



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
NORTHERN CHEYENNE AGENCY
P.O. BOX 40
LAME DEER, MONTANA 59043

IN REPLY REFER TO:

AUG 18 2003

Executive Direction
Code 100

President
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Dear Mr. President:

Enclosed is the original of Northern Cheyenne Tribal Ordinance No. DOI-016 (2003) enacted by the Council on July 22, 2003 and received in this office on August 4, 2003.

Ordinance No. DOI-016 (2003) – adopts Fishing, Hunting and Recreation regulations applicable to all lands within the boundaries of the Northern Cheyenne Reservation.

Ordinance No. DOI-016 (2003) is hereby noted. The Northern Cheyenne Tribe has the authority to take this action via Article IV, Section 1 (i) of the Amended Constitution and Bylaws of the Northern Cheyenne Tribe.

All necessary copies of this resolution have been retained for our files.

Sincerely,

Marjorie Eagleman
Superintendent

Enclosure

**TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA**

ORDINANCE NO. DOI-016 (2003)

AN ORDINANCE OF THE NORTHERN CHEYENNE TRIBAL COUNCIL ADOPTING FISHING, HUNTING AND RECREATION REGULATIONS APPLICABLE TO ALL LANDS WITHIN THE BOUNDARIES OF THE NORTHERN CHEYENNE RESERVATION.

WHEREAS; *the Northern Cheyenne Tribal Council is the governing body of the Northern Cheyenne Reservation by authority of the Amended Constitution and Bylaws as approved by the Secretary of the Interior on May 31, 1996; and*

WHEREAS; *the Tribal Council is empowered under Article IV, Section 1 ® "to adopt resolutions regulating the procedures of the Council, other Tribal agencies and Tribal officials of the reservation"; and*

WHEREAS; *the Tribal Council is empowered "to promulgate and enforce ordinances..." , ARTICLE IV, SECTION 1 (i), and;*

WHEREAS; *the Tribal Council has reviewed the attached Fishing, Hunting and Recreation regulations; and*

WHEREAS; *the BIA has reviewed and approved the attached Fishing, Hunting and Recreation regulations both the BIA Area Director and the Jerry Kaiser BIA Representative recommend the adoption of the attached Fishing, Hunting and Recreation regulations; and*

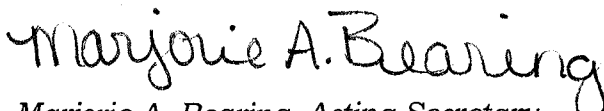
THEREFORE BE IT ORDAINED *by this action for and on behalf of the Northern Cheyenne Tribe as a matter of Tribal law, the Tribal Council hereby adopts the attached Fishing, Hunting and Recreation regulations; and*

BE IT FINALLY ORDAINED *the attached Fishing, Hunting and Recreation regulations shall take effect on September 1, 2003. The regulations shall apply and be enforced on all lands within the boundaries of the Northern Cheyenne Reservation*

PASSED, ADOPTED AND APPROVED *by the Northern Cheyenne Tribal Council by nine (9) votes for passage and adoption and zero (0) votes against passage and adoption on this 22nd day of 2003.*


Geri Small, President
Northern Cheyenne Tribe

ATTEST:


Marjorie A. Bearing, Acting Secretary
Northern Cheyenne Tribe

NOTED:


SUPERINTENDENT AUG 18 2003

DRAFT 5/28/03

NORTHERN CHEYENNE RESERVATION

FISHING, HUNTING, AND RECREATION

ANNUAL REGULATIONS

FOR

MEMBERS

OF THE

NORTHERN CHEYENNE TRIBE

2003-2004 SEASON

For More Information Contact:

Jason Whiteman, Sr.

Director, Natural Resources

Northern Cheyenne Tribe

P.O. Box 128

Lame Deer, MT 59043

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2002 Northern Cheyenne Tribal Members

General Regulations

ALL hunting, fishing, trapping, gathering and recreating within the exterior boundaries of the Northern Cheyenne Reservation are regulated by the Northern Cheyenne Tribe. The Northern Cheyenne Tribe has exclusive jurisdiction over member and non-member Indians and non-Indians on Tribal Trust, Tribal Fee, and allotted lands of the Northern Cheyenne Reservation.

These annual regulations are enacted to implement the provisions of Tribal Ordinance _____. Please refer to that ordinance and the Full Regulations for additional information. Unless defined otherwise, in the regulations or the Tribal Ordinance, all words and phrases contained herein shall be given their plain and simple meaning.

PART 1. GENERAL REGULATIONS

ALL Northern Cheyenne Tribal members must have on their person a Northern Cheyenne identification card when hunting, fishing or otherwise recreating on the Northern Cheyenne Reservation. All Tribal members are subject to the civil jurisdiction and civil forfeitures of the Northern Cheyenne Tribe while within the exterior boundaries of the Northern Cheyenne Reservation. **A State of Montana license is not required to hunt or fish on the reservation.**

Section 1. Permits

All Tribal members are required to purchase or obtain Tribal hunting and trapping permits to hunt or trap on the Northern Cheyenne Reservation. Hunting and trapping permits can be obtained only through the Northern Cheyenne Fish and Wildlife Department, Lame Deer, MT.

- A. (1) Members of the Northern Cheyenne Tribe, twelve (12) years of age or older, are entitled to all forms of hunting allowed by Tribal Ordinance provided that they obtain all the requisite permits and licenses. Only those individuals with a valid hunting permit in their possession shall be allowed to hunt.
- (2) The Tribe does not permit under any circumstances fish and game outfitting within the reservation boundaries, until such time as regulations governing such action are drafted, promulgated and approved by the tribal council.
- (3) No person under the age of twelve (12) years of age may hunt any migratory waterfowl or big game.
- (4) Members fourteen (14) years of age and older must have in their possession the appropriate Tribal Permits to hunt and trap on the Reservation. Members under the age of fourteen (14) years must be accompanied by a parent or legal guardian.
- (5) Hunters under the age of eighteen (18) years of age must have a Northern Cheyenne or State of Montana, Hunter Education Certificate of Competency in the safe handling of firearms before they may purchase permits or licenses.
- (6) Members are required to have their big game tags affixed to the big game animals at all times

(both when on the Reservation or when transporting it off the reservation for processing.

B. *It is prohibited for a non-member to accompany a member engaged in any hunting or fishing activity covered by Tribal ordinance unless non-member hunting for the involved species is specifically authorized by the Northern Cheyenne Tribal Council through regulation, in which case the non-member shall have their own valid license and appropriate permits on his/her person.*

C. An enrolled Northern Cheyenne Tribal member may designate another Tribal member to hunt for them, *under special conditions* providing they obtain a special permit from the Tribal Conservation Office to do so.

D. FORM OF PERMIT - ANNUAL PERMIT FEES - TRIBAL MEMBERS

Recreation Permit	Not Required - Tribal I.D. Card Only
Fishing Permit	Not Required - Tribal I.D. Card Only
Small Game Permit (rabbits, hares, marmot)	Not Required - Tribal I.D. Card Only

Upland Game Bird Permit	Not Required - Tribal I.D. Card Only
Sage grouse	Closed
Sharp-tailed grouse	
Ruffed grouse	Closed
Hungarian Partridge	
Pheasant	

Big Game

Elk	Closed
White-tailed Deer	\$ 10.00
Mule Deer	\$ 10.00
Pronghorn	Closed
Moose	Closed
Bighorn Sheep	Closed
Mountain Goat	Closed
Bison	Special Permit Only
Mountain Lion	Closed
Black Bear	Closed
Turkey	Closed

Furbearers	\$ 10.00
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Bobcat
Muskrat
Mink
Weasel
Beaver
Badger
Coyote

Otter, Wolverine, Canadian lynx—Closed
Fisher, Marten, Swift/kit fox, Gray wolf—Closed

Section 2. Failure to Possess a Permit, Prohibitions, ETC.

Failure to possess a valid permit, as required by Tribal ordinance ---- shall constitute a violation of that Ordinance and the implementing regulations.

Altering, changing, loaning or transferring to another any permit issued in pursuance of this provisions of these regulations is prohibited. No person shall share, lend, transfer, sell, barter, or trade to any person any identification document, permit, or tag issued by the Tribal Fish and Wildlife Department. Exceptions to this Provision include handicapped or elderly Tribal members or other Tribal members so designated by the Tribal Council. All of the above may designate another Tribal member to hunt for them through application for a special permit.

The holder of a permit agrees to be subject to the jurisdiction of the Northern Cheyenne Tribal Court and shall comply with all applicable Tribal Ordinances and Regulations.

Section 3. Violation of the Regulations

Any person who violates any of the provisions of these regulations shall be subject to prosecution in Tribal Court/Federal Court under applicable laws and 18 U.S.C. 1165 and the Lacey Act Amendments of November 16, 1981. 165 U.S.C. 3371-3378. Any member who has committed a violation of these regulations shall be subject to a civil fine of up to \$ 5,000. The exact amount to be determined as provided in the Tribal Fish, Wildlife and Recreation Ordinance, provided that Tribal members may alternatively be charged with a criminal violation. Criminal violations shall be punishable by a criminal fine of \$ 5,000 and /or jail term of up to six (6) months. The exact amount to be determined as provided in the Tribal Fish, Wildlife and Recreation Ordinance.

Any wildlife, game peltries, or parts thereof, taken in violation of the tribal ordinance and the regulations which implement it shall be forfeited. The firearms, vehicles, or equipment used in violation of these regulations and the tribal ordinance may be confiscated as provided for under 16 U.S.C. 3374, and the Northern Cheyenne Fish Wildlife and Recreation Ordinance, as evidence. Disposal of forfeited items shall be conducted according to the provisions outlined in this Ordinance and at the discretion of the Tribal Judge/Tribal Court. All proceeds received from the sale of equipment and illegally taken fish and wildlife shall be deposited in the Conservation Office Fund.

PART 2. Recreation Regulations for Tribal Members

PART II. RECREATION

2002 Northern Cheyenne Tribe - Member Regulations

All members must have on their person, whenever engaged in hunting, fishing or recreation activities on Tribal Trust, Tribal Fee, and allotted lands within the Reservation, a valid Tribal Identification Card.

Recreation activities subject to regulation include hunting and fishing, all-terrain vehicle use, off-road motorcycling, mountain bicycling, jet skiing, wind surfing, cross-country skiing, water skiing, hiking, fish and wildlife viewing/photography, camping, boating, snowmobiling, packing with livestock, and related activities (not swimming).

Group recreation permits (greater than 20 individuals) for educational, cultural, or social groups such as: churches, schools, colleges, universities, trail rides, training activities **are required** and may be obtained by submitting a written request to the Northern Cheyenne Fish and Wildlife Department. Specific restrictions may be applied to these permits. **Persons conducting any such activities on a commercial basis are required to obtain a Commercial Use Recreation Permit** (outfitters, trail rides, etc.) from the Northern Cheyenne Fish and Wildlife Department.

The following acts are prohibited while engaging in recreation activities unless otherwise addressed in these regulations:

Discharging any firearm in a negligent manner in or around home sites.

Leaving refuse, litter, or waste materials (Pack it in, Pack it out).

Leaving campfires unattended.

Using or cutting live vegetation and trees for campfires.

Collecting or otherwise gathering any plant materials such as berries, fruits, fungi, seeds, or cones for other than personal use (no commercial sale or use).

Collecting or gathering any fossils or other geological or archeological materials.

Leaving a camp unattended for a period of twenty-four hours or longer.

Allowing pets or livestock to run unattended.

Disposal of human body wastes other than in sanitation facilities when available.

Discharge or disposal of any waste material on or in any body of water, stream, or river.

Use of any cleansers other than biodegradable soap.

Hunting without a valid Tribal permit.

Gathering or purchasing/acquiring through barter or trade any antlers, antlers in velvet or any other animal parts.

Entering and traveling by motorized vehicle on roads posted closed or which have man-made obstructions such as trenches, berms, and gates or other barricades placed on them.

Entering or gaining access to areas posted or otherwise designated as closed unless so authorized.

Camping in excess of six (6) consecutive days in one site.

Camping within 100 feet of a lakeshore, riverbank, or streambank except in established campgrounds.

It is also unlawful and prohibited to take fish or wildlife within the exterior boundaries of the Reservation and offer it for sale, trade, exchange or barter.

LAND USE

Hunting, Fishing, Trapping and Recreating on Private Land. It is unlawful to hunt, fish, trap, or recreate on private land which is posted in such a manner as to give notice that the land is closed to such activity, without the consent of the landowner.

Trespass on Private or Tribal Land. It is unlawful to enter or remain upon any private or Tribal land which is posted in such a manner as to give notice that the land is closed to such activity, or refuse to immediately leave the land upon the request of the individual owner, occupant or any agent of the Tribe, as the case may be. In addition to any penalty prescribed for the violation of this rule, any trespasser shall be liable to the landowner (including the Tribe) in a civil suit in Tribal Court for any damages which were incurred because of trespass.

Damage to Property

It is unlawful to tear down, break, or injure any fence or other enclosure of another or of the Tribes without the consent of the owner, occupant, or the Tribe.

It is unlawful to build a fire upon the land of another or of the Tribe without the consent of the owner, occupant or the Tribe.

It is unlawful to sever from the land of another or of the Tribe any tree, grass, or other product or take any other thing attached to the land without the consent of the owner, occupant, or Tribe.

All persons opening gates on country roads are required to close the gates as a courtesy to the landowners and leaseholders, as stated in Section 7-10-3 of the Northern Cheyenne Law and Order Code.

No person shall destroy, deface, injure, remove or otherwise damage any natural or improved property including antlers, or cut, destroy or mutilate any tree, shrub, plant, sign, or any geological, historical, or archaeological feature. This shall not be interpreted to preclude burning dry fuel wood or picking berries.

Some roads on forest or wildlife management areas/lands may be under administrative closures for human safety purposes or to protect wildlife populations and habitat. Use of these roads involving motor vehicles is prohibited.

PART 3. HUNTING REGULATIONS

PART III. HUNTING REGULATIONS

2002 Northern Cheyenne Tribe - Member Regulations

Section 1. General Hunting Regulations

The following hunting regulations and procedures apply on the Northern Cheyenne Reservation.

1.1 LEGAL WEAPONS/Firearm Restrictions

- a) **Firearms:** For hunting big game, firearms must have a barrel bore diameter of at least .23 of an inch or chambered to fire a centerfire cartridge not less than two inches overall length. Firearms for hunting upland game birds (excluding sage, blue and ruffed grouse) and waterfowl are restricted to shotguns of 10 gauge or smaller (with steel shot). The use of fully automatic weapons or devices designed to silence or muffle the sound of any firearm for hunting any wildlife is prohibited.
 - b) **Longbows:** Hunting with Longbows (compound, curve, and recurve bows) are legal. When hunting deer, antelope and black bear, the archer must be equipped with a bow of not less than 40 pound draw weight. When hunting elk the archer must be equipped with a bow of not less than 50 pounds draw weight. The broadhead of arrows shall be of sharp steel with a minimum cutting width of one inch (1").
 - c) Muzzle loaders can be used in the firearm hunting season(s).
 - d) The use of fully automatic weapons or devices to silence or muffle the sound of any firearm for hunting any wildlife is prohibited.
 - e) The use or carrying of firearms is prohibited while fishing or recreating, except by authorized personnel.
- 2) No person shall take, attempt to take or harvest or pursue any wildlife without an appropriate Tribal permit in their possession.
 - 3) **Purchase of hunting licenses** - Members may buy permits/licenses from the Northern Cheyenne Fish and Wildlife Department, Lame Deer, MT.
 - 4) **No refunds**, transfers or exchanges of licenses are permitted.
 - 5) *It is prohibited for any non-member to accompany a member engaged in any hunting or fishing activity covered by Tribal ordinance unless non-member hunting for the involved species is specifically authorized by the Northern Cheyenne Tribal Council through regulation, in which case the non-member shall have their own valid license and appropriate permits on his/her person.*
 - 6) **Hunter Education** - Both resident and nonresident youths 12 - 17 years of age must provide a Certificate of Competency in the safe handling of firearms before they may purchase a hunting license. Archery hunters 12 - 17 years of age are required, in addition to firearm safety certification, to provide a Certificate of Competency in the safe handling of bow hunting tackle

from the National Bowhunter Education Program.

- 7) Use of any motorized vehicle, aircraft, motor or engine propelled boat, or over the snow vehicle to pursue any wildlife is illegal and prohibited.
- 8) **ATV's** - All-terrain vehicles are prohibited for use in hunting on the reservation.
- 9) **Use artificial light.** No person shall hunt, pursue, or kill any animal or bird, through the use of any artificial light or lighting device (including spotlights, and automobile, all terrain vehicle and motorcycle headlights). The use of any set gun, night scope, radio communication, or other similar devices for hunting are prohibited.
- 10) **Sale of Game and Blood Antlers (*All antlers and antlers in velvet*).** No person shall sell, offer for sale, barter, purchase, offer to purchase, or have in possession with intent to sell, any wildlife blood antlers, any edible portion of any game animal or bird, or any wildlife or parts thereof.
- 11) **Transporting/Evidence of Sex** - Evidence of sex and species must remain attached to the carcass in the field and during transportation. All birds taken on the reservation lands shall be field dressed in such a manner as to retain at least on fully feathered wing and one foot attached to the body for species and sex identification.
- 12) Hunters must stop and report at all designated **check stations** on their route of travel. No person may refuse inspection and count of fish or wildlife. Any vehicle, camper or trailer may be stopped for such inspection and count.
- 13) **Tagging Procedure:**

Permits or tags must be attached to all big game species, wild turkeys, and bobcats immediately after harvesting in such a manner that the tag remains visible and secure at all times. Permits will serve as tags unless the Northern Cheyenne Fish and Wildlife Department issues special tags for particular species.

Tags shall be carried by the permittee at all times while hunting those species which require tags. No big game, bobcat, or turkey shall be transported, stored or possessed unless the tag has been securely attached.

Upon harvesting big game, wild turkey, or bobcat, every hunter is required to report their harvest and get their tag/permit stamped, either by going through a Tribal check station or stopping at the Northern Cheyenne Fish and Wildlife Department/Tribal Conservation Office. Special provisions also exist for bobcat (See Trapping Regulations).

If a hunter puts or leaves any game birds at any place or in the custody of another person, the birds should be tagged by the hunter with the following information: 1) the hunter's Tribal Recreation Permit and Upland Game Bird License numbers; 2) the hunter's signature; 3) the hunter's address; 4) the total number of birds involved by species; and, 5) the dates such birds were killed. Tagging is suggested if the birds are being transported by another person for the hunter, or if the birds have been left for cleaning, storage (including temporary storage), shipment or taxidermy services.

- 14) **Harvest Data Questionnaire/Reporting of Harvested Game** - Any person hunting within the boundaries of the Northern Cheyenne Reservation is required to complete a hunter harvest data questionnaire. For each tag used to harvest and tag an animal, all hunters are required to report their harvest data/information to the Northern Cheyenne Fish and Wildlife Department and Tribe no later than 30 after the close of the applicable season. This information is needed to obtain a profile of the game harvest to aid in setting future seasons and improve management of game on the Reservation. **Failure to Return a Harvest Report will Result in Loss of Hunting Privileges**

for One Year (01 January - 31 December).

15) WANTON WASTE OF GAME:

It is illegal to waste any part of any game animal, game bird, or game fish suitable for food. The following are game bird parts "suitable for food: " For all birds that fall into the size category of the partridge or smaller, only the breasts must be retained. All birds larger than a partridge up to the size category of, and including, pheasants and grouse, the breasts and the thighs must be retained."

- a) No person who takes any upland game bird, waterfowl, or big game animal, shall abandon intentionally, or needlessly allow to go to waste, any portion thereof.
 - b) The failure of any person to properly dress and care for any animal killed by that person, and if the carcass is reasonably accessible, the failure to take or transport the carcass to the camp of that person and there properly care of the carcass within 48 hours of killing, is prima facie evidence of a violation.
 - c) No person shall abandon edible portions of animals or game birds at a meat processing Special Permit plant. The leaving of edible portion of a big game animal at a processing plant for more than 90 days shall be considered prima facie evidence of a violation. The owners or operator in charge of any meat processing plant shall immediately report the violation to the Tribal Fish and Wildlife Department. Notwithstanding any other provision of the Tribal Fish, Wildlife and Recreation Ordinance or these regulations, the owner of the plant is entitled to all portion of the abandoned meat or to the proceeds for sale by ruling of Tribal Court of any meat abandoned, up to the amount reasonable for processing and storage charges following a conviction or within a reasonable time after the violation if reported.
- 16) Hours for Hunting Wildlife** - Unless otherwise noted in specific species regulations, no person shall pursue, shoot, kill, or attempt to take any wildlife between ½ hour after sunset of one day and ½ hour before sunrise of the next day.
- 17) Shooting from or across roads.** It is illegal to shoot any game or wildlife, from or across any public thoroughfare, or the shoulder, berm, or borrow-pit, or right-of-way of any public highway, and/or motor/driven conveyance.
- 18) Shooting any wildlife from a vehicle.** No person shall discharge a firearm from or while resting or leaning on any vehicle. Permitted handicapped hunters are exempt from this provision.
- 19) Hunting Big Game or Turkey with dogs.** No person shall use dogs to track, chase, kill, or in any other way hunt turkey or big game animals (except mountain lion). Dogs so used or observed harassing big game animals may be shot by enforcement officers to protect big game animals. Dogs may be used to hunt mountain lion during appropriate hound hunter seasons if outlined in the annual regulations.
- 20) Use of poisons.** The use of poisons to take any fish or wildlife is illegal and prohibited.

- 21) **Recorded or Amplified Calls** - It is unlawful to use any recorded or electrically amplified bird or animal calls or sounds or imitations of bird or animal calls or sounds to assist in the hunting, taking, killing or capturing of any wildlife.
- 22) **Unlawful possession of wildlife.** It shall be unlawful to possess any fish or wildlife or parts thereof unless it can be shown by the possessor that he or she has the required license and/or tags of other express written authorization by the Northern Cheyenne Fish and Wildlife Department/Tribal Conservation Office to hunt or take such animal, or that the animal was given to the possessor by a licensed hunter or trapper.
- 23) **Hunting while intoxicated or under the influence of a controlled substance.** It shall be unlawful for any person intoxicated or under the influence of a controlled substance to carry a loaded firearm, or take, harass or molest any fish or wildlife.
- 24) **Aiding in concealment of fish or wildlife unlawfully taken or possessed.** No person shall knowingly aid or assist in the concealment of any fish or wildlife that has been unlawfully taken or is unlawfully possessed.

Substitute - **Access to hunting and fishing areas.** Unless otherwise restricted by these regulations or other applicable laws, a person may hunt or fish on lands not posted to prohibit hunting or fishing activities.

- 25) It shall be unlawful for any person to handle or discharge a firearm in a careless or reckless manner or with wanton disregard for the safety of human life and property.
- 26) No person shall hunt or discharge firearms within 200 yards of an occupied building, whether on private owned or tribal land, without the consent of the person occupying such building.

Substitute: **Private land & Allotted** – Landowners or allotment owners not wanting member or non-member hunting, fishing, trapping or other recreation, etc. on their private lands shall so post such lands. An owner of land may post their land to prohibit hunting, fishing or trapping by one of the following methods:

- (1) Placement of signs greater than 50 square inches in size prohibiting hunting, fishing, or trapping etc., or;
- (2) Painting of fence posts with not less than 50 square inches of fluorescent orange paint, except when metal fence posts are use - then the entire post must be painted fluorescent orange.

The posting provisions of Part A above must be placed at each outer gate and normal point of access to the property, including both sides of a water body crossing the property wherever the water body intersects an outer boundary line and at other conspicuous locations. Posting or fence post painting will be required on all exterior boundaries of said property and shall consist of signs or fluorescent orange paint on fence posts at least every 500 feet?

Lessees of land owned by the Tribe may, upon written approval of the Tribal Council, post the leased land to prohibit hunting or fishing or both on an annual basis.

The presence of green paint or signs on fence posts denotes Tribal land. Not all Tribal land is marked.

- (29) **Destruction of Private or Public Property.** No person shall deface, shoot at, or destroy public or private property, including signs, fences, livestock and improvements.
- (30) **Hiring to Hunt or Trap for remuneration.** No person shall hire another person to hunt game for him or her, nor shall any person hunt or trap wildlife for another in return for payment of goods, services or money.
- (31) **Wearing of Flourescent Orange -** No person shall hunt any big game without wearing 400 square inches of flourescent orange above their waist, visible at all times during the big game season. **Wearing of Hunter's Orange While Hunting Game Birds -** Shooting another hunter while swinging the gun on an upland bird is the leading cause of hunting-related accidents in Montana. Although not required, it is strongly recommended that all bird hunters wear at least a hunter orange hat or cap to reduce the chance of an accident.
- (32) **Disobeying a lawful order of any authorized officer is illegal.**

Section 2. HUNTING/WILDLIFE MANAGEMENT UNIT BOUNDARIES

Big game hunting is permitted for Northern Cheyenne Tribal Members only on all tribal lands. Hunting on allotted lands by tribal members is permitted with written permission from the allotment owner(s). Refer to the Northern Cheyenne Indian Reservation, MT-Map found within these regulations for location of tribal and allotted lands.

Section 3. ANNUAL HUNTING REGULATIONS - Fall 2003 SEASON DATES

UPLAND GAME BIRDS SEASONS/LIMITS

Upland Game Bird Hunting Areas - All areas of the Reservation

SHARP-TAILED GROUSE SEASON DATES: September 1 - December 15

Bag Limits: 4 daily. Possession limit is four times the daily bag limit.

Means of Taking: Sharp-tailed grouse may be taken with a shotgun not larger than a ten gauge or long, recurve or compound bow and arrow. All other means of taking are prohibited.

PARTRIDGE SEASON DATES: September 1 - December 15

Bag Limits: 3 in aggregate daily. Possession limit is three times the daily bag limit.

Means of Taking: Hungarian Partridge may be taken with a shotgun not larger than a ten gauge or long, recurve or compound bow and arrow. All other means of taking are prohibited.

RING-NECKED PHEASANT SEASON DATES: October 6 - December 15

Bag Limits: 3 cock pheasants daily. Possession limit is three times the daily bag limit.

Means of Taking: Pheasants may be taken with a shotgun not larger than a ten gauge or long, recurve or compound bow and arrow. All other means of taking are prohibited.

Transporting Pheasants: It is unlawful to possess or transport within the reservation any pheasant unless one leg and foot are left naturally attached for evidence of sex. The leg and foot shall remain attached at all times while being transported from the place where taken until they have arrived at the permanent residence of the possessor.

WILD TURKEY - Seasons/Limits

Turkey Hunting Areas - All areas of the Reservation Closed to hunting turkey at this time.

Migratory Birds - Seasons/Limit

Webless Migratory bird (mourning dove) hunters do not need a federal waterfowl stamp. However, all hunters 16 years of age or older, must also have a valid Federal Migratory Bird Hunting and Conservation Stamp in possession when hunting migratory waterfowl. It should be signed and attached to the Northern Cheyenne permit.

Shooting Hours - Authorized shooting hours for the taking of migratory waterfowl begin one-half hour before sunrise and end at sunset each day of the hunting season.

Means of Taking - Migratory birds may be taken only with long, recurve, or compound bow and arrow, or shotgun not larger than ten gauge and incapable of holding more than three shells fired from the shoulder. For all permitted migratory waterfowl species; federally-approved non-toxic shot is required, shotgun not larger than 10 gauge and capable of holding no more than 3 shells. Currently, steel, tin-bismuth and tungsten-iron shot are the only federally-approved non-toxic shot. Non-toxic Shot is not required for webless migratory birds.

Restrictions - Migratory birds may not be taken from or by means or aid of, or use of a sinkbox, aircraft, motor vehicle, or motor-driven conveyance of any kind, except a motorboat when the motor has been shut off and the boat has stopped. Use of any electric or phonographic waterfowl-calling device is illegal, as are live decoys. No person shall take migratory birds by driving, rallying, or chasing birds with any motorized conveyance or any sailboat to put them in range of the hunter, or by the aid of baiting (placing feed or anything to constitute a lure or enticement).

Baiting - It is prohibited to hunt waterfowl or any other migratory bird by the aid of baiting or on or over any baited area where you know or reasonably should know that the area is or had been baited. Baiting is the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas there hunters are attempting to take them. A baited area is any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if such materials could serve as an attractant or lure for migratory birds. Hunters should be aware that a baited area is considered to be baited 10 days after the removal of the bait and it is not necessary for the hunter to know an area is baited to be in violation.

Recorded or Amplified Calls - It is unlawful to use any recorded or electrically amplified bird or animal calls or sounds or imitations of bird or animal calls or sounds to assist in the hunting, taking, killing or capturing of any wildlife except predatory animals.

Possession of Live Birds - Wounded birds reduced to possession shall be immediately killed and included in the daily bag limit.

Leave Wing Attached - One fully feathered wing or head must be remain attached to each bird (except

doves) when being transported. Evidence of sex (for mallard) and species must remain attached to the carcass in the field and during transportation. All birds taken on the reservation lands shall be field dressed in such a manner as to retain at least on fully feathered wing and head attached to the body for species and sex identification. No person shall transport within the Northern Cheyenne Reservation any migratory waterfowl unless one wing and head are left naturally attached for species identification. They (head and wing) shall remain attached at all times while being transported from the place where taken until they have arrived at the permanent residence of the possessor.

If a hunter puts or leaves any game birds at any place or in the custody of another person, the birds should be tagged by the hunter with the following information: (1) the hunter's Tribal Recreation License and Upland Game Bird Permit numbers; (2) the hunter's signature; (3) the hunter's address; (4) the total number of birds involved by species; and (5) the dates such birds were killed. Tagging is suggested if the birds are being transported by another person for the hunter, or if the birds have been left for cleaning, storage (including temporary storage), shipment or taxidermy services.

Shipment - No person shall ship migratory game birds unless the package is marked on the outside with: (a) the name and address of the person sending the birds, (b) the name and address of the person to whom the birds are being sent, and (c) the number of birds, by species, contained in the package.

Wanton Waste - It is illegal to waste any part of any game animal, game bird, or game fish suitable for food. The following are game bird parts "suitable for food: " For all birds that fall into the size category of a teal duck or smaller, only the breasts must be retained. For all birds larger than a teal duck up to the size of a mallard duck, the breasts and the thighs must be retained. For all birds larger than teal ducks, the breasts, thighs, and wings must be retained."

No person shall kill or cripple any migratory game bird under these regulations without making a reasonable effort to retrieve the bird, and retain it in their actual custody, at the place where taken or between that place and either: (a) their automobile or principle means of land transportation; or (b) personal abode or temporary or transient place of lodging; or (c) migratory game bird preservation facility; or (d) post office; or (e) a common carrier facility.

A non-member accompanying a member engaged in any hunting or fishing activity covered by Tribal ordinance shall have a valid license and appropriate permits on his/her person.

Avoid Violation of the Law - It is illegal to shoot any game bird on, from or across any public thoroughfare, or the shoulder, berm, or borrow-pit, or right-of-way of any public highway, and/or motor/driven conveyance.

Check Stations - All hunters are required to stop as directed at all designated check stations on their way to and from hunting and fishing areas, even if they have no game or fish to be checked. No person may refuse inspection and count of fish or wildlife. Any vehicle, camper or trailer may be stopped for such inspection and count.

Hunter Education - Both resident and nonresident youth 12 - 17 years of age must provide a Certificate of Competency in the safe handling of firearms before they may purchase a hunting permit. Archery hunters 12 - 17 years of age are required, in addition to firearm safety certification, to provide a Certificate of Competency in safe handling of bow hunting tackle from the National Bowhunter Education Program.

All migratory bird hunters on the Northern Cheyenne Reservation as well as anywhere in the State of Montana and in all other states, are required to take part in the National Harvest Survey Program, called the Migratory Bird Harvest Information Program (MBHIP). To comply with this program, you must fill out a survey form with your name, address, and date of birth before you can purchase your migratory bird permit. In addition, you will be asked to respond to several questions regarding your hunting experience during the season.

The migratory bird regulations listed herein are subject to federal approval in late July 2003. The final federal regulations and final quotas will be adopted by the Northern Cheyenne Tribe.

WEBLESS MIGRATORY BIRDS SEASONS/LIMITS**

These regulations are subject to change pending issuance of the Migratory Bird regulations by the U.S. Fish and Wildlife Service. All tribal regulations shall comply with the federal Migratory Bird Regulations for that year.

Hunting Areas - All areas of the Reservation except the Cook Creek/Moreland Wildlife Mgmt Area which is closed to all hunting.

MOURNING DOVES SEASON DATES: **September 1 - October 30**

Bag Limits: 15 daily. Possession limit is two times the daily bag limit or 30 doves.

Means of Taking: Mourning Doves may be taken with a shotgun not larger than a ten gauge and incapable of holding more than three shells fired from the shoulder; or long, recurve or compound bow and arrow. All other means of taking are prohibited. It is illegal to shoot mourning doves resting on utility lines or fixtures adjacent to such lines.

Waterfowl Seasons/Limits

- A. Northern Cheyenne Tribal Waterfowl Regulations shall be the same as the Federal Waterfowl Regulations for the surrounding area.
- B. Those who purchase a waterfowl hunting permit shall comply with Federal waterfowl season dates and bag limits.
- C. Only steel shot may be used in hunting waterfowl.
- D. **WATERFOWL Hunting Areas** - All areas of the Reservation are open to waterfowl hunting except the Cook Creek/Morland Wildlife Mgmt Area which is closed to all hunting.

Fall 2003 SEASON DATES

DUCKS -

SEASON DATES: **September 29 - January 4**

Bag Limits: A daily bag limit of 6 ducks including no more than 5 mallards (no more than 2 of which may be hens); and no more than 1 mottled duck, 1 canvasback, 1 pintail, 2 redheads, 3 scaup, and 2 wood ducks. Possession limit is two times the daily bag limit.

Means of Taking: May be taken with a shotgun not larger than a ten gauge or long, recurve or compound bow and arrow. All other means of taking are prohibited.

COOTS -

SEASON DATES: **September 29 - January 4**

Bag Limits: 15 daily. Possession limit is two times the daily bag limit.

Means of Taking: May be taken with a shotgun not larger than a ten gauge or long, recurve or compound bow and arrow. All other means of taking are prohibited.

GEESE -

SEASON DATES:September 29 - January 10

Bag Limits: 5 light geese (Snow, Blue and Ross's) in aggregate; and 4 dark geese (all other geese - Canada, white-fronted etc.) in aggregate. Possession limit is twice the daily bag limit.

Means of Taking: Geese may be taken with a shotgun not larger than a ten gauge or long, recurve or compound bow and arrow. All other means of taking are prohibited.

Transporting Geese: It is unlawful to possess or transport within the reservation any waterfowl unless one fully feathered wing or head is left naturally attached at all times while being transported from the place where taken until they have arrived at the permanent residence of the possessor.

SMALL GAME SEASONS/LIMITS

Small Game Hunting Areas - All areas of the Reservation are open to small game hunting **except** the Cook Creek/Moreland Wildlife Mgmt Area which is closed to all hunting.

BIG GAME SEASONS/LIMITS

SPECIES	SEX	SEASON DATES	# OF TAGS PER MEMBER
Elk	Closed	Closed	Closed
Mule Deer	Antlered Only	10/03- 12/03	1 per Member
White-tailed Deer	Antlered Only	10/03 - 12/03	1 per Member
Pronghorn	Closed	Closed	Closed
Moose	Closed	Closed	Closed
Bighorn Sheep	Closed	Closed	Closed
Mountain Goat	Closed	Closed	Closed
Bison	Authorized by Special Permit Only		
Mountain Lion	Closed	Closed	Closed
Black Bear	Closed	Closed	Closed

Hunting in this area during other periods of the year for subsistence purposes will require a special permit from the Northern Cheyenne Fish and Wildlife Department.

Mountain lion and black bear hunting is closed throughout the Reservation and thus it is illegal to kill or shoot either species. However, when mountain lion or black bear are depredating on legally present

livestock where good husbandry practices are being followed, they may be hunted only after issuance of a special permit by the Northern Cheyenne Fish and Wildlife Department.

PART 4. FURBEARER/TRAPPING REGULATIONS FOR TRIBAL MEMBERS

PART IV. TRAPPING REGULATIONS

2002 Northern Cheyenne Tribe - Member Regulations

Furbearer - Trapping Regulations for Tribal Members

The following applies to all trapping and capture of wildlife on the reservation:

Trapping will be permitted for **tribal members only** within the exterior boundaries of the Northern Cheyenne Reservation.

All Northern Cheyenne tribal members who engage in trapping or otherwise take fur-bearing animals must obtain a trapping permit from the Northern Cheyenne Fish and Wildlife Department prior to commencement of trapping.

Hunting Areas: Trapping will be allowed in all areas of the Northern Cheyenne Reservation except the Cook Creek/Moreland Wildlife Mgmt Area which is closed to all hunting and trapping.

Species - The following animals may be trapped: badger, beaver, bobcat, coyote, mink, muskrat, racoon, red fox, skunk and weasel.

The Northern Cheyenne Reservation is closed to trapping or otherwise taking of Canadian lynx, fisher, gray wolves, marten, river otter, wolverine, and swift/kit fox.

The hunting or otherwise taking of mountain lion or black bear on the Reservation is prohibited except as outlined above.

When beaver over-populate to the point of causing severe damage to tribal resources, they may be trapped in season (with a tribal permit) or outside the regularly established season via a special permit issued by the Northern Cheyenne Fish and Wildlife Department.

Seasons/Limits/Restrictions

- (a) (1) Trapping of Predators (skunks, racoons) will be permitted from October 01, 2003 through April 15, 2004.
- (2) Trapping of fur-bearers, EXCLUDING BOBCATS, will be permitted from November 01, 2003 through April 15, 2004.
- (3) All traps and snares must be identified with a metal tag bearing the trapper's name, address and phone number.
- (4) No person shall trap with any leghold trap larger than a Number Four (4) and/or any trap containing a tooth style jaw .
- (5) No person shall disturb in any way another person's trap sets nor shall they

harass, kill, or take a trapped animal from another person's trap set or trapping device unless so authorized by the Northern Cheyenne Tribe or Conservation Officer.

- (6) Spotlighting is prohibited, however, flashlights are allowed for the purpose of checking traps.
 - (7) Each trapper **MUST** check traps and snares at least **every 24 hours**. It is the trapper's responsibility to check their traps regularly. Failure to check traps within the designated time-frame or otherwise wasting furbearing animals, or failure to pick up traps or snares at the end of the trapping season may lead to confiscation of all traps, trapping devices, and wildlife held and/or non re-issuance of trapping privileges/permits.
- (b) **Bobcats** - Bobcat trapping will be permitted from December 01, 2003 through February 15, 2004.
 - (c) **Assignment of Trapping Areas** - Trapping will be allowed in areas designated by the Northern Cheyenne Fish and Wildlife Department. Applications must be submitted by the trapper - for specific areas.
 - (d) **Landowner Permission** - Trappers must obtain permission of private landowners before trapping on private land
 - (e) **Snares** - Setting snares on private property without landowner permission is prohibited. Snares must be set in a manner and at a time so as not to duly endanger livestock.
 - (f) **Tags** are required on all bobcat pelts. An additional tag and permit from the Montana Department of Fish, Wildlife, and Parks is required when a bobcat is sold off the reservation.
 - (1) Pelt tags will be required on ALL BOBCAT pelts within five (5) days of being trapped, at a cost of \$5.00 per tag.
 - (2) Bobcat pelt tags will be issued at the Northern Cheyenne Fish and Wildlife Department/Tribal Tongue River Dam/Conservation Office, on a first come first served basis. *No other Tribal personnel shall issue any permits or tags relating to Fish, Wildlife or recreation.*
 - (3) Before any tag is issued, the properly licensed trapper must present the pelt accompanied by a lower jaw to the Fish and Wildlife Personnel and the tag will be attached by the Officer.
 - (4) The trapper must also provide the location and date of harvest before a tag will be issued.
 - (g) **International Sale/Transport.** CITIES tags and permits and additional permit requirements apply if bobcat pelts are to be sold or transported out of the United States. See Export Section below.
 - (h) **Baits** - No trapper or person shall set any traps or snares within 30 feet of any exposed bait visible to airborne raptors. Exposed *bait* means carcass, parts, or meat viscera of any animal, bird, or fish with or without skin or feathers.
 - (i) **Trapping Areas** - No trapper or person shall set any traps or snares within 50 yards of a

house, dwelling, community, town, city limits, public use or picnic area, or other place where public gatherings are likely to occur.

- (j) **Seizure of Traps, Animals** - Tribal Wildlife personnel, in performance of their duties may seize all traps, trapping devices, and wildlife held and/or used in violation of these provisions.
- (k) **Prohibited Means of Taking** -
 - (e) No person shall set or operate more than 50 traps at any one time.
 - (f) No person shall disturb, destroy, or set traps inside any fur-bearer's den, burrow, lodge, or nest.
 - (g) Use of any motorized vehicle or other equipment to pursue, capture, kill or harass any fur-bearer is prohibited.
 - (h) Use of poison, gas, explosives, or smoke to kill or capture any fur-bearer is prohibited.
 - (i) Use of any recorded or electronically amplified bird or animal calls, sounds, or imitations thereof to assist in the hunting, killing or capturing of any wildlife is prohibited.
- (l) All fur-bearing animals shall be field dressed in such a manner as to allow positive identification of species and sex.
- (m) **Live Furbearers** - Live furbearing animals may not be possessed. Capture of wild furbearers for fur farm stock is also prohibited.
- (n) **Tagged furbearers** - Some furbearing animals have been tagged for scientific study. If one of these animals is captured, please notify the Northern Cheyenne Conservation Officer of the tag number(s) and location(s) of capture.
- (o) **Export** - A federal export permit is required in addition to a CITES tag and permit before bobcat pelts may be exported from the United States. Apply to: U.S. Fish and Wildlife Service, 600 Central Plaza, Room 209, Great Falls, MT 59401.
- (p) **Protected Species** - It shall be unlawful for any person to be in possession of a protected fur-bearer or any other protected wildlife or any wildlife outside of the established season. Whenever any of the protected species of wildlife are accidentally unintentionally, or inadvertently caught in a trap or snare, the animal shall be released undisturbed, or if it cannot be released alive or unharmed, the carcass must be turned in to the Northern Cheyenne Tribal Conservation Officer.
- (q) **Harvest Report** - Timely submission of annual harvest data to the Conservation Office is required for re-issuance of permits. For each tag used to harvest and tag an animal, all hunters and trappers are required to report all harvest data/information to the Northern Cheyenne Fish and Wildlife Department no later than 30 days after the close of the applicable season. This information is needed to better manage wildlife populations on the Reservation.

Recommendations for Improving Trapping Efficiency, Selectivity and Animal Welfare

- (a) Use pan tension devices to avoid non-target species - this may be critical to avoid swift fox captures.
- (b) Use extra swivels and center mounted chains for better hold animals and to reduce chances for injuries to pelts or non-target species.
- (c) Use modern positioning techniques at dirt hole sets to increase species selectivity.
- (d) Use short trap chains for most land sets, especially for fox and coyote.
- (e) Use killing methods that are quick and humane.
- (f) Use trap sizes that are appropriate for the target species - foot pad catches are desirable for fox and coyote and most other animals as they cause fewer injuries.
- (g) Use baits and lures that attract the target species but not other animals.
- (h) Use common sense in choosing set locations that maximize the opportunity to catch target species and minimize catching of other animals.
- (i) Use time to your advantage - do not set more traps than you can handle and check within the required time limit (24 hours).
- (j) Use early morning trap checks to reduce the time an animal is held thus reducing it's chances of pulling out and/or injury as well as theft of traps and animals.

Part 5. Fishing Regulations

PART V. FISHING

2002 Northern Cheyenne Tribe - Member Regulations

Fishing Regulations for Tribal Members

These regulations apply to all legally described fishing areas.

Permits - Fishing permits are not required for members of the Northern Cheyenne Tribe to lawfully fish on the Northern Cheyenne Reservation.

Daily and Possession Limits - Daily limit shall mean the number of fish that may be legally taken during a calendar day. No person shall take or possess more than the daily limit of fish unless otherwise specified under management unit regulations.

Possession limit shall mean the number of fish which may be in one person's possession at any time in any form, fresh, processed, stored, frozen, or otherwise preserved. On opening day of any season, only one daily limit shall be in possession.

A person fishing on a water body may have in his immediate physical control only a daily limit allowed for that water body.

Seasons - All dates given are inclusive dates. Where dates specify an open season, fishing is closed throughout the remainder of the year. An open season is for all species unless otherwise specified.

Those streams, rivers and water bodies open to member fishing (as listed below) are open the entire year, unless and except when otherwise posted as closed or under special management. Impoundments formed by beaver dams on streams are governed by the same regulations as govern the streams. Man-made irrigation canals and ditches are open year around unless otherwise indicated as under special management regulations.

Lures and Bait - Artificial lures shall include any lure (including flies) that are man-made in imitation of or as a substitute for natural bait. Artificial lures do not include fish eggs or other chemically treated or processed natural baits or any natural or man-made food, or any man-made lures that have been treated with a natural or artificial fish attractant or feeding stimulant.

Live Bait - Use of any live fish species as bait is prohibited at Crazy Head Springs, Greenleaf ponds and Rednose Reservoir.

Hours - Fishing is allowed at all hours during open fishing seasons, unless otherwise posted.

Means of Taking - Only a single line with a hook or hooks, with or without a pole, may be used for fishing unless otherwise specified in special management unit regulations. The pole or line must be in the angler's immediate control.

Snagging of fish is unlawful at all times.

Anglers may use up to 2 attended or unattended lines or set lines with up to 2 hooks per line in the Tongue River. All other waters will be closed to the use of set lines.

It shall be unlawful to:

- (1) To transport or introduce any fish or viable fish eggs into any waters;
- (2) To refuse to show one's license upon demand;
- (3) To loan or transfer your fishing license to any person;
- (4) To leave or dump any dead animal, fish, garbage or litter in or on any property where public recreation is permitted;
- (5) To use electricity or any carbide, toxic chemical, lime, dynamite, or other explosive compounds, or any corrosive or narcotic poison or to have any of the same in one's possession within one hundred (100) feet of any water body where fish are found, for the purpose of stunning or killing fish,
- (6) To carry or use firearms while fishing,
- (7) To waste any part of fish suitable for food,
- (8) To use scuba gear while taking any fish,
- (9) To use any type of gill net or hoop net for the purpose of killing/capturing game fish or other aquatic life forms unless under special authorization,
- (10) To use live fish (minnows) for bait in Crazy Head Springs or Greenleaf Ponds,
- (11) Commercial harvest of any fish is illegal without a specific permit authorizing take for commercial purposes,

- (12) Be fishing or take fish within 200 feet upstream or downstream of any fish passage (ladder or structure) or fish protection (screen) structure.

A non-member accompanying a member engaged in any hunting or fishing activity covered by Tribal

ordinance shall have a valid license and appropriate permits on his/her person.

Landowner Permission - Permission is required from any landowner, except the Northern Cheyenne Tribe, in order to hunt, fish or recreate on private (allotted or fee) land within the reservation.

Check Stations - All anglers are required to stop as directed at all designated check stations on their way to and from fishing areas, even if they have no fish to be checked. No person may refuse inspection and count of fish. Any vehicle, camper or trailer may be stopped for such inspection and count.

Areas open Tribal member fishing on the Northern Cheyenne Reservation are:

All streams, rivers, and water bodies where legal access can be obtain (either on Tribal land or by landowner permission) unless otherwise closed for special management (i.e. noxious weed control, etc.)

Standard Fishing and Possession Limits - Each fisherman may take all of the following limits. However, a person may possess only the limit allowed for the water which is being fished.

Daily Bag and Possession Limits - Members

Species: **All trout**
Daily Bag Limit: 10
Possession Limit: 10

Species: **Walleye, Sauger**
Daily Bag Limit: 10 in any combination
Possession Limit: 10

Species: **Northern Pike**
Daily Bag Limit: 5
Possession Limit: 5

Species: **Bass (largemouth & smallmouth)**
Daily Bag Limit: 5
Possession Limit: 5

Species: **Channel Catfish**
Daily Bag Limit: 10
Possession Limit: 10

Species: **Burbot (Ling)**
Daily Bag Limit: 10
Possession Limit: 10

Species: **Paddlefish** **Closed**
All paddlefish must be released immediately

Species: **Sturgeon** **Closed**
All sturgeon must be released immediately

There is no number limit on crappie, green sunfish, bluegill, rock bass, yellow perch and non-game fish.

(Non-game fish are all species other than those in the family *Salmonidae* (chars, trout, salmon, grayling, cisco, and whitefish), all species of the genus *Stizostedion* (sauger and walleye); all species of the genus *Esox* (northern pike); all species of the genus *Micropterus* (bass); all species of the genus *Polyodon* (paddlefish); all species of the family *Acipenseridae* (sturgeon); the genus *Lota* (burbot or ling) and the species *Ictalurus punctatus* (channel catfish)).

PART 6. ACCESS TO HUNTING AND FISHING AREAS - MEMBERS

PART VI. ACCESS TO HUNTING AND FISHING AREAS - 2002 Northern Cheyenne Tribe - Member Regulations

1. Access to hunting and fishing areas.

- A. Unless otherwise restricted by these regulations or other applicable law, a person may hunt or fish on lands not posted to prohibit hunting or fishing activities. An owner of land may post their land to prohibit hunting, *trapping*, or fishing or both by one of the following methods:
 - (5) Placement of signs greater than 50 square inches in size prohibiting hunting or fishing or both.
 - (6) Painting fence posts with not less than 50 square inches of fluorescent orange paint, except where metal fence posts are used in which case the entire post must be painted fluorescent orange.
- B. The posting provisions of Part A above must be placed at each outer gate and normal point of access to the property, including both sides of a water body crossing the property wherever the water body intersects an outer boundary line and at other conspicuous locations. Posting or fence post painting will be required on all exterior boundaries of said property and shall consist of signs or fluorescent orange paint on fence posts at least every 500 feet?
- C. Lessees of land owned by the Tribe may, upon written approval of the Tribal Council, post the leased land to prohibit hunting or fishing or both on an annual basis.
- D. The presence of green paint or signs on fence posts denotes Tribal land. Not all Tribal land is marked.

PART 7. Culture and Religion

PART VI. CULTURE AND RELIGION 2002 Northern Cheyenne Tribe - Member Regulations

These regulations will be applied in such a manner as to avoid interference with the cultural and religious practices of Tribal Members, as protected by the American Indian Religious Freedom Act of 1978.

Part 8. Definitions

Part VII. Definitions

Definitions. Unless the context requires otherwise, in this ordinance the following definitions apply:

- (1) "Commission" means the fish, wildlife and recreation provided for in _____
- (2) "Department" means the tribal department fish, wildlife and recreation for in _____
- (3) "Director" means the director of the tribal fish, wildlife recreation provided for in _____
- (4) "Warden" means a tribal fish and game warden/conservation officer.

"Aircraft" means any contrivance used for flight in the air.

"Allotted Lands" means a tribe of individual Indian who owns interest in Indian land in trust or restricted status. These lands can be closed to hunting and fishing.

"Amphibians" means a member of the class, Amphibia, including but no limited to, frogs, toads, and salamanders; including any part, product, egg, or offspring thereof, or the dead body of parts (excluding fossils); whether or not included in a manufactured product or in a processed food product.

"Angling" or "Fishing" means to take or the act of a person possessing any instrument, article, or substance for the purpose of taking in any location that a fish might inhabit.

"Animal" means an organism of the animal kingdom as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof, or the dead body of parts (excluding fossils); whether or not included in a manufactured product or in a processed food product.

"Antlered Deer" means any antlered mule or whitetail deer, including spikes.

"Bag Limit" means the maximum number of a particular species of fish and wildlife, which may lawfully be taken by any person ion a day; nor, more than one game animal in any license year unless so authorized by tribal regulations.

"Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds. The term does not include decoys, silhouettes, or other replicas of wildlife body forms, scents used only to mask human odor, or types of scents that are approved by the commission for attracting game animals or birds.

"Birds" means a member of the class, Aves; including any part, product, egg, or offspring thereof, or the dead body of parts (excluding fossils); whether or not included in a manufactured product or in a processed food product.

"Big Game/Game Animals" means deer, elk, moose, antelope (Pronghorn), caribou, mountain sheep, mountain goat, mountain lion, bear and wild buffalo.

"Buck antelope/pronghorn" means a male pronghorn with horns longer than his ears.

"Carcass" means the dead body of fish or wildlife or parts thereof.

"Closed Season" means the time during which game birds, fish and game and fur-bearing animals may not lawfully be taken.

"Cross-Country Vehicles" means those vehicles designed or used to travel on the snow or across the terrain, including but not limited to snow cats, snowmobiles, all-terrain vehicles, four-wheel drive vehicles and dirt bikes.

"Daily Limit" means the maximum number of wildlife that may be legally taken during a calendar day.

"Endangered Wildlife" means any wildlife listed in 50 CFR, 17.11 or 17.12

"Falconry" means the taking of wildlife with birds of prey.

"Fish and Wildlife" means any wild animal, whether alive or dead including without limitation any wild animal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched or, or born in captivity, and including any part, product, egg, or offspring thereof.

"Fossil" means the remains of an animal of past geological ages which has been preserved in the earth's crust through mineralization of the object.

"Fur-Bearing Animals" means muskrat, mink, weasel, bobcat, beaver, badger, marten, otter, fisher, lynx, wolverine, red fox, and northern swift fox.

"Game Animals/Big Game" means deer, elk, moose, antelope (pronghorn), caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.

"Game Fish" means all species of the family salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus stizostedion (sand pikes, saugers, walleyed pike or yellowpike perch); all species of the genus esox (northern pike, pickeral, and muskelluge); all species of the genus micropterus (bass); all species of the genus polydon (paddlefish); all species of the famil acipenseridae (sturgeon); all species of the genus lota (burbout or ling); and the speceis of ictalurus punctatus (channel catfish).

"Harass" means to chase, shoot at, or any other means to disturb or otherwise affect the behavior of wildlife. Also no person may disturb an individual engaged in the lawful taking of a wild animal.

"Hunt" means to pursue, shoot, wound, kill, trap, capture, or collect or attempt to pursue, shoot, wound, kill, trap, capture, or collect, also applies to the use of dogs or birds of prey.

"Indian Tribal Law" means any regulation of, or other rule of conduct enforceable by, any Indian tribe, band, or group but only to the extent that the regulation or rule applies within Indian country as defined in United States Code (18USCS#1151).

"Law," "Treaty," "regulation," and "Indian tribal law" means laws, treaties, regulations or Indian tribal laws which regulate the taking, possession, importation, exportation, transportation, or sale of fish or wildlife or plants.

"License" means any document designated as a "permit," "license," "certificate," or any other document issued by tribal fish and game department to authorize, or limit activities authorized in this ordinance.

"Member" means a member of the Northern Cheyenne Tribe, as defined by tribal law.

"Migratory Game Birds" means waterfowl, including wild ducks, wild geese, brant, and swans, cranes, including little brown and sandhill; rails, including coots, wilson's snipes or jacksnipes; and mourning

doves. (Migratory game birds are protected by Federal Statutes; however, tribes may apply to the U.S. Fish and Wildlife Service to vary length of tribal seasons.)

"Non-game Wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean or other animal not otherwise defined in this ordinance.

"Non-Member" means any individual who is not a member of the Northern Cheyenne Tribe.

"Open Season" means the time during which game birds, fish and game and fur-bearing animals may lawfully be taken.

"Permit" means license.

"Plant" means any member of the plant Kingdom, including seeds, roots and other parts thereof.

"Pollution of Water" means discharging or dumping into any stream or body of water, or depositing within such distance that it may be carried in such water, any poisonous, deleterious, or polluting substance or waste that is or may be injurious to aquatic or non-aquatic wildlife, domestic animals, or human beings.

"Predatory Animals" means skunks, coyotes, and racoons.

"Raptors" means all birds of the orders falconiformes and strigiformes, commonly called falcons, hawks, eagles, ospreys, and owls.

"Recreation" means all activities other than fishing, hunting or trapping. These activities include, but are not limited to: camping, hiking, wildlife photography, bicycling, hand gliding, swimming and skiing.

"Reptile" means a member of the class, Reptilia, including but not limited to turtles, snakes, lizards, crocodiles and alligators, including any part, product, egg, or offspring thereof, or the dead body of parts (excluding fossils); whether or not included in a manufactured product or in a processed food product.

"Reservation" means lands within the exterior boundaries of the Northern Cheyenne Indian Reservation.

"Small Game" means any of the following mammals: cottontail rabbit, jack rabbit, snowshoe hare, marmot (rock chuck), and prairie dog.

"Tag" means an identification device issued for marking harvested wildlife.

"Take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

"Trap" means to take or participate in the taking of any wildlife protected by Tribal law by setting or placing any mechanical device, snare deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

"Upland Game Birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, quail, pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

"Water Body" means any wetland, stream, pond, lake, river or reservoir.

"Waterfowl" means migratory game birds.

"Wildlife" means the same as fish and wildlife.

"Wildlife Area" means an area established by the Northern Cheyenne Tribe for special Wildlife protection, research, or management practices.

"Wild Buffalo" means buffalo or bison that have not been reduced to captivity.