

TITLE 12

FISH AND GAME CODE

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CHAPTER 1 POLICY

12-1-101. Policy. It is the policy of the Crow Tribal Council to exercise the inherent sovereignty of the Crow Indian Nation over all land and waters within the exterior boundaries of the Crow Indian Reservation. Henceforth all hunting and fishing within the exterior boundaries will be regulated by the Tribal Council through the Crow Tribal Fish & Game Commission as set forth in this title. Any previous resolution of the Tribal Council to the contrary is hereby rescinded.

12-1-102. Jurisdiction. - (1) This code shall govern activities including but not limited to hunting, fishing, trapping, gathering, and recreation. The natural resources affected by these activities belong to the Crow Tribe.

Therefore any taking or possession, in contradiction of this code, is conversion and will be prosecuted through civil action in Crow Tribal Court.

- (a) The Crow Tribe shall have exclusive jurisdiction over its enrolled members on all lands and waters within Tribal Fee, Tribal Trust and Allotted lands of the Crow Reservation.
- (b) The Crow Tribe shall have exclusive jurisdiction over non-members Indians within Tribal Fee, Tribal Trust, and Allotted Lands of the Crow Reservation.
- (c) The Crow Tribe shall have exclusive jurisdiction over non-Indians on Tribal Trust, Tribal Fee, and Allotted Lands of the Crow Reservation.
- (d) The Crow Tribe shall have concurrent jurisdiction over the Big Horn Canyon National Recreation Area with the National Park Service.

12-1-103. Regulations. (1) The Crow Tribal Fish and Game Commission promulgate regulations establishing seasons, bag limits, restrictions, and other conditions as deemed necessary to implement the provisions of this Code. (2) The Crow Tribal Council, may upon recommendation by the Crow Tribal Fish & Game Commission, and by Resolution, enact emergency regulations if conditions so dictate.

12-1-104. Reciprocal and cooperative agreements. The Crow Tribal Fish and Game Commission is hereby authorized to negotiate reciprocal and cooperative agreements with the State of Montana and any other governments or government agencies, federal or otherwise, for the purposes of promoting and implementing fishery and wildlife management programs, and outdoor recreational activities. Such agreements must be ratified by the Crow Tribal Council before becoming effective.

12-1-105. 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 Crow Tribe further asserts immunity in 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.

12-1-106. Crow Tribal Council Resolution. The Crow Tribal Council adopted resolution number_____, on _____ 1998, establishing this Code.

12-1-107.Effective Date. This Code, once adopted by resolution of the Crow Tribal Council shall not be placed into effect until July 1, 1999.

CHAPTER 2 - DEFINITIONS

12-2-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply :

- (1) “ ACCOMPANY ” means to be with or be together with a participant as an escort, companion, or other service provider, with an actual physical presence in the area where the activity is being conducted and within sight or sound of the participant during the furnishing of service.
- (2) “ AIRCRAFT ” means any contrivance used for flight, or to be airborne.
- (3) “ALLOTTED LAND ” means all Tribally owned or individually owned lands, within the exterior boundaries of the Crow Reservation, held in trust by the federal government.
- (4) “AREA” means within the exterior boundaries of the Crow Indian Reservation, including the Big Horn River, the Big Horn Canyon National Recreation Area, Willow Creek Dam, and any other waters.
- (5) “ BAG LIMIT ” means the maximum limit; in number amount, of a particular species of fish or wildlife, which non-members may lawfully take, as specified by the Fish and Game Commission.
- (6) “ BIG GAME ” shall include, but is not limited to Mule Deer, Whitetail Deer, Elk, Antelope, Bison, Moose, Bighorn Sheep, Black Bear, and Mountain Lion.
- (7) “ BIRDS ” means a member of the class Aves, including any part, product, egg, offspring, or carcass.
- (8) “ BUFFALO ” means the animal popularly referred to as such but scientifically known as the American Bison, including any part , offspring, or carcass thereof.
- (9) “ CARCASS ” means the dead body of fish or wildlife or any parts thereof.
- (10) “ CONSIDERATION ” means something of value given or done in exchange for something of value given or done by another.

- (11) " FISH " means any member of the class Pisces, including any part, product, egg, offspring or carcass.
- (12) " FISH AND GAME COMMISSION " is the duly elected district representatives that serve in all matters relating to fish and game management as provided by Crow Tribal Ordinance.
- (13) " FEE LAND " means those lands within the exterior boundary of the Crow Reservation not held in trust or subject to restrictions or alienation and which is in private ownership.
- (14) " FIREARM " means any rifle, shotgun, handgun, or other type of gun.
- (15) " FUR BEARERS " shall include but not limited to Mink, Muskrat, Beaver, Otter, Weasel, Marten, Fisher, Fox, Coyote, Bobcat, Badger, Raccoon.
- (16) " GATHERING " means to take or acquire or attempt to take or acquire possession of any wild plants or parts thereof.
- (17) " GUIDE " means a Crow Tribal member, licensed by the Crow Fish and Game Commission to contract independently as a licensed tribal outfitter, and to accompany a participant during outdoor recreational activities in the area for which the outfitter is licensed.
- (18) " HARASS " means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.
- (19) " HUNT OR HUNTING " includes shooting, shooting at, pursuing, taking, catching, or killing any wild animal or animals. "Hunt or Hunting" does not include the recovery of any wild animal which has already been lawfully reduced to possession.
- (20) "LICENSE" means a written document issued by the Crow Fish and Game granting authority to engage in specific activities covered in this code.
- (21) " LICENSE YEAR " means that period beginning January 1 and ending December 31 of the same year.
- (22) " MEMBER " shall mean any enrolled member of the Crow Tribe.
- (23) " NON-MEMBER " means a person who is not an enrolled member of the Crow Tribe.
- (24) " OPEN SEASON " means the time and/or days specified by Tribal permit and/or regulations of the Crow Fish and Game Commission when taking certain species of fish and/or wildlife is legal.
- (25) " OUTFITTER " means a tribal member, except a person providing services on trust property that the person owns for the primary pursuit of bona fide recreational interests, who for consideration provides facilities, camping equipment, vehicles, water craft, or other conveyance; or personal service for any person to fish, and who accompanies that person on an expedition for this purpose or supervises a licensed tribal guide or professional tribal guide in accompanying that person.
- (26) " PARTICIPANT " means a person using the services offered by a licensed tribal outfitter.
- (27) " POSSESSION " means having killed, harvested, taken or otherwise obtained or acquired any wild animal, fish, or plant subject to the provisions of this code.
- (28) " POSSESSION LIMIT " means the amount of fish, wildlife, or plant that may be legally possessed at any one time.
- (29) " PROFESSIONAL GUIDE " means a guide who has met experience, training, and testing qualifications for designation as a professional tribal guide, as set by Crow Fish and Game regulation.
- (30) " PLANT " means any undomesticated species, and fruit or part thereof, of the plant kingdom, occurring in the natural ecosystem.
- (31) "RECREATION" includes but is not limited to picnicking, camping, boating, hunting, fishing, hiking, skiing, swimming, gathering, and or other related activities.
- (32) " RESERVATION " means all lands within the exterior boundaries of the Crow Tribal Reservation under jurisdiction of the United States and the Crow Tribe, notwithstanding the issuance of any patent, and including right-of-ways.
- (33) " SIZE LIMIT " means the specific size of a species of fish and/or wildlife that may be possessed legally.
- (34) " 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, wildlife or plant or attempting any of the above.
- (35) " TRAPPING " includes the taking of, or attempting to take, any wild animal, animal or fish by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture a wild animal, animal or fish.
- (36) " TRUST LAND " means land or any interest therein, the title to which is held in trust by the United States for an individual Indian or a tribe.
- (37) " TRIBAL MEMBER " see "MEMBER "
- (38) " UPLAND GAME BIRDS " includes but is not limited to Grouse, Prairie Chicken, Pheasants, Partridge and Quail.

- (39) “ WATERFOWL ” includes but is not limited to all varieties of Geese, Brant, Swans, Ducks, Rails, coots, and Wilson Snipes.
- (40) “ WILDLIFE ” means any and all forms of birds and mammals including their nest or eggs.

CHAPTER 3 CONSERVATION

12-3-101. Policy. It shall be and is hereby established as the policy and intent of the Crow Tribal Fish and Game Commission, as established by the Crow Tribal Council, to provide an adequate and flexible system for the protection and conservation of all forests (whenever they are designated as wildlife habitat), fish and game resources within the Crow Indian Reservation; to provide for the general management and supervision of all wildlife, fishery, and outdoor recreational activities on the Crow Indian Reservation, including but not limited to, the establishment of rules, regulations and ordinances relating to the harvest of Fish and Game on the Crow Indian Reservation, the establishment of prohibited acts and penalties in regard to wildlife, fishery, and outdoor recreational activities on the Crow Indian Reservation.

12-3-102 Conservation Fund. (1) The conservation fund shall consist of all monies received from the sale of licenses and permits, the penalties collected by the conservation court, monies received from the sale of confiscated property, donations, and other funds appropriated by the Crow Tribal Council or any other entity for conservation purposes. The custodian of the conservation fund shall make periodic financial report to the Crow Tribal Fish and Game Commission, and shall not disburse monies from the Conservation Fund without a recommendation as provided for herein.

(2) The Crow Tribal Fish & Game Commission shall advise or recommend to the Crow Tribal Council disbursements and expenditures from the conservation fund, provided that in no case shall funds be expended or disbursed for purposes which are not reasonable and necessary to the implementation or operation of the activities governed by this code.

12-3-102 Crow Tribal Court:

The Crow Tribal Court shall have jurisdiction over all violations of the Fish and Game Code.

CHAPTER 4 NON-MEMBER LICENSING

12-4-101 Non-members; Basic Recreation License; Hunting and Fishing Permits.

The Basic Recreation License is prerequisite to all hunting and fishing permits. The holder of a current Recreation License may engage in recreation activities within the exterior boundaries of the Reservation pursuant to the terms and conditions contained in these regulations.

(1) Fishing Permit: To lawfully fish in a Reservation water body, non-members must possess a valid Recreation License to which is permanently affixed a fishing permit.

(2) Hunting Permit: To lawfully take or hunt Big Game, Small Game, Fur-Bearers, migratory waterfowl, and upland game birds, a non-member must possess a valid Recreation License to which is permanently affixed a hunting permit appropriate to the category of game hunted or trapped.

(3) Trapping Permit: To lawfully trap fur bearers of small game mammals, a non-member must possess a valid Recreation License to which is permanently affixed a trapping permit.

(4) Waterfowl Permit: To lawfully hunt or take migratory waterfowl within the exterior boundaries of the Reservation, a non-member must possess a valid Recreation License to which is permanently affixed a Tribal Waterfowl Permit and Federal Migratory Bird Stamp.

(5) Upland Game Permit : To lawfully hunt or take upland game bird within the exterior boundaries of the Reservation, a person must possess a valid Recreation License to which is permanently affixed a Upland Game Bird Permit.

12-4-102 Obtaining, validating licenses/permits- non-members. Permits and licenses can be obtained only through Crow Tribal Fish and Game Commission office during regular hours (Monday - Friday, 8:00 a.m. to 5:00 p.m.) or through any sellers authorized by the Fish and Game Commission.

(1) Only one permit per regulated activity may be obtained by an individual.

- (2) A permittee must sign his/her name in ink on each permit to validate the license.
- (3) Permits are non-transferable and must be in the permittee's possession while hunting, fishing, or trapping.
- (4) A permittee must display his/her permit upon demand of any authorized law enforcement personnel.

12-4-103 Non-member License/Permit and age restrictions.

- (1) Non-members fourteen (14) years of age or older must have in their possession a Tribal Recreation License with appropriate permits to hunt, fish, or engage in recreation activities.
 - (a) Non-members under the age of fourteen(14) years of age may engage in any of the herein described recreation activities without a recreation permit, only if in the accompaniment of an appropriately licensed adult member of the immediate family. Otherwise non-members under the age of fourteen(14) years must possess his/her own Tribal Recreation License with the appropriate permit.
 - (b) No hunting permit will be issued to a non-member under the age of fourteen (14) years unless he/she presents to the permit seller a certificate of hunter competency issued by an approved hunter safety course.
 - (c) Any non-member accompanying a member engaged in any activity regulated herein, shall have a valid license and appropriate permits on his or her person.

12-4-104 Term of license, permit. Any license or permit issued shall be void after the last day of December, following its issuance unless otherwise designated.

12-4-105 Altering, changing, loaning or transferring: Altering, changing, loaning or transferring to another any license or permit issued pursuant to these regulations is prohibited, nor shall any person other than the person to whom it is issued use the same permit/license.

12-4-106 Consent to Jurisdiction: The holder of a license or permit agrees to be subject to the jurisdiction of the Crow Tribal Court and shall comply with all applicable Tribal Codes.

12-4-107 Lost license/permits. Lost license and permits may be replaced by the Crow Tribal Fish and Game Commission upon proof of purchase, for a specified fee.

12-4-108 Failure to possess License or Permit. Failure of any non-member to possess a valid Recreation License and/or Permit, with appropriate stamps attached, as required by this code shall constitute a violation and will be prosecuted.

12-4-109 Landowners. No Tribal license or permit is required of a landowner when engaged in recreation on his own lands within the exterior boundaries of the Reservation.

12-4-110 Mandatory outfitter or guide. In order to hunt or fish on any Tribal Fee, Tribal Trust and Allotted Lands within the exterior boundaries of the Crow Reservation, a non-member must be accompanied by an outfitter and/or guide licensed by the Crow Tribal Fish and Game Commission, in addition, non-members, hunters or fishers, must strictly adhere to these codes and any ordinances promulgated hereafter.

12-4-111 Exceptions for Non-members who are immediate family of Member. Non-members who are immediate family members of an enrolled Member of the Crow Tribe may accompany the Member when hunting and fishing if they have the written permission to do so from the Crow Tribal Fish & Game Commission. The Crow Tribal Fish & Game Commission shall give written permission for a non-member to accompany a member while hunting or fishing upon the demonstration of proof of immediate family status.

CHAPTER 5 MEMBER LICENSING

12-5-101 Member. All enrolled members of the Crow Tribe must have in their possession, and must present to lawful authorities upon request, their Crow Tribal Identification, when engaged in hunting, fishing, or other recreational activities described herein. To engage in the hunting of migratory waterfowl, Crow Tribal Members must also possess a Federal Migratory Waterfowl stamp.

CHAPTER 6

MEANS OF TAKING

12-6-101 Hunting from vehicles prohibited. It shall be unlawful for any person, member or non-member to hunt, kill, drive, rally, or harass any bird or wild animal with the use of any of the following means without express written permission of the Crow Tribal Fish and Game Commission for predator control or research purposes:

- (1) aircraft
- (2) all terrain vehicles - (4 wheelers, motorcycles, etc..)
- (3) automobiles - (trucks, cars, etc..)
- (4) snowmobiles

12-6-102 Use of motor or engine propelled boat. The use of a motor or engine propelled boat or water craft to hunt wildlife is lawful only when all motion caused by such motor or engine has ceased.

12-5-103 Radio Communications Prohibited. The possession of any portable hand-held radio communication device while hunting is prohibited. The use, assistance, or reliance upon any radio communication device to drive, harass, hunt or take wildlife is also prohibited.

12-5-104 Religious, Cultural Purposes. Hunts for religious, cultural, or spiritual purposes that are otherwise prohibited by regulation may be engaged in, if approved by the Crow Tribal Fish and Game Commission in writing.

12-5-105 Spotlighting Prohibited. It shall be unlawful for any person or group of persons to shoot or attempt to shoot any wild animal or bird with the aid of artificial light, or to cast a spot light from a motor vehicle when in possession of a firearm or other implement capable of killing wild or domestic animals.

12-5-106 Selling of Crow Reservation Animals. It shall be unlawful for any person to sell any bird, fish, or game animal, or any part thereof, that has been killed or obtained within the exterior boundaries of the Crow Indian Reservation.

12-5-107 Waste Prohibited

- (1) It is the policy of the Crow Tribe to promote the fullest use of its Fish and Game resources; therefore the waste of these resources will not be tolerated.
- (2) It shall be unlawful for any person to abandon all or any part suitable for food any bird, wild animal, or fish killed by that person within the exterior boundaries of the Crow Reservation.

12-5-108 Protected Species. No person shall hunt, fish, trap, gather, take, pursue, harass, disturb, sell, purchase, or barter any protected species designated by the Crow Tribal Fish and Game Commission and by the United States Fish and Game Service.

12-5-109 Baiting Prohibited. The use of any kind of bait but not limited to including salt blocks or licks when hunting is prohibited.

CHAPTER 6 BIG GAME

12-6-101 Regulation of Tribally-owned buffalo.

(1) It shall be unlawful for any person to hunt, fish, trap, poison, capture or kill by any means any bird, wild animal, or fish, or to be in possession of any parts thereof anywhere within the confines of the area commonly referred to as the Crow Tribal Buffalo Pasture.

(2) It shall be unlawful for any person to kill capture or possess any part of buffalo belonging to the Crow Tribe of Indians without the express written permission of the Crow Tribal Chairman and the Director of the Natural Resources Department.

(3)It shall be unlawful for any person to kill, capture or possess any part of a buffalo belonging to the Crow Tribe of Indians any where within the Big Horn Mountains or within the exterior boundaries of the Crow Reservation.

(4) Buffalo are Crow Tribal Property and are not open game if they are out of the confinement of the area commonly referred to as the Crow Tribal Buffalo pasture.

12-6-102 Use of dogs for hunting big game is prohibited. The use of dogs to hunt, harass, chase or herd big game is prohibited.

12-6-103 Firearms, Bow and Arrow only for Big Game. Hunting of big game by methods other than with a firearm or bow and arrow is prohibited. Fire arms and bow and arrows must be within the following classifications.

(1) Firearms:

(a) firearms must discharge a projectile of a diameter greater than 22/100 of an inch(.222 Remington is the smallest cartridge allowable.) All 22 caliber rimfire weapons are prohibited.

(b) auto-loading firearms capable of holding more than six(6) cartridges, or any firearms capable of holding more than six(6) cartridges or capable of being operated as a fully automatic firearm are prohibited for hunting big game.

(c) handguns smaller than 41. caliber are prohibited for hunting big game.

(d) muzzle loading rifles must be .44 caliber or larger.

(e) shotguns must discharge a single ball or rifled slug weighing at least one-half (½) ounce.

(f) use of any mechanism to silence, muffle, or minimize the report of any firearm while hunting big game is prohibited.

(2) Bow and Arrow

(a) minimum bow pull must be 60 pounds, and the bow must be able to shoot an arrow 125 yards.

(b) the cutting edge of the arrowhead must be of steel and not less than 7/8 inches long. The shaft of the arrow must be at least 28 inches long.

(c) explosive, poisonous or barbed points are prohibited.

(d) cross bows are prohibited.

12-6-104 Non-licensed Accompaniment Prohibited. No big game licensee or member hunting in the field shall be accompanied by a non-member carrying a firearm or bow and arrow, unless that non-member has a license for the same season and unit as the licensee.

12-6-105 Tagging, Transportation Requirements. No big game animals taken within the exterior boundaries of the Crow Reservation shall be transported unless the tag bearing the licensee's number for the season has been securely attached at the time the animal was killed.

(1) It shall be unlawful for any person to fail or refuse to comply with and follow all tagging instructions on the tag.

(2) To transport parts of a big game animal, a free transportation and shipping permit must be obtained from a Wildlife Conservation Officer for those parts not accompanied by the tag.

12-6-106 Evidence of sex. Evidence of sex must be left attached to the carcass of any harvested big game animal. Suitable evidence of sex shall include scrotum, udder, head, or identifiable portions of reproductive organs. It shall be unlawful for any person to transport or possess any big game animal without the accompaniment of the animal's head and hide unless he/she has a receipt from a licensed taxidermist or a free transportation and shipping permit obtained from a Wildlife Conservation Officer.

CHAPTER 7

MIGRATORY, MIGRATORY WATERFOWL AND UPLAND GAME BIRDS

12-7-101 Permits.

1. Non-members. Non members 14 years of age or older who are not enrolled members of the Crow Tribe must have in their possession the following licenses to hunt on Tribal lands.

(a) Waterfowl. Licensee must have a Federal migratory waterfowl stamp, a valid Crow Recreational license and a Tribal Migratory Waterfowl stamp.

(b) Upland Game Birds. Licensee must have a Crow recreational license and a Tribal Upland Game Bird stamp.

2. Members. Enrolled members of the Crow Tribe who are 14 years of age or older must have in their possession the following licenses to hunt on Tribal lands.

(a) Waterfowl. Members must have a Federal Migratory Waterfowl stamp and their Tribal identification cards.

(b) Upland Game. Members need only have their Tribal identification.

12-7-102 Emergency Closure. In the event of an unusual vulnerability or harvest of ducks or geese from unexpected factors (e.g. severe weather, drought, food shortage, etc.), additional harvest restricted or an emergency closure of waterfowl hunting may be implemented within 48 hours of detection of said problem by announcement through local media, local posting (hunting signs) of habitat, and enforcement by Tribal Personnel.

12-7-103 Means of Taking. (1) Maximum Gauge, Number of Shells, Shots Allowed; it shall be unlawful for any person to hunt any permitted species using shot other than steel shot, or by use of a shotgun larger than 10 gauge and/or which is capable of holding more than three shells.

(2) Use of Bait Prohibited; using any kind of bait for migratory Waterfowl and upland game birds is prohibited.

(3) Decoys. The use of artificial bird decoys shall not be deemed a taking involving bait.

(4) Hunting Equipment Prohibited. It shall be unlawful for any person to kill or otherwise take migratory game birds with a trap, snare, net, crossbow, rifle, pistol, swivel shotgun, pumpgun, battery gun, machine gun, fish hook, poison drug, explosive, or stupefying substance, or from a sink box (low floating device having a depression affording the hunter a means of concealment beneath the surface of the water), or by the use or aid of live decoys, or by using records or tapes of bird calls or sounds, or electronically amplified imitations of bird calls.

(5) Vehicles Prohibited. It shall be unlawful for any person to kill or otherwise take game birds from or with the aid or use of a car or other motor driven land conveyance, or any aircraft, or by driving, rallying or chasing birds with any motorized conveyance or any sail boat to put them in the range of the hunters.

(a) the use of a motor or engine propelled boat or water craft to hunt migratory waterfowl (ducks, geese, and coots only) is lawful only when all motion caused by such motor or engine has ceased.

(b) the use of a boat motor fifteen (15) horsepower or larger is prohibited.

(6) Shooting Near Public Highways Prohibited. It is illegal to shoot any game bird on, from, or across any public highway, or the shoulder, berm, or borrow pit, or right-of-way of any public highway within the exterior boundaries of the Crow Indian Reservation.

(7) Shooting Near Utility Lines. It is illegal to shoot any bird while it is resting on or flying near utility lines or fixtures adjacent to those lines.

12-7-104 Evidence of Species and Sex. It shall be unlawful for any person to transport within the Reservation any upland game bird or migratory waterfowl unless one fully feathered wing and one foot remains attached to each bird at all times while being transported until arrival at the personal residence of the hunter or at a game processing facility.

12-7-105 Shipment. It shall be unlawful for any person to ship migratory game birds unless the package is marked on the outside with (1) the name and address of the person sending the birds, (2) the name and address of the person to whom the birds are being sent, and (3) the number of birds, by species, contained in the package. Such package shall be subject to inspection.

12-7-106 Importation. It shall be unlawful for any person to import during any one week beginning on Sunday more than: (1) 25 doves and 10 pigeons from any foreign country; (2) 10 ducks and 5 geese from any foreign country except that of Canada and Mexico may not exceed Canadian or Mexican export limits. In addition one fully feathered wing must remain attached to all migratory game birds being transported or shipped between a port of entry and one's home or to a migratory bird preservation facility. No person shall import migratory game birds belonging to another person.

12-7-107 Feathers or skins. (1) Commercial use of feathers. Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of

migratory waterfowl (ducks, geese, brant, and swans) killed by hunting pursuant to this code, or seized and condemned by Federal or Tribal game authority except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

(2) Personal use of feathers or skins. Any person for his/her own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

12-7-108 Size of Party Limited. No more than twenty (20) persons shall cooperate as a group in hunting any game bird within the exterior boundaries of the Reservation.

12-7-109 Falconry. (a) Falconry hours for upland game birds shall be one half hour before sunrise to one half hour after sunset.

(b) All areas open to hunting of upland birds and/or migratory waterfowl by firearms shall be open to either sex hunting of that species by means of falconry.

12-7-110 Raptors, Bald and Golden Eagles, Other Protected Species. (a) It shall be unlawful for any person to take, attempt to take, kill, hunt, sell, purchase, possess, pursue, shoot at, disturb, or destroy any raptor, Golden or Bald Eagle, Owl, Falcon or other species of protected migratory birds or its nest or eggs on any lands of the Crow Reservation.

(b) Any enrolled member of the Crow Tribe requesting or desiring any eagle, raptors or protected migratory bird, or parts thereof, for ceremonial or religious purposes must make or properly complete an application for submission to the U.S. Fish and Game Service, Law Enforcement Division.

12-7-111 Migratory Birds and Waterfowl, Seasons, Limits, Hours. (a) The establishment of migratory bird hunting seasons and bag limits shall be set in compliance with the Migratory Bird Treaty Act. In addition to any regulations provided for in this subsection, all rules and regulations provided for in 50 CFR 20, Migratory Bird Hunting, will be enforced.

(b) The Crow Tribal Fish and Game Commission are responsible for establishing migratory bird seasons in compliance with the Migratory Bird Treaty Act.

CHAPTER 8 FUR BEARER'S

12-8-101 Non-member's prohibited. It shall be unlawful for any person who is not a Crow Tribal Member to hunt or trap fur bearers on tribal or trust lands or on rivers, streams or lakes within the exterior boundaries of the Crow Reservation, unless given permission by the Chairman of the Crow Tribal Council for the purposes of predator control.

12-8-102 Trapping Protected Species Prohibited. It shall be unlawful for any person to be in possession of a protected fur-bearer or any other protected wildlife. If protected species are trapped, accidentally or otherwise, the animal shall be released undisturbed, or if killed, the Crow Tribal Fish and Game Commission must be notified before the animal is removed from the trapping device.

12-8-103 General Regulations.

(1) No steel or leg-hold traps larger than no. 4, traps with steel teeth, or conibear traps larger than £330 are allowed for use on the Reservation.

(2) All traps must be clearly marked with permanently attached metal tags showing the name and address of the owner.

(3) No person shall flag, mark or otherwise attempt to claim any muskrat house on Crow lands or waters before sunrise on opening day of the trapping season. After the season is open, "flagging", or marking, of muskrat houses is legal if the muskrat house contains a trap.

(4) It shall be unlawful for any trapper to check his or her traps at intervals less than every 36 hours.

12-8-104 Disturbing Traps. No person shall disturb in any way another person's trap sets, nor shall they harass, kill or take a trapped animal from another person's trap set or trapping device unless authorized by the Crow Tribe Fish and Game Commission.

12-8-105 Seizure of Traps, Animals. Tribal Wildlife Personnel, in the performance of their duties may seize all traps, trapping devices, and wildlife held in violation of these provisions.

12-8-106 Means of taking prohibited.

- (1) No person shall set or operate more than 50 traps at any one time.
- (2) No person shall disturb, destroy or set traps inside any fur-bearers den, burrow, lodge or nest.
- (3) Use of any motorized vehicle to pursue, capture, kill or harass any fur-bearer is prohibited.
- (4) Use of poison, gas, explosives, or smoke to kill or capture any fur-bearer is prohibited.

12-8-107 Trapping Areas. No traps shall be set within 50 yards of a house, dwelling, community, town, city limits, public use or picnic area, or other place where public gatherings are likely to take place.

CHAPTER 9 FISHING

12-9-101 Fishing Permits.

- (1) Members - Members of the Crow Tribe do not need a permit or license to fish on any Tribally regulated waters. All members however must have their Tribal ID in possession when fishing and present the ID upon request from any legal authority.
- (2) Non-members - any person not enrolled in the Crow Tribe must have in their possession whenever engaged in fishing on Crow Tribal regulated waters, a valid Tribal Recreation License with fishing permanently attached.

12-9-102 Regulations Applicable to Non-Members.

- (1) It shall be unlawful for any non-member to take or possess more than the daily limit of fish unless otherwise specified herein. On opening day of any season, only one daily limit shall be in possession. A person fishing on a water body may have in his/her immediate physical control only a daily limit allowed for that water body. (Fish and Game shall set the limits.)
- (2) Baits and Lures
 - (a) Use of any live fish species as bait is prohibited in all waters within the exterior boundaries of the Reservation.
 - (b) Artificial lures shall include any lure (including flies) that is made in imitation of or as a substitute for natural bait. Artificial lures do not include fish eggs or other chemically treated or processed natural baits or any natural or produced food, or any lures that have been treated with a natural or artificial fish attractant or feeding stimulant.
- (3) Means of Taking
 - (a) Only a single line with a hook or hooks, with or without a pole, may be used for fishing unless otherwise specified. The pole or line must be in the angler's immediate control. Angler's may use up to (6) unattended set-lines with up to (6) hooks in those waters open to set-line fishing.
 - (b) It is illegal to catch or take any fish by hand fishing, snagging or by use of brush lines, jug or float line fishing, or any other similar device. Snagging is prohibited by law, and shall not include hooking when the fish by its action takes into its mouth a bait or lure.
 - (c) No person shall have in his/her possession any seine, trammel net, hook net, gill net, fish gig, fish spear, fish trap, or other device, contrivance or material for the purpose of taking fish, except as otherwise provided by law.
 - (d) It is unlawful to place in or upon any waters within the exterior boundaries of the Crow Reservation any deleterious substance, or fish berries, or to place or explode dynamite, giant powder, carbide, lime, nitroglycerine, or any corrosive or narcotic poison, or any other explosive of any character or kind in any waters with the intent to take or kill, stun or wound fish. It shall also be unlawful for any person to be in possession of any of the above substances within one hundred (100) feet of any water body where fish are found.

12-9-103 General Regulations.

- (1) It shall be unlawful to transport or introduce any fish or viable fish eggs into any waters within the exterior boundaries of the Reservation;
- (2) it shall be unlawful to refuse to show one's fishing permit to an authorized officer upon demand.
- (3) it shall be unlawful to loan or transfer a fishing permit to any person.

- (4) it shall be unlawful to leave or dump any dead animal, fish, garbage or litter in or on any property where public recreation is permitted.
- (5) it shall be unlawful to fish or take fish within 200 feet upstream or downstream from any fish passage (ladder) or fish protection (screen) structure.
- (6) it shall be unlawful to use scuba gear while taking any fish.

12-9-104 Limits, Access, Specific Regulations - Daily and possession limits, specific access regulations and other regulations specific to areas shall be written and adopted by the Crow Fish and Game Commission. These regulations will be available where licenses or permits are sold, or at the commission's office.

CHAPTER 10 RECREATION REGULATION

12-10-101 General Regulations. (1) all non-members must have on their person, whenever engaged in recreation activities within the exterior boundaries of the Reservation, a valid Crow Reservation Recreation License unless otherwise excepted by this Code. Recreation activities include but are not limited to hiking, camping, boating, snowmobiling, packing with livestock, and related activities excluding swimming.

(2) Exceptions.

- (a) no Recreation License is required of a non-member when engaged in recreational activities on non-tribal fee status lands within the Reservation.
- (b) no Recreation License is currently required of a non-member when engaged in recreational activities within the boundaries of the Big Horn Canyon National Recreation Area.

12-10-102 Prohibited Acts. The following acts are prohibited while engaging in recreational activities unless otherwise addressed elsewhere in these regulations.

- (1) discharge of any firearm in a negligent manner in or around home sites.
- (2) building or fabricating any structure for any purpose with the exception that Tribal members may build or fabricate sweat-lodges for religious or cultural purposes.
- (3) leaving refuse, littering, or wasting materials.
- (4) leaving campfires unattended.
- (5) leaving a camp unattended for a period of twenty-four hours or longer.
- (6) using or cutting live vegetation and trees for campfires.
- (7) allowing pets or livestock to run unattended.
- (8) disposal of human body wastes other than in sanitation facilities when available.
- (9) hunting or fishing unless a valid hunting or fishing permit is affixed to the Tribal Recreation License.
- (10) no person shall destroy, deface, injure, remove or otherwise damage any natural or improved property or cut, destroy, or mutilate any tree, shrub, plant, sign, or any geological, historical, or archeological features.

CHAPTER 11 ENFORCEMENT

12-11-101 Enforcement Officers.

(1) Any provision of this code may be enforced by Tribal Conservation Officers/Bison Pasture Rangers of the Crow Natural Resources Department or other duly authorized Federal Officers as provided for by tribal or Federal law or by cooperative agreement.

(2) To be eligible to be hired and serve as a Conservation Officer or Bison Pasture Ranger, the person:

- (a) Must never have been convicted of a felony or of domestic violence as defined in the Brady law or a misdemeanor crime involving moral turpitude;
- (b) Must have a minimum of a high school diploma or a GED.
- (c) Must not have a dishonorable discharged from the Armed Services;
- (d) Preference in employment shall be given to veterans;
- (e) Must pass a drug screening test;
- (f) Must be certifiable with a handgun and re-certifiable on a bi-annual basis;

- (g) Must be at least 21 years of age or older when hired;
- (h) Must become familiar with the Tribal Fish and Game Code;
 - (i) Must complete basic police academy training within one-year of employment and subsequent annual training as required;
 - (j) Must possess a valid state driver's license.

12-11-102 Enforcement Officers duties. It shall be the duty of every Tribal Conservation Officer and Tribal Law Enforcement Officer and any duly authorized federal officer to:

- (1) enforce the rules, regulations and ordinances promulgated relating to hunting and fishing, trapping and all other regulations which may relate to all activities pursuant to the policy and intent of this code.
- (2) issue citations and bring before the proper court any persons violating the provisions of this code, or any of the regulations, ordinances or rules adopted pertaining to the policy, intent and purpose of this code.

12-11-103 Relation to civil procedures under the Crow Tribal Code. Unless otherwise provided within this code, the tribal procedural and substantive provisions of the Crow Tribal Code relating to civil procedure shall apply.

12-11-104 Search. Any officer may, with probable cause, search any conveyance, vehicle, game bag, or any package, box, hunting camp or similar place where the officer has reasonable suspicion to believe any animal was killed or captured within the Reservation or any such animal has been brought on to the Reservation, whether or not at the time the search is made, the person possesses actual knowledge or evidence that a violation of this code, regulations, ordinances or rules adopted hereunder has occurred pertaining to hunting, fishing, trapping, or recreation.

- (1) Consent to search . Any person who purchases a license or permit from the Crow Tribe and who enters the Reservation or who possesses any such dead or captured animal, shall be deemed to have consented to such a search.
- (2) Seizure; probable cause. Any officer may, upon probable cause, seize without warrant, all birds, animals, or parts thereof taken, killed, transported or possessed, contrary to the provisions of this Code or any regulation, rule or ordinance pertaining to hunting, fishing, or trapping, and may seize without warrant, bows, guns, traps, nets, seines, decoys, boats, lights, fishing tackle, or other device unlawfully used for hunting, fishing or trapping. Such officer shall issue a receipt to the person in possession of the items seized stating time, place, date, items seized, where such items will be held, and the name of the officer seizing said items.

12-11-105 Appearance Bond. If the person alleged to be in non-compliance is unable to appear before the Tribal Court for any reason given, such person may post a bond of either money or property or other security. If such person is a resident of the Reservation, then such amount shall be no more than \$30.00 for each alleged violation. If the person alleged to be in non-compliance is a non-tribal member, such bond shall be equal to 50% of the maximum fine leviable, or \$50.00 for each offense, whichever is greater.

12-11-106 Forfeiture Procedure. Any game or fish seized shall be subject to forfeiture at the order of the Tribal Court of the Crow Tribe after no less than fifteen days notice and opportunity for hearing or trial as herewith set forth. In case it appears upon the sworn complaint of the officer making the seizures that any articles seized were not in the possession of any person, and that the owner thereof is unknown, the Court shall have the power and jurisdiction to forfeit such articles unknown by publishing such summons in any newspaper of general circulation in Big Horn or Yellowstone Counties once per week for a period of two successive weeks. The summons shall describe the articles seized and shall give the owner fifteen days from the date of last publication to appear before the Tribal Court and contest the forfeiture. If it is determined that a violation of these ordinances is by a non-tribal member and if it is determined that such act or omission alleged violates either 18 U.S.C. Section 1165, 16 U.S.C. § 3372 (The Lacey Act), or any other applicable Federal Law, such person and the related evidence shall be taken before the nearest United States Magistrate at the earliest opportunity for prosecution under the relevant Federal laws. Such action may be in addition to Tribal remedies and civil penalties available under Tribal law.

12-11-107 Forfeiture. In the event that the Tribal Court orders forfeiture of any article seized, such articles shall be sold at auction and the proceeds shall be paid over to the Crow Department of Wildlife Management. If any articles are not declared forfeited by the order of the Tribal Court they shall be returned to the person from whom seized, after the completion of the case and the civil penalties and liquidated damages are assessed by the Court and if not paid within a period of time to be established by the Court, the Court may dispose of said property as described above.

(1) In the event that final judgment dismisses the allegations against the alleged offender, all items seized shall be returned to the owner or person from whom taken.

(2) If the offender is unable to pay any penalty levied against him, then the Tribal Court may order the forfeiture of any article lawfully seized, and have the proceeds therefrom applied to the amount owed to the Court. Any surplus shall be paid to the Department of Wildlife Management and any deficiency shall be an enforceable judgment through attachment, garnishment or other remedy available to the Tribe.

12-11-108 Civil Penalties. A person who is found to be in non-compliance with provisions of this Code may be subject to a civil suit in the Tribal Court. A person found by the Tribal Court to have violated this Code or regulations shall be subject to civil penalties not to exceed five hundred dollars (\$500.00) for each act of non-compliance.

12-11-109 Civil Liability to Tribe. In addition to any other penalty allowed by this Code, the Tribal or Federal Court may award to the Tribe or , in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of damages against any person(s) unlawfully taking, killing, possessing, transporting or wasting any of the following named fish wildlife or plant species, or any part thereof, and the sum assessed for damages for each fish, wildlife or plant species shall not be less than the amount stated herein :

(a) <u>Big Game :</u>	<u>Males</u>	<u>Females</u>
(1) Deer	\$ 150.00	\$ 300.00
(2) Antelope	150.00	300.00
(3) Bear	1000.00	1000.00
(4) Elk	1000.00	1000.00
(5) Moose	1000.00	1000.00
(6) Buffalo	1000.00	1000.00
(7) Bighorn Sheep	1000.00	1000.00
(8) Turkey	75.00	75.00
(9) Cougar	500.00	500.00
(b) <u>Small Game:</u>	<u>Males</u>	<u>Females</u>
(1) Ducks	\$ 25.00	\$ 50.00
(2) Geese	50.00	100.00
(3) Pheasants	25.00	50.00
(4) Grouse	25.00	50.00
(5) Mourning Dove	20.00	40.00
(6) Hungarian Partridge	25.00	50.00
(7) Rabbits	10.00	20.00
(c) <u>Fur-Bearers:</u>	<u>Males</u>	<u>Females</u>
(1) Coyote	\$ 75.00	\$ 100.00
(2) Fox	75.00	100.00
(3) Beaver	50.00	100.00
(4) Bobcat	300.00	500.00

(5) Mink	50.00	100.00
(6) Raccoon	50.00	100.00
(7) Weasel	30.00	60.00
(8) Badger	30.00	60.00
(9) Porcupine	30.00	60.00

(d) Fish: All fish, regardless of species, will have value of \$ 2.00 per inch.

(e) Non-game species: All species in the following orders will have a value of \$100.00: loons, grebes, herons, egrets, and bitterns, pelicans and cormorants, cranes, rails, and coots, shorebirds, gulls, and terns. All birds of prey including vultures, hawks, falcons, eagles, and owls will have a value of \$500.00. All other non-game birds will have a value of \$50.00.

12-11-110 Federal Prosecution. Nothing in this Code shall be deemed to preclude Federal prosecution for violation of applicable Federal laws, nor shall a Federal prosecution preclude the filing of a civil complaint by an authorized officer in Tribal Court.

12-11-111 Additional Remedies. In addition to any remedy or penalty provided by this Code, the Tribal or Federal Court may impose the following remedies:

- (1) Forfeiture of weapons and gear used in violating these ordinances;
- (2) Revocation of all Tribal hunting and fishing permits and licenses or injunction against the issuances by the Tribe of any additional permits or licenses to the offender for up to five years. Grounds for the above mentioned remedy includes, but is not limited to,
 - (a) the unlawful taking or possession of wildlife;
 - (b) the destruction, injury or molestation of livestock, the damage or destruction of crops, personal property, Tribal property, notices, signboards, or other improvements while engaged in activities subject to this Ordinance and regulations;
 - (c) the littering of Reservation lands or waters while engaged in activities subject to this Ordinance; or
 - (d) the careless use of firearms or other weapons while engaged in activities subject to this Ordinance and regulations.
- (3) Payment of the costs for the Tribal or Federal Court proceeding.

12-11-112 Mandatory Revocation of Permits. In any case where a person is found in violation of a wildlife law or rule that is subject to a fine of more than \$100.00, or of violating any other law or rule pertaining to fishing, hunting, or possessing game without a permit or during closed season, the court shall revoke the person's hunting, trapping, or fishing privilege for a minimum of one year following such judgment.

CHAPTER 12 FISH AND GAME COMMISSION

12-12-101. Powers and duties of commission relating to outfitters, guides, and professional guides. The commission shall:

- (1) Prepare and publish an information pamphlet that contains the names and addresses of all tribally licensed outfitters. This pamphlet must be available for free distribution as early as possible during each calendar year but not later than the first Friday in May. The pamphlet must contain the names and addresses of only those tribal outfitters who have a valid license for the current license year;
- (2) Cooperate with the federal government in matters of mutual concern regarding the business of outfitting and guiding on the Big Horn River within the exterior boundaries of the Crow Reservation;
- (3) Enforce the provisions of these rules and regulations;
- (4) Establish outfitter standards, guide standards, and professional guide standards;
- (5) Adopt:

- (a) rules of procedure;
- (b) rules to administer and enforce this ordinance, including rules prescribing all requisite qualifications for tribal licensure as an outfitter, guide or professional guide. Qualifications for outfitters must include training, testing, experience in activities similar to the service to be provided, knowledge of rules of governmental bodies pertaining to outfitting and condition and type of gear and equipment, and the filing of an operation plan.
- (c) any reasonable rules, not in conflict with this ordinance, necessary for safeguarding the public health, safety, and welfare, including evidence of qualification and tribal licensure under this ordinance for any person practicing or offering to practice as an outfitter, guide, or professional guide;
- (d) rules specifying standards for review and approval of proposed new operations plans involving fishing use in order to determine if the proposal will cause an undue conflict with existing fishing use of the area, constituting a threat to the public health, safety, or welfare. Rules adopted pursuant to this section must provide for solicitation and consideration of comments from Tribal members and others in the area to be affected by the proposal who do not make use of outfitter services.
- (6) Hold hearings and proceedings to suspend or revoke tribal licenses of (out fitters,) guides, and professional guides for due cause.

12-12-102. Executive Director - qualifications - powers and duties. (1) The Commission may hire an executive director to assist them in carrying out its duties under this ordinance.

- (2) The executive director must:
 - (a) be a citizen of the United States and a resident of the Crow Reservation.
 - (b) have knowledge of outfitting and guiding; and
 - (c) have at least 2 years' experience in management or equivalent training or education.
- (3) The duties of the executive director include:
 - (a) processing and investigating applications for tribal licensure as an outfitter or guide;
 - (b) conducting investigations of outfitters and guides that involve violations of this section or rules of the commission and reporting to the commission regarding complaints and investigations of complaints;
 - (c) coordinating inspections, investigations, and training activities of investigators under this section; and
 - (d) coordinating investigations with other local,[state], and federal agencies.

CHAPTER 13 OUTFITTER LICENSING

12-13-101. License required - services performed - standards. (1) A person may not act as an outfitter, guide, or professional guide or advertise or otherwise represent to the public that the person is an outfitter, guide, or professional guide without first securing a tribal license in accordance with the provisions of this part.

- (2) Whenever an outfitter is engaged by a participant, the outfitter shall keep and submit records as required by the commission.
- (3) Outfitter and guides, professional guides, and other employees of an outfitter may not shoot, kill, or take big game animals for or in competition with those employing them while acting as outfitters, guides, professional guides, or employees of an outfitter.
- (4) Outfitters utilizing lands under the control of the United States government shall obtain the proper permits required by the government office responsible for the area in which the outfitter intends to operate and shall comply with environmental protection standards established for these lands.
- (5) Outfitters may not willfully and substantially misrepresent their facilities, prices, equipment, services, or fishing opportunities.
- (6) Outfitters and their employees, agents, and representatives shall take every reasonable measure to provide their advertised services to their clients.
- (7) An outfitter may not hire or retain a guide or professional guide who does not hold a current tribal license as provided under this part.

12-13-102. Outfitter's qualifications. An applicant for an outfitter's license or renewal must meet the following qualifications:

- (1) Be a member of the Crow Tribe [or married to a member of the Crow Tribe option];

- (2) Be 18 years of age or older, be physically capable and mentally competent to perform the duties of an outfitter, as attested to by a licensed physician, and meet experience, training, and testing requirements as prescribed by commission rule;
- (3) Own or hold under written lease or represent a company, corporation, or partnership who owns or holds under written lease the equipment and facilities that are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and the outfitter's clients (all equipment and facilities are subject to inspection at all reasonable times and places by the commission or its designated agent);
- (4) Have demonstrated a respect for and compliance with the laws of the tribe, [the state of Montana option], or of the United States and all rules promulgated under those laws related to fish, conservation of natural resources, and preservation of the natural ecosystem without pollution of the ecosystem;
- (5) Have not at any time, practiced fraud, deception, or material misrepresentation in procuring an outfitter's, guide's, professional guide's, or conservation license from the Crow Tribe.
- (6) Have not, at any time, promulgated any false or misleading advertising relating to the business of outfitting.

12-13-103. Guide's and professional guide's qualifications. (1) An applicant for a guide's or professional guide's license must meet the following qualifications:

- (a) be a member of the Crow Tribe [or married to a Crow tribal member option];
 - (b) be 18 years of age or older and be physically capable and mentally competent to perform the duties of a guide or professional guide as attested to by a licensed physician.
 - (c) have been issued a valid wildlife conservation license by the Crow Tribe.
- (2) In addition to the requirements listed in subsection (1), an applicant for tribal licensure as a professional guide may be required to meet additional experience requirements, to be set by commission rule, and may be required to show proof of training or pass a qualifying examination when required by commission rule.

12-13-104. Application. (1) Each applicant for an outfitter's, guide's, or professional guide's license shall make application for license on a form prescribed and furnished by the commission.

- (2) The application for an outfitter's license forms the basis for the outfitter's operations plan and must include:
- (a) the applicant's full name, tribal enrollment number, residence, address, conservation license number, driver's license number, birth date, physical description, and telephone number;
 - (b) the address of the applicant's principal place of business on the Crow reservation;
 - (c) the amount and kind of property and equipment owned and used in the outfitting business of the applicant;
 - (d) the experience of the applicant, including years of experience as an outfitter, guide, or professional guide; the applicant's knowledge of the area in which the applicant has operated and intends to operate; and the applicant's ability to cope with weather conditions and terrain;
 - (e) a signed statement of the tribally licensed outfitter for each guide and professional guide to be employed or retained as an independent contractor stating that the guide or professional guide is to be employed by the outfitter and stating that the outfitter recommends the guide or professional guide for tribal licensure;
 - (f) an affidavit by the outfitter to the commission that the equipment listed on the application is in fact owned or leased by the applicant, is in good operating condition, and is sufficient and satisfactory for the services advertised or contemplated to be performed by the applicant;
 - (g) a statement of the maximum number of participants to be accompanied at any one time.
- (3) Applications for a tribal outfitter's license must be in the name of an individual person only. Applications involving corporations, proprietorships, or partnerships must be made by one individual person who qualifies under the provisions of this part. A tribal license issued pursuant to this part must be in the name of that person. The tribal license must specifically state that the license is issued for the use and benefit of the named corporation, proprietorship, or partnership involved. Any revocation or suspension of a tribal license is binding upon the individual person and the corporation, proprietorship, or partnership for the use and benefit of which the license was originally issued.
- (4) Application must be made to and filed with the commission.
- (5) Only one application for a tribal outfitter's license may be made in any license year. If an application is denied, subsequent applications by the same applicant for the license year involved are void, except as provided in 50-307 and 308.

12-13-105. Outfitter's examination. Each applicant for an outfitter's license, after meeting the experience and training specifications and other qualifications set by this section or rules adopted pursuant to this section, is entitled

to take and must pass a standard examination administered by the commission or its agent. The examination must require general and sufficient knowledge displaying and indicating ability to perform the services contemplated with efficiency and with safety to the health and welfare of participants. The examination must test the applicant's knowledge of subjects that apply to the license and may include the following subjects:

- (1) federal and tribal [state option] fish and game laws and regulations;
- (2) tribal cultural perspectives of fishing and hunting including a preference for Crow Speakers;
- (3) practical woodsmanship;
- (4) field preparation and care of fish, birds and game;
- (5) use of outfitter's gear as listed on the application'
- (6) knowledge of area and terrain;
- (7) knowledge of federal, state, and tribal jurisdiction;
- (8) federal and tribal [state option] regulations as applicable to outfitting;
- (9) first aid;
- (10) bow and gun safety;
- (11) boat safety;
- (12) water safety;

12-13-106. Fees. (1) The commission shall establish reasonable fees commensurate with costs related to the program area costs. The commission may establish fees including but not limited to fees for program areas such as application, examination, renewal, late renewal, and continuing education. The commission shall maintain records sufficient to support the fees charged for the program area.

(2) Applications must be accompanied by a license fee as specified by commission rule.

(3) The license fees must be deposited in a tribal special revenue fund and must be used by the commission to investigate the applicant, to enforce this part, and for administrative costs of the commission.

12-13-107. Investigation of applicant - issuance or denial of license. (1) The commission shall investigate each applicant for an outfitter's, guide's, or professional guide's license. The commission shall determine the applicant's qualifications.

(2) The commission may deny or refuse to issue any new license or to renew any previous license if the applicant does not meet the qualifications stated in this section or rules adopted pursuant to this ordinance. In the event that any application for license is denied, refused, or revoked, the commission shall immediately notify the applicant, setting forth in the notice the grounds upon which the denial, revocation, or refusal is based.

(3) A licensee in good standing is entitled to a new license for the ensuing license year upon complying with the provisions of this section or rules adopted pursuant to this ordinance and upon completing an application for license renewal on a form provided by the commission.

12-13-108. Type of license. (1) When all the requirements of licensure have been satisfied, the commission shall issue a tribal license stating the outfitter or guide functions that the applicant is qualified and approved to perform.

(2) The tribal license must be in the form prescribed and is valid for the licensing year in which issued.

(3) If the application is denied, the commission shall notify the applicant in writing of the reasons for the denial, and if the reasons are corrected, a license must be issued upon reapplication.

12-13-109. Limit one license. No person may hold more than one outfitter's license either for his/her own benefit or for the use and benefit of a partnership or corporation, nor may the name of any partnership or corporation appear on more than one current tribal outfitter's license.

12-13-110. Expiration of license. Notwithstanding any other provision or law, a tribal license shall expire on the last day of the license year for which it was issued.

12-13-111. Shuttle and rental services - exemption.

(1) Nothing in this section prohibits the furnishing of shuttle or rental services as long as those services do not include in-field assistance to a customer.

(2) In-field assistance includes but is not limited to:

(a) field instruction for the activity to be conducted by the customer; or

(b) other services considered to be services of an outfitter, as defined in 50-101.

12-13-112. Grounds for denial, suspension, or revocation of license. A license or right to apply for and hold a tribal license issued under this section may be denied, suspended, or revoked or other disciplinary conditions may be applied upon any of the following grounds:

- (1) Having ceased to meet all of the qualifications for holding a tribal license, as required under this section and rules adopted pursuant to this section;
- (2) Fraud or deception in procuring a tribal license;
- (3) Fraudulent, untruthful, or misleading advertising;
- (4) Having pleaded guilty to or been adjudged by a court guilty of a felony, including a case in which the sentence is suspended or imposition of the sentence is deferred, unless civil rights have been restored pursuant to law. A person may not apply for or hold an outfitter's, guide's, or professional guide's license during any period of time in which a sentence for a felony has been deferred or suspended.
- (5) One conviction or bond forfeiture as to a violation of the fish and game or outfitting laws or regulations of the tribe or the United States;
- (6) A substantial breach of a contract with a participant provided that the breach is established as a matter of final judgment in a court of law;
- (7) The willful employment of or contracting with an unlicensed guide or professional guide by a tribal outfitter;
- (8) Negligence or misconduct, while acting as an outfitter, guide, or professional guide that causes an accident or injury to the person or property of a participant;
- (9) Misconduct as defined by commission rule; or
- (10) Any violation of this section or a rule adopted pursuant to this section.

12-13-114. Appeal procedure. A person who feels aggrieved by a final order of the commission denying issuance of a license or suspending or revoking a license as an outfitter, guide, or professional guide may petition for judicial review in the Crow Tribal Court.

12-13-115 Civil penalties - injunctions not barred.

- (1) An establishment that violates this section or rules adopted by the commission pursuant to this section is subject to a civil penalty not to exceed \$300.
- (2) Penalties may not be assessed against an outfitter or guide unless the outfitter or guide receives a written notice of a violation and fails to correct the violation within 30 days.
- (3) Civil action to impose penalties, as provided under this section, does not bar injunctions to enforce compliance with this ordinance or to enforce compliance with a rule adopted by the commission pursuant to this section.

12-13-116. Penalties - disposition of fines. (1) A person who violates any provision of this section or rule adopted under this section is guilty of a misdemeanor and is punishable by a fine not exceeding \$300.

- (2) A person who represents to the public that the person is an outfitter or who purposely engages in outfitting without a tribal license as required by this section is guilty of a misdemeanor and is punishable by a fine of not less than \$200 and not more than \$500, up to 1 month in the tribal jail, or both. Each day of violation is a separate offense. In addition, the person must be assessed and pay to the commission the amount of all costs incurred by the commission in investigating and preparing the case for trial and all prosecution costs, including but not limited to witness, transportation, and per diem expenses.
- (3) A person convicted of engaging in outfitting without a license shall reimburse the full amount of any fees received to the person to whom illegal outfitter services were provided.

12-13-117. Enforcement. Investigations and arrests for violations of this section or rules adopted pursuant to this section may be made by any tribal police officer; warden of the tribal fish & game; or federal agency enforcement personnel.

12-13-118. Investigators - qualifications.

- (1) The commission may hire investigators to assist the commission in investigations and inspections authorized by this section.
- (2) To qualify as an investigator, a person must:
 - (a) be a tribal member and /or a citizen of the United States;
 - (b) have knowledge of outfitting and guiding through prior experience as a licensed outfitter, guide, or professional guide or as a regulator of the outfitting profession; and
 - (c) have not less than 1 year's experience as a licensed private investigator or as an investigator, detective, special agent, or peace officer of a city, county, state, tribal, or of a federal agency.

CHAPTER 14

RELATIVE DUTIES OF OUTFITTERS, GUIDES, AND PARTICIPANTS

12-14-101. Purpose. It is recognized that some activities conducted by outfitters, guides, and professional guides within the scope of their authorized services are inherently hazardous to participants regardless of all feasible safety measures that may be taken. It is the purpose of this part to define those areas of responsibility and affirmative acts or omissions for which outfitters, guides, and professional guides are liable for loss, damage, or injury and those risks for which the participant expressly assumes or is considered to have voluntarily assumed the risk of loss or damage.

12-14-102. Duties of outfitters, guides, and professional guides. An outfitter, guide, or professional guide offering professional services in this area shall:

- (1) act as would a reasonably prudent member of the profession while engaging in providing the services authorized to be performed by a tribally licensed member of the profession;
- (2) comply with all standards adopted by commission rule.

12-14-103. Duties of participants.

(1) A participant shall:

- (a) act as would a reasonably prudent person when engaging in the activities offered by a licensed outfitter, guide, or professional guide for the tribe;
- (b) receive permission from the outfitter, guide, or professional guide prior to embarking on any self-initiated activity and inform the outfitter, guide, or professional guide of the participant's plans and intentions upon receiving permission to engage in the self-initiated activity.

(2) A participant may not:

- (a) interfere with the running or operation of an outfitter's, guide's, or professional guide's activities when those activities conform to the standards of care set forth in 50-402;
- (b) use the outfitter's, guide's, or professional guide's equipment, facilities, or services unless the participant has requested and received permission from the outfitter, guide, or professional guide;
- (c) knowingly, purposely, or negligently engage in any type of conduct that contributes to or causes injury to the participant or any other person.

12-14-104. Responsibility for violations of law.

(1) A person accompanying a fishing or hunting party as an outfitter or guide, professional guide, or other employee of the outfitter is equally responsible with any person or party employing the person as an outfitter for any violation of tribal and/or federal fish and game laws unless the violation is reported to a tribal police officer by the outfitter, guide, professional guide, or employee and the outfitter, guide, professional guide, or employee was not an active participant. An outfitter or guide, professional guide, or other employee of an outfitter who willfully fails or refuses to report any violation of tribal and/or federal fish and game laws is liable to the penalties provided in this section. If any guide or professional guide violates the laws or applicable regulations relating to tribal and/or federal fish and game, outfitting, or guiding with actual or implied knowledge of an outfitter employing the guide or professional guide, the outfitter is legally responsible for the violation for all purposes under the laws or regulations if the outfitter fails to report the violation to the proper authority.

(2) An outfitter, guide, or professional guide shall report any violation of suspected violation of tribal and/or federal fish and game laws that the outfitter, guide, or professional guide knows or reasonably should have known has been committed by the employees, agents, representatives, clients, or participants in the outfitting or guiding activity. The violation or suspected violation must be reported to a peace officer at the earliest possible opportunity.

(3) A person may not hire or retain an outfitter unless the outfitter is currently licensed in accordance with the ordinances of the tribal fish and game commission. A person may not use the services of a guide or professional guide and a guide or professional guide may not offer services unless the services are obtained through an endorsing, tribally licensed outfitter.