BLACKFEET NATION

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| Harry Barnes: Chairman |  | Timothy F. Davis |
| Teny J. Tatsey; Vice-Chairman |  | Harry Barnes |
| Tyson T, Running Wolf; Secretary |  | Joseph McKay |
| Tinsuwella Bird Rattler; Treasurer | MEMORANDUM | Nelse St.GoddardTerry J. TatseyTyson T. Running WolfCarl D. KippIliff "Scott:" Kipp, Sr.Roland Kennerly. Jr. |



 DATE: 5/4/2017

 TO: :Donna Rutherford; Director, Fish and Wildlife Program

 FROM: Rebecca Rosenberger, Director

Tribal Documents Department

SUBJECT: Transmittal of Tribal Resolution (s)

Attached are copies of Tribal Resolution (s) as indicated:

157-2017



 **No** 

These Tribal Resolutions (s) are transmitted for your information, files, and /or action, If you have any question, please contact me at my office at 338-7990.



EXECUTIVE COMMITTEE IILACKFEET TRIBAL BV$INESS COUNCIL

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| HARRY BARNES - CHAIRMAN | TIMOTHY F. DAVIS |
| TERRY T. TATSEY - VICE CHAIRMAN | HARRY BARNES |
| TYSON T. RUNNING WOLF - SECRETARY | JOSEPH J. McKAV |
| TINSUELLA BIRDRATFLER - TREASURER | NELSE ST, GODDARDTERRY T. TATSEYTYSON T. RUNNING WOLFCARL D. KIPP |

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ROLAND KENNERLY, JR.

# RESOLUTION

No. 157-2017



|  |  |
| --- | --- |
| WHEREAS,WHEREAS,WHEREAS, | The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; andThe Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation; andAccording to Article VI, Section I(a) of the Constitution of the Blackfeet Tribe the Blackfeet Tribal Business Council has the power to negotiate with federal and local governments on behalf of the Tribe and pursuant to Sections 1 (e) and I (g) respectively, has the power to manage all economic affairs and enterprises of the in an acceptable and businesslike manner; and |

WHEREAS, The Blackfeet Tribal Business Council believes that it is in the best interests of the Blackfeet Tribe and its natural resources to amend and replace Ordinance 113 with a new version that will incorporate further changes to improve the prevention of the importation of dangerous species into the waters of the Blackfeet Reservation, now

THEREFORE, BE IT RESOLVED AS FOLLOWS:

 1. That the Blackfeet Tribal Business Council hereby repeals Ordinance

1 13 in its entirety, including any amendments, with a new Ordinance entitled Ordinance 1 13A, "The Blackfeet Nation Aquatic Species Act", which is attached hereto, marked Exhibit 1 and made part of this Resolution by this reference.

Resolution No. 157—2017

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1. That this Ordinance shall be numbered by the Documents Department as Ordinance No. 113A and shall replace Ordinance No. 113, and the Legal Department shall accordingly include this Ordinance into its compilation of Tribal Ordinances.
2. That this Ordinance shall be published in a newspaper of general circulation within the Blackfeet Reservation for two consecutive weeks, giving the public notice of the adoption of such law.
3. That this Ordinance shall be posted on the Blackfeet Fish and Wildlife Department's website.
4. That from the date of this Resolution, Ordinance No. 113A shall have the full force and effect of the law.
5. That the Chairman and Secretary of the Blackfeet Tribal Business Council are hereby Authorized to sign this Resolution on behalf of the Blackfeet Tribal Business Council.

 ATTEST: THE BLACKFEET TRIBE OF THE

# BLACKFEET INDIAN RESERVATION HARRY B

 Secretary Chairman

## CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened General Session assembled this 4th day of \_NëY\_\_, 2017, with Eight ( 8) members present to constitute a quorum and with a vote of8) FOR Zero ( 0 ) OPPOSED and

( O)ABSTAINING.



SON T. RUNNIN WO F, Secretary

(Corporate Seal)

 ORDINANCE 113A 

Blackfeet Nation Aquatic Invasive Species Act

 Short title. This Ordinance may be cited as the "Aquatic Invasive Species Act".

B. Findings and purpose.

(l) The Blackfeet Tribal Business Council finds that:

1. aquatic invasive species can cause damage on the economy, environment, cultural resources, recreational opportunities, and human health;
2. there is reason to be concerned about the further introduction, importation, and infestation of Eurasian watermilfoil (Myriophyllum spicatum) and the introduction, importation, and infestation of additional aquatic invasive species on the Blackfeet Reservation in Montana, Alberta, and British Columbia, such as the zebra mussel (Dreissena polymorpha) and the quagga mussel (Dreissena bugensis), that could cause catastrophic damage to not only our waterways, rivers, and lakes, water storage, delivery, and irrigation systems, and our aquatic ecosystems, but also to the entire economy;
3. as infestations of threatening aquatic invasive species move ever closer to Blackfeet Reservation borders, protecting the Blackfeet Nation against these species is of utmost importance to our economy, environment, cultural resources, recreational opportunities, and human health;
4. preventing the introduction, importation, and infestation of aquatic invasive species is the most effective and least costly strategy for combating invasive species that, once established, are often difficult or impossible to control or eradicate;
5. the use of mandatory inspection stations, at which watercrafts, fishing gear and equipment may be inspected for the presence of invasive species and decontaminated if an invasive species is detected, is an effective way to prevent the introduction, importation, and infestation of invasive species that are easily transferred from infested areas to uninfested areas when proper precautions are not taken; and
6. preventing the introduction, importation, and infestation of invasive species is best accomplished through coordinated educational and management activities.

(2) The purpose of this part is to establish a mechanism for the Blackfeet Reservation to take concerted action to detect, control, and manage aquatic invasive species, including preventing further introduction, importation, and infestation, by educating the public about the threat of these species, coordinating public and private efforts and expertise to combat these species, and authorizing the use of mandatory inspection stations to prevent the movement of aquatic invasive species from infested areas to uninfested areas.

Definitions. As used in this part, the following definitions apply:

(l) Authorized Watercraft Inspector - an inspector approved by the Department to issue boat stickers; inspect boats, decontaminate boats, install hitch seals and recommend hold overs with regards to aquatic invasive species.

(3) Boat Stickers — Boat Stickers are issued for the season to residents of the Blackfeet Reservation for boat use at a specific lake. However, a Boat Sticker becomes invalid once the boat is launched at another lake.

1. Certificate of Inspection Col - documentation provided at a Mandatory Inspection

Station or Inspection Station which allows the person to legally launch their watercraft on Blackfeet waters for a period of three (3) days from the date of issuance, as per the conditions of the Col.

1. Inspection Station a watercraft Inspection Station which allows, but does not require, all persons in transit to stop at said station for an inspection of their watercraft and equipment. Inspection Stations only issue certificates of inspection.
2. Department - the Blackfeet Fish and Wildlife Department, and their agents.
3. Enforcement Officer - any officer of the Blackfeet Law Enforcement Services, the Fish and Game Department or any other person designated and sworn to enforce the provisions of this Act.
4. — any and all fishing gear or equipment that has been wholly or partially immersed in surface waters, including but not limited to boat lifts, trailers transporting watercrafts, docks, pilings, dredge pipes, buoys, waders, float tubes and/or flippers.
5. Fouled Watercraft — any watercraft requiring decontamination includes, but is not limited to any watercraft transporting: (a) non-native fish; (b) illegal bait; (c) unidentifiable biological organisms such as dirt or mud; and (d) invasive species.
6. Hitch Seal - refers to a metal or plastic tag that is affixed to both a watercraft and a trailer. If the seal is unbroken, it indicates that a watercraft has not been launched since inspection.
7. Hold Order - means any written directive issued by the Department to a person who owns or controls any watercraft that has been determined to be, or likely to be, infested with an aquatic invasive species or otherwise not in compliance with this Act or rules promulgated hereunder, prohibiting movement from one location to another, except as otherwise prescribed in the directive.
8. Impound Facility — Any location determined by the Department to secure confiscated watercraft and/or equipment.
9. Invasive species - a nonnative, aquatic species that has caused, is causing, or is likely to cause harm to the economy, environment, cultural resources, recreational opportunities, or human health.

(I l) Mandatory Inspection-Station watercraft inspection station which requires all persons in transit to stop at said station for an inspection of their watercraft and equipment.

Mandatory stations issue certificates of inspection, and may issue boater stickers.

(12) Motorized Watercraft — Any motorized watercraft that is powered by a gasoline inboard or outboard motor.

1. Person - any individual or entity.
2. Post-season - occurs in the fall, once the Department closes all of the Mandatory Inspection Stations for the field season.
3. Quarantine restriction imposed by the Department whereby the movement of a watercraft is brought under regulation, in order that the introduction or spread of an aquatic invasive species may be prevented or limited, or in order that an aquatic invasive species already introduced may be controlled or eradicated, thereby reducing or avoiding losses that would otherwise occur through damage done by the aquatic invasive species or through the continuing cost of control measures.
4. Watercraft every description of watercraft, unless otherwise defined by this ordinance or regulations of the Department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
5. Invasive species possession and transfer prohibited -- exceptions.
	1. Except as provided in subsection (2), a person may not import, purchase, sell, barter, distribute, propagate, transport, introduce, or possess an invasive species except:
		1. when transporting a specimen to any agency or department, or another destination as directed by the Department in a sealed container for the purpose of containing, identifying, or reporting the presence of the species or for an approved educational purpose;
		2. when done by a government agency for an approved purpose, with permission of the Department;
		3. with a proper permit issued by the federal government, and upon notification to the Department; or
		4. as allowed by rule.
	2. Implement "CLEAN. DRAIN. DRY." All vehicles transporting watercrafts through the Blackfeet Reservation must drain boating-related equipment, live wells and bilges by removing drain plugs before transporting the watercraft and associated equipment on roads of the Blackfeet Reservation. Drain plug bailers, valves and other devices used to control the draining of water from ballast tanks, bilges and live wells must be removed or opened while transporting watercraft on a road on the Blackfeet Reservation with the exception that marine sanitary systems are excluded from this requirement. Live wells and ballast tanks are prohibited on the Reservation.
	3. A person who learns of the presence of an invasive species on that person's watercraft, equipment or property shall notify the Department immediately. If the person complies with Department requirements for the treatment, control, and eradication of the invasive species, the person must be considered to be in compliance with this section and is not subject to civil penalties under this Act.
6. Invasive species management.
	1. The Department shall, for the purpose of preventing the introduction, importation, and infestation of invasive species manage through a mandatory inspection of watercraft and equipment at key entry points to the Reservation on a seasonal basis and the mandatory decontamination of any watercraft or equipment on or in which an invasive species is detected.
7. As far as practical, signs indicating that the Blackfeet Reservation is managing for the prevention of aquatic invasive species shall be posted in an effective manner along the boundaries of and entering into the Reservation, as well as on access roads to water bodies. Department may coordinate with any other governmental entities for the posting  of signs.
8. The Department may operate mandatory inspection stations established pursuant to this Act. All hauled watercraft and equipment, whether commercial or non-commercial, regardless of destination, shall be inspected.
9. All watercraft, motorized and non-motorized, launching in the waters of the Blackfeet Reservation must be inspected at an inspection station and obtain a boating sticker or certification of inspection prior to launch, including Swift Dam.
10. Annual Boat Sticker's may be issued for any body of water determined by the Department:

(a) Boater providing adequate proof of property ownership may be issued a Boat Sticker. If a boat with a Boat Sticker leaves the specific body of water it was written for, the boat will be required to undergo another boat inspection upon leaving and relaunching into another body of water.

1. The use of felt-soled waders and wading shoes are prohibited on the Blackfeet Reservation.
2. Fish listed by the Department as invasive may not be transported live through the Blackfeet Reservation. In the event that an invasive live fish is found at an inspection station, Department wardens will be dispatched to respond and dispose of said fish.
3. Live bait (with the exception of night crawlers, meal worms, maggots, leaches and any other live bait determined to be acceptable by the Department) is prohibited on the Blackfeet Reservation. All live bait must be sourced from and obtained within the State of Montana.
4. Motorized boating allowed only on the following lakes; which is subject to changes as determined by the Department: Duck, Lower St. Mary, Mission and Four Horns.

Watercrafts that are non-motorized shall be allowed on all other Reservation lakes.

 (1 1) Fishing from shore and ice fishing is permitted on all Blackfeet Reservation waters.

1. Ballast boats and seaplanes/float planes are prohibited on all Blackfeet Reservation waters.
2. The use of live wells prohibited on all reservation waters.

(14) The development of Tribal watercraft rental concessions is encouraged. Concessionaire boats would be registered with the Tribe and designated for particular water bodies to ensure that watercraft do not spread AIS between water bodies.

(15) Any water borne equipment and/or infrastructure (i.e. docks) entering the reservation will be inspected and decontaminated as necessary upon entry to the Reservation. Such equipment may be quarantined until it can be certified as mussel-free.

 Departmental responsibilities.

The Department may decontaminate all motorized watercrafts originating from the Missouri system or Lake Frances. At the discretion of the Department, decontamination may be waived if these boats are hitch sealed and carry proper documentation acceptable by the Department.

1. The Department shall enforce quarantine regulations, including the mandatory inspection of any interior portion of a watercraft or equipment that may contain water for the presence of an invasive species. In the event that a watercraft or equipment is found to be contaminated with invasive mussels, dead or alive:
	1. The Department shall decontaminate said watercraft to ensure that all invasive species are removed from the watercraft. Boats may be hitch sealed to ensure that decontamination occurs prior to launch.
	2. In the event that a boater refuses voluntary decontamination or a watercraft cannot be satisfactorily decontaminated with a single decontamination procedure, a hold order may be issued.
		1. The Department will issue a hold order to take prompt action when it is reasonably believed that the watercraft or equipment is transporting invasive species, dead or alive.
		2. The Hold Order shall contain contact information for the owner of the watercraft or equipment, the reason for the hold order, and the conditions for release.
		3. If any person refuses to permit decontamination of his or her watercraft or equipment, that watercraft or equipment is subject to a Hold Order until the decontamination is complete.
		4. If the person in charge of the watercraft or equipment is not the registered owner, the registered owner shall be notified by certified mail, return receipt requested, within five (5) days of the issuance of the Hold Order. Such notification must also include Department contact information. If the registered owner is present when the Hold Order is issued, then the same information shall be provided to the registered owner at the time the order is issued.

Decontamination and proof of decontamination is necessary in for the Hold Order to be released. The Hold Order must be released in writing, and shall be released only by the Department.

vi. Hold Order shall range from a minimum of 10 days and maximum of 30 days in the event that such watercrafts and equipment are found to be contaminated with any zebra or quagga mussels.

1. The Department shall request that all guides and outfitters complete an AIS training recognized by Department prior to relicensing.
2. The Department may designate employees or other Tribal agencies, subject to approval by the Blackfeet Tribal Business Council, to carry out the provisions of this part.
3. Rulemaking authority.

(l) The Department may adopt rules for the prevention, early detection, and control of aquatic invasive species under the Department's jurisdiction, including rules for the:

* 1. implementation of the Aquatic Invasive Species Act;
	2. transportation of an invasive species or any agent likely to be a carrier of an aquatic invasive species;
	3. designation, regulation, and treatment of an aquatic invasive species, including rules pertaining to:

  the use of quarantine regulations for water bodies;

 the movement of watercrafts and equipment entering and within the Reservation; and

 the inspection and cleaning of watercrafts and equipment entering and within the Reservation;

* 1. manner in which watercrafts and equipment, including bilges, livewells, bait containers, plugs and other boating-related equipment, traveling on the

Reservation must be cleaned to ensure that they are free from the presence of an invasive species.

* 1. manner in which Mandatory Inspection Stations will be used on the Blackfeet Reservation.
	2. rules for decontamination of all fire-fighting equipment.
	3. any other rules reasonable and necessary to accomplish the intent of the Aquatic Invasive Species Act as determined by the Department.
1. Cooperative agreement for aquatic invasive species detection and control, In order to implement, administer, and accomplish the purposes of this section, the Department may enter into cooperative agreements with any agency, corporation or person with the appropriate expertise and administrative capacity to perform the obligations of the agreement, upon approval from the Blackfeet Tribal Business Council.

1. Arrangements with landowners.

(l) The Department shall work cooperatively with any affected land managers and landowners to establish prevention, treatment, control, and eradication methods best suited for the aquatic invasive species infesting or threatening the area.

 Inspection Stations.

(l) The Department may establish mandatory inspection stations and inspection stations to prevent the introduction, importation, infestation, and spread of the invasive species.

1. At an inspection station established under this Act, the Department may examine watercrafts and equipment for the presence of invasive species. The Department may examine any interior portion of a watercraft or equipment that may contain water, including but not limited to bilges, livewells, and bait containers.
2. The owner, operator, or person in possession of a watercraft or equipment shall stop at any mandatory inspection station unless exempted by the Department.
3. The owner, operator, or person in possession of a watercraft or equipment shall stop at an inspection station to obtain a certificate of inspection. Once in possession of a valid certificate of inspection, the owner, operator or person in possession of the watercraft or equipment must still stop at mandatory inspections stations passed in transit to show proof of certification.

(a) Inspection stations may be operated by Tribal agencies or private businesses approved and authorized by the Department, once specified training modules have been successfully completed.

(4) If during an inspection of a watercraft or equipment the presence of an aquatic invasive species is detected, that watercraft or equipment may not leave the inspection station without authorization until it is either:

* 1. cleaned and decontaminated in a manner established in accordance with this part; or
	2. is transferred to an impound facility for decontamination
1. After use in a body of water, all watercrafts, equipment, bait containers, livewells, bilges, and other boating-related equipment, excluding marine sanitary systems, must be drained in a way that does not impact any Blackfeet waters before being transported.
2. Law enforcement.
	1. It shall be the duty of all enforcement officers within the Blackfeet Reservation, to enforce the provisions of this part.
	2. Enforcement officers, including officers of the Department, upon reasonable suspicion that a watercraft or equipment is infested with aquatic invasive mussels, dead or alive, or an aquatic invasive plant, may require a driver of a vehicle to stop and submit to an inspection of the exterior of any conveyance by an officer of the Department.
	3. If the officer has probable cause to believe that the watercraft or equipment are contaminated with quagga mussels or zebra mussels, or an aquatic invasive plant, or when a conveyance is found to be contaminated or otherwise carrying quagga mussels or zebra mussels, or an aquatic invasive plant, the officer shall detain the vehicle and watercraft/equipment and immediately summon a tow truck to transport the watercraft or equipment to the nearest available impound yard.
3. Penalty for Ordinance 113A — Aquatic Invasive Species Act:

 (l) The following penalties apply:

* + 1. Negligently violating the provisions of this part or rules adopted under this part can result in a civil penalty fine of $500, not to exceed $1 ,000, and watercraft and/or equipment may be held until fines are paid.
		2. Purposely or knowingly violating the provisions of this part or rules adopted under this part shall result in a civil penalty fine $1 ,000, not to exceed $2,000, and watercrafts may be held until fines are paid. In addition, the violator may forfeit the following, as determined by the Tribal Court:
			1. loss of fishing license and the privilege to fish on the Reservation for a period of time, set by the court;
			2. loss of certification of inspection and the privilege to boat on the Reservation for a period of time, set by the court;
			3. loss of boating sticker and the privilege to boat on the Reservation for a period of time, set by the court; and
		3. Purposely or knowingly attempting to introduce an invasive species to the

Blackfeet Reservation shall result in a civil penalty fine of $10,000, not to exceed $10,000, in addition to the other penalties determined by the Department. A person violating this Act may also be required to pay restitution for any cost incurred to mitigate the effect of the violation.

* + 1. A warning without penalty may be issued to any person violating the provisions of this part if it is determined that a warning best serves the public interest.

(2) Civil penalties collected under this Act shall be deposited into the account of the Department.