



*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

# NOTICE

## AMENDMENTS TO THE NEZ PERCE TRIBAL CODE

This notice is being posted February 28, 2018, according to the Nez Perce Tribal Code § 1-4-2 to request written comments for the following proposed amendments (see attached):

Revised proposed amendment: 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. The proposed amendment has been revised based on comments received from the tribal community.

### 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](mailto: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 March 30, 2018, at 4:30 p.m.

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 (**FPHP**) by:
- (1) Cutting and removing forest products **in violation of the FPHP**. ~~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 **the FPHP**. ~~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 **Paid 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.~~