

101 CODE OF TRIBAL REGULATIONS
PROHIBITED ACTIVITIES
UNDER THE FISH AND WILDLIFE CONSERVATION CODE
WITHIN THE ROCKY BOY'S INDIAN RESERVATION

1. **Purpose.** The purpose of these regulations is to govern prohibited activities on fishing, and hunting within the exterior boundary of the Rocky Boy's Indian Reservation.
2. **Jurisdiction.**
 - a. The jurisdiction over hunting, fishing, trapping and any other activities involving wildlife on the Rocky Boy's Indian Reservation lands and authority for permitting such activities resides exclusively with the Tribal Business Committee.
 - b. All wildlife are protected on Rocky Boy lands and may not be taken, possessed or transported unless specifically permitted by these regulations.
 - c. State of Montana hunting, fishing or trapping licenses or permits involving wildlife are not required nor are they valid on the Rocky Boy's Indian Reservation.
 - d. These regulations shall be enforced by the Natural Resources Department or its authorized agents including Special Officers of the U.S. Fish and Wildlife Service.
3. **Authority.** The Sub Committee is authorized to establish regulations for hunting, fishing, trapping, watercraft use, and other activities involving wildlife as provided by the Rocky Boy's Fish and Wildlife Conservation Code.
4. **General Rules on prohibited activities.** It is unlawful to hunt, fish, trap, take, possess, or transport any wildlife or parts thereof on Rocky Boy lands without lawful authority or permit and contrary to these regulations may subject to loss of tribal permission to hunt, fish, or trap and subject to civil or criminal penalties.
5. **Age Restriction.**
 - a. No person under 12 years of age may hunt or trap while possessing a firearm or bow and arrow.
 - b. No person under 12 years of age may hunt or trap while possessing a firearm or bow and arrow unless he or she is accompanied by a licensed or permitted parent, guardian or other adult designated by a parent or guardian.
 - c. There are no age restrictions for the purpose of fishing. However, any person under the age of 12 years must be accompanied by an adult designated by a parent or guardian.
6. **Parental Obligation.** No parent, guardian or other person shall authorize or knowingly permit or encourage a child to violate any provisions of these regulations.
7. **Bag Limits; Possession Limits.** No person shall have in his/her possession or under his/her control any fish, wildlife, or plant in excess of the bag or possession limits, or above or below the size limits for any fish, wildlife or plants as established by this regulation.
8. **Conducting Scientific Investigations Without Required Permit.** It is unlawful for any person to take, pursue or investigate any wildlife for scientific study or research purposes without having first obtained all appropriate permits, and/or take, pursue or investigate any wildlife without having such permits on one's person.

- a. The Rocky Boy's Fish and Wildlife Conservation Department's biological services personnel may conduct investigations of fish, wildlife and plants in order to develop scientific information relating to populations, distribution, habitat needs, and other biological data in order to advise the Tribe on conservation measures designed to ensure the continued ability of fish, wildlife and plants to perpetuate themselves.
- b. The Rocky Boy's Fish and Wildlife Conservation Department may for scientific purposes engage in or authorize the harvest of protected species by the use of methods, at times or at locations not authorized by this code on such terms and conditions as it deems appropriate, as long as those methods are reasonable and acceptable to the scientific community.
- c. Nothing in this section shall authorize any person to exceed the biological safe harvest level of any species.

9. Emergency Closures.

- a. Notwithstanding any other provisions of this regulation, the Department is hereby authorized and empowered to order closure of the harvest activity of any species, generally or with respect to a particular location of body of water, whenever in his/her professional opinion and judgement, the harvest or activity is likely to result in a harvest exceeding the harvest goals and quotes or danger to the public.
- b. Every reasonable effort shall be made to consult with and obtain the approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.
- c. An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and practical method.
- d. No person shall violate the terms, conditions, or restrictions of an emergency closure order issued pursuant to this section.

10. Duties on Accidental Shooting. Any person who, while hunting any fish, wildlife discharges a firearm or arrow, and thereby injures or kills another person, shall forthwith give his or her name and address to such person if injured and render assistance to him or her as may be necessary an obtain immediate medical or hospital care, and shall immediately report such injury or death to the proper law enforcement authorities.

11. Failure to Report Hunting Accident. Any person who has caused or been injured in an accident in which another person has been injured by gunfire or by an arrow while hunting, fishing or trapping, or has inflicted an injury upon himself or herself with a firearm or arrow while hunting, fishing or trapping, shall render or cause to be rendered a report to the Department Supervisor. Failure to report such an accident shall constitute a violation of this section.

12. Hunter Education Requirement. Any person under the age of fourteen (14) must have completed a certified Reservation, State or Canadian Hunter Safety Course and show proof of successful completion to the authorized license vendor to purchase a hunting or fur-bearers license.

13. Failing to Provide Sex Identification of Carcass of Wildlife. It is unlawful for a person to have in his possession or to transport the carcass of any wildlife, big game animal or any considerable portion of such carcass unless the carcass is accompanied by natural evidence of the animal's sex sufficient to enable the sex to be readily determined by ordinary inspection.

Determination of sex shall be as follows:

Big Game Animals: Male: Head or Testicles
 Female: Head or Udder (bag)

14. General Restrictions on Hunting and Trapping.

a. Hunting in Restricted Areas; No person shall:

1. Hunt within 1700 feet of any hospital, school and/or grounds, or any public establishment and/or grounds.
2. While on lands of another, discharge a firearm within 440 feet of any building devoted to human occupancy situated on lands and attached to the land of another without the express permission of the owner or occupant of the building.
3. Hunt or pursue any wildlife, or enter for the purpose of hunting or pursuing any wildlife on any legally posted lands without the express permission of the owner or occupant. Trap or pursue fur-bearers on legally posted land without permission from the owner or occupant.
4. Leave any gate, bars or other devices used to enclose land or livestock open upon entering or exiting the premises for the purposes of hunting or pursuing wildlife unless he/she is in lawful possession of the premises. It is unlawful for any person hunting, fishing, or trapping to leave any gate open or cut or destroy a fence. In addition to the penalties provided in this sub-section, any person in violation shall be liable for all damages resulting from this offense.
5. It is unlawful for any person to pursue hunt, or fish or to take fish or wildlife on tribal lands where the Tribe has posted the land by placing signs on all access roads or gates. The signs shall read “No Hunting Without Permission of the Chippewa Cree Tribe” and shall be placed by a Wildlife Conservation Officer. No other person is authorized to post on tribal lands. No land assignment holders, grazing permittees or farming leases shall be allowed to post tribal farms, leases or range units.
6. No person shall drive off any established roadway while hunting, fishing, trapping or recreating.
7. In any matter deface, destroy, or remove any signs that the Tribe has posted to prevent hunting.

b. Color of Clothes: No person shall hunt any wildlife except waterfowl unless 400 square inches of the persons clothing above the waist is of a highly visible color referred to as: Hunter Orange, Blaze Orange, Fluorescent Orange, Flame Orange during the big game hunting seasons.

c. Transportation of Firearms and Bow & Arrow:

1. No person shall at any time transport a firearm with a round in the chamber, or revolver with cartridges in the cylinder, or a shot gun with more than two (2) shells in the magazine.
2. No person shall transport any bow unless it is unstrung, encased or string is locked and unable to be drawn.

d. Safe Use of Firearms and Bows:

1. No person shall hunt while possessing a loaded firearm or strung bow within 50 feet of the center at a maintained roadway.
2. No person shall load or discharge a firearm or bow of any type across a maintained roadway.

3. No person shall load or discharge a firearm or bow of any type in or from a motor vehicle.
 4. No person shall lean or place any loaded firearm or bow of any type against any vehicle.
 - e. **Restrictions on Use of Bait:**
 1. No person shall place or hunt over bait unless such material is present from normal agricultural practices.
 2. No trapper or person shall set any trap within 30 feet of any exposed bait visible to airborne raptors. Exposed bait means meat or viscera of any animal, bird or fish with or without skin, hide or feathers.
 3. No person shall place, use or hunt over bait containing, or contained within, metal, plastic, glass, wood or non-biodegradable materials.
 - f. **Exceptions:** These subsections shall not apply to any person authorized to enforce this regulation, who in the line of duty places, possesses, transports, loads or discharges a firearm in, on or from a motor vehicle or motorboat or discharges a firearm from or across a maintained roadway or within 50 feet of the center of a maintained roadway, or leaves an established roadway in a motorized vehicle while conducting an active investigation, surveys, or wildlife and fisheries counts.
- 15. Failing to Tag Wildlife Properly.** It is unlawful for any person to fail to tag wildlife properly, when required by this Code. Any wildlife that is properly tagged is the sole property of the permittee as specified in this Code. Whenever the tag is separated from the permit, the permit is then void and may not be used again for hunting.
- 16. Firing Woods or Prairies.** It is unlawful for any persons to willfully, maliciously, or negligently set on fire or cause to be set on fire any woods or prairies or grounds of any description, or to permit a fire to be set or cause to be set by him/her and to pass from his/her own grounds to the injury and damage of another. Prescribed burns require the approval of the Sub Committee.
- 17. Guiding or Outfitting Offenses.** It is unlawful for any person to guide or outfit any hunter, fisherman or trapper.
- a. Without written authorization from the Department; or
 - b. In a closed area; or
 - c. During a closed season; or
 - d. While hunting, fishing, or trapping for himself for purposes of this sub-section, the term “guide” means to lead, direct, show or point out wildlife, or hunting, fishing or trapping areas to any person. The term “outfit” means to provide equipment of supplies, or both intended for temporary use by hunters, fishermen, or trappers.
- 18. Hunting After Daylight Hours.** It is unlawful to hunt wildlife as herein defined other than during daylight hours unless otherwise provided under this Regulation. Day light hours shall be from one-half hour before sunrise until one-half hour after sunset.
- 19. Hunting, Fishing or Trapping During Closed Season or in A Closed Area.** It is unlawful for any person to hunt, fish, or trap during a closed season or to hunt, fish, or trap in a closed area.
- 20. Hunting, Fishing, or Trapping Without Required Permit or Tag.** It is unlawful for any person to hunt, fish, or trap without having first obtained all appropriate permits or tags, and/or to hunt, fish, or trap without having such a permit or tag on one’s person.
- 21. Hunting on Wildlife Refuges.** No person shall enter designated Tribal or Federal Refuge for the purpose of taking, pursuing, harassing, killing or disturbing any wildlife, fish or plant. This

section shall not apply to any person authorized to perform directed management and enforcement duties as permissible by the agency of operation.

22. **Hunting, Fishing, Trapping and Boating While Intoxicated.** No person shall hunt, fish, trap or operate a boat while under the influence of alcohol, intoxicant or controlled substance to a degree that the person is incapable of safely using such weapon or equipment, or while a person has a blood alcohol concentration of 0.10% or more by weight of alcohol in the person's blood or 0.10 grams or more of alcohol in 200 liters of that persons breath.
23. **False Impersonation of an Enforcement Officer.** No person shall falsely represent himself/herself to be a law enforcement officer authorized to enforce the provisions of this regulation, or shall assume to act as such an officer, without having been first duly appointed.
24. **Resisting a Conservation Officer.** No person shall assault or otherwise resist or obstruct any law enforcement officer or agent of the Department authorized to enforce the provisions of this code while in the course of performing his duties.
25. **Killing or Taking Protected Species.** It is unlawful for any person to hunt or otherwise take any protected species as determined by the Sub Committee or the Department or by Federal regulations.
26. **Larceny of Fish, Wildlife or Plants.** No person shall, without permission of the owner, molest, disturb or appropriate any fish, wildlife, plant or the carcass and/or parts thereof, which has been lawfully reduced to possession of another.
27. **Making a False Statement in Obtaining a Permit.** It is unlawful for any person to knowingly swear to or affirm any false statement while applying for any type of hunting, fishing, trapping, ceremonial, religious use or scientific investigation permit or tag.
28. **Permitting Unauthorized Non-Tribal Member on Reservation.** It is unlawful for any tribal member who is hunting, fishing, or trapping to allow or permit or invite any non-member to enter, hunt, fish, or trap upon the lands of the Rocky Boy's Indian Reservation unless the non-member is properly permitted to hunt, fish, or trap for the same kind of wildlife or unless the non-member has proper authorization issued by the Department. The non-member who does not comply with the terms of this sub-section shall be considered as trespassing without permission of the Department and shall be prosecuted according to provisions of the Chippewa Cree Tribal Law and Order Code or Federal Law, whichever has proper jurisdiction over the non-member.
29. **Introduction of Fish, Wildlife and Plants.** No person shall transplant onto or transport into any lands of the Rocky Boy's Indian Reservation any fish or eggs into any body of water, or any wildlife, animal or plant species without authorization from the Sub Committee or the Department.
30. **Purchasing, Selling, Bartering, Trading or Exchanging Wildlife for Profit.**
 - a. It is unlawful for any person to hunt, fish, take wildlife or attempt to hunt, fish, or take wildlife for the purpose of selling bartering, trading or otherwise exchanging for profit to himself or others unless authorized by the Department.
 - b. It is unlawful for any person to offer to, or to sell, barter, trade or otherwise exchange for profit to himself or others any wildlife while within the exterior boundaries of the Rocky Boy's Indian Reservation.
 - c. Nothing in this section shall be construed to prohibit the purchase, sale, barter, or trade of non-edible portions of any game animals.

- 31. Refusing to Allow Inspection of Permits or Tags.** It is unlawful for any person to refuse to allow inspection of his permit or tag by any authorized Wildlife Conservation Officer, law enforcement office or agent of the Department.
- 32. Sharing of Permits and Tags.** Except as otherwise provided in this regulation, no person shall lend, share, give, transfer, sell, barter or trade to any person any identification document, permit or tag issued by the Department pursuant to the tribal Fish and Wildlife Code.
- 33. Harvesting with Another's Permit.** No person shall hunt, fish, trap, recreate, gather, or cut wood while in possession of any permit or tag issued to another except when authorized under permit issued by the Department.
- 34. Shooting Fish.** It is unlawful for any person to shoot or attempt to shoot any type of firearm any fish in the waters of the Rocky Boy's Indian Reservation.
- 35. Shooting From the Road.** It is unlawful for any person to shoot any type of firearm from or across or onto any grades or maintained public road on the Rocky Boy's Indian Reservation.
- 36. Spotlighting.**
- a. It shall be unlawful for any person to shine a spotlight, headlights or any other artificial light for the purpose of locating, hunting, pursuing, taking or attempting to take or kill any fish or wildlife.
 - b. This sub-section shall not apply to:
 1. Any person who possess a flashlight or uses a flashlight while on foot to track or hunt raccoon, foxes, skunks, coyote or any other unprotected species.
 2. Any person authorized to enforce the provisions of the Fish and Wildlife Code and regulations thereof while on official business conducting an active investigation.
 3. Any person authorized to conduct fish or wildlife censuses or surveys.
- 37. Taking Wildlife Other Than by Methods Prescribed.** It shall be unlawful to hunt, fish, or trap in any method which is not authorized by this regulation.
- 38. Tampering With Equipment of Another.** No person shall molest, disturb, tamper with or in anyway interfere with any hunting, fishing, trapping, gathering, wood cutting, recreational or other equipment used, set or placed by another except with the owner's permission.
- 39. Unlawful Taking or Possessing of Wildlife.** It is unlawful for any person to take, attempt to take, or possess any wildlife whether or not such wildlife is alive, or dead, unless permitted by the Fish and Wildlife Code and regulations thereof. All wildlife possessed without permit shall be seized and forfeited to the Chippewa Cree Tribal Court for appropriate disposition.
- 40. Using a Dog to Take Wildlife.** It is unlawful for any person to use a dog in taking or attempting to take wildlife except as authorized by the Department.
- 41. Using an Aircraft for the Purpose of Hunting or Harassing Wildlife.** No person shall hunt or harass any wild animal with the aid of any type of aircraft. Exception is the authorized use of aircraft to perform population censuses or to remove depredating wildlife with the consent of the Sub Committee.
- 42. Restrictions on the Use of Motor Vehicles.** It is unlawful for any person to use a motorized vehicle to harass (chase, pursue) wildlife or game birds.
- 43. Using Nets, Trotlines or Traps.** It is unlawful for any person except those specifically authorized by the Rocky Boy Wildlife Conservation Department to set or use any trap, net, trotline or other such device to take fish in the waters of the Rocky Boy's Indian Reservation.

- 44. Pivot Guns and Similar Devices.** No person shall place, operate, or attend, spread, or set any net, pitfall, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching or which might catch, take or ensnare wild animals except those specifically authorized by the Department.
- 45. Using Wildlife as Bait.** It is unlawful to use wildlife as bait unless otherwise provided under the Fish and Wildlife Code and regulations thereof.
- 46. Wanton Waste of Fish, Wildlife and Plants.** No person who takes any fish, wildlife or plants shall abandon intentionally, or needlessly allow to go to waste, any portion thereof. The failure of any person to properly dress and care for any fish or wildlife species taken or killed by that person, and, if the carcass is reasonably accessible, the failure to take or transport the carcass to the residence of that person, or place for proper storage, and there properly care for the carcass within 48 hours after taking or killing, is prima facie evidence of a violation.
- 47. Willful Destruction of Wildlife.** It is unlawful for any person to take or kill any wildlife and abandon the carcass, or take or kill any wildlife for the head, claws, teeth, hide, antlers or horns with the intent of abandoning the carcass, or to mutilate any wildlife while it is still alive.
- 48. Wounding of Animals.** It is unlawful for any person who wounds or may have wounded wildlife to fail to go to the place where the animal sustained or may have sustained a wound and make a reasonable attempt to track the animal suspected of injury and to reduce it if possible.
- 49. Littering Prohibited.** It is unlawful for any person to litter while hunting, fishing or trapping.
- 50. Throwing Refuse in Waters; Abandoning Automobiles, Boats or other Vehicles.** No person shall deposit, place or throw into any Reservation waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste material; and no person shall abandon any automobile, boat or other vehicles in such waters within vehicles not removed from such waters within thirty (30) days shall constitute abandonment.
- 51. Rocky Boy Air Space.** It is unlawful for any person to operate a fixed wing or rotary wind aircraft to violate the air space over the Reservation up to an elevation of 500 feet above ground level without permission from the Business Committee.
- 52. Use of Poison and Explosives.**
- a. No person shall take, capture, or kill, or attempt to take, capture or kill any fish, wildlife or plant with the aid of dynamite or any explosive, poisonous, or stupefying substance or device.
 - b. No person shall place in any waters explosives which might cause the destruction of any fish, wildlife or plant, except when authorized by the Director, or have in his/her possession or under his/her control upon any waters any explosive, poisonous, or stupefying substance or device for the purpose of taking, catching, or killing any fish, wildlife or plant.
 - c. No person shall use, set, lay or prepare in any waters of the Reservation any lime poison, fish berries, or any other substance deleterious to fish life; or use baits containing poison of any description in any area of the Reservation other places, where such baits might destroy or cause the destruction of fish, wildlife or plants; and the possession of any such poison, baits or substances deleterious to fish, wildlife or plants regulated by the Fish and Wildlife Code is prima facie evidence of a violation of the Code and regulations thereof.
 - d. No member shall take, capture or kill or attempt to take, capture or kill any game-bird by setting or operating any trap or device designed, built or used to capture birds.

- e. Nothing in this code shall prohibit the Department or its designated agents from using explosives or possessing explosives for the purpose of removing beaver dams, clearing a channel, or breaking a log or ice jam or for the creation of wetlands.
- 53. Seasons.** No person shall engage in the Reservation harvest privileges except during the respective seasons established pursuant to the Fish and Wildlife Code.
- 54. Unlawful Possession of Fish, Wildlife and Plants.** No person shall have in his/her possession or under his/her control at any time any fish, wildlife, plant or carcass and/or part thereof, knowing that the same has been taken unlawfully or during a closed season for such species.
- 55. Endangered and Threatened Species Protected.** Except as otherwise permitted by law; no person shall take, transport, possess or sell any endangered and threatened species as defined in the Fish and Wildlife Code.
- 56. Unprotected Species.** Except as otherwise expressly provided, nothing in this code shall be construed to prohibit or regulate the harvest of any unprotected species as defined in the Fish and Wildlife Code.
- 57. Protected Species.** No person shall hunt, fish, trap, gather, take, pursue, harass, disturb, sell, purchase, or barter any protected species as defined in the Fish and Wildlife Code, except those species whose harvest is specifically regulated pursuant to the provisions of the Fish and Wildlife Code and regulations thereof.
- 58. Penalties.** An individual violating any provisions of this Section may be assessed damages amounting to a minimum of \$50.00 and a maximum of \$500.00. In addition, the Tribal Court may enter an injunction prohibiting the exercise of that person's Reservation hunting, fishing or trapping privileges for a period of time. A schedule of liquidating damages for violation of this section is found in Section 10.03.