

NEZ PERCE TRIBE



2021 – 2022

TREATY BUFFALO HUNT
REGULATIONS

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2021-2022 TREATY BUFFALO HUNT REGULATIONS

AUTHORITIES & OVERVIEW

In its 1855 Treaty with the United States (12 Stat. 957), the Nez Perce Tribe reserved, and the United States secured among other guarantees, the right to hunt on open and unclaimed land outside the exterior boundary of the Nez Perce Reservation. This right includes the right to hunt *qoq'áalx* (“buffalo”) on land now managed by the Custer Gallatin National Forest adjacent to Yellowstone National Park.

In accordance with Article VIII, Section 2, Subsection (C) of the Revised Constitution and Bylaws of the Nez Perce Tribe, the Nez Perce Tribal Executive Committee (“NPTEC”) has the power to promulgate and enforce ordinances governing the exercise of treaty rights on or off the Nez Perce Reservation. Pursuant to the Nez Perce Tribe’s sovereign authority, the Nez Perce Treaty of 1855, and §3-1-80 and §3-1-81 of the Nez Perce Tribal Code, the NPTEC shall authorize—after consultation with the Nez Perce Tribe Fish and Wildlife Commission (“NPTFWC”)—an annual, ceremonial, and subsistence season for hunting and harvesting buffalo on the open and unclaimed lands near Gardiner, Montana (Bison Hunting District 385 – see Appendix A) (“North Yellowstone”) and West Yellowstone, Montana (Bison Hunting District 395 – see Appendix B) (“West Yellowstone”). Furthermore, the NPTEC will specify the number of buffalo that Nez Perce Tribal members may harvest. Subject to the authority of NPTEC to reject or modify any action taken by the NPTFWC, the NPTFWC has the authority to promulgate annual, seasonal hunting regulations and prescribe the manner and methods that Nez Perce Tribal members may use in taking wildlife, including buffalo. Nez Perce Tribal Code, §3-1-11.

Nez Perce Tribal members who participate in the Nez Perce Tribe 2021-2022 Treaty Buffalo Hunt (“Treaty Buffalo Hunt”) must comply with all sections of the Nez Perce Tribal Code, the Nez Perce Tribe 2021-2022 Treaty Buffalo Hunt Regulations (“Treaty Buffalo Hunt Regulations”), as promulgated by the NPTFWC. Nez Perce Tribal members who harvest elk under a Treaty Buffalo Hunt Permit (“Permit”) are also required to comply with all sections of the Nez Perce Tribal Code and with the Treaty Buffalo Hunt Regulations. Any Nez Perce Tribal member who violates the Nez Perce Tribal Code or the Treaty Buffalo Hunt Regulations is subject to citation and fine and the revocation of her or his hunting rights for the following Treaty Buffalo Hunt season.

SECTION 1: NEZ PERCE PERMIT

Permits authorize the harvest of buffalo and elk (“Animals”). The hunting, trapping, and harvesting of all other species is prohibited on the Custer Gallatin National Forest in the state of Montana, unless and until otherwise promulgated by the Nez Perce Tribe.

All Nez Perce Tribal members who wish to participate in the Treaty Buffalo Hunt season must apply for and obtain a Permit from the NPTFWC. Permit applications must be submitted five (5) days prior to the applicant’s requested hunt start date. If a Permit Application is submitted fewer than five (5) days prior to the applicant’s requested hunt start date, the Permit Application will be rejected. Nez Perce Tribal members may only request one Permit at a time during the Treaty Buffalo Hunt season—either one Beattie Gulch Permit or one General Permit. Permit applications are processed and filled by the NPTFWC on a first-come, first-served basis. The NPTFWC will not process incomplete Permit Applications.

All permitted hunters, including designated hunters and designated shooters, as defined in Nez Perce Tribal Code, § 3-1-1(i), must have a copy of their Permit on their person, or in their immediate vicinity, at all times during their hunt and while transporting buffalo harvested under their Permit. All permitted hunters must also have in their possession their identification cards issued by the Nez Perce Tribe. Nez Perce Tribal Code, § 3-1-8.

The NPTFWC must deny a Permit Application if an applicant was convicted or found to have violated, within the last three (3) years, any provision of Title 3 of the Nez Perce Tribal Code or the Treaty Buffalo Hunt Regulations in Nez Perce Tribal Court or convicted or found to have violated, in any other court of competent jurisdiction, a hunting or fishing law or regulation. The NPTFWC must also deny any Permit Application from an applicant who received a Permit to hunt buffalo the previous season but failed to submit a Buffalo Harvest Report.

A. Beattie Gulch Permit

Pursuant to the inter-tribal Memorandum of Agreement (“MOA”) between the Nez Perce Tribe, Confederated Salish and Kootenai Tribes, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes and Bands of the Yakama Nation (“Signatory Tribes”), executed on October 24, 2017, Beattie Gulch is now restricted to 25 hunters at any one time, to be equitably distributed between each of the Signatory Tribes to the inter-tribal MOA.

In accordance with the inter-tribal MOA, the NPTFWC will be issuing six (6), seven (7)-day Permits for Beattie Gulch, Wednesday through Tuesday, for each week during the annual, ceremonial, and subsistence season. Hunters who obtain a Beattie Gulch Permit are guaranteed access to Beattie Gulch during the dates listed on their Permit. Nez Perce Tribal members

holding a Beattie Gulch Permit can also hunt outside of Beattie Gulch on open and unclaimed lands in North Yellowstone but must, if leaving Beattie Gulch, notify a Nez Perce Tribe Department of Fisheries Resources Management Conservation Enforcement (“Conservation Enforcement”) officer of their new intended hunt location in person or via phone at (208) 843-7143 or toll free at (877) 790-3474. Regardless of where a Nez Perce Tribal member hunts with a Beattie Gulch Permit, she or he may not harvest more than the total number of buffalo authorized for harvest on her or his Beattie Gulch Permit. Nez Perce Tribal members holding a Beattie Gulch Permit who wish to hunt West Yellowstone must be issued a General Permit for West Yellowstone by the NPTFWC.

B. General Permit (non-Beattie Gulch Permit)

General Permits do not guarantee access to Beattie Gulch. Rather, Nez Perce Tribal members holding a General Permit may hunt outside of Beattie Gulch on open and unclaimed lands in North and West Yellowstone, as designated on their Permit. The NPTFWC will be issuing an unlimited number of seven (7)-day General Permits, Wednesday through Tuesday, for each week during the annual, ceremonial, and subsistence season.

A Nez Perce Tribal member holding a General Permit may only hunt Beattie Gulch if allocated a hunt slot by a tribal LEO (law enforcement officer) Hunt Coordinator in Beattie Gulch, in accordance with the inter-tribal MOA. Regardless of where a Nez Perce Tribal member hunts with a General Permit, she or he may not harvest more than the total number of animals authorized for harvest on her or his General Permit.

SECTION 2: ASSISTANTS

Nez Perce Tribal members who apply for a Permit are encouraged to find assistants to accompany them on their hunt and assist with processing any animals harvested under their Permit. All assistants accompanying a Nez Perce Tribal member on her or his hunt must be listed as assistants on the Permit Application. The NPTFWC will consider the number of assistants listed on a Permit Application when determining the number of animals to authorize for harvest on a Permit.

Assistants MAY NOT shoot an animal for the Permit holder.

SECTION 3: DESIGNATED HUNTERS

In order to secure a “designated hunter,” a Nez Perce Tribal member must submit a Treaty Buffalo Hunt Permit Application requesting a designated hunter. If the NPTFWC approves the Permit Application, the NPTFWC will issue the Permit in the name of the designated hunter, not in the name of the Nez Perce Tribal member who submitted the application. The designated hunter will

be treated as a Permit holder for purposes of enforcing the Nez Perce Tribal Code and the Treaty Buffalo Hunt Regulations that pertain to the hunt.

The NPTFWC may issue a Permit to a designated hunter under the following circumstances: 1) a Nez Perce Tribal member or organization wishes to serve buffalo meat at an event or ceremony; or 2) a Nez Perce Tribal member is unable or unwilling to hunt for herself or himself, for whatever reason.

If the NPTFWC approves more than one (1) Permit for a Nez Perce Tribal member (because the tribal member has applied for her or his own Permit and has been requested to serve as a designated hunter or designated shooter, as defined by Nez Perce Tribal Code, § 3-1-1(i), on one or more Permit Application), the NPTFWC will make every effort to issue the Nez Perce Tribal member one (1) Permit specifying the total number of animals she or he is authorized to harvest from all Permit Applications. When reviewing Permit Applications, the NPTFWC will give consideration to how many animals the designated hunter and her or his hunting party are able to properly handle and transport.

SECTION 4: GEAR TYPE

Nez Perce Tribal members must indicate on their Permit Application whether they intend to hunt with a firearm or hunting bow.

A. Firearms

If a Nez Perce Tribal member chooses to hunt buffalo with a firearm or is a designated shooter, as defined in Nez Perce Tribal Code § 3-1-1(i), she or he must hunt with a .30 caliber or higher centerfire rifle, as defined in § 3-1-1(d). She or he may also use a .35 caliber or higher pistol, as defined in Nez Perce Tribal Code § 3-1-1(w), once she or he has shot and fatally wounded a buffalo with a .30 caliber or higher centerfire rifle (or a bow hunter has) and the buffalo is on the ground but not yet dead. She or he may fire a pistol for the purpose of killing a buffalo and must be within fifteen (15) feet of the buffalo when firing.

All tribal members using a .30 caliber or higher centerfire rifle or a .35 caliber or higher pistol must use 150 grain or heavier bullets and are prohibited from using the following cartridges: .30 Carbine and 7.62x39mm. Nez Perce Tribal Code, § 3-1-81(e).

B. Hunting Bows

If a Nez Perce Tribal member is issued a Permit that allows her or him to use a hunting bow, she or he may use a crossbow, longbow, recurve bow, or compound bow with a minimum peak draw strength of 40 pounds at 28 inches or less draw length. Arrows must be at least 20 inches

in overall length and tipped with unbarbed, sharp fixed, or expandable-blade type broadheads, with a minimum cutting surface of 7/8 inch when expanded.

(1) Designated Shooters

If a Nez Perce Tribal member is prohibited by the Nez Perce Tribal Code, state, or federal law from possessing, or having under her or his custody or control, a firearm, as defined by the Nez Perce Tribal Code, state, or federal law, she or he must be accompanied by a permitted designated shooter, as defined in § 3-1-1(i), when hunting with a hunting bow.¹ Only the designated shooter may carry and fire a .30 caliber or higher centerfire rifle or a .35 caliber or higher pistol. Nez Perce Tribal Code, § 3-1-81(e).

Designated shooters must be listed on the same Permit as the person authorized to hunt using a hunting bow. Nez Perce Tribal Code, § 3-1-1(i). Both the person authorized to use a hunting bow and the designated shooter must have a copy of the Permit under which they are hunting on her or his person, or in the immediate vicinity, at all times during the hunt.

SECTION 5: ORIENTATION REQUIREMENT

In order to receive, or be listed on, a Permit as a hunter, assistant, designated hunter, or designated shooter, a Nez Perce Tribal member must have already attended a hunter orientation for the Nez Perce Tribe 2021-2022 Treaty Buffalo Hunt season.

The NPTFWC is responsible for planning and conducting all hunter orientations for Treaty Buffalo Hunt seasons.

SECTION 6: SEASON LENGTH FOR WEST YELLOWSTONE AND NORTH YELLOWSTONE

The Treaty Buffalo Hunt seasons for West Yellowstone and North Yellowstone, including Beattie Gulch began on September 14, 2021 (September 14, 2021 Administrative Action No. 3). The Treaty Buffalo Hunt seasons for both West Yellowstone and North Yellowstone will end on March 31, 2022, at which time all shooting will cease, unless otherwise promulgated by the Nez Perce Tribe.

During the Treaty Buffalo Hunt seasons for West Yellowstone and North Yellowstone, hunting is authorized seven (7) days a week from 1/2 hour before sunrise to 1/2 hour after sunset, in accordance with individual Permits. Nez Perce Tribal Code, §3-1-81(d).

¹ This includes, but is not limited to, those Nez Perce Tribal members with state or federal felony convictions.

SECTION 7: AREAS OPEN

Nez Perce Tribal members may hunt animals in those portions of the Custer Gallatin National Forest that are not otherwise closed to hunting (see closures below). The area of the Custer Gallatin National Forest referred to as “North Yellowstone” is located near Gardiner, Montana and encompasses National Forest System land north of Yellowstone National Park, including the upper portions of the Hellroaring and Slough Creek drainages. The area referred to as “West Yellowstone” is located near West Yellowstone, Montana and encompasses National Forest System land west of Yellowstone National Park, including the Cabin Creek Recreation and Wildlife Management Area, the Monument Mountain Unit of the Lee Metcalf Wilderness, and the upper Gallatin River drainage south of the mouth of Taylor Fork.

SECTION 8: AREAS IN BUFFALO COUNTRY CLOSED TO TREATY HUNTING

The following areas are closed to the discharge of a firearm, a hunting bow, or any other dangerous weapon (as defined in Nez Perce Tribal Code §4-1-1(j)):

1. Areas within the city limits of Gardiner, Montana and West Yellowstone, Montana, including the area adjacent to Gardiner along the Jardine Road before its intersection with the Travertine Road; and
2. Private property, including the railroad grade running north to south through Beattie Gulch; and
3. The “No Shooting Zone” in Beattie Gulch between the Yellowstone Trail and the Yellowstone River; and
4. The West Yellowstone Bald Eagle Sanctuary on Horse Butte; and
5. Any area within 150 yards of a residence, building, campsite, developed recreation site, or occupied area; and
6. Any area within 100 yards of a highway; and
7. Within the McConnell Recreation Area (5 acres); and
8. Within the “Clean Zone” just north of Beattie Gulch (18 acres).

The closed areas listed in this Section include, but are not limited to, the Eagle Creek Campground on the Jardine Road, the Beattie Creek trailhead, and the area between U.S. Highway 287 and the boundary of Yellowstone National Park between the Hebgen Ranger Station and Bakers Hale Campground.

SECTION 9: ANIMAL HARVEST ALLOCATION

Permits authorize the harvest of buffalo and elk (“Animals”). The hunting, trapping, and harvesting of all other species is prohibited on the Custer Gallatin National Forest in the state of Montana, unless and until otherwise promulgated by the Nez Perce Tribe.

Permits limit the harvest of Animals to no more than the number specified on the Permit, regardless of where on the Custer Gallatin National Forest the Animals are harvested. Under no circumstances may a hunter harvest more Animals than the number specified on her or his Permit.

For example: A Permit authorizing the harvest of four (4) Animals means that, regardless of how many of the harvested Animals are buffalo and how many are elk, the hunter is limited to a combined total harvest of four (4) Animals.

SECTION 10: TREATY BUFFALO HUNT HARVEST REPORT

Nez Perce Tribal members who obtain a NPTFWC Permit (Beattie Gulch Permit or General Permit) are required to report their harvest on a Treaty Buffalo Hunt Harvest Report (“Harvest Report”) form. If a Nez Perce Tribal member hunted as a designated hunter or designated shooter, she or he must sign the Harvest Report along with the Permit applicant.

Harvest Reports must be submitted to Conservation Enforcement within five (5) business days following the last day of the hunt listed on the Permit, whether or not an animal was harvested under the Permit. Harvest Reports can be handed to a Conservation Enforcement officer in the field, dropped off at the Conservation Enforcement office in Sweetwater, Idaho during business hours, or placed in a 24-hour a day drop box located on the outside of the office. Conservation Enforcement will share all Harvest Reports received with the NPTFWC and the Nez Perce Tribe Department of Natural Resources, Wildlife Division.

The NPTFWC must deny any Permit Application from a Nez Perce Tribal member who received a Permit the previous season but failed to submit a Harvest Report to Conservation Enforcement.

SECTION 11: NO WASTAGE

A. Buffalo

The only remaining parts of a downed buffalo that a Permit holder may leave in the field are the spine, pelvic bone, entrails (gut pile), the rear legs from the hock down, and the front legs from the knee down. This means that all other meat and animal parts must be removed from the field. It is the Permit holder’s responsibility to ensure that she or he has adequate tools, such as knives, saws, etc., to remove all required meat and animal parts from the field.

(In order to help Permit holders comply with the above regulation, the following is a non-exhaustive list of the type of meat and animal parts that hunters must remove from the field: meat from the hind quarters down to the hock; meat from the front quarters down to the knee; the backstraps (outer portion of the spine); the tenderloins (underneath the spine); meat from the neck (hump meat); meat from the ribs with flank; and the head, hide, and ribs, which must be cut off.)

B. Elk

The only remaining parts of a downed elk that a Permit holder may leave in the field are the spine, pelvic bone, entrails (gut pile), the rear legs from the hock down, the front legs from the knee down, the head, and the hide. This means that all other meat and animal parts must be removed from the field. It is the Permit holder's responsibility to ensure that she or he has adequate tools, such as knives, saws, etc., to remove all required meat and animal parts from the field.

(In order to help Permit holders comply with the above regulation, the following is a non-exhaustive list of the type of meat and animal parts that hunters must remove from the field: meat from the hind quarters down to the hock; meat from the front quarters down to the knee; the backstraps (outer portion of the spine); the tenderloins (underneath the spine); meat from the ribs with flank; and ribs, which must be cut off.)

C. Animals Sent to Processing Facilities

The meat from animals sent to processing facilities must be picked up in accordance with the processing facility's meat abandonment policy. Waste, as defined in Nez Perce Tribal Code, §3-1-1(ii), occurs if a processing facility determines that meat has been "abandoned" or if the processing facility otherwise assumes ownership of the meat.

SECTION 12: SAFETY

A. Beattie Gulch

Nez Perce Tribal members hunting in Beattie Gulch must follow the "Common Hunt Protocols" and "Common Safety Provisions and Regulations" found in the inter-tribal MOA.

B. Beattie Gulch and All Other Areas of North Yellowstone and West Yellowstone

Nez Perce Tribal members must refrain from the discharge of all firearms and hunting bows within a 150-yard radius of a downed animal. The discharge of all firearms and hunting bows may not resume within a 150-yard radius of a downed animal until all killed animals are retrieved and transported to the nearest open road.

No Nez Perce Tribal member may discharge a firearm, a hunting bow, or any other dangerous weapon (as defined in Nez Perce Tribal Code §4-1-1(j)) upon or across an open road.

Nez Perce Tribal members must comply if and when a Conservation Enforcement officer orders a cease fire. A Conservation Enforcement officer may immediately revoke, in the field, the Permit of any Nez Perce Tribal member who fails to stop firing after receiving a cease-fire order from a Conservation Enforcement officer.

Nez Perce Tribal members may not possess or consume alcoholic or other intoxicating beverages or intoxicating substances while hunting anywhere on the Custer Gallatin National Forest.

SECTION 13: VIOLATIONS AND ENFORCEMENT

The Nez Perce Tribal Court is authorized to adjudicate all alleged violations by Nez Perce Tribal members of the Nez Perce Constitution, Bylaws, Code, and Regulations. Nez Perce Tribal Code, §1-1-9 to §1-1-12. Violations of Title 3 (Natural Resources and the Environment) of the Nez Perce Tribal Code or any regulation or policy adopted pursuant to Title 3 of the Code—including the Treaty Buffalo Hunt Regulations—is a civil infraction, punishable by fine. Nez Perce Tribal Code, §3-1-14. The Nez Perce Tribal Court is also authorized to enforce the criminal offenses set forth in Chapter 4 of the Nez Perce Tribal Code, including §4-1-151 to §4-1-158 (Fish and Wildlife Offenses), and §4-1-126 (Weapons Offense) and §4-1-127 (Committing an Offense While Armed).

A Conservation Enforcement officer may immediately revoke, in the field, the Permit of any Nez Perce Tribal member if the Conservation Enforcement officer believes a Permit holder, assistant, designated hunter, or designated shooter has failed to follow an order from a Conservation Enforcement officer or violated the Nez Perce Tribal Code, the Treaty Buffalo Hunt Regulations, or any other regulation or policy adopted pursuant to Title 3 or Title 4 of the Nez Perce Tribal Code.

(Concurrent Jurisdiction: Nez Perce Tribal members should be aware that the U.S. Forest Service and the state of Montana possess concurrent jurisdiction in North Yellowstone and West Yellowstone. Consequently, Nez Perce Tribal members exercising their treaty-reserved hunting rights can be cited by federal and state law enforcement officers for violating some federal and state laws and regulations. Some such laws include:

Gut Piles: The U.S. Forest Service prohibits gut piles on, or approximate to, open roads. The U.S. Forest Service also prohibits gut piles within 200 yards of any U.S. Forest Service road or trail. A U.S. Forest Service road or trail is any road or trail wholly or partially within, or adjacent to and serving the U.S. Forest Service lands or property that the U.S.

Forest Service determines is necessary for the protection, administration, and use of U.S. Forest Service lands or property. This includes the county road facing Beattie Gulch. § 36 CFR 261.50, Occupancy and Use Order #01-14-11-00-02.

Roads:

Federal: The U.S. Forest Service prohibits “[d]ischarging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows:

- (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or
- (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.
- (3) Into or within any cave.” §36 CFR 261.10 (d)

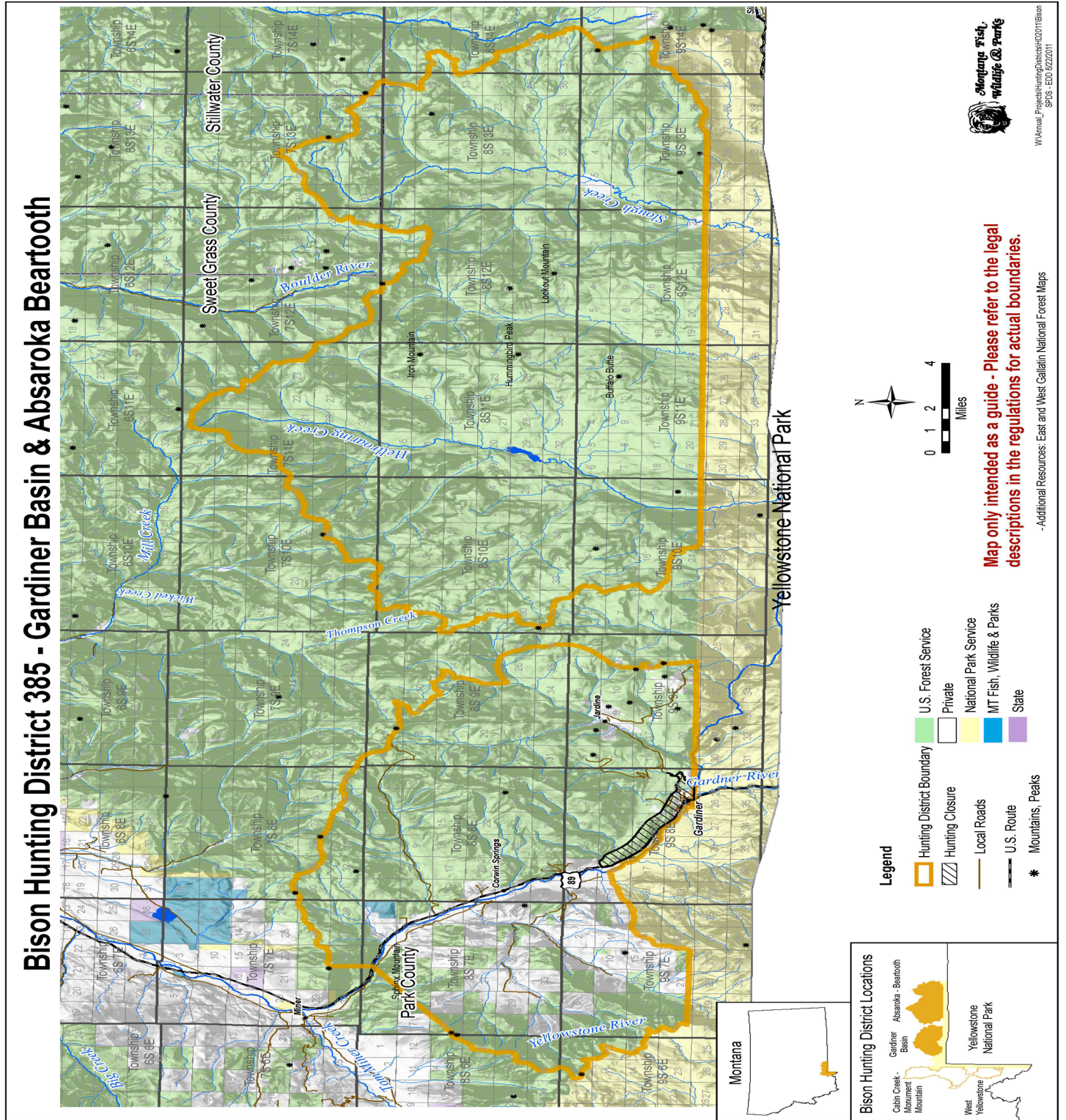
State: The state of Montana prohibits “shoot[ing] a firearm from or across the right-of-way of a highway. MCA § 61-8-369. Certain exceptions apply to people “certified as disabled.” MCA § 87-2-803. The state of Montana also prohibits bison hunting “within 100 yards of major highways” in its bison hunting regulations.)

SECTION 14: CONTACT INFORMATION

The Nez Perce Tribe Department of Fisheries Resources Management Conservation Enforcement office can be reached at 208-843-7143 or toll free at 1-877-790-3474.

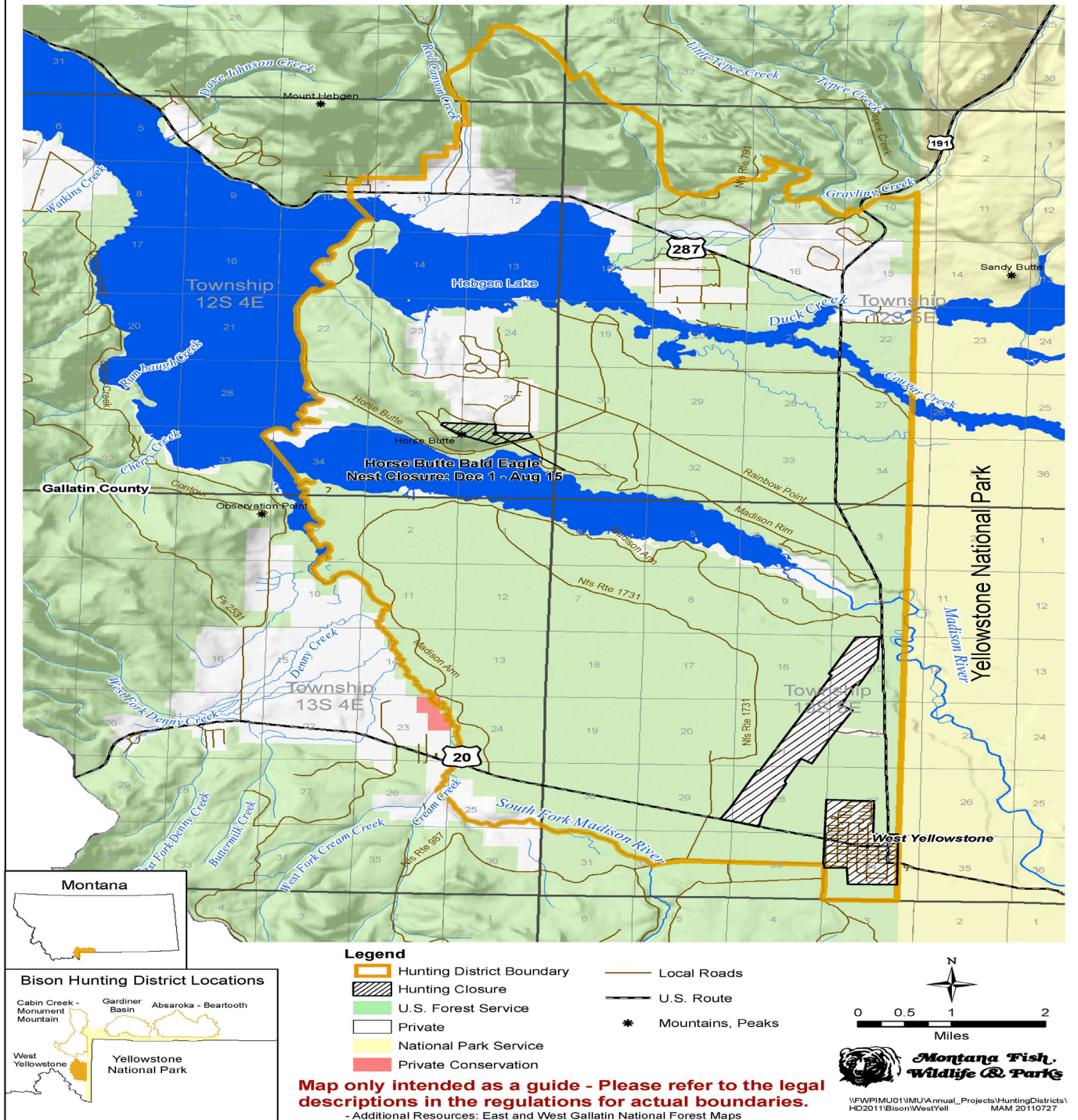
The Nez Perce Tribe Fish and Wildlife Commission office can be reached at 208-843-9376.

APPENDIX A: North Yellowstone (Bison Hunting District 385)



APPENDIX B: West Yellowstone (Bison Hunting District 395)

Bison Hunting District 395 - West Yellowstone



APPENDIX C: *Nimipuutímt* Buffalo Words

<i>Nimipuutímt</i> Buffalo Words by Harry Slickpoo Jr.	
<i>'aláwa</i>	Buffalo Yearling
<i>k'usey'ne'ískit</i>	Migrating Trail—Buffalo Hunting Trail
<i>k'usey'nem núkt</i>	Buffalo Meat
<i>k'usey'neyéekt</i>	Buffalo Hunting Trip
<i>k'úusey'n</i>	Buffalo Country
<i>k'uysey'nem'éenm núkt</i>	Bison Meat
<i>qoq'áalx</i> <i>k'usey'nem'é</i> <i>k'usey'nem'é qoq'áalx</i> <i>k'usey'nem'éepeme</i>	Buffalo
<i>tukéytet</i>	Buffalo Hunt
<i>tukeytew'éet</i>	Buffalo Hunter

<i>Nimipuutímt</i> Buffalo Words by Thomas Gregory	
<i>k'usey'ne'ískit</i>	A trail that leaves Kamiah and leads to Montana by way of Musselshell; Bison Trail; Lolo Trail.
<i>k'usey'nem'éenm nuk</i>	Bison Meat
<i>k'usey'nem'éepeme</i>	Bison “(a being) from <i>k'úusey'n</i> ”
<i>k'usey'neyéekse</i>	I go/am going to the bison/buffalo country to hunt bison/buffalo. (1st person present)
<i>k'usey'neyéeksix</i>	We go/are going to the bison/buffalo country to hunt buffalo/bison. (1st plural present)
<i>k'usey'neyéekt</i>	Buffalo Hunting Trip
<i>k'usey'neyéeku'</i>	I will go to the bison/buffalo country to hunt bison/buffalo. (1st future)
<i>k'úusey'n</i>	Bison
<i>k'úusey'nem'é</i>	Bison (1) from Montana, (2) Bison (abbreviated form of <i>k'usey'nem'é qoq'áalx</i>)
<i>pek'usey'neyéeku'</i>	We will go to the bison/buffalo country to hunt bison/buffalo. (1st plural future)
<i>qoq'áalx</i>	Buffalo
<i>tukéytet</i>	Bison Hunting
<i>tukeytew'éet</i>	Bison Hunter