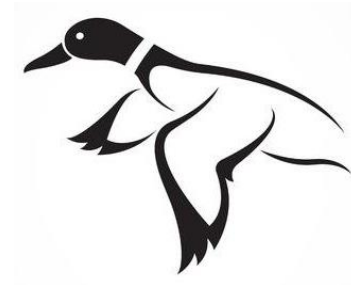


UTE INDIAN TRIBE/UDC
UINTAH AND OURAY RESERVATION
Fort Duchesne, Utah

Rules and Regulations Governing the Taking of Waterfowl

2019-2020
WATERFOWL
PROCLAMATION



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1. DEFINITIONS

- a. **“All Terrain Vehicle (ATV)”** means any motorized vehicle designed for or capable of travel over unimproved terrain, and includes but is not limited to: motor-cycles, three-wheelers, quad runners, four-wheelers, snowmobiles and dune buggies.
- b. **“Authorized Officer”** shall mean a Ute Indian Tribe Conservation Officer, Bureau of Indian Affairs Police Officer, or Federal Law Enforcement Officer who has been authorized to enforce this proclamation in accordance with Tribal or Federal Law.
- c. **“Bag Limit”** shall mean the total number of game species shall be allowed to be taken in one day.
- d. **“Closed Season”** shall mean that period of time during which the taking of any game species is prohibited.
- e. **“Code”** shall mean Title VIII, the Wildlife and Outdoor Recreation Code of the Ute Indian Tribe Law and Order Code of the Uintah and Ouray Reservation.
- f. **“Exterior Boundary Lands”** shall mean those Non-Trust Lands within the original confines of the Uintah and Ouray Reservation as set forth by Executive Orders of October 3, 1861, and January 5, 1882.
- g. **“Guide”** shall mean any person who offers services, at a cost or at no cost, of providing direction and/or supervision to any person to an area or areas on Trust Lands of the Reservation for the purpose of angling, camping, hunting or other recreational activities.
- h. **“Hagen Lands”** means those Exterior Boundary Lands which were determined to have been removed from the Reservation in Hagen v. Utah, 510 U.S. 399 (1994) and Ute Indian Tribe v. Utah, 114 F. 3d (10th Cir. 1997), and includes those lands known as the “Strawberry Reclamation Project Area” and the “Gilsonite Strip.”
- i. **“Hunt or Hunting”** shall mean to take or pursue any animal by any means (except and including those that are prohibited by this proclamation).
- j. **“Mixed-Blood”** shall mean any person whose name appears on the final roll of Mixed-Blood Members of the Ute Indian Tribe, which was published in the Federal Register on April 5, 1956.
- k. **“Non-Indian”** shall mean any person who is neither a Tribal Member, a Mixed Blood, or Non-Member Indian.
- l. **“Non-Member Indian”** shall mean an enrolled member of an Indian Tribe other than the Tribe that is recognized by the Secretary of the Interior as possessing a government-to-government relationship with the United States; except that, the phrase “Non-Member Indian” shall not include Mixed-Bloods.
- m. **“Non-toxic Shot”** means all shot types approved by the U.S. Fish and Wildlife Services as non-toxic. Only soft iron, steel, copper-plated steel, nickel plated steel, bismuth, tungsten, tin and zinc-plated steel shot have been approved and nickel plated steel, bismuth, tungsten, tin and zinc-plated steel shot have been approved.
- n. **“Permit”** shall mean a document issued by the Ute Tribe Fish and Wildlife Department, which document authorizes the person to whom it is issued to hunt the particular species identified on the permit in accordance with the rules and regulations, established in this proclamation.
- o. **“Person”** shall mean a natural being, and unless otherwise appearing from the context, and includes Tribal Members, Mixed-Bloods, Non-Member Indians and Non-Indians, as defined elsewhere in this section.
- p. **“Possession”** shall mean the actual or constructive custody of and control over waterfowl.
- q. **“Possession Limit”** shall mean the number of a given game species a person may have in his/her possession at any one time
- r. **“Proclamation”** shall mean the rules and regulations established by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah which governs the taking of waterfowl on the Reservation.
- s. **“Proper Identification”** shall mean:
 - (1) for Tribal Member, a Ute Indian Tribe Identification Card;
 - (2) for Mixed-Bloods, a Mixed-Blood Identification Card issued by the Bureau of Indian Affairs;
 - (3) for Non-Member Indians, a valid identification card issued by the tribe in which said person is enrolled, or a Certificate of Degree of Indian Blood issued by the Bureau of Indian Affairs; and
 - (4) for Non-Indians, a valid, picture identification card (e.g. such as driver’s license) issued by the state in which said Non-Indian resides.
- t. **“Reservation”** shall mean all lands, including trust and non-trust lands, located within the original boundaries of the Uintah and Ouray Reservation as set forth by Executive Orders of October 3, 1861, and January 5, 1882, and confirmed and defined by Ute Indian Tribe v. Utah, 114 F. 3d 1513 (10th Cir. 1997).
- u. **“Take”** shall mean to hunt, pursue, harass, catch, capture, possess, trap, or kill or attempt to hunt, pursue, harass, catch, capture, possess, trap or kill any game animal.
- v. **“Trespass”** shall mean to enter unlawfully upon Trust Lands or private property.
- w. **“Tribal Members”** shall mean any person who is an enrolled member of the Tribe.
- x. **“Tribe or Ute Tribe”** means the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.
- y. **“Trust Lands”** shall mean those lands of the Reservation which are held in trust by the United States for the Benefit of the Tribe, an individual or group of individuals, and which are subject to the exclusive jurisdiction of the Tribe and the United States.
- z. **“Waterfowl”** shall mean all species of ducks and geese. The taking of all other species of migratory birds is prohibited (except dove, which is outlined in the Ute Tribe Upland Game Proclamation).

2. SHOOTING HOURS

Shooting hours are restricted to daylight hours. Daylight hours are defined as one-half hour before official sunrise to one-half hour after official sunset.

3. BAG AND POSSESSION LIMITS

Bag limits and species authorized to be taken are those federal regulations adopted by the Ute Indian Tribe. Bag and possession limits for ducks and geese coincide with Federal bag and possession limits for Uintah and Duchesne Counties. Possession and bag limits on the Uintah and Ouray Reservation shall not be in addition to Utah State bag or possession limits for ducks and geese.

LIMITS FOR DUCKS (BAG AND POSSESSION) Limits for Tribal Members, Mixed

Bloods and Non-Members:

Duck: Seven (7) daily; except no more than two (2) Hen Mallards; no more than two (2) Redheads; no more than two (2) Canvasback; (3) three Scaup Duck, no more than two(2) Pintails, no more than (2) Wood Duck. The possession limit is twice the daily bag limit.

LIMITS FOR GEESE (BAG AND POSSESSION) Limits for Tribal Members, Mixed

Bloods and Non-Members:

- (a) White Geese (Snow, Blue and Ross): (20) per day, (60) in possession.
- (b) Dark Geese (Canada, White-Fronted, Brant): four (4) per day, (12) in possession.
- (c) Snipe: (8) per day, (24) in possession.

4. PERMITS

- a. Purchase and possession of a Ute Tribe Waterfowl Permit is required for all Non-Members to hunt ducks on Trust Lands. A Federal Migratory Stamp must accompany all Duck Permits in order to take ducks.
- b. A Utah State license is not required to hunt on Trust Lands, and a Utah State license is not valid for use on Trust Lands.
- c. Tribal Members may hunt waterfowl on Trust lands and Exterior Boundary Lands but must first obtain a permit at no cost. Such persons must have proper identification in his/her immediate possession at all times while engaged in hunting and/or transporting waterfowl. A Federal Migratory Bird Stamp must accompany the waterfowl permit in order to take waterfowl.
- d. Mixed Bloods may hunt waterfowl on Trust Lands and Exterior Boundary Lands but first must obtain a permit at no cost. **The issuance of a Waterfowl Permit to hunt on Exterior Boundary Lands does not entitle the holder of such permit to take waterfowl on Hagen Lands.** Such persons must have proper identification in his/her immediate possession at all times while engaged in hunting or transporting waterfowl. A Federal Migratory Bird Stamp must accompany the Waterfowl Permit in order to take waterfowl.
- e. **Waterfowl Permit (Non-members 12-18 years and over with successful completion of hunters education, must show blue card)-----\$55.00***
*There will be a Conservation Stamp fee of \$15.00 to cover the costs of management and camping facilities. The fee will be paid separately at the time of purchasing a permit, and is not included in the above fees. Conservation Stamp must be signed at the time of purchase, across the face of the stamp in order to be valid, and a Federal Migratory Bird Stamp must accompany all Waterfowl Permits in order to take waterfowl.

5. GENERAL REGULATIONS

- a. **Hunter Safety Course**
Any person under 18 years of age must show proof of successful completion of a hunter safety course before acquiring a Ute Tribal Waterfowl Permit.
- b. **Species Identification**
If game birds are dressed, one fully feathered wing must remain attached to each bird so as to permit species identification while being transported between the place where taken, and the personal abode of the possessor or between the place taken and a commercial facility.

- c. **Restrictions for Hunters under 18 years of age**
Any person under 18 years of age must be accompanied by a permitted responsible adult while hunting waterfowl on the Reservation.
- d. **Exhibition of Permits**
Any person engaged in hunting, fishing, or trapping, or while transporting any wildlife shall be required upon demand of any Conservation Officer, or other authorized officer, to exhibit the required Tribal License, Permit, or proper Identification, and any device or apparatus in his/her possession used for hunting, fishing, or trapping; or any wildlife in his/her possession.
- e. **Carrying of License**
No person shall engage in hunting for protected wildlife as provided by this Proclamation without having procured the necessary 2019 – 2020 Tribal Waterfowl Permits or tags, or proper identification as herein provided, and having at the time such permits, or proper identification on his/her person; nor shall any person lend, transfer, sell, give or assign his permits or tags belonging thereto or the rights granted by such permits or tags. It shall be unlawful for any person to use or have in his or her possession while hunting, any license, permit or proper identification not issued to him/her.
- f. **Hunting under the Influence of Alcohol or Illegal Drugs.**
It is unlawful for any person to possess or use weapons in the pursuit of any kind of wildlife on the Reservation while under the influence of alcohol or drugs.
- g. **Unlawful Use or Motorized Vehicles.**
It is unlawful for any person to take or pursue any upland game or waterfowl from an ATV, aircraft, airboat, three-wheeler, quad-runner, motorcycle, four-wheeler, UTV, side-by-side or snowmobile.
 - 1. **TRIBAL MEMBERS ONLY-** ATV operations shall be limited to those areas within a two (2) mile radius of each community. Use of ATV's within a one (1) radius of any recreational area is prohibited. Any other use is strictly prohibited, unless other authorization is obtained by the Fish and Wildlife Department Director, with concurrence of the Business Committee.
- h. **Checking Stations**
It is unlawful for any person to fail to stop at checking stations or roadblocks where a stop sign or red or blue light is displayed.
- i. **Damage to Property**
It is unlawful for any person on Indian Lands to damage, disarrange, or destroy property. It shall be unlawful for any person to hunt or shoot within 600 feet of any dwelling, house, barn, corral, feeding pen, stockyard, or any enclosure where domestic animals are kept or fed, unless the express permission of the person in lawful possession of such building or enclosure is first had and obtained.
- j. **Guides and Guiding**
 - 1. No tribal Member shall offer guide services or guide any person on Trust Lands of the Uintah and Ouray Reservation unless that person has been approved and licensed by the Ute Tribe Fish and Wildlife Department and the Fish and Wildlife Advisory Board.
 - 2. No Non-Member shall offer guide services or guide any Non-Member on Trust Lands.
- k. **Accompaniment**
No person who receives a permit to hunt on Trust Lands may be accompanied on the hunt by a Non-Indian or Non-Member Indian unless said Non-Indian or Non-Member Indian is the spouse or minor child of the permit holder.
- l. **Trespass**
No Non-Member or Non-Member Indian shall engage in any activity on Trust Lands of the Uintah and Ouray Reservation, unless said Non-Member or Non-Member

Indian has a valid permit to perform such activity in his/her possession . Failure to possess the proper permit(s) shall constitute trespass and may subject the person to prosecution under Tribal and/or Federal Law.

- m. **Trash**
It shall be unlawful to leave or dump trash on Trust Lands. If you pack it in, then pack it out. Keep our lands clean.
- n. **Camping**
A separate camping permit is not required for waterfowl permit holders, however, all camping shall be in designated areas only.
- o. **Jump Shooting**
Jump shooting for waterfowl shall be prohibited on all waters.
- p. **Hagen Lands**
Mixed-Bloods are not allowed to hunt on Hagen Lands under the authority of this proclamation.
- q. **Newly acquired lands**
Mixed-Bloods are not allowed to hunt on newly acquired lands and NOSR lands under the authority of this proclamation.
- r. **Waste**
It shall be unlawful for any person to waste or permit to be wasted or spoiled, the carcass of any waterfowl.

6. FIREARMS RESTRICTIONS

- a. **Weapons Restrictions**
 - (1) No rifle, revolver, pistol, or shotgun pellets larger than a BB may be used in pursuit of waterfowl.
 - (2) It shall be unlawful to take waterfowl with a shotgun of any description capable of holding more than three (3) shells, unless it is plugged with a one-piece filler, so its total capacity does not exceed three (3) shells.
 - (3) It shall be unlawful to take any waterfowl with archery equipment.
- b. **Unlawful Discharge of Firearms**
It is unlawful for any person other than peace officers in the performance of their duty to discharge any kind of firearm from any vehicle, or from, upon, or across any roadway.
- c. **Non-toxic Shot**
No person shall use any form of lead shot while in pursuit of waterfowl on trust lands of the Reservation. All shot types that are approved by the U.S. Fish and Wildlife Services as non-toxic may be used
- d. **Loaded Firearms in Vehicle.**
No person, other than peace officer in the performance of their duty or persons with a valid permit to carry loaded firearms for the protection of life or property, shall carry in or on any vehicle any firearms which have live ammunition in the firing chamber. A revolver shall be deemed loaded when it has live ammunition in the chamber of the cylinder aligned with the barrel or the chamber of the cylinder, which would next rotate into alignment with the barrel.
- e. **Concealed Weapon Permit**
A State of Utah concealed weapon permit is not valid on Trust Lands. Any persons other than those authorized under 6. D. of this proclamation shall be in violation of this statute and shall be prosecuted in a court of competent jurisdiction.

7. POSTED LANDS

No person may hunt, trap or trespass on any lands that are posted against such activities. If permission from owner is required to hunt, trap or trespass those restricted areas then permission in writing must be acquired prior to accessing those areas.

8. WATERFOWL SEASON

- a. DucksOctober 5, 2019 – January 18, 2020
- b. Dark GeeseOctober 5- 17, 2019 (1st season)
October 26, 2019 – January 26, 2020 (2nd Season)
- c. Light Geese.....October 25, 2019 – December 15, 2019 (1st Season)
January 15 – March 10, 2020 (2nd Season)
- d. Scaup Duck.....October 5, 2019 – December 29, 2019
- e. Snipe.....October 5, 2019 – January 18 2020

9. AREAS OPEN TO HUNTING

- a. Those areas open to Non-Members of the Ute Indian Tribe for the hunting of waterfowl are those Trust Lands in Uintah and Duchesne Counties, except those Trust Lands in the Hill Creek Extension, those Trust Lands within one mile of the White and Green Rivers, those Trust Lands in the Rock Cree Area (see description below in 10. Areas Closed to Hunting), and those lands otherwise posted “Closed” to hunting.
- b. The area open to Ute Tribal Members and Mixed-Bloods to the hunting of waterfowl is reservation-wide, including exterior boundary lands.

10. AREAS CLOSED TO HUNTING

- a. Those areas closed to Non-Members of the Ute Indian Tribe for the hunting of waterfowl shall be those Trust Lands within one (1) mile of the White River, those Trust Lands within one (1) mile of the Green River, and those Trust Lands South of Black Bridge known as the Hill Creek Extension.
- b. Those Trust Lands west of the Still Water Road (County Road 95) to State Road 35 are closed to all hunting by Non-Members (entire Rock Creek Area)
- c. *Mixed-Bloods are not allowed to hunt on Hagen Lands under the authority of this proclamation.*
- d. *Mixed-Bloods are not allowed to hunt on newly acquired lands and NOSR lands under the authority of this proclamation.*
- e. *No hunting on Midview Reservoir, Bottle Hollow Reservoir or Big Springs.*

11. DISCLAIMER

The Ute Indian Tribe, the Fish and Wildlife Department of the Ute Indian Tribe, its officers and employees shall not be responsible for loss of property, personal injury or loss of life due to any person’s negligence or failure to comply with the rules and regulations established in these guideline and Ute Law and Order Code.