



**TRIBAL COUNCIL RESOLUTION 2018 - 26
AUTHORIZING THE ADOPTION OF TITLE V
WILDLIFE CONSERVATION CODE**

At a duly called meeting of the Tribal Council of the Pueblo of Jemez on the 17th day of October, 2018, the attached **WILDLIFE CONSERVATION CODE** was passed:

WHEREAS, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to exercise all government powers, fiscal authority and tribal sovereignty; and

WHEREAS, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to initiate and carry out programs for the benefit of the Jemez tribal members; and

WHEREAS, the Pueblo of Jemez as a sovereign tribal government has broad jurisdiction over wildlife on its lands and said jurisdiction was reaffirmed for tribal governments under *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324 (1983); and

WHEREAS, the Pueblo of Jemez and Tribal Council adopted the first Wildlife Conservation Code in 1995 via Tribal Council Resolution No. 95-13; and

WHEREAS the Tribal Council is empowered to revise the Wildlife Conservation Code for the protection, management, enforcement, preservation of traditions and customs, and enhancement of all natural resources within the Pueblo of Jemez boundaries

NOW THEREFORE BE IT RESOLVED that the Wildlife Conservation Code adopted in 1995 is hereby repealed by Tribal Council of the Pueblo of Jemez and hereby adopts the revised Title V, Wildlife Conservation Code attached hereto as Exhibit A.

BE IT FURTHERMORE RESOLVED that the revised Wildlife Conservation Code shall become effective this 17th day of October, 2018.

Office of the Governor

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024
(575) 834-7359 • Fax (575) 834-7331

CERTIFICATION

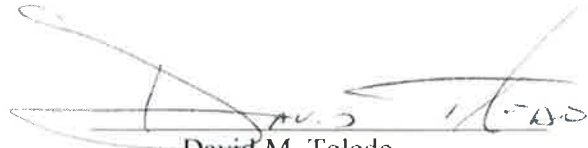
I, the undersigned, as Governor of the Pueblo of Jemez do hereby certify that the Jemez Tribal Council at a duly called meeting, convened on the 17th day of October 2018, at the Pueblo of Jemez, New Mexico, approved the foregoing resolution that a quorum was present and that 13 voted for and 0 opposed and 0 abstained.

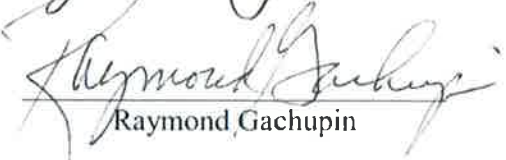

Paul S. Chinana, Governor

ATTEST: 
1st Lieutenant Governor

TRIBAL COUNCIL:

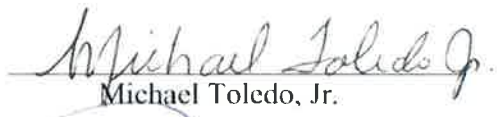

Joe Cajero


David M. Toledo

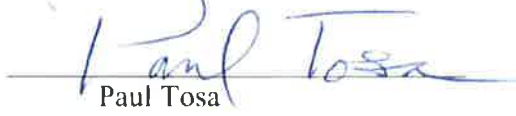

Raymond Gachupin



Jose Toledo

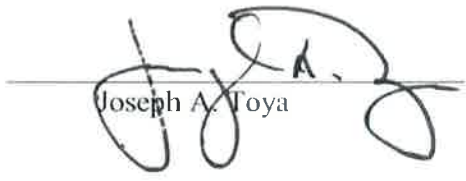

Frank Loretto

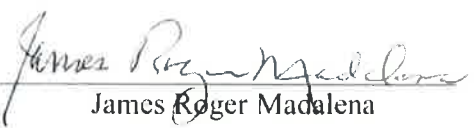

Michael Toledo, Jr.


J. Leonard Loretto


Paul Tosa

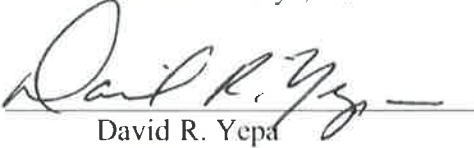

Raymond Loretto, DVM

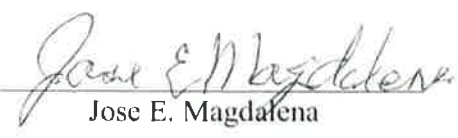

Joseph A. Toya


James Roger Madalena


Vincent A. Toya, Sr.


Joshua Madalena


David R. Yepa


Jose E. Magdalena



RESOLUTION NO. 95-13

WHEREAS, The Pueblo of Jemez, a federally recognized Indian Tribe, has the powers of self-government by reason of its original tribal sovereignty, and

WHEREAS, by virtue of the Pueblo's original tribal sovereignty, the Pueblo of Jemez Tribal Council possesses the power to exercise legislative powers over the activities of all persons, Indian and Non-Indian alike, to protect tribal interests within the lands of Jemez Pueblo, and

WHEREAS, the Pueblo of Jemez Tribal Council is exercising the power to legislate and enact civil and criminal tribal laws to control the conduct and activities of tribal members and non-tribal members, and

WHEREAS, the Pueblo of Jemez Tribal Council has considered the benefits, impacts, disadvantages, and advantages to enacting the Pueblo of Jemez Tribal Law & Order Code which also includes "Exclusion & Removal of Persons", "Wildlife Conservation Code and Hunting, Fishing, & Trapping Regulations", "Repossession of Property", "Traffic Code", and "Real Estate",

WHEREAS, the Tribal Council proclaims that adopting the Pueblo of Jemez Tribal Law & Order Code along with its specific titles as our tribal laws further strengthens our Tribal Sovereignty, protects our land and resources of our Pueblo for ourselves and our children, contributes to the judicial needs of the Pueblo and provides for the orderly administration of tribal justice, and assures the maintenance of law and order on the Pueblo of Jemez, and

WHEREAS, adopting the Pueblo of Jemez Tribal Law & Order Code with its Titles does not alter, affect, or change the traditional procedures and sanctions used in our Tribal Court and neither is the Code intended to limit the powers of the Governors.

NOW THEREFORE BE IT RESOLVED that the Pueblo of Jemez Law & Order Code with comprised sections from Title I through Title VIII is hereby adopted as the tribal laws of the Pueblo of Jemez, subject to future amendments as provided in the Code, and

BE IT FURTHER RESOLVED that the Pueblo of Jemez Law & Order Code with its Titles will become effective on August 23, 1995.

Office Of The Governors

PO Box 100 • Jemez Pueblo • New Mexico • 87024
(505) 834-7359 • Fax (505) 834-7331

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

I, the undersigned as Governor of the Pueblo of Jemez do hereby certify that the foregoing resolution was passed at a duly called meeting of the Tribal Council on the 23rd day of February, 1995, in which 6 voted for and 0 voted against.

Paul S. Chinana
Paul S. Chinana, Governor
Pueblo of Jemez

ATTEST: Vincent H. Lopez

Jose Toledo
Councilman

Ismael Pacheco
Councilman

Joe V. Lopez
Councilman

Councilman

Paul [unclear]
Councilman

[unclear]
Councilman

Jose L. Peas
Councilman

Councilman

PUEBLO OF JEMEZ TRIBAL CODE
TITLE V
PUEBLO OF JEMEZ WILDLIFE CONSERVATION CODE

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CHAPTER 1. INTRODUCTION

5-1-1 Title. This ordinance shall be known as the Wildlife Conservation Code of the PUEBLO OF JEMEZ.

5-1-2 Authority. This ordinance is enacted pursuant to the inherent sovereign authority of the Pueblo of Jemez..

1. The Pueblo of Jemez has independent and inherent authority to provide for and regulate the management, improvement, conservation, and protection of its own natural resources.
2. The Pueblo of Jemez (POJ) Tribal Council has the inherent sovereign authority as the governing body to establish laws for the governance and protection of its members and natural resources.
3. The Pueblo of Jemez Tribal Council is authorized to establish regulations for hunting, fishing, trapping, , and other activities involving wildlife as provided for by the POJ Wildlife Conservation Code.
4. The Tribal Council has the authority to adopt any regulations for the implementation of the policies of this Wildlife Conservation Code, and to amend such regulations as deemed necessary.
5. The Federal Government, through the Bureau of Indian Affairs (BIA), has and exercises a federal trust responsibility for the management, improvement, conservation, and protection of the Pueblo's natural resources.

5-1-3 Purpose.

1. Protect and prevent the decline of native wildlife, to the extent feasible, from impacts from invasive species, nuisance wildlife, feral animals, non-native species, hunting pressure, diseases, habitat destruction, poaching, and other causes both natural and anthropogenic; and
2. The conservation and management of wildlife on Tribal lands is critical to the health and welfare of the Tribe, in that Tribal members use hunts to provide food and for cultural practices.

5-1-4 Scope.

1. All wildlife will be managed for conservation, human enjoyment and welfare, and for traditional, cultural, and scientific purposes.
2. This Code applies to all persons engaging or participating in hunting, fishing, trapping, gathering, and recreational activities within the external boundaries of POJ lands.

5-1-5 Jurisdiction.

1. All wildlife found upon Pueblo of Jemez Tribal lands are hereby declared to be the property of the Jemez Pueblo as a whole. Any wildlife, fish or parts thereof, are protected on all POJ Tribal lands, and cannot be acquired, transferred or possessed except as expressly provided herein. Although the taking of game is a traditional activity, the POJ reserves the right to refuse hunting privileges to anyone. Persons found in violation of the POJ Wildlife Conservation Code are subject to civil and/or criminal penalties.
2. The Pueblo of Jemez has jurisdiction over hunting, fishing, trapping and any other activities involving wildlife, game or feral animals on Pueblo lands and authority for permitting such activities resides exclusively with the Pueblo of Jemez and the Federal Government.
3. The Pueblo of Jemez has jurisdiction over all persons on POJ lands.

5-1-6 Effective Date.

1. This code shall be effective on the date adopted by the Pueblo of Jemez Tribal Council.
2. Passage of this Wildlife Conservation Code rescinds and supersedes all previous Pueblo resolutions, ordinances, and laws pertaining to the management of wildlife on Pueblo lands, and consistent with 25 C.F.R. §166.100, this Code takes precedence over any conflicting BIA provision pertaining to the regulation of Pueblo grazing resources.

5-1-7 Repeal of Inconsistent Tribal Ordinances. Prior wildlife ordinances and resolutions inconsistent with this Code are hereby repealed. To the extent that this document imposes greater restrictions than those contained in any other Tribal ordinances, the provisions of this document shall govern.

5-1-8 Severability and Non-Liability.

1. Neither the Tribe, nor any of its tribal departments or programs, nor individual tribal members, are responsible for damages to person or property caused by wildlife.
2. If any section, provision or portion of this code is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the code shall not be affected thereby.

3. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this Code.

5-1-9 No Waiver of Sovereign Immunity. Nothing in this section or elsewhere in this code shall constitute a waiver of the Pueblo of Jemez's sovereign immunity.

5-1-10 Definitions. For the purposes of the Code the following definitions shall apply:

1. **Aircraft** means any contrivance used for flight, or to be airborne.
2. **Arrow** means a shaft of at least 24 inches long containing 3 trimmed or 5 untrimmed feathers, tipped with a point or device used to strike, penetrate, or pierce.
3. **Bag Limit** means the maximum limit, in number amount of a particular species of fish or wildlife that may lawfully be taken in one day during an open season or may lawfully be taken in the course of an entire season, depending on the regulation of that particular species.
4. **Bait** means any substance that is placed by any person and which may serve as an attraction to any wildlife, and may include, but is not limited to, grain or animal remains; however, that artificial decoys used to hunt migratory game birds or turkeys shall not be deemed bait.
5. **Big Game** shall include, but not be limited to: Mule Deer, Whitetail Deer, Elk, Antelope, Black Bear, Brown Bear, Mountain Lion, or any other large wild animals hunted for sport.
6. **Bow** means any hunting instrument designed for the purpose of propelling arrows that is drawn and held by and through efforts of the person releasing. Does not include a crossbow.
7. **Carcass** means the dead body of wildlife or parts thereof.
8. **Closed Season** means the time and/or days during which wildlife may not be taken legally.
9. **Check Station** means selected location(s) in which all hunters are required to stop after taking big game on a permitted hunt.
10. **Chumming** means placing fish, parts of fish, or other material upon which fish might feed for the purpose of attracting fish to a particular area in order that they may be taken, but such term shall not include fishing.
11. **Closed Area** means any area where hunting, trapping or fishing is prohibited.

12. **Code** means the officially approved Pueblo of Jemez Code.
13. **Conservation Officer** means an officer of the Public Safety Department with a duty to enforce the law within the exterior boundaries of the Pueblo of Jemez.
14. **Crossbow** means any device using a bow which, once drawn is held solely by means other than the effort of the person firing it.
15. **Director** means the director of the Pueblo of Jemez Natural Resources Department.
16. **Disabled** means a physically impaired person who is unable to hunt in an ordinary fashion and who is recognized as temporarily or permanently disabled by a U.S. state or federal organization.
17. **Domestication** means to train or adapt an animal to live in a human environment.
18. **Dog** means a dog specifically bred to hunt, scent, point, flush, or retrieve game birds, or furbearers not to include big game.
19. **Draw Hunt** means a system for randomly selecting applications for hunting licenses to be reviewed and approved. A program randomly assigns applications a sequence number for review and approval. The order an application lies in the sequence ultimately determines the successful approval of an application.
20. **Elderly** means a person of age 65 years or older.
21. **Endangered or Threatened Species** means any species of wildlife (including fish) or wild plants within the Reservation or State as listed in in 50 C.F.R. Sections 17.11 and 17.12 or otherwise classified as endangered or threatened pursuant to the Endangered Species Act of 1973, or which the Tribe's governing body from time to time may declare as endangered or threatened.
22. **Falconry** means taking quarry by means of a trained raptor.
23. **Feral Animals** means those normally domestic or domesticated animals that have reverted to a wild or semi-wild state—including feral dogs, cats, pigs, burros, cattle, or horses—such that they represent a nuisance, a threat, or cause damage to Tribal or member property or to human interests.
24. **Firearm** means any pistol, revolver, rifle, shotgun, or any other device which expels a projectile by an explosive force and is capable of being used as a weapon.
25. **Fish** means any fish within the water of the Reservation.
26. **Fishing** means taking of fish of any variety by hook and line.

27. **Fur-Bearer** means those species of wildlife with dense fur having commercial value, including bobcat, coyote, fox, beaver, and other species that may be transplanted onto the Reservation or are classified as fur-bearers by the Tribal Council.
28. **Game Birds** means quail, ducks, geese, pigeons, doves, wild turkey, and other species that may be transplanted onto the Reservation for hunting or which are classified as game birds by the Tribal Council.
29. **Gathering** means to take or acquire or attempt to take or acquire possession of any wild plants or parts thereof.
30. **Harass** means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd, or torment.
31. **Highway** means all public ways, thoroughfares, and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of public as a matter of right for the purposes of vehicular travel. It includes those driveways in the state and Reservation which have been opened to the use of the public. Does not include private roads or driveways.
32. **Hunt or hunting** means shooting, shooting at, pursuing, taking, catching or killing any wild animal(s), except that hunt(ing) does not include the recovery of any wild animal which has already been lawfully reduced to possession.
33. **Hunting Assistant** means an individual that aids an eligible hunter in carrying and field dressing harvested game for the duration of the hunt.
34. **Hunter Safety Course** means a Hunter Safety Course established by the WCP or another course that has been deemed acceptable by the WCP.
35. **License** means a written document granting authority to engage in specific activities covered in this Code.
36. **NRD or Natural Resources Department** means the POJ Natural Resources Department.
37. **Non-Member Indian** means any member of a U.S. federally recognized Indian tribe or Northern American Indian recognized by their national government other than the Pueblo of Jemez.
38. **Non-Indian** means any person not legally recognized as a Native American who resides on or visits a Reservation for which he/she is not enrolled.
39. **Open Hunt** means the time and/or days during which taking certain species of fish and/or wildlife is legal.

40. **Permit/Tag** means the primary document which grants authority to engage in certain specified activities under this Code or by any regulations of the Tribal Council.
41. **Person or Persons** means any individual, firm, corporation, company, partnership, association or other legal entity or any agent of the foregoing.
42. **Poaching** means the illegal taking of animals, whether out of season or without a permit.
43. **POJ or Pueblo of Jemez** means the U.S. federally recognized Indian Tribe and its departments and agencies therein.
44. **Pollution** means the intentional or negligent contamination of lands, waters, and shorelines by the discharge of harmful substances or litter.
45. **Possession** means actual or constructive possession of the object referred to.
46. **Possession Limit** means the maximum number of wildlife that may be possessed by any one person at any one time.
47. **Plant** means any undomesticated species, and fruit or part thereof of the plant kingdom occurring in the natural ecosystem.
48. **Private Property** means those lands that are privately owned by any individuals, POJ allotments, and other POJ land assignments.
49. **Protected Species** means all birds of prey (raptors, e.g. eagle, hawk, falcon, and owl), all non-game birds (except common pigeon), such as sparrows, and other wildlife protected by Federal law, and other species of wildlife designated by the Tribal Historic Preservation Office or Tribal Council as protected.
50. **Public Road** means the traveled portion and the shoulders on each side of any road maintained for public travel by the county, state, Federal, or Tribal Government, including all structures within the limits of the right-of-way of any such road.
51. **Pueblo** means the Pueblo of Jemez, a U.S. federally recognized Indian Tribe, and the Office of the Governor.
52. **Pueblo land(s) or Pueblo of Jemez land(s)** means (1) all lands within the Jemez Reservation, (2) any lands title to which is held in trust by the United States, or may be acquired in the future for the benefit of the Pueblo, and (3) any lands title to which is held in restricted status by the Pueblo, and includes such lands reserved for BIA administrative purposes. The term also includes the surface estate of lands held by the United States in trust for the Pueblo chartered under section 17 of the Indian Reorganization Act of June 18, 1934 (48Stat. 988; 25 U.S.C. 477).

53. **Pueblo Law** means the body of law of the Pueblo, consisting of its codes, ordinances, regulations, court decisions, and customs.
54. **Raptor** means a live migratory bird of the order *Falconiformes* or the Order *Strigiformes*. For simplification, bald eagle and golden eagle are part of this definition.
55. **Reservation** means all lands under the jurisdiction of the POJ Tribe.
56. **Recreation** shall include but is not limited to any picnicking, camping, boating, hunting, fishing, hiking, swimming, etc.
57. **Roadway and Trail** shall include, but is not limited to, any public highway or road, improved or otherwise, dedication for public ingress or egress. Does not include temporary trails across cultivated land used for agricultural purposes.
58. **Small Game Animal** means rabbits, squirrels and other species having sport-hunting qualities that may be transplanted onto the Reservation or which are classified as small game by the Tribal Council.
59. **Sport Fish** means any species of trout, bass bluegill, catfish, sunfish, and other species that may be transplanted onto the Reservation for fishing or which are classified as sport fish by the Tribal Council.
60. **Size-Limit** means the specific size of a species of fish and/or wildlife that may be possessed legally.
61. **Take or Taking** means pursuing, shooting, shooting at, hunting, fishing, netting, (including placing or setting any net or other capturing device) capturing, killing, snaring, or trapping any fish, wildlife or plant or attempting any of the foregoing.
62. **Timber** shall include, but not be limited to, any woody vegetation that is 10 feet or greater in height and consists of 6 inches of diameter or greater in diameter at chest height.
63. **Trapping** means the taking of, or attempting to take, any wild animal, animal or fish by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture a wild animal, animal or fish.
64. **Tribal Council** means the governing body of the Pueblo of Jemez.
65. **Tribal Member** means an individual who is officially recognized and enrolled as a member of the Pueblo of Jemez.
66. **Tribal Court** means the court established by Pueblo Law.
67. **Tribe** means the Pueblo of Jemez.

68. **Trust Land** means land the U.S. Government holds legal title to for the benefit of Indians.
69. **Unprotected Species** include but are not limited to Coyotes, Foxes, Skunks, Badgers, Raccoons, Squirrels, Marmots, Crows, Blackbirds, Feral Dogs, and other species for which a continuous open season exists.
70. **Varmint** means any wildlife which cause damage to Tribal or member property or nuisance to human interest, including the common Crow, Raven, Starling, English Sparrow, Common Pigeon (not to be confused with the common-dove, which is protected), Coyote, Bobcat, Fox, Porcupine, Prairie Dog, and other rodents, rattlesnakes, and other species classified as Unregulated Wildlife by the Tribal Council.
71. **Waterfowl** include, but are not limited to: all varieties of Geese, Brant, Swans, Ducks, Rails, Coots, and Wilson Snipes.
72. **Weapon** means any firearm, bow and arrow, or other device that is normally used to kill or bodily injure wildlife.
73. **Wildlife** means any animal living wild in a state of nature, including all wild mammals, birds, fish, reptiles, crustaceans, and amphibians and their eggs and spawn, except those species of animals that are normally considered domesticated.
74. **Wildlife Conservation Code** means the officially approved Code related to wildlife.
75. **WCP or Wildlife Conservation Program** means program within the POJ Natural Resources Department.

CHAPTER 2. GENERAL PROVISIONS

5-2-1 Activity Closure.

1. For the purpose this Code, all hunting, fishing, trapping, gathering of plants, wood cutting, and parts thereof is closed within the exterior boundaries of (and trust lands outside the same boundaries of) the POJ Reservation, unless authorized by the POJ Tribal Council.
2. Tribal Hunt Closure. All other hunts shall be closed during the operation of a tribal societal hunt or communal hunt.

5-2-2 Tribal Society Hunts and Communal Hunts. Tribal Society hunts are declared by the Hunt society leadership and follow the cultural calendar of events. Communal hunts are declared by Hunt societies in accordance with traditional and cultural practices .

5-2-3 Unlawful Taking. Unless and except as permitted by regulation made pursuant to this code, it shall be unlawful at any time, by any means or manner, to pursue, hunt, take, capture, kill, harass, waste, or attempt to take, capture, or kill, possess, offer for sale, waste, sell, offer for barter, barter, offer to purchase, deliver for transportation, transport, or cause to be shipped, export, import, deliver for shipment, ship, cause to be shipped, carry, or cause to be carried, any part of any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such wildlife, plant, or any part included in the terms of this code.

5-2-4 Qualified Persons. In accordance with Section 5-4-3 of this Code and other applicable conditions and restrictions, Tribal members who are 10 years of age or older shall be eligible to apply for a permit.

5-2-5 Title to Fish and Wildlife.

1. The legal title to, and the custody and protection of all fish and wildlife within the exterior boundaries of (and trust lands outside the same boundaries of) the POJ Reservation is vested in the Tribe for the purposes of regulating use, disposition, and conservation thereof.
2. The legal title to any fish and wildlife, or carcass and/or part thereof, taken or reduced to possession in violation of this code remains with the Tribe; and the Title to any such fish and wildlife, or carcass and/or part thereof, lawfully acquired, is subject to the condition that upon the violation of this code relating to the possession, use, giving, sale, barter, or transportation of such fish and wildlife, or carcass and/or part thereof, by the holder of such title, the same shall revert, as a result of the violation, to the Tribe. In either case, any such fish and wildlife, or carcass and/or part thereof, may be seized forthwith, wherever found, by the WCP or any law enforcement official authorized to enforce the provision of this code.

5-2-6 Emergency Regulations.

1. If it is determined that an emergency situation exists, such as disease, natural disaster, or human-caused disaster, the Governors may grant the WCP the ability to adopt emergency protocols and procedures for the health, safety, and public welfare of the Tribe, or its wildlife, for a period of time as determined by the Governors.
2. In such a situation the Pueblo of Jemez Tribal Council shall be notified at the first opportunity.
3. The emergency regulations shall be effective immediately without public comment, although every reasonable effort shall be made to notify all concerned of the existence of emergency regulations.

5-2-7 Types of Hunt.

1. Draw Hunts. Draw Hunts are hunts that have a limited number of permits available that are awarded by a lottery system. Permits are limited because the taking of a larger number of game species will have a detrimental effect on their population in that area or hunting unit. If a hunter has drawn blood from an animal and cannot reduce the animal to possession, then the hunter has exhausted his right to hunt under that permit and may not hunt another animal of the same species.
2. Special Hunts. Special Hunts are intended for specific populations or for specific Hunting Unit areas. Special Hunts can also be designated for a specific method of taking game.

CHAPTER 3. ADMINISTRATION AND SUPERVISION

5-3-1 Pueblo of Jemez Natural Resources Department. The Pueblo of Jemez Natural Resources Department (NRD) is hereby authorized and directed by the POJ Tribal Council to serve as the Pueblo's primary regulatory agency for purposes of implementing this Code, and it is further authorized and directed to promote, implement, and administratively enforce such rules and regulations as have been adopted by the Tribal Council under this Code and Pueblo Law to ensure the Code's proper implementation.

5-3-2 Pueblo of Jemez NRD Wildlife Conservation Program. The Pueblo of Jemez Natural Resources Department Wildlife Conservation Program (WCP) is authorized to take administrative actions necessary for the implementation of and compliance with this Code and Pueblo law. These actions can include, but are not limited to, issuing permits, collecting fees, and levying of fines.

1. The WCP shall make every effort to preserve Pueblo natural resources consistent with this Code and Pueblo law.
2. The WCP shall develop and maintain management plans for all of the Pueblo of Jemez's natural resources, including all plants and wildlife. This includes the developing and issuing of hunting permits.
3. The WCP shall present proposed amendments and/or changes to this Code to Pueblo of Jemez Tribal Council as needed for approval.

5-3-3 Cooperation Between Pueblo Departments. The Pueblo of Jemez Police Department, Tribal Sheriff, Governor's Aids, and all duly certified Pueblo law enforcement officers are hereby authorized and directed to coordinate with NRD and the WCP as necessary, to take law enforcement actions consistent with this Code and Pueblo law to ensure that all persons comply with this Code.

5-3-4 Duties of the Tribal Council and Wildlife Conservation Program. As needed, the Tribal Council shall, upon recommendation from the WCP, adopt or amend wildlife regulations. A regulation, when adopted, shall have the force of law on POJ lands.

5-3-5 Publication. Wildlife regulations adopted by the Tribal Council shall be published at least once in the Pueblo newsletter of general circulation on the Reservation and shall be posted in at least three (3) public places on the Reservation or announced and distributed at public gatherings when appropriate.

5-3-6 Duties and Responsibilities of the Wildlife Conservation Program.

1. Evaluate and determine the timing and location of openings, closings, and seasons for taking any wildlife, by any means, within POJ lands, when it is determined that such openings, closings, and seasons are necessary for wildlife management.

2. Determine bag and possession limits for all game species, and set regulations and penalties for violation of these limits.
3. Evaluate and determine opening and closing of lakes, streams, and refuges for fishing.
4. Determine and set regulations by which wildlife are allowed to be taken within the POJ lands. This includes prescribing types of baits, lures, tackle, equipment, traps, firearms, and other weapons that are allowed, tagging of wildlife or parts thereof, or any other means or device for taking such wildlife.
5. Determine regulations for the transportation and storage of all wildlife or parts thereof within the exterior boundaries of POJ lands and regulate transportation or shipment of all wildlife or parts thereof within or off POJ lands for purposes other than personal consumption.
6. Determine and mark hunting unit boundaries and other locations for the taking of all wildlife.
7. Determine regulation for the guiding and outfitting of hunters, fisherman, and trappers.
8. Establish refuges or sanctuaries for wildlife. When private property is to be included in a refuge or sanctuary, written consent of the owner must be obtained first.
9. Establish methods and procedures for checking hunters, fishermen, and trappers into and out of designated areas.
10. Prescribe safety and other regulations as may be necessary in the interests of wildlife management and the safety and welfare of the Tribe and those participating in hunting, trapping, and fishing on Tribal lands.
11. Establish fees for applications, permits, and tags for tribal members. 12. The WCP may establish a Hunter Safety Course, or may recognize a proof-of-completion certificate issued by any State or a National Rifle Association approved course.
13. Allocate funds received by the WCP for hunting and trapping permits.
14. Determine all other regulations reasonably necessary for conservation and management of wildlife and for realizing the purposes and scope set forth in Sections 5-1-3 and 5-1-4 of this Code, respectively.

5-3-7 Protected Species List Promulgation. The WCP, in consultation with the Tribal Historic Preservation Office shall promulgate a list, incorporated herein by reference, of species that have historic, cultural, religious, or other significance to the members of the Pueblo of Jemez and such species shall be protected. No person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, such species without the permission of the WCP. Chapter 8 of this Code contains

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the penalty for unlawfully taking protected species. Further, the Tribal Council retains the authority to amend the protected species list as it deems necessary or appropriate.

CHAPTER 4. PERMITS

5-4-1 General Information.

1. The WCP shall annually establish through regulation the number and types of permits and tags for hunting and trapping on Pueblo of Jemez land and shall also establish the fees, if any, to be charged for such permits and tags and the method of permit allocation.
2. All persons identified in this Code in section 5-2-4 are eligible to apply for a big game permit or purchase a small game permit, but will be required to have in their possession, while hunting on the Pueblo of Jemez lands, a valid Pueblo of Jemez hunting permit.
3. Any individual may accompany a permitted hunter, but may not hunt or carry a weapon unless they are also properly permitted.
4. It is illegal to hunt on Pueblo of Jemez lands without a permit issued under and in accordance with this code.

5-4-2 Permit Requirement. All persons engaged in activities regulated by this Code must be in possession of a valid permit.

5-4-3 Permit Eligibility and Conditions by Applicant Category. POJ members are only eligible to apply for and purchase permits as specified in the applicant categories below. These categories have been designated to help keep data about what segments of the population are utilizing the natural resources of the Pueblo of Jemez, and to ensure that all the people of the Pueblo are given access to wildlife on POJ lands. Categories have been defined to clarify who is eligible to purchase permits and how much it will cost. Categories:

1. Pueblo Members. All POJ members who are over the age of 18 may apply for all Wildlife and Conservation permits.
2. Pueblo of Jemez Youth.
 - (i) Only those persons 10 years of age or older shall be allowed to hunt and shall be required to have in their possession a valid POJ hunting permit while hunting on the Reservation.
 - (ii) If they have proof of completion of an approved Hunter Safety Course, all POJ members who apply for a hunt and are under the age of 18 will be issued a youth permit regardless of what hunt they are applying for.
 - (iii) Persons under the age of 18 years shall hunt only when accompanied by a parent or guardian, and said parent or guardian shall assume full responsibility for actions of said person. Does not apply to small game hunts.

- (iv) Persons under the age of 14 years shall need to be supervised at all times when in the possession of a firearm.
- (v) Persons under the age of 14 years shall have to provide proof of completion of an approved Hunter Safety Course to apply for a big game permit, and is required to have in their possession proof of completion i.e., copy of their completion certificate, while hunting.

3. Elderly/Disabled.

- (i) POJ Members who are recognized as disabled by any state or federal organization can apply for elderly/disabled accommodations. Persons that are injured and considered temporally disabled may apply if they have a written statement from a doctor stating the limitations of their injury.
- (ii) Anyone 65 years of age or older, and meets all other requirements defined in this Code, is eligible to apply for all Wildlife and Conservation permits.

5-4-4 Types of Permits. There are five (5) types of Wildlife and Conservation permits—Big Game, Trapping, Scientific Investigation, Ceremonial Use, and Deprivation permits.

1. Big Game Permit.

- (i) A big game permit is required for the taking of: mule deer, elk, pronghorn, turkey, mountain lion, black bear, and any other game determined by the WCP.
- (ii) Big game may be taken by the following methods: center fire or muzzle-loading rifle, .243 caliber or larger; bow and arrow; and shotgun.
- (iii) Hunts will be designated for specific method for taking game.

2. Trapping Permit.

- (i) All persons engaging in trapping activities on POJ lands are required to have a valid POJ trapping permit in their possession.
- (ii) A commercial trapping/pelt permit is required to trap, possess, purchase or transport fur-bearer pelts off POJ lands.
- (iii) A trapping permit only allows for the taking of fur-bearers with a trap. A separate small game permit is required to take fur-bearers with a firearm.
- (iv) A deprivation permit is required to take fur-bearers year-round if necessary to protect crops and livestock.

- (v) Seasons, Bag, and Possession Limits will be set annually in regulation by the WCP.
- 3. Scientific Investigation Permit. Permit is required to take, pursue, or investigate any wildlife for scientific and research purposes. Permits may be issued upon written request and approval by the Tribal Council.
- 4. Ceremonial Use Permit.
 - (i) Permits are required to take and possess Big Game for ceremonial and religious purposes, and may be issued by the Governor upon receipt of written request.
 - b. The NRD, in coordination with the Governor, may assist authorized Tribal members in securing permits from the Secretary of the Interior for the taking and possession of any species protected by federal law for ceremonial or religious purposes.
 - (i) In recognition of the tradition regarding hunt societies' organized community rabbit hunts, no hunting permits will be required for Tribal members involved in this activity.
- 5. Deprivation Permit. Bear, Mountain Lion, and Other Predators.
 - (i) Special permits may be issued to take bear, mountain lion, or other predators only if it is determined by the WCP that the animals are causing damage to livestock, crops, or other Pueblo and Tribal member property.
 - (ii) Permits will be issued only for the specific animal(s) causing damage.
 - (iii) All hunting and trapping regulations must be adhered to.

5-4-5 Permit Discount. The WCP may prescribe discounts, such as, but not limited to, veteran, military, senior citizen, or family.

- 1. Military Discount. POJ Members who are Active Duty, Reserve, Veteran and Retiree of the U.S. Air Force, Army, Coast Guard, Marine Corps, Navy, and National Guard are eligible for a reduced application fee. Acceptable forms: military ID, retiree ID, Veteran Affairs ID, dependent ID, or DD-214, must be submitted and a copy will be held on file at the WCP office for future hunting applications.

CHAPTER 5. SPECIFIC RULES AND REGULATIONS

5-5-1 Hunting.

1. **Hunting Hours.** Legal hunting hours are one-half hour before sunrise to one-half hour after sunset.
2. **Calling Devices.** Calling devices are permitted for turkey and varmints. Only non-electrical handheld or mouth-operated call devices are permitted.
3. **Hunting Dogs.** Written permission from the Director is required to use hunting dogs.
4. **Opening and Closing of Areas to Hunting.** All hunting areas are closed to big game hunting unless specifically designated as being open for hunting a specified big game animal. All areas are open to small game hunting as long as no big game or declared tribal societal or communal hunt is in progress. Except during a big game hunt or turkey hunt, a permitted hunter may take other wildlife that are in season and in the unit authorized, as long as their tag is unfilled and they are properly licensed.
5. **Hunt Reporting.** All permit holders must submit to the WCP the hunter survey form provided within thirty (30) days after the end of each hunt. Failure to do so will forfeit the privilege of hunting on POJ lands for the remainder of that year and the next calendar year in accordance with Chapter 8 of this Code.
6. **Wildlife Check Stations.** All hunters must stop at designated wildlife check stations and present all wildlife in possession, any necessary permits, and provide all information requested from wildlife management or authorized persons per Section 5-7-1 of this Code.
7. **Evidence of Sex and Species Requirement.** Any wildlife possessed or transported must be accompanied by natural evidence to enable the sex and species of the animal to be readily determined through ordinary inspection.
8. **Tagging Requirement.** All big game animals and wild turkey taken must be tagged with the tag provided and in a manner prescribed by the WCP prior to transporting the animal from the site of kill.
9. **Hunting Unit Boundaries.** The areas listed in Appendix A where all permitted hunting will be allowed.

5-5-2 Firearms. The following types of firearms are approved for hunting:

1. Firearms that allow emissions of a full report of explosion with no contrivance to silence or muffle the report are approved herein.

2. Center-fire and muzzle loading rifles of .243 caliber or larger for big game; and .22 caliber or greater for fur-bearers and varmints.
3. Shotguns ten (10) gauge and smaller with no more than three (3) shell capacity for small game and game birds. Shotgun plugs are required on guns with shell capacity greater than three (3).
4. Any rim fire firearm for small game, fur-bearers, and varmints.
5. Small Game Hunts, referred to as Rabbit Hunts, shall be conducted without the use of firearms.

5-5-3 Ammunition. The following types of ammunition are permitted:

1. Soft point lead bullets, copper jacketed or full lead, designed for legal Firearms.
2. Muzzle loaders must use single patched round ball or waxed maxi-ball with a length less than twice its diameter. Other ammunition may be acceptable upon authorization by the Director.
3. Shotgun.

5-5-4 Archery. The following bow and arrow specifications are permitted:

1. For big game and wild turkey, any bow (except crossbows) of forty (40) pound pull or greater capable of casting an arrow hundred sixty (160) yards.
2. For small game and fur-bearers, any bow (except crossbows), no weight limit.
3. Arrows are prohibited from having any kind of poison or chemical on any part.
4. Arrow points with sharpened broad heads or replaceable blades larger than 7/8 inch in diameter, non-explosive and non-poisonous.
5. Arrows used for taking big game must have a broad head or similar device for creating a wound.

5-5-5 Acts of Hunting Specifically Prohibited.

1. To shoot from, take, or attempt to take, any wildlife from a motor vehicle or aircraft. Provisions will be made for disabled persons to take wildlife from a motor vehicle.
2. To shoot from, along, or across a graded or paved road. Provisions will be made for disabled persons to engage in these activities provided the safety of other individuals is not jeopardized.

3. To take or attempt to take any wildlife with the aid of any artificial light.
4. To shoot within ½ mile of a residence without written permission of the owner or within ½ mile of a designated campground or recreation area.
5. To possess a firearm in or on any motor vehicle with live ammunition in the chamber.
6. To possess a firearm in the field while archery hunting for big game or wild turkey.
7. To abandon or waste any edible portion of big game, small game, game bird, or sport fish.
8. To hunt big game with any firearm without wearing a minimum of three hundred (300) square inches of daylight fluorescent garments.
9. To drive off maintained or established roads in motor driven vehicles, including all-terrain vehicles (ATVs), except to retrieve legally taken game.
10. To hunt while in possession or under the influence of alcohol or other drugs.
11. To camp in any restricted area or within ¼ mile of a wildlife/livestock water structure.
12. The use of any type of call device besides non-electrical handheld or mouth-operated calling devices.
13. The use of hunting dogs to hunt any Big Game, including Wild Turkey, without obtaining prior written permission from the Director.
14. To take or attempt to take any wildlife not specifically indicated on your hunting permit.

5-5-6 Trapping.

1. **Type of Traps Permitted.** Steel traps with a jaw spread no greater than 6 ¼ inches are permitted. Prohibited traps are all other devices, such as, but not limited to: snares, conibear traps, and tooth-jawed traps.
2. **Species Permitted to Be Taken.** All fur bearing animals may be taken unless otherwise prohibited.
3. **Identification of Traps.** All traps must be identified with the name and address of the owner or with a registration number or mark of the owner provided that this information is on file with the WCP.
4. **Set Locations.**

- (i) Traps must be set no closer than $\frac{1}{4}$ mile from any residence or designated recreation area boundary.
- (ii) Traps must be set no closer than seventy five (75) feet from any graded or paved road.
- (iii) Traps must be set no closer than twenty five (25) feet from any carcass or other exposed baits including any flesh, hide, fur, viscera or feathers of any animal that is visible from any angle.
- (iv) Traps must be set no closer than two hundred (200) feet from any man-made livestock or wildlife watering unit.

5. Baits.

- (i) Scents may be used only at the trap site.
- (ii) Baits composed of legally taken wildlife except those portions that are normally considered edible are permitted.
- (iii) Live bait is prohibited.

6. Trap Checking.

- (i) All traps must be checked by the permitted trapper at least once in a 48-hour period.
- (ii) Traps or the contents of traps belonging to another permitted trapper shall not be disturbed.
- (iii) Any raptor (e.g., falcon, hawk, owl, or eagle) or other animal that is caught and not authorized for trapping shall be released. Dead or injured raptors shall be immediately turned over to the WCP.

7. Reports Required. All trappers must submit required information concerning the taking of wildlife to the WC upon request. Failure to do so will result in the suspension of trapping or hunting privileges for a minimum of one (1) year in accordance with Chapter 8 of this Code.

8. Special Tagging Requirements. All bobcats taken within the commercial trapping season must be presented to the WCP for tagging with a Federal export tag within thirty (30) days of taking. All bobcat pelts must be accompanied by a lower jaw and other information as required.

5-8-7 Fishing.

1. **General.** It is unlawful to angle for, net, trap, seine, shoot, spear, poison, or otherwise take or attempt to take any fish, amphibians, or crustaceans or to be in possession, transport, ship, sell, offer to sell, purchase, trade or barter the same except as permitted by these regulations.
2. **Seasons and Hours.**
 - (i) **Season:** Fishing within the Reservation is open year-round.
 - (ii) Seasons and hours are subject to change depending on fishing conditions and as noted in section 5-5-1 of this Code.
 - (iii) Bag and possession limits will be set annually in regulation by the WCP.

CHAPTER 6. PROTECTED SPECIES

5-6-1 General Information. The protected species list, promulgated by the Tribal Historic Preservation Office and amended as necessary or appropriate by the Tribal Council, is incorporated herein by reference.

5-6-2 Unlawful Taking. No person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, endangered or threatened fish or wildlife. Chapter 8 of this Code contains the penalty for unlawfully taking protected species.

5-6-3 Classification. Threatened and endangered species are those species listed on the Biota Information System of New Mexico, maintained and updated by the New Mexico Department of Game and Fish, which are found within the exterior boundaries of the Pueblo of Jemez and are classified as endangered or threatened by either the State of New Mexico or the U.S. Fish and Wildlife Service.

5-6-4 Threatened and Endangered Species. The following is a non-exclusive list of threatened and endangered species which may be found on Pueblo of Jemez lands and are protected:

- Aplomado Falcon
- Arctic Peregrine Falcon
- Baird's Sparrow
- Bald Eagle
- Bell's Vireo
- Broad-billed Hummingbird
- Brown Pelican
- Common Black Hawk
- Common Ground-Dove
- Gray Vireo
- Least Tern
- Meadow Jumping Mouse
- Mexican Spotted Owl
- Neotropic Cormorant
- Peregrine Falcon
- Rio Grande Silvery Minnow
- Southwestern Willow Flycatcher
- Spotted Bat
- Sprague's Pipit
- White-eared Hummingbird
- Yellow-billed Cuckoo
- Zuni Bluehead Sucker

CHAPTER 7. ENFORCEMENT

5-7-1 Enforcement of Wildlife Regulations. Pueblo of Jemez wildlife regulations are enforced by Jemez Wildlife Conservation Officers or their authorized agents, including Tribal Sheriff, Governor's Aids, Special Officers of the Bureau of Indian Affairs. Federal laws and regulations are enforced by Special Agents of the U.S. Fish and Wildlife Service and Special Officers of the Bureau of Indian Affairs.

1. Pueblo of Jemez Police Department, each Wildlife Conservation Officer, or their authorized agents shall enforce the provisions of this Code and shall:
 - (i) Seize any wildlife held in violation of this Code.
 - (ii) With a warrant, or without a warrant upon probable cause or reasonable suspicion, arrest any person suspected of a violation of this Code. If a person is cited for violating provisions of this Code, the accused person shall not be taken into custody if the person voluntarily signs a promise printed on the citation issued for the offense that he will appear before the Tribal Court within ten (10) days at the time and place indicated on the citation, and if in the judgment of the officer no arrest is necessary.
 - (iii) Open, enter and examine all camps, wagons, automobiles, tents, buildings, outbuildings and cartage, containers and packages where there is reasonable suspicion to believe any wildlife taken or held in violation of this Code may be found, and seize it.
2. Any warrant for the arrest of a person shall be issued upon an affidavit and sworn complaint, the same as in other criminal cases, and any search warrant shall be issued upon a written showing of probable cause supported by oath or affirmation, describing with some particularity the place(s) to be searched or the thing(s) to be seized.
3. Wildlife Conservation Officers or their authorized agents may, under the direction of the Director or Sergeant, establish checking stations, as needed, for the proper enforcement of this Code.

CHAPTER 8. PENALTIES AND SANCTIONS

5-8-1 Referral to Tribal Court. Any alleged violation of these prohibited acts will be referred to the POJ Tribal Court for any civil or criminal action.

5-8-2 Loss of Hunting Privileges. Any person in violation of these prohibited acts will lose hunting privileges for at least one (1) year.

5-8-3 Civil Penalties.

1. Any person who engages in conduct prohibited by any provisions of this Code or who in the exercise of due care should know that wildlife was taken, possessed, transported, sold in violation of, or in a manner unlawful under any provision of this Code or federal law, shall be assessed a civil penalty by the appropriate court authority in the amount established by law, act, or this Code.
2. The Tribal Council shall adopt a Schedule of Fines to be imposed for violations of this Code.
 - (i) At the time any person is cited for violating any provision of this Code, the Conservation officer may give the alleged offender an opportunity to admit to the violation and voluntarily agree to pay the fine in the form of a penalty assessment, within ten (10) days, to the Pueblo of Jemez Tribal Court. If the penalty assessment is not paid, the citation becomes, by law, a summons and complaint and requires an appearance in the Tribal Court at the place, date, and time indicated on the citation form for purposes of an initial appearance proceeding.
 - (ii) For any violation, a revocation or suspension of Pueblo of Jemez hunting, fishing, trapping, or other associated recreational privileges for a minimum period of one (1) year, shall be imposed.

5-8-4 Criminal Penalties.

1. Any person who knowingly violates any provisions of this Code and in the exercise of due care should know that wildlife was taken, possessed, transported or sold in violation of or in a manner unlawful under any provisions of this Code or federal law (e.g. Lacey Act, Eagle Act, Endangered Species Act), shall be assessed a criminal penalty by the appropriate court authority, as established by law, act, or code.
2. For any violation, a revocation or suspension of Reservation hunting, fishing, trapping, or other associated recreational privileges for a minimum period of one (1) year, shall be imposed.

5-8-5 Civil Damages. The Tribe may bring a civil action for recovery of damages against any person for violation of any part of this Code. This civil action may be in addition to any other penalty allowed by this Code, any award the Tribal or Federal Court may award to the Tribe, or any action to impose penalties. The sum assessed for damages for each wildlife species shall not be less than or greater than the amount stated in 5-11-7 (Restitution Fee Schedule) to this Code.

5-8-6 Specific Offenses and Penalties.

1. Camping In Unauthorized Area.

(i) It is unlawful to camp in any restricted area(s) or within ¼ mile of a wildlife or livestock watering facility. The camper may also be held liable for the cost of clean-up of the unauthorized campsite, and any additional damages that may have occurred as the result of camping in the unauthorized location.

(ii) Penalty Assessment: \$100.00

2. Conducting Scientific Investigation without a Permit.

(i) It is unlawful to take, pursue, or investigate any wildlife for scientific study or research purposes without proper permits. POJ Natural Resources Department Staff may conduct these activities with the permission of the Director.

(ii) Penalty Assessment: \$1000.00

(iii)Mandatory Court Appearance

3. Disobeying a Wildlife Conservation Officer.

(i) It is unlawful to disobey a lawful order given by an officer or agent of the WCP while in the course of performing their official duties.

(ii) Penalty Assessment: \$500.00

(iii)Mandatory Court Appearance

4. Domestication of Wildlife.

(i) It is unlawful to take, attempt to take, or possess any wildlife for the purpose of domestication.

(ii) Penalty Assessment: \$500.00

(iii)Mandatory Court Appearance

5. Driving Off Established Roads.

(i) It is unlawful to drive off established roads except to retrieve legally taken big game animals, or for other specifically permitted activities (livestock gathers, etc.).

(ii) Penalty Assessment: \$100.00

6. Failing to Provide Sex and Species Identification of Wildlife Carcass.

(i) It is unlawful to possess or to transport any wildlife or any considerable portion of such wildlife unless the carcass is accompanied by natural evidence sufficient to determine the sex and species by ordinary inspection.

(ii) Penalty Assessment: \$500.00

(iii)Mandatory Court Appearance

7. Failing to Tag Wildlife Properly.

(i) It is unlawful to fail to tag wildlife properly when required. Any wildlife that is properly tagged is the sole property of the permittee.

(ii) Penalty Assessment: \$100.00

8. Failing to Wear Daylight or Fluorescent Orange Garments.

(i) It is unlawful to hunt big game with rifle unless one wears a head covering and an outer garment above the waistline, both of solid daylight fluorescent orange color, totaling a minimum of 300 square inches.

(ii) Penalty Assessment: \$100.00

9. Hunting after Permitted Hours.

(i) It is unlawful to hunt wildlife other than during permitted hours unless otherwise provided for by regulation of the WCP.

(ii) Penalty Assessment: \$100.00

(iii)Mandatory Court Appearance

10. Hunting or Trapping without Required Permit or Tag.

(i) It is unlawful to hunt or trap without the required permits or tags, and to hunt, fish, or trap without having such permit or tag in possession.

(ii) Penalty Assessment: \$500.00

(iii)Mandatory Court Appearance

11. Hunting or Possessing a Firearm While in Possession or Under the Influence of Alcohol or Drugs.

(i) It is unlawful to hunt or to possess any firearm while in possession or under the influence of alcohol or drugs.

(ii) Penalty Assessment: \$500.00

(iii)Mandatory Court Appearance

12. Killing or Taking Protected Species.

(i) It is unlawful to hunt or take any protected species identified in this Code or designated by the Pueblo.

(ii) Penalty Assessment: \$1000.00

(iii)Mandatory Court Appearance

13. Making a False Statement in Obtaining a Permit.

(i) It is unlawful to knowingly swear to or affirm any false statement while applying for any type of permit.

(ii) Penalty Assessment: \$500.00

14. Permitting Unauthorized Non-Tribal Member on Reservation.

(i) It is unlawful for any tribal member to allow any non-member to hunt, fish, or trap on the Reservation..

(ii) Penalty Assessment: \$1000.00

(iii)Mandatory Court Appearance

15. Planting of Fish.

- (i) It is unlawful to plant, place, or attempt to plant or place any fish in any Pueblo waters without the authorization of the WCP.
- (ii) Penalty Assessment: \$500.00
- (iii) Mandatory Court Appearance

16. Pollution of Pueblo Lands, Waters, and Riverbed.

- (i) It is unlawful to pollute any lands, waters, or riverbed.
- (ii) Penalty Assessment: \$1000.00
- (iii) Mandatory Court Appearance

17. Possessing a Loaded Firearm in a Motor Vehicle.

- (i) It is unlawful, except for those authorized by law, to carry or possess any firearms in or on any motor vehicle, unless such firearm is unloaded.
- (ii) Penalty Assessment: \$500.00

18. Purchasing, Selling, Bartering, or Trading Wildlife for Profit.

- (i) It is unlawful to hunt, fish or take wildlife or attempt to hunt, fish, or take wildlife for the purpose of selling, bartering, or trading for profit of oneself or others.
- (ii) It is unlawful to offer to, or to sell, barter, or trade any wildlife for profit of oneself or others.
- (iii) Penalty Assessment: \$1500.00
- (iv) Mandatory Court Appearance
- (v) Nothing in this sub-section shall be construed to prohibit the purchase, sale, barter, or trade of non-edible portions of legally taken wildlife.

19. Refusing to Allow Inspection of Permits or Tags.

- (i) It is unlawful to refuse to allow inspection of one's permit or tag by any authorized Wildlife Conservation Officer, law enforcement officer, or agent of the WCP.
- (ii) Penalty Assessment: \$1000.00

20. Shooting Fish.

(i) It is unlawful to shoot or attempt to shoot any fish with any firearm in any Reservation waters.

(ii) Penalty Assessment: \$100.00

21. Shooting from the Road.

(i) It is unlawful to shoot any firearm from, across, or onto any maintained public road on the Reservation unless otherwise permitted by this code.

(ii) Penalty Assessment: \$1000.00

22. Spotlighting.

(i) It is unlawful to cast rays of light from any artificial source into any area where wildlife may or are expected to be while in possession of any weapon whereby any wildlife could be killed with the aid of such artificial light. Nothing in this sub-section shall prevent a livestock owner from protecting livestock from predatory animals.

(ii) Penalty Assessment: \$500.00

(iii)Mandatory Court Appearance

23. Taking Wildlife other than by Methods Prescribed.

(i) It is unlawful to hunt, fish, or trap in any method which is not authorized by this Code or wildlife regulations.

(ii) Penalty Assessment: \$1000.00

(iii)Mandatory Court Appearance

24. Trespassing on Tribal Lands.

(i) It is unlawful to enter onto Tribal Lands without the expressed written consent of the Pueblo of Jemez Tribe. Permission to hunt, fish, trap, or engage in other activities involving wildlife is only allowed as provided for by this Code.

(ii) Penalty Assessment: \$1000.00

(iii)Mandatory Court Appearance

25. Unlawful Taking or Possession of Wildlife.

- (i) It is unlawful to take, attempt to take, or possess any wildlife, alive or dead, unless permitted by this Code. Any unlawfully taken or possessed wildlife is forfeit.
- (ii) Penalty Assessment: \$1000.00 per animal

26. Using a Dog to Take Wildlife.

- (i) It is unlawful to use a dog to take or attempt to take wildlife, except as authorized by written permission of the Director.
- (ii) Penalty Assessment: \$500.00

27. Using a Permit or Tag Not Issued To A Party.

- (i) It is unlawful to use, or cause to be used, another person's permit or tag.
- (ii) Penalty Assessment: \$1000.00
- (iii)Mandatory Court Appearance

28. Shooting from Motor Vehicle or Aircraft.

- (i) It is unlawful to discharge any weapon from a motor vehicle or aircraft.
- (ii) Penalty Assessment: \$500.00
- (iii)Mandatory Court Appearance

29. Using Illegal Weapons.

- (i) It is unlawful to hunt wildlife with any weapons except those permitted by this Code.
- (ii) Penalty Assessment: \$500.00

30. Using Wildlife as Bait.

- (i) It is unlawful to use wildlife as bait unless otherwise provided under this Code or by regulation of the WCP.
- (ii) Penalty Assessment: \$500.00

31. Wastage of Wildlife Meat.

- (i) It is unlawful to abandon any edible portion of wildlife or permit it to go to waste.
- (ii) Penalty Assessment: \$500.00

32. Willful Destruction of Wildlife.

- (i) It is unlawful to take or kill any wildlife and abandon the carcass, or to take or kill any wildlife for the head, claws, hide, antlers, feathers, or other parts with the intent of abandoning the carcass, or to mutilate any wildlife while it is alive.
- (ii) Penalty Assessment: \$5000.00

33. Wounding of Animals.

- (i) It is unlawful to wound wildlife and fail to make a reasonable attempt to find the animal and reduce it to possession.
- (ii) Penalty Assessment: \$100.00

34. Omnibus Provision.

- (i) It is unlawful to commit any act declared to be illegal by a regulation of the Tribal Council or WCP or to violate provisions of this Code.
- (ii) Penalty Assessment: Up to \$1000.00

5-8-7 Species Specific Restitution. The following is a list of fines that the Pueblo of Jemez has judged to be appropriate for the molestation, harassment of, or the taking of protecting birds, wildlife, or threatened and/or endangered species. Violation of the Pueblo of Jemez Wildlife Conservation Code, if convicted, will result in the application of the fines listed. In addition, any Federal Laws that levy fines will also apply on Pueblo of Jemez land and can be assessed by the appropriate federal court. Pueblo of Jemez Fine Schedule:

1. Big Game.

Elk	\$1000 TO \$5,000
Deer	\$1000 TO \$10,000
Antelope	\$500 TO \$5000
Bear	\$500 TO \$2,500
Mountain Lion	\$500 TO \$2,500

2. Game Birds.

Wild Turkey	\$100 TO \$1000
Quail	\$50 TO \$150
Pheasant	\$50 TO \$150
Dove	\$50 TO \$150

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Band-Tail Pigeon	\$50 TO \$150
Grouse	\$50 TO \$150
Duck	\$50 TO \$150
Goose	\$50 TO \$150

3. Small Game.

Squirrel	\$50 TO \$150
Rabbit	\$50 TO \$150
Chipmunk	\$50 TO \$150
Prairie Dog	\$50 TO \$150

4. Other Birds.

Eagle	\$1,500 TO \$5,000
Hawk	\$1,000 TO \$3,500
Owl	\$500 TO \$2,000
Crane	\$100 TO \$1,000
Snipe	\$50 TO \$150

Appendix A: Hunting Unit Boundaries

