

TITLE 18

SPIRIT LAKE NATION CONSERVATION CODE

AMENDED OCTOBER-2000

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TITLE 18

SPIRIT LAKE NATION CONSERVATION CODE

SECTION 1: INTRODUCTION

- 1.01 **Title.** This ordinance shall be known as the Spirit Lake Nation Conservation Code or Fish, Wildlife and Recreation Code.
- 1.02 **Authority.** This ordinance is enacted pursuant to Article VI, Section 11 of the Constitution and By-Laws of Spirit Lake Nation.
- 1.03 **Purpose.** It is the purpose of this code to: (1) Provide an orderly system for Tribal control and regulation of hunting, fishing, trapping, recreational activities and gathering on all lands within the exterior boundaries of Spirit Lake Nation (2) provide a means of conservation, enhancement, protection, and management of the Spirit Lake Nation's fish, wildlife and plant populations, and recreation activities through the regulation of member, non-member, and non-Indian harvesting and recreation activities (3) Provide a means of enforcing rules and regulations of this code contained hereafter.
- 1.04 **Jurisdiction.** This code shall govern the activities of hunting, fishing, trapping, gathering and recreation within the exterior boundaries of the Spirit Lake Nation to include but not limited to the following:
- (1) The Tribe [s] shall have exclusive jurisdiction over enrolled members of the Spirit Lake Nation on all lands and waters within the exterior boundaries of (and trust lands outside the same exterior boundaries of) the Spirit Lake Nation.
 - (2) The Tribe [s] shall have exclusive jurisdiction over non member Indians on all lands and waters within the exterior boundaries of (and trust lands outside the same exterior boundaries of) the Spirit Lake Nation.
 - (3) The Tribe [s] shall have exclusive jurisdiction over non-Indians on all lands within the exterior boundaries of (and trust lands outside the same exterior boundaries of) the Spirit Lake Nation.

1.05 **Effective Date.** This code became effective on June 23, 1992 and was adopted by the Spirit Lake Nation Tribal Council in Resolution A05-92-127.

1.06 **Severability and Non-Liability.** If any section, provision, or portion of this code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this code shall not be affected thereby. The Tribe [s] further assert immunity on its part and that of its agents from any action or damages that may occur as a result of reliance upon and conformance with this code.

1.07 **Repeal of Inconsistent Tribal Ordinances.** All ordinances and resolutions inconsistent with this code are hereby repealed. To the extent that this document imposes greater restrictions than those contained in any other Tribal ordinance, the provision of this document shall govern.

1.08 **Tribal Court.** Spirit Lake Nation Tribal Court will have jurisdiction over all matters arising under the Spirit Lake Nation Conservation Code and will adjudicate in accordance with the Conservation Code all questions, complaints and alleged violations involving the Conservation Code.

(A) The Chief Judge, or an Associate Judge, Of the Spirit Lake Nation Tribal Court shall also have the authority to issue warrants for search and seizure of the premises and property of any person under the jurisdiction of said court, however, no warrant for search and seizure shall be issued except upon a duly signed and written affidavit and complaint based upon reliable information, or belief, and charging the commission of some offense against this code.

SECTION 2: DEFINITIONS

1. **Aircraft** – As used in this code, the term aircraft means any contrivance used for flight, or to be airborne.
2. **Allotted Land** – Tribally owned or individually owned Indian lands held in trust by the Federal Government.
3. **Antlerless Deer** – All deer not displaying at least one visible antler.
4. **Antlered Deer** – All deer displaying at least one visible antler.
5. **Arrow** – A shaft of at least twenty-four inches long containing three trimmed or five untrimmed feathers, tipped with a point or device used to strike, penetrate, or pierce.
6. **Bag Limit** – Means the maximum limit, I number amount, of a particular species of fish or wildlife, which may lawfully be taken in one day during an open season.
7. **Bait** – Any substance that is placed by any person and which may serve as an attraction to any wildlife, and may include but is not limited to grain or animal remains; however, that artificial decoys used to hunt migratory game birds or turkeys shall not be deemed bait.
8. **Big Game** – Shall include, but not limited to Whitetail Deer, Elk, and Bison.
9. **Bow** – Means any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through efforts of the person releasing, but does not include Crossbow.
10. **Carcass** – Means the dead body of fish or wildlife or parts thereof.
11. **Closed Season** – Means the time and/or days during which fish or wildlife may be taken legally.
12. **Crossbow** – Means any device using a bow which, once drawn is held solely by means other than the effort of the person firing it.
13. **Dog** – Shall refer to a dog specifically bred to hunt, scent, point, flush or retrieve game birds or furbearers not to include big game.
14. **Division** – Refers to the Spirit Lake Nation Fish and Wildlife Department.
15. **Endangered or Threatened Species** – Means any species of fish, wildlife or wild plant within the Reservation or State as listed but not limited to (50 CFR Sections 17.11 and 17.12) or species classified pursuant to the Endangered Species Act of 1973, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.
16. **Falconry** – Means taking quarry by means of a trained raptor.
17. **Fee Land** – Means those lands within the exterior boundary of a reservation not held in trust or subject to restrictions on alienation and which is in private ownership.
18. **Firearm** – Means a rifle, shotgun, handgun or other type of gun.
19. **Fish** – Means any fish within the waters of the reservation.
20. **Fishing** – Means taking of fish of any variety by hook and line.
21. **Furbearers** – Shall include but not limited to Mink, Muskrat, Beaver, Otter, Weasel, Marten, Fisher, Fox, Coyote, Bobcat, Badger, Raccoon.

22. **Gathering** – Means to take or acquire or attempt to take or acquire possession of any wild plants or parts thereof.
23. **Harass** – Means to shoot at, disturb, worry, molest, rally, concentrate, harry, chase, drive, herd, or torment.
24. **Highway** – Means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of public as a matter of right for the purposes of vehicular travel. It includes those driveways in the state and Reservation which have been opened to the use of the public, but does not include private roads or driveways.
25. **Hunt or Hunting** – Includes shooting, shooting at, pursuing, catching or killing any wild animal or animals, except that hunt or hunting does not include the recovery of any wild animals which has already been lawfully reduced to possession.
26. **Hunting Hours** – Means the time of day when wildlife may be lawfully taken.
27. **License** – Means any written document granting authority to engage in specific activities covered in this code.
28. **Member** – Shall mean any enrolled member of Spirit Lake Nation.
29. **Migratory Birds** – Shall include but not limited to the following:
 - (A) all species of ducks, geese, and swans (Order Anseriformes).
 - (B) All shorebirds, wading birds and seabirds (Order Gaviiformes, Podicipediformes, Pelicaniformes, Ciconiiformes, Gruiformes).
 - (C) Mourning Dove (Order Columbiformes).
30. **Motorboat** – Means any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion.
31. **Non-Indian** – Means any person not legally recognized as a Native American by blood percentage.
32. **Non-Member Indian** – Means ant legally recognized Native American who on or visits a Reservation of which he/she is not an enrolled member.
33. **Open Season** – Means the time and /or days during which taking certain species of fish/wildlife is legal.
34. **Possession Limit** – Means the amount of fish/wildlife that may be legally possessed at any one time.
35. **Possession** – Means having killed, harvested, taken or otherwise obtained or acquired any wildlife, fish or plant subject to the provisions of this ordinance.
36. **Permit/Tag** – Means any identification device issued for the attachment to the carcass of any fish or wildlife.
37. **Plant** – Means any undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem.
38. **Raptors** – Means a live migratory bird of the Order Falconiformes or the Order Strigiformes. For simplification, bald eagle and golden eagle is part of this Definition.
39. **Reservation** – Means all lands within the limits of any Reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent and including right-of-ways running through the Reservations, (and Trust lands outside the same exterior boundaries of) the Spirit Lake Nation.

40. **Recreation** – Shall include but not limited to picnicking, camping, boating, hunting, fishing, hiking, skiing, swimming and other related activities.
41. **Roadway and Trail** – Shall include but not limited to any public highway or road, improve or otherwise, dedicated for public ingress and egress. This does not include temporary trails across cultivated land used for agricultural purposes.
42. **Seine** – A net of mesh with floats at the top and weights at the bottom, such that it hangs vertically in the water and which is drawn through the water to capture fish by encircling them rather than entangling them.
43. **Size Limit** – Means the specific size of a species of fish/wildlife that may be possessed legally.
44. **Take or Taking** – Means pursuing, shooting, shooting at, hunting, fishing, netting, (including placing or setting any net or other capturing device) capturing, killing, snaring or trapping any fish, wildlife or plant or attempting any of the foregoing.
45. **Timber** – Shall include but not limited to any woody vegetation that is ten feet or greater in height and consists of six inches of diameter or greater in D.B.H.
46. **Trapping** – Includes the taking of, or attempting to take, any wildlife, or fish by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture wildlife or fish.
47. **Tribe** – Means the Spirit Lake Nation.
48. **Trust Land** – Means land the United States Government hold legal title to for the benefits of Native Americans.
49. **Protected Species** – Shall include but not limited to Elk, Antelope, Bison, Big-Horn Sheep, Moose, Mule Deer, Whitetail Deer, Wolf, Lynx, Bobcat, Waterfowl, Upland Game Birds, Wild Turkey, song Birds, Birds of Prey or Raptors, Beaver, Mink, Muskrat, Otter and any other species which a closed season is specified or for which taking is prohibited.
50. **Unprotected Species** – Shall include but not limited to Coyote, Fox, Skunk, Badger, Raccoon, Prairie Dogs, Squirrels, Cottontail Rabbit, Jack Rabbit, Marmot, Crows, Blackbirds, Wild dogs and other species for which a Continuous open season exists.
51. **Upland Game Birds** – Shall include but limited to Grouse, Prairie Chicken, Pheasants, Partridge and Quail.
52. **Waterfowl** – Shall include but not limited to Wild Turkeys, Tree Squirrels, CottonTail Rabbit, and Jack Rabbits.
53. **Wildlife** – Shall mean any forms of birds and mammals including their nest or eggs.

SECTION 3 : GENERAL PROVISIONS

- 3.01 For the Purpose of this code, all hunting, fishing, gathering of plants, wood cutting and parts thereof is closed within the exterior boundaries of (and trust lands outside the same boundaries of) the Spirit Lake Nation unless authorized by the Spirit Lake Nation (Fish and Wildlife committee or commission) or Tribal Council.
- 3.02 Unless and except as permitted by regulations made hereinafter provided by in this code, it shall be unlawful at any time, by any means or manner to pursue, hunt, take, capture, kill, harass, waste, or attempt to take, capture, or kill, possess, offer for sale, harass, waste, sell, offer for barter, barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, imported, deliver for transportation, transport, or cause to be transported, carried, or cause to be carried, or receive shipment, transportation, carriage, or export any fish, wildlife, plant, any part or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such fish, wildlife, plant or any part included in the terms of this code.
- 3.03 **Title To Fish, Wildlife and Plants**
- (1) The Legal title to, and the custody and protection of all fish, wildlife and plants within the exterior boundaries of (and trust lands outside the same boundaries of) the Spirit Lake Nation is vested in the Tribe for the purposes of regulating use, disposition and conservation thereof.
- (2) The legal title to any fish, wildlife or plant, or carcass and/or part thereof taken or reduced to possession in violation of this code remains with the Tribe; and the title to any such fish, wildlife or plant, or carcass and/or part thereof legally acquired, is subject to the condition that upon the violation of this code relating to the possession, use, giving, sale, barter, or transportation of such fish, wildlife, or plants, or carcass and/or part thereof, by the holder of such title, the same shall revert, as a result of the violation to the Tribe. In either case, any such fish, wildlife or plant, or carcass and/or part thereof, may be seized forthwith, wherever found, by Tribal Conservation Division or any law enforcement official authorized to enforce the provisions of this code.

SECTION 4 : ADMINISTRATION AND SUPERVISION

4.01 There is hereby created a Division to be known as the Spirit Lake Nation Fish and Wildlife Department that will have the power and be charged with the duty to protect, conserve, enhance, manage all Fish, Wildlife and Plant species within the exterior boundaries of (and trust lands outside the same boundaries of) Spirit Lake Nation.

4.02 The Spirit Lake Nation Tribal Council shall establish a Spirit Lake Nation Fish and Wildlife Board to oversee the general activities of the Tribal Fish, Wildlife and Recreation Division in addition to the Committee's other duties. (In the absence of or until the committee is installed the Director of Spirit Lake Nation Fish and Wildlife will assume the responsibilities). The committee shall review, promulgate, and refer policy decisions to the Tribal Council for action. The physical makeup of the Spirit Lake Nation Fish and Wildlife Board shall consist of five (5) voting members, one enrolled Spirit Lake Nation member from each district and one at large enrolled member. All members must reside within the Spirit Lake Nation exterior boundaries. The Board will review and recommend all applicants for employment and termination upon Directors recommendation, however the Tribal Council will have final approval. All board members are non-paying appointments. Each appointment shall be for either a one to three years and terms are to be staggered.

4.03 Director of Fish, Wildlife and Recreation Division

- (1) The Tribal Council shall appoint/hire a Director for the Spirit Lake Nation Fish and Wildlife Department, who shall have all the rights of employment enjoyed by the other Tribal employees. The Director shall be responsible to the Tribal Council and the Board or its authorized representative for the continuing success of the Spirit Lake Nation Fish and Wildlife Department.
- (2) The Director shall have knowledge of and experience in Fish and Wildlife resources, protection, conservation, restoration and management. The Director shall devote his/her working time to the service of the Spirit Lake Nation in the discharge of his/her official duties.
- (3) The Director shall have executive authority and control of the Division and its employees to the end that the policies of the Tribal Council shall be carried out in accordance with the ordinances, resolutions and proclamations of said Tribal Council or Spirit Lake Nation Fish and Wildlife Board. The Director shall have full control of and be responsible for all property of the Tribe acquired and held for the purposes contemplated by this code. He/she with the consent of the Tribal Council or its authorized representative, appoint such full-time or temporary officers, wardens or other essential assistants and employees from the membership of the Tribe at his/her discretion. In the event that no qualified tribal members fill such full-time or temporary positions, the Director shall have

the authority to appoint qualified non-members or non-Indians to those positions. In cases of emergencies, the Director may exercise the powers of the Council or Committees until such time as the Council or Committee meets or the emergency ends.

(4) The Director is authorized and directed to:

- A. Report and be responsible to the President of the Spirit Lake Nation Fish and Wildlife Board.
- B. Plan, propose for enactment, and oversee the enforcement of Tribal regulations relating to the setting of annual seasons and limits for harvesting of fish, wildlife, plants and utilization of recreational resources.
- C. Design and implement a plan for the issuance of licenses, permits, tags and for the collection of fees.
- D. Formulate and publish the respective proclamations annually according to information gathered from census and studied.
- E. Maintain records of all licenses and permits issued for the purpose of hunting, fishing, trapping, gathering, wood cutting and recreation.
- F. Cooperate with and assist the Tribal Council, Committees, Community Leaders, Federal agencies, and individuals.
- G. Enforce all Tribal regulations and proclamations necessary for implementing and administering the provisions of this code.
- H. Supervise all Division Personnel and delegate authority as necessary.
- I. Establish checking stations to gather biological data, inspect licenses, permits, equipment, and vehicles for compliance of this code.
- J. Establish regulations and applications for special permits for the taking of fish, wildlife and plants for disabled persons, subsistence and ceremonial purposes on a need only basis in accordance with Federal Law.

4.04 Collection of permit Fees, Forfeitures, and Fines

The Tribal Council will establish a Tribal fund or account to deposit monies collected from the sale of license, permits, tags, and recreation leases. Monies collected from fines, penalties, forfeitures and/or civil recoveries through the Tribal Court system shall be deposited into this account. Upon Federal prosecution, the Director shall make a formal request to the U.S. Attorney for Civil Restitution from persons violating any provision of this code. Monies collected from the Federal Courts or respective Clerk of Courts shall be deposited into this account.

4.05 Expenditure of Funds

- A. Conservation, protection, and enhancement of the Reservation's fish, wildlife, plant and recreation resources.

- ~~B. Enforcement of provisions of this code, or any rule or regulation adopted in pursuant to this code.~~
- C. Information and education programs.
- D. Supplement salaries and equipment needs not met by P.L. 93-638 contract.

4.06 Cooperative and Reciprocal Agreements

The Director is authorized, subject to the approval of the Tribal Council, to enter into reciprocal and cooperative agreements with the State of North Dakota or any Federal, County, Local governmental agency for the purpose of promoting and implementing fish, wildlife, vegetative and recreational management programs and activities.

SECTION 5 : DUTIES OF TRIBAL CONSERVATION OFFICERS

- (1) Conservation Officers shall enforce tribal laws and proclamations and the rules and regulations of the Division.
- (2) Conservation Officers shall ensure that any person who hunts, fishes, traps, gathers plants or parts thereof, or cuts wood have in possession the appropriate licenses, permits and/or tags and are complying with all rules, regulations and laws.
- (3) Conservation Officers shall assist the Director in his supervision and management of all natural resources on the Spirit Lake Nation and shall perform all other duties described or delegated by the Director.
- (4) Conservation Officers shall keep a detailed daily log of activities and make biweekly reports of these activities describing by total number, miles, contacts, violations, dispositions, surveys and what activities were performed or completed during the preceding weeks.
- (5) Conservation Officer may not settle or compromise an alleged Natural Resource violation for which a citation was issued.

SECTION 6 : ENFORCEMENT

6.01 Enforcement by Tribal Conservation Officers

Any provision of this code may be enforced by Tribal Conservation Officers of the Spirit Lake Nation Fish and Wildlife Department, or Bureau of Indian Affairs Enforcement Personnel, or U.S. Fish and Wildlife Service Law Enforcement Division Personnel.

6.02 Enforcement by State Conservation Officers

State Conservation Officers may refer violations of this code to the appropriate Tribal Conservation Officers for further investigation or action. (This section is applicable only upon an approved formal agreement between the Spirit Lake Nation and the State).

6.03 Search and Seizure When Authorized

Any person authorized to enforce the provisions of this code may conduct a search of a person, object or place, and seize objects when the search is made:

- (1) With Consent;
- (2) Pursuant to valid search warrant;
- (3) Within the authority and scope of a lawful inspection;
- (4) As otherwise authorized by law or provisions of this code;
- (5) Incident to arrest.

6.04 Investigation and Citations

(1) Any person authorized to enforce the provisions of this code may:

- A. Subject to subsection 6.04 (2), conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages, tents, and other receptacles contained therein, utilized by any person in a harvest activity authorized by this code and records of commercial transactions.
- B. Execute and serve warrants and other process issued by the Tribal Court in accordance with applicable law.
- C. Stop and board any boat, or stop any vehicle if the officer has probable cause that there is a violation of any provision of this code.
- D. With or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, packages and other receptacles contained therein, in which the Officer had probable cause to believe that contraband fish, wildlife, plants, carcasses, or parts thereof, may be contained.
- E. Issue a citation on a form approved by the Tribe, Tribal Court, U.S. Attorney and Division Director to any person upon finding probable cause that such

person [s] has violated any provision of this code.

- F. May seize and hold subject to the order of the Tribal Court or Federal Court any alleged contraband or property which such officer reasonably believes may be needed as evidence in connection with the institution of proceedings in Tribal Court or Federal Court or any property otherwise authorized to be seized by any provision of this code.
- G. Any enforcement officers, in the course of their duties, may enter upon private land within the exterior boundaries of (and trust lands outside the same boundaries of) the Reservation and remain thereon while performing such duties hereunder, and such actions by the officers shall not constitute trespass.

(1) The inspections authorized by subsection 6.04 (1) (A) shall not be conducted in manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

(2) An arrest may be executed by any officer through a tribally or federally approved arrest warrant or reasonable belief of eminent danger to life or property.

6.05 Registration Information

Any officer [s] are empowered to request and receive from tribal tag and permit issuances stations, and harvest registration stations, information regarding tag and permit issuance and harvest registration.

6.06 Penalties and Sanctions

A. Civil Penalties

(1) Any person who engages in conduct prohibited by any provision of this code and in the exercise of due care should know that the fish, wildlife or plants were taken, possessed, transported, sold in violation of, or in a manner unlawful under any provision of this code or Federal Acts and/ or laws, may be assessed a civil penalty by the appropriate court authority, of not more than \$1,000.00 for each violation.

(2) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation/ Each violation shall be deemed a separate offense.

(3) Civil jurisdiction over all matters under this ordinance shall be with the Tribal or Federal Court, which shall adjudicate in accordance with Tribal or Federal Court code all questions, complaints, and alleged violations involving the provisions of this code.

B. Civil Damages

In addition to any other penalty allowed by this code, the Tribal or Federal Court may award to the Tribe or, in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of, damages against any person [s] unlawfully killing, wounding, catching, taking trapping or having unlawfully in possession any of the following named fish, wildlife or plant species, or part thereof, and the sum assessed for damages for each fish, wildlife or plant species shall not be less than the amount stated in this section. (Civil Recovery Value – Reserved)

C. Criminal Penalties

Any person who knowingly violates any provision of this code and knowingly or in the exercise of due care knows that the fish, wildlife or plants were taken, possessed, transported or sold in violation of or in a manner unlawful under any provisions of this code, Federal Acts and/or laws may be assessed a criminal penalty by the appropriate court authority of not more than \$1,000.00 or imprisoned not more than one year and/or both.

D. For any violation, a revocation or suspension of Reservation hunting, fishing, trapping, gathering, wood-cutting, or recreational privileges for a period not to exceed one year or a period of time within the discretion of the court, may be imposed.

E. For any violation, a civil remedial forfeiture of any property, including boats, motors, vehicles, hunting, fishing, trapping or other property, used in the commission of the violation of this code shall occur.

F. Upon conviction of any person for a violation of this code when such person has been convicted of a previous violation of this ordinance within a period of one year, the court may enhance any civil remedial forfeiture or other penalty as the court deems appropriate.

6.06

Forfeited Bond Schedule

The Tribal and Federal Court, in consultation with the Tribe's governing body, Division Director, and U,S, Attorney may adopt a bond schedule or a schedule of forfeiture to be imposed by the Court [s] upon the receipt of an admission that a violation of this code has occurred, or a plea of no contest, which may be done in writing or in person. This schedule shall not bind the Court as to forfeiture assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty. (Forfeited

Bond Schedule – Reserved).

6.07

Parties to a Violation

- (1) Whoever participates in the commission of a violation of this code shall be deemed a principal and may be charged with the violation although he/she did not directly commit it and although the person who directly committed the violation has not been convicted of the violation.
- (2) A person participates in the commission of the violation if the person:
 - (a) Directly commits the violation;
 - (b) Aids or abets in the commission of, or
 - (c) Is a party to a conspiracy with another to commit the violation, or advises, hires, or counsels, or otherwise procures another to commit the violation.

6.08

Harvesting After Revocation or Suspension

No person whose Reservation hunting, fishing, trapping, gathering, wood cutting or recreational privileges have been revoked or suspended, shall hunt, fish, trap, gather, cut wood, or recreate on the Spirit Lake Nation any fish, wildlife, or plants, the harvest of which is regulated by this code, during such revocation or suspension.

SPIRIT LAKE NATION-FISH & WILDLIFE ENFORCEMENT

Section		Penalty
6.09	Harvesting after Revocation or Suspension MANDATORY APPEARANCE	\$500
7.02	Wanton Waste of Fish, Wildlife and Plants Big Game (Moose, Whitetailed Deer, Elk) Fish (All Game Fish Species)	\$4/lb. \$25/ea.
7.03	Larceny of Fish, Wildlife or Plants	\$75
7.04	Use of Poison and Explosives MANDATORY APPEARANCE	\$500
7.05	Throwing Refuse in Waters; Abandoning Automobiles, Boats, other Vehicles or Littering	\$100
7.08	Unlawful Possession of Fish, Wildlife or Plants	\$100
7.10	Sharing of Permits and Tags	\$100
7.11	Harvesting with Another's Permit or Tag	\$100
7.12	Shinning Animals Animal in Possession while Shinning	\$200 \$500
7.14	Failure to Report Hunting Accidents	\$100
7.18	Hunting, Fishing, Trapping and Boating While Intoxicated	\$250
7.20	False Impersonation of a Conservation Officer	\$250
7.21	Hunting and Trapping Restrictions 1. Hunting in Restricted Areas; No Person Shall: A. Hunt within 1700 feet of any public establishment B. Discharge a firearm within 440 feet of any building. C. Hunt or Trap on legally posted lands without permission. D. Failure to close gates. F. Deface, destroy or remove any legally posted signs. 3. Transportation of Firearms; A. Transport a firearm with a round in the chamber. 4. Safe Use of Firearms;	\$50 \$50 \$50 \$50 \$50 \$50

Section		Penalty
7.22	Hunting or Harassing Wildlife with Aircraft, Motor vehicle, Motorcycle, A.T.V. or Snowmobile.	\$250/confiscation of items used.
	Second Offense	\$500
	Third Offense (MANDATORY APPEARANCE)	\$1000
8.02	Open and Closed Season (Hunting in Closed Season)	\$500
	Second Offense	\$750
	Third Offense	\$1000/confiscation Process.
8.04	No License	\$250
	Second Offense	\$500
	Third Offense	\$1000
8.05	Accompaniment of Big Game (Fail to accompany/transport someone else's animal).	\$50
	Second Offense	\$150
	Third Offense	\$500
8.06	Accompaniment of Non-Licensee (Hunt for Another)	\$250
	Second Offense	\$350
	Third Offense	\$1000
8.11	Permissible Methods (Unauthorized methods)	\$250
	Second Offense	\$350
	Third Offense	\$1000
8.12	Firearms Restrictions (Unauthorized firearm)	\$50
	Second Offense	\$100
	Third Offense	\$500
8.13	Bow/Crossbow Restrictions (Unauthorized bow/crossbow)	\$50
	Second Offense	\$100
	Third Offense	\$500
8.15	Hunting Hours (Hunt before/after legal hours)	\$50
	Second Offense	\$100
	Third Offense	\$250
8.16	Transportation (Transport untagged big game animal)	\$250
	Second Offense	\$500
	Third Offense	\$1000
8.17	Hunting on Certain Lands (Tribal, State, Federal Wildlife Refuges)	\$100
	Second Offense	\$200
	Third Offense	\$500

Section		Penalty
8.18	Sale of Big Game (Sell, purchase, barter or trade) Second Offense (MANDATORY APPEARANCE)	\$500 \$1000
8.19	Removal and Retention of Tags (Prior to being butchered or processed). Second Offense Third Offense	\$50 \$100 \$500/confiscation of animal/fish.
8.20	Exceeding Big Game Limits Second Offense (MANDATORY APPEARANCE)	\$500 \$1000
9.02	Open and Closed Seasons (Hunting in Closed Season)	\$100
9.03	Upland Game Bird Permits and Tags (No License)	\$100
9.04	Accompaniment of Upland Game	\$50
9.07	Permissible Methods (Unauthorized methods)	\$100
9.08	Firearms Restrictions (Unauthorized firearm)	\$100
9.09	Bow and Arrow Restrictions (Unauthorized bow/arrow/crossbow) Second Offense	\$50 \$100
9.11	Hunting Hours (Hunt before/after legal hours) Second Offense	\$50 \$100
9.12	Transportation (Transport upland game without license) Second Offense	\$100 \$150
9.13	Hunting on Certain Lands (Tribal, State, Federal Wildlife Refuge) Second Offense	\$100 \$200
9.14	Sale of Upland Game (Sell, attempt to sell, or purchase) Second Offense	\$250 \$500
9.16	Limits (Exceeding bag limit on Upland Game) Each additional taking of upland game bird	\$100 \$50
10.02	Open and Closed Seasons (Hunting or Trapping in Closed Season)	\$200
10.03	Permits and Tags (No Furbearer License)	\$100
10.06	Methods of Taking (Unauthorized methods)	\$100
10.08	Trapping Areas Prohibited	\$50

SECTION 7: GENERAL RULES AND REGULATIONS

7.01 Permits and Identification

(1) No person shall engage in the activity of hunting, fishing, trapping, gathering, recreation, gathering or cutting wood or other activities regulated by this code without acquiring or in possession of a valid Tribal license, permit or tag as this code may require, validated for the particular season or activity in question.

(2) The Tribal Fish, Wildlife and Recreation Division is authorized to issue to persons licenses required by this code. Except as otherwise required by this code, the form of such permits or licenses shall be left to the discretion of the Tribal Fish, Wildlife and Recreation Division provided such form shall; describe the licensee, including applicant's weight, height, color of eyes, color of hair, address (including street and/or box number), phone number, date of birth, and social security number. This form shall also have printed on it: "Non-Transferable", date of issuance, date of expiration, and type of issuance.

(3) No person shall refuse to display his/her identification documents or any other document or permit required by this code to any Tribal, Federal, or local Law Enforcement Officer upon request by such Officer.

(4) No person to whom any license has been issued under this code shall, when requested by the Tribal Fish, Wildlife, and Recreation Division, fail or refuse to provide harvest reports and data, and such other relevant information, as may be requested.

7.02 Wanton Waste of Fish, Wildlife and Plants

(1) No person who takes any fish, wildlife or plants shall abandon intentionally or needlessly allow going to waste, any portion thereof. The failure of any person to properly dress and care for any fish or wildlife species taken or killed by that person, and, if the carcass is reasonably accessible, the failure to take or transport the carcass to the residence of that person, or place for proper storage, and there properly care for the carcass within forty-eight hours after taking or killing, is prima facie evidence of a violation.

(2) No person shall abandon edible portions of fish or wildlife at a meat processing plant. The leaving of edible portions of fish or wildlife at a processing plant for more than ninety days shall be considered prima facie evidence of a violation. The owner [s] or operator [s] in charge of any meat processing plant shall report the violation to the Tribal Fish, Wildlife and

Recreation Division Director, or to any Local Enforcement Agency for referral to the Division Director.

7.03 Larceny of Fish, Wildlife and Plants

No person shall without permission of the owner, molest, disturb or appropriate any fish, wildlife, plant or the carcass and/or parts thereof, which has been lawfully reduced to possession of another.

7.04 Use of Poison and Explosives

(1) No person shall place in any waters explosives which might cause the destruction of any fish, wildlife, or plant, except when authorized by the Division Director, or have in his/her possession or under his/her control upon any waters any explosive, poisonous, or stupefying substance or device for the purpose of taking, catching, or killing any fish, wildlife or plant.

(2) No person shall take, capture, or kill, or attempt to take, capture, or kill any fish, wildlife, or plant with the aid of dynamite or any explosive, poisonous, stupefying substance or device.

(3) No member shall take, capture, or kill, or attempt to take, capture, or kill any game bird by setting or operating any trap or device designed, built, or used to capture birds.

(4) No person shall use, set, lie, or prepare in any waters of the Reservation any lime, poison, fish berries, or any other substance deleterious to fish life; or use baits containing poison of any description in any area of the Reservation or other places where such baits might destroy or cause the destruction of fish, wildlife or plants; and the possession of any such poison, baits, or substances deleterious to fish, wildlife or plants regulated by this code is prima facie evidence of a violation of this section.

(5) Nothing in this code shall prohibit the Tribal Fish, Wildlife and Recreation Division or its designated agents from using explosives or possessing explosives for the purpose of removing beaver dams, clearing a channel, or breaking a log or ice jam or for the creation of wetlands.

7.05 Throwing Refuse in Waters; Abandoning Automobiles, boats, or other Vehicles

No person shall deposit, place or throw into any Reservation waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste material; and no person shall abandon any automobile, boat, or other vehicles in such waters.

Any automobile, boat, or other vehicles not removed from such waters within thirty (30) days shall constitute abandonment.

7.06 Scientific Investigations

(1) The Tribal Fish, Wildlife and Recreation Division's biological services personnel may conduct investigations of fish, wildlife and plants in order to develop scientific information relating to populations, distribution, habitat needs, and other biological data in order to advise the Tribe on conservation measures designed to ensure the continued ability of fish, wildlife and plants to perpetuate themselves.

(2) The Tribal Fish, Wildlife and Recreation Division may for scientific purposes engage in or authorize the harvest of protected species by the use of methods, at times or at locations not authorized by this code on such terms and conditions as it deems appropriate, as long as those methods are reasonable and acceptable to the scientific community.

(3) Nothing in this section shall authorize any person to exceed the biological safe harvest level of any species.

7.07 Seasons

No person shall engage in the Reservation harvest privileges regulated by this code, except during the respective seasons established pursuant to this code.

7.08 Unlawful Possession of Fish, Wildlife or Plants

No person shall have in his/her possession or under his/her control at any time any fish, wildlife, plant or carcass and/or part thereof, knowing that the same has been taken unlawfully or during a closed season for such species.

7.09 Bag Limits; Possession Limits

No person shall have in his/her possession or under his/her control any fish, wildlife or plant in excess of the bag or possession limits, or above or below the size limits for any fish, wildlife or plants as established by this code.

7.10 Sharing of Permits and Tags

Except as otherwise provided in this code, no person shall lend, share, give transfer, sell, barter or trade to any person any identification document, permit or tag issued by the Tribe pursuant to this code.

7.11 Harvesting with Another's Permit

No person shall hunt, fish, trap, recreate, gather or cut wood while in possession of any permit or tag issued to another except when authorized under

permit issued by the Division Director.

7.12 Shining Animals

(1) It shall be unlawful for any person to shine a spotlight, headlight or any other artificial light for the purpose of locating, hunting, pursuing, taking or attempting to take or kill any fish or wildlife.

(2) This subsection shall not apply to:

A. Any person who possess a flashlight or uses a flashlight while on foot to track or hunt raccoon, foxes, skunks, coyotes or any other unprotected species.

B. Any person authorized to enforce the provisions of this code while on official business conducting an active investigation.

C. Any person authorized to conduct fish or wildlife censuses or surveys.

7.13 Duties on Accidental Shooting

Any person who, while hunting any fish or wildlife discharges a firearm or arrow, and thereby injures or kills another person, shall forthwith give his or her name and address to such person if injured and render assistance to him or her as may be necessary and obtain immediate medical or hospital care, and shall immediately report such injury or death to the proper law enforcement authorities.

7.14 Failure to Report Hunting Accidents

Any person who has caused or been injured in an accident in which another person has been injured by gunfire or by an arrow while hunting, fishing, or trapping, or has inflicted an injury upon himself or herself with a firearm or arrow while hunting, fishing or trapping, shall render or cause to be rendered a report such an accident shall constitute a violation of this section.

7.15 Hunter Education Requirement - 2002

Any person born after December 31, 1978 must have completed a certified Reservation, State, or Canadian Hunter Safety Course and show proof of successful completion to the authorized license vendor to purchase a hunting or furbearers license. This will be effective for the hunting season 2002.

7.16 Age Restrictions

A. No person under 12 years of age may hunt or trap while possessing a

firearm or bow and arrow.

B. No person between the ages 12 and 15 years may hunt or trap while possessing a firearm or bow and arrow unless he or she is accompanied by a licensed or permitted parent, guardian or other adult designated by a parent or guardian.

C. There are no age restrictions for the purpose of fishing. However, any person under the age 10 years must be accompanied by an adult, guardian, or other adult designated by a parent or guardian.

7.17 Parental Obligation

No parent, guardian or other person shall authorize or knowingly permit or encourage a child to violate any provisions of this code.

7.18 Hunting, Fishing, Trapping and Boating While Intoxicated

No person shall hunt, fish, trap or operate a boat while under the influence of alcohol, intoxicant or controlled substance to a degree that the person is incapable of safely using such weapon or equipment, or while a person has a blood alcohol concentration of 0.10% or more by weight of alcohol in the person's blood or 0.10 grams or more of alcohol in 200 liters of that person's breath.

7.19 Resisting a Conservation Officer

No person shall assault or otherwise resist or obstruct any law enforcement officer authorized to enforce the provisions of this code in the performance of duty.

7.20 False Impersonation of an Enforcement Officer

No person shall falsely represent himself/herself to be a law enforcement officer authorized to enforce the provisions of this code, or shall assume to act as such an officer, without having been first duly appointed.

7.21 General Restrictions on Hunting and Trapping **(1) Hunting in Restricted Areas; No person shall:**

A. Hunt within 1700 feet of any hospital, school and/or grounds, or any public establishment and/or grounds.

B. While on lands of another, discharge a firearm within 440 feet of any building devoted to human occupancy situated on lands and attached to the lands of another without the express permission of the owner or occupant

of the building.

C. Hunt or pursue any wildlife, or enter for the purpose of hunting or pursue any wildlife on any legally posted lands without the express permission of the owner or occupant. Trap or pursue furbearers on legally posted land without permission from the owner or occupant.

D. Leave any gate, bars or other devices used to enclose land or livestock open upon entering or exiting the premises for the purposes of hunting or pursuing wildlife unless he/she is in lawful possession of the premises.

E. No person shall drive off any established roadway while hunting, fishing, trapping or recreating.

F. In any manner deface, destroy, or remove any signs posted in a legal manner.

(2) Color of Clothes

No person shall hunt any wildlife except waterfowl unless 400 square inches of the persons clothing above the waist is of a highly visible color referred to as : Hunter Orange, Blaze Orange, Fluorescent Orange, Flame Orange, during the big game hunting seasons.

(3) Transportation of Firearms and Bow & Arrow

A. No person shall at any time transport a firearm with a round in the chamber, or revolvers with cartridges in the cylinder, or a shot gun with more than two (2) shells in the magazine.

B. No person shall transport any bow unless it is unstrung, encased or string is locked and unable to be drawn.

C. No person with a special crossbow permit shall transport a crossbow unless it is encased or unstrung.

(4) Safe Use of Firearms and Bows

A. No person shall hunt while possessing a loaded firearm or strung bow or crossbow within 50 feet of the center of a maintained roadway.

B. No person shall load or discharge a firearm or bow of any type across a maintained roadway.

C. No person shall load or discharge a firearm or bow of any type in or from a motor vehicle.

D. No person shall lean or place any loaded firearm or bow of any type against any vehicle.

(5) Restrictions on Use of Bait

A. No person shall place or hunt over bait unless such material is present from normal agricultural practices.

B. No trapper or person shall set any trap within 30 feet of any exposed bait visible to airborne raptors. Exposed bait means meat or viscera of any animal, bird or fish with or without skin, hide or feathers.

C. No person shall place, use or hunt over bait containing, or contained within, metal, plastic, glass, wood or non-biodegradable materials.

(6) Exceptions

A. These subsections shall not apply to any person authorized to enforce this ordinance, who in the line of duty places, possesses, transports, loads or discharges a firearm in, on, or from a motor vehicle or motorboat or discharges a firearm from or across a maintained roadway or within 50 feet of the center of a maintained roadway, or leaves an established roadway in a motorized vehicle while conducting an active investigation, surveys, or wildlife and fisheries counts.

7.22 Hunting or Harassing Wildlife With Aircraft

No person shall hunt or harass any wild animal with the aid of any type of aircraft. Exception is the authorized use of aircraft to perform population censuses or to remove depredating wildlife with the consent Division Director.

7.23 Pivot Guns and Similar Devices

No person shall place, operate or attend, spread, or set any net, pitfall, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching or which might catch, take or ensnare wild animals.

7.24 Tampering With Equipment of Another

No person shall molest, disturb, tamper with or in anyway interfere with any hunting, fishing, trapping, gathering, wood cutting, recreational or other equipment used, set or placed by another except with the owner's permission.

7.25 Endangered and Threatened Species Protected

Except as otherwise permitted by law, no person shall take, transport, possess, or sell any endangered and threatened species as defined in Section (2). See moratoriums.

7.26 Wildlife Refuge Established

No person shall enter any designated Tribal, Federal, or State Refuge for the purpose of taking, pursuing, harassing, killing or disturbing any wildlife, fish, or plant. This includes the buffalo pasture. This subsection shall not apply to any person authorized to perform directed management and enforcement duties as permissible by the agency of operation.

7.27 Unprotected Species

Except as otherwise expressly provided, nothing in this code shall be construed to prohibit or regulate the harvest of any unprotected species as defined in Section (2) of this code.

7.28 Protected Species

No person shall hunt, fish, trap, gather, take, pursue, harass, disturb, sell, purchase, or barter any protected species as defined in Section (2) of this code, except those species whose harvest is specifically regulated pursuant to the provisions of this code.

7.29 Permissible Conduct

A. Conduct which is not expressly prohibited, restricted, or otherwise regulated by this code shall be deemed permissible.

B. Except as otherwise provided herein, nothing in this code shall be construed to prohibit a person from hunting, fishing, trapping, recreating, gathering or wood cutting with an enrolled member of the Spirit Lake Nation, provided that the non-member or non-Indian possesses a license or permit and is otherwise not prohibited from engaging in the activity involved and complies with the laws of this code or proper jurisdiction.

7.30 Emergency Closures

A. Notwithstanding any other provisions of this code, the Division Director is hereby authorized and empowered to order closure of the harvest activity of any species, generally or with respect to a particular location or body of water, whenever in his/her professional opinion and judgement, the harvest or activity is likely to result in a harvest exceeding the harvest goals and quotas or danger to the public.

B. Every reasonable effort shall be made to consult with and obtain the approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.

C. An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and swiftest practical method.

D. No person shall violate the terms, conditions, or restrictions of an emergency closure order issued pursuant to this section.

7.31 Hunting Hours

No person shall pursue, shoot, kill or attempt to take any wildlife, except waterfowl and migratory game birds, between ½ hour after sunset of one day and ½ hour before sunrise of the next day. No person shall pursue, shoot, kill or attempt to take any waterfowl or migratory game birds between sunset of one day and sunrise of the next day.

7.32 Introduction of Fish, Wildlife and Plants

No person shall transplant onto or transport into any lands of the ~~Spirit Lake Nation~~ any fish or eggs into any body of water, or any wildlife, animal or plant species without authorization from the Tribe or Tribal Fish, Wildlife and Recreation Division Director.

SECTION 8 : BIG GAME HARVEST REGULATIONS

8.01 General Big Game Provision

It shall be unlawful for any person to hunt, take, harvest, or pursue any big game animal by any method other than prescribed in this code and/or section.

8.02 Open and Closed Season

A. A closed season is hereby established for the hunting of big game except for open seasons specified in Section 8.10 or proclamations established pursuant to this code.

B. Except as otherwise expressly provided by this code, no person shall hunt big game on the Reservation during a closed season.

8.03 Number of Big Game Permits Available

The number of big game harvest permits available for harvest in each big unit pursuant to this code for each twelve (12) month period commencing January 1 and ending December 31 shall be limited to the number established by the Fish, Wildlife and Recreation Division. No person shall hunt on Reservation Lands or big game units of the Reservation in which no harvest permits are made available.

8.04 Big Game Permits/Tags

A. No person shall hunt big game on any lands of the Spirit Lake Nation pursuant to this chapter without possessing a valid big game license or permit approved by the Tribe.

B. No person shall hunt big game without possessing a valid carcass tag, except as provided in Section 8.14 (Group Hunting).

C. The Tribal Fish, Wildlife and Recreation Division shall not issue more than one tag at one time to a person except as authorized in sections 8.07 and 8.09, where exceptions for Special Permits are allowed.

D. No Big Game permits shall be considered valid for any Big Game Unit or Reservation Lands :

- (1) Which is shown to be closed.
- (2) For which the permit is marked as invalid.
- (3) On which any big game permit unit or reservation harvest number has been slit, punched through or otherwise crossed out

in any fashion.

E. No person shall move or field dress any big game animal before affixing to it a valid carcass tag.

F. No person shall move or field dress any big game animal without making a cut or punch through the date of kill.

G. No permit may be issued after 4:30 pm on the closing date of the application period.

H. No person shall hunt and harvest big game in a unit or on Reservation lands that is different than the unit or lands stated on the valid permit.

I. No person shall harvest and/or tag big game of any species or sex without the appropriate license and carcass tag.

J. No person shall hunt or harvest big game without their valid license (s) and tag (s) in possession.

K. No person designated to harvest big game for a Senior Citizen or Disabled Person shall fail to deliver the validly tagged carcass to such Senior Citizen or Disabled Person.

8.05 Accompaniment of Big Game

It shall be unlawful for any big game permittee to transport any big game without being present with the carcass until such time as the carcass is processed. Nor shall anyone knowingly accept for and transport another's big game without the valid license holder present or written permission from the person providing the game or parts thereof.

This subsection shall not apply to any authorized enforcement persons who in the course of their duties, transport any such seized big game, or Senior/Disabled Citizens under Section 8.07.

8.06 Accompaniment by Non-Licensee

It shall be unlawful for any big game permittee to be accompanied in the field by a non-licensee who is a person not having a valid Tribal Big Game License.

8.07 Senior Citizen and Disabled Permits

No person other than the designated hunter or Senior or Disabled Citizen may hunt, harvest, transport or possess any big game with a Tribally issued Senior

or Disabled Citizen Big Game Permit. No designated hunter may possess more than one Senior or Disabled Citizen Big Game Permit per season.

Senior or Disabled Citizen Big Game Permits will be considered provided :

- A. The applicant meets the age and/or disability requirements established by the Division Director.
- B. Complete and submit the appropriate Big Game Application.
- C. If disabled, provide appropriate documents proving such person is disabled.
- D. Designated one person who will possess the license, hunt and harvest, Transport and deliver the carcass to the Senior Citizen or Disabled Person.

8.08 Special Provisions for Disabled Persons

It shall be unlawful for anyone to hunt with a disabled person who is in the act of hunting under a waiver of certain restrictions of this code.

Waiver of restrictions listed below will be permitted after proof of disability is confirmed :

- A. Shoot from a roadway.
- B. Shoot from a vehicle that is not moving.
- C. Park off an established trail not further than 100 feet.

8.09 Special Big Game Permits

No person shall possess, hunt or harvest any big game for special purposes without possessing a valid permit approved by the Tribe and Division Director.

To obtain a Special Big Game Permit, one must make application to the Division Director containing the following information :

- A. Purpose of permit request
- B. Period of requested harvest
- C. Designated hunter's name, address, Social Security or Tribal Enrollment Number, Hunter Safety Number (if applicable) phone number, height, weight, color of eyes, color of hair and date of birth.
- D. Name of person requesting permit, address, phone number, Social Security

or Tribal Enrollment Number.

E. Description of vehicle to be used for transporting big game.

8.10 Big Game Season

A. No person shall hunt big game from the close of the specific season to the opening of the next specific season of the following year.

B. Each year a regular firearm and bow season shall be established by the Tribe's governing body, or its designee, with the following limitations :

(1) The regular seasons for hunting big game animals with the use of firearms or bow shall not open prior to the third Saturday of August or close later than the last Sunday in December of each year.

8.11 Permissible Methods

No person shall hunt big game animals except by use of any firearm or bow and arrow, the use of which is not prohibited by this code.

8.12 Firearms Restrictions

No person shall hunt big game animals :

A. With a .22 caliber rimfire rifle, 5mm rimfire rifle, or a .17 caliber centerfire rifle to include any equivalent caliber or smaller.

B. With a .410 gauge shotgun.

C. With any handgun except a handgun which is loaded with .357, .41, .44 magnum caliber handgun chambered or commercially manufactured cartridges which produce a minimum muzzle energy of 1000 foot pounds and which has a minimum barrel length of six (6) inches measured from the muzzle of the firing pin with the action closed.

D. With any shell, cartridge or ammunition known as a tracer shell, or with incendiary shells or cartridges.

E. With a shot shell containing shot of any size less than 4 buck (must be within 50 yards).

F. With a gun having the capacity to hold more than eight (8) shells in the clip or magazine.

G. With a gun capable of being fired as an automatic.

- H. With a gun having a silencer or sound suppressor device.
- I. A rifle with a barrel less than a 16 inch barrel.
- J. A shotgun with a barrel less than 18 inches.
- K. Any altered projectiles.

8.13 Bow/Crossbow Restrictions

No person shall hunt big game :

- A. With a bow having a pull strength less than 30 pounds or using an arrow that does not have a broadhead;
- B. With a crossbow unless the crossbow :
 - (1) Is allowed by special permit by the Division Director.
 - (2) Is fired from the shoulder.
 - (3) Has a minimum draw weight of 100 pounds.
 - (4) Has a stock of not less than 30 containing inches in length.
 - (5) Is used with arrows or bolts of not less than 14 inches with a broadhead.
 - (6) Has a working safety.

8.14 Group Deer Hunting

As used in this section :

- A. "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aide.
- B. "Group Big Game Hunting Party" means two (2) or more persons lawfully hunting big game in a group under this ordinance.
- C. Any person of a group big game hunting party may kill big game for another person of the group if the following conditions exist :
 - (1) At the time and place of the kill, the person who kills the big game must be in verbal contact with the person for whom the big game was killed.

(2) The person for whom the big game is killed possesses a current unused big game license and carcass tag valid for the unit or Reservation lands in which the big game is killed.

(3) A person who kills the big game must ensure that a person of his/her group big game hunting party without delay must attach and validate a carcass tag prior to field dressing and moving the animal. No animal killed under this provision shall leave the animal unattended until after it is properly tagged.

8.15 Hunting Hours

Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any big game animal between ½ hour after sunset of one day and ½ hour before sunrise of the next day.

8.16 Transportation

No person shall transport any untagged big game animal in or on any motor vehicle. All big game animals must be properly tagged before transporting.

8.17 Hunting on Certain Lands Prohibited

No person hunting under a Tribal Big Game Permit shall hunt on any designated Tribal, Federal or State Wildlife Refuge unless permitted by law with appropriate license or required permit.

8.18 Sale of Big Game and Big Game Parts

A. No person shall sell, purchase, barter, or trade any big game animal or meat from any big game animal.

B. No person shall sell, barter, or trade any blood antler or antler in velvet from any big game animal.

C. Nothing in this ordinance shall prohibit the sale of hides, bones, heads, or dried antlers from a legally harvested big game animal or the trading of such parts for use in traditional or religious ceremonies. Dried antlers that have been naturally shed or ^{not} dropped by big game animals may be sold, purchased or traded.

D. Nothing shall prohibit the sale of big game managed by the Tribe or Tribal Fish, Wildlife and Recreation Division for management and financial purposes to further develop their respective programs.

8.19 Removal and Retention of Tags

- A. No person who kills big game pursuant to this ordinance shall remove a carcass or registration tag from that big game animal until such time as the carcass is butchered or processed for consumption.
- B. No person who kills big game animals pursuant to this ordinance shall dispose of the carcass tag until all the meat is consumed. All packaged meat must have the hunters name, year of kill, and license number clearly printed on each package.
- C. Any person who receives meat from a tribal member as a gift is exempt from the carcass tag provision but they must also be a tribal member and clearly print the date received on each package and initial each package.

SECTION 9 : UPLAND GAME AND UPLAND GAME BIRDS

9.01 General Provisions

"Upland Game Bird" means Grouse, Prairie Chicken, Pheasant, Partridge, and Quail.

"Upland Game" means Wild Turkey, Tree Squirrel, Prairie Dog, Cottontail Rabbit, and Jack-Rabbit.

No person shall take, pursue, injure, or harass any upland game or upland game bird while on or in its nest or den, or remove any eggs or young except as may occur in normal agricultural, horticultural, or wildlife research practices and as may be authorized by the Tribe or Tribal Fish, Wildlife and Recreation Division Director.

Nothing in this code shall be constructed to prohibit the taking of such upland game or upland game bird for scientific purposes with the authorization of the the Fish, Wildlife and Recreation Division Director.

9.02 Open and Closed Seasons

A. A closed season is hereby established for the hunting of upland game and upland game birds except for open seasons specified in section 15.03 or by Tribal Proclamation.

B. Except as otherwise expressly provided for by this ordinance, no person shall hunt upland game or upland game birds on the Reservation during a closed season.

9.03 Upland Game and Upland Game Birds Hunting Permits and Tags

A. No person shall hunt Upland Game or Upland Game Birds on any lands of the Spirit Lake Nation, pursuant to this section without possessing a valid Upland Game and/or Bird license or permit approved by the Tribe.

B. The Tribal Fish, Wildlife and Recreation Division shall not issue more than one license to one person at one time except as authorized by the Division Director.

C. No upland game or upland game bird license shall be considered valid unless :

(1) The license or permit is properly signed in ink by the hunter.

(2) A valid hunter safety certificate is shown at time of purchase and hunter safety number is recorded on the face of the license if hunter was born after December 31, 1978.

(3) For which any permit is marked invalid.

9.04 Accompaniment of Upland Game or Upland Game Bird

It shall be unlawful for any upland game and/or bird permittee to transport any upland game or upland game bird without being present with the carcass until such time as the carcass is processed. Nor shall any person knowingly accept for transport another's upland game upland game bird without the valid license holder present or written permission from the person providing the game.

This section shall not apply to any authorized enforcement persons who in the course of their duties transport any seized upland game or upland game bird.

9.05 Special Permits

No person shall possess, hunt or take any upland game or upland game bird without possessing a valid special permit approved by the Tribe or Tribal Fish, Wildlife and Recreation Division Director. Refer to Section 8.09 of this code for application procedures.

9.06 Upland Game and Upland Game Bird Season

A. No person shall hunt upland game or upland game birds from the close of a specific season to the opening of a specific season of the following year.

B. Each year a regular firearm and bow season for upland game and upland game birds shall be established by the Tribe's governing body or its designee with the following limitations :

(1) The regular season for hunting upland game or upland game birds shall not open before the first Saturday in September or extend later than the last Sunday in December of each year.

9.07 Permissible Methods

No person shall hunt upland game except by use of firearms or bow and arrow.

The hunting or taking of upland game birds is restricted to the use of a shotgun, bow and arrow or falconry, the use of which is not prohibited by this code. The hunting or taking of upland game is restricted to the use of a shotgun, rifle, or bow and arrow. Additional firearm and bow and arrow restrictions

are listed in subsections 9.08 & 9.09.

9.08 Firearm Restrictions

No person shall hunt upland game or upland game birds with:

- A. A shotgun larger than 10 gauge.
- B. A shotgun capable of holding more than two (2) shells in the magazine.
- C. A shotgun using a plug of two (2) or more pieces.
- D. A rifle larger than .22 caliber; to allow the use of both rim and center fire cartridges.
- E. A handgun larger than .22 caliber; to allow the use of both rim and center fire cartridges.
- F. A shotgun with a barrel length less than 18 inches.
- G. A handgun with a barrel length less than 6 inches.
- H. A rifle with a barrel length less than 16 inches.
- I. While possessing shot shells of Double BB or larger, except the use of shot shells of Double BB or larger, except slugs, is permissible for the hunting or taking of wild turkeys.
- J. With any type of shell, cartridge, or altered projectile or device, which is not considered a factory load, copy or style.
- K. Use of lead shot when hunting with a shotgun.

9.09 Bow and Arrow Restrictions

No person shall hunt upland game or upland game birds:

- A. With a bow having a pull or draw strength less than 30 pounds.
- B. Arrows must be at least 24 inches in length, have at least two (2) untrimmed feathers, and tip must be of a broadhead type.
- C. With poison or exploding points of any type.
- D. Crossbows are prohibited, Exception : See Section 8.13.

9.10 Falconry

Hunting upland game birds using Birds of Prey or Raptors is permitted by persons possessing a federal falconry permit and Tribal Upland Game Bird Permit. All bag limits, seasons, and legal hunting hours shall apply.

9.11 Hunting Hours

Except where otherwise expressly authorized, no person shall pursue, shoot, kill, or attempt to take any upland game or upland game bird between ½ hour after sunset of one day and ½ hour before sunrise of the next day.

9.12 Transportation

A. No person shall transport any upland game or upland game bird in or on any motor vehicle without possessing the appropriate permit, required license, and/or tagging the upland game and/or bird with a proper transportation tag.

B. No person shall transport any upland game bird in or on any motor vehicle without leaving at least a fully feathered head, one fully feathered wing, or a leg and foot attached to each harvested upland game bird.

C. Members of the Tribe are not required to place a transportation tag on their upland game or upland game bird. This is only required for any person transporting upland game or upland game birds off the reservation.

9.13 Hunting Certain Lands Prohibited

No person shall hunt any designated Tribal, Federal or State Wildlife Refuge unless permitted by law and possessing the appropriate license or required permit.

9.14 Sale of Upland Game or Upland Game Birds

No person shall sell, attempt to sell, or purchase any upland game or upland game birds.

9.15 Use of Dogs

It shall be lawful to use dogs for the purpose of pursuing upland game or upland game birds provided the dog has been properly vaccinated in accordance with acceptable veterinary procedures and owner maintains proof of such vaccination while afield.

9.16 **Limits**

No person shall take more than one daily limit on any one-day, nor possess more than one daily limit while in the field or while returning from the field to one's vehicle or hunting camp.

SECTION 10 : FURBEARERS

10.01 General Provisions

No person shall take, attempt to take, pursue, harass or injure any furbearer in its den; or remove any young except as may occur during normal agricultural, horticultural or wildlife research practices and as may be authorized by the Department Director.

Nothing in this code shall be construed to prohibit the taking of such furbearers for scientific purposes or depredation control as may be authorized by the Department Director.

10.02 Open and Closed Seasons

A. A closed season is hereby established for the hunting and trapping of furbearers except for open seasons specified in Section 15.03 or by proclamation.

B. Except as otherwise expressly provided by this ordinance, no person shall hunt, take or trap furbearers on the Reservation during a closed season.

10.03 Permits and Tags

A. No person shall take, hunt or trap furbearers on any lands of the Spirit Lake Nation, pursuant to this section without possessing a valid furbearers license or required permit approved by the Tribe.

B. The Tribal Fish, Wildlife and Recreation Division shall not issue more than one license to one person at one time except as authorized by the Division Director.

C. No furbearers license shall be considered valid unless :

- (1) The license or permit is properly signed in ink by the hunter or trapper.
- (2) Show a valid hunter safety certification at time of purchase and certification number is recorded on the license or permit if the hunter or trapper was born after December 31, 1978.
- (3) For which any permit or license is marked invalid.

10.04 Furbearer Season

- A. No person shall take, hunt or trap any furbearer from the close of a specific season to the opening of a specific season.
- B. Each year a regular firearm and trapping season for furbearers shall be established by the Tribe's governing body or its designee with the following limitations :
 - (1) The regular season for trapping furbearers shall not open before the first Saturday in October of one year and may continue through the last Sunday in April of the next year to constitute a trapping year.
 - (2) A regular season, to include a year-round season, for hunting furbearers shall only be established for the following species: Coyote, Fox, Skunk, Badger, Raccoon, Prairie Dog, and feral dogs.

10.05 Furbearer Hunting and Trapping Hours

Except where otherwise expressly authorized, no person shall pursue, shoot, kill, trap, or attempt to take any furbearers between ½ hour after sunset of one day and ½ hour before sunrise of the next day.

10.06 Methods of Taking

No person shall:

- A. Trap with any leg hold trap larger than a Number Four (4) and/or any trap containing a tooth style jaw.
- B. Trapping within 30 feet of any exposed bait visible to airborne raptors.
- C. Trapping with aide of poison or poison bait.
- D. Trapping with traps or snares attached to the traps or snares a metal cage displaying the trapper's full name, address and phone number.
- E. Use of Crossbows.
- F. Use of a bow with a pull strength less than 30 pounds.
- G. Use of arrows less than 24 inches in length.
- H. Use of explosive points.

I. Use of arrows with a point other than a broadhead having no less than two (2) sharpened edges.

J. Use of artificial lights.

(1) The use of flashlights with no more than four (4) cells may be authorized for calling, hunting, or pursuing coyotes or raccoons at night.

K. Use of a rifle with a barrel length less than 16 inches and use of a shotgun with a barrel length less than 18 inches.

L. Use of any traps to take any wildlife not specified as furbearer or by proclamation.

M. Destroying any den, lodge or hut.

N. Use of poisons or explosives of any type or in any manner not authorized by the Fish, Wildlife and Recreation Director.

10.07 Use of Traps

Any person trapping must attend their traps at least every 48 hours and remove any trapped furbearer.

10.08 Trapping Areas Prohibited

A. No person shall trap on private land without receiving verbal or written permission from the owner or tenant.

B. No person shall trap on any Tribal, Federal, or State Refuge without possessing the required permit, license and/or tags.

10.09 Possession of Live Furbearers

A. No person shall remove any live furbearers from their den, lodge, hut or nest or trap and maintain them in captivity for the purpose of raising them for profit of offering them for sale.

B. Any person who maintains live furbearers on any lands of the Spirit Lake Nation must serve notice within 30 days after receipt of the live furbearer(s) to the Tribal Fish, Wildlife and Recreation Division and obtain a permit for those furbearers.

10.10 Bobcat Provisions

The taking, hunting, trapping, pursuing, selling, purchasing, trading or bartering or any attempt to the above is prohibited.

10.11 Use of Dogs

Dogs may be used in the pursuit of raccoon, coyote, and fox while hunting with a valid furbearers license. Dogs must be vaccinated under accepted veterinary practices and owner must maintain proof of vaccination while afield.

10.12 Harvest of Depredating Animals

Any landowner or tenant may destroy any furbearer, which has been identified as depredating any livestock, poultry, or crops. He/she shall not commercialize in, sell, trade, or ship any pelt or parts thereof without possessing a valid Tribal furbearers license or permit.

10.13 Buying or Shipping of Furs or Pelts

No person shall engage in the business of buying or shipping of furs or pelts on any Reservation Lands unless he/she possesses a valid Tribal Furbearers license or permit.

10.14 Records to be kept by Licensed Dealer

Any person licensed to engage in the business of buying or shipping furs or pelts shall keep a true and accurate record of each purchase and/or shipment of furs or pelts.

The record shall include:

- (1) The date of purchase
- (2) The date of shipment
- (3) The name and address of seller
- (4) The kind and number of furs involved
- (5) The amount of money paid for the furs
- (6) Any additional information requested

10.15 Transportation of Furbearers

No person shall transport any furbearer in or on any motor vehicle without possessing a valid furbearer license or required permit and/or required tags.

10.16 Aerial Hunting

No person except an authorized agent shall attempt to take, hunt, or pursue any furbearer using aircraft without authorization from the Tribal Fish, wildlife and Recreation Director and in accordance with federal law.

The following information shall be provided:

- A. The name and address of each person whom will be hunting.
- B. A description of the furbearers authorized to be taken, the number of furbearers to be taken, and the harvest area.
- C. The reason for requesting the permit.
- D. Description of aircraft and pilot's name.

10.17 Motor Vehicle Use

No person shall take, hunt, kill, chase, harass, pursue or attempt the above from any type of motor vehicle unless specifically authorized by permit or license issued by the Tribal Fish, Wildlife and Recreation Director.

SECTION 11 : MIGRATORY BIRDS

11.01 General Provisions

No person shall take or injure any Migratory Bird or harass any Migratory Bird upon its nest or remove any eggs or young except as may occur in normal agricultural, horticultural, or wildlife research practices and as may be authorized by the Fish, Wildlife and Recreation Director and federal regulations.

Nothing in this code shall be construed to prohibit the taking of such migratory birds for scientific purposes with the authorization of the Fish, Wildlife and Recreation Director and in accordance with federal regulations.

11.02 Open and Closed Seasons

A. A closed season is hereby established for the hunting of migratory birds except for open seasons specified by proclamation.

B. Except as otherwise expressly provided by this code, no person shall hunt migratory birds on any Reservation lands during a closed season.

11.03 Firearms Restrictions

No person shall hunt Migratory Birds with :

- A. A shotgun larger than 10 gauge.
- B. A shotgun capable of holding more than two (2) shells in the magazine.
- C. A shotgun using a plug of two (2) or more pieces.
- D. A rifle of any type.
- E. A shotgun with a barrel length less than 18 inches.
- F. A handgun of any type.
- G. With shot other than steel shot.

11.04 Bait Restrictions

It is unlawful to hunt over bait other than grain crops left in the field due to normal agricultural practices.

It is unlawful to hunt in unharvested crops or grain fields such as cereal crops, alfalfa, corn or sunflowers.

11.05 Live Decoys

It shall be unlawful to use live decoy birds for the purpose of hunting migratory birds. If live domestic geese or ducks are or have been present, they must be removed ten (10) days prior to hunting.

11.06 Permits and Tags

No person shall pursue or take any migratory birds on any lands of the Spirit Lake Nation, without possessing a valid Tribal license, permit, required tags, or migratory bird stamp.

11.07 Hunting Seasons, Bag Limits and Shooting Hours

A. The establishment of migratory bird hunting seasons and bag limits shall be set in compliance with the Migratory Bird Treaty Act. In addition to any regulations provided for in this subsection, all rules and regulations provided for in 50 CFR 20, Migratory Bird Hunting, will be enforced.

B. The Tribal Fish, Wildlife and Recreation Director, Commission, and Council is responsible for establishing migratory bird seasons in compliance with the Migratory Bird Treaty Act. If recommended Tribal seasons, limits, or taking activities vary from their respective State seasons, limits, or taking activities, or vary from the Central Flyway recommendations for the hunting of Migratory Birds, the Tribal Council or designated representative is responsible by law to submit a proposal to the U.S. Fish & Wildlife Service, Migratory Bird Management Office, Washington, D.C. to request the variance or Special Migratory Bird Hunting Season. This proposal should include, but not limited to, the following:

- (1) The requested hunting season dates and other details regarding regulations to be observed.
- (2) Harvest anticipated under the requested regulations.
- (3) Methods that will be employed to measure or monitor harvest.

~~(4) Steps that will be taken to limit level of harvest.~~

(5) Tribal capabilities to establish and enforce migratory bird hunting regulations.

Upon completion of a Special Migratory Bird Hunting Season, the Tribe or its designated representative is required by law to submit a final report to the Migratory Bird Management Office, Washington, D.C., describing the number of migratory birds harvested per species, and any problems incurred through the special season.

If the Tribe does not set a migratory bird hunting season different from the State or Central Flyway Council, then no proposal is required.

C. Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any migratory bird between sunset of one day and sunrise of the next day.

11.08 Raptors, Bald & Golden Eagles, Other Protected Species

A. It shall be unlawful for any person to take, attempt to take, kill hunt, sell, purchase, possess, pursue, shoot at, disturb, or destroy any raptor, Golden or Bald Eagle, Owl, Falcon or other species of protected migratory birds or its nest or eggs thereof on any lands of the Spirit Lake Nation.

B. Any enrolled member of the Spirit Lake Nation requesting or desiring any eagle, raptors or protected migratory bird, or parts thereof, for ceremonial or religious purposes must make or properly complete an application for submission to the U.S. Fish & Wildlife Service, Law Enforcement Division.

11.09 Transportation

No person shall transport any migratory bird without :

A. Leaving a fully feathered wing or head on each carcass.

B. Transporting birds of another without that person present, or without permission from the person providing the migratory bird for transport, or without birds being properly tagged if required.

C. This subsection shall not apply to any authorized enforcement persons in the course of their duties transporting any seized migratory bird (s).

11.10 Live Birds

It shall be unlawful to possess a live migratory bird or birds at any time. All migratory birds must be immediately killed once possession is gained.

Persons who raise captive birds may maintain these birds by permit issued through a hatchery, game farm, or State and/or Federal Agency.

SECTION 12 : FISHING

12.01 General Provision

No person shall take, attempt to take or injure any fish in any waters, upon its nest, or remove any eggs as may occur in normal recreational or fisheries research practices, or as may be authorized by the Tribal Fish, Wildlife and Recreation Division Director.

Nothing in this code shall be construed to prohibit the taking of such fish for scientific purposes with the authorization of the Tribal Fish, Wildlife and Recreation Division Director.

12.02 Open and Closed Seasons

A closed season is hereby established for fishing except for the open season, species, and creel or bag limits specified by proclamation.

12.03 Fishing Permits and Tags

(A) No person shall fish, take or attempt to take any fish pursuant to this code without possessing a valid Tribal fishing permit, license or required tags issued by the Tribal Fish, Wildlife and Recreation Department.

Reservation Lands: Any person fishing any lands of the Spirit Lake Nation must possess the requisite Tribal license or permit.

B. The Tribal Fish, Wildlife and Recreation Division shall not issue more than one license to one person at one time except as authorized by the Tribal Fish, Wildlife and Recreation Division Director.

C. No fishing license or permit shall be considered valid unless:

- (1) The license is endorsed by the fisherperson in ink.
- (2) For which any permit or license is marked invalid.

12.04 Seasons, Creel Limits, and Size Limits

A. No person shall take, attempt to take, catch or fish for any species of fish in excess of the established daily or possession creel or bag limit.

Daily Limit: The number of fish that may be taken from midnight to midnight, except no person may possess more than one day's limit of fish with head, skin and fins attached while on the water, ice or actively engaged in fishing.

Possession Limit: The number of fish a person may have under his or her control such as in a portable cooler, a home freezer, or registered in his or her name in a commercial cold storage locker.

B. No person shall take, attempt to take, kill or possess any fish under or over the specified size limit.

12.05 Trespass

No person may fish on private waters without permission from the owner, lessee, or tenant. No person may fish on Tribal, State or Federal Refuge waters or protected waters without possessing the required license, permit tags, or unlawfully fish in those designated waters.

12.06 Hook and Line Limitations

A. A maximum of two lines and three hooks per line is allowed for fishing open waters.

B. A maximum of four lines is allowed for fishing through the ice.

C. A maximum of one line and one hook is allowed for paddlefish snagging.

D. Only one end of each line may be equipped with hooks. An artificial lure constitutes one hook, regardless of the number of gang hooks attached.

12.07 Bait

A. No person may possess carp, buffalo fish, carpsuckers, goldfish, or game Fish (except cleanings) as bait for hook and line fishing.

B. Licensed anglers may take bait for noncommercial purposes and as Provided below:

Bait Defined: Bait includes baitfish, frogs, salamanders, crayfish, Freshwater shrimp, snakes, lizards, calms and snails.

Limit: Twelve dozen of any species.

Seines, Nets and Traps: Any licensed angler taking bait may use a seine up to thirty feet long, six feet deep, and with a mesh 3/8 inch square or less, a dip net up to thirty inches in diameter and with a mesh 3/8 square or less; a lift net up to four feet square and with a mesh 3/8 inch square or less; a cast net up to twenty four feet in diameter and with a mesh 3/8 inch square or less; or a trap no longer than twelve inches in diameter, thirty six inches long, and with rigid

entrances no wider than one inch.

Trap Marking required: Bait traps must be clearly marked with the owner's Name and address.

Lost Traps: Traps lost or stolen must be reported within ten days of knowledge of the loss to the Tribal Fish, Wildlife and Recreation Division Director.

Trap Setting: Traps must be set so that not more than one-half of the width of a stream is blocked.

Trap Checking: To prevent loss of baitfish or other gill-breathing animals, traps must be checked and emptied at least once every forty-eight hours.

Game Fish Destroyed: All other fish, excluding baitfish, taken in bait traps or seines must be destroyed, buried or disposed of in a manner conforming with Tribal health, pollution, and refuse laws.

12.08 Bait Wholesalers and Retailers License

A. A Tribal bait dealers license shall be issued by the Tribal Fish, Wildlife and Recreation Division Director and will prescribe rules and regulations for the handling and care of bait. All Dealers are required to possess the requisite license or permit to sell, trap, seine, or net bait. Each permit or license will:

- (1) Include the name, address, and location of dealer.
- (2) Specify the type and amount to be possessed.
- (3) Specify if purchased, trapped, netted, or seined, and where the bait was purchased, trapped, seined, or netted.
- (4) A permit shall be valid for no more than twelve continuous months from date issued.

B. It shall be unlawful to possess more than twelve dozen minnows or bait Species without maintaining a Tribal bait dealers license.

12.09 Commercial Sale of Fish

No person shall sell, barter, trade or offer to sell, barter or trade any fish taken from Spirit Lake Nation waters, except:

A. Without possessing a Commercial license issued by the Tribal Fish, Wildlife and Recreation Division Director.

B. Channel catfish, flathead catfish, and non game fish.

C. Persons operating a private fish hatchery.

12.10 Hoop Nets, Traps and Setlines

No person shall set any hoop net, traps or setlines except enrolled members of the Spirit Lake Nation.

Restrictions:

License: No enrolled member of the Spirit Lake Nation shall set, check, pull, or operate any hoop net, trap or setline without possessing a valid Tribal license or permit issued by the Tribal Fish, Wildlife and Recreation Division Director.

Tags: Each hoop net, trap, or setline must be marked with a metal tag with the enrolled members name, address and telephone number.

Size and Construction of Hoop Nets and Traps:

Hoop nets must not be more than eighteen feet long nor more than four feet wide. No leads or wings are permitted. Only hoop nets constructed of fabric mesh with twine size number fifteen or larger and slat catfish traps constructed of wood or synthetic slats with at least two one and one-fourth inch openings in each end are allowed. Wire fish traps are prohibited.

Species: Hoop nets, traps and setlines may be used to take channel catfish, and non-game fish in Reservation Waters by enrolled members. It is prohibited to take blue catfish, game fish or endangered or threatened fish. Any blue catfish, game fish, or endangered or threatened fish must be released in the waters from where they were caught.

Baitfish: Only prepared or cut bait, worms, frogs, crayfish, and toads may be used in setlines. Whole baitfish (minnows) are prohibited.

Checking: Hoop nets and setlines must be checked at least every seventy-two hours.

Catfish Minimum length: All catfish less than twelve inches long taken by Hoop nets, traps or setlines must be immediately returned to the water.

Limit: Unlimited numbers of channel catfish, and non-game fish may be taken from Reservation waters.

Sale of Fish: Legal fish taken by hoop net, trap or setlines from Reservation waters may be sold, bartered, or traded pursuant to subsection 12.09.

Unauthorized Use: No enrolled member may use or tend hoop nets, traps, or setlines of another enrolled member.

Setline Restrictions: No enrolled member may use a setline that operates by a reel or other mechanical device, or more than twenty hooks attached to one setline.

12.11 Gill Netting

It is unlawful to take any fish or attempt to take any fish with the use or aid of a gill net.

12.12 Spearing

No person may take fish with a spear, legal spear gun, or bow and arrow except enrolled members of Spirit Lake Nation.

A. Fish may be taken with a spear, legal spear gun (a muscle – leaded device propelling a spear attached to a lanyard no more than twenty feet long), and bow and arrow (crossbows are illegal). Arrows attached to the bow by a line. Daily and possession limits are the same as in combination with hook and line limits.

B. Non-game fish may be taken between sunset and sunrise January 1 – December 31.

C. All species of fish, except paddlefish, pallid sturgeon, lake sturgeon, and endangered or threatened fish, may be speared from sunset of one day to sunrise of the next day during the seasons established by Tribal proclamations.

D. Underwater spearfishing is not permitted within one hundred yards of designated swimming or waterskiing areas, boat docks, power intake tubes, or spillways. No underwater diving is permitted where placement of the diver down flag would restrict boat access into or out of a public access area.

E. Divers must display a Diver's Flag on the water on a float or buoy during any diving or underwater spearfishing. The flag must be at least eighty square inches and must be all red with a white diagonal beginning at the top of the flag where attached to the staff. The Diver's Flag indicates a diver is submerged in the immediate area and boats are to avoid the area.

F. Persons spearfishing may not possess game fish in areas not open to the spearing of game fish.

12.13 Landing Aids

Landing nets, gaffs, and similar devices may be used as an aid in landing fish.

12.14 Artificial Lights

Artificial lights may be used as an aid in taking fish by legal methods

12.15 Unattended Lines

Each line used must be under the direct supervision and within the unaided observation of the user.

12.16 Ice Houses

Each fish house, shanty, or other shelter must display on the outside the name and address of the owner in letters at least two inches high. The door must permit entry except when unoccupied and locked from the outside. Shelters must be removed from the ice by March 15.

12.17 Transportation

A. No person shall transport dressed fish from the waters of the Reservation to his or her residence unless those fish can be readily counted. Mobile recreational vehicles, trailers, or tents do not qualify as residences.

B. Any dressed fish transported, if frozen, must be packaged individually. two fillets will be counted as one fish.

C. A person may carry or transport only his or her own lawfully possessed Fish.

12.18 Interference

No persons may intentionally interfere with other persons lawfully engaged in taking or attempting to take fish, or engage in an activity specifically intended to harass or prevent the lawful taking of fish.

12.19 Restrictions

No person shall:

A. Deposit refuse in Reservation waters.

B. Leave or deposit fish on the shorelines of Reservation waters.

- C. Empty receptacles containing bait into Reservation waters.
- D. Sell, buy, or barter game fish.
- E. Shoot fish, frogs, or turtles with a firearm.
- F. Transport or introduce fish or fish eggs into Reservation waters.
- G. Use explosives, electrical devices, or poisonous or stupefying drugs to take fish.
- H. Release reptiles, amphibians, fish, or crustaceans not native to the Reservation into Reservation waters without written authorization from the Fish, Wildlife and Recreation Division Director.
- I. Lend his or her license to another person or aid someone in securing
- J. Possess a spear on or near lakes or streams except during legal hours in open seasons.
- K. Possess, have under control, or maintain trammel nets, gill nets, or seines except legal minnow seines.

SECTION 13 :- BOATING

13.01 General Provisions

No person shall operate any boat, water-craft, water vessel, or floating-device without complying with all rules and regulations pertaining to safety and operation established by the U.S. Coast Guard.

No person shall operate any boat, water-craft, water-vessel, or floating device on Reservation waters without possessing the requisite license, permit or registration.

13.02 Boating Safety Equipment

No person shall operate any boat, water-craft, water-vessel, or floating device without maintaining the following equipment on or within any boat, craft, vessel or device.

A. All motorboats less than sixteen feet in length and non-motorized boats must have at least one Coast Guard approved Type I, II, IV floatation device for each person on board. All boats sixteen feet and over in length must have, in addition, at least one Coast guard approved throwable Type IV device on board.

B. All persons using water skis, surfboard or similar device must wear a Coast Guard approved Type I, II, or III floatation device.

C. Any enforcement Officer who observes a vessel being used in an unsafe condition or manner and in the Officer's judgement such use creates a hazardous condition may direct the operator to take whatever immediate and reasonable steps that would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended. For the purpose of this section an unsafe condition is defined as any of the following :

- (1) Operating in an overload condition.
- (2) Fuel leakage or presence of fuel in bilges.
- (3) Riding on the bow, gunwale, transom, or on the back of seats without taking precautions to prevent persons falling overboard.
- (4) Operating without boating safety equipment.
- (5) Operating a boat without the necessary lights for low light conditions.

(6) Operating in weather or water conditions which endanger the boat and/or occupants.

(7) Operating boat without battery cover in place.

13.03 Prohibited Operation

No person shall:

A. Operate any motorboat, craft, vessel, or floatation device while under the influence of alcohol or drugs.

B. Operate a boat in an overload condition.

C. Operate a boat in such a manner as to molest, disturb or annoy persons lawfully engaged in fishing.

D. Tow water skiers near other vessels, obstructions, hazardous waters, or in a reckless or dangerous manner.

E. Operate a boat within designated swimming area or in areas where swimmers are present.

F. Operate a boat at excessive speeds, or in a dangerous or reckless manner.

G. Operate boats near dams or other hazardous waters.

H. Operate a boat within one hundred yards of a skin-diving zone marked by the appropriate diving flags indicating the presence of skin divers below the surface.

I. Operate a boat in such a manner to cause a dangerous or damaging wake.

J. Continue to use or refuse to terminate use of a boat in a hazardous manner After being ordered to cease by an Enforcement Officer.

13.04 Collisions, Accidents, Casualties and Liability

It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he/she can do without serious danger to his/her own life or property, to render aid to persons affected by the collision, accident, or other casualty. He/she shall give their name, address, and vessel identification in writing to the owner of any property damaged in excess of \$100.00, or a person disappears from such vessel under circumstances that indicate death or

injury, the operator thereof shall file with the Division Director a full description of the collision, accident, or other casualty, including such information as said Agency might, by regulation, require.

The owner of a vessel shall be liable for injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of state statutes, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable unless such vessel is being used with his or her expressed or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage it is under control of his or her immediate family. Nothing herein relieves

any other person from any liability he/she would otherwise have, and nothing contained herein authorizes or permits any recovery in excess of injury or damage actually incurred.

Boating regulations

The following regulations are for reference to Spirit Lake Nation's developing recreational opportunities and vehicle registration capabilities.

13.05 Boat Registration

Any boat, water craft, water vessel, or device placed upon or operated upon Reservation waters shall be numbered and licensed as prescribed by Tribal law. No person shall operate or give permission for the operation of any boat, craft, vessel, or device on such waters unless the boat, craft, vessel, or device on such waters unless the boat, craft, vessel, or device is numbered and licensed in accordance with Tribal law.

13.06 Display of Numbers

The numbers appearing on the certificate issued by the Tribal Fish, Wildlife and Recreation Division must be permanently attached to each side of the forward $\frac{1}{2}$ of the vessel, in plain vertical block letters at least three inches (7.6 centimeters) in height, excluding any border, trim, outlining, or shading, in contrasting color to the hull, and must be maintained in a legible condition so that the numbers and letters are plainly visible during daylight hours. The number shall read from left to right, and groups of numbers and letters must be separated by a space or hyphen equal to the width of the letter M. A validated sticker issued by the Division must be displayed on the boat, within six inches to the rear of the numbers.

13.07 Licensing Watercraft for Hire – Annual Inspection

- A. The Tribal Fish, Wildlife and Recreation Division Director shall adopt rules and regulations to license watercraft for hire, and to prescribe the safety equipment, construction, and manner of operation of such craft.
- B. The Division Director shall conduct annual inspections of all watercraft used for hire to determine if rules and regulations governing such craft are complied with and may issue license to operate such watercraft.
- C. No person shall operate watercraft used for hire without a current or valid license, permit or registration.

13.08 Watercraft for Hire – Construction and Operation

No person shall allow a watercraft for hire unless:

- A. It is safely able to carry a load or passengers as prescribed by the Division Director or its authorized Agency using the formula (length X width divided by 15). Both measurements are in feet. Metric measurements require the following formula (length X width divided by 1.4). Dimensions are in meters and tenth of meters. The capacity of a boat for hire in terms of the number of persons shall be displayed in plain view.
- B. No Watercraft for hire shall be operated:
 - (1) In violation of any law, rule or regulation of this code.
 - (2) With a load greater than that for which it is licensed for and/or regulated by.
 - (3) In an area which is posted as a swimming area or with presence of swimmers.
 - (4) Any person who operates, permits the operation of, or maintains for hire any watercraft within the Reservation and such watercraft is operated in a manner equipped or constructed in violation of this code shall be construed as operating a watercraft for hire without the proper license. In addition to the penalty prescribed by law, he/she shall forfeit any license issued under this code.

SECTION 14 : GUIDING OR GUIDES FOR HIRE

14.01 General Provision

No person except enrolled members of the Spirit Lake Nation shall provide guiding services on any lands of the Reservation.

No person (enrolled member) shall guide or provide fee-guiding services for the purpose of harvesting or attempting to harvest any fish or wildlife on any lands of the Spirit Lake Nation, without proper authorization from the Tribal Fish, Wildlife and Recreation Division Director.

No guide (enrolled member) shall provide services that will allow clients to knowingly or unknowingly to take, attempt to take, kill, pursue or harass any fish or wildlife species during a closed season or in violation of any provisions of this code.

14.02 License Requirements

No person (enrolled member) shall act as a guide for the purpose of hunting or fishing on any lands of the Spirit Lake Nation, without possessing a valid permit or license issued by the Tribal Fish, Wildlife and Recreation Division Director.

Licenses or permits will be issued annually in a form prescribed by the Tribal Fish, Wildlife and Recreation Division Director.

14.03 Seasons and Limits

Except as otherwise provided, Guides will operate or provide services within the seasons and limits established by proclamation.

14.04 Responsibility and Liability

Any person (enrolled member) offering guiding services on any lands of the Spirit Lake Nation are responsible for:

- A. Ensuring each client has a valid license or permit for the taking of fish or wildlife.
- B. Ensuring each client does not exceed bag limits or season dates as established by proclamation
- C. Ensure each client understands the rules and regulations prescribed by proclamation and complies with those rules and regulations while under

the direction of a guide and while afield.

D. Reporting any accidents or damage caused by their clients while hunting, fishing or recreating on the Reservation.

E. Ensure all clients born after December 31, 1978 have successfully completed a certified Hunter Safety Course and provide proof to the guide prior to hunting, fishing or recreating.

Any guide (enrolled member) may be liable for:

A. Any physical damages he/she or their clients may knowingly commit to any person or property in violation of this code.

B. Knowingly allow any violation of rules or regulations pursuant to this code.

C. Knowingly allow a client to hunt, fish, or recreate without possessing the requisite license, permit, or applicable hunter safety certification.

D. Knowingly being party to a violation or assisting in commission of a Violation.

E. Damages caused by the guide or clients who goes afield under the influence of alcohol or drugs.

SECTION 15 : TIMBER HARVEST

15.01 General Provisions

No person shall remove any timber, wood or plant from any lands of the Spirit Lake Nation without authorization from the Tribal Fish, Wildlife and Recreation Division Director.

This shall not prohibit the removal of any timber, wood or plant by a land owner or by a person who has the owner's permission to take such timber, wood or plant from said land.

15.02 Permits

Any person taking, cutting, or harvesting any timber, wood, or plant must possess a Tribal permit issued by the Division Director. The following information is needed for permit application:

- A. His/her name and address.
- B. Location of removal area.
- C. Type of timber, wood or plant to be removed.
- D. Amount of timber, wood or plant to be removed.
- E. Purpose and need for timber, wood or plant.
- F. Dates removal will begin and end.

15.03 Responsibility and Liability

Any person removing any timber, wood or plant for their use or sale may be held responsible for knowingly causing physical damage to an area that exceeds normal harvesting or cutting practices such as :

- A. Cutting any timber, wood or plant species not authorized by permit.
- B. Cutting any timber, wood or plant which have nests or dens of birds or mammals greater than one (1) foot in diameter.
- C. Causing environmental damages, such as erosion to soil, from vehicle use.

D. Failure to remove any cut timber, wood or plant.

E. Cutting any timber, wood or plant not marked or identified for harvest when applicable.

F. Causing a fire from careless use of equipment or careless behavior.

G. Deposit any litter while afield.

SECTION 16 : SPECIAL PERMITS

16.01 General Provisions

It shall be unlawful for any person to harvest any fish, wildlife or plant for any special purpose/subsistence hunting without obtaining a permit or license from the Tribal Fish, Wildlife and Recreation Division Director.

16.02 Permits

Special permits/subsistence hunting may be available upon request for taking or harvesting fish, wildlife or plants on lands of the Spirit Lake Nation.

The following information is needed for permit application :

- A. Name and address of person(s) making the request.
- B. Reason for request.
- C. Name of person(s) who will be harvesting the fish, wildlife or plant, or name of person(s) responsible for the activity for which the special permit has been requested.
- D. Dates of harvest to occur.
- E. Area for harvest to occur in.
- F. Species and amount to be harvested.

Fish, Wildlife and Recreation Director shall:

- A. Present the permit request to the Tribal Board, Commission or Council for approval.
- B. Determine sex, amount and methods of harvest.
- C. Provide assistance if requested.
- D. Request and collect any unused subsistence hunting/special permits.

SECTION 17: PROCLAMATION HAS FORCE OF LAW

17.01 General Provision

Any proclamation issued by the Tribal Fish, Wildlife and Recreation Division, Board, Commission or Tribal Council shall have full force of law. Any person violating a provision of such order or proclamation shall be subject to penalties and/or imprisonment within Section 6.06, Penalties and Sanctions. In addition to any fine and/or imprisonment the violator shall be subject to forfeiture of his/her license, permit, loss of privileges for one year, and confiscation of paraphernalia used in connection of the violation.

17.02 Proclamation to be Published

Each proclamation issued by the Tribe pursuant to this code shall be published at least once in a local or regional newspaper. The Tribal Fish, Wildlife and Recreation Division Director shall post said proclamations in public places.

17.03 Emergency Openings and Closures of Seasons

Any season established by proclamation may be closed, modified, altered, or a closed season may be opened after investigations and recommendations by the Tribal Fish, Wildlife and Recreation Division Director finds:

- A. That a species of fish or wildlife for which an open season exists, are in danger of depletion or extinction, or when necessary for the proper protection during critical periods, the Director may close a season for proper protection of said species.
- B. That any species of fish or wildlife have become sufficient in numbers or have over populated an area and are causing depredation problems, the Director may open or extend a season to control said depredating species.
- C. That due to environmental or climatic conditions, a hunting season may create a hazard to life or property (i.e., fire), the Director may close or postpone a season and reopen a season at a later date upon reasonable notice through local media.

Section 18: CONSERVATION ENFORCEMENT-PERFORMANCE STANDARDS

The Tribe(s) (Contractor) shall perform the contracted conservation enforcement program in accordance with the qualifications, trainings code of conduct, inspection and evaluation, and other standards applicable to Bureau Law Enforcement personnel as follows:

A. In addition to tribal personnel employment standards, the Contractor shall adhere to the Office of Personnel Management, Bureau of Indian Affairs, accepted standards for skill level GS-1812 minimum job entry level qualifications.

B. In addition to requirements of the Contractor's Policies and Procedures, the Contractor, prior to taking disciplinary actions involving suspension, demotion or termination against any Conservation Enforcement employee, shall take the following steps:

- (1) Notify employee of the contemplated action and give a full specification of the reasons such action is contemplated.
- (2) Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the Contractor alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.
- (3) Set a meeting date with the appropriate Administrative Personnel, Tribal Council, or Division Director, the employee and employees legal counsel, if he/she has such counsel, not less than 15 days after the employee has been given the written statement of allegations.
- (4) Provide the employee and, if applicable, the employee's counsel at the meeting with an opportunity to confront and question each person providing information adverse to the employee.
- (5) Provide the employee and, if applicable, the employee's counsel at the meeting with an opportunity to delineate issues, to present factual contentions and supporting information in an orderly manner and to generally protect the employee's interest.
- (6) Reconsider the decision to take the adverse action based solely on the information given at the meeting and provide the employee at the time the decision is announced with a written statement of the reasons for the decision and the information relied upon in reaching the decision.

C. The Contractor shall assure that each officer is qualified in the field of conservation enforcement and has a working knowledge of arrest procedures, rules of evidence, crime scene search, testifying in court and related enforcement functions.

D. Firearms Qualifications will be annual and should be held in conjunction with handgun firearms certification. All ammunition for qualification with handgun, rifle and shotgun will be provided by the Contractor.

Each Conservation Enforcement Officer (Game Warden) must attain a score of 70 percent or better on an approved firearms qualification course once during a calendar year to be considered qualified to carry a firearm. Whenever an officer fails to qualify, the officer shall return all weapons issued. The following courses are approved firearms qualification courses:

- (1) The National Rifle Association National Police Course.
- (2) The National Rifle Association 25-Yard Course.
- (3) The National Rifle Association Practical Pistol Course.
- (4) The Federal Bureau of Investigation Practical Pistol Course.
- (5) Indian Police Academy/FLETC Timed PPC Course.
- (6) Fifty Yard Practical Pistol Course.
 - (a) Conservation Enforcement Officers shall be issued a 9mm pistol and ammunition.
 - (b) If weapons other than sidearms are issued, the Officer must also qualify with them. These qualifications will be on a police approved course, with training conducted by a certified instructor.
 - (c) A firearm may be discharged only when in the considered judgment of the Officer there is imminent danger or loss of life or serious bodily injury to the Officer or to another person. The weapon may be fired only for the purpose of rendering the person at who it is fired at incapable of continuing the activity prompting the Officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.
 - (d) Except in firearms training, each time a firearm is used, a report shall be filed with the Division Director and the Director will notify the respective Agency Superintendent and Criminal Investigator. Whenever use of a weapon

results in serious injury or death of any persons, the Officer firing the weapon shall be placed on administrative leave, to be assigned to strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident

E. Each Conservation Enforcement Officer shall receive a minimum of forty hours of local in-service training annually to meet needs determined by the Contractor and to keep abreast with developments in the field of Conservation Enforcement. If economically feasible, each Conservation Officer shall attend all Conservation Management Training or Workshops to keep abreast with developments in the field of Conservation Management.

F. The Contractor shall require each Conservation Enforcement Officer it employs to sign and adhere to a code of conduct prescribed by the Contractor. The signed copy shall be filed in the employee's official personnel file. The code shall establish specific rules concerning conflict of interest, employee conduct both on and off duty, impartiality and thoroughness in performance of duty, and acceptance of gifts and favors.

G. The Contractor shall permit the inspection and evaluation of the contracted conservation programs by the Bureau of Indian Affairs Inspection and Evaluation Unit in accordance with 68 BIAM, Supplement 1, Release 5, or 56 BIAM Release 1, Fish, Wildlife and Recreation.

H. The Contractor shall assure that each Conservation Enforcement Officer shall be specifically identified as such.

I. Uniforms shall be worn at all times while on routine duty which shall positively identify the wearer as a Conservation Enforcement Officer. Badge, nameplate and shoulder patch shall be issued an identification card Bearing a photograph of the officer.

J. The Contractor shall assure that all Conservation Enforcement vehicles are equipped with a two-way radio, emergency lights, one of which must be red, sirens, safety screens are optional, fire extinguisher, flashlight, emergency flares, rope blankets, first aid kit, shovel, tow chain, tire chains, attached or portable winch, handyman jack, and jumper cables. The Contractor shall require that a operator/maintenance record book be kept current. The Contractor shall assure that all Conservation Enforcement vehicles are marked on each front door with a Department emblem resembling the Officer's shoulder patch.

K. The Contractor will provide all uniformed Conservation Enforcement Officers with the following and assure they are in good condition:

- (1) 9mm pistol and ammunition
- (2) Belt, holster, handcuff case and cartridge holder.
- (3) Handcuff with keys.
- (4) Minimum of two complete uniforms, including hat.
- (5) Hat badge, breast badge, and coat/jacket badge.

L. The Contractor shall certify that each Conservation Enforcement Officer will or is able to do the following activities.

- (1) Identify furbearers, big game, small game, waterfowl, all wildlife and threatened, protected and/or endangered species and their habitats.
- (2) Identify species of fish and their habitats.
- (3) Recognize and dismantle illegal sport gear and commercial fishing tackle (nets, trap sets, snares, deadfalls, ect...)
- (4) Recognize and seize illegal firearms and ammunition.
- (5) Conduct random patrol on land and water by use of car, truck, boat, aircraft, snowmobile, snowshoes, skis, and foot.
- (6) Recognize signs of illegal hunting, fishing and trapping activity.
- (7) Respond to complaints and take action or refer to appropriate agency if needed.
- (8) Interview complainant and witnesses.
- (9) Cite in a professional manner violations of season, time, protected species, and illegal methods, bag limits, sex.
- (10) Seize, mark and hold illegal game and equipment in a safe place for court evidence. Provide confiscated property receipts.
- (11) Determine appropriate methods for apprehending illegal operators.
- (12) Determine ownership of dogs that are running deer or any wildlife ; inform the owner of circumstances and to keep dog tied or destroy dogs that are running deer or any wildlife as per Contractor's policy.

- (13) Prepare detailed incident reports for courtroom use and prepare Informational Complaint history for Department.
- (14) Stop vehicles and boats where occupants have been observed in violation of the law or when violations is suspected.
- (15) Check licenses, permits, and tags to determine if valid, not borrowed, or fraudulently obtained, or that conditions of license/permit are otherwise in compliance.
- (16) When so directed by appropriate court or operational policy, sell confiscated fish or wildlife, and have check made payable to Spirit Lake Nation Fish and Wildlife Department. The check or money shall be deposited into the Tribal Fish, Wildlife and Recreation Special Account. Under no circumstances will Conservation Enforcement Officers accept actual money.
- (17) Any fish or wildlife that is confiscated or seized shall be secured or stored as not to be wasted or spoiled. Any perishable fish or wildlife shall be stored in a freezer. If any species is too large to fit into a freezer, the animal will be processed at a commercial processing plant and then placed into the freezer with head, cape and other parts. Fish and wildlife recovered where no citation has been issued or formal court appearance has occurred will be donated to charitable causes and a signed receipt shall be obtained from the charitable organization. No fish or wildlife seized or confiscated will be sold or donated until the case has been disposed. Except of no freezer is available to store seized animal parts, pictures of the animal can be used in tribal court, and then the confiscated fish or wildlife can be donated to charity in a timely manner.
- (18) Examine fish or wildlife for method of take and when taken.
- (19) Investigate animal damage or depredation, issue permits, and/or destroy animals.
- (20) Report vehicle killed deer to appropriate authorities.
- (21) Inspect for legality of fur and tag with appropriate tag (s).
- (22) Assist Department with statutory responsibility in recovery of drowning victims, lost persons, severe weather emergencies and civil disorders when requested.
- (23) Maintain a working relationship with Tribal and Federal Prosecutors, Court Judge, Clerk of Court, and various support staff.
- (24) Act as a court officer and liaison for all cases within jurisdiction.

(25) Obtain and serve search warrants, seize property, and issue evidence receipts.

(26) Know and practice courtroom etiquette and procedure.

(27) Testify as witness at motions, preliminary hearings and trials.

(28) All weapons shall be inspected monthly by the Division Director/Chief Game Warden who will report results in monthly staff reports. Any deficiencies in weapons will be corrected immediately.

(29) All firearms shall be cleaned at least once a month. Ammunition shall be replaced at least once a year.

(30) The proper storage of firearms at home shall include; rendering firearms inoperable by a safety device and/or storing ammunition and the weapons separately. Both ammunition and firearms shall be stored in places not readily accessible to children.

(31) Map reading techniques (e.g., road, topographic, quadrangle, plat books).

M. Each Conservation Officer shall be certified in first aid and if applicable water rescue procedures.

N. Yearly physical exams are required.

O. Each Conservation Enforcement Officer should be physically fit to carry out the duties assigned.

Section

Penalty

Section	Penalty	
10.13	Buying or Shipping Furs or Pelts (Without License)	\$200
10.14	Records of License Dealers (No records kept)	\$50
10.15	Transportation (Without License)	\$100
11.02	Open and Closed Seasons (Hunting in Closed Season)	\$100
11.03	Firearms Restrictions (Unauthorized firearm/ammunition)	\$75
	Use of Unplugged Shotgun	\$25
11.06	Permits and Tags (No License)	\$100
11.07	Hunting Seasons, Bag Limits and Shooting Hours	\$100
	Hunting migratory birds in a closed season	\$75
	Exceeding bag limit	\$25/ea.
	Additional migratory birds beyond limit	\$50
11.09	Transportation	\$50
11.11	Possession or Taking (Illegal possession or taking)	\$200
12.03	Fishing Permits and Tags (No License)	\$100
12.04	Seasons, Creel Limits, and Size Limits	\$100
	Creel Limits in excess of daily and possession limits.	\$25
	For each fish after first causing violation	\$25
	Other violations (each fish)	\$25
12.06	Hook and Line Limitations (excessive lines)	\$50
12.07	Bait (Unauthorized bait)	\$250
12.08	Bait Wholesalers and Retailers License (No License or Permit to sell bait)	\$250
12.09	Commercial Sale of Fish (No commercial license)	\$100
12.10	Hoop Nets, Traps and Setlines (Unauthorized use by non-Indians and non-tribal members)	\$100
12.11	Gill Netting	\$200
12.12	Spearing (Unauthorized spearing by non-Indians and non-tribal members)	\$100
	Second offense	\$200
	Third offense	\$500/confiscation process

Section

Penalty

12.15	Unattended Lines (Failure to attend lines)	\$25
12.16	Ice Houses (Failure to remove)	\$50
12.17	Transportation (Unauthorized transportation of fish)	\$50
12.18	Interface (Interfering with lawful take of fish)	\$250
	Second offense	\$500
12.19	Restrictions (A-J)	\$50
	K. Shoot fish, frogs or turtles with a firearm	\$100
	Second offense	\$200
	Third offense	\$500
14.01	General Provision (Unauthorized guiding by non-Indians and non-Tribal members)	\$100
	Second offense	\$200
	Third offense (MANDATORY APPEARANCE)	\$1000
14.02	License Requirements (Unlicensed enrolled tribal member serving as guide)	\$100
	Second offense	\$250
	Third offense -- (suspend privileges for one year)	\$500
14.03	Season and Limits (Guiding during off-season set by proclamation)	
	First offense	\$100
	Second offense (License suspended for one year)	\$200
	Third offense (License suspended for five years)	\$300
14.04	Responsibility and Liability	
	Unlicensed client	
	First offense	\$250
	Second offense	\$1000
	Client exceeding bag limit	\$100
	Additional animal or bird in excess of daily limit.	\$50/ea.

