

STANDING ROCK GAME, FISH & WILDLIFE

CONSERVATION CODE
TITLE IX



ORDINANCE NO. 309-08

NOW THEREFORE BE IT FURTHER RESOLVED, that the TITLE IX, GAME, FISH AND WILDLIFE CONSERVATION, of the Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby amended and replace with the attached new TITLE IX, GAME, FISH AND WILDLIFE CONSERVATION; and

ATTACHED PAGES

1 through 65

RESOLUTION NO. 327-08

BE IT FURTHER RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV of the Constitution of the Standing Rock Sioux Tribe, as amended, the foregoing Ordinance No. 309-08, repealing all prior Ordinances regarding TITLE IX, GAME, FISH AND WILDLIFE CONSERVATION, which is hereby APPROVED; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

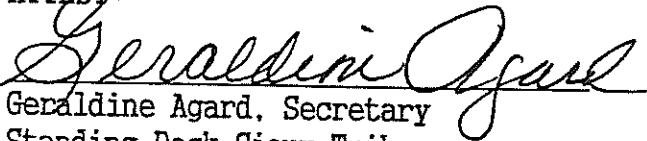
CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council, hereby certify that the Tribal Council is composed of seventeen [17] members of whom 13 constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held on the 3rd day of JULY, 2008, and that the foregoing resolution was duly adopted by the affirmative vote of 11 members, and 0 opposing, and with 2 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.

DATED THIS 3rd DAY OF JULY, 2008.


Ron His Horse Is Thunder, Chairman
Standing Rock Sioux Tribe

ATTEST:


Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 07-03-2008
Motion No. 61

TABLE OF CONTENTS

TITLE IX.	GAME, FISH AND WILDLIFE CONSERVATION CODE	Page
Chapter 1	Establishment of Standing Rock Sioux Tribe's Game, Fish and Wildlife Conservation Department	IX-1
9-101	Establishment of Game, Fish and Wildlife Conservation Department	IX-1
9-102	Declaration of Policy	IX-1
9-103	Title to Game, Fish, Wildlife, Timber and Archaeological Resources	IX-2
9-104	Establishment of Game, Fish and Wildlife Conservation Commission	IX-2
9-105	Standing Rock Sioux Tradition and Custom	IX-4
9-106	Elderly and Disabled Permits	IX-4
9-107	Designated Shooters	IX-4
9-108	Scientific Taking	IX-5
Chapter 2	Definitions	IX-5
9-201	Definitions	IX-5
Chapter 3	Jurisdiction of Standing Rock Sioux Tribe	IX-13
9-301	Jurisdiction	IX-13
9-302	Reserved	IX-13
9-303	Reserved	IX-13
9-304	Reserved	IX-13
9-305	Reserved	IX-13
9-306	Severability and Non-Liability	IX-14
9-307	Repeal of Inconsistent Ordinances	IX-14
Chapter 4	Duties and Authority of Game, Fish and Wildlife Conservation Director	IX-14
9-401	Administration and Supervision	IX-14
9-402	Director of Game, Fish and Wildlife Conservation Department	IX-16

Chapter 5	Enforcement	IX-17
9-501	Enforcement of Tribal Conservation Officers	IX-17
9-502	Duties of Conservation Officers and Other Law Enforcement Officers	IX-18
9-503	Search and Seizure When Authorized	IX-18
9-504	Arrest Without Warrant	IX-18
9-505	Search of Vehicles, Game Bags, Receptacles and other Containers	IX-18
9-506	Seizure of Contraband Game and Devices	IX-18
9-507	Disposition of Forfeited Articles	IX-19
9-508	Seizure of Contraband Game –Search Warrant	IX-19
9-509	Reserved	IX-20
Chapter 6	Protection of Wildlife	IX-20
9-601	Methods Prohibited – Exceptions	IX-20
9-602	Protection of Birds	IX-21
9-603	Furbearing Animals – Seasons – Methods Amounts	IX-22
9-604	Special Bobcat and Lynx Export Tags	IX-23
9-605	Trafficking in Game Prohibited – Exception – Common and Contract Carrier	IX-23
9-606	Other Acts Prohibited	IX-24
Chapter 7	Protection of Fish	IX-24
9-701	Fishing Prohibited	IX-24
9-702	Fishing Restricted to Hook and Line, Except as Provided	IX-24

9-703	Nets, Seines, and Similar Devices	IX-24
9-704	Nets, Seine or Similar Device – Forfeiture	IX-25
9-705	Fishing Devices Prohibited	IX-25
9-706	Destructive Substances	IX-26
9-707	Control or Removal of Undesirable Fish	IX-26
9-708	Prohibited Bait	IX-26
9-709	Interference with Department Employees	IX-26
Chapter 8	Possession and Transportation of Fish and Wildlife	IX-26
9-801	Possession-Transportation-Shipment of Wildlife- Restrictions-Exception	IX-26
9-802	Possession During Closed Season	IX-27
9-803	Acquisition of Specimens for Propagation	IX-28
Chapter 9	Licenses to Hunt, Fish and Trap	IX-28
9-901	Hunting, Fishing, Trapping	IX-28
9-902	Licenses, Authority, Limitations	IX-28
9-903	Licenses, Tags and Permits – Expiration Dates	IX-29
9-904	License and Permits	IX-29
9-905	Member Resident and Non-resident Non-member – Distinguished	IX-31
9-906	Application for License	IX-32
9-907	Fraud in Obtaining License, Permits	IX-32
9-908	Licenses, Permits, Tags Nontransferable	IX-32
9-909	Forfeiture of License by Judicial Decree	IX-32
9-910	Department's Authority	IX-33

9-911	Member Game and Fish Licenses	IX-33
9-912	Non-Member Resident and Non-Resident Fish and Wildlife License	IX-34
9-913	Member Upland Game Permit	IX-35
9-914	Non-Member Upland Game Permit	IX-35
9-915	Member Big Game Permit	IX-35
9-916	Non-Member Big Game Permit	IX-35
9-917	Member Migratory Bird Permit	IX-35
9-918	Non-Member Migratory Bird Permit	IX-35
9-919	Member Furbearer Permit	IX-36
9-920	Non-Member Furbearer Permit	IX-36
9-921	Member Fishing Permit	IX-36
9-922	Non-Member Fishing Permit	IX-36
9-923	Member Willow Trap, Hoop Net, Trap Net and Setline Permits	IX-36
9-924	Commercial Fishing	IX-36
9-925	Application for License	IX-37
9-926	Delivery Permit	IX-37
9-927	Bait Vendor's License	IX-37
9-928	Taxidermy License	IX-37
9-929	Fur Dealer License	IX-37
9-930	Archaeological Resource License	IX-37
9-931	Wildlife Propagation License	IX-38
9-932	Private Hunting Preserve License Required	IX-38

9-933	Member Hunting Guide License Required	IX-38
9-934	Commercial Wood Harvesting Permit	IX-38
9-935	Inspection of Occupational Licenses	IX-38
9-936	Indian Trader's License	IX-38
9-937	Access Permits	IX-38
Chapter 10	Fish and Wildlife Public Safety	IX-39
9-1001	General Restrictions on Hunting and Trapping	IX-39
9-1002	Hunting or Harassing Wildlife with Aircraft	IX-41
9-1003	Reckless Endangerment	IX-41
9-1004	Holes in Ice	IX-41
9-1005	Revocation of License	IX-41
9-1006	Failure to Report Hunting	IX-42
9-1007	Preferring Charges	IX-42
9-1008	Surrender of License	IX-43
9-1009	List of Persons Denied Right to Hunt	IX-43
9-1010	Appeal From Order of Revocation	IX-43
Chapter 11	Hunter Safety and Education	IX-43
9-1101	Certificate of Competency in Hunter Education	IX-43
9-1102	Commission to Provide for Course of Instruction	IX-44
9-1103	Hunter Education – Instructor Qualification – Training	IX-44
Chapter 12	Check Stations – Waste of Wildlife	IX-44
9-1201	Production of Wildlife for Inspection	IX-44
9-1202	Wasteful Destruction or Wildlife or Mutilation	IX-45

Chapter 13	Penalties and Sanctions	IX-45
9-1301	Violations a Misdemeanor	IX-45
9-1302	Penalty – Misdemeanor – Revocation of License	IX-46
9-1303	Unlawful Killing, Possession or Waste of Wildlife	IX-46
9-1304	Appearance Bonding Schedule	IX-48
9-1305	Civil Penalties	IX-49
Chapter 14	Refuges	IX-49
9-1401	Authorization to Establish Refuges	IX-49
9-1402	Hunting, Fishing and Trapping on Refuges Prohibited	IX-50
9-1403	Authority to Manage Supply	IX-50
9-1404	Posting Signs Around Refuge	IX-50
9-1405	Authorization for Interagency Agreements	IX-50
9-1406	Private Hunting Preserve License	IX-50
9-1407	Guest Register and Records	IX-51
9-1408	Consent to Entry and Search of Premises	IX-51
9-1409	Species of Wildlife Hunted	IX-51
9-1410	Marking of Game	IX-52
9-1411	Shooting Hours, Bag Limits	IX-52
Chapter 15	Protected Areas and Wetlands	IX-52
9-1501	Protected Areas	IX-52
9-1502	Wetlands	IX-52
Chapter 16	Wood Harvesting and Cutting	IX-52
9-1601	General Provisions	IX-52

9-1602	Liability	IX-53
9-1603	Wood Harvesting	IX-53
Chapter 17	Guiding	IX-53
9-1701	General Provisions	IX-53
9-1702	Department to Establish Guiding – Regulations	IX-54
9-1703	Guiding – Licenses Required	IX-54
9-1704	Seasons and Limits	IX-54
9-1705	Violation of Code – Automatic Forfeiture	IX-54
9-1706	Responsibility for Clients – Duty to Report Violations	IX-54
9-1707	Guide's Responsibility and Liability	IX-54
Chapter 18	Preservation of Archaeological Resources	IX-55
9-1801	Policy of Preservation	IX-55
9-1802	General Provisions	IX-56
9-1803	Penalty	IX-56
9-1804	Liability	IX-56
9-1805	Supervision of Excavation	IX-56
9-1806	Restoration of Lands	IX-56
9-1807	Confiscation of Antiquities Illegally Obtained	IX-56
9-1808	Notice of Discovery	IX-57
Chapter 19	Boating	IX-57
9-1901	General Provisions	IX-57
9-1902	Boat Registration	IX-57
9-1903	Boating Safety Equipment	IX-57

9-1904	Water Safety-Boating-Negligent Operation	IX-58
9-1905	Boating – Overload	IX-58
9-1906	Boating – Speed	IX-58
9-1907	Boating – Lighting	IX-59
9-1908	Boating – Flotation Devices	IX-59
9-1909	Boating – Incapacity of Operator	IX-59
9-1910	Boating – Intoxication	IX-59
9-1911	Boating – Swimming Areas	IX-59
9-1912	Boating – Fishing	IX-59
9-1913	Collisions, Accidents, Casualties and Liability	IX-59
9-1914	Throwing Refuse in Waters	IX-60
Chapter 20	Proclamation Legal Effect	IX-60
9-2001	General Provisions	IX-60
9-2002	Proclamation to be Published	IX-60
9-2003	Openings and Closures of Seasons	IX-60
Chapter 21	Dog Training	IX-63
9-2101	General Provisions	IX-63
9-2102	Establish Regulations	IX-63
9-2103	Required Permit	IX-63
9-2104	Season and Limits	IX-63
9-2105	Violation of Code – Forfeiture	IX-63
9-2106	Responsibility and Liability of Trainers	IX-63
Chapter 22	Severability, Repeal and Adoption	IX-74

9-2201	Severability	IX-74
9-2202	Repeal of Inconsistent Ordinances	IX-74
9-2203	Adoption	IX-74

TITLE IX – GAME, FISH AND WILDLIFE CONSERVATION CODE

CHAPTER 1. ESTABLISHMENT OF STANDING ROCK SIOUX TRIBE'S GAME, FISH AND WILDLIFE CONSERVATION DEPARTMENT

9-101 Establishment of Game, Fish and Wildlife Conservation Department.

A Game, Fish and Wildlife Conservation Department (hereinafter referred to as "Department") is hereby established by the Standing Rock Sioux Tribal Council pursuant to Article IV, Section 1, (h), (j) and (n) of the Standing Rock Sioux Tribal Constitution.

9-102 Declaration of Policy.

- (1) It shall be the policy of the Standing Rock Sioux Tribe that all wildlife and fishery resources within the exterior boundaries of the Standing Rock Sioux Reservation, as established and defined by the Treaty of 1868 and the Act of March 2, 1889, Section 3 (25 Stat. L. 888), notwithstanding the issuance of any patent and rights-of-way, including the lands returned to the Standing Rock Sioux Tribe by the U.S. Army Corps of Engineers within the area referred to as the "taking area" pursuant to the Standing Rock Oahe Act, Pub. L. No. 85-915, 72 Stat. 1762 (1958) are the property of the Standing Rock Sioux Tribe, and that the defining, regulating, managing and protection of these resources is a fundamental form of tribal self-government, and that these resources shall be preserved, protected and perpetuated in accordance with the provisions of this Game, Fish and Wildlife Conservation Code, the Cultural Resources Code and as provided by any and all additional rules and regulations legally promulgated by the Game, Fish and Wildlife Conservation Commission and Standing Rock Sioux Tribe.
- (2) Unless and except as permitted by regulation made hereinafter provided by in this Code and the Cultural Resources Code, it shall be unlawful at any time, by any means or manner to pursue, hunt, take, capture, kill, harass, waste, or attempt to take, capture, or kill, possess, offer for sale or purchase, delivery for shipment, ship, export, import, cause to be transported, carried, or cause to be carried, or export any game, fish, wildlife, timber, plant, archaeological and paleontological resource or any part or any consisting parts, or which is composed in whole or part, of any such game, fish, wildlife, timber, plant, archaeological and paleontological resource or any part included in the terms of this code.

9-103 Title to Game, Fish, Wildlife, Timber, and Archaeological and Paleontological Resources.

- (1) The legal title to, and the custody and protection of all game, fish, wildlife, timber, plant, archaeological and paleontological resources within the exterior boundaries of the Standing Rock Sioux Reservation, is vested in the Tribe for the purpose of regulating use, disposition and conservation thereof. The Tribe will not assert legal title to game, fish, wildlife, timber, plant, archaeological and paleontological resources taken by non-members on lands owned in fee simple by non-members, within the reservation boundaries.

- (2) The legal title to any such game, fish, wildlife, timber, plant, archaeological and paleontological resource, or carcass and/or part thereof, taken or reduced to possession in violation of this Code remains with the Tribe; and the title to any such game, fish, wildlife, timber, plant, or archaeological and paleontological resource, or carcass and/or part thereof, lawfully acquired, is subject to the condition that upon the violation of this Code and the Cultural Resources Code relating to the possession, use, giving, sale, barter, or transportation of such game, fish, wildlife, archaeological and paleontological resource or timber, plant, or carcass and/or part thereof, by the holder of such title, the same shall revert, as a result of the violation, to the Tribe. In either case, any such game, fish, wildlife, timber, plant, or archaeological and paleontological resource, or carcass and/or part thereof, may be seized forthwith, wherever found, by the Game, Fish and Wildlife Conservation Department and/or their enforcement officials authorized to enforce the Provisions of this Code and the Cultural Resources Code.

9-104 Establishment of Game, Fish and Wildlife Conservation Commission.

There is hereby created and established the Standing Rock Sioux Tribal Game, Fish and Wildlife Conservation Commission (hereinafter referred to as "Commission"). The Game, Fish and Wildlife Conservation Department is hereby placed under the supervision of the Commission. The Commission shall consist of eight (8) enrolled tribal members with a representative appointed from each district and two (2) non-voting members, one of which shall be the Director of the Game, Fish and Wildlife Conservation Department and the other who shall be a member of the tribal council who shall be appointed by the entire Standing Rock Sioux Tribal Council. The voting members shall select a Chairman, Vice-Chairman and Secretary, whose duties shall be established by the Commission. Each member of the Commission shall be appointed by their respective districts at the first regular local district meeting, following the next general election, except for the one (1) non-voting tribal council member and the Director of the Department. The tribal council appointee shall only vote in case of a tie and the Director shall serve in an advisory capacity only, with no voting power.

(1) **Term.** Each district member shall hold office for a four (4) year term of office. The current district members of the Commission shall hold their office, provided they are qualified at the time this amended Ordinance is adopted by the Tribal Council, until the next general election. Thereafter, the local district member shall be appointed by their local district. Provided however, that if there exists a vacancy on the Commission at the time this amended Ordinance is approved by the Tribal Council, the local district shall appoint a member to serve on the Commission until the next general election. Representatives appointed shall not begin to serve on the Commission until the local district minutes are approved by the Tribal Council and they are found to meet the qualifications, by the Tribal Election Office.

(2) **Qualifications.** In order to serve on the Commission, the individual must be:

- (a) Twenty-one (21) years of age;
- (b) An enrolled member of the Standing Rock Sioux Tribe;
- (c) Must physically reside within the District of their appointment one (1) year prior to appointment;
- (d) Must not be delinquent on a debt (as Defined by 15-101 (d) of the Standing Rock Code of Justice) to the District;
- (e) Not be dishonorably discharged from the Armed Services
- (f) Not be convicted of a Tribal, State or Federal felony or any offense as defined by this Code; and
- (g) Not be on the Tribal Council, at the time of appointment, except for the tribal council representative appointed to serve on the Commission.

(3) **Meetings.** The Commission shall meet on a quarterly basis or as needed to set the seasons. A quorum shall consist of five (5) members, not counting the Director or the tribal council representative. The non-voting tribal council member shall hold office so long as they hold their respective office. All members of the Commission are required to attend all scheduled meetings of the Commission and shall report to their respective districts, unless "good cause" exists for their absence. In the event a commission member fails to attend a meeting of the commission and has received payment to attend, the Director shall be authorized to withhold future stipend payments in order to repay the Department, provided the Director has received authorization to withhold from the Chairman.

(4) **Vacancies.** If a vacancy occurs, the district shall appoint a replacement qualified to fill the vacancy and/or should the non-voting tribal council position become vacant then the tribal council shall appoint a successor.

(5) **Powers.** The Commission shall have the power to set the fees for licenses, the length of the season and approve of the budget for the Commission. In addition, the Commission shall exercise those additional powers as may set forth in this Code. The Commission shall be paid a meeting stipend of \$100 per meeting, plus mileage at the tribal rate.

- (6) **Removal.** The Commission shall have the authority to remove a Commission member for the unexcused failure to attend three (3) scheduled meetings and/or failure to meet the qualifications of the Commission. A failure to attend all sessions of a meeting may constitute a failure to attend, provided the Commission makes a determination that the failure to attend is unexcused. The Commission shall serve the Commission member with notice of their intent to remove the Commission member at least ten (10) days prior to the next scheduled meeting. At the scheduled meeting, the Commission shall allow the Commission member an opportunity to be heard, prior to the vote for removal, which shall be by secret ballot.

9-105 Standing Rock Sioux Tradition and Custom.

It shall be the responsibility and policy of the Standing Rock Sioux Tribal Council, Commission and Department to preserve the unique social, cultural and religious values of the Standing Rock Sioux Tribe, and further, to protect the treaty rights of all members of the tribe to hunt and fish for subsistence purposes and such tradition and custom shall be given "due regard" in all decision making, program operation and implementation of wildlife policy of the Standing Rock Sioux Tribe. Subsistence taking of fish and wildlife will only be regulated to the extent that fish and wildlife base populations required for reproduction and sustained yields are protected. The Standing Rock Sioux Tribe's Annual Proclamation shall expressly indicate the requirements for the approval of a "subsistence permit" for the purpose of taking of fish and wildlife.

All persons desiring to hunt for subsistence purposes, must obtain a permit from the Department. The request shall be in writing; presented first to the Chairman of the Tribe, who shall recommend approval and then provided to the Director of the Department, who shall issue the permit. Only members of the Standing Rock Sioux Tribe shall be eligible to request or be issued a subsistence permit. Enrolled SRST members shall not be required to obtain a permit for the harvesting of native plants and herbs when used for medicinal or nutritional purposes.

9-106 Elderly and Disabled Permits.

Elderly permits shall be granted only to enrolled members of the Standing Rock Sioux Tribe, who are fifty-five (55) years of age or older. A permit may also be issued to a person who is disabled and a member of the Standing Rock Sioux Tribe. Those persons issued an elderly or disabled permit shall be authorized to appoint a "designated shooter", as provided by Section 9-107, below.

The name of the person designated must be listed on the tag. A compliance form shall be filed with the office by the designated shooter after the tag is filled. An elderly or disabled permit shall authorize the taking of one white tail doe, unless the Commission and Department determine that the game numbers will justify the taking of a different sex or species.

9-107 Designated Shooters.

To be eligible as a Designated Shooter, an individual must be an enrolled member of the Standing Rock Sioux Tribe and a resident of the Standing Rock Sioux Indian Reservation. The designated shooter can only be designated twice at one time and must fill out a Compliance Form in order to receive another designation. The Designated Shooter shall be authorized to fill a tag for the elderly, disabled or any other person(s) authorized by the Director of the Department. The Designated Shooter shall also be responsible for the kill, field dress, skinning and quarter of the game.

9-108 Scientific Taking.

Nothing in this Code shall be construed to prohibit the taking of any species of fish or wildlife for scientific purposes, if authorized by the Department and done in accordance with Tribal or Federal law and regulations.

CHAPTER 2. DEFINITIONS

9-201 Definitions.

The following definitions apply to terms that have been utilized in the drafting of this Game, Fish and Wildlife Conservation Code, and any other orders, rules and regulations that may be promulgated by the Commission or the Department of Game, Fish and Wildlife Conservation, and these terms shall be deemed to have the same meaning and terms of reference as set forth in this section, unless a different meaning clearly appears from its use in a specific context.

- (1) **Aircraft** as used in this code, the term aircraft means any contrivance used for flight, or to be airborne.
- (2) **All Terrain Vehicle (ATV)** shall be defined as any motorized vehicle (two-wheeled, three-wheeled, and four-wheeled) designed primarily for recreational purposes and off-road usage. Use of an ATV may be used for retrieval of an animal or transportation of a table for prairie dog hunting. Other uses shall be deemed a violation of this Code.
- (3) **Allotted Land** shall be defined as individually owned Indian lands held in trust by the federal government.
- (4) **Antiquity** shall be defined as any relic, artifact, fossil or any object which represents the past culture of the Standing Rock Sioux Tribe or any hardened remains of a plant or animal of a previous geological age preserved in the earth's crust.
- (5) **Antlerless Deer** shall be defined as all deer not displaying at least one visible antler.
- (6) **Antlered Deer** shall be defined as all deer displaying at least one visible antler.
- (7) **Archaeological Interest** shall mean any material remains of human life or activities or fossil, which are at least 100 years of age, and which are of archaeological interest, more specifically defined by 18 CFR Part 1312, Section

1312.3 (3), or the Cultural Resources Code.

- (8) **Arrow** shall be defined as 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.
- (9) **Artificial Light** shall mean the act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight, or other artificial light, including fire.
- (10) **Bag Limit** shall mean the maximum number of wildlife which may be legally taken, caught, or killed by any one person for any particular period of time, as provided by Order of the Commission. The term "bag limit" shall be construed to mean an individual, independent effort and shall not be interpreted in any manner as to allow an individual to take more than his/her "bag limit" toward filling the "bag limit" of another.
- (11) **Bait** for purposes of hunting shall mean any food item or substance including, but not limited to, shelled or unshelled grains, shucked or unshucked grains, alfalfa, hay, food supplements, shall, and any other items which entice or attract game to a particular place; provided, however, artificial decoys used to hunt migratory game birds or turkeys shall not be deemed bait.
- (12) **Baiting** shall mean the act of putting out, scattering, or in other ways distributing "bait" for the purpose of attracting or taking any game animal or hunting over bait.
- (13) **Bait Fish** shall mean any fish or minnow, which is used for angling, or for the capture and taking of fish.
- (14) **Big Game** shall be defined as wild turkey and any undomesticated cloven-hoofed ungulate, including whitetail deer, mule deer, pronghorn antelope, elk, and buffalo, for which an open season may be established by the Commission.
- (15) **Bow** shall be defined as any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through efforts of the person releasing, but does not include Crossbow. -
- (16) **Buy** shall be defined as to purchase, barter, exchange, or trade and includes any offer or attempt to purchase, barter, exchange or trade.
- (17) **Carcass** shall be defined as the dead body of fish or wildlife or parts thereof, including the head, hair, skin, plumage, skeleton, or any other parts thereof.
- (18) **Closed Area** shall be defined as any part of the Reservation, including waters thereof, which have been closed to legal hunting, fishing, trapping, access or other activities by Rule, Regulation, or Order of the Commission, so stated by signs posted in conspicuous places on or near the "closed area".

- (19) **Closed Season** shall be defined as the time and/or days during which fish or wildlife may not be taken legally.
- (20) **Code** shall be defined as the "Standing Rock Sioux Game, Fish and Wildlife Conservation Code".
- (21) **Commission** shall be defined as the "Standing Rock Sioux Game, Fish and Wildlife Conservation Commission".
- (22) **Conditionally Protected Species** shall be defined as those species of Wildlife, which are specifically enumerated in this Code and are defined as "protected species" but may be taken when causing or threatening to cause depredation to crops or livestock or are creating a health hazard.
- (23) **Crossbow** shall be defined as any device using a bow which, once drawn is held solely by means other than the effort of the person firing it.
- (24) **Department** shall be defined as the "Standing Rock Sioux Tribe's Game, Fish and Wildlife Conservation Department".
- (25) **Designated Officers** shall mean officers designated to enforce this Game, Fish and Wildlife Conservation Code and other applicable laws and regulations of the Standing Rock Game, Fish and Wildlife Conservation Commission and the Standing Rock Sioux Tribe.
- (26) **Designated Shooter** shall mean that person authorized by the Department to kill, field dress, quarter and skin game for the elderly, disabled or others as may be authorized by the Director of the Department. The designated shooter must be an enrolled member of the Standing Rock Sioux Tribe and can only be designated twice at one time.
- (27) **Director** shall be defined as the director of the Standing Rock Sioux Tribal Department of Game, Fish and Wildlife Conservation. The Director shall be a tribal employee as the term is defined in the Standing Rock Code of Justice Title XVIII, Title XXVII and the Tribal Personnel Policies and Procedures Manual adopted thereunder.
- (28) **Disabled person** is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Proof of disability is required for permit/license.
- (29) **Dog** shall be defined as any dog specifically bred to hunt, scent, point, flush or retrieve game birds or furbearers not to include big game.

- (30) **Elderly** shall mean an enrolled member of the Standing Rock Sioux Tribe, fifty-five (55) years of age or older.
- (31) **Endangered Species or Threatened Species** shall be defined as any species of game, fish, wildlife or wild plant within the Reservation or State as listed but not limited to (50 CFR Sections 17.11 and 17.22) 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 by and through, the Commission from time to time may declare as endangered or threatened.
- (32) **Falconry** shall be defined as the taking of quarry by means of a trained raptor.
- (33) **Fee Land** shall be defined as those lands within the exterior boundaries of the Reservation not held in trust or restricted status by the Bureau of Indian Affairs and which is in private ownership, either by Indians or non-Indians.
- (34) **Firearm** shall be defined as any rifle, shotgun, handgun, or other type of gun. Firearm also means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer.
- (35) **Fish** and its derivatives fishing, fished" shall mean any effort made to possess, take, kill, injure, capture, or catch any fish or bullfrog.
- (36) **Furbearer** shall be defined to mean all mammals which are taken primarily for the sale of their pelts, including but not limited to Mink, Muskrat, Beaver, Otter, Weasel, Marten, Fisher, Fox, Coyote, Bobcat, Badger, Opossum, Skunk and Raccoon.
- (37) **Game** shall mean all wild animals and birds for which hunting seasons have been established or may be established by provisions contained within this Code. Roughage shall be maintained on all birds allowed to be taken pursuant to this Ordinance.
- (38) **Game Fish** shall be defined as all species and subspecies of paddlefish, sturgeon, salmon, trout, pike, catfish, bullheads, sunfish, black bass, bluegill, crappies, perch, walleye, and sauger or any other species of fish found in any river, tributary, creek, lake or pond within the exterior boundaries of the Standing Rock Sioux Reservation.
- (39) **Gathering** shall mean to take or acquire or attempt to take or acquire possession of any wild plants or parts thereof.

- (40) **Guiding** shall be defined as the assistance given to any person or persons in regards to the taking or the attempted taking of any species of wildlife in return for valid consideration. Employees of the Game, Fish and Wildlife Conservation Department and Commission members shall be prohibited from serving as guides.
- (41) **Harass** shall mean to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd, or torment.
- (42) **Hunt** and its derivatives hunting, hunted shall be defined as the act of chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include any of the above actions taken solely for the purpose of watching wildlife or taking pictures thereof.
- (43) **Hunting Hours** shall mean the time of day when wildlife may be lawfully taken.
- (44) **License** shall be defined as a primary document issued pursuant to this Code, Rule, Regulation or Order of the Commission, which grants permission to an individual or a group of individuals to engage in limited specified activities within the exterior boundaries of the Standing Rock Sioux Reservation.
- (45) **Live Bait** shall be defined as the use of any baitfish, amphibian, or any other animal while alive during the process of angling for fish of any species.
- (46) **Member** shall mean any enrolled member of the Standing Rock Sioux Tribe.
- (47) **Migratory Bird** shall mean and include, but not be limited to the following:
- (a) All species of ducks, geese, swans (Order Anseriformes) including snipes, woodcocks, and sandpipers; Gallinaceous Birds (with the exception of Family Malaegrididae - wild turkeys).
 - (b) All shorebirds, wading birds, and seabirds (Order Gaviiformes, Podicipedforms, Pelicaniformes, Ciconiformes, Gruiformes).
 - (c) Mourning Dove (Order Columbiformes). The roughage shall be maintained on all Migratory Birds to ensure that Standing Rock Enforcement Officers can distinguish between the genders of the bird(s) taken.
- (47) **Motorboat** shall mean any boat or vessel equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion.
- (48) **Motorized Vehicle** shall be defined to mean any land or air vehicle, and any

conveyances attached thereto, propelled by means of steam, petroleum products, electricity, or any other mechanical power.

- (49) **Net** shall be defined as an open-meshed fabric twisted, knotted, or woven together at regular intervals for the purpose of catching any size of fish, birds, or insects.
- (50) **Non-Indian** shall mean any person not legally recognized or enrolled as a Native American by blood quantum or descent.
- (51) **Non-game Species** shall be defined as all species of wildlife which are not listed or covered or provided for under provisions of this Code and are protected.
- (52) **Non-Resident** shall be defined as any person or persons who do not reside within the exterior boundaries of the Standing Rock Sioux Reservation.
- (53) **Open Season** shall be defined as the term specified by this Code and by Rule, Regulation, or order of the Commission when it shall be lawful to hunt, fish or trap for particular species of animals, birds, or fish. Each period of said time shall be specified as an "open season" and the period of time during each day when these activities can legally take place.
- (54) **Order, Rule, Proclamation and Regulation** shall be used interchangeably and each includes the other, issued by the Commission or Tribal Council.
- (55) **Permit/Tag** shall be defined as a secondary document requiring a "license" as a prerequisite to its issuance, which grants permission to engage in by limited specified activities provided by this Code and Rules and Regulations of the Commission.
- (56) **Person** shall be defined as an individual, partnership, corporation, company or any other type of association, and any agent or officer of any partnership, corporation, company, or any type of association. Reference to the masculine gender includes the feminine and the neuter.
- (57) **Plant** shall mean undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem.
- (58) **Possession** shall be defined as both the actual and constructive possession, and any control of the object or objects referred to, and shall include "possession" of any species of wildlife or parts thereof, on one's person, premise, motor vehicle, or public or private place of processing or storage, provided that wildlife taken accidentally and in a manner not contrary to the provisions of this Code and Commission Rules and Regulations shall not be deemed to be in possession while being released live back to the wild.
- (59) **Possession limit** shall be defined by the annual Standing Rock Sioux Game, Fish and Wildlife Proclamation to be the maximum limit in number of amount

of wildlife, which may be lawfully in the possession of any person or *persons*. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to a final place or storage.

- (60) **Public Highway** shall be defined to mean the traveled portion of, and the shoulders on each side of any road maintained by any governmental entity for public travel, and shall include all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.
- (61) **Predators** shall be defined to mean any mammal which kills or eat(s) the flesh of other animals.
- (62) **Protected Species** shall include, but not be limited to, Bison, Bighorn Sheep, Moose, Mule Deer, Whitetail Deer, Wolf, Lynx, Bobcat, Mountain Lion Waterfowl, Upland Game Birds, Wild Turkey, Song Birds, Birds of Prey or Raptors, Beaver, Mink, Muskrat, Otter and any other species for which a closed season is specified or for which taking is prohibited.
- (63) **Raptors** shall mean a live migratory bird of the following families: Hawks, Eagles; Accipitridae, Owls; Tytonidae, Strigidae, Ospreys: Pandionidae, Vultures; Cathartidae Falcons: Falconidae.
- (64) **Recreation Vehicle** shall be defined as any snowmobile or all-terrain vehicle used to engage in off-highway recreational use and shall include any and all terrain vehicles designed for or capable of travel over unimproved terrain.
- (65) **Reservation** shall be defined as any and all territory within the boundaries of the Standing Rock Sioux Reservation, as established by the Treaty of 1868 and the Act of March 2, 1889 Section 3 (25 Stat. 888) including all "taking areas" pursuant to the Standing Rock Oahe Act, Pub. L. No. 85-915, 72 Stat. 1762 (1958). For Standing Rock Sioux Tribal members, non-member Indians and non-Indians, the provisions of this Code and Rules, Regulations and orders promulgated by the Commission shall apply to the above mentioned territory, whether in fee or trust, and to all lakes, streams, rivers and including each bed there under, and any and all lands and waters in which the Standing Rock Sioux Tribe have vested aboriginal hunting and fishing rights that have never been abrogated by Congress, including the illegally taken area of the Paha Sapa (Black Hills).
- (66) **Resident** shall be defined as any person whose legal domicile is within the exterior boundaries of the Standing Rock Sioux Reservation as defined by the Act of March 2, 1889 Section 3 (25 Stat. 888).
- (67) **Rough Fish** shall be defined as all fish species not defined as "game fish" and which are not protected.
- (68) **Seine** shall be defined as a large net with sinkers on edge and floats on the other that hangs vertically in the water and is used to enclose fish when its ends are pulled together and its legal size shall be defined hereinafter under

the provisions of this Code and the Annual Game, Fish and Wildlife Proclamation of the Tribe.

- (69) **Sell** shall be defined as an offer or possess for sale, barter, exchange, or trade or the act of selling, bartering, exchanging or trading.
- (70) **Small Game** shall be defined to include Family Tetraonidae - sharp-tail grouse and prairie chickens, Family Phasianidae - bobwhite quail, ring-neck pheasant, and Hungarian partridge: Cottontail Rabbit, Jack Rabbit and Eastern Fox Squirrel. The Roughage shall be maintained on all small game.
- (71) **Snagging** shall be defined to mean the use of hook or hooks, and lines, with or without a pole, to impale or attempt to impale fish in a manner other than by natural feeding behavior by fish.
- (72) **Species of Special (or Tribal) Concern** shall be defined as any fish and wildlife species in which the Tribe has expressed concern over their status or abundance including, but not limited to: Bald Eagle, Golden Eagle, Magpie, Pallid Sturgeon, Blue Sucker, Sturgeon Chub, Upland Plover, Long-Billed Curlew, Burrowing Owl, Ferruginous Hawk, Swainson's Hawk, Swift Fox, Bobcat, Lynx.
- (73) **Specified Areas** shall be defined as any part of the Reservation, including waters thereof, in which legal hunting, fishing, or trapping activities have been restricted to specified means or by methods, by Rule, Regulation or Order of the commission.
- (74) **Subsistence** shall be defined as the fishing, hunting or other activity by any member of the Standing Rock Sioux Tribe for the purpose of a source or means of obtaining the necessities of life, necessary to support life.
- (75) **Tag** shall be defined as a card, label, or other identification device issued for attachment to the carcass of any big game animal pursuant to the provisions of this Code, rules, regulations and orders of the Commission, the proper validation and attachment of which is required to reduce said carcass to lawful possession.
- (76) **Take** and its derivatives taking, taken, took, shall be defined as the act of hunting, pursuing, catching, capturing, shooting, fishing, to seine, trap, kill, or possess or any attempt to commit any of these acts.
- (77) **Transport** shall be defined to mean to carry or convey or cause to be carried or conveyed from one place to another and includes an offer to transport, or receipt or possession for transportation.
- (78) **Trap** and its derivatives trapping, trapped" shall be defined to mean the act of taking, killing, and capturing of wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting

or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls or other devices.

(79) **Tribe** shall be defined as the "Standing Rock Sioux Tribe".

(80) **Tribal Court** shall be defined as the Standing Rock Sioux Tribal Court.

(81) **Tribal Council** shall be defined to mean the "Standing Rock Sioux Tribal Council".

(82) **THPO** shall be defined as the "Tribal Historic Preservation Office".

(83) **Trout Line** shall be defined to mean any line used for fishing with one or more hooks which is not used with a conventional rod and reel and is left unattended. "Trout Line" shall include but not be limited to the terms, throw line, setline, limb line or jug line.

(84) **Unprotected Species** shall be defined as those species of wildlife specifically enumerated in this Code, which may be taken throughout the year.

(85) **Upland Game** shall mean Pheasant, Sharp-tail Grouse, Bobwhite Quail, Hungarian Partridge, Cottontail Rabbit and Tree Squirrel. The roughage shall be maintained on all upland game.

(86) **Wildlife** shall be defined as any form of animal life, native or exotic, generally living in the wild in a state of nature, endowed with sensation and the power of voluntary motion, including all wild mammals, birds, fish, reptiles, amphibians and their eggs, nests, and spawn which are part of a Department program for propagation of any species which may be in a semi-domesticated state.

(87) **Waterfowl** shall be defined as including any Wild Geese, Brants, Coots, Swans, or wild ducks of any kind.

(88) **Wetland** shall be defined as any areas of marsh, fen peat land or water whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt.

CHAPTER 3. JURISDICTION OF STANDING ROCK SIOUX TRIBE

9-301 Jurisdiction.

The Tribe shall have law enforcement, regulatory and judicial jurisdiction over all hunting on fishing on the Standing Rock Sioux Reservation, as defined by the Act of March 2, 1889, 25 Stat. 888, to the fullest extent consistent with the Tribal Constitution, tribal law and federal law, including:

(a) Jurisdiction over hunting and fishing by Indians on the Reservation; and

- (b) Jurisdiction over hunting and fishing by non-Indians on trust lands on the Reservation, and on non-trust lands on the Reservation where such hunting and fishing threatens or has a direct effect on the political integrity, the economic security or the health or welfare of the Tribe and its fish and wildlife populations.

9-306 Severability and Non-Liability.

If any section, provision of this Code is held to be contrary to existing law by the Tribal Court or any court of competent jurisdiction, the remaining portion of the section, provision and this Code shall be in full force and effect and the remainder of this Code shall not be affected thereby. The Standing Rock Sioux Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this Code.

9-307 Repeal of Inconsistent Tribal Ordinances.

All Ordinances, Resolutions and Tribal Code of Justice sections relating to game, fish and wildlife, specifically, Title IX of the Code of Justice, are hereby repealed in its entirety upon the promulgation and passage of this Code by the Standing Rock Sioux Tribe.

CHAPTER 4. DUTIES AND AUTHORITY OF GAME, FISH AND WILDLIFE CONSERVATION DIRECTOR

9-401 Administration and Supervision.

The Department of Game, Fish and Wildlife Conservation is authorized and empowered to carry out the policy of the Standing Rock Sioux Tribe, under the direction of the Game, Fish and Wildlife Conservation Commission, by the enforcement of this Code and Rules, Regulations and Orders of the Commission and Tribe, and engaging in such activities as reasonably required to manage the Tribe's game, fish, and wildlife resources and their habitats and any other natural resources covered by the Code, including any enforcement authorized by Tribal Council by motion or resolution.

9-402 Director of Game, Fish and Wildlife Conservation Department.

(1) The Office of Director is Hereby Created

The Standing Rock Sioux Tribe shall hire a Director of Game, Fish and Wildlife Conservation Department, hereinafter referred to as the Director, who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, enforcement, and management of the wildlife resources of the Reservation.

(2) Power and Duties of Director.

- (a) The Director shall have general supervision and control of all activities, functions, and employees of the Department of Game, Fish and Wildlife Conservation, pursuant to the requirements of P.L. 93-638, under the supervision of the Tribal Administration, Judicial Committee and Tribal Council and direction of the Commission, and shall enforce all the provisions of this Code, and Rules, Regulations and Orders of the Commission and Tribe relating to wild animals, birds, fish and other natural resources of the Tribe and, further, shall perform all the duties prescribed in his/her job description and powers incident to this Code.
- (b) The Director shall serve as a non-voting member of the Commission, and shall assist the Commission and the Tribal Council in its duties to appoint employees as may be necessary to perform administrative duties, enforce the laws and to properly implement management, propagation, and protection of programs, including but not limited to plan, propose for enactment, and enforce tribal regulations relating to the setting of annual seasons and limits for harvesting of game, fish, wildlife, timber, plants and utilization of natural and recreational resources and other regulations established for carrying out the purposes of the Game, Fish and Wildlife Conservation Code.
- (c) Formulate and publish the respective proclamations annually according to information gathered from census and studies; maintain records of all licenses and permits, issued for the purpose of hunting, fishing, trapping, gathering, woodcutting; and recreation and establish regulations and applications for special permits for the taking of game, fish, wildlife, timber and plants for disabled persons, subsistence and ceremonial purposes on a need only basis.
- (d) Establish checking stations to gather biological data, inspect licenses, permits, equipment, and vehicles for compliance of this Code.
- (e) The selection of such department employees shall be made-in accordance with the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.
- (f) The Director, or any person appointed by the commission in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and regulations as the Commission and Tribe may provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him/her to be of interest to the fish and wildlife resources of the tribe.
- (g) The Director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under this Code. He/she shall also have the authority, with concurrence of the Commission and the Tribal Council of the Standing Rock Sioux Tribe to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution on the Reservation and may have the same properly cared for and distributed throughout the Reservation as he/she may

deem necessary.

- (h) The Director shall have the power with the concurrence of the Commission, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the Reservation shall be threatened with excessive shooting, angling, trapping or otherwise, to close any open season for such time as he/she may designate; provided, however, in the event an emergency is declared to exist such closure shall become effective immediately, upon written order of the Commission and in all other cases upon publication and posting as provided in this Chapter. During the closure of any open season, all provisions of this Code relating to the closed season on such wildlife shall be subject to the penalties prescribed therefore.
- (i) The Director shall make an annual report to the Commission and, the Tribal Council of the activities and condition of the Game, Fish and Wildlife Conservation Department and all other related matters and shall report to the Judicial Committee of the Tribe on a monthly basis concerning the condition and status of the Departments. The Director shall also provide the Commission with a financial report on the status of the Department at least twice per year at times designated by the Commission.

(3) Collection of Permit Fees, Forfeitures, and Fines.

There is hereby established an account to deposit monies collected from the sale of license, permits, tags, and recreational leases. Monies collected from fines, penalties, forfeitures and/or civil recoveries through the Tribal Court system shall be deposited into this account. Upon federal prosecution, the Director shall make formal request to the U.S. Attorney for civil restitution from persons violating any provision of this Code. Monies collected from the Federal Courts or respective Tribal Courts shall be deposited in this account for, the specific use of the Game, Fish and Wildlife Conservation Department subject to "program income" requirements.

(4) Expenditure of Funds.

The Director shall have the authority to expend appropriated funds and monies deposited in the special license, fees, fines and penalties account based upon an annual budget approved by the Standing Rock Sioux Tribal Council for the following:

- (a) Conservation, protection, and enhancement of the Reservation's fish, wildlife, timber, plant and other recreation and natural resources.
- (b) Enforcement of provisions of this Code, or any rule, regulation and order adopted pursuant to this Code.
- (c) Information, education programs and any other program approved by the Commission and the Tribal Council.

CHAPTER 5. ENFORCEMENT

9-501 Enforcement by Tribal Rangers.

Any provision of this Code may be enforced by Tribal Rangers of the Standing Rock Sioux Tribal Game, Fish and Wildlife Conservation Department, Game Wardens, Standing Rock Sioux Tribal Police and Bureau of Indian Affairs Police on behalf of the Standing Rock Sioux Tribe or any other designated officers.

9-502 Duties of Tribal Rangers and Other Law Enforcement officers.

- (1) Every Tribal Ranger, Agency Law Enforcement officer, Tribal Police Officer and Bureau of Indian Affairs Police specifically authorized by the Game, Fish and Wildlife Conservation Commission, shall enforce all provisions of this Code, rules, regulations and orders adopted by the Commission for the protection of game animals, buffalo, fur bearing animals, non-game animals, game birds, non-game birds, harmless or song birds, and game fish, and further shall enforce all laws or rules and regulations adopted by the Department pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the Tribe or the conduct of persons in or on the same, and may issue citations to persons failing to comply with any such law or rule, regulation or order of the Commission.
- (2) Any person authorized to enforce the provisions of this Code may:
 - (a) Subject to this Chapter of this Code, conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages, tents, and other receptacles contained therein, utilized by any person in a harvest activity authorized by this Code and records of commercial transactions;
 - (b) Execute and serve warrants and other process issued by the tribal court in accordance with applicable law;
 - (c) Issue a citation on a form approved by the Tribal Council, Department and Conservation Commission to any person upon finding of probable cause that such person(s) has violated any provision of this code;
 - (d) Any enforcement officer, in the course of his or her duties based upon "probable cause" that a crime has been committed, crime has been committed, may enter upon private and/or public land within the exterior boundaries of the Reservation and trust lands outside the boundaries of said Reservation, including any land exposed within the original channel boundaries of the Missouri River and remain thereon while performing such duties hereunder, and such actions by the officer(s) shall not constitute trespass;
 - (e) May seize and hold subject to the order of the tribal court or federal court any alleged contraband or property which such officer reasonably believes may be needed as evidence in connection with the institution of proceedings in tribal

court or federal court or any property otherwise authorized to be seized by any provision of this Code;

- (f) An arrest may be executed by any Tribal Ranger or other designated officer through a tribally or federally approved "arrest-warrant" or based upon the "reasonable belief" of eminent danger to life or property in the same manner and to the same extent as any Standing Rock Police Officer, both tribal or BIA.
- (3) All Tribal Rangers must have current training requirements similar to those of a recognized law enforcement officer. All Tribal Rangers shall have forty (40) hours of law enforcement training on a yearly basis. Such requirements are as follows:
- (a) Firearm, sidearm, pistol: recertification every six (6) months.
 - (b) Rifle, AR-15/.308 Long Rifle: recertification every two (2) years
 - (c) Shotgun: recertification every year
 - (d) Pepper Spray: recertification every three (3) years
 - (e) ASP/Baton: recertification every two (2) years.

9-502 Search and Seizure When Authorized.

Any person authorized to enforce the provisions of this Code may conduct a search of a person, object or place, and seize objects when the search is made:

- (1) With consent;
- (2) Pursuant to valid search warrant;
- (3) Within the authority and scope of a lawful inspection;
- (4) As otherwise authorized by law or provisions of this Code;
- (5) Incident to an arrest or based upon "probable cause" that a violation of this Code or rule, regulation or order of the Commission has occurred.

9-504 Arrest without Warrant.

Any Tribal Ranger, Agency or Tribal Law Enforcement Officer, may, without warrant, based upon "probable cause", arrest any person found violating any law enacted, or any rule, regulation or order adopted and promulgated by the Commission, pertaining to animals, wild birds, game fish or other natural resources, or pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased, or controlled by the Tribe or the conduct of persons in or on the same.

9-505 Search of Vehicles, Game Bags, Receptacles, and other Containers.

Any Tribal Ranger, Agency or Tribal Law Enforcement Officer, or other specifically authorized law enforcement officer may, without warrant based upon "probable cause", search any conveyance, vehicle, game bag, game basket, game coat or other receptacle for game animals, game birds or game fish, or any package, box, tent, boat, camp, or other similar place which he or she has reason to believe contains evidence of violations of this Code or Commission rules, regulations and orders.

9-506 Seizure of Contraband Game and Devices.

Any Tribal Ranger, Game Warden, Agency or Tribal Law Enforcement officer, or other specifically authorized law enforcement officer may seize with or without a search warrant issued by the Tribal Court upon probable cause, all wild birds, wild animals, fish, archaeological resources or parts thereof, taken, killed, transported or possessed contrary to this Code, the Cultural Resources Code or rule or regulation of the Department. The Tribal Court, upon a showing of probable cause, shall issue a warrant authorizing seizure of any dog, gun, trap, net, seine, decoy, bait, boat, light, fishing tackle, or other device unlawfully used in hunting, fishing, or trapping, or held with intent to use unlawfully in hunting, fishing, or trapping.

The Tribal Court shall have the power and jurisdiction in any prosecution for unlawfully hunting, fishing, or trapping; in addition to any other penalty provided by the law, to forfeit for the use of the Commission, any wild animal, wild bird, or fish, and any article so seized and proved to have been unlawfully used or held with intent unlawfully to use. In case it appears upon the sworn complaint of the officer making the seizure that any articles seized were not in the possession of any person, and that the owner thereof is unknown, the court shall have the power and jurisdiction to forfeit such articles so seized upon a hearing duly held after service of summons describing the articles seized, upon the unknown owner by publication in any newspaper of general circulation in Corson and Sioux Counties. The summons shall run two (2) consecutive weeks and shall give the owner fifteen (15) days from the date of the legal publication to appear before the court and contest the forfeiture. All dogs, guns, traps, fishing tackle, nets, seines, decoys, baits, boats, lights, motor vehicles or other devices seized under the provisions of this Code unless forfeited by order of the Court shall be returned, after the completion of the case, and the fines and damages, if any, have been paid.

9-507 Disposition of Forfeited Articles.

In the event of the seizure and forfeiture of any articles as provided in this Code or the Cultural Resources Code, the Game, Fish and Wildlife Conservation Department may sell all or any of such articles at public or private auction. The time, place, and manner of holding such sale shall be within the discretion of the Director of the Department; provided, that notice of the time and place of any such sale shall be published once a week for at least two (2) consecutive weeks in advance of such sale in a newspaper of general circulation in Corson and Sioux Counties. The proceeds from all such sales shall be deposited by the Tribal Financial Officer, to the Game, Fish and Wildlife Conservation Department account.

9-508 Seizure of Contraband Game - Search Warrant.

The Court shall, upon complaint showing "probable cause" for believing that any wild bird, wild animal, game fish, or part thereof, caught, taken, killed, or had in possession, or under control by any person, or shipped or transported contrary to this code, the Cultural Resources Code or rule, regulation or order of the Game, Fish and Wildlife Conservation Commission, is concealed or illegally kept in any game bag, game basket, game. coat, or in any other receptacle for game animals, game birds or game fish, or in any package, box, cold-storage locker or plant, market, tavern, boarding house, restaurant, building, vehicle or boat, or other place, issue a search warrant and cause a search to be made in any such place for any wild birds, wild animals, game fish, or any part thereof, and may cause any buildings., enclosure or vehicle to be entered including-any chest, box, locker, crate, basket, package, or other receptacle, to be opened, and the contents thereof examined.

9-509 Reporting of Complaints.

A complaint may be issued against a person suspected to be in violation of this Code, either civil or criminal. The complaint shall be prepared in the following manner:

- (a) Complaint shall detail suspected violation (name, location, date, time).
- (b) Duplicate copies of signed complaint given to person cited and Department.

CHAPTER 6. PROTECTION OF WILDLIFE

9-601 Methods Prohibited - Exceptions.

It is a violation of this Code except as may otherwise be provided herein or by rules, regulations and orders adopted by the Game, Fish and Wildlife Conservation Commission, for any person to take any of the game animals, birds, protected species or fur-bearing animals of this Reservation and provided, further, it is a violation of this Code for any person to:

- (1) Hunt from Motorized Vehicles - Take game from any motorized vehicle or any conveyance attached thereto, or discharge any firearm at any wild animal or bird while on a public highway, designated lands as protected, posted "No Hunting" by the Game, Fish and Wildlife Conservation Department.
 - (a) Exceptions - Licensed hunters who are elders, handicapped, paraplegic or other physically unable to walk with or without crutches, braces, or other mechanical support devices in the fields or woods, and who have obtained a special permit from the Department, may shoot from a standing vehicle, off public highways, in the course of hunting game animals and game birds.
- (2) Molest with Motorized Vehicles - Use any motor vehicle including but not limited to snowmobiles, ski jets, boats, four wheel drive recreational vehicles (ATVs) to molest, chase, harass, disperse, rally or otherwise disturb wildlife by means other than by legal hunting methods and in the ordinary course of hunting.
- (3) Communicate from Aircraft - Make use of aircraft in any manner to spot or locate

game animals, game birds, fur-bearing animals, or predators of this Reservation from the air and communicate the location or approximate location by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

(4) Hunt from Aircraft - Hunt from any form of aircraft, whether fixed wing, rotary-wing, or otherwise, within the exterior boundaries of the Standing Rock Sioux Reservation.

(5) Hunt on Same Day Aircraft Operated – Hunt big game, fur bearing animals, or waterfowl on the same day that one has flown any form of aircraft over or through the Standing Rock Sioux Reservation.

(6) Artificial Light - Hunt any animal, or bird except raccoon by the aid of a spotlight, flashlight, or artificial light of any kind, including fire. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight, or other artificial light, **including fire shall be "prima facie" evidence of hunting with an artificial light. Artificial light produced electrically that is** capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his/her possession or under his/her control any uncased firearm or contrivance capable of killing any animal or bird, shall be "prima facie" evidence of hunting with an artificial light.

(a) Exceptions - Provided, nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds.

(b) Nothing in this subsection shall prevent the hunting of predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, and is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control, and with a permit from the Director or his/her designee.

(c) Provided, further, that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on trust lands is authorized only after obtaining a permit to do so from the Director or his/her designee. The Director may, for good cause, refuse to issue such permit.

(6) Regulation of Dogs. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this Reservation, except as otherwise provided by rules and regulations of the Department.

(a) Field Trials - Any person(s) desiring to conduct field trials with the use of dogs must secure a permit from the Game, Fish and Wildlife Department. The Department is granted the authority to limit the length, time and place of the trials in order to protect the habitat.

(b) Use of Radios - It shall be unlawful to use citizen band radios, or other two-way radios, from either base stations, motor vehicles or boats to assist any

person in the harvest of any form of wildlife on the Reservation.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-602 Protection of Birds.

(1) Game, Song, Insectivorous Rodent Killing, and Innocent Birds Protected.

- (a) Except for English sparrows and European Starlings, it is a violation of this Code at any time for the year for any person to hunt, kill or capture any game, song, rodent killing, insectivorous or other innocent bird, except as provided herein or by the Game, Fish and Wildlife Conservation Commission and regulations promulgated hereto, or for any person to intentionally disturb or destroy the nest or nests of such birds.
- (b) Purple grackle, crow, magpie, red-winged blackbird, Brewers, Magpies blackbird, rusty blackbird, and the bronzed grackle may be taken any time when committing or about to commit depredation upon ornamental, shade, or fruit trees, agricultural crops, gardens, livestock or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(2) Migratory Birds.

- (a) It is a violation of this Code for any person to hunt, take or have in possession any migratory birds except as provided by the Federal Regulations made pursuant to the Federal Migratory Bird Treaty Act, as amended, and in accordance with this Code and related rules and regulations promulgated by the Department or Tribal regulations that may deviate from Federal Regulations if they are petitioned for and approved by the Game, Fish and Wildlife Commission and U.S. Fish and Wildlife Service in advance.
- (b) It is a violation of this Code for any person subject to the Federal Migratory Bird Hunting Stamp Act to hunt any migratory waterfowl unless he/she carries on his/her person an non-expired Federal Migratory Bird Hunting Stamp validated by his/her signature in ink across the face, provided, however, that tribal members are excluded from this requirement so long as they have in their possession a valid non-expired tribal license.

(3) Falconry.

The Department is authorized to establish a falconry program and to promulgate rules and regulations governing the same.

9-603 Furbearing Animals-Seasons-Methods-Amounts.

It is a violation of this Code to trap or take by any method or means and at any time or in any amount or to have in possession any wild furbearing animal or pelts thereof except

as permitted by provisions of this Code and rules, regulations and orders adopted by the Game, Fish and Wildlife Conservation Commission.

(1) Trapping - Fur Bearing Animals. It is a violation of this Code to:

- (a) Use any part of a game bird, game animal or game fish for bait trapping or taking of any wildlife.
- (b) Destroy, disturb, or remove the trap or traps of any licensed trapper within this Reservation provided, however, that any Tribal Ranger, Agency Law Enforcement Officer, or other specifically authorized law enforcement officer may inspect such traps and seize the same when unlawfully set.
- (c) Make any set using any steel leg-hold trap larger than size four (4).
- (d) To leave traps unattended or unchecked for over a 24 hour period.

(2) Seizure and Sale of Unclaimed Traps.

Traps or other trapping equipment unlawfully set shall be seized by any officer authorized to enforce this Code and rules, regulations and orders adopted by the Commission and may be sold and the monies of such sale shall be deposited by the Tribal Financial Officer in the Fish and Game Conservation Department's special account.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-604 Special Bobcat and Lynx Export Tags.

The Game, Fish and Wildlife Conservation Department and Commission may provide for, and regulate the issuance of, a special tag to be attached to the hide of any bobcat or any lynx hides taken on the reservation, as provided by regulation of the U.S. Fish and Wildlife Service. The Commission may set the price to be charged for such tags. No export tag shall be issued for any bobcat or lynx hide not taken on the Reservation.

9-605 Trafficking in Game Prohibited - Exception - Common and Contract Carrier.

Except as authorized by permit or license lawfully issued by the Director, or by rule, regulation or order of the Commission, it shall be unlawful for any person to have in his/her possession for sale or with intent to sell, or to expose or offer for sale, or to sell, or to barter for, or to exchange, or to buy, or to have in his/her possession with intent to ship, or to ship, any game animal, game bird, furbearing animal, or game fish or any part thereof. It shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment any such game animal, game bird, furbearing animal, or game fish or any part thereof; provided, that nothing contained in this section shall prohibit any person from buying, selling, or shipping the following:

- (1) Mounted specimens of wildlife legally taken.
- (2) Horns, antlers, or head of legally taken game animals, when detached from the

carcass, however, such horns or head shall only be legal when accompanied by evidence showing that the animals were lawfully killed.

- (3) Hides or pelts of legally taken wildlife, however, no bobcat or lynx pelts may be sold or transported off the Reservation without first being inspected by Department personnel and having a bobcat and lynx export tag attached as provided in 9-604.
- (4) The sale and purchase of court confiscated, abandoned, or unclaimed wildlife shall be lawful when made in accordance with approved Department procedure, as established by the Commission.
- (5) The sale of commercially raised wildlife including migratory birds by properly licensed commercial facilities shall be lawful.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-606 Other Acts Prohibited.

Any person who commits any of the following acts shall be in violation of this Code:

- (1) Destruction or defacing any sign posted by authority of the Department or the Standing Rock Sioux Tribe.
- (2) Destruction of any fence, taking down and leaving down any fence, or leaving open any gate that results in damage to tribal or private property.
- (3) Damage to any real or personal property through the use of any motorized vehicle or boat while engaging in any hunting, fishing or trapping activities.
- (4) Negligently or intentionally causing any fire which destroys any real or personal property or wildlife habitat.
- (5) Negligently or intentionally causing pollution of any waters of the Reservation with any chemical, pesticide, waste material or any other substance that threatens the general welfare of the Tribe.
- (6) Any act of littering while engaging in the act of hunting, fishing, trapping or any other activity.
- (7) Intentionally interfering with any person properly licensed by the Department engaging in or attempting to engage in any lawful hunting, fishing or trapping activities authorized under this Code or rules, regulations or orders of the Department or Commission.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture is requested by the Tribe.

CHAPTER 7. PROTECTION OF FISH

9-701 Fishing Prohibited Except by Commission Regulation.

No person shall at any time catch or attempt to catch, take, kill, or have in possession or under control for any purpose, in any amount, any fish, except as provided by the Game, Fish and Wildlife Conservation Department Code and rules, regulations or orders promulgated by the Game, Fish and Wildlife Conservation Department and Commission.

9-702 Fishing Restricted to Hook and Line Except as Provided.

Except as provided by this Code and rules, regulations and orders promulgated by the Department, only hook and line shall be used in the taking of any fish in any waters which have been opened for the purpose of fishing by the Commission.

9-703 Nets, Seines and Similar Devices, Weirs, Dams, and Artificial Obstructions Prohibited - Permits for Use of Devices.

(1) It is a violation of this Code for any person to place, keep, or maintain in any of the waters of this Reservation any trammel or gill net, seine or other similar device for capturing fish, or for any person to take in any of the waters of this Reservation for any purpose whatever, any fish at any time by the erection of any weir, dam or artificial obstruction or by the use of any trammel or gill net, trap or similar device, or to place, keep, or maintain the same in any of the waters of this Reservation.

(2) Exceptions. This Section Shall Not Apply to:

- (a) Department employees in the course of their official duties or to persons authorized by the Department to conduct management, salvage, or research activities for aquatic species and while engaged in their authorized activities on behalf of the Tribe.
- (b) Persons in possession of a valid tribal fishing license using minnow and smelt seines or minnow and smelt traps for noncommercial purposes, as provided by Department rules, regulations and orders.
- (c) Tribal members in possession of a valid tribal fishing license using traditional fishing methods for noncommercial purposes provided by Department rules, regulations and orders.
- (d) Persons holding a valid tribal commercial bait vendors license using dip nets, minnow or smelt seines, or minnow or smelt traps or other approval, devices for commercial purposes.
- (e) Persons holding a valid tribal commercial fishing license and specifically authorized by the Department to engage in commercial fishing activities by or on behalf of the Tribe or to which the Tribe is a contracting party, and pursuant to contract terms and pursuant to contract terms and to rules, regulations or order promulgated by the Department and Commission.

9-704 Net, Seine or Similar Device – Forfeiture of Property or Conveyance Used to Transport.

The following are subject to forfeiture provisions of this Code, and no property right shall exist in them:

- (1) Any trammel or gill net, seine, dip net, set net, or similar device used by any person to illegally capture fish in any waters of the Reservation.
- (2) Any conveyance, including aircraft, vehicle or vessel, used to transport, possess or conceal any trammel or gill net, seine, dip net, set net or similar device used by any person to illegally capture fish in any waters of this Reservation.

9-705 Fishing Devices Prohibited - Landing Nets and Gaffs Permitted.

Spears, spear guns, bows and arrows, snag hooks, setlines, hoop nets, traps, artificial lights and other devices except hook and line may not be used for fishing except as expressly provided by Department rules, regulations or orders. Landing nets, gaffs, and similar devices may be used as an aid in landing fish, which are in the process of being caught by legal methods.

9-706 Destructive Substances.

It shall be a violation of this Code to deposit, throw, place, allow or cause to pass into any of the waters of this Reservation any deleterious drugs, toxicants, chemicals, poisonous substances, explosives, electrical current, or any material which may tend to destroy, kill, disable, or drive away fish, except for scientific research approved by the Game, Fish and Wildlife Department and Commission.

9-707 Control or Removal of Undesirable Fish.

- (1) In any waters of this Reservation where it is deemed the population of any species of fish is of such density as to be detrimental to the overall fishery resource, the Department may authorize the reduction or removal of such fish. The fish so taken shall be disposed of, with or without royalty, and in such manner as the Department and Commission shall determine.
- (2) The Department may authorize the Director to rehabilitate any fishery in any such waters of the Reservation through proper investigation, and methods deemed by the Director to be desirable.

9-708 Prohibited Bait.

No person may use carp, goldfish, and game fish (except cleanings thereof) in hook and line fishing.

9-709 Interference with Department Employees and Activities Prohibited.

- (1) It shall be unlawful for any person to interfere with, tamper with, damage, destroy, remove fish or other contents from any gill net, trammel net, trap net, live net or any other container in use by the Department, or other persons authorized by the Department to investigate, sample, collect, salvage, or study fish and other aquatic life in any waters of the Reservation.
- (2) It shall be unlawful for any person to interfere with any Department employee in the performance of his/her official duties or any other person authorized by the Department while conducting any field work, research, salvage, sampling,

investigation or collection of fish or other aquatic organisms in any waters of the Reservation.

- (3) Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture is requested by the Tribe.

CHAPTER 8. POSSESSION AND TRANSPORTATION OF FISH AND WILDLIFE

9-801 Possession-Transportation-Shipment of Wildlife-Restrictions-Exceptions.

It shall be a violation of this Code for any person to possess, transport or ship in any manner, or accept for transportation or shipment any wildlife except as hereinafter provided.

(1) Possession and Transportation.

- (a) The possession and transportation of any legally taken wildlife shall be lawful, with proper roughage attached when the same is in the possession of or is being transported by the taker of said wildlife and is accompanied by the appropriate licenses, tags, and/or permits attached and/or validated in the manner prescribed by the provisions of this Code and rules, regulations and orders promulgated by the Department and Commission.
- (b) Possession or transportation of any legally taken wildlife by any person other than the taker shall be lawful when such wildlife is accompanied by a written statement, signed by the taker which describes the species of wildlife, date taken and the name, address and license number of the taker and other such information as may be specified by the Department. in addition to such statements, said wildlife shall be accompanied by the appropriate validated tag therefore and/or such permits as may be required under the provisions of this Code and rules and regulations of the Department; Provided, however, that no person may lawfully claim, be granted, or assume ownership of more game animals, or game fish taken within the exterior boundaries of the Reservation than allowed by possession limits established by the Department and Commission.
- (c) It shall be lawful for any person to ship or by a common carrier to accept for shipment any legally taken wildlife provided that all packages containing such wildlife shall be plainly labeled designating numbers, sex, and species of wildlife contained therein and the name and address of the consignor and consignee. The roughage on game birds must be maintained while transporting for identification purposes.

(2) Unlawful Possession.

It is a violation of this Code for any person to have in his/her possession any wildlife or parts thereof protected by the provisions of this Code and Department rules, regulations and orders and the taking and killing of which is unlawful. Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a

civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-802 Possession During Closed Season or in Excess of Bag Limits.

- (1) It shall be unlawful for any person to have in his/her possession or under his/her control any game animal, game bird, furbearing animal, game fish, or any part thereof during the closed season or in excess of the bag limit. Such possession of any game animal, game bird, furbearing animal, game fish or any part thereof during the closed season or in excess of the bag limit and/or possession limit shall be "prima facie" evidence of a violation of this Code.
- (2) Any person who has lawfully acquired possession of any game animal, game bird, furbearing animal, or game fish, or part thereof, and who desires to retain it for human consumption or ornamental purposes, or desires to sell the skin, hide, horns, head or plumage thereof, after the close of the season may do so in accordance with rules, regulations and orders of the Department and Commission.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-803 Acquisition of Specimens for Propagation.

The Game, Fish and Wildlife Conservation Commission may authorize the Department to secure by purchase, gift, or exchange with the proper authorities of other countries, federal agencies, states, or another tribe, wild birds, their nests and eggs, wild animals, and game fish, fry or spawn, for stocking or propagating purposes and may sell or otherwise dispose of birds, animals, fish, fry or spawn, so obtained. No Tribal Ranger, Tribal or Agency Law Enforcement officer shall sell or give away any game bird, game animal, or fish eggs, fry or spawn, to any person without the, written consent of the Commission, or its designee.

CHAPTER 9. LICENSES TO HUNT, FISH AND TRAP.

9-901 Hunting, Fishing, Trapping, or Carrying Uncased Firearm – License Requirement - Exceptions.

It is a violation of this Code for any person to hunt, fish, trap, or take any wild animal, wild bird, or fish of this Reservation or have in his/her possession any uncased firearm while within the boundaries of the Standing Rock Sioux Reservation, without first having procured a valid license and permit and as hereinafter provided. Provided that no license, permits or tags shall be required:

- (1) For member resident(s) of this Reservation to carry uncased firearms on property owned by them for the purpose of taking predatory animals, during the open season.
- (2) For member children under the age of sixteen (16) to fish during the open season therefore and such children shall be authorized to catch and to possess his/her own bag limit of fish.

- (3) For member children under the age of twelve (12) to hunt, take, or kill unprotected birds and animals by means other than with firearms.
- (4) For member children under the age of fourteen (14) to trap muskrats on property which they live and own in trust or fee during the open season, pursuant to the provisions of this Code and rules, regulations and orders of the Department and Commission.
- (5) Nothing contained herein shall be construed to prohibit citizens of the United States who are residents of the Reservation from carrying arms for the protection of life and property within the lawful limits of tribal law.

9-902 Licenses, Authority, Limitations.

The licenses mentioned in this section shall entitle the person to whom issued to take such wildlife as may be authorized by said license, subject to the limitations set forth under this Code and Department rules, regulations and orders promulgated pursuant thereto.

9-903 Licenses, Tags and Permits - Expiration Dates.

- (1) All Game, Fish and Wildlife Licenses and permits shall expire December 31 of the year for which they are issued, except that Furbearer Permits shall expire on May 1 next following the date of issuance. All permits and tags issued pursuant to provisions of this section shall be valid only during the time the corresponding Game and Fish License is valid. Prairie Dog license shall expire one (1) year from date of valid purchase.
- (2) All Occupational Licenses are annual Licenses and shall expire on December 31 of the year for which they are issued, except that the Archaeological Resource License shall be valid until revoked by the Director and all Occupational Licenses issued pursuant to provisions of this section shall be valid only during the time a corresponding Game, Fish and Wildlife License is valid.

9-904 Licenses and Permits.

Licenses and permits to be issued under this section are classified as follows:

- (1) Member Game, Fish and Wildlife license.

Each member Game, Fish and Wildlife license shall be issued pursuant to the requirements of the Game, Fish and Wildlife Conservation Commission's annually published Standing Rock Game, Fish and Wildlife Proclamation.

- (2) Resident non-member Game, Fish and Wildlife license.

Each resident non-member Game, Fish and Wildlife license shall be issued pursuant to the requirements of the Game, Fish and Wildlife Conservation Commission's annually published Standing Rock Game, Fish and Wildlife Proclamation.

- (3) Non-resident non-member Game, Fish and Wildlife license.

Each non-resident non-member Game, Fish and Wildlife license shall be issued pursuant to the requirements of the Game, Fish and Wildlife Conservation Commission's annually published Standing Rock Fish Game, Fish and Wildlife Proclamation.

(4) Member permits.

Each of the following member permits shall be issued for each of the following based upon the fees indicated pursuant to the Standing Rock Game, Fish and Wildlife Proclamation:

- (a) Fishing.
- (b) Upland Game.
- (c) Big Game. (Rifle Deer/Antelope)
- (d) Big Game. (Archery Deer/Antelope)
- (e) Big Game. (Muzzleloader Deer/Antelope)
- (f) Big Game. (Wild Turkey)
- (g) Big Game. (Buffalo, Elk, Moose)
- (h) Migratory Bird.
- (i) Furbearer.
- (j) Willow Trap, Hoop Net, Trap Net, Setline
- (k) Prairie Dog.

(5) Non-member permit.

Each of the following member permits shall be issued for each of the following based upon the fees indicated pursuant to the Standing Rock Game, Fish and Wildlife Proclamation:

- (a) Fishing.
- (b) Upland Game.
- (c) Big Game. (Rifle Deer/Antelope)
- (d) Big Game. (Archery Deer/Antelope)
- (e) Big Game. (Muzzleloader Deer/Antelope)
- (f) Big Game. (Wild Turkey)
- (g) Big Game. (Buffalo, Elk, Moose)
- (h) Migratory Bird.

- (i) Furbearer.
- (j) Prairie Dog.

(6) Occupational Licenses.

Each of the following occupational licenses shall be issued for each of the following based upon the cost and fee indicated pursuant to the Standing Rock Game, Fish and Wildlife Proclamation on an annual basis:

- (a) Bait Vendor's License.
- (b) Wildlife Propagation License.
- (c) Taxidermist License.
- (d) Fur Dealer License.
- (e) Guiding License for Fishing and Hunting.
- (f) Archaeological Resource License.
- (g) Commercial Fishing License and Deliver Permit.
- (h) Private Hunting Preserve License.
- (i) Wood Harvesting License.
- (j) Boating License.
- (k) Any other Licenses required by the Commission.

9-905 Member resident and non-resident non-member Game and Fish Licenses and Permits Distinguished.

Except as otherwise provided in this Code persons who are twelve (12) years of age and older shall be issued a Game, Fish and Wildlife License and corresponding permits as follows:

(1) Member Game, Fish and Wildlife License.

Members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be issued a Member Game, Fish and Wildlife license.

(2) Member Permits.

Members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be issued member permits and tags, as provided in this Code.

(3) Reciprocity Between Tribes.

The Department is authorized to develop rules and regulations which provide for

issuance of Member Game, Fish and Wildlife Licenses and member Permits to members of other tribes which provide for similar privileges for Standing Rock Sioux Tribal members on their reservations; provided, however, that the Department may only authorize such reciprocity with other tribes for permits which are issued in unrestricted numbers to Standing Rock Sioux Tribal members.

(4) Resident non-member Game, Fish and Wildlife License.

Except as provided in this Code, non-members of the Standing Rock Sioux Tribe except non-member Indian spouses of members, who are residents of the Reservation, shall be issued the following:

- (a) Resident non-Indian Game and Fish License or;
- (b) Resident non-member Indian Game and Fish License.

(5) Non-resident non-member Game and Fish License.

Except as provided in this Code, non-member Indian spouses of members who are nonresidents of the Reservation and are non-members of the Standing Rock Sioux Tribe shall be issued a non-resident non-member Game, Fish and Wildlife License.

(6) Non-resident non-member Permits.

Except as provided in this Code, non-members of the Standing Rock Sioux Tribe shall be issued non-member permits and tags, as provided for in this Chapter.

9-906 Application for License – Duplicate License – Unlawful Purchase Possession, and Use of License, Tags, or Permits.

- (1) All tribal members making application for a member license of permits shall produce his/her Standing Rock Sioux Tribal enrollment card or other proof of enrollment. Any person making application for any resident license of permit shall produce his/her South and/or North Dakota driver's license, or in the case of non-drivers, other suitable proof of residency, and shall make and sign a written application stating the license applied for, the name of the applicant, the age of the applicant, his/her current address, and such other information as may be required by the Department.
- (2) Any person making application for a duplicate license or tag shall make and sign a written application stating the type of license, permit, or tag originally purchased and such other information as may be required by the Department.

9-907 Fraud in Obtaining License, Permits or Tags Misuse.

No person shall at any time procure or possess a license permit, stamp or tag under an assumed name or in which an address other than his/her regular place of residence is given, or make any false statement whatsoever in securing a license, lend a license, permit

or tag to another, or knowingly issue or aid in securing a license of himself/herself or any other person not legally entitled thereto.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-908 Licenses, Permits and Tags Nontransferable.

Licenses, permits and tags issued under this Code shall not be transferable. Any person hunting, fishing or trapping, upon the demand of the Director, any Tribal Ranger, Agency or Tribal Enforcement officer, or other specifically authorized enforcement officer, shall exhibit his/her license, permits and tags to such officer, and write his/her name upon the request for a purpose of comparison with the signature on the license, and his/her failure or refusal to exhibit his/her license, permit and tags and write his/her name on demand shall be "prima facie" evidence that such person has license or is not the person named in the license in his/her possession.

9-909 Forfeiture of License by Judicial Decree.

- (1) Upon conviction of any person of a violation of any provisions of this Code or rule or regulation of the Department, the judge may, in addition to the penalty imposed by law, establish a probationary period or forfeit the license of such person. Such probationary period or revocation of hunting and/or fishing privileges may be for a period up to five (5) years. The court shall forfeit any person's license upon conviction of any provisions enumerated in this Code. The Department may by rule and regulation prohibit the issuance of a license to any person convicted of violating any provisions enumerated in this Code, convicted two or more times of any violation of the Department rules and regulations, or prescribe the conditions under which such license may be issued.
- (2) The Court, upon adjudging any person civilly liable for violation of this Code or failure of any person to pay damages or satisfy such judgment or order of the Court, shall forfeit such person's license, permits, and tags. No licenses, permits, or tags shall be issued to such person until damages are paid or judgment or order of the Court satisfied.
- (3) No person who has had a license or permit revoked pursuant to this section or any other provision of this Code or Department rules and regulations shall engage in the activity for which the license or permit is required:
 - (a) During the remainder of the period for which the license, tag or permit was issued; or
 - (b) During the period for which the person is prohibited by the Court or this Code from applying for or obtaining another such license, tag or permit.

9-910 Department's Authority - Tags - Permits - Nonresident Non-members Limited.

- (1) The Department is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this Code, and the manner in which said tags and permits shall be used and validated.
- (2) The Department is hereby authorized to establish a limit annually as to the number of each kind and type of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation of non-members from hunting within the exterior boundaries of the Reservation.

9-911 Member Game and Fish Licenses.

All members of the Standing Rock Sioux Tribe and their non-member Indian spouse (s) shall be required to possess a valid Member Game, Fish and Wildlife License to hunt, fish, trap or carry on other activities regulated by under this Code on the Reservation. This license authorizes the licensee only to do the following:

- (1) Carry an uncased firearm in the forest and filed of the Reservation.
- (2) Take or attempt to take unprotected non-game wildlife on the Reservation.
- (3) Take or attempt to take unprotected non-game fish on the Reservation.
- (4) Engage in occupational activities, which include:
 - (a) Capture and sale of bait fish for commercial purposes, subject to additional licensing requirements.
 - (b) Purchase and sale of furbearer pelts, subject to additional licensing requirements.
 - (c) Engage in or operate any commercial wildlife propagation facility or game preserve, subject to additional licensing requirement.
 - (d) Conduct any commercial hunting or fishing guiding activities, subject to additional licensing requirements.
 - (e) Use any archaeological resource collector's license, subject to additional licensing requirements.
 - (f) Engaging in any commercial fishing operation, subject to additional licensing and contractual requirements.
 - (g) Engage in any commercial taxidermy work subject to additional licensing requirements of this Code.
 - (h) Operate any private hunting preserve for profit, subject to additional licensing requirements of this Code.

9-912 Non-Member Resident and Non-resident Fish and Wildlife License.

Except as otherwise provided, all non-members of the Standing Rock Sioux Tribe must possess a non-member Game, Fish and Wildlife License to hunt, fish or trap on the Reservation. Non-members who are residents of the Reservation shall be allowed to purchase a non-member resident Game, Fish and Wildlife License. For purposes of this Code, residency may be established by residing continuously on the Reservation for a period of at least thirty (30) days.

Non-member resident and non-resident Game, Fish and Wildlife Licenses authorize the licensee only to do the following:

- (1) Carry an uncased firearm in the forests and field of the Reservation.
- (2) Take or attempt to take unprotected non-game wildlife on the Reservation.
- (3) Take or attempt to take non-game fish on the Reservation.
- (4) Engage in occupational activities, which include:
 - (a) Capture and sale of bait fish for commercial purposes, subject to additional licensing requirements.
 - (b) Purchase and sale of furbearer pelts, subject additional licensing requirements.
 - (c) Engage in or operate any commercial wildlife propagation facility or game preserve, subject to additional licensing requirements.
 - (d) Use any archaeological resource (antiquities) license, subject to additional licensing requirements.
 - (e) Engage in any commercial fishing operation, subject to additional licensing and contractual requirements.
 - (f) Engage in any commercial taxidermy work, subject to additional licensing requirements of this Code.
 - (g) Operate any private hunting preserve for profit, subject to additional licensing requirements of this Code.

9-913 Member Upland Game Permit.

Persons who are members of the Standing Rock Sioux Tribe and their Indian spouses shall be required to obtain a member upland game permit to take or attempt to take any upland game species.

9-914 Non-Member Upland Game Permit.

Except as provided in this Code and the Annual Game, Fish and Wildlife Proclamation, persons who are non-members of the Standing Rock Sioux Tribe, shall be required to purchase a non-member upland game permit to take or attempt to take any upland game species.

9-915 Member Big Game Permits.

Persons who are members of the Standing Rock Sioux Tribe and their Non-member Indian spouses shall be required to obtain a member big game permit to take or attempt to take any big game species. Separate permits are required for rifle wild turkey seasons authorized by the Department and the Commission.

9-916 Non-Member Big Game Permits.

Except as provided in this Code and the Annual Game, Fish and Wildlife Proclamation, persons who are non-members of the Standing Rock Sioux Tribe, shall be required to purchase a separate non-member big game permit to take or attempt any big game species during Rifle Deer/Antelope and any special Archery Deer/Antelope, Muzzleloader Deer/Antelope, and Wild Turkey Seasons authorized by the Department and Commission.

9-917 Member Migratory Bird Permit.

Persons who are members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be required to obtain a member migratory bird permit to take or attempt to take any migratory species.

9-918 Non-Member Migratory Bird Permit.

Except as provided in this Code and the Annual Game, Fish and Wildlife Proclamation, persons who are non-members of the Standing Rock Sioux Tribe, shall be required to purchase a non-member migratory bird permit to take or attempt to take any migratory bird species.

9-919 Member Furbearer Permit.

Persons who are members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be required to obtain a member furbearer permit to take or attempt to take any migratory species.

9-920 Non-Member Furbearer Permit.

Except as provided in this Code and the Annual Game, Fish and Wildlife Proclamation, persons who are non-members of the Standing Rock Sioux Tribe, shall be required to purchase a non-member furbearer permit to take or attempt to take any migratory bird species.

9-921 Member Fishing Permit.

Persons who are members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be required to obtain a member fishing permit to take or attempt to take any game fish in any waters of the Reservation.

9-922 Non-Member Fishing Permit.

Except as provided in this Code and the Annual Game, Fish and Wildlife Proclamation, persons who are non-members of the Standing Rock Sioux Tribe shall be required to purchase a non-member fishing permit to take or attempt to take any game fish in any waters of the Reservation.

9-923 Member Willow Trap, Hoop Net, Trap Net and Setline Permits.

Persons who are members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be required to obtain separate member willow trap, hoop net, trap net and setline permits to take or attempt to take fish by any of those means. The taking of fish

by willow trap, hoop net, trap net, and setline shall be allowed only in waters specifically authorized by the Department, and only for non-commercial household purposes, and in compliance with rules and regulations promulgated by the Department and the Commission.

9-924 Commercial Fishing.

- (1) It shall be unlawful for any person to engage in any phase of the commercial fishing industry or to operate any fishing gear known as or classified as commercial fishing gear by the Department, or to fish for or take, deliver, or land any fish on the Reservation, whether taken from waters within or without the jurisdiction of the reservation, without first obtaining and having in possession Commercial Fishing Licenses and Delivery Permits.
- (2) Any person violating any of the provisions of this section or any related contractual agreement with the Standing Rock Sioux Tribe shall be in violation of this Code.

9-925 Application for License.

The Department shall issue commercial Fishing Licenses and Delivery Permits herein required to any qualified person, upon receipt of a lawful application therefore to be furnished for that purpose, accompanied by the required fee. Provided, that no commercial fishing license shall be issued for any waters of the Reservation unless the applicant shall first execute a lawful contract with the Standing Rock Sioux Tribe in which the Tribe or a tribal industry has controlling interest in such business and that such business is principally located on the Reservation and is conducted primarily for the benefit of the Standing Rock Sioux Tribe.

Applicants for delivery permits and all commercial licenses shall comply with limitations set forth in this Code and Department rules and regulations on gear used, dates and times of harvest effort for the taking of such fish, species of fish and quantity to be taken, and use of fish taken.

9-926 Delivery Permit.

Every-person or persons or corporations operating a commercial fishing activity of any description used in the commercial taking or catching of fish food in the waters of the Reservation, and the transportation or possession of food fish through the waters of the Reservation, and delivering the food fish in any place on the Reservation as a condition of doing so, shall possess a valid Delivery Permit.

9-927 Bait Vendor's License.

Any person who takes baitfish for commercial purposes from any waters of the Reservation or sells, barter, trades or offers to sell, barter or trade baitfish on the Reservation shall possess a valid Bait Vendor's License: provided, further, that possession of more than five hundred (500) baitfish shall be prima facie evidence that said person is offering baitfish for sale.

9-928 Taxidermy License - Records.

- (1) No person shall engage in the Business of taxidermy within the boundaries of the Reservation, unless the person first obtains from the Department a Taxidermist License.
- (2) Every licensed taxidermist shall maintain a record of the taxidermy work the person

performs. The record shall be in such form and contain such information as the Department by rule, regulation or order prescribes to accurately indicate the date, type, and number of wildlife species received for taxidermy work and the name and address of the persons from whom the wildlife species were received.

9-929 Fur Dealer License - Records.

- (1) No person shall engage in the business of buying the skins or pelts of any furbearing mammal within the boundaries of the Reservation, unless the person has first obtained from the Department a Fur Dealer License.
- (2) Every fur dealer shall maintain a record of transactions involving the skins or pelts of furbearing mammals. The record shall be in such form and contain such information as to accurately indicate the date, type and number of skins or pelts received and the name and address of the person with whom such transaction was made.

9-930 Archaeological Resource License.

Any person authorized by the Tribal Historic Preservation Office (THPO) to collect or excavate upon any lands of the Reservation for the purpose of collecting, studying, examining for research or educational purposes any fossil, antiquity, relic, human remain or any other object of historic or prehistoric significance to the Standing Rock Sioux Tribe shall first obtain a permit from the Tribal Historic Preservation Office (THPO) and comply with all provisions of 25 CFR Part 261 and Chapter 18 of this Code.

9-931 Wildlife Propagation License - Grounds for License Denial - Records.

- (1) No person shall engage in the business of propagating game birds, game mammals, furbearing mammals, or game fish for sale unless the person first obtains from the Department a wildlife propagation license.
- (2) The Department may refuse to issue a license to an applicant if the Department finds that the conduct of the wildlife propagation business would tend to be harmful to existing wildlife populations.
- (3) The Department, by rule, regulation or order, may prescribe requirements for the game birds, game mammals, furbearing mammals or game fish, and for such record keeping and reporting procedures as will ensure that the propagation activities are conducted in such manner as will not be harmful to the animals being propagated or to existing wildlife populations.

9-932 Private Hunting Preserve License Required.

No person shall engage in the business of establishing a private hunting preserve within the boundaries of the Reservation without first complying with the express licensing requirements of Chapter 14 of this Code.

9-933 Member Hunting Guide License Required.

No person shall engage in the business of providing guiding to private individuals or groups within the boundaries of the Reservation without first complying with the expressed licensing requirements of Chapter 17 of this Code.

9-934 Commercial Wood Harvesting Permit.

No person shall engage in the business of commercial wood harvesting without first complying with the expressed licensing requirements of Chapter 16 of this Code.

9-935 Inspection of Occupational Licenses.

The holder of any occupational license issued pursuant to this Code shall consent to the inspection by any Tribal conservation officer, Agency Enforcement Officer, or other persons specifically authorized to enforce this Code and Department rules and regulations, of any such license and any records the holder is required to keep by this Code or Department rules, regulations and orders and any such licensee who fails to maintain records as required by the Department or refuses to allow inspection of said records shall be in violation of this Code.

9-936 Indian Trader's License Required.

None of the occupational licensing requirements provided for in this Code or in rules, regulations and orders of the Department or Commission are intended to replace the Bureau of Indian Affairs' requirement of an Indian Trader's License, for conducting business on the Reservation, as specified in 25 C.F.R. 140 or any other Business Regulatory Laws promulgated by the Standing Rock Sioux Tribe and noncompliance with said laws and regulations shall be violation of this Code.

9-937 Access Permits.

- (1) Any person going upon, shooting across or otherwise using trust land for the purpose of hunting or fishing on any lands on the Reservation, shall secure from the Tribe an access permit, and pay the applicable fee with respect to such permit, for the privilege of using trust lands.
- (2) With respect to land held in trust by the United States for individual Indians, both a permit under subsection (a) of this section, and the express permission of the individual Indian landowner(s), shall be required to go upon, shoot across or otherwise use such lands in connection with hunting or fishing on any lands on the Reservation.
- (3) The access fees authorized under this section shall be fixed by the Standing Rock Sioux Tribal Council, which shall cause to be published the access fees in at least two newspapers with general circulation on the Reservation.
- (4) The requirements of subsections (1) and (2) of this section shall not apply to any person who has a current, valid hunting and fishing license from the Tribe.
- (5) Any person who fails to comply subsections (1) and (2) of this section shall be subject to a civil fine of, not to exceed, twenty-five dollars (\$25) for first violation, fifty dollars (\$50) for second violation, and one hundred dollars (\$100) for third or subsequent violation.
Prairie Dog Permit (non/member)

CHAPTER 10. GAME, FISH AND WILDLIFE PUBLIC SAFETY

9-1001 General Restrictions on Hunting and Trapping - Violation of Code.

- (1) Hunting in Restricted Areas. No Person shall:

- (a) Hunt within 1700 feet of any hospital, school and/or grounds, or any public establishment and/or grounds.
- (b) 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 lands of another without the express permission of the owner or occupant of the building.
- (c) 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 and trap or pursue furbearers on legally posted land without permission from the owner or occupant, provided that range unit permittees shall have no authority to prohibit tribal members from hunting on range unit trust lands by posting or otherwise. Hunting without prior permission from the owner or occupant shall be deemed trespassing.
- (d) 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.
- (e) No person shall drive off any tribally established roadway while hunting, fishing, trapping or other recreational activity.

(2) Color of Clothes.

No person shall hunt any wildlife except waterfowl unless upper body parts of the person's clothing above the waist is of a highly visible color referred to as: Hunter Orange, Blaze Orange, Fluorescent Orange, Flame Orange, or other bright colors during any hunting seasons.

(3) Transportation of Firearms and Bow and Arrow.

- (a) No person shall at any time transport a firearm with a round in the chamber, or revolvers with cartridges in the cylinder, or a shot gun with more than two (2) shells in the magazine.
- (b) No person with a special crossbow permit shall transport a crossbow unless it is encased or unstrung.

(4) Safe Use of Firearms and Bows.

- (a) No person shall hunt while possessing a loaded firearm or strung bow or crossbow within 50 feet of the center of a maintained roadway.
- (b) No person shall load or discharge a firearm or bow of any type across a maintained roadway.
- (c) No person shall load or discharge a firearm or bow of any type in or from a motor vehicle.

- (d) No person shall lean or place any loaded firearm or bow of any type against any vehicle.
- (e) No child under the age of twelve (12) years of age shall have in their possession any firearm while in the fields or forest or in any tent, camp, auto or any other vehicle on the Reservation.
- (f) No parent, guardian or other person shall authorize or knowingly permit or encourage a child to violate any provision(s) of this Code.
- (g) No person shall hunt, fish or trap while under the influence of alcohol or any intoxicant to a degree that they are incapable of safely using such weapon or equipment or with a blood alcohol concentration of 0.10% or more by weight.

(5) Restrictions on Use of Bait.

- (a) No person shall place or hunt over bait unless such material is present from normal agricultural practices.
- (b) 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.
- (c) No person shall place, use or hunt over bait containing, or contained within, metal, plastic, glass, wood or non-biodegradable materials.

(6) Maximum number of cartridges in self-loading firearm used to hunt big game- Violation as a Class A Misdemeanor.

No self-loading or auto-loading firearm that holds more than six cartridges may be used to hunt, pursue, shoot at, shoot, kill or wound any big game animals. A violation of this section is a Class A misdemeanor.

(7) Automatic weapon prohibited in hunting game- Violation as a Class A Misdemeanor.

No firearm that is capable of being operated as a full automatic may be used to hunt, shoot, shoot at, wound, kill or pursue any big game or small game. A violation of this section is a Class A misdemeanor. In addition, the court may order forfeiture of the weapon.

(8) Exceptions.

- (a) These subsections shall not apply to any person authorized to enforce this Code, 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.

9-1002 Hunting or Harassing Wildlife with Aircraft -Violation of Code.

No person shall hunt or harass any wild animal (s) with the aid of any type of aircraft:

provided, however, the exception is the authorized use of aircraft to perform population censuses or to remove depredating wildlife with the consent of the Game, Fish and Wildlife Department Director or any other activity authorized by the Department or Commission.

9-1003 Reckless Endangerment of Life or Property.

It shall be a violation of this Code for any person, while hunting, preparing to hunt or immediately after hunting, traveling to or from a place of hunting, to use a firearm or bow and arrow in such a way as to recklessly endanger human life or property, including livestock.

9-1004 Holes in Ice - Size Limits.

It shall be a violation of this Code for any person:

- (1) To cut an opening larger than ten (10) inches across the longest part through the ice of any streams, lakes, rivers, or ponds of the Reservation for the purpose of fishing.
- (2) To fish through a man-made opening in ice which is larger than ten (10) inches across the longest part.

9-1005 Revocation of License - Shooting Person or Livestock.

- (1) The Commission shall revoke the hunting license of any person who shoots Any other person or any domestic livestock while hunting or fails to render assistance following a shooting and no hunting license shall thereafter be reissued to such person unless the Commission, after a hearing held at one of its regular meetings authorizes the issuance of such license, and providing the licensee shall have paid for all damages caused by the wrongful shooting; provided, further, any person may appeal to the Tribal Court from any decision of the Commission, providing written notice of such appeal is served on the Commission and filed in court within thirty (30) days following the refusal of the Commission to issue such license.
- (2) The Commission, or a referee it may appoint, shall have authority to hold a hearing, subpoena any witness requested by the Complainant or by the person accused, administer oaths, and require and receive evidence, oral or in written deposition, in any case where any person who, according to information received, while hunting is alleged:
 - (a) To have carelessly handled a gun that caused injury to person or property;
 - (b) To have carelessly injured a human being by gunfire;
 - (c) To have caused accidental injury or death to a person by gunfire, and not furnished proof to the Commission, or its referee, that he/she had been released from all liability for ambulance, hospital, medical, funeral bills, and all other relevant expense, from the injured person, or his/her heirs in case of death; provided that a satisfaction of any judgment rendered the person accused because of any such act shall be deemed a satisfactory release hereunder;
 - (d) To have caused damage to livestock by gunfire, and not furnished proof to the Commission or its referee, that he/she had been released from all liability by the

owner of such livestock; provided, however, that a satisfaction of any judgment rendered against the person accused because of any act shall be deemed a satisfactory release hereunder.

9-1006 Failure to Report Hunting Accidents - Violation of Code.

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 Director and failure to report such an accident shall constitute a violation of this section.

9-1007 Preferring Charges for Improper Handling of Gun - Hearing - Procedure.

- (1) Any person may prefer charges, based on any of the above grounds, against any hunting licensee and such charges shall be in writing, and shall be sworn to and filed with said Commission.
- (2) All charges, unless dismissed as unfounded or frivolous, shall be hear by the commission or its referee within sixty (60) days of the time of filing and the time and place for such hearing shall be held at the Tribal Game, Fish and Wildlife Conservation Department Office, located at Ft. Yates, North Dakota, and a copy of the charges stating the violations of the act alleged to have occurred, together with a notice of the time and place of hearing shall be personally served on such licensee at least fifteen (15)days prior to the time of the hearing. In the event that such licensee resides outside the exterior boundaries of the Reservation, such notice shall be served by certified mail with return receipt, mailed to the last known address of such licensee.
- (3) At any hearing the licensee shall have the right to appear personally and be represented by counsel and to testify or to present witnesses in his/her own. defense and any person who shall be subpoenaed before said Commission, or its referee, and shall fail to appear before him/her, without furnishing satisfactory reason for failure to do so, shall be subject to the penalties of contempt upon application to the Tribal Court.
- (4) For the first offense, for a period to be fixed by the commission, with or without the recommendation of its referee, not to exceed five (5) years;
- (5) For each additional offense a period of five (5) additional years.

9-1008 Surrender of License.

Upon revocation of a hunting license then in force for any period, the Director shall send a written notice to that effect to such person at his/her last known address either by certified mail or have it delivered in person by a representative of the Department of Game, Fish and Wildlife Conservation Department, and such licensee shall thereupon surrender his/her hunting license to the Director of the Department.

9-1009 List of Persons Denied Right to Hunt Furnished to Vendors and Other Governments.

The Director shall forthwith, following revocation of license to hunt hereunder, send a list with current revocations to all tribal licensed vendors, the State of South and North Dakota and the Agency Superintendent, showing the name, address, and term of revocation of all persons that have been denied the right to hunt on the Reservation in accordance with this Code.

9-1010 Appeal from Order of Revocation.

Any person dissatisfied by any action of the Commission made hereunder may appeal to the Tribal Court, which shall require a *de novo* trial of all matters of law and such appeal shall be perfected by filing with the Clerk of Court within thirty (30) days after the decision has been rendered; provided, further, that a petition shall constitute the complaint, and summons may be issued thereon directed to the Chairman of the Commission as defendant, and served upon him/her. The pleadings thereafter shall conform to the practice in other civil proceedings and the Court in its decree may sustain, modify, or reverse the action of the Commission, and shall render its opinion and judgment on the case appealed.

CHAPTER 11. HUNTER SAFETY AND EDUCATION

9-1101 Certificate of Competency in Hunter Education.

No hunting license shall be issued to a person who is under the age of sixteen (16) years unless such person has previously held a valid Game, Fish and Wildlife License or unless such person presents to the Department of Game, Fish and Wildlife Conservation or one of its authorized vendors, a certificate of competency in hunter education issued by the Department under the hunter education program or proof that he/she holds the equivalent of such a certificate obtained either in South or North Dakota or from an authorized agency or association of another Tribe or state.

9-1102 Commission to Provide for Course of Instruction - Cooperation with School Systems and Other Agencies.

- (1) The Department shall provide for a course of instruction in safe handling of firearms and the program shall include instruction on wildlife and natural resource conservation, respect for the rights and property of others, and survival in the outdoors.
- (2) The Department may enter into agreements with school systems, public or private agencies and individuals in carrying out the provisions of this subsection with the approval of the Commission and Tribal Council.
- (3) The Department shall establish a fee to be assessed each person obtaining instruction in hunter education as reimbursement for furnished materials, however, said fee may be waived at the discretion of the Director; provided, further, all students successfully completing the course of instruction shall be issued a certificate of competency in hunter, safety and good hunting conduct.

9-1103 Hunter Education - Instructor Qualification -Training.

- (1) The Department shall recruit competent volunteer instructors and shall provide a course of instruction in the safe handling of firearms, conservation of wildlife and

natural resources, good conduct and respect for the rights and property of others, outdoor survival, and other appropriate subjects for training instructors based upon the tradition and culture of the Tribe; provided, further, that all instructors shall be issued certificates and shall on a voluntary basis, unless instruction fees have been approved by the Tribal Council.

- (2) Instructors are to instruct any and all eligible students in a hunter education and safety course, as established by the Commission.

CHAPTER 12. CHECK STATIONS - WASTE OF WILDLIFE

9-1201 Production of Wildlife for Inspection - Stop at checking Stations License Must Be On Person.

It is a violation of this Code for any hunter, fisherman, or trapper to refuse or fail to:

- (1) Upon request of the Director, a Tribal Ranger, any Agency or Tribal Law Enforcement Officer, or other person specifically authorized to enforce the Code and rules and regulations of the Department, produce for inspection any wildlife in his/her possession.
- (2) Stop and report at a wildlife checking station encountered on his/her route of travel when directed to do so by personnel on duty and such direction may be accomplished by signs prominently displayed along the route of travel indicating those persons required to stop.
- (3) Have the proper required license, permits and tags on his/her person at all times when hunting, fishing or trapping, and produce the same for inspection upon request of a Tribal Ranger, Agency or Tribal Law Enforcement Officer or any other person specifically authorized to enforce this Code or rules and regulations of the Department and Commission.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-1202 Wasteful Destruction of Wildlife or Mutilation Unlawful - Violation of Code.

It is a violation of this Code for any hunter, fisherman, or trapper:

- (1) Through carelessness, neglect or otherwise, to allow or cause the waste of any game bird, game animal or game fish or any portion thereof usually eaten by humans.
- (2) To capture or kill any game animal, except a carnivore, and detach or remove only the head, hide, antlers, or horns and leave the carcass to waste.
- (3) To fail to properly dress and care for any game animal, except carnivore killed by him/her and transport the same to his/her camp, residence, cold storage locker, or other place where the carcass may be reasonably cared for within twenty-four (24) hours shall be prima facie evidence of a violation of this section.

- (4) To remove the teeth or claws of any wild or semi-domesticated animal legally kept in captivity.

Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-1203 Hunter Harrassment.

No person may intentionally interfere with other persons lawfully engaged in taking or attempting to take game or fish, engage in an activity specifically intended to harass or prevent the lawful taking of game or fish, or scare or disturb game with specific intent to prevent its lawful taking.

CHAPTER 13. PENALTIES AND SANCTIONS

9-1301 Violations a Misdemeanor.

Any person who shall violate any provision of this Code or rules, regulations or orders promulgated pursuant thereto, shall be guilty of a Class A misdemeanor.

9-1302 Penalty - Misdemeanor - Revocation of License - Disposition of Monies.

- (1) Any person convicted of a misdemeanor under the provisions of this code or rules, regulations or orders promulgated pursuant thereto shall be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than twenty five hundred dollars (\$2,500.00) and/or by commitment to tribal jail for not more than six (6) months.
- (2) Any person convicted of violating any of the provisions of this Code or rules and regulations promulgated pursuant thereto may, in addition to any other penalty assessed by the Court, have his/her hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the Court not to exceed five (5) years, said time beginning on the date of conviction; provided further, that the judge hearing the case shall forthwith revoke the hunting, fishing, or trapping privileges for a period of not less than one (1) year from the date of such conviction, of any person who is convicted of any of the following offenses:
 - (a) Taking upland game birds or mammals, migratory birds, furbearers, or any big game animal, including any wild or semi-domesticated big game animal kept in captivity by the Tribe, during closed season.
 - (b) Exceeding the daily bag or possession limit of upland game birds or mammals, migratory birds, or big game animals.
 - (c) Taking any fish by unlawful means as set forth in this Code.
 - (d) Unlawfully purchasing, possessing or using any license, permit, stamp or tag set forth in this Code.

- (e) The unlawful sale or purchase of any game animal, game bird, game fish, or edible part thereof, or any protected wildlife species or part thereof.
 - (f) No person shall assault or otherwise resist or obstruct any law enforcement officer authorized to enforce the provisions of this Code in the performance of his/her duty.
 - (g) No person shall falsely represent himself/herself to be a law enforcement officer authorized to enforce the provisions of this Code, or shall assume to act as such an officer, without having been duly appointed.
- (3) The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing any applicable license for the length of time required to meet the revocation period decreed.
 - (4) It shall be a Class A misdemeanor for any person to hunt, fish, or trap or purchase a license to do so during the period of time which such privilege is revoked by order of the Court. Any person convicted thereof shall be fined in an amount of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and/or by commitment to tribal jail for not more than six (6) months: provided, further, that the period of revocation of such privileges shall be extended an additional amount of time equal to the original revocation.
 - (5) For the purpose of this section, the term "conviction" shall mean a final conviction.
 - (6) Distribution of fines and forfeitures shall be deposited into the Special Game, Fish and Wildlife Conservation Account as provided in this Code.

9-1303 Unlawful Killing, Possession or Waste of Wild Animals, Birds and Fish
Reimbursable Damages - Schedule - Assessment by Court - Installment Payments -
Default Judgments - Disposition of Monies.

- (1) In addition to penalties provided for violating any of the provisions of the Code or rules, regulations or orders of the Department or Commission, with the exception of Chapter I, Section 1-105, any person convicted of the illegal killing or illegal possession or illegal waste of game animals, game birds, furbearing animals or fish shall reimburse the Tribe or rightful owner for the value of each animal so killed or possessed or wasted as follows:

Big Game:

- (a) Deer/Antelope, One Thousand dollars (\$1,000.00) per animal killed, possessed or wasted.
- (b) Elk and Moose, five thousand dollars (\$5,000.00) per animal killed, possessed or wasted.
- (c) Buffalo, five thousand dollars (\$5,000.00) per animal killed, possessed or wasted.
- (d) Wild Turkey, two hundred dollars (\$200.00) per animal killed, possessed or

wasted.

Upland Game:

- (a) Pheasant, fifty dollars (\$50.00) per animal killed, possessed or wasted.
- (b) Sharp-tail Grouse and Prairie Chicken, fifty dollars (\$50.00) per animal killed, possessed or wasted.
- (c) Bobwhite Quail, twenty-five dollars (\$25.00) per animal killed, possessed or wasted.
- (d) Hungarian Partridge, twenty-five dollars (\$25.00) per animal killed, possessed or wasted.
- (e) Cottontail Rabbit, twenty dollars (\$20.00) per animal killed, possessed or wasted.
- (f) Tree Squirrel, twenty-five dollars (\$25.00) per animal killed, possessed, or wasted.

Migratory Birds:

- (a) Ducks, fifty dollars (\$50.00) per animal killed, possessed or wasted.
- (b) Geese, one hundred fifty dollars (\$150.00) per animal killed, possessed, or wasted.
- (c) Swans, two hundred dollars (\$200.00) per animal killed, possessed or wasted.
- (d) Sand Hill Crane, one hundred fifty dollars (\$150.00) per animal killed, possessed or wasted.
- (e) Mourning Dove, and Common Snipe, twenty-five dollars (\$25.00) per animal killed, possessed or wasted.

Furbearers:

- (a) Coyote, one hundred dollars (\$100.00) per animal killed or possessed.
- (b) Fox, one hundred dollars (\$100.00) per animal killed or possessed.
- (c) Bobcat or lynx, three hundred dollars (\$300.00) per animal killed or possessed.
- (d) Mountain Lion, one thousand dollars (\$1,000.00) per animal killed or possessed.
- (e) Mink, fifty dollars (\$50.00) per animal killed or possessed.
- (f) Raccoon, fifty dollars (\$50.00) per animal killed or possessed.

- (g) Weasel, thirty dollars (\$30.00) per animal killed or possessed.
- (h) Badger, fifty dollars (\$50.00) per animal killed or possessed.
- (i) Porcupine, twenty-five dollars (\$25.00) per animal killed or possessed.
- (j) Any other unspecified species fifty dollars (\$50.00) per animal killed or possessed.

Protected Species:

The minimum value for any other protected wildlife species shall be fifty dollars (\$50.00) per animal unlawfully killed, possessed or wasted and further, any violation of the Endangered Species Act of 1973 or any illegal killing of species of special tribal concern shall be no less than five hundred (\$500.00) per animal unlawfully killed, possessed or wasted.

Unprotected Species:

The minimum value for any unprotected wildlife species shall be ten dollars (\$10.00) per animal unlawfully killed, possessed. All game fish, regardless of species, will have a value of two dollars (\$2.00) per inch for each fish killed, possessed or wasted. The minimum value for any game fish, or amphibian shall be ten dollars (\$10.00) per animal unlawfully killed or possessed.

9-1304 Appearance Bonding Schedule - Bench Warrant Stipulated Damages.

- (1) The Department is hereby authorized to prepare a reasonable Appearance Bonding Schedule as part of its rules and regulations for violations of this Code and Commission rules and regulations, the deposit of which with the Clerk of the Court shall be subject to forfeiture, in lieu of any fine imposed by the Court. Such forfeiture may, in the discretion of the Court, serve as final disposition of the criminal action.
- (2) Any bond amount prepared by the Department for violation of any provision of this Code or Department rules and regulations shall not be less than fifty dollars (\$50.00) nor greater than one thousand dollars (\$1,000.00) and any such bond amount shall be reasonably related to the seriousness of the provision violated.
- (3) The defendant may personally or through a surety give bail or deposit with the Clerk of the Court the sum of money shown in the Appearance Bonding Schedule for the violation for which he is charged, upon which he will be discharged from custody.
- (4) If without sufficient excuse the defendant fails to appear for trial or judgment, or upon any other occasion when his/her presence in court may be lawfully required, the Court must direct the default to be entered upon its minutes, and the money deposited as bail is thereupon forfeited. The Court in addition to the forfeiture of the money deposited may direct the Clerk to issue a bench warrant for his/her arrest.
- (5) Except as otherwise provided, the forfeiture of any such bond shall not bar any civil cause from being brought against the defendant by the Tribe or any other person.

- (a) In addition to forfeiture of bond, the defendant, by agreement with the Tribe or any other such injured party, may pay stipulated damages to the Court, who shall distribute said money to the Tribe or other injured party as partial or full satisfaction for injuries received.
- (b) For the unlawful killing, possession or waste of wild animals, birds and fish, the Tribe will stipulate to such damages as are enumerated in this Code, but shall reserve any other cause against the defendant for which he may be liable.

9-1305 Civil Penalties.

- (1) Any person who violates the provisions of this Code or rules, regulations or orders promulgated pursuant thereto may also be assessed a civil fine of not less than twenty-five dollars (\$25.00) nor more than twenty five hundred dollars (\$2,500.00) for each violation.
- (2) Any person who violates any of the provisions of this code or rules and regulations. promulgated pursuant thereto may, in addition to any other penalty assessed by the Court, have his/her hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the Court, not to exceed five (5) years, provided that such revocation shall be for a period of not less than one (1) year for violation of any of the provisions set forth in section 9-1302(2) (a)-(g).
- (3) Any person who violates the provisions of this Code, or rules, regulations or orders of the Department or Commission with respect to the illegal killing or illegal possession or illegal waste of game animals, game birds, furbearing animals or fish shall reimburse the Tribe or the rightful owner in accordance with the amounts set forth in section 9-1303(1).

CHAPTER 14. REFUGES

9-1401 Authorization to Establish Refuges.

The Department and Commission are hereby authorized to establish wildlife refuges on the Reservation when required to give effect to the policies of the Tribe, with the concurrence of the Standing Rock Tribal Council.

9-1402 Hunting, Fishing and Trapping on Refuges Prohibited.

Except as the Department and Commission by rule, regulation and order may otherwise provide, no person shall hunt, fish, or trap any wildlife on any wildlife refuge created on the reservation for the purpose of protecting and. propagating wildlife.

9-1403 Authority to Manage Supply or Condition of Wildlife on Refuge.

Regardless of any restrictions included in the establishment of any refuge on the Reservation, the Department may authorize the hunting or trapping of wildlife on any such wildlife refuge when the Department determines that such action is necessary to properly manage the supply or condition of wildlife on such refuge.

9-1404 Posting Signs Around Refuge - Defacing or Alteration of Signs Prohibited.

- (1) When any wildlife refuge/wetland is created pursuant to this Code or any rule, regulation or order promulgated thereto, the Department shall post signs around the

boundary of the refuge giving notice of restriction on hunting, fishing or trapping on the refuge and on such other uses of the refuge as are specified by Department rule and regulation.

- (2) No person shall remove, deface, alter or destroy any sign referred to in subsection (1) of this section.

9-1405 Authorization for Interagency Agreements.

The Commission, with the concurrence of the Tribal Council, is authorized to enter into cooperative interagency and intergovernmental agreements concerning the administration, management or operation of any wildlife refuge located on the Reservation, and manage all wildlife, fish, land, water, and habitats on such refuges, through the Department or jointly and cooperatively with any agency of the state or federal government.

9-1406 Private Hunting Preserve License - Qualifications of Preserve Regulation of Hunting Activities – Records.

- (1) It shall be violation of this Code for any person to operate and maintain a Private Shooting Preserve without first applying to the Game, Fish and Wildlife Department for the appropriate license.
- (2) No person shall engage in the business of operating a private hunting preserve for the hunting of privately owned or propagated game birds or wildlife, unless the person first obtains from the Department a private hunting preserve license.
- (3) The Department may issue a Private Hunting Preserve License to an applicant, if the Department finds that the operation of the preserve will meet the following requirements:
 - (a) The preserve contains not more than 640 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five (5) years.
 - (b) The preserve is located at least three (3) miles from any other license hunting preserve.
 - (c) No portion of the preserve is located closer than one-half mile to any part, refuge, protected area, wet land or wildlife management area operated by the Tribe or agency of the state or Federal Government.
 - (d) The exterior boundaries of the preserve are clearly marked in such manner as the Department prescribes.
 - (e) The preserve has facilities to propagate or hold not less than 500 of each wildlife species to be released for hunting.
 - (f) The applicant will not prevent or attempt to prevent public hunting by tribally licensed hunters on lands adjacent to the preserve.
 - (g) The issuance of the license shall be in the public interest of the Standing Rock

Sioux Tribe.

- (h) The applicant is a resident of the Standing Rock Sioux Reservation.
- (i) The operation of which will not circumvent wildlife laws of the Tribe and this Code.
- (j) After inspection by the Director it is found that said Private Shooting Preserve, including premises and facilities is capable of sustaining such an operation and the applicant has the ability to operate said operation.
- (k) Fee for license shall be determined by the Department.

(4) The Department, by rule, regulation or order shall prescribe the time, manner and place of hunting on private preserves, the wildlife species to be hunted, requirements for the care and marking of wildlife raised on the preserve, the release of wildlife received from outside the Reservation, the procedures for marking indigenous wildlife incidentally taken on the preserve and the fees therefore, and record keeping and reporting procedures.

(5) No person shall hunt on a private hunting preserve unless the person first obtains from the Department a valid Game, Fish and Wildlife License and appropriate permit for the wildlife species hunted.

9-1407 Guest Register and Records - Violation of Code.

Each hunting preserve operator shall maintain a guest register in which is listed the name, address, and Standing Rock Sioux Tribal license and permit numbers, the date on which he/she hunted and the amount of game and species taken and further, a record shall be maintained to show the source of the game released and of the date and the number of each game species released. These records shall be open to inspection by the Department at any reasonable time and a violation of this section shall be considered a misdemeanor.

9-1408 Consent to Entry and Search of Premises.

All private hunting preserve licenses shall be issued upon the express condition that the applicant agrees that any law enforcement officer of the Department and Tribe may enter and search the premises and any part thereof without a search warrant to ensure compliance with this Code and the laws of the Tribe.

9-1409 Species of Wildlife Hunted.

Wildlife which may be hunted under this chapter shall be mallard ducks, pheasants, quail, partridges, turkey, and such other species of wildlife as the Department and Commission may designate. The above indicated wildlife may be restricted without notice if, at any time, the Department and Commission determine that such action is necessary to protect such species.

9-1410 Marking of Game.

All game released on a private shooting preserve must be marked as prescribed by the Department and any game not marked shall be deemed wild game. Marking of Game are as follows, with no exceptions:

- (1) Deer (male): tagged on any antler
- (2) Deer (female): tagged on rear right leg
- (3) Turkey (any sex): tagged on any leg. Turkeys must be tagged immediately afield and prior to transportation.

9-1411 Shooting Hours, Bag Limits, Fees and Limitations Established by Operator.

Within the limits set by the Department and Commission the private shooting preserve operator may establish his/her own shooting preserve limitations and restrictions on the age, sex and number of each game species that may be taken by each person, and he may establish his/her own shooting hours, bag limits, and the fees to be charged to his/her guests.

CHAPTER 15. PROTECTED AREAS AND WETLANDS

9-1501 Protected Areas.

The Commission, with the concurrence of the Standing Rock Sioux Tribal Council, may designate certain specified lands of the Reservation as protected areas for the purpose of fish and wildlife management, propagation, scientific research and any other purpose deemed necessary for the proper protection of the Standing Rock Sioux Tribe's wildlife resources.

9-1502 Wetlands.

The Commission, with the concurrence of the Standing Rock Sioux Tribal Council, may in order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important Reservation wetlands and other waterfowl habitat essential to the preservation of such waterfowl, designate and establish wetland areas as part of an authorized tribal water resources development project within the jurisdictional boundaries of the Standing Rock Sioux Reservation based upon the following reasons:

- (a) Environmental, economic, and social benefits of a specific area justifies the designation of certain lands as protected wetlands;
- (b) There is reasonable evidence that the wetland area to be established will be substantially altered or destroyed by natural or man-made causes;
- (c) The designated area is essential to the habitat protection of migratory waterfowl.

CHAPTER 16. WOOD HARVESTING AND CUTTING

9-1601 General Provisions.

- (1) No person shall remove any timber or wood from any lands of the Standing Rock Sioux Reservation without proper authorization in the form of a License issued by the Director of the Game, Fish and Wildlife Conservation Department.
- (2) This Code or Chapter shall not prohibit the removal of any timber or wood by a landowner or by a person who has the owner's permission to take such timber or wood from said lands.

9-1602 Liability.

Any person removing timber or wood for their use, whether commercial or subsistence may be held responsible for knowingly causing physical damage to an area that exceeds the authorized harvesting or cutting of timber or wood such as the following:

- (1) Cutting any timber or wood species not authorized by a license;
- (2) Cutting any timber or wood, which have nests or dens of birds or mammals greater than one (1) foot in diameter;
- (3) Causing environmental damages, such as erosion to soil, from harvesting or vehicle use;
- (4) Causing a fire from careless use of harvesting equipment or careless behavior;
- (5) Deposit of any litter while afield.

9-1603 Wood Harvesting.

The Director of the Game, Fish and Wildlife Department, with the recommendation of the Commission, shall designate and approve tribal wood harvesting areas and lands and the following application guidelines shall be utilized to approve any and all woodcutting applications by the Director:

- (1) Any woodcutting and/or harvesting shall be from downed trees;
- (2) Subsistence woodcutting shall have priority over any and all commercial woodcutting or harvesting applications;
- (3) Any and all commercial woodcutting applicants shall obtain a license for said purpose from the Game, Fish and Wildlife Department pursuant to this Chapter of this Code and shall be limited to not less than five (5) cords, the total amount allowable to be harvested shall be based upon the discretion of the Director pursuant to the annual proclamation.
- (4) All applicants shall abide by any and all rules and regulations promulgated by the Department and Standing Rock Sioux Tribal Council.

CHAPTER 17. GUIDING

9-1701 General Provisions.

- (1) No person except enrolled members of the Standing Rock Sioux Tribe twenty-one years of age or older shall provide guiding services on any lands of the Reservation;
- (2) No person other than enrolled members shall guide or provide fee guiding services for the purpose of harvesting or attempting to harvest any fish and wildlife on any lands within the exterior boundaries of the Standing Rock Sioux Reservation without proper authorization from the Standing Rock Sioux Game, Fish and Wildlife

Department, authorized by the Director;

- (3) Department Employees and Game and Fish Commission members shall not be authorized to serve as guides;
- (4) The fee for guides shall be as follows: \$250 for Migratory Birds (as established in Migratory Bird definition), \$500 for Big Game (as established in the Big Game definition), and \$750 for both Migratory Bird and Big Game.

All guides shall submit a yearly guiding report, no later than January 30th of each year, detailing all guide activities that took place on the Reservation. Said report must contain the following:

- (a) Total number of persons guided;
 - (b) Contact information (name, address, telephone numbers, and email address) of all persons guided;
 - (c) Number and species of wildlife taken by all persons guided;
 - (d) Total number of days guide has provided guiding services on the Reservation;
 - (e) Areas guide has provided guiding services on the Reservation;
 - (f) Other information may be requested by the Department.
- (4) No person providing guiding services shall carry a firearm other than a pistol.
 - (5) All persons providing guiding services shall possess a current first aid certification or a current first responder card.
 - (6) The Department Director shall ensure that all persons providing guiding services meet all necessary requirements for guiding.
 - (7) No person providing guiding services shall employ an additional guide.
 - (8) All persons providing guiding services shall obtain a liability insurance with a minimum of five hundred thousand dollars (\$500,000). Valid proof must be provided to Director prior to issuance of guiding license.
 - (9) All persons providing guiding services shall be limited to no more than four (4) hunters to guide.
 - (10) All persons providing guiding services shall report to the Department prior to each guiding service.
 - (11) All persons providing guiding services shall report to the Tax Department following each season.

9-1702 Department to Establish Guiding - Regulations.

- (1) The Department and Commission shall promulgate rules and regulations for guiding on the Reservation and for the issuance of guide's licenses and the Department and

Commission shall restrict the issuance of guide's licenses to adult tribal members only and shall limit the number of guide's licenses issued. All guides must receive certification from the Department prior to being issued a license.

- (2) In determining the number of guide's licenses to make available the Department shall take into consideration such factors as geographical limitations for each guide, the resources available on each part of the Reservation, and. minimizing competition with non-guided hunters and anglers.

9-1703 Guiding - Licenses Required.

- (1) No person shall engage in any guiding activities for hunting or fishing within the exterior boundaries of the Standing Rock Sioux Tribe without first purchasing a valid guide's license from the Department.
- (2) Licenses or permits will be issued annually in a form prescribed by the Department and approved by the Commission.
- (3) Licenses or permits shall begin the day of purchase and expire one (1) year from date of purchase.

9-1704 Seasons and Limits.

Except, as otherwise provided, guides will operate or provide guiding services within the seasons and limits established by the annual proclamation.

9-1705 Violation of Code - Automatic Forfeiture of License.

Any person licensed to engage in guiding activities on the Reservation who violates any provisions of the Code or rules and regulations of the Department shall, upon conviction by the Court, forfeit his/her guide's license to the Director and said person's guiding privileges shall be suspended for a period of one to five years and no guide's license shall be issued to said person until all conditions of the Court's order have been fully complied with and said person appears before the Commission for a hearing to show cause why a guide's license should be issued. In addition, the privilege to hunt may be suspended for a period as determined by the Court.

Violations of any provisions of this Code or rules and regulations of the Department may also carry fines. If said violation is in direct abuse of the Endangered Species Act of 1973, appropriate action shall take place.

Should any guide not provide the yearly guide report to the Department, provide a guide report to the Tax Department, or report to Department prior to each guiding service shall be subject to license forfeiture and/or suspension from the Commission.

9-1706 Responsibility for clients - Duty to Report Violations.

Any person licensed to engage in guiding activities on the Reservation shall be responsible for conduct of his/her clients and shall report any violations of the Code or Department rules and regulations to the Director, whether committed by his/her clients or any other person and failure to timely report such violations shall be a violation of this Code.

9-1707 Guide's Responsibility and Liability.

Any person offering guiding services on any lands of the Standing Rock Sioux Tribe within the exterior boundaries of the Reservation are responsible for the following:

- (1) Ensuring each client has a valid license or permit for the taking of fish or wildlife.
- (2) Ensuring each client does not exceed bag limits or season dates as established by the proclamation.
- (3) Ensure each client understands the rules and regulations prescribed by proclamation and complies with those rules and regulations while under the direction of a guide and while afield.
- (4) Ensure all clients born within the age requirements of this Code, have successfully completed a certified Hunter Safety Course and provide proof to the guide prior to hunting, fishing or recreating.
- (5) Any guide may be liable for the following:
 - (a) Any physical damages he/she or their clients may knowingly commit to any person or property in violation of this Code;
 - (b) Knowingly allowing any violation of rules or regulations pursuant to this Code;
 - (c) Knowingly allowing a client to hunt, fish, or recreate, without possessing the requisite license, permit, or applicable hunter safety certification;
 - (d) Knowingly being party to a violation or assisting in commission of a violation;
 - (e) Damages caused by the guide or client who goes afield under the influence of alcohol or drugs.
 - (f) Reimbursement of fees advanced when the service is not performed. The Department and Commission shall not be, liable for the acts or omissions of guides.

CHAPTER 18. PRESERVATION OF ARCHAEOLOGICAL RESOURCES

9-1801 Policy of Preservation.

It shall be the policy of the Standing Rock Sioux Tribe to protect any and all archaeological resources of the Tribe for the preservation of the cultural and traditional value it provides to the Tribe and its future generations; provided, further, that based upon this policy no private or governmental activity shall occur within the Standing Rock Sioux Tribe's exterior boundaries that disturbs or otherwise harms in any manner any archaeological resource, interest, material remain or site.

Every Tribal Ranger, tribal police officer and BIA police officer shall be authorized and empowered to enforce the provisions of this Chapter and Title XXXII, Cultural Resources Code of the Code of Justice. To the extent possible, all Tribal Rangers should be trained and obtain certification pursuant to the Archaeological Resources Protection Act.

9-1802 General Provisions.

Any and all antiquity, fossil, material remain(s) and archaeological resource or interest found within the exterior boundaries of the Standing Rock Sioux Reservation, whether on tribal trust lands or individually owned trust lands are the property of the Standing Rock Sioux Tribe; provided, further, that no person shall remove, appropriate, excavate, injure, disturb, harm or destroy any historic or prehistoric antiquity, fossil or artifact from or upon any lands or beneath any waters of the Standing Rock Sioux Reservation without authorization in the form of Permit issued by the Director of the Tribal Historic Preservation Office (THPO) and pursuant to the requirements of Title XXXII, Cultural Resources Code and 25 CFR Part 261.

9-1803 Penalty.

Any person or persons removing, appropriating, excavating, injuring or destroying any historic or prehistoric ruin or monument, or any object of antiquity situated on lands within the exterior boundaries of the Standing Rock Sioux Reservation without first obtaining a License shall be held responsible for causing damage to any object of antiquity, archaeological resource, material remain, fossil and artifact and shall be subject to a Court fine as provided in Title XXXII, the Cultural Resources Code of the SRST Code of Justice.,

9-1804 Liability.

Any person removing, appropriating, excavating, injuring or destroying any historic or prehistoric ruin or monument, or any object of defined as an archaeological resource or interest situated on lands within the exterior boundaries of the Standing Rock Sioux Reservation shall be responsible for any and all civil damages to any object or any lands upon which excavation or disturbance has occurred without the proper Permit issued by the Director of the Tribal Historic Preservation Office.

9-1805 Supervision of Excavation.

The Director, or any officer of the Standing Rock Sioux Game, Fish and Wildlife Conservation Department, any other designated officer of the Standing Rock Sioux Tribe, or the Tribal Historic Preservation Office so authorized may at any time examine the permit of any person(s) or institution claiming privileges referred to, and authorized under this Chapter of the Standing Rock Sioux Game, Fish and Wildlife Conservation Code or Title XXXII of the Cultural Resources Code.

9-1806 Restoration of Lands.

After any and all excavation work any person(s) or institution receiving a Permit under this Chapter or Title XXXII, the Cultural Resources Code shall restore the lands upon which they have worked to their customary condition, to the satisfaction of the Director of the Standing Rock Sioux Game, Fish and Wildlife Conservation Department and any official so authorized pursuant to Title XXXIII, the Cultural Resources Code or 25 CFR Part 261, Section 261.5.

9-1807 Confiscation of Antiquities Illegally Obtained.

The Director or any other designated enforcement officer of the Standing Rock Sioux Game, Fish and Wildlife Conservation Department are hereby authorized to confiscate any and all archaeological resources, material remains, fossils and artifacts illegally obtained or that may now be illegally in the possession of any person(s) or institution and to submit an official report to the Tribal Historic Preservation Office describing the articles confiscated

and requesting instruction from the THPO as to their disposition.

9-1808 Notice of Discovery.

Any private or commercial activity that in relationship to said activity uncovers or discovers any object of archaeological interest, material remain, antiquity, fossil or artifact shall immediately cease any and all activities and contact the Director of the Game, Fish and Wildlife Conservation Department, the Tribal Historic Preservation Office and the Bureau of Indian Affairs.

CHAPTER 19. BOATING

9-1901 General Provisions.

- (1) No person shall operate any vessel, motorboat, watercraft, ski jet or other floating-device without complying with all rules and regulations pertaining to safety and operation established by this Code.
- (2) No person shall operate any vessel, motorboat, watercraft, ski jet or other floating device on waters within the exterior boundaries of the Standing Rock Sioux Reservation without possession the requisite license, permit or registration.

9-1902 Boat Registration.

Any vessel, motorboat, watercraft, ski jet or device placed upon or operated within the exterior boundaries of the Standing Rock Sioux Reservation shall be numbered and licensed as prescribed by rules and regulations promulgated by the Department and Commission and this Code.

9-1903 Boating Safety Equipment.

No person shall operate any vessel, motorboat, watercraft, ski jet or floating device without maintaining the following equipment on or within any boat, craft, vessel or device:

- (1) All vessels, motorboats, watercraft, jet ski or other floating device 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 and all Boats 16 feet and over in length must have, in addition, at least one Coast Guard approved throwable Type IV device on-board.
- (2) All persons using water skis, surfboard or similar device must wear a Coast Guard approved Type I, II, or III floatation device.
- (3) Any enforcement officer who observes a vessel being used in an unsafe condition or manner and in the officer's judgment 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 or other floating device, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended; provided, that for the purpose of this section an unsafe condition shall be defined as any one of the following:
 - (a) Operating without boating safety equipment;

- (b) Operating in an overloaded condition;
- (c) Fuel leakage or presence of fuel in bilges;
- (d) Riding on the bow, gunwale, transom, or on the back of seats without taking precautions to prevent persons falling overboard;
- (e) Operating in weather or water conditions which endanger the boat and/or occupants;
- (f) Operating a boat without a battery cover in place;
- (g) Operating a boat without the necessary lights for low light conditions.

9-1904 Water Safety - Boating - Negligent Operation.

- (1) It shall be a violation of this Code for any person to operate any vessel or other floating device on the waters of this Reservation in a careless or heedless manner so as to be indifferent to the person or property of other persons, or at a rate of speed greater than will permit him/her in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead.
- (2) The owner of a vessel or other floating device shall be liable for injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of this Code, or neglecting to observe such ordinary care and such operation as the rules or regulations that may be promulgated by the Department and Commission.
- (3) The owner shall not be liable unless such vessel is being used and operated with his/her expressed or implied consent. It shall be presumed that such vessel or other floating device 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/her immediate family members
- (4) Nothing herein relieves any other person from any liability he/she would otherwise have, and nothing contained herein authorizes or permits any recovery in excess of injury or damage actually incurred.

9-1905 Boating - Overloading.

It shall be a violation of this Code for any person to operate any vessel or other floating device loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

9-1906 Boating - Speed.

It shall be a violation of this Code for any person to operate a vessel or other floating device on the waters of the Reservation at a speed or under conditions that cause any damage to or affects the safety of other vessels, docks, shoreline installations or other property or person.

9-1907 Boating - Lighting.

It shall be a violation of this Code for any person to operate a vessel or other floating device on the waters of this Reservation during hours of darkness or between one (1) hour after sunset and one (1) hour before sunrise without lighted running lights attached to both bow and stern of such vessel.

9-1908 Boating - Floatation Devices.

It shall be a violation of this Code for any person to operate a vessel, motorboat, water-craft, ski jet or other floating device on waters of this Reservation without Coast Guard approved floatation device for each person aboard.

9-1909 Boating - Incapacity of Operator.

It shall be a violation of this Code for the owner of any vessel or any person having such in charge or in his/her control to authorize or knowingly permit the same to be operated on the waters of this Reservation by any person who by reason of age, physical or mental disability is incapable of operating such vessel under the prevailing circumstances.

9-1910 Boating - Intoxication.

It shall be a violation of this Code for the owner of any vessel or any person having such in charge or in his/her control to operate or knowingly authorize a vessel, boat, water-craft, ski jet or other floating device to be operated while under the influence of alcohol, intoxicant or controlled substance with a blood alcohol concentration of 0.101 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 or to a degree that the person is incapable of safely operating said vessel.

9-1911 Boating - Swimming Areas.

It shall be a violation of this Code for the owner or operator having charge of any vessel, boat, water-craft, ski jet or other floating device in his/her control to knowingly operate a vessel, boat, water-craft, ski jet or other floating device within any designated swimming areas or in areas where swimmers are present; provided, further, that no person shall operate a vessel, boat, water-craft, ski jet or other floating device within 100 yards of a skin-diving zone marked by the appropriate diving flags indicating the presence of skin divers (scuba diving) below the surface.

9-1912 Boating - Fishing.

It shall be a violation of this Code for the owner or operator having charge of any vessel, boat, water-craft, ski jet or other floating device in his/her control to knowingly operate such vessel in a manner as to molest, disturb or annoy persons lawfully engaged in fishing.

9-1913 Collisions, Accidents, Casualties and Liability.

- (1) Any person involved in a collision and/or accident shall give their name, address, and identification of the vessel or other floating device in writing to any person injured and to the owner of any property damaged in excess of one hundred dollars (\$100.00), or should a person disappear from any vessel under circumstances that indicate death or injury, the operator thereof shall file with the Department Director a full description of the collision, accident, or other casualty, including such information as the Commission may, by regulation, require.

- (2) It shall be the duty of the operator of any vessel and/or boat 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.
- (3) Any person involved in a collision and/or accident shall be liable for any damages directly and proximately caused by said accident should it be found that said vessel was being operated in a negligent manner as indicated by this Chapter.

9-1914 Throwing Refuse in Waters; Abandoned Automobiles, Boats or Other Vehicles.

No person shall deposit, place or throw into any waters of the Standing Rock Sioux Tribe, 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. Any automobile, boat, or other vehicles not removed from such waters within thirty (30) days shall constitute abandonment and be considered a violation of this Code.

CHAPTER 20. PROCLAMATION LEGAL EFFECT

9-2001 General Provisions.

Any proclamation issued by the Standing Rock Sioux Game, Fish and Wildlife Conservation Commission and Standing Rock Sioux Tribe shall have full force and effect of law. Any person violating a provision of such order or proclamation shall be subject to penalties and/or imprisonment within the provisions of this Code. In addition to any fine and/or imprisonment, the violator shall be subject to forfeiture of his/her license, permit, loss of privileges and confiscation of any property utilized in connection with the violation

9-2002 Proclamation to be Published.

Each proclamation issued by the Standing Rock Sioux Tribe pursuant to this Code shall be published at least once in a local or regional newspaper with general circulation throughout the Reservation; provided, further, the Game, Fish and Wildlife Conservation Director shall post said proclamations in all Districts of the Reservation in a public place.

9-2003 Openings and Closures of Seasons.

Any season established by proclamation of the Standing Rock Sioux Tribe may be closed, modified, altered or a closed season may be opened after investigations or recommendations by the Game, Fish and Wildlife Conservation Commission should the Director and Commission find:

- (1) That a species of fish and wildlife for which an open season exists, are in danger of depletion or extinction, or when necessary for the proper protection during critical periods, the Director and Commission may close a season for proper protection of said species.
- (2) That any species of fish and wildlife have become sufficient in numbers or have overpopulated an area and are causing depredation problems the Director and Commission may open or extend a season to control said depredating species.

- (3) That due to environmental or climatic conditions, a hunting season may create a hazard to life or property (i.e., fire) the Director and Commission may close or postpone a season and reopen a season at a later date upon reasonable notice through local media.

CHAPTER 21. DOG TRAINING

9-2101 General Provisions.

The Standing Rock Reservation allows dog training and dog trials to take place within the exterior boundaries. If live, protected game birds are used, guidelines of the state in which the trials are held shall be followed.

9-2102 Established Regulations.

The Department and Commission shall promulgate rules and regulations for dog training on the Reservation and for the issuance of dog training permits.

9-2102 Required Permit.

No person shall engage in any dog training or dog trials within the exterior boundaries of the Standing Rock Reservation without purchasing a valid dog training permit from the Department.

Valid dog training permits shall be issued annually in a form prescribed by the Department and approved by the Commission. Costs for dog training permits are as follows:

- (1) Trainer: \$500
- (2) Team: \$750 (limit of 10 dogs)
- (3) Helper: \$25
- (4) Braces: \$5 (per dog)

9-2103 Seasons and Limits.

Except as otherwise provided, dog training shall be conducted during July 1 to October 1 with a valid permit.

A limit of ten (10) dogs may be trained with a single team permit. Dog training shall be restricted to tribal land only.

9-2105 Violation of Code – Forfeiture.

Any person permitted to engage in dog training or dog trials on the reservation who violates any provisions of this Code, rules and regulations of the Department shall forfeit said permit to dog train to the Director and all dog training privileges shall be suspended until the Court gives its judgment.

If a person previously convicted of a violation of any provision of this Code, rules and regulations of the Department seeks a dog training permit, a hearing before Commission will be held for approval of said permit.

9-2106 Responsibility and Liability of Trainer.

Any person permitted to engage in dog training or dog trials on the reservation shall be responsible for the conduct of the training, animals, and helpers. Any violations of this Code, rules and regulations of the Department, whether committed by trainer, animal or others, must be reported and failure to report violations in a timely manner shall be a violation of this Code.

Trainers are responsible for the proper care of dogs and horses. All trainers are responsible for their own insurance of self, helpers, and animals. Valid proof of insurance shall be submitted to Department prior to issuance of a dog trainer permit.

The Department and Commission shall not be held responsible for any accidents, injuries or deaths.

Chapter 22 Severability, Repeal and Adoption

9-2201 Severability.

If any section or provision of this Code is held to be invalid, the remaining sections or provisions of this Code shall remain in full force and effect.

9-2202. Repeal of Inconsistent Ordinances.

All prior inconsistent ordinances or codes or portions thereof relating to wildlife and fishery resources within the exterior boundaries of the Standing Rock Sioux Reservation, as established and defined by the Treaty of 1868 and the Act of March 2, 1889, Section 3 (25 Stat. L. 888), are hereby repealed when this Code is approved and adopted by the Tribal Council. Wildlife and fishery resources are the property of the Standing Rock Sioux Tribe, and that the defining, regulating, managing and protection of these resources is a fundamental form of tribal self-government, and these resources shall be preserved, protected and perpetuated in accordance with the provisions of this Game, Fish and Wildlife Conservation Code, the Cultural Resources Code and as provided by any and all additional rules and regulations legally promulgated by the Game, Fish and Wildlife Conservation Commission and Standing Rock Sioux Tribe.

9-2203 Adoption.

This Game, Fish and Wildlife Conservation Code is legally adopted when approved by a resolution of the Standing Rock Sioux Tribal Council. The approval resolution shall be attached hereto.