

**TITLE XVI  
FISH AND GAME CODE**

CHAPTER 1            CREATION OF FISH AND GAME CODE

Section 16-1-1        Purpose

The purpose of this Code is to ensure proper wildlife management and protection on the Wind River Indian Reservation while concurrently providing the opportunity for tribal members to utilize the wildlife resources.

Section 16-1-2        Establishment

The Shoshone and Arapaho Tribes, pursuant to their inherent tribal sovereignty as authorized by their respective general councils, hereby establish this Fish and Game Code.

Section 16-1-3        Jurisdiction

All wildlife within the exterior boundaries of the Wind River Indian Reservation is declared to be the property of the Shoshone and Arapaho Tribes. The Wind River Tribal Court shall have general subject matter jurisdiction over all causes of action arising on the Wind River Indian Reservation involving fish and game (wildlife) violations or offenses and to adjudicate and determine the rights and responsibilities of all parties.

Section 16-1-4        Prior Inconsistent Resolutions and Ordinances

Any and all resolutions and ordinances of the Shoshone and Arapaho Tribes which conflict in any way with the provisions of this Fish and Game Code are hereby repealed to the extent that they are inconsistent with or conflict with or are contrary to the spirit and/or purpose of this Fish and Game Code.

Section 16-1-5        Definitions

As used in this part:

- (1) Aircraft means any flying machine whether fixed-wing or helicopter.
- (2) Antlered deer means any antlered mule deer, or whitetail deer, including deer with spikes.
- (3) Any elk means an elk of any age and of either sex.
- (4) Authorized officer means any law enforcement officer of the Department of the Interior, and any other person authorized to enforce this Code or implementing regulations, including tribal game wardens.

(5) Bag limits means the maximum limit, in number amount, of a particular species of wildlife, which may lawfully be taken by one (1) person in one (1) day.

(6) Big game means any one of the following species of animals: elk, mule deer, whitetail deer, bighorn sheep, moose, antelope, black and grizzly bear and mountain lion.

(7) Buck antelope means a male antelope with horns longer than his ear.

(8) Bureau means Bureau of Indian Affairs (BIA).

(9) Carcass means the dead body of an animal or parts thereof.

(10) Closed season means the time during which wildlife may not be lawfully taken.

(11) Fur bearing animals means muskrats, raccoons, marten, mink, beaver, badger and weasel.

(12) "Game animals means big game, small game, fur-bearing animals, predatory animals and aquatic wildlife.

(13) Harass means to chase, shoot at, or in any other manner intentionally disturb wildlife.

(14) Hunting means to take any bird or animal by any means.

(15) License means a written document granting authority to engage in specific activities covered in this code.

(16) Member means any enrolled member of the Shoshone or Arapaho Indian Tribes.

(17) Non-game animals means all wild animals except big game, small game, fur-bearing animals, predatory animals and aquatic wildlife.

(18) Pollution of water means the discharge or dumping into any stream or body of water, or depositing within such distance that it may be carried into such water, any poisonous, deleterious, or polluting substance or waste that is or may be injurious to aquatic or non-aquatic wildlife, domestic animals or human beings.

(19) Predatory animals means foxes, skunks and coyotes.

(20) Pre-Sundance means the designated period of time before the Sundance ceremony.

(21) Reservation means the Wind River Indian Reservation.

(22) Road means any maintained road that has been used by the public.

(23) Scientific collection permit means a special permit issued for the taking of wildlife specimens for scientific purposes.

(24) Small game means any of the following species of mammals: –cottontail rabbit, jack rabbit, snowshoe hare, marmot (rock chuck) and prairie dog.

(25) Snowmobile means any motorized vehicle designed for travel on snow and/or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low pressure tires.

(26) Sundance means the annual religious ceremony approved by the Arapaho or Shoshone Tribal Councils.

(27) Tag” or “big game tag means an identification device issued for attachment to the carcass of big game animals.

(28) 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.

(29) Trapping means the taking of wildlife in any manner except with gun or implement in hand.

(30) Upland game bird@ means any of the following species of birds: Sage grouse, blue grouse, ruffed grouse, Hungarian (gray) partridge, chukar, pheasant, mourning dove and rock dove.

(31) Wildlife means any wild forms of birds and mammals including their nests and eggs.

(32) Wildlife area means an area established by the Department of the Interior (BIA) for special wildlife protection, research, or management practices, or one established by the Tribes.

## CHAPTER 2                    AUTHORITY OF THE FISH AND GAME DEPARTMENT

### SECTION 16-2-1            GENERAL POWERS AND DUTIES OF THE FISH AND GAME DEPARTMENT

In order to administer the laws of the Shoshone and Arapaho Tribes relating to conservation and management of wildlife and recreation resources the Fish and Game Department shall have the following powers and duties:

(1) Make such rules and regulations and establish such services as it deems necessary to carry out the provisions and purposes of this Code, subject to the approval of the Shoshone and

Arapaho Tribal Councils.

(2) Recommend to the Shoshone and Arapaho Tribal Councils broad policies and long range programs for the management and preservation of wildlife and other Tribal recreational resources.

(3) Issue recreational permits, watercraft permits, licenses to take wildlife, and other permits and licenses for use of the Tribes= lands and resources.

(4) Establish hunting and fishing regulations, and prescribe the manner and methods which may be used in taking wildlife, subject to the approval of the Shoshone and Arapaho Tribal Councils.

(5) Establish and publish Nonmember Regulations, subject to the approval of the Shoshone and Arapaho Tribal Councils.

(6) Be responsible for the enforcement of laws, including setting fines and civil penalties, for the protection of wildlife and other Tribal recreational resources.

(7) Establish rewards or bounties for information leading to the identification and prosecution of violators of this Code.

(8) Prescribe qualifications, training, grades and salary schedules for Department employees.

(9) Provide for the assembly and distribution of information to the public relating to wildlife and other Tribal recreational resources.

(10) Assist in search and rescue operations.

(11) Conduct investigations, inquiries or hearings as necessary to enforce this Code.

(12) Establish game management units, refuges or Closed Areas for the preservation and management of wildlife, with the approval of the Shoshone and Arapaho Tribal Councils. Such units, refuges or Closed Areas shall be clearly marked with signs.

(13) Construct and operate game farms, fish hatcheries, fishing lakes, or other facilities for or relating to the management, preservation or propagation of wildlife.

(14) Provide training to the public in hunting safety and the safe handling of firearms.

(15) Purchase, sell or barter wildlife for the purpose of stocking tribal lands and waters.

(15) Use wildlife for research or other educational purposes.

(16) Enter into intergovernmental agreements, including cross-deputization agreements, with tribal, federal, state or local governments and their political subdivisions, or enter into agreements with private entities, subject to Shoshone and Arapaho Tribal Councils' approval.

(17) Prescribe seasons, bag limits, possession limits and other regulations pertaining to the taking of wildlife, with the approval of the Shoshone and Arapaho Tribal Councils.

(18) Bring suit in the name of the Tribe against any person, entity, or organization, including public entities, to restrain or enjoin them from violating this Code or applicable regulations or destroying or polluting Tribal resources.

(19) Exercise such additional powers and duties as are necessary to fully carry out the provisions of this Code.

#### SECTION 16-2-2      DEPARTMENT PUBLICATIONS

The Department shall prepare and, as often as necessary, revise publications which provide the public with information on recreation permits, seasons, bag limits, closed areas, fines and penalties, and other Department regulations. The Department shall make these publications available to the public through all permit dealers, at the Department office, and at such other places as it may designate.

#### SECTION 16-2-3      DIRECTOR

The Shoshone and Arapaho Tribal Councils shall employ a Director, who shall be the chief administrative officer of the Department. The Director shall be selected on the basis of administrative ability and general knowledge of wildlife and recreation resource management and conservation.

#### SECTION 16-2-4      POWERS AND DUTIES OF THE DIRECTOR

(1) In addition to any other powers and duties set forth in this Code, the Director shall supervise and control all activities, functions, and employees of the Department and shall oversee the enforcement of the provisions of this Code, including any rules and regulations promulgated by the Department.

(2) The Director shall oversee the hiring and firing of game wardens and other Department employees.

### CHAPTER 3              PERMITS

#### SECTION 16-3-1      PERMITS; REQUIREMENTS

(1) Except as otherwise provided by this Code, no person shall take or attempt to take

any wildlife or engage in any Recreational Activity regulated by this Code on the Wind River Indian Reservation unless such person has in his or her personal possession a valid Tribal Hunting or Recreation Permit authorizing that activity.

(2) No person required to obtain a Hunting or Recreation Permit pursuant to Subsection 1 above shall fail or refuse to exhibit such permit(s) when asked to do so by an Authorized Officer.

(3) No refunds shall be made on Recreational Permits.

(4) Recreational Permits are neither transferable nor assignable.

(5) Unless stated otherwise, all permits expire at the end of the calendar year.

(6) No hunting or fishing licenses or permits issued by any state shall be required on the Reservation.

(7) The Fish and Game Department may issue a duplicate Recreation Permit, provided that the person requesting such duplicate permit furnishes such information as may be reasonably required. The Fish and Game Department may collect a fee for each duplicate Recreation Permit issued.

(8) The Fish and Game Department may refuse to issue a Recreation Permits to any Nonmember for any reason.

(9) Indians who are married to members of the Shoshone or Arapaho Tribe must possess a permit. A spouse enrolled in the Shoshone or Arapaho Tribe must verify marital status each year. All non-enrolled members of the Shoshone or Arapaho Tribes, fourteen (14) years of age and over, must have a valid I.D. card to show that one parent or both parents are enrolled in the Shoshone or Arapaho Tribe.

#### SECTION 16-3-2 PERMIT AGREEMENT FORM

(1) Any persons to whom a Hunting or Recreation Permit is issued by the Fish and Game Department shall be required to sign a Permit Agreement before any such permit shall be valid. The Agreement shall be in substantially the same form as provided in Subsection 2 below. The form shall be signed by the applicant in the presence of the permit dealer who issued the permit, or his agent.

(2) Permit Agreement Form:

I hereby agree that the following terms and conditions govern my use of the permit, my presence on the Wind River Reservation, and my use of Tribal resources and services:

1. I agree to obey all Tribal laws and regulations.

2. I consent to the jurisdiction of the Wind River Tribal Court as the forum for the resolution of any civil disputes which arise from my presence on the Reservation and/or use of Tribal resources and/or services.

3. I understand that permission for me to enter the Wind River Reservation is conditioned on my compliance with Tribal laws and regulations and that violation of such laws and regulations makes me a trespasser and may subject me to arrest, tribal and federal court action, expulsion from the Reservation, and seizure of property as security for payment of potential financial obligations to the Tribes.

4. I understand that permits are required for all Recreational Activities and for taking wildlife on the Reservation.

5. Swimming is prohibited on the Reservation.

6. I understand that the willful use of Tribal resources or services contrary to the terms of Tribal law or regulation constitutes theft of Tribal assets and is a violation of Tribal and federal law.

7. I agree to be bound by the penalties and liquidated damages provisions of Tribal law in the event that I am found liable to the Shoshone and Arapaho Tribes for violations of Tribal law.

I have read and understand the above terms and agree to be bound by them. \_\_\_\_\_

Signature of Permittee / Date

#### SECTION 16-3-3 PERMIT DEALERS; BOND

(1) Hunting, fishing, and Recreation Permits shall be prepared by the Fish and Game Department and furnished to permit dealers. Such permits shall be available to the public from these dealers. Permit dealers shall sell permits only as authorized by this Code.

(2) Permit dealers shall provide a bond to the Tribes in an amount set by the Fish and Game Department to protect the interests of the Tribe, and the premiums on such bonds shall be paid by the permit dealer.

(3) No later than January 30th of each year, permit dealers shall provide the Fish and Game Department with a report of permits sold during the previous calendar year. Such reports shall contain the following information:

- (A) The total number of permits sold;
- (B) The total amount of money collected for the sale of all permits;
- (C) The number of permits sold by category; i.e., fishing, camping, picnicking, other; and
- (D) Such other information as is reasonably requested by the Fish and Game Department.

(4) All permits in a permit dealer's possession shall be returned to the Fish and Game Department within ten (10) days of a written request by the Department or as otherwise directed by the Department.

(5) With Tribal Council approval, the Department may promulgate other rules and regulations which shall apply to permit dealers.

(6) Permit dealers who violate any provision of this Code may have their dealer's licenses suspended or revoked, after notice and hearing, and may, in addition, be fined a minimum of \$250 and not more than \$5,000 per violation

#### SECTION 16-3-4      GUIDES

(1) No person without a permit shall act as a Guide for activities including, but not limited to, river running or rafting, kayaking, canoeing trips, fishing trips, hiking or backpacking trips, or hunting big game.

(2) Any person wishing to serve as a Guide on the Reservation shall be at least 21 years of age and shall submit an application to the Fish and Game Department on forms to be provided by the Fish and Game Department. In addition, all applicants shall submit to interviews as requested by the Fish and Game Department and/or Tribal Councils, and shall submit affidavits or other proof of competence to guide on the Reservation as requested by the Fish and Game Department.

(3) No later than January 30<sup>th</sup> of each year, Guides shall provide the Fish and Game Department with a report of all guide activities which took place on the Reservation for the previous calendar year. Such report shall contain the following information:

- (A) The total number of persons guided;
- (B) The names, addresses and telephone numbers of all persons guided;
- (C) The number and species of wildlife taken by each person guided;
- (D) The total number of days a Guide has guided on the Reservation;
- (E) The total number of days a Guide has guided off the Reservation, and where the guiding was conducted;
- (F) The number and species of wildlife taken by all persons guided; and
- (G) Such other information as is reasonably requested by the Fish and Game Department.

(4) No persons acting as a Guide shall carry firearms other than a pistol unless approved by the Fish and Game Department.

(5) With Tribal Councils' approval, the Fish and Game Department may promulgate other rules and regulations which shall apply to Guides.

(6) Guides who violate any provision of this Code may have their Guide licenses suspended or revoked, after notice and hearing; and may in addition, be subject to a civil penalty of a minimum of \$500 and not more than \$5,000 per violation

#### SECTION 16-3-5      OUTFITTERS

(1) In addition to following all the criteria for Guides under this Code or implementing



regulations, any persons serving as an Outfitter shall be required to submit an operating plan as a condition for permitting and will be subject to the approval of the Shoshone and Arapaho Tribal Councils. Operating plans shall describe the details of where, when and how an operation will be conducted and shall consist of at least the following sections:

- (a) Resources protection (e.g., refuge, sanitation, campsite management, fires, stoves etc.)
- (b) Administration (e.g., payments, advertising, fire protection, reports etc.)
- (c) Service to the public (e.g., employee training and experience, health and safety, etc).

(2) Indicate in the permit the amount of transportation livestock use authorized in connection with the outfitter activity and specify whether said livestock may graze.

(3) Permit holders will furnish the Fish and Game Department annually, within 30 days of the end of the authorized operating season, a financial statement and actual use report for the season just ending showing the actual gross client revenue received and gross allowable deductions, service days used and animal months of grazing and fish census.

(4) Permits are not valid until the applicant has paid the required fees and submitted required insurance documents.

(5) Guides shall maintain insurance coverage in at least the following amounts: \$25,000 for property damage; \$100,000 for personal injury; and a total of \$300,000 for personal injuries to more than one person.

(6) Outfitters who violate any provision of this Code may have their Outfitter licenses suspended or revoked, after notice and hearing; and may in addition, be subject to a civil penalty of a minimum of \$1,000 and not more than \$5,000 per violation

#### SECTION 16-3-6      SPECIAL LICENSES AND PERMITS

(1) With Shoshone and Arapaho Tribal Councils' approval, the Department may issue special permits for collecting or holding wildlife, for conducting Field Trials, or for any other recreational, educational or scientific purpose.

(2) Upon the request of the Fish and Game Department, any person who has been issued a special license or permit pursuant to this Section shall submit a written report to the Fish and Game Department outlining all activities undertaken, including, where applicable:

- (A) The dates of all activities;
- (B) The methods and means of taking or collecting wildlife or data;
- (C) The use or uses for which the wildlife or data was collected;
- (D) The benefits to the Tribe or to the general public of the activities and uses of wildlife or data collected;
- (E) Any other information requested by the Fish and Game Department.

CHAPTER 4            RECREATIONAL ACTIVITIES

SECTION 16-4-1      NONMEMBER RECREATION PERMITS REQUIRED

A Recreation Permit is required for all Nonmember recreation within the Wind River Reservation.

SECTION 16-4-2      REGULATION OF MOTORIZED VEHICLES

(1) Operation by Nonmembers of All Terrain Vehicles (ATVs) is prohibited on the Reservation.

(2) No person shall operate any motorized vehicle within the Reservation unless such vehicle is currently licensed by a state or Indian tribe for unrestricted highway use, except as otherwise provided in the Traffic Code, Chapter 8. This provision shall not apply to Tribal Government or Fish and Game Department vehicles used for Tribal purposes.

(3) No person shall operate any motorized vehicle except on designated roads. This provision shall not apply to:

- (A) Tribal or federal employees acting within the scope of their employment;
- (B) Persons with special permits who are acting within the conditions of the permit;
- (C) Necessary travel by employees and agents of public utilities, or suppliers of water or power acting as agents of those utilities or suppliers or the federal government;
- (D) A hunter with a hunting permit who enters an area solely to pick up a big game animal which he or she has legally killed;
- (E) Emergency situations, such as fire or other disasters, or when otherwise necessary to protect life or property.

(4) If the Department determines that the operation of motorized vehicles in a certain area may be harmful to wildlife, the Fish and Game Department may order the area closed to motorized vehicles for a period of time as approved by the Shoshone and Arapaho Tribal Councils. The Fish and Game Department shall post notices on the main roads entering such Closed Areas and at other locations as the Fish and Game Department deems appropriate.

(5) The Fish and Game Department may designate particular areas of land to be available for off-road use by motorized vehicles, with the approval of the Shoshone and Arapaho Tribal Councils.

(6) Persons who violate of this Section will be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

SECTION 16-4-3      FISHING

See Chapter 5.

SECTION 16-4-4      CAMPING

(1) Permits:

(A) Any Nonmember camping or occupying a campsite or dispersed camping area on the Reservation shall first purchase a camping permit. One permit is required for each vehicle.

(B) Camping permits are required in addition to any other permits required by this Code for the other activities in which campers may engage, and are not substitutes for such other permits.

(2) Regulations:

(A) No person shall camp in other than a campsite designated by the Fish and Game Department.

(B) Except as specifically authorized in writing by the Fish and Game Department, campfires shall be permitted only in designated campsites.

(C) No person shall camp within one quarter mile of a wildlife or livestock watering hole, or in any area which is posted as a "No Camping" area.

(3) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

SECTION 16-4-5      PICNICKING

(1) Permits:

(A) Any Nonmember who intends to picnic on the Reservation shall first purchase a Recreation Permit. One permit is required for each vehicle.

(B) A Recreation Permit for picnicking is not required when a member of the family or group of up to three unrelated persons possesses any other current and valid Recreation Permit or hunting license. (i.e., fishing permit, camping permit).

(C) Members shall not be required to purchase a Recreation Permit for picnicking.

(2) Picnicking is allowed only in designated areas.

(3) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

SECTION 16-4-6      HIKING

(1) Any Nonmember who intends to hike on the Reservation shall first purchase a Recreation Permit. One permit is required for each vehicle.

(2) Hiking is permitted in designated areas only. There shall be no hiking by Nonmembers in Closed Areas.

(3) Members shall not be required to purchase a Recreation Permit for hiking.

(4) Persons who violate this Section shall be fined and/or be subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

SECTION 16-4-7      WATERCRAFT

(1) Nonmembers who operate watercraft on the Reservation shall first purchase a valid watercraft permit.

(2) Watercraft permits shall be valid only during the calendar year issued and only for the designated watercraft for which issued. Annual permit stickers shall be attached to the designated watercraft.

(3) Watercraft operated on waters within the Reservation are restricted to the use of a single electric motor, unless otherwise prescribed by the Fish and Game Department rules and regulations.

(4) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

SECTION 16-4-8      RIVER RUNNING

(1) Any Nonmember who engages in River Running by raft, kayak, inner tube or other watercraft on the Wind River and who enters the Wind River from the Reservation, or who stops on the Reservation side of the river, must first purchase a Recreation Permit.

(2) River Running on any river other than the Wind River is prohibited.

(3) One permit is required for each person rafting. River Running permits include one night camping in any campground on the date for which the permit is issued.

(4) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$150 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

#### SECTION 16-4-9     HORSEBACK RIDING

(1) Any Nonmember who intends to ride a horse on the Reservation shall first purchase a Recreation Permit.

(2) Nonmembers may ride horses only in designated areas.

(3) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year

#### SECTION 16-4-10     BICYCLING

(1) Any Nonmember who intends to bicycle on the Reservation, shall first purchase a Recreation Permit. This Section shall not apply to bicycling on paved roads. One permit is required for each person.

(2) Bicycling is permitted in designated areas only. There shall be no bicycling in Closed Areas.

(3) Members shall not be required to purchase a Recreation Permit for bicycling.

(4) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year

#### SECTION 16-4-11     WINTER ACTIVITIES

(1) Any Nonmember who intends to engage in sledding, snow-tubing, cross-country skiing, snowmobiling or other outdoor winter activity on the Reservation shall first purchase a Recreation Permit pursuant to Department regulations.

(2) Sledding, snow-tubing, cross-country skiing, snowmobiling, or any other outdoor winter activity is permitted only in special areas designated by the Fish and Game Department.

(3) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year

#### SECTION 16-4-12     OTHER RECREATIONAL ACTIVITIES

(1) All other recreational uses of Tribal lands and resources not specifically listed above or in Department rules and regulations shall require the written permission of the Department and the purchase of a Recreation Permit.

(2) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year

SECTION 16-4-13    PROHIBITED ACTIVITIES: PROPERTY

(1) Except as otherwise permitted by this Code, in addition to all other activities prohibited by this Code, the following acts are unlawful within the boundaries of the Wind River Reservation:

- (A) Mutilating, defacing, disturbing, injuring, damaging or destroying any natural item, including but not limited to Wildlife, rocks, stones, fossils, or other property of the Shoshone and Arapaho Tribe, including fences and Fish and Game Department property;
- (B) Removing any natural item, including but not limited to, Wildlife, rocks, stones, fossils, or other property of the Shoshone and Arapaho Tribe, including fences and Fish and Game Department property;
- (C) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic or archaeological resource, structure, site, artifact or property;
- (D) Removing any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact or property;
- (E) Destroying, removing, injuring or cutting any green tree, dead tree, or other firewood on the Reservation without written authorization; provided, however, that Members may cut wood pursuant to regulations set by the Tribal Councils;
- (F) Causing a fire other than a campfire.
- (G) Persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of any license issued pursuant to this Code for a period of not less than one (1) year.

SECTION 16-4-14    PROHIBITED ACTIVITIES: OCCUPATION AND USE

(1) Except as otherwise permitted by this Code, in addition to all other activities prohibited by this Code, the following acts are unlawful within the boundaries of the Wind River Reservation:

- (A) Building, attending, maintaining or using a fire outside of a stove, grill, fireplace or fire ring;
- (B) Possessing, discharging or using any kind of firework or other pyrotechnic device;
- (C) Failing to remove all camping equipment or personal property when vacating an area or site;
- (D) Occupying any portion of a recreation site for other than recreation purposes;
- (E) Occupying a place designated for day use only between the hours of 10:00 p.m. and 6:00 a.m.
- (F) Entering or remaining in a camping area between of 10:00 p.m. and 6:00 a.m., except to camp or visit a person who is camping;
- (G) Moving any campground equipment without the owner's consent;

- (H) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment;
- (I) Cleaning or washing any food, personal property, fish or other animal, or bathing or washing at a hydrant or water faucet not provided for that purpose;
- (J) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person;
- (K) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site, or over an adjacent body of water without written permission from the Fish and Game Department;
- (L) Posting, placing, or erecting any paper, notice, advertising material, sign, or similar matter without written permission from the Fish and Game Department;
- (M) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person;
- (N) Parking or leaving a vehicle in violation of posted instructions;
- (O) Being publicly nude;
- (P) Possessing or using a pack outfit on the Reservation without a camping permit or written permission from the Fish and Game Department;
- (Q) Entering a Closed Area;
- (R) Entering any Special Use Area without a proper Special Use Permit.

(2) Persons who violate Subsection 1 shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of any license issued pursuant to this Code for a period of not less than one (1) year.

(3) Except as otherwise permitted by this Code, in addition to all other activities prohibited by this Code, the following acts are unlawful within the boundaries of the Wind River Reservation:

- (A) Allowing any unleashed dog or dog on a leash longer than 8 feet to roam within any campground, or populated or public area;
- (B) Depositing any body waste except into receptacles provided for that purpose;
- (C) Abandoning any personal property;
- (D) Abandoning or leaving a fire unattended;
- (E) Using any pesticide except for personal use as an insect repellent or as allowed with written permission by the Fish and Game Department.

(4) Persons who violate Subsection 3 shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of any license issued pursuant to this Code for a period of not less than one (1) year.

#### SECTION 16-4-15 PROHIBITED ACTIVITIES: SANITATION

(1) Except as otherwise permitted by this Code, in addition to all other activities prohibited by this Code, the following acts are unlawful within the boundaries of the Wind River Reservation:

- (A) Pollution of Waters, including placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water;
- (B) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes;
- (C) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture;
- (D) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition. In addition to other penalties provided in this section, if the substance is a petroleum product or any hazardous material, the penalty shall be increased by up to \$1,000 per violation plus all clean-up costs;
- (E) Dumping any refuse, debris, trash or litter brought as such from off the Reservation. In addition to other penalties provided in this section, if the substance is a petroleum product or any hazardous material, the penalty shall be increased by up to \$1,000 per violation plus all clean-up costs.

(2) Except as otherwise provided, persons who violate this Section shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of any license issued pursuant to this Code for a period of not less than one (1) year.

## CHAPTER 5            FISHING

### Section 16-5-1        Permits

(1) Fishing permits will be issued to the general public to fish in open or designated areas of the Wind River Indian Reservation.

(2) Fee charges for Reservation Permits will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30<sup>th</sup> of each calendar year.

(3) Permits will be sold by the Fish and Game Department as well as be sold at other designated locations determined by the Fish and Game Department.

(4) The Shoshone and Arapaho Councils have the right to regulate the fishing, and to fix seasons and bag limits; open, shorten or close seasons for any species of fish or fishes on the Reservation pertaining to protection, management, and propagation of fish. Such fishing regulations are subject to change each year.

(5) All persons, except those otherwise provided for in this Code, fourteen (14) years of age and over shall have a valid fishing permit to use the open areas of the Reservation. All persons under fourteen (14) years of age will be required to be accompanied by an adult who has a valid fishing permit to use the open areas of the Reservation.



(6) All persons under fourteen (14) years of age shall have their fish included within the creel limits of the accompanying adult (holder of the valid permit).

(7) All persons who possess a special permit and/or courtesy permit shall abide by applicable regulations and creel limits stated herein.

(8) The Shoshone and Arapaho Tribal Councils will govern all regulations concerning the activities, fees and conditions that will apply to special groups utilizing the Wind River Indian Reservation for the single or combined purpose or purposes of obtaining an experience, education, or lasting knowledge of the Wind River Indian Reservation resources. A group or groups will elect or provide a chairman representing that group to meet with the Shoshone and Arapaho Tribal Councils to establish fees and conditions and all details relating to the activities of said group or groups while enjoying the combined resources of the Wind River Indian Reservation. Any such fees, conditions or regulations are subject to change each year.

(9) Any person who violates this Code or applicable fishing regulations will be subject to tribal and/or federal prosecution and in addition shall be fined and/or subject to a civil penalty of a minimum of \$250 and not more than \$5,000 per violation and loss of license for a period of not less than one (1) year.

(10) Any person who repeatedly violates this Code or applicable fishing regulations shall be subject to minimum fine and/or civil penalty of \$1,000 and not more than \$5,000.00 per violation and revocation of license privileges for a period of five (5) years.

#### Section 16-5-2      Ice Fishing

(1) Ice fishing season and designated areas, will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30th of each calendar year.

(2) License Holders. Any person fourteen (14) years of age and over shall have a valid fishing permit to fish the open areas of the Reservation.

(3) Creel Limits. See Section 16-5-3.

(4) General Fishing Regulations. When fishing through the ice, it will be legal to use hand lines or set lines, provided however, that no person shall use more than six (6) lines and no more than one (1) hook per line and each line shall bear the name of the owner and that owner must be in attendance while lines are in use (this shall be interpreted to mean that owner is on the ice or in the immediate vicinity of the lines).

(5) All persons under the age of fourteen (14) shall have their fish included within the creel limit of the accompanying adult (holder of the valid permit).

(6) Definition of Game Fish. Trout, catfish, sauger/walleye and ling.

(7) No limit of rough fish or whitefish.

(8) Live Bait. Use of live minnows is permitted. Persons with live bait fish in possession while fishing shall either have a receipt or a permit verifying origin of fish; the receipt is to state the dealer's or permittee's name, address and the permit number under which the fish were obtained, the number of fish received and the date of the transfer. All live bait must be from the Wind River drainage area. Carp minnows are strictly prohibited.

### Section 16-5-3      General Fishing

(1) Creel Limits. No person may catch, kill or destroy or attempt to catch, kill or destroy, during one (1) day, more than the number of fish specified as a creel limit of the waters of the Reservation.

(2) Creel Limits shall be set by the Shoshone and Arapaho Tribal Councils upon the recommendation of the Fish and Game Director by January 30<sup>th</sup> of each calendar year.

(3) No person may harvest or attempt to harvest during any one (1) day, or possess (including fish in transit or storage) at any one time more than the number and length of fish specified as the daily creel limit.

(4) Anglers are required to either release or kill fish immediately after catching. Maintaining live fish on stringers or live wells of water craft or any other life sustaining method is strictly prohibited.

(5) All fish possessed or transported must be kept in such a manner that species and numbers can be determined. Head and tail must remain attached when length limits apply.

(6) Live Bait. Use of live minnows is permitted. Persons with live bait fish in possession while fishing shall either have a receipt or a permit verifying origin of fish; the receipt is to state the dealer's or permittee's name, address and the permit number under which the fish were obtained, the number of fish received and the date of the transfer. All live bait must be from the Wind River drainage. Carp minnows are strictly prohibited. The use of live bait in wilderness lakes is strictly prohibited.

(7) Legal Fishing Tackle. A fishing tackle consisting of a single rod or pole to be held in the hand with line and hook or hooks, attached, shall be the only lawful means by which a person or persons may take, or attempt to take, any fish from the waters of the Reservation, except as otherwise noted provided by law or regulations; provided, however, that no line may have more than three (3) single or treble hooks or flies in series or one (1) lure of any type which bears more than one (1) hook. (This shall be interpreted as meaning that the ordinary bass plug flat fish or spinner is legal so long as it does not bear more than three (3) hooks and not more than one (1) such lure is used at any time. There is no limit on the number of hookless lures that may be used, e.g.,

cowbells).

(8) Prohibited Fishing Methods. No person shall harvest or attempt to harvest any fish on Reservation waters by the use of the following methods:

Spearing Firearms (any type)	Seines Electrical
Poisons Nets (all types)	Devices Snagging
Bows (any type)	Chemical Traps
Explosives	

Section 16-5-4      Boat Fishing

(1) Life Jackets and Boat: Each and every person who operates or rides a boat, raft or other navigable vessel shall have in possession an approved U.S. Coast Guard type life jacket during the time the boat, raft or vessel is afloat on any waters of the Reservation. All persons in the boat, except enrolled Shoshone or ~~and~~ Arapaho members, ~~in the boat~~ must possess a valid fishing permit or River Running permit and watercraft permit.

(2) All lakes and streams are closed to boat fishing, except the following: Bull Lake, Dinwoody Lakes, Ray Lake, Moccasin Lake and Washakie Reservoir; however, motorized boats are prohibited on Moccasin Lake.

(3) The use of motorized boats or rafts is prohibited on all lakes and ponds in the roadless area of the Wind River Indian Reservation.

Section 16-5-5      Open Waters

(1) Open waters of the Reservation are to be determined each year by the Shoshone and Arapaho Business Councils upon the recommendation of the Fish and Game Director.

(2) All waters not expressly opened to permit fishing to the general public will be closed.

Section 16-5-6      Violations of Fishing

(1) Any person who violates any provision of this fishing code shall be subject to prosecution in tribal or federal court under applicable laws.

(2) Any person who has committed a violation of this code shall be subject to a fine and/or subject to a civil penalty of not less than \$100 and not more than \$2,500.00, per violation or to imprisonment of not more than one (1) year, or to a combination of both fine and imprisonment per offense. The privilege to hunt may be suspended, revoked or forfeited.

(3) Any wildlife taken, or firearms, vehicles, or other equipment used in violation of this code may be confiscated and subject to forfeiture.

CHAPTER 6                    HUNTING PERMITS AND TAGS

Section 16-6-1                Hunting Big Game

Any person who hunts or intends to hunt big game on the Reservation shall first purchase a Big Game Hunting Permit for each species, if available for that year, and shall comply with this Code and the hunting regulations issued by the Fish and Game Department.

Section 16-6-2                Small Game Hunting

Any person who hunts or intends to hunt small game on the Reservation shall first purchase a Small Game Hunting Permit for each species, if available for that year and shall comply with this Code and any hunting regulations issued by the Fish and Game Department.

Section 16-6-3                Tag Required

Game tags are required for each authorized species of big game and, in addition:

(1) At the time of kill, the tag is to be attached to the edible portion of the animal and should remain until processing.

(2) Each tag shall bear the permittee's big game permit number and name of the species for which it is issued.

(3) Tags are not transferable.

(4) Evidence of sex must remain attached to the carcass in the field and during transportation.

(5) Big game tags shall be carried by the permittee at all times while hunting.

(6) No big game animal shall be transported, stored, or possessed unless the tag has been securely attached.

Section 16-6-4                Permit Cost

(1) Fees for Hunting Permits will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30<sup>th</sup> of each calendar year.

(2) Permits will be sold by the Fish and Game Department as well as be sold at other designated locations determined by the Fish and Game Department.

Section 16-6-5            Tag Cost

Big game tag and drawing fees or costs will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30<sup>th</sup> of each calendar year. Hunters who are unsuccessful in the drawing will not be refunded their deposits.

Section 16-6-6            Transporting Game

A person may transport big game legally taken by another person, provided that the big game is properly tagged.

CHAPTER 7                GAME HUNTING

Section 16-7-1            Pre-Sundance Season

(1) Pre-Sundance Male Deer or Male Elk Season. Enrolled members of the Shoshone or Arapaho Tribes who participate in an approved Sundance ceremony may take, or attempt to take, provided they possess the proper hunting permit and tags, either one (1) male deer or one (1) male elk. Hunting of does, fawns, cows or calves shall be prohibited. Sundance dancers must be verified by an elder of the Sundance prior to obtaining a permit from the Tribes to hunt. Animals harvested shall be used only in Wind River Indian Reservation Shoshone or Arapaho Sundance Ceremonies.

(2) Hunting Units. Hunting units for the pre-Sundance season will be the same as for the general game season.

(3) Pre-Sundance male deer or male elk season will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department.

Section 16-7-2            Regular Season

Enrolled members of the Shoshone and Arapaho Tribes may take, or attempt to take, provided they possess the proper hunting permit and tags, the following big game species: Any elk, antlered deer, buck antelope, bighorn sheep (4) only, 3/4 curl or larger ram and black bear. Only one (1) of each big game species covered by the regulations can be taken during the hunting season.

Section 16-7-3            Hunting Areas

The open and closed areas for hunting will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30<sup>th</sup> of each calendar year.

Section 16-7-4            Seasons

Big game and regular hunting seasons per hunting unit will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30th of each calendar year.

Section 16-7-5            Firearms Restrictions

For hunting, the use of firearms with a barrel bore diameter of less than .23 (23/100) of an inch, or chambered to fire a cartridge less than two inches (2") in overall length, will not be allowed. Firearms for hunting upland game birds (excluding blue and ruffed grouse) and waterfowl are restricted to shotguns of twelve (12) gauge or smaller. Ten (10) gauge shotguns are allowed only for goose hunting. The use of fully automatic weapons or devices designed to silence or muffle the sound of any firearm for hunting any wildlife is prohibited.

Section 16-7-6            Prohibited Hunting Procedures

The following hunting procedures are illegal and prohibited on the Reservation:

(1) Hunting with Aircraft or Motor Vehicles. No person shall pursue, harass, hunt, shoot, or kill any wildlife with, from, or by use of aircraft or motorized vehicle (truck, automobile, motorcycle, all-terrain vehicle or vehicle designed for travel over snow).

(2) Use of Artificial Light. No person shall hunt, pursue or kill any game animal or game bird through the use of any artificial light or lighting device (including spotlights, and automobile, snowmobile, all-terrain vehicle and motorcycle headlights).

(3) Sale of Game and Blood Antlers. No person shall sell, offer for sale, barter, or possess with intent to sell any wildlife blood antlers or any edible portion of any game animal or bird. No person shall obtain by sale or barter any wildlife, blood antler or any edible portion of any game animal or bird.

(4) Wanton Waste of Game

(a) No person who takes any upland game bird, waterfowl, or big game animal shall abandon or intentionally or needlessly allow to go to waste, any portion thereof. The failure of a person to properly dress and care for any big game animal killed by the person, and, if the carcass is reasonably accessible, the failure to take or transport the carcass to the camp of that person, and there properly care for the carcass within forty-eight (48) hours after killing, is prima facie evidence of a violation; and

(b) No person shall abandon edible portions of a big game animal or game bird at meat processing plant. The leaving of edible portions of a game animal at a processing plant for more than ninety (90) days shall be considered prima facie evidence of a violation. The owners or operators in charge of any meat processing

plant shall immediately report the violation to the Tribes. Notwithstanding any other provision of this code, the owner of the plant is entitled to all or a portion of the abandoned meat, or to the proceeds of sale by ruling of Tribal Court of any meat abandoned, up to the amount of reasonable processing and storage charges, following a conviction or within a reasonable time after the violation is reported.

(5) Shooting From or Across Roads. No person shall fire any firearm from, upon, along or across any public road or highway.

(6) Hunting Big Game with Dogs. No person shall use dogs to track or chase game animals. Dogs so used or observed harassing big game animals may be shot by law enforcement officers to protect big game animals.

(7) Use of Poisons. The use of any poisons to take any wildlife is prohibited.

(8) Unlawful Possession of Wildlife. It shall be unlawful to possess any wildlife or parts thereof unless it can be shown by the possessor that he has the requisite license and/or tags or other express written authorization by the Tribes to hunt or take such animal, or that the animal was given to the possessor by a licensed hunter or trapper.

(9) Hunting with a Firearm While Intoxicated or Under the Influence of a Controlled Substance

(a) It shall be unlawful for any person intoxicated or under the influence of a controlled substance to carry a firearm (loaded), or to take any wildlife; and

(b) It shall be unlawful for any person to handle or discharge a firearm in a careless or reckless manner, or with wanton disregard for the safety of human life and property.

(10) Aiding in Concealment of Wildlife Unlawfully Taken or Possessed. No person shall knowingly aid or assist in the concealment of any wildlife that has been unlawfully taken or is unlawfully possessed.

(11) Hunting on Private Property or Near Building Without Permission

(a) No person shall hunt, trap or discharge firearms upon the private property of another without knowledge and consent of the property owner; and

(b) No person shall hunt or discharge firearms within two hundred (200) yards of an occupied building, whether on privately owned or Tribal land, without the consent of the person(s) occupying such building.

(12) Destruction of Private or Public Property. No person shall deface, shoot at, or destroy public or private property, including signs, fences, livestock or improvements.

(13) Hiring Another to Hunt or Hunting for Remuneration. No person shall hire another

person to hunt game for him, nor shall any person hunt game animals for another in return for payment of goods, services or money.

Section 16-7-7            Hunters Required to Wear Colored Clothing

No person shall hunt any big game without wearing, in a visible manner, exterior garments of a fluorescent orange color, which shall include a hat, and either a shirt, vest, jacket, coat, sweater or other upper body garment.

Section 16-7-8            Hunting Hours

No person shall pursue, shoot, kill or attempt to take any wildlife between one-half (2) hour after sunset of one day and one-half (2) hour before sunrise of the next day.

Section 16-7-9            Age Restrictions

The following age restrictions shall apply for hunting on Indian lands on the Reservation:

- (1) The minimum age to take any big game animal is fourteen (14) years.
- (2) No person under twelve (12) years of age may take any game bird, small game waterfowl or predator unless accompanied by an adult.
- (3) Non-enrolled children of enrolled members may take wildlife, but, at age sixteen (16), non-enrolled children lose all tribal hunting and trapping rights.

Section 16-7-10        Violations of Game Code

- (1) Any person who violates any provision of Chapter 6 or 7 of this game code shall be subject to prosecution in tribal or federal court under applicable laws.
- (2) Any person who has committed a violation of Chapter 6 or 7 of this code shall be fined and/or subject to a civil penalty of not less than \$500 and not more than \$5,000.00 per violation, or, to the extent permitted by law, to banishment from the Reservation or imprisonment of not more than one (1) year, or to a combination of both fine and imprisonment per offense. The privilege to hunt may be suspended, revoked or forfeited.
- (3) Any wildlife taken, or firearms, vehicles, or other equipment used in violation of this code may be confiscated and subject to forfeiture.



CHAPTER 8            TRAPPING

Section 16-8-1        Permit

(1) Any person who traps or intends to trap on the Reservation shall first purchase a Trapping Permit, if available for that year, and shall comply with this Code and the regulations issued by the Fish and Game Department

(2) Permit costs will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30th of each calendar year.

Section 16-8-2        Season

Shoshone and Arapaho Tribal Councils will establish a trapping season and designated areas each year and list the animals that can be trapped upon recommendation of the Fish and Game Department by January 30th of each calendar year.

Section 16-8-3        Pelt Tags

Shoshone and Arapaho Tribal Councils shall designate which trapped animal needs a pelt tag and the fees or costs associated for each upon recommendation of the Fish and Game Department by January 30th of each calendar year.

Section 16-8-4        Protected Species

Whenever any of the protected species of wildlife are accidentally, unintentionally, or inadvertently caught in a trap or snare and cannot be released alive or unharmed, the carcasses must be turned into the Tribes.

Section 16-8-5        Traps and Snares

(1) All traps and snares must be identified with a metal tag bearing the trapper=s name.

(2) Trappers must check traps at least every seventy-two (72) hours.

(3) No trapper or person shall set any trap within thirty feet (30') of any exposed bait visible to airborne Raptors. Exposed bait means meat or viscera or any animal, bird, or fish with or without skin, hide, or feathers.

Section 16-8-6        Violations of Trapping Code

(1) Any person who violates any provision of this trapping code (Chapter 8) shall be subject to prosecution in tribal or federal court under applicable laws.

(2) Any person who has committed a violation of Chapter 8 of this code shall be subject to

a fine and/or civil penalty of not less than \$250 and not more than \$5,000.00 per violation, or, to the extent permitted by federal law, to banishment or ~~to~~ imprisonment of not more than one (1) year, or to a combination of both fine and imprisonment per offense. The privilege to trap may be suspended, revoked or forfeited.

(3) Any wildlife taken, or firearms, vehicles, or other equipment used in violation of this code may be confiscated and subject to forfeiture.

## CHAPTER 9            GAME BIRD HUNTING

### Section 16-9-1        Permit

(1) Any person who hunts or intends to hunt birds on the Reservation shall first purchase a Game Bird Permit, if available for that year, and shall comply with this Code and the regulations issued by the Fish and Game Department.

(2) Permit fees or costs will be approved by the Shoshone and Arapaho Tribal Councils upon recommendation of the Fish and Game Department by January 30th of each calendar year.

### Section 16-9-2        Season

Shoshone and Arapaho Tribal Councils will establish a game bird season and designated areas each year and list the birds that can be hunted upon recommendation of the Fish and Game Department by January 30th of each calendar year.

### Section 16-9-3        Protected Species of Birds

The following species of birds are completely protected from any hunting, trapping, shooting or taking on the Reservation:

- (1) Bald eagle
- (2) Golden eagle
- (3) All species of hawks and falcons (Order Falconiformes)
- (4) All species of owls (Order Strigiformes).
- (5) Whistling and trumpeter swans (Order Anseriformes - Sub. family cygninae).

(6) All species of migratory shorebirds, wading birds, and seabirds including loons, grebes, cormorants, herons, egrets, pelicans, cranes, curlews, plovers, avocets, phalaropes, sandpipers, gulls, and terns (orders Gaviiformes, Podicipediformes, Peli. Caniformes, Ciconiiformes, Gruiformes Family Gruidae and Charadriiformes).

(7) All species of songbirds including woodpeckers, swallows, swifts, hummingbirds, nighthawks, kingfishers, jays, ravens, wrens, thrushes, chickadees, bluebirds, vireos, warblers, black birds and sparrows (orders Caprimulgi, formes, Apodiformes, Piciformes, and Passeriformes).

Section 16-9-4            Violations of Game Bird Code

(1) Any person who violates any provision of this game bird code shall be subject to prosecution in tribal or federal court under applicable laws.

(2) Any person who has committed a violation of this code shall be subject to a fine and/or civil penalty of not less than \$250 and not more than \$5,000.00 per violation, or, to the extent permitted by federal law, to banishment or imprisonment of not more than one (1) year, or to a combination of both fine and imprisonment per offense. The privilege to hunt may be suspended, revoked or forfeited.

(3) Any wildlife taken, or firearms, vehicles, or other equipment used in violation of this code may be confiscated and subject to forfeiture.