



UPPER MATTAPONI TRIBE

BILL NO. 2024-06

THE WILDLIFE MANAGEMENT CODE OF THE UPPER MATTAPONI TRIBE

A Bill to regulate hunting, fishing, gathering, and outdoor recreation, ensuring the conservation and management of the Tribe's natural resources while affirming its sovereign rights.

At a duly called Regular Meeting of the Council held this 28 day of September, 2024, the following Resolution and Law were adopted.

WHEREAS, Pursuant to Article VII, Section 4(c) of the Constitution of the Upper Mattaponi Tribe, the Upper Mattaponi Tribe Council (the "Council") is vested with the authority to enact laws for the safety, health, and welfare of the Upper Mattaponi Tribe (the "Tribe"); and

WHEREAS, the Tribe, as a sovereign nation, retains inherent rights to hunting, fishing, and gathering, rights that remain unaltered by treaties with the United States of America;

WHEREAS, the Tribe recognizes the necessity of maintaining oversight and regulation to prevent the depletion of fish, wildlife, plants, and other natural resources essential to its cultural and ecological heritage;

WHEREAS, the adoption of a Wildlife Management Code is vital for the protection, conservation, and management of the Tribe's natural resources;

NOW THEREFORE IT BE IT RESOLVED; that the Council hereby enacts the Law entitled, "The Wildlife Management Code of the Upper Mattaponi Tribe", as outlined below:

CHAPTER 1 – GENERAL PROVISION

Section 1-1. Short Title. This act shall be referred to as the "Wildlife Management Code."

Section 1-2. Findings.

- A. As a sovereign nation, the Upper Mattaponi Tribe enjoys hunting, fishing, and gathering rights, which have not been abrogated through treaty with the United States of America.

- B. It is necessary for the good of the Upper Mattaponi Tribe that fish, wildlife, plants and other natural resources are not taken or depleted without oversight and regulation.
- C. There is a need to adopt a Wildlife Management Code to protect and manage the fish, wildlife, plants and other natural resources of the Upper Mattaponi Tribe.

Section 1-3. Purpose. The purpose of this Code is to:

- A. Provide for regulations for hunting, fishing, gathering and outdoor recreation on certain lands within the Upper Mattaponi Tribe;
- B. Provide a means of conservation, enhancement, protection and management of the Tribe's fish, wildlife, and plant populations through the regulation of fishing, hunting and harvesting; and,
- C. Provide a means of enforcing rules and regulations promulgated under this Code.

Section 1-4. Jurisdiction, preemption and retention of rights.

- A. This Code shall govern hunting, fishing, gathering and outdoor recreation activities on lands of the Upper Mattaponi Tribe, whether held in fee simple title or in trust.
- B. It shall not be a defense to any infraction under this Code that the alleged activity may be lawful under state law.
- C. Nothing in this Code shall be construed to limit or waive any aspect of the Upper Mattaponi Tribe's sovereign authority to regulate activities conducted in whole or in part within the boundaries of the Upper Mattaponi Tribe.
- D. Any citizen or guest who hunts on Upper Mattaponi Tribe property assumes all risks. The Tribe is not liable for any injuries that occur on property owned by the Upper Mattaponi Tribe.

Section 1-5. Definitions. For the purposes of this Code, the following definitions shall apply:

- A. **"Bag limit"** means the maximum number of a particular species of fish or wildlife that may be lawfully taken in one day or one season.
- B. **"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 fruits, vegetables, grains, or animal remains; however, artificial decoys used to hunt migratory birds or turkeys shall not be deemed bait.

- C. **“Baited area”** means any area where any bait whatsoever capable of luring, attracting, or enticing wildlife is directly or indirectly placed, exposed or distributed.
- D. **“Baiting”** means the placing, exposing, or distributing of bait so as to constitute a lure, attraction, or enticement to, on, or over any areas where hunters are attempting to take wildlife.
- E. **“Bow”** means any hunting instrument, including a crossbow, designed for the purpose of propelling arrows.
- F. **“Carcass”** means the dead body of fish or wildlife or parts thereof.
- G. **“Crossbow”** means any bow which, once drawn, is held by means other than the effort of the person firing it.
- H. **“Endangered or threatened species”** means any species of fish, wildlife, or wild plant listed under the authorities of 50 CFR Sections 17.11 and 17.12 or species classified pursuant to the Endangered Species Act of 1973, as may be amended from time to time, or which the Upper Mattaponi Tribe, by law, may declare as endangered or threatened.
- I. **“Firearm”** means a rifle, shotgun, BB gun, handgun or other type of gun.
- J. **“Fish”** means, for purposes of this Code, an aquatic animal normally sought after by sportsmen and women, including but not limited to, largemouth bass, smallmouth bass, white bass, spotted bass, black crappie, white crappie, northern pike, trout, striped bass, walleye, blue catfish and channel catfish.
- K. **“Fishing”** means the taking of fish of any variety by hook and line, net, seine, bow and arrow, spear or by hand.
- L. **“Furbearers”** shall include but are not limited to mink, muskrat, beaver, otter, weasel, marten, fisher, fox, coyote, bobcat, badger and raccoon.
- M. **“Game”** means wild animals and wild birds that are commonly hunted for sport or food.
- N. **“Game animal”** means deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon.
- O. **“Gathering”** means to take or acquire, or attempt to take or acquire, possession of any wild plants or parts thereof, including live or downed timber.

- P. **“Hunt”** or **“hunting”** includes shooting, shooting at, pursuing, taking, catching, or killing any wildlife, except that “hunt” or “hunting” does not include the recovery of any wild animal which has already been lawfully reduced to possession.
- Q. **“Lawful,” “by law,”** or **“law”** means the statutes of the Tribe or regulations adopted by the Tribe which the Game Ranger is empowered to enforce.
- R. **“Law enforcement officer”** includes the Game Ranger, any Tribal Police officer, any Criminal Investigator of the Tribe and any cross-commissioned Police officer.
- S. **“License”** means a written document granting Tribal authority to engage in activities covered in this Code.
- T. **“Loaded,”** as it relates to the following weapons, means:
1. an arrowgun that has an arrow or bolt inserted on the arrow rest or barrel;
 2. a crossbow that is cocked and has either a bolt or arrow engaged or partially engaged on the shooting rail or track of the crossbow, or with a “trackless crossbow” when the crossbow is cocked and a bolt or arrow is nocked;
 3. a muzzleloading firearm is considered “loaded” when the muzzleloader is capped, or has a charged pan, or has a primer or battery installed in the firearm; and
 4. a firearm in which ammunition is chambered or loaded in the magazine or clip and is engaged or partially engaged in a firearm.
- U. **“Maintained roadway”** means any public roadway maintained by a governmental body or agency, including but not limited to roadways maintained by a tribal nation, the United States, or a state, county, or municipality.
- V. **“Migratory birds”** shall include but are not limited to all species of ducks, geese, and swans; all shorebirds and wading birds; and the mourning dove.
- W. **“Nonmigratory birds”** shall include but are not limited to grouse, pheasant and turkey.
- X. **“Nation,” “National,” “Tribe”** or **“Tribal”** means the, or relating to the, Upper Mattaponi Tribe.
- Y. **“Nuisance Species”** means blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings, or those species designated as such by regulations enacted pursuant to Section 2-2 on this Code, and those species found committing or about to commit depredation upon ornamental or shade trees, agricultural crops, wildlife, livestock or other property or when concentrated in

numbers and manners as to constitute a health hazard or other nuisance. However, the term nuisance does not include (i) animals designated as endangered or threatened (ii) animals classified as game or fur-bearing animals, and (iii) those species protected by Upper Mattaponi law or federal law.

- Z. **“Outdoor recreation”** shall include but not be limited to picnicking, camping, hiking, swimming, bird watching, nature photography and other related activities.
- AA. **“Permit”** means a written document granting Tribal authority to enter a specific area, harvest a specific resource, or engage in specific conduct.
- BB. **“Plant”** means any undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem.
- CC. **“Possession”** means having killed, harvested, taken, or otherwise obtained or acquired any fish, wildlife or plant subject to the provisions of this Code.
- DD. **“Possession limit”** means the amount of fish and/or wildlife that may be legally possessed at any one time.
- EE. **“Roadway”** means a way for purposes of vehicular travel and may include roadways open to the public and roadways privately maintained by the Upper Mattaponi Tribe.
- FF. **“Size limit”** means the specific size of a species of fish and/or wildlife that may be possessed legally.
- GG. **“Tag”** means any identification device issued for the purpose of attaching to the carcass of any fish or wildlife.
- HH. **“Take”** or **“taking”** means pursuing, shooting, shooting at, hunting, fishing, netting, capturing, killing, snaring or trapping, or harvesting any fish, wildlife or plant, or attempting any of the foregoing.
- II. **“Timber”** means any woody vegetation that is 10 feet or greater in height and which has 6 inches of diameter or greater.
- JJ. **“Trapping”** means the taking, or attempting to take, fish or wildlife by means of setting or operating any device that is designed or made to close upon, hold fast, or otherwise capture fish or wildlife.
- KK. **“Waterfowl”** shall include but not be limited to all varieties of geese, brant, swans, ducks, rails, coots and Wilson snipe.
- LL. **“Wildlife”** means wild birds, mammals, reptiles, amphibians, aquatic animals other than fish and all other animals which normally can be found in a wild state,

regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall include any and every part of any individual species of wildlife, whether or not bred, hatched or born in captivity, and including any part, product, egg or offspring thereof.

CHAPTER II – ADMINISTRATION

Section 2-1. Wildlife Commission. The Wildlife Commission of the Upper Mattaponi Tribe is hereby created for the purpose of implementing and enforcing the wildlife laws of the Upper Mattaponi Tribe.

- A. The Wildlife Commission shall be comprised of 5 Commissioners who shall be appointed by the Chief of the Upper Mattaponi Tribe to serve in 2-year terms. A Commissioner's term shall not begin until their appointment is confirmed by a majority vote of the Council of the Upper Mattaponi Tribe. At least 3 Commissioners must be citizens of the Upper Mattaponi Tribe. At least 1 Commissioner must have expertise in issues related to wildlife management. The Chief and Assistant Chief of the Upper Mattaponi Tribe shall be ineligible to serve as a Commissioner.
- B. The Wildlife Commission shall elect by majority vote a Chairman, Vice Chairman, and Secretary, to serve as Officers of the Commission. Nothing in this section limits the ability of the Wildlife Commission to establish additional Officers for the Commission. No Commissioner may hold more than one Office in the Commission.
- C. The Wildlife Commission is authorized and directed to:
 - a. Implement and enforce the provisions of this Code;
 - b. Establish, implement and enforce wildlife regulations approved pursuant to Section 2-2 of this Code;
 - c. Design, implement and administer a plan for the issuance of licenses, permits and tags, and for the collection of fees;
 - d. Establish applications for permits for the taking of fish, wildlife and plants for subsistence and ceremonial purposes, on the basis of need, and in accordance with federal law;
 - e. Maintain records of all licenses, permits and tags issued for the purpose of hunting, fishing, gathering and outdoor recreation;
 - f. Designate outdoor recreational areas for use as hunting grounds during applicable hunting seasons;

- g. Order closure of any hunting, fishing, gathering or outdoor recreational area or season whenever, in their professional judgment, activity is likely to result in a harvest exceeding harvest goals and quotas or present a danger to the public;
 - h. Establish procedures to gather biological data and inspect licenses, permits, tags, equipment and vehicles for compliance with this Code and wildlife regulations;
 - i. Cooperate with and assist the Council of the Upper Mattaponi Tribe; the Chief of the Upper Mattaponi Tribe and executive officers; Tribal Police Administration; federal, state, county and local agencies; non-profit organizations; and individuals;
 - j. Restock, replenish and increase any depleted native species of game birds, game animals, or fish;
 - k. Have educational matter pertaining to wildlife published and distributed;
 - l. Maintain all records of the Wildlife Commission for examination by members of Council, and the Finance Director, or their representatives, at all times. The accounts shall be audited in the manner prescribed by policy; and,
 - m. Delegate authority as needed.
- D. Compensation for Commissioners, whether by stipend or salary, shall be set annually by the Tribe Council in accordance with its budgeting procedures.

Section 2-2. Wildlife Regulations.

- A. The Wildlife Commission shall be responsible for drafting and implementing wildlife regulations to fulfill the purposes of this Code. As set forth elsewhere in this Code, the Game Ranger shall be responsible for the enforcement of the Wildlife Regulations and those enforcement responsibilities assigned to the Game Ranger in this Code, including but not limited to the issuance of licenses and permits, wildlife management, and criminal enforcement activities. Failure to draft said regulations constitutes derelict of duty and grounds for removal. The wildlife regulations shall include specific provisions relating to:
- 1. The issuance and monitoring of licenses, permits and tags;
 - 2. The establishment of a schedule of fees and acceptable methods of payment;
 - 3. The setting of annual seasons for various species of fish, wildlife and plants;
 - 4. Bag and size limits for various species of fish, wildlife and plants;

5. Approved and prohibited methods of harvesting various species of fish, wildlife and plants;
 6. Approved and prohibited methods of disposal for the carcasses and/or guts of harvested wildlife;
 7. Approved and prohibited methods of accessing and using Tribal property or specific areas of Tribal property;
 8. Approved and prohibited vehicles such as automobiles, motorcycles, bicycles, all-terrain vehicles, boats, trailers and personal watercraft on Tribal property or within specific areas of Tribal property;
 9. Required insurance coverage amounts, if any, for approved vehicles on Tribal property or within specific areas of Tribal property;
 10. Approved and prohibited methods of transporting different species of fish, wildlife and plants onto and off of lands subject to this Code; and
 11. Diseases in wildlife populations. The regulations shall include, but not be limited to: (i) measures to be implemented to eradicate or prevent the spread of such diseases; and (ii) procedures for the condemnation and indemnification of captive wildlife.
- B. The wildlife regulations shall not conflict with, or be held to limit or waive, any aspect of this Code.
- C. The Wildlife Commission shall present the wildlife regulations to the Chief of the Upper Mattaponi Tribe for approval by Executive Order. If the Chief does not approve or disapprove of the proposed wildlife regulations within 30 days of receipt, the proposed regulations shall be considered disapproved. If the proposed wildlife regulations are disapproved by the Chief, the Tribal Council may override said disapproval within 30 days of disapproval by a two-thirds majority vote of the Tribal Council.
- D. Once approved, the wildlife regulations shall have the full force of the law.
- E. At the time of application, this Code and the wildlife regulations shall be provided to all applicants for Tribal licenses, permits or tags. However, it is the duty of all licensees to keep abreast of any amendments to this Code and/or the wildlife regulations.
- F. Revisions to the wildlife regulations may be made on an annual basis, in accordance with Section 2-7(E) of this Code and shall be approved by the Chief of the Upper Mattaponi Tribe by Executive Order. If the Chief does not approve or disapprove of the proposed revisions within 30 days of receipt, the proposed revisions shall be

considered disapproved. If the proposed revisions are disapproved by the Chief, the Tribal Council may override said disapproval within 30 days of disapproval by a two-thirds majority vote of the Tribal Council.

- G. A copy of this Code and the wildlife regulations, along with any amendments and revisions shall be kept in the Upper Mattaponi Tribe Trial Court library, provided to the Council of the Upper Mattaponi Tribe, and shall be made available to the public.
- H. The Council of the Upper Mattaponi Tribe hereby authorizes the Chief of the Upper Mattaponi Tribe or his designee to grant permission, through issuance of a license or permit, to non-citizens to hunt, fish, and gather plants and other natural resources on Tribal government lands until such time as a Game Ranger can be hired who shall enforce rules and regulations for hunting, fishing and gathering on Tribal government lands as required under this section.

Section 2-3. Game Ranger. The Wildlife Commission shall hire a Game Ranger who shall be responsible for enforcement of this Code and fulfilling the duties assigned to the Game Ranger by this Code. The Game Ranger shall serve at the pleasure of the Commission.

Section 2-4. Collection of Permit Fees, Forfeitures and Fines. The Upper Mattaponi Tribe shall establish the Conservation Fund, a fund account in which to deposit monies collected from the sale of licenses, permits and tags, and from fees, forfeitures and fines assessed pursuant to the provisions of this Code or wildlife regulations.

Section 2-5. Expenditure of Funds.

- A. The Game Ranger, subject to approval by the Wildlife Commission, shall have the authority to expend appropriated funds and monies deposited in the Conservation Fund for:
 - 1. Enforcement of provisions of this Code or the wildlife regulations adopted pursuant to this Code;
 - 2. Conservation, protection and enhancement of the Upper Mattaponi Tribe's fish, wildlife, plant and outdoor recreation resources; and,
 - 3. Information, outreach and cultural education programs.
- B. Subject to Upper Mattaponi law regarding the acquisition of tribal lands, the Game Ranger may request the Chief of the Upper Mattaponi Tribe expend funds from the Conservation Fund to acquire tribal land, or interests in land, for conservation and/or outdoor recreation.

Section 2-6. Cooperative Agreements. The Chief of the Upper Mattaponi Tribe, in conjunction with the Wildlife Commission, is authorized to enter into cooperative agreements with any federal,

state, county, local or Tribal government agency or non-profit organization, for the purpose of promoting and implementing fish, wildlife, plant and outdoor recreation management plans and programs. The Wildlife Commission shall seek to maintain a cooperative agreement with the Virginia Department of Wildlife Resources (VDWR), by which the Commonwealth of Virginia will recognize Tribal licenses, permits and tags for the transportation of fish, wildlife and plants taken lawfully pursuant to this Code. All cooperative agreements shall be reviewed by both the attorney for the Executive Branch and the attorney for the Legislative Branch to ensure that there are no attempted waivers of sovereign immunity and that agreements comply with Tribal and federal law. Said cooperative agreements may be used for the enforcement of this Code by other federal, state, county, local or Tribal government agency or non-profit organization, until the position of Game Ranger is filled.

Section 2-7. Annual Report. At least thirty (30) days prior to the expiration of each fiscal year, the Wildlife Commission shall present a written report to the Council of the Upper Mattaponi Tribe, which shall include:

- A. A summary of licenses, permits, tags, assessments, enforcement activities, enhancement activities and expenditures;
- B. A summary of community outreach and education programs;
- C. A summary of the status of cooperative agreements with federal, state, county, local or Tribal government agencies or non-profit organizations;
- D. An accounting of all funds acquired and expended pursuant to this Code;
- E. Fish and wildlife counts, lists of endangered and threatened species, endangered and threatened habitats, species historically native to Tribal areas but now rare or absent, and programs to establish priorities and action plans for the enhancement of each; and,
- F. Proposed revisions, if any, to the wildlife regulations, and a request for approval of said revisions by legislative action of the Council of the Upper Mattaponi Tribe.

CHAPTER III – GENERAL RULES

Section 3-1. Requirement of Tribal license, permit, and/or tag. No person shall engage in the activity of hunting, fishing, or gathering, including cutting or harvesting live or downed timber in such instances where approval from the United States government is required by law, or any other activity regulated by this Code or wildlife regulations, without acquiring or having in their possession a valid Tribal license, permit and/or tag as this Code or wildlife regulations may require, validated for the particular season and activity in which that person is engaged.

Section 3-2. Requirements for Non-Citizens. It shall be unlawful for a non-citizen to hunt, or fish in or on the lands or inland waters owned by the Tribe without being accompanied by a licensed adult tribal citizen; provided that, a non-citizen parent or guardian may be accompanied by their citizen child or ward instead of an adult tribal citizen.

Section 3-3. Trespass. Nothing in this Code or wildlife regulations shall be construed to limit or repeal any Tribal law regarding trespass. Nor shall any provision of this Code or wildlife regulations be construed to permit otherwise unlawful entry onto Tribal land, or to limit or waive the Upper Mattaponi Tribe's right to eject any person from Tribal property.

Section 3-4. Issuance of License. The form of licenses, permits and tags issued pursuant to this Code shall be left to the discretion of the Wildlife Commission, provided such form shall list the license number and shall describe the licensee, including the licensee's height, color of eyes, color of hair, address, phone number, date of birth and driver's license number or Tribal ID Number for citizens. The form of license shall also contain the date of issuance, date of expiration, type of license, and the words "non-transferable."

Section 3-5. Termination of License. All licenses shall terminate on June 30th of the year issued. Any person convicted of violating any of the provisions of this Code may have any or all licenses held by that person or the privilege of applying for, obtaining or exercising the benefits conferred by the licenses revoked by the Game Ranger for a period of not less than one year. For purposes of this paragraph, a court conviction, a plea of guilty, a plea of nolo contendere or the imposition of a deferred or suspended sentence shall be deemed a conviction.

Section 3-6. Presentation of License. No person may engage in any hunting, fishing, or gathering activity without carrying a license on their person and producing said license for inspection upon the demand of any authorized law enforcement officer. Any person required to produce license must also identify themselves as the person to whom such license was issued, and failure or refusal to produce adequate identification and a proper license shall be deemed prima facie evidence of a violation of this section.

Section 3-7. Seasons. No person shall engage in the privileges regulated by or pursuant to this Code except during the respective seasons established by the Wildlife Commission pursuant to this Code.

Section 3-8. Bag, Possession, and Size Limits. No person shall have in their possession or under their control any fish, wildlife or plant in excess of the bag or possession limits, or above or below the size limits for such fish, wildlife or plants, as established by the Wildlife Commission pursuant to this Code.

Section 3-9. Sharing of Licenses, Permits, and Tags. No person shall lend, share, give, transfer, sell, barter or trade to any person any license, permit or tag issued by the Wildlife Commission pursuant to this Code.

Section 3-10. Harvesting with Another's License, Permit, or Tag. No person shall hunt, fish, or gather while in possession of any license, permit or tag issued to another; provided that, the wildlife regulations may allow for instances where a licensed citizen may hunt, fish, or gather on behalf of a disabled citizen or tribal elder.

Section 3-11. Age Restrictions. No person under the age of 16 years may hunt while possessing a firearm or bow and arrow unless they are accompanied and directly supervised by a

licensed or permitted parent, guardian or other adult designated by a parent or guardian. "Accompanied and directly supervised" means that the adult is within sight and verbal contact of the person under the age of 16. There are no age restrictions with regard to fishing. However, a person under the age of 16 years must be accompanied by a licensed parent, guardian or other adult designated by a parent or guardian.

Section 3-12. Blaze Colored Clothing Required. When hunting any species during a firearms season:

- A. Every hunter, or persons accompanying a hunter, shall wear a solid blaze colored (blaze orange or blaze pink) hat or solid blaze colored upper body clothing that is visible from 360 degrees or display at least 100 square inches of solid blaze colored material at shoulder level within body reach and visible from 360 degrees.
- B. Hats may have a bill or brim color or design other than solid blaze color. Hats shall not be in camouflage style. A logo, which does not detract from visibility, may be worn on a blaze-colored hat.
- C. Hunters using an enclosed ground blind (pop-up, chair, box, etc.) that conceals them from view shall display at least 100 square inches of solid blaze colored material, visible from 360 degrees attached to or immediately above the blind. This blaze color is in addition to any worn on the hunter's person. Additionally, all blinds and tree stands shall be clearly labeled with reference to the hunter's license and information.

Section 3-13. Hunting with Dogs. Any person engaged, pursuant to this Code, in hunting with a dog shall ensure that the dog has a tag identifying the name of the owner or custodian and a current phone number. The tag shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog.

Section 3-14. Restricted Areas and Activities.

- A. No person shall discharge a firearm within three hundred (300) feet of any occupied building, pond, road or structure.
- B. No person shall leave any gate, bars or other devices used to enclose land or livestock open upon exiting, provided that there shall be no duty to close such gates, bars, or other devices if the person is aware of other individuals remaining present on the land at the time of exiting.
- C. No person shall drive off any established roadway while hunting, fishing, gathering or recreating.
- D. No person shall in any manner deface, destroy or remove any signs posted in a legal manner.

- E. No person shall shoot game or furbearer while it is swimming or in open water (stream, river, pond).
- F. No person shall remove the head or tail or otherwise change the appearance of any game fish having a daily creel or size limit so as to obscure its species or render it impracticable to measure its total original length or count the number of such fish in possession.
- G. No person shall use lime, dynamite, or any other substance to destroy fish, or to cast or allow noxious matter to pass into watercourses that might destroy fish or fish spawn, or to deposit trash in streams or lakes or along their banks.

Section 3-15. Safe Transportation of Firearms and Crossbows.

- A. No person shall at any time transport a loaded firearm or loaded hunting weapon in or on any vehicle.
- B. If a crossbow permit is allowed by wildlife regulations, no person shall transport a crossbow in or on a vehicle unless in possession of such permit and unless the crossbow is encased or unloaded.

Section 3-16. Safe Use of Firearms and Crossbows.

- A. No person shall hunt while possessing a loaded firearm or bow of any type within fifty (50) feet of the center of a maintained roadway.
- B. No person shall load or discharge a firearm or bow of any type across a maintained roadway.
- C. No person shall load or discharge a firearm or bow of any type in or from a motor vehicle.
- D. No person shall lean or place any loaded firearm against any vehicle.

Section 3-17. Hunting Hours. No person shall pursue, shoot, kill or attempt to take any wildlife, except during the following hours:

- A. One half-hour before sunrise to one-half hour after sunset for nonmigratory birds and game animals except during spring turkey season.
- B. One half-hour before sunrise until 12 noon during spring turkey season, except the last 20 days when the hunting hours are one half hour before sunrise until sunset.
- C. Bobcats, foxes, raccoons, and opossums may be hunted by day or night during authorized seasons.

D. Nuisance species may be taken day or night.

Section 3-18. Introduction of Fish, Wildlife and Plants. No person, other than those expressly authorized by the Wildlife Commission or Environmental Department, shall transplant onto any lands of the Upper Mattaponi Tribe any fish or eggs into any body of water, or any wildlife, animal or plant species.

Section 3-19. Spotlighting. No person shall cast the rays of an artificial light on any road, forest, field, lake, creek or stream for the purpose of locating, taking, attempting to take, driving or harassing any deer without a permit allowing such activities.

Section 3-20. Baiting. No person shall harvest any wildlife, except deer, by the aid of baiting or on or over any baited area. No person shall harvest deer by the aid of baiting or on or over any baited area during any open deer or elk season, or between September 1 and the first Saturday in January.

Section 3-21. Waste. No person shall needlessly permit any fish, wildlife, or plant to go to waste after capturing, killing, wounding or gathering the same.

Section 3-22. Commerce. No person shall buy or sell fish, wildlife or plants taken pursuant to this Code without a permit, provided that nothing in this section prohibits the sale of traditional goods made from the carcasses of any fish or wildlife.

CHAPTER IV – ENFORCEMENT

Section 4-1. Enforcement by Law Enforcement Officers. Any authorized law enforcement officer may enforce any provision of this Code. The Game Ranger shall establish procedures and communications for such enforcement, including the hiring of wildlife officers responsible solely for enforcement of this Code and Wildlife Regulations.

Section 4-2. Impeding Game Ranger, etc., in discharge of their duty. Any person, by threats or force, who attempts to intimidate or impede any law-enforcement officer from enforcing this Code, shall be guilty of a misdemeanor and shall be subject to arrest by the officer in accordance with the criminal provisions of Upper Mattaponi law.

Section 4-3. Defense of Wildlife Officer prosecuted on criminal charge. If any wildlife officer appointed by the Game Ranger, or the Game Ranger himself, is prosecuted on any criminal charge arising out of any act committed in performing their official duties, the Game Ranger may request special counsel to defend the officer or Game Ranger. The compensation for special counsel employed pursuant to this section, shall, subject to the approval of the Chief, be paid out of the funds appropriated for the administration of this title.

Section 4-4. Coordination with Federal Authorities. Any law enforcement officer authorized to enforce the provisions of this Code and wildlife regulations shall provide notice of alleged violations to the Prosecutor's Office of the Upper Mattaponi Tribe and the appropriate federal authorities for investigation of potential violations of federal law, where applicable, including but not limited to 16 U.S.C. § 3372 (prohibiting any person from transporting, selling, receiving, acquiring, or purchasing any fish, wildlife, or plant taken or possessed in violation of

federal or Tribal law), 18 U.S.C. § 1165 (prohibiting any person from going upon Indian trust lands for the purpose of hunting or fishing without lawful authority or permission), 16 U.S.C. § 1538 (Endangered Species Act), 16 U.S.C. § 668 (Eagle Protection Act), and 16 U.S.C. § 703 (Migratory Bird Treaty Act).

Section 4-5. Investigations and Citations. Any law enforcement officer authorized to enforce the provisions of this Code may:

- A. In order to see that bag limits are being observed, law enforcement officers shall also have the power to inspect game, fur-bearing animals and fish taken by any person found hunting or fishing without arresting the person;
- B. Execute and serve arrest warrants, search warrants, and other process issued by the Upper Mattaponi Tribe Trial Court in accordance with applicable law;
- C. With or without a warrant, open, enter and examine vessels, wagons, trailers, automobiles, vehicles, packages and other receptacles contained therein, in which the officer has probable cause to believe that contraband fish, wildlife, plants, carcasses or parts thereof, may be contained;
- D. In conjunction with an arrest, or as otherwise allowed by any criminal provision of Upper Mattaponi law, search the person being arrested together with any box, can, package, barrel or other container, hunting bag, coat, suit, trunk, grip, satchel or fish basket carried by, in the possession of, or belonging to such person;
- E. Issue a citation on a form approved by the Upper Mattaponi Tribe Trial Court to any person upon finding probable cause that such person has violated any provision of this Code or wildlife regulations; and
- F. Seize and hold any alleged contraband or property which any law enforcement officer reasonably believes may be needed as evidence in connection with the institution of proceedings or which is otherwise authorized to be seized by any provision of this Code.

Section 4-6. Arrests. An arrest may be executed by any law enforcement officer through a Tribally or federally approved arrest warrant or reasonable belief of eminent danger to life or property.

Section 4-7. License, Permit, and Tag Information. The Tribal Police Chief or Tribal Prosecutor may request and receive from the Game Ranger information regarding license, permit and tag issuance and personal identification.

Section 4-8. Penalties and Sanctions.

- A. **Civil Penalties.** Any person who engages in conduct prohibited by any provision of this Code or wildlife regulations, and who, in the exercise of due care,

should know that the activity engaged in, or that the fish, wildlife or plants were taken, possessed, transported, bought or sold in, an unlawful manner, may be assessed a civil penalty by the appropriate court authority of not more than one thousand dollars (\$1,000.00) for each violation. Each violation shall be deemed a separate offense.

- B. **Criminal Penalties.** In addition to civil penalties, any person who knowingly violates any provision of this Code or wildlife regulations shall have committed a misdemeanor, as defined by Upper Mattaponi law, and may be assessed a fine by the appropriate court authority in accordance with Upper Mattaponi criminal law. Each violation shall be deemed a separate offense.
- C. **Notice and Hearing.** No civil or criminal penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.
- D. **Jurisdiction.** Civil jurisdiction over all matters under this Code shall lie in the Upper Mattaponi Tribe Trial Court, which shall adjudicate all questions, complaints and alleged violations involving the provisions of this Code and wildlife regulations. Criminal jurisdiction over all matters under this Code shall lie in the Upper Mattaponi Tribe Trial Court or an appropriate federal court, which shall adjudicate all questions, complaints and alleged violations involving the provisions of this Code and wildlife regulations.
- E. **Revocation or Suspension.** For any violation, the Court may impose a revocation or suspension of hunting, fishing, gathering or recreational privileges for a period of time within the discretion of the court.
- F. **Remedial Forfeiture.** The court shall impose a civil remedial forfeiture of all fish, wildlife, and plants taken in violation of this Code or wildlife regulations and shall endeavor to avoid waste by donating the same to needy or worthy individuals or organizations. The Court may impose a civil remedial forfeiture of any personal property, excluding vehicles, used in the commission of any violation of this Code or wildlife regulations. Upon conviction of any person for a violation of this Code when such person has been convicted of a previous violation of this law within a period of two (2) years, the Court may enhance any civil remedial forfeiture or other penalty as the Court deems appropriate.

Section 4-9. Parties to a Violation. Whoever participates in the commission of a violation of this Code shall be deemed a principal and may be charged with the violation although he/she did not directly commit it and although the person who directly committed the violation has not been convicted of the violation. A person participates in the commission of the violation if the person:

- A. Directly commits the violation;

- B. Aids or abets in the commission of the violation; or
- C. Is a party to a conspiracy with another to commit the violation, or advises, hires, or counsels or otherwise procures another to commit the violation.

Section 4-10. *Harvesting After Revocation or Suspension.* No person whose hunting, fishing, gathering or outdoor recreational privileges have been revoked or suspended, shall hunt, fish, gather or so recreate, if such activity is regulated by this Code or wildlife regulations, during such revocation or suspension.

CHAPTER V – INTERIM REGULATIONS

Section 5-1. *Interim Nature of Chapter.* The provisions of this Chapter shall only apply until the Council of the Upper Mattaponi Tribe approves wildlife regulations pursuant to Section 2-2 of this Code.

Section 5-2. *License Fees.* License Fees in the Upper Mattaponi Tribe shall be set by the Chief of the Upper Mattaponi Tribe or his designee.

Section 5-3. *Hunter Education.* Hunters under 16 years of age must provide proof of completing an approved VDWR Hunter Education course before a hunting license may be issued.

Section 5-4. *Unlawful Methods of Hunting.* It shall be unlawful in the Upper Mattaponi Tribe to:

- A. Hunt by means of trapping.
- B. Hunt on Upper Mattaponi lands that are not designated as hunting grounds by the Wildlife Commission.
- C. The Taking of male deer unless the deer has antlers visible above the hairline.
- D. Hold in captivity any live wild birds or wild animals outside the limits allowed by regulations without a permit.
- E. Hunt adjacent to forest fires.
- F. Willfully and intentionally impede the lawful hunting of wild birds or wild animals.
- G. Kill or cripple and knowingly allow any nonmigratory game bird or game animal to be wasted without making a reasonable effort to retrieve the animal and retain it in possession.
- H. Hunt while under the influence of intoxicants or narcotic drugs.
- I. Take or attempt to take wild animals and wild birds by the use or aid of recorded animal or bird calls or sounds or recorded or electrically amplified imitation of

animals or bird calls or sounds; provided, that electronic calls may be used for hunting bobcats, coyotes, raccoons, foxes, and nuisance species except where specifically prohibited.

- J. Destroy or harass the nest, eggs, den, or young of any wild bird or animal, except nuisance species, at any time without a permit as required by law.
- K. Occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild game bird or wild game animal or to put out bait or salt for the purpose of taking or killing any wild game bird or wild game animal.
- L. Destroy, mutilate, or take down “posted” signs or litter. Conviction of littering can result in loss of hunting license.
- M. Exceed the bag limit or possess over the daily limit of any wild bird or animal while in the forests, fields, or waters of this tribe.
- N. Use live birds or animals to decoy or call game.
- O. Possess or transport any wild bird or wild animal or the carcass or the parts thereof, unless specifically allowed and only in accordance with regulations, provided that nothing in this section shall prohibit the possession or transport of any wild bird or wild animal to be used for traditional practices of the Upper Mattaponi Tribe.
- P. Sell or purchase any wild bird or wild animal carcass or parts thereof, except as specifically permitted by law, provided that nothing in this section shall prohibit the sale or purchase of any wild bird or wild animal to be used for traditional practices of the Upper Mattaponi Tribe.
- Q. Offer for sale, sell, offer to purchase, or purchase a hunt guaranteeing the killing of a deer, bear, or wild turkey.
- R. To possess or use deer scents or lures that contain natural deer urine or other bodily fluids while taking, attempting to take, attracting, or scouting wildlife.
- S. Use radio tracking equipment, except on dogs or on raptors permitted by a falconry permit, to aid in the chase, harvest or capture of wildlife.
- T. Hunt or assist another to hunt during any open season on the same calendar day and the same property where a drone (unmanned aerial vehicle) was used to locate or scout for any wild animal.
- U. Hunt or attempt to kill any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season.

Section 5-5. Hunting Allowed. The only form of hunting allowed in the Upper Mattaponi Tribe shall be that allowed under these regulations.

Section 5-6. Unlawful Feeding. It shall be unlawful to place, distribute, or allow the placement of food, minerals, salt, carrion, trash, or similar substances to feed or attract deer from September 1 until the first day of Saturday in January. Violation of this Section shall result in a fine of up to \$500. No part of this Section shall be construed to restrict bonafide agronomic plantings (including wildlife food plots) or distribution of food to livestock.

Section 5-7. Legal Use of Firearms. The use of firearms to hunt and take deer shall be consistent with the corresponding regulations found in the Commonwealth of Virginia's Hunting and Trapping Regulations for King William County.

Section 5-8. Deer Seasons. The deer hunting seasons for archery, muzzleloader, and firearms shall be consistent with the corresponding seasons found in the Commonwealth of Virginia's Hunting and Trapping Regulations for King William County.

Section 5-9. Citizen Deer Bag Limit. The citizen bag limit for deer shall be two a day, six a license-year. Of the six-deer limit, no more than three may be antlered deer and at least three must be antlerless deer.

Section 5-10. Non-Citizen Deer Bag Limit. The non-citizen bag limit for deer shall be one a day, four a license-year. Of the four-deer limit, no more than two may be antlered deer and at least two must be antlerless deer.

Section 5-11. Deer Tagging. All hunters (unless license exempt) taking a deer are required to validate an appropriate tag on their deer license prior to moving the deer in any way.

Section 5-12. Turkey Season. The turkey hunting seasons shall be consistent with the corresponding seasons found in the Commonwealth of Virginia's Hunting and Trapping Regulations for King William County.

Section 5-13. Turkey Bag Limit. The bag limit for turkey shall be one a day, three a license-year, no more than two of which may be taken in the fall.

Section 5-14. Spring Turkey Limitations. One bearded turkey may be taken during the Spring Turkey Season.

Section 5-15. Small Game Seasons. The hunting seasons for quail, pheasant, groundhog, rabbit, and squirrel shall be consistent with the corresponding seasons found in the Commonwealth of Virginia's Hunting and Trapping Regulations for King William County.

Section 5-16. Nuisance Species. With a permit, there shall be a continuous open season for killing nuisance species of wild birds and animals defined in Section 1-5 of this Code.


Section 5-17. Damage to Tribal Property. Licensees shall take care to not damage the property of the Upper Mattaponi Tribe when hunting on the Tribe's lands. By applying for and receiving a license from the Tribe, licensees consent to the jurisdiction of the courts of the Upper

Mattaponi Tribe and may be held liable for damage they cause to the property of the Upper Mattaponi Tribe.

Section 5-18. Duty to Report Incidents. Licensees shall report any known violations of this Code, or any incident causing injury to a person or damage to the property of the Upper Mattaponi Tribe, to the Game Ranger or a wildlife officer immediately. Any person failing to report said incident shall have committed a misdemeanor, as defined by Upper Mattaponi law, and may be assessed a fine by the appropriate court authority in accordance with Upper Mattaponi criminal law.

CERTIFICATION

The foregoing Bill was duly voted upon by the Council on the 28 day of September, 2024, at a Regular Meeting with a vote of 6 in favor and 0 opposed, 0 abstaining, and 1 absent, pursuant to the authority vested in the Council by the Constitution of the Tribe.


Secretary of the Council or Designee

SPONSOR: Sonny Knighton

CO-SPONSORS: _____

COUNCILMEMBERS	YES	NO	ABSTAIN	ABSENT
Rob Adams	✓			
Ken Adams	✓			
Wilma Hicks	✓			
Sonny Knighton	✓			
Desirée Dyer	✓			
Owen Adams	✓			
Beth Gondos				✓

ASSISTANT CHIEF (Authorized to break tie votes only): _____

DELIVERY OF THE RESOLUTION AND LAW TO THE CHIEF

Bill No. 2024-06 was presented to the Chief of the Upper Mattaponi Tribe on the 1st day of October, 2024, pursuant to Article VII, Section 5(f) of the Constitution of the Upper Mattaponi Tribe, and will become effective after signature by the Chief or veto override by the Council.

Wilma Hicks
Secretary of the Council or Designee

CHIEF'S ACTIONS:

- Approved
- Veto – Returned to Council with Explanation

On this 1st day of October, 2024. W. Frank Adams
Chief

Presented to Chief and Council on the _____ day of _____, 2024.

COUNCIL'S ACTIONS:

Override of the Chief's Veto –

Yes

No

COUNCILMEMBERS	YES	NO	ABSTAIN	ABSENT
Rob Adams				
Ken Adams				
Wilma Hicks				
Sonny Knighton				
Desirée Dyer				
Owen Adams				
Beth Gondos				

CERTIFICATION

The foregoing Bill was duly voted upon by the Council on _____ day of _____, 2024, at a Regular Meeting with a vote of _____ in favor and _____ opposed, _____ abstaining, and _____ absent, pursuant to the authority vested in the Council by the Constitution of the Upper Mattaponi Tribe.

Secretary of the Council or Designee