

**2013 PHEASANT
HUNTING REGULATIONS**

SECTION I EFFECTIVE DATES FOR PHEASANT HUNTING SEASONS

The season for areas of the Fort Hall Indian Reservation open to hunting under these regulations shall extend from October 05, 2013 thru December 15, 2013.

SECTION II PERSONS AUTHORIZED TO HUNT

Only persons holding a valid Shoshone-Bannock pheasant hunting permit and members of the Shoshone-Bannock Tribes shall be authorized to hunt pheasants within the exterior boundaries of the Fort Hall Indian Reservation. All permit holders hunting pheasant within the Fort Hall Indian Reservation must be at least twelve (12) years of age, provided that persons from ages twelve (12) through thirteen (13) must show proof of having passed a prescribed hunter safety education course prior to obtaining a permit and must also be in the immediate company of an adult while engaged in hunting activities. Commercial guiding of hunters by non-tribal members is prohibited.

SECTION III REGULATIONS APPLICABLE TO MEMBERS OF THE SHOSHONE-BANNOCK TRIBES

Only the special restrictions contained in Section VIII-B-3 (Buffalo Pasture Closure) of these regulations shall apply to members of the Shoshone-Bannock Tribes. None of the other regulations, seasons, bag limits, shooting hours, permit and fees, special restrictions or closures or hunting areas contained in these regulations shall apply to members of the Shoshone-Bannock Tribes.

SECTION IV PERMITS AND FEES

- A. A 2013 Shoshone-Bannock pheasant hunting permit authorizes the permittee to hunt pheasants on the Fort Hall Indian Reservation only in the open areas designated in this section and sections VII and VIII and only during the hunting seasons established under Section I of these regulations. Permits are subject to limitations and restrictions of all federal and tribal laws including provisions of these 2013 Shoshone-Bannock pheasant hunting regulations. Permits expire at the close of hunting hours on December 15, 2013.

- B. The following four (4) types of permits shall be available for sale at the T.P. Gas Station located at the Fort Hall exit on Interstate-15 between Pocatello and Blackfoot, Idaho.
 - 1. TYPE "A" PERMIT - The fee for an "A" permit shall be \$375.00 plus a \$75.00 Habitat Improvement Fee for Idaho residents. The fee for an "A" permit shall be \$475.00 plus a \$75.00 Habitat Improvement Fee for non-Idaho residents. An "A" permit shall authorize the holder to hunt PHEASANTS AND WATERFOWL ONLY on federal and Indian lands located in zone-one and on deeded lands privately owned by non-members of the Shoshone-Bannock Tribes and on unrestricted fee patent land owned by Tribal Members in ZONE-ONE with the

landowners written permission and WATERFOWL ONLY on deeded land on unrestricted fee patent land in ZONE-TWO.

2. TYPE "B-P" PERMIT - The fee for a "B-P" permit shall be \$250.00 plus a \$75.00 Habitat Improvement Fee. A "B-P" permit shall authorize the holder to hunt PHEASANTS ONLY on federal and Indian lands located in ZONE-ONE and on deeded lands privately owned by non-members of the Shoshone-Bannock Tribes and on unrestricted fee patent land owned by Tribal Members in ZONE-ONE with the landowners' written permission.

3. TYPE "C" PERMITS - The fee for a "C" permit shall be \$150.00 plus a \$75.00 Habitat Improvement Fee. A "C" permit shall authorize the holder to hunt WATERFOWL AND PHEASANTS ONLY on deeded lands privately owned by non-members of the Shoshone-Bannock Tribes and on unrestricted fee patent land owned by Tribal Members in ZONE-ONE with the landowners written permission and WATERFOWL ONLY on deeded land and on unrestricted fee patent land in ZONE-TWO.

4. A \$100.00 fee shall be assessed to all non-residents of the State of Idaho for a type "A" permit and \$100.00 for a type "B-W", and type "C" permit purchased.

- C. The hunting permit must be carried on the person at all times while hunting and must be presented or surrendered upon demand of the proper authorities. The holder of a permit subjects himself and consents to the jurisdiction of the Shoshone-Bannock Fish and Game Commission with respect to tribal laws and ordinances of the Shoshone-Bannock Tribes.

SECTION V SECURITY DEPOSITS

- A. All purchasers of type "A", "BP" 2013-2014 pheasant and/or waterfowl permit, as described in Section IV above shall be required to pay a refundable cash security deposit of \$100.00 for the type "A", "B-P", and "C" permit at the time of the purchase to assure full compliance with all federal and tribal laws including provisions of these regulations.
- B. Security deposits will be refunded to the permit holder at the end of the hunting season provided, however, that any permit holder who violates any federal or tribal laws, including any of the provisions of these regulations and the terms of the hunting permit, may be subject to seizure and cancellation of the waterfowl hunting permit, forfeiture of the security deposit and permanent loss of future hunting and fishing privileges on the Fort Hall Indian Reservation, in accordance with procedures set forth in section XI of these regulations. Security deposits shall be available for refund on or after February 17, 2014.
- C. Security deposits of permit holders, who accompany persons having a trespass permit, as described below, shall be subject to forfeiture for violations of tribal and federal laws by the trespass permit holder

SECTION VI TRESPASS PERMIT FOR NON-MEMBERS

- A. Non-members of the Shoshone-Bannock Tribes who are not eligible for or who do not want to purchase a Shoshone-Bannock migratory waterfowl hunting permit may purchase a trespass permit in order to accompany an authorized hunter onto Indian lands located within the Fort Hall Indian Reservation. The cost of the trespass permit shall be \$10.00 per day or \$50.00 per season.
- B. The trespass permit shall serve only as an authorization to accompany a specific companion hunting permit holder who comes onto the Reservation for pheasant and waterfowl hunting purposes during the 2013 pheasant and 2013-2014 waterfowl hunting season and shall not entitle the holder to carry firearms or hunt under any circumstances. Trespass permit holders, regardless of their age shall be under the same obligation as hunting permit holders to obey all federal and tribal laws. Violation of such laws by the trespass permit holder shall subject the companion hunting permit holder(s) to any and all sanctions identified in Section V and XI, the same as if the hunting permit holder(s) has committed the violation. The companion hunting permit holder(s) shall be entitled to the procedural rights set forth in Section XI.
- C. Person interested in purchasing a trespass permit must be accompanied by the companion hunting permit holder at the time of purchase.
- D. Trespass permits shall be sold to persons nine (9) years or older and shall be subject to revocation without cause by the Fort Hall Business Council. The trespass permit(s) must be carried on person by the holder thereof, and must be produced for inspection or surrendered upon demand by authorized federal or tribal authorities.

SECTION VII AREAS OPEN TO NON-MEMBERS OF THE SHOSHONE-BANNOCK TRIBES FOR PHEASANT HUNTING

Pheasant hunting is allowed only in the following described area on the Fort Hall Indian Reservation.

- 1. ZONE ONE – Referred to as the Fort Hall Bottoms and Michaud Flats, shall include the areas within the following boundary line: Beginning at the point where Sheepskin Road intersects with Cedar Bluffs as it descends into the Fort Hall Bottoms, then west along Sheepskin Road to the intersection of Sheepskin and Broncho Roads, then due west to the western boundary of the Fort Hall Indian Reservation (middle of the channel of the Snake River) as shown on attached map, then southward along the western boundary of the Reservation (the line established by the Snake River to its original mid-channel) to the point of the original confluence of the Snake and Portneuf Rivers (also identified generally as the point of intersection of the boundaries of Bingham, Bannock and Power counties lines), then due south along the western boundary of the Fort Hall Indian Reservation to the northern boundary of the Interstate-86 Freeway right-of-way, then eastward along the interstate-86 right-of-way to the eastern boundary of the Reservation, then due north along the reservation boundary to Syphon Road, then westward on Syphon Road to the Bannock-Power county line (also identified as the Portneuf River), then north and

westward following the Bannock-Power county line (also identified as the Portneuf River) then north and westward following the Bannock-Power county line (the original channel of the Portneuf River) then northward along the base of Cedar Bluffs, including the Ross Fork area to the point of intersection with Rio Vista Road to the point of origin on Sheepskin Road.

2. ZONE TWO – Shall include all other areas located within the exterior boundaries of the Fort Hall Indian Reservation, outside of Zone One.

The map on the reverse side of these regulations is provided to more clearly demark the waterfowl hunting zones described above.

SECTION VIII SPECIAL RESTRICTIONS AND CLOSURES

The special restrictions and closures identified below shall apply to **ALL** permit hunters and **ALL** areas within the outer boundaries of the Fort Hall Indian Reservation.

- A. It shall be unlawful for any person to hunt any species of pheasant or species of waterfowl, including ducks, geese, mergansers, coots, common snipe and pintails with lead shot or copper plated lead shot, or be in possession of lead shot or copper plated lead shot on the person or in the vehicle while hunting pheasants or waterfowl except for members of the Shoshone-Bannock Tribes. Only steel, Bismuth/Tin, Tungsten/Iron, Tungsten-Bronze, Tungsten-Tin Bismuth B, Tungsten-polymer, Tungsten-matrix, tin shot, and Tungsten-Nickel-Iron shot shall be allowed for pheasant and waterfowl hunting.
- B. It shall be unlawful for any person to hunt any variety of pheasant within the following areas of the Fort Hall Indian Reservation.
 1. Within 100 yards of an inhabited dwelling place located within the outer boundary of the Reservation.
 2. Within 25 yards of any improved roadway “Improved roadway” shall be defined as a paved, graveled or graded road.
 3. The area within the Shoshone-Bannock Tribes’ fenced buffalo pasture located north and south of Sheepskin Road in the vicinity of Clear Creek and Spring Creek in the Fort Hall Bottoms.
 4. Ross Fork Creek upstream from its intersection with Rio Vista Road, except for members of the Shoshone-Bannock Tribes.
- C. It shall be a violation of these regulations for any person to disobey or destroy signs posted by order of the Shoshone-Bannock Fish and Game Commission identifying any areas as restricted or closed to hunting within any area of the Fort Hall Indian Reservation.

- D. The Shoshone-Bannock Fish and Game Commission reserves the right to close any area covered by permits when adverse conditions or conservation measures make such action advisable.

SECTION IX SEASONS, BAG LIMITS AND SHOOTING HOURS

Pheasants: Open for the following varieties: Chinese, Mongolian, Mutant and Japanese Green.
Season: October 05, 2013 to December 15, 2013.

Daily Bag Limit: Three (3) Cocks.

Shooting Hours: One-half hour before sunrise to sunset.

SECTION X GENERAL REGULATIONS

- A. Identification of Species:

One fully feathered wing or the head and the leg and foot must be retained on all dressed pheasants to permit identification as to species, sex and age while being transported.

- B. Transportation of Birds:

It shall be unlawful to transport pheasant belonging to another person unless such birds are tagged.

- C. Custody and Tagging Requirements:

1. No person shall put or leave any pheasant at any place other than his personal abode or in the custody of another person for cleaning, processing, shipping, transporting, including temporary storage unless such birds have a tag attached, signed by the hunter stating his address, total number and species of birds, and the date that such birds were killed.
2. No person shall receive or have in custody any pheasant belonging to another person unless such birds are tagged as required above.

- D. Possession of Live Birds:

1. Pheasants wounded by hunting and reduced to possession by the hunter shall be immediately killed and become part of the hunters daily bag limit.
2. No person shall at any time or by any means possess or transport live pheasants.

- E. Gift of Pheasant:

No person may receive, possess or give to another any freshly killed pheasant as a gift except at the personal abode of the donor or donee unless such birds have a tag attached and signed by the hunter who took the birds stating the hunters address, total number and species of the bird and the date that the birds were taken.

F. Hunting Methods:

It shall be unlawful to take pheasants by the following methods:

1. With a trap, snare, net, crossbow, longbow and compound bow, rifle, pistol, swivel gun, shotgun larger than a ten gauge, battery gun, machine gun, fish hook, poison, drug, explosive or stupefying substance.
2. From or by means, aid or use of any motor vehicle, motor driven land conveyance or aircraft of any kind.
3. From or by means of any motor craft, or other craft having a motor attached or any sailboat unless the motor has been completely shut off and/or the sails have been furled, and its progress therefrom has been ceased, provided that a craft under power may be used to retrieve dead or crippled birds. However, crippled birds may not be shot from such a craft under power.
4. With the use of or by the aid of live birds as decoys.
5. By the aid of baiting or on or over any baited area. (As used in this section, "baiting" shall be defined to mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked or unshucked corn, wheat, or other grain, salt or other feed so as to constitute for such birds, a lure, attraction, or enticement to, on or over any area where hunters are attempting to take them and "baited" area means any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring attracting or enticing such birds are directly or indirectly placed, exposed, deposited, distributed or scattered; and such area shall remain a baited area for ten days following complete removal of all such corn, wheat or other grain, salt, or other feed). However, nothing in this section shall prohibit the taking of all waterfowl on or over standing crops, flooded harvested crop lands, grain crops properly shucked on the field where grown or grain found scattered as a result of normal agricultural planting or harvesting.

G. Pheasant Crippling:

No person shall kill or cripple any pheasant without making a reasonable effort to retrieve and retain it in his actual custody.

H. Other Protected Species:

It shall be unlawful to hunt, kill, pursue or have in possession any wildlife except pheasants, ducks, mergansers, coots, Wilson's Snipe, Lesser Scaup, Pintail, and geese (with proper tribal hunting permit). All other wildlife is protected.

I. Driving on Fields:

It shall be a violation of these regulations for permit holders to drive on planted fields.

J. Check Stations

All permit holders entering or leaving areas for which the Shoshone-Bannock Tribes have established checkpoints for the purpose of inspecting permits and pheasants or waterfowl must stop and report at such checkpoints, irregardless of whether pheasants are in possession, provided the check station is enroute to and from the hunting area.

K. Motorized Vehicle Restrictions:

Pickups, sport utility vehicles and cars are allowed on the open hunting areas on the Fort Hall Indian Reservation. All other motorized vehicles are not allowed, including: 2-wheel, 4-wheel, 6-wheel, 8-wheel and terra-trac all terrain vehicles and snowmobiles.

L. Guiding:

Only tribal members shall be allowed to outfit or guide non-member pheasant or waterfowl permit hunters on the reservation.

SECTION XI SEIZURE, CANCELLATION, CONFISCATION, FORFEITURE AND TERMINATION PROCEDURES

A. Non-compliance with any of these regulations, the terms of the hunting permit or tribal or federal laws may result in seizure and cancellation of the permit, confiscation of all birds in possession, forfeiture of the security deposit required under Section V and five year suspension of future privileges to hunt and/or fish on the Fort Hall Indian Reservation.

B. Any tribal game warden or tribal police officer including Bureau of Indian Affairs' officers, shall have authority to seize any hunting permit, and to seize any birds in possession of any person who is actually observed by the warden or officer in the course of violation or attempting to violate any of these regulations, the terms of the hunting permit, or tribal or federal laws. If a warden or officer does not actually witness a violation or attempted violation of the foregoing, but does have reasonable grounds to believe that a violation has been or is about to be committed, then the warden or officer shall be authorized to seize a tribal hunting permit held by the suspect. Any person who is required to surrender a permit and/or birds in possession by a tribal game warden or authorized police officer shall be required to do peaceably and with protest. All permits and birds seized under this subsection shall be safely preserved pending hearing held under subsection C.

C. Any non-member whose permit and/or birds in possession is seized under subsection B or who is alleged to have violated any of these regulations, the terms of the hunting permit or tribal or federal laws shall be entitled to request a hearing before the Shoshone-Bannock Fish and Game Commission to contest any seizure or alleged violation. A non-member must file a request for such hearing by notifying the Tribal Secretary of the Shoshone-Bannock Tribes within fifteen (15) days after the seizure occurs or after notice of an alleged violation is received. The Tribal Secretary upon receiving such request shall promptly schedule a hearing before the Shoshone-Bannock Fish and Game

Commission and supply written notice of the hearing date and hearing procedures to the non-member reasonable in advance of the hearing. The failure of a non-member to request a hearing with the fifteen (15) day period above shall result in cancellation of the permit, confiscation of birds seized, forfeiture of part or all of the security deposit and temporary or permanent loss of future hunting and/or fishing privileges at the discretion of the Shoshone-Bannock Fish and Game Commission.

- D. If a hearing is promptly requested under subsection C, the non-member shall have the right to such hearing in person or by a representative to present witnesses and evidence contesting the validity of any seizure and to question any opposing witnesses. The Shoshone-Bannock Fish and Game Commission shall hear all the evidence and render a final decision at the time of hearing or reasonably thereafter. The Commission may decide after a hearing to return any seized permit or birds, but such decision shall in no way render either the Tribes, the Commission or the seizing officer liable for money damages or otherwise. The Commission may also decide after hearing to cancel any permit, to confiscate any birds and distribute same for charitable purposes, to require forfeiture of the security deposit or any part thereof and/or terminate future hunting and/or fishing privileges on the Reservation. Forfeited security deposits shall be placed in a tribal fund to be used for such purposes of fish and game management and conservation as the Shoshone-Bannock Business Council may deem appropriate.

SECTION XII WAIVER OF REGULATIONS

No individual person or tribal official is authorized to waive any part of these regulations.

SECTION XIII LIABILITY

The Shoshone-Bannock Tribes shall not be liable for any injuries or damages of any kind sustained by individuals who are authorized to trespass onto the Reservation for hunting purposes under these regulations. Permit holders and trespassers entering the Reservation do so at their own risk.

SECTION XIV FEDERAL LAWS APPLICABLE TO INDIAN COUNTRY

All persons coming within the Fort Hall Indian Reservation should be advised of the following federal laws applicable to Indian Country:

Title 18 of the United States Code:

- #1156 - - Intoxicants Possessed Unlawfully.
Whoever, except for scientific, sacramental, medicinal or mechanical purposes, possesses intoxicating liquors in the Indian Country or where the introduction is prohibited in treaty or an Act of Congress shall for the first offense be fined not more than \$2,000 or imprisoned not more than five years or both.

The term "Indian Country" as used in this section does not include fee-patented lands in non-Indian communities or right-of-ways through Indian Reservations and this section does not apply to such lands or right-of-ways in the absence of a treaty or statute extending the Indian liquor laws thereto.

#1164 - - Destroying Boundary and Warning Signs.

Whoever willfully destroys, defaces or removes any sign erected by an Indian tribe or a Government agency: (1) to indicate the boundary of an Indian Reservation or of any Indian country as defined in section 1151 of this title, or (2) to give notice the hunting, trapping, or fishing is not permitted thereon without lawful authority or permission shall be fined not more than \$250 or imprisoned not more than six months, or both.

#1165 - - Hunting, Trapping or Fishing on Indian Land.

Whoever, without a lawful authority or permission, willfully and knowingly goes upon any land that belongs to any Indian or Indian Tribe, band or group and either are held by the United States in trust or are subject to a restriction against alienation imposed by the United States, or upon any lands of the United States that are reserved for Indian use for the purpose of hunting, trapping or fishing thereon or for the removal of game, peltries or fish there from shall be fined not more than \$200 or imprisoned not more than ninety (90) days or both and all game, fish and peltries in his possession shall be forfeited.

SECTION XV TRIBAL LAWS APPLICABLE TO FORT HALL INDIAN RESERVATION

I. Policy declaration and notice-pursuant to Section 11 of the Shoshone-Bannock Fish and Game Code and regulations, public notice is hereby given that there exists a bond schedule and the amount of liquidation damages for which persons will be liable to the Shoshone-Bannock Tribes for any infractions of the Shoshone-Bannock Tribes Fish and Game Code and other regulations. The schedule indicates the required bond which persons may be required to post in the field when cited for these infractions or when ordered by the court after subsequent hearing on the merits of the case.

In extreme or aggravated cases, persons may be required to be subjected to additional and/or punitive damages. Federal prosecution and expulsion from the Fort Hall Indian Reservation.

II. The Shoshone-Bannock Tribes hereby gives notice to all persons: They shall not be exempt from provisions of the Shoshone-Bannock Tribal Law and Order Code and such code revisions. Also, recognizing that the Shoshone-Bannock people alone have the absolute, inherent, retained sovereign right to use and enjoy the Fort Hall Indian Reservation, Idaho; and, to govern its use by its members and all others, the Tribal Council, in regulating the environment, wildlife, waterfowl, fish and other recreation resources of the Fort Hall Indian Reservation, intends that tribal members and non-

members subject to more closely regulated activity, shall be afforded the greatest possible freedom to use and enjoy these resources consistent with the preservation and enhancement of these resources for the future generations of the Tribes.

Further, recognizing that the Shoshone-Bannock Tribes have a tradition of using restitution as a remedy for injustices, the Tribal Council hereby declares that the fish and game laws and regulations are civil in nature and that restitution shall be the primary remedy for infractions except that as this schedule relates to any Indian person, criminal sanctions may also be imposed in any case where the laws and regulations so state.