



To: FWP Enforcement Staff  
FROM: Dave Loewen – Chief of Law Enforcement  
Becky Dockter – Chief Legal Counsel  
DATE: May 22, 2019  
RE: *Herrera v. Wyoming*

On May 20, 2019, the U.S. Supreme Court, in *Herrera v. Wyoming* decided the issue of whether the Crow Tribe may exercise its off-reservation treaty right to hunt on Bighorn National Forest, outside the Crow Reservation. Specifically, the Supreme Court held, “The Crow Tribe’s hunting rights under the 1868 Treaty did not expire upon Wyoming’s statehood.” It further held that Bighorn National Forest land continued to be “unoccupied” and, thus, open to exercise of off-reservation treaty rights to hunt as provided in the 1868 Ft. Laramie Treaty. The case was remanded back to Wyoming state court for further argument.

Effective immediately, **Crow tribal members found to be hunting off the Crow Reservation on Bighorn National Forest, and other national forests in the vicinity, such as the Custer National Forest and the Gallatin National Forest east of the Yellowstone River (including the Absaroka- Beartooth Wilderness), should not be cited for hunting during a closed season, unlawful possession, hunting without a license, fail to tag, or any other hunting specific violations.** Citations can, however, be issued for safety-related violations such as shooting from a vehicle or shooting from a roadway. Additionally, as *Herrera* does not apply to private property, any trespass, hunting without landowner permission, or other hunting violations on private property will be investigated and suspects cited accordingly.

Further analysis of the Supreme Court’s decision and guidance regarding the Department’s compliance will be forthcoming.