

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

ORDINANCE 22-04

WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934 (25 U.S.C. §5123) and under its Revised Constitution has full power and authority to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council has the power to protect and preserve the property, wildlife and natural resources of the Tribe pursuant to Article XI, Section 1(c) of the Revised Constitution; and

WHEREAS, the Mescalero Apache Tribal Council believes that it is necessary to make the below revisions to Chapter 15 of the Mescalero Apache Tribal Code in order to ensure that the Mescalero Apache Tribe is able to protect its wildlife resources; and

WHEREAS, such revisions are in the best interests of the Mescalero Apache Tribe.

NOW THEREFORE BE IT RESOLVED that the Mescalero Apache Tribal Council hereby adopts the below revisions to Chapter 15 of the Mescalero Apache Tribal Code.

BE IT FINALLY RESOVLED that all contrary provisions are hereby repealed.

CHAPTER 15

HUNTING AND FISHING

[Sections 15-1-1 to 15-9-7 remain unmodified.]

15-9-8. CIVIL REMEDIES.

- A. **CIVIL LIABILITY SCHEDULE.** If it is established after a hearing before the Mescalero Apache Tribal Court that a person has taken a listed animal in violation of this Code, the violator shall pay as restitution to the Mescalero Apache Tribe the dollar amount assigned to the particular animal as set in the Civil Liability Schedule approved by the Tribal Council. No verdict or sum against a violator shall be less than the amount set out in the Civil Liability Schedule. This amount is separate from any damages that may be found by the Tribal Court.
- B. **CIVIL LIABILITY.** The Director of the Mescalero Conservation Department, or any other Conservation Officer charged with enforcement of the laws relating to Game and Fish, if so, directed by the Director, may bring a civil action in the name of the Mescalero Apache Tribe against any person unlawfully wounding, or killing, or in possession of any game, fish, or bird, or parts thereof and recover judgment for the following minimum sums as damage for the taking, killing, or injuring:

For each:

Elk	\$ 1,000.00 <u>5,000.00</u>
Deer.....	\$ 500.00
Antelope	\$ 500.00
Bear	\$ 500.00
Cougar	\$ 500.00
Birds	\$ 20.00
Fish	\$ 1.00 <u>50.00</u>
Endangered species	\$ 1,000.00
Turkey	\$ 150.00

[Remainder of Chapter 15 remains unmodified.]

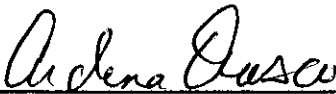
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CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 3rd day of March 2022, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 7 in favor, 0 opposed, 0 abstained and 1 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



Eddie Martinez, President



Ardena Orosco, Secretary