

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes, Article VI, Section 5j, Charges the Tribal Business Council of the Three Affiliated Tribes to protect and preserve the property, wildlife and natural resources of the Tribes; and

WHEREAS, The Native American Indian Rights Fund, the Tribal Legal Department, and the Game and Fish Division were authorized by the Tribal Business Council to revise and update the Chapter 18 Game, Fish, and Recreation Code; and

NOW THEREFORE BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council does hereby adopt the revised Chapter 18, Game, Fish and Recreation Code, Chapters 18-1 through 18-7, attached hereto for reference; and

BE IT FURTHER RESOLVED, That the revised Chapter 18, Game, Fish and Recreation Code, Chapters 18-1 through 18-7 will supercede any previous written resolutions regulative ordinances, administrative policies and positions in any and all areas that conflict.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, 9 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 19th day of March 1985; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 2 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman (voting) (not voting).

Dated this 19th day of March, 1985.

Joh Chang
Secretary, Tribal Business Council

ATTEST:

Alyce Spall
Chairman, Tribal Business Council

85-63-c

GAME, FISH AND RECREATION CODE

CHAPTER 18-1

GENERAL PROVISIONS

SECTION

- 18-1-1 Definitions
- 18-1-2 General Penalty
- 18-1-3 Hunting While Ability Impaired By Alcohol
- 18-1-4 Hours For Hunting Game Animals
- 18-1-5 Shooting From Motor Vehicle, Carrying Firearm in Vehicle With Round in the Chamber Prohibited
- 18-1-6 Hunting Big Game or Small Game With Motor Vehicle Prohibited - Exception
- 18-1-7 Hunting and Harassing Game From Motor Vehicle Prohibited
- 18-1-8 Hiring Another to Hunt for Another for Remuneration Unlawful
- 18-1-9 Hunting Near Occupied Building Without Permission Unlawful
- 18-1-10 Aiding in Concealment of Game Unlawfully Taken or Possessed Unlawful
- 18-1-11 Possession or Control of Birds, Fish, or Animals Prima Facie Evidence of Criminal Offense
- 18-1-12 Hunting on Posted Land Prohibited and Trapping on Private Land Without Permission Unlawful
- 18-1-13 Posting of Lands by Owner or Tenant to Prohibit Hunting-How Posted-Signs Defaced or Destroyed
- 18-1-14 Fence Gates to be Closed-Violator's Hunting or Fishing License Forfeited
- 18-1-15 Entering Posted Land Prima Facie Evidence of Intent to Hunt Game
- 18-1-16 Introduction of Fish and Game Prohibited
- 18-1-17 Trapping or Netting of Minnows Illegal-Stocked Ponds
- 18-1-18 Electrical Bird and Animal calls Illegal-Exception
- 18-1-19 Hunting Dogs Prohibited for Big Game
- 18-1-20 Unlawful Waste of Animals or Game Birds
- 18-1-21 Littering
- 18-1-22 Impersonating Game Wardens or Tribal Rangers Unlawful
- 18-1-23 Hunting, Trapping or Fishing Prohibited While Privileges are suspended

18-1-1 DEFINITIONS.

The following definitions apply to the following words and phrases contained in this Title Chapters 18-1 to 18-7.

(1) "Division" means the Three Affiliated Tribes, Natural Resources Department, Game and Fish Division.

(2) "Impaired" means being in a condition in which alcohol consumption causes a person to be less able mentally and physically to exercise the clear judgement and steady hands necessary for safety of that person and the public.

(a) If there was at such time .05 percent or more by weight of alcohol in the defendant's blood, such fact shall give rise to the presumption that the defendant's ability to hunt safely was impaired by the consumption of alcohol.

(b) The limitations of subsection (2) shall not be construed as limiting introduction or consideration of any other competent evidence bearing on the question of whether or not a defendant's ability to hunt safely was impaired by alcohol.

(3) "Possession" means dominion, actual possession, or constructive possession of the article or thing specified.

(4) A "rod" equals 5.50 yards or 16.5 feet.

(5) "Any part thereof" and "the parts thereof" shall include the hide, horns, hoofs or any other parts of any animal specified, and the plumage, skin and every other part of any bird specified.

(6) "Established Road or Trail" means any public highway or road, improved or otherwise, dedicated for public ingress or egress. This does not include temporary trails across cultivated land used for agricultural purposes. Trails across rangeland must be worn down to the soil.

(7) "Person" shall include partnerships, associations and corporations, as well as all persons Indian and non-Indian. No violation of this title shall be excused because it was done by a person as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged.

(8) "Reservation" means all land within the exterior boundaries of the Fort Berthold Reservation.

18-1-2 GENERAL PENALTIES

(1) General Penalty: Any person violating a provision of Chapter 18 for which a different penalty is not specifically provided is guilty of a tribal game and fish offense and shall be fined not less than \$25.00 nor more than \$500.00. In addition, a person convicted of any game and fish violation shall be subject to forfeiture of his license the privilege to hunt and fish for a period of one year, and confiscation of his vehicle, guns, fishing equipment or anything used in connection with the violation.

18-1-3 HUNTING OR GOING AFIELD WITH A FIREARM WHILE ABILITY IMPAIRED BY ALCOHOL.

(1) It shall be unlawful for any person to be impaired by the influence of alcohol while hunting or fishing on the Fort Berthold Reservation. The penalty for conviction under this section shall be a mandatory minimum fine of \$100.00.

18-1-4 HOURS FOR HUNTING GAME BIRDS AND PROTECTED ANIMALS.

No person shall hunt any game birds or protected animals on the reservation between the hours of sunset and one-half hour before sunrise. This section shall not apply to the trapping of furbearing animals by the holder of a lawfully issued trapping license, nor to the taking of raccoon as permitted by Section 18-4-2. Provided that the hours and manner of hunting game birds and protected animals may be restricted further by Division proclamation. The penalty for conviction under this section shall be a mandatory minimum fine of \$50.00.

18-1-5 SHOOTING FROM MOTOR VEHICLE ILLEGAL.

No person shall shoot from a motor vehicle while hunting; nor shall any person carry a firearm with a round in the chamber inside a motor vehicle. The penalty for conviction under this section shall be a mandatory minimum fine of \$200.00.

18-1-6 HUNTING BIG GAME OR SMALL GAME WITH MOTOR VEHICLE PROHIBITED-EXCEPTION.

No person, while hunting big game or small game, other than waterfowl or cranes, may use a motor driven vehicle on any other than an established road trail; provided that persons hunting big game may use a motor driven vehicle when retrieving a big game animal already reduced to possession. When used to retrieve a big game animal, the motor driven vehicle shall return to the established road or trail, along the same route it departed, immediately upon retrieving the animal. No person, while hunting big game or small game, other than waterfowl or cranes, may drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail. The penalty for conviction of driving off the established road or trail shall be a mandatory minimum fine of \$50.00.

18-1-7 HUNTING AND HARASSING GAME FROM AIRCRAFT, MOTOR VEHICLE, OR SNOWMOBILE PROHIBITED.

No person operating or controlling the operation of any aircraft or motor vehicle in the Reservation shall intentionally flush, chase, harass or kill any wild animal or wild bird protected or unprotected. No person, while operating a snowmobile in this Reservation, shall intentionally kill, chase, flush, or harass any wild animal or wild bird, protected or unprotected. The penalty for conviction of this section shall be a mandatory minimum fine of \$200.00.

18-1-8 HIRING ANOTHER TO HUNT OR HUNTING FOR ANOTHER FOR REMUNERATION UNLAWFUL.

No person shall hire another person to hunt small or big game for him, nor shall any person hunt small or big game for another for remuneration. The penalty for conviction of this section shall be a minimum fine of \$200.00.

18-1-9 HUNTING NEAR OCCUPIED BUILDING WITHOUT PERMISSION UNLAWFUL.

No person shall hunt or pursue game upon the premises of another within four hundred forty yards (402.32 meters) of any occupied building, without consent of the person occupying such building. The penalty for conviction of this section shall be a mandatory minimum fine of \$50.00.

18-1-10 AIDING IN CONCEALMENT OF GAME UNLAWFULLY TAKEN OR POSSESSED-UNLAWFUL.

No person shall knowingly aid or assist in the concealment of any game that has been unlawfully taken or that is unlawfully possessed. The penalty for conviction of this section shall be a mandatory minimum fine of \$100.00.

18-1-11 POSSESSION OR CONTROL OF BIRDS, FISH OR ANIMALS PRIMA FACIE EVIDENCE OF VIOLATION.

Possession or control by any person of any birds,, animals, or fish, or any part thereof, the killing, taking, possessing or control of which is prohibited by this code or by Division proclamation, is prima facie evidence such game was caught, taken or killed in violation of this code. The penalty for conviction of this section shall be a mandatory minimum fine of \$75.00 for possession of birds or fish and \$300.00 for possession of big game.

18-1-12 HUNTING ON POSTED LAND PROHIBITED AND TRAPPING ON PRIVATE LAND WITHOUT PERMISSION UNLAWFUL.

No person shall hunt or pursue game, or enter for those purposes, upon legally posted land without permission. No person shall enter upon privately owned land for the purpose of trapping furbearing animals without first gaining the written permission of the owner or operator of such land. The penalty for conviction of this section shall be a mandatory minimum fine of \$50.00 and the person may be required by the tribal court to pay for all damages resulting from such violation.

18-1-13 POSTING OF LANDS BY OWNER OR TENANT TO PROHIBIT HUNTING -HOW POSTED-SIGNS DEFACED OR DESTROYED.

Only the owner or tenant of any land may post it by placing signs alongside the roads or the land giving notice that no hunting is permitted on the land. The name and address of the person posting the land shall appear on the outside of the land and shall be placed conspicuously not more than eight hundred eighty yards (804.68 meters) apart. As to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land. No person shall in any manner deface, take down, or destroy posting signs. The penalty for conviction of this section shall be a mandatory minimum fine of \$50.00 and the person may be required by the tribal court to pay for all damages resulting from such violation.

18-1-14 FENCE GATES TO BE CLOSED-VIOLATOR'S HUNTING LICENSE FORFEITED.

A person who opens a gate or bars in a fence enclosing the land of another shall not leave such gate or bars open unless he is in lawful possession of the premises. The penalty for conviction of this section shall be a mandatory minimum fine of \$50.00 and the tribal court may revoke his current license, for the remainder of the then current hunting season. In addition, any person convicted of violating this provision may be required by the tribal court to pay for all damages resulting from such violation.

18-1-15 ENTERING POSTED LAND WITH A GUN OR FIREARM PRIMA FACIE EVIDENCE OF INTENT TO HUNT GAME.

Proof that any person having a firearm or other weapon declared legal by Division proclamation in his possession entered upon the legally posted premises of another without permission of the owner or tenant is prima facie evidence he entered to hunt or pursue game.

18-1-16 INTRODUCTION OF FISH AND GAME PROHIBITED.

It is unlawful for any person to transplant or introduce within the confines of the Fort Berthold Reservation any fish or fish eggs into any body of water, or to introduce non-game wildlife, game birds, game animals or furbearers without first having obtained the authorization of the Director.

18-1-17 TRAPPING OR NETTING OF MINNOWS ILLEGAL-STOCKED PONDS.

It is unlawful to trap, net or otherwise catch minnows from any pond or lake stocked by the tribal game and fish division without first obtaining authorization to do so from the Director. The penalty for conviction of this section shall be a mandatory minimum fine of \$100.00 and the violator will also be required to pay for any damages to the resource.

18-1-18 USE OF ELECTRICAL BIRD OR ANIMAL CALLS UNLAWFUL.

It is unlawful to use any recorded or electrically amplified bird or animal calls or any recorded or electrically amplified imitations of bird or animal calls or sounds to assist in the taking of any wildlife, except only by one who has obtained a furbearers license and is hunting coyote or fox only.

18-1-19 HUNTING DOGS PROHIBITED-BIG GAME.

Dogs may not be used to aid in any manner the hunting of big game animals.

18-1-20 UNLAWFUL WASTE OF ANIMAL OR GAME BIRD.

Any person who knowingly wastes any large or small game animal or gamebird. The penalty for conviction of this section shall be a fine of not less than \$100.00 nor more than \$500.00. In addition, the person shall be subject to forfeiture of his license and privilege to hunt and fish for one year. A person wastes an animal by failing to make a reasonable effort to recover an animal which the hunter should have reasonably known he killed, or failure to pursue animal wounded by the hunter.

18-1-21 LITTERING.

The deposit of litter, refuse, rubbish, bottle cans, or other waste materials on or in the vicinity of any game management area, lake, river, stream, public park, recreation area, or anywhere other than a garbage receptacle or approved dump site is unlawful. A minimum mandatory fine of \$100.00 will be imposed upon conviction.

18-1-22 IMPERSONATING GAME WARDENS OR TRIBAL RANGERS UNLAWFUL.

No person shall falsely claim the authority of or impersonate a game warden or tribal ranger.

18-1-23 HUNTING, TRAPPING OR FISHING PROHIBITED WHILE PRIVILEGES ARE SUSPENDED.

No person shall directly or indirectly hunt, trap, or fish or assist in any way in hunting, or trapping or fishing while his privileges have been suspended by a court.

GAME, FISH AND RECREATION

CHAPTER 18-2

GAME AND FISH DIVISION
ADMINISTRATIVE STRUCTURE

SECTION

- 18-2-1 Establishment of Game and Fish Division
- 18-2-2 Powers of Game and Fish Division
- 18-2-3 Tribal Game and Fish Director
- 18-2-4 Authorities and Duties of Director
- 18-2-5 Duties of Tribal Ranger
- 18-2-6 Police Powers of Tribal Rangers and Director
- 18-2-7 Uniform Complaint and Summons

18-2-1 ESTABLISHMENT OF GAME AND FISH DIVISION.

There is established a Game and Fish Division which shall be an administrative agency of the Natural Resources Department of the Three Affiliated Tribes.

18-2-2 POWERS OF GAME AND FISH DIVISION.

(1) The Division shall supervise and manage all the game, fish, non-game, waterfowl, furbearing animals and recreation resources on and of the Fort Berthold Reservation.

(2) The Division shall propose to the Tribal Business Council and enforce when enacted tribal regulations relating to game and fish resources and recreation.

(3) The Division shall have the power to spend for the protection, propagation and preservation of fish and wildlife resources from forfeited bonds, licenses, recreation leases, appropriations, and contracts.

18-2-3 TRIBAL GAME AND FISH DIRECTOR.

A tribal Game and Fish Director shall be appointed by the Natural Resources Committee in consultation with the Administrator of the Natural Resources Department.

18-2-4 AUTHORITIES, DUTIES OF DIRECTOR.

The Tribal Game and Fish Director is authorized and directed to:

(1) Report and be responsible to the Administrator of the Natural Resources Department.

(2) Plan, propose for enactment, and enforce tribal regulations relating to game, fish and recreation resources.

(3) Design and implement a plan for the issuance of licenses and permits and for the collection of fees.

(4) Formulate and publish the respective proclamations annually, according to information gathered from census and studies.

(5) Maintain records of all licenses and permits issued for the purpose of hunting, fishing, and boating on the Reservation.

(6) Cooperate and assist the Three Affiliated Tribes and Natural Resources Department, Council committees, Community leaders, and individuals.

(7) Enforce all tribal regulations and proclamations necessary for carrying out the provisions of the Chapter 18, Game, Fish and Recreation Code.

(8) Cooperate with the United States, the State of North Dakota, or any other federal or state agency in the protection of game animals, game birds and fish.

(9) Supervise all Division personnel and tribal rangers and delegate authority as is necessary.

(10) Establish checking stations to inspect licenses and inspect any game animals, fish or furbearing animals in the possession of hunters and fishermen.

(a) Hunters and fishermen entering or leaving areas for which checking stations are established must stop and report there if a checking station is on the hunter's or fishermen's route of travel. Failure to do so, when personnel are on duty there, is an offense. Upon request of the Director, his representative or any tribal ranger having a reasonable basis for believing that a person stopped was hunting or fishing, a hunter or fisherman must produce any current tribal game and fish license issued and any game, fish, animal, game bird, or furbearer in possession.

1) Establish regulations and applications for special permits for the taking of wildlife for disabled persons, subsistence and ceremonial purposes on an need basis only.

(12) The Game and Fish Director shall have the authority by proclamation to establish a schedule of minimum fines and bonds for game and fish violations on an annual basis except that, such schedule cannot set fines or bonds less than the mandatory minimum fines set herein for specific violations. The Director shall have the authority to vary such schedules within a season as an emergency measure for identified conservation purposes.

18-2-5 DUTIES OF TRIBAL RANGERS.

(1) Rangers shall enforce tribal laws and proclamations and the rules and rules and regulations of the Division.

(2) Rangers shall see that persons who hunt or fish have the necessary licenses and are following all laws and regulations.

(3) Ranger shall assist the Director in his supervision and management of all fish and wildlife of the Fort Berthold Reservation, and shall perform all other duties described or delegated by the Director.

(4) Rangers shall keep a daily log of detailed activities and make a monthly report of these activities describing by total number, where their duties called them and what activities they performed in the preceding month.

(5) A ranger may not settle or compromise a game and fish offense for which a citation has been issued.

18-2-6 POLICE POWERS OF TRIBAL RANGERS AND DIRECTOR.

Tribal Rangers and the Director may:

(1) Serve a subpoena issued by the tribal court for the trial of a violator of a game and fish law.

(2) Inspect any and all fish, game and birds, waterfowl, nongame animals and furbearing animals at reasonable times and at any location other than a residence or a dwelling. All persons having fish, game, birds, waterfowl, nongame animals, and furbearing animals in their possession shall exhibit same to ranger or director for inspection.

(3) Search without a warrant any tent not used as a residence, boat, vehicle, icebox, locker, creel basket, crate, game bag or container and the contents therein upon probable cause that a fish and game offense has been committed.

(4) To enter and inspect any hotel, restaurant, cold storage warehouse, plant, icehouse, or any building used for the storage of dressed meat, game, or fish to determine if game or fish, or parts thereof, are kept or stored therein contrary to this title.

(5) To open, enter, and examine, without warrant, all buildings, camps, tents, vessels, boats, wagons, automobiles, or other vehicles, cars, crates, boxes, and other receptacles and places where he has reason to believe that game or fish, or parts thereof, or green furs which have been taken or are held or possessed contrary to this title may be found. The right to enter and search without a warrant, however, shall not apply to the dwelling house or living quarters of any person or of a sealed railroad car.

(6) To open and examine any package in the possession of a common carrier which he suspects or has reason to believe contains game or fish, or parts thereof, taken, held, or falsely labeled contrary to this title. Every such common carrier, and every agent, servant, or employee thereof, shall permit any such officer to open and examine any such package. Any package so opened and not confiscated shall be restored to its original condition by the officer making the examination.

(7) To enter, without warrant, upon the premises of any dealer or trader in green furs to inspect any warehouses, storerooms, or other storage places, and may call for and inspect records of buying, shipping, or selling of green furs. The right to enter and search without a warrant, however, shall not apply to the dwelling house or the living quarters of any person or of a sealed railroad car.

(8) Search with a warrant any dwelling.

(9) Seize any fish or any animal or parts thereof taken or possessed in violation of tribal fish and game laws.

(10) Seize and hold devices or property used to unlawfully take fish or game.

(11) Arrest and issue a citation to any violator of tribal game and fish laws, and exercise the other powers of tribal peace officers in the enforcement of the game and fish laws, tribal proclamation and any regulations promulgated by the Division or the Director.

(12) Destroy any dog witnessed attacking or killing any game animal without criminal or civil liability.

(13) Inspect the license, records required by 18-3-13 and any mounted or unmounted specimen in the possession of a taxidermist.

(14) Inspect the license and records of licensed dealers in green furs under 18-3-18.

18-2-7 UNIFORM COMPLAINT AND SUMMONS.

(1) There is hereby authorized for use in issuing citations for violation of Chapter 18 a uniform complaint and summons. The uniform complaint and summons shall be of a form prescribed by the game and fish director. Whenever the complaint and summons established by this section is used, the Tribal Court shall not be required to make another complaint on the offense.

(2) The date and time of the initial court appearance for the violation shall be at least five days after the issuance of the summons unless the defendant forfeits the bond specified on the complaint, then no court action is necessary unless the officer requires such appearance.

(3) Upon receipt from the defendant of written promise to appear at the time and place specified in the summons, he shall be given a copy of the uniform complaint and summons. Any person refusing to give such written promise to appear may be arrested if proper cause exists, or proceeded against by complaint and warrant of arrest.

(4) The uniform summons and complaint shall not be used if the officer, acting within his discretion, has reason to believe the defendant will not be subject to arrest upon a warrant issued by a magistrate. The halting officer shall forthwith take any person not released upon his promise to appear before the nearest or most accessible magistrate or judge.

GAME, FISH AND RECREATION

CHAPTER 18-3

LICENSES AND PERMITS

SECTION

- 18-3-1 General Penalty
- 18-3-2 General Game Licenses---Stamps Allowed for Specific Licenses
- 18-3-3 Licenses to Hunt, Trap, or Fish Required of Members and Non-members
- 18-3-4 Unlawful Possession of Game Animals
- 18-3-5 Authorization of Husband/Wife Fishing license
- 18-3-6 Contents of General Game, Furbearer or Fishing Licenses---Licenses Not to be Transferred or Altered
- 18-3-7 Instruction Required Before Issuance of Hunting License---Age Limits and Exemptions
- 18-3-8 Licenses to be Carried on Person---License to be Shown Officers Upon Demand
- 18-3-9 Duplicate Licenses or Permits
- 18-3-10 Issuance of License---Who Shall Issue--Director May Appoint Agents to receive Service Fees--deposition of Proceeds
- 18-3-11 Director to File Applications and Stubs--Natural Resources Committee May Inspect File--Return of Unused Supplies.
- 18-3-12 Failure to Turn Over Money Collected Under Provision of this Code Unlawful--Penalty
- 18-3-13 Schedule of Fees for licenses and Permits
- 18-3-14 Practicing Taxidermy For Pay Without a License Unlawful
- 18-3-15 Records Required of Licensed Taxidermists--Contents--Inspection of Records and Unmounted Specimens by Game Officials--Penalty
- 18-3-16 Buying or Shipping Green Furs; License Required--Expiration of License
- 18-3-17 Records to be Kept by Licensed Dealers in Green Furs--Report to Director

18-3-1 GENERAL PENALTY

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a mandatory minimum fine of not less than \$25.00 or a maximum fine of not more than \$500.00. In addition to any penalty required in this chapter the person shall be subject to forfeiture of his license, the privilege to hunt and fish for a period of one year, and confiscation of his vehicle, guns, fishing equipment or anything used in connection with the violation.

18-3-2 GENERAL GAME LICENSES--SPECIFIC PERMITS

All persons hunting within the exterior boundaries of the Reservation shall obtain an annual general game license and the specific permit(stamp) to hunt, catch, take, kill or attempt to kill any small game, big game animal, fish or any other protected animal. The penalty for conviction of this section shall be a mandatory minimum fine of \$35.00.

18-3-3 LICENSES TO HUNT, TRAP, OR FISH REQUIRED.

Each of the following shall constitute a separate and distinct violation. For purposes of this chapter, it shall be unlawful:

(1) For any person to hunt, catch, take, or kill any small game without obtaining a Small Game License. The penalty for conviction of this subsection shall be a mandatory minimum fine of \$50.00.

(2) For any person to trap, catch, attempt to catch, take or kill any protected furbearing animal without obtaining a Furbearer License. The penalty for conviction of this subsection shall be a mandatory minimum fine of \$50.00.

(3) For any person to attempt to catch, catch, take or kill any fish without obtaining a Fishing License or Conservation Permit. The penalty for conviction of subsection shall be a mandatory minimum fine of \$35.00.

(4) For any person to hunt, catch, take or kill any big game animal without obtaining a Big Game License. The penalty for conviction of this subsection shall be a mandatory minimum fine of \$50.00.

18-3-4 UNLAWFUL POSSESSION OF GAME.

It shall be unlawful to possess any wild game or parts thereof unless it can be shown by the possessor that he has the requisite permits to hunt or catch such game, or that the game was given to the possessor by a licensed hunter or possessor. The penalty for conviction of this section shall be as follows: Big Game, a mandatory minimum fine of \$300.00, Fish, Small Game, Furbearers and all other wildlife a mandatory minimum fine of \$75.00.

18-3-5 HUSBAND/WIFE FISHING LICENSES.

A husband and wife of a family may obtain a husband/wife fishing license. Such license shall be valid for the same period as other fishing licenses and each person will receive a license. The husband and wife each shall have their license in possession while fishing. Each may possess a limit of fish.

18-3-6 CONTENTS OF GENERAL GAME, FURBEARER, OR FISHING LICENSE--LICENSES NOT TO BE TRANSFERRED OR ALTERED.

No person shall at any time alter or change in any material manner or loan to another any license or permit issued in pursuance to the provisions of these regulations, nor shall any person other than the person to whom it is issued use the same. No person shall swear or affirm to any false statements in application for a hunting, fishing or trapping license or permit. Each license shall:

(1) Describe the licensee, including applicant's weight, height, color of eyes and color of hair;

(2) Designate the licensee's place of residence, including street and post office;

(3) Have printed on it in large letters the word "Non-transferable";

(4) Have printed on it in large figures the year for which it is issued, or if it is a furbearer license, the statement that it expires on the first day of September following the date of issue;

(5) Have printed upon it that the licensee agrees to abide by Tribal Game and Fish regulations and agrees to be subject to tribal jurisdiction while within the boundaries of the Fort Berthold Indian Reservation; and

(6) Be issued in the name of the Tribal Council.

The penalty for conviction of this section shall be a mandatory minimum fine of \$50.00.

18-3-7 INSTRUCTION REQUIRED BEFORE ISSUANCE OF HUNTING LICENSE--AGE LIMITS AND EXCEPTIONS.

No person born after December 31, 1961, except as provided in this section shall be issued a hunting license in the reservation unless he submits or exhibits the certificate of completion earned by him for successful completion of the course of instruction. A certificate of completion issued by any other Indian Tribe, State, or Province of Canada shall be valid for all purposes. These provisions shall not apply to:

(1) Persons under twelve (12) years of age who hunt only with their parent or legal guardian;

(2) Persons who hunt only with a bow.

18-3-8 LICENSES TO BE CARRIED ON PERSON--LICENSE TO BE SHOWN OFFICERS UPON DEMAND.

Any person holding a hunting, trapping or fishing license required under this chapter shall carry such license on his person when hunting, trapping or fishing. Upon request or demand of the Director, Tribal Rangers, or any Police Officer, he shall show the license immediately to the officer making the request or demand. The penalty for conviction of this section shall be a mandatory minimum fine of \$10.00.

18-3-9 DUPLICATE LICENSES OR PERMITS.

Only the Director of the Game and Fish Division has the authority to issue a duplicate license and the cost of the duplicate license will be determined annually by the Director and posted in the proclamations.

18-3-10 ISSUANCE OF LICENSE --WHO SHALL ISSUE--DIRECTOR MAY APPOINT AGENTS TO RECEIVE SERVICE FEES--DISPOSITION OF PROCEEDS.

All hunting, furbearer, fishing, taxidermy and any other licenses necessary shall be issued by the Director of the Tribal Game and Fish Division. All license fees and stubs shall be sent to the Director, who will retain the stubs for each license issued and record the collection of authorized fees in his records of cash received.

The Director may appoint agents to distribute hunting and fishing licenses or permits to the public and the agent will receive a service fee of fifty (.50) cents for each license. Service fees shall be retained by the agent. The remainder of the license fees shall be returned to the Director, for deposit with the Tribal Treasurer at least once each month, and no later than 15 days after the close of the month. Deposits and debits are to be accomplished by a report showing the amounts received from each type of license, the amount spent, the amount retained and the net amount deposited. The Tribal Treasurer shall credit the fees deposited to a separate account, the Game and Fish Account.

18-3-11 DIRECTOR TO FILE APPLICATIONS AND STUBS--NATURAL RESOURCES COMMITTEE MAY INSPECT FILE--RETURN OF UNUSED SUPPLIES.

The Director of the Tribal Game and Fish Division shall keep on file all license applications he receives and all the stubs of licenses issued. These applications and stubs may be inspected at any time by the Natural Resources Committee. Within thirty days after the close of each open season, the Tribal Rangers and all license agents shall transmit to the Director all applications, stubs and unused or mutilated licenses covering the open season.

18-3-12 FAILURE TO TURN OVER MONEY UNDER PROVISIONS OF THIS CODE ILLEGAL.

Any person who fails, or neglects to turn over any moneys collected or authorized to be collected under this title, or who fails, neglects or refuses to turn over and deliver to the Director all applications, stubs and mutilated and unused licenses shall upon conviction of this section pay a mandatory minimum fine of \$100.00. The Director may take appropriate action to recover on the bond of the person so defaulting any money not turned over.

18-3-13 SCHEDULE OF FEES FOR LICENSES AND PERMITS.

The director shall set the fees annually, for all licenses and permits deemed necessary, and they shall be posted in the appropriate proclamation. The funds collected under these provisions will be deposited in the game and fish account.

18-3-14 PRACTICING TAXIDERMISTRY FOR PAY WITHOUT A LICENSE UNLAWFUL.

No person within the boundaries of the Reservation shall practice taxidermy for pay without a taxidermist license. Each violation of this section shall be a distinct and separate offense. the penalty for conviction of this section shall be a mandatory minimum fine of \$50.00.

18-3-15 RECORDS REQUIRED OF LICENSED TAXIDERMISTS--CONTENTS--INSPECTION OF RECORDS AND UNMOUNTED SPECIMENS BY GAME OFFICIALS--PENALTY.

Each person having a license to practice taxidermy shall keep a record showing the name of every person who furnished him with a green or unmounted specimen, and the species of such specimen. The licensee, upon request, shall exhibit such record and all unmounted specimens in his possession to the Director or any Tribal Ranger. Anyone violating this section shall forfeit his taxidermist license for the remainder of the year for which the violation occurred and shall be punished by a fine of not less than \$50.00 nor more than \$100.00.

18-3-16 BUYING OR SHIPPING GREEN FURS; LICENSE REQUIRED; EXPIRATION OF LICENSE.

No person shall engage in the business of buying or shipping green furs within the Reservation unless he first obtains a license from the Tribal Game and Fish Division. A license issued under this section shall expire on the first day of September following the date of issuance and shall be issued only upon payment of the appropriate fee. The penalty for conviction of this section shall be a mandatory minimum fine of \$200.00.

18-3-17 RECORDS TO BE KEPT BY LICENSED DEALERS IN GREEN FURS--REPORT TO DIRECTOR.

Each person licensed to engage in the business of buying or shipping green furs shall keep a true and correct record of each purchase of green furs. The record shall include:

- (1) The date of purchase;
- (2) The name and address of the seller;
- (3) The kind and number of furs involved in the purchase;
- (4) The amount of money paid to the seller for the furs purchased;
- (5) Any additional information as the Director may require.

This information contained in the record shall be furnished to the Director on forms prepared by him and under such rules and regulations as he may adopt. The penalty for conviction of this section shall be a mandatory minimum fine of \$100.00.

GAME, FISH AND RECREATION

CHAPTER 18-4

GAME REGULATIONS

SECTION

- 18-4-1 General Penalty
- 18-4-2 Using Artificial Lights in Taking Big Game Unlawful.
- 18-4-3 Hunter to Wear Florescent Orange Garments
- 18-4-4 Big Game Animals Protected
- 18-4-5 Seasons for Taking and Transporting Big Game--Bag Limit
- 18-4-6 When Seals to be Attached to Carcasses of Big Game Animals--Director Tribal Game and Fish Division to Furnish Seals.
- 18-4-7 Unlawful Possession of Furbearers Prohibited.
- 18-4-8 Depredating Predatory Animals--Destruction and Disposition
- 18-4-9 Golden Eagle, Bald Eagle Protected
- 18-4-10 Guns Lawfully Usable in Pursuing or Taking Game Birds
- 18-4-11 Shell Holding Capacity of Shotguns Used in Taking Game Birds, Restricted--Plugs Mandatory.

18-4-1 GENERAL PENALTY.

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed \$500.00. In addition to any fine imposed in this chapter, the person also shall be subject to forfeiture of his license, the privilege to hunt and fish for a period of one year, and confiscation of his vehicle, guns, fishing equipment or anything used in connection with the violation.

18-4-2 USE OF ARTIFICIAL LIGHTS IN HUNTING GAME--PROHIBITED.

Each of the following shall constitute a separate and distinct violation. It shall be unlawful:

(1) For any person to hunt, pursue, shoot, take, or attempt to take, or kill any wildlife between sunset of one day and sunrise of the next day, with the aid of a spotlight or the use of any artificial light including automobile, motorcycle and snowmobile headlights. This section shall not apply to the use of a flash light of not over two cells in the aggregate of three volts to take raccoon. The penalty for conviction of a) shining deer in possession, shall be a mandatory minimum fine of \$500.00 b) shining, prima facie evidence hunting big game, the mandatory minimum fine shall be \$200.00.

18-4-3 HUNTERS OUTER GARMENT REQUIREMENTS--EXCEPTION.

All persons, while hunting big game, and other wildlife except waterfowl, shall wear florescent orange colored head covering and a florescent orange (400 square inches), colored outer garment above the waist. This section shall not apply to any person hunting with bow and arrow. The penalty for conviction of this section shall be a mandatory minimum fine of \$20.00.

18-4-4 BIG GAME ANIMALS PROTECTED.

No person shall hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common carrier, sell, barter, or exchange any big game animal except as provided in this code.

18-4-5 SEASONS FOR TAKING AND TRANSPORTING BIG GAME--BAG LIMIT.

Any person having a Fort Berthold Tribal big game hunting license as prescribed in this chapter may take, kill, and transport, during the open or lawful season, one big game animal in the Reservation. The open or lawful season on big game animals shall be set by the Director, in the proclamation annually. This section does not prohibit the transportation, shipment, or possession within the Reservation of properly tagged big game legally taken in other Indian Reservations or States.

18-4-6 WHEN SEALS TO BE ATTACHED TO CARCASSES OF BIG GAME ANIMALS-- DIRECTOR OF TRIBAL GAME AND FISH DIVISION TO FURNISH SEALS.

All persons, upon killing a big game animal, shall immediately affix to the animal's body a locking seal bearing his big game hunting license number. The locking seal shall be furnished by the Division with each big game hunting license issued, and shall be attached and sealed in a manner prescribed by the Director.

18-4-7 UNLAWFUL POSSESSION OF FURBEARERS PROHIBITED.

Each of the following shall constitute a separate and distinct offense. It shall be unlawful for any person to:

(1) Take or attempt to take any furbearing animal outside a prescribed season;

(2) Take, attempt to take, kill, possess, transport, accept for transport, buy, sell, offer for sale, barter or otherwise dispose of any furbearing animal or any part thereof without a license or as provided in this chapter.

18-4-8 DEPREDATING PREDATORY ANIMALS--DESTRUCTION AND DISPOSITION.

A landowner or tenant may destroy a predatory animal committing depredations upon his poultry, domestic animals, or crops, but he shall not commercialize in, sell, or ship the pelt or any part of such animal caught or killed during the closed season.

18-4-9 GOLDEN EAGLE, BALD EAGLE PROTECTED.

It shall be unlawful for any person to take, attempt to take, kill, hunt, sell, purchase, pursue, shoot at, disturb, or destroy any golden eagle, bald eagle, or any nest or egg thereof, within the boundaries of the Reservation.

18-4-10 GUNS LAWFULLY USABLE IN PURSUING OR TAKING GAME BIRDS.

No firearm except a shotgun not larger in bore than ten gauge (10.69 millimeters), fired from the shoulder, shall be used to hunt or pursue game birds. No person shall use a rifle, pistol, or ball cartridge to hunt or pursue game birds, or to raise or drive game birds from their nesting or feeding places, or from any waters of this Reservation.

18-4-11 SHELL HOLDING CAPACITY OF SHOTGUNS USED IN TAKING GAME BIRDS, RESTRICTED--PLUGS MANDATORY.

Any automatic or repeating shotgun authorized for the taking of game birds shall not be capable of holding more than three shells. A one piece metal, plastic or wooden plug must be used to reduce the shell holding capacity if such plug is incapable of being removed through the loading end of the shotgun.

GAME, FISH AND RECREATION

CHAPTER 18-5

FISH, BOAT AND RECREATION REGULATIONS.

SECTION

- 18-5-1 GENERAL PENALTY.
- 18-5-2 ILLEGAL METHOD FOR TAKING FISH.
- 18-5-3 COMMERCIAL SALE OF FISH.
- 18-5-4 MINNOW BAIT WHOLESALERS AND RETAILERS--LICENSE.
- 18-5-5 OPERATION OF UNNUMBERED AND UNLICENSED MOTORBOATS PROHIBITED.
- 18-5-6 DISPLAY OF NUMBERS.
- 18-5-7 LICENSING WATERCRAFT FOR HIRE--ANNUAL INSPECTION.
- 18-5-8 WATERCRAFT FOR HIRE; SAFETY EQUIPMENT.
- 18-5-9 WATERCRAFT FOR HIRE; CONSTRUCTION.
- 18-5-10 WATERCRAFT FOR HIRE; OPERATION.
- 18-5-11 BOAT SAFETY EQUIPMENT.
- 18-5-12 ACTIONS WHICH CONSTITUTE NEGLIGENT OR RECKLESS OPERATION.
- 18-5-13 POSSESSION OF SEINES, SETLINES, FISHTRAPS AND GILL NETS UNLAWFUL.

18-5-1 GENERAL PENALTY.

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty subject to a fine not to exceed five hundred and 00/100 dollars (500.00). In addition to any fine imposed in this chapter, the person shall be subject to forfeiture of his license, the privilege to hunt and fish for a period of one year, and confiscation of his vehicle, gun, boat, fishing equipment or anything used in connection with the violation.

18-5-2 ILLEGAL METHODS FOR TAKING FISH.

No person, except as provided by Tribal proclamation, shall lay, set, or use any drug, poison, lime, medicated bait, fishberries, dynamite, or other lethal or injurious substance whatever; or lay, stretch, or place any tip-up snare, trap, net, or trot-line, wire string, rope or cable of any sort in any of the waters of this Reservation for the purpose of catching, taking, killing, or destroying any fish. However, any person may take minnows by the use of a minnow trap or dip net not exceeding twenty-four inches in diameter or thirty-six inches in depth. Except as provided in this section, dip nets may only be used as an aid in landing fish which have been legally taken by hook and line. One minnow trap per license holder, other than those holding a bait vendors license, may be used for the purpose of taking bait minnows.

18-5-3 COMMERCIAL SALE OF FISH.

No sale, barter, or trading of fish found in waters of the Reservation shall be legal, except that:

(1) Persons authorized by Tribal proclamation may sell fish as directed by that proclamation;

(2) Any person, firm, or corporation peddling fish may do so only after obtaining a license issued by the Director and upon payment of the required annual fee. Such person, firm, or corporation shall keep a full and complete record of the source of such fish as prescribed by the Director of Game and Fish.

(3) Persons operating a private fish hatchery may sell fish owned or raised for market or for stocking waters.

18-5-4 MINNOW BAIT WHOLESALERS AND RETAILERS--LICENSE.

The Director of the Tribal Game and Fish Division shall adopt rules and regulations to control and supervise the operations of minnows or other live bait wholesalers. The Director shall issue a license to each wholesaler when he has complied with the Director's rules and regulations and has paid the appropriate annual license fee. The Director shall also issue a minnow or other live bait retailer license to any person upon payment of the appropriate license fee. The Director may require each retailer or wholesaler to submit such reports as the Director may deem necessary.

18-5-5 OPERATION OF UNNUMBERED AND UNLICENSED MOTORBOATS PROHIBITED.

Every boat propelled by a motor on waters in the Reservation shall be numbered and licensed as prescribed by Tribal law. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and licensed in accordance with Tribal law.

18-5-6 DISPLAY OF NUMBERS

The number appearing on the certificate of number must be painted or permanently attached to each side of the forward half of the vessel, in plain vertical block letters at least three inches (7.6 centimeters) in height, excluding any border, trim, outlining, or shading, in contrasting color to the hull, and must be maintained in a legible condition so that the numbers and letters are clearly visible in daylight hours. Demonstrator numbers may be temporarily attached, but must be securely fastened in such manner as to be clearly legible. The number shall read from left to right, and groups of numbers and letters must be separated by a space or a hyphen equivalent in width to the letter M. A validation sticker issued by the Division must be displayed on the boat, within six inches (15.25 centimeters) to the rear of the number.

18-5-7 LICENSING WATERCRAFT FOR HIRE--ANNUAL INSPECTION.

The Director of the Tribal Game and Fish Division shall adopt rules and regulations to license watercraft used for hire, or furnished with cottages let for hire, and to prescribe the safety equipment, construction, and manner of operation of such craft. The Director shall provide for annual inspection of all watercraft used for hire to determine if rules and regulations governing such watercraft have been complied with, and may issue licenses to operate such watercraft. It shall be the Director's duty to issue, along with each license, some evidence that the craft has been inspected and conforms to the standards governing such craft. No person shall operate watercraft used for hire or furnished with cottages let for hire without a current Year's license.

18-5-8 WATERCRAFT FOR HIRE; SAFETY EQUIPMENT.

Every watercraft for hire shall be equipped in compliance with these regulations.

18-5-9 CONSTRUCTION.

Every watercraft for hire shall be so constructed as to be able to safely carry a load as prescribed by the Tribal Game and Fish Division formula. (Formula: Length times width divided by fifteen. Both dimensions are in feet and tenths of feet. Metric measurements require the following formula: Length times width divided by one and four tenths. Dimensions are in meters and tenths of meters). The capacity of boats for hire in terms of the number of persons shall be painted or permanently attached to each side of the stern of the boat as far back as possible and near the gunwhale.

18-5-10 OPERATION

No watercraft for hire shall be operated:

- (1) in violation of any law or rule issued thereunder:
- (2) with a load greater than that for which it is licensed: and
- (3) in an area which is distinguished as a swimming or bathing area, either by markers or by the presence of swimmers or bathers in the area.

Any person who operates, permits the operation, or maintains for hire any watercraft within the Reservation and such watercraft is operated in a manner or equipped or constructed in violation of this chapter shall be construed as operating a watercraft for hire without the proper license. In addition to the penalty prescribed by law, he/she shall forfeit any license issued under Tribal Game and Fish Code Chapter 18.

18-5-11 BOAT SAFETY EQUIPMENT.

The following equipment is required as indicated and must be usable and in serviceable condition.

(1) Personal Flotation Devices. All motorboats less than sixteen feet (4.8 meters) in length and all nonpowered boats must have one coast guard approved type I, II, III, or IV device aboard for each person, and in addition, one coast guard approved throwable type IV device.

All person manipulating and water skis, surfboard or similar device must wear a coast guard approved type I, II, III, device. The only exception is that of a performer engaged in professional exhibition or a person or persons engaged in an authorized activity.

(2) Hazardous Conditions. Any enforcement officer who observes a vessel being used in an unsafe condition, and in the officers judgement such use creates and especially hazardous conditions, may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended. For purposed of this section an unsafe condition is defined as any one of the following.

(a) Operating without boat safety equipment.

(b) Operating in an overloaded condition.

(c) Fuel leakage or presence of fuel in the bilges;

(d) Riding on the bow, gunwales, transom, or on the backs of the seats without taking precautions sufficient to prevent falls overboard;

(e) Operating in weather or water conditions which endanger the boat and its occupants.

18-5-12 ACTIONS WHICH CONSTITUTE NEGLIGENT OR RECKLESS OPERATION.

Tribal law prohibits operation of any motorboat or vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. For purposes of this provision, reckless or negligent operation shall include, but not limited to, the following:

(1) Use of excessive speed during periods of reduced visibility, while in narrow, winding channels, or near docks or marinas.

(2) Operating in an overloaded condition.

(3) Operating within swimming areas designated by markers or by the presence of swimmers.

(4) Operating near dams and other hazardous waters.

(5) Operating in such a manner as to cause a dangerous or damaging wake.

(6) Towing water skiers near other vessels or obstructions, into other hazardous waters, or into swimming areas designated by markers or by the presence of swimmers.

(7) Operation in such a manner as to molest or annoy persons lawfully engaged in fishing.

(8) Continued use or refusal to terminate use of a boat after being ordered to correct an especially hazardous condition by a law enforcement officer.

18-5-13 POSSESSION OF SEINES, SETLINES, FISHTRAPS AND GILL NETS UNLAWFUL.

No person except as provided in this code shall set, use, or have in his possession, or transport other than public carrier, any seines, setlines, fishtraps, gill nets or any kind of setnets. The director, tribal ranger or any peace officer shall without warrant or process, seize the items and hold them subject to the order of the Tribal Court. The penalty for conviction of this section shall be a mandatory minimum fine of \$500.00.

GAME, FISH AND RECREATION

CHAPTER 18-6

TRIBAL PROCLAMATION

- 18-6-1 TRIBAL PROCLAMATIONS HAVE FORCE OF LAW--PENALTY.
- 18-6-2 PROCLAMATION TO BE PUBLISHED--PERIOD PROCLAMATION IS IN EFFECT.
- 18-6-3 NATURAL RESOURCES DEPARTMENT, GAME AND FISH DIVISION MAY VARY OPEN AND CLOSED SEASON BY ORDER OR PROCLAMATION.
- 18-6-4 CIVIL FINE.
- 18-6-5 CIVIL ENFORCEMENT
- 18-6-6 TURNOVER TO FEDERAL AUTHORITIES.

GAME, FISH AND RECREATION

CHAPTER 18-6

TRIBAL PROCLAMATION

18-6-1 TRIBAL PROCLAMATIONS HAVE FORCE OF LAW--PENALTY.

Any tribal proclamation issued at the request of the Natural Resources Board or the Director of the Tribal Game and Fish Division shall have the force of law. Any person violating a provision of such order or proclamation is guilty of a misdemeanor and shall be fined for not more than five hundred dollars (\$500.00). In addition to any fine imposed in this chapter, the person shall be subject to forfeiture of his license, the privilege to hunt and fish for a period of one year, and confiscation of his vehicle, guns, boat, fishing equipment or anything used in connection with the violation.

18-6-2 PROCLAMATION TO BE PUBLISHED

Each order of proclamation issued by the Tribe pursuant to this chapter shall be published once in the official newspaper of the area affected by the proclamation. No order or proclamation shall take effect until after such publication.

18-6-3 NATURAL RESOURCES DEPARTMENT, GAME AND FISH DIVISION MAY VARY OPEN AND CLOSED SEASON BY ORDER OR PROCLAMATION.

Whenever after investigation and recommendation by the Game and Fish Division finds:

(1) That any species of big game, small game, fish, or furbearers for which an open season is provided, are in danger of depletion or extinction, or when necessary for proper protection during the propagating period, he may, by order provide protection for such species additional to that provided by law.

(2) That any species of big game, small game, or fish, have become sufficient in numbers to warrant an open season or have become a menace to other species of wildlife in the Reservation, he may, by order, declare an open season thereon, or may extend the open season provided by law.

(3) That any species of furbearing animals have become sufficient in numbers to warrant an open season or have become a menace to other species of wildlife in the Reservation, he may, by order, declare an open season thereon, or may extend the open season provided by law.

(4) That due to climatic conditions a hunting season may create a fire hazard, he may, by order, close or postpone, and reopen, any hunting season in areas where such conditions exists, upon reasonable notice through the media. The emergency closing or postponement and reopening can be accomplished without complying with section 18-6-2.

18-6-4 CIVIL FINE

To the extent that any person in violation of these regulations is not subject to the Tribes criminal jurisdiction, then in lieu of any criminal sanction a civil fine for such violation shall be imposed not to exceed the maximum amount of the criminal fine specified in this code sections 18-1 thru 18-7.

18-6-5 CIVIL ENFORCEMENT.

Said fine shall be enforced by any proper civil remedy, including, (a) attachment of any property of the judgement debtor including vehicles, guns, ammunition, gear, traps carcasses, etc., (b) ejection from the tribes, including the privilege of entering Indian-owned land on the Reservation in the future. Upon arrest the violator shall post collateral with and receive a receipt from the arresting officer in the amount of the maximum possible fine (not to exceed \$500.00 per offense). In the event of inability or refusal to post such collateral, the arresting officer may on behalf of the court attach in advance of judgment any property of the suspect (other than personal effects), including vehicles, guns ammunition, gear, traps, carcasses, etc..

18-6-6 TURNOVER TO FEDERAL AUTHORITIES.

In addition to said posting of collateral, or in lieu thereof, the arresting officer may take custody of the offender and promptly turn him over to the nearest appropriate federal authorities for criminal prosecution for trespass on an Indian Reservation pursuant to 18 United States Code Section 1165.

GAME, FISH AND RECREATION

CHAPTER 18-7

TRIBAL CONFISCATION

SECTION

- 18-7-1 CONFISCATION OF PROPERTY UNLAWFULLY TAKEN, TRANSPORTED OR USED.
- 18-7-2 CONFISCATION OF GAME OF FISH PACKED OR COMMINGLED WITH CONTRABAND.
- 18-7-3 SALE OF CONFISCATED PROPERTY
- 18-7-4 PERSONS TO SELL CONFISCATED PROPERTY--DISPOSITION OF PROCEEDS.
- 18-7-5 SALE OF CONFISCATED PERISHABLE PROPERTY

18-7-1 CONFISCATION OF PROPERTY UNLAWFULLY TAKEN, TRANSPORTED OR USED.

The Director of the Tribal Game and Fish Division or any Tribal Ranger shall seize all wild birds, wild animals, berries, or fish or any part thereof, taken, killed, possessed, or transported contrary to Tribal or Federal law. All dogs, guns, seines, nets, boats, lights, motor vehicles, or other implements unlawfully used, or held with intent to be unlawfully used, in pursuing, taking or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or any part thereof shall be seized. All property so seized shall be held subject to the order of the tribal court.

18-7-2 CONFISCATION OF GAME OR FISH PACKED OR COMMINGLED WITH CONTRABAND.

If two or more animals, birds, or fish, or parts thereof, are packed, stored, or contained in the same shipment, bag or other receptacle or are otherwise commingled, and one or more has been taken in violation of the Tribal Code, the entire contents shall be confiscated.

18-7-3 SALE OF CONFISCATED PROPERTY.

A tribal court having jurisdiction of an alleged offense against this title may order the sale of birds, animals, or fish, or any part thereof, or other property which has been confiscated. This order may be entered only after a hearing duly had upon proper notice to the owner and after due and proper finding by the tribal court that the property:

(1) Was taken, filled, possessed, or being transported contrary to law by the person from whom it was seized;

(2) Was being used in violation of this code at the time it was seized;

(3) Had been used in violation of this code within six months previous to the time it was seized.

18-7-4 PERSONS TO SELL CONFISCATED PROPERTY--DISPOSITION OF PROCEEDS.

All confiscated property ordered sold shall be sold by the Director, or any of the Tribal Rangers, for the highest price obtainable. On any such sale of animals, birds, fish, berries, or any part thereof, or other property, the seller shall issue to each purchaser a bill of sale on forms prepared and furnished by the Director. The sale proceeds, after the expense of the seizure and sale is deducted, shall be remitted to the Director promptly by the person under whose authority and supervision the sale was made. This report shall be filed for record with the Director. The Director shall pay the Tribal Treasurer for credit to the Game and Fish Account all money received by him from these sales.

18-7-5 SALE OF CONFISCATED PERISHABLE PROPERTY.

Perishable property confiscated pursuant to the chapter may be sold without a tribal court order by the officer making the seizure for the highest price obtainable. The proceeds of such sale shall be deposited in the Tribal Game and Fish Account.