

105 CODE OF TRIBAL REGULATIONS
MIGRATORY BIRDS REGULATIONS
UNDER THE FISH AND WILDLIFE CONSERVATION CODE
WITHIN THE ROCKY BOY'S INDIAN RESERVATION

1. **Purpose.** The purpose of these regulations is to govern and protect migratory birds within the exterior boundaries of the Rocky Boy's Indian Reservation.
2. **Authority.** The Sub Committee is authorized to establish regulations for migratory birds and other activities involving wildlife as provided for by the Fish and Wildlife Conservation Code of the Tribe.
3. **General Provisions.** No person shall take or injure any Migratory Bird or harass any Migratory Bird upon its nest or remove any eggs or young except as may occur in normal agricultural, horticultural, or wildlife research practices and as may be authorized by the Department. Nothing in this regulation shall be construed to be prohibit the taking of such migratory birds for scientific purposes with the authorization of the Department.
4. **Open and Closed Seasons.**
 - a. A closed season is hereby established for the hunting of migratory birds except for open seasons specified by tribal resolution.
 - b. Except as otherwise expressly provided by this regulation, no person shall hunt migratory birds on any Reservation lands during a closed season.
5. **Firearms Restrictions.** No person shall hunt Migratory Birds with:
 - a. A shotgun larger than 10 gauge.
 - b. A shotgun capable of holding more than two (2) shells in the magazine.
 - c. A shotgun using a plug of two (2) or more pieces.
 - d. A rifle of any type.
 - e. A shotgun with a barrel length less than 189 inches.
 - f. A handgun of any type.
 - g. With shot other than steel shot.
6. **Bait Restrictions.** Is it unlawful to hunt over bait other than grain crops left in the field due to normal agricultural practices. It is unlawful to hunt in unharvested crops or grain fields such as cereal crops, alfalfa, corn or sunflowers. It is unlawful to use electronic calls or devices of any type of lure migratory birds for any purposes.
7. **Live Decoys.** It shall be unlawful to use live decoy birds for the purpose of hunting migratory birds. If live domestic geese or ducks are or have been present, they must be removed ten (10) days prior to hunting.
8. **Permits and Tags.** No person shall pursue or take any migratory birds on any lands of the Reservation without possessing a valid Tribal license, permit, required tag, or migratory bird stamp.
9. **Hunting Seasons, Bag Limits and Shooting Hours.**
 - a. The establishment of migratory bird hunting seasons and bag limits shall be set in compliance with the Migratory Bird Treaty Act. In addition to any regulations provided for in this subsection, all rules and regulations provided for in 50 CFR 20, Migratory Bird Hunting, will be enforced.

- b. The Department, the Sub Committee and the Business Committee are responsible for establishing migratory bird seasons in compliance with the Migratory Bird Treaty Act. If recommended Tribal seasons, limits, or taking activities vary from their respective State seasons, limits or taking activities, or vary from the Central Flyway recommendations for the hunting of Migratory Birds, the Business Committee or designated representative is responsible by law to submit a proposal to the U. S. Fish & Wildlife Services, Migratory Bird Management office, Washington, D.C. to request the variance or Special Mandatory Bird Hunting Season. This proposal should include, but not limited to, the following:
 - 1. The requested hunting season dates and other details regarding regulations to be observed.
 - 2. Harvest anticipated under the requested regulations.
 - 3. Methods that will be employed to measure or monitor harvest.
 - 4. Steps that will be taken to limit level of harvest.
 - 5. Tribal capabilities to establish and enforce migratory bird hunting regulations.
- c. Upon completion of a Special Migratory Bird Hunting Season, the Tribe or its designated representative is required by law to submit a final report to the Migratory Bird Management Office, Washington, D.C., describing the number of migratory birds harvested per species, and any problems incurred through the special season. If the Tribe does not set a migratory bird hunting season different from the State or Central Flyway Council, then no proposal is required.
- d. Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any migratory bird between sunset of one day and sunrise of the next day.

10. Raptors, Bald & Golden Eagles, Other Protected Species.

- a. It shall be unlawful for any person to take, attempt to take, kill, hunt, sell, purchase, possess, pursue, shoot at, disturb, or destroy any raptor, golden or bald eagle, owl, falcon or other species of protected migratory birds or its nest or eggs thereof on any lands of the Reservation.
- b. Any enrolled member of the Chippewa Cree Tribe requesting or desiring any eagle, raptors or protected migratory bird, or parts thereof, for ceremonial or religious purposes must make or properly complete an application for submission to the U.S. Fish and Wildlife Service, Law Enforcement Division.

11. Transportation. No person shall transport any migratory bird without:

- a. Leaving a fully feathered wing or head on each carcass.
- b. Transporting birds of another without that person present, or without permission from the person providing the migratory bird for transport, or without birds being properly tagged if required.
- c. This subsection shall not apply to any authorized enforcement persons in the course of their duties transporting any seized migratory bird(s).

12. Live Birds. It shall be unlawful to possess a live migratory bird or birds at any time. All migratory birds must be immediately killed once possession is gained. Persons who raise captive birds may maintain these birds with a permit issued by the Department.

13. Penalties. An individual violating any provision 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 and trapping privileges for a period of time.