

**BLACKFEET NATION FISH AND WILDLIFE CODE
CHAPTER 16**

2nd Amended Version of Ordinance #118

APPROVED AUGUST ____, 2021 BY TRIBAL RESOLUTION NO. _____

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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. It is the mission that the traditions of the Blackfeet People for future generations, through our unique and inherent relationship with the rights regarding subsistence gathering, hunting, fishing, trapping and other related activities, will be protected and upheld to the greatest extent possible.

Such promotion and preservation of these traditions shall be practiced through education, management, cooperation and research.

Sovereign Authority

Pursuant to the Constitution and By-Laws for the Blackfeet Tribe of the Blackfeet Indian Reservation, 1935, Article VI, Section 1(p), the Blackfeet Tribal Business Council is empowered to “promulgate rules and regulations governing fishing, hunting and trapping on the Blackfeet Reservation” through the Blackfeet Nation Fish and Wildlife Code at Chapter 16 of the Blackfeet Law and Order Code; and, Treaties and agreements between the Blackfeet Tribe and the United States Government including all future United States Congressional Acts and United States Supreme Court case law, empowering the Blackfeet Tribe’s Sovereign Right to govern hunting, fishing, trapping, gathering fruit, curing meat, dressing robes and all activity related to such rights whether such activity is within the exterior boundaries of the Blackfeet Reservation or in traditional hunting areas.

PART I. GENERAL PROVISIONS

Section 1. Definitions

- A. “**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.
- B. “**Aircraft**” means any machine or device capable of atmospheric flight.
- C. “**All-Terrain Vehicles**” or “**ATV**” 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. For purposes of this Code, “ATV” shall also mean Utility Task Vehicle (UTV), Off Highway Vehicle (OHV), and Off Highway Motorcycle (OHM).
- D. “**Allotted Land**” is Tribally owned or individually owned Indian lands held in trust by the federal government.
- E. “**Annual Regulations**” means yearly regulations approved by the Council as authorized by this Code.
- F. “**Arrow**” is 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.
- G. “**Backcountry**” 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 restricted use i.e., A.T.V., snow machine, hiking, hunting, fishing, skiing etc.
- H. “**Bag/species Limit**” means the maximum limit, in number of, a particular species of wildlife, which may lawfully be taken away by any one person during a specified period of time.
- I. “**Bear Country**” means the lands within the exterior boundaries of the Blackfeet Indian Reservation that are occupied by bears.
- J. “**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.
- K. “**Bear Resistant Manner**” means stored in bear resistant containers, suspended at least ten (10) feet above the ground and four (4) feet from any support structure (tree trunk, etc.), unavailable due to human attendance, or any combination of these.
- L. “**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 for big game is determined by the annual regulations promulgated pursuant to these rules.

- M. **“Blackfeet Fish and Wildlife Commission” or “Commission”** means the Blackfeet Fish and Wildlife Commission appointed by the Council for the oversight of the Department.
- N. **“Blackfeet Fish and Wildlife Committee”** This is the committee of the Blackfeet Tribal Council.
- O. **“Blackfeet Fish and Wildlife Department” or “Department”** means the Blackfeet Fish and Wildlife Department.
- P. **“Blackfeet Tribal Business Council” or “Council”** means the duly elected governing body of the Blackfeet Tribe, the Blackfeet Tribal Business Council pursuant to the 1935 Blackfeet Constitution and Bylaws for the Blackfeet Tribe of the Blackfeet Indian Reservation, ARTICLE III-GOVERNING BODY.
- Q. **“Blackfeet Tribal Court” or “Court”** means the court with jurisdiction over the Blackfeet Reservation and this Code.
- R. **“Blackfeet Tribal Land”** means land owned by the Blackfeet Tribe.
- S. **“Blackfeet Tribal Member”** means a person in which the Blackfeet Tribal Enrollment Office has listed as an enrolled Blackfeet Tribal member pursuant to the 1935 Blackfeet Constitution and Bylaws for the Blackfeet Tribe of the Blackfeet Indian Reservation, ARTICLE III - MEMBERSHIP. This term is also synonymous with "enrolled member".
- T. **“Blackfeet Tribe”** means the Blackfeet Tribe of the Blackfeet Indian Reservation.
- U. **“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 a bow. This term excludes any form of a crossbow that is released automatically.
- V. **“Brucellosis”** is a contagious, costly disease of ruminant (E.g. cattle, bison and cervids) animals that also affect humans. Although brucellosis can attack other animals, its main threat is to cattle, bison, cervids (E.g. elk and deer), and swine. The disease is also known as contagious abortion or Bang's disease. In humans, it's known as undulant fever because of the severe intermittent fever accompanying human infection or Malta fever because it was first recognized as a human disease on the island of Malta.
- W. **“Campgrounds”** means those campgrounds managed by the Blackfeet Tribe.
- X. **“Carcass”** means the dead body of any wildlife and/or livestock.
- Y. **“Chronic Wasting Disease” (CWD)** is a fatal, neurological illness occurring in North American cervids (members of the deer family), including white-tailed deer, mule deer, elk, and moose. Since its discovery in 1967, CWD has spread geographically and increased in prevalence locally. CWD is contagious; it can be transmitted freely within and among cervid populations. No treatments or vaccines are currently available.

- Z. **“Closed Season”** means the time and/or days during which fish or wildlife may not be taken legally.
- AA. **“Conservation Permit” or “Recreation Permit”** means a permit required by the Department for activities including, but not limited to picnicking, bicycling, camping, boating, backcountry hiking, skiing, hunting, fishing, swimming, photographing nature or wildlife, snowmobiling, all-terrain vehicle riding, touring and any other related activity.
- BB. **“Crossbow”** means any device using a bow which once drawn is held solely by means other than the effort of the person firing it.
- CC. **“Culturally Important Species”** are species of animals that the Blackfeet Tribe designates for greater protections based upon the cultural significance of such animals.
- DD. **“Daily Fishing Limit”** The number of fish that may be legally taken on a daily basis. The take includes: a fish when landed and not immediately released by the person originally hooking the fish, even if the fish is donated to another person; or, fish received from another angler.
- EE. **“Depredation”** means the killing or maiming of a domestic animal by a predator.
- FF. **“Descendant”** means a person in which the Blackfeet Tribal Enrollment Office has listed as a descendant of an enrolled "Blackfeet Tribal member".
- GG. **“Director”** means the Director of the Blackfeet Fish and Wildlife Department.
- HH. **“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.
- II. **“Export Permit”** is a written permit authorizing an individual to export wildlife and/or parts off-Reservation.
- JJ. **“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.
- KK. **“Firearm”** means a rifle, shotgun, handgun, or other type of gun.
- LL. **“Fish”** means any fish within the waters of the Blackfeet Indian Reservation.
- MM. **“Fishing”** means taking fish of any variety by hook and line.
- NN. **“Furbearers”** are identified as: wolverine, bobcats, weasel, ferret, muskrat, beaver, pine marten, mink, wolf, coyote, swift fox, red fox, raccoon, otter, skunk and fisher.
- OO. **“Gathering”** means to take or acquire or attempt to take or acquire possession of any wildlife antlers or wild plants or parts thereof.
- PP. **“Guide”** means 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.

- QQ. **“Harass”** means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd, or torment. This term is also synonymous with "haze".
- RR. **“High Power Rifle”** also called XTC from "Across the Course", is a shooting sport using full bore target rifles which is arranged in the United States by the National Rifle Association of America.
- SS. **“Hunt or Hunting”** means 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.
- TT. **“Hunting Hours”** means the time of day which wildlife may be lawfully taken.
- UU. **“Lessee”** An individual or entity that is leasing land from a landowner for whatever purpose.
- VV. **“License”** means a specific written document granting authority to engage in specific activities covered in this Code.
- WW. **“Liquidated Damages”** means damages from property loss, animal loss, etc., calculated to a monetary value.
- XX. **“Non-Tribal Member”** means a person not enrolled as a member of the Blackfeet Tribe.
- YY. **“Officer”** means Game Warden or authorized personnel of the Blackfeet Fish and Wildlife Department.
- ZZ. **“Outfitter”** means a Blackfeet tribal member engaging in the business of outfitting for the facilitation of Fish and Game activities as regulated by this Code, including but not limited to:
1. hunting Big Game, waterfowl or upland birds,
 2. fishing or fishing parties,
 3. eco and ethno-tourism,
 4. bicycling,
 5. camping,
 6. photography of any game or fish
- by providing any saddle or pack animal or personal services including vehicles and equipment to an individual or group of individuals in exchange for consideration.
- AAA. **“Permit/License”** means a written legal document that authorizes an individual to engage in specific activity covered in this Code.
- BBB. **“Permit/License Year”** means the twelve-month period i.e. an annual fishing or hunting license is issued pursuant to the current annual regulations.
- CCC. **“Possession”** means having killed, harvested, taken or otherwise obtained or acquired any wild animal or fish subject to the provisions of this Code.
- DDD. **“Possession Limit for Fishing”** means a total possession of fish may not exceed two daily limits.

- EEE. **“Promulgate”** means to broadcast or disseminate or publicize the rules and regulations of the Code.
- FFF. **“Recreational Vehicle”** is defined as a motorized/mechanized vehicle that is used for recreation on two-track roads and trails. This term includes All-Terrain Vehicles and Snowmobiles.
- GGG. **“Reservation”** means all lands within the exterior boundaries of the Blackfeet Indian Reservation.
- HHH. **“Roads”** includes any trail, highway, unimproved or graveled track dedicated for public and ingress or egress.
- III. **“Small Game”** are defined as: rabbits, squirrels, and other land animals not considered big game, unless listed as furbearers.
- JJJ. **“Special Management Area”** is defined as all Blackfeet Aboriginal (Pikuni) territory to which rules are promulgated to protect such an area for a particular purpose.
- KKK. **“Staging Area”** is an area where hunters, fishers, or trappers setup for hunting.
- LLL. **“Tag”** means an issued "identification permit" by an official authorizing an individual to engage in a specific hunting activity-attached to a carcass of an animal after take.
- MMM. **“Take or Taking”** means to kill, harvest, or possess a fish or wild animal or, is in the process of such kill, harvest, or possession of a fish or wild animal.
- NNN. **“Trapping”** means the taking of wildlife in any manner except with a gun or implement in hand, by means of setting, or operating any device, mechanism or contraption designed to capture a wild animal.
- OOO. **“Transport Permit”** A written permit by an official authorizing a person to transport wildlife and/or fish off-Reservation for processing.
- PPP. **“Treaty Hunting & Fishing Rights”** are those hunting, and fishing rights retained by the Blackfeet Tribe not explicitly abrogated by an act of Congress.
- QQQ. **“Trust Land”** are those lands held by the United States Government in legal title for the benefit of Native Americans.
- RRR. **“Upland Game Birds”** means non-waterfowl game birds.
- SSS. **“Vehicle”** is defined as a means of carrying or transporting people or goods, such as a car or truck.
- TTT. **“Watercraft”** means any boat or other floating device of rigid or inflatable construction which is designed to carry people or cargo on the water.
- UUU. **“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.

vvv. **“Waste”** means the abandonment of or deterioration of those portions of fish and game normally utilized for human consumption.

www. **“Wildlife”** means any species of birds and mammals including their nest and eggs.

xxx. **“Wildlife Friendly Fences”** means fences that do not block or hinder natural wildlife movements, seasonal migrations, and access to forage, water, and shelter.

Section 2. 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. Blackfeet Tribal members have retained their rights to all traditional hunting grounds outside of the exterior boundaries of the Blackfeet Indian Reservation subject to the governance by Blackfeet Tribal Law.
- E. 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.
- F. The management and preservation of wildlife and wildlife habitat is necessary to ensure the continuing existence of the wildlife species native to the Reservation.
- G. Many of the wildlife species found on the Reservation move on and off the Reservation; and 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 3. Policy

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

- A. Badger-Two Medicine: Reserved Hunting and Fishing Rights in the Blackfeet Unit. The Commission in collaboration with the Director 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 Department may recommend to the Council the enactment of special rules or regulations regulating hunting and fishing in the Blackfeet Unit by Tribal members.
- B. 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.

- C. Development of the other resources of the Reservation shall consider the effects of the development on the conservation of wildlife.
- D. 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 4. Intent

It is the intent of the Council throughout these rules is to:

- A. 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.
- B. Preserve and restore if necessary, the species diversification present on the Reservation. Achieve the maximum number of healthy individuals in each species.
- C. Buffer drastic fluctuations in a species population.
- D. Assure equitable access to wildlife resources to all members of the Tribe.
- E. Provide, through the payment of license fees and other revenue, for the administration and enforcement of this law.
- F. Issue Commission Cards to properly credentialed Game Wardens and other officials under the organizational chart.

PART II. BLACKFEET FISH AND WILDLIFE PROGRAM

Section 1. Establishment

- A. The Blackfeet Fish and Wildlife Program which includes any entity, grant, agreement or governing document established and governed by this Code.
- B. The Blackfeet Fish and Wildlife Commission is established for the purpose of proposing regulations to be administered by the Blackfeet Fish & Wildlife Department.
- C. The Blackfeet Fish and Wildlife Department is referred to as “Department” throughout the Code and shall be under the leadership of a Director.
- D. The Department shall consist of officials or personnel through an organizational chart approved by the Council and amended as needed.

Section 2. Program Mission

It is the mission of the Blackfeet Tribe to provide sound management of the Department which includes following Blackfeet Fish and Wildlife Code and to 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 and their habitats.

Section 3. Program Goals

- A. 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.
- B. Maintain native (or selected non-native) populations of fish and wildlife at levels consistent with tribal needs/desires and carrying capabilities of available habitat.
- C. 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.
- D. Supply the Council as requested, with information pertaining to wildlife, wildlife habitat, pertinent federal laws and acts.
- E. Provide information to the public on wildlife management activities, habitat, regulations, education outreach strategies and program-sharing goals.
- F. Manage wildlife resources and habitats for viable populations of all wildlife species.

Section 4. Program Objectives

- A. 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.
- B. 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.
- C. 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.
- D. Prepare and recommend regulations pertaining to fish and wildlife that are deemed necessary for resource management within Blackfeet aboriginal territory.
- E. Recommend to the Council and cooperating agencies the acquisition and intensive management of certain tracts of land that are critical habitat for fish and wildlife species.

Section 5. Internal Program Policies

- A. Program Inventory. The program will inventory Fish & Wildlife property on an annual basis to the Blackfeet Tribal Procurement Department. All new inventory shall be immediately tagged.

- B. Program Game Warden Credential. 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.
- C. Other Officers. Other officers may be implemented by the Director as needed to fulfill the goals of this Code. These officers shall have the ability to issue civil citations only.
- D. Annual Hunter Safety Course. The Department shall provide an annual course for the education of hunter safety.
- E. 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.
- F. Data Management. 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).
- G. Disposition of Monies and Seized Property and Seized Wildlife.
 - 1. *Revenue.* All funds received 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.
 - 2. *Report by the Tribal 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.
 - 3. *Disposition of Seized Property.* Wildlife seized under these rules may be disposed/distributed to (elders) in such manner as the Council may prescribe if a situation arises not covered by the Rules and Regulations.
 - 4. *Report of Seized Property.* 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 whom they were seized, if known, and the disposition of the items. This report shall be presented to the Council annually. All money derived from the sale of any seized property shall be deposited in the Fish and Wildlife Revenue Account.

Section 6. Technical Assistance

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

Section 7. Relationship with Private Agencies

- A. 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 Council.
- B. 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.
- C. 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. Such a plan shall follow the Tribe's Land Acquisition Laws.

Section 8. Regulation of Hunting

The following regulations are authorized for promulgation to govern Fish and Game activities within this Code, duly adopted by Council.

- A. Annual Regulations. The Blackfeet Fish and Wildlife Commission in collaboration with the Director shall develop and propose annual regulations as authorized by this Code, to the Council for approval. The Annual Regulations shall be promulgated by the Commission in January of each year. Season, quotas, cost of license/permit and special conditions shall be set in the Annual Regulations promulgated according to these rules. The Annual Regulations shall be published for distribution to the public by the Department.
- B. Special Regulations. Special regulations may be proposed to the Council for approval if such regulation is needed to fulfill the policy and intent of these rules. Special Regulations may be promulgated pursuant to agreements with other jurisdictions as adopted by the Council for the purpose of this Code. Hunts not referenced in the Annual Regulations may be authorized by the Council under this provision. The Department shall make appropriate efforts to ensure that the public is informed of special regulations.

Section 9. Blackfeet Fish & Wildlife Commission

- A. Authority of the Commission. The Blackfeet Fish and Wildlife Commission shall be the regulatory and advisory body for the administration of this Code. In addition to the powers granted them elsewhere in this Code, the Fish & Wildlife Commission shall have the following powers and authority to:
 - 1. Establish the policies of the Department; and, promulgate the Annual Regulations for Council approval, consistent with this Code in the best interests of the Blackfeet Tribe.
 - 2. Review all annual budgets and budget line items of the Department and recommend said annual budget and budget line items for recommendation by the Department to the Council for final approval.
 - 3. Review all proposed Fish & Wildlife agreements with State and Federal governments and provide input on such agreements to the Department.

4. Ensure the proper distribution of fishing permits and the collection of revenues from said permits.
 5. Review of outfitter permits and provide recommendations to the Council for approval or disapproval.
 6. Any other duties as directed by the Council.
- B. Composition. The Commission shall consist of five (5) Blackfeet enrolled members. Each of the five (5) members shall be appointed from the following Reservation communities: (1) Heart Butte, (2) Browning positions, (1) Old Agency/Birch Creek, and (1) at-large.
- C. Eligibility. Any enrolled Blackfeet Tribal member who is genuinely interested in the purposes of the Commission can become a member by submitting an application to the Blackfeet Tribal Personnel Office. Appointment for Commission 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.
- D. Term. Each Commission member shall serve four (4) year terms.
- E. Vacancies. Commission member vacancies shall be filled by a Council appointment and will serve the vacating member's unexpired term.
- F. Resignations. A Commission member may resign at any time by delivering a written resignation to the Council. Any member who fails to attend three (3) consecutive monthly meetings without good cause shall be presumed to have resigned.
- G. Removal. Removal of a Commission member shall require a written justification and recommendation for removal signed by at least three (3) commission members to remove a Commission member and the removal action shall require Council approval.
- H. Officer Terms and Duties. The Commission will have a Chairperson, Vice-Chairperson and Secretary. The Officers shall be elected annually from within the Commission in January of each year.
1. *Chairperson.* The Chairperson shall be elected by secret ballot. The person with the most written nominations will serve as chairperson. The Chairperson shall preside at all meetings, keep order, and assure all agenda items are strictly followed.
 2. *Vice-Chair.* 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.
 3. *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.
- I. Compensation. The Commission shall not be paid a salary for participation as a member. At the convenience of the Department, the Commission may receive honorariums for meeting participation when available. A budget for such expenses shall be provided for in the Department's budget annually.

- J. Meetings. Meetings of the Commission shall be conducted as follows:
1. *Schedule*. Meetings shall be held quarterly or as needed.
 2. *Special Meetings*. Special meetings may be called by the Commission Chairperson and the Director of the Department. There shall be no more than one (1) 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.
 3. *Notice*. Written notice shall be required for regular meetings, providing the meeting hour, place, date, and time. Special meetings shall include hour, place, date, and time with proper notification of all Commission members. An agenda shall accompany each meeting notice.
 4. *Meeting with Council*. Meetings with the Council will be presented through the Commission to the Council Committee.
 5. *Minutes*. Minutes shall be taken and kept on file in the Department Office.
 6. *Quorum*. A quorum shall be three (3) members. A decision shall be valid upon a majority of such quorum in favor of a proposal.
- K. Adherence to Blackfeet Tribal Laws. Members shall abide by current ethical laws and regulations established for boards by the Blackfeet Tribe. The ethical rules shall be compiled by the Chairperson and distributed to the Commission in January of each year.

Section 10. 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, State agencies 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. Cooperate and coordinate with all Blackfeet Tribal Land and Natural Resources Departments, and on matters of mutual importance and interest.
- E. Perform such duties in 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 and approved job description by the Council.

PART III. GENERAL RULES

Section 1. Lands

- A. Prohibited Camping Areas. Camping along the highway and/or in a non-designated camping area is prohibited. This does not include pulling over for sleep for safety purposes. **Fine-\$100.00**
- B. Gates. All persons opening gates on country roads are encouraged to close the gates as a courtesy to the landowners and the leaseholder.
- C. Private Land. It is unlawful for any person to hunt, fish, trap, gather 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. **Fine-\$500.00**
- D. Tribal Land. Tribally owned land is considered public access to Tribal members; however, it is unlawful for any person to hunt, fish, trap or camp on Tribal Land leased without consent. It shall be illegal to falsely keep hunters or trappers from using Tribal Lands. **Fine-\$500.00**
- E. Trespass on Private Land. It is unlawful for any person to enter or remain upon any private 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 or lessee, 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 in 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. **Fine-\$500.00**
- F. Closure of Tribal Land. The Council, at their discretion, may restrict any access to Tribally owned land at any time, without prior notice being given, in the event any activity is found to be in violation of this Code to prevent harm. However, notice shall be posted as soon as reasonably possible after such closure. **Fine-\$500.00**
- G. Property Damage. It shall be unlawful for any person engaged in hunting, fishing, trapping, or gathering to:
1. 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. **Fine-\$500.00**
 2. Build a fire upon the land of another or of the Tribe without consent of the owner, occupant, or the Tribe. **Fine-\$500.00**
 3. 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. **Fine-\$50.00**

- H. Access to Lands. Access to or through closed Tribal lands for hunting, fishing, trapping, or gathering may be granted under special circumstances, and with permission of the Council, under the following circumstances:
1. No Non-Tribal member access from the Blackfeet Reservation to the Lewis and Clark National Forest. **Fine-\$100.00**
 2. Pursuant to a current hunting license, tribally owned lands are considered public access to Tribal members for hunting and fishing purposes, including leased Tribal Lands. **Fine-\$100.00**
- I. 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 landowners. Landowners must do everything possible to allow free movement of wildlife and are required to contact the Blackfeet Fish and Wildlife Department and Blackfeet Environmental Office for assessments before construction. The current standard for such fences shall follow the current criteria established by the USDA as:
1. Less than or equal to 40 inches above ground level, bottom wire greater than or equal to 16 inches above ground level, with the top two wires 10-12 inches apart and stretched tight. It is required to maintain tight wires. If stays/posts are less than 10 feet apart, the stays should not extend below the bottom wire. If replacing the top or bottom wire, consider using a barbless wire. If the existing fence is mesh/net wire, lower the height to less than or equal to 38 inches and install other crossing methods in high traffic areas; or use another method. Those fences already constructed which violate this section must be removed in consultation with the Blackfeet Fish and Wildlife Department. Other criteria identified by the USDA shall be considered as well in consultation with the BFWD. **Fine-\$5,000.00**
- J. 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 shall be unlawful for:

- A. For non-members to possess, buy, sell or offer to buy or sell wildlife parts, including but not limited to antlers, horns, claws, teeth, paws, hides, feathers, bones, or talons. **Fine-\$100.00**
- B. To buy or sell wild animals. **Fine-\$100.00**

- C. To buy, sell, or offer to buy or sell fish or big game meat. However, Tribal members and descendants shall be permitted to sell processed dry meat from legally harvested big game. **Fine-\$100.00**
- D. Tribal members and descendants gathering antlers/horns, from December 31st until April 1st of each year. **Fine-\$100.00**
- E. Non-members to gather, retrieve, or hunt antlers/horns. **Fine-\$100.00**

Section 3. Waste of Fish and Big Game Meat

It shall be illegal to waste fish or big game meat. **Fine-\$100.00**

Section 4. Wildlife Carcasses, Reporting and Disposal

Game Wardens must be notified of any wildlife carcasses on Tribal, public, or private property. Roadkill caused by an accident may be granted to the person driving the vehicle upon appropriate request. It shall be unlawful to fail to report wildlife carcasses or improperly dispose of wildlife carcasses. **Fine-\$100.00**

Section 5. Recreational Activities

Recreational Activities are those activities that occur on the Blackfeet Indian Reservation as defined in Part I, Section 1, Definitions. The following regulations pertain to those activities.

- A. 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 govern camping.
 - 1. *Care of Property*. The defacement or destruction of signs, tables, or improvements is prohibited. **Fine-\$500.00**
 - 2. *Vehicles*. All wheeled vehicles, including trailers, must be kept on the designated campsite parking areas. **Fine-\$500.00**
 - 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. **Fine-\$500.00**
 - 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. **Fine-\$500.00**
 - 5. *Digging*. The natural terrain shall not be altered in any way. Leveling ground or digging for any purpose is prohibited. **Fine-\$500.00**
 - 6. *Dogs, Cats and Pets*. All dogs, cats, or other pets must always be kept on leash or under physical restrictive control while in the campground. **Fine-\$500.00**

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. **Fine-\$500.00**
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 person(s). **Fine-\$500.00**
9. *Clean Camps.* Campers are responsible for always maintaining a clean camp and for cleaning their campsite, including the removal of all camping equipment, debris and refuse before leaving. **Fine-\$500.00**
10. *Unattended Campfires.* Campfires may not be left unattended. **Fine-\$500.00**
11. *Use of Hydrants.* The cleaning of fish and washing of dishes or clothes at water hydrants is not permitted. **Fine-\$500.00**
12. *Feeding of Wildlife.* Feeding of wildlife is strictly prohibited. **Fine-\$500.00**

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.

B. Watercraft. Watercraft regulation is provided by the following.

1. *Watercraft Inspection (Aquatic Invasive Species Watercraft Inspection).* All watercraft (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 all equipment used in waters i.e., waders, float tubes, flippers, and rafts. See **Ordinance #113A for Penalty.**
2. *Floatation Devices.* Watercraft operators shall provide personal floatation devices for all passengers upon the boat. **Fine-\$75.00 per person**
3. *Watercraft 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. **Fine-\$25.00 per person**
4. *Sail Boating.* Sail boating is permitted only on Lower St. Mary Lake. **Fine-\$25.00**
5. *Windsurfing.* Windsurfing shall be allowed on the following lakes: Mission, Four Homs, Lower St. Mary's, or Duck. **Fine-\$25.00**
6. *Restrictions on Motorized Watercraft.* Motorized watercraft shall be operated on only the following lakes: Mission, Four Homs, Lower St. Mary's, and Duck. **Fine-\$500.00**
7. *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. **Fine-\$350.00**

8. *Speed Limit.* The speed limit for watercraft shall be ten (10) miles per hour (trolling speed) on the following lakes: Mission, Four Homs, Lower St. Mary's, and Duck. **Fine-\$25.00**

9. *Snowmobiles.* Snowmobiles are prohibited from crossing any pool of water amounting to a pond or lake. **Fine-\$10.00**

C. All-Terrain Vehicles and Snowmobiles. For both vehicles, regulation is provided by the following.

1. It shall be unlawful to operate an ATV or snowmobile in a closed area. **Fine-\$1,000.00**

2. It shall be unlawful to hunt from an ATV or snowmobile. **Fine-\$1,000.00**

3. ATVs and snowmobiles may make direct crossing of public roads, by crossing at an angle of approximately ninety (90) degrees. **Fine-\$100.00**

4. No person shall operate an ATV or snowmobile in a careless or reckless manner to endanger the person or property of another or to cause injury or damage to either. **Fine-\$100.00**

5. It shall be unlawful to transport big game by ATV or snowmobile without the permission of a Tribal Game Warden. **Fine-\$500.00**

6. It shall be unlawful to operate an ATV or snowmobile to harass big wildlife and/or livestock. **Fine-\$100.00**

7. It is unlawful to carry a long gun on an ATV or snowmobile, except for a shotgun or pistol for personal safety. **Fine-\$500.00**

8. It shall be unlawful to operate an ATV or 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. **Fine-\$500.00**

Section 6. 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 Am-ska-pii Pikuni. The Department has a form for those requesting religious and cultural takes of wildlife on the Reservation and on traditional hunting grounds, these requests require Council approval. With prior authorization from the Council, any member or person of Blackfeet Descent may be authorized for a take of wildlife for:

A. Religious Taking. For religious practices, in determining whether a taking is in fact for religious purposes, the Council may request assistance from the Tribal Historic Preservation Office.

B. Cultural Taking. 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 from the Tribal Historic Preservation Office.

- C. Animal Parts. The Department may issue animal parts to Tribal members upon application to the waiting list. The applicant's request must have the approval of three (3) Council members. The application must be related to cultural/traditional use.
- D. Assistance in Obtaining Federal Wildlife Permits. The 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 7. 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, to increase 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 Domesticated Wildlife. It shall be unlawful to keep wildlife in captivity or attempt to domesticate wildlife. **Fine-\$500.00**
- E. Introduction of Exotic Species. The introduction of exotic species not native to the Reservation is unlawful without the consent of the Department. **Fine-\$500.00**
- 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.
- H. Listed Endangered Species. The Blackfeet Fish and Wildlife Department has listed grizzly bear, eagle, wolverine, swift fox, lynx, bobcat, fisher, and Bull Trout as a Blackfeet Endangered Species. The Department may also promulgate an updated endangered species list in the Annual Regulations.
- I. Invasive Species. Feral Hogs are classified as invasive species. No permit shall be required for taking of these species. However, the Department may issue regulations if necessary, to protect against any harm to other animals or human life. Other invasive species may also be included in the Annual Regulations.
- J. Nuisance Wildlife. Wildlife that causes or is about to cause property damage, presents a threat to public safety, or wildlife causing an annoyance within, under or upon a building. Nuisance wildlife may also be listed in the Annual Regulations.

Section 8. 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 offense and other penalties prescribed. **Fine-\$100.00**
- 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 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 offense and other penalties prescribed. **Fine-\$100.00**
- C. Recreational Vehicle Activities. See - JOHN'S LAW - See Ordinance #114 for Penalty

Section 9. Take or Possess Wildlife During Closed Season

It shall be unlawful for any person to take or possess wildlife during closed season. **Fine-\$500.00**

Section 10. Department Regulations

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 Council. The Department may recommend for approval by the Council temporary closure of areas or species.

PART IV. HUNTING REGULATION

The following hunter regulations shall apply.

- A. Hunter Orange. All 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. Hot Pink is also acceptable. **Fine-\$100.00**
- B. Designated Hunting Zone. Areas established and subject to such conditions as may be determined by Annual Regulations promulgated pursuant to these rules. **Fine-\$500.00**
- C. Designated Hunting Staging Area. Areas established and subject to such conditions as may be determined by Annual Regulations promulgated pursuant to these rules. **Fine-\$500.00**
- D. Shooting from or Across Right-of-Way or Shooting from a Vehicle. No person shall discharge a firearm from inside of a vehicle, and/or across any road or railroad right-of-way **Fine-\$500.00**

- E. 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. **Fine-\$100.00**
- F. 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. **Fine-\$100.00**
- G. 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. **Fine-\$100.00**
- H. Hunting Hours. No hunting shall be allowed between ½ hour after sunset and ½ hour before sunrise. **Fine-\$100.00**
- I. Young Animals. No person shall hunt or shoot animals less than one-year-old. **Fine-\$100.00**
- J. Baiting Prohibited. No person shall use bait while hunting, such as wildlife carcass, salt, grain, or any other food attractant. **Fine-\$100.00**
- K. 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. **Fine-\$500.00**
- L. Concealing Sex of Animal. Proof of sex must remain attached until the carcass is processed. Concealment of the sex of an animal is unlawful. **Fine-\$100.00**
- M. Spotlighting and Night Scopes. No person shall use any artificial light, night scope, or similar device for the hunting of big game. **Fine-\$500.00**
- N. Drone. No person shall hunt or harass wildlife with a drone. **Fine-\$1,000.00**
- O. Aerial Hunting. No person shall 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. **Fine-\$500.00**
- P. 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. **Fine-\$500.00**
- Q. Crossbow. Use of crossbows for hunting shall be illegal. **Fine-\$500.00**
- R. License Required. It is unlawful to hunt and/or trap wildlife without a license/permit/tag. **Fine-\$500.00**
- S. Tagging Required. Big game must be tagged immediately after kill. **Fine-\$500.00**
- T. Tags Non-Transferable. 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. **Fine-\$500.00**

- U. Season Limits. Members/Descendants. It shall be unlawful to for Members/Descendants to disobey the season and limits. **Fine-\$500.00**
- V. Season Limits. Non-Tribal Members. It shall be unlawful for Non-Tribal Members to disobey the season and limits. **Fine-\$12,000.00**
- W. Export Permit and/or Transport Permit. All hunters and trappers shall obtain an export permit or transport permit from the Department to take animal parts or meat off the Reservation, or from off reservation approved hunting zones.

PART V. BEARS

Section 1. Grizzly Bear

The Federal Government has listed the grizzly bear as an endangered species, and the Department has listed the grizzly bear as a culturally important/endangered species. For these reasons, any hunting of the grizzly bear is prohibited except in the instance of self-defense.

Section 2. Sanitation in Bear Country

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 are needed to ensure the safety of all persons, and the protection and preservation of bears. The following regulations are implemented to meet these goals.

- A. Food. For the handling of food in bear country, the following regulations shall govern.
1. All persons shall make all food, including garbage, bird feeders, livestock, and pet food (excluding hay), unavailable to bears. **Fine-\$100.00**
 2. During daylight hours all camps shall be attended, or food shall be stored in a bear resistant manner. **Fine-\$100.00**
 3. While camping, all food not in use or being prepared shall be stored in a bear resistant manner. **Fine-\$100.00**
- B. Commercially Operated Food Businesses. All commercially operated food businesses in bear country shall abide by the following regulations.
1. Ensure that all bear resistant receptacles/garbage containers are closed in a way that will not attract bears. **Fine-\$500.00/Day**
 2. Dumping of food, bi-products and packaging shall only be disposed of in a designated bear resistant receptacle. **Fine-\$500.00/Day**
 3. Commercial facilities with outdoor grilling shall have a bear resistant enclosure or fence preventing bears from gaining access to such. **Fine-\$500.00/Day**
 4. Outside garbage storage shall be contained only in bear resistant receptacles. **Fine-\$500.00/Day**

- C. Residential Garbage. 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. **Fine-\$100.00**
- D. Gut Piles. Big game gut piles shall be removed at least 100 yards from any camp or designated hiking trail. **Fine-\$100.00**
- E. Animal Carcasses. Animal 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. **Fine-\$100.00**
- F. Livestock Carcasses. 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. **Fine-\$100.00**
- G. Closures. It shall be unlawful to disobey warning signs regarding closures due to bear danger. **Fine-\$1,000.00**

Section 3. Bear Control

- A. Special Black Bear Predator Control Measures. Control measures are the capturing of nuisance black bears on tribal or private land, relocating the bear to public wild land areas, placing nuisance bears in captivity, or euthanizing 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. The 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. A nuisance grizzly bear found by an individual is required to report the grizzly bear to the Director immediately for the purpose of the Department's officials to separate the bear from the reported nuisance area. Individuals are not permitted to haze a grizzly bear. **Fine-\$5,000.00**
- C. Taking by a 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.
- D. Taking of a Black Bear by an Individual. 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.
- E. Scientific or Research Purposes. 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.

- F. Possession. Tribal game wardens are authorized, for scientific, research or educational purposes, to possess, deliver, carry, transport, ship, export, or receive taken bears.
- G. 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.
- H. Notification to the U.S. Fish and Wildlife Service. 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 4. Killing Big Game in Self-Defense or in Defense of Others

- A. Self Defense, Wounded Game, and Reporting. If there is a demonstrable threat to human safety, a big game animal may be killed in self-defense or in defense of others. It shall be unlawful to fail to report any such killing of a big game animal to a game warden within twenty-four (24) hours. In the event of a wounded animal, the reporting requirements are the same as above.
- B. Non-Self Defense Liability. Liability is established when the killing of a big game animal is determined to not be in self-defense.

PART VI. PREDATORS

Section 1. Predator Control Measures

A. Wolves.

1. *Control Measures.* Pertains to 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 a Tribal Game Warden.* The Director may authorize the capture or allow a nuisance wolf to be euthanized. In making this determination and carrying it out, the Director is to consider federal guidelines relating to wolf control actions and the **Blackfeet Wolf Management Plan Appendix D**. The 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.

1. *Control Measures.* Pertain to 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 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 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. **Fine-\$1,000.00**
- C. Report of Depredation. 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 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 a Spring or Set Gun or any other such Devices. It shall be unlawful to use a spring or set gun, or any other such devices regarding the control of predators. **Fine-\$500.00**
- G. Agreement with the 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 any activity and shall not be in effect until approved by the 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.

PART VII. TRAPPING AND HUNTING OF FURBEARERS

Section 1. Furbearer Species

Furbearers are lynx, wolverines, bobcats, weasels, ferrets, muskrats, beavers, pine martens, mink, coyotes, wolves, swift fox, red fox, raccoons, otters, skunks, and fisher. Wolverine and lynx, swift fox, fisher, bobcat are Blackfeet Endangered Species.

Section 2. Trapping and Hunting of Furbearers

- A. Trapping. Members shall trap fur bearing 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 Tribal members to trap without a permit. **Fine-\$100.00**
- B. Hunting. Members shall hunt fur bearing 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. **Fine-\$100.00**
- 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. **Fine-\$1,000.00**
- D. Tags. Tags may be issued and shall be determined by regulations promulgated according to these rules. The tag must be affixed to the hide until the hide is processed. It shall be unlawful to fail to affix the tag. **Fine-\$75.00**
- E. Logs. Trapping and hunting logs shall be accurate and turned into the Department after season. **Fine-\$100.00**

Section 3. 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, the Department may issue a special permit for the Non-Tribal member. **Fine-\$100.00**
- 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. **Fine-\$100.00**
- 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. **Fine-\$100.00**
- D. Spouse of Non-Tribal Member Tags. Non-Tribal member spouses shall comply with tag requirements.

Section 4. 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.

PART VIII. SMALL GAME

Section 1. Small Game Species

Small Game species are those animals listed as rabbits, squirrels, and other land animals not considered big game are small game animals, unless listed as furbearers.

Section 2. 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. **Fine-\$300.00**

Section 3. Small Game Hunting by Non-Tribal Members

It shall be unlawful for Non-Tribal members to hunt small game on the Blackfeet Reservation, unless a permit is authorized. **Fine-\$300.00**

Section 4. Hunting of Ground Squirrels by Non-Tribal Members

It shall be unlawful for Non-Tribal members to hunt ground squirrels (*Uroditellus 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. **Fine-\$200.00**

PART IX. BUFFALO HUNTING

Buffalo are designated as a Cultural Important Species, which require separate regulation from Big Game Hunting. Such regulations shall be recommended by the Commission for approval by the Council.

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 authorized for members and/or descendants. **Fine-\$300.00**

Section 2. Buffalo Hunting by Non-Tribal Members

It shall be unlawful for Non-Tribal members to hunt buffalo on the Blackfeet Reservation unless permits are authorized by Council in regulation. **Fine-\$1000.00**

Section 3. Hunting of Buffalo without a License

It shall be unlawful for any person to hunt buffalo on the Reservation without a License. Licenses are subject to such conditions as may be determined by annual regulations promulgated pursuant to these rules. **Fine-\$1000.00**

Section 4. Buffalo Hunting Ammunition

A 150-grain bullet or larger shot from a centerfire rifle must be used when hunting buffalo. Non-lead bullets are preferred, if possible.

PART X. OFF RESERVATION HUNTING

Section 1. Off Reservation Hunting License Required

Off Reservation hunting is hunting outside the exterior boundaries of the Blackfeet Indian Reservation, pursuant to treaties and agreements with the Blackfeet Nation. Off Reservation Hunting zones, season, types of game, number of tags issued, costs of tags and penalties shall be established annually in the annual regulations as recommended by the Commission for approval

by the Blackfeet Tribal Business Council. Only Blackfeet Tribal members over the age of 18 shall be eligible to hunt Off Reservation and such tags may not be transferred to another person. It is unlawful to harvest game in these areas without a lawful permit/tag. **Fine-\$1,000.00 and loss of privileges for the next year.**

The Blackfeet Fish and Wildlife Department will furnish Off Reservation hunters with a copy of all regulations that may apply while participating in an Off Reservation hunt. This will be done when the hunter is issued a tag.

Section 2. Blackfeet Tribal Game Wardens During Peak Migration Season

If there are license fees charged, Blackfeet Game Wardens will be present, during the peak of the buffalo and big game migration season determined for that particular year depending on weather and migration numbers, for the enforcement of violations, by Tribal members or helpers, pursuant to the Blackfeet Fish and Wildlife Code.

Section 3. Helpers

Tribal members participating in Off Reservation hunts are encouraged to have between 4 and 5 helpers. Helpers can be Tribal members, non-members, and/or descendants; however, only tag holders are eligible to carry weapons and kill game. **Fine-\$100.00**

Section 4. Harvest Reports and Transport Permits

- A. All Off Reservation hunters must report their harvest within seven (7) business days of their kill, or report their decision to discontinue hunting if unsuccessful, to the Blackfeet Fish and Wildlife Department. Any Off Reservation hunter failing to report their harvest, or failing to report their decision to discontinue hunting, will be ineligible for Off Reservation Hunting the next season. **Fine-\$100.00**
- B. The Blackfeet Fish and Wildlife Department will work with the appropriate agencies to develop any necessary agreements for the transport of harvested game, by a Tribal member participating in Off Reservation hunting, when that transport occurs from Federal and/or State to State and/or Reservation Lands.
- C. If a transport permit is required for those participating in Off Reservation hunts, the Blackfeet Fish and Wildlife Program will provide the permit to the tag holder when they receive their tags. This will be done at no additional cost to the hunter. It is unlawful to have a bison tag not accompanied by a transport permit. **Fine-\$100.00**

Section 5. National Park Service and Forest Service Regulations

Tribal members must comply with all National Forest Service and National Park Service regulations while participating in off reservation hunts.

PART XI. 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 legal horticultural and agricultural practices. **Fine-\$50.00**

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, except for eagle feathers and parts.

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 may hunt Upland Game Birds without a license. Non-Tribal members may hunt Upland Game Birds with a Non-Tribal member license. **Fine-\$500.00**

Section 5. Hunting of Migratory Waterfowl Game Birds

All Migratory Waterfowl hunters shall possess a Federal Waterfowl Stamp. **Fine-\$50.00**

- A. Federal Flyway Regulations. All Federal Flyway Regulations shall apply as specified by regulation. **Fine-\$100.00**
- 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. **Fine-\$500.00**
- C. Identification. Field dressed birds shall have one wing attached for identification. **Fine-\$100.00**
- D. Lead Shot Prohibited. The use of lead shot will be prohibited. **Fine-\$50.00**
- E. Hunting Hours. Hunting is prohibited ½ hour after sunset and ½ hour before sunrise. **Fine-\$100.00**
- F. Migratory Waterfowl Species. Geese and Ducks (including Mergansers) are included in this category.

Section 6. 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.

PART XII. FISH

Section 1. Season, Methods, Non-Tribal Member Licenses

- A. Stream Fishing Season. The stream fishing season for Non-Tribal members shall be established by annual regulation. **Fine-\$200.00**
- 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. **Fine-\$100.00**
- C. Non-Tribal Member Fishing License. Non-Tribal members twelve (12) 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 rules, regulations and their combined catch must not exceed the legal limit for one individual. Permit fees will be determined by annual regulations. **Fine-\$500.00**

Section 2. General Fishing Regulations

- A. The Blackfeet Aquatic Invasive Species Act. Invasive Species is governed by this Act. See Penalties in **Ordinance 113A.**
- B. Fishing Hours. No fishing shall be allowed ½ hour after sunset and ½ hour before sunrise. In addition, no watercraft, icehouse, icehouse, all-terrain vehicle, or snowmobile shall be on a lake ½ hour after sunset or ½ hour before sunrise. **Fine-\$50.00**
- C. Fishing Methods. The taking of fish is permitted by hook and line only. Any other means of obtaining fish such as: Snagging, Use of Explosives, Corrosives, use of Pitch-Forks, Poisons, Use of Gillnet or Seine is in violation of this section. **Fine-\$500.00 plus an additional 100.00 for every fish.**
- D. 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 Director. **Fine-\$500.00**
- E. Chumming. No person shall use chopped fish or introduce into the water any food substance or matter that may concentrate or attract fish. **Fine-\$100.00**
- F. Ice Fishing Holes. No person shall cut ice holes of more than twelve (12) inches in diameter for ice fishing. Chainsaws are prohibited in creating ice fishing holes. **Fine-\$100.00**
- G. Ice Fishing Houses. No person shall allow an ice fishing house to be frozen on any lake, fail to identify an icehouse, or leave an icehouse on a lake for a period longer than 24 hours. **Fine-\$100.00**
- H. Seasons and Limits. Seasons and limits will be determined by Annual Regulation. **Fine-\$100.00 per fish**
- I. Measuring of Fish. Method used to determine the total length of, is to measure the tip of the snout to the tip of the tail. 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. **Fine-\$100.00**

- J. Human Waste. It is unlawful to urinate or defecate within the high-water mark of any stream or lake. **Fine-\$100.00**
- K. Littering. It shall be unlawful to litter on the Blackfeet Reservation. **Fine-\$500.00**
- L. Bull Trout. It shall be unlawful to take or be in possession of Bull Trout; except Duck Lake where they are stocked. **Fine-\$200.00**
- M. Lower St. Mary Lake. It shall be unlawful to net or seine fish from Lower St. Mary Lake. **Fine-\$300.00**
- N. Footwear. Felt bottom boot/waders are prohibited. **Fine-\$200.00**
- O. 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.
- P. Aircraft. No aircraft shall land upon lakes or reservoirs on the Blackfeet Reservation, exceptions would include emergency landing.
- Q. Vehicles on or in Waterways. Vehicles are prohibited from being in or on waterways including on frozen lakes and streams. Any vehicle in such a waterway, such as falling through the ice shall be subject to an environmental assessment of cleanup costs and fined. If a vehicle is in a waterway or falls through the ice, a **Fine-\$1,000.00** will be assessed per day, if no arrangements have been made after two days, the Department will take whatever steps necessary to extract the vehicle and the registered owner/violator will be charged by the Department.
- R. Catch-and-Release and Closed Areas. The following regulations shall govern catch and release and closed areas for fishing.
1. *Cutthroat Trout.* Cutthroat Trout fishing on Midvale Creek, tributary to the Two Medicine River; and, on Wild Creek, tributary to the St. Mary River is prohibited.
 2. *Feeder Canals and Waterways Season.* 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 Homs Lake (entire Four Homs 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
 3. *General Hunting Season Waterway Closure.* Flattop Lake and Goose Lake shall be closed to fishing during General Hunting Season.

Section 3. Fishing Derbies or Contests

Any Tribal 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, \$100.00 may be returned to the organization or sponsor upon final inspection of the lake for cleaning.

Section 4. 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 Commission.

- A. Fishing contests and contestants must comply with all fishing rules and regulations.
- B. Winners of fishing contests or derbies shall only be determined by:
 - 1. Greatest length of a single fish;
 - 2. Greatest weight of a single fish;
 - 3. Or a combination of both 1 and 2; and
 - 4. 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.
- C. No contests may be held in rivers or streams.
- D. 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.
- E. No contest will be allowed involving catching or harvesting of any listed species of special concern i.e. Bull Trout.
- F. 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. **Fine-\$500.00**
- G. Organizers of fishing contests must submit a fishing contest report detailing the results of the contest to the Department within fourteen (14) days of the completion of the contest.
- H. 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.
- I. Fishing derbies shall not occur during consecutive years on the same lake except Twin Lakes.
- J. Fishing derbies are permitted at the discretion of the Department.
- K. The Department promotes alcohol and drug free events.
- L. It shall be unlawful for any person(s) to host a fishing derby without a permit approved by the Department. **\$200.00 Fine**

Section 5. Temporary Species and Area Closures

Temporary species/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 to protect fish recently introduced. **Fine-\$200.00**

PART XIII. OUTFITTERS

Section 1. Determination of Outfitting

Any person engaged in the business of Outfitting on the Reservation is determined by whether the person provides any services (including advertisement), equipment or facilities including guides to a Non-Tribal member for the purpose of engaging in any Fish and Game Activity regulated by this Code, in exchange for remuneration.

The Council shall determine what constitutes an Outfitting Business based upon a totality of circumstances of the individual providing such services for payment. No outfitter will operate without being approved by Council resolution.

Section 2. Outfitter and Guide 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. **Fine-\$5,000.00**
- 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 to the Department at the end of each season.
- 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 (2) 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 (3) 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 service 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.
- L. Outfitters and guides requesting application for license must not have any charges or convictions which prevent the applicant from engaging in contact with other persons, i.e., violent offenses, crimes against children, human trafficking, and sexual offenses.

Section 3. 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 eighteen (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 always subject to inspection 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 thereunder 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 or guide 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 five (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.
- K. Must obtain a valid tribal business license by January 1st of each year with the Tribal Department of Revenue.

Section 4. Guide Qualifications

A Guide shall meet the following requirements:

- A. Be a member or descendant of the Blackfeet Tribe of at least eighteen (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 a bond of \$100.00 or 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 five (5) years.

Section 5. Application for Outfitter License

- 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 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 or 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 6. 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 where applicable:

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

Section 7. Number of Outfitter Licenses, Fees, Reports and Annual Orientation

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 the Commission before a new license is issued for the next year of outfitting. All resources taken

from the land shall be reported during the renewal process. The Department shall host an annual orientation for outfitters and guides on this code and any other relevant Blackfeet Laws.

Section 8. 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 a 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 9. Classes of Outfitter 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 it is issued.
- C. If the application is denied, the director shall notify the applicant in writing of the reasons for the denial.
- D. The Blackfeet Enrollment Department shall issue an identification card for each outfitter and Guide as signed by the Blackfeet Tribal Chairman, Director for the Department, and Director of Revenue. This I.D. shall serve as official authorization for such activity.

Section 10. 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 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 or 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; or
- H. Conviction or Charge that prevents the outfitter from engaging services with other people.

Section 11. Procedure for Suspension or Revocation of License

- A. Proceedings for the revocation or suspension of a license issued hereunder may be taken upon charge at recommendations of any person.
- B. All such charges or recommendations must be made in writing stating the facts upon which such charge or recommendation is based and must be signed and sworn by the person making the charge.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. After a full and impartial hearing before the 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 12. 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.

Section 13. Responsibility for Violation of Law

- A. **Joint and Several Liability.** 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.
- B. **Failure to Report.** 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.
Fine-\$1,000.00
- C. **Guide Violation.** 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.
- D. 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.

PART XIV. 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 within the exterior boundaries of the Blackfeet Indian Reservation 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. Instream Flow

The program will examine the effect of beavers on maintenance of in-stream flow.

Section 3. Visual and Environmental Impacts

The Department will consider the potential effects of a proposed land development of the visual aesthetics and environmental impacts upon tribal resources.

Section 4. Development of Tribal Lands

The Department and Commission 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 5. Private Lands

At the discretion of the Council, the Tribe may work with landowners to enhance hunting and fishing opportunities and protect and conserve tribal resources. For example, assist with labor, materials and plants for habitat improvement projects and wildlife for stocking in lands and waters under the control of the landowner.

Section 6. 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 7. 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 8. 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 is 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. **Fine-\$1,000.00**
 2. **Rules:** Carrying of long gun illegal; exceptions holder of Special Lottery tag and/or Non-member Special Hunting tag. **Fine-\$1,000.00**
- 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.
1. **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.
Rules: This area is closed to vehicle use. All hunters will park at Staging Area. Area is closed to motorized vehicles (including ATV's) during the general hunting season. This area will be restricted to foot and horseback use only. **Fine-\$1,000.00**

2. **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.

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 the general hunting season. This area will be restricted to foot and horseback only, and is designated as a special hunting zone for elderly by use of Motor Vehicles that are not ATV's. **Fine-\$1,000.00**

- 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.

Rules: Zone 3 is a Special Subsistence Hunting Area. Subsistence hunting is allowed after the general hunting season for the harvest of antlered Bull Elk or Whitetail 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. **Fine-\$1,000.00**

- 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.

Rules: Zone 4 is designated Bow hunting for Tribal members only. **Fine-\$1,000.00**

- E. **Zone 5.** Lands known as the "Ceded Strip" within the boundaries from north fork of Birch Creek westerly to the Continental Divide, then northerly on the Continental Divide, then easterly along Hwy 2 to the west boundary of the Blackfeet Reservation. Motorized vehicles are prohibited in this area. **Fine-\$1,000.00**

Section 9. Special Management Conditions

The Department may establish special Management Conditions for all or any portion of the Reservation or any approved off reservation hunting zone 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 10. Year Around Hunting Management Area

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

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

PART XV. LICENSE/PERMIT

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

- A. The Department has implemented an Online License Program for which hunting licenses/permits may be acquired.
- 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. Lottery Tags will be made available online when the Annual Regulations authorize.

Section 2. Tribal Member License/Permit

- A. Permits Required. Tribal members shall be issued licenses for big game, small game, special hunts, and bison hunts.
- B. Fishing/hunting/trapping of Predators or Furbearers, Permits Not Required. Tribal members do not need permits for fishing, or when hunting or trapping predators or furbearers, except that they must carry a Tribal I.D.
- C. Elderly Members. 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 two (2) helpers, they must be a member and/or descendant.
- D. Disabled Members. Members with a disability must provide the Department a current Montana or other appropriate State Blue or Red Placard or provide a vehicle registration with such status. Disabled member permits are \$20 and are allowed access into certain hunting Zones. If the tag holder is using helpers, they cannot possess firearms in Zone 2A East. The tag holder can have up to two (2) helpers and they must be a member and/or descendant.

Section 3. 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.

- A. 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.
- B. 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.
- C. 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. **Fine-\$500.00**

- D. Gathering and/or Retrieving Antlers and Mushrooms. Non-Tribal members are prohibited in this activity. **Fine-\$500.00**
- E. Special Big Game Hunting. A limited number of Non-Tribal member special big game hunting licenses may be issued. All tagged animals will be inspected by the 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.
- F. Small Game Hunting. Non-Tribal members may purchase a small game hunting license which allows 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.
- G. Buffalo Hunting. The Department may issue buffalo tags upon recommendation of the Buffalo Program to Non-Tribal members for a fee.
- H. Conservation/Recreation Permits. Non-Tribal members intending to recreate, fish and/or hunt on the Blackfeet Reservation must have the required recreation/conservation permit on their person while engaged in such activity.
- I. Elder Descendants. Elderly descendants over the age of sixty-five (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, they must be a member and/or descendant.

Section 4. 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. **Fine-\$200.00**

Section 5. 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(s), 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. **Fine-\$100.00**
- B. Failure to Possess Permit from another 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. **Fine-\$100.00**

Section 6. Recreational Permits for Non-Tribal Members

Non-Tribal members must purchase the following:

- A. Recreation/Conservation Permit. A permit shall be required to recreate on the Reservation. **Fine-\$100.00**

- B. Recreational Vehicle Permit. A permit shall be required before using any recreational vehicle on the Reservation. 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. **Fine-\$100.00**
- C. Camping Permit. A camping permit shall be required for any camping activity. **Fine-\$100.00**

PART XVI. ENFORCEMENT

Section 1. Jurisdiction

Except as otherwise provided by this Code, the Blackfoot Tribe, of the Blackfoot 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. Civil Penalties. Any person violating any rule or regulation shall be liable for a civil fine. All civil fines for a violation in this Code are listed in Violation Fine Schedule Appendix C. Member hunting and fishing privileges may be suspended upon conviction of a Fish and Wildlife Regulation. These civil penalties shall not be eligible for suspension, probation, deferment or any other alternative sentencing in the Tribal Court.
- B. Determination of Liquidated Damages. The Department shall prepare, and at least once per year shall review and as necessary, revise, a Schedule of Liquidated Damage Amounts 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 Department may consider, in addition to any other factors they reasonably deem relevant:
1. The cost to the Tribe for producing and/or protecting the resource;
 2. The cost of replacing or restoring the resource;
 3. The costs of enforcement, including the overall cost;
 4. The loss to the Tribe of license revenues; and
 5. Damages for Trespass.
- C. Liquidated Damages Publication. The Department shall refer to the proposed schedule as a regulation to the Council for approval. 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 Blackfoot Law and Order Code.
- D. Liquidated Damages Presumption.
1. *Automatic Presumption.* 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.

2. *Rebuttable by the Department.* 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.
 3. *Consent upon Licensure.* 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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 leaseholder to cancellation procedures.
- I. 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. Signage/Notice

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:

- A. Permission to enter is conditioned on consent to Department regulations regarding fishing, hunting and recreational activities.
- B. Visitors must inquire locally for license/permit and recreation information.
- C. Roadway signs shall be of sufficient size and placement to enable motorists to read them.

Section 4. Authorized Officer-Game Wardens or Law Enforcement

The Blackfeet Fish and Wildlife Game Wardens (Montana Law Enforcement Academy trained, Indian Police Academy, 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; and
- F. Search all applicable conveyances and packages defined in.

Section 5. 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 6. 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 Complaint. 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 7. Proof of Identity

- A. Determination of 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.

- B. 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.
- C. 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 citation according to the procedures of these rules, substituting for the suspected violators name a fictitious name such as John Doe.
- D. 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 citation according to the procedures of this Code, substituting for the suspected violator's name a fictitious name such as Joe Doe.
- E. 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 8. Enforcement Procedures for Tribal Members

If after identification the suspected violator is determined to be a Tribal member, the officer shall issue him a citation 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. If a Tribal member commits any offense, the Officer may elect to charge the member with a criminal violation as provided in the Blackfeet Law and Order Code. 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 9. Enforcement Procedures for 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 citation 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 Blackfeet Law and Order Criminal Code.

- B. The suspected violator shall sign the citation and if not arrested for expulsion or federal or state prosecution shall be released.

Section 10. 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 warrantless search of any non-mobile dwelling house or any outbuilding within the immediate area. In such cases, a warrant must be applied for under the Blackfeet Law and Order Code.
- 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 11. Citations

The Citation is the basis for filing violations of this Code into the Blackfeet Tribal Court. The citation shall also provide notice of Court date on the violation(s) known as the citation.

- A. Form of Citation. Rules shall be cited as Fish Wildlife Rules (FWR) - Part number - section and subsection numbers, for example FWR 3-2-A. Annual Regulations shall be cited as FWAR - section and subsection numbers, for example FWAR 7-A- 1.
- B. Filing. The issuing Officer shall file one copy of the citation with the Tribal Court.
- C. Contents of the Citation. The citation 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.
- D. Speedy Trial. A trial to adjudicate civil actions initiated by issuance of a citation for all violations of this Code, shall be held within one hundred eighty (180) days of the initial appearance, unless the defendant waives his right to a speedy trial.
- E. Release upon Issuance of the Citation. If the person cited is to be released, he/she must sign the citation for a court appearance. Any member who fails to sign the citation 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 citation shall be subject to the Field Bond Procedures of these rules.
- F. Warning for Failure to Appear. The “Citation” 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/property, or an arrest warrant for failure to appear, which shall be a separate offense under this section.

Section 12. Field Bonds

- A. Seizure of Property. If a suspected violator Refuses to sign the citation, or cannot be, or refuses to be, identified, or is not a Tribal member and is not a permanent resident of the Reservation (at the time of the incident), an officer may seize property of the suspected violator in accordance with the following:
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 citation.
- B. Seizure of Property Prior to Field Bond Notice. In any case in which the Officer has reasonable grounds to believe that the delay caused by the Field Bond could:
1. Jeopardize the safety of the Officer;
 2. Lead to a breach of the peace;
 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.
- C. Field Bond Notice Process. 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 citation 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 citation that has been issued, the date, and the signature and identification number of the issuing Officer, and such other information as the 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 animal, and the total amount;
 3. The alternative methods of posting bond as set forth in this Code; and
 4. That property bond may be redeemed at any time during normal business hours at the Fish and Wildlife Department by the posting of a cash bond, or payment of damages, but

that post judgment redemption must occur, if at all, within ten (10) days of the entry of the judgment unless an appeal is filed.

D. Bond Procedure. The suspected violator may post a cash bond in the specified amount with the Department. The following procedures shall apply.

1. *Receipt*. 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 citation 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. The suspected violator shall sign the Bond Receipt and the Officer shall retain and file a signed copy with the filed copy of the citation.
2. *Form of Payment*. 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.
3. *Return of the Bond*. 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.
4. *Forfeiture of the Bond*. 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.
5. *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. 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. The suspected violator shall sign the bond receipt and the Officer shall retain and file a signed copy. The suspected violator may choose between the following alternatives as to the disposition of his bond property:
 - a. 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. If the violator is found to be liable to the Tribe, or is in default due to failure to appear, the property 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 thirty (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
 - b. Redeem 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 thirty (30) days of the entry of judgment unless an appeal is filed.

- E. Cash Bond Trust Fund. All cash bonds shall be deposited within two (2) 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.
- F. Bond Property Storage. All bond property shall be deposited in the keeping of the Chief Game Warden or designee for the storage within twenty-four (24) hours of being posted.
- G. Method of Involuntary Seizure of 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 13. 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 conceal 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 citation 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.

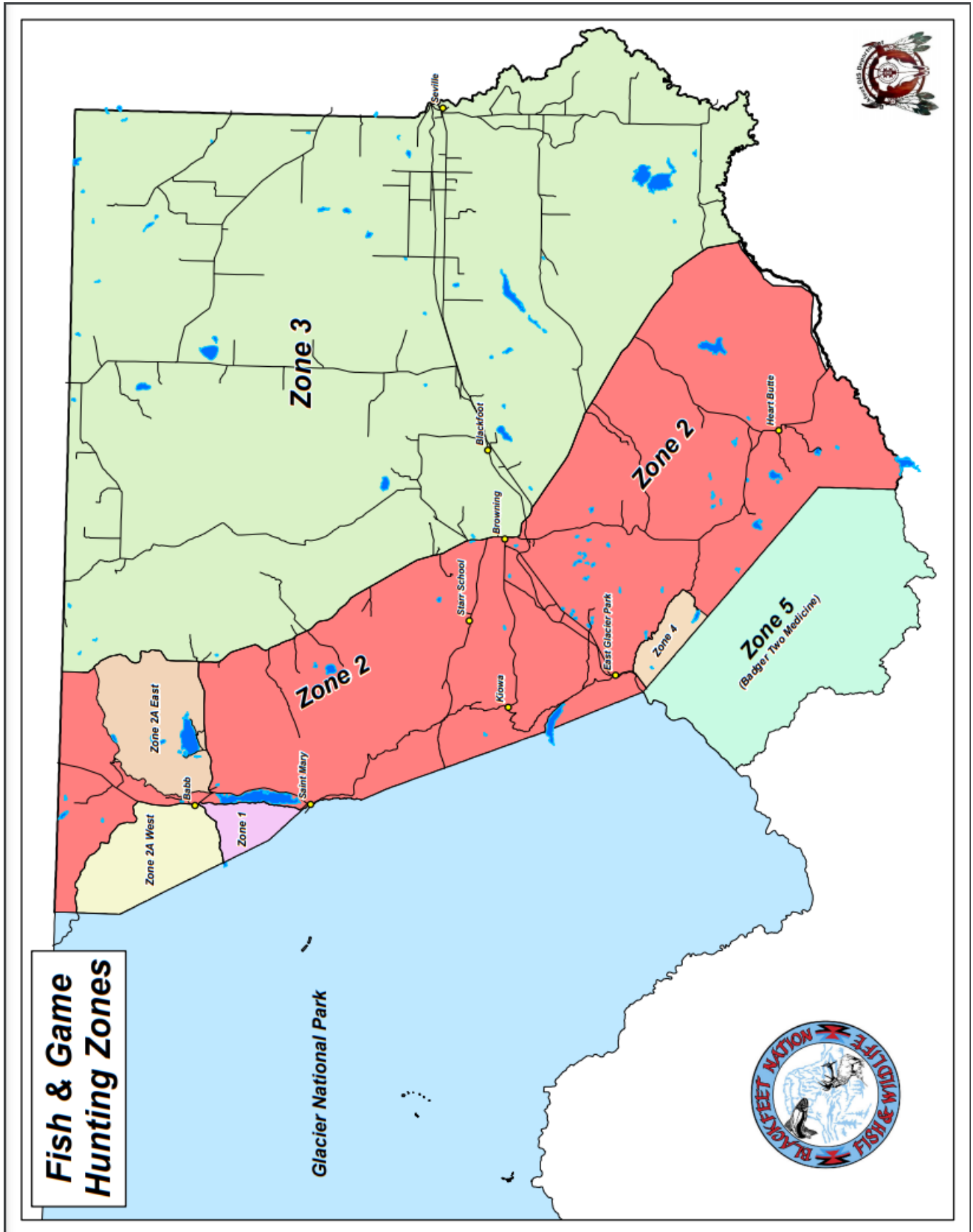
Section 14. Wildlife Check Station

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. **Fine-\$500.00**

PART XVII. MANNER OF AMENDMENT

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 through the website of the Department. All comments shall be considered prior to amendment or promulgation of the annual regulations.

APPENDIX A. ZONE MAP



APPENDIX B. LIQUIDATED DAMAGES AMOUNTS

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	\$14,000.00 to \$35,000.00	\$14,000.00 to \$35,000.00
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

<u>UPLAND/WATERFOWL GAME/BIRDS</u>	<u>MALE</u>	<u>FEMALE</u>
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
Loons (Givviforms)	\$150.00	\$150.00
Grebes (Pidicipediforms)	\$150.00	\$150.00
Cranes, Rails, Coots (Ciconiiformes)	\$150.00	\$150.00
Shorebirds, gulls, and terns, (Charadriiformes)	\$150.00	\$150.00

All birds of prey including vultures, hawks, falcons, and owls will have a value of \$1,000.00. All other non-game birds will have a value of \$75.00.

<u>FISH</u>
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	\$100.0	\$125.00
Rabbits	\$25.00	\$45.00
Beaver	\$75.00	\$125.00
Bobcat	\$500.0	\$1,000.00
Mink	\$450.0	\$550.00
Raccoon	\$100.0	\$125.00
Weasel	\$60.00	\$120.00
Badger	\$60.00	\$120.00
Porcupine	\$60.00	\$120.00
Wolverine	\$500.0	\$500.00
Otters	\$60.00	\$120.00
Fishers	\$60.00	\$120.00
Pine Martin	\$60.00	\$120.00

APPENDIX C. VIOLATION FINE SCHEDULE

Pursuant to the Blackfeet Nation Fish and Wildlife Code, the following list of Violations is provided, in a simplified manner. For accurate definitions, rules, and explanation please refer to the Blackfeet Nation Fish and Wildlife Code. Any inconsistencies between this appendix and the code will be resolved in favor of the code as written.

Citation	Violation	Amount
	Part III-General Rules	
FWR 3-1-A	Prohibited Camping Areas	\$500.00
FWR 3-1-C	Hunting, Fishing, Trapping or Camping On Private Posted Land without Consent	\$500.00
FWR 3-1-D	Hunting, Fishing, Trapping on Tribal Leased Land Without Consent	\$500.00
FWR 3-1-D	Illegal to falsely keep hunters/trappers from using Tribal Lands	\$500.00
FWR 3-1-E	Trespass on Private Land	\$500.00
FWR 3-1-F	Closure of Tribal Land	\$500.00
FWR 3-1-G(1)	Damage a Fence or Enclosure Without Consent	\$500.00
FWR 3-1-G(2)	Building a Fire Without Consent	\$50.00
FWR 3-1-G(3)	Severing of Trees, Grass or Other Land Product Without Consent	\$50.00
FWR 3-1-H	Access to Lands - Illegal	\$500.00
FWR 3-1-I	Trapping and Restricting Gree Wildlife Movement, Illegal Fence	\$5,000.00
FWR 3-2-A	Commerce In Wildlife and Parts	\$100.00
FWR 3-2-B	Commerce-Buy or Sell Wild Animals	\$100.00
FWR 3-2-C	Commerce in Fish and/or Big Game meat	\$100.00
FWR 3-2-D	Tribal Member Off Season for Horns/Antlers	\$100.00
FWR 3-2-E	Non-member Gather, Retrieve or Hunt of Antler/horns	\$100.00
FWR 3-3	Waste of Fish and/or Big Game meat	\$100.00
FWR 3-4	Failure to notify of carcass on lands	\$100.00
FWR 3-5-A(1)	Camping- Improper Care of Property	\$500.00
FWR 3-5-A(2)	Camping- Vehicle Outside of Parking Area	\$500.00

FWR 4-5-A(3)	Camping- Improper Gathering of Firewood	\$500.00
FWR 4-5-A(4)	Camping- Disturbing Plant or Animal Life	\$500.00
FWR 3-5-A(5)	Camping- Digging or Leveling Ground	\$500.00
FWR 3-5-A(6)	Camping- Dog, Cat or Pets no leash/uncontrolled	\$500.00
FWR 3-5-A(7)	Camping- Improper Draining and Refuse from Trailer	\$500.00
FWR 3-5-A(8)	Camping- Failure to Observe Hours of Quiet	\$500.00
FWR 3-5-A(9)	Camping-Unclean Camp	\$500.00
FWR 3-5-A(10)	Camping-Unattended Campfire	\$500.00
FWR 3-5-A(11)	Camping-Violation of Use of Hydrant	\$500.00
FWR 3-5-A(12)	Camping- Feeding of Wildlife	\$500.00
FWR 3-5-B(1)	Illegal <u>Aquatic Invasive Species</u> activity	Ord. 113A
FWR 3-5-B(2)	Failure to have PFD for all onboard boat	\$75.00 person
FWR 3-5-B(3)	Water Skiing in Unlawful Area	\$25.00 person
FWR 3-5-B(4)	Sail Boating in an Unlawful Area	\$25.00
FWR 3-5-B(5)	Windsurfing on non-designated lake	\$25.00
FWR 3-5-B(6)	Illegal use of motorized watercraft	\$500.00
FWR 3-5-B(7)	Operating a Watercraft while Under The Influence of Alcohol	\$500.00
FWR 3-5-B(8)	Speed Limit on Lakes	\$25.00
FWR 3-5-B(9)	Snowmobiles on Waterways	\$100.00
FWR 3-5-C(1)	Operating an ATV or Snowmobile in Closed Area	\$1,000.00
FWR 3-5-C(2)	No Hunting from an ATV or Snowmobile	\$1,000.00
FWR 3-5-C(3)	Failure to Use Proper Procedure for Crossing of Roadway by ATV or Snowmobile	\$100.00
FWR 3-5-C(4)	Operating an ATV or Snowmobile in a Careless or Reckless Manner	\$100.00
FWR 3-5-C(5)	Transporting Big Game on an ATV or Snowmobile	\$500.00
FWR 3-5-C(6)	Using an ATV or Snowmobile to harass wildlife or livestock	\$100.00
FWR 3-5-C(7)	Using/Carrying a Long Gun from ATV or Snowmobile	\$500.00
FWR 3-5-C(8)	Operating an ATV or Snowmobile under the Influence	\$500.00

FWR 3-7-D	Keeping Wildlife in Captivity or Attempting to Domesticate Wildlife	\$500.00
FWR 3-7-E	Introduction of Exotic Species	\$500.00
FWR 3-8-A	Allowing Child under 12 years of Age to Hunt w/o Adult Supervision	\$100.00
FWR 3-8-B	Allowing a Child under 12 years of Age to Fish without Adult Supervision	\$100.00
FWR 3-8-C	John's Law	Ord. #114
FWR 3-9	Take or Possess Wildlife During Closed Season	\$500.00
	PART IV. HUNTING REGULATION	
FWR 4-1-A	Violation of Hunter Orange/Pink	\$100.00
FWR 4-1-B	Violation of Designated Hunting Zone (Example: Hunting in a closed zone)	\$1,000.00
FWR 4-1-C	Violation of Designated Hunting Staging Area	\$500.00
FWR 4-1-D	Shooting From or Across Right-of-Way; or Shooting from a Vehicle	\$500.00
FWR 4-1-E	Shooting Close to a House	\$100.00
FWR 4-1-F	Shooting Within a Town or Residential Area	\$100.00
FWR 4-1-G	Shooting near Lake or Recreation Area	\$100.00
FWR 4-1-H	Failure to Observe Hunting Hours	\$100.00
FWR 4-1-I	Shooting Young Animals	\$100.00
FWR 4-1-J	Hunting by Baiting	\$100.00
FWR 4-1-K	Hunting While Intoxicated	\$500.00
FWR 4-1-L	Concealing Sex of Animal	\$100.00
FWR 4-1-M	Spotlighting, Using Radio Communicator or Night scope	\$500.00
FWR 4-1-N	Hunting with a Drone	\$1,000.00
FWR 4-1-O	Aerial Hunting	\$500.00
FWR 4-1-P	Use of Dogs	\$500.00
FWR 4-1-Q	Hunting with a Crossbow	\$500.00
FWR 4-1-R	Hunting without license/permit/tag (Example: Poaching)	\$500.00
FWR 4-1-S	Fail to Tag Big Game after Take	\$500.00
FWR 4-1-T	Hunting Tags and/or License Non-transferable	\$500.00

FWR 4-1-U	Season Limits Members/Descendants (Example: Hunting More animals than allowable within a season pursuant to a tag/license/permit - or- hunting when the season is closed)	\$500.00
FWR 4-1-V	Season Limits Non-Tribal Members (Example: Hunting More animals than allowable within a season pursuant to a tag/license/permit - or- hunting when the season is closed)	\$12,000.00
PART V. BEARS		
FWR 5-2-A(1)	Proper Bear Resistant Storage	\$100.00
FWR 5-2-A(2)	Food Unattended During Daylight Hours (Example: Leaving food out on a picnic table)	\$100.00
FWR 5-2-A(3)	Food not in Use Place in Bear Resistant Container (Example: Leaving unattended food outside or in a tent in a styrofoam or xps foam cooler)	\$100.00
FWR 5-2-B(1)	Commercially Operated Food Business Garbage Containers Closed	\$500.00 Day
FWR 5-2-B(2)	No Dumping Food, Bi-products and/or packing except in receptacles	\$500.00 Day
FWR 5-2-B(3)	Commercial – Grill Outside Bear Resistant Enclosure or Fence	\$500.00 Day
FWR 5-2-B(4)	Commercial-Outside Garbage Storage Bear Resistant Receptacles	\$500.00 Day
FWR 5-2-C	Residential Garbage	\$100.00
FWR 5-2-D	Gut Piles	\$100.00
FWR 5-2-E	Animal Carcasses	\$100.00
FWR 5-2-F	Livestock Carcasses	\$100.00
FWR 5-2-G	Closures	\$1,000.00
FWR 5-3-B	Taking of a Grizzly Bear	\$5,000.00
PART VI. PREDATORS		
FWR 6-2-B	Distribution and Use of Poison of Wildlife	\$1,000.00
FWR 6-2-F	Use of Spring or Set Guns/Devices	\$500.00

	PART VII. TRAPPING AND HUNTING OF FURBEARERS	
FWR 7-2-A	Unlawful for member/descendant to trap furbearers without permit	\$100.00
FWR 7-2-B	Unlawful for member/descendant to hunt furbearers without permit	\$100.00
FWR 7-2-C	Hunting and/or trapping with Non-Tribal Member	\$1,000.00
FWR 7-2-D	Failure to Affix Tag to Taken Furbearer	\$75.00
FWR 7-2-E	Failure to provide trapping log	\$100.00
FWR 7-3-A	Non-Member resident trapping Beaver Failure to Contact BFW	\$100.00
FWR 7-3-B	Non-Member resident hunting Coyote Failure to Contact BFW	\$100.00
FWR 7-3-C	Spouse of Member hunting/trapping without permit	\$100.00
	PART VIII. SMALL GAME HUNTING	
FWR 8-2	Small Game Hunting by Members and Descendants	\$300.00
FWR 8-3	Small Game Hunting by Non-Tribal Members	\$300.00
FWR 8-4	Hunting of Ground Squirrels by Non-Member without Permit	\$200.00
	PART IX. BUFFALO HUNTING	
FWR 9-1	Failure to observe buffalo hunting season & limit	\$2000.00
FWR 9-2	Non-Tribal Members Hunting Buffalo without a license/permit/tag	\$1000.00
FWR 9-3	Members, Descendants Hunting Buffalo without a license/permit/tag	\$1000.00
	PART X. OFF-RESERVATION HUNTING	
FWR 10-1	Permit Violation (Example: Hunting without a Blackfeet Nation Fish and Wildlife license/tag/permit (Poaching))	\$1,000.00/ loss of privileges for following year
FWR 10-3	Violation of Helpers	\$100.00
FWR 10-4-A	Violation of Reporting	\$100.00 Loss of Permit
FWR 10-4-C	Violation of Transport Permit/Tag	\$100.00
	PART XI. BIRDS	
FWR 11-1	Injuring or Harassing Bird Nests	\$50.00

FWR 11-4	Violation of Permit for Hunting Upland Game Birds by Non-members	\$500.00
FWR 11-5	Non-Tribal Member and Descendant must have a federal waterfowl stamp	\$50.00
FWR 11-5-A	Failure to Observe Federal Flyway Regulation of Hunting Migratory Waterfowl	\$100.00
FWR 11-5-B	Hunting waterfowl with shotgun larger than a 10 gauge	\$500.00
FWR 11-5-C	Failure to dress bird for identification	\$100.00
FWR 11-5-D	Use of Lead shot	\$50.00
FWR 11-5-E	Violation of Hunting Hours	\$100.00
PART XII. FISH		
FWR 12-1-A	Failure of Tribal Member to Observe Season	\$200.00
FWR 12-1-B	Non-Tribal Member Using Improper Fishing Method	\$100.00
FWR 12-1-C	Non-Tribal Member Fishing Without a Permit	\$500.00
FWR 12-2-A	Blackfeet Aquatic Invasive Species Act	Ord. #113A
FWR 12-2-B	Non-Tribal Member fishing outside of permitted hours	\$50.00
FWR 12-2-C	Illegal fishing methods Snagging, Use of Explosives, Corrosives, Poisons or Use of Gillnet or Seine	\$500.00 plus an additional \$100.00 per fish.
FWR 12-2-D	Introduction of Live Fish into Water	\$500.00
FWR 12-2-E	Chumming	\$100.00
FWR 12-2-F	Ice Fishing Hole in Excess of 12 inches	\$100.00
FWR 12-2-G	Allowing Ice Fishing House to be Frozen in, Failure to identify Ice Fishing House, Leaving Ice Fishing House on Lake more than 48 hours	\$100.00
FWR 12-2-H	Season & limit violation	\$100.00 each fish
FWR 12-2-I	It shall be unlawful to filet or process any fish in possession in a manner that would prevent a proper measurement.	\$100.00
FWR 12-2-J	Urinating or defecating on ice stream or lake	\$100.00
FWR 12-2-K	Littering on or near the lakes or streams	\$500.00
FWR 12-2-L	Taking or in possession of Bull Trout	\$200.00
FWR 12-2-M	Netting Fish without a permit from Lower St. Mary's Lake	\$300.00
FWR 12-2-N	Felt bottom boot/waders – Prohibited	\$200.00
FWR 12-2-Q	Vehicles on or in Waterway	\$1,000 per day

FWR 12-4-F	Failure to Clean Up after Fishing Derby	\$500.00
FWR 12-4-L	Hosting a Fishing Derby without a Permit	\$200.00
FWR 12-5	Closed Area or Species	\$200.00
PART XIII. OUTFITTERS		
FWR 13-2-A	Outfitting or Guiding without a License	\$5,000.00
FWR 13-13-B	Outfitter or Guide Failing to Report Violation of Tribal Laws	\$1,000.00
PART IX. HABITAT PROTECTION, ENHANCEMENT, AND SPECIAL MANAGEMENT AREAS		
FWR 14-8-A(1)	Zone 1-Boulder Ridge/Flattop-No motorized/mechanized Vehicles	\$1,000.00
FWR 14-8-A(2)	Zone 1-Unauthorized Carrying/discharging of Long Gun	\$1,000.00
FWR 14-8-B(1)	Zone 2A West No vehicles	\$1,000.00
FWR 14-8-B(2)	Zone 2A East No vehicles	\$1,000.00
FWR 14-8-C(1)	Zone 3 Special Subsistence Area	\$1,000.00
FWR 14-8-D(1)	Bow Hunting for Tribal Members	\$1,000.00
PART XV. LICENSE/PERMIT		
FWR 15-3-C	Non-Tribal Member Possession and Commerce of Animal Parts Prohibited	\$500.00
FWR 15-3-D	Non-Tribal Member Gathering and/or Retrieving Antlers and Mushrooms	\$500.00
FWR 15-4	Failure to Possess a License or Permit	\$200.00
FWR 15-5-A	Failure to Possess Tribal Transport/Export Permit	\$100.00
FWR 15-5-B	Failure to Possess a Permit from Another Jurisdiction	\$100.00
FWR 15-6-A	Failure of Non-Member to Possess Recreation/Conservation Permit	\$100.00
FWR 15-6-B	Failure of Non-Member to Possess Recreational Vehicle Permit	\$100.00
FWR 15-6-C	Failure of Non-Member to Possess Camping Permit	\$100.00

	PART XVI. ENFORCEMENT	
FWR 16-14	Wildlife 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.	Pursuant Specific Violation of Chapter 5

APPENDIX D. WOLF MANAGEMENT PLAN