

PAWNEE TRIBAL ENVIRONMENTAL CONSERVATION AND SAFETY CODE

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ENVIRONMENTAL CONSERVATION AND SAFETY CODE

OF THE

PAWNEE NATION OF OKLAHOMA

TITLE XI,

SECTION 1: INTRODUCTION

1.01 Title. This code is enforced through criminal and/or civil procedure and shall be known as the Pawnee Tribal Environmental Conservation and Safety Code.

1.02 Authority. This code is enacted pursuant to Article II, Section (d) of the Constitution and By-Laws of the Pawnee Tribe.

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

(1) Provide an orderly system for tribal control and regulation of activities effecting the natural resources and/or public safety of the Pawnee Nation of Oklahoma.

(2) Provide a means of conservation, enhancement, protection, and management of the Pawnee Nation's population of fish, wildlife, and plants, and their ecological habitats through the regulation of member Indian, nonmember Indian, and non-Indian harvesting, recreation, and land use activities.

(3) Provide a means of control and enforcement over environmental conservation and safety regulations mandated by the Pawnee Tribe Environmental Regulatory Act and all subsequential Acts thereafter as approved by the Pawnee Nation of Oklahoma.

(4) 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, trapping, gathering, recreation, and any other use of the land and/or other natural resources on all trust lands (and on fee land where authorization has been demonstrated by the Pawnee Nation Business Council) within the original boundaries of (and trust lands outside the same original boundaries of) the Pawnee Nation of Oklahoma to include but not limited to the following:

(1) The Tribe shall have exclusive jurisdiction over enrolled members of the

Pawnee Nation on all Trust and fee lands and waters within the original boundaries of (and trust lands outside the same boundaries of) the Pawnee Nation of Oklahoma.

(2) The Tribe shall have exclusive jurisdiction over nonmember Indians for activities that occur on Indian or Trust lands within Pawnee Indian Country.

(3) The Tribe shall have exclusive jurisdiction over non-Indians for activities that occur on Indian or Trust Lands within Pawnee Indian Country.

(4) The Tribe shall have jurisdiction over non Indians for activities that occurs on non-Indian fee land if the non-Indians have entered into a consensual relationship with the Tribe or its members, or if the activity endangers health, welfare, political, or economic life of the Tribe.

1.05 Effective Date. This code shall be effective on the date adopted by the Pawnee Nation Business Council.

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(s) 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. All ordinances and resolutions inconsistent with this code are hereby repealed. To the extent that this document imposes greater restrictions than those contained in any other tribal ordinance, the provision of this document shall govern.

Section 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 flight, or to be airborne.
2. **Allotted Land** - Tribally owned or individually owned Indian lands held in trust by the federal government.
3. **Antler less 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 device 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 an 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 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 device using a bow which, once drawn is held solely by means other than the effort of the person firing it.
13. **Dog** - Shall refer to a dog specifically bred to hunt, scent, point, flush or retrieve game birds or furbearers not to include big game.
14. **DECS** - Means the Pawnee Nation Department of Environmental Conservation and Safety.

15. **Endangered or Threatened Species** - Means any species of fish, wildlife or wild plant within the Tribe 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.
16. **ERC** - Means the Pawnee Nation Environmental Regulatory Commission
17. **Falconry** - Means taking quarry by means of a trained raptor.
18. **Fee Land** - Means those lands within the original boundary of the Pawnee Nation Reservation as established by the Act of April 10, 1876 not held in trust or subject to restrictions on alienation and which is in private ownership.
19. **Firearm** - Means a rifle, shotgun, handgun, or other type of gun.
20. **Fish** - Means any fish within the waters of the Tribe.
21. **Fishing** - Means taking of fish of any variety by hook and line.
22. **Furbearers** - Shall include but not limited to Mink, Muskrat, Beaver, Otter, Weasel, Marten, Fisher, Fox, Coyote, Bobcat, Badger, Raccoon.
23. **Gathering** - Means to take or acquire or attempt to take or acquire possession of any wild plants or parts thereof.
24. **Harass** - Means to shoot at, disturb, worry, molest, rally, concentrate, hurry, chase, drive, herd, or torment.
25. **Highway** - Means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of public as a matter of right for the purposes 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.
26. **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 animal which has already been lawfully reduced to possession.
27. **Hunting Hours** - Means the time of day when wildlife may be lawfully taken.
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 Pawnee Nation.

- 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 Gaviformes, Podicipediformes, Pelecaniformes, Ciconiiformes, Gruiformes).
 - (c) Mourning Dove (Order Columbiformes).
- 31. Motorboat** - Means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
- 32. Non-Indian** - Means any person not legally recognized as a Native American by blood percentage.
- 33. Non-Member Indian** - Means a legally recognized Native American who resides on or visits a Reservation for which he/she is not enrolled.
- 34. Open Season** - Means the time and/or days during which taking certain species of fish and/or wildlife is legal.
- 35. Possession Limit** - Means the amount of fish and/or wildlife that may be legally possessed at any one time.
- 36. Possession** - Means having killed, harvested, taken or otherwise obtained or acquired any wild animal, fish or plant subject to the provisions of this ordinance.
- 37. Permit/Tag** - Means any identification device issued for the attachment to the carcass of any fish or wildlife.
- 38. Plant** - Means any undomesticated species of plants, roots, fruit, nuts, or part thereof, of the plant kingdom occurring in the natural ecosystem.
- 39. Raptors** - Means a live migratory bird of the Order Falconiformes or the Order Strigiformes. For simplification, bald eagle and golden eagle is part of this definition.
- 40. Reservation** - Means all lands within the limits of any Reservation under jurisdiction of the United States, notwithstanding the issuance of any patent, and including right-of-ways running through the Reservations; All trust lands outside the original boundaries of the reservation; all lands (restricted, and nonrestricted) as demonstrated to be under the jurisdiction of the Pawnee Tribe of Oklahoma; and all lands (restricted and nonrestricted) known as Pawnee Indian Country.

(Tribe(s) with trust lands outside the original boundaries of their respective reservation might consider expanding this definition to include those lands.)

41. **Recreation** - Shall include but not be limited to picnicking, camping, boating, hunting, fishing, hiking, skiing, swimming and other related activities.
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 a 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, wildlife or plant 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 consists of 6 inches of diameter or greater in D.B.H.
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. **Tribe** - means the Pawnee Tribe.
48. **Trust Land** - Means land the U.S. Government holds legal title to for the benefits of Indians.
49. **Protected Species** - Shall include but not be limited to Elk, Antelope, Bison, Big-Horn Sheep, Moose, Mule Deer, Whitetail Deer, Wolf, Lynx, Bobcat, Waterfowl, Upland Game Birds, Wild Turkey, Song Birds, Birds of Prey or Raptors, Beaver, Mink, Muskrat, Otter and any other species for which a closed season is specified or for which taking is prohibited.
50. **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.
51. **Upland Game Birds** - Shall include but not be limited to Grouse, Prairie Chicken, Pheasants, Partridge and Quail.
52. **Upland Game** - Shall include but not be limited to Wild Turkeys, Tree Squirrels,

Cottontail Rabbit, and Jack Rabbit.

53. **Waterfowl** - Shall include but not limited to all varieties of Geese, Brant, Swans, Ducks, Rails, Coots, and Wilson Snipe.
54. **Wildlife** - Shall mean any forms of birds and mammals including their nest or eggs.

Section 3: GENERAL PROVISIONS

3.01 For the purpose of this code, all hunting, fishing, trapping, gathering of plants and parts thereof, wood cutting, use and/or alteration of natural resources and parts thereof is closed within the original boundaries of (and trust lands outside the same boundaries of) the Pawnee Tribe unless authorized by the Pawnee Nation Department of Environmental Conservation and Safety, and the Pawnee Tribal Environmental Regulatory Commission or Tribal Council.

3.02 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, harass, waste, or attempt to take, capture, or kill, possess, offer for sale, harass, waste, alter habitat, endanger habitat, sell, offer for barter, barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, imported, deliver for transportation, transport, or cause to be transported, carried, or cause to be carried, or receive shipment, transportation, carriage, or export any fish, wildlife, plant, any part or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such fish, wildlife, plant or any part included in the terms of this code.

3.03 Title to Fish, Wildlife and Plants

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

(2) The legal title to any such fish, wildlife or plant, 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, wildlife or plant, or carcass and/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, wildlife, or plants, 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, wildlife or plant, or carcass and/or part thereof, may be seized forthwith, wherever found, by the DECS enforcement personnel or any law enforcement official authorized to enforce the provisions of this code.

3.04 Pollution Control

(1) For the purpose of this code, all activities not consistent with Article 4 of Title X (Pawnee Tribe Environmental Regulatory Act) are prohibited.

(2) [Clean Air-Reserved]

(3) [Solid Waste-Reserved]

(4) [Hazardous Materials-Reserved]

Section 4: ADMINISTRATION AND SUPERVISION

4.01 The DECS shall have the power and be charged with the duty to protect, conserve, enhance, manage all Fish, Wildlife, and Plant species, water quality, and other natural resources within the jurisdiction of the Pawnee Tribe of Oklahoma. The DECS and Pawnee Tribal Law Enforcement have the responsibility to enforce the provisions of this code and to carry out the policies and directions of the Tribal Business Council and/or ERC in all matters relating to Fish, Wildlife, Plant, Timber, Recreation activities, and other environmental conservation and safety issues.

4.02 The ERC shall assist the general activities of the DECS in addition to the ERC's other duties. The ERC shall review, promulgate, and refer policy decisions to the Tribal Council for action.

4.03 Director of Environmental Conservation and Safety.

(1) The Director of the Pawnee Tribal DECS shall have all the rights of employment enjoyed by the Tribal employees. The Director shall be responsible to the Tribal Business Council for the successful operation of the DECS.

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

(3) The Director shall have executive authority and control of the DECS and its employees to the end that the policies of the Pawnee Business Council shall be carried out in accordance with the ordinances, resolutions and proclamations of said Tribal Council. 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 Tribal Council or its authorized representative, appoint such full-time or temporary Environmental Enforcement Rangers, 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 nonmembers or non-Indians to those positions. In cases of emergencies, the Director may exercise the powers of the Council until such time as the Council meets or the emergency ends.

(4) The Director is authorized and directed to:

A. Report and be responsible to the Administrator(s) of the DECS.

B. Plan, propose for enactment, and enforce tribal regulations relating to the setting of annual seasons and limits for harvesting of fish, wildlife, plants and

utilization of recreational 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, gathering, wood cutting, recreation, and depletion of other natural resources.
- F. Cooperate with and assist the Tribal Council, Committees, 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 DECS 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 regulations and applications for special permits for the taking of fish, wildlife and plants for disabled persons, subsistence and ceremonial purposes on a need only basis in accordance with federal law.
- K. Enforce all environmental conservation and safety laws, codes, and policy to provide for protection of human health and environment as set forth by the Pawnee Tribe of Oklahoma.

4.04 Collection of Permit Fees, Forfeitures, and Fines

The Tribal Business Council will establish a Tribal fund or account to deposit monies collected from the sale of license, permits, tags, and recreation leases. Monies collected from fines, penalties, forfeitures and/or civil recoveries through the Tribal Court system shall be deposited into this account. Upon federal prosecution, the Director shall make 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.

4.05 Expenditure of Funds

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

A. Conservation, protection, and enhancement of the Tribe's fish, wildlife, plant and recreation resources.

B. Enforcement of provisions of this code, or any rule or regulation adopted in pursuant to this code.

C. Information and Education programs.

4.06 Cooperative and Reciprocal Agreements

The Director is authorized, subject to the approval of the Tribal Council, to enter into reciprocal and cooperative agreements with the State of Oklahoma or any federal, county, or local governmental agency for the purpose of promoting and implementing fish, wildlife, vegetative and recreational management programs and activities.

Section 5: DUTIES OF THE D.E.C.S. CONSERVATION ENFORCEMENT RANGERS AND TRIBAL LAW ENFORCEMENT OFFICERS

(1) The Conservation Enforcement Rangers and Tribal Law Enforcement Officers shall enforce tribal laws, proclamations, and the rules and regulations of the DECS for the protection and management of the natural resources and the associated public safety of the Tribe.

(2) The Conservation Enforcement Rangers and Tribal Law Enforcement Officers shall ensure that any person who hunts, fishes, traps, gathers plants or parts thereof, or cuts wood have in possession the appropriate licenses, permits and/or tags and are complying with all rules, regulations, and laws.

(3) The Conservation Enforcement Rangers shall assist the Director in his supervision and management of all natural resources of the Pawnee Tribe, and shall perform all other duties described or delegated by the Director.

(4) The Conservation Enforcement Rangers and Tribal Law Enforcement Officers shall keep a detailed daily log of environmental conservation enforcement activities and make monthly reports of these activities describing by total number, miles, contacts, violations, dispositions, surveys and what activities were performed or completed during the preceding month.

(5) The Conservation Enforcement Rangers and Tribal Law Enforcement Officers may not settle or compromise an alleged Natural Resource and/or Public Safety violation for which a compliance order, or citation (civil or criminal) was issued.

Section 6: ENFORCEMENT

6.01 Enforcement by Tribal Officers

Any provision of this code may be enforced by Conservation Enforcement Officers (Rangers) of the Pawnee Nation DECS, Pawnee Nation Law Enforcement Officers, Bureau of Indian Affairs Enforcement Personnel, or U.S. Fish and Wildlife Service Law Enforcement Division Personnel.

6.02 Enforcement by State Conservation Officers

State Enforcement Officers may be authorized by the Tribal Council to enforce the provisions of this code and to institute proceedings in the Tribal Court by use of compliance order and settlement agreements or other designated citation forms of that Department, or refer the matter to the appropriate Tribal Enforcement Officers or Tribal Prosecutor 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, Compliance Order and Settlement Agreement, and Citations

(1) Any person authorized to enforce the provisions of this code may:

- A. Subject to subsection 6.04(2), 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.
- B. Execute and serve warrants and other process issued by the tribal court in accordance with applicable law.
- C. Stop and board any boat, or stop any vehicle if the Officer has probable cause

that there is a violation of any provision of this code.

D. 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, plants, carcasses, or parts thereof, may be contained.

E. Issue a Compliance Order and Settlement Agreement on a form approved by the Tribe to any person upon finding probable cause that such person(s) has violated any provision of this code.

F. May seize and hold subject to the order of the tribal court or federal court any alleged contraband or property which such Officer reasonably believes may be needed as evidence in connection with the institution of proceedings in tribal court or federal court or any property otherwise authorized to be seized by any provision of this code.

G. May, in the course of their duties, enter upon private land within the original boundaries of (and trust lands 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.

H. May investigate and forward complaint to the ERC for civil suit on behalf of the land owner(s) and/or Tribe against any individual suspected of being in violation of provisions of this code.

(2) The inspections authorized by subsection 6.04(1)(A) 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.

(3) An arrest may be executed by any Officer through a tribally or federally approved arrest warrant or reasonable belief of eminent danger to life or property under this code or other authorized code.

6.05 Registration Information

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

6.06 Penalties and Sanctions

A. Civil Penalties

(1) Any person who engages in conduct prohibited by any provision of this code

or Federal Acts, and/or laws, may be issued a Compliance Order and Settlement Agreement and assessed a penalty and/or an order for corrective action, for each code violation, of not more than \$1,000.00 for each violation unless otherwise specified, or be subject to civil suit or other adjudicatory action by the Tribe for the monetary amount of damages, remediation, court costs, associated legal costs, investigation costs, and code violations which are to be assessed at ten times the monetary cost of compliance unless otherwise specified.

(2) No adjudicatory action will be implemented under the issuance and acceptance of the terms of the Compliance Order and Settlement Agreement. Each violation shall be deemed a separate offense.

(3) Civil jurisdiction over all matters under this ordinance shall be with the Tribal or Federal Court which shall adjudicate in accordance with Tribal or Federal Court code all questions, complaints, and alleged violations involving the provisions of this code.

B. Criminal Penalties

Any person who violates any provision of this code, Federal Acts, and/or laws may be assessed a criminal penalty by the appropriate court authority of not more than \$1,000.00 or imprisoned not more than one year and/or both.

C. For any violation, a revocation or suspension of Tribal hunting, fishing, trapping, gathering, wood cutting, recreational, or other natural resource harvesting privileges for a period not to exceed one year or for a period of time within the discretion of the court, may be imposed.

D. 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.

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

F. Civil Damages

(1) In addition to any other penalty allowed by this code, the Tribal or Federal Court may award to the Tribe or, in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of, damages against any person(s) unlawfully killing, wounding, catching, taking, trapping or having unlawfully in possession any of the following named fish, wildlife or plant species, or any part thereof, and the sum assessed for damages for each fish, wildlife or plant species

shall not be less than the amount stated in this section:

Civil Recovery Value:

- \$50.00 per Plant or fruits
- \$100.00 per Tree
- \$50.00 per fish
- \$100.00 per Upland Game and Game Bird
- \$100.00 per Fur bearer
- \$1000.00 per Big Game

(2) In addition to any other penalty allowed by this code, the Tribal or Federal Court may award to the Tribe or , in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of, damages against any person unlawfully molesting, contaminating, fowling, taking, or otherwise impairing ecological integrity of the Tribe natural resources (land, water, timber, etc.) for amounts not less than the cost of legal compliance, including but not limited to cost of remediation, cleanup, restoration, and proper disposal.

6.07 Schedule for Forfeited Bond Schedule

The Tribal and/or Federal Court, in consultation with the Tribe's governing body, Departmental Director, and U.S. Attorney may adopt a bond schedule or a schedule of forfeiture to be imposed by the Court(s) 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 writing. This schedule shall not bind the court as to forfeitures assessed by the court after adjudicating a violation where the defendant has entered a plea of not guilty. The judge may establish an appropriate penalty for all violations not having set penalty amounts.

1. WILDLIFE PENALTY SCHEDULE

OFFENSES	MINIMUM PENALTY
D.E.C.S. Code Violations not listed below.....	\$100.00
Hunting without a license.....	115.00
Take or ship wildlife, fish, eggs without scientific collector=s permit.....	100.00
Molest, kill or possess whooping crane.....	590.00
Molest, kill or possess endangered species.....	590.00
Illegal destruction of nest or eggs.....	100.00
Illegal shooting from road or railroad right-of-way.....	115.00
Hunting without landowners consent.....	140.00
Fishing without landowners consent.....	100.00
Destroy raccoon’s den without landowners consent.....	115.00
Illegal hunting and use of firearms on certain public lands.....	115.00
Illegal possession of game bird or animal.....	190.00

Sell or offer for sale certain wildlife and fish.....	190.00
Illegal entry-game preserves.....	115.00
Illegal hunting and fishing of fishing hatchery.....	115.00
Hunting migratory waterfowl illegally.....	115.00

WILDLIFE PENALTY SCHEDULE CONT.

Illegal transport of rabbits.....	115.00
Illegal quail hunting.....	115.00
Illegal possession of quail after previous conviction.....	115.00
Import, sell or offer for sale certain bird feathers.....	190.00
Illegal transport of game and fish in or out of Pawnee Indian Country.....	140.00
Illegal transport by common carrier.....	115.00
Kill or capture any animal or bird by any means except as provided by law.....	140.00
Releasing exotic fish in within Pawnee Indian Country without permit.....	140.00
Hunting with crossbow.....	140.00
Slaughter or sale of deer or antelope.....	590.00
Non-member hunting without tribal license.....	290.00
Molest or kill protected hawk, owl, or eagle.....	590.00
Illegal hunting of deer, antelope, bear, buffalo or wild turkey.....	590.00
Carrying of firearms while training dogs.....	190.00
Head lighting and illegal hunting of game by use of motor-driven land, air or water conveyance.....	340.00
Member fishing without Tribal license.....	50.00
Non-member fishing without license.....	115.00
Illegal entry into a safety zone.....	100.00
Use of illegal trotline or throw line in taking game fish.....	115.00
Illegal nets, gigs, seines and spears.....	190.00
Illegal possession of game fish by commercial fisherman.....	190.00
Illegal transport and export of minnows.....	190.00
Violation of commercial fishing license, contract or helper permit, distance and direction of seines or nets.....	190.00
Illegal netting, seining and trapping fish.....	190.00
Illegal netting, seining and trapping mesh-size.....	190.00
Water pollution.....	190.00
Securing minnows for commercial use without Tribal commercial minnow license.....	190.00
Use of illegal equipment or unmarked vehicle by commercial minnow dealer.....	190.00
Commercial fishing without a Tribal license, transporting or sale fish without a commercial fishing license.....	190.00
Illegal use of explosive and devices for taking fish (first offense).....	590.00
Diversion of minnow or fish to other tributaries by blocking or partially blocking a stream or river.....	290.00
Wanton waste.....	590.00
Violation of Tribal commercial fisherman=s license.....	190.00
Trapping furbearers without a license (non-member).....	590.00
Trapping furbearers without a license (member).....	100.00

Trapping furbearers without a license (professional).....	190.00
Non-member fishing for trout without a license.....	115.00
Cultivation, import, transport or placement in water of noxious aquatic plant.....	100.00
Improper disposal of fish remains.....	190.00
Using motor driven conveyance or device in a wilderness area.....	190.00

WILDLIFE PENALTY SCHEDULE CONT.

Fishing or hunting by a habitual wildlife offender.....	590.00
Refusing to stop a vehicle or boat when requested.....	190.00
Hunting/holding wildlife in captivity without a tribal commercial big game license.....	590.00
Hunting/holding wildlife in captivity without a commercial up game license.....	590.00
Member fishing for trout without a license.....	100.00
False representation by a person that he/she is an agent of the commission.....	190.00
Making a false statement/giving false information to obtain a permit/license.....	115.00
Commercial propagation of aquatic species without an aquatic culture license.....	115.00
Commercial breeding of wildlife without a license.....	190.00
Falconry without a license.....	115.00
Field trial without a license.....	115.00
Dealing, buying, or bartering in furs without a license.....	340.00
Hunting without a hunter safety card.....	140.00
Hunting without a waterfowl hunting safety card.....	115.00
Illegal issue of hunting and fishing licenses by and agent.....	115.00
Illegal taking of turtles for commercial purposes without a license.....	190.00
Assisting in commercial turtle harvesting operation without a license.....	190.00
Illegal harvesting, selling, buying or exporting mussels (resident).....	190.00
Illegal harvesting, selling, buying or exporting mussels (non-resident).....	2,590.00
Illegal raising/confinement of furbearers (except mink), game mammals, game birds, game fish or minnows outside the location set out in the breeder=s application.....	140.00
Illegal trapping, netting or taking of aquatic or other turtles.....	190.00
Illegal release of exotic wildlife.....	190.00
Non-commercial breeding of wildlife without a license.....	140.00
Illegal purchase, transport or export of aquatic turtles without a license.....	590.00
Export of mussels without payment of severance fee or required notice.....	590.00

2. TRAFFIC OFFENSE PENALTY

Penalty for motor vehicle violations under this code shall be assessed at a rate no less than the minimum bond or penalty amount indicated under Title 47 for said violation(s).

3. TRESPASS OFFENCE PENALTY

Penalties for trespass under this code shall be assessed at a rate no less than \$50.00 nor more than \$500.00 per person.

4. HARVEST OFFENCE PENALTY

Penalties for unauthorized and/or unlawful taking of timber, wood, plant, fruit, vegetable, nuts, or any other natural resource under this code shall be assessed at a rate no less \$50.00 nor more than \$1,000.00 per violation per person, in addition to assessed amount of damages to property.

5. POLLUTION OFFENCE PENALTY

Penalties for unlawful disposal of solid waste, violation of water quality standards or clean air standards shall be assessed at a rate not less than \$100.00 nor more than \$10,000.00 per day of said violation(s), in addition to the amount of remediation or other damages.

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 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 if 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 Tribal hunting, fishing, trapping, gathering, wood cutting, recreational, or other natural resource harvesting privileges have been revoked or suspended, shall hunt, fish, trap, gather, cut wood, recreate, or harvest of other natural resources in the Pawnee Tribe any fish, wildlife, plants, or natural resources, the harvest of which is regulated by this code, during such revocation or suspension.

6.10 Trespass

No person may hunt, fish, trap, gather, cut wood, recreate, or harvest other natural resources without acquiring written permission from all effected land owners/allotees, and without possessing required license, permit, and tag.

Section 7: ENVIRONMENTAL CONSERVATION AND SAFETY RULES AND REGULATIONS

7.01 Permits and Identification

(1) No person shall engage in the activity of hunting, fishing, trapping, gathering, recreation, gathering or cutting wood or other activities regulated by this code without possession of: Written permission from all affected land owners; A valid Tribal license, permit or tag as this code may require, validated for the particular season or activity in question. Land owners (allotees) are not required to acquire permits, tags, or license for activities occurring on their own (allotted) lands.

(2) The Department of Environmental Conservation and Safety is authorized to issue to persons licenses required by this code. Except as otherwise required by this code, the form of such permits or licenses shall be left to the discretion of the Department of Environmental Conservation and Safety 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. The DECS will manage the number of tags on Tribal land.

(3) No person shall refuse to display his/her identification documents or any other document or permit required by this code to any Tribal, Federal, State, or Local Law enforcement Officer upon request by such Officer.

(4) No person to whom any license has been issued under this code shall, when requested by the Department of Environmental Conservation and Safety, fail or refuse to provide harvest reports and data, and such other relevant information, as may be requested.

7.02 Wanton Waste of Fish, Wildlife and Plants

(1) No person who takes any fish, wildlife or plants shall abandon intentionally, or needlessly allow to go to waste, any portion 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 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 DECS Director, or to any Local Law Enforcement Agency for referral to the Division Director.

7.03 Larceny of Fish, Wildlife or Plants

No person shall, without permission of the owner, molest, disturb or appropriate any fish, wildlife, plant or the carcass and/or parts thereof, which has been lawfully reduced to possession of another.

7.04 Use of Poison and Explosives

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

(2) No person shall place in any waters explosives which might cause the destruction of any fish, wildlife, or plant, except when authorized by the DECS 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, wildlife or plant.

(3) No person shall use, set, lay, or prepare in any waters of the Tribe 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 places where such baits might destroy or cause the destruction of fish, wildlife or plants; and the possession of any such poison, baits, or substances deleterious to fish, wildlife or plants regulated by this code is prima facie evidence of a violation of this section.

(4) 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.

(5) Nothing in this code shall prohibit the Department of Environmental Conservation and Safety 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 Tribal waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse, carcass, 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 Department of Environmental Conservation and Safety's biological services personnel may conduct investigations of fish, wildlife and plants 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, wildlife and plants to perpetuate themselves.

(2) The Department of Environmental Conservation and Safety 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.

(4) No person(s) shall molest, alter, or disturb any scientific data collection device or sampling apparatus in the waters or otherwise within the Pawnee Tribal jurisdiction.

7.07 Seasons

No person shall engage in the Tribal harvest privileges regulated by this code, except during the respective seasons established by current Oklahoma Hunting and Fishing Regulations as established by the Oklahoma Department of Wildlife Conservation, or as permitted through special provisions of this code. Refer to section 8.09 of this Code for application.

7.08 Unlawful Possession of Fish, Wildlife or Plants

No person shall have in his/her possession or under his/her control at any time any fish, wildlife, plant 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, wildlife or plant in excess of the bag or possession limits, or above or below the size limits for any fish, wildlife or plants as established by the current

Oklahoma Hunting and Fishing Regulations unless otherwise specified 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 by the Tribe pursuant to this code.

7.11 Harvesting with Another's Permit

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

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 immediately render or cause to be rendered a report to the Chief of Tribal Law Enforcement or DECS Director. Failure to report such an accident shall constitute a violation of this section.

7.15 Hunter Education Requirement

Any person born after December 31, 1961, must have completed a certified Tribal, 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

A. No person under 12 years of age may hunt or trap while possessing a rim fire firearm or bow and arrow.

B. No person between the ages 12 and 15 years may hunt or trap while possessing a rim fire 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. All persons sixteen years of age and older must acquire the appropriate hunting, fishing, or trapping license, or other permit(s) for activities under this code.

C. There are no age restrictions for the purpose of fishing. However, any person under the age 10 years must be accompanied by an adult, guardian, or other adult designated by a parent or guardian.

7.17 Parental Obligation

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

7.18 Hunting, Fishing, Trapping and/or operating any motorized vehicle While Intoxicated

No person shall hunt, fish, trap or operate a motorized vehicle (automobile, snowmobile, boat, airplane, or other off-road vehicle) while in possession of, or while under the influence of ,alcohol, alcoholic beverage, 3.2 % beer, intoxicant or controlled substance, or while a person has a blood alcohol concentration of 0.10% or more by weight of alcohol in the person's blood.

7.19 Resisting an Enforcement 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 first 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, or other public event unless otherwise specified by this code.

B. While on lands of another, discharge a firearm within 440 feet of any building devoted to human occupancy situated on lands and attached to the lands of another without the express permission of the owner or occupant of the building.

C. Hunt or pursue any wildlife, or enter for the purpose 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.

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

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

F. 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 waterfowl unless 400 square inches of the persons clothing above the waist (including head cover) is of a highly visible color referred to as: Hunter Orange, Blaze Orange, Fluorescent Orange, Flame Orange, during the big game hunting seasons.

(3) Transportation of Firearms and Bow & Arrow

- A. No person shall at any time transport a firearm with a round in the chamber, magazine, or revolvers with cartridges in the cylinder or loaded clips, or a shot gun with shells in the chasis of the magazine.
- B. No person shall transport any bow unless it is unstrung, encased or string is locked and unable to be drawn.
- C. No person with a special crossbow permit shall transport a crossbow unless it is encased or unstrung.

(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.
- D. No person shall lean or place any loaded firearm or bow of any type against any 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 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 ordinance, who in the line of duty places, possesses, transports, loads or discharges a firearm in, on, or from a motor vehicle or motorboat or discharges a firearm from or across a maintained roadway or within 50 feet of the center of a maintained roadway, or leaves an established roadway in a motorized vehicle while conducting an active investigation, surveys, or

wildlife and fisheries counts.

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 deprecating wildlife with the consent DECS 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 anyway interfere with any hunting, fishing, trapping, gathering, wood cutting, recreational 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

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

This subsection shall not apply to any person authorized to perform directed management and enforcement duties as permissible by the agency of operation.

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, gather, 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

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

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

7.30 Emergency Closures

A. Notwithstanding any other provisions of this code, the DECS 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.

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

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

D. 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, except waterfowl and migratory game birds, between 2 hour after sunset of one day and 2 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 Introduction of Fish, Wildlife and Plants

No person shall transplant onto or transport into any lands of the Pawnee

Tribe any fish (including minnows, shiners, or other live bait) or eggs into any body of water, or any wildlife, animal or plant species without authorization from the Tribe or DECS Director.

7.33 Illegal Dumping; Littering; Reward Fund

A. No person shall throw, dump, deposit, or otherwise place any litter from a vehicle (or his/her person) upon highways, roads, land, or water bodies within Pawnee Indian Country and/or its areas of jurisdiction. The operator of a vehicle, unless any other person in the vehicle admits to or is identified as having committed the act, shall be liable pursuant to Subsection B.

B. Any person convicted of violating the provisions of Subsection A of this section subject to a civil penalty of not less than Two Hundred Dollars (\$200.00), nor more than Two Thousand Dollars (\$2,000.00) or the violator may be subject to civil damages provided by Subsection C of this section. Amounts collected from the payment of such civil penalties and damages shall, after deduction of court costs, be paid into the reward fund created under Subsection E of this section.

C. In addition to the penalty prescribed by Subsection B of this section, the court may direct the person to make restitution to the property owner(s) affected; to remove and properly dispose of the garbage, trash, waste, refuse, or debris from the property, to pick up, remove, and properly dispose of garbage, trash, waste, rubbish, refuse, debris and other nonhazardous deleterious substances from property; or perform tribal community service or any combination of the foregoing which the court, in its discretion, deems appropriate.

D. In addition to the penalty prescribed in Subsection B of this section and the restitution prescribed in Subsection C of this section, the court may order the defendant to pay into the reward fund an amount not to exceed Two Thousand Dollars (\$2,000.00) as prescribed in Subsection E of this section.

E. The ERC may offer and pay a reward, from funds set aside for that purpose, in an amount not to exceed fifty percent (50%) of the penalties imposed, for the investigation, gathering of evidence, arrest and/or civil penalty imposed, and conviction of any person who violates the provisions of this section.

F. The ERC may create and maintain a reward fund in the jurisdiction(s) which shall be a revolving fund not subject to fiscal year limitations from which to pay the reward provided for in Subsection A of this section, and to offset the cost of environmental conservation enforcement efforts (civil and/or criminal) by the Pawnee Tribe and/or other authorized agency responsible for

arrest or civil prosecution of any person(s) who violates the provisions of this section.

7.34 Obtaining of Hunting and/or Fishing License by Non-Indians

A. Non-Indians (any person not presenting his/her A Certified Degree of Indian Blood@ card and Pawnee Tribal Enrollment Card) will be required to present a copy of their valid state Hunting and/or Fishing License (Basic License or equivalent as specified by current Oklahoma Hunting and Fishing Regulations) to the Tribe before issuance of Tribal license is made.

B. Non-Indians presenting his/her valid state hunting and/or fishing license may purchase the Tribal Hunting and/or Fishing license.

7.35 Safe Motor Vehicle Operation

A. The current Oklahoma Vehicle Laws of Title 47 of Oklahoma Statute- is hereby adopted by reference with modification and is enforced as the PawneeTribe civil code for the safe and proper operation of motor vehicles under this code unless otherwise indicated. All violations will be referenced using Title 47 code identification number(s) or referenced citations.

B. Enforcement Officers may issue the violator(s) a Compliance Order and Settlement Agreement of which the penalty for each violation will be assessed using the current State Bond Schedule as indicated in Title 47. Settlement may be made by the violator in accordance to this code.

C. In the event the violator refuses receipt of the Compliance Order and Settlement Agreement, the Officer may issue an arrest in accordance to criminal code including detaining the violators until the appropriate law enforcement officers intervene.

D. Violators who fail to make settlement in accordance to the issued Compliance Order and Settlement Agreement will be subject to civil suit and penalty as indicated under this code.

7.36 Land-use Lease Violations

A. No person (lessee) shall violate any provision of land-use lease (individual and/or federal).

B. Lessees shall not sublease nor grant permission to an individual or groups to hunt, harvest, or gather on lands leased unless as specified on current lease agreement.

C. Lessees in violation of said code will be liable for loss of wildlife, plant, or other natural resource of the Pawnee lands.

Section 8: BIG GAME HARVEST REGULATIONS

8.01 General Big Game Provision

ABig Game@ means white tail deer, bison, mule dear, elk, and antelope.

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

A. 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.

B. Except as otherwise expressly provided 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 to this code for each twelve (12) month period commencing January 1 and ending December 31 shall be limited to the number established by the DECS. No person shall hunt on Tribal Lands or big game units of the Tribe in which no harvest permits are made available.

8.04 Big Game Permits/Tags

A. No person shall hunt big game on any lands of the Pawnee Tribe pursuant to this chapter without possessing a valid big game license or permit approved by the Tribe.

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

C. The DECS, ERC, or other authorized distributor 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.

D. No Big Game permits shall be considered valid for any Big Game Unit or Tribal Lands:

(1) Which is shown to be closed.

(2) For Which the permit is marked as invalid.

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

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

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

G. No permit may be issued after 4:30 p.m. on the closing date of the application period.

H. No person shall hunt and harvest big game in a unit or on Tribal lands that is different than the unit or lands stated on the valid permit.

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

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

K. 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 present with the carcass 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 present or written permission from the person providing the game or parts thereof.

This subsection 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

No person other than the designated hunter or Senior or Disabled Citizen may hunt, harvest, transport or possess any big game with a Tribally 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.

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

- A. The applicant meets the age and/or disability requirements established by the DECS Director.
- B. Complete and submit 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

It shall be unlawful for anyone to hunt with a disabled person who is in the act of hunting under a waiver of certain restrictions of this code.

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

No person shall possess, hunt or harvest any big game for special purposes

without possessing a valid permit approved by the Tribe and DECS Director. A limited number of special game permits will be issued for each location. Issuance of special permits will be given on first come first serve basis.

To obtain a Special Big Game Permit, one must make application to the DECS 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 or Tribal Enrollment Number.
- E. Description of vehicle to be used for transporting big game.

8.10 Big Game Season

- A. 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.
- B. The Pawnee Tribe of Oklahoma will follow same Hunting and Fishing Season schedule and bag limit restrictions as indicated by the current Oklahoma Hunting and Fishing Regulations.
- C. Special harvesting permits may be requested for Tribal members for out of season harvesting. All requests must be made to and approved by the Director of DECS and ERC.

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 Restrictions

No person shall fire upon big game animals:

- A. With a .22 caliber rimfire rifle, 5mm rimfire rifle, or a .17 caliber center-fire rifle to include any equivalent caliber or smaller.
- B. With a .410 gauge shotgun.

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

8.13 Bow/Crossbow Restrictions

No person shall hunt big game:

- A. With a bow having a pull strength less than 40 pounds or using an arrow that does not have a broad head;
- B. With a crossbow unless the crossbow:
 - (1) Is allowed by special permit by the DECS Director.
 - (2) Is fired from the shoulder.
 - (3) Has a minimum draw weight of 100 pounds.
 - (4) Has a stock of not less than 30 continuing inches in length.
 - (5) Is used with arrows or bolts of not less than 14 inches with a broad head.
 - (6) Has a working safety.

8.14 Group Deer Hunting

As used in this section:

A. "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aide.

B. "Group Big Game Hunting Party" means two (2) or more persons lawfully hunting big game in a group under this ordinance.

C. Any person of a group big game hunting party may kill big game for another person of the group if the following conditions exist:

(1) At the time and place of the kill, the person who kills the big game must be in verbal contact with the person for whom the big game was killed.

(2) 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.

(3) A person who kills the big game must ensure that a person of his/her group big game hunting party without delay must attach and validate a carcass tag prior to field dressing and moving the animal. No animal killed 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 2 hour after sunset of one day and 2 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.

8.17 Hunting on Certain Lands Prohibited

No person hunting under a Tribal Big Game Permit shall hunt on any designated Tribal, Federal or State Wildlife Refuge unless permitted by law with appropriate license or required permit.

8.18 Sale of Big Game and Big Game Parts

A. No person shall sell, purchase, barter, or trade any big game animal or

meat from any big game animal.

B. No person shall sell, barter, or trade any blood antler or antler in velvet from any big game animal.

C. Nothing in this ordinance shall prohibit the sale of hides, bones, heads, or dried antlers from a legally harvested big game animal or the trading of such parts for use in traditional or religious ceremonies. Dried antlers that have been naturally shed or dropped by big game animals may be sold, purchased or traded.

D. Nothing shall prohibit the sale of big game managed by the Tribe for management and financial purposes to further develop their respective programs.

8.19 Removal and Retention of Tags

A. No person who kills big game pursuant to this ordinance shall remove a carcass or registration tag from that big game animal until such time as the carcass is butchered or processed for consumption.

B. No person who kills big game animals pursuant to this ordinance shall dispose of the carcass tag until all the meat is consumed. All packaged meat must have the hunters name, year of kill, and license number clearly printed on each package.

C. Any person who receives meat from another as a gift is exempt from the carcass tag provision by must clearly print the date received on each package and initial each package.

Section 9: UPLAND GAME AND UPLAND GAME BIRDS

9.01 General Provisions

"Upland Game Bird" means Grouse, Prairie Chicken, Pheasant, Partridge, and Quail.

"Upland Game" means Wild Turkey, Tree Squirrel, Prairie Dog, Cottontail Rabbit, and Jack Rabbit.

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 agricultural, horticultural, or wildlife research practices and as may be authorized by the Tribe or DECS Director.

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

9.02 Open and Closed Seasons

A. A closed season is hereby established for the hunting of upland game and upland game birds except for open seasons specified in section 17.03 or by Tribal Proclamation.

B. Except as otherwise expressly provided for by this ordinance, 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

A. No person shall hunt Upland Game or Upland Game Birds on any lands of the Pawnee Tribe pursuant to this section without possessing a valid Upland Game and/or Bird license or permit approved by the Tribe.

B. The DECS, ERC, or authorized distributor shall not issue more than one license to one person at one time except as authorized by the DECS Director.

C. No upland game or upland game bird license shall be considered valid unless:

(1) The license or permit is properly signed in ink by the hunter.

(2) A valid hunter safety certificate is shown at time of purchase and hunter safety number is recorded on the face of the license if hunter was born after

December 31, 1961.

(3) 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 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.

This section shall not apply to any authorized enforcement persons who in the course of their duties transport any seized upland game or upland game bird.

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 DECS Director. Refer to Section 8.09 of this code for application procedures.

9.06 Upland Game and Upland Game Bird Season

A. 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.

B. Each year a regular firearm 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:

(1) 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

No person shall hunt upland game except by use of firearms or bow and arrow.

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, rifle, or bow and arrow. Additional firearm and bow and arrow restrictions are listed in subsections 9.08 & 9.09.

9.08 Firearm Restrictions

No person shall hunt upland game or upland game 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 larger than .22 caliber; to allow the use of both rim and center fire cartridges.
- E. A handgun larger than .22 caliber; to allow the use of both rim and center fire cartridges.
- F. A shotgun with a barrel length less than 18 inches.
- G. A handgun with a barrel length less than 6 inches.
- H. A rifle with a barrel length less than 16 inches.
- I. Shot shells of Double BB or larger. The use of shot shells of Double BB or larger, except slugs, is permissible for the hunting or taking of wild turkeys.
- J. Any type of shell, cartridge, or altered projectile or device which is not considered a factory load, copy or style.
- K. Lead shot when hunting with a shotgun.

9.09 Bow and Arrow Restrictions

No person shall hunt upland game or upland game birds:

- A. With a bow having a pull or draw strength less than 40 pounds.
- B. Arrows must be at least 24 inches in length, have at least two (2) untrimmed feathers, and tip must be of a broad head type.
- C. With poison or exploding points of any type.
- D. 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 2 hour after sunset of one day and 2 hour before sunrise of the next day.

9.12 Transportation

A. 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.

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

9.13 Hunting Certain Lands Prohibited

No person shall hunt any designated Tribal, Federal or State 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 purchase 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.

Section 10: FURBEARERS

10.01 General Provisions

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 DECS Director.

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 DECS Director.

10.02 Open and Closed Seasons

A. A closed season is hereby established for the hunting and trapping of furbearers except for open seasons specified in Section 17.03 or by proclamation.

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

10.03 Permits and Tags

A. No person shall take, hunt or trap furbearers on any lands of the Pawnee Tribe pursuant to this section without possessing a valid furbearers license or required permit approved by the Tribe.

B. The DECS, ERC, or authorized distributor shall not issue more than one license to one person at one time except as authorized by the DECS Director.

C. No furbearers license shall be considered valid unless:

(1) The license or permit is properly signed in ink by the hunter or trapper.

(2) Show a valid hunter safety certificate at time of purchase and certificate number is recorded on the license or permit if the hunter or trapper was born after December 31, 1961.

(3) For which any permit or license is marked invalid.

10.04 Furbearer Season

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

B. The Pawnee Tribe of Oklahoma restricts all hunting and fishing activities in accordance to all current Oklahoma Hunting and Fishing Seasons and Limit Regulations. Unless otherwise approved by the DECS Director.

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 2 hour after sunset of one day and 2 hour before sunrise of the next day.

Traps checking at any time of the day, and night hunting and/or calling of coyotes, bobcat, and/or raccoons)

10.06 Methods of Taking

No person shall:

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

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

C. Trap with aide of poison or poison bait.

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

E. Use Cross-Bows.

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

G. Use arrows less than 24 inches in length.

H. Use explosive points.

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

J. Use artificial lights except for

the use of flashlights with no more than four (4) cells may be authorized for calling, hunting, or pursuing coyotes, bobcats and/or raccoons at night)

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

M. Destroy any den, lodge or hut.

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

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

A. No person shall trap on any Trust land or fee land (restricted and/or nonrestricted) land without receiving written permission from the owner(s).

B. No person shall trap on any Tribal, Federal, or State Refuge without possessing the required permit, license and/or tags.

10.09 Possession of Live Furbearers

A. 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.

B. Any person who maintains live furbearers on any lands of the Pawnee Tribe must serve notice within 30 days after receipt of the live furbearer(s) to the DECS and obtain a permit for those furbearers.

10.10 Bobcat, Mountainlion, Panther, and Bear Provisions

The taking, hunting, trapping, pursuing, selling, purchasing, trading or bartering or any attempt to the above is prohibited.

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 while afield.

10.12 Harvest of Deprecating Animals

Any landowner or tenant may destroy any furbearer which has been identified as deprecating 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 Tribal Lands unless he/she possesses a valid Tribal furbearers license or permit.

10.14 Records to be Kept by Licensed Dealer

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.

The record shall include:

- (1) The date of purchase
- (2) The date of shipment
- (3) The name and address of seller
- (4) The kind and number of furs involved
- (5) The amount of money paid for the furs
- (6) Any additional information requested

10.15 Transportation of Furbearers

No person shall transport any furbearer in or on any motor vehicle without possessing a valid furbearer license or required permit and/or required tags.

10.16 Aerial Hunting

No person except an authorized agent shall attempt to take, hunt, or pursue any furbearer using aircraft without authorization from the DECS Director and in accordance with federal law.

The following information shall be provided:

- A. The name and address of each person whom will be hunting.
- B. A description of the furbearers authorized to be taken, the number of furbearers to be taken, and the harvest area.

C. The reason for requesting the permit.

D. Description of aircraft and pilot's name.

10.17 Motor Vehicle Use

No person shall take, hunt, kill, chase, harass, pursue or attempt the above from any type of motor vehicle unless specifically authorized by permit or license issued by the DECS Director.

Section 11: MIGRATORY BIRDS

11.01 General Provisions

No person shall take or injure any Migratory Bird or harass any Migratory Bird upon its nest or remove any eggs or young except as may occur in normal agricultural, horticultural, or wildlife research practices and as may be authorized by the DECS Director and federal regulations.

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

11.02 Open and Closed Seasons

A. A closed season is hereby established for the hunting of migratory birds except for open seasons specified by proclamation.

B. Except as otherwise expressly provided by this code, no person shall hunt migratory birds in Pawnee Indian Country during a closed season.

11.03 Firearms Restrictions

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. With shot other than steel shot.

11.04 Bait Restrictions

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

It is unlawful to hunt in unharvested crops or grain fields such as cereal crops,

alfalfa, corn or sunflowers.

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 Pawnee Tribe without possessing a valid Tribal license, permit, required tags, or migratory bird stamp.

11.07 Hunting Seasons, Bag Limits and Shooting Hours

A. The establishment of migratory bird hunting seasons and bag limits shall be set in compliance with the Migratory Bird Treaty Act. In addition to any regulations provided for in this subsection, all rules and regulations provided for in 50 CFR 20, Migratory Bird Hunting, will be enforced.

B. The DECS Director, ERC, and Tribal Council 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 recommendations for the hunting of Migratory Birds, the Tribal Council or designated representative is responsible by law to submit a proposal to the U.S. Fish & 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 harvest.
- (4) Steps that will be taken to limit level of harvest.
- (5) Tribal capabilities to establish and enforce migratory bird hunting regulations.

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.

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

C. 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

A. It shall be unlawful for any person to take, attempt to take, kill hunt, sell, purchase, possess, pursue, shoot at, disturb, or destroy any raptor, Golden or Bald Eagle, Owl, Falcon or other species of protected migratory birds or its nest or eggs thereof on any lands of the Pawnee Tribe.

B. Any enrolled member of the Pawnee Tribe requesting or desiring any eagle, raptors or protected migratory bird, or parts thereof, for ceremonial or religious purposes must make or properly complete an application for submission to the U.S. Fish & Wildlife Service, Law Enforcement Division.

11.09 Transportation

No person shall transport any migratory bird without:

A. Leaving a fully feathered wing or head on each carcass.

B. 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.

C. 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 Provision

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 DECS Director.

Nothing in this code shall be construed to prohibit the taking of such fish for scientific purposes with the authorization of the DECS 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

A. 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 DECS. All persons of 12 years old or older must purchase or otherwise possess his/her valid permit and/or license.

Any person fishing any lands of the Pawnee Tribe must possess the requisite Tribal license or permit.

B. The DECS, ERC, or authorized distributor shall not issue more than one license to one person at one time except as authorized by the DECS Director.

C. No fishing license or permit shall be considered valid unless:

(1) The license is endorsed by the fisher person in ink.

(2) For which any permit or license is marked invalid.

12.04 Seasons, Creel Limits, and Size Limits

A. 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.

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.

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.

B. 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 written permission from the owners/alloties. No person may fish on Tribal, State, or Federal Refuge waters or protected waters without possessing the required license, permit, tags, or unlawfully fish in those designated waters.

12.06 Hook and Line Limitations (with mechanized reel)

A. A maximum of two lines and three hooks per line is allowed for fishing open waters.

B. A maximum of four lines is allowed for fishing through the ice.

C. A maximum of one line and one hook is allowed for paddlefish snagging.

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

12.07 Bait

A. No person may possess carp, buffalo fish, carpsuckers, goldfish, or game fish (except cleanings) as bait for hook and line fishing.

B. Licensed anglers may take bait for noncommercial purposes and as provide below:

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

Limit: 12 dozen of any species.

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.

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

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

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

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

Game Fish Released: Game fish and endangered or threatened species must be released or returned to the water from which they were taken.

*(Consult local State or Federal Agency for listing of endangered or threatened species.)

NonGame Fish Destroyed: All other fish, excluding baitfish, taken in bait traps or seines must be destroyed and buried or disposed of in a manner conforming with Tribal health, pollution, and refuse laws.

12.08 Bait Wholesalers and Retailers License

A. A Tribal bait dealers license shall be issued by the DECS 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:

(1) Include the name, address, and location of dealer.

(2) Specify the type and amount to be possessed.

(3) Specify if purchased, trapped, seined, or netted, and where the bait was purchased, trapped, seined, or netted.

(4) A permit shall be valid for no more than 12 continuous months from date issued.

B. 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

No person shall sell, barter, trade or offer to sell, barter or trade any fish taken from Tribal waters, except:

- A. Without possessing a Commercial license issued by the DECS Director.
- B. Channel catfish, flathead catfish, and non-game fish.
- C. Persons operating a private fish hatchery.

12.10 Hoop Nets, Traps and Set lines, and Banklines

No person shall set any hoop net, traps, Set lines, or banklines except as provided by this code.

Restrictions:

License: No person shall set, check, pull, or operate any hoop net, trap or set line without possessing a valid Tribal license or permit issued by the DECS Director.

Tags: Each hoop net, trap, or set line must be marked with a waterproof tag with the enrolled members name, address and telephone number.

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 1/4 inch openings in each end are allowed. Wire fish traps are prohibited.

Species: Hoop nets, traps, Set lines, or banklines may be use to take channel catfish, flathead catfish, and NonGame fish in Tribal Waters. It is prohibited to take blue catfish, game fish or endangered or threatened fish. Any blue catfish, game fish, or endangered or threatened fish must be release in the waters from where they were caught.

Baitfish: Only prepared or cut bait, worms, frogs, crayfish, and toads may be used Set lines. Whole baitfish (minnows) are prohibited.

Checking: Hoop nets and Set lines must be checked at least every 72 hours.

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

Limit: Unlimited numbers of channel catfish, flathead catfish, and NonGame fish may be taken from Tribal waters.

Sale of Fish: Legal fish taken by hoop net, trap, or Set lines from Tribal waters may be sold, bartered, or traded pursuant to subsection 12.09.

Unauthorized Use: No person may use or tend hoop nets, traps, or Set lines of another person.

Set line Restrictions: No person may use a set line that operates by a reel or other mechanical device, or more than 20 hooks attached to one set line.

Bankline Restrictions: No person may use more than 20 bankline units having a maximum of 20 hooks (one hook per unit) at one time.

12.11 Gill Netting

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

No person may take fish with a spear, legal spear gun, or bow and arrow except for licensed fishermen.

A. 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.

B. NonGame fish may be taken between sunset and sunrise January 1 - December 31.

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

D. Catfish may be taken without limit for noncommercial purposes from sunrise to sunset January 1 - December 31.

E. Underwater spear fishing 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.

F. Divers must display a Diver's Flag on the water on a float or buoy during any diving or underwater spear fishing. 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 are to avoid the area.

G. Persons spear fishing may not possess game fish in areas not open to the 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

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

B. Any dressed fish transported, if frozen, must be packaged individually. Two fillets will be counted as one fish.

C. 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

No person shall:

- A. Deposit refuse in Tribal waters.
- B. Leave or deposit fish on the shorelines of Tribal waters.
- C. Empty receptacles containing bait into Tribal waters.
- D. Transport or introduce fish or fish eggs into Tribal waters.
- E. Release fish, reptiles, amphibians or crustaceans not native to the Tribe into Tribal waters without written authorization from the DECS 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 poisonous or stupefying drugs to take fish.
- K. Shoot fish, frogs, or turtles with a firearm.

Section 13: BOATING

13.01 General Provisions

No person shall operate any boat, water-craft, water-vessel, or floating-device without complying with all rules and regulations pertaining to safety and operation established by the U.S. Coast Guard.

No person shall operate any boat, water-craft, water-vessel, or floating device on Tribal waters without possessing the requisite license, permit or registration.

13.02 Boating Safety Equipment

No person shall operate any boat, water-craft, water-vessel, or floating device without maintaining the following equipment on or within any boat, craft, vessel or device:

A. All motorboats less than 16 feet in length and non-motorized boats must have at least one Coast Guard approved Type I, II, or IV floatation device for each person on board. All boats 16 feet and over in length must have, in addition, at least one Coast Guard approved throw able type IV device on board.

B. All persons using water skis, surfboard or similar device must wear a Coast Guard approved Type I, II, or III floatation device.

C. Any Enforcement Officer who observes a vessel being used in an unsafe condition or manner and in the Officer's judgement such use creates a hazardous condition may direct the operator to take whatever immediate and reasonable steps that would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended. For the purpose of this section an unsafe condition is defined as any one of the following:

(1) Operating without boating safety equipment.

(2) Operating in an overloaded condition.

(3) Fuel leakage or presence of fuel in bilges.

(4) Riding on the bow, gunwale, transom, or on the back of seats without taking precautions to prevent persons falling overboard.

(5) Operating in weather or water conditions which endanger the boat and/or occupants.

(6) Operating a boat without a battery cover in place.

(7) Operating a boat without the necessary lights for low light conditions.

13.03 Prohibited Operation

No person shall:

A. Operate a boat at excessive speeds, or in a dangerous or reckless manner.

B. Operate a boat in an overloaded condition.

C. Operate a boat within designated swimming areas or in areas where swimmers are present.

D. Operate a boat within 100 yards of a skindiving zone marked by the appropriate diving flags indicating the presence of skin divers below the surface.

E. Operating near dams or other hazardous waters.

F. Towing water skiers near other vessels, obstructions, hazardous waters, or in a reckless or dangerous manner.

G. Operate a boat in such a manner to cause a dangerous or damaging wake.

H. Operate a boat in such a manner as to molest, disturb or annoy persons lawfully engaged in fishing.

I. Continue to use or refuse to terminate use of a boat in a hazardous manner after being ordered to cease by an Enforcement Officer.

J. No person shall operate any motorboat, craft, vessel, or floatation device while under the influence of alcohol or drugs.

13.04 Collisions, Accidents, Casualties and Liability

It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he/she can do without serious danger to his/her own life or property, to render aid to persons affected by the collision, accident, or other casualty. He/she shall give their name, address, and vessel identification in writing to any person injured and to the owner of any property damaged in

excess of \$100.00, or a person disappears from such vessel under circumstances that indicate death or injury, the operator thereof shall file with the DECS Director a full description of the collision, accident, or other casualty, including such information as said Agency may, by regulation, require.

The owner of a vessel shall be liable for injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of state statutes, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable unless such vessel is being used with his or her expressed or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage it is under control of his or her immediate family. Nothing herein relieves any other person from any liability he/she would otherwise have, and nothing contained herein authorizes or permits any recovery in excess of injury or damage actually incurred.

Optional Boating Regulations

The following regulations are listed as reference to Tribes developing recreational opportunities and vehicle registration capabilities on their respective Reservations.

13.05 Boat Registration

Any boat, water-craft, water-vessel, or device placed upon or operated upon Reservation waters shall be numbered and licensed as prescribed by Tribal law. No person shall operate or give permission for the operation of any boat, craft, vessel, or device on such waters unless the boat, craft, vessel, or device is numbered and licensed in accordance with Tribal law.

13.06 Display of Numbers

The numbers appearing on the certificate issued by the Department of Environmental Conservation and Safety must be permanently attached to each side of the forward 1/2 of the vessel, in plain vertical block letters at least 3 inches (7.6 centimeters) in height, excluding any border, trim, outlining, or shading, in contrasting color to the hull, and must be maintained in a legible condition so that the numbers and letters are plainly visible during daylight hours. The number shall read from left to right, and groups of numbers and letters must be separated by a space or hyphen equal to the width of the letter M. A validated sticker issued by the DECS must be displayed on the boat, within 6 inches to the rear of the numbers.

13.07 Licensing Water craft for Hire - Annual Inspection

- A. The DECS Director shall adopt rules and regulations to license Water craft for hire, and to prescribe the safety equipment, construction, and manner of operation of such craft.
- B. The DECS Director shall conduct annual inspections of all Water craft used for hire to determine if rules and regulations governing such craft are complied with and may issue licenses to operate such Water craft.
- C. No person shall operate Water craft used for hire without a current or valid license, permit or registration.

13.08 Water craft for Hire - Construction and Operation

No person shall allow a Water craft for hire unless:

- A. It is safely able to carry a load or passengers as prescribed by the DECS Director or its authorized Agency using the formula (length x width divided by 15). Both measurements are in feet. Metric measurements require the following formula (length x width divided by 1.4). Dimensions are in meters and tenth of meters. The capacity of a boat for hire in terms of the number of persons shall be displayed in plain view.
- B. No Water craft for hire shall be operated:
 - (1) In violation of any law, rule or regulation of this code.
 - (2) With a load greater than that for which it is licensed for and/or regulated by.
 - (3) In an area which is posted as a swimming area or with the presence of swimmers.
 - (4) Any person who operates, permits the operation of, or maintains for hire any Water craft within the Reservation and such Water craft is operated in a manner equipped or constructed in violation of this code shall be construed as operating a Water craft for hire without the proper license. In addition to the penalty prescribed by law, he/she shall forfeit any license issued under this code.

Section 14: Guiding or Guides for Hire

14.01 General Provision

No person(s) except enrolled members of the Pawnee Tribe shall provide guiding services on any lands of the Reservation.

No person (enrolled member) shall guide or provide fee guiding services for the purpose of harvesting or attempting to harvest any fish or wildlife on any lands of the Pawnee Tribe without proper authorization from the DECS Director.

No guide (enrolled member) shall provide services that will allow clients to knowingly or unknowingly to take, attempt to take, kill, pursue or harass any fish or wildlife species during a closed season or in violation of any provisions of this code.

14.02 License Requirements

No person (enrolled member) shall act as a guide for the purpose of hunting or fishing on any lands of the Pawnee Tribe without possessing a valid permit or license issued by the DECS Director.

Licenses or permits will be issued annually in a form prescribed by the DECS Director.

14.03 Seasons and Limits

Except as otherwise provided, Guides will operate or provide services within the seasons and limits established by proclamation.

14.04 Responsibility and Liability

Any person (enrolled members) offering guiding services on any lands of the Pawnee Tribe are responsible for:

A. Ensuring each client has a valid license or permit for the taking of fish or wildlife.

B. Ensuring each client does not exceed bag limits or season dates as established by proclamation.

C. Ensure each client understands the rules and regulations prescribed by proclamation and complies with those rules and regulations while under the direction of a guide and while afield.

D. Reporting any accidents or damage caused by their clients while hunting, fishing or recreating on the Reservation.

E. Ensure all clients born after December 31, 1961 have successfully completed a certified Hunter Safety Course and provide proof to the guide prior to hunting, fishing or recreating.

Any guide (enrolled member) may be liable for:

A. Any physical damages he/she or their clients may knowingly commit to any person or property in violation of this code.

B. Knowingly allow any violation of rules or regulations pursuant to this code.

C. Knowingly allow a client to hunt, fish, or recreate without possessing the requisite license, permit, or applicable hunter safety certification.

D. Knowingly being party to a violation or assisting in commission of a violation.

E. Damages caused by the guide or clients who go afield under the influence of alcohol or drugs.

Section 15: TIMBER HARVEST

15.01 General Provisions

No person shall remove any timber, wood, plant, or any part thereof from any lands of the Pawnee Tribe without authorization from the DECS Director.

This shall not prohibit the removal of any timber, wood, plant, or part thereof by land owners or by a person who has the owners= permission to take such timber, wood or plant from said land.

15.02 Permits

Any person taking, cutting, or harvesting any timber, wood, plant, or any part thereof must possess a Tribal permit issued by the DECS Director. The following information is needed for permit application:

- A. His/Her name and address.
- B. Location of harvest area.
- C. Type of harvest (timber, wood, plant, roots, berries, nuts, etc.) to be removed.
- D. Amount of harvest.
- E. Purpose and need for the harvest.
- F. Dates harvesting will begin and end.

15.03 Responsibility and Liability

Any person removing any timber, wood or plant for their use or sale 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, wood or plant species not authorized by permit.
- B. Cutting any timber, wood or plant which have nests or dens of birds or mammals greater than one (1) foot in diameter.
- C. Causing environmental damages, such as erosion to soil, from vehicle use.
- D. Failure to remove any cut timber, wood or plant.

E. Cutting any timber, wood or plant not marked or identified for harvest when applicable.

F. Causing a fire from careless use of equipment or careless behavior.

G. Deposit any litter while afield.

Section 16: SPECIAL PERMITS

16.01 General Provisions

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

16.02 Special Permits

Special permits may be available upon request for taking or harvesting fish, wildlife or plants on lands of the Pawnee Tribe.

The following information is needed for permit application:

- A. Name and address or person(s) making the request.
- B. Reason for request.
- C. Name of person(s) who will be harvesting the fish, wildlife or plant, 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.

DECS Director shall:

- A. Present the permit request to the ERC, Commission or Council for approval.
- B. Determine sex, amount and methods of harvest.
- C. Provide assistance if requested.
- D. Request and collect any unused special permits.

Section 17: PROCLAMATION HAS FORCE OF LAW

17.01 General Provision

Any proclamation issued by the DECS and/or ERC (upon Tribal Council approval), or Tribal Council shall have full force of law. Any person violating a provision of such order or proclamation shall be subject to penalties and/or imprisonment within Section 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.

17.02 Proclamation to be Published

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

17.03 Emergency Openings and Closures of Seasons

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

- A. That a species of fish or wildlife for which an open season exists, is in danger of depletion or extinction, or when necessary for the proper protection during critical periods, the 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 has over populated an area and are causing depredation problems, the DECS Director may open or extend a season to control said deprecating species.
- C. That due to environmental or climatic conditions, a hunting season may create a hazard to life or property (i.e., fire), the DECS Director may close or postpone a season and reopen a season at a later date upon reasonable notice through local media.

Section 18: WATER POLLUTION CONTROL

18.01 Authority

This code is established pursuant to Title X, Article 4 of the Pawnee Tribal Environmental Regulatory Act as enabled under Article II, Section (d) of the Constitution and By-Laws of the Pawnee Tribe.

18.02 Pollution Control

A. No person shall cause pollution of, or discharge pollutants into the waters of the Pawnee Tribe.

B. No person shall cause violation of any provision(s) and or criteria of water quality standards (in part or otherwise) as contained in the Pawnee Tribe Water Quality Standards.

C. No person shall discharge or attempt discharge of other waters (wastewater or otherwise) without authorization of the DECS or other duly authorized authority as provided under Article 4 of the Pawnee Tribe Environmental Regulatory Act (Title X, Pawnee Tribe Law and Order Code).

18.03 Pawnee Tribe Water Quality Standards Provision

No person shall violate or cause violation of any numerical and/or narrative criteria provision protective of designated beneficial uses within waters of the Pawnee Tribe.

18.04 Civil Penalty

A. Any person discharging any pollutant into the waters of the Tribe shall pay a civil fine in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs unless other specified under Article 4 of the Pawnee Tribal Environmental Regulatory Act..

B. The civil fine required by this Section shall be imposed by any court of competent jurisdiction in accordance with Section 5 and 6 of this code.

18.05 Clean up and Abatement

A. Any person that discharges any pollutant into the waters of the Tribe shall immediately, but in any case not less than twenty-four (24) hours from time of the release, notify the DECS of said release and shall fully disclose to the DECS any and all information regarding the discharge, including but not

limited to the type of pollutant discharge, the amount of pollutant discharge, the location of the discharge, time of occurrence, and any other information required by the DECS or other authorized agency.

B. Any person who releases and/or cause any pollutant into the waters of the Tribe shall be liable for all costs associated with or necessary to cleanup, abate, remediate, or remove said pollutants from the waters and other impacted media of the Tribe and restore the quality of the waters of the Tribe to their condition as they existed immediately prior to the discharge.

18.06 Court Action and Injunction

Upon failure of any person to comply with any of the provisions of this Code, the DECS, ERC, and Pawnee Business Council, by and through its attorney, shall petition a court of competent jurisdiction for the issuance of an injunction requiring such person to comply there with. In any such suite, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, and to levy such fines in accordance with Section 4 of this ordinance, as the facts may warrant.

SECTION 19: COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

(1) Any person(s) found in violation of the Pawnee Tribe Environmental Conservation Code or any part of said civil code may be issued a Compliance Order and Settlement Agreement@ by any authorized Pawnee Tribe Enforcement Officer.

(2) The Compliance Order and Settlement Agreement form consist of two parts:

(A) Part I: Compliance Order

The Compliance Order is not a adjudicatory proceeding under Title III of the Pawnee Tribe Law and Order Code. It is issued solely with reference to the Settlement Agreement in Part II of the form. The Compliance Order serves to provide notification of code violation(s) to violator with associated civil penalties.

Upon receiving the Compliance Order, the violator may option to pay the disclosed penalty amount(s) within the 30 day period in accordance to conditions indicated in the Settlement Agreement, or be subject to civil action not limited by the Pawnee Tribe for each code violation.

(B) Part II: Settlement Agreement

The Settlement Agreement provide opportunity for violator to provide settlement of all violations indicated, avoiding further civil action by the court or all violations indicated in the Compliance Order. Failure to provide settlement in accordance to the terms of the agreement will result in civil action by the Pawnee Tribe. The violator will be provided an administrative hearing pursuant to Title X, Article 3, Section 316 of the Pawnee Tribe Law and Order Code.

(3) Compliance Order and Settlement Agreement Form

Section 20: DECS ENFORCEMENT OFFICER-PERFORMANCE STANDARDS

20.01 Requirements

The DECS Enforcement Officer shall perform its duties in accordance with qualifications, trainings, code of conduct, inspection and evaluation, and other standards as set forth in this section.

A. All DECS Enforcement Officers shall adhere to the policies and procedures of the DECS for documenting, reporting, performing duties. Training (pre-service, in-service, and program specific as indicated by the DECS Director), ethics, code of conduct (both on and off duty) and other standards as prescribed by the DECS Director as approved by the Tribal Business Council.

B. Prior to hiring and/or appointment of DECS Enforcement Officers, formal background investigations must be completed by the Tribal police. Areas to be considered should include, but not limited to, criminal record, traffic record, military, education and prior work experience. Background investigations shall remain in the employees official personal file.

C. In addition to requirements of the DECS=s Policies and Procedures, the DECS Director, prior to taking disciplinary actions involving suspension, demotion or termination against any DECS Enforcement employee, shall take the following steps:

- (1) Notify employee of the contemplated action and give a full specific violation of rules, regulations, or statutes the DECS alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.
- (2) Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the DECS 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, Tribal Council, or Division Director, the employee and employees legal counsel, if he/she has such counsel, 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 counsel 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 counsel 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 on reaching the decision.

20.01 Training and Certifications

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

B. The DECS=s Enforcement Officer shall acquire basic law enforcement training certification from an accredited state, federal, or tribal course of not less than 250 hours of instructions prior to or within the first year of assignment.

C. Firearms Qualifications will be biannual and should be held in conjunction with handgun firearms certifications.

Each Conservation Enforcement Officer must attain a score of 70 percent or better on an approved firearms qualifications course twice during a calender year, with at least a four month period separating each session to be considered qualified to carry a firearm. 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) Fifty Yard Practical Pistol Course

20.03 Use of Firearms

A. DECS Enforcement Officers shall acquire a standard caliber side arm and ammunition. The use of other calibers or types of handguns are restricted in accordance to BIA law enforcement regulations (25CFR). The barrel length may be not more than six inches nor less than four inches for uniform personnel, and not less than two inches for plainclothes personnel, and only standard load ammunition may be used.

- B. If weapons other than sidearms are approved for use, the DECS Officer must also qualify them. These qualifications will be on a police approved course, with training conducted by any state or federal certified instructor.
- C. 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 at incapable of continuing the activity prompting the Officer to shoot. The firing of warning shots and/or firing from moving vehicles are 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.
- D. Except in firearms training, each time a firearm is used, a report shall be filed with the DECS Director. The Director will notify the Tribal Chief of police. 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.

20.04 DECS Enforcement Standards

- A. Each DECS Enforcement Officer shall receive a minimum of forty hours of local in-service training annually to meet needs determined by the Contractor and to keep abreast with developments in the field of Conservation Enforcement. If economically feasible, each Conservation Officer shall attend all Conservation Management Trainings or Workshops to keep abreast with developments in the field of Conservation Management.
- B. The DECS shall require each Enforcement Officer it employs to sign and adhere to a code of conduct prescribed by the DECS. The signed copy shall be filed in the employee's official personal file. The code shall establish specific rules concerning conflict of interest, employee conduct both in and off duty, impartiality and thoroughness in performance of duty, and acceptance of gifts and favors.
- C. The DECS shall permit the inspection and evaluation of the Enforcement program by any authorizing Tribal and/or Federal agency.

20.05 DECS Enforcement Officer Uniforms

- A. The DECS shall assure that each DECS Enforcement Officer be specifically identified as Environmental Ranger on his/her badge.
- B. The DECS Ranger 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. Wearing street clothes must be pre-approved by the DECS Director.

20.06 DECS Enforcement Vehicles

A. The DECS shall assure (as funding) provides 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, attached or portable winch, handyman jack, and jumper cables.

The Contractor 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 Contractor shall assure that all 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 contractor shall require that all Conservation Enforcement vehicles are marked in each front door with a Department emblem resembling the Officer=s shoulder patch.

B. The DECS will provide all uniformed Conservation Enforcement Officers with the following and assure they are in good condition:

- (1) Belt, holster, handcuff case and cartridge holder.
- (2) Handcuff with key
- (3) Minimum of two complete uniforms, including hat.
- (4) Breast badge.

20.07 Performance Standards

A. The DECS 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, dead falls, 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 use of the land, 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 the DECS Code or other Tribal, State, or federal law (civil and criminal) of which the officer is authorized to enforce.
- (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) Perform basic environmental crime investigations and provide expert testimony in appropriate court of law.
- (13) Prepare detailed incident reports for courtroom use and prepare Informational Complaint forms to maintain record of violation/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 or operational policy, sell confiscated fish or wildlife, and have check made payable to the Pawnee Nation Department of Environmental Conservation and safety. The check or money shall be deposited into the DECS special Account. Under no circumstances will Conservation Enforcement Officers 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 of.
- (18) Examine fish or wildlife for method of take and when taken.
- (19) Investigative 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 local agencies responsibility in recovery of drowning victims, lost persons, accidental release of hazardous materials, severe weather emergencies and civil disorders when requested.

(23) Maintain a working relationship with tribal, state, country, and federal Prosecutors, Court Judge, Clerk of Court, and various support staff.

(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 DECS Director. The Officer 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 firearms shall be stored in places not readily accessible to children.

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

C. Each DECS Enforcement Officer should be certified in advanced first aid, Haz-mat First Responder, and be active in the local emergency response commissions.

D. In order to assure that DECS Enforcement Officers are physically qualified to perform their assigned duties in a manner which reduces the risk to themselves, others and to the resources protected, yearly physical examinations should be obtained and results furnished to the DECS Director.

E. In addition to tribal personnel employment standards, each applicant entering into employment as a full-time permanent Conservation Officer, shall pass a Health and Performance related physical fitness test.

The following are the physical fitness test battery standards:

(1) 1.0 mile/10 minute run or stress test given by a qualified person.

Minimum Score-A minimum 1.0 mile run of 10 minutes is required.

Training-A gradually increased walking or walk-jog program is recommended to increase aerobic capacity. Other types of exercises that will help aerobic conditioning are bicycling, rowing, running, swimming or any exercise that increase the heart rate to about 75% of the maximum for a minimum of 30 minutes, three (3) times per week. This level of exercise should be reached gradually over a period of several months for those who are not physically fit or involved in conditioning program.

(2) Pushups

Technique-Standard pushups from the toes are used. The body must be kept straight at all times. The chest must touch the floor at the low-position and arms must be straight at the high position. The test is started in the down position. During this test the partner's hand will be placed on the floor under the chest of the person being tested. A pushup will be counted by the partner when the chest touches the hand.

Minimum Score-A minimum score of 25 pushups are required during the one minute time period allowed.

Training- Repetitive pushups on a regular basis will develop the muscular endurance necessary for this test. To start, one can use a wall to push away until muscular strength is developed to the point where pushups can be done on the floor. Doing pushups with the knees remaining on the ground is also a good technique for beginners. The bench press will aid in developing strength for the pushup test.

(3) situps

Technique- Bent leg situps are used. While seated on the floor the knees are brought towards the chest until the feet are flat on the floor. The toes are placed under something or someone else can hold the feet down to anchor the body while the situps are completed. Hands must be clasped behind the head or neck during entire situp. At the down position the shoulders must touch on the knee. During the test the partner will hold the feet down and count the situps. Start in the down position.

Minimum Score-A minimum of 25 situps is required during the one minute time period allowed.

Training- Repetitive situps on a regular basis will develop muscular endurance necessary for this test. Increased abdominal strength can be attained by holding a small weight behind head while doing situps or using an inclined board.

(4) Swimming (optional)

Technique- Any style stroke. Kick turns are allowed. No standing on the bottom or holding the sides of the pool are permitted. Start by either diving from the pool edge or push off while in the pool. The distance of the swim is yards. Lakes or ponds can be substitute for pools.

Minimum Score-A minimum of five (5) minutes is required to complete the 200 yard swim

Training- Practice with the various strokes and emphasize fundamentals. The use of the legs is very important.

All phases of the physical fitness test battery must be completed at the minimum level or better. All phases will be conducted by a Physician or qualified person.