

107 CODE OF TRIBAL REGULATIONS
BOATING 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 boating activities within the exterior boundaries of the Rocky Boy's Indian Reservation.
2. **Authority.** The Sub Committee is authorized to establish regulations for boating and other activities as provided for by the Fish and Wildlife Conservation Code of the Tribe.
3. **General Provisions.** No person shall operate any boat, watercraft, water-vessel, or floating-device without complying with all rules and regulations pertaining to safety and operation established by the U.S. Coast Guard.
No person shall operate any boat, watercraft, water-vessel, or floating-device on Reservation waters without possessing the requisite license, permit or registration.
4. **Boating Safety Equipment.** Watercraft may be used on all Reservation water except where restricted in these regulations and provided they are operated in a manner that does not jeopardize the pleasure and safety of other people.
No person shall operate any boat, watercraft, water-vessel, or floating-device without maintaining the following equipment on or within any boat, craft, vessel or device:
 - a. All motorboats less than 16 feet in length and non-motorized boats must have at least one Coast Guard approved Type I, II or IV floatation device for each person on board. All boats 16 feet and over in length must have, in addition, at least one Coast Guard approved throwable type IV device on-board.
 - b. All persons using water skis, surfboard or similar devices must wear a Coast Guard approved Type I, II or III floatation device.
 - c. Any Enforcement officer who observes a vessel being used in an unsafe condition or manner and in the officer's judgement such use creates a hazardous condition may direct the operator to take whatever immediate and reasonable steps that would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended. For the purpose of this section an unsafe condition is defined as any of the following:
 1. Operating without boating safety equipment.
 2. Operating in an overloaded condition.
 3. Fuel leakage or presence of fuel or bilges.
 4. Riding on the bow, gunwale, transom, or on the back of seats without taking precautions to prevent persons falling overboard.
 5. Operating in weather or water conditions which endanger the boat and/or occupants.
 6. Operating a boat without a battery cover in place.
 7. Operating a boat without the necessary lights for low light conditions.
 8. Any other water quality conditions specified by water related laws and regulations of the Tribe.
5. **Prohibited Operation.** No person shall:
 - a. Operate a boat at excessive speeds, or in a dangerous or reckless manner.

- b. Operate a boat in an overloaded condition.
 - c. Operate a boat within designated swimming areas or in areas where swimmers are present.
 - d. Operating near dams or other hazardous waters.
 - e. Towing water skiers near other vessels, obstructions, hazardous waters, or in a reckless or dangerous manner.
 - f. Operate a boat in such a manner to cause a dangerous or damaging wake.
 - g. Operate a boat in such a manner as to molest, disturb or annoy persons lawfully engaged in fishing.
 - h. Continue to use or refuse to terminate use of a boat in a hazardous manner after being ordered to cease by an Enforcement Officer.
 - i. No person shall operate any motorboat, craft, vessel or floatation device while under the influence of alcohol or drugs.
- 6. Collisions, Accidents, Casualties and Liability.** It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he/she can do without serious danger to his/her own life or property, to render aid to persons affected by the collision, accident or other casualty. He/she shall give their name, address, and vessel information in writing to a person injured and to the owner of any property damaged in excess of \$100.00, or a person disappears from such vessel under circumstances that indicate death or injury, the operator thereof shall file with the Department a full description of the collision, accident, or other casualty, including such information as said Agency may, by regulation, require.
- The owner of a vessel shall be liable for injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of state statutes, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable unless such vessel is being used with his or her expressed or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage it is under control of his or her immediate family. Nothing herein relieves any other person from any liability he/she would otherwise have, and nothing contained herein authorized or permits any recovery in excess of injury or damage actually incurred.
- 7. Restrictions on Watercraft.** All motorized watercraft are confined to the Bonneau Dam only. All other recreation sites, including Bonneau Dam, are open to canoe, rubber raft, and floatation tubes/devices.
- Rocky Boy's Fish and Wildlife Conservation Officers involved in wildlife management or enforcement are exempt from watercraft restrictions while on duty.
- 8. Optional Boating Regulations.** The following regulations are listed as references to developing recreational opportunities and vehicle registration capabilities on the Reservation.
- 9. Boat Registration.** Any boat, water-craft, water-vessel, or device placed upon or operated upon Reservation waters shall be numbered and licensed as prescribed by Tribal law. No person shall operate or give permission for the operation of any boat, craft, vessel, or device on such waters unless the boat, craft, vessel or device is numbered and licensed in accordance with Tribal law and policy.
- 10. Display of Numbers.** The numbers appearing on the certificate issued by the Department must be permanently attached to each side of the forward ½ of the vessel, in plain vertical block letters at least 3 inches (7.6 centimeters) in height, excluding any border, trim, outlining, or shading, in

contrasting color to the hull, and must be maintained in a legible condition so that the numbers and letters are plainly visible during daylight hours. The number shall read from left to right, and groups of numbers and letters must be separated by a space or hyphen equal to the width of the letter M. A validated sticker issued by the Department must be displayed on the boat, within 6 inches to the rear of the numbers.

11. Licensing Watercraft For Hire – Annual Inspection.

- a. The Sub Committee shall adopt rules to license watercraft for hire, and to prescribe, the safety equipment, construction, and manner of operation of such craft.
- b. The Department shall conduct annual inspections of all watercraft used for hire to determine if rules and regulations governing such craft are complied with and may issue licenses to operate such watercraft.
- c. No person shall operate watercraft used for hire without a current or valid license, permit or registration.

12. Watercraft for Hire – Construction and Operation. No person shall allow a watercraft for hire unless.

- a. It is safely able to carry a load or passengers as prescribed by the Department using the formula (length X width divided by 15). Both measurements are in feet. Metric measurements require the following formula (length X width divided by 1.4). Dimensions are in meters and tenth of meters. The capacity of a boat for hire in terms of the number of persons shall be displayed in plain view.
- b. No watercraft for hire shall be operated:
 1. In violation of any law, rule or regulation of this regulation.
 2. With a load greater that for which it is licensed for and/or regulated by.
 3. In an area which is posted as a swimming area or with the presence of swimmers.
 4. Any person who operates, permits the operation of, or maintains for hire any watercraft within the Reservation and such watercraft is operated in a manner equipped or constructed in violation of this code shall be construed as operating a watercraft for hire without the proper license. In addition to the penalty prescribed by law, he/she shall forfeit any license issued under this regulation.

13. Penalties. An individual violating any provisions of this Section may be assessed damages amounting to a minimum of \$50.00 or 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.