

§ 1. Definitions

“Animal”

Means an organism of the animal kingdom and not the plant kingdom including any part, product, egg, offspring, or dead body parts thereof, excluding fossils.

“Annual Season Dates Addendum”

Means the annually adopted regulatory document establishing season dates, bag limits, special hunts, and wildlife management provisions applicable under this Code.

“Archery”

Means the use of a compound bow, recurve bow, crossbow, airbow, or conventional longbow to take wildlife.

“Bag Limit” or “Catch Limit”

Means the number of any kind of wildlife that a person is permitted to take during any one (1) day or open season as established by this Code, regulation, or Annual Season Dates Addendum.

“Big Game”

Means deer, elk, bear, turkey, mountain lion, and any additional species designated by regulation or Reservation-Specific Addendum.

“Buy”

Means to obtain an item or act in exchange for consideration, including but not limited to bartering, offering to buy, or the act of buying.

“Closed Season”

Means any time other than an open season and is the period during which protected wildlife may not be lawfully taken.

“Code”

Means this Intertribal Wildlife Code.

“Commercial Purposes”

Means to manage on a business basis or engage in any transaction or exchange for consideration, including but not limited to bartering, offering to sell, possessing with intent to sell for profit, or monetary gain.

“Computer-Assisted Remote Control Hunting”

Means the use of a computer or any other device, equipment, or software to remotely control the hunting or taking of wildlife.

“Conservation”

Means the protection, preservation, restoration, management, and sustainable use of wildlife, habitat, fisheries, and natural resources for present and future generations.

“Court” or “Tribal Court”

Means the court system of the Governing Tribe having jurisdiction pursuant to applicable tribal or federal law.

“Day”

Means a period consisting of twenty-four (24) hours from midnight to midnight.

“Department”

Means the law enforcement agency or wildlife enforcement authority designated by the Governing Tribe.

“Emergency Order”

Means a temporary wildlife management restriction, closure, conservation measure, or directive issued by the Intertribal Wildlife Council or the Governing Tribe to protect wildlife, habitat, public safety, or natural resources.

“Endangered”

Means any wildlife species or subspecies whose prospects of survival and reproduction are in immediate jeopardy and includes species listed as endangered by a Participating Tribe, applicable federal law, or other applicable jurisdictional authority.

“Exotic Livestock”

Means commercially raised animals of the families bovidae, cervidae, antilocapridae, ratites, and animals of the order Galliformes.

“Exotic Wildlife”

Means wildlife that is non-native to the applicable Participating Tribal Jurisdiction or otherwise designated as exotic by regulation.

“Export”

Means transport from within a Participating Tribal Jurisdiction to outside such jurisdiction for commercial purposes.

“Fishing”

Means the taking or attempting to take fish or other aquatic dwelling organisms by hook and line, seine, trap, or other lawful means.

“Furbearer”

Means any animal whose fur or pelt has commercial value, including coyote, beaver, badger, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel.

“Game”

Means mammals and birds and does not include fish.

“Game Bird”

Means a bird species normally sought after by sportsmen including brant, cranes, doves, ducks, gallinules, geese, grouse, partridge, pheasant, quail, prairie chickens, rails, snipes, swans, tinamous, wild turkeys, woodcock, and any part thereof.

“Game Fish”

Means a fish normally sought after by sportsmen including largemouth bass, smallmouth bass, white bass, spotted bass, hybrid bass, black crappie, white crappie, trout, sauger, saugeye, striped bass, walleye, blue catfish, and channel catfish, and any part thereof.

“Game Mammal”

Means any mammalian species normally sought after by sportsmen and any part thereof.

“Game Ranger,” “Conservation Officer,” or “Fish and Game Marshal”

Means any law enforcement officer or wildlife officer authorized by a Governing Tribe to enforce this Code, including officers acting pursuant to cross-deputization or intergovernmental agreements.

“Headlighting”

Means the use of any light or light enhancement device in conjunction with a firearm or archery equipment during nighttime hours for the pursuit, location, or taking of wildlife.

“Hunt” or “Take”

Means pursuing, killing, capturing, catching, destroying, harvesting, injuring, trapping, snaring, or netting wildlife and includes any attempt to do so or assistance to another person to hunt or take wildlife.

“Intertribal Wildlife Council”

Means the intergovernmental wildlife management body established pursuant to this Code for purposes of coordination, conservation management, enforcement cooperation, biological management, and regulatory recommendation among Participating Tribes.

“Invasive Species”

Means any non-native species whose introduction or spread may cause economic harm, environmental harm, harm to native wildlife or habitat, or harm to public health or safety.

“Lease”

Means a contractual relationship under which one party obtains a right to possession and usage of certain property for a defined period of time.

“License”

Means written authorization issued pursuant to this Code allowing a person to engage in regulated hunting, fishing, trapping, harvesting, or related wildlife activities under this Code.

“Native Citizen”

Means any enrolled member or recognized citizen of a Participating Tribe.

“Native Wildlife”

Means all species of wildlife indigenous to or commonly found in the wild within the applicable Participating Tribal Jurisdiction.

“Night”

Means the period between sunset and sunrise.

“Nongame Bird”

Means any bird that is not a game bird.

“Nongame Fish”

Means any fish that is not a game fish.

“Nonmember”

Means any person who is not a Native Citizen as defined by this Code.

“Noodling”

Means the taking of fish by the use of hands only.

“Open Season”

Means the time period established by this Code, regulation, or Annual Season Dates Addendum during which protected wildlife may lawfully be taken.

“Participating Tribe”

Means any federally recognized tribe that adopts, enters into, recognizes, or otherwise participates in this Intertribal Wildlife Code or related compact.

“Participating Tribal Jurisdiction”

Means all lands, waters, trust lands, restricted lands, fee lands, treaty lands, dependent Indian communities, or other areas over which a Governing Tribe exercises jurisdiction pursuant to tribal, federal, or applicable law.

“Permit”

Means written authorization issued by the Governing Tribe allowing a specified activity otherwise regulated or prohibited under this Code.

“Person”

Means any individual, partnership, organization, corporation, association, government agency, tribe, or other entity.

“Possess”

Means to retain or exercise control over and includes actual or constructive possession.

“Predator”

Means any mammal or bird that preys upon another mammal, bird, or fish for food.

“Protected Wildlife”

Means wildlife for which the taking, possession, transportation, harvest, or method of take is regulated under this Code, federal law, or Reservation-Specific Regulation.

“Public Road”

Means any publicly accessible roadway routinely used by vehicular traffic.

“Regulation”

Means any administrative rule, order, Annual Season Dates Addendum, or officially adopted wildlife management provision having the force and effect of law pursuant to this Code.

“Reservation-Specific Addendum”

Means supplemental wildlife regulations adopted by an individual Participating Tribe and applicable only within that tribe’s jurisdiction.

“Sell” or “Sale”

Means to exchange for consideration including but not limited to bartering, offering to sell, or possessing with intent to sell.

“Shall” or “Must”

Means mandatory and not discretionary.

“Ship”

Means to deliver or arrange delivery by any means including mail or common carrier.

“Threatened”

Means any wildlife species or subspecies that may become endangered within the foreseeable future and includes species listed as threatened by a Participating Tribe, applicable federal law, or other applicable jurisdictional authority.

“Transport”

Means carrying or moving by any means or causing to be carried or moved by any means.

“Trap” or “Trapping”

Means the use of traps, nets, snares, deadfalls, or similar devices to take wildlife.

“Waters of Participating Tribal Jurisdictions”

Means all rivers, streams, lakes, reservoirs, wetlands, ponds, tributaries, impoundments, and other waters located within or subject to the jurisdiction of a Governing Tribe.

“Wild”

Means wildlife normally found in a natural state whether or not raised in captivity.

“Wildlife”

Means all wild birds, mammals, fish, reptiles, amphibians, aquatic life, and other animals normally found in the wild state, whether resident, migratory, protected, unprotected, alive, dead, bred, hatched, or born in captivity, including any part, product, egg, or offspring thereof, unless otherwise expressly excluded by federal law, tribal regulation, or Reservation-Specific Regulation.

“Wildlife Authority”

Means the department, division, agency, or entity designated by the Governing Tribe to administer wildlife, fisheries, natural resources, or conservation programs.