

**INDIAN COMMUNITY
TITLE 1, CHAPTER 2
HUNTING AND TRAPPING CODE**

1.2.100 Purpose

The Hannahville Indian Community has enacted this Code to promote the safe hunting and trapping practices of its members, descendants and guests while on Hannahville reservation and trust lands and also to preserve the wildlife and environment.

1.2.101 Authority

- (1) The inherent authority of the Hannahville Indian Community to manage its reservation and trust lands as codified in the Constitution and Bylaws of the Hannahville Indian Community at Article V, Paragraph (7).
- (2) The United States Supreme Court has held that Indian tribes through its tribal hunting and fishing regulations have exclusive jurisdiction to regulate any non-member while hunting on tribal lands. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983).
- (3) It is a crime for any non-member to hunt and fish on reservation and trust lands without lawful authority of the Tribe. 18 U.S.C. § 1165.

1.2.102 Definitions

- (1) “Big game” means deer, bear, moose, elk, wolf, coyote and other such large animals annually pursued by licensed hunters.
- (2) “Bow” means a weapon made of wood or other material, with a cord to connect two ends, that when bent may propel an arrow when drawn by and released by hand.
- (3) “Commercial permit” is a Tribal License issued for the purpose of a large-scale group hunting activity such as a European type bird hunt.
- (4) “Commercial taking” means the taking of game by an individual person for the purpose of barter or sale.
- (5) “Crossbow” is a weapon for discharging quarrels and bolts and consists of a short bow mounted crosswise on a stock.
- (6) “Elder permit” is a permit issued to a Hannahville Indian Community Elder (tribal member 55 years of age or older) who requests another Hannahville Indian Community tribal member to take wild game for the Elder’s personal use.

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- (7) "Emergency situation" shall mean any situation in which a Hannahville Law Enforcement Officer believes himself in need of immediate assistance to prevent serious injury, death or destruction of person or property.
- (8) "Endangered or protected animal" is a wild animal listed and identified by federal statute or regulation as protected under 16 U.S.C. § 1531 et seq., 50 C.F.R. Part 17 or any other federal law.
- (9) "Enforcement Officer" means:
 - (a) Any tribal law enforcement officer authorized by the Hannahville Indian Community to enforce tribal or federal hunting, trapping or conservation laws.
 - (b) Any law enforcement agent of the Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and any person authorized by the Secretary of the Interior to enforce any provision of federal law that may apply to hunting, fishing or trapping on tribal lands.
 - (c) Any person temporarily deputized in an emergency situation by an Enforcement Officer to assist in enforcing this Code.
- (10) "Firearm" is a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion.
 - (a) Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, air or gas.
 - (b) Firearms include a "Muzzleloader" which is a black powder rifle charge through a muzzle.
- (11) "Furbearing animals" include otter, fisher, marten, muskrat, mink, weasel, beaver, opossum, badger, fox, raccoon, wolf, coyote, bobcat, skunk, lynx and other similar animals.
- (12) "Hunt" and "Hunting" means possessing, pursuing, shooting, killing, capturing, trapping, and snaring of wild animals and includes every attempt to take or possess and every act of assisting in taking or attempting to take wild animals. Hunting does not include the recovery of a wild animal already reduced to possession such as road kill.
- (13) "Hunting seasons" are those selected dates listed in this Code or as designated by the Hannahville Indian Community Tribal Council as open hunting dates.
- (14) "Game birds" means grouse, pigeons, partridge, pheasants, quail, turkeys, woodcock and other similar birds annually hunted.

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- (15) "Game limit" also means bag limit. The actual number of wildlife which may be legally taken, caught or killed in the possession of any person for a particular period of time.
- (16) "Migratory bird" are those species listed under federal statute and regulations, 16 U.S.C. §§ 703-712, as a migratory bird. Examples include geese, ducks, swans, mergansers, coot, and shorebirds.
- (17) "Person" shall include individuals, partnerships, associations, or corporations that may hunt or are required to be licensed to hunt under this Code.
- (18) "Safety zone" is an area within two hundred (200) yards of a dwelling house, residence, cabin, camp, cottage, barn or any other building where people may be located.
- (19) "Slingshot" is a Y-shaped device with an elastic type strip attached to project a stone or other similar objects.
- (20) "Small game" means rabbits, porcupines, squirrels and other similar wild animals.
- (21) "Special Permit" is a Tribal License issued to a person who is not a Hannahville Indian Community Tribal Member.
- (22) "Take" means the harvesting, capturing, possessing or transporting of wild animals.
- (23) "Transport" or "Transportation" means carrying or moving by any instrumentality, attempting to carry or move, or accepting or receiving wild animals for transportation or shipment.
- (24) "Trap" is a device used for furbearing animals or small game which are steel jawed leg hold devices (no larger than 8"), body gripping devices (no larger than 7" x 7"), snares, and box type traps. All traps must have an owner identification tag.
- (25) "Trapping" is the taking of, or attempting to take, any wild animal by means of setting or operating any device, mechanism, or contraption known as a trap that is designed to close upon, hold fast, or otherwise capture wild animals.
- (26) "Tribal Court" means the Hannahville Indian Community Tribal Court.
- (27) "Tribal Descendant" is a descendant of a Hannahville Indian Community tribal member and is registered in the Tribal Enrollment Office.
- (28) "Tribal License" means a hunting and trapping license issued by the Hannahville Indian Community.

(29) “Tribal Member” is a member of the Hannahville Indian Community.

(30) “Tribe” means the Hannahville Indian Community.

(31) “Wild animal” means all creatures that are not domestic by nature.

1.2.103 Hunting Permitted

(1) A person may hunt on the reservation and trust properties of the Hannahville Indian Community, as shown on Appendix A, if that person has in their possession a valid Tribal License, is hunting during the designated hunting season, and abides by the provisions of this Code and any applicable federal law.

(2) Those persons who may be granted a Tribal License to hunt on reservation or trust lands include the following:

(a) Members of the Hannahville Indian Community.

[1] A Tribal License issued to a Hannahville tribal member shall also act as a year round Special Permit for sustenance purposes.

[2] Elder Permits are permits issued to Hannahville Indian Community Elders. Only a person carrying their own Tribal License may hunt under an Elder Permit and must abide by all laws as if they were hunting under their own permit.

[3] Special Permit. Persons who are not members of the Hannahville Indian Community that are granted a Tribal License by the Tribal Council.

[4] Tribal Descendants shall have priority for all Special Permits issued. Spouses and household members shall receive the next priority before the general public.

[5] Commercial Permits for those special hunts approved by the Hannahville Indian Community for the purpose of a large-scale group hunting activity.

(b) Each holder of a valid Tribal License shall have the same rights and responsibilities as other hunters licensed under this Code. No hunter shall interfere with or impede another hunter’s privilege to hunt.

(c) A person who has had their hunting privileges revoked or is not allowed to carry a firearm in any other jurisdiction may not receive a Tribal License.

[1] Exception: A person who is otherwise eligible to hunt but cannot carry a firearm may hunt with a bow or crossbow under a Special Permit.

- (d) Persons who have reached the age of sixteen (16) years and qualify for a Tribal License may hunt under this Code. Those persons who have reached the age of twelve (12) years old, with an approved hunter safety certification, may also hunt under this Code.

[1] All licensed hunters under the age of sixteen (16) years, must be accompanied by an adult at least eighteen (18) years of age.

1.2.104 Tribal License

The Hannahville Indian Community Tribal License shall be in duplicate with one copy retained with the Hannahville Indian Community Public Safety Department and one copy to the licensed hunter. Tags for large game shall be issued with the Tribal License.

- (1) All Tribal Licenses are to be purchased from the Hannahville Indian Community Public Safety Department and are valid for one year from the date of issuance. Each license shall contain a waiver of liability and acknowledgment of the provisions of this Code. The purchaser must sign a Tribal License before it may be issued.

The Tribal Enforcement Officer shall have a list of eligible hunters and those granted a Special, Elder or Commercial permit by the Tribal Council.

- (2) Tribal Licenses and tags shall be issued under the following fee schedule, which may be adjusted by the Hannahville Indian Community prior to January 1 of each calendar year.

- (a) Tribal Member \$ 5.00
- (b) Special Permit \$ 25.00
- (c) Elder Permit \$ 5.00
- (d) Commercial Permit: Based upon the size of party.

- (3) A Tribal License may be revoked or suspended if a violation of this Code is found by the Hannahville Indian Community Tribal Court.
- (4) All persons must possess and have visible their Tribal License while hunting, present the license to an Enforcement Officer when requested and obey all lawful requests of an Enforcement Officer.
- (5) This Code shall not apply to persons who are firing weapons in a shooting range.
- (6) The Hannahville Indian Community Tribal Council retains the authority to change seasons, establish new game limits, adjust fees and to issue additional rules and regulations as needed to conserve and protect wildlife and the environment.

1.2.105 Hunting Restrictions

Hunting on the reservation and trust lands of the Hannahville Indian Community is permitted subject to the following restrictions.

- (1) No person shall hunt, pursue or kill a wild animal or have in the person's possession while hunting an automatic or semi-automatic shotgun or rifle, other than a .22 caliber rifle, capable of holding ten (10) or more shells at one time.
- (2) No licensed or unlicensed person may carelessly waste wildlife. Every reasonable effort shall be made to retrieve any animal killed or wounded. This Code does not permit or allow entry onto private property.
- (3) No person shall take an endangered or protected animal unless permitted under federal law.
- (4) Only furbearing animals and small game may be taken with a trap. All other game must be taken with a firearm, bow, crossbow or slingshot.
- (5) No person shall exceed a game limit.
- (6) No person shall hunt during a closed season.
- (7) There shall be no commercial taking of wild animals. The sale of furs from a furbearing animal is permitted.
 - (a) Commercial taking includes guiding other persons while hunting.
- (8) Tracer bullets or explosive bullets are not allowed.
- (9) Wild game may only be taken using a rifle, bow, crossbow, slingshot or an approved trapping device. Other methods of hunting, including pitfalls, poisons, fires, smokes, explosives, and similar methods are not permitted.
- (10) Hunting blinds must be temporary in nature and removed within two weeks of the conclusion of a hunting season if that blind is within eyesight of a tribal government, commercial or ceremonial zone. A hunting blind must identify the owner.
 - (a) Any blind built above the ground can only be as high as a tree that can support the weight of the person and the blind.
- (11) No person shall have in his or her possession a firearm with a silencer attached.
- (12) A person may bait while hunting provided that poisons or chemicals are not used. All containers used to carry bait must be removed.

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- (13) A person shall not hunt deer with dogs. Dogs may be used to hunt and take small game, game birds and furbearing animals.
- (14) No person shall harass, disturb, injure or endanger any animal outside of the guidelines of this Code.
- (15) It is unlawful to hunt or discharge a weapon within two hundred (200) yards of a dwelling, public building, public area, ceremony ground, or recreational area.
 - (a) Exception: a person may take a wild animal within 200 yards of his or her own dwelling provided there is no other protected area within 200 yards.
 - (b) No person shall discharge a weapon within 200 yards of a construction area while workers are present.
- (16) It shall be unlawful to carry in or discharge a loaded weapon from a motor vehicle. Motor vehicles include trucks, cars, all-terrain vehicles, motorcycles, and snowmobiles.
- (17) No person shall shoot across a road.
- (18) No person shall stock wildlife on the reservation without permission from the Hannahville Indian Community.

1.2.106 Hunting Seasons

The following seasons are established for those persons who purchase a valid Tribal License and comply with all provisions of this Code.

- (1) Small game not otherwise listed. **September 1 to April 1.**
- (2) Deer (either sex). **September 1 to December 31.**
- (3) Game Birds (unless protected or federally regulated). **September 1 to December 31.**
- (4) Migratory Birds. Includes ducks, geese, swans, doves, pigeons, rails, coots, gallinules, woodcock and snipe. **According to federal regulations.**
- (5) Turkey. **April 15 to June 15 and October 1 to November 14.**
- (6) Bobcat, fox, and lynx. **September 1 to March 1.**
- (7) Opossum, porcupine, skunk, weasel and raccoon. **Year round.**
- (8) Mink, muskrat, beaver and otter. **October 1 to May 15.**

(9) Coyote. **April 15 to July 15.**

(10) Bear. **May not be hunted.**

The Tribal Council may issue Special Permits outside of an established hunting season for health and safety reasons, conservation concerns, sustenance, nuisance, and ceremonial purposes.

1.2.107 Game Limits

The following game limits are established under the Code and it shall be unlawful for any person to exceed the limits absent a Special Permit. Persons cannot transfer a game limit to any other hunter outside this Code.

- (1) Small game, unless otherwise listed. **Unlimited.**
- (2) Deer. **Two per license.**
- (3) Game birds. **Five per day.**
- (4) Migratory birds. **According to federal regulations.**
- (5) Turkey. **Three per license.**
- (6) Bobcat, lynx, otter. **Two per license.**
- (7) Opossum, porcupine, skunk, weasel. **Unlimited.**
- (8) Mink, muskrat, beaver and other furbearing animals. **Unlimited.**
- (9) Coyote. **One per license.**

1.2.108 Tagging/Registration

- (1) All deer and big game taken shall be tagged. Tags will be provided by the Hannahville Indian Community when purchasing the Tribal License. A tag will be immediately attached to the animal after the kill and prior to transportation. Failure to tag is unlawful.
- (2) All wildlife, except small game, taken shall be registered with the Tribal Enforcement Officer within seven (7) days after taking the animal.
- (3) Migratory birds must be registered. Persons must fill out an annual survey to help conservation efforts and comply with federal guidelines.

1.2.109 Trapping

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Only furbearing animals and small game may be taken by a trap and all trapping devices must be identified by an owner identification tag.

- (1) Only those devices listed as a "Trap" may be used to take wild animals.
- (2) No person shall trap with the aid of poisons or explosives.
- (3) Baiting is permitted for trapping.
- (4) Incidental catch must be released if possible
- (5) No person shall destroy any den, lodge, hut or beaver dam.
- (6) It shall be unlawful to disturb any trap of another person.
- (7) Licensed trappers may use any number or combination of traps.
- (8) All traps must be checked every forty-eight (48) hours.
- (9) No traps may be set within one hundred fifty (150) yards of an occupied building without the owner's consent.
- (10) All snares and traps must be anchored so that it cannot be dragged.
- (11) The transportation of furs and hides must adhere to any federal law or requirements before being taken off reservation or trust lands.

1.2.110 Hunting Safety

- (1) A person who is licensed to hunt or accompanying a person licensed to hunt under this Code shall wear hunter or blaze orange covering at least fifty percent (50%) of their body while hunting.
- (2) Children under the age of twelve (12) shall not be allowed to hunt.
- (3) Children age twelve (12) to fifteen (15), inclusive, shall be required to pass a tribally recognized hunter safety course and certify passing such course prior to receiving a Tribal License.
- (4) Children age twelve (12) to fifteen (15), inclusive, shall have adult supervision while hunting.
- (5) All weapons transported in a vehicle must be unloaded, cased and in plain sight.

- (6) In the event of an accident, all persons must obtain necessary medical assistance and report the accident to Hannahville Indian Community Public Safety or an Enforcement Officer.

1.2.111 Fishing

Reserved. There currently are no viable fishing grounds on the Hannahville Indian Community reservation or trust lands. This section is reserved in the event fishing is found to be a sustainable activity.

1.2.112 Offenses

Offenses shall include violation of any provision of this Code, any amendments to this Code and the following acts or omissions.

- (1) Allowing another person to make use of a Tribal License that is not his or her own.
- (2) Making use of a Tribal License that is not his or her own.
- (3) Willful or reckless destruction or waste of game.
- (4) Willful or reckless destruction of property, real or personal.
- (5) Littering or leaving debris at a hunting ground or campsite.
- (6) Taking, attempting to take, possessing, transporting any game that is endangered or protected by the Tribe or federal law.
- (7) Assisting the taking, possessing or transporting of any game endangered or protected by the Tribe or federal law.
- (8) Hunting or trapping while visibly intoxicated due to the consumption of alcohol or other mind-altering substances not given by prescription.
- (9) The use of fraud in procuring a Tribal License.
- (10) Refusing to produce a Tribal License upon the request of an Enforcement Officer.
- (11) Failing to allow inspection of any game upon request of an Enforcement Officer.

1.2.113 Penalties, Fines and Costs

The following penalties, fines or costs may be imposed in the event there is evidence of a violation of this Code.

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- (1) Forfeiture. The accused person shall forfeit to the Enforcement Officer all game in their possession at the time of citation or upon request of the Enforcement Officer. The Enforcement Officer may search a vehicle for wildlife if he or she reasonably believes the vehicle contains an illegally taken animal.
- (2) The Enforcement Officer shall act as a police officer of the Hannahville Indian Community if he or she reasonably believes a suspect has violated any other federal or tribal law that may be criminal in nature.
- (3) Confiscation of Equipment. The Enforcement Officer shall confiscate from the accused person any firearm, bow, crossbow, trap or other equipment or tools used for an alleged illegal hunting activity. Equipment shall be returned upon conclusion of a hearing in the Hannahville Indian Community Tribal Court.
- (4) Fines. The Hannahville Indian Community Tribal Court shall issue fines according to the following schedule. Fines are doubled for federally or tribally protected animals.
 - (a) First Offense. Minimum of **\$100.00** but not more than **\$250.00**, plus court costs.
 - (b) Second Offense. Minimum of **\$250.00** but not more than **\$500.00**, plus court costs.
 - (c) Third Offense. Minimum of **\$500.00** but not more than **\$1,000.00**, plus court costs.
- (5) Revocation or suspension of license/privileges. The Hannahville Indian Community Tribal Court may revoke or suspend the privilege to hunt or trap on reservation and trust lands for egregious acts and for second and subsequent offenses for habitual offenders. Only the Tribal Council, upon a written petition, may reinstate a hunting privilege that has been revoked by the Tribal Court.

1.2.114 Jurisdiction/Sovereignty

- (1) The Hannahville Indian Community Tribal Court shall have exclusive jurisdiction to enforce this Code. This Code is a civil statute. All holders of a Tribal License shall consent to the jurisdiction of the Hannahville Indian Community Tribal Court.
- (2) The Hannahville Indian Community Tribal Court shall have concurrent jurisdiction with the federal government for any violation of a federal statute. A violation of the federal law shall be deemed a violation of this Code.
- (3) The sovereign immunity of the Hannahville Indian Community is not waived by this Code.

1.2.115 Severability/Conflicts

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- (1) Should a provision of this Code or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions of this Code, which are considered to have legal force without the invalid provision.
- (2) In the event of a conflict between this Code and the provision of another law, the provisions of this Code shall prevail. Federal wildlife statutes shall take precedence over this Code in the event of a direct conflict.