consistent with maintaining the preservation of the wildlife for future generations.

Development of the other resources of the Reservation shall take into account the effects of the development on the conservation of wildlife.

In recognition of the Tribal tradition of using damage payments as a remedy for wrongful acts, the

enforcement of this code is to be primarily civil in nature.

Section 3. Intent

The Blackfeet Tribal Business Council, referred to as the “COUNCIL” throughout these rules is to:

Completely control, through these rules and the accompanying regulations, the taking of wildlife and treatment of wildlife habitat within the exterior boundaries of the Blackfeet Indian Reservation.

Preserve and restore if necessary, the species diversification present on the Reservation.

Achieve the maximum number of healthy individuals in each species.

Buffer drastic fluctuations in a species’ population.

Assure equitable access to wildlife resources to all members of the Tribe.

Provide, through the payment of license fees and other revenue, for the administration and enforcement of this law.

Section 4. Definitions

1. All-terrain vehicles - means all motorized/mechanized driven vehicles of at least two to four wheels designed to be used for recreation on two-track or trail travel.
2. Aboriginal Territory - means all lands and waters within the exterior boundaries of the Blackfeet Indian Reservation and all lands and waters that extend by treaty to the ceded strip that encompasses the National Forests to the south and west.
3. Aircraft – defined as any machine or device capable of atmospheric flight.
4. Allotted Land – Tribally owned or individually owned Indian lands held in trust by the federal government.
5. Arrow – A shaft of at least 24 inches long containing 3 trimmed or 5 untrimmed feathers, tipped with a point or device used to strike, penetrate or pierce.
6. Backcountry – Any and all lands in the rural areas of the Blackfeet Reservation that are not within the rights of ways of the main highways, improved or unimproved roads and main thoroughfares or trails. Access to these areas should be limited and use restricted i.e. atv, snow machine, hiking, hunting, fishing, skiing etc.
7. Bag/species Limit - means the maximum limit, in number of amount, of a particular species of wildlife, which may lawfully be taken away by any one person during a specified period of time.
8. Bear Country – means the lands within the exterior boundaries of the Blackfeet Indian Reservation that are occupied by bears.
9. Bear Resistant Container – means a securable container constructed of solid material. When secured and under stress the container will not have any cracks, openings, or hinges that would allow a bear

to gain entry by biting and clawing. Wood containers are not considered bear resistant unless they are reinforced with metal. Locked vehicles with closed windows are considered bear resistant. Approved bear resistant garbage containers are those listed by the Interagency Grizzly Bear Committee and tested by their methods.

10. Bear Resistant Manner – means stored in bear resistant containers, suspended at least 10 feet above the ground and 4 feet from any support structure (tree trunk, etc.), unavailable due to human attendance, or any combination of these.
11. Big Game - shall be defined as elk, moose, whitetail and mule deer, bighorn sheep, mountain goats, mountain lions, pronghorns, and black bears. Special hunting permit seasons, limits or special conditions shall be determined in annual regulations promulgated pursuant to these rules.
12. Descendant (BLACKFEET TRIBAL DESCENDANT) – Those individuals in which the Tribal Enrollment Office has listed as legal descendants of an Enrolled Tribal Member.
13. Member (BLACKFEET TRIBAL MEMBER) – Those individuals in which the Tribal Enrollment Office has listed as Enrolled Tribal Members.
14. Bow Hunting – means a hunting instrument designed for the purposes of propelling arrows which is drawn and held by and through efforts of the person releasing, but does not include crossbow. The Fish & Wildlife Department may by annual regulation establish a special season and/or area for bow hunting.
15. Carcass – means the dead body of any wildlife and/or livestock.
16. Closed Season – means the time and/or days during which fish or wildlife may not be taken legally.
17. Council – means the duly elected governing body of the Blackfeet Tribe, the Blackfeet Tribal Business Council.
18. Crossbow – means any device using a bow which once drawn is held solely by means other than the effort of the person firing it.
19. Daily Limit (fishing) - The number of fish that may be legally taken daily. A fish when landed and not immediately released becomes part of the tag limit of the person originally hooking the fish, even if the fish is donated to another person. If you receive fish from another angler, those fish also become part of your daily limit.
20. Department – means the Blackfeet Fish and Wildlife department (Department).
21. Depredation – the killing or maiming of a domestic animal by a predator.
22. Endangered or Threatened Species – means any species of fish or wildlife within the Reservation as listed, but not limited to or species classified pursuant to the Endangered Species Act of 1973, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.
23. Export Permit – A written permit authorizing an individual to export wildlife and/or parts off Reservation.
24. Fee Land – means those lands within the exterior boundary of the Reservation not held in trust or

subject to restrictions on alienation and which is in private ownership.

25. Firearm – means a rifle, shotgun, handgun, or other type of gun.
26. Fish – means any fish within the waters of the Reservation.
27. Fishing – means taking of fish of any variety by hook and line.
28. Furbearers - shall be wolverine, bobcats, weasel, ferret, muskrat, beaver, pine marten, mink, wolf, coyote, swift fox, red fox, raccoon, otter, skunk and fisher.
29. Gathering – means to take or acquire or attempt to take or acquire possession of any wildlife antlers or wild plant or parts thereof.
30. Guide - a Member or Descendant who is employed by an outfitter and who furnishes only personal guiding services in assisting a Non-Tribal Member to hunt or take game animals or fish and who does not furnish any facilities.
31. Harass – means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd, or torment.
32. Hunt or Hunting – includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals, except that hunt or hunting does not include the recovery of any wild animal which has already been lawfully reduced to possession.
33. Hunting Hours – means the time of day which wildlife may be lawfully taken.
34. License – means a specific written document granting authority to engage in specific activities covered in this Code.
35. Member – shall mean any enrolled member of the Blackfeet Tribe of the Blackfeet Indian Reservation.
36. Non-Tribal Member – means any individual that is not an enrolled member of the Blackfeet Tribe.
37. Officer – means a Game Warden or authorized personnel of the Blackfeet Fish and Wildlife Department.
38. Outfitter - any person who: (a) engages in the business of outfitting for hunting Big Game, waterfowl or upland birds and fishing parties, as the term is commonly understood; (b) is an enrolled member of the Blackfeet Tribe; (c) for consideration provides any saddle or pack animal or personal services for Big Game Hunting, fishing parties, eco and ethno-tourism, or camping equipment, vehicles, or other conveyance, or for any Non-Tribal Member to photograph any game or to fish.
39. Permit/License – a written document that authorizes an individual to engage in specific activity covered in this code.
40. Permit/License Year – means the twelve-month period i.e. an annual fishing license is good from April 1 through March 31.
41. Possession – means having killed, harvested, taken or otherwise obtained or acquired any wild animal

or fish subject to the provisions of this Code.

42. Possession Limit (fishing) - Fish total possession may not exceed two daily limits.
43. Promulgate – means to broadcast or disseminate or publicize the rules and regulations of the Code.
44. Recreation/Conservation Permit – shall include, but not limited to picnicking, camping, boating, backcountry hiking, skiing, hunting, fishing, swimming, photographing nature or wildlife, snowmobiling, all-terrain vehicle riding, touring and any other related activity.
45. Recreational Vehicle – a motorized/mechanized vehicle that is used for recreation on two-track roads and trails.
46. Reservation – means all lands within the exterior boundaries of the Blackfeet Indian Reservation.
47. Roads – any trail, highway, unimproved or graveled track dedicated for public and ingress or egress.
48. Small Game – Rabbits, squirrels, and other land animals not considered big games, are small game animals, unless they are listed as furbearers.
49. Special Management Area - is defined as all Blackfeet Aboriginal (Pikuni) territory.
50. Tag – an identification permit issued that authorizes an individual to engage in a specific activity and attach to a carcass of an animal.
51. Take or Taking – means to kill, harvest or take possession of a fish or wild animal.
52. Trapping – means the taking of wildlife in any manner except with gun or implement in hand, by means of setting, or operating any device, mechanism or contraption that designed to capture a wild animal.
53. Transport Permit - A written permit authorizing an individual to transport wildlife and/or fish off Reservation for processing.
54. Tribal Court – means the court of the Blackfeet Tribe.
55. Tribe – means the Blackfeet Tribe of the Blackfeet Indian Reservation.
56. Trust Land – means land the United States Government hold legal title to for the benefits of Indians.
57. Vehicle – a means of carrying or transporting people or goods, such as car or truck.
58. Watercraft – means any boat or other floating device of rigid or inflatable construction which is designed to carry people or cargo on the water.
59. Waste - shall mean the abandonment of or deterioration of those portions of fish and game normally utilized for human consumption.
60. Watercraft (Motorized) - means any boat or other floating device of rigid or inflatable construction that is designed to carry people or cargo on the water which is propelled by any fuel.
61. Watercraft (Non-Motorized) – means any boat or other floating device of rigid or inflatable

construction that is designed to carry people or cargo on water which is human propelled or electric motor.

62. Wildlife – shall mean any forms of birds and mammals including their nest and eggs.

CHAPTER 2

ADMINISTRATION OF WILDLIFE PROGRAM

Section 1. Establishment

Wildlife Program is established in the Fish & Wildlife Department. It will now be recognized as the Fish and Wildlife Department, and will be referred to as “Department” throughout the Code.

Section 2. Regulation Procedures

Annual Regulations. The Department shall present annually to the Council for approval, proposed regulations pursuant to these rules. The Annual Regulations shall be published for distribution to the public by the program.

Special Regulations. The Department may at any time, present a proposed regulation to the Council for approval, if the regulation is needed to fulfill the policy and intent of these rules. The program shall make appropriate efforts to ensure that the public is informed of special regulations.

Section 3. Powers of the Fish & Wildlife Advisory Commission

As necessary, the Council shall promote and request that a commission of advisors be appointed to assist with regulatory matters concerning subsistence fishing, hunting and trapping on the Reservation. In addition to the powers granted them elsewhere in this law, the Fish & Wildlife Advisory Commission shall have the following powers and authority:

- A. To establish and advise the policies of the Department, which are consistent with this code and the best interests of the Blackfeet Tribe and the Blackfeet people.
- B. To review all annual budgets and budget line items of the Department and recommend said annual budget and budget line items for approval by the Department.
- C. To review all proposed Fish & Wildlife agreements with State and Federal governments and provide input on such agreements to the Department.
- D. To ensure the proper distribution of fishing permits and the collection of revenues from said permits.

Section 4. Fish and Wildlife Advisory Commission By-Laws

The Fish and Wildlife Advisory Commission By-Laws are set out as follows:

Section 5. Responsibilities of Fish & Wildlife Director.

The Director Fish & Wildlife Director shall:

- A. Be responsible for all administrative matters including the Game Wardens that are authorized and commissioned to enforce these rules and regulations of the Department.
- B. Develop a cooperative working relationship with Tribal agencies and personnel, Federal law

enforcement officials, Federal Fish and Wildlife Service, Bureau of Indian Affairs, and other technical organizations and agencies, including non-government agencies, which may include the sharing of information which is not proprietary information of the Blackfeet Tribe.

- C. Maintain a working knowledge of the Blackfeet Fish and Wildlife Code and Annual Regulations and update on a regular basis.
- D. Will cooperate and coordinate with the Blackfeet Tribal Land and Natural Resources Departments, and on matters of mutual importance and interest.
- E. Perform such duties in the area of public relations as are necessary for the benefit of hunting and fishing and for the general tourism program of the Blackfeet Tribe.
- F. Work with the Fish and Wildlife Commission on any fish and wildlife matter when requested.
- G. Arrange for training programs for Department personnel in matters relating to fish and wildlife.
- H. Perform other duties as may be assigned through the duly approved policies of the Fish and Wildlife Commission.

Section 6, Program Direction.

A. Mission Statement:

To provide sound management of the Department which includes following Blackfeet Fish and Wildlife Code. Provide Council with best available information and recommendations on all matters concerning wildlife, so that decisions and actions are made realizing their effects on all fish and wildlife found on the Reservation and their habitats.

B. Fish and Game Goals:

1. To maintain a Wildlife Program on the Blackfeet Reservation, that will provide information on all species and their habitats so that land management activities or proposed habitat alterations can be evaluated from a wildlife standpoint.
2. To maintain native (or selected non-native) populations of fish and wildlife at levels consistent with tribal needs/desires and carrying capabilities of available habitat.
3. To provide fish and wildlife information on proposed timber sales, oil/gas permits and leases, grazing and home site leases, etc. so that positive effects of activities can be maximized and negative effects on fish and wildlife minimized or eliminated.
4. To supply the Council as requested, with information pertaining to wildlife, wildlife habitat, pertinent federal laws and acts.
5. To provide information to the public on wildlife management activities, habitat, regulations, education outreach strategies and program-sharing goals.
6. To manage wildlife resources and habitats for viable populations of all wildlife species.

C. Program Objectives:

1. Inventory wildlife species and their associated habitats by assembling available data and performing fish and wildlife and habitat surveys and research as necessary. This will include delineation of fish spawning and rearing areas, elk calving sites and specific forage and cover requirements, etc.
2. Develop specific management plans on an individual species, these will be a basis of subprojects within a comprehensive fish and wildlife resource management plan. Subprojects are grizzly bears, elk, bighorn sheep, Canada geese, certain birds of prey such as prairie falcon, peregrine falcon and bald eagle, and certain species of fish such as brook, cutthroat, rainbow trout and whitefish.
3. Monitor and quantify seasonal habitat use of selected fish and wildlife species such as grizzly bears, elk, mule deer, cutthroat trout, whitefish, etc. This shall be accomplished by administrative studies and contracts with outside sources as necessary to provide the database for fish and wildlife management, provided that all contracts are approved by the Council.
4. Prepare and recommend regulations pertaining to fish and wildlife that are deemed necessary for resource management within Blackfeet aboriginal territory.
5. Recommend to the Council and cooperating agencies the acquisition and intensive management of certain tracts of land that are critical habitat for particular fish and wildlife species.

D. Technical Assistance:

Any technical assistance from a federal agency and private entity must be authorized by Council resolution.

E. Relationship with Private Agencies:

1. Nature Conservancy. The program will discuss with The Nature Conservancy the joint development of a plant inventory of the Reservation. The plan for the inventory is to be presented to the Fish & Wildlife Department for referral to the Council. The plan may also consider possible acquisition of non-Tribally owned lands by The Nature Conservancy for habitat protection. However, all civil regulatory authority rests with the Blackfeet Tribe.
2. Predator Damage Compensation Programs. The program will explore the possibility of using privately run programs or other agencies to compensate Reservation residents for damage caused by predators'.
3. Land and Water Conservation plan. The program will explore the possibility of using Land and Water Conservation Plan monies to purchase lands needed for fish and wildlife habitat within the Reservation and the Blackfeet Unit.
4. In-stream Flow. The program will examine the effect of beavers on maintenance of in-stream flow.

- F. Internal Program matters.** The program will inventory Fish & Wildlife property. The program will evaluate law enforcement in fish and wildlife. The program will develop a proposed training schedule for game wardens which will include: Basic Law Enforcement training, hunter safety instructor training, search & seizure (with this training available to others), and the specialized

training in federal and wildlife laws by the U.S. Fish & Wildlife Service Training Program. The program will explore private and international funding availability.

- G. Historical Research.** The program will arrange with the Native American Studies Department at the Blackfeet Community College for research to be done on past hunting and fishing practices.

Section 7, Release of Data:

Any data gathered by the Department regarding fish and wildlife or their habitat is to be released to other agencies or to others only with the authorization of the Council or through existing Memorandums of Understanding and Agreements (MOU's and MOA's).

Section 8. Disposition of Monies and Seized Property and Seized Wildlife.

A. Monies:

All fees resulting from the sale of permits by the program and its agents, all fines, costs, monies, penalties or damages collected for violations of these rules and regulations, shall be deposited in the Fish and Wildlife Revenue Account and shall be available for expenditure in connection with the conservation and protection of the fish and wildlife of the Blackfeet Indian Reservation, provided, however, that bonds, unless forfeited, shall be deposited in a trust account as provided by these rules.

B. Report by Court:

Each Tribal Judge or Clerk of Court shall, within twenty (20) days after a judgment has been rendered under the provisions of this Code, report in writing to the program, the results of the adjudication, the amount of fines, forfeitures, damages or penalties collected, and disposition thereof.

C. Disposition of Seized Property:

1. Wildlife seized under these rules may be disposed/distributed (elders) of in such manner as the BTBC may prescribe if a situation arises not covered by the Rules and Regulations.
2. The Chief Game Warden shall prepare a report of all wildlife and prohibited devices seized by the Game Wardens or other authorized officers showing a description of the items, the persons from who they were seized, if known, and the disposition of the items. This report shall be presented to the BTBC annually. All money derived from the sale of any seized property shall be deposited in the Fish and Wildlife Revenue Account.

BLACKFEET FISH AND WILDLIFE ADVISORY COMMISSION BOARD

BY-LAWS

ARTICLE I. NAME

The name of the Tribal forum is Blackfeet Fish and Wildlife Advisory Commission (BFWC).

ARTICLE 1. PURPOSE

The purpose and responsibility of the BFWC is to assist the Department in promulgating rules and regulations governing fishing, hunting and trapping on the Blackfeet Indian Reservation, which are consistent with the Blackfeet Fish and Wildlife Code and Mission Statement.

MISSION STATEMENT

The Blackfeet people are traditionally defined both historically and contemporarily by our involvement to preserve and protect the environment on a spiritual, social, and cultural level.

The BFWC will uphold the traditions of the Blackfeet people for future generations, through our unique and inherent relationship with subsistence hunting, fishing, and wood gathering.

The BFWC will promote the preservation of these traditions through education, management, cooperation, and research.

ARTICLE 2. OFFICE

All BFWC records and business meeting minutes shall be filed and maintained in the administration office of the Department.

ARTICLE 3. MEMBERSHIP

- A. **Defined** - The membership of the BFWC shall consist of persons enrolled as Blackfeet Tribal members.
- B. **Eligibility** - Any Enrolled Blackfeet Tribal Member who is genuinely interested in the purposes of the BFWC can become a member by submitting an application to the Blackfeet Tribal Personnel Office. Appointment for BFWC membership shall be made by the authority of the Blackfeet Tribal Business Council. Appointment will also be subject to the Ethics Policies of the Blackfeet Tribe.
- C. **Composition** - The BFWC shall consist of seven (7) members. Each of the seven (7) members shall be appointed from the following Reservation communities: Heart Butte, Seville, Babb/St. Mary's, East Glacier, Browning, Starr School, and Old Agency/Birch Creek. The commission shall also contain two (2) BTBC members that will serve in an ex officio capacity.
- D. **Term**

Effective, _____ the terms of the BFWC members from East Glacier, Starr School,

Seville and Old Agency/Birch Creek shall be for a two-year period of time, and said terms shall expire on _____. Thereafter, all terms from the aforementioned districts shall be for a four-year period of time. Effective _____ the terms of the BFWC members from Babb/St. Mary, Heart Butte and Browning shall be for a four (4) year period of time and said terms shall end on _____. Thereafter, all terms from the aforementioned districts shall be for a four-year period of time. This will allow for alternating terms, which will promote consistency of the BFWC and also allow for Council input into BFWC appointments.

- E. **Vacancies** - BFWC position vacancies shall be filled by a Council appointment and will serve the vacating members' remaining term of that position.

ARTICLE 4. RESIGNATION

Any BFWC member may resign at any time by delivering a written resignation to BFWC. Any member who fails to attend three (3) consecutive monthly meetings without good cause shall be presumed to have resigned.

ARTICLE 5. REMOVAL

Removal of a BFWC member shall require a written justification and recommendation for removal signed by at least five commission members remove a Commission member and the removal action shall require BTBC approval.

ARTICLE 6. MEETINGS

- A. **Schedule** - Meetings shall be held quarterly or as needed.
- B. **Special Meetings** - Special meetings may be called by the BFWC Chairperson and the Director of the Department. There shall be no more than one special meeting per month, unless the Chairperson and Director deem an issue or issues to be of such importance that more special meetings are required during a particular month.
- C. **Meeting Notice** - Written notice shall be required for regular meetings, providing the meeting hour, place, time and date. Special meetings shall include hour, place, date and time with proper notification of all BFWC members. An agenda shall accompany each meeting notice.
- D. Meetings with the Tribal Council will be presented through the BFWC to the Committee (Tribal Council members who are specifically assigned).
- E. **Minutes** - Minutes shall be taken and kept on file in the Department Office.

ARTICLE 7. VOTING

The Advisory commission will not possess any voting powers.

ARTICLE 8. QUORUM

Not necessary since the commission is of advisory authority only.

ARTICLE 9. OFFICER TERMS

The BFWC will have a Chairperson, Vice-Chairperson and Secretary.

- A. **Chairperson** - The Chairperson shall be elected by secret ballot among the seven commission members. The person with the most written nominations will serve as chairperson. Members can serve consecutively throughout their membership term. The Chairperson shall preside at all meetings, keep order, and assure all agenda items are strictly followed.
- B. **Vice-Chairperson** - The Vice-Chairperson shall be appointed by the Chairperson, with majority approval by the remaining commission members, and shall conduct business in the absence of the Chairperson.
- C. **Secretary** - The Chairman with majority approval will also appoint the Secretary. The Secretary shall keep minutes of each meeting and prepare the written minutes for review by the Tribal Council and Tribal officials. The Secretary shall be responsible for keeping all documents, reports, files, records, and minutes of the Commission.

ARTICLE 10. COMPENSATION

The BFWC shall not be paid a salary for participation as a BFWC member. At the convenience of the Department, the BFWC can receive honorariums for meeting participation when available.

ARTICLE 11. PROHIBITIVE ACTIVITY

Members shall not represent the BFWC for the purpose of participation in, or intervention in any political campaign on the behalf of any candidate for public office.

ARTICLE 12. AMENDMENTS

These By-Laws may be amended with BTBC approval.

CHAPTER 3

GENERAL RULES

Season, quotas, cost of license/permit and special conditions shall be determined by Annual Regulations promulgated according to these rules.

Section 1. LAND USE

- A. CAMPING ALONG THE HIGHWAY AND/OR IN NON-DESIGNATED CAMPING AREA IS PROHIBITED
- B. HUNTING, FISHING, TRAPPING AND CAMPING ON PRIVATE LAND - It is unlawful for any person to hunt, fish, trap or camp on private land which is posted with signs stating to “No Trespassing” or painted gate posts (painting posts - 18” of top post at all gates) in such a manner as to give notice that the land is closed to such activity, without the consent of the landowner. Exempt: Tribally owned land is considered public access to tribal members, including leased Tribally owned land.
- C. HUNTING, FISHING, TRAPPING AND CAMPING ON TRIBAL LAND – It is unlawful for any person to hunt, fish, trap or camp on Tribal Land leased (during lease agreement timeframe) for farming or grazing without the consent of the landowner.
 - a. If shall be illegal to falsely keep hunters or trappers from using Tribal Lands
- D. TRESPASS ON PRIVATE OR TRIBAL LAND – It is unlawful for any person to enter or remain upon any private or tribal land which is posted in such a manner as to give notice that the land is closed to such activity, or refuse to immediately leave the land upon the request of the individual owner, occupant or an agency of the Tribe, as the case may be. In addition to any penalty prescribed for the violation of this rule, any trespasser shall be liable to the landowner is a civil suit in Tribal Court for any damages which were incurred because of the Trespass. Except: Tribally owned land is considered public hunting access to tribal members, including land owned by the Tribe that is leased to individuals.
- E. CLOSURE TO TRIBAL LAND - The Blackfeet Tribal Business Council, at their discretion, may restrict any access to Tribally owned land at any time, without prior notice being given.
- F. DAMAGE TO PROPERTY
 - 1. It is unlawful to tear down, break or injure any fence or other enclosure of another or of the Tribe without the consent of the owner, occupant or the Tribe.
 - 2. It is unlawful to build a fire upon the land of another or of the Tribe without consent of the owner, occupant or the Tribe.

3. It is unlawful to sever from the land of another or of the Tribe any tree, grass, or other product, or take any other thing attached to the land without the consent of the owner, occupant or the Tribe.
4. All persons opening gates on country roads are encouraged to close the gates as a courtesy to the landowners and the leaseholder.

G. ACCESS TO LANDS – Access to or through particular closed Tribal lands for hunting, fishing or trapping may be granted under special circumstances, and with permission of the Blackfeet Tribal Business Council.

1. No Non-Tribal Member access from the Blackfeet Reservation to the Lewis and Clark National Forest.
2. With the purchase, of a General Hunting License, tribally owned lands is considered Public Access to Tribal Members for hunting and fishing purposes, including Tribal land leased to individuals.

H. RESTRICTION ON LANDOWNER LIABILITY – The Tribe or any person holding a Tribal grazing permit, farm lease or tenant on any reservation land, shall not be liable, when permission is granted by act or implication to any person to enter upon the property for recreation purposes (hunting, fishing, swimming, boating, camping, picnicking, pleasure driving, winter sports, hiking or other purposes determined by Department to be recreational) where consideration has not been paid and accepted, for any injury to the person or his property resulting from any act or omission of such owner or permittee or lessee unless such act or omission constitutes willful or wanton misconduct. The Tribe and/or its permittees or leases' does not, by granting such permission extend any assurance that such property is safe for any purpose to confer upon such a person the status of invitee or licensee to whom any duty of care is owed.

Section 2. POSSESSION AND COMMERCE IN WILDLIFE AND ANIMALS PARTS PROHIBITED

It is unlawful for non-members to possess, buy, sell or offer to buy or sell wildlife parts, including but limited to antlers, claws, teeth, paws, hides, feathers, bones, or talons. Special seasons, limits or special conditions shall be determined in annual regulations promulgated pursuant to these rules.

- A. Commerce in Wildlife. It is unlawful to buy or sell wild animals.
- B. Commerce in Fish or Big Game Meat. It is unlawful to buy, sell, or offer to buy or sell fish or big game meat.
- C. Tribal members and descendants shall not gather horn or antlers prior to April 1st of the year.
- D. Gathering, retrieving or hunting of antlers/horns by Non-Members is illegal.

Section 3. TRANSPORTATION AND/OR EXPORT PERMITS

- A. Failure to Possess Tribal Transport/Export Permit. If a permit is required for the transportation of any fish, wildlife or wildlife part, it shall be unlawful to transport the wildlife outside the boundaries of the Reservation without such a permit. If an export permit is required for the transportation of any fish, wildlife or wildlife part, it shall be unlawful to transport the wildlife outside the boundaries of the Reservation without such a permit.
- B. Failure to Possess Permit from Other Jurisdiction. It shall be unlawful to transport fish or wildlife that was taken in another jurisdiction onto or through the Reservation without a permit from the jurisdiction where the fish or wildlife was taken.

Section 4. WASTE OF FISH AND BIG GAME MEAT

It shall be illegal to waste fish or big game meat.

Section 5. DISPOSITION OF WILDLIFE CARCASSES

Game Wardens should be notified of any wildlife carcasses on Tribal, public or private property.

Section 6. RECREATIONAL ACTIVITIES

Recreation/Conservation and/or Recreational Vehicle Permits and Stickers will be required for the following activities for Non-Tribal Members.

- A. Non-Tribal Members shall purchase a Recreation/Conservation Permit to recreate on the Reservation.
- B. Non-Tribal Members shall purchase a Recreational Vehicle Permit before using any recreational vehicle on the Reservation.
 - 1. The Council by regulation may close areas to recreational vehicle use. Any such closure will be published and posted as directed by the Council. It shall be unlawful to operate a recreational vehicle in a closed area.
- C. Camping: Camping shall be allowed on all tribal lands by enrolled members of the Blackfeet Tribe and by Blackfeet descendants, and on leased land with the permission of the lessee. Non-Tribal Member camping is permitted only at designated privately owned or tribally owned campgrounds or designated lakes, fee will be determined by Annual Regulations. The following regulations shall be followed while camping.
 - 1. Care of Property - The defacement or destruction of signs, tables, or improvements is prohibited.
 - 2. Vehicles - All wheeled vehicles, including trailers, must be kept on the designated campsite parking areas.
 - 3. Firewood - Only dead and downed wood in designated areas may be gathered for firewood. Campers should check with the campground manager to locate these areas. Bundles of firewood may be purchased at near concessionaire facilities.

4. Disturbance of Plant or Animal Life - Plants or animals shall not be disturbed in any way. The driving of nails into trees or the stripping of bark, leaves or branches from trees or shrubs is prohibited.
5. Digging - The natural terrain shall not be altered in anyway. The leveling of the ground or digging for any purpose is prohibited.
6. Dogs, Cats and Pets - All dogs, cats, or other pets must be kept on leash or under physical restrictive control at all times while in the campground.
7. Draining and Refuse from Trailers - Trailer owners must provide receptacles to contain wastewater. Such waters shall be disposed of only at public restrooms and at the holding tank disposal units at major campgrounds. Any other disposal is unlawful. Trailer owners may dispose of waste at all tribally owned disposal units for a fee.
8. Hours of Quiet - Quiet must be maintained between the hours of 10 PM and 6 AM. During these hours, radios, generators, television sets, and any other noise producing devices must not be operated to the annoyance of other.
9. Clean Camps - Campers are responsible for maintaining a clean camp at all times and for cleaning their campsite, including the removal of all camping equipment, debris and refuse before leaving.
10. Unattended Campfires - Campfires may not be left unattended.
11. Use of Hydrants - The cleaning of fish and washing of dishes or clothes at water hydrants is not permitted.
12. Feeding of wildlife - Feeding of wildlife is strictly prohibited.

The managers of tribally owned campgrounds may enforce these regulations by removing offenders from the campground, signing a complaint against the person, and/or otherwise following enforcement provisions of these rules.

D. Watercraft:

1. Watercraft Inspection (Aquatic Invasive Species Watercraft Inspection) – All watercrafts (motorized and non-motorized) entering on the Blackfeet Reservation shall stop and submit to a “Watercraft Inspection” prior to launching on Tribal waters. This will include any and all equipment used in waters i.e. waders, float tubes, flippers, and rafts. PER ORDINANCE 113A.
2. The Department recommends all watercraft operators to provide personal floatation devises for all passengers upon the boat.
3. Watercraft Rules - These rules shall apply to watercraft users.
 - a. Water Skiing - Water skiing is only permitted on Lower St. Mary Lake. Both the driver of the boat and the skier may be cited for a violation.

- b. Sail Boating - Sail boating is permitted only on Lower St. Mary Lake.
- c. Wind surfing – Wind surfing shall be allowed on the following lakes only Mission, Four Horns, Lower St. Mary or Duck.
- d. Restrictions on Motorized Watercraft – Motorized watercrafts shall be operated on only the following lakes only Mission, Four Horns, Lower St. Mary and Duck.
- e. Use of Alcoholic Beverages. It is unlawful to operate a watercraft while under the influence of alcoholic beverages or other substances. The definition of operating under the influence of alcoholic beverages shall be the same as for operating a motor vehicle.
- f. Speed Limit. The speed limit for watercraft shall be ten (10) miles per hour (trolling speed) on the following lakes: Duck, Four Horn and Mission.

E. Snowmobiles

1. Snowmobile Rules:

- a. It shall be unlawful to operate a snowmobile in a closed area. The Council will determine these areas.
- b. It shall be unlawful to hunt from a snowmobile.
- c. Snowmobiles may make direct crossing of public roads, by crossing at an angle of approximately 90 degrees.
- d. No person shall operate a snowmobile in a careless or reckless manner so as to endanger the person or property of another or to cause injury or damage to either.
- e. Snowmobile (Recreational Vehicle) permits shall be required for Non-Tribal Member use.
- f. It shall be unlawful to transport big game by snowmobile without the permission of a Tribal Game Warden. It is unlawful to carry long gun on a Snowmobile, except that a shotgun or pistol may be carried for your personal safety.
- g. It shall be unlawful to operate a snowmobile so as to harass big wildlife and/or livestock.
- h. It is unlawful to operate a snowmobile while under the influence of alcoholic beverages or other substances prohibited on the Reservation. The definition of operating under the influence of alcoholic beverages shall be the same as for operating a motor vehicle.
- i. It shall be illegal for any person to operate a snow mobile upon any open waters.

F. ATV

1. ATV Rules:

- a. It shall be unlawful to operate an ATV in a closed area. The Council will determine these

areas.

- b. It shall be unlawful to hunt from an ATV.
- c. All-terrain vehicles may make direct crossing of public roads, by crossing at an angle of approximately 90 degrees.
- d. No person shall operate ATV in a careless or reckless manner so as to endanger the person or property of another or to cause injury or damage to either.
- e. ATV (Recreational Vehicle) permits shall be required for Non-Tribal Member use.
- f. It shall be unlawful to transport big game by ATV without the permission of a Tribal Game Warden. It is unlawful to carry long gun on an ATV, except that a shotgun or pistol for your personal safety.
- g. It shall be unlawful to operate an ATV while under the influence of alcoholic beverages or other substances prohibited on the Reservation. The definition of operating under the influence of alcoholic beverages shall be the same as for operating a motor vehicle.

G. WILDLIFE FRIENDLY FENCES - It shall be unlawful for a property owner to build high fences that are not considered “wildlife friendly”. Fences designed without consideration for wildlife creates hazards and barriers, blocking or hindering daily wildlife free movement, seasonal migrations and access to forage, water and shelter. It is unlawful to build high fences to trap wildlife for possible private hunts by land owner. Land owners must do everything possible to allow free movement of wildlife and contact the proper authorities’ Blackfeet Fish and Wildlife Department and Blackfeet Environmental Office for assessments before construction. Those fences already constructed which violate this section must be removed in consultation with the Blackfeet Fish and Wildlife Department.

Section 7. RELIGIOUS AND CULTURAL MATTERS

The following rules are applied in such a manner as to avoid interference with the cultural and religious practices and to preserve the ethics and values of Ahm-ska-pii Pikuni. The Department has a form for those requesting Religious and Cultural takes of wildlife on the Reservation, these requests will require Blackfeet Tribal Council approval.

- A. Religious Taking – It shall be lawful, with prior authorization from the Blackfeet Tribal Business Council, it shall be lawful for any member or person of Blackfeet descent to request a specific take or taking of any wildlife for religious purposes. In determining whether a taking is in fact for religious purposes, the Council may request assistance of the Tribal Historic Preservation Office.
- B. Cultural Taking – With prior authorization from the Blackfeet Tribal Business Council, it shall be lawful for any member or person of Blackfeet descent may request a specific take or takings of any wildlife for the teaching of Blackfeet cultural matters relating to hunting, fishing or trapping. In determining whether a taking is in fact for cultural purposes, the Council may request assistance of the Tribal Historic Preservation Office.
- C. Assistance in Obtaining Federal Wildlife Permits - The Fish & Wildlife Department will assist tribal

members, who desire to apply for federal permits to obtain or possess eagle feathers or other wildlife material from the United States Fish & Wildlife Service.

Section 8. TREATMENT OF WILDLIFE

- A. Taking of Wildlife by Game Wardens - Game Wardens may take any wildlife to aid a sick or orphaned animal, dispose of a dead animal, salvage a dead animal for scientific study, or if otherwise essential for scientific study.
- B. Inspection of Wildlife Conditions – Department employees and Game Wardens shall continuously inspect the condition of wildlife to ensure the health of wildlife and to detect the presence of diseases, parasites, or other factors that may have a negative effect on wildlife production.
- C. Capture and Release of Wildlife - At the direction of the Council, the Department may capture wildlife or obtain disease-free wildlife from outside the Blackfeet Reservation for release into desirable locales on the Reservation, in order to increase the wildlife within the Reservation, provided that no wildlife shall be released on privately owned land without the consent of the owner, or if held by more than one person, a majority of those persons owning the land.
- D. Keeping Wildlife in Captivity or Attempting to Domesticate Wildlife - It shall be unlawful to keep wildlife in captivity or attempt to domesticate wildlife without a permit.
- E. Introduction of Exotic Species - The introduction of exotic species not native to the Reservation is unlawful without the consent of the Department.
- F. Providing Information to Game Wardens - All persons are encouraged to provide information to Game Wardens regarding wildlife investigations and/or conditions. The Council may establish incentives for the providing of this information.
- G. Harassment or Driving of Big Game - Harassment or driving of wildlife by any means shall be prohibited.

Section 9. MINORS

- A. Hunting - It shall be unlawful for any person with legal custody of a child under 12 years of age to allow the child to hunt unless the child has successfully completed a Department approved Hunter's Safety Course. A child 12 or older may hunt provided the child complies with all rules and regulations. The violation of any hunting rule or regulation by a member child may be handled in Tribal Juvenile Court. The violation of any hunting rule or regulation by a Non-Tribal Member child may subject the child or the person with legal custody of the child to a civil fine prescribed for the particular offense and other penalties prescribed.
- B. Fishing - Tribal member minors may fish without adult supervision, provided all rules and regulations are observed. Non-Members over twelve (12) years of age, must have in their possession a valid Fishing License and a Recreation/Conservation Permit, which must be presented upon request by a Game Warden, and may not be transferred. A Non-Tribal Member child under the age of 12 may fish or recreate without a license when accompanied by a licensed adult, but must observe all fishing rules and regulations. The violation of any rule or regulation by a member child may be handled in Tribal Juvenile Court. The violation of any fishing rule or regulation a Non-Tribal Member child may

subject the child or the person with legal custody of the child to a civil fine prescribed for the particular offense and other penalties prescribed.

C. Recreational Vehicle Activities - See - JOHN'S LAW – ORDINANCE 114”

Section 10. Elderly and Handicapped

- A. **ELDERLY** – Blackfeet Tribal members over the age of 65 will receive a General Hunting Permit free of charge. Individuals claiming such permits will be allowed vehicle access into certain hunting zones. If an elderly tag holder is using helpers, the helpers cannot possess firearms in Zone 2A East. The tag holder can have up to 2 helpers, they must be a Member and/or Descendant.
- a. Elderly descendants over the age of 65 can purchase a Subsistence General Hunting Permit for \$20.00. Individuals claiming such permits will be allowed vehicle access into certain hunting zones. If an elderly tag holder is using helpers, the helpers cannot possess firearms in Zone 2A East. The tag holder can have up to 2 helpers and they must be a Member and/or Descendant.
- B. **HANDICAPPED** – Members claiming handicap status must complete Handicap/Disabled application for permanent limited mobility. Must provide the department with a Current/Up-to-date Blue or Red Handicap Placard or produce vehicle registration with handicap status.
- b. Handicap Member are \$20. Individuals claiming such permits will be allowed access into certain hunting Zones. If the handicap tag holder is using helpers, they helpers cannot possess firearms in Zone 2A East. The tag holder can have up to 2 helpers and they must be a Member and/or Descendant.

All Documentation Will Be Evaluated Prior to Receiving a Handicap Permit & Elderly Permit

Section 11. INTERFERING WITH AN OFFICER OR DEPARTMENT OFFICIAL

It shall be unlawful for any person to willfully interfere with the performance of a law enforcement officer or Department Official engaging in duties of the Department.

Section 12. DETERMINE IDENTITY

Any authorized officer, who has reasonable grounds to believe, that a person has violated a provision of this Code, either in or out of the officer's presence, shall identify himself or herself to such person or promptly determine if the person is a member or non-member. In making such determination, the officer may demand identification and ask such questions as the officer reasonably believes are necessary to make the determination.

Section 13. TAKE OR POSSESS WILDLIFE DURING CLOSED OF SEASON

It shall be unlawful for any person to take or possess of wildlife during closed of season.

Section 14. TEMPORARY ADDITIONS TO RULES, TEMPORARY CLOSURES, ETC.

The Department may, by regulation, promulgate temporary additions to these General Rules, i.e. temporary prohibition on gathering, recreating, hunting, trapping, or fishing of any species; subject to the approval of the Blackfeet Tribal Business Council.

Section 15. TEMPORARY AREA OR SPECIES CLOSURES

The Department may establish temporary area or species closures.

CHAPTER 4

BEARS

Blackfeet Fish and Wildlife Department has listed the grizzly bear as a Culturally Important Species.

Section 1. SANITATION IN BEAR COUNTY

Due to the bear problems that may occur beginning in the early spring of the year and ending usually in late autumn, we are being reminded that measures need to be made to ensure the safety of all persons, and the protection and preservation of bears.

The Blackfeet Fish and Wildlife Department has identified and listed the grizzly bear as a Culturally Important Species.

A. Food Stuffs

1. All persons shall make all food, including garbage, bird feeders, livestock and pet food (excluding hay), unavailable to bears.
2. During daylight hours all camps shall be attended or food shall be stored in a bear resistant manner.
3. While camping, all food not in use or being prepared shall be stored in a bear resistant manner.

B. Commercially operated food businesses

1. Shall ensure that all bear resistant receptacles/garbage containers are closed in a way that will not attract bears.
2. There shall be no dumping of food, bi-products and packaging, except in designated bear resistant receptacle.
3. All commercial facilities that grill outdoors shall have a bear resistant enclosure or fence preventing bears from gaining access to such.
4. Shall use bear resistant garbage containers when storing garbage outside.

C. Garbage – Residential

Garbage shall be removed and placed in a designated garbage container and properly closed. In areas where there is a bear resistant garbage container, it will be monitored for overflow and closure.

D. Gut Piles

Big game gut piles shall be removed at least 100 yards from any camp or designated hiking trail.

E. Carcasses

Big game carcasses shall be removed from the field as soon as possible. If left overnight, carcasses shall be stored in a bear resistant manner if possible. If a grizzly bear claims a hunter's big game carcass the hunter shall contact the Department. Upon investigation, the hunter may be issued a replacement (members and descendants only) tag.

Livestock owners shall be required to dispose of livestock carcasses in a manner that will not attract bears into a conflict situation with people. Carcasses shall be removed to a remote area; more than 1/2 mile from any residence, calving area, or occupied corrals. If this is not possible, the livestock owner, shall contact the Department, who will arrange for removal and/or relocation of the carcass.

F. Closures

It shall be unlawful to disobey warning signs regarding closures due to bear danger.

Section 2. Bear Control

A. Special Black Bear Predator Control Measures Definitions. Control measures are the capturing of nuisance black bears on tribal or private land, relocating the bear to public wild land areas, placing of nuisance bears in captivity or to euthanize nuisance bears. Nuisance black bears are those which constitute a demonstrable but non-immediate threat to human safety, or who have committed significant depredations to lawfully present livestock.

B. Taking of Grizzly Bear. It shall be illegal to kill a grizzly bear except in self-defense, which means the life of a person is in immediate threat. Any killing of a grizzly bear is to be reported to a game warden within 24 hours, and it shall be unlawful to fail to report an illegal take. The Director is to report each taking to the U.S. Fish and Wildlife Service.

It shall be illegal to kill a grizzly bear except in self-defense, which means the life of a person is in immediate threat.

C. Taking by Tribal Game Warden. The Director may authorize the capture or killing of a nuisance bear. In making this determination and carrying it out, the Director is to consider federal guidelines relating to bear control actions. The Director shall notify the U.S. Fish and Wildlife Service of any action taken regarding a nuisance grizzly bear.

A black bear may be killed in self-defense or defense of property, including livestock if a person's life is immediately threatened or if the black bear is in the act of attacking livestock or destroying property. Any killing of a black bear in self-defense or defense of property shall be reported to a game warden within 24 hours.

Authorized Department officials may pursue, capture, or collect bears for scientific or research purposes. The Director will report each taking of a grizzly bear to the U.S. Fish and Wildlife Service.

D. Possession. Tribal Game Wardens are authorized, for scientific, research or educational purposes, to possess, deliver, carry, transport, ship, export, or receive taken bears.

E. Disposal. The Director of the Department shall have broad discretion in the management and

disposal of any problem bear as determined by the Fish and Wildlife Department.

- F. Bears Other Than Grizzlies. Bears, other than grizzlies, shall be controlled in the same manner as grizzly bears except that the U.S. Fish and Wildlife Service need not be notified.

Section 3. Killing Big Game in Self-Defense or in Defense of Others

- A. If there is a demonstrable threat to human safety, a big game animal may be killed in self-defense or in defense of others, provided that it shall be unlawful to fail to report any such killing of a big game animal to a Game Warden within (24) hours. In the event of a wounded animal, the reporting requirements are the same as above.
- B. If killing of big game animal is determined to not be in self-defense APPENDIX B – LIQUIDATED DAMAGES AMOUNTS will be used to determine fine.

CHAPTER 5

PREDATOR

Section 1. Predator Control Measures

A. Wolves

1. **Definitions** - Control measures are the capturing of problem wolves on tribal or private land, collaring and releasing or relocating problem wolves to public wild land areas, the placing of problem wolves in captivity or euthanized problem wolves. A problem wolf is a wolf that has committed depredations to lawfully present livestock.
2. **Taking by Tribal Game Warden** – The Department Director may authorize the capture or allow a nuisance wolf to be euthanized. In making this determination and carrying it out, the Department Director is to consider federal guidelines relating to wolf control actions and the Blackfeet Wolf Management Plan. The Department Director shall notify the U.S. Fish and Wildlife Service of any action taken regarding a nuisance wolf.
3. **Possession** - Tribal game wardens are authorized, for scientific or research purposes, to possess, deliver, carry, transport, ship, export, or receive wolves.
4. **Disposal** - The Department Director shall have broad discretion in the management and disposal of any problem wolf as determined by the Department and the Blackfeet Wolf Management Plan.

B. Mountain Lions

Special hunting permit seasons, limits or special conditions shall be determined in annual regulations promulgated pursuant to these rules.

1. **Definitions** - Control measures are the capturing of nuisance mountain lions on tribal or private land, or euthanizing nuisance mountain lions. Nuisance mountain lions are those which constitute a demonstrable but non-immediate threat to human safety, or who have committed depredations to lawfully present livestock.
2. **Taking by Tribal Game Warden** – The Department Director may authorize the capture of or allow a nuisance mountain lion to be euthanized.
3. **Possession** - Tribal game wardens are authorized, for scientific, research or educational purposes, to possess, deliver, carry, transport, ship, export, or receive taken mountain lions.
4. **Disposal** - The Director of Department shall have broad discretion in the management and disposal of any problem mountain lion as determined by the Department.

Section 2. GENERAL RULES REGARDING PREDATOR CONTROL

- A. **Limits on Control.** Control shall be limited strictly to the troublesome species and to the locality where substantial damage or danger of such damage exists. Insofar as practical, every effort shall be

made to take only the particular animal or animals, which is responsible for the damage.

- B. Distribution and Use of Poison. Poisoning wildlife is prohibited.
- C. Report of Depredation. Any depredation shall be reported to the Department as soon as possible.
- D. Investigation of Depredations. The Department will investigate any depredation reported. The Department may request technical assistance from any federal agency or department in order to perform a proper investigation or to undertake a control measure.
- E. Anti-Depredation Measures. The Department may recommend to ranchers, farmers and residents in areas which may be subject to depredations, measures which may be taken to decrease or eliminate depredations.
- F. Use of Spring or Set Guns or any other such Devices. It shall be unlawful to use spring or set guns or any other such devices regarding the control of predators.
- G. Agreement with Department of Agriculture. The Department is authorized to negotiate with the Animal Plant Health Inspection Service of the Department of Agriculture, an agreement providing for the services of their Animal Damage Control personnel on the Reservation. Any agreement will provide for notification of the Director of the Department of any activity and shall not be in effect until approved by the Blackfeet Tribal Business Council.
- H. Aerial Control or Capture. Game Wardens and other law enforcement officers or predator control contractors shall be allowed to hunt or capture animals from an airplane, helicopter or other aerial device while performing an official function otherwise allowable under these rules.

CHAPTER 6

HUNTING - BIG GAME RULES - Liquidated Damage Amounts are listed in Appendix A

The Department and Council regulate hunting on an annual basis. Seasons, quotas, cost of license/permit and special conditions shall be determined by Annual Regulations promulgated according to these rules. All members will need to possess a Subsistence Hunting Permit as required.

Section 1. GENERAL HUNTING RULES

1. All Big Game Rifle Hunters shall wear a minimum of 400 square inches of hunter orange. Hunter orange must be visible enough to be seen by other hunters.
2. Designated Hunting Zone – shall be established and subject to such conditions as may be determined by Annual Regulations promulgated pursuant to these rules.
3. Designated Hunting Staging Areas – shall be established and subject to such conditions as may be determined by Annual Regulations promulgated pursuant to these rules.
4. Shooting from or Across Right-of-Way. No person shall discharge a firearm from or across any road or railroad right-of-way.
5. Shooting Close to a House. No person shall shoot or attempt to shoot any animal within 440 yards of any occupied residence or building. This shall not apply to the landowner or resident of the occupied residence or building.
6. Shooting Within a Town or Residential Area. No person shall shoot or attempt to shoot any animal within the limits of a town or residential area. The Council shall determine by annual regulations, the exact description of any town or residential area within the Reservation. Law enforcement officers and/or Game Wardens shall be exempt from the provision of this rule, when performing their duties.
7. Shooting near Recreational Area and/or lake. It is unlawful to hunt small game with High Power Rifles within 1,000 yards of a Recreational Area and/or lake. This does not include waterfowl hunters.
8. Hunting Hours - No hunting shall be allowed between ½ hour after sunset and ½ hour before sunrise.
9. Young Animals – No person shall hunt or shoot animals less than one-year-old.
10. Baiting - No person shall use bait while hunting, such as wildlife carcass, salt, grain, or any other food attractant.
11. Hunting While Under the Influence of Alcohol/Drugs - No person shall hunt while under the influence of alcohol or other substances. Intoxication shall be determined according to the definition of intoxication and methods of proof acceptable in Tribal Court.
12. Concealing Sex of Animal - Proof of sex must remain attached until the carcass is processed.
13. Spotlighting and Night Scopes - No person shall use any artificial light, night scope, or similar device for the hunting of big game.

14. Drone: No person shall hunt or harass wildlife with a drone.
15. Aerial Hunting - No person shall be hunt, capture or harass wildlife from any airplane, helicopter, or other aerial device. Any violation of this rule shall be reported to the Federal Aviation Authority.
16. Use of Dogs - No person shall hunt or harass wildlife with dogs except the following hunts: raccoon, mountain lion, upland game birds or migratory waterfowl. Dog owners shall be liable for any damages resulting to wildlife, livestock and/or property.
17. Use of Cross Bows for hunting shall be illegal.
18. It is unlawful to hunt and/or trap wildlife without a license.
19. **Big Game must be tagged immediately after kill.**
 - a. General Hunting License/Tags and Non-Tribal Member Special Big Game Hunting License/tags are non-transferable. Each hunter must shoot and tag his/her own animal.
20. It shall be unlawful to disobey season and limits.
21. Export Permit and/or Transport Permit – All hunters and trappers shall obtain an export permit and/or transport permit from the Department in order to take animal parts or meat off the Reservation.

CHAPTER 7

TRAPPING AND HUNTING OF FUR BEARERS

Furbearers shall be lynx, wolverines, bobcats, weasels, muskrats, beavers, pine martens, mink, coyotes, swift fox, red fox, raccoons, otters and skunks.

The Blackfeet Fish and Wildlife Department has listed wolverine, lynx, fisher and Bull Trout as a Blackfeet Endangered Species.

Section 1. Trapping and Hunting of Furbearers

- A. Trapping - Members shall trap furbearing wildlife on the Reservation provided they obtain a Trapping License. Trapping seasons, quotas, the cost of permits and special conditions for furbearer hunting permits shall be determined by regulations promulgated according to these rules. It shall be unlawful for Members to trap without a permit.
- B. Hunting – Members shall hunt furbearing animals on the Reservation provided they obtain a permit. Hunting seasons, quotas, the cost of permits, and special conditions for furbearer hunting shall be determined by Annual Regulations promulgated according to these rules. It shall be unlawful for any member to hunt furbearers without a License.
- C. Hunting or Trapping Furbearers with a Non-Tribal Member – It shall be unlawful for any member to hunt or trap furbearers with a Non-Tribal Member.
- D. Tags - Tags may be issued and shall be determined by regulations promulgated according to these rules. The tags must be affixed to the hide until the hide is processed. It shall be unlawful to fail to affix the tag.
- E. Logs – Trapping and hunting logs of furbearers shall be accurate and turned into the Department after season.

Section 2. Non-Tribal Member (Resident of Reservation) Trapping and Hunting of Furbearers

- A. Beaver - A Non-Tribal Member may trap beavers causing damage to his own property only after notifying a Game Warden of the problem. The Game Warden shall contact a member to trap the beaver, if the member has not taken the beaver within a specified time period, the Department may issue a special permit for the Non-Tribal Member.
- B. Coyote – A Non-Tribal Member may hunt coyotes causing damage to their property only after notifying a Game Warden of the problem. It shall be illegal to take coyotes using traps, take by hunting only.
- C. Spouses of Members-Permits - Spouses of Members shall be eligible for special permits to hunt or trap furbearers. The enrolled Member spouse must apply for the permit. Hunting or trapping seasons, quotas, the cost of permits, and special conditions for these special permits shall be determined by regulations promulgated according to these rules.
- D. Spouse of Non-Tribal Member Tags - Non-Tribal Member spouse will comply with tag requirements.

Section 3. Quotas for Reservation

The Department, is authorized to consult the federal and state officials regarding the setting of quotas and distribution of tags, for the trapping of bobcat and lynx, with approval of the Council.

CHAPTER 8

SMALL GAME HUNTING

Small Game – Rabbits, squirrels, and other land animals not considered big games, are small game animals, unless they are listed as furbearers.

Section 1. Small Game Hunting by Members and Descendants

Members and descendants may hunt small game on the Blackfeet Reservation subject to such conditions as may be determined by regulations promulgated pursuant to these rules.

Section 2. Small Game Hunting by Non-Tribal Members

It shall be unlawful for Non-Tribal Members to hunt small game on the Blackfeet Reservation, unless listed in this chapter.

Section 4. Temporary Area or Species Closures

The Department may establish temporary area or species closures.

Section 5. Hunting of Ground Squirrels by Non-Tribal Members

It shall be unlawful for Non-Tribal Members to hunt ground squirrels (*Urocitellus sps.*) on the Reservation without a permit. Permits are subject to such conditions as may be determined by annual regulations promulgated pursuant to these rules.

CHAPTER 9

BUFFALO HUNTING – The Blackfeet Buffalo Program is the department who manages the tribal herds. They shall determine if there will be or when a hunt will take place.

Section 1. Buffalo Hunting by Members and Descendants

Members and descendants may hunt buffalo on the Blackfeet Reservation subject to such conditions as may be determined by regulations promulgated pursuant to these rules. Special Lottery Hunts may be regulated for Members and/or Descendants.

Section 2. Buffalo Hunting by Non-Tribal Members

It shall be unlawful for Non-Tribal Members to hunt buffalo on the Blackfeet Reservation, unless listed in this chapter.

Section 4. Temporary Area or Species Closures

The Department may establish temporary area or species closures.

Section 5. Hunting of Buffalo by Members, Descendants and Non-Tribal Members

It shall be unlawful for Members, Descendants and/or Non-Tribal Members to hunt buffalo on the Reservation without a permit. Permits are subject to such conditions as may be determined by annual regulations promulgated pursuant to these rules.

CHAPTER 10

BIRDS

Section 1. Injuring or Harassing Bird Nests

No person shall take, injure or harass any bird upon its nest, or remove the nest or eggs of any bird, except as may occur in normal horticultural and agricultural practices.

Section 2. Sale of Birds

The sale of birds or any parts of birds is prohibited, provided that parts of birds may be used in traditional crafts, and the finished article may then be sold.

Section 3. Rules Regarding Taking of Particular Birds

- A. Song and Insectivorous Birds - The killing of birds other than game birds is prohibited. It shall be unlawful for any person or persons on the Blackfeet Reservation to shoot, take, ensnare, or trap for the purpose of killing or in any other manner to injure or destroy any bird whose principal food consists of insects. Members may use the feathers of dead birds for traditional crafts.
- B. Hawks and Owls (all Raptors) - The hunting or harassing of all species of hawks and owls and all raptors is prohibited.
- C. Eagles - The hunting or harassing of bald and golden eagles is prohibited.

Section 4. Hunting of Upland Game Birds – Members and descendants shall hunt Upland Game Birds without a license. Non-Tribal Members may hunt Upland Game Birds with a Non-Tribal Member license.

Section 5. Hunting of Migratory Waterfowl Game Birds

All Migratory Waterfowl hunters shall possess a **Federal Waterfowl Stamp**.

- A. Federal Flyway Regulations - All Federal Flyway Regulations shall apply, unless specified otherwise by regulation.
- B. Hunting Methods - No person shall hunt or take migratory waterfowl game birds other than with a shotgun, 10 gauge or smaller. The use of artificial bird decoys is permitted.
- C. Identification - Field dressed birds shall have one wing attached for identification.
- D. Lead Shot Prohibited - The use of lead shot will be prohibited.
- E. Hunting hours - No hunting shall be allowed after ½ hour after sunset and ½ hour before sunrise.
- F. Migratory Waterfowl Species – Ducks (including Mergansers)

Section 7. Hunting Seasons, Zones, License Cost, Closures and Refuges

Hunting seasons, hunting zones, license cost, closures and refuges for specific species and may be promulgated by the Fish and Wildlife Department and will be displayed in the Annual Regulations.

CHAPTER 11

FISH

The Blackfeet Fish and Wildlife Department has listed wolverine, lynx, fisher and Bull Trout as a Blackfeet Endangered Species.

Section 1. Fishing – Fishing license, season, hours, methods, species daily limits, introduction of fish, catch-and-release and closed areas

- A. Stream Fishing Season - The stream fishing season for Non-Tribal Members shall be established by annual regulation.
- B. Fishing Methods - Fish shall not be taken by any manner except with one line and pole under immediate control by a Non-Tribal Member. Fishing will be allowed by using only one rod or line with no more than two hooks. Exceptions include the use of two rods or lines with no more than two hooks per line while fishing through the ice. All lines must be within immediate control of the angler.
- C. Fishing License - Non-Tribal Members twelve years of age and over must have in their possession a valid fishing license, which MUST be presented to a Game Warden upon request, and may not be transferred. A Non-Tribal Member child under the age of 12 may fish or recreate without a license when accompanied by a licensed adult; but must observe all fishing rule, regulations and their combined catch must not exceed the legal limit for one individual. Permit fees will be determined by annual regulations. Members and Descendants may fish without permits.

Section 2. General Fishing Regulations

Blackfeet Aquatic Invasive Species Act – ORDANANCE 113A – will be strictly enforced.

- A. Fishing Hours – No fishing shall be allowed ½ hour after sunset and ½ hour before sunrise. In addition, no watercraft, ice house, icehouse, all-terrain vehicle, or snowmobile shall be on a lake ½ hour after sunset or ½ hour before sunrise.
- B. Fishing Methods – The taking of fish is permitted by hook and line only.
- C. Introduction of Fish - **No** person shall fish with **live minnows** or empty live minnow buckets into water on the Reservation. No person may hold any live fish in a live well, bucket, cooler, or any other device used for the purpose of live transport while traveling into, away from, or within the exterior boundaries of the Reservation without authorization from the Fish and Wildlife Director.
- D. Chumming – No person shall use chopped fish or introduce into the water any food substance or matter that may concentrate or attract fish.
- E. Ice Fishing Holes - No person, including members, shall cut ice holes of more than twelve (12) inches in diameter for ice fishing. Chainsaws are prohibited for use in creating ice fishing holes.
- F. Ice Fishing Houses - No person shall allow an ice fishing house to be frozen on any lake, fail to identify an ice-fishing house, or leave an icehouse on a lake for a period longer than 24 hours.

G. Seasons and Limits - Seasons and limits will be determined by Annual Regulation. **LIQUIDATED DAMAGE AMOUNTS Appendix A.**

- Measuring of Fish – Method used to determine the total length of is to measure tip of snout to tip of tail.
- H. It shall be unlawful to filet or otherwise process any fish in possession at any lake or stream in a manner that would prevent a Game Warden from a proper measurement.
- I. Human Waste - It is unlawful to urinate or defecate within the high water mark of any stream or lake.
- J. Littering - It shall be unlawful to litter on the Blackfeet Reservation.
- K. Bull Trout - It shall be unlawful to take or be in possession of Bull Trout; except Duck Lake where they were stocked.
- L. It shall be unlawful to net or seine fish from Lower St. Mary Lake.
- M. Felt bottom boot/waders – Prohibited.
- N. Lake Aerators – The Department uses aerators on some Reservation lakes, use caution and beware of open water and ice conditions during winter. Interference with any Department gear and/or equipment such as weir, buoy, or other property is prohibited.
- O. No aircraft shall land upon lakes or reservoirs on the Blackfeet Reservation, exception would include emergency landing.
- P. Vehicles are prohibited on frozen lakes and streams. Any vehicle falling through the ice shall be subject to an environmental assessment of cleanup costs and fined. (Excerpt 2014-90 – Automobile). If a vehicle falls through the ice a \$1000.00 fine will be assessed per day, if no arrangements have been made after two days, Department will take whatever steps necessary to extract the vehicle and registered owner/violator will be charged by Department.
- Q. Catch-and-Release and Closed Areas:
1. Catch-and-Release only fishing for Cutthroat Trout on Midvale Creek, tributary to the Two Medicine River.
 2. Catch-and-Release only fishing for Cutthroat Trout on Wild Creek, tributary to the St. Mary River.
 3. All feeder canals and streams flowing into the following waters shall be CLOSED to fishing from March 15 until the 3rd Saturday in May:
 - Dog Gun Lake (Deep Creek)
 - Four Horns Lake (entire Four Horns Feeder Canal)
 - Mission Lake (Feeder Canal from the Two Medicine Main Canal to mouth)
 - Kipp Lake (Feeder Canal from Willow Creek to mouth)

- Hidden Lake

4. Flattop Lake and Goose Lake shall be closed to fishing during General Hunting Season.

Section 3. Fishing Derbies or Contests

Any Member organizing or sponsoring a fishing derby or contest shall complete a Request Form and provide the Department with fourteen (14) calendar day notice of the planned event. A tribal fishing permit requirement may be waived for the derby only. A \$200 deposit (cashier check) shall be paid to the Tribal Finance Office prior to the event, \$100 may be returned to the organization or sponsor upon final inspection of the lake for cleaning.

FISHING CONTEST RULES AND REGULATIONS:

(These rules do not pertain to a Tribal or Department sponsored event which will have rules and regulations specifically approved by the Department and BFWD Commission)

1. Fishing contests and contestants must comply with all fishing rules and regulations.
2. Winners of fishing contests or derbies shall only be determined by:
 - a. Greatest length of a single fish
 - b. Greatest weight of a single fish
 - c. Or a combination of both a. and b.
 - d. **No contest will be allowed in which the winner is determined by catching the most total fish or having the greatest total weight of harvested fish.**
3. No contests may be held in rivers or streams.
4. Fishing contests may only be held on waters stocked by the Department with sport fish for recreation opportunity. Consult the Department for a list of stocked waters.
5. No contest will be allowed involving catching or harvesting of any listed species of special concern i.e. Bull Trout.
6. Organizers of a fishing contest must provide sanitary latrines and trash can during fishing contests for participants. Organizers of fishing contests must remove all trash and litter at the fishing contest site within twenty-four (24) hours of the completion of the derby or forfeit the refundable \$100.00 deposit.
7. Organizers of fishing contests must submit a Fishing Contest Report detailing the results of the contest, to the Blackfeet Fish and Wildlife Department within fourteen (14) days of the completion of the contest.

8. Non-Compliance of Department Fishing Contest Rules and Regulations may result in the loss of any future fishing contest opportunities by an organizer or organization.
9. Fishing Derbies shall not occur during consecutive years on the same lake except Twin Lakes.
10. Fishing derbies will occur at the discretion of the Blackfeet Fish and Wildlife Department.
11. The Department promotes alcohol and drug free events.

Section 4. Temporary Species and Area Closures

Temporary species closures and area closures may be established by Annual Regulations. The Department may declare any stream or lake closed to fishing for a period up to fifteen (15) days in order to protect fish recently introduced.

CHAPTER 12

OUTFITTERS

Section 1. Determination of What Constitutes Consideration

The providing of services, property, or equipment mentioned in definitions under Outfitters or the advertising of services to assist persons to hunt, pursue, or take wildlife or to fish, for consideration, provides any saddle or pack animal or personal services for Big Game Hunting, fishing parties or camping equipment, vehicles, or other conveyance, eco-tourism, or for any Non-Tribal Member to photograph any game or to fish, shall be presumed for consideration.

The Blackfeet Tribal Business Council is the governing body over the Reservation. They determine what constitutes an Outfitting Business: business providing equipment, supplies, and guides. No outfitter will operate without being reviewed by the BTBC and passed under General council resolution.

Section 2. License Requirements

- A. No person may act as an outfitter or guide, or advertise as an outfitter for the Department (Blackfeet Indian Reservation) without first securing a license in accordance with the provisions of this part.
- B. A person who is requesting an Outfitter License through the Department shall provide a Business Plan showing their intent of operations.
- C. Whenever an outfitter enters a contract with any person, the outfitter shall keep and submit records as required by the Department.
- D. Outfitters will hire and train only enrolled members or descendants of the Blackfeet Tribe as Guides.
- E. Each Outfitter or Guide will accompany no more than two participants per Outfitter or Professional Guide at any one time while hunting or fishing.
- F. Outfitters will furnish liability insurance covering himself, his employees, and participants while assisting participants as follows: Property damage, \$10,000.00 per accident, \$100,000.00 per person/incident and \$300,000.00 for more than three people per incident.
- G. Outfitters and their employees may not shoot, kill, take game animals or fish for or in competition with; those who have employed them, while acting under employment as an Outfitter or Guide.
- H. Outfitters utilizing lands under the control of the United States Government or the Blackfeet Tribe shall obtain the proper permits required by the Government Office or Tribal Department responsible for the area in which the Outfitter intends to operate and shall comply with environmental protection standards established for these lands.
- I. An Outfitter may not willfully misrepresent his facilities, price, equipment, services of hunting and/or fishing opportunities.
- J. Outfitters and their employees shall take every reasonable measure to provide their advertised

services to their clients.

- K. Outfitters will not acquire exclusive rights to lands and waters that would restrict other member outfitters from having a fair and equitable opportunity to do so.

Section 3. Responsibility for Violation of Law

- A. Any person accompanying a hunting or fishing party as an outfitter or agent or employee of such outfitter shall be equally responsible with any person or party employing him as an outfitter, for any violation of Department Rules and Regulations. Any such outfitter or employee of such outfitter who shall willfully fail to or refuse to report any violation shall be liable to the penalties as herein provided. If any guide commits any violation of the Departments Rules and Regulations to fish and wildlife, or guides with actual or implied knowledge of such violation, by his participants, the outfitter who employed the guide is also legally responsible for such violation for all purposes under the Department laws or regulations if the outfitter fails to report any such violation to proper authorities.
- B. No person may hire or retain any outfitter or guide unless the outfitter or guide is currently licensed in accordance with the laws of the Department and the Blackfeet Tribe.

Section 4. Outfitter Qualifications

Each applicant for, and holder of an Outfitter License, or any renewal thereof shall, in the opinion of the Council shall meet the following requirements:

- A. Be a Member of the Blackfeet tribe at least 18 years of age who is physically capable and mentally competent to perform their duties as an outfitter and reside on the Blackfeet reservation year round;
- B. Own or hold under written lease the equipment and facilities as are necessary to provide the services advertised, contracted for, or agreed upon between the Outfitter and their clients (all equipment and facilities shall be subject to inspection at all times by the Department or its designated agent);
- C. Be a person who has demonstrated a respect for and compliance with the Rules and Regulations of the Department, Blackfeet Tribal Law Enforcement, Blackfeet Tribe, and all rules promulgated hereunder as to matters of Fish and Game;
- D. Have not been convicted or forfeited bond of \$100.00 or more on more than one violation of the fish and game laws or applicable regulations of the Blackfeet Tribe or the United States, within the past five (5) years;
- E. Have not, at any time, practiced fraud, deception, or material misrepresentation in procuring any previous outfitter's or guide's license;
- F. Have not, at any time promulgated any false or misleading advertising relating to the business of outfitting;
- G. Have not been adjudged by a court of law guilty of any substantial breach of written or oral contract with any person utilizing the applicant's services as an outfitter or guide during the license year immediately preceding that for which the application is made;

- H. Have not committed any negligent act or misconduct while acting as an Outfitter or Guide that caused a danger or unreasonable risk of danger to person or property of any client of such outfitter or guide during the license year immediately preceding that for which the application is made;
- I. No person may apply for or hold an Outfitter License during any period of time in which a sentence has been deferred or suspended for a conviction within 5 years;
- J. Have substantially complied with all department rules and regulations and Tribal and Federal laws concerning outfitters and guides, if the applicant has previously held a license as an outfitter or guide.

Section 5. Guide's Qualifications

A Guide shall meet the following requirements:

- A. Be a Member or Descendant of the Blackfeet Tribe of at least 18 years of age who is physically capable and mentally competent to perform the duties of a guide
- B. Be endorsed and recommended by an outfitter with a valid Department Outfitter License;
- C. Have not been convicted or forfeited bond of \$100.00 or more on more than one violation of the fish and game laws or applicable regulations of the Blackfeet Tribe or the United States, within the past five (5) years.
- D. Have not committed any gross negligent act or misconduct while acting as a guide that caused an accident or injury to person or property of any client of an outfitter during the license year immediately preceding that for which the application is made;
- E. No person may apply for or hold a guide's license during any period of time in which a sentence has been deferred or suspended for a conviction within 5 years.

Section 6. Application

- A. Each applicant for an Outfitter License shall complete the form furnished by the Department which shall include:
 - 1. The applicant's full name, residence, address, driver's license number, birth date, physical description, and telephone number.
 - 2. The address of their principal place of business; The individual must reside on the Blackfeet reservation 100% of the year to qualify for outfitting.
 - 3. Business Plan of what services their Outfitting Business will be providing;
 - 4. The amount and kind of property and equipment owned and used in the outfitting business of the applicant, if an outfitter's license application is involved;
 - 5. The experience of the applicant, including years of experience as an outfitter or professional

guide, knowledge of areas in which he has operated and intends to operate, and ability to cope with weather conditions and terrain;

6. An affidavit by the outfitter to the Department that the equipment listed on the application is in fact is owned or leased by the applicant, is in good operating conditions, and is sufficient and satisfactory for the services advertised or contemplated to be performed by such applicant.
- B. Application for outfitter's license shall be in the name of an individual person only. Any revocation of suspension of such a license is binding upon the individual person of which the license was originally issued.
- C. Application shall be made to and filed with the Department.
- D. Only one application for an Outfitter License may be made in any one license year. If any application is denied, subsequent application by the same applicant for the license year involved are void.

Section 7. Outfitter's Examination

Each applicant for an outfitter's license shall pass a standard examination administered by the Director or an agent designated by him, which examination shall require general and sufficient knowledge displaying and indicating ability to perform the services contemplated with efficiency and with safety to the health and welfare of persons employing such services. The examination shall test the applicant's knowledge of subjects, which shall apply to the type of license applied for in the following subjects:

- A. Department Code, Department Annual Regulations and Federal Fish and Wildlife Laws
- B. Practical woodsman and/or outdoorsmen ship, if applicable
- C. General knowledge of wildlife species and their habitat on the Reservation, if applicable.
- D. Field preparation of wildlife, if applicable
- E. Care of game meat, if applicable
- F. Use of outfitter's gear, as listed on the application, if applicable
- G. Knowledge of the Blackfeet Reservation
- H. Knowledge of Firearms, if applicable
- I. Knowledge and training in First Aid and CPR
- J. Boat Safety, if applicable
- K. Water Safety, if applicable
- L. Care and Safety of Livestock, if applicable

Section 8. Quotas and Fees

The Department shall determine how many outfitters' licenses will be awarded and the fee associated. All revenue including tips and fees shall be reported from the outfitter to BFWD before a new license is issued for the next year of outfitting. All resources taken from the land shall be reported during renewal process.

Section 9. Investigation of Applicant - Issuance of Denial and Renewal

- A. The Department may deny or refuse to issue any new license or to renew any previous if, in their opinion, the applicant does not meet the qualifications.
- B. A license in good standing is entitled to a renewal upon complying with all provisions of the Blackfeet Code and completing an application for license renewal on or before December 1, prior to the license year. Application for renewal must be accompanied by certified check or credit card payable to the Department for the license fee. Renewals are exempt from taking the Outfitters' examination.
- C. An outfitter licensee must make an application for license renewal on or before December 1, prior to the license year for which he/she is requesting renewal. A penalty fee of \$50.00 will be charged in addition to the regular outfitter's license fee if the application for such license is not completed by December 1, as stated above. The subsection does not apply to a new applicant for an outfitter's license.

Section 10. Kinds of License

- A. After receipt of the application and when all conditions and requirements of this part have been satisfied, the Department may issue one of the following licenses, depending upon their determination of the applicant's ability and service that the applicant can perform with the equipment listed on his/her application:
 - 1. A general license authorizing him/her to perform all the functions of an Outfitter as Tribal law allows at the present time, such as outfitting for fishing, waterfowl hunting and upland bird hunting and/or Big Game hunting;
 - 2. A special license authorizing him/her to perform only the function of outfitting listed on the license;
- B. The license shall be in the form prescribed and shall be valid for the licensing year in which issued.
- C. If the application is denied, the director shall notify the applicant in writing of the reasons for the denial.

Section 11. Grounds for Suspension or Revocation of License

A license may be suspended or revoked upon any of the following grounds:

- A. Having ceased to meet all of the qualifications for holding a license.

- B. Fraud or deception in procuring a license.
- C. Fraudulent or untruthful or misleading advertising.
- D. Two convictions or bond forfeitures for violation of the Blackfeet Tribal Fish and Wildlife or Outfitting Laws of regulations within any five (5) year period.
- E. A substantial breach of any contract with any person utilizing the services of the license holder provided that such breach is established as a matter of final judgment in a court of law.
- F. The willful employment of an unlicensed guide by an outfitter.
- G. Negligence or misconduct while acting as an outfitter or guide that cause an accident or injury to person or property of any client of such outfitter or guide.

Section 12. Procedure for Suspension or Revocation of License

Proceedings for the revocation or suspension of a license issued hereunder may be taken upon charge at recommendations of any person. All such charges or recommendations must be made in writing, must state the facts upon which such charge or recommendation is based, and must be signed and sworn to by the person making the charge. Any such charges shall be filed with the Department. Thereupon, the Director shall initiate a preliminary investigation of all facts in connection with the charge.

If the accusation is deemed to be unfounded or trivial, the Director shall dismiss the same and will advise the licensee charged and the complaining party of the action. Should the Director determine the charge to have good cause and to be sufficiently founded, a copy of all information shall be transmitted to the Blackfeet Fish and Wildlife Committee. The Director shall, within thirty- (30) days after the date of transmittal, set a date for the department to conduct a hearing on such charges. The Director shall notify both the outfitter or professional guide and the person making the accusation of the date, time and place of the hearing by certified letter. After a full and impartial hearing before the Fish and Wildlife Department, the Department may suspend the license for a period not to exceed three (3) years, may order the license revoked, or may dismiss the charge based on the facts shown at the hearing. A revoked or suspended license may be re-issued or reinstated at the direction of the Department.

Section 13. Appeal Procedure

Any person who feels aggrieved by the suspension or revocation of a license as an outfitter or professional guide may appeal to the Council within thirty (30) days after the suspension or revocation.

CHAPTER 13

HABITAT PROTECTION, ENHANCEMENT AND SPECIAL MANAGEMENT AREAS

Special Management Area is defined as all Blackfeet Aboriginal (Pikuni) territory. See **APPENDIX A – ZONE MAP**.

Section 1. Inspection of Habitat. Game Wardens and Biologists are to continuously inspect available wildlife habitat on tribal lands to ensure that it provides adequate food, water supply, and other factors necessary for optimum wildlife production. The program shall report to the Council regarding any habitat that needs protection or improvement.

Section 2. Visual Quotient. The Department will consider the potential effects of a proposed land development of the visual aesthetics of the area.

Section 3. Development of Tribal Lands. The Department may recommend to the Council that development activity on particular tribal lands be restricted or that the leasing or permitting of particular tribal lands be discontinued for a specific period of time, in order to prevent the destruction or improve the restoration of wildlife habitat.

Section 4. Private Lands. At the discretion of the Council, the Tribe may provide landowners who do not post their lands to prohibit hunting and fishing, with labor, materials and plants for habitat improvement projects and wildlife for stocking in lands and waters under the control of the landowner.

Section 5. Regional Habitat Planning. The Department is authorized to direct the participation by the Tribe in regional habitat planning coordination by the federal agencies of the United States and appropriate Canadian agencies, provided that all written agreements shall be submitted to the Council for approval.

Section 6. Pesticides. The use of any specific pesticide or herbicide within the Reservation may be prohibited by regulation if the Department determines that its use is detrimental to the survival of wildlife.

Section 7. Habitat Protection – Special Management Area and Special Restrictions

The Blackfeet Reservation has been separated into four distinct hunting zones. These hunting zones are managed to protect wildlife and habitat.

A. **Zone 1** – Boulder/Flattop Area and west side of Lower St. Mary Lake. Beginning from the community of St. Mary West to Glacier National Park Boundary continuing North to Sherburne Dam and the Many Glacier Roadway following the road to East and North across Moccasin Flat to the St. Mary River, continuing South back to the Bridge on Highway 89 on the South end of Babb Flat and following the Highway back to St. Mary.

1. **Rules: This area closed to vehicle use (no mechanized or motorized use year round). This area will be restricted to foot and/or horseback use only. Hunting season established.**
2. **Rules: Carrying of long gun illegal; exceptions holder of Special Lottery tag and/or Non-Member Special Hunting tag.**

B. **Zone 2** – The area along the Rocky Mountain front, beginning on the North end of the North Fork

Ranch road, and continues South to the roads intersection with Highway 464 Duck Lake Road, continues South into Browning and follows Highway 89 South, to the Southern boundary of the Reservation at Birch Creek. Birch Creek West to Swift Dam and running North back to the Canadian Border adjacent to Glacier National Park.

- a. Zone 2A West – Tower Ridge, Yellow Mountain and Chief Mountain areas, North of Many Glacier Road, to Glacier National Park Boundary, West of Highway 89 and South of Highway 17.

3. Rules: This area closed to vehicle use. All hunters will park at Staging Area. Area is closed to motorized vehicles (including ATS's) during general hunting season. This area will be restricted to foot and horseback use only.

- b. Zone 2A East – Starting at the Junction of Highway 89 and Montana 464 at St. Mary River Bridge, follow Highway 89 North to the Junction of Camp Nine Road and follow the road East to the North Fork Ranch road to Junction of Montana 464.

4. Rules: This area is closed to vehicle use. All hunters will park at Staging Areas. Area is closed to motorized vehicles (including ATV's) during general hunting season. This area will be restricted to foot and horseback only, and is designated as a special hunting zone for elderly and handicap to enter by use of motorized.

- C. Zone 3 – All lands on the Eastern part of the reservation, East of the following roads: North Fork Ranch Road North straight to the Canadian Border and East of Montana 464 and Highway 89 to the Southern Boundary of the reservation.

5. Rules: Zone 3 is a Special Subsistence Hunting Area. Subsistence hunting is allowed after general hunting season for the harvest of antler bull or buck, closing 1st Sunday of March through 3rd Sunday of July. No tags required, but all takes must be reported to the Department within 24 hours.

- D. Zone 4 – All Lands South of BIA Route 2, (East Glacier to Heart Butte Cut-Across Road) beginning with its intersection of Highway 2 just West of East Glacier, continuing East towards the Junction of the Dog Gun Lake Road, South to the Lewis and Clark National Forest Boundary and back North to Highway 2.

6. Rules: Zone 4 is designated Bow hunting for Tribal Members only.

Section 8. Special Management Conditions.

The Department may establish special Management Conditions for all or any portion of the Reservation for special management consideration. The Director shall be responsible for posting and maintaining signs notifying all persons of any special conditions established for any particular area.

Section 9. Year Around Hunting Management Area.

Season, quotas, cost of permits and special conditions shall be determined by Annual Regulations promulgated according to these rules.

- The Department shall designate areas for Subsistence Hunting.
- Hunting zones, closure of hunting for specific species and temporary area closures may be promulgated by the Department and displayed in the Annual Regulations.

CHAPTER 14

LICENSE/PERMIT

Section 1. Online License Program – Native American Game and Fish Application

- A. The Department has implemented an Online License Program through the Native American Game and Fish Application, from Bismarck, North Dakota winter of 2015. All License/Permits shall be acquired through our Online Application program.
- B. The department may issue a duplicate permit, provided that the person requesting such furnishes the information deemed necessary. A fee to be determined by regulation shall be collected for each duplicate permit issued.
- C. All Non-Tribal Members who intend to recreate, fish and/or hunt on the Blackfeet Reservation must have the required permit on their person while engaged in activity – Recreation/Conservation Permit.

Section 2. Non-Tribal Member License/Permit

Except if they qualify as follows, it shall be unlawful for Non-Tribal Members of the Blackfeet Tribe to hunt, shoot, transport, or possess big game. Subsistence General Hunting seasons, limits or special conditions shall be determined in Annual Regulations promulgated pursuant to these rules.

- D. Spouses of Members - Spouses of enrolled members of the Blackfeet Tribe shall be eligible for Subsistence General Hunting License. The spouse of an enrolled member must apply for the license. Subsistence General Hunting seasons, limits or special conditions shall be determined in Annual Regulations promulgated pursuant to these rules.
- E. Descendants – Descendants of the Blackfeet Tribe shall be eligible for Subsistence General Hunting License. Subsistence General Hunting seasons, limits or special conditions shall be determined in Annual Regulations promulgated pursuant to these rules.
- F. Possession and Commerce of Animal Parts Prohibited - It is unlawful for Non-Tribal Members to possess, buy, sell or offer to buy or sell wildlife parts, including but not limited to horns, antlers, claws, teeth, paws, claws, hides, feathers, bones, talons taken from the Reservation. Special seasons, limits or special conditions shall be determined in annual regulations promulgated pursuant to these rules.
- G. Gathering and/or retrieving Antlers and Mushrooms - Non-Tribal Members are prohibited in this activity.
- H. Non-Tribal Member Special Big Game Hunting – A limited number of Non-Tribal Member Special Big Game Hunting License may be issued. All tagged animals will be inspected by Game Warden. Non-Tribal Member Special Big Game Hunting season, limits or special conditions shall be determined in Annual Regulations promulgated pursuant to these rules.
- I. Non-Tribal Member Small Game Hunting License – Non-Tribal Members may purchase Small Game Hunting License which allow for the taking of ground squirrels or gophers. Permits are subject to such conditions as may be determined by Annual Regulations promulgated pursuant to these rules.

Section 3. Possession of License/Permits

It shall be unlawful for any person to fail to have Department license/permit in their possession while undertaking the permitted activity within the exterior boundaries of the Blackfeet Reservation.

CHAPTER 15

ENFORCEMENT

Section 1. Jurisdiction

Except as otherwise provided by this Code, the Blackfeet Tribe, of the Blackfeet Indian Reservation, through its Tribal Council, Tribal Court, and such other Tribal entities as are designated by Tribal law, shall have absolute, original, and exclusive jurisdiction to regulate and adjudicate all matters pertaining to wildlife found on all lands on the Reservation, whether resident or migratory, native or introduced, and all matters pertaining to the recreation resources of the Reservation.

Section 2. Penalties

A. Maximum Civil Penalties. Any person violating any rule or regulation shall be liable for a civil fine. Member hunting and fishing privileges may be suspended upon conviction of a Fish and Wildlife Regulation.

B. Determination of Liquidated Damages.

1. The Department shall prepare, and at least once per year shall review, and as necessary, revise, *a schedule of Liquidated Damage Amounts, Attachment Appendix B*, calculated to closely approximate the cost of providing equitable restitution to the Tribe for the damage which would be caused by each violation of each rule or regulation. In calculating these Liquidated Damage Amounts, the Fish & Wildlife Department may consider, in addition to any other factors they reasonably deem relevant:

- a. The cost to the Tribe for producing and/or protecting the resource.
- b. The cost of replacing or restoring the resource.
- c. The costs of enforcement, including the overall cost. Detailed by individual violations where appropriate.
- d. The loss to the Tribe of license revenues.
- e. Damages for Trespass.

1. The Department shall refer to the proposed schedule as a regulation to the Council for approval.

2. The Department shall publish the schedule of Liquidated Damage Amounts, and make it available to the public.

Similar penalties will apply for similar violations in the Blackfeet Law and Order Code.

C. Liquidated Damages Presumption

1. Since most instances the exact amount of damages caused to the Tribe by a particular

violation of this Code will be difficult or impossible to determine, it shall be presumed by the Court adjudicating a complaint for violation of this Code that the amount fixed by the schedule of Liquidated Damages Amounts represents the damages owed to the Tribe as restitution if the defendant is found to be liable. This presumption may be rebutted by competent evidence which shows to a substantial certainty that the amounts indicated by the schedule of Liquidated Damage Amounts is so excessive in a particular case as to be punitive.

2. All Non-Tribal Members shall be deemed to have consented to the liquidated damage provisions of this Code by their entry, with notice, onto the Reservation, and where applicable, by their application for tribal license/permits.

D. Punitive Damages

Nothing in this Code shall be deemed to preclude the Tribe, through its counsel, from paying for and being awarded punitive damages in any complaint filed for a violation of the rules and regulations wherein it is alleged that the violator has committed the acts constituting the violation wantonly, willfully, or maliciously.

The court, in assessing punitive damages, shall determine their amount in the same manner in which it would determine punitive damages in any other civil action.

- E. Contempt. All defendants to actions brought under this Code, whether member or Non-Tribal Member, shall be subject to the civil contempt power of the Blackfeet Tribal Court, and may be sanctioned by any means provided for in the Blackfeet Tribal Code for civil contempt, including, but not limited to imprisonment to compel compliance with a lawful court order.
- F. Revocation of Permit. In addition to other penalties, the judge may revoke the violator's license/permit and require that the violator not be eligible for further permits under these rules for any period up to five (5) years.
- G. Revocation of Permits or Leases for the Use of Tribal Lands. In addition to other penalties, the judge may request the Land Board to begin cancellation procedures for any lease or permit for the use of tribal lands owned by the violator, provided that the lease provisions clearly state that violation of these rules or regulations may subject the permittee or lease holder to cancellation procedures.
- H. Expulsion. Nothing in these rules shall be deemed to preclude the use of remedy of expulsion of Non-Tribal Members for violation of these rules and regulations and any authorized officer may follow the procedure provided by tribal law to initiate an action for expulsion in addition to or in lieu of any other enforcement procedure provided for in these rules.

Section 3. Notice

- A. Signs shall be posted conspicuously along the boundaries of the Reservation and at all major roadway points of entry putting the public on notice that:
 1. Permission to enter is conditioned on consent to Blackfeet Fish and Wildlife Department regulations regarding fishing, hunting and recreational activities.
 2. Visitors must inquire locally for license/permit and recreation information.

- B. Roadway signs shall be of sufficient size and placement to enable motorists to read them.

Section 4. Authorized Officer

The Blackfeet Fish and Wildlife Game Wardens (Montana Law Enforcement Academy trained, or higher) shall hold primary responsibility for the enforcement of these rules and regulations. At the request of a Game Warden, officials of the U.S. Fish and Wildlife Service, Bureau of Indian Affairs Law Enforcement Officers, Blackfeet Tribal Law Enforcement Officers and all other law enforcement personnel commissioned to enforce laws on the Reservation, may assist with the enforcement of these regulations.

Any authorized officer may, in addition to exercising any other powers granted by this Code:

- A. Execute warrants issued for the arrest of violators of these rules and regulations.
- B. Execute search warrants issued by the Tribal Court in matters arising under these rules and regulations.
- C. Serve subpoenas or other legal documents issued in matters arising under these rules and regulations.
- D. Seize any wildlife or fish held in violation of these rules and regulations and equipment/gear from a Non-Tribal Member until restitution is collected.
- E. Arrest with or without a warrant, any person in violation of these rules and regulations.
- F. Search all applicable conveyances and packages defined in.

Section 5. Civil and Criminal Procedure

Except as otherwise provided in this Code, the Civil and Criminal Procedure Codes of the Blackfeet Tribe, shall govern all questions of procedures arising as a result of the enforcement of these rules and regulations.

- A. Civil Complaints. Except as otherwise provided in these rules, all matters arising under these rules and regulations shall be adjudicated in the Blackfeet Tribal Court following the filing of a civil complaint naming the Blackfeet Tribe as plaintiff, by the authorized officer alleging the violation, or by the prosecutor for the Tribe.
- B. Representation of the Tribe in Actions Arising Under these Rules and Regulations. The Tribal Prosecutor or, in the case of conflict of interest, such other counsel for the Tribe as the Tribal Council may designate shall represent the Tribe in all actions arising under this Code to which the Tribe is a party, whether such actions are civil or criminal.

Section 6. Proof of Identity

- A. Failure to Offer Proof of Identity. It shall be unlawful for any person reasonably suspected of violating this Code who is able to offer proof of his identity to willfully refuse to do so to an authorized officer who, after identifying himself as such, demands such identification.
- B. Probable Tribal Member. Any person who, an authorized officer, reasonably believes to have violated this Code and who refuses to or cannot identify himself, may, if the officer has reasonable grounds to believe he is a tribal Member, be arrested and transported to the Tribal jail pursuant to

Tribal law governing the arrest of persons for citable offenses or may be subject to the Field Bond Procedures of these rules. The complaining officer shall issue and file a Notice to Appear according to the procedures of these rules, substituting for the suspected violators name a fictitious name such as John Doe.

- C. Probable Non-Tribal Member. Any person who, an authorized officer, reasonably believes to have violated this Code and who refuses to or cannot identify himself may, if the officer does not have reasonable grounds to believe that such person is a tribal member, be arrested and transported according to the procedures provided by Tribal law for the initiation of federal prosecution or expulsion and/or may be subject to the Field Bond Procedure provided by the Code. The complaining officer shall initiate such federal prosecution and/or expulsion and/or issue and file a Notice to Appear according to the procedures of this Code, substituting for the suspected violator's name a fictitious name such as Joe Doe.
- D. Determination of True Name. Upon determination of the true name of any defendant designated by a fictitious name in a complaint, the complaining officer or the prosecutor for the Tribe, shall amend the complaint to reflect the defendant's true name.

Section 7. Enforcement Procedures: Tribal Members

If after identification the suspected violator is determined to be a tribal Member, the officer shall issue him a Notice to Appear and release him unless:

- A. The Field Bond Procedures of these rules are applicable, in which case they shall be instituted before his release, or unless,
- B. The specific offense with which he is charged provided for his arrest, in which case the officer shall arrest him pursuant to the procedures provided by the Criminal Code.
- C. Criminal Violations If a member commits any offense, the Officer may elect to charge the member with a criminal violation as provided in Chapter 11, Section 5B. In addition to a criminal fine equal to the liquidated damage civil fine penalty, a member criminal violator may have imposed upon him by a Judge, a jail term of up to six (6) months.

Section 8. Enforcement Procedures: Non-Tribal Members

- A. If, after identification, the officer determines that the suspected violator is not a tribal Member; the officer shall issue to him a Notice to Appear for the violations alleged, and, if appropriate, implement the Field Bond Procedures of these rules. The officer may also detain, arrest, and transport the Non-Tribal Member suspected violator for expulsion and/or for federal or State prosecution as provided by the Criminal Code.
- B. The suspected violator shall sign the Notice to Appear and if not arrested for expulsion or federal or state prosecution shall be released.

Section 9. Searches and Seizures

- A. Any authorized officer may, without a search warrant, after the determination of exigent circumstances search any aircraft, watercraft, wagon, cars, trucks, recreational vehicles, box, game

bag, locker, tool box, barrel, ice chest, ice house, camper, camper shell, trailer, backpack, bedroll, sleeping bag, or other container or package, belonging to a member or Non-Tribal Member, if the officer has probable cause to believe that wildlife or parts thereof taken in violation of this Code, or the instrumentalities of such illegal taking, are contained therein.

- B. This section shall not be construed to permit the warrant less search of any non-mobile dwelling house or any outbuilding within the immediate area.
- C. Any authorized officer may inspect all wildlife taken, possessed, or transported on the Blackfeet Reservation, and may seize as evidence all wildlife which such officer has probable cause to believe has been taken, possessed or transported in violation of this Code, and any object which the officer has probable cause to believe has been used as the instrumentality of such illegal taking, possession, or transportation.

Section 10. Notices to Appear

- A. Notices to Appear constitute the basis for the filing of a civil complaint. The issuing officer shall file one copy of the Notice to Appear with the Tribal Court.
- B. A Notice to Appear shall inform the suspected violator of the violation charged, the alleged location, date and time of the violation, and the location, date and time of the hearing set to determine his liability for the acts charged.
- C. A trial, to adjudicate civil actions initiated by issuance of Notices to Appear, for all Violations of this Code shall be held within one hundred eighty (180) days of the initial appearance, unless defendant waives his right to a speedy trial.
- D. If the person issued a Notice to Appear is to be cited and released, he must sign the Promise to Appear located on the Notice to Appear. Any Member who fails to sign the Promise to Appear may be arrested and transported to Tribal jail pursuant to Tribal law governing the arrest of suspects on citable offenses, or shall be subject to the Field Bond Procedures of these rules. Any person determined not to be a Member who fails to sign the Promise to Appear shall be subject to the Field Bond Procedures of these rules.
- E. Notices to Appear shall inform the person cited that failure to appear at the hearing set for adjudication of the complaint against him will result in the entry of a default judgment against him and forfeiture of bond money or an arrest warrant for failure to appear, which shall be a separate offense under this section.
- F. Citation. Rules shall be cited as Fish Wildlife Rules (FWR) - Chapter number - section and subsection numbers, for example FWR 3-2-A. Annual Regulations shall be cited as FWA - section and subsection numbers, for example FWA 7-A-1 (until they can be officially moved to this Code).

Section 11. Field Bonds

- A. Field Bond Procedures. If a suspected violator:
 - Refused to sign the Promise to Appear or Notice to Appear, or
 - Cannot be, or refuses to be, identified, or

-Is not a Member and is not a permanent resident of the Reservation,

AND if the Officer determines that:

1. Seizure of suspected violator's property is directly necessary to secure the important Tribal interest of guaranteeing the presence within Tribal jurisdiction of sufficient assets of the suspected violator to secure payment of restitution to the Tribe for any damages determined by the Court to have resulted from violation of this Code; and,
2. There is a special need for prompt action because it is likely that the suspected violator will leave the Reservation and the jurisdiction of the Blackfeet Tribe with his property and not return, then the Officer may demand that the suspected violator post a bond in an amount equal to the sum of the Liquidated Damage Amounts for the violations the Officer has alleged in the Notice to Appear.

In any case in which the Officer has reasonable grounds to believe that the delay caused by the Field Fine could:

1. Jeopardize the safety of the Officer, or
 2. Lead to a breach of the peace, or
 3. Cause the Officer to lose the opportunity to seize bond property, or
 4. Give the suspected violator the opportunity to flee the jurisdiction of the Tribe, the Officer may seize bond property first and then issue a BOND NOTICE.
- B. Field Bond Notices. In all cases where it is feasible, the Officer shall prepare and issue a Bond Notice to a suspected violator, allow him to read it, and have him sign a copy of the Bond Notice before the Officer takes possession of any bond property. Bond Notices shall be prepared in duplicate and the Officer with the copy of the Notice to Appear shall file the copy signed by the suspected violator. Bond Notices shall contain the name and address of the suspected violator, the serial number of the Notice to Appear that has been issued, the date, and the signature and identification number of the issuing Officer, and such other information as the Fish and Wildlife Department deems necessary.

The Bond Notice shall inform the suspected violator of:

1. The Officer's authority under these rules to demand and, if necessary, seize bond property
2. The violations alleged and the Liquidated Damage Amount for each, and the total amount
3. The alternative methods of posting bond as set forth in this Code
4. The fact that property bond may be redeemed at any time during normal business hours at the Fish and Wildlife Program Office by the posting of a cash bond, or payment of damages, but that post judgment redemption must occur, if at all, within 10 days of the entry of the judgment unless an appeal is filed.

C. Bond Alternatives.

1. The suspected violator may post a cash bond in the specified amount with the Office.

- a. Upon receipt of the cash bond, the Officer shall prepare a Bond Receipt for the amount received, which shall be on the official form provided by the Department for that purpose and which shall contain the name of the suspected violator, the serial number of the Notice to Appear issued to him, the date, the bond amount, and the signature and ID number of the issuing Officer. One copy of the Bond Receipt shall be issued to the suspected violator.
 - b. The suspected violator shall sign the Bond Receipt and the Officer shall retain and file a signed copy with the filed copy of the Notice to Appear.
 - c. The Officer may accept cash, cashier check or any other additional cash form of payment only as provided for by regulation of the Department, and under such conditions as provided by those regulations.
 - d. If the suspected violator is found not to be liable to the Tribe after a trial or a hearing, the bond amount shall be returned in full. If he is found liable after a trial or a hearing, or by default due to failure to appear, the bond shall be applied in satisfaction of the judgment, and any excess shall be returned to him.
2. Property Method. The suspected violator may post a bond with the Officer, any property which the Officer reasonably believes is valued at an amount at least equal to the required bond amount.
- a. Upon receipt of bond property, the Officer shall give to the person from whom he received it a Bond Receipt, except that instead of the cash amount received the receipt shall contain a complete description of the property including all serial and model numbers. The bond receipt shall also contain the Officer's estimate of the property.
 - b. The suspected violator shall sign the bond receipt and the Officer shall retain and file a signed copy.
 - c. The suspected violator may choose between the following alternatives as to the disposition of his bond property:
 - i. He may leave the property in the custody of the Blackfeet Fish and Wildlife Department until after the trial or hearing, at which time, if he has not been found liable to the Tribe, it shall be returned to him. If he is found to be liable to the Tribe, or is in default due to failure to appear, it will be held as security for payment of the judgment, and will be returned upon payment in full. If payment in full is not received within 30 days of the date of judgment, and if an appeal is not filed as provided by Tribal law, the property shall be sold at a public auction, and the amount received shall be applied to the judgment and the costs of said sale and storage. Any excess shall then be returned to the judgment debtor; or
 - ii. He may redeem his property at any time during normal business hours at the Department by posting a cash bond in an amount equal to the sum of the Liquidated Damage Amounts for the violations with which he is charged, or by paying damages as determined by the Court, but redemption must occur, if at all, within 30 days of the entry of judgment unless an appeal is filed.
- D. Cash Bond Trust Fund. All cash bonds shall be deposited within two business days of being posted in a trust account established by the Administrator for that purpose. A receipt shall be given to the Game Warden for each deposit.

- E. Bond Property - Storage. All bond property shall be deposited in the keeping of the Chief Game Warden or designee for the storage within 24 hours of being posted.
- F. Involuntary Summary Seizure of Bond Property. Any authorized Officer who has followed the procedures of this Code may use any reasonable non-deadly force necessary to seize bond property from a suspected violator who refuses to comply with the bond procedures provided by this Code.

Section 12. Prohibited Devices

- A. Seizure of Device - Non-Tribal Member. Any device which is believed by an authorized Officer to belong to a Non-Tribal Member, and which cannot be used at any time in compliance with this Code for the taking of wildlife, and which is seen in such use by the Officer, may be summarily seized by the Officer if:
 - 1. Seizure of the suspected violator's property is directly necessary to secure the important Tribal interest in preventing irreparable injury to its property or resources, and,
 - 2. There is a special need for prompt action because it is likely that the person may flee with, or conceals the offending property or continues the prohibited use of such property during any enforcement delay.
- B. Seizure of Device - Unknown or Member Owner. Any device, the ownership of which is unknown, or that is believed by an authorized Officer, to belong to a Member, and cannot be used at any time in compliance with these rules and regulations for the taking of wildlife, and the Officer sees in such use, may be summarily seized by the Officer. Notice of Intent to confiscate the seized device, on a form provided for that purpose by the Director, and a Notice to Appear for illegal use and/or possession shall be either personally delivered or sent by mail to the last known address of the person who owns the property, if the identity of the owner is known.
- C. Receipt. Any Officer seizing property under this section shall issue to the person from whom it is seized a receipt for the property describing it in detail. The Officer shall then deliver the property to the Director for seizure and the underlying violations, which shall be adjudicated pursuant to the general procedures of these rules and regulations.

Section 13. Wildlife Check Station

The Department may establish Wildlife Check Stations where deemed necessary to inspect licenses/permits and tags, of hunters and fishermen and to inspect game animals, fish or fur-bearing animals in the possession of hunters and fishermen. It shall be unlawful for any permittee to fail to stop and submit to an inspection by the Department.

CHAPTER 16 LAWS REPEALED

Section 1. Ordinances Repealed.

The following Ordinances are repealed by the enactment of this Code.

1 - Approved May 6, 1937;

2 - Approved May 6, 1937;

12 - Approved May 9, 1964, Amended December 3, 1964; January 10, 1974 and October 2, 1987;

37 - Approved November 7, 1974;

60 - Approved January 4, 1979; and

68 - Approved July 14, 1983.

Section 2. Resolution Repealed

The following Resolutions are repealed by the enactment of this Code:

Numbers 91-78, 2-79, 58-77, 149-75, 76-73, 221-72, 72-68, 49-66, 55-66, 94-61, 75-85, 291-86, 282-86 and 296-86, 102-98.

Any other Resolution that conflicts with a provision of this Code shall be deemed repealed.

CHAPTER 17

MANNER OF AMENDMENT

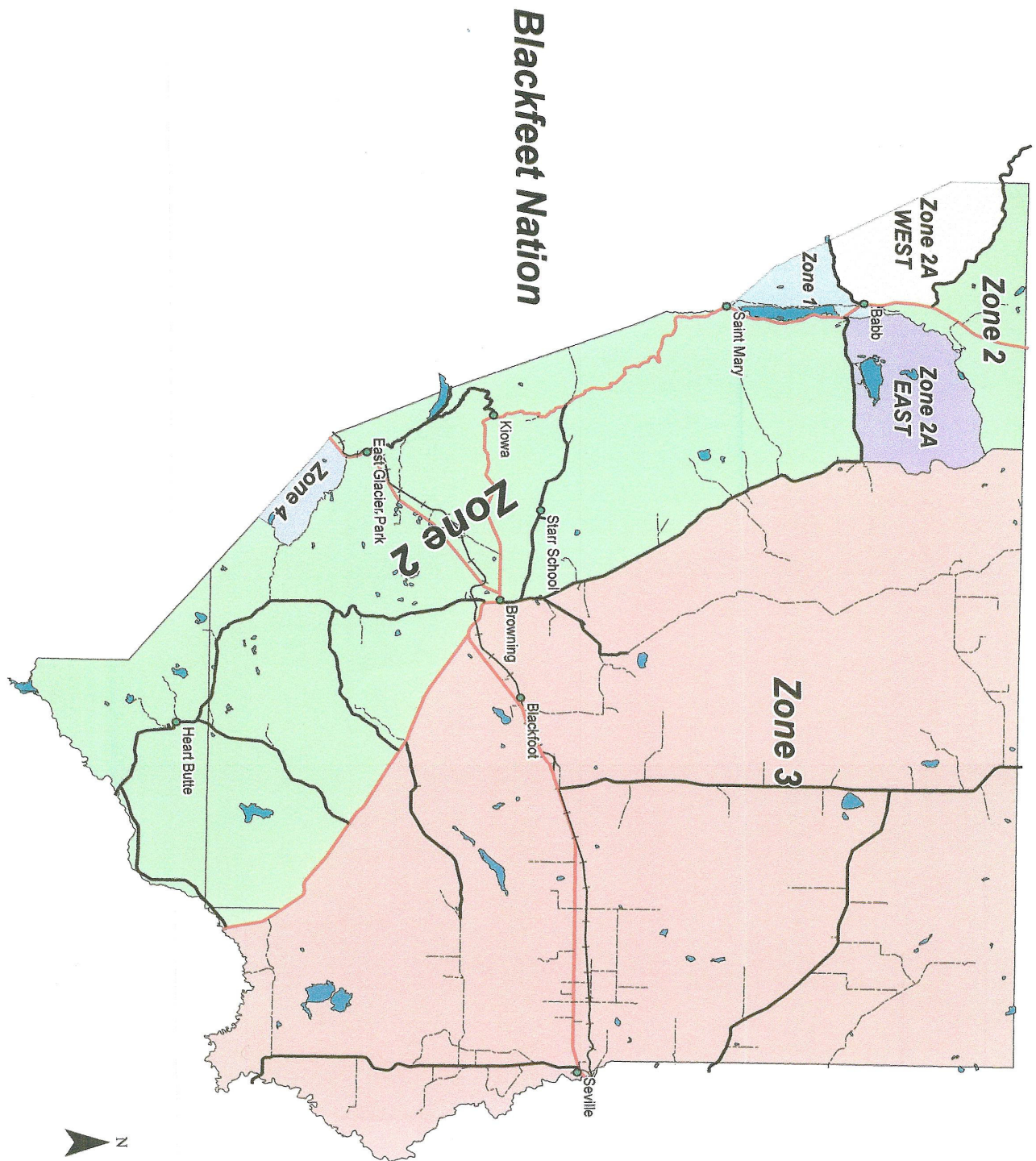
Section 1. Procedure

The Department shall consider proposed amendments to this Code, and may request comments on proposed amendments from federal agencies, members of the Tribe and/or Non-Tribal Members.

The Department shall hold a hearing, open to the public prior to referring any proposed amendments to the Blackfeet Tribal Business Council for approval.

APPENDIX A

ZONE MAP



APPENDIX B

LIQUIDATED DAMAGE AMOUNTS

BLACKFEET TRIBE

LIQUIDATED DAMAGE AMOUNTS FOR SPECIFIC VIOLATIONS FOR FISH AND WILDLIFE VIOLATIONS AND CRIMINAL JAIL SENTENCE FOR MEMBERS

Animal-Specific Violations

Violations which can be tied to the taking of a specific animal will have the following amounts used as liquidated damage amounts for a fine not more than:

<u>BIG GAME</u>	<u>MALE</u>	<u>FEMALE</u>
Deer	\$ 100.00 to \$ 300.00	\$ 100.00 to \$ 500.00
Antelope	\$ 100.00 to \$ 300.00	\$ 100.00 to \$ 500.00
Bear	\$1,000.00 to \$ 2,000.00	\$1,500.00 to \$ 3,000.00
Elk	\$1,000.00 to \$12,000.00	\$1,000.00 to \$12,000.00
Moose	\$1,000.00 to \$14,000.00	\$1,000.00 to \$14,000.00
Bighorn Sheep	\$3,000.00 to \$30,000.00	\$3,000.00 to \$30,000.00
Mountain Goat	\$3,000.00 to \$30,000.00	\$3,000.00 to \$30,000.00
Mountain Lion	\$ 350.00 to \$ 1,000.00	\$ 500.00 to \$ 1,000.00

UPLAND/WATERFOWL GAME

Ducks	\$ 50.00	\$ 75.00
Geese	\$ 75.00	\$ 75.00
Pheasants	\$ 50.00	\$ 50.00
Grouse	\$ 50.00	\$ 50.00
Mourning Dove	\$ 45.00	\$ 65.00
Hungarian Partridge	\$ 50.00	\$ 75.00

FISH

All fish, regardless of species, will have a value of \$4.00 per inch.

<u>FURBEARERS</u>	<u>MALE</u>	<u>FEMALE</u>
Coyote	\$ 75.00	\$ 100.00
Fox	\$ 100.00	\$ 125.00
Rabbits	\$ 25.00	\$ 45.00
Beaver	\$ 75.00	\$ 125.00
Bobcat	\$ 500.00	\$ 1,000.00
Mink	\$ 450.00	\$ 550.00
Raccoon	\$ 100.00	\$ 125.00

<u>FURBEARERS</u>	<u>MALE</u>	<u>FEMALE</u>
Weasel	\$ 60.00	\$ 120.00
Badger	\$ 60.00	\$ 120.00
Porcupine	\$ 60.00	\$ 120.00
Wolverines	\$ 500.00	\$ 500.00
Otters	\$ 60.00	\$ 120.00
Fishers	\$ 60.00	\$ 120.00

NON GAME SPECIES

All species in the following orders will have a value of \$150.00

Loons, (Givviformes)

Grebes (Pidicipediforms)

Cranes, rails, and coots, (Ciconiiformes)

Shorebirds, gulls, and terns, (Charadriiformes)

All birds of prey including vultures, hawks, falcons, eagles, and owls will have a value of \$1,000.00.

All other non-game birds will have a value of \$75.00.

Appendix C

VIOLATION FINE – SCHEDULE

The following violations will be subject to civil fine amounts as stated, not more than:

<u>Citation to Rules</u>	<u>Violation</u>	<u>Amount</u>
FWR 3-1-A	Illegal camping	\$500.00
FWR 3-1-B	Hunting, Fishing, Trapping or Camping On Private Posted Land without Consent	\$500.00
FWR 3-1-C	Hunting, Fishing, Trapping on Tribal Land Without Consent	\$500.00
FWR 3-1-C-a	Illegal to falsely keep hunters/trappers from using Tribal Lands	\$500.00
FWR 3-1-D	Trespass on Private or Tribal Lands	\$500.00
FWR 3-1-E	Closure of Tribal Lands	\$500.00
FWR 3-1-F-1	Damage of Fence or Enclosure Without Consent	\$500.00
FWR 3-1-F-2	Building a Fire Without Consent	\$50.00
FWR 3-1-F-3	Severing of Trees, Grass or Other Land Product Without Consent	\$50.00
FWR 3-1-G	Access to Lands – illegal	\$100.00
FWR 3-2-A	Commerce in wildlife	\$100.00
FWR 3-2-B	Commerce in Fish and/or Big Game meat	\$100.00
FWR 3-3-A	Failure to possess Export/Transport permit	\$100.00
FWR 3-3-B	Failure to possess permit from other jurisdiction	\$100.00
FWR 3-4	Waste of Fish and/or Big Game meat	\$100.00
FWR 3-5	Failure to notify of carcass on lands	\$100.00

FWR 3-6-A	Failure to possess Recreational/ Conservation permit	\$100.00
FWR 3-6-B	Failure to possess Recreational Vehicle Permit	\$100.00
FWR 3-6-C-1	Camping at Tribal Campgrounds - Improper Care of Property	\$500.00
FWR 3-6-C-2	Camping at Tribal Campgrounds - Vehicle Outside of Parking Area	\$500.00
FWR 3-6-C-3	Camping at Tribal Campgrounds- Improper Gathering of Firewood	\$500.00
FWR 3-6-C-4	Camping at Tribal Campgrounds- Disturbance of Plant or Animal Life	\$500.00
FWR 3-6-C-5	Camping at Tribal Campgrounds- Digging or Leveling Ground	\$500.00
FWR 3-6-C-6	Camping at Tribal Campgrounds- Dog, Cat or Pet not on leash or Uncontrolled	\$500.00
FWR 3-6-C-7	Camping at Tribal Campgrounds- Improper draining and refuse from trailer	\$500.00
FWR 3-6-C-8	Camping at Tribal Campgrounds- Failure to Observe Hours of Quiet	\$500.00
FWR 3-6-C-9	Camping at Tribal Campgrounds- Unclean Camp	\$500.00
FWR 3-6-C-10	Camping at Tribal Campgrounds Unattended Camp	\$500.00
FWR 3-6-C-11	Camping at Tribal Campgrounds- Improper Use of Hydrant	\$500.00
FWR 3-6-C-12	Feeding of Wildlife	\$200.00
FWR -3-6-D-1	Illegal <u>Aquatic Invasive Species</u> activity – See “Ordinance 113A”	
FWR 3-6-D-2	Failure to have PFD for all onboard boat	\$25.00 per person
FWR 3-6-D-3-a	Water Skiing in Unlawful Area	\$25.00
FWR 3-6-D-3-b	Sail Boating in an Unlawful Area	\$25.00

FWR 3-6-D-3-c	Windsurfing on non-designated lake	\$25.00
FWR 3-6-D-3-d	Illegal use of motorized watercraft	\$500.00
FWR 3-6-D-3-e	Operating a Watercraft while Under The Influence of Alcohol	\$350.00
FWR 3-6-D-3-f	Excessive speed on lakes	\$ 25.00
FWR 3-6-E-1a	Operating a Snowmobile in Closed Area	\$1,000.00
FWR 3-6-E-1b	Illegal hunting from a Snow machine	\$1,000.00
FWR 3-6-E-1c	Failure to Use Proper Procedure for Snowmobile Crossing of Roadway	\$100.00
FWR 3-6-E-1d	Operating a Snowmobile in a Careless or Reckless Manner	\$100.00
FWR 3-6-E-1f	Transporting Big Game or Carrying Firearms on a Snowmobile	\$100.00
FWR 3-6-E-1g	Illegal to harass Big Game and/or livestock with snowmobile	\$100.00
FWR 3-6-E-1h	Operating a Snowmobile Under the Influence of Alcohol	\$350.00
FWR 3-6-E-1i	Operating snowmobile on open water	\$100.00
FWR 3-6-F-1a	Operating an ATV in Closed Area	\$1,000.00
FWR 3-6-F-1b	No Hunting from an ATV	\$1,000.00
FWR 3-6-F-1c	Failure to Use Proper Procedure for Crossing of Roadway all-terrain vehicle	\$100.00
FWR 3-6-F-1d	Operating an all-terrain vehicle in a Careless or Reckless Manner	\$100.00
FWR 3-6-F-1f	Transporting Big Game or Carrying Firearms on an all-terrain vehicle	\$100.00
FWR 3-6-F-1h	Operating an all-terrain vehicle Under the Influence of Alcohol	\$350.00
FWR 3-6-G	Trapping and Restricting free wild life movement, illegal fence	\$5,000.00/animal

FWR 3-8-D	Wildlife in captivity or attempting to domesticate	\$500.00
FWR 3-8-E	Introduction of Exotic Species	\$500.00
FWR 3-9-A	Allowing a Child under 12 years of Age to Hunt without Adult Supervision	\$50.00
FWR 3-9-B	Allowing a Child under 12 years of Age to Fish without Adult Supervision	\$50.00
FWR 3-9-C	Illegal Recreational Activity – See “John’s Law- Ordinance 114	
FWR 3-10-Aa	Elderly tag violation	\$500.00
FWR 3-10-Bb	Handicapped tag violation	\$500.00
FWR 3-11	Interfering with an Officer	\$1,000.00
FWR 3-12	Failure to Provide Proof of Identity	\$100.00
FWR 3-13	Take or possess fish or wildlife out of season	\$100.00
FWR 4-1-A1	Proper bear resistant storage - Leaving food, garbage, bird feeders, pet food out and available to bears	\$100.00
FWR 4-1-A2	Leaving food unattended during daylight hours	\$100.00
FWR 4-1-A3	Illegal storage of food items at night	\$100.00
FWR 4-1-B1	Commercially operated food businesses shall Ensure garbage containers are closed	\$500/Day
FWR 4-1-B2	No dumping of food, bi-products and/or packing except in bear resistant receptacles	\$500/Day
FWR 4-1-B3	Commercial facilities that grill outside/bear resistant Enclosure or fence	\$500/Day
FWR 4-1-B-4	Commercial facilities shall use bear resistant garbage containers when storing garbage outside	\$500/Day
FWR 4-1-C	Garbage – Use of proper bear resistant container	\$100.00
FWR 4-1-D/E	Illegal disposal of gut pile and/or carcass	\$100.00
FWR 4-1-F	Illegal to disobey warning signs due to bear closure	\$100.00
FWR 4-3-B	Illegal taking of grizzly bear, other than self-defense	\$5,000.00 plus

FWR 5-2-B	Illegal use of poison	\$100.00
FWR 5-2-F	Predator Control - Use of Spring or Set gun or Similar Device	\$500.00
FWR 6-1-1	Failure to observe hunter orange	\$100.00
FWR 6-1-2	Failure to observe hunting zones	\$500.00
FWR 6-1-3	Failure to observe designated Hunting Staging Area.	\$500.00
FWR 6-1-4	Shooting from Vehicle or Across a Right-of-Way	\$50.00
FWR 6-1-5	Shooting Close to a House	\$100.00
FWR 6-1-6	Shooting Within a Town or Residential Area	\$100.00
FWR 6-1-7	Shooting near lake or recreation area	\$100.00
FWR 6-1-8	Failure to Observe Hunting Hours	\$100.00
FWR 6-1-9	Hunting by Baiting	\$100.00
FWR 6-1-11	Hunting while Intoxicated	\$500.00
FWR 6-1-12	Proof of sex must remain attached to carcass	\$100.00
FWR 6-1-13	Spotlighting, Using Radio Communicator or Night scope	\$500.00
FWR 6-1-14	Hunting with drone	\$1,000.00
FWR 6-1-15	Aerial Hunting	\$500.00
FWR 6-1-16	Use of Dogs	\$500.00
FWR 6-1-17	Hunting with crossbow	\$500.00
FWR 6-1-18	Hunting without license/permit/tag	\$500.00
FWR 6-1-19	Fail to tag big game after take	\$500.00
FWR 6-1-19a	Hunting tags and/or license – Nontransferable	\$500.00
FWR 6-1-20 (special mgmt.)	Failure to observe big game season & limits (Non-Tribal Member Special Big Game License holder)	\$12,000.00

FWR 6-1-20a (special mgmt.)	Failure to Observe General Hunting Season & Limits for Permit Holders (Members)	\$500.00
FWR 7-1-A	Unlawful for member/descendant to trap fur bearers without permit	\$100.00
FWR 7-1-B	Unlawful for member/descendant to hunt fur bearers without permit	\$100.00
FWR 7-1-C	Hunting and/or trapping with Non-Tribal Member	\$1,000.00
FWR 7-1-D	Failure to Affix Tag to Taken Furbearer	\$75.00
FWR 7-1-E	Failure to provide trapping log	\$100.00
FWR 7-2-A	Non-Member resident trapping without permit	\$100.00
FWR 7-2-B	Non-Member resident hunting without permit	\$100.00
FWR 7-2-C	Spouse of Member hunting/trapping without permit	\$100.00
FWR 8-1-B	Failure to observe small game season and Limits	\$300.00
FWR 8-5	Hunting of ground squirrels by non- member without permit as required	\$200.00
FWR 9	Failure to observe buffalo hunting season & limit	\$300.00
FWR 9-1	Injuring or Harassing Bird Nests	\$50.00
FWR 10-4-B	Failure to observe Upland Game Bird Season And Limits.	\$500.00
FWR 10-5	Non-Tribal Member and Descendant must have a federal waterfowl stamp	\$50.00
FWR 10-5-A	Failure to Observe Federal Fly Way Regulation in Hunting Migratory Waterfowl	\$100.00
FWR 10-5-B	Hunting waterfowl with shotgun larger than a 10 gauge	\$500.00
FWR 10-5-C	Failure to dress bird for identification	\$100.00
FWR 10-5-D	Use of Lead shot	\$50.00

FWR 10-5-E	No person shall hunt waterfowl prior to 1/2 hour before sunrise or 1/2 hour after sunset	\$100.00
FWR 11-1-A	Non-Tribal Member failure to observe Stream Season	\$200.00
FWR 11-1-B	Non-Tribal Member Using Improper Fishing Method	\$100.00
FWR 11-1-C	Non-Tribal Member Fishing Without a Permit	\$500.00
FWR 11-2-A	Non-Tribal Member fishing outside of permitted hours	\$50.00
FWR 11-2-B	Illegal fishing methods Snagging, Use of Explosives, Corrosives, Poisons or Use of Gillnet or Seine	\$100.00
FWR 11-2-C	Introduction of Live Fish into Water	\$500.00
FWR 11-2-D	Chumming	\$100.00
FWR 11-2-E	Ice Fishing Hole in Excess of 12 inches	\$75.00
FWR 11-2-F	Allowing Ice Fishing House to be Frozen in, Failure to identify Ice Fishing House, Leaving Ice Fishing House on Lake for more than 48 hours	\$100.00
FWR 11-2-G	Season & limit violation	\$100.00 each fish
FWR 11-2-H	It shall be unlawful to filet or process any fish in possession in a manner that would prevent a proper measurement.	\$100.00
FWR 11-2-Q	Vehicle falling through ice	\$1,000.00
FWR 11-2-I	Urinating or defecating on ice stream or lake	\$100.00
FWR 11-2-J	Littering on or near the lakes or streams	\$100.00
FWR 11-2-K	Taking or in possession of Bull Trout	\$200.00
FWR 11-2-L	Netting Fish without a permit	\$300.00
FWR 11-2-M	Felt bottom boot/waders – Prohibited	\$200.00

FWR 11-5-6	Failure to Clean up after Fishing Derby	\$100.00
FWR 11-6	Fishing in a Closed Area or a Closed Species	\$200.00
FWR 12-3-A	Outfitting or Guiding Without a License	\$1,000.00
FWR 12-2-A	Outfitter or Guide Failing to Report Violation of Tribal Laws	\$ 1,000.00
FWR 13-7-A1	Boulder Ridge/Flattop – No motorized/mechanized Vehicles	\$1,000.00
FWR 13-7-A2	Special Management - Controlled Area - Unauthorized carrying/discharging of a Firearm/long gun	\$1,000.00
FWR 14-2-G	Non-Tribal Members collecting, gathering or Hunting Antlers and/or mushrooms.	\$500.00
FWR 14-3	Failure to have a Required Permit in One's Possession (Non-Tribal Member)	\$200.00
FWR 15-13	Failure to stop at a game check station	\$500.00

Criminal Violations If a member commits any offense, the Officer may elect to charge the member with a criminal violation. In addition to a criminal fine equal to the liquidated damage civil fine penalty, a member criminal violator may have imposed upon him by a Judge, a jail term of up to six (6) months.