

# NOTICE

## AMENDMENTS TO THE NEZ PERCE TRIBAL CODE

This notice is being posted December 13, 2017, according to the Nez Perce Tribal Code § 1-4-2 to request written comments for the following proposed amendments:

Addition of section 4-3-77 Violation of Forest Product Harvesting Permit Policy to Chapter 4-3, Civil Infractions

**STATEMENT OF PURPOSE:** there is a need to add civil infraction language that enables the Conservation Enforcement Officers to cite people who are in violation of the Forest Product Harvesting Permit Policy.

### WRITTEN COMMENT PERIOD:

The Law and Order & Intergovernmental Affairs Subcommittee will be accepting written comments on the proposed amendment being applied to the Code. Please submit written comments to: Shannon Wheeler, Chair, Law and Order Subcommittee, P.O. Box 305, Lapwai, ID, 83540; email to shannonw@nezperce.org, fax to (208) 843-7354 or hand deliver to the NPTEC offices in Lapwai. The deadline for receipt and consideration of such comments is January 15, 2018, at 4:30 p.m.

### PROPOSED AMENDMENT:

Chapter 4-3 Civil Infractions

Proposed addition of section:

§4-3-77 Violation of Forest Product Harvesting Permit Policy

- (a) A person commits a violation of the Forest Product Harvesting Permit Policy by:
  - (1) Cutting and removing forest products of any quantity without a permit. (Forest products allowed to be harvested with a permit are corral poles, tee pee poles, posts, fuel wood, and Christmas trees.)
  - (2) Cutting and removing forest products in excess of that allowed under a lawfully issued permit.

- (3) Cutting a tree, other than a tree for teepee poles or a Christmas tree, that is not dead. (Green trees are trees with green needles on it, or any Western Larch Tree (Tamarak) with or without needles).
- (4) Selling, trading or exchanging forest products harvested under a lawfully issued permit.
- (5) Cutting and removing a Christmas tree larger than 6" in diameter at the stump.
- (6) Girdling a tree for the purpose of killing the tree for future harvest.
- (7) Cutting green timber without a Timber Harvesting Permit or a Timber Sale Contract authorized by the Tribal Chairman and BIA Superintendent. (When estimated stumpage value is greater than \$25,000, a formal timber sale contract is required. For paid Timber Sale Permits with an estimated value of \$20,001 and less than \$25,000, Tribal Forestry shall advertise the sale for written bids. For sales with an estimated value between \$5,001 and \$20,000, Tribal Forestry shall obtain written bids. For sales with an estimated value between \$1,000 and \$5,000, Tribal Forestry shall obtain telephone bids. Where estimated stumpage value is less than \$1,000, Tribal Forestry may negotiate with contractors to perform the work.)

(b) A person violates the Senior Wood Program Policy by:

- (1) Being a Firewood Vendor claiming delivery of a load of wood without written verification from the recipient or with fraudulent verification.
- (2) Being a Firewood Vendor keeping or selling wood that was intended for delivery under the Senior Wood Program.