

HOUSE BILL NO. HB0083

Tribal agreements to hunt and fish.

Sponsored by: Representative(s) Larsen, L, Crago, Neiman, Newsome, Oakley and Sommers and Senator(s) Barlow, Case, Dockstader, Driskill and Ellis

A BILL

for

1 AN ACT relating to game and fish; authorizing the governor
2 to negotiate and enter into agreements with tribes
3 concerning hunting, fishing, trapping and gathering rights
4 claims as specified; providing for a report; providing
5 rulemaking authority; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 23-1-1101 is created to read:

10

11

ARTICLE 11

12

AGREEMENTS WITH TRIBES

13

1 **23-1-1101. Authorization to negotiate and enter into**
2 **agreements with tribes concerning hunting, fishing,**
3 **trapping and gathering.**

4

5 (a) The governor, on behalf of the state, is
6 authorized to negotiate and enter into an agreement between
7 the state and a tribe concerning a hunting, fishing,
8 trapping or gathering right claim that is based on a treaty
9 or other recognized federal right on lands located within
10 the state.

11

12 (b) Any agreement executed under this section shall
13 be in writing and signed by the governor and the governing
14 body of the tribe.

15

16 (c) The governor shall not enter into any agreement
17 with a tribe under this section, unless:

18

19 (i) The agreement provides that the governor
20 shall renegotiate the agreement if the agreement is or
21 becomes inconsistent with any state statutes;

22

1 (ii) The tribe has adopted a game code or other
2 similar enforceable regulatory mechanism that provides for
3 the issuance of tribal hunting, fishing and trapping
4 licenses and adopts or incorporates the substantive
5 requirements and prohibitions contained in W.S. 23-3-101
6 through 23-3-407;

7

8 (iii) The governor finds that the tribe has the
9 ability to effectively enforce the provisions of its game
10 code against violators;

11

12 (iv) The tribe agrees that tribal members who do
13 not possess a valid license shall be subject to regulation
14 under applicable state laws for acts committed outside the
15 boundaries of the Wind River Indian Reservation;

16

17 (v) The tribe agrees that tribal members who
18 possess a valid tribal license but otherwise violate the
19 tribal game code outside the boundaries of the Wind River
20 Indian Reservation are subject to appropriate enforcement
21 by tribal or state authorities;

22

23 (vi) The tribe agrees to:

1

2 (A) Align its hunting, fishing and trapping
3 seasons with the hunting, fishing and trapping seasons set
4 by the Wyoming game and fish commission, except for limited
5 exceptions for ceremonial, traditional or religious
6 purposes;

7

8 (B) Abide by any hunting, fishing or
9 trapping area closures set by the commission;

10

11 (C) Collect and share harvest data with the
12 commission;

13

14 (D) Set appropriate quotas, daily limits
15 and possession limits that do not conflict with quotas,
16 daily limits and possession limits set by the commission
17 and that further both parties' interests in conservation.

18

19 (vii) The agreement provides that tribal
20 hunting, fishing, trapping and gathering shall be subject
21 to the state's right to regulate when necessary for
22 conservation.

23

1 (d) Nothing in this section or any agreement entered
2 into under this section shall grant any person the right to
3 hunt, fish, trap or gather on private property without the
4 permission of the owner or person in charge of the
5 property.

6

7 (e) As used in this section:

8

9 (i) "Gathering" means the sustainable,
10 non-commercial collection by hand of naturally occurring
11 vegetation or non-mineral surface materials for personal,
12 ceremonial, traditional or religious use. Gathering shall
13 not mean the harvest of fish or wildlife;

14

15 (ii) "Tribe" means as provided in W.S.
16 20-5-202(a)(xvi).

17

18 **Section 2.** The governor's office shall report to the
19 joint travel, recreation and wildlife interim committee
20 within ten (10) days of completion of an agreement with a
21 tribal authority pursuant to this act.

22

1 **Section 3.** To the greatest extent authorized under
2 state and federal law, the Wyoming game and fish commission
3 and the Wyoming board of land commissioners may promulgate
4 all rules and regulations necessary to implement an
5 agreement entered into pursuant to this act.

6

7 **Section 4.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

11

12

(END)