

TITLE 12

FISH AND GAME CODE

CHAPTER 10 – OFF-RESERVATION HUNTING

Part 1. Policy

12-10-101. Jurisdiction.

(2) The Crow Tribe has exclusive jurisdiction over its enrolled members exercising treaty rights on off-Reservation Unoccupied Lands owned by the Federal Government.

12-10-102. Crow Tribal Court.

The Crow Tribal Court shall have jurisdiction over all violations of this Title.

12-10-103. Reciprocal and Cooperative Agreements.

The Crow Tribal Executive Branch is hereby authorized to negotiate reciprocal and cooperative agreements with the States of Montana and Wyoming, and any other governments or government agencies, federal or otherwise, to facilitate the exercise of Crow Tribal member off-reservation treaty hunting. Such agreements must be ratified by the Crow Tribal Legislature before becoming effective.

12-10-104. Severability and Non-Liability.

If any Part, provision, or portion of this Title is adjudged unconstitutional or invalid by the Crow Tribal Court, the remainder of this Title shall not be affected thereby. The Crow Tribe further asserts sovereign immunity in its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this Title.

Part 2. Conservation

12-10-201. Waste Prohibited.

(1) It is the policy of the Tribe to promote the fullest use of fish and game resources; therefore, the waste of these resources will not be tolerated.

(2) It shall be unlawful for any person to abandon all or any part suitable for food of any bird, wild animal, or fish killed by that person.

12-10-202. Conservation Fund.

(1) The conservation fund shall consist of all monies received from the sale of licenses and permits, the penalties collected for violations of this Title, monies received from the sale of confiscated property, donations, and other funds appropriated by the Tribe for conservation purposes.

(2) Expenditures from the conservation fund shall only be used for conservation and enforcement purposes, and for the reasonable and necessary implementation or operation of the activities governed by this Title. The use of these funds for any other purpose is hereby prohibited.

Part 3. Licensing

12-10-301. Obtaining, Validating Licenses.

Licenses can be obtained only through the Natural Resource Director's office during regular business hours (Monday - Friday, 8:00 a.m. to 5:00 p.m.).

- (1) Only one license per regulated activity may be obtained by an individual.
- (2) A licensee must sign his/her name in ink on each license to validate the license.
- (3) Licenses are non-transferable and must be in the licensee's possession while hunting.
- (4) A licensee must display his/her license upon demand of any authorized law enforcement officer.

12-10-3102. Term of License.

Any license issued shall be void after the last day of December, following its issuance unless otherwise designated.

12-10-303. Lost License.

Lost licenses may be replaced by the Commission for a specified fee upon proof of purchase.

12-10-304. License Possession and Use.

It is unlawful to:

- (1) Hunt or attempt to hunt for any game animal unless the person is carrying the required license at the time.
- (2) Refuse to produce a license or license and the identification used in purchasing a license for inspection to an authorized law enforcement officer.
- (3) Alter or change a license in any material manner.
- (4) Loan or transfer any license to another person.
- (5) Use a license issued to another person.
- (6) Attach the person's license to a game animal killed by another person.
- (7) Have physical control over a valid and unused hunting license or license issued to another person while in any location that the species to be hunted may inhabit. This prohibition does not apply to a person who is carrying or has physical control over a license or license issued to that person's spouse or to any minor when the spouse or minor is hunting with that person.

Failure to possess a valid License, with appropriate stamps attached, as required by this Title shall constitute a violation and will be prosecuted.

12-10-305. Requirement to Present Licenses Upon Request.

All persons must have in their possession and must present to authorized law enforcement officers upon request, their applicable licenses, when engaged in hunting. To engage in the hunting of migratory waterfowl, persons must also present a Federal Migratory Waterfowl stamp. The Commission shall provide an informational sheet annually as to where the Federal Migratory Waterfowl stamps may be obtained.

12-10-306. Categories of Licenses.

- (1) Hunting License: To lawfully take or hunt Big Game and Small Game, a person must possess a valid Hunting License appropriate to the category of game hunted.

- (2) Bow and Arrow License: To lawfully hunt with a bow and arrow on the Reservation, a person must possess a valid Bow and Arrow License. The Bow and Arrow License applies for all applicable game during the season.
- (3) Trapping License: To lawfully trap furbearers or small game mammals, a person must possess a valid Trapping License.
- (4) Waterfowl License: To lawfully hunt or take migratory waterfowl, a person must possess a valid Waterfowl License and Federal Migratory Bird Stamp.
- (5) Upland Game License: To lawfully hunt or take upland game birds, a person must possess a valid Upland Game Bird License.

12-10-307. Age Restrictions.

- (1) No Hunting License will be issued to a person under the age of fourteen (14) years unless he/she presents to the license seller a certificate of hunter competency issued by an approved hunter safety course.
- (2) Any person accompanying a member engaged in any activity regulated herein, shall have valid license and appropriate licenses on his or her person.

12-10-308. Grounds for Denial, Suspension, or Revocation of License.

A license or right to apply for and hold a tribal license issued under this section may be denied, suspended, or revoked or other disciplinary conditions may be applied upon any of the following grounds:

- (1) Having ceased to meet all of the qualifications for holding a tribal license, as required under this section and rules adopted pursuant to this section.
- (2) Fraud or deception in procuring a tribal license.
- (3) Fraudulent, untruthful, or misleading advertising.
- (4) Having pleaded guilty, nolo contendere, or no contest to or been adjudged by a court guilty of a felony, including a case in which the sentence is suspended, or imposition of the sentence is deferred, unless civil rights have been restored pursuant to law.
- (5) A conviction or bond forfeiture for a violation of the fish and game laws or regulations of the Tribe or the United States.

12-10-309. Appeal Procedure.

A person denied issuance of a license or whose license is suspended or revoked may appeal to the Commission. The Commission shall review the appeal and issue a decision on the appeal with 10 days of receipt. The decision of the Commission shall be final.

Part 4. Penalties and Enforcement

12-10-401. Civil Penalties - Injunctions Not Barred.

- (3) Civil action to impose penalties, as provided under this section, does not bar injunctions to enforce compliance with this ordinance or to enforce compliance with a rule adopted by the Commission pursuant to this Part.

12-2-402. Penalties - Disposition of Fines.

- (1) A person who violates any provision of this Part or rule adopted under this Part is guilty of a misdemeanor and will be prosecuted in the Crow Tribal Court.

12-2-403. Enforcement.

Investigations and arrests for violations of this Part or rules adopted pursuant to this Part may be made by any authorized law enforcement officer.

Part 5. Big Game – General Provisions

12-10-501. Licenses, Seasons and Fees

The Commission shall establish and publish by March 1 of each year:

- (1) a total number of licenses available for antelope, black bear, deer, elk, moose, mountain lion, mountain goat and buffalo;
- (2) quotas, archery only seasons, seasons, and fees.

12-10-502. Use of Dogs.

(1) The use of dogs to hunt, harass, chase or herd big game is prohibited, except for fall and winter mountain lion seasons as specifically determined each year by the Commission. Dogs may be utilized to recover or locate wounded game animals, but handlers shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar or harness.

12-10-503. Firearms and Bow and Arrow Only for Big Game.

Hunting of big game by methods other than with a firearm or bow and arrow is prohibited. Firearms and bow and arrows must be within the following classifications.

(1) Firearms:

- (a) Firearms must discharge a projectile of a diameter greater than 22/100 of an inch (.222 Remington is the smallest cartridge allowable.) All .22 caliber rimfire weapons are prohibited.
- (b) Auto-loading firearms capable of holding more than six (6) cartridges, or any firearms capable of holding more than six (6) cartridges, or capable of being operated as a fully automatic firearm are prohibited for hunting big game.
- (c) Handguns smaller than .41 caliber are prohibited for hunting big game.
- (d) Muzzle loading rifles must be .44 caliber or larger.
- (e) Shotguns must discharge a 0 shot, 00 shot, or single ball or rifled slug weighing at least one-half (½) ounce.
- (f) Use of any mechanism to silence, muffle, or minimize the report of any firearm while hunting big game is prohibited.

(2) Bow and Arrow:

- (a) Minimum bow pull must be 60 pounds, and the bow must be able to shoot an arrow 125 yards.
- (b) The cutting edge of the arrowhead must be of steel and not less than 7/8 inches long. The shaft of the arrow must be at least 28 inches long.
- (c) Explosive, poisonous, or barbed points are prohibited.
- (d) Cross bows are prohibited.

12-10-504. Tagging, Transportation Requirements.

No big game animals shall be transported unless a tag bearing the licensee's number for the season is securely attached to the carcass.

12-10-505. Evidence of sex.

Evidence of sex must be left attached to the carcass of any harvested big game animal. Suitable evidence of sex shall include scrotum, udder, head, or identifiable portions of reproductive organs.

Part 6. Antelope.

12-10-601. Antelope Definitions.

- (1) “Buck (Horned)” means any antelope with a horn or horns at least 4 inches long as measured from the top of the skull.
- (2) “Doe/fawn” means any antelope with horns less than 4 inches long as measured from the top of the skull.
- (3) “Either-sex” means a male or female animal of any age.

Part 7. Buffalo.

12-10-701. Off-Reservation Buffalo Specific Regulations.

- (1) To protect public safety and minimize traffic obstructions, no buffalo hunting is allowed within 100 yards of US HWYs 20, 89, 191, or 287.
- (2) Hunting on national forest lands must follow restrictions in USFS order 36 CFR 261.10(d) (firearm discharges are prohibited within 150 yards of residence, building, campsite, developed recreation site, or occupied area or across a forest service road or body of water).
- (3) Hunting shall be only by foot or horseback.
- (4) Hunters who harvest a buffalo shall, upon field dressing the carcass, cut open the rumen and remove and spread its vegetative contents.
- (5) Hunters who harvest a buffalo near a roadway or any other facility shall remove all unutilized parts of the carcass (entrails, tissues, bones, hides, fetuses, legs, etc.) to an area at least 200 yards from any roadway, dwelling, campground, designated trail or trailhead. These unutilized parts shall be placed in a manner as to be inconspicuous to passersby.

Part 8. Deer

12-10-801. Deer Definitions.

The following definitions apply to both mule and whitetail species:

- (1) “Antlered Buck” means a deer with an antler at least 4 inches long as measured from the top of the skull.
- (2) “Antlerless” means a deer without antlers, or with antlers less than 4 inches long as measured from the top of the skull.
- (3) “Either-sex” means a male or female animal of any age.

Part 9. Elk

12-10-901. Elk Definitions.

- (1) “Antlered Bull” means any elk having an antler or antlers at least 4 inches long as measured from the top of the skull.
- (2) “Antlerless” means a female or juvenile male with antlers less than 4 inches long as measured from the top of the skull.

- (3) “Either-sex” means a male or female animal of any age.

Part 10. Safety Regulations

12-10-1001. Unlawful Hunting from Public Highway.

It is unlawful for anyone to hunt or attempt to hunt any game animal: on, from, or across any public highway or the shoulder, berm, barrow pit or right-of-way of any public highway (the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel).

12-10-1002. Unlawful Use of Vehicle While Hunting.

- (1) A person may not hunt or attempt to hunt any game animal or game bird from any self-propelled, motor-driven, or drawn vehicle.
- (2) A person may not concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of or attempt to concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of a game animal or game bird from or with the use or aid of a self-propelled, motor-driven, or drawn vehicle.

12-10-1003. Hunting Hours.

Authorized hunting hours for the taking of game animals begin one-half hour before sunrise and end one-half hour after sunset each day of the hunting season.

12-10-1004. Hunter Orange Requirement.

Any person hunting or accompanying a hunter as an outfitter or guide must wear a minimum of 400 square inches of hunter orange (fluorescent) material above the waist, visible at all times.