

Janet Alkire
Chairwoman

TRIBAL COUNCIL
(AT LARGE)

Nola Taken Alive

Charles Walker

Avis Little Eagle

Kory McLaughlin

Warren Hawk

Jesse McLaughlin

Frank Jamerson
Vice Chairman



Susan Agard
Secretary

John Pretty Bear
Cannonball District

Sid Bailey, Jr.
Long Soldier District

Jeff Cadotte, Sr.
Wakpala District

Delray Demery
Kenel District

Joe White Mountain Jr.
Bear Soldier District

Paul Archambault
Rack Creek District

Jessica R. Porras
Running Antelope District

Wilberta Red Tomahawk
Porcupine District

PLEASE POST

NOTICE TO PUBLIC

On August 2, 2023 the Standing Rock Sioux Tribal Council approved to post revisions to **Title IX, Game, Fish, & Wildlife** for ten (10) days. Pursuant to Title XIX of the Code of Justice, any interested persons may submit comments on **Title IX (9), Game, Fish, & Wildlife** which the person believes should be amended.

Members of the Judicial Committee and the Standing Rock Tribal Council will accept oral, written and electronic comments until August 27, 2023. You may submit your electronic comments to the following:

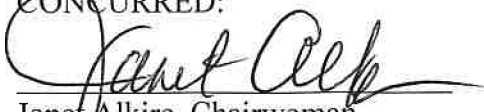
Judicial Committee Chairman, Warren Hawk - whawk@standingrock.org

If you are receiving this notice and attachments in your role as District Officer, please post a copy at your local district offices and ensure it is available to other District Officers and District Members. In addition, please have copies available to distribute upon request.

Please note you can also access the Title on the Tribe's website at www.standingrock.com. From the home page, click on Titles, followed by Titles for Review, and find the link to **Title IX (9), Game, Fish, & Wildlife**.

Dated this 17th of August, 2023.

CONCURRED:


Janet Alkire, Chairwoman
Standing Rock Sioux Tribe

REGULAR TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: August 2, 2023

PAGE: 31

MOTION #64 IS CONTINUED.

ARCHAMBAULT, Paul	YES	AGARD, Susan	YES
BAILEY, Jr., Sidney	YES	JAMERSON, Frank	YES
CADOTTE, Sr., Jeff	YES	HAWK, Warren	E.
DEMERY, Delray	YES	MCLAUGHLIN, Jesse	E.
PORRAS, Jessica R.	YES	MCLAUGHLIN, Kory	E.
PRETTY BEAR, John	YES	RED BEAR, Avis	YES
RED TOMAHAWK, Wilberta	YES	TAKEN ALIVE, Nola	YES
WHITE MOUNTAIN, Jr., Joseph	YES	WALKER, Charles	YES

VOTE: YES – 13 NO – 0 NOT VOTING – 1

MOTION CARRIED 3 – EXCUSED

JUDICIAL COMMITTEE – Paul Archambault reporting.
July 27, 2023.

#65. MOTION WAS MADE BY PAUL ARCHAMBAULT, SECONDED BY NOLA TAKEN ALIVE, TO APPROVE TO POST THE UPDATED TITLE 9 GAME & FISH CODE FOR TEN (10) DAYS, **BY RESOLUTION.**

ROLL CALL VOTE: ALKIRE, JANET – NOT VOTING

ARCHAMBAULT, Paul	YES	AGARD, Susan	YES
BAILEY, Jr., Sidney	YES	JAMERSON, Frank	YES
CADOTTE, Sr., Jeff	YES	HAWK, Warren	E.
DEMERY, Delray	YES	MCLAUGHLIN, Jesse	E.
PORRAS, Jessica R.	YES	MCLAUGHLIN, Kory	E.
PRETTY BEAR, John	YES	RED BEAR, Avis	E.
RED TOMAHAWK, Wilberta	N.V.	TAKEN ALIVE, Nola	YES
WHITE MOUNTAIN, Jr., Joseph	YES	WALKER, Charles	YES

VOTE: YES – 11 NO – 0 NOT VOTING – 2

MOTION CARRIED 4 – EXCUSED

#66. MOTION WAS MADE BY PAUL ARCHAMBAULT, SECONDED BY NOLA TAKEN ALIVE, TO APPROVE OF JUDICIAL COMMITTEE MEETINGS FOR JULY 17, JULY 20, JULY 24, AND JULY 27, 2023.

ROLL CALL VOTE: ALKIRE, JANET – NOT VOTING

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- (2) The legal title to any such game, fish, wildlife, timber, plant, archaeological and paleontological resource, or carcass and/or part thereof¹ taken or reduced to possession in violation of this Code remains with the Tribe; and the title to any such game, fish, wildlife, timber, plant, 9f-archaeological and paleontological resource, or carcass and/or part thereof, lawfully acquired, is subject to the condition that upon the violation of this Code and the Cultural Resources Code relating to the possession, use, giving, sale, barter, or transportation of such game, fish, wildlife, archaeological and paleontological resource or timber, plant, or carcass and/or part thereof, by the holder of such title¹ the same shall revert, as a result of the violation, to the Tribe. In either case, any such game, fish, wildlife, timber, plant, <W-archaeological and paleontological resource, or carcass and/or part thereof, may be seized forthwith, wherever found, by the Game, Fish and Wildlife Conservation Department and/or their enforcement officials authorized to enforce the Provisions of this Code and the Cultural Resources Code.

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

There is hereby created and established the Standing Rock Sioux Tribal Game, Fish and Wildlife Conservation Commission (hereinafter referred to as "Commission"). ~~The Game, Fish and Wildlife Conservation Department is hereby placed under the supervision of the Commission.~~ The Commission shall consist of eight (8) enrolled tribal members with a representative appointed from each district and two (2) non voting members, one of which shall be the Director of the Game, Fish and Wildlife Conservation Department and the other who shall be a member_s of the T_{ri}bal C_ouncil who shall be appointed by the entire Standing Rock Sioux Tribal Council. The voting members shall select a Chairman, Vice Chairman and Secretary, whose duties shall be established by the Commission. Each member of the Commission shall be appointed by their respective districts at the first regular local district meeting⁴ following the next general election, except for the one (1) non voting tribal council member and the Director of the Department. The tribal council appointee shall only vote in case of a tie and the Director shall serve in an advisory capacity only, with no voting power.

- (1) Term. Each district member shall hold office for a four (4) year term of office. The current district members of the Commission shall hold their office, provided they are qualified at the time this amended Ordinance is adopted by the Tribal Council, until the next general election. Thereafter, the local district member shall be appointed by their local district. Provided however, that if there exists a vacancy on the Commission at the time this amended Ordinance is approved by the Tribal Council, the local district shall appoint a member to serve on the Commission until the next general election. Representatives appointed shall not begin to serve on the Commission until the local district minutes are approved by the Tribal Council and they are found to meet the qualifications, by the Tribal Election Office.~~e Standing Rock Sioux Tribal Game, Fish and Wildlife Conservation Commission (hereinafter referred to as "Commission"). The Game, Fish and Wildlife Conservation Department is hereby placed under the supervision of the Commission.~~ The Commission shall consist of eight (8) enrolled tribal members with a representative appointed from each district and two (2) non voting members, one of which shall be the Director of the Game, Fish and Wildlife Conservation Department and the other who shall be a member of the tribal council who shall be appointed by the entire Standing Rock Sioux

Tribal Council. The voting members shall select a Chairman, Vice Chairman and Secretary, whose duties shall be established by the Commission. Each member of the Commission shall be appointed by their respective districts at the first regular local district meeting~~1~~ following the next general election, except for the one (1) non voting tribal council member and the Director of the Department. The tribal council appointee shall only vote in case of a tie and the Director shall serve in an advisory capacity only, with no voting power.

- (2) Qualifications. In order to serve on the Commission, the individual must be:
 - a. ~~At least t~~Twenty one (21) years of age;
 - b. An enrolled member of the Standing Rock Sioux Tribe;
 - c. ~~P~~~~Must p~~hysically residinge within the District of their appointment for at least one (1) year prior to appointment;
 - d. Not ~~be~~ dishonorably discharged from the Armed Services;
 - e. Not ~~be~~ convicted of a Tribal, State, or Federal felony or any offense as defined by this Code; and
 - f. Not ~~be~~ on the Tribal Council, at the time of appointment, except for the ~~T~~ribal C~~ouncil R~~epresentative.
- (3) Meetings. The Commission shall meet on a quarterly basis ~~or as needed~~ to set the seasons or as needed to address urgent Game, Fish and Wildlife Conservation Department matters. A quorum shall consist of five (5) members, not counting the Director or the tribal council representative. The non voting tribal council member shall hold office so long as they hold their respective office. All members of the Commission are required to attend all scheduled meetings of the Commission and shall report to their respective districts, unless "good cause" exists for their absence. In the event a ~~C~~ommission member fails to attend a meeting of the ~~C~~ommission and has received payment to attend, the Director shall be authorized to withhold future stipend payments in order to repay the Department. ~~provided the Director has received authorization to withhold from the Chairman.~~
- (4) Vacancies. If a vacancy occurs, the district shall appoint a replacement qualified to fill the vacancy and/or should the non-voting tribal council position become vacant then the tribal council shall appoint a successor.
- (5) Powers. The Commission shall have the power to set the fees for licenses, the length of the season and approve of the budget for the Commission. In addition, the Commission shall exercise those additional powers as may set forth in this Code. The Commission shall be paid a meeting stipend of \$100 per meeting, plus mileage at the tribal rate.
- (6) Removal. The Commission shall have the authority to remove a Commission member for the unexcused failure to attend three (3) scheduled meetings and/or failure to meet the qualifications of the Commission. A failure to attend all sessions of a meeting may constitute a failure to attend, provided the Commission makes a determination that the failure to attend is unexcused. The Commission shall serve the Commission member with notice of

their intent to remove the Commission member -at least ten (10) days prior to the next scheduled meeting. At the scheduled meeting, the Commission shall allow the Commission member an opportunity to be heard, prior to the vote for removal, which shall be by secret ballot.

9-105 Standing Rock Sioux Tradition and Custom.

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

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

9-106 Elderly and Disabled Permits

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

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

9-107 Designated Shooters

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

9-108 Scientific Taking

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

CHAPTER 2 DEFINITIONS

9-210 Definitions

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

- (1) Aircraft as used in this code, the term aircraft means any contrivance used for flight, or to be airborne.
- (2) All Terrain Vehicle (ATV) shall be defined as any motorized vehicle (two wheeled, three-wheeled, and four-wheeled) designed primarily for recreational purposes and off-road usage. Use of an ATV may be used for retrieval of an animal or transportation of a table for prairie dog hunting. Other uses shall be deemed a violation of this Code.
- (3) Allotted Land shall be defined as individually owned Indian lands held in trust by the federal government.
- (4) Antiquity shall be defined as any relic, artifact, fossil or any object which represents the past culture of the Standing Rock Sioux Tribe or any hardened remains of a plant or animal of a previous geological age preserved in the earth's crust.
- (5) Antlerless Deer shall be defined as all deer not displaying at least one visible antler.
- (6) Antlered Deer shall be defined as all deer displaying at least one visible antler.
- (7) Archaeological Interest shall mean any material remains of human life or activities or fossil, which are at least 100 years of age, and which are of archaeological interest, more specifically defined by 18 CFR Part 1312, Section 5jPage 1312.3 (3), or the Cultural Resources Code.
- (8) Arrow shall be defined as a shaft of at least 24 inches long containing 3 trimmed or 5 untrimmed feathers, tipped with a point or device used to strike, penetrate, or pierce.
- (9) Artificial Light shall mean the act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight, or other artificial light, including fire.
- (10) Bag Limit shall mean the maximum number of wildlife which may be legally taken, caught, or killed by any one person for any particular period of time, as provided by Order of the Commission. The term "bag limit" it shall be construed to mean an individual, independent

b. All shorebirds, wading birds, and seabirds (Order Gaviiformes, Podicipediformes, Pelicaniformes, Ciconiformes, Gruiformes).

c. Mourning Dove (Order Columbiformes). The roughage shall be maintained on all Migratory Birds to ensure that Standing Rock Enforcement Officers can distinguish between the genders of the bird(s) taken.

~~e.(48)~~ ~~(47)~~ Motorboat shall mean any boat or vessel equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion.

~~(48)~~~~(49)~~ Motorized Vehicle shall be defined to mean any land or air vehicle, and any conveyances attached thereto, propelled by means of steam, petroleum products, electricity, or any other mechanical power.

~~(49)~~~~(50)~~ Net shall be defined as an open meshed fabric twisted, knotted, or woven together at regular intervals for the purpose of catching any size of fish, birds, or insects.

~~(50)~~~~(51)~~ Non-Indian shall mean any person not legally recognized or enrolled as a Native American by blood quantum or descent.

~~(51)~~~~(52)~~ Non-game Species shall be defined as all species of wildlife which are not listed or covered or provided for under provisions of this Code and are protected.

~~(52)~~~~(53)~~ Non-Resident shall be defined as any person or persons who do not reside within the exterior boundaries of the Standing Rock Sioux Reservation.

~~(53)~~~~(54)~~ Open Season shall be defined as the term specified by this Code and by Rule, Regulation, or order of the Commission when it shall be lawful to hunt, fish or trap for particular species of animals, birds, or fish. Each period of said time shall be specified as an "open season" and the period of time during each day when these activities can legally take place.

~~(54)~~~~(55)~~ Order, Rule, ~~Proclamation~~ and Regulation shall be used interchangeably and each includes the other, issued by the Commission or Tribal Council.

~~(55)~~~~(56)~~ Permit/Tag shall be defined as a secondary document requiring a "license" as a prerequisite to its Issuance, which grants permission to engage in by limited specified activities provided by this Code and Rules and Regulations of the Commission.

~~(56)~~~~(57)~~ Person shall be defined as an individual, partnership, corporation, company or any other type of association, and any agent or officer of any partnership, corporation, company, or any type of association. Reference to the masculine gender includes the feminine and the neuter.

~~(57)~~~~(58)~~ Plant shall mean undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem.

~~(58)~~~~(59)~~ Possession shall be defined as both the actual and constructive possession, and any control of the object or objects referred to, and shall include "possession" of any species of wildlife or parts thereof, on one's person, premise, motor vehicle, or public or private place

of processing or storage, provided that wildlife taken accidentally and in a manner not contrary to the provisions of this Code and Commission Rules and Regulations shall not be deemed to be in possession while being released live back to the wild.

~~(59)~~(60) Possession limit shall be defined by the annual Standing Rock Sioux Game, Fish and Wildlife Proclamation to be the maximum limit in number of amount of wildlife, which may be lawfully in the possession of any person or persons. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to a final place or storage.

~~(60)~~(61) Public Highway shall be defined to mean the traveled portion of, and the shoulders on each side of any road maintained by any governmental entity for public travel, and shall include all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.

~~(61)~~(62) Predators shall be defined to mean any mammal which kills or eat(s) the flesh of other animals.

~~(62)~~(63) Protected Species shall include, but not be limited to, Bison, Bighorn Sheep, Moose, Mule Deer, Whitetail Deer, Wolf, Lynx, Bobcat, Mountain Lion Waterfowl, Upland Game Birds, Wild Turkey, Song Birds, Birds of Prey or Raptors, Beaver, Mink , Muskrat, Otter and any other species for which a closed season is specified or for which taking is prohibited.

~~(63)~~(64) Raptors shall mean a live migratory bird of the following families: Hawks, Eagles; Accipitridae, Owls; Tytonidae, Strigidae, Ospreys: Pandionidae, Vultures; Cathartidae
Falcons: Falconidae.

~~(64)~~(65) Recreation Vehicle shall be defined as any snowmobile or all-terrain vehicle used to engage in off highway recreational use and shall include any and all terrain vehicles designed for or capable of travel over unimproved terrain.

~~(65)~~(66) Reservation shall be defined as any and all territory within the boundaries of the Standing Rock Sioux Reservation, as established by the Treaty of 1868 and the Act of March 2, 1889 Section 3 (25 Stat. 888) including all "taking areas" pursuant to the Standing Rock Oahe Act, Pub. L. No. 85-915, 72 Stat. 1762 (1958). For Standing Rock Sioux Tribal members, non-member Indians and non-Indians, the provisions of this Code and Rules, Regulations and orders promulgated by the Commission shall apply to the above mentioned territory, whether in fee or trust, and to all lakes, streams, rivers and including each bed there under, and any and all lands and waters in which the Standing Rock Sioux Tribe have vested aboriginal hunting and fishing rights that have never been abrogated by Congress, including the illegally taken area of the Paha Sapa (Black Hills).

~~(66)~~(67) Resident shall be defined as any person whose legal domicile is within the exterior boundaries of the Standing Rock Sioux Reservation as defined by the Act of March 2, 1889 Section 3 (25 Stat. 888).

~~(67)~~(68) Rough Fish shall be defined as all fish species not defined as "gamefish" and which are not protected.

- ~~(68)~~(69) Seine shall be defined as a large net with sinkers on edge and floats on the other that hangs vertically in the water and is used to enclose fish when its ends are pulled together and its legal size shall be defined hereinafter under the provisions of this Code and the Annual Game, Fish and Wildlife Proclamation of the Tribe.
- ~~(69)~~(70) Sell shall be defined as an offer or possess for sale, barter, exchange, or trade or the act of selling, bartering, exchanging or trading.
- ~~(70)~~(71) Small Game shall be defined to include Family Tetraonidae - sharpHtail grouse and prairie chickens, Family Phasianidae - bobwhite quail, ring-neck pheasant, and Hungarian partridge: Cottontail Rabbit, Jack Rabbit and Eastern Fox Squirrel. The Roughage shall be maintained on all small game.
- ~~(71)~~(72) Snagging shall be defined to mean the use of hook or hooks, and lines, with or without a pole, to impale or attempt to impale fish in a manner other than by natural feeding behavior by fish.
- ~~(72)~~(73) Species of Special (or Tribal) Concern shall be defined as any fish and wildlife species in which the Tribe has expressed concern over their status or abundance including, but not limited to: Bald Eagle, Golden Eagle, Magpie, Pallid Sturgeon, Blue Sucker, Sturgeon Chub, Upland Plover, Long-Billed Curlew, Burrowing Owl, Ferruginous Hawk, Swainson's Hawk, Swift Fox, Bobcat, Lynx.
- ~~(73)~~(74) Specified Areas shall be defined as any part of the Reservation, including waters thereof, in which legal hunting, fishing, or trapping activities have been restricted to specified means or by methods, by Rule, Regulation or Order of the commission.
- ~~(74)~~(75) Subsistence shall be defined as the fishing, hunting or other activity by any member of the Standing Rock Sioux Tribe for the purpose of a source or means of obtaining the necessities of life, necessary to support life.
- ~~(75)~~(76) Tag shall be defined as a card, label, or other identification device issued for attachment to the carcass of any big game animal pursuant to the provisions of this Code, rules, regulations and orders of the Commission, the proper validation and attachment of which is required to reduce said carcass to lawful possession.
- ~~(76)~~(77) Take and its derivatives taking, taken, took. shall be defined as the act of hunting, pursuing, catching, capturing, shooting, fishing, to seine, trap, kill, or possess or any attempt to commit any of these acts.
- ~~(77)~~(78) Transport shall be defined to mean to carry or convey or cause to be carried or conveyed from one place to another and includes an offer to transport, or receipt or possession for transportation.
- ~~(78)~~(79) Trap and its derivatives trapping, trapped" shall be defined to mean the act of taking, killing, and capturing of wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every

attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls or other devices.

~~(79)~~(80) Tribe shall be defined as the "Standing Rock Sioux Tribe".

~~(80)~~(81) Tribal Court shall be defined as the Standing Rock Sioux Tribal Court.

~~(81)~~(82) Tribal Council shall be defined to mean the "Standing Rock Sioux Tribal Council".

~~(82)~~(83) THPO shall be defined as the "Tribal Historic Preservation Office".

~~(83)~~(84) Trout Line shall be defined to mean any line used for fishing with one or more hooks which is not used with a conventional rod and reel and is left unattended. "Trout Line" shall include but not be limited to the terms, throw line, setline, limb line or jug line.

~~(84)~~(85) Unprotected Species shall be defined as those species of wildlife specifically enumerated in this Code, which may be taken throughout the year.

~~(85)~~(86) Upland Game shall mean Pheasant, Sharp-tail Grouse, Bobwhite Quail, Hungarian Partridge, Cottontail Rabbit and Tree Squirrel. The roughage shall be maintained on all upland game.

~~(86)~~(87) Wildlife shall be defined as any form of animal life, native or exotic, generally living in the wild in a state of nature, endowed with sensation and the power of voluntary motion, including all wild mammals, birds, fish, reptiles, amphibians and their eggs, nests, and spawn which are part of a Department program for propagation of any species which may be in a semi-~~in~~domesticated state.

~~(87)~~(88) Waterfowl shall be defined as including any Wild Geese, Brants, Coots, Swans, or wild ducks of any kind.

~~(88)~~(89) Wetland shall be defined as any areas of marsh, fen peat land or water whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt.

CHAPTER 3. JURISDICTION OF STANDING ROCK SIOUX TRIBE

9-301 Jurisdiction

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

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

9-306 Severability and Non-Liability

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

9-307 Repeal of Inconsistent Tribal Ordinances

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

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

9-401 Administration and Supervision

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

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

- (1) The Office of Director is ~~h~~Hereby ~~c~~Created. The Standing Rock Sioux Tribe shall hire a Director of Game, Fish and Wildlife Conservation Department, hereinafter referred to as the Director, who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, enforcement, and management of the wildlife resources of the Reservation.
- (2) Powers and ~~d~~Duties of the Director:
 - a. The Director shall have general supervision and control, under the supervision of the Executive Director of the Standing Rock Sioux Tribe pursuant to Title XVIII of the Standing Rock Sioux Tribal Justice Code, of all activities, functions, and employees of the Department of Game, Fish and Wildlife Conservation, pursuant to the requirements of P.L 93-638. With the direction of the Tribal Council and the Game, Fish and Wildlife Commission, the Director shall, ~~under the supervision of the Tribal Administration, Judicial Committee and Tribal Council and direction of the Commission, and shall~~ enforce all the provisions of this Code, and Rules, Regulations and Orders of the Commission and Tribe relating to wild animals, birds, fish and other natural resources of the Tribe and, further, and shall perform all the duties prescribed in his/her job description and powers incident to this Code.

- b. The Director shall serve as a non-voting member of the Commission, and shall assist the Commission and the Tribal Council in its duties to appoint employees as may be necessary to perform administrative duties, enforce the laws and to properly implement management, propagation, and protection of programs, including but not limited to plan, propose for enactment, and enforce tribal regulations relating to the setting of annual seasons and limits for harvesting of game, fish, wildlife, timber, plants and utilization of natural and recreational resources and other regulations established for carrying out the purposes of the Game, Fish and Wildlife Conservation Code.
- c. Formulate ~~and publish~~ the respective ~~proclamations annually~~ annual proclamations for Commission approval according to information gathered from census and studies and publish such annual proclamations following Commission approval; maintain records of all licenses and permits, issued for the purpose of hunting, fishing, trapping, gathering, woodcutting; and recreation and establish regulations and applications for special permits for the taking of game, fish, wildlife, timber and plants for disabled persons, subsistence and ceremonial purposes on a need only basis.
- d. Establish checking stations to gather biological data, inspect licenses, permits, equipment, and vehicles for compliance of this Code.
- e. The selection of such ~~D~~ department employees ~~shall shaft~~ be made ~~in~~ accordance with the Personnel Policies and Procedures of the Standing Rock Sioux Tribe.
- f. The Director, or any person appointed by the ~~C~~ commission in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and regulations as the Commission and Tribe may provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him/her to be of interest to the fish and wildlife resources of the tribe.
- g. The Director shall have supervision over all of the matters pertaining to the inspection, ~~cultivation~~ cultivation, ~~1-~~ propagation and distribution of the wildlife propagated under this Code. He/she shall also have the authority, with concurrence of the Commission and the Tribal Council of the Standing Rock Sioux Tribe to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution on the Reservation and may have the same properly cared for and distributed throughout the Reservation as he/she may deem necessary.
- h. The Director shall have the power with the concurrence of the Commission, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the Reservation shall be threatened with excessive shooting, angling, trapping or otherwise, to close any open season for such time as he/she may designate; provided, however, in the event an emergency is declared to exist such closure shall become effective immediately, upon written order of the Commission and in all other cases upon publication and posting as provided in this Chapter.

During the closure of any open season, all provisions of this Code relating to the closed season on such wildlife shall be subject to the penalties prescribed therefore.

- i. The Director shall make an annual report on the activities, condition, and finances of the Game, Fish, and Wildlife Conservation Department to the Commission, ~~and, the Tribal Council of the activities and condition of the Game, Fish and Wildlife Conservation Department.~~ The Director shall report to the ~~and all other related matters and shall report to the~~ Judicial Committee of the Tribe on other related matters concerning the status of the Department as such matters arise or as requested by the Judicial Committee. ~~on a monthly basis concerning the condition and status of the Departments. The Director shall also provide the Commission with a financial report on the status of the Department at least twice per year at times designated by the Commission.~~

- (3) Collection of Permit fees, forfeiture, and fines. There is hereby established an account to deposit monies collected from the sale of license, permits, tags, and recreational leases. Monies collected from fines, penalties, forfeitures and/or civil recoveries through the Tribal Court system shall be deposited into this account. Upon federal prosecution, the Director shall make format request to the U.S. Attorney for civil restitution from persons violating any provision of this Code. Monies collected from the Federal Courts or respective Tribal Courts shall be deposited in this account for, the specific use of the Game, Fish and Wildlife Conservation Department subject to "program income" requirements.
- (4) Expenditure of funds. The Director shall have the authority to expend appropriated and monies deposited in the special license, fees, fines and penalties account based upon an annual budget approved by the Standing Rock Sioux Tribal Council for the following:
 - a. Conservation, protection, and enhancement of the Reservation's fish, wildlife, timber, plant and other recreation and natural resources.
 - b. Enforcement of provisions of this Code, or any rule, regulation and order adopted pursuant to this Code.
 - c. Information, education programs and any other program approved by the Commission and the Tribal Council.

9-403 Animal Control Division

Within the Department of Game, Fish and Wildlife Conservation there shall be an Animal Control Division with jurisdiction over controlling animals on the Standing Rock Sioux Tribe Reservation. The authority, duties and statutory requirements for operation of the Animal Control Division shall hereafter be governed by Title XXII of the Standing Rock Sioux Tribe Code of Justice.

CHAPTER 5 ENFORCEMENT

9-501 Enforcement by Tribal Rangers

Any provision of this Code may be enforced by Tribal Rangers of the Standing Rock Sioux Tribal Game, Fish and Wildlife Conservation Department, Game Wardens, Standing Rock Sioux Tribal Police and

9-507 Disposition of Forfeited Articles

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

9-508 Seizure of Contraband Game - Search Warrant

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

9-509 Reporting of Complaints.

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

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

CHAPTER 6. PROTECTION OF WILDLIFE

9-601 Methods Prohibited, Exceptions.

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

- (1) Hunt from Motorized Vehicles. Take game from any motorized vehicle or any conveyance attached thereto, or discharge any firearm at any wild animal or bird while on a public highway, designated lands as protected, posted "No Hunting" by the Game, Fish and Wildlife Conservation Department.

- (7) ~~(6)~~ Regulation of Dogs. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this Reservation, except as otherwise provided by rules and regulations of the Department.
- a. Field Trials. Any person(s) desiring to conduct field trials with the use of dogs must secure a permit from the Game, Fish and Wildlife Department. The Department is granted the authority to limit the length, time and place of the trials in order to protect the habitat.
 - b. Use of Radios. It shall be unlawful to use citizen band radios, or other two-way radios, from either base stations, motor vehicles or boats to assist any person in the harvest of any form of wildlife on the Reservation.

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

9-502 Protection of Birds

- (1) Game, Song, Insectivorous Rodent Killing, and Innocent Birds Protected.
- a. Except for English sparrows and European Starlings, it is a violation of this Code at any time for the year for any person to hunt, kill or capture any game, song, rodent killing, insectivorous or other innocent bird, except as provided herein or by the Game, Fish and Wildlife Conservation Commission and regulations promulgated hereto, or for any person to intentionally disturb or destroy the nest or nests of such birds.
 - b. Purple grackle, crow, magpie, red-winged blackbird, Brewers, Magpies blackbird, rusty blackbird, and the bronzed grackle may be taken any time when committing or about to commit depredation upon ornamental, shade, or fruit trees, agricultural crops, gardens, livestock or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.
- (2) Migratory Birds.
- a. It is a violation of this Code for any person to hunt, take or have in possession any migratory birds except as provided by the Federal Regulations made pursuant to the Federal Migratory Bird Treaty Act, as amended, and in accordance with this Code and related rules and regulations promulgated by the Department or Tribal regulations that may deviate from Federal Regulations if they are petitioned for and approved by the Game, Fish and Wildlife Commission and U.S. Fish and Wildlife Service in advance.
 - b. It is a violation of this Code for any person subject to the Federal Migratory Bird Hunting Stamp Act to hunt any migratory waterfowl unless he/she carries on his/her person an ~~non-expired~~non expired Federal Migratory Bird Hunting Stamp validated by his/her signature in ink across the face, provided, however, that tribal members

are excluded from this requirement so long as they have in their possession a valid non-expired tribal license.

- (3) Falconry. The Department is authorized to establish a falconry program and to promulgate rules and regulations governing the same.

9-603 Furbearing Animals, Seasons, Methods, Amounts

It is a violation of this Code to trap or take by any method or means and at any time or in any amount or to have in possession any wild furbearing animal or pelts thereof except as permitted by provisions of this Code and rules, regulations and orders adopted by the Game, Fish and Wildlife Conservation Commission.

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

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

- (2) Seizure and Sale of Unclaimed Traps. Traps or other trapping equipment unlawfully set shall be seized by any officer authorized to enforce this Code and rules, regulations and orders adopted by the Commission and may be sold and the monies of such sale shall be deposited by the Tribal Financial Officer in the Fish and Game Conservation Department's special account. Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-604 Special Bobcat and ~~Lynx~~Lynx Export Tags

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

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

Except as authorized by permit or license lawfully issued by the Director, or by rule, regulation or order of the Commission, it shall be unlawful for any person to have in his/her possession for sale or with intent to sell, or to expose or offer for sale, or to sell, or to barter for, or to exchange, or to buy, or to have in his/her possession with intent to ship, or to ship, any game animal, game bird, furbearing

CHAPTER 9 LICENSES TO HUNT, FISH AND TRAP

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

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

- (1) For member resident(s) of this Reservation to carry uncased firearms on property owned by them for the purpose of taking predatory animals, during the open season.
- (2) For member children under the age of sixteen (16) to fish during the open season therefore and such children shall be authorized to catch and to possess his/her own bag limit of fish.
- (3) For member children under the age of twelve (12) to hunt, take, or kill unprotected birds and animals by means other than with firearms.
- (4) For member children under the age of fourteen (14) to trap muskrats on property which they live and own in trust or fee during the open season, pursuant to the provisions of this Code and rules, regulations and orders of the Department and Commission.
- (5) Nothing contained herein shall be construed to prohibit citizens of the United States who are residents of the Reservation from carrying arms for the protection of life and property within the lawful limits of tribal law.

9-902 Licenses, Authority, Limitations

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

- (1) ~~(no number)~~ Licenses, Tags and Permits, Expiration Dates.
 - a. ~~(1)~~ All Game, Fish and Wildlife Licenses and permits shall expire December 31 of the year for which they are issued, except that Furbearer Permits shall expire on May 1 next following the date of issuance. All permits and tags issued pursuant to provisions of this section shall be valid only during the time the corresponding Game and Fish License is valid. Prairie Dog license shall expire one (1) year from date of valid purchase.
 - b. ~~(2)~~ All Occupational Licenses are annual Licenses and shall expire on December 31 of the year for which they are issued, except that the Archaeological Resource License shall be valid until revoked by the Director and all Occupational Licenses issued pursuant to provisions of this section shall be valid only during the time a corresponding Game, Fish and Wildlife License is valid.
- (2) ~~(no number)~~ Licenses and Permits. Licenses and permits to be issued under this section are classified as follows:

- a. ~~(1)~~ Member Game, Fish and Wildlife license. Each member Game, Fish and Wildlife license shall be issued pursuant to the requirements of the Game, Fish and Wildlife Conservation Commission's annually published Standing Rock Game, Fish and Wildlife Proclamation.
- b. ~~(2)~~ Resident non-member Game, Fish and Wildlife license. Each resident non-member Game, Fish and Wildlife license shall be issued pursuant to the requirements of the Game, Fish and Wildlife Conservation Commission's annually published Standing Rock Game, Fish and Wildlife Proclamation.
- c. ~~(3)~~ Non-resident non-member Game, Fish and Wildlife license. Each non-resident non-member Game, Fish and Wildlife license shall be issued pursuant to the requirements of the Game, Fish and Wildlife Conservation Commission 's annually published Standing Rock Fish Game, Fish and Wildlife Proclamation.
- d. ~~(4)~~ Member permits. Each of the following member permits shall be issued for each of the following based upon the fees indicated pursuant to the Standing Rock Game, Fish and Wildlife Proclamation:
 - a. Fishing.
 - b. Upland Game.
 - c. Big Game. (Rifle Deer/Antelope)
 - d. Big Game. (Archery Deer/Antelope)
 - e. Big Game. (Muzzleloader Deer/Antelope)
 - f. Big Game. (Wild Turkey)
 - g. Big Game. (Buffalo, Elk, Moose)
 - h. Migratory Bird.
 - i. Furbearer.
 - j. Willow Trap, Hoop Net, Trap Net, Setline
 - k. Prairie Dog.
- e. ~~(5)~~ Non-member permit. Each of the following member permits shall be issued for each of the following based upon the fees indicated pursuant to the Standing Rock Game, Fish and Wildlife Proclamation:
 - a. Fishing.
 - b. Upland Game.
 - c. Big Game. (Rifle Deer/Antelope)
 - d. Big Game . (Archery Deer/Antelope)

- e. Big Game. (Muzzleloader Deer/Antelope)
 - f. Big Game. (Wild Turkey)
 - g. Big Game. (Buffalo, Elk, Moose)
 - h. Migratory Bird.
 - i. Furbearer.
 - j. Prairie Dog.
- f. ~~(6)~~ Occupational Licenses. Each of the following occupational licenses shall be issued for each of the following based upon the cost and fee indicated pursuant to the Standing Rock Game, Fish and Wildlife Proclamation on an annual basis:
- a. Bait Vendor's License.
 - b. Wildlife Propagation license.
 - c. Taxidermist License.
 - d. Fur Dealer License.
 - e. Guiding License for Fishing and Hunting.
 - f. Archaeological Resource license.
 - g. Commercial Fishing License and Deliver Permit.
 - h. Private Hunting Preserve license.
 - i. Wood Harvesting License.
 - j. Boating License.
 - k. Any other Licenses required by the Commission.

9-905 Member resident and Non-Resident Non-Member Game and Fish Licenses and Permits Distinguished.

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

- (1) Member Game, Fish and Wildlife License. Members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be issued a Member Game, Fish and Wildlife license.
- (2) Member Permits. Members of the Standing Rock Sioux Tribe and their non-member Indian spouses shall be issued member permits and tags, as provided in this Code.
- (3) Reciprocity Between Tribes. The Department is authorized to develop rules and regulations which provide for issuance of Member Game, Fish and Wildlife Licenses and member Permits to members of other tribes which provide for similar privileges for Standing Rock Sioux Tribal members on their reservations; provided, however, that the Department may

only authorize such reciprocity with other tribes for permits which are issued in unrestricted numbers to Standing Rock Sioux Tribal members.

- (4) Resident non-member Game, Fish and Wildlife License. Except as provided in this Code, non-members of the Standing Rock Sioux Tribe except non-member Indian spouses of members, who are residents of the Reservation, shall be issued the following:
 - a. Resident non-Indian Game and Fish License; or
 - b. Resident non-member Indian Game and Fish License.
- (5) Non-resident non-member Game and Fish License. Except as provided in this Code, non-member Indian spouses of members who are nonresidents of the Reservation and are non-members of the Standing Rock Sioux Tribe shall be issued a non-resident non-member Game, Fish and Wildlife License.
- (6) Non-resident non-member Permits. Except as provided in this Code, non-members of the Standing Rock Sioux Tribe shall be issued non-member permits-and tags, as provided for in this Chapter.

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

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

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

No person shall at any time procure or possess a license permit, stamp or tag under an assumed name or in which an address other than his/her regular place of residence is given, or make any false statement whatsoever in securing a license, lend a license, permit or tag to another, or knowingly issue or aid in securing a license of himself/herself or any other person not legally entitled thereto.

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

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

9-913 Member Upland Game Permit

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

9-914 Non Member Upland Game Permit

Except as provided in this Code and the Annual Game, Fish and ~~Wildlife~~Wildlife Proclamation 1 persons who are non-members of the Standing Rock Sioux Tribe, shall be required to purchase a non-member upland game permit to take or attempt to take any upland game species.

9-915 Member Big Game Permits

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

9-916 Non-Member Big Game Permits

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

CHAPTER 12. CHECK STATIONS - WASTE OF WILDLIFE

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

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

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

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

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

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

- (1) Through carelessness, neglect or otherwise, to allow or cause the waste of any game bird, game animal or game fish or any portion thereof usually eaten by humans.
- (2) To capture or kill any game animal, except a carnivore, and detach or remove only the head, hide, antlers, or horns and leave the carcass to waste.
- (3) To fail to properly dress and care for any game animal, except carnivore killed by him/her and transport the same to his/her camp, residence, cold storage locker, or other place where the carcass may be reasonably cared for within twenty-four (24) hours shall be prima facie evidence of a violation of this section.
- (4) To remove the teeth or claws of any wild or semi-domesticated animal legally kept in captivity. Violation of this section may be prosecuted as a Class A misdemeanor for Indians and treated as a civil offense for non-Indians, with a maximum fine in the amount of \$500.00. The Court may also issue an order of forfeiture if requested by the Tribe.

9-1203 Hunter Harassment

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

- (3) Turkey (any sex): tagged on any leg. Turkeys must be tagged immediately afield and prior to transportation.

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

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

CHAPTER 15. PROTECTED AREAS AND WETLANDS

9-1501 Protected Areas

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

9-1502 Wetlands

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

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

CHAPTER 16 WOOD HARVESTING AND CUTTING

9-1601 General Provisions

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

- (3) Department Employees and Game and Fish Commission members shall not be authorized to serve as guides;
- (4) The fee for guides shall be as follows: \$250 for Migratory Birds (as established in Migratory Bird definition), \$500 for Big Game (as established in the Big Game definition), and \$750 for both Migratory Bird and Big Game. All guides shall submit a yearly guiding report, no later than January 30th of each year, detailing all guide activities that took place on the Reservation. Said report must contain the following:
 - a. Total number of persons guided;
 - b. Contact information (name, address, telephone numbers, and email address) of all persons guided;
 - c. Number and species of wildlife taken by all persons guided;
 - d. Total number of days guide has provided guiding services on the Reservation;
 - e. Areas guide has provided guiding services on the Reservation;
 - f. Other information may be requested by the Department.
- (5) ~~(4)~~ No person providing guiding services shall carry a firearm other than a pistol.
- (6) ~~(5)~~ All persons providing guiding services shall possess a current first aid certification or a current first responder card.
- (7) ~~(6)~~ The Department Director shall ensure that all persons providing guiding services meet all necessary requirements for guiding.
- (8) ~~(7)~~ No person providing guiding services shall employ an additional guide.
- (9) ~~(8)~~ All persons providing guiding services shall obtain a liability insurance with a minimum of five hundred thousand dollars (\$500,000). Valid proof must be provided to Director prior to issuance of guiding license.
- (10) ~~(9)~~ All persons providing guiding services shall be limited to no more than four (4) hunters to guide.
- (11) ~~(10)~~ All persons providing guiding services shall report to the Department prior to each guiding service.
- (12) ~~(11)~~ All persons providing guiding services shall report to the Tax Department following each season.

9-1702 Department to Establish Guiding – Regulations

- (1) The Department and Commission shall promulgate rules and regulations for guiding on the Reservation and for the issuance of guide's licenses and the Department and Commission shall restrict the issuance of guide's licenses to adult tribal members only and shall limit the number of guide's licenses issued. All guides must receive certification from the Department prior to being issued a license.

person disappear from any vessel under circumstances that indicate death or injury, the operator thereof shall file with the Department Director a full description of the collision, accident, or other casualty, including such information as the Commission may, by regulation, require.

- (2) It shall be the duty of the operator of any vessel and/or boat involved in a collision, accident, or other casualty, so far as he/she can do without serious danger, to his/her own life or property, to render aid to persons affected by the collision, accident, or other casualty.
- (3) Any person involved in a collision and/or accident shall be liable for any damages directly and proximately caused by said accident should it be found that said vessel was being operated in a negligent manner as indicated by this Chapter.

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

No person shall deposit, place or throw into any waters of the Standing Rock Sioux Tribe, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste material and no person shall abandon any automobile, boat or other vehicles in such waters. Any automobile, boat, or other vehicles not removed from such waters within thirty (30) days shall constitute abandonment and be considered a violation of this Code.

CHAPTER 20. PROCLAMATION LEGAL EFFECT

9-2001 General Provisions

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

9-2002 Proclamation to be Published

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

9-2003 Openings and Closures of Seasons

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

- (1) That a species of fish and wildlife for which an open season exists, are in danger of depletion or extinction or when necessary for the proper protection during critical periods, the Director ~~and Commission~~ may, upon the receipt of biological reports or other information

indicating a depletion in species subject to an open season, provide a recommendation to the Commission to ~~may~~ close ~~such~~ season for proper protection of said species.

- (2) That any species of fish and wildlife have become sufficient in numbers or have overpopulated an area and are causing depredation problems the Director and Commission may open or extend a season to control said depredating species.
- (3) That due to environmental or climatic conditions, a hunting season may create a hazard to life or property (i.e., fire) the Director and Commission may close or postpone a season and reopen a season at a later date upon reasonable notice through local media.

CHAPTER 21. DOG TRAINING 9-2101

9-2101 General Provisions

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

9-2102 Established Regulations

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

9-2102 Required Permit

No person shall engage in any dog training or dog trials within the exterior boundaries of the Standing Rock Reservation without purchasing a valid dog training permit from the Department. Valid dog training permits shall be issued annually in a form prescribed by the Department and approved by the Commission. Costs for dog training permits are as follows:

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

9-2103 Seasons and Limits

Except as otherwise provided, dog training shall be conducted during July 1 to October 1 with a valid permit. A limit of ten (10) dogs may be trained with a single team permit. Dog training shall be restricted to tribal land only.

9-2105 Violation of Code – Forfeiture

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