

CHAPTER XVII  
TRIBAL GAME CODE\*

Section 1

Declaration of Policy

The Shoshone-Bannock Tribes for the purpose of defining, regulating and protecting the rights of the Shoshone-Bannock Tribes to all wildlife, including all wild animals, wild birds, and fish, within the outer confines of the Fort Hall Indian Reservation, and for the further purpose of regulating and protecting the treaty rights of the tribes and to protect the wildlife on ceded lands and on unoccupied lands of the United States, hereby declare the following laws.

Section 2

Fish and Game Department Established

A Fish and Game Department is hereby established. The department shall be known as the "Shoshone-Bannock Fish and Game Department" and shall have its principal office at Tribal Headquarters, P.O. Box 306, Shoshone Bannock Tribes, Fort Hall Reservation, Fort Hall, Idaho.

Section 3

Creation of Shoshone-Bannock Fish and Game Commission

There is hereby created the Shoshone-Bannock Fish and Game Commission, hereinafter referred to as the Commission. The Commission shall consist of seven (7) business council members who shall hold officer during the term of their office on the Fort Hall Business Council.

Section 4

Wildlife-Property of Shoshone-Bannock Tribes

All wildlife, including all wild animals, wild birds and fish, within the outer confines of the Fort Hall Indian Reservation, are hereby declared to be the property of the Shoshone-Bannock Tribes. It shall be preserved, protected, perpetuated and managed exclusively by the Shoshone-Bannock Tribes. It shall be only captured, taken or killed at such times or places, under such conditions, or by such means, or in such manner, as prescribed by the laws of the Shoshone-Bannock Tribes, and as will preserve, protect, and perpetuate such wildlife, and provide for the members of the Shoshone-Bannock Tribe continued supplies of such wildlife for hunting, fishing, and trapping.

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\* Enacted by Ordinance S7-75 on August 6, 1975 by the Fort Hall Business Council.

Further, the acquisition of wildlife pursuant to treaty rights shall be protected and managed by the Shoshone-Bannock Tribes and as prescribed by the laws of the tribes.

It shall be the authority, power and duties of said commission to administer and carry out policy of the Shoshone-Bannock Tribes in accordance with the provisions of this chapter.

Section 5

Powers and Duties of the Shoshone-Bannock Fish and Game Commission

The Shoshone-Bannock Fish and Game Commission is hereby authorized to make and declare such rules and regulations, and shall have such other and further powers as may be necessary to carry out the purposes and intent of all laws pertaining to wild animals, wild birds and fish and other wildlife, and the preservation, protection, perpetuation, and management thereof, under the policy above announced and consistent therewith, and with the constitution of the Shoshone-Bannock Tribes. The commission shall have the power and authority to determine during what part of any particular year or years the supply of any particular species of fish, game birds, or game and fur-bearing animals or other wildlife, will be injuriously effected by depletion by permitting the same to be taken, and whenever the said Commission shall find that in any particular portion or portions or the whole of the Fort Hall Indian Reservation during any period of time the supply of any species of any fish, game birds, or game and fur-bearing animals will be injuriously effected by depletion by the taking thereof, then the season for taking any such fish, game birds, or game or fur-bearing animals, or other wildlife, is hereby declared to be closed as confirmed by such tribal resolution, and hunting, pursuing, killing, taking, angling for, or having in possession such species shall be unlawful in any portion of the Fort Hall Indian Reservation, or such portion thereof as shall be named in such closing order, during any period of time, either within any year, or over any period of years fixed and set resolution; or if it is determined by said commission that the protection of any species of fish, game birds, game or fur-bearing animals or other wildlife will be served either by reducing or increasing the bag limit thereof, then the number of fish, game birds, or game and fur-bearing animals, or other wildlife which the said commission shall find as fact to constitute

the reasonable number which may be taken without injuriously effected by depletion or over-crowding the supply thereof, is hereby declared to be a reasonable number, and shall constitute the legal bag limit therefore, and it shall be unlawful for any person to take or have in their possession more than any such number as found by said commission.

Provided, that should the said commission find that the supply of any species of fish, game birds, game and fur-bearing animals, or other wildlife, is such that an open season may be permitted, or longer, or different opening and/or closing dates for existing open season for the taking thereof will not injuriously effect by depletion or over-crowding the supply thereof, then such open season and/or closing any existing season for the taking of any fish, game birds, game or fur-bearing animals, or other wildlife, and such commission shall find to be best for the protection thereof, is hereby declared to be and shall constitute the season therefore; and when said commission shall give notice of said resolution, then the season for taking any such fish, game birds, game or fur-bearing animals or other wildlife, is hereby declared to be as ordered by said commission, and it shall be unlawful for any person to hunt, take, capture, trap, or fish for, or pursue any such game fish, game birds, game or fur-bearing animals, or other wildlife, except during such seasons as declared by the commission.

Said commission, whenever it finds it necessary to preservation, protection, or management of any fish, animal or birds of this tribe, by reason of an Act of God or any other sudden or unexpected emergency, is hereby authorized and directed by written order to declare the existence of such emergency and the cause thereof, and prescribe and designate all effected areas or streams, and close the same to hunting or angling, or impose such restrictions and conditions upon hunting or angling therein as said commission shall find to be necessary. Every such order shall become immediately effective upon its adoption, and may be rescinded by further order of said commission as soon as it shall find the necessity therefore has ceased to exist; provided, that such orders shall remain in full force and effect until so rescinded.

Any person hunting, capturing, killing, pursuing, fishing or angling in any area or stream closed by any resolution or order of the commission, and before such order and resolution has been rescinded shall be deemed guilty of a misdemeanor [misdemeanor] and punished as provided in this chapter.

Said commission shall have the power to capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish or fur-bearing animal needed for propagation or preservation or exercise control measures of undesirable species.

Section 7\*

Director of Fish and Game - Fish and Game Wardens  
The office of Director of the Shoshone-Bannock Fish and Game Department is hereby created and the chairman of the Fort Hall Business Council shall serve in said capacity. The director shall have general supervision and control of all activities, functions, and employees of the Fish and Game Department, under the supervision and direction of the commission, and to enforce all of the provisions of Tribal fish and game laws and rules and regulations of the commission relating to wild animals, birds, fish and under the supervision and direction of the commission, to insure that the tribal game wardens perform all the duties conferred upon them by the commission. The Commission is hereby authorized to appoint as many fish and game wardens as are necessary to efficiently enforce laws of the Shoshone-Bannock Tribes for the protection of wild animals, birds, and fish, and for carrying out the purposes of this chapter.

Section 8

Hunting, Trapping or Fishing licenses Required  
It shall be unlawful for any person or persons to hunt any game, whatever, or trap fur-bearing animals within the outer confines of the Fort Hall Reservation or to fish in any of the waters within the outer confines of the Fort Hall Reservation without first securing a license therefore from the Shoshone-Bannock Tribe. The commission shall promulgate such resolutions controlling the issuing of said licenses to non-members and the exercising of hunting and fishing rights by members of the Shoshone-Bannock Tribes on or off the Reservation.

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\* In the original version of this chapter the Sections were misnumbered. Section 6 is not missing. Section 7 should have been assigned as Section 6, Section 8 as Section 7, and so on.

Section 9

On-Reservation and Off-Reservation Hunting  
and Fishing Rights - Shoshone-Bannock  
Tribal Members

All enrolled members of the Shoshone-Bannock Tribes shall enjoy the on-reservation hunting and fishing rights in accordance with the seasons and bag limits as established by the Business Council of the Shoshone-Bannock Tribes.

Only enrolled members of the Shoshone-Bannock Tribes who make the Fort Hall Reservation their permanent home shall enjoy the off-reservation tribal hunting and fishing rights as set forth pursuant to the Fort Bridger Treaty of July 3, 1868, and subsequent agreements between the Shoshone-Bannock Tribes and the United States Government. It shall be necessary for tribal members to obtain and carry on person a tribal hunting and fishing card while exercising said off-reservation hunting and fishing rights. [Original section repealed and replaced with current wording December, 1976, Ord. S10-76]

Section 10

Hunting and Fishing Pursuant to Permit

It shall be unlawful for any non-tribal member to hunt or fish within the outer confines of the Fort Hall Indian Reservation without having in his possession a valid tribal permit.

Section 11

Hunting and Fishing Violations - Tribal Members

It shall be unlawful for any tribal member to:

1. Obtain fish on or off the reservation in the excess of reasonable need of his immediate family;
2. Obtain more than 4 salmon per family per year;
3. Sell or give away fish or game to non-members of the tribe;
4. Aid, abet, assist or accompany unauthorized persons in the procurement of fish or game on or off the reservation.

It shall be unlawful for any person to hunt after dark using a spotlight or any other artificial light in any area within the out confines of the Fort Hall Reservation.

It shall be unlawful for any person to pursue, capture, kill within any area of the Fort Hall Reservation any deer, antelope, moose, elk or other wildlife at any time except during the season which shall be provided by the tribal business council. It shall be unlawful for any tribal member to pursue, capture, or kill any doe deer, cow elk, cow moose, pursuant to treaty right, either within the outer confines of the Fort Hall Indian Reservation or on the ceded lands during the period of December 31 to August 31 of each year.

It shall be unlawful for any person to take beavers except during such trapping season which shall be provided by the tribal council. Provided, that any beaver shall be taken by steel trap and no other manner.

It shall be unlawful for any person or persons to pursue, hunt or kill any pheasants, sage hens, grouse or other wild birds, except during the open season which shall be set by the Tribal Council.

It shall be unlawful for any person or persons to kill more game birds than the bag limit which shall be provided by the Tribal Council.

It shall be unlawful for any person or persons to take fish from the streams of the Fort Hall Indian Reservation, pursuant to treaty rights, in any manner other than with hook and line and with the Indian fish spear designated as not containing more than two hooks.

Any person found guilty of committing any of these offenses innumarated in this chapter shall, upon conviction, be sentenced to jail for a period not to exceed 60 days or a fine not to exceed \$300.00 and costs, or both jail sentence and fine, and shall further have all tribal fishing and hunting rights on or off the reservation suspended for a period of time not to exceed one year for the first offense, and for the second conviction thereof, shall have all tribal hunting and fishing privileges on or off the reservation terminated permanently together with and in addition to the other conditions which the court may impose.

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