

1107 Goldfinch Road • Horton, Kansas 66439
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Resolution KT09-51

RESOLUTION

WHEREAS, the Kickapoo Tribe in Kansas is organized in accordance with the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

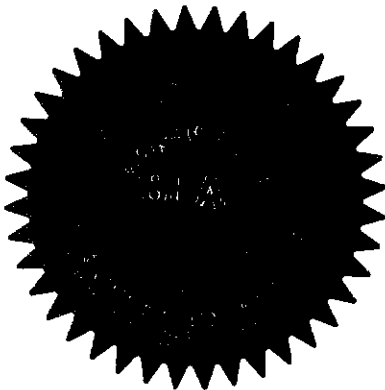
WHEREAS, the Kickapoo Tribe in Kansas is empowered by the Kickapoo Constitution and By-Laws approved by the Secretary of the Interior on February 26, 1937; and

WHEREAS, the governing body of the Kickapoo Tribe in Kansas shall be the Kickapoo Tribal Council as authorized under the Kickapoo Constitution and By-Laws in Article III, Section 2; and

NOW THEREFORE BE IT RESOLVED, that the Kickapoo Tribal Council hereby approves the Kickapoo Tribe in Kansas Hunting Code under Civil, Chapter 17 as recommended by the Kickapoo Tribe Code Committee.

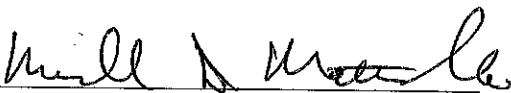
CERTIFICATION

The foregoing Tribal Council Resolution was adopted by the Kickapoo Tribal Council in a special session on this 21st day of November 2008, at which 6 members of the Tribal Council were present, constituting the required quorum, with 5 voting for, 0 voting against, and 0 abstaining and the Chairman not voting.




Arlan D. Whitebird, Chairman

ATTEST:


Michael D. Mattwaoshshe, Secretary

CHAPTER SEVENTEEN

HUNTING

PART I- GENERAL PROVISIONS

SECTION 1701. PURPOSE AND AUTHORITY. The purpose of this code is to exercise and provide regulation of Hunting of the Kickapoo Tribe in Kansas. Authority for this ordinance is pursuant to Article V, Section I of the Constitution and By-Laws of the Tribe, approved by the Secretary of the Interior on February 26, 1937.

It is the purpose of this code to:

- (1) Provide an orderly system for tribal control and regulation of hunting activities on the lands established as the Kickapoo Tribe in Kansas Reservation.
- (2) Provide a means of conservation, enhancement, protection, and management of the Kickapoo Tribe in Kansas Reservation's wildlife populations through the regulation of member and non-member activities.
- (3) Provide a means of enforcing rules and regulations of this code contained hereafter.

SECTION 1702. JURISDICTION. This code shall govern the activities of deer hunting within the confines of the Kickapoo Reservation as defined under the Treaty of May 18, 1854, as set forth in the Constitution and By-laws of the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas. The Tribe shall have exclusive criminal and civil jurisdiction over all Indians, and exclusive civil jurisdiction over all non-Indians.

SECTION 1703. EFFECTIVE DATE. This code shall be effective on **<date>** adopted by the Kickapoo Tribe in Kansas governing body.

SECTION 1704. SEVERABILITY AND NON-LIABILITY. If any section, provision, or portion of this code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this code shall not be affected thereby. The 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.

SECTION 1705. REPEAL OF INCONSISTENT TRIBAL ORDINANCES. All ordinances and resolutions inconsistent with this code are hereby repealed. To the extent that this document imposes greater restrictions than those contained in any other tribal ordinance, the provision of this document shall govern.

SECTION 1706. THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978.

Nothing herein shall violate the intent of PL95-34; 42 USC 1996, et seq., also known as The American Indian Religious Freedom Act of 1978.

SECTION 1707. DEFINITIONS. For the purposes of this Code the following definitions shall apply:

- 1)
- 2) **Allotted Land** – Tribal owned or individually owned Indian lands held in trust by the federal government.
- 3)
- 4)
- 5)
- 6) **Bag Limit** – Means the maximum limit, in number amount, of a particular species of wildlife which may lawfully be taken in one day during an open season.
- 7)
- 8) **Big Game** – Shall include, but not be limited to Mule Deer, Whitetail Deer, Elk, Antelope and Bison.
- 9) **Bow** – Means any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through efforts of the person releasing, but does not include Crossbow.
- 10) **Carcass** – Means the dead body of wildlife or parts thereof.
- 11) **Closed Season** – Means the time and/or days during which wildlife may not be taken legally.
- 12)
- 13) **Endangered or Threatened Species** – Means any species of wildlife within the Reservation or State as listed but not limited to (50 CFR Sections 17.11 and 17.12) or species classified pursuant to the Endangered Species Act of 1973, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.
- 14) **Firearm** - Means a rifle.
- 15)

- 16) **Harass** - Means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.
- 17) **Highway** - Means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of public as a matter of right for the purpose of vehicular travel. It includes those driveways in the State and Reservation which have been opened to the use of the public, but does not include private roads or driveways.
- 18) **Hunt or Hunting** - Includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals except that hunt or hunting does not include the recovery of any wild animals which has already been lawfully reduced to possession.
- 19) **Hunting Hours** - Means the time of day when wildlife may be lawfully taken.
- 20) **License** - Means a written document granting authority to engage in specific activities covered in this code.
- 21) **Member** - Shall mean any enrolled member of the Kickapoo Tribe.
- 22) **Non-Member** - Means any person not legally recognized as an enrolled member of the Kickapoo Tribe.
- 23) **Officer** - As used in this code, means any Kickapoo Tribal Law Enforcement authorized by the tribe and/or this code, to enforce the provisions of this code.
- 24) **Open Season** - Means the time and/or days during which taking certain species of wildlife is legal.
- 25) **Possession Limit** - Means having killed, taken or otherwise obtained or acquired any wild animal subject to the provisions of this ordinance.
- 26) **Processed** - Means at the time when wildlife has been butchered for consumption, wrapped, and packaged with the hunters name, year of kill and permit number clearly printed on each package.
- 27) **Permit/Tag** - Means any identification device issued for the attachment to the carcass of any fish or wildlife.
- 28) **Reservation** - Means the Kickapoo Tribe governs the activities of hunting and trapping within the confines of the Kickapoo Reservation as defined under the Treaty of May 18, 1854, as set forth in the Constitution and By-laws of the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas.
- 29) **Roadway & Trail** - Shall include but not limited to any public highway or road, improve or otherwise, dedicated for public ingress and egress. This does not include temporary trails across cultivated land used for agricultural purposes.

30) **Size Limit** - Means the specific size of species of fish and/or wildlife that may be possessed legally.

31) **Take or Taking** - Means pursuing, shooting, shooting at, hunting, fishing, netting, (including placing or setting any net or other capturing device) capturing, killing, snaring, or trapping any fish or wildlife or attempting any of the foregoing.

32)

33)

34) **Tribal Council**- as used in this code, the governing body of the Kickapoo Tribe in Kansas, 1107 Goldfinch Road, Horton, KS 66439, which has power and is charged with the duty to protect, conserve, enhance, and manage all wildlife species within the exterior boundaries of and trust lands of the Kickapoo Tribe in Kansas outside the same boundaries of The Kickapoo Tribe in Kansas.

35) **Tribe** – Means the Kickapoo Tribe in Kansas.

36) **Trust Land**-Means land the U.S. Government holds legal title to for the benefit of Indians.

37) **Protected Species** - Shall include but not be limited to Elk, Antelope, Bison, Big-horn Sheep, Moose, Mule Deer, Whitetail Deer, Wolf, Lynx, Bobcat, 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.

38) **Wildlife** - Shall mean any form of birds and mammals including their nest or eggs.

SECTION 1708. LICENSES

1708.01. Licenses. No Tribal Member or Non-Member shall engage in the activity of hunting or trapping regulated by this code without acquiring or in possession of a valid Tribal hunting license, permit or tag as this code may require, validated for the particular season or activity in question.

1708.02. Issuance. The Kickapoo Tribe in Kansas is authorized to issue to persons, licenses required by this code. Such licenses shall include: describe the licensee, including applicant's current address (including street and/or box number), phone number, date of birth, and social security number. This form shall also have printed on it: "Non-Transferable", date of issuance, date of expiration, type of issuance, and stating that the applicant agrees to comply fully with all provisions of this ordinance in the exercise of hunting, and such licensee is not currently suspended. The licensee must have the license in his or her possession when hunting, as well as any tag required by other Sections of this ordinance. The license must be shown to any Tribal law enforcement officer upon reasonable demand if the licensee.

1708.03. Tribal Members. Tribal hunting rights are free to enrolled tribal members. Tribal members are required to obtain a hunting license. The tribal member must have the tribal hunting license in his or her possession when exercising the right, as well as any tag required by other Sections of this code. The tribal hunting license must be shown to any Tribal law enforcement officer upon reasonable demand if the licensee is engaged or appears to be engaged in exercise of tribal rights.

1708.04. Annual Renewal. The licensee shall renew his or her tribal hunting license prior to the expiration date if he or she wishes to continue hunting within the boundaries of the Kickapoo Tribe in Kansas, provided the licensee is in good standing.

SECTION 1709. ENFORCEMENT

1709.01. Enforcement By Tribal Law Enforcement. Any provision of this code may be enforced by Tribal Law Enforcement Officers of the Kickapoo Tribe in Kansas.

1709.02. Search and Seizure When Authorized. Tribal Law Enforcement Officers may conduct search of a person, object or place and seize objects when the search is made:

- (1) With consent;
- (2) Pursuant to a valid search warrant;
- (3) Within the authority and scope of a lawful inspection;
- (4) As otherwise authorized by law or provisions of this code; and/or

(5) Incident to arrest.

1709.03 Investigation and Citations.

(1) Any person authorized to enforce the provisions of this code may be subject to subsection 1709.03 (8), conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages, tents and other receptacles contained therein, utilized by any person in a harvest activity authorized by this code and records of commercial transactions.

(2) Any person authorized to enforce the provisions of this code may execute and serve warrants and other process issued by the tribal commission empowered to hear such cases in accordance with applicable law.

(3) Any person authorized to enforce the provisions of this code may stop and board any boat, or stop any vehicle if the Officer has probable cause that there is a violation of any provision of this code.

(4) Any person authorized to enforce the provisions of this code may with or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, packages and other receptacles contained therein, in which the Officer has probable cause to believe that contraband wildlife, or carcasses, or parts thereof, may be contained.

(5) Any person authorized to enforce the provisions of this code may issue a citation on a form approved by the Tribe to any person upon finding probable cause that such person(s) has violated any provision of this code.

(6) Any person authorized to enforce the provisions of this code may seize and hold, subject to the order of the appropriate tribal forum empowered to hear such cases, any alleged contraband or property which such Officer reasonably believes may be needed as evidence in connection with the instigation of proceedings in the tribal commission empowered to hear such cases or any property otherwise authorized to be seized by any provision of this code.

(7) Any enforcement officer(s), authorized by this code, in the course of their duties, may enter upon private land within the exterior boundaries of (and trust lands of the Kickapoo Tribe in Kansas outside the same boundaries of) the Reservation and remain thereon while performing such duties hereunder and such actions by the Officer(s) shall not constitute trespass.

(8) The inspections authorized by subsection 1709.01 shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

(9) An arrest may be executed by any Officer authorized by this Code through the appropriate tribal forum empowered to hear such cases on reasonable belief of eminent danger to life or property.

SECTION 1710. REGISTRATION INFORMATION

Any Officer(s) are hereby empowered to request and receive from the Tribe Information regarding license, tag and permit issuance and harvest registration.

SECTION 1711. PENALTIES AND SANCTIONS

1711.01. Civil Penalties.

(1) Any person who engages in conduct prohibited by any provision of this code shall be assessed a civil penalty by the Kickapoo Tribal Court pursuant to the following schedule of fines:

KICKAPOO TRIBE HUNTING VIOLATION CODES & FINES

Violation	Code Citation	Fine Amount
Hunting w/o Licenses	Section 1708.01	\$1000-\$5000
Hunting After Revocation or Suspension	Section 1711.04	\$1000-\$5000
Wanton Waste of Wildlife	Section 1711.05	\$100-\$500
Larceny of Wildlife	Section 1711.06	\$100-\$500
	Section 1711.07	
Hunting Out of Season	Section 1711.08	\$1000-\$5000
Unlawful Possession of Wildlife	Section 1711.09	\$1000-\$5000
Exceeding Bag/Possession Limits	Section 1711.10	\$100-\$500
Unlawful Sharing of Permits and Tags	Section 1711.11	\$500-\$5000
Harvest with Another's Permit	Section 1711.12	\$500-\$5000
Shining Animals (Hunt With Light)	Section 1711.13	\$500-\$5000
Hunting While Intoxicated	Section 1711.16	See Criminal
Hunting in Restricted Areas	Section 1711.17(1)A,B,C,D,G	\$500-\$5000
Hunting From Roadway	Section 1711.17(1)E	\$500-\$5000
Hunting From Motor Vehicle	Section 1711.17(1)F	\$500-\$5000
	Section 1711.18	
	Section 1711.19	
Hunting Endangered and Threatened Species Protected	Section 1711.20	\$500-\$5000
Hunt or Trespass on Refuge	Section 1711.21	\$500-\$1000
Hunt Before/After Legal Hours	Section 1711.26	\$500-\$1000
Hunting Without Written Permission	Section 1711.27	\$100-\$500
Hunting During Closed Season	Section 1712.02	\$1000-\$5000
Fail To Tag Game	Section 1712.03	\$500-\$1000
Carrying Firearm/Bow&Arrow w/o Hunting License	Section 1712.04	\$1000-\$5000
Hunt w/ Restricted Firearm	Section 1712.06	\$500-\$5000
	Section 1712.07	
Illegal Transportation	Section 1712.08	\$500-\$1000
Possession of Live Wildlife	Section 1712.09	

(2) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation. Each violation shall be deemed a separate offense.

(3) Civil jurisdiction over all matters under this Code shall be with the Kickapoo Tribal Court.

1701.02. Criminal Penalties.

(1) Any person(s) who violates any provision of this code shall be assessed a fine pursuant to the schedule set forth in Section 1711.01 (1), and may also be imprisoned for a term not to exceed one year, or both.

(2) Criminal jurisdiction over all matters under this Code shall be with the Kickapoo Tribal Court.

(3) In addition to other penalties set forth in this Section, the Kickapoo Tribal Court may also revoke or suspend an individual's hunting privileges for a period up to one year or more.

(4) In addition to other penalties set forth in this Section, the Kickapoo Tribal Court may also order the civil remedial forfeiture of any property used in the commission of the violation of this code, including, but not limited to: boats, motor vehicles, guns, knives, and equipment. Possession and ownership of any forfeited property shall be transferred to the Kickapoo Tribe in Kansas.

(5) Upon a civil or criminal conviction or violation of this code, the Kickapoo Tribal Court may impose a fine or fines in excess of those set forth in Section 1711.01(1), provided that the enhanced fine shall be no more than \$5,000.00 for each violation, or banishment from within the boundaries of the Kickapoo Tribe in Kansas.

(6) In addition to any penalty imposed by this Code, the Tribe may bring a civil action in the Kickapoo Tribal Court for recovery of damages against any person(s) unlawfully killing, wounding, catching, taking, or having unlawfully in their possession any protected species, or any part thereof.

1711.03. Parties to a Violation. Any individual who participates in the commission or a violation of this code shall be deemed a principle and may be charged with a violation, in the Kickapoo Tribal Court, although he/she did not directly commit the violation, and although the person who directly committed the violation has not been convicted thereof.

1711.04. Harvesting After Revocation or Suspension. No person whose hunting privileges have been revoked or suspended by the Kickapoo Tribal Court shall hunt within the jurisdiction of this code during such revocation or suspension.

1711.05. Wanton Waste of Wildlife.

(1) No person who takes any wildlife shall abandon intentionally, or needlessly allow to go to waste, any thereof. The failure of any person to properly dress and care for any wildlife species taken or killed by that person and if the carcass is reasonably accessible, the failure to take or transport the carcass to the residence of that person, or place for a proper storage, and there properly care for the carcass within 48 hours after taking or killing, is prima facie evidence of a violation.

(2) No person shall abandon edible portions of wildlife at a meat processing plant. The leaving of edible portions of wildlife at a processing plant for more than 90 days shall be considered prima facie evidence of a violation. The owner(s) or operator(s) in charge of any meat processing plant shall report the violation to any local law enforcement agency for referral to the Kickapoo Tribe in Kansas.

1711.06. Larceny of Wildlife. No person shall take, capture, or kill, or attempt to take, capture or kill any wildlife with the aid of dynamite or any explosive, poisonous, or stupefying substance or device.

1711.07.

1711.08. Seasons. No person shall engage in hunting or harvesting wildlife privileges regulated by this code on the Reservation, except during the respective seasons established by the Tribe pursuant to this code.

1711.09. Unlawful Possession of Wildlife. No person shall have in his/her possession or under his/her control at any time any wildlife or carcass and/or part thereof, knowing that the same has been taken unlawfully or during a closed season for such species.

1711.10. Bag Limits/Possession Limits. No person shall have in his/her possession or under his/her control any wildlife in excess of the bag or possession limits or above or below the size limits for any wildlife as established by the Tribe.

1711.11. Sharing of Permits and Tags. Except as otherwise provided in this code, no person shall lend, share, give, transfer, sell, barter or trade to any person any identification document, permit or tag issued by the Tribe pursuant to this Code.

1711.12. Harvest with Another's Permit. No person shall hunt or trap while in possession of any permit or tag issued to another.

1711.13. Shining Animals

(1) It shall be unlawful for any person to shine a spotlight, headlight or any other artificial light for the purpose of locating, hunting, pursuing, taking or

attempting to take or kill any wildlife.

(2) This subsection shall not apply to:

- A. Any person authorized to enforce the provisions of this code while on official business conducting an active investigation.
- B. Any person authorized to conduct wildlife censuses or surveys.
- C. Any person who possesses a hand held flashlight, batter powered flashlights, hat lamps, or hand held lanterns, to track or hunt raccoon, while furbearers are treed to the aide of dogs.

1711.14.

1711.15. Parental Obligation. No parent, guardian or other person shall authorize or knowingly permit or encourage a child to violate any provision of this Code.

1711.16. Hunting While Intoxicated. No person shall hunt or trap while under the influence of alcohol, intoxicant or controlled substance.

1711.17. General Restrictions on Hunting.

(1) Hunting In Restricted Areas. No person shall:

- A. Hunt within 1700 feet of any hospital/clinic, school and/or grounds, or any public establishment and/or grounds.
- B. While on land of another, discharge a firearm within 440 feet of any building devoted to human occupancy situated on lands and attached to the lands of another without the express permission of the owner or occupant of the building.
- C. Hunt or pursue any wildlife, or enter for the purpose o hunting or pursuing any wildlife on any legally posted lands without the express permission of the owner or occupant. Trap or pursue the furbearers on legally posted land without permission from the owner or occupant.
- D. Leave any gate, bars or other devices used to enclose land or livestock upon entering or exiting the premises for the purpose of hunting or pursuing wildlife unless he/she is in lawful possession of the premises.
- E. No person shall drive off any established roadway while hunting or trapping.
- F. No person shall hunt or discharge a firearm and/or Bow & Arrow from any form of motor vehicle.

G. In any manner deface, destroy, or remove any signs posted in a legal manner.

(2) Transportation of Firearms and Bow & Arrow.

A. No person shall at anytime transport a firearm with a round in the chamber or revolvers with cartridges in thee cylinder or a loaded shot gun.

B.

(3) Safe Use of Firearms and Bows

A. No person shall hunt while possessing a loaded firearm or strung bow or crossbow within 50 feet of the center of a maintained roadway.

B. No person shall load or discharge a firearm or bow of any type across a maintained roadway.

C. No person shall load or discharge a firearm or bow of any type in or from a motor vehicle.

(4) Exceptions

A. These subsections shall not apply to any person authorized to enforce this code, who in the line of duty places, possesses, transports, loads or discharges a firearm in, on or from a motor vehicle or motorboat or discharges a firearm from or across a maintained roadway or within 50 feet of the center of a maintained roadway, or leaves an established roadway in a motorized vehicle while conducting an active investigation, surveys, or wildlife and fisheries counts.

1711.18.

1711.19.

1711.20. Endangered and Threatened Species Protected. Except as otherwise permitted by law, no person shall take, transport, possess, or sell any endangered and threatened species as defined in Section 17072.

1711.21. Wildlife Refuge Established.

(1) No person shall enter any designated Tribal or Federal Refuge for the purpose of taking, pursuing, harassing, killing or disturbing any wildlife or fish.

(2) This subsection shall not apply to any person authorized to perform directed management and enforcement duties as permissible by the Tribe.

1711.22. Unprotected Animals. Except as otherwise expressly provided,

nothing in this code shall be construed to prohibit or regulate the harvest of any unprotected species as defined in Section 1707 of this code.

1711.23. Protected Species. No person shall hunt, fish, trap, take, pursue, harass, disturb, sell, purchase, or barter any protected species as defined in Section 2 of this code, except those species whose harvest is specifically regulated pursuant to the provisions of this code.

1711.24. Permissible Conduct.

(1) Conduct which is not expressly prohibited, restricted, or otherwise regulated by this code shall be deemed permissible.

(2) Except as otherwise provided herein, nothing in this code shall be construed to prohibit a person from hunting, fishing, trapping, or wood cutting with an enrolled member of the Kickapoo Tribe in Kansas, provided that the non-member possesses a license or permit and is otherwise not prohibited from engaging in the activity involved and complies with the laws of this code or proper jurisdiction.

1711.25. Emergency Closure.

(1) Notwithstanding any other provisions of this code, the Tribal Council is hereby authorized and empowered to order closure of the harvest activity of any species, generally or with respect to a particular location or body of water, whenever in his/her professional opinion and judgment, the harvest or activity is likely to result in a harvest exceeding the harvest goals and quotas or danger to the public.

(2) Every reasonable effort shall be made to consult with and obtain the approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.

(3) An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and swiftest practical method.

(4) No person shall violate the terms, conditions, or restrictions of an emergency closure order issued pursuant to this section.

1711.26. Hunting Hours. No person shall pursue, shoot, kill or attempt to take any wildlife between 1/2 hour after sunset of one day and 1/2 hour before sunrise of the next day.

1711.27. Obtaining Permission. No person shall hunt on tribal lands, trust lands or private land without obtaining verbal or written permission of the Tribe or individual landowner.

SECTION 1712. HUNTING

1712.01. General Provisions.

(1) It shall be unlawful for any person to hunt, take, harvest, or pursue any wildlife by any method other than prescribed in this code and/or section.

(2) No person shall take, pursue, injure, or harass any wildlife while on or in its nest or den, or remove any eggs or young except as may occur in normal agricultural, horticultural or wildlife research practices and as may be authorized by the Tribe.

(3) No person shall disturb or destroy any den, lodge, hut or nest of any wildlife.

1712.02. Open and Closed Season.

(1) All closed seasons are hereby established for hunting or harvesting wildlife except for open seasons specified by the Tribe or proclamations established pursuant to this code.

(2) Except as otherwise expressly provided by the Tribe, no person shall hunt wildlife on the Reservation during a closed season.

1712.03. Wildlife Permits/Tags.

(1) No person shall hunt or harvest wildlife on any lands of the Kickapoo Tribe in Kansas pursuant to this chapter without possessing a valid hunting license or permit approved by the Tribe.

(2) No person shall hunt or harvest wildlife without their valid license(s), permit(s) and tag(s) in possession.

(3) No person shall more or field dress any wildlife before affixing to it a valid carcass tag.

(4) No person designated to hunt or harvest wildlife for a Senior Citizen or Disabled Person shall fail to deliver the validly tagged carcass to such Senior Citizen or Disabled Person.

1712.04. Accompaniment by Non-Licensee. It shall be unlawful for any licensee to be accompanied in the field by a non-licensee carrying a firearm or bow and arrow. A non-licensee is a person not having a valid Tribal hunting license.

1712.05. Permissible Methods. No person shall hunt wildlife except by use of any firearm or bow and arrow, the use of which is not prohibited by this code.

1712.06. Firearms Restrictions.

(1) No Person shall hunt Big Game animals:

- A. With a caliber less than .24
- B. With a .410 gauge shotgun.
- C. With any handgun except a handgun which is leaded with .357, .41, .44 magnum caliber handgun chambered or commercially manufactured cartridges which produce a minimum muzzle energy of 1000 foot pounds and which has a minimum barrel length of six (6) inches measured from the muzzle of the firing pin with the action closed.
- D. With any shell, cartridge or ammunition known as a tracer shell, or with incendiary shells or cartridges.
- E. With a shot shell containing shot of any size less than a slug
- F. With a gun having the capacity to hold more than eight (8) shells in the clip or magazine.
- G. With a gun capable of being fired as an automatic.
- H. With a gun having a silencer or sound suppressor device.
- I. With a rifle with a barrel less than a 16 inch barrel.
- J. With a shotgun with a barrel less than 18 inches.
- K. With any altered projectiles.

1712.07. Bow/Crossbow Restrictions:

(1) No person shall hunt Big Game:

- A. With a bow having a pull strength less than 30 pounds or using an arrow that does not have a steel broadhead;
- B. With a crossbow unless the crossbow:
 - 1. Is allowed by special permit by the Division Director.
 - 2. Is fired from the shoulder.
 - 3. Has a minimum draw weight of 100 pounds.
 - 4. Has a stock of not less than 30 continuing inches in length.
 - 5. Is used with arrows or bolts of not less than 14 inches with a steel broadhead.

6. Has a working safety.

1712.08. Transportation. No person shall transport any wildlife in or on any motor vehicle with possessing a valid hunting license or require permit and/or required tags.

1712.09. Possession of Live Wildlife. No person shall remove any live animal from their den, lodge, hut or nest or trap and maintain them in captivity for the purpose of raising them for profit or offering them for any type of commercial trade. Persons who raise captive birds may maintain these birds by permit issued through a hatchery, game farm, or State and/or Federal Agency.

SECTION 1713. PROCLAMATION HAS FORCE OF LAW

1713.01. General Provisions. Any proclamation issued by the Tribal Council shall have full force of law. Any person violating a provision of such order or proclamation shall be subject to penalties and/or imprisonment within Section 1711: Penalties and Sanctions. In addition to any fine and/or Imprisonment, the violator shall be subject to forfeiture of his/her license, permit, and loss of privileges for one year, and confiscation of paraphernalia used in connection of the violation.

1713.02 Proclamation To Be Published. Each proclamation issued by the Tribe pursuant to this code shall be published at least once in a local or regional newspaper and post said proclamations in public places.

1712.03. Emergency Openings and Closures of Seasons. Any season established by proclamation may be closed, modified, altered, or a closed season may be opened after investigations finds:

A. That a species of 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 Tribe may close a season for proper protection of said species.

B. That any species of wildlife have become sufficient in numbers or have overpopulated an area and are causing depredation problems, the Tribe may open or extend a season to control said depredating species.

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

