

Ordinance No. 48. – Resolution H-180-93 approves the Wildlife Ordinance.

HOPI TRIBAL COUNCIL
RESOLUTION
H-180-93

WHEREAS, the Hopi Tribe is a federally recognized Indian Tribe pursuant to the Indian Reorganization Act of 1934, and is empowered by the Constitution and By-Laws of the Hopi Tribe, Articles VI-POWERS OF THE TRIBAL COUNCIL and VII-LAND to enact its own laws to improve, preserve and conserve the natural resources found on the Hopi Reservation; and;

WHEREAS, the Hopi Tribe is facing an ever-increasing demand on its Wildlife Resources; and

WHEREAS, the Wildlife Resource is vital to the spiritual, cultural and economic welfare of the Hopi Tribe; and

WHEREAS, the unregulated use of Wildlife Resource threatens the political integrity, economic security and health and welfare of the Hopi Tribe; and

WHEREAS, there is a need to regulate and manage this valuable natural resources both within District Six, on the Hopi Partitioned Lands and on all other lands subject to the jurisdiction of the Hopi Tribe, to assure the sustained ability of the Wildlife Resource to fulfill the desires and expectations of the Hopi People; and

WHEREAS, this instrument called the Wildlife Ordinance was developed in accordance with sound wildlife conservation and recreation management principles and practices.

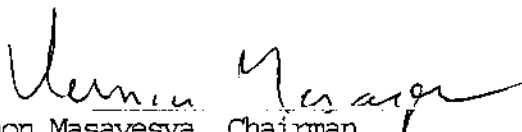
NOW THEREFORE BE IT RESOLVED that the participation of the Hopi Tribal members was sought in public meetings.

BE IT FINALLY RESOLVED by the Hopi Tribal Council that Wildlife Ordinance No. 48 is hereby adopted and promulgated as regulations deemed necessary to achieve the wildlife conservation measures.

HOPI TRIBAL COUNCIL
RESOLUTION
H-180-93

C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Hopi Tribal Council on November 04, 1993, at a meeting at which a quorum was present with a vote of 10 in favor, 0 opposed, 0 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by Section 1(a)(g) of Article VI of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Hopi Tribal Council on October 24, 1936, and approved by the Secretary of the Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does require Secretarial approval.


Vernon Masayesva, Chairman
Hopi Tribal Council

ATTEST:


Gloria Honanie, Tribal Secretary
Hopi Tribal Council

THE HOPI TRIBE
WILDLIFE ORDINANCE
ORDINANCE # 48

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THE HOPI TRIBE
WILDLIFE ORDINANCE

ORDINANCE # 48

1.00 GENERAL

1.10 Findings

The Hopi Tribe finds:

That the Wildlife Resource is vital to the spiritual, cultural and economic welfare of the Hopi Tribe; and

That the Hopi Tribe is facing an ever-increasing demand on its Wildlife Resource; and

That unregulated use of the Wildlife Resource threatens the political integrity, economic security, and health and welfare of the Hopi Tribe; and

That the Hopi Tribal Council has a responsibility to manage and preserve the resource for the present as well as future generations; and

That there is a need to regulate and manage this valuable natural resource both within District Six, on the Hopi Partitioned Lands, and on all other lands subject to the jurisdiction of the Hopi Tribe, to assure the sustained ability of the Wildlife Resource to fulfill the desires and expectations of the Hopi People; and

That it is necessary to place the Wildlife Resource under the management authority of the Hopi Tribe's Department of Natural Resources, to be managed in such a way as to afford the Hopi People the greatest possible freedom to use and enjoy these resources consistent with their preservation and improvement for future generations.

1.20 Purpose

The purpose of this Ordinance is to ensure the proper management and protection of the Hopi Wildlife Resource while providing the opportunity for the Hopi people to utilize the resource.

1.30 Authority

This Ordinance is adopted pursuant to: The power vested in the Hopi Tribal Council pursuant to Article VI, of the Hopi Constitution and By-Laws; and any authority delegated to the Hopi Tribal Government by the United States.

1.40 Scope

The provision of this Ordinance and such regulations as are adopted by the Department of Natural Resources to implement the provisions of this Ordinance shall apply to the entire Reservation.

2.00 DEFINITIONS

- 2.01 ANGLING means the taking of fish by one line with no more than two hooks.
- 2.02 AUTHORIZED OFFICER means any certified officer of the Hopi Tribe's Office of Hopi Resources Enforcement Services, and any Bureau of Indian Affairs Law Enforcement Officer.
- 2.03 BAG LIMIT means the maximum number or amount of a particular species of wildlife, which may lawfully be taken by one person during a specific period of time.
- 2.04 CARCASS means the dead body of an animal or parts thereof.
- 2.05 CLOSED SEASON means the time during which wildlife may not be lawfully taken.
- 2.06 CROSS COUNTRY means to travel over the countryside other than on a road.
- 2.07 CROSS-COUNTRY VEHICLES means those vehicles designed or used to travel on the snow or across the terrain, including, but not limited to snow cats, snow mobiles, all-terrain vehicles, four-wheel drive vehicles and dirt bikes.
- 2.08 DEPARTMENT means the Hopi Tribe's Department of Natural Resources, established pursuant to Hopi Tribal Resolution H-184-88.
- 2.09 DEVICE means any trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other device used for taking wildlife.
- 2.10 DISTRICT SIX means that portion of the Hopi Reservation within the 1882 Executive Order Reservation and referred to as Land Management District Six as defined in Paragraph One of the Judgement on Healing v. Jones, 210 F. Supp. 125 (1962), Aff'd, 373 U.S. 758 (1963).
- 2.11 FALCONRY means the taking of quarry by means of a trained raptor.
- 2.12 FISHING means taking or attempting to take aquatic wildlife.
- 2.13 FISHING PERMIT means a written document granting authority for the taking of aquatic wildlife on the Reservation.
- 2.14 GUIDE means a person who, for pay, aids or assists any person in taking wildlife.
- 2.15 HARASS means to shoot at, disturb, worry, molest, concentrate, harry, chase, drive, herd or torment.
- 2.16 HOPI means any enrolled member of the Hopi Tribe or any person eligible for enrollment or any person whose mother is a Hopi.
- 2.17 HOPI PARTITIONED LANDS means that land outside District Six and within the 1882 Executive Order Reservation that has been partitioned to the Hopi Tribe pursuant to the Settlement Act, plus all

- lands that may be partitioned to the Hopi Tribe and made a part of the Reservation.
- 2.18 HUNTING means taking, pursuing, shooting, killing, capturing, trapping, snaring, or attempting to do any of these, of any game birds or game mammals by any means.
- 2.19 HUNTING PERMIT means a written document granting authority for the taking of game birds or game mammals on the Reservation.
- 2.20 INDIAN means a member of any Indian Tribe.
- 2.21 MANAGER means the Manager of the Hopi Tribe's Department of Natural Resources.
- 2.22 OPEN SEASON means the time during which a particular species of wildlife may be lawfully taken.
- 2.23 PERSON means any individual, corporation, company, partnership, association, trust, firm, tribal enterprise, governmental entity or other business organization or association.
- 2.24 POLLUTION OF WATER means the discharging or dumping into any stream or body of water, or depositing within such distance that it may be carried into such water, of any poisoning, deleterious, or polluting substance or waste that is or may be injurious to aquatic or non-aquatic wildlife, domestic animals or to human beings.
- 2.25 POSSESSION LIMIT means the maximum number or amount of a particular species of wildlife which may be lawfully possessed at any one time by one person.
- 2.26 PROHIBITED WILDLIFE means live wildlife that may not be imported, exported, possessed, propagated, purchased, bartered, sold or offered for sale on the Reservation without authorization from the Tribal Council.
- 2.27 RESERVATION means all lands exclusively reserved for, held in trust for, granted to, partitioned to, or otherwise conveyed to or held for the Hopi Tribe, including but not limited to District Six, Hopi Partitioned Lands, and the Administrative Unit around the Village of Moenkopi.
- 2.28 RESOURCES COMMITTEE means the Standing Committee of the Hopi Tribal Council that deals with resource issues.
- 2.29 ROAD means any maintained road that has been used by the public.
- 2.30 SCIENTIFIC COLLECTION PERMIT means a special permit issued by the Department for the taking of wildlife specimens for scientific purposes.
- 2.31 SETTLEMENT ACT means Public Law 93-531, as amended by Public Law 96-305, codified at 25 U.S.C. 640 d-1 et seq.
- 2.32 TAG means an identification device issued for attachment to the carcass of big game animals.

- 2.33 TAKE or TAKING means pursuing, shooting, shooting at, hunting, netting, (including placing or setting any net or other capturing device), killing, capturing, snaring, or trapping wildlife or attempting any of the foregoing.
- 2.34 TRAPPING means the taking of wildlife in any manner except with gun or implement in hand.
- 2.35 TRIBAL COUNCIL means the duly elected governing body of the Hopi Tribe.
- 2.36 TRIBAL COURT means the court of the Hopi Tribe.
- 2.37 WATERCRAFT means any boat or other floating device of rigid or inflatable construction which is designed to carry people or cargo on the water, and which is propelled by machinery, oars, paddles, or wind action on a sail; except makeshift contrivances constructed of inner tubes or other floatable material and not propelled by machinery, personal floatation devices worn or held in hand, and other objects used as floating or swimming aids.
- 2.38 WILDLIFE:
1. ANTELOPE:
 - a. BUCK ANTELOPE means a male antelope with horns longer than his ear.
 - b. ANY ANTELOPE means an antelope of any age and of either sex.
 2. AQUATIC WILDLIFE means all fish, bullfrogs, waterdogs, soft shelled turtles, crayfish, fresh water clams and mussels.
 3. BIG GAME means any one of the following species of animals: deer, elk, antelope, bear, and mountain lion.
 4. CEREMONIAL USE means using any game animals and their by-products for religious and ceremonial purposes.
 5. DEER:
 - a. ANTLERED DEER means any antlered mule, deer or whitetail deer, including deer with spikes.
 - b. ANY DEER means a deer of any age and of either sex, of any species.
 6. ELK:
 - a. BULL ELK means an antlered elk including spikes.
 - b. ANY ELK means an elk of any age and of either sex.
 7. FUR-BEARING ANIMALS are muskrats, racoons, mink, beaver, badgers, wolverine, weasels, lynx, bobcats and fox.
 8. GAME FISH are trout of all species and catfish of all species.
 9. MIGRATORY GAME BIRDS are duck, geese, swans, sandhill cranes, all gallinules, all coots, common snipe, bandtail pigeons, and doves.

10. NONGAME ANIMALS are all wild animals except Big Game, Small Game, Fur-bearing Animals, and Predatory Animals.
 11. NONGAME BIRDS are all birds except Upland Game Birds and Migratory Game Birds, and Protected Birds.
 12. NONGAME FISH are all species of fish except game fish.
 13. PROTECTED BIRDS are eagles, hawks, falcons, owls, and all species of song birds.
 14. PREDATORY ANIMALS are foxes, skunks, and coyotes.
 15. RAPTOR means a live migratory bird of the Order Falconiformes or the Order Strigiformes other than a bald eagle or golden eagle.
 16. SONGBIRDS are woodpeckers, swallows, swifts, hummingbirds, nighthawks, king fishers, jays, ravens, wrens, thrushes, chickadees, bluebirds, vireos, warblers, blackbirds, and sparrows.
 17. SMALL GAME means any of the following species of mammals: rabbits, squirrels, and prairie dogs.
 18. UPLAND GAME BIRDS are quails, partridge, grouse, and pheasants.
- 2.39 WILDLIFE PROTECTION AREA means an area established by the Department and approved by the Tribal Council for special wildlife protection, research, or management practices.
- 2.40 WILDLIFE FUND means a special account in the Tribal Treasury to which all fees and proceeds collected pursuant to this Ordinance shall be deposited to be used for the benefit of the Wildlife Resource.

3.00 ADMINISTRATION

3.10 Authorization

The laws of the Hopi Tribe relating to conservation and management of the wildlife resource shall be administered by the Department.

3.20 Manager - Duties and Powers

3.21 Enforcement

In addition to any other duties and powers delegated to him by this Ordinance, the Manager shall enforce all provisions of this Ordinance, including all rules and regulations promulgated under the authority of this Ordinance.

3.22 Issue Special Permits

The Manager may under such limitations and restrictions as he deems necessary, authorize by Special Permit the taking of a specific number of animals of a particular species for the purpose of obtaining scientific information on that species to aid the

Department in the management of the wildlife resource.

3.30 Department - Duties and Powers

3.31 Services

The Department shall establish such services as it deems necessary to carry out the provisions and purposes of this Ordinance, subject to the approval of the Tribal Council.

3.32 Policies and Programs

The Department shall recommend to the Resources Committee broad policies and long range programs for the management, preservation, and harvest of wildlife.

3.33 Expenditure of Funds

The Department shall prescribe rules and regulations, subject to the approval of the Tribal Council, for the expenditure of all funds accruing to the Wildlife Fund.

3.34 Public Information Bulletin

The Department shall prepare and revise, as often as is necessary to keep it current, a bulletin which provides the public with the latest information on seasons, closed areas, and all other special regulations, and shall make the bulletin available to the public.

3.35 Wildlife Protection Areas

The Department may establish Wildlife Protection Areas or refuges for the preservation and management of wildlife, subject to the approval of the Tribal Council.

3.36 Safety Programs

The Department may expend budgeted funds to provide training in the safe handling of firearms and safe hunting practices.

3.37 Restocking

The Department may purchase, sell or barter wildlife for the purpose of stocking tribal lands and waters and cause to be taken, at any time and in any manner, wildlife for propagation and restocking purposes.

3.38 Intergovernmental Agreements

The Department may enter into agreements with the federal government, states, political subdivisions of states for management studies, measures, or procedures relating to the preservation and propagation of wildlife, and expend funds for carrying out such agreements, subject to the approval of the Tribal Council.

3.39 Seasons and Limits

The Department shall prescribe seasons, bag limits, possession limits and other

regulations pertaining to the taking of wildlife, subject to the approval of the Tribal Council and subject to any applicable Federal Law.

3.40 Legal Action

The Department may bring suit in the name of the Tribe against any person to restrain or enjoin that person from pollution of water.

3.41 Rules and Regulations

In addition to any other provisions of this Ordinance, the Department may make such additional rules and regulations that it deems necessary to carry out the purposes and provisions of this Ordinance.

4.00 GENERAL ENFORCEMENT PROVISIONS

4.10 Jurisdiction

4.11 Exclusive

The Hopi Tribe shall have exclusive jurisdiction to regulate and adjudicate all matters pertaining to wildlife found on the Reservation, whether resident or migratory, native or introduced.

4.12 Wildlife Property of Hopi Tribe

All wildlife found on the Reservation, whether resident or migratory, native or introduced, is the property of the Hopi Tribe and may be taken only at such times, in such places and in such manner as provided by Tribal law.

4.13 Forum

Except as otherwise provided in this Ordinance, all matters arising under this Ordinance shall be adjudicated in the Hopi Tribal Court.

4.14 Consent

Any person who, after the effective date of this Ordinance, comes on or obtains a permit, or harvests any wildlife resource or transports any wildlife or parts thereof on the Reservation shall be deemed to have consented to all the provisions of this Ordinance and the jurisdiction of the Hopi Tribe.

4.20 Notice

4.21 Posting

Signs shall be conspicuously posted putting the public on notice that:

- (a) Permission to enter the Reservation is conditioned on consent to Hopi Tribal jurisdiction; and
- (b) Permits are required for hunting and fishing; and

- (c) Violators of Tribal law and regulations are trespassing and subject to Tribal and Federal sanctions; and
- (d) Visitors must inquire locally for permits and information.

4.30 Enforcement

All authorized officers shall have the authority and the duty to enforce the provisions of this Ordinance.

4.40 Contempt Powers

All parties to actions brought under this Ordinance, whether Hopi or non-Hopi, shall be subject to the civil contempt power of the Hopi Tribal Court, and may be sanctioned by any means provided for in Ordinance 21.

4.50 Federal Prosecution

Nothing in this Ordinance shall be deemed to preclude the federal prosecution of non-Indian violators of this Ordinance.

4.60 Civil Remedy

4.61 Expulsion

Nothing in this Ordinance shall be deemed to preclude the use of the remedy of expulsion of non-Hopis for violation of this Ordinance.

4.62 Revocation of Right to Obtain Permit

A. In addition to other remedies provided by this Ordinance, the Department, may suspend or revoke, for a period not to exceed five (5) years, the privilege to take wildlife of any person who:

- (1) Unlawfully takes or possesses wildlife; or
- (2) Carelessly uses a firearm or other weapon; or
- (3) Destroys, injures, or molests livestock, or damages or destroys crops, personal property, notices, signboards, or other improvements while taking wildlife; or
- (4) Litters tribal hunting or fishing areas.

B. Before any such suspension or revocation, the Department shall notify the person whose privileges may be suspended to appear and show cause why they should not be suspended. Notice shall be sent to the violator's last known address by registered mail. The decision of the Department may be appealed to the Tribal Court within thirty (30) days of the rendering of that decision.

4.63 Damages

- A. In addition to any other remedies provided by the Ordinance, the Tribe may seek civil damages in an amount calculated to closely approximate the cost of providing equitable restitution to the Tribe for the damage caused by each violation of this Ordinance. In calculating damages, the Court shall consider, but not be limited to:
- (1) The cost to the Tribe of producing and/or protecting the resource; and
 - (2) The cost of replacing or restoring the resource; and
 - (3) The general overall costs of enforcement; and
 - (4) The loss to the Tribe of permit revenue; and
 - (5) Damages for trespass.

4.64 Punitive Damages

- A. Nothing in this Ordinance shall be deemed to preclude the Tribe, from praying for and being awarded punitive damages in any action filed for a violation of this Ordinance wherein it is alleged that the violator has committed the acts constituting the violation wantonly, willfully, or maliciously.
- B. The Court, in assessing punitive damages, shall determine their amount in the same manner in which it would determine punitive damages in any other civil action.

4.65 Forfeiture

- A. If a person is convicted of a violation of this Ordinance the Court, in addition to any other penalty imposed by law, may order any firearm, vehicle or equipment used in the commission of the violation forfeited.
- B. Any wildlife or parts thereof taken in violation of this Ordinance shall be forfeited.

4.70 Criminal Sanctions

4.71 Criminal Offense

In any case in which an Indian has committed a violation of this Ordinance willfully, wantonly, or maliciously, or in which the acts which constitute the violation or the circumstances which surround the violation are especially harmful or offensive to the people or the customs of the Hopi Tribe, the

violation may be charged as a criminal offense. Charges filed pursuant to this section shall be in addition to any civil sanctions.

4.72 Penalty

A. Except as provided in Subsection B, any Indian who is convicted of a criminal violation of this Ordinance, or for failure to comply with a lawful order shall be punishable by a fine of not more than \$500.00, or by imprisonment in jail for not more than six (6) months, or both, unless a different penalty or punishment is specifically provided by this Ordinance for that violation.

B. Any Indian who is convicted of a criminal violation for:

(1) Taking, possessing, transporting, buying, selling, or offering for sale any big game species or any part thereof in violation of this Ordinance, or in violation of a lawful rule or regulation of the Department, or

(2) detaching or removing from the carcass of a big game animal a portion thereof for the purpose of concealing evidence of illegality, or

(3) using an explosive compound, or a corrosive, narcotic, poison or other deleterious substance for the purpose of taking, stunning, or killing fish or birds

shall be punishable by a fine of not less than \$50.00, or by imprisonment in the jail for not less than one (1) day, or both.

5.00 SPECIAL ENFORCEMENT PROCEDURES

Due to the vast area and remote nature of the Hopi Reservation, and the ease with which non-Hopis can flee the jurisdiction of the Tribe, and in order to guarantee the protection of the interests of the Tribe, any authorized officer may implement the procedures of this chapter.

5.10 Search

5.11 Warrantless Search

Any authorized officer may, without a search warrant, search any aircraft, watercraft, vehicle, box, game bag, locker, tool box, ice chest, camper, camper shell, trailer, backpack, bedroll, sleeping bag, or other

container or package, for wildlife or parts thereof, taken in violation of this Ordinance, or the instrumentalities of such illegal taking, if the officer has probable cause. This section shall not be construed to permit the warrantless search of any non-mobile dwelling house or any outbuilding within the enclosed land surrounding it.

5.12 Inspection

Any authorized officer may inspect all wildlife taken, possessed, or transported on the Hopi Reservation.

5.20 Seizure

5.21 Illegal Device

Any device which cannot be used at any time in compliance with this Ordinance for the taking of wildlife, and which is seen in such use by the officer, may be summarily seized by the officer if:

- (1) Seizure of the violator's property is necessary to prevent irreparable injury to tribal property or resources, AND
- (2) There is a special need for prompt action because it is likely that the person may flee with, or conceal the offending property or continue the prohibited use of such device.

5.22 Wildlife

Any Officer may seize, as evidence, all wildlife which such Officer has probable cause to believe has been taken, possessed, or transported in violation of this Ordinance and any object which the Officer has probable cause to believe has been used as the instrumentality in such illegal taking, possession or transportation.

5.23 Notice

Notice of intent to seize, on a form provided by the Department, and a citation for illegal use and/or possession shall issued.

5.24 Hearing, Forfeiture

If at the trial or hearing the judge finds that the property has been used illegally, the judge may order, in addition to any other sanction imposed for the violation, that the property be forfeited to the Tribe.

5.25 Report

The Manager shall prepare and present to the Resources Committee annually a report of all property seized.

5.30 Procedures

5.31 Hopis

A. If the suspected violator is determined

to be a Hopi, the officer shall issue a citation and release him unless:

- (1) The specific offense with which he is charged provides for his arrest, or
- (2) he is otherwise subject to arrest according to tribal laws.

5.32 Non-Member Indians

A. If the suspected violator is determined to be a non-member Indian, the officer shall issue a citation and release him unless:

- (1) The Field Bond Procedures of this Ordinance are applicable, or
- (2) the specific offense with which he is charged provides for his arrest, or
- (3) he is otherwise subject to arrest according to tribal laws.

5.33 Non-Indians

A. If the officer determines that the suspected violator is not an Indian, the officer shall issue a citation for the violations, and release him, and

- (1) implement the Field Bond Procedures of this Ordinance, or
- (2) arrest and transport the suspected violator for federal prosecution, and/or
- (3) initiate expulsion procedure as provided by Tribal law.

5.40 Citations

5.41 Complaint

The Citation constitutes the basis for the filing of a complaint and shall conform to Title II, Chapter 2 of Ordinance 21.

5.42 Hearings

A. All hearings to adjudicate civil actions initiated by issuance of citations for violations of this Ordinance, shall be within fifteen (15) court days of the issuance of the citation.

B. All hearings to adjudicate criminal complaints must comply with Ordinance 21.

5.43 Cite and Release

If the person cited is to be released he must sign the Promise to Appear located on the citation. Any Indian who fails to sign the Promise to Appear shall be arrested and transported to Tribal jail pursuant to Tribal law governing the arrest of suspects on citable offenses, or shall be subject to the

Field Bond Procedures of this Ordinance. Any non-Indian who fails to sign the Promise to Appear shall be subject to the Field Bond Procedures of this Ordinance.

5.50 Field Bond Procedures

If a suspected violator:

- (a) Refuses to sign a Promise to Appear, or
- (b) cannot or refuses to be identified, or
- (c) is not a Hopi and is not a permanent resident of the reservation,

AND if the officer determines that:

- (d) seizure of the violator's property is necessary to guaranteeing the presence within Tribal jurisdiction of sufficient assets to secure payment of restitution to the Tribe for any damages resulting from violation of this Ordinance, AND
- (e) it is likely that the violator will leave the Reservation and the jurisdiction of the Hopi Tribe with his property and not return,

THEN the officer may demand that the violator post a bond in the amount of \$500.00.

5.51 Bond Notices

- A. In all cases where it is feasible, the officer shall prepare and issue a Bond Notice to the violator, allow him to read it, and have him sign the Bond Notice before the officer takes possession of any bond property.
- B. Bond Notices shall be prepared in duplicate and a copy, signed by the violator, shall be filed by the officer with the citation.
- C. In any case in which the officer has reasonable grounds to believe that the delay caused by the procedures in Subsection A could:
 - (1) Jeopardize the safety of the officer, or
 - (2) lead to a breach of the peace, or
 - (3) cause the officer to lose the opportunity to seize bond property, or
 - (4) give the violator the opportunity to flee the jurisdiction of the Tribe,the officer may seize bond property first and then issue a BOND NOTICE.

5.52 Bond

- A. Cash Method
The violator may post a cash bond in the amount specified with the officer.

1. If the violator is found not guilty after a trial or a hearing, the bond amount shall be returned in full. If he is found liable after a trial or a hearing, or by default due to failure to appear, the bond shall be applied to satisfaction of the judgement, and any excess shall be returned to him.

B. Property Method

The violator may post as bond with the officer any property which the officer reasonably believes is valued at an amount at least equal to the required bond amount.

1. The violator may choose between the following alternatives as to the disposition of his bond property:

- (a) He may leave the property in the custody of the Hopi Tribe until after the trial or hearing, at which time, if he has not been found liable to the Tribe it shall be returned to him. If he is found to be liable to the Tribe, or is in default due to failure to appear, it will be held as security for payment of the judgement, and will be returned upon payment in full. If payment in full is not received within thirty (30) days of the date of judgement, and if an appeal is not filed as provided by Tribal law, the property shall be sold at a public auction, and the amount received shall be applied to the judgement and the costs of sale and storage. Any excess shall then be returned to the judgement debtor; or

- (b) He may redeem his property at any time during normal business hours by posting a cash bond, or by paying damages as determined by the Court. Redemption must

occur, if at all, within thirty (30) days of the entry of judgement unless an appeal is filed.

- 5.53 Cash Bond Trust Fund
Within two (2) business days of being posted all cash bonds shall be deposited in an account established by the Manager for that purpose.
- 5.54 Bond Property Storage
All bond property shall be deposited in the keeping of the Manager for secured storage within 24 hours of being posted.
- 5.55 Involuntary Summary Seizure of Bond Property
Any authorized officer who has followed the procedures of this Ordinance may use any reasonable non-deadly force necessary to seize bond property from a violator who refuses to comply with the bond procedures provided by this Ordinance.
- 5.60 Disposition of Fees, Forfeitures, Penalties and Damages
- 5.61 All fees resulting from the sale of permits, all fines, costs, monies, penalties or damages collected for violations of this Ordinance, and proceeds from the sale of forfeited property shall be deposited in the Wildlife Fund, except that bonds, unless forfeited, shall be deposited in a Trust account.
- 5.62 In case of forfeiture, the Manager shall dispose of the property in a manner consistent with the goals of this Ordinance, choosing between destruction of the property, sale for the benefit of the Tribe at public auction, or retention of the property for Tribal uses.
- 5.63 Each Tribal Judge or Clerk of the Court shall, within twenty (20) days after a judgement has been rendered under the provisions of this Ordinance, send a copy of the Judgement Order to the Department.
- 5.64 The Manager shall prepare and present to the Tribal Council annually a report of all monies deposited to the Wildlife Fund.
- 5.70 Disposition of Seized Wildlife and Property
Wildlife seized under this Ordinance shall be disposed of pursuant to Department regulations.

6.00 GENERAL REGULATIONS

6.10 Time and Methods of Taking Wildlife

6.11 Time

Wildlife, except fish and bullfrogs, shall be taken only during day-light hours unless

otherwise provided by the Department with the approval of the Tribal Council.

6.12 Artificial Light

It is unlawful for any person to take or attempt to take any species of wildlife with the use of a spotlight, or other artificial light.

6.13 Bait

It is unlawful for any person to use protected wildlife or any edible part thereof as bait.

6.14 Use of Vehicle

It is unlawful for any person to pursue, harass, hunt, shoot, or kill any wildlife with, from, or by use of a vehicle, aircraft, or watercraft.

6.15 Firearm Limits

It is unlawful for any person to discharge any firearm upon, from, across, or into a road or railway.

6.16 Dogs

It is unlawful for any person to take any big game animal with the aid of a dog or dogs, except bears and mountain lions.

6.17 Angling

It is unlawful for any person to take fish by any means except angling unless otherwise provided by the Department with the approval of the Tribal Council.

6.18 Protective Clothing

It is unlawful for any person to hunt any big game animal without wearing, in a visible manner, exterior garments of a fluorescent orange color, which shall include one of the following: a hat, shirt, vest, jacket, coat, sweater or other upper body garment.

6.20 Taking or Driving Wildlife from Closed Areas

It is unlawful for any person to enter upon a game refuge or other area closed to hunting or fishing and take or drive, or attempt to take or drive wildlife from such areas, except as may be authorized in writing by the Manager.

6.30 Possession of Firearms in Wildlife Protection Areas

6.31 It is unlawful for any person to carry, transport, or have in their possession devices for taking game within or upon a Wildlife Protection Area except as may be authorized in writing by the Manager.

6.32 This Section shall not apply to peace officers who are authorized to carry firearms and are in the performance of official duties, nor to persons who are crossing the Reservation over state highways carrying unloaded devices.

- 6.33 The provisions of this Section shall not prohibit a lessee, permittee, or his family or employee or a tribally licensed trapper or hunter from carrying firearms pursuant to the rights and duties of his lease, permit or license.
- 6.40 Importation, Transportation, Release or Possession of Live Wildlife
It is unlawful for any person to import or transport onto the Reservation to sell, trade, release within the Reservation, or possess, any live wildlife except as authorized by the Manager.
- 6.50 Possession of the Carcass or Parts of Wildlife
The carcass, or parts of the carcass, of wildlife lawfully obtained may be possessed by the person who took such wildlife, or any person who received it as a gift.
- 6.60 Wildlife Depredations
- 6.61 Any person suffering property damage from wildlife may exercise all reasonable measures to alleviate such damage except that reasonable measures shall not include injuring or killing game mammals or game birds.
- 6.62 Any person suffering property damage may, after resorting to such relief as is provided in subsection 6.61, file a written report with the Manager advising him of the damage suffered, and the species of animals causing such damage, and the Manager shall forthwith order an investigation and report.
- A. If removal of animals is found to be necessary to prevent further damage, the Department may:
- (1) With the approval of the Tribal Council, establish special seasons and/or special bag limits and either set reduced fees or waive any or all permit fees required by this Ordinance for the taking of such wildlife,
or
 - (2) issue a special permit for the taking of such wildlife to the property owner suffering damage,
or
 - (3) direct an authorized officer to trap, capture, or otherwise take such wildlife for removal.
- 6.63 Other provisions of the Ordinance notwithstanding, a livestock association or Hopi who is a livestock operator, who has had livestock attacked or killed by bear or mountain lion, may use such measures as are

necessary to prevent further damage, including taking the bear or mountain lion.

A. Within ten (10) days after the taking, the livestock owner or association shall report in writing to the Manager stating the location where the animal was taken and the number and kind of livestock that were attacked or killed.

6.64 Whenever it comes to the attention of an authorized officer that bears or other wild animals are in the process of creating a nuisance or hazard at a camping or other public use area, the officer may use whatever means are necessary to prevent injury to persons in the area, or damage to property; provided, however, that no animal shall be killed except to protect persons who are in immediate danger.

6.70 Injured Wildlife

6.71 Whenever it comes to the attention of an authorized officer that an animal has been injured, to such a degree that it is unlikely the animal will recover, the officer may kill the animal.

A. The officer shall transport all useful parts of the animal to a public institution or charitable organization for its use.

B. The officer shall prepare and file a report with the Department on the incident.

7.00 PERMITS

7.10 Permit Required

7.11 In Possession

Except as provided under this Ordinance, it is unlawful for any person to take or attempt to take any wildlife on the Hopi Reservation unless they have a valid tribal permit in their possession.

7.12 Exhibit Permit

No person taking or attempting to take wildlife on the reservation shall fail or refuse to exhibit their permit(s) to an authorized officer.

7.13 Limit

There shall be a limit of one permit per permittee for each big game species per year.

7.14 Regulations and Fees

Fees and regulations to carry out the provisions of this section shall be prescribed by the Department and approved by the Hopi Tribal Council except that:

(a) Permits shall be issued in the name of the Hopi Tribe, and each permit shall

be signed by the permittee in ink on the face. With each permit authorizing the taking of big game the Department shall provide such tags as may be prescribed, which the permittee shall attached to the game animal in such a manner as is prescribed by the Department; and

(b) The Department may issue a duplicate permit, provided that the person requesting such duplicate permit furnishes the information deemed necessary.

7.15 Other Permits

No State of Arizona hunting or fishing licenses or permits shall be required on the Hopi Reservation.

7.16 Ceremonial Use

A special permit is required to harvest or transport any wildlife for ceremonial or religious uses; the right of free exercise of religion as guaranteed by the Indian Civil Rights Act, shall not be infringed by this Ordinance. The special permit, with no fees assessed, shall be issued, upon application, by the Department of Natural Resources.

7.20 Types of Permits

7.21 Hunting Permit:

A. Hopi Permit: Permits for hunting deer, elk, antelope, bear, lion are required of Hopis pursuant to regulations approved by the Tribal Council.

B. Non-Hopi Permit: Any non-Hopi, may apply for a hunting permit for deer, elk, antelope, bear, and lion under such rules and regulations as may be prescribed by the Department and approved by the Tribal Council.

7.22 Fishing Permits

A. Non-Hopi Permit: Any non-Hopi, may purchase a fishing permit which shall entitle him to fish in the Reservation streams and lakes during the open season of the permit year. Fees and regulations, including seasons and the fishing areas to be opened, shall be prescribed by the Department and approved by the Tribal Council.

B. Hopi Permit: Permits for fishing on the Reservation shall not be required for Hopis.

7.23 Small Game Permits

A. Non-Hopi Permit: Any non-Hopi may be issued a small game permit under such

rules and regulations as may be prescribed by the Department and approved by the Tribal Council.

- B. Hopi Permits: Permits for hunting small game on the Reservation shall not be required for Hopis.

7.24 Trapping Permits

- A. No trapping shall be permitted on the Reservation except as authorized by the Manager and approved by the Tribal Council.

7.25 Minor Hunting and Fishing

A. Minor Fishing

1. Non-Hopi: A minor under the age of ten (10) may fish without a permit when accompanied by an adult permit holder; a minor between the ages of ten (10) and fourteen (14) years must have a Juvenile Fishing Permit; and a minor over the age of fourteen (14) must have an adult Fishing Permit;
2. Hopi: A Hopi minor under the age of ten (10) may fish when accompanied by an adult; a Hopi minor over the age of ten (10) shall not be required to have a fishing permit.

B. Minor Hunting

1. Non-Hopi: A minor under the age of ten (10) may not hunt; a minor between the ages of ten (10) and fourteen (14) years may hunt small game or migratory birds if accompanied by an adult holding a valid tribal permit for that activity; a minor over the age of fourteen (14) is considered an adult for permit purposes
2. Hopi: A Hopi minor under the age of ten (10) may not hunt; a Hopi minor between the ages of ten (10) and fourteen (14) years may hunt small game or migratory birds if accompanied by an adult; a Hopi minor over the ages of fourteen (14) shall not be required to have a permit to hunt small game.

- C. Minor Big Game Hunting: A minor under the age of fourteen (14) years of age may not take big game; a minor between the ages of fourteen (14) and seventeen

(17) years of age inclusive, may take big game only if said minor possesses a valid tribal permit and is accompanied by a person eighteen (18) years or older.

7.26 Falconry Permits

- A. The Manager may issue a permit to capture and keep in the permittee's possession a Cooper's, Sharp Shinned, Rattail, Harris, American Kestrel or Goshawk for use in the practice of falconry on the Reservation.
- B. Raptors may be captured only in those areas prescribed by the Department.
- C. Permits required by this section must be in the possession of the permittee whenever he is practicing falconry.

7.30 Permit Dealers

7.31 Hunting, fishing, and other permits shall be issued by persons designated as permit dealers by the Department. After notice and a hearing, the Department may suspend or revoke a dealer's license for failure to comply with rules and regulations of the Department.

7.32 Permit dealers shall furnish the Tribe a bond in an amount deemed necessary by the Department to protect the interest of the Tribe, and the premiums on such bonds shall be paid by the permit dealer.

7.33 Each license/permit dealer shall by the tenth (10th) day of January or within thirty (30) days of a demand by the Department, return to the Department all unused permits.

7.40 Obtaining Permit by Fraud or Assignment

7.41 It shall be unlawful for any person to obtain a permit by fraud or misrepresentation; a permit so obtained is void and of no effect.

7.42 Permits may not be assigned, transferred, loaned or sold to another person.

7.50 Guides

7.51 No person shall act as a guide without having procured a permit to do so. No person under the age of eighteen (18) years shall be issued a guide permit. If a licensed guide fails to comply with the provision of this Ordinance or is found liable for violating any provision of this Ordinance, his license may, after notice and a hearing, be revoked by the Department in addition to any other remedy provided by this Ordinance for the underlying violation.

8.00 VIOLATIONS
8.10 Birds

8.11 Endangered Species
Bald eagles and peregrine falcons are federally classified as endangered or threatened with extinction and it shall be unlawful to hunt, trap, take, harass, or possess them on the Reservation, except as permitted for ceremonial/religious purposes.

8.12 Protected Birds
It shall be unlawful to hunt, trap, take, harass or possess any protected bird on the Reservation, except as allowed by special permit issued by the Department, or as allowed by federal permits, or as permitted for ceremonial/religious purposes.

8.13 Nests and Eggs
It shall be unlawful to take, injure or harass any bird upon its nest, or remove the nest or eggs of any birds, except as necessary for the capture or taking of birds for ceremonial/religious purposes.

8.14 Insectivorous Birds
Except as otherwise provided by this Ordinance it shall be unlawful to kill, trap or harass insectivorous birds.

8.15 Migratory Birds
It shall be unlawful to take, possess, transport, buy, sell or offer for sale any migratory bird taken on the Reservation, except as permitted by this Ordinance or tribal regulations.

8.20 Aquatic Wildlife
Except as otherwise provided by this Ordinance, in addition to all other activities prohibited by this Ordinance, it shall be unlawful for any person to:

- (a) Fish in any waters of the Hopi Reservation without a valid permit in his possession; and
- (b) Take fish from any waters on the Hopi Reservation in excess of the number permitted by tribal regulations; and
- (c) Fish in any waters on the Hopi Reservation during a period of the year not permitted by tribal regulations; and
- (d) Fish in any manner or place not permitted by tribal regulations; and
- (e) Take any amphibians, crustaceans, mollusks, or reptiles in any manner or place not permitted by tribal regulations; and
- (f) Clean fish in streams, springs or lakes; and
- (g) Take, possess, transport, import, trade, buy, sell or offer for sale any fish within the Reservation, except as permitted by this Ordinance or tribal regulations; and

- (h) Allow any edible portions of Game fish to go to waste.

8.30 Wildlife

Except as otherwise provided by this Ordinance, in addition to all other activities prohibited by this Ordinance, it shall be unlawful for any person to:

- (a) Hunt big or small game on the Reservation without a valid permit in his possession; and
- (b) Take big or small game in excess of the number permitted; and
- (c) Hunt big or small game out of season; and
- (d) Hunt big or small game in any manner or place not permitted by tribal regulations; and
- (e) Take, possess, transport, import, trade, buy, sell or offer for sale big or small game within the Reservation, except as permitted by this Ordinance or tribal regulations; and
- (f) Intentionally abandon or needlessly allow to go to waste any upland game bird, water fowl, or big game animal; and
- (g) Detach or remove, or attempt to detach or remove, from the carcass of a big game animal a portion thereof for the purpose of misrepresenting or concealing the species or sex of the animals.

8.40 Firearms

Except as otherwise provided by this Ordinance, in addition to all other activities prohibited by this Ordinance, it shall be unlawful for any person to:

- (a) Shoot, or attempt to shoot, any wildlife within one quarter mile of any occupied residence, cabin or building, without permission of the owner or resident; and
- (b) Have in his possession, while hunting, any contrivance designed to silence, muffle, or minimize the report of a firearm; and
- (c) Misuse firearms as defined in this Ordinance or by tribal regulations; and
- (d) While taking wildlife, or while in any hunting area, handle or discharge any firearm, while intoxicated or in a careless or reckless manner, or with wanton disregard for the safety of human life or property; and
- (e) Be involved in a shooting accident resulting in injury to any person and fail to render every possible assistance to the injured person, and fail to immediately report the accident to the nearest law enforcement officer after rendering such assistance; and
- (f) Hunt with any fully automatic weapon.

8.50 Other Prohibited Activities

Except as otherwise provided by this Ordinance, in addition to all other activities prohibited by this Ordinance, it shall be unlawful for any person to:

- (a) Use a dog or dogs to take Big Game other than Bear or Mountain Lion; and
- (b) Obtain any fishing or hunting license during a period for which a license or permit has been revoked; and
- (c) Enter upon land closed to entry while hunting, fishing, camping, or hiking or while travelling on the Reservation; and
- (d) Use any explosive compound or corrosive, narcotic, poison or other deleterious substance for the purpose of taking, stunning, or killing fish, birds, small game or big game; and
- (e) Carry, transport, or possess devices for taking game within or upon a game refuge, except as permitted by this Ordinance or tribal regulations; and
- (f) Enter any special use area of the Reservation without a proper Special Use Permit; and
- (g) Allow any unleashed dog to roam within any campground, populated or public area; and
- (h) Pollute any Reservation waters; and
- (i) Litter roads, roadsides, campgrounds, waters or any other tribal land on the Reservation; and
- (j) Destroy or deface signs, tables, improvements, crops, or personal or real property; and
- (k) Cut, damage, or destroy any fence on the Reservation; and
- (l) Drive a motor-operated vehicle cross-country on tribal lands where such cross-country driving is prohibited; and
- (m) Willfully or carelessly set or start a forest fire, brush, or grass fire or other destructive fire; and
- (n) Aid or assist in the concealment of any wildlife that has been unlawfully taken or is unlawfully possessed.

9.00 RESTRICTIONS ON MOTOR VEHICLE USE

9.10 Closed Area

When the Department determines that the operation of motor vehicles within a certain area is or may be damaging to wildlife reproduction, wildlife management or wildlife habitat of that area, the Department, with the approval of the Tribal Council, may order the area closed to motor vehicles, provided that all roads in the area shall remain open unless specifically closed.

9.11 For all closed areas the Department shall post notices of the restrictions, prohibitions or permitted uses of such area prior to the effective date on the main roads

and highways entering such area and at such locations as the Department deems appropriate.

9.12 In addition to the posted notices the Department shall publish a notice of such restrictions, prohibitions or permitted uses, together with a description of the area, three times in a newspaper of general circulation on the Reservation prior to the effective date.

9.20 Exceptions

9.21 The restrictions, prohibitions or permitted uses established pursuant to this section shall not apply to:

- (a) Public employees acting within the scope of their employment; or
- (b) holders of valid licenses and permits, however, holders of such licenses and permits shall be limited to the specified purposes and area of travel for which such licenses or permits were issued or granted; or
- (c) necessary travel within or across restricted or prohibited land by employees and agents of public utilities, or suppliers of water or power acting as agents of the federal government, or to employees or agents of mining companies exercising rights pursuant to any applicable mining law or regulation; or
- (d) a licensed hunter who enters an area solely to pick up a big game animal which he has legally killed; or
- (e) emergency situations, such as fire or other disasters, or when otherwise necessary to protect life or property.

9.22 Parking shall be allowed along open roads in closed areas, except that no vehicle shall be parked or operated at a distance greater than three hundred feet from such roads.

10.00 WILDLIFE FUND

10.10 Establishment

A Wildlife Fund is hereby established.

10.20 Funding

The Wildlife Fund shall be comprised of proceeds received from:

- (a) Permit fees; and
- (b) Trespass penalties, seizures, forfeitures, and other civil penalties; and
- (c) Gifts, grants and contracts; and
- (d) Such allocations of tribal revenues as the Tribal Council, in its discretion, may make from time to time.

10.30 Use of Fund

Expenditures may be made from the Wildlife Fund for management and preservation of the Wildlife Resource.

11.00 SEVERABILITY

If any provision of this Ordinance, or the application thereof, is held invalid, the remainder of this Ordinance, or other applications of such provisions, shall not be affected.

12.00 SOVEREIGN IMMUNITY

Nothing in this Ordinance shall be construed as a waiver, in whole or in part, of the sovereign immunity of the Hopi Tribe.

13.00 CONFLICT WITH OTHER ORDINANCES

This Ordinance supersedes and replaces all other Ordinances that are in conflict with its provisions.