

Fish & Wildlife Conservation Code Chapter 35



Iowa Tribe of Kansas & Nebraska
3345 Thrasher Road
White Cloud, KS. 66094

**IOWA TRIBE OF KANSAS AND NEBRASKA
CONSERVATION CODE CHAPTER 35**

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**RESERVATION CONSERVATION CODE
CHAPTER 35 OF THE
IOWA TRIBE OF KANSAS AND NEBRASKA**

SECTION 1: INTRODUCTION

1.01 Title. This ordinance shall be known as the Iowa Tribe of Kansas and Nebraska Conservation Code or Fish and Wildlife Code

1.02 Authority. This ordinance is enacted pursuant to Article IV, Section II of the Constitution and By-Law of the Tribe.

1.03 Purpose. It is the purpose of this code to:

(1) Provide an orderly system for Tribal control and regulation of hunting, fishing and trapping activities on the lands established as the Iowa Tribe of Kansas and Nebraska Reservation.

(2) Provide a means of conservation , enforcement, protection, and management of the Iowa Tribe of Kansas and Nebraska Reservation's fish and wildlife populations through the regulation of member, non-member, and non-Indian activities.

(3) Provide a means of enforcing rules and regulations of this code contained hereafter.

1.04 Jurisdiction. This code shall govern the activities of hunting, fishing and trapping in the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same exterior boundaries of) the Iowa Tribe of Kansas and Nebraska to include but not limited to the following:

(1) The Tribe shall have exclusive jurisdiction over enrolled members of the Iowa Tribe of Kansas and Nebraska on all lands and waters within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same exterior boundaries of) the Iowa Tribe of Kansas and Nebraska Reservation.

(2) The Tribe shall have exclusive jurisdiction over non-member Indians on all lands and waters within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same boundaries of) the Iowa Tribe of Kansas and Nebraska Reservation.

(3) For the purposes of this code, The Tribe shall have exclusive Civil-jurisdiction over non-Indians on Federal Trust, Tribal Trust and individual Indian Allotted Lands, and Fee Lands within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska and outside the same exterior boundaries of) the Iowa Tribe of Kansas and Nebraska Reservation in accordance with the Memorandum of Agreement with the State of Kansas dated April 13, 1993.

- 1.05** Effective Date. This code shall be effective on date adopted by the Iowa Tribe of Kansas and Nebraska governing body.
- 1.06** 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.
- 1.07** Repeal of Inconsistent Tribal 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 2: DEFINITIONS

For the purposes of this Code the following definitions shall apply:

1. **Aircraft** – As used in this code, the term aircraft means any contrivance used for flights, or to be airborne.
2. **Allotted Land** – Tribal owned or individually owned Indian lands held in trust by the federal government.
3. **Antlerless Deer** – All deer not displaying at least one visible antler.
4. **Antlered Deer** – All deer displaying at least one visible antler.
5. **Arrow** – A shaft of at least 24 inches long containing 3 trimmed or 5 untrimmed feathers, tipped with a point or devise used to strike, penetrate, or pierce.
6. **Bag Limit** – Means the maximum limit, in number amount, of a particular species of fish or wildlife which may lawfully be taken in one day during open season.
7. **Bait** – Any substance that is placed by any person and which may serve as an attraction to any wildlife and may include but is not limited to grain or animal remains; however, that artificial decoys used to hunt migratory game birds or turkeys shall not be deemed bait.
8. **Big Game** – Shall include, but not be limited to Wild Turkeys, 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 fish or wildlife or parts thereof.
11. **Closed Season** – Means the time and/or days during which fish or wildlife may not be taken legally.
12. **Crossbow** – Means any devise using a bow which, once drawn is held solely by means other than the effort of the person firing it.
13. **Division Director** – As used in this code, is the person appointed by the Executive Committee to be responsible for the successful operation of the Tribal Fish and Wildlife Division.

14. **Endangered or Threatened Species** – Means any species of fish or 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.
15. **Executive Committee** – As used in this code, the governing body of the Iowa Tribe of Kansas and Nebraska 3345 B Thrasher Road White Cloud, KS. 66094.
16. **Falconry** – Means taking quarry by means of a trained raptor.
17. **Fee Land** – Means those lands within the exterior boundary of a Reservation not held in trust or subject to reservations on alienation and which is in private ownership.
18. **Firearm** – Means a rifle, shotgun, handgun or other type of gun.
19. **Fish** – Means any fish within the waters of the Reservation.
20. **Fishing** – Means taking of fish of any variety by hook and line.
21. **Furbearers** – Shall include but not limited to Mink, Muskrat, Beaver, Otter, Weasel, Marten, Fisher, Fox, Coyote, Bobcat, Badger, Raccoon.
22. **General Council** – Means all enrolled members of the Iowa Tribe of Kansas and Nebraska Tribe who are at least 18 years of age.
23. **Harass** – Means to shoot at, disturb, worry, molest, rally, concentrate, harrass, chase, drive, herd or torment.
24. **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 the 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.
25. **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.
26. **Hunting Hours** – Means the time of day when wildlife may be lawfully taken.

27. **Kansas Wildlife and Parks Commission** – For purposes of this code, is the regulatory agency for fish and wildlife purposes in the State of Kansas.
28. **License** – Means a written document granting authority to engage in specific activities covered in this code.
29. **Member** – Shall mean any enrolled member of the Iowa Tribe of Kansas and Nebraska.
30. **Migratory Birds** – Shall include but not be limited to the following:
- (a) All species of Ducks, Geese, and Swans (Order Anseriformes).
 - (b) All shorebirds, wading birds, and seabirds (Order Gaviiformes, Podicipediformes, Pelicaniformes, Ciconiiformes, Gruiformes).
 - (c) Mourning Dove (Order Columbiformes).
31. **Muzzleloader** – Shall mean a single shot firearm in which the powder and projectile is loaded through the muzzle end of the firearm.
32. **Nebraska Games and Park Commission** – For purposes of this code, is the regulatory agency for fish and wildlife purposes in the State of Nebraska.
33. **Non-Indian** – Means any person not legally recognized as a Native American by blood percentage.
34. **Non-Member Indian** – Means a legally recognized Native American who resides on or visits a Reservation for which he/she is not enrolled.
35. **Officer** – As used in this code, means any Law Enforcement or any Fish and Wildlife Officer, authorized by the Tribe and/or this code, to enforce the provisions of this code.
36. **Open Season** – Means the time and/or days during which taking certain species of fish and/or wildlife is legal.
37. **Possession Limit** – Means having killed, taken or otherwise obtained or acquired any wild animal or fish subject or the provisions of this ordinance.
38. **Processed** – Means at the time when wildlife has been butchered for consumption, wrapped and packaged with the hunter's name, year of kill and permit numbered clearly printed on each package.
39. **Permit/Tag** – Means any identification device issued for the attachment to the carcass of any fish or wildlife.

40. **Raptors** – Means a living migratory bird of the Order Falconiformes or the Order Strigiformes. For simplification, bald eagle and golden eagle is part of this definition.
41. **Reservation** – Means all lands located within the States of Kansas and Nebraska that are within the exterior boundaries or (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same exterior boundaries of) the Reservation of the Iowa Tribe of Kansas and Nebraska.
42. **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.
43. **Size Limit** – Means the specific size of species of fish and/or wildlife that may be possessed legally.
44. **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.
45. **Timber** – Shall include but not be limited to any woody vegetation that is 10 feet or greater in height and consist of 6 inches of diameter or greater at four an one half feet above the ground.
46. **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.
47. **Tribal Fish and Wildlife Division** – For purposes of this code, is the Division created by the Iowa Tribe of Kansas and Nebraska Executive Committee which has the power and is charged with the duty to protect, conserve, enhance and manage all Fish and Wildlife species within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same boundaries of) the Iowa Tribe of Kansas and Nebraska.
48. **Tribe** – Means the Iowa Tribe of Kansas and Nebraska.
49. **Trust Land** – Means land the U.S. Government holds legal title to for the benefit of Indians.

50. **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 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.
51. **Unprotected Species** – Shall include but not be limited to Coyote, Fox, Skunk, Badger, Raccoon, Prairie Dogs, Squirrels, Cottontail Rabbit, Jack Rabbit, Marmot, Crows, Blackbirds, Wild Dogs and other species for which a continuous open season exists.
52. **Upland Game Birds** – Shall include but not be limited to Grouse, Prairie Chicken, Pheasant, Partridge and Quail.
53. **Upland Game** – Shall include but not be limited to Tree Squirrels, Cottontail Rabbit and Jack Rabbit.
54. **Waterfowl** – Shall include but not be limited to all varieties of Geese, Brant, Swans, Ducks, Rails, Coots and Wilson Snipe.
55. **Wildlife** – Shall mean any form of birds and mammals including their nest or eggs.

SECTION 3:

GENERAL PROVISIONS

3.01

Activity Closure

For the purpose of this code, all hunting, fishing, and trapping and/or parts thereof is closed within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same boundaries of) the Iowa Tribe of Kansas and Nebraska unless authorized by the Kansas Wildlife and Parks Commission or the Nebraska Games and Parks Commission or Executive Committee.

3.02

Unlawful Take

Unless and except as permitted by regulation made hereinafter provided by in this code, it shall be unlawful at any time, by any means or manner to pursue, hunt, take, capture, kill, harness, waste, or attempt to take, capture, or kill, possess, offer for sale, harass, waste, sell, offer for barter, barter, offer to purchase, deliver for shipment, ship, export, import, deliver for transportation, transport or cause to be transported, carried, or cause to be carried, or receive shipment, transportation, carriage, or export any fish or wildlife, any part or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such fish, wildlife or any part included in the terms of this code.

3.03

Title to Fish and Wildlife

(1) The legal title to, and the custody and protection of all fish and wildlife within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same boundaries of) the Iowa Tribe of Kansas and Nebraska is vested in the Tribe for the purposes of regulating use, disposition and conservation thereof.

(2) The legal title to any such fish or wildlife, or carcass and/or part thereof, taken or reduced to possession in violation of this code remains with the Tribe; and the title to any such fish or wildlife, or carcass an/or part thereof, lawfully acquired, is subject to the condition that upon the violation of this code relating to the possession, use, giving, sale barter, or transportation of such fish or wildlife, or carcass and/or part thereof, by the holder of such title, the

same shall revert, as a result of the violation to the Tribe. In either case, any such fish or wildlife, or carcass and/or part thereof, may be seized forthwith, wherever found, by the Tribal Fish and Wildlife Division or any law enforcement official authorized to enforce the provisions of this code.

SECTION 4:

ADMINISTRATION AND SUPERVISION

4.01

There is hereby created a Division to be known as the Iowa Tribe of Kansas and Nebraska Fish and Wildlife Division, which shall have the power and be charged with the duty to protect, conserve, enhance, manage all Fish and Wildlife species within the exterior boundaries of (and trust lands of the Iowa Tribe of Kansas and Nebraska outside the same boundaries of) the Iowa Tribe of Kansas and Nebraska. This Division also had the responsibility to enforce the provisions of this code and to carry out the policies and directions of the Executive Committee in all matters relating to Fish and Wildlife activities. The Division shall review, promulgate, and refer policy decisions to the Executive Committee for action.

4.02

Director of Fish and Wildlife Division

(1) The Executive Committee shall appoint a Director for the Iowa Tribe of Kansas and Nebraska Fish and Wildlife Division, who shall have all the rights of employment enjoyed by the Tribal employees. The Director shall be responsible to the Executive Committee or its authorized representative for the successful operation of the Division.

(2) The Director shall have knowledge of and experience in Fish and Wildlife resources, protection, conservation, restoration and management. The Director shall devote his/her entire working time to the service of the Iowa Tribe of Kansas and Nebraska in the discharge of his/her official duties.

(3) The Director shall have executive authority and control of the Division and its employees to the end that the policies of the Executive Committee shall be carried out in accordance with the ordinances, resolution and proclamations of said Executive Committee. The Director shall have full control of and be responsible for all property of the Tribe acquired and held for the purposes contemplated by this code. He/ she shall, with the consent of the Executive Committee or its authorized representative, appoint such full-time or temporary officers, wardens or other essential assistants and employees from the membership of the Tribe at his/her discretion. In the event that no qualified tribal members fill such full-time or temporary positions, the Director shall have the authority to appoint qualified non-members or non-Indians to those positions. In cases of emergencies, the Director may

exercise the powers of the Executive Committee until such time as the Executive Committee meets or the emergency ends.

(4) The Director is authorized and directed to:

- A. Report and be responsible to the Executive Committee.
- B. Plan, propose for enactment, and enforce tribal regulations relating to the setting of annual seasons and limits for harvesting of fish and wildlife resources.
- C. Design and implement a plan for the issuance of licenses, permits, tags and for the collection of fees.
- D. Formulate and publish the respective proclamations annually according to information gathered from census and studies.
- E. Maintain records of all licenses and permits issued for the purpose of hunting, fishing, trapping, and wood cutting.
- F. Cooperate with and assist the General Council, Executive Committee, Community Leaders, Federal, State, County Agencies and individuals.
- G. Enforce all Tribal regulations and proclamations necessary for implementing and administrating the provisions of this code.
- H. Supervise all Division Personnel and delegate authority as necessary.
- I. Establish checking stations to gather biological data, inspect licenses, permits, equipment and vehicles for compliance of this code.
- J. Establish applications for special permits for the taking of fish and wildlife for disabled persons, subsistence and ceremonial purposes on a need only basis in accordance with federal law.
- K. Develop regulations, for adoption by the Executive Committee.

4.03

Collection of Permit Fees, Forfeitures, and Fines

The Executive Committee will establish a Tribal fund or account to deposit monies collected from the sale of

license, permits and tags. Monies collected from fines, penalties, forfeitures and/or civil recoveries through an appropriate forum empowered to hear cases pursuant to this code shall be deposited into this account. In the event violations of this code are prosecuted in federal court, the Director shall make formal request to the U.S. Attorney for civil restitution from persons violating any provision of this code. Monies collected from the Federal Courts or respective clerk of courts shall be deposited into this account.

4.04

Expenditure of Funds

The Director shall have the authority to expend appropriated funds and monies deposited in the special account for the following:

- (1) Conservation, protection and enhancement of the Reservation's fish and wildlife resources.
- (2) Enforce provisions of this code, or any rule or regulation adopted pursuant to this code.
- (3) Information and Education programs.

4.05

Cooperation and Reciprocal Agreements

The Director is authorized, subject to the approval of the Executive Committee, to enter into reciprocal and cooperative agreements with the State of Kansas and Nebraska or any Federal, County and Local Governmental Agency for the purpose of promoting and implementing fish and wildlife management programs and activities.

SECTION 5:

DUTIES OF TRIBAL CONSERVATION OFFICERS

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

(2) Conservation Officers shall ensure that any person who hunts, fishes, traps or cuts wood thereof have in possession the appropriate license, permits and/or tags and are complying with all rules, regulations and laws.

(3) Conservation Officers shall assist the Director in his/her supervision and management of all natural resources on the Iowa Tribe of Kansas and Nebraska, and shall perform all other duties described or delegated by the Director.

(4) Conservation officers shall keep a detailed daily log of activities and make biweekly reports of these activities describing by total number, miles, contracts, violations, dispositions, surveys and what activities were performed or completed during the preceding weeks.

(5) Conservation Officer may not settle or compromise an alleged Natural Resource violation for which a citation was issued.

SECTION 6:

ENFORCEMENT

6.01

Enforcement by Tribal Conservation Officers

Any provision of this code may be enforced by Tribal Conservation Officers of the Iowa Tribe of Kansas and Nebraska Fish and Wildlife Division, or Bureau of Indian Affairs Law Enforcement Personnel, and any federal Fish and Wildlife Enforcement Personnel commissioned by the Tribe.

6.02

Enforcement by State Conservation Officers

State Conservation Officers may be authorized to enforce the provisions of this code and to institute proceedings in the appropriate forum empowered to hear such cases by use of citation forms of that Department, or refer the matter to the appropriate Tribal Conservation Officers for further investigation or action.

6.03

Search and Seizure when Authorized

Any person authorized to enforce the provisions of this code may conduct a search of a person, object or place and seize objects when the search is made.

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

6.04

Investigation and Citations

(1) Any person authorized to enforce the provisions of this code may be subject to subsections 6.04(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 any appropriate state or federal forum or tribal commission empowered to hear such cases in accordance with applicable law.

(3) Any person authorizes to enforce the provisions of this code may stop and board any boat, or stop any vehicle of 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 fish, 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, or by any other appropriate federal or state forum or commission empowered to hear cases filed pursuant to this code, 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 an appropriate tribal, state or federal 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 any appropriate state or federal forum or tribal commission empowered to hear such cases or federal court 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 Iowa Tribe of Kansas and Nebraska 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 6.04(1) 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 any appropriate tribal, state or federal forum empowered to hear such cases on reasonable belief of eminent danger to life or property.

6.05 Registration Information

Any Officer(s) are hereby empowered to request and receive from tribal tag and permit issuance station, and harvest registration stations, information regarding tag and permit issuance and harvest registration.

6.06 Penalties and Sanctions

(1) Civil Penalties

A. Any person who engages in conduct prohibited by any provision of this code and in the exercise of due care should know that the fish or wildlife were taken, possessed, transported, sold in violation of, or in a manner unlawful under any provision of this code, may be assessed a civil penalty by the appropriate court authority, of not more than \$1,000.00 for each violation. Any violation of federal law shall be as provided in said law.

B. 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.

C. Civil jurisdiction over all matters under this ordinance shall be with a tribal commission or court of competent jurisdiction empowered to hear such cases which shall adjudicate in accordance with this code all questions, complaints, and alleged violations involving the provisions of this code.

(2) Criminal Penalties

Any person who knowingly violates any provision of this code and knowingly or in the exercise of due care knows that the fish or wildlife were taken, possessed, transported or sold in violation of this code, may be assessed a criminal penalty by the appropriate court authority of not more than \$1,000.00 or imprisoned not more that one year or both. The penalty for any violation of federal law shall be as prescribed in federal law.

(4) For any violation, a revocation or suspension of Reservation hunting, fishing or trapping privileges for a period not to exceed one year or for a period of time within the discretion of the appropriate tribal forum may impose.

(5) For any violation, a civil remedial forfeiture of any property, including boats, motors, vehicles, hunting, fishing, trapping or other property, used in the commission of the violation of this code shall occur.

(6) Upon conviction of any person for a violation of this code when such person has been convicted of a previous violation of this code within a period of one year, the court or tribal commission may enhance any civil remedial forfeiture or other penalty as the appropriate tribal forum deems appropriate.

(6) Civil Damages

In addition to any penalty imposed by this code in any court or forum of competent jurisdiction, the Tribe may bring a civil action for recovery of damages against any person(s) unlawfully killing, wounding, catching, taking, trapping or having unlawfully in their possession any of the following named fish or wildlife species, or any part thereof; shall not be less than the amount stated in this section.

Civil Recovery Value

“RESERVED”

6.07

Forfeited Bond Schedule

The Tribal Commission empowered to hear such cases and Federal Court, in consultation with the Tribe’s governing body, Division Director, and the U.S. Attorney, as appropriate, may adopt a bond schedule or a schedule of forfeiture to be imposed by the Court(s) or Commission upon the receipt of an admission that a violation of this code has occurred, or a plea of no contest, which may be done either in person or in a writing. This schedule shall not bind the court or commission after adjudicating a violation where the defendant has entered a plea of not guilty.

Forfeited Bond Schedule

“RESERVED”

6.08

Parties to a Violation

(1) Whoever participates in the commission of a violation of this code shall be deemed a principal and may be charged with the violation, in a forum or court of competent jurisdiction, although he/she did not directly commit it and although the person who directly committed the violation has not been convicted of the violation.

(2) A person participates in the commission of the violation of the person:

(a) Directly commits the violation;

(b) Aids or abets in the commission of; or

(c) Is a party to a conspiracy with another to commit the violation, or advises, hires, or counsels, or otherwise procures another to commit the violation.

6.09

Harvesting After Revocation or Suspension

No person whose Reservation hunting, fishing or trapping or wood cutting privileges have been revoked or suspended, shall hunt, fish, trap or cut wood on the Iowa Tribe of Kansas and Nebraska any fish or wildlife, the harvest of which is regulated by this code, during such revocation or suspension.

SECTION 7:

GENERAL RULES AND REGULATIONS

7.01

Permits and Identification

- (1) No person shall engage in the activity of hunting, fishing, trapping or cutting wood regulated by this code without acquiring or in possession of a valid Tribal License, permit or tag as this code may require, validated for the particular season or activity in question.
- (2) The Tribal Fish and Wildlife Division is authorized to issue to persons, licenses required by this code. Except as otherwise required by this code, the forms of such permits or licenses shall be left to the discretion of the Tribal Fish and Wildlife Division provided such form shall: describe the licensee, including applicant's weight, height, color of eyes, color of hair, 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.
- (3) Persons who hunt, fish, trap or cut wood on their own land shall provide a legal description of the minimum acreage of land owned to qualify for a hunt/fish – on-your-land permit. The legal description shall include the township, range and section numbers and the country in which located.
- (4) No person shall refuse to display his/her identification documents or any other documents or permits required by this code to any Tribal, Federal, State, or local Law Enforcement Officer upon request by such Officer.
- (5) No person to whom any license has been issued under this code shall, when requested by the Tribal Fish and Wildlife Division, fail or refuse to provide harvest reports and data and such other relevant information as may be requested.

7.02

Wanton Waste of Fish and Wildlife

- (1) No person who takes any fish or 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 fish or 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 proper storage, and there properly care for the carcass within 48 hours after taking or killing, is a prima facie evidence of a violation.

(2) No person shall abandon edible portions of fish or wildlife at a meat processing plant. The leaving of edible portions of fish or 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 the Division Director, or to any Local Law Enforcement Agency for referral to the Division Director.

7.03

Larceny of Fish or Wildlife

(1) No person shall take, capture, or kill, or attempt to take, capture or kill any fish or wildlife with the aid of dynamite or any explosive, poisonous, or stupefying substance or device.

7.04

Use of Poison and Explosives

(1) No person shall place in any waters explosives which might cause the destruction of any fish or wildlife except when authorized by the Division Director, or have in his/her possession or under his/her control upon any waters any explosive, poisonous or stupefying substance or device for the purpose of taking, catching, or killing any fish or wildlife.

(2) No person shall use, set, lay or prepare in any waters of the Reservation any lime, poison, fish berries, or any other substance deleterious to fish life; or use baits containing poison of any description in any area of the reservation or other place where such baits might destroy or cause the destruction of fish or wildlife; and the possession of any such poison, baits, or substances deleterious to fish or wildlife regulated by this code is prima facie evidence of a violation of this section.

(3) No member shall take, capture, or kill or attempt to take, capture, or kill any game-bird by setting or operating any trap or device designed, built or used to capture birds.

(4) Nothing in this code shall prohibit the Tribal Fish and Wildlife Division or its designated agents from using explosives or possessing explosives for the purpose of removing beaver dams, clearing a channel or breaking a log or ice jam or for the creation of wetlands.

7.05

Throwing Refuse in Waters; Abandoning Automobiles, Boats or other Vehicles

No person shall deposit, place or throw into any Reservation waters, or leave upon the ice or in such waters any cans, bottles,

debris, refuse or other solid waste material; and no person shall abandon any automobile, boat or other vehicles in such waters. Any automobile, boat or other vehicles not removed from such waters within thirty (30) days shall constitute abandonment.

7.06 Scientific Investigations

(1) The Tribal Fish and Wildlife Division's biological services personnel may conduct investigations of fish and wildlife in order to develop scientific information relating to populations, distribution, habitat needs, and other biological data in order to advise the Tribe on conservation measures designed to ensure the continued ability of fish and wildlife to perpetuate themselves.

(2) The Tribal Fish and Wildlife Division may for scientific purposes engage in or authorize the harvest of protected species by the use of methods, at times or at locations not authorized by this code on such terms and conditions as it deems appropriate, as long as those methods are reasonable and acceptable to the scientific community.

(3) Nothing in this section shall authorize any person to exceed the biological safe harvest level of any species.

7.07 Seasons

No person shall engage in the Reservation harvest privileges regulated by this code, except during the respective seasons established pursuant to this code.

7.08 Unlawful Possession of Fish and Wildlife

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

7.09 Bag Limits; Possession Limits

No person shall have in his/her possession or under his/her control any fish or wildlife in excess of the bag or possession limits or above or below the size limits for any fish or wildlife as established by this code.

7.10 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 under permit issued by the Division Director.

7.11 Harvesting with Another's Permit

No person shall hunt, fish, trap or cut wood while in possession of any permit or tag issued to another except when authorized under permit issued by the Division Director.

7.12 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 fish or wildlife.

(2) This subsection shall not apply to:

- A. Any person who possesses a flashlight or uses a flashlight while on foot to track or hunt raccoon, foxes, skunks, coyotes or any other unprotected species, accompanied by hunting dogs.
- B. Any person authorized to enforce the provisions of this code while on official business conducting an active investigation.
- C. Any person authorized to conduct fish or wildlife censuses or surveys.

7.13 Duties on Accidental Shooting

Any person who, while hunting any fish or wildlife discharges a firearm or arrow and thereby injures or kills another person, shall forthwith give his or her name and address to such person if injured and render assistance to him or her as may be necessary and obtain immediate medical or hospital care, and shall immediately report such injury or death to the proper law enforcement authorities.

7.14 Failure to Report Hunting Accidents

Any person who has caused or been injured in an accident in which another person has been injured by gunfire or by an arrow while hunting, fishing, or trapping or has inflicted an injury upon himself or herself with a firearm or arrow while hunting, fishing or trapping, shall render or cause to be

rendered a report to the Division Director. Failure to report such an accident shall constitute a violation of this section.

7.15 Hunter Education Requirement

Any person 16 years or older and born after July 01, 1977 must have completed a certified Reservation, State or Canadian Hunter Safety Course and show proof of successful completion to the authorized license vendor to purchase a hunting or furbearers license.

7.16 Age Restrictions

(1) No person under 10 years of age may hunt Deer while possessing a firearm or bow and arrow.

(2) No person under the age of 15 years may hunt or trap while possessing a firearm or bow and arrow unless he or she is accompanied by a licensed or permitted parent, guardian or other adult designated by a parent or guardian and has successfully completed a certified Reservation, State or Canadian Hunter Safety Course and can show proof of successful completion to the Law Enforcement Official requesting identification.

7.17 Parental Obligation

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

7.18 Hunting, Fishing, and Trapping while Intoxicated

No person shall hunt, fish or trap while under the influence of alcohol, intoxicant or controlled substance to a degree that the person is incapable of safely using such weapon or equipment, or while a person has a blood alcohol concentration of 0.08% or more by weight of alcohol in the person's blood or 0.08 grams or more of alcohol in 200 liters of that person's breath.

7.19 Resisting a Conservation Officer

No person shall assault or otherwise resist or obstruct any law enforcement officer authorized to enforce the provisions of this code in the performance of duty.

7.20

False Impersonation of an Enforcement Officer

No person shall falsely represent himself/herself to be a law enforcement officer authorized to enforce the provisions of this code, or shall assume to act as such an officer, without having been duly appointed.

7.21

General Restrictions on Hunting and Trapping

(1) Hunting in Restricted Areas; No Person Shall

A. Hunt within 1700 feet of any hospital, school and/or grounds, or any public establishment and/or grounds.

A. While on lands of another, discharge a firearm within 400 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.

B. Hunt or pursue any wildlife, or enter for the purpose of hunting or pursuing any wildlife on any legally posted lands without the express permission of the owner or occupant. Trap or pursue furbearers on legally posted land without permission from the owner or occupant.

C. Leave any gate, bars or other devices used to enclose land or livestock open upon entering or exiting the premises for the purpose of hunting or pursuing wildlife unless he/she is in lawful possession of the premises.

D. No person shall drive off any established roadway while hunting, fishing or trapping.

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

(2) Color of Clothes

No person shall hunt any wildlife except for bow hunters during big game hunting seasons unless 400 square inches of the persons clothing above the waist is of a highly visible color referred to as: Hunter Orange, Blaze Orange, Fluorescent Orange, Flame Orange.

(3) Transportation of Firearms and Bow & Arrow

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

(4) 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.

(5) Restrictions on Use of Bait.

A. No person shall place or hunt over bait unless such material is present from normal agricultural practices.

B. No trapper or person shall set any trap within 30 feet of any exposed bait visible to airborne raptors. Exposed bait means meat or viscera of any animal, bird or fish with or without the skin, hide or feathers.

C. No person shall place, use or hunt over bait containing, or contained within, metal, plastic, glass, wood or non-biodegradable materials.

(6) 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 in a motorized vehicle while conducting an active investigation, surveys, or wildlife and fisheries counts.

7.22

Hunting or Harassing Wildlife with Aircraft

No person shall hunt or harass any wild animal with the aid of any type of aircraft. Exception is the authorized use of aircraft to perform population censuses or to remove depredating wildlife with the consent of the Division Director.

7.23

Pivot Guns and Similar Devices

No person shall place, operate or attend, spread, or set any net, pitfall, spring gun, pivot gun, swivel gun, or other similar

contrivance for the purpose of catching or which might catch, take or ensnare wild animals.

7.24 Tampering with Equipment of Another

No person shall molest, disturb, tamper with or in any way interfere with any hunting, fishing, trapping, wood cutting or other equipment used, set or placed by another except with the owner's permission.

7.25 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 2.

7.26 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 Iowa Tribe of Kansas and Nebraska.

7.27 Unprotected Species

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 2 of this code.

7.28 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.

7.29 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 Iowa Tribe of Kansas and Nebraska, provided that the non-member or non-Indian possesses a license or permit and is otherwise nor

prohibited from engaging in the activity involved and complies with the laws of this code or proper jurisdiction.

7.30

Emergency Closures

(1) Notwithstanding any other provisions of this code, the Division Director 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 judgement, 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 order 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 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.

7.31

Hunting Hours

No person shall pursue, shoot, kill or attempt to take any wildlife between ½ hour after sunset of one day and ½ hour before sunrise of the next day. No person shall pursue, shoot, kill or attempt to take any waterfowl or migratory game birds between sunset of one day and sunrise of the next day.

7.32

Obtaining Permission

(1) No person shall hunt on tribal lands, trust lands or private land without verbal or written permission of the Tribe or individual landowner.

SECTION 8: BIG GAME HARVEST REGULATIONS

8.01 General Big Game Provision

It shall be unlawful for any person to hunt, take, harvest, or pursue any big game animal by any method other than prescribed in this code and/or section.

8.02 Open and Closed Season

(1) A closed season is hereby established for the hunting of big game except for open seasons specified in Section 8.10 or proclamations established pursuant to this code.

(2) Except as otherwise expressly approved by this code, no person shall hunt big game on the Reservation during a closed season.

8.03 Number of Big Game permits Available

The number of big game harvest permits available for harvest in each big game unit pursuant of this code for each twelve (12) month period commencing January 1 and ending December 31 shall be limited to the number established by the Fish and Wildlife Division. No permit will be issued after the opening of a season.

8.04 Big Game Permits/Tags

(1) No person shall hunt big game on any lands if the Iowa Tribe of Kansas and Nebraska pursuant to this chapter without possessing a valid big game license or permit approved by the Tribe.

(2) No person shall hunt big game without possessing a valid carcass tag, except as provided in Section 8.14 (Group Hunting).

(3) The Tribal Fish and Wildlife Division shall not issue more than one tag at one time to a person except as authorized in Sections 8.07 and 8.09, where exceptions for special permits are allowed.

(4) No Big Game permits shall be considered valid for any Big Game Unit or Reservation Lands:

A. Which is shown to be closed.

B. For which the permit is marked as invalid.

C. On which any big game permit unit or reservation harvest number has been slit, punched through or otherwise crossed out in any fashion.

(6) No person shall move or field dress any big game animal before affixing to it a valid carcass tag.

(6) No person shall move or field dress any big game animal without making a cut or punch through the date of kill.

(7) No permit may be issued after 4:30 pm on the closing date of the application period.

(8) No person shall hunt and harvest big game in a unit or on Reservation lands that is different than the unit or lands stated on the valid permit.

(9) No person shall harvest and/or tag big game of any species or sex without the appropriate license or carcass tag.

(10) No person shall hunt or harvest big game without their valid license(s) and tag(s) in possession.

(11) No person designated to harvest big game for a Senior Citizen or Disabled Person shall fail to deliver the validly tagged carcass to such Senior Citizen or Disabled Person.

8.05

Accompaniment of Big Game

It shall be unlawful for any big game permittee to transport any big game without being properly tagged until such time as the carcass is processed. Nor shall anyone knowingly accept for and transport another's big game without the valid license holder's written permission from the person providing the game or parts thereof. This section shall not apply to any authorized enforcement persons who in the course of their duties, transport any such seized big game, or Senior/Disabled Citizens under Section 8.07.

8.06

Accompaniment by Non-Licensee

It shall be unlawful for any big game permittee 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 Big Game License.

8.07

Senior Citizen and Disabled Permits

(1) No person other than the designated hunter or Senior or Disabled Citizen may hunt, harvest, transport or possess any big game with a Tribal issued Senior or Disabled Citizen Big Game Permit. No designated hunter may possess more than one Senior or Disabled Citizen Big Game Permit per season.

(2) Senior or Disabled Citizen Big Game Permits will be considered provided:

A. The applicant meets the age requirement of 55 or older and/or disability requirements established by the Division Director.

B. The applicant completes and submits the appropriate Big Game application.

C. If disabled, provide appropriate documents proving such person is disabled.

D. Designate one person who will possess the license, hunt and harvest, transport and deliver the carcass to the Senior Citizen or Disabled Person.

8.08

Special Provisions for Disabled Persons

(1) It shall be unlawful for anyone to hunt in the same manner as/with a disabled person who is in the act of hunting under a waiver of certain restrictions of this code.

(2) Waiver of restrictions listed below will be permitted after proof of disability is confirmed.

A. Shoot from a roadway.

B. Shoot from a vehicle that is not moving.

C. Park off an established trail not further than 100 feet.

8.09

Special Big Game Permits

(1) No person shall possess, hunt or harvest any big game for special purposes without possessing a valid permit approved by the Tribe and Division Director.

(2) To obtain a Special Big Game Permit, one must make application to the Division Director containing the following information:

A. Purpose of permit request.

B. Period of requested harvest.

C. Designated hunter's name, address, social security or Tribal Enrollment Number, Hunter Safety Number (if applicable), phone number, height, weight, color of eyes, color of hair, date of birth.

D. Name of person requesting permit, address, phone number, social security number or Tribal Enrollment Number.

E. Description of vehicle to be used for transporting big game.

F. Land Owner/Tenant Permits

For fish/hunt-on-your-own land-permit, person must own or control at least 40 acres or more and provide a legal description of land owned. The legal description shall include the township, range and section numbers and the county in which located. Those eligible for permits are husband, wife, son or daughter.

8.10

Big Game Season

(1) No person shall hunt big game from the close of the specific season to the opening of the next specific season of the following year.

(2) Each year a regular firearm and bow season shall be established by the Tribe's governing body, or its designee, with the following limitations:

A. The regular seasons for hunting big game animals with the use of firearms or bow shall not open prior to the second Saturday of September or close later than the last Sunday of December of each year.

8.11

Permissible Methods

No person shall hunt big game animals except by use of any firearm or bow and arrow, the use of which is not prohibited by this code.

8.12

Firearms Restriction

No person shall hunt big game animals:

- (1) With a .410 gauge shotgun (except for Turkey Season, any .410 to 10 gauge with a shot size of 7 ½ to 2 shot only).
- (2) With any handgun except a handgun which is leaded with .357, .41, .44 magnum or larger caliber handgun chambered for commercially manufactured cartridges which produce a minimum muzzle energy of 500 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.
- (3) With any shell, cartridge or ammunition known as a tracer shell, or with incendiary shells or cartridges,
- (4) With a shot shell containing shot of any size less than a slug. (DEER)
- (5) With a gun having the capacity to hold more than eight (8) shells in the clip or magazine.
- (6) With a gun capable of being fired as an automatic.
- (7) With a gun having a silencer or sound suppressor device.
- (8) With a rifle with a barrel less than a 16 inch barrel.
- (9) With a shotgun with a barrel of less than 18 inches.
- (10) With any altered projectiles.
- (11) With a muzzleloader of less than 45 caliber.

8.13

Bow/Crossbow Restrictions

No person shall hunt big game:

- (1) With a bow having pull strength less than 40 pounds or using an arrow less than 24 inches that does not have a broadhead.
- (2) With a crossbow unless the crossbow:
 - A. Is fired from a shoulder.
 - B. Has a minimum draw weight of 100 pounds.
 - C. Has a stock of not less than 30 continuing inches in length.

D. Is used with arrows or bolts of not less than 14 inches with a broadhead.

E. Has a working safety.

8.14

Group Deer Hunting

As used in this section:

(1) “Contact” means visual or voice contact without the aid of any mechanical or electrical amplifying device other than a hearing aide.

(2) “Group Big Game Hunting Party” means two (2) or more persons lawfully hunting big game in a group under this code.

(3) Any person of a group big game hunting party may kill big game for another person of the group if the following conditions exist:

A. At the time and place of the kill, the person who kills the big game must be in a verbal contract with the person for whom the big game was killed.

B. The person for whom the big game is killed possesses a current unused big game license and carcass tag valid for the unit or Reservation lands in which the big game is killed.

C. A person who kills the big game must ensure that a person of his/her group big game hunting party without delay must attached and validate a carcass tag prior to field dressing and moving the animal. No person who kills an animal under this provision shall leave the animal unattended until after it is properly tagged.

8.15

Hunting Hours

Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any big game animal between ½ hour after sunset of one day and ½ hour before sunrise of the next day.

8.16

Transportation

No person shall transport any untagged big game animal in or on any motor vehicle. All big game animals must be properly tagged before transporting.

Conventional or Compound Bow with a draw weight of not less than 40 lbs., that shoots only 1 arrow of 24" or more in length at a time and equipped with a broadhead.

Crossbow

- A. Is fired from the shoulder.
- B. Has a minimum draw weight of 100 pounds.
- C. Has a stock of not less than 30 continuing inches in length.
- D. Is used with arrows or bolts of not less than 14 inches with a broadhead.
- E. Has a working safety.

Muzzle Loader

45 Caliber or larger, equipped with open, peep, red dot, or magnifying scope

Handgun

With any handgun except a handgun which is leaded with .357, .41, .44 magnum or larger caliber handgun chambered for commercially manufactured cartridges which produce a minimum muzzle energy of 500 foot pounds and which has a minimum barrel length of six (6) inches measured from the muzzle to the firing pin with the action closed.

SECTION 9:

UPLAND GAME AND UPLAND GAME BIRDS

9.01

General Provisions

(1) “Upland Game Birds” means Grouse, Prairie Chicken, Pheasant, Partridge and Quail.

(2) “Upland Game” means Tree Squirrel, Prairie Dog, Cottontail Rabbit and Jack Rabbit.

(3) No person shall take, pursue, injure, or harass any upland game or upland game bird while on or in its nest or den, or remove any eggs or young except as may occur in normal agriculture, horticulture or wildlife research practices and as may be authorized by the Tribe or Director.

(4) Nothing in this code shall be construed to prohibit the taking of such upland game or upland bird for scientific purposes with the authorization of the Division Director.

9.02

Open and Closed Seasons

(1) A closed season is hereby established for the hunting of upland game and upland game birds except for open seasons specified in Section 15.03 or by Tribal Proclamation.

(2) Except as otherwise expressly provide for by this code, no person shall hunt upland game or upland game birds on the Reservation during a closed season.

9.03

Upland Game and Upland Game Bird Hunting Permits and Tags

(1) No person shall hunt Upland Game or Upland Game Birds on any lands of the Iowa Tribe of Kansas and Nebraska pursuant to this section without possessing a valid Upland Game and/or Upland Bird License or permit approved by the Tribe.

(2) The Tribal Fish and Wildlife Division shall not issue more than one license to one person at one time except as authorized by the Division Director.

(3) No upland game or upland game bird license shall be considered valid unless:

A. The license or permit is properly signed in ink by the hunter.

B. A valid hunter safety certificate is shown at the time of purchase and hunter safety number is recorded on the face of the license if the hunter was born after July 01, 1977.

C. For which any permit is marked invalid.

9.04 Accompaniment of Upland Game or Upland Game Bird

It shall be unlawful for any upland game and/or upland game bird permittee to transport any upland game or upland game bird without being present with the carcass until such time as the carcass is processed. Nor shall any person knowingly accept for transport another's upland game or upland game bird without the valid license holder present or written permission from the person providing the game.

9.05 Special Permits

No person shall possess, hunt or take any upland game or upland game bird without possessing a valid special permit approved by the Tribe or Division Director. Refer to Section 8.09 of this code for application procedures.

9.06 Upland Game or Upland Game Bird Season

(1) No person shall hunt upland game or upland game birds from the close of a specific season to the opening of a specific season of the following year.

(2) Each year a regular firearms and bow season for upland game and upland game birds shall be established by the Tribe's governing body or its designee with the following limitations.

A. The regular season for hunting upland game or upland game birds shall not open before the first Saturday in September or extend later than the last Sunday in December of each year.

9.07 Permissible Methods

(1) No person shall hunt upland game except by firearms or bow and arrow.

(2) The hunting or taking of upland game birds is restricted to the use of a shotgun, bow and arrow or falconry, the use of which is not prohibited by this code. The hunting or taking of upland game is restricted to the use of a shotgun. Additional firearm and bow and arrow restrictions are listed in subsections 9.08 and 9.09.

9.08

FIREARM RESTRICTIONS

(1) No person shall hunt upland game or upland birds with:

- A. A shotgun larger than 10 gauge.
- B. A shotgun with a barrel length less than 18 inches.
- C. Rifles and handguns prohibited.
- D. Shotgun shells with slugs are prohibited.
- E. With any type of shell, cartridge or altered projectile or device which is not considered a factory load, copy or style.
- F. While not in flight.

9.09

BOW AND ARROW RESTRICTIONS

(1) No person shall hunt upland game or upland game birds:

- A. With a bow having a pull or draw strength of less than 40 pounds.
- B. With arrows that must be at least 24 inches in length, have at least two (2) untrimmed feathers, and tip that is of a broadhead type.
- C. With poison or exploding points of any type.
- D. With crossbows are prohibited, Exception: See Section 8.13

9.10

Falconry

Hunting upland game birds, using Birds of Prey or Raptors is permitted by persons possessing a federal falconry permit and Tribal Upland Game Bird Permit. All bag limits, seasons and legal hunting hours shall apply.

9.11

Hunting Hours

Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any upland game or upland game bird between ½ hour after sunset of one day and ½ hour before sunset of the next day.

9.12

Transportation

(1) No person shall transport any upland game or upland game bird in or on any motor vehicle without possessing the appropriate permit, required license and/or tagging the upland game and/or bird with a proper transportation tag.

(2) No person shall transport any upland game bird in or on any motor vehicle without leaving at least a fully feathered head, or fully feathered wing, or a leg and foot attached to each harvested upland game bird.

(3) Members of the Tribe are not required to place a transportation tag on their upland game or upland game bird. This is only required for any person transporting upland game or upland game birds off the Reservation.

9.13

Hunting Certain Lands Prohibited

No person shall hunt any designated Tribal Wildlife Refuge unless permitted by law and possessing the appropriate license or required permit.

9.14

Sale of Upland Game or Upland Game Birds

No person shall sell, attempt to sell, or purchaser any upland game or upland game birds.

9.15

Use of Dogs

It shall be lawful to use dogs for the purpose of pursuing upland game or upland game birds provided the dog has been properly vaccinated in accordance with acceptable veterinary procedures and owner maintains proof of such vaccination while afield.

9.16

Limits

No person shall take more than one daily limit on any one day, nor possess more than one daily limit while in the field or while returning from the field to one's vehicle or hunting camp.

9.17

Hen Pheasants

No person shall shoot/take a hen pheasant.

SECTION 10:

FURBEARERS

10.01

General Provisions

(1) No person shall take, attempt to take, pursue, harass or injure any furbearer in its den, or remove any young except as may occur during normal agricultural, horticultural or wildlife research practices and as may be authorized by the Division Director.

(2) Nothing in this code shall be construed to prohibit the taking of such furbearers for scientific purposes or depredation control as may be authorized by the Division Director.

10.02

Open and Closed Seasons

(1) A closed season is hereby established for the hunting and trapping of furbearers except for open seasons specified in Section 15.03 or by proclamation.

(2) Except as otherwise expressly provided by this code, no person shall hunt, take or trap furbearers on the Reservation during a closed season.

10.03

Permits and Tags

(1) No person shall take, hunt or trap furbearers on any lands of the Iowa Tribe of Kansas and Nebraska pursuant to this section without possessing a valid furbearers license or required permit approved by the Tribe.

A. For fish/hunt-on-your-own-land permit, person must provide a legal description of land owned. The legal description shall include the township, range and section number and the county in which located.

(2) The Tribal Fish and Wildlife Division shall not issue more than one license to one person at one time except as authorized by the Division Director.

(3) No furbearers license shall be considered valid unless:

A. The license or permit is properly signed in ink by the hunter or trapper.

B. Show a valid hunter safety certificate at the time of purchase and certificate number is recorded on the license if the hunter or trapper was born after July 01, 1977.

C. For which any permit or license is marked invalid.

10.04

Furbearer Season

(1) No person shall take, hunt or trap any furbearer from the close of a specific season to the opening of a specific season.

(2) Each year a regular firearm and trapping season for furbearers shall be established by the Tribe's governing body or its designee with the following limitations:

A. The regular season for trapping furbearers shall not open before the first Saturday in October of one year and may continue through the last Sunday in April of the next year to constitute a trapping year.

B. A regular season, to include a year-round season, for hunting furbearers shall only be established for the following species: Coyote, Fox, Skunk, Badger, Raccoon, Prairie Dog and feral dogs.

10.05

Furbearer Hunting and Trapping Hours

Except where otherwise expressly authorized, no person shall pursue, shoot, kill, trap or attempt to take any furbearers between ½ hour after sunset of one day and ½ hour before sunrise of the next day except Coyotes and Raccoons.

10.06

Methods of Taking

No person shall be:

A. Trapping with any leghold trap larger than a Number Four (4) and/or any trap containing a tooth style jaw.

B. Trapping within 30 feet of any exposed bait visible to airborne raptors.

C. Trapping with the aid of poison or poison bait.

D. Trapping with traps or snares unless attached to the traps or snares is a metal tag displaying the trappers full name, address and phone number.

E. Use of Cross-Bows.

F. Use of a bow with a pull strength less than 40 pounds.

G. Use of arrows less than 24 inches in length.

H. Use of explosive points.

I. Use of arrows with a point other than a broadhead having no less than two (2) sharpened edges.

J. Use of artificial lights. The use of flashlights with no more than four (4) cells may be authorized for calling, hunting, or pursuing coyotes or raccoons at night.

K. Use of a rifle with a barrel length less than 16 inches and use of a shotgun with a barrel length less than 18 inches.

L. Use of any traps to take any wildlife not specified as furbearer or by proclamation.

M. Destroying any den, lodge or hut.

N. Use of poisons or explosives of any type or in any manner not authorized by the Division Director.

O. In the possession of, or in the use of, a shotgun of any type while pursuing, taking, or trapping, and any attempt to do the same, while furbearer harvesting.

10.07

Use of Traps

Any person trapping must attend their traps at least every 48 hours and remove any trapped furbearer.

10.08

Trapping Areas Prohibited

(1) No person shall trap on private land without receiving verbal or written permission from the owner or tenant.

(2) No person shall trap on any Tribal Refuge without possessing the required permit, license and/or tags.

10.09

POSSESSION OF LIVE FURBEARERS

(1) No person shall remove any live furbearers 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 sale.

(2) Any person who maintains live furbearers on any lands of the Iowa Tribe of Kansas and Nebraska must serve notice within 30 days after receipt of the live furbearer(s) to the Tribal Fish and Wildlife Division and obtain a permit for those furbearers.

10.10 **BOBCAT PROVISIONS**

The taking, hunting, trapping, selling, and purchasing is allowed if taken during the established season and a valid permit, license, and/or tag is in the hunter's possession.

10.11 **USE OF DOGS**

Dogs may be used in the pursuit of raccoon, coyote and fox while hunting with a valid furbearers license. Dogs must be vaccinated under accepted veterinary practices and owner must maintain proof of vaccination.

10.12 **HARVEST OF DEPREDATING ANIMALS**

Any landowner or tenant may destroy any furbearer which has been identified as depredating any livestock, poultry or crops. He/She shall not commercialize in, sell, trade, or ship any pelt or parts thereof without possessing a valid Tribal furbearers license or permit.

10.13 **BUYING OR SHIPPING OF FURS OR PELTS**

No person shall engage in the business of buying or shipping of furs or pelts on any Reservation Lands unless he/she possesses a valid Tribal furbearers license or permit.

10.14 **RECORDS TO BE KEPT BY LICENSED DEALER**

(1) Any person licensed to engage in the business of buying or shipping furs or pelts shall keep a true and accurate record of each purchase and/or shipment of furs or pelts.

(2) The record shall include:

- A. The date of purchase.
- B. The date of shipment.
- C. The name and address of seller.
- D. The kind and number of furs involved.
- E. The amount of money paid for the furs.
- F. Any additional information requested.

SECTION 11:

MIGRATORY BIRDS

11.01

General Provisions

(1) No person shall take or injure any Migratory Bird or harass any Migratory Bird upon its nest or remove any egg or young except as may occur in normal agriculture, horticulture, or wildlife research practices and as may be authorized by the Division Director and federal regulations.

(2) Nothing in this code shall be construed to prohibit the taking of such migratory birds for scientific purposes with the authorization of the Division Director and in accordance with federal regulations.

11.02

Open and Closed Seasons

(1) A closed season is hereby established for the hunting of migratory birds except for open seasons specified by proclamations.

(2) Except as otherwise expressly provided by this code, no person shall hunt migratory birds on any Reservation lands during a closed season.

11.03

Firearms Restrictions

(1) No person shall hunt Migratory Birds with:

- A. A shotgun larger than 10 gauge.
- B. A shotgun capable of holding more than two (2) shells in the magazine.
- C. A shotgun using a plug of two (2) or more pieces.
- D. A rifle of any type.
- E. A shotgun with a barrel length less than 18 inches.
- F. A handgun of any type.
- G. Shot other than steel shot.
- H. Take migratory birds while not in flight.

11.04 Bait Restrictions

(1) It is unlawful to hunt over bait other than grain crops left in the field due to normal agricultural practices.

(2) It is unlawful to hunt in unharvested crops or grain fields such as cereal crops, alfalfa, corn or sunflowers.

(3) It is unlawful to use electronic calls or devices of any type to lure migratory birds for any purpose.

11.05 Live Decoys

It shall be unlawful to use live decoy birds for the purpose of Hunting migratory birds. If live domestic geese or ducks are or have been present, they must be removed ten (10) days prior to hunting.

11.06 Permits and Tags

No person shall pursue or take any migratory birds on any lands of the Iowa Tribe of Kansas and Nebraska without possessing a valid Tribal license, permit, required tags or migratory bird stamp.

11.07 Hunting Seasons, Bag Limits and Shooting Hours

(1) 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, rules and regulations provided for in 50 C.F.R. Part 20, Migratory Bird Hunting, will be enforced.

(2) The Division Director and Executive Committee are responsible for establishing migratory bird seasons in compliance with the Migratory Bird Treaty Act. If recommended Tribal Seasons, limits, or taking activities vary from their respective state seasons, limits or taking activities or vary from the Central Flyway.

A. Recommendations for the hunting of Migratory Birds: the Executive Committee or designated representatives is responsible by law to submit a proposal to the U.S. Fish and Wildlife Service, Migratory Bird Management Office, Washington, D.C. to request the variance or special Migratory Bird Hunting Season. This proposal should include, but not limited to, the following:

1. The requested hunting season dates and other details regarding regulations to be observed.
2. Harvest anticipated under the requested regulations.
3. Methods that will be employed to measure or monitor the harvest.
4. Steps that will be taken to limit levels of harvest.
5. Tribal capabilities to establish and enforce migratory bird hunting regulations.

B. Upon completion of a Special Migratory Bird Hunting Season, the Tribe or its designated representative is required by law to submit a final report to the Migratory Bird Management Office, Washington, D.C., describing the number of migratory birds harvested per species and any problems incurred through the special season.

C. If the Tribe does not set a migratory bird hunting season different from the State or Central Flyway Council, then no proposal is required.

(3) Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any migratory bird between sunset of one day and sunrise of the next day.

11.08

Raptors, Bald & Golden Eagles, Other Protected Species

(1) 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 thereof on any lands of the Iowa Tribe of Kansas and Nebraska.

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

11.09

Transportation

(1) No person shall transport any migratory bird without leaving a fully feathered wing or head on each carcass.

(2) No person shall transport any migratory bird without transporting birds of another without that person present, or without permission from the person providing the migratory bird for transport, or without birds being properly tagged if required.

(3) This subsection shall not apply to any authorized enforcement persons in the course of their duties transporting any seized migratory bird(s).

11.10

Live Birds

It shall be unlawful to possess a live migratory bird or birds at any time. All migratory birds must be immediately killed once possession is gained. Persons who raise captive birds may maintain these birds by permit issued through a hatchery, game farm, or State and/or Federal Agency.

SECTION 12:

FISHING

12.01

General Provisions

(1) No person shall take, attempt to take or injure any fish in any waters, upon its nest, or remove any eggs as may occur in normal recreational or fisheries research practices, or as may be authorized by the Division Director.

(2) Nothing in this code shall be construed to prohibit the taking of such fish for scientific purposes with the authorization of the Division Director.

12.02

Open and Closed Seasons

A closed season is hereby established for fishing except for the open season, species, and creel or bag limits specified by proclamation.

12.03

Fishing Permits and Tags

(1) No person shall fish, take or attempt to take any fish pursuant to this code without possessing a valid tribal fishing permit, license or required tags issued by the Division Director.

A. For fish/hunt-on-your-own-land permit, person must provide a legal description of land owned. The legal description shall include the township, range, and section numbers and the county in which located.

B. Reservation Lands: Any person fishing any lands of the Iowa Tribe of Kansas and Nebraska must possess the requisite Tribal license or permit.

C. Missouri River: Any Enrolled Indian or Federally recognized Indian fishing within the boundaries of an Indian Reservation on the Missouri River are required to possess the requisite Tribal license or permit. Any non-Indian fishing upon the Missouri River are required to possess the requisite State license.

(2) The Tribal Fish and Wildlife Division shall not issue more than one license to one person at one time except as authorized by the Division Director.

(3) No fishing license or permit shall be considered valid unless:

A. The license is endorsed by the fisherperson in ink.

B. The license for which any permit or license is marked invalid.

12.04

Seasons, Creel Limits and Size Limits

(1) No person shall take, attempt to take, catch or fish for any species of fish in excess of the established daily or possession creel or bag limit.

A. Daily Limit: The number of fish that may be taken from midnight to midnight, except no person may possess more than one day's limit of fish with head, skin and fins attached while on the water, ice or actively engaged in fishing.

B. Possession Limit: The number of fish a person may have under his or her control such as in a portable cooler, a home freezer, or registered in his or her name in a commercial cold storage locker.

(2) No person shall take, attempt to take, kill or possess any fish under or over the specified size limit.

12.05

Trespass

No person may fish on private waters without permission from the owner, lessee or tenant. No person shall fish on Tribal Refuse waters or protected waters without possessing the required license, permit tags, or unlawfully fish in those designated waters.

12.06

Hook and Line Limitations

(1) A maximum of 3 tow lines and three hooks per line is allowed for fishing open waters.

(2) A maximum of four lines is allowed for fishing through the ice.

(3) A maximum of one line and one hook is allowed for paddlefish snagging.

(4) Only one end of each line may be equipped with hooks. An artificial lure constitutes one hook, regardless of the number or gang hooks attached.

(5) It shall be unlawful to snag any species of fish in waters on the Iowa Reservation.

12.07

BAIT

(1) Licensed anglers may take bait for non-commercial purposes and as provided below:

A. Bait Defined: Bait includes baitfish, frogs, salamanders, crayfish, freshwater shrimp, snakes, lizards, clams and snails and night crawlers.

B. Limit: 12 dozen of any species.

C. Seines, nets, and Traps: Any licensed angler taking bait may use a seine up to 30 feet long, 6 feet deep and with a mesh 3/8 inch square or less; a dip net up to 30 inches in diameter and with a mesh 3/8 inch square or less; a lift net up to 4 feet square and with mesh 3/8 inch square or less; a cast net up to 24 feet in diameter and with mesh 3/8 inch square or less; or a trap no longer than 12 inches in diameter, 36 inches long, and with rigid entrances no wider than one inch.

D. Trap Marking Required: Bait traps must be clearly marked with the owner's name and address.

E. Lost Traps: Traps lost or stolen must be reported within 10 days or knowledge of the loss to the Division Director.

F. Trap Setting: Traps must be set so that not more than one half of the width of a stream is blocked.

G. Trap Checking: To prevent loss of baitfish or other gill-breathing animals, traps must be checked and emptied at least every 48 hours.

H. Fish Released: Endangered or threatened species must be released or returned to the water from which they were taken.

12.08

Bait Wholesalers and Retailers License

(1) A Tribal bait dealers license shall be issued by the Division Director and will prescribe rules and regulations for the handling and care of bait. All Dealers are required to possess the requisite license or permit to sell, trap, seine or net bait. Each permit or license will:

A. Include the name, address and location of dealer.

B. Specify the type and amount to be possessed.

C. Specify if purchased, trapped, seined or netted anywhere the bait was purchased, trapped seined or netter.

D. A permit shall be valid for no more than 12 continuous months from date of issue.

(2) It shall be unlawful to possess more than 12 dozen minnows or bait species without maintaining a Tribal bait dealers license.

12.09

Commercial Sale of Fish

(1) No person shall sell, barter, trade or offer to sell, barter or trade any fish taken from Reservation waters, without possessing a Commercial license issued by the Division Director.

(2) The taking of channel catfish, flathead catfish, blue catfish and spoonbill by commercial fisherman is prohibited.

(3) No person shall sell, barter, trade or offer to sell, barter or trade any fish taken from Reservation waters, except persons operating a private fish hatchery.

12.10

Hoop nets, Traps and Setlines

(1) No person shall set any hoop net, traps without a Commercial license

(2) Restrictions

A. **License:** No enrolled member of the Iowa Tribe of Kansas and Nebraska shall set, check, pull or operate any hoop net, trap or setline without possessing a valid Tribal license or permit issued by the Division Director.

B. **Tags:** Each hoop net, trap, or setline must be marked with a metal tag with the enrolled members name, address and telephone number.

C. **Size and Construction of Hoop Nets and Traps:** Hoop nets must not be more than 18 feet long nor more than 4 feet wide. No leads or wings are permitted. Only hoop nets constructed of fabric mesh with twine size number 15 or larger and slat catfish traps constructed of wood or synthetic slats with at least two 1 ¼ inch openings in each end are allowed. Wire fish traps are prohibited.

D. **Checking:** Setlines must be checked at least every 72 hours.

E. **Catfish Minimum Length:** All catfish less than 12 inches long taken by hoop nets, traps or setlines must be immediately returned to the water.

F. **Limit:** Channel and Blue catfish (single or in combination) 10 per day and possession limit of 20. Flathead catfish 5 per day and possession limit of 10.

G. **Sale of Fish:** Legal fish taken by hoop net, trap, or setlines from Reservation waters may be sold, bartered or traded pursuant to section 12.09.

H. **Unauthorized use:** No enrolled member may use or tend hoop nets, traps or setlines of another enrolled member.

I. **Setline Restrictions:** No enrolled member may use a setline that operates by a reel or other mechanical device, or more than 20 hooks attached to one setline.

12.11

Gill Netting

A. It is unlawful to take any fish or attempt to take any fish with the use or aid of a gill net.

12.12

Spearing

(1) Spear fishing is permitted within the reservation boundaries of the Iowa Tribe of Kansas and Nebraska as follows:

(2) Fish may be taken with spear, legal spear gun (a muscle-loaded device propelling a spear attached to a lanyard no more than 20 feet long), and bow and arrow (crossbows are illegal). Arrows may have only one point, which must be barbed and attached to the bow by a line. Daily and possession limits are the same as and in combination with hook and line limits.

(3) Nongame fish may be taken between sunset and sunrise January 1 – December 31.

(4) All species of fish, except paddlefish, pallid sturgeon, lake sturgeon and endangered or threatened fish, may be speared from sunrise to sunset during the season established by Tribal proclamation.

(5) Catfish Limits – Refer to Section 12.10.

(6) Underwater spearfishing is not permitted within 100 yards of designated swimming or waterskiing areas, boat docks, power intake tubes, or spillways. No underwater diving is permitted where placement of the diver-down flag would restrict boat access into or out of a public access area.

(7) Divers must display a Diver's Flag on the water on a float or buoy during any diving or underwater spearfishing. The flag must be at least 80 square inches and must be all red with a white diagonal beginning at the top of the flag where attached to the staff. The Diver's Flag indicates a diver is submerged in the immediate area and boats are to avoid the area.

(8) Persons spearfishing may not possess game fish in areas not open to spearing of game fish.

12.13 Landing Aids

Landing nets, gaffs, and similar devices may be used as an aid in landing fish.

12.14 Artificial Lights

Artificial lights may be used as an aid in taking fish by legal methods.

12.15 Unattended Lines

Each line used must be under the direct supervision and within the unaided observation of the user.

12.16 Ice Houses

Each fish house, shanty or other shelter must display on the outside the name and address of the owner in letters at least two inches high. The door must permit entry except when unoccupied and locked from the outside. Shelters must be removed from the ice by March 5.

12.17 Transportation

(1) No person shall transport dressed fish from the waters of the Reservation to his or her residence unless those fish can be readily counted. Mobile recreational vehicles, trailers, or tents do not qualify as residences.

(2) Any dressed fish transported, if frozen, must be packed individually. Two fillets will be counted as one fish.

(3) A person may carry or transport only his or her own lawfully possessed fish.

12.18

Interference

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

12.19

Restrictions

(1) No person shall:

A. Deposit refuse in Reservation waters.

B. Leave or deposit fish in the shorelines of Reservation waters.

C. Empty receptacles containing bait into Reservation waters.

D. Transport or introduce fish or fish eggs into Reservation waters.

E. Release fish, reptiles, amphibians or crustaceans not native to the Reservation into Reservation waters without written authorization from the Division Director.

F. Possess, have under control, or maintain trammel nets, gill nets, or seines except legal minnow seines.

G. Possess a spear on or near lakes or streams except during legal hours in open season.

H. Sell, Buy, or barter game fish.

I. Lend his or her license to another person or aid someone in securing a license fraudulently.

J. Use explosives, electrical devices or poisons or stupefying drugs to take fish.

K. Shoot fish, frogs, or turtles with a firearm.

12.20

Bullfrog and Turtle Season

(1) No person shall take, attempt to take, or catch bullfrogs or turtles without acquiring a valid Tribal license or permit.

(2) The methods for taking bullfrogs shall be:

- A. Hand.
- B. Hand dip net.
- C. Hook and fishing line.
- D. Gig.
- E. Bow and arrow with barbed head and a line attached from arrow to bow.

(3) The method for taking of common snapping turtles and soft shelled turtles shall be:

- A. Hand.
- B. Hook and fishing line.
- C. Set line.
- D. Hand dip net.
- E. Seine.
- F. Turtle trap.
- G. Gig.

(4) Artificial light and boats may be used while taking bullfrogs and turtles.

(5) Bullfrog Season is in effect from July 1 – October 31. Limit per day: 8. Possession limit after 3 days: 24.

(7) Turtle Season is in effect year-round. Limit per day: 8. Possession limit after 3 days: 24.

12.21

No person shall fish commercially on inland waters of the Iowa Reservation including oxbows, sloughs, chutes, and back waters within the first 300 yards from the mouth of all tributary streams, including the Nemaha River and Squaw Creek.

Commercial fishing is allowed 300 yards upstream (North of) the mouth of the Squaw Creek to 300 yards below (South of) the mouth of the Nemaha River and to the center line of the Missouri River.

SECTION 13:

TIMBER HARVEST

13.01

General Provisions

(1) No person shall remove any timber from any lands of the Iowa Tribe of Kansas and Nebraska without authorization from the Division Director.

(2) The landowner has the reserved right to any timber located on their land.

13.02

Permits

(1) Any person taking, cutting, or harvesting any timber on tribal lands must possess a Tribal permit issued by the Division Director. The following information is needed for permit application:

- A. His/Her name and address.
- B. Location of removal area.
- C. Type of timber to be removed.
- D. Amount of timber to be removed.
- E. Purpose and need for timber.
- F. Dates removal will begin and end.

13.03

Responsibility and Liability

(1) Any person removing any timber from Tribal land for their use may be held responsible for knowingly causing physical damage to an area that exceeds normal harvesting or cutting practices such as:

- A. Cutting any timber on Tribal land not authorized by permit.
- B. Cutting any timber on Tribal land which has nests or dens of birds or mammals greater than one (1) foot in diameter.
- C. Causing environmental damages to Tribal land, such as erosion to soil from vehicle use.
- D. Failing to remove any cut timber or wood.
- E. Cutting any timber or wood not marked or identified for harvest when applicable.

- F. Causing a fire from careless use of equipment or careless behavior.
- G. Depositing any litter while afield.
- H. No cutting of live trees without prior authorization.
- I. Wood taken from tribal property is for personal use only.
The sale of wood taken from tribal property is strictly prohibited!!

SECTION 14: SPECIAL PERMITS

14.01 General Provisions

It shall be unlawful for any person to harvest any fish or wildlife for any special purpose without obtaining a permit or license from the Division Director.

14.02 Permits

(1) Special permits may be available upon request for taking or harvesting fish or wildlife on lands of the Iowa Tribe of Kansas and Nebraska.

(2) The following information is needed for permit application:

A. Name and address of person(s) making the request.

B. Reason for request.

C. Name of person(s) who will be harvesting the fish or wildlife, or name of person(s) responsible for the activity for which the special permit has been requested.

D. Dates of harvest to occur.

E. Area for harvest to occur in.

F. Species and amount to be harvested.

(3) The Division Director shall:

A. Present the permit request to the Tribal Fish and Wildlife Division or the Executive Committee for approval.

B. Determine sex, amount and methods of harvest.

C. Provide assistance if requested.

D. Request and collect any unused special permits.

SECTION 15:

PROCLAMATION HAS FORCE OF LAW

15.01

General Provisions

Any proclamation issued by the Tribal Fish and Wildlife Division or Executive Committee 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 6.06, Penalties and Sanctions. In addition to any fine and/or imprisonment, the violator shall be subject to forfeiture of his/her license, permit, loss of privileges for one year, and confiscation of paraphernalia used in connection of the violation.

15.02

Proclamation to be Published

Each proclamation issued by the Tribe pursuant to this code shall be published at least one in a local or regional newspaper. The Division Director shall post said proclamation in public places.

15.03

Emergency Openings and Closures of Seasons

(1) Any season established by proclamation may be closed, modified, altered, or a closed season may be opened after investigations and recommendations by the Division Director finds:

A. That a species of fish or wildlife for which an open season exists, are in danger or depletion or extinction, or when necessary for the proper protection during critical periods, the Division Director may close a season for proper protection of said species.

B. That any species of fish or wildlife have become sufficient in numbers or have overpopulated and area and are causing depredation problems, the Division Director 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 Division Director may close or postpone a season and reopen a season at a later date upon reasonable notice through local media.

CHAPTER 16:

CONSERVATION ENFORCEMENT-PERFORMANCE STANDARDS

(1) The Tribe shall perform the conservation enforcement program in accordance with the qualifications, trainings, code of conduct, inspection and evaluation and other standards applicable to Bureau Law Enforcement personnel as follows:

A. In addition to Tribal personnel employment standards, the Tribe shall adhere to the Office of Personnel Management, Bureau of Indian Affairs, accepted standards for skill level GS-1812 minimum job entry level qualifications.

B. Prior to hiring conservation enforcement officers, formal background investigations must be completed. Areas to be considered should include, but not be limited to, criminal record, traffic record, military, education and prior work experience. Background investigations shall remain in the employee's official personnel file.

C. In addition to requirements of the Tribe's policies and procedures, the Tribe, prior to taking disciplinary actions involving suspension, demotion or termination against any Conservation Enforcement employee, shall take the following steps:

1. Notify employee of the contemplated action and give a full specification of the reasons such action is contemplated.

2. Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the Tribe alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.

3. Set a meeting date with the appropriate Administrative personnel, Executive Committee, or Division Director, the employee and employee's legal council, if he/she has such council, not less than 15 days after the employee has been given the written statement of allegations.

4. Provide the employee and, if applicable, the employee's council at the meeting with an opportunity to confront and question each person providing information adverse to the employee.

5. Provide the employee and, if applicable, the employee's council at the meeting with an opportunity to delineate issues, to present factual contentions and supporting information in an orderly manner and to generally protect the employee's interest.

6. Reconsider the decision to take the adverse action based solely on the information given at the meeting and provide the employee at the time the decision is announced with a written statement of the reasons for the decision and the information relied upon in reaching the decision.

D. The Tribe shall assure that each officer is qualified in the field of conservation enforcement and has a working knowledge of arrest procedures, rules of evidence, crime scene search, preservation of evidence, writing reports, testifying in court and related enforcement functions.

E. Firearms Qualifications will be biannual and should be held in conjunction with handgun firearms certifications. All ammunition for qualification with handgun, rifle and shotgun will be provided by the Tribe.

F. Each Conservation Enforcement Officer must attain a score of 70 percent or better on an approved firearms qualification course twice during a calendar year, with at least a four month period separating each session to be considered qualified to carry a firearm. Whenever an officer fails to qualify or the qualification time lapses, the officer shall return all weapons issued. The following courses are approved firearms qualification courses:

1. The National Rifle Association National Police Course.
2. The National Rifle Association 25 Yard Course.
3. The National Rifle Association Practical Pistol Course.
4. The Federal Bureau of Investigation Practical Pistol Course.
5. Indian Police Academy/FLETC Timed PPC Course.
6. The State of Kansas and the State of Nebraska Qualification Courses.

G. Conservation Enforcement Officers shall be issued handgun, shotgun, patrol rifle and ammunition approved by a qualified Firearm's Instructor. The Assistant Secretary of the Bureau of Indian Affairs may grant a written waiver to permit Conservation Enforcement Officers to carry handguns not

authorized by this paragraph in accordance with current Code of Federal Regulations.

H. If weapons other than the sidearms are issued, the Officer must also qualify them. These qualifications will be on a police approved course, with training conducted by any State or BIA Certified Instructor.

I. A firearm may be discharged only when in the considered judgment of the Officer there is imminent danger of loss of life or serious bodily injury to the Officer or to another person. The weapon may be fired only for the purpose of rendering the person at whom it is fired as incapable of continuing the activity prompting the Officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.

J. Except in firearms training, each time a firearms is used, a report shall be filed with the Officer's Supervisor and the Supervisor will notify the respective Agency Superintendent and Criminal Investigator. Whenever use of a weapon results in serious injury or death of any persons, the Officer firing the weapon shall be placed on administrative leave, to be assigned to strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident.

K. Each Conservation Enforcement Officer shall receive a minimum of forty (40) hours of local in-service training annually to meet needs determined by the Tribe and to keep abreast with developments in the field of Conservation Enforcement. If economically feasible, each Conservation Officer shall attend all Conservation Management Training or Workshops to keep abreast with developments in the field of Conservation Management.

L. The Tribe shall require each Conservation Enforcement Officer it employs to sign and adhere to a code of conduct prescribed by the Tribe. The signed copy shall be filed in the employee's official personnel file. The code shall establish specific rules concerning conflict of interest, employee conduct both on and off duty, impartiality and thoroughness in performance of duty, and acceptance of gifts and favors.

M. The Tribe shall permit the inspection and evaluation of the Conservation Programs by the Bureau of Indian Affairs Inspection and Evaluation Unit in accordance with BIAM, Supplement 1, Release 5, or 56 BIAM Release 1, Fish, Wildlife and Recreation.

N. The Tribe shall assure that each Conservation Enforcement Officer shall be specifically identified as such.

O. Uniforms shall be worn at all times while on routine duty which shall positively identify the wearer as a Conservation Enforcement Officer. Badge, name plate and shoulder patch shall be visible at all times. Each Officer shall be issued an identification card bearing a photograph of the Officer.

P. The Tribe shall assure that all Conservation Enforcement vehicles are equipped with a two-way radio, emergency lights, one of which must be red, sirens, safety screens (sedans and crew-cab), fire extinguisher, flashlight, emergency flares, rope, blankets, first aid kit, shovel, tow chain, tire chains, attached or portable winch, handyman jack, and jumper cables. The Tribe shall require that all vehicles used be in good condition and that a DI 120 Operators log book or similar operator/maintenance record book be kept current. The Tribe shall assure that all Conservation Enforcement vehicles are thoroughly cleaned on a weekly basis and all litter removed on a daily basis and all ashtrays emptied daily. The Tribe shall require that all Conservation Enforcement vehicles are marked on each front door with a Division emblem resembling the Officer's shoulder patch.

Q. The Tribe will provide all uniformed Conservation Enforcement officers with the following and assure they are in good condition:

1. Handgun, shotgun, patrol rifle and ammunition approved by a qualified Firearm's Instructor.
2. Belt, holster, handcuff case and cartridge holder.
3. Handcuff with keys.
4. Minimum of two complete uniforms, including hat.
5. Hat badge, breast badge, and coat/jacket badge.

R. The Tribe shall certify that each Conservation Enforcement Officer will or is able to do the following activities:

1. Identify furbearers, big game, small game, waterfowl, all wildlife and threatened, protected and/or endangered species and their habitats.
2. Identify species of fish and their habitats.

3. Recognize and dismantle illegal sport gear and commercial fishing tackle (nets, trap sets, snares, deadfalls, etc.)
4. Recognize and seize illegal firearms and ammunition.
5. Conduct random patrol on land and water by use of car, truck, boat, aircraft, snowmobile, snowshoes, skis and foot.
6. Recognize signs of illegal hunting, fishing and trapping activity.
7. Respond to complaints and take action or refer to appropriate agency if needed.
8. Interview complainant and witnesses.
9. Cite in a professional manner violations of season, time, protected species, and illegal methods, bag limits, sex.
10. Seize, mark and hold illegal game and equipment in a safe place for court evidence. Provide confiscated property receipts.
11. Determine appropriate methods for apprehending illegal operators.
12. Determine ownership of dogs that are running deer or any wildlife; inform the owner of circumstances and to keep dog tied or destroy dogs that are running deer or any wildlife as per Tribe's policy.
13. Prepare detailed incident reports for courtroom use and prepare Informational Complaint history for Department.
14. Stop vehicles and boats where occupants have been observed in violation of the law or when violations is suspected.
15. Check licenses, permits and tags to determine if valid, not borrowed, or fraudulently obtained or that conditions of license/permit are otherwise in compliance.
16. When so directed by appropriate court, commission or operational policy, sell confiscated fish or wildlife, and have check made payable to the Iowa Tribe of Kansas and Nebraska. The check or money order shall be deposited into the Tribal Fish and Wildlife Special Account. Under no circumstances will Conservation Enforcement Officer accept actual money.

17. Any fish or wildlife that is confiscated or seized shall be secured or stored as not to be wasted or spoiled. Any perishable fish or wildlife shall be stored in a freezer. If any species is too large to fit into a freezer, the animal will be processed at a commercial processing plant and then placed into the freezer with head, cape and other parts. Fish and wildlife recovered where no citation has been issued or formal court appearance has occurred will be donated to charitable causes and a signed receipt shall be obtained from the charitable organization. No fish or wildlife seized or confiscated will be sold or donated until the case has been disposed.

18. Examine fish or wildlife for method of take and when taken.

19. Investigate animal damage or depredation, issue permits, and/or destroy animals.

20. Report vehicle killed deer to appropriate authorities.

21. Inspect for legality of fur and tag with appropriate tag(s).

22. Assist Department with statutory responsibility in recovery of drowning victims, lost persons, severe weather emergencies and civil disorders when requested.

23. Maintain a working relationship with the Tribal Court, Tribal Commission, and any other appropriate forums or courts or competent jurisdiction, empowered to hear cases involving fish and wildlife and their support team.

24. Act as court officer and liaison for all cases within jurisdiction.

25. Obtain and serve search warrants, seize property and issue evidence receipts.

26. Know and practice court room etiquette and procedure.

27. Testify as witness at motions, preliminary hearings and trials.

28. All weapons shall be inspected monthly by the Division Director who will report results in the monthly consolidation report. The Conservation officer or his designee shall be notified immediately of any deficiencies in weapons.

29. All firearms shall be cleaned at least once every two weeks. Ammunition shall be replaced at least once a year.

30. The proper storage of firearms at home shall include; rendering firearms inoperable by a safety device and/or storing ammunition and the weapon separately. Both ammunition and firearms shall be stored places not readily accessible to children.

31. Map reading techniques (e.g., road, topographic, quadrangle, plat book).

S. Each Conservation officer shall be certified in advanced first aid and water rescue procedures. Emergency Medical Technician is the desired level of performance.