

Lyle W. Allard

TRIBAL FISH AND WILDLIFE CODE ASSESSMENT

ABSTRACT

The status of fish and wildlife codes on Montana Indian reservations was assessed. Information for this examination was developed by meeting with Tribal Resource Managers and legal/law enforcement personnel from each tribe. Six of the seven Native American reservations located throughout Montana were visited. Montana Tribal Fish and Wildlife Directors and their Conservation Officers were asked to discuss the fish and wildlife codes from the standpoint of effective management and enforcement. Variations were found among the codes of the reservations, including requirements for permits and fees for members and non-members, enforcement activities, and the disposition of cases by the Tribal courts. Recommendations are made for changes that will help tribes to manage their natural resources more effectively and efficiently.

Key words: Native American, Tribes, Montana, Wildlife Management, Criminal Codes, Law enforcement, Indian Reservations

INTRODUCTION

A review of fish and wildlife codes for Montana reservations was conducted to evaluate and/or compare effective codes with rudimentary or ineffective regulations found during a preliminary review with Tribal and USDI Fish and Wildlife Service personnel. The tribes are self-governing. State and federal agencies function in an assistance or advisory manner at the request of the tribes. The objectives of this study were to: 1) compare existing tribal fish and game codes with the USDI Bureau of Indian Affairs "model" code (1990), Federal endangered species protection regulations and fish and game laws of the State of Montana, and 2) identify deficiencies or problems that could have adverse effects on resource management, such as civil violations, fine schedules, and hunting/fishing seasons.

Historically, the Native American culture depended upon fish and wildlife for subsistence. Several case studies of Native American culture, from periods between the early 1600's and the present, have described aboriginal techniques and methods of fish and wildlife management. Because there were no written game codes, tribal members were taught at a very early age by their elders to respect the wildlife resources. If tribal members abused this respect for wildlife, they were often severely punished. For example, if a member of the Crow Tribe harvested a buffalo before the tribal hunt was organized, he would often be beaten, arms broken, or his lodge cut to pieces (Ewers 1955).

Present day fish and wildlife codes vary among reservations (Tables 1 and 2). Some reservations only allow enrolled tribal members to hunt. Some tribes allow non-members to hunt and fish, but those non-members are subject to the regulations of the reservation on which they are hunting or fishing. A few reservations, such as the Ft. Belknap Reservation, issue special permits that allow non-members to hunt certain big

Lyle W. Allard, USDI Fish and Wildlife Service, Fish Technology Center, 4050 Bridger Canyon Road, Bozeman, MT 59715

The author is an enrolled tribal member of the Turtle Mountain Band of the Chippewa Tribe of North Dakota.

Table 1. Summary of the application of reservation fish and game codes, state and Federal laws.

Reservation	Tribal Code	State Laws	Federal Laws
Blackfeet	Tribal enrolled members within reservation Non-members Non-Indians	None	Bald Eagle Act Endangered Species (ES) Issues
Crow	No game codes No regulations on enrolled members	None	Bald Eagle Act Endangered Species (ES) Issues
Rocky Boy	Tribal enrolled members and non-Indian, non-members	None	Bald Eagle Act Endangered Species (ES) Issues
Northern Cheyenne	No game codes No regulations on enrolled members	None	Bald Eagle Act Endangered Species (ES) Issues
Fort Peck	Tribal members Non-members Non-Indians	None	Bald Eagle Act Endangered Species (ES) Issues
Flathead	Tribal members Non-members Non-Indians	Cross-deputization Non-members Non-Indians	Bald Eagle Act Endangered Species (ES) Issues
Ft. Belknap	Tribal members Non-members Non-Indians	None	Bald Eagle Act Endangered Species (ES) Issues

game species for a substantial fee, but require tribal guides to be present during the hunt. It provides jobs for tribal members and protects the game. Fishing is permitted with the proper permits on all Montana reservations, except the Crow Reservation.

Of the six reservations surveyed (Fig. 1), all have game codes addressing fish and wildlife resources within the reservation. The Northern Cheyenne Reservation, which was not visited, currently does not have a game code but allows limited recreational hunting and fishing by members.

METHODS

Data were gathered from June to November 1996, using a questionnaire developed to seek information

concerning tribal fish and wildlife programs on Indian Reservations in Montana. Several questions addressed the current status of fish and wildlife management programs, including game codes, law enforcement, training, and education needs. These questions were presented to key tribal personnel in an informal atmosphere to solicit information concerning the management of their fish and wildlife resources. The information was collected by on-site interviews, telephone interviews, and written correspondence. Twenty people were interviewed, including biologists, tribal game wardens, tribal council member, prosecutors, and judges. Two state fish and wildlife officials and two USDI Fish and Wildlife Service special agents were also interviewed.

Table 2. Summary of major fish and game regulations within the reservation boundaries.

Reservation	Regulation	Reservation Resident	Montana Resident	Out of State
Fort Belknap (Assiniboine & Gros Ventre Tribes)	Game Stamp	\$2	\$5	\$5
	Fishing	\$3 (kids free)	\$15 (10 Fish per day)	\$15 (10 Fish per day)
	Big Game	\$10 per tag 1 Buck Deer 2 Doe Deer	Buck Deer - 5 tags \$1000/ tag, if available	Buck Deer - 5 tags \$1000/tag, if available
			1 Trophy Bull - \$4000 3 Bulls - \$2500 Pronghorn 75 tags available Buck - \$550 Doe - \$50	1 Trophy Bull - \$4000 3 Bulls - \$2500 Pronghorn 75 tags available Buck - \$550 Doe - \$50
Upland Birds	Three of any combination daily \$5	3 Birds - \$55	3 Birds - \$55	
	Prairie Dogs	No limit - \$5	No limit - \$100 per season	No limit - \$100 per season
Crow	Game Stamp	None	Not Available	Not Available
	Fishing	No fee, no limit	10 fish/day - \$10	10 fish/day - \$10
	Big Game	No fee, no limit	Not Available	Not Available
	Upland Birds	No fee, no limit	Not Available	Not Available
Rocky Boy (Chippewa-Cree Tribe)	Game Stamp (incl. Fish)	\$16	\$16	\$16
	Big Game	No limit on Fish	No limit on Fish	No limit on Fish
		Deer/Pronghorn \$5 / tag - one of each Elk - one tag \$8	Deer - 15 tags available \$1200 each Elk - 3 tags available \$2000 each	Deer - 15 tags available \$1200 each Elk - 3 tags available \$2000 each
	Sportsman Package	one Deer, one Pronghorn One Elk - \$15	Not Available	Not Available
	Upland Birds	3 bird limit daily - \$5	4 bird limit daily \$53 (3 days)	4 bird limit daily \$53 (3 days)
Flathead (Confederated Salish and Kootenai Tribes)	Game Stamp	\$6	\$22	\$65
	Fishing	\$13, limits vary with species	\$13, limits vary with species	\$40, limits vary with species
	Big Game Upland Birds	Variable \$13, limits vary with species	Not Available \$20, limits vary with species	Not Available \$58, limits vary with species
Ft. Peck (Assiniboine and Sioux Tribes)	Game Stamp	No fee	\$5	\$5
	Fishing	No fee; 10 daily	\$10; 10 daily	\$20; 10 daily
	Paddlefish	No fee; no limit	Not available	Not available
	Upland Birds	No fee; no limit	\$15; 3/day (cocks only)	\$65; 3/day (cocks only)
			Waterfowl	\$10, Federal Stamp

Table 2. *cont'd.*

Blackfeet (http://blackfeet.3Rivers.net)	Members	Non-Members
Game Stamp	No Fee	Conservation/Recreation permit for all non-members - \$5. A prerequisite for all outdoor activity and all other permitting.
Fishing	No Fee	\$45 seasonal; \$25 - 3 day; \$15 - 1 day; \$10 boat stamp; \$5 tube stamp; \$5 Ice house
Big Game	\$5 - standard 1 elk; 2 whitetail \$1 each - Black Bear Mountain Lion, Pronghorn, Big Horn Sheep, Mountain Goat	No non-member hunting
Upland Birds	\$35	
Waterfowl	Adopted Federal Flyway Regulations	

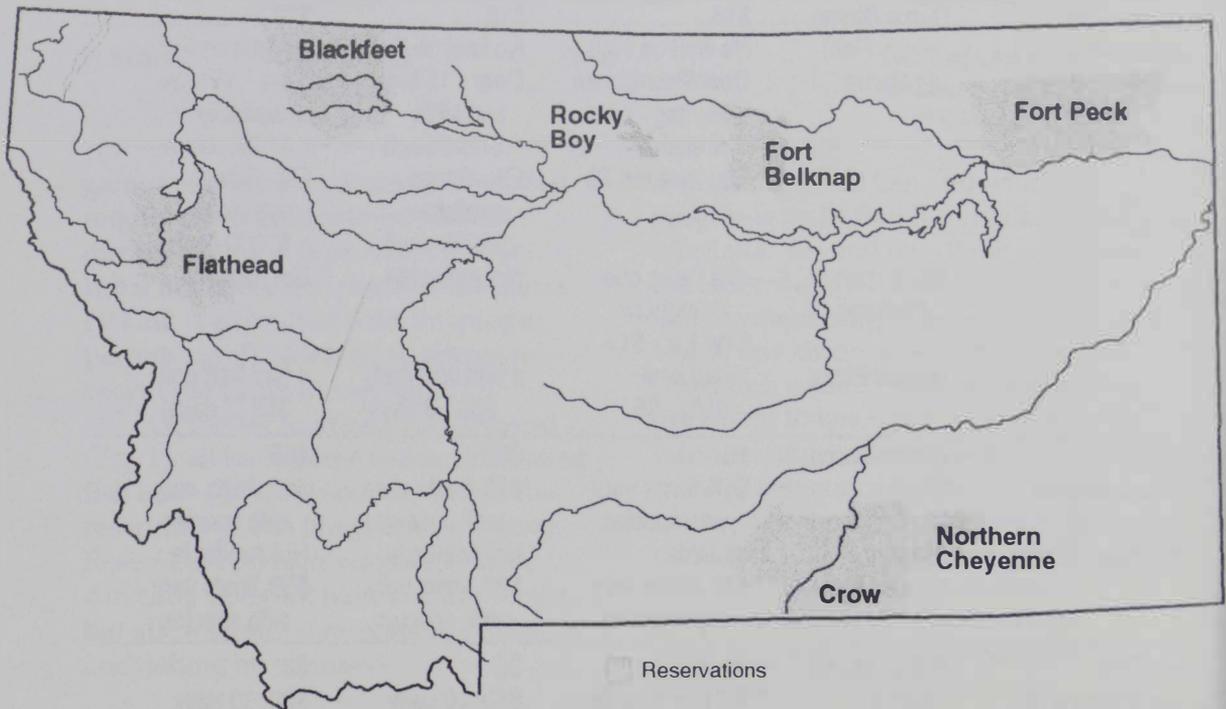


Figure 1. *Reservations in Montana visited for this study.*

STUDY AREA

The Crow Reservation

The Crow Reservation, home to approximately 9,000 members of the Crow Tribe, is located in southeastern Montana and is the largest reservation with 2.3 million acres. The Crow Nation consists of tribal land, trust land, and fee land. There are currently no game codes in place. Tribal members can hunt and fish anytime. The reservation includes Yellowtail Reservoir on which non-Indian guides serve a non-Indian clientele.

Blackfeet Indian Reservation

This reservation, home to approximately 14,300 members of the Blackfeet Tribe, is located in northwestern Montana, adjacent to Glacier National Park. It consists of 1.5 million acres. Thirty-eight percent of this land is owned by non-Indians.

Game codes on the Blackfeet Reservation are well written and easy to understand. There is a well organized Fish & Wildlife Department where officers are well trained. The Department utilizes non-enrolled, consultant biologists from the surrounding universities. Some biologists are specialized in the management of a single species, such as the grizzly bear. Big game hunting is closed to non-Indians and non-members. Fishing on the Blackfeet Indian Reservation is offered to the public by permit only.

Fort Belknap Reservation

Approximately 5,100 members of the Assiniboine and Gros Ventre Tribes live on the Fort Belknap Reservation in north central Montana. This reservation contains 651,119 acres with 28,731 acres of tribal land located outside the reservation boundaries. The Fort Belknap Tribes actively manage their fish and wildlife resources, including 180 head of bison on >4000 acres of land, known as the Snake Butte Land.

Only one or two buffalo are killed yearly by tribal members during spiritual ceremonies.

Fort Belknap has a dedicated Fish & Wildlife Department managing a game code that is clearly written and adequately enforced. The current regulations allow distribution of 300 big game hunting permits. These are to tribal members on a first come, first served basis for \$5 each. Tribal members can fish year round without a permit. For non-tribal members, general regulations allow permits for fishing, and hunting upland game birds and big game (antelope and deer only). Three buffalo hunting permits are issued to non-members per year.

Northern Cheyenne Reservation

This reservation, located in southeastern Montana, is home to approximately 6,500 members of the Northern Cheyenne Tribe. The reservation includes 444,157 total acres. There are 292,779 acres in tribally owned land and 140,013 acres in allotted land. The allotted land is tribally or individually owned. These lands may be held in trust by the federal government.

This reservation was not visited because there are no existing fish and wildlife regulations and no specific personnel with whom to contact.

Rocky Boy's Reservation

This reservation is located in northern Montana where approximately 4,600 members of the Chippewa-Cree Tribe live. This is one of two reservations in Montana that has been granted status as self-governing under PL. 103-413. It also is the smallest reservation in Montana. Most reservations were established by treaties, but Rocky Boy was established by congressional action in 1916. The reservation land base consists of 107,613 total acres, and was the last reservation to be established within Montana.

The first tribal game codes were

- Close family ties between tribal members and leaders can result in cases being dismissed or being brought before the tribal council without game wardens being present.

RECOMMENDATIONS

A well-constructed management plan must be put into effect if any fish and wildlife program is to be successful. Based on my observations and standard wildlife management practices (Schemnitz 1980), I recommend the following general actions:

1. A well-defined game code should be written for all reservations by an intertribal commission. The game code regulations should apply to all of the reservations, providing consistent and equitable enforcement. Fines and/or punishment should be the same for a given violation, on each reservation. Also, law enforcement officers should be required to follow up and arrest violators who have not paid fines.
2. Better communication and cooperation are needed between the tribal council and governing bodies, the fish & wildlife department, and the court system. A task force could be organized to develop a procedure for interdepartmental communication.
3. Public support for game codes from surrounding areas, including non-Indian land owners within the reservation boundaries, would be helpful. To this end, game codes should be written and circulated throughout the reservation, nearby towns, and counties bordering the reservation.
4. Bring resource-oriented education into the school systems. Educating our youth early and helping them to understand the value of wildlife resources by example is very important.
5. Increased communication and cooperation are needed among the tribal fish and wildlife departments to share ideas and valuable information. Tribal governments along with state and federal agencies should work together for the benefit of the resource. The USDI Fish and Wildlife Service, Fisheries Assistance Office has begun a program to focus on intertribal communication needs. Each tribal fish and wildlife department would elect a representative to sit on panel along with state and federal officials.
6. Expand tribal budgets to allow increased law enforcement efforts and funding of other fish and wildlife resource management needs.
7. Coordinate training for tribal officers on proper techniques for collecting evidence and making arrests with state and federal agencies.
8. Establish closer coordination between tribal and state wildlife officers. Doing this on other reservations would provide the high level of law enforcement available on the Flathead Reservation.

A commission made up of Directors from Montana/ Wyoming tribal fish and wildlife/resource departments, has been established. Their goals are to

assist tribal governments with the prudent management of their vital natural wildlife, while working closely with state and federal agencies. This is a positive effort that may be the first step to a uniform Tribal Fish and Game Code.

Each reservation has the resources and the cultural commitment necessary for optimum fish and wildlife conservation. Proper management of the fish and wildlife resources on each reservation will provide future cultural, economic, and recreational benefits. Healthy wildlife populations will help ensure greater revenue from permit sales and tourism. To accomplish this, support from tribal leaders is critical. Training and education will also play a key role in conserving and protecting these vital resources. Professionally trained conservation officers will assist the court system in its effort to properly enforce wildlife laws, resulting in higher fines and punishment levied against violators.

A quote from Chief Sealth best summarizes the Indian's approach to natural resource management; "What is man without the beasts if all the beasts

were gone, men would die from great loneliness of spirit. For whatever happens to the beast also happens to man, all things are connected."

ACKNOWLEDGMENTS

I thank everyone who responded to the interviews or provided information for use in this analysis. Their knowledge and willingness to share information will benefit Indians, non-Indians, and the resource.

Funding and transportation were provided by the USDI Fish and Wildlife Service, Management Assistance Office, Bozeman, MT 59715.

LITERATURE CITED

- Ewers, John C. 1955. The horse in Blackfoot Indian culture with comparative material from other western tribes. U.S. Bureau of American Ethnology, Bull. 159:164.
- Schemnitz, Sanford D., ed. 1980. Wildlife management techniques manual. Fourth edition. The Wildlife Society, Washington, D.C. 686p.
- U.S. Bureau of Indian Affairs. 1990. Model conservation code. Aberdeen Regional Office, Aberdeen, SD. 91p.