

POTAWATOMI LAW AND ORDER CODE

**TITLE 18
CONSERVATION CODE**

**CHAPTER 18-1
INTRODUCTION**

Section 18-1-1. Title.

This ordinance shall be known as the Prairie Band Potawatomi Conservation Code or Fish and Wildlife Code.

Section 18-1-2. Authority.

This ordinance is enacted pursuant to the Constitution of the Tribe.

Section 18-1-3. Purpose.

It is the purpose of this code to:

- (A) Provide an orderly system for tribal control and regulation of hunting, fishing, and trapping activities on the lands established as the Prairie Band Potawatomi Reservation.
- (B) Provide a means of conservation, enhancement, protection, and management of the Prairie Band Potawatomi Reservation's fish and wildlife populations through the regulation of member, non-member, and non-Indian activities.
- (C) Provide a means of enforcing rules and regulations of this code contained hereafter.

Section 18-1-4. Jurisdiction.

This code shall govern the activities of hunting, fishing and trapping in the exterior boundaries of (and trust lands of the Prairie Band Potawatomi Tribe outside the same exterior boundaries of) the Prairie Band Potawatomi Reservation to include but not limited to the following:

- (A) To the extent of the civil aspects of this code, the Tribe shall have exclusive over all persons on all lands and waters within the exterior boundaries of (and trust lands of the Prairie Band Potawatomi outside the same exterior boundaries of) the Prairie Band Potawatomi Reservation.
- (B) To the extent of the criminal aspects of this code and as permitted by federal law, the Tribe shall have jurisdiction over all Indians on all lands and waters within

the exterior boundaries of (and trust lands of the Prairie Band Potawatomi Tribe outside the same exterior boundaries of) the Prairie Band Potawatomi Reservation.

Section 18-1-5. Effective Date.

This code shall be effective on the date adopted by the Prairie Band Potawatomi Tribe's governing body.

Section 18-1-6. Severability and Non-Liability.

If any section, provision, or portion of this code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this code shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon or conformance with this code.

Section 18-1-7. 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 ordinances, the provision of this document shall govern.

**CHAPTER 18-2
DEFINITIONS**

Section 18-2-1. Definitions.

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

- (A) **Aircraft.** As used in this code, the term aircraft means any contrivance used for flight, or to be airborne.
- (B) **Allotted Land.** Tribally owned or individually owned Indian lands held in trust by the federal government.
- (C) **Antlerless Deer.** All deer not displaying at least one visible antler.
- (D) **Antlered Deer.** All deer displaying at least one visible antler.
- (E) **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.
- (F) **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.

(G) **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.

(H) **Big Game.** Shall include, but not limited to Mule Deer, Whitetail Deer, Elk, Antelope and Bison.

(I) **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.

(J) **Carcass.** Means the dead body of fish or wildlife or parts thereof.

(K) **Closed Season.** Means the time and/or days during which fish or wildlife may not be taken legally.

(L) **Crossbow.** Means any device using a bow which, once drawn is held solely by means other than the effort of the person firing it.

(M) **Endangered or Threatened Species.** Means any species of fish or wildlife within the Reservation or State as listed but not limited to (50 CFR Sections 17.11 and 17.12) or species classified pursuant to the Endangered Species Act of 1973, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.

(N) **Falconry.** Means taking quarry by means of a trained raptor.

(O) **Fee Land.** Means those lands within the exterior boundary of a Reservation not held in trust or subject to reservations on alienation and which is in private ownership.

(P) **Firearm.** Means a rifle, shotgun, handgun or other type of gun.

(Q) **Fish.** Means any fish within the waters of the Reservation.

(R) **Fishing.** Means taking of fish of any variety by hook and line.

(S) **Furbearers.** Shall include but not limited to Mink, Muskrat, Beaver, Otter, Weasel, Marten, Fisher, Fox, Coyote, Bobcat, Badger, or Raccoon.

(T) **Harass.** Means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd, or torment.

(U) **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 purpose of vehicular travel. It includes those driveways in the State and Reservation which have been opened to the use of the public, but does not include private roads or driveways.

(V) Hunt or Hunting. Includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals except that hunt or hunting does not include the recovery of any wild animals which has already been lawfully reduced to possession.

(W) Hunting Hours. Means the time of day when wildlife may be lawfully taken.

(X) License. Means a written document granting authority to engage in specific activities covered in this code.

(Y) Member. Shall mean any enrolled member of the Prairie Band Potawatomi Tribe.

(Z) Migratory Birds. Shall include but not be limited to the following:

- (1) All species of Ducks, Geese, and Swans (Order Anseriformes).
- (2) All shorebirds, wading birds, and seabirds (Order Gaviiformes, Podicipediformes, Pelicaniformes, Ciconiiformes, Gruiformes).
- (3) Mourning Dove (Order Columbiformes).

(AA) Non-Indian. Means any person not legally recognized as a Native American by blood percentage.

(AB) Non-Member Indian. Means a legally recognized Native American who resides on or visits a Reservation for which he/she is not enrolled.

(AC) Open Season. Means the time and/or days during which taking certain species of fish and/or wildlife is legal.

(AD) Possession Limit. Means having killed, taken or otherwise obtained or acquired any wild animal or fish subject to the provisions of this ordinance.

(AE) Permit/Tag. Means identification device issued for the attachment to the carcass of any fish or wildlife.

(AF) Raptors. Means a living migratory bird of the Order Falconiformes or the Order Strigiformes. For simplification, bald eagle and golden eagle are part of this definition.

(AG) 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.

(AH) 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 use for agricultural purposes.

(AI) Size Limit. Means the specific size of species of fish and/or wildlife that may be possessed legally.

(AJ) Take or Taking. Means pursuing, shooting, shooting at, hunting, fishing, netting, (including placing or setting any net or other capturing device) capturing, killing, snaring or trapping any fish or wildlife or attempting any of the foregoing.

(AK) 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.

(AL) 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.

(AM) Tribe. Means the Prairie Band Potawatomi Tribe.

(AN) Trust Land. Means land the U.S. Government holds legal title to for the benefit of Indians.

(AO) 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, Fox, Squirrel, Cottontail Rabbits, Jack Rabbits, Crows, Blackbirds, Coyote, Badger, Raccoon, Skunk and any other species for which a closed season is specified or for which taking is prohibited.

(AP) Unprotected Species. Shall include Prairie Dogs, Marmot, Wild Dogs, Starlings, Feral Pigeons, and House Sparrows, for which a continuous open season exists.

(AQ) Upland Game Birds. Shall include but not be limited to Grouse, Prairie Chicken, Pheasants, Partridge and Quail.

(AR) Upland Game. Shall include but not be limited to Wild Turkeys, Tree Squirrels, Cottontail Rabbit and Jack Rabbit.

(AS) Waterfowl. Shall include but not be limited to all varieties of Geese, Brant, Swans, Ducks, Rails, Coots and Wilson Snipe.

(AT) Wildlife. Shall mean any form of birds and mammals including their nest or eggs.

**CHAPTER 18-3
GENERAL PROVISIONS**

Section 18-3-1. Activity Closure.

For the purpose of this code, all hunting, fishing, and trapping and/or parts thereof is closed within the exterior boundaries of (and trust lands of the Prairie Band Potawatomi Tribe outside the same boundaries of) the Prairie Band Potawatomi Reservation unless authorized by the Kansas Natural Resources Committee (fish and wildlife committee or commission) or Tribal Council.

Section 18-3-2. Unlawful Take.

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

Section 18-3-3. Title to Fish and Wildlife.

(A) The legal title to, and the custody and protection of all fish and wildlife within the exterior boundaries of (and trust lands of the Prairie Band Potawatomi Tribe outside the same boundaries of) the Prairie Band Potawatomi Reservation is vested in the Tribe for the purposes or regulating use, disposition and conservation thereof.

(B) The legal title to any such fish or wildlife, or carcass and/or part thereof, taken or reduced to possession in violation of this code remains with the Tribe; and the title to any such fish or wildlife, or carcass 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 or wildlife, or carcass and/or part thereof, by the holder of such title, the same shall revert as a result of the violation to the Tribe. In either case, any such fish or wildlife, or carcass and/or part thereof by the holder of such title, the same shall revert as a result of the violation to the Tribe. In either case, any such fish or wildlife or carcass and/or part thereof, may be seized forthwith, wherever found, by the Tribal Police Fish and Wildlife division officers, Tribal Police officers or any law enforcement official authorized to enforce the provisions of this code.

**CHAPTER 18-4
ADMINISTRATION AND SUPERVISION**

Section 18-4-1. Tribal Police Fish and Wildlife Division.

The Prairie Band Potawatomi Tribal Police Department shall have a Fish and Wildlife Division, which shall have the power and be charged with the duty to protect, conserve, enhance, manage all Fish and Wildlife species within the exterior boundaries of (and trust lands of the Prairie Band Potawatomi Tribe outside the same boundaries of) the Prairie Band Potawatomi Reservation. The Tribal Police also has the responsibility to enforce the provisions of this code and to carry out the policies of the Tribal Council in all matters relating to Fish and Wildlife activities.

Section 18-4-2. Environmental Protection Department Participation.

The Environmental Protection Department may participate in the identification of species and setting daily and size limits. It may offer advice as experts, consult with other agencies and participate as may be appropriate in the administration of this Code. The Environmental Protection Department may utilize the Wildlife Management Plan, developed in cooperation with Emporia State University and the Kansas Biological Survey, and the results of other or additional research or studies as guidelines for appropriate, judicious and prudent fish and game management and enforcement and as baseline information for establishing, modifying or otherwise governing the taking of fish or game on the Reservation.

Section 18-4-3. Prairie Band Potawatomi Tribal Police, Fish and Wildlife Division.

(A) Division personnel shall have knowledge of and experience in Fish and Wildlife resources, protection, conservation, restoration and management. The division personnel shall devote their entire working time to the service of the Prairie Band Potawatomi Tribe in the discharge of their official duties.

(B) The Chief of Police shall have executive authority and control of the Division and its employees. The Chief of Police 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 appoint such full-time or temporary officers, wardens or other essential assistants and employees.

(C) The Chief of Police is authorized and directed to:

(1) Report and be responsible to the Tribal Council.

(2) Plan, propose for enactment, and enforce tribal regulations relating to the setting of annual seasons and limits for harvesting of fish and wildlife resources.

- (3) Design and implement a plan for the issuance of licenses, permits, tags and for the collection of fees.
- (4) Formulate and publish the respective proclamations annually according to information gathered from census and studies.
- (5) Maintain records of all licenses and permits issued for the purpose of hunting, fishing, trapping, and woodcutting.
- (6) Cooperate with and assist the Tribal Council, Committees, Community Leaders, Federal, State, County Agencies, and individuals.
- (7) Enforce all Tribal regulations and proclamations necessary for implementing and administrating the provisions of this code.
- (8) Supervise all Division Personnel and delegate authority as necessary.
- (9) Establish checking stations to gather biological data, inspect licenses, permits, equipment and vehicles for compliance of this code.
- (10) Establish regulations and applications for special permits for the taking of fish and wildlife for disabled persons, subsistence and ceremonial purposes on a need only basis in accordance with federal law.

Section 18-4-4. Collection of Permit Fees, Forfeitures, and Fines.

Monies collected from the sale of license, permits and tags shall be deposited in the general tribal treasury. Monies collected from fines, penalties, forfeitures and/or civil recoveries through a state court or tribal court or commission empowered to hear cases pursuant to this code shall be deposited in the same manner. Upon federal prosecution, the Chief of Police 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 in the same manner.

Section 18-4-5. Cooperative and Reciprocal Agreements.

The Chief of Police is authorized, subject to the approval of the Tribal Council, to enter into reciprocal and cooperative agreements with the State of Kansas or any Federal, County, Local Governmental Agency for the purpose of promoting and implementing and wildlife management programs and activities.

**CHAPTER 18-5.
DUTIES OF TRIBAL POLICE FISH & WILDLIFE OFFICERS**

Section 18-5-1. Duties of Tribal Police Fish & Wildlife Officers.

- (A) Tribal Police Fish and Wildlife Officers shall enforce tribal laws and proclamations and the rules and regulations of the Division.
- (B) Tribal Police Fish and Wildlife Officers shall ensure that any person who hunts, fishes, traps or cuts wood thereof have in possession the appropriate license, permits and/or tags and are complying with all rules, regulations and laws.

(C) Tribal Police Fish and Wildlife Officers shall assist the Chief of Police in his/her supervision and management of all natural resources on the Prairie Band Potawatomi Reservation, and shall perform all other duties described or delegated by the Chief of Police.

(D) Tribal Police Fish and Wildlife Officers shall keep a detailed daily log of activities and make all required reports of these activities describing by total number, miles, contacts, violations, dispositions, surveys and what activities were performed or completed during the preceding weeks.

(E) Tribal Police Fish and Wildlife Officers may not settle or compromise an alleged Natural Resource violation for which a citation was issued.

CHAPTER 18-6. ENFORCEMENT

Section 18-6-1. Enforcement by Tribal Police Fish and Wildlife Officers.

Any provision of this code may be enforced by Prairie Band Potawatomi Tribal Police Fish and Wildlife Officers, Prairie Band Potawatomi Tribal Police, Fish and Wildlife Division, or Bureau of Indian Affairs Enforcement Personnel, or U.S. Fish and Wildlife Service Law Enforcement Division Personnel.

Section 18-6-2. Enforcement by State Conservation Officers.

State Conservation Officers may be authorized in writing by the tribe to enforce the provisions of this code and to institute proceedings in a state court or tribal court by use of citation forms of that Department, or refer the matter to the appropriate Tribal Police Fish and Wildlife Officers for further investigation or action.

Section 18-6-3. 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:

- (A) With Consent.
- (B) Pursuant to valid search warrant.
- (C) Within the authority and scope of a lawful inspection.
- (D) As otherwise authorized by law or provisions of this code.
- (E) Incident to arrest.

Section 18-6-4. Investigation and Citations.

(A) Any person authorized to enforce the provisions of this code may be subject to subsection 18-6-4 (8), conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages, tents and other receptacles contained therein, utilized by any person in a harvest activity authorized by this code and records of commercial transactions.

(B) Any person authorized to enforce the provisions of this code may execute and serve warrants and other process issued by a state court or tribal court in accordance with applicable law.

(C) Any person authorized to enforce the provisions of this code may 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) Any person authorized to enforce the provisions of this code may with or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, packages and other receptacles contained therein, in which the Officer has probable cause to believe that contraband fish, wildlife, or carcasses, or parts thereof, may be contained.

(E) Any person authorized to enforce the provisions of this code may issue a citation on a form approved by the Tribe, a state court, U.S. Attorney and Division Director to any person upon finding probable cause that such person(s) has violated any provision of this code.

(F) Any person authorized to enforce the provisions of this code may seize and hold subject to the order of a state court or tribal court or federal court any alleged contraband or property which such officer reasonably believes may be needed as evidence in connection with the instigation of proceedings in a state court or tribal court or federal court or any property otherwise authorized to be seized by any provision of this code.

(G) Any enforcement officer(s), in the course of their duties, may enter upon private land within the exterior boundaries of (and trust lands of the Prairie Band Potawatomi Tribe 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) The inspections authorized by subsection 18-6-4 (1) shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

(I) An arrest may be executed by any officer through a state court or tribal court or federally approved arrest warrant or reasonable belief of eminent danger to life or property.

Section 18-6-5. Registration Information.

Any Officer(s) are 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.

Section 18-6-6. Penalties and Sanctions.

Civil Penalties

(A) Any person who engages in conduct prohibited by any provision of this code and in the exercise of due care should know that the fish or wildlife were taken, possessed, transported, sold in violation of, or in a manner unlawful under any provision of this code, may be assessed a civil penalty by the appropriate court authority of not more that \$5,000.00 for each violation.

(B) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation. Each violation shall be deemed a separate offense.

(C) Civil jurisdiction over matters under this ordinance shall generally be with the tribal court, which shall adjudicate in accordance with the court of competent jurisdiction all questions, complaints and alleged violations involving the provisions of this code.

Criminal Penalties

(D) Any person who knowingly violates any provision of this code and knowingly or in the exercise of due care knows that the fish or wildlife were taken, possessed, transported or sold in violation of or in any manner unlawful under any provision of this code may be assessed a criminal penalty by the appropriate court authority of not more than \$5,000.00 or imprisoned not more than one year or both.

(E) For any violation, a revocation or suspension of Reservation hunting, fishing, or trapping privileges for a period not to exceed one year or for a period of time within the discretion of the court may be imposed.

(F) 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.

(G) 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.

Civil Damages

(H) In addition to any other penalty allowed by this code, a Tribal Court or State Court 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 or wildlife species, or any part thereof, and the sum assessed for damages for each fish or wildlife species shall not be less than the amount stated in this section.

Civil Recovery Value Reserved.

Section 18-6-7. Forfeited Bond Schedule.

The Tribal, State or Federal Court, in consultation with the Tribe's governing body, Tribal Chief of Police, and the U.S. Attorney may adopt a bond schedule for 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 to forfeitures assessed by the court after adjudicating a violation where the defendant has entered a plea of not guilty.

Section 18-6-8. Parties to a Violation.

(A) 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.

(B) A person participates in the commission of the violation if the person:

- (1) Directly commits the violation;
- (2) Aids or abets in the commission of;
- (3) 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.

Section 18-6-9. Harvesting After Revocation or Suspension.

No person whose Reservation hunting, fishing, or trapping or wood cutting privileges have been revoked or suspended, shall hunt, fish, trap or cut wood on the Prairie Band

Potawatomi Reservation any fish or wildlife, the harvest of which is regulated by this code, during such revocation or suspension.

CHAPTER 18-7. GENERAL RULES AND REGULATIONS

Section 18-7-1. Permits and Identification.

- (A) No person shall engage in the activity or hunting, fishing or trapping regulated by this code without acquiring or in possession of a valid Tribal License, permit or tag as this code may require, validated for the particular season or activity in question.
- (B) The Tribal Police Fish and Wildlife Division 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 Tribal Police Fish and Wildlife Division provided such form shall: describe the licensees, 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 insurance.
- (C) Persons who hunt, fish or trap on their own land shall be exempt from tribal licensing or permitting requirements but shall otherwise be subject to the provisions of this code.
- (D) No person shall refuse to display his/her identification documents or any other documents or permit required by this code to any tribal, Federal, State, or local Law Enforcement Officer upon request by such Officer.
- (E) No person to whom any license has been issued under this code shall, when requested by the Tribal Police Fish and Wildlife Division, fail or refuse to provide harvest reports and data and such other relevant information as may be requested.

Section 18-7-2. Wanton Waste of Fish and Wildlife.

- (A) No person who takes any fish and wildlife shall abandon intentionally, or needlessly allow to go to waste, any thereof. The failure of any person to properly dress and care for any fish or wildlife species taken or killed by that person and, if the carcass is reasonably accessible, the failure to take or transport the carcass to the residence of that person, or place for proper storage, and there properly care for the carcass within 48 hours after taking or killing, is prima facie evidence of a violation.
- (B) 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 Tribal Chief of Police, Tribal Police officers, Tribal Police Fish and Wildlife officers, or to any Local Law Enforcement Agency for referral to the Tribal Chief of Police.

Section 18-7-3. Reserved.

Section 18-7-4. Use of Poisons and Explosives.

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

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

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

(D) 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.

(E) Nothing in this code shall prohibit or permit the Tribal Police Fish and Wildlife Officers 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 for the creation of wetlands.

Section 18-7-5. Throwing Refuse in Water; Abandoning Automobiles, Boats or other Vehicles.

No person shall deposit, place or throw into any Reservation waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste material; and no person shall abandon any automobile, boat or other vehicles in such waters. Any automobile, boat or other Vehicles not removed from such waters within thirty (30) days shall constitute abandonment.

Section 18-7-6. Scientific Investigations.

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

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

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

Section 18-7-7. Seasons.

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

Section 18-7-8. Unlawful Possession of Fish and Wildlife.

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

Section 18-7-9. Bag Limits; Possession Limits.

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

Section 18-7-10. 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 identification document, permit or tag issued by the Tribe pursuant to this code.

Section 18-7-11. Harvesting with Another's Permit.

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

Section 18-7-12. Shining Animals.

(A) 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.

(B) This subsection shall not apply to:

(1) Any person who possesses a flashlight or uses a flashlight while on foot to tract or hunt raccoon, foxes, skunks, coyotes or any other unprotected species.

(2) Any person authorized to enforce the provisions of this code while on official business conducting an active investigation.

(3) Any person authorized to conduct fish or wildlife censuses or surveys.

Section 18-7-13. 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 as many be necessary and obtain immediate medical and hospital care, and shall immediately report such injury or death to the proper law enforcement authorities.

Section 18-7-14. Failure to Report Hunting Accidents.

Any person who has caused or been injured in an accident in which another person has been injured by gunfire or by an arrow while hunting, fishing, or trapping or has inflicted an injury upon himself or herself with a firearm or arrow while hunting, fishing or trapping, shall render or cause to be rendered a report to the Tribal Chief of Police. Failure to report such an Accident shall constitute a violation of this section.

Section 18-7-15. Hunter Education Requirement.

Any person born after July 1, 1977 must have completed a certified Reservation, State or Canadian Hunter Safety Course and show proof of successful completion to the authorized license vendor to purchase a hunting or furbearers license.

Section 18-7-16. Age Restrictions.

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

(B) No person between the ages of 12 and 15 years may hunt or trap while possessing a firearm or bow and arrow unless he or she is accompanied by a licensed or permitted parent, guardian or other adult designated by a parent or guardian.

Section 18-7-17. Parental Obligation.

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

Section 18-7-18. Hunting, Fishing, and Trapping while Intoxicated.

No person shall hunt, fish or trap while under the influence of alcohol, intoxicant or controlled substance to a degree that the person is incapable of safely using such weapon or equipment, or while a person has a blood alcohol concentration of 0.10% or more by weight of alcohol in the person's blood or 0.10 grams or more of alcohol in 200 liters of that person's breath.

Section 18-7-19. Resisting a Tribal Police 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.

Section 18-7-20. 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.

Section 18-7-21. General Restrictions on Hunting and Trapping.

(A) Hunting in Restricted Areas; No Person Shall:

- (1)** Hunt within 1700 feet of any hospital, school and/or grounds, or any public establishment and/or grounds.
- (2)** 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.
- (3)** 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.
- (4)** 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.
- (5)** No person shall drive off any established roadway while hunting, fishing, or trapping.
- (6)** In any manner deface, destroy, or remove any signs posted in a legal manner.

(B) Color of Clothes

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

(C) Transportation of Firearms and Bow & Arrow.

(1) No person shall at any time transport a firearm with a round in the chamber, or revolvers with cartridges in the cylinder, or a shot gun with more than two **(2)** shells in the magazine.

(2) No person shall transport any bow unless it is encased or string is locked and unable to be drawn.

(3) No person with a special crossbow permit shall transport a crossbow unless it is encased.

(D) Safe Use of Firearms and Bows

(1) No person shall hunt while possessing a loaded firearm or strung bow or crossbow within 50 feet of the center of a maintained roadway.

(2) No person shall load or discharge a firearm or bow of any type across a maintained field.

(3) No person shall load or discharge a firearm or bow of any type in or from a motor vehicle.

(E) Restrictions on Use of Bait

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

(2) 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.

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

(F) Exceptions

(1) 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.

(2) Public law enforcement officers.

Section 18-7-22. Hunting or Harassing Wildlife with Aircraft.

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

Section 18-7-23. 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.

Section 18-7-24. Tampering with Equipment of Another.

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

Section 18-7-25. 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 this code.

Section 18-7-26. Wildlife Refuge Established.

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

(B) This subsection shall not apply to any person authorized to perform directed management and enforcement duties as permissible by the Prairie Band Potawatomi Tribe.

Section 18-7-27. 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 this code.

Section 18-7-28. Protected Species.

No person shall hunt, fish, trap, take, pursue, harass, disturb, sell, purchase, or barter any protected species as defined in this code, except those species whose harvest is specifically regulated pursuant to the provisions of this code.

Section 18-7-29. 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, or wood cutting with an enrolled member of the Prairie Band Potawatomi Tribe, provided that the non-member 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.

Section 18-7-30. Emergency Closures.

(A) Notwithstanding any other provisions of this code, the Tribal Chief of Police 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 judgment, 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.

Section 18-7-31. Hunting Hours.

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

Section 18-7-32. Obtaining Permission.

No person shall hunt on Tribal lands, trust lands or private land without obtaining written permission of the Tribe or individual landowner.

CHAPTER 18-8
BIG GAME HARVEST REGULATIONS

Section 18-8-1. General Big Game Provision.

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

Section 18-8-2. Open and Closed Seasons.

(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.

Section 18-8-3. 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 Fish and Wildlife Division. No person who has not obtained a permit shall hunt on Reservation Lands or big game units of the Reservation Lands for which the maximum number of permits have been issued.

Section 18-8-4. Big Game Permits/Tags.

(A) No person shall hunt big game on any lands of the Prairie Band Potawatomi Reservation 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 Tribal Police Fish and Wildlife Division shall not issue more than one tag at one time to a person except as authorized in Sections 8-7 and 8-9, where exceptions for special permits are allowed.

(D) No Big Game permits shall be considered valid for any Big Game Unit or Reservation 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 or harvest big game in a unit or on Reservation lands that is different than the unit or lands stated on the valid permit.

(I) No person shall harvest and/or tag big game or 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 their possession.

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

Section 18-8-5. Accomplishment 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 section shall not apply to any authorized enforcement persons who in the course of their duties, transport any such seized big game, or Senior/Disabled Citizens under Section 8-7.

Section 18-8-6. Accompaniment of 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.

Section 18-8-7. Senior Citizen and Disabled Permits.

(A) 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.

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

- (1) The applicant meets the age and/or disability requirements established by the Tribal Chief of Police.
- (2) The applicant completes and submits the appropriate Big Game Application.
- (3) If disabled, provide appropriate documents proving such person is disabled.
- (4) Designate one person who will possess the license, hunt and harvest, transport and deliver the carcass to the Senior Citizen or Disabled Person.

Section 18-8-8. Special Provisions for Disabled Persons.

(A) 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.

(B) Waiver of restrictions listed below will be permitted after proof of disability is confirmed:

- (1) Shoot from a roadway.
- (2) Shoot from a vehicle that is not moving.
- (3) Park off an established trail not further than 100 feet.

Section 18-8-9. Special Big Game Permits.

(A) No person shall possess, hunt or harvest any big game for special purposes without possessing a valid permit approved by the Tribe and the Tribal Chief of Police.

(B) To obtain a Special Big Game Permit, one must make application to the Tribal Chief of Police containing the following information:

- (1) Purpose of permit request.
- (2) Period of requested harvest.
- (3) Designated hunter's name, address, Social Security or Tribal Enrollment Number, Hunter Safety Number (if applicable) phone number, height, weight, color or eyes, color of hair, date of birth.
- (4) Name of person requesting permit, address, phone number, social security or Tribal Enrollment Number.
- (5) Description of vehicle to be used for transporting big game.

Section 18-8-10. 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) Each year a regular firearm and bow season shall be established by the Tribe's governing body, or its designee, with the following limitations:

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

Section 18-8-11. 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.

Section 18-8-12. Firearms Restrictions.

No Person shall hunt big game animals:

(A) With a .22 caliber rimfire rifle, 5mm rimfire rifle, or a .17 caliber 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) With a rifle with a barrel less than a 16 inch barrel.

(J) With a shotgun with a barrel less than 18 inches.

(K) With any altered projectiles.

Section 18-8-13. Bow/Cross Restrictions.

No person shall hunt big game:

- (A) With a bow having a pull strength less than 30 pounds or using an arrow that does not have a broadhead.
- (B) With a crossbow unless the crossbow.
 - (1) Is allowed by special permit by the Tribal Chief of Police.
 - (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 and bolts of not less than 14 inches with a broadhead.
 - (6) Has a working safety.

Section 18-8-14. 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 aid.
- (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.

Section 18-8-15. Hunting Hours.

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

Section 18-8-16. 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.

Section 18-8-17. 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.

Section 18-8-18. 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 or Tribal Police Fish and Wildlife Division for management and financial purposes to further develop their respective programs.

Section 18-8-19. 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 animals 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 but must clearly print the date received on each package and initial each package.

CHAPTER 18-9
UPLAND GAME AND UPLAND GAME BIRDS

Section 18-9-1. General Provisions.

- (A) “Upland Game Bird” means Grouse, Prairie Chicken, Pheasant, Partridge and Quail.
- (B) “Upland Game” means Wild Turkey, Tree Squirrel, Prairie Dog, Cottontail Rabbit and Jack Rabbit.
- (C) 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 Tribal Chief of Police.
- (D) 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 Tribal Police Fish and Wildlife Division.

Section 18-9-2. 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 this code 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.

Section 18-9-3. Upland Game and Upland Game Bird Hunting Permits and Tags.

- (A) No person shall hunt Upland Game or Upland Game Birds on any land of the Prairie Band Potawatomi Reservation pursuant to this section without possessing a valid Upland Game and/or Bird License or permit approved by the Tribe.
- (B) The Tribal Police Fish and Wildlife Division shall not issue more than one license to one person at one time except as authorized by the Tribal Chief of Police.
- (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 the time of purchase and the hunter safety number is recorded on the face of the license if the hunter was born after July 1, 1977.
 - (3) For which any permit is marked invalid.

Section 18-9-4. 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.

Section 18-9-5. 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 Tribal Chief of Police. Refer to Section 8-9 of this code for application procedures.

Section 18-9-6. 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 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.

Section 18-9-7. Permissible Methods.

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

(B) The hunting or taking of upland game birds is restricted to the use of as 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 9-8 & 9-9.

Section 18-9-7. Firearm Restrictions.

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

(1) A shotgun larger than 10 gauge.

(2) A shotgun capable of holding more than two (2) shells in the magazine.

(3) A shotgun using a plug of two (2) or more pieces.

- (4) A rifle larger than .22 caliber; to allow the use of both rim and center fire cartridges.
- (5) A handgun larger than .22 caliber; to allow the use of both rim and center fire cartridges.
- (6) A shotgun with a barrel length less than 18 inches.
- (7) A handgun with a barrel length less than 6 inches.
- (8) A rifle with a barrel length less than 16 inches.
- (9) Shot shells of Double BB or larger, except the use of slugs is permissible for the hunting or taking of wild turkeys.
- (10) Any type of shell, cartridge or altered projectile or device which is not considered a factory load, copy or style.

Section 18-9-9. Bow and Arrow Restrictions.

- (A) No person shall hunt upland game or upland game birds:
 - (1) With a bow having a pull or draw strength less than 30 pounds.
 - (2) With arrows that are less than 24 inches in length, do not have at least two (2) untrimmed feathers, and do not have a tip that is of a broadhead type.
 - (3) With poison or exploding points of any type.
 - (4) With crossbows. Exception: See section 8-13.

Section 18-9-10. 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.

Section 18-9-11. Hunting Hours.

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

Section 18-9-12. 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, or fully feathered wing, or a leg and foot attached to each harvested upland game bird.
- (C) Members of the Tribe are not required to place a transportation tag on their upland game or upland game bird. This is only required for any person transporting upland game or upland game birds off the Reservation.

Section 18-9-13. Hunting on Certain Lands Prohibited.

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

Section 18-9-14. Sale of Upland Game or Upland Game Birds.

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

Section 18-9-15. 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.

Section 18-9-16. 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.

**CHAPTER 18-10
FURBEARERS**

Section 18-10-1. General Provisions.

(A) 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 Tribal Chief of Police.

(B) 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 Tribal Chief of Police.

Section 18-10-2. 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 15-3 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.

Section 18-10-3. Permits and Tags.

(A) No person shall take, hunt or trap furbearers on any lands of the Prairie Band Potawatomi Reservation pursuant to this section without possessing a valid furbearers license or required limit approved by the Tribe.

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

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

(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) A valid hunter safety certificate has been shown at time of purchase and the certificate number is recorded on the license or permit if the hunter or trapper was born after July 1, 1977.
- (3) For which any permit or license is marked invalid.

Section 18-10-4. 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) Each year a regular firearm and trapping season for furbearers shall be established by the Tribe's governing body or its designee with the following limitations:

- (1) The regular season for trapping furbearers shall not open before the first Saturday in October of one year and may continue through the last Sunday in April of the next year to constitute a trapping year.
- (2) A regular season, to include a year-round season, for hunting furbearers shall only be established for the following species: Coyote, Fox, Skunk, Badger, Raccoon, Prairie Dog and feral dogs.

Section 18-10-5. Furbearer Hunting and Trapping Hours.

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

Section 18-10-6. Methods of Taking Furbearers.

(A) No person shall:

- (1) Trap with any leghold trap larger than a Number Four (4) and/or any trap containing a tooth style jaw.
- (2) Trap within 30 feet of any exposed bait visible to airborne raptors.
- (3) Trap with the aid of poison or poison bait.
- (4) Trap with traps or snares unless there is attached to the traps or snares a metal tag displaying the trappers full name, address and phone number.
- (5) Take with a Cross-Bow.
- (6) Take with a bow with a pull strength less than 30 pounds.
- (7) Take with arrows less than 24 inches in length.
- (8) Take with explosive points.
- (9) Take with arrows with a point other than a broadhead having no less than two (2) sharpened edges.
- (10) Take with artificial lights. The use of flashlights with no more than four (4) cells may be authorized for calling, hunting, or pursuing coyotes or raccoons at night.
- (11) Take with a rifle with a barrel length less than 16 inches and use of a shotgun with a barrel length less than 18 inches.
- (12) Take any wildlife, other than specified furbearers, by trap.
- (13) Destroy any den, lodge or hut.
- (14) Take with poisons or explosives of any type or in any manner not authorized by the Tribal Chief of Police.

Section 18-10-7. Use of Traps.

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

Section 18-10-8. Trapping Areas Prohibited.

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

(B) No person shall trap on any Tribal, Federal or other Refuge without possessing the required permit, license and/or Tags.

Section 18-10-9. 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 Prairie Band Potawatomi Tribe must serve notice within 30 days after receipt of the live furbearer(s) to the Tribal Police Fish and Wildlife Division and obtain a permit for those furbearers.

Section 18-10-10. Bobcat Provisions.

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

Section 18-10-11. 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 a field.

Section 18-10-12. Harvest of Depredating Animals.

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

Section 18-10-13. Buying or shipping of Furs or Pelts.

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

Section 18-10-14. Records to be Kept by Licensed Dealer.

(A) 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.

(B) 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.

Section 18-10-15. 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.

Section 18-10-16. Aerial Hunting.

- (A) No person shall attempt to take, hunt, or pursue any furbearer using aircraft without authorization from the Tribal Chief of Police and in accordance with federal law.
- (B) The following information will be provided:
 - (1) The name and address of each person whom will be hunting.
 - (2) A description of the furbearers authorized to be taken, the number of furbearers to be taken, and the harvest area.
 - (3) The reason for requesting the permit.
 - (4) Description of aircraft and pilot's name.

Section 18-10-17. Motor Vehicle Use and Furbearers.

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 Tribal Chief of Police.

**CHAPTER 18-11
MIGRATORY BIRDS**

Section 18-11-1. General Provisions

- (A) No person shall take or injure any Migratory Bird or harass any Migratory Bird upon its nest or remove any egg or young except as may occur in normal agricultural, horticultural, or Wildlife research practices and as may be authorized by the Chief of Police and federal regulations.
- (B) Nothing in this code shall be construed to prohibit the taking of such migratory birds for scientific purposes with the authorization of the Tribal Chief of Police and in accordance with federal regulations.

Section 18-11-2. Open and Closed Seasons.

- (A) A closed season is hereby established for the hunting of migratory birds except for open seasons specified by proclamations.
- (B) Except as otherwise expressly provided by this code, no person shall hunt migratory birds on any Reservation lands during a closed season.

Section 18-11-3. Firearms Restrictions.

- (A) No person shall hunt Migratory Birds with:

- (1) A shotgun larger than 10 gauge.
- (2) A shotgun capable of holding more than two (2) shells in the magazine.
- (3) A shotgun using a plug of two (2) or more pieces.
- (4) A rifle of any type.
- (5) A shotgun with a barrel length less than 18 inches.
- (6) A handgun of any type.
- (7) Shot other than steel shot.

Section 18-11-4. Bait Restrictions.

- (A) It is unlawful to hunt over bait other than grain crops left in the field due to normal agricultural practices.
- (B) It is unlawful to hunt in unharvested crops or grain fields such as cereal crops, alfalfa, corn or sunflowers.
- (C) It is unlawful to use electronic calls or devices of any type to lure migratory birds for any purpose.

Section 18-11-5. 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.

Section 18-11-6. Permits and Tags.

No person shall pursue or take any migratory birds on any lands of the Prairie Band Potawatomi Reservation without possessing a valid Tribal license, permit, required tags or migratory bird stamp.

Section 18-11-7. 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, also rules and regulations provided for in 50 C.F.R. Part 20, Migratory Bird Hunting, will be enforced.
- (B) The Tribal Chief of Police and Council are responsible for establishing migratory bird seasons in compliance with the Migratory Bird Treaty Act.
 - (1) Recommendations for the hunting of Migratory Birds: the Tribal Council or designated representatives are responsible by law to submit a proposal to the U.S. Fish and Wildlife Service, Migratory Bird Management

Office, Washington, D.C. to request the variance or special Migratory Bird Hunting Season. This proposal should include, but not limit to, the following:

- (a) The requested hunting season dates and other details regarding regulations to be observed.
 - (b) Harvest anticipated under the requested regulations.
 - (c) Methods that will be employed to measure or monitor harvest.
 - (d) Steps that will be taken to limit level of harvest.
 - (e) Tribal capabilities to establish and enforce migratory bird hunting regulations.
- (2) 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.
- (3) If the Tribe does not set a migratory bird hunting season different from the State or Central Flyway Council, then no proposal is required.

Section 18-11-8. Raptors, Bald & Golden Eagle, 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 Bold Eagle, Owl, Falcon or other species of protected migratory birds or its nest or eggs thereof on any lands of the Prairie Band Potawatomi Reservation.

(B) Any enrolled member of the Prairie Band Potawatomi 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 and Wildlife Service, Law Enforcement Division.

Section 18-11-9. Transportation.

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

(B) No person shall transport any migratory bird 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).

Section 18-11-10. Live Birds.

It shall be unlawful to possess a live migratory bird or birds at any time. Persons who raise captive birds may maintain these birds by permit issued through a hatchery, game farm, or Federal or other Official Agency.

**CHAPTER 18-12
FISHING**

Section 18-12-1. General Provisions.

- (A) No person shall take, attempt to take or injure any fish in any waters, upon its nest, or remove any eggs except as may occur in normal recreational or fisheries research practices or as may be authorized by this code.
- (B) Nothing in this code shall be construed to prohibit the taking of such fish for scientific purposes with the authorization of the Tribal Chief of Police.

Section 18-12-2. 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.

Section 18-12-3. 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 Tribal Police Fish and Wildlife Division.
- (1) For fish/hunt-on-your-own-land permit, the person must provide a legal description of land owned. The legal description shall include the township, range, and section numbers and the county in which located.
- (2) Reservation Lands: Any person fishing any lands of the Prairie Band Potawatomi Reservation must possess the requisite Tribal license or permit.
- (B) The Tribal Police Fish and Wildlife Division shall not issue more than one license to one person at one time except as authorized by the Tribal Chief of Police.
- (C) No fishing license or permit shall be considered valid unless:
- (1) The license is endorsed by the fisherperson in ink.

Section 18-12-4. 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.
- (1) 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.

(2) 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.

Section 18-12-5. Trespass.

No person may fish on private waters without permission from the owner, lessee or tenant. 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.

Section 18-12-6. Hook and Line Limitations.

(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.

Section 18-12-7. Bait.

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

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

(2) Limit: 12 dozen of any species.

(3) 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.

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

(5) Lost Traps: Traps lost or stolen must be reported within 10 days of knowledge of the loss to the Tribal Chief of Police.

- (6) Trap Setting: Traps must be set so that not more than one half of the width of a stream is blocked.
- (7) Trap Checking: To prevent loss of baitfish or other gill-breathing animals, traps must be checked and emptied at least once every 48 hours.
- (8) Game Fish Released: Game fish and Endangered or threatened species must be released or returned to the water from which they were taken.

Section 18-12-8. Bait Wholesalers and Retailers license.

(A) A Tribal bait dealers license shall be issued by the Tribal Chief of Police 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 anywhere 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.

Section 18-12-9. Commercial Sale of Fish.

(A) No person shall sell, barter, trade or offer to sell, barter or trade any fish taken from Reservation waters, without possessing a Commercial license issued by the Tribal Chief of Police.

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

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

Section 18-12-10. Hoop Nets, Traps and Setlines.

(A) No person shall set any hoop net, traps or setlines without a Commercial License.

(B) Restrictions:

- (1) License: No person shall set, check, pull or operate any hoop net, trap or setline without possessing a valid Tribal license or permit issued by the Tribal Chief of Police.

- (2) Tags: Each hoop net, trap, or setline must be marked with a metal tag with the person's name, address and telephone number.
- (3) 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 construed of fabric mesh with twine size number 15 or larger and slat catfish traps constructed of wood or synthetic slats with at least two 1 ¼ inch openings in each end are allowed. Wire fish traps are prohibited.
- (4) Species: Setlines may be used to take channel catfish, flathead catfish and nongame fish in Reservation Waters. It is prohibited to take endangered or threatened fish. Any endangered or threatened fish must be released in the waters from where they were caught.
- (5) Checking: Setlines must be checked at least every 72 hours.
- (6) Catfish Minimum Length: All catfish less than 12 inches long taken by hoop nets, traps or setlines must be immediately returned to the water.
- (7) Sale of Fish: Legal fish taken by hoop net, trap, or selines from Reservation waters may be sold, bartered or traded pursuant to section 12-9.
- (8) Unauthorized use: No person may use or tend hoop nets, traps or setlines of another person.
- (9) Limit: Channel Catfish, flathead catfish and nongame fish will be limited to 10 per day taken from Reservation waters. Blue Catfish is limited to 1 per day.
- (10) Setline Restrictions: No person may use a setline that operates by a reel or other mechanical device, or more than 20 hooks attached to one setline.

Section 18-12-11. Gill Netting.

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

Section 18-12-12. Spearing.

- (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 at any time.
- (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 season established by Tribal proclamation.
- (D) Catfish Limits- Refer to Section 18-12-10.

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

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

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

Section 18-12-13. Landing Aids.

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

Section 18-12-14. Artificial Lights.

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

Section 18-12-15. Unattended Lines.

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

Section 18-12-16. 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 5th.

Section 18-12-17. Transportation.

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

(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.

Section 18-12-18. 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.

Section 18-12-19. Restrictions.

- (A) No person shall:
- (1) Deposit refuse in Reservation waters.
 - (2) Leave or deposit fish on the shorelines of Reservation waters.
 - (3) Empty receptacles containing bait into Reservation waters.
 - (4) Transport or introduce fish or fish eggs into Reservation waters.
 - (5) Release fish, reptiles, amphibians or crustaceans not native to the Reservation into Reservation waters without written authorization from the Tribal Chief of Police.
 - (6) Possess, have under control, or maintain trammel nets, gill nets, or seines except legal minnow seines.
 - (7) Possess a spear on or near lakes or streams except during legal hours in open season.
 - (8) Sell, Buy, or barter game fish.
 - (9) Lend his or her license to another person or aid someone in securing a license fraudulently.
 - (10) Use explosives, electrical devices or poisonous or stupefying drugs to take fish.
 - (11) Shoot fish, frogs, or turtles with a firearm.

**CHAPTER 18-13
TIMBER HARVEST**

Section 18-13-1. General Provisions.

- (A) No person shall remove any timber or wood from any lands of the Prairie Band Potawatomi Tribe without Tribal authorization.
- (B) No person shall remove any timber or wood from any lands held in U.S. Trust without federal authorization.

Section 18-13-2. Permits.

- (A) Any person taking, cutting and harvesting any timber or wood must possess a Tribal permit issued by the Tribal Chief of Police. The following information is needed for permit application:

- (1) His/Her name and address.
- (2) Location of removal area.
- (3) Type of timber or wood to be removed.
- (4) Amount of timber or wood to be removed.
- (5) Purpose and need for timber or wood.
- (6) Dates removal will begin and end.

Section 18-13-3. Responsibility and Liability.

(A) Any person removing any timber or wood 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:

- (1) Cutting any timber or wood species not authorized by permit.
- (2) Cutting any timber or wood which is greater than one foot in diameter and which have nests or dens of birds or mammals.
- (3) Causing environmental damages, such as erosion to soil from vehicle use.
- (4) Failing to remove any cut timber or wood.
- (5) Cutting any timber or wood not marked or identified for harvest when applicable.
- (6) Causing a fire from careless use of equipment or careless behavior.
- (7) Depositing any litter while afield.

**CHAPTER 18-14
SPECIAL PERMITS**

Section 18-14-1. General Provisions.

It shall be unlawful for any person to harvest any fish or wildlife for any special purpose without obtaining a permit or license from the Tribal Chief of Police.

Section 18-14-2. Permits.

(A) Special permits may be available upon request for taking or harvesting fish or wildlife on lands of the Prairie Band Potawatomi Reservation.

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

- (1) Name and address of person(s) making the request.
- (2) Reason for request.
- (3) Name of person(s) who will be harvesting the fish or wildlife, or name or person(s) responsible for the activity for which the special permit has been requested.
- (4) Dates of harvest to occur.

- (5) Area for harvest to occur in.
 - (6) Species and amount to be harvested.
- (C) The Tribal Chief of Police shall:
- (1) Present the permit request to the Tribal EPA Department or Council for approval.
 - (2) Determine sex, amount and methods of harvest.
 - (3) Provide assistance if requested.
 - (4) Request and collect any unused special permits.

**CHAPTER 18-15
PROCLAMATION HAS FORCE OF LAW**

Section 18-15-1. General Provisions.

Any proclamation issued hereunder by the Tribal Chief of Police or by 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 6-6, Penalties and Sanctions. In addition to any fine and/or imprisonment, the violator shall be subject to forfeiture of his/her license, permit, loss privileges for one year, and confiscation or paraphernalia used in connection of the violation.

Section 18-15-2. 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 Tribal Chief of Police shall post said proclamations in public places.

Section 18-15-3. Emergency Openings and Closures of Seasons.

(A) Any Season established by proclamation may be closed, modified, altered, or a closed season may be opened after investigations and recommendations by the Tribal Chief of Police finds:

- (1) That a species of fish or wildlife for which an open season exists, are in danger of depletion or extinction, or when necessary for the proper protection during critical periods, the Chief may close a season for proper protection of said species.
- (2) That any species of fish or wildlife have become sufficient in numbers or have overpopulated an area and are causing depredation problems, the Chief may open or extend a season to control said depredating species.
- (3) That due to environmental or climatic conditions, a hunting season may create a hazard to life or property (e.g., fire), the Director may close or

postpone a season and reopen a season at a later date upon reasonable notice through local media.

CHAPTER 18-16 DUTIES AND AUTHORITIES

Section 18-16-1. Tribal Police Fish & Wildlife Officer Duties and Authorities.

Each Tribal Police Fish and Wildlife Officer should be able to do the following activities:

- (A) Identify furbearers, big game, small game, waterfowl, all wildlife and threatened, protected and/or endangered species and their habitats.
- (B) Identify species of fish and their habitats.
- (C) Recognize and dismantle illegal sport gear and commercial fishing tackle (nets, trap sets, snares, deadfalls, etc.)
- (D) Recognize and seize illegal firearms and ammunition.
- (E) Conduct random patrol on land and water by use of car, truck, boat, aircraft, snowmobile, snowshoes, skis, and foot.
- (F) Recognize signs of illegal hunting, fishing and trapping activity.
- (G) Respond to complaints and take action or refer to appropriate agency if needed.
- (H) Interview complainants and witnesses.
- (I) Cite in a professional manner violations of season, time, protected species, and illegal methods, bag limits, sex.
- (J) Seize, mark and hold illegal game and equipment in a safe place for court evidence. Provide confiscated property receipts.
- (K) Determine appropriate methods for apprehending illegal operators.
- (L) Determine ownership of dogs that are running deer or any wildlife; inform the owner of circumstances and to keep dog tied or destroy dogs that are running deer or any wildlife as per Tribe's policy.
- (M) Prepare detailed incident reports for courtroom use and prepare Informational Complaint history.

- (N)** Stop vehicles and boats when occupants have been observed in violation of the law or when violations are suspected.
- (O)** Check licenses, permits and tags to determine if valid, not borrowed, or fraudulently obtained or that conditions of license/permit are otherwise in compliance.
- (P)** When so directed by appropriate court, commission or operational policy, sell confiscated fish and wildlife, and have check made payable to the Prairie Band Potawatomi Tribe.
- (Q)** 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 organizations. No fish or wildlife seized or confiscated will be sold or donated until the case has been disposed.
- (R)** Examine fish or wildlife for method of take and when taken.
- (S)** Investigate animal damage or depredation, issue permits, and/or destroy animals.
- (T)** Report vehicle killed deer to appropriate authorities.
- (U)** Inspect for legality of fur and tag with appropriate tag(s).
- (V)** Assist Department with statutory responsibility in recovery of drowning victims, lost persons, severe weather emergencies and civil disorders when requested.
- (W)** Maintain a working relationship with the Tribal or other Courts and Federal Prosecutors, Court Judge, Clerk of Court and various support staff.
- (X)** Act as court officer and liaison for all cases within jurisdiction.
- (Y)** Obtain and serve search warrants, seize property and issue evidence receipts.
- (Z)** Know and practice courtroom etiquette and procedure.
- (AA)** Testify as witness at motions, preliminary hearings and trials.
- (AB)** All weapons shall be inspected monthly by the Tribal Chief of Police or designee.

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

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

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

CHAPTER 18-17 INDIAN PREFERENCE

Section 18-17-1. Indian Preference.

To the extent not prohibited by law, preferential treatment under this Code may be provided for Members and other Indians.

CHAPTER 18-18 SHAB-EH-NAY

Section 18-18-1. Shab-eh-nay.

In all cases involving the Shab-eh-nay Reservation, the jurisdiction of the Nation and the substantive and procedural requirements of this Title shall apply, provided that, if the substantive requirements of this Title directly conflict with the substantive requirements of the laws of Illinois or DeKalb County, compliance with those requirements shall be sufficient for the purposes of tribal law. However, in no event shall the jurisdiction of the State of Illinois or DeKalb County or the procedural requirements of Illinois state law or DeKalb County code apply to any activity within the boundaries of the Shab-eh-nay Reservation.

(Enacted by PBP TC No. 98-99, December 15, 1998.)

