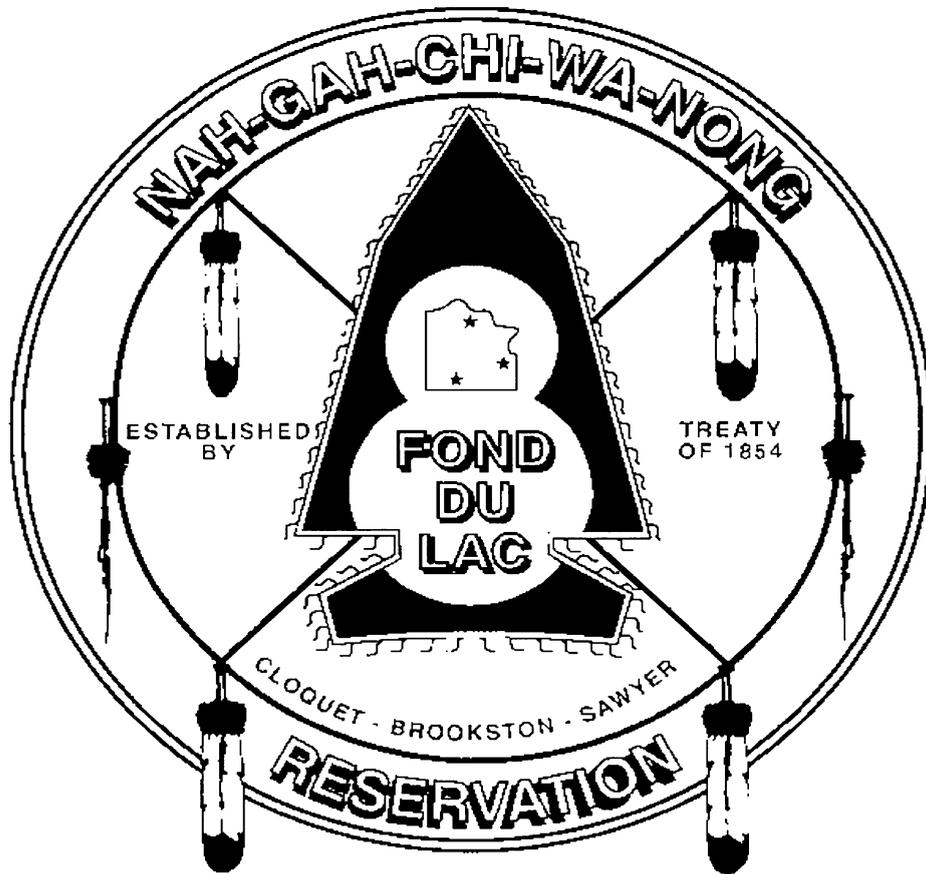


**FOND DU LAC BAND  
OF LAKE SUPERIOR CHIPPEWA**



**CONSERVATION CODE**

REPRINT DATE: APRIL 2019

**ORDINANCE #03/90  
AMENDED**

**FOND DU LAC CONSERVATION CODE**

Adopted by Resolution #253/90 of the Fond du Lac Reservation Business Committee, dated August 30, 1990.  
Amended by Ordinance #02/93, adopted by Resolution #1030/93 of the Fond du Lac Reservation Business Committee, dated January 26, 1993.  
Amended by Ordinance #11/93, adopted by Resolution #1218/93 of the Fond du Lac Reservation Business Committee, dated August 1, 1993.  
Amended by Ordinance #13/93, adopted by Resolution #1298/93 of the Fond du Lac Reservation Business Committee, dated September 24, 1993.  
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Amended by Resolution #1100/19 of the Fond du Lac Reservation Business Committee dated April 30, 2019.

INDEX

SECTION 101.      CONSERVATION COMMITTEE .....1  
SUBDIVISION 1      CREATION .....1  
SUBDIVISION 2.      REGULAR VOTING MEMBERS .....1  
SUBDIVISION 3.      NON-VOTING ADVISORY MEMBERS .....1  
SUBDIVISION 4.      DUTIES AND RESPONSIBILITIES .....1

SECTION 102.      DEFINITIONS .....3

SECTION 103.      GENERAL .....13  
SUBDIVISION 1.      PARTIAL INVALIDITY AND SEVERABILITY .....13  
SUBDIVISION 2.      PROHIBITED ACTS ..... 13  
SUBDIVISION 9.      PERMITS, LICENSES AND TAGS ..... 17  
SUBDIVISION 10.      PENALTIES .....17

SECTION 104.      BIG GAME ..... 19

SECTION 105.      SMALL GAME .....23

SECTION 106.      FISH AND AQUATIC RESOURCES..... 25  
SUBDIVISION 1.      LICENSES .....25  
SUBDIVISION 2.      NOTICE OF SEASON, LIMITS AND PERMITS .....25  
SUBDIVISION 3.      ANGLING - OPEN WATER .....25  
SUBDIVISION 4.      ANGLING - ICE ..... 25  
SUBDIVISION 5.      SPEARING - OPEN WATER - GAME FISH .....26  
SUBDIVISION 6.      SPEARING - OPEN WATER - NO-GAME FISH .....26  
SUBDIVISION 7.      SPEARING - ICE - NON-GAME AND GAME FISH ..... 26  
SUBDIVISION 8.      FISH TRAPS - DIP NETS - SEINES ..... 27  
SUBDIVISION 9.      FISHING WITH GILL NETS .....27  
SUBDIVISION 10.      DAILY BAG LIMITS AND POSSESSION .....28  
SUBDIVISION 11.      BAIT FISHING-MINNOWS/LEECHES-  
PERSONAL USE .....28  
SUBDIVISION 12.      BAIT FISHING-MINNOWS/LEECHES-  
COMMERCIAL USE .....29  
SUBDIVISION 13.      SALE OF FISH ..... 29  
SUBDIVISION 14.      TRANSPORTATION OF FISH .....29  
SUBDIVISION 15.      INCIDENTAL TAKE ..... 30  
SUBDIVISION 16.      TRANSPORTATION OF AQUATIC PLANTS .....30  
SUBDIVISION 17.      INFESTED WATERS .....30

SECTION 107.      TRAPPING ..... 32

SECTION 108.      MIGRATORY WATERFOWL .....33  
SUBDIVISION 2.      AGE REQUIREMENT AND LIABILITY .....33  
SUBDIVISION 3.      SEASON, DAILY AND POSSESSION LIMITS ..... 33  
SUBDIVISION 4.      HOURS FOR HUNTING ..... 33  
SUBDIVISION 5.      FIREARMS ..... 33  
SUBDIVISION 6.      WATERCRAFT ..... 33

SUBDIVISION 7.	POSSESSION OF MIGRATORY WATERFOWL .....	34
<u>SECTION 109.</u>	<u>WILD RICE</u> .....	35
SUBDIVISION 1.	LICENSING/AGE REQUIREMENT .....	35
SUBDIVISION 2.	SEASON, HOURS, BOAT LIMITS AND LAKE ASSIGNMENTS .....	35
SUBDIVISION 3.	NON-VOTING ADVISORY BOARD MEMBERS .....	35
SUBDIVISION 4.	REGULATIONS .....	35
<u>SECTION 110.</u>	<u>TRESPASS</u> .....	37
CERTIFICATION	.....	39

**SECTION 101. CONSERVATION COMMITTEE.**

**SUBDIVISION 1. CREATION.**

The Fond du Lac Band of Chippewa Indians, by and through the Reservation Business Committee, hereby creates and establishes a Conservation Committee, which shall be charged with the management, preservation, protection and regulation of the taking of the fish, game, wild rice, natural and woodland resources of the Fond du Lac Reservation.

**SUBDIVISION 2. REGULAR VOTING MEMBERS.**

The Conservation Committee shall consist of seven (7) members, who shall be enrolled members of the Fond du Lac Band, three (3) of whom shall be appointed for an initial term of three years, and four (4) of whom shall be appointed for an initial term of two years, and thereafter the term for all membership positions shall be two years. The Reservation Business Committee shall make all appointments to the Conservation Committee and shall notify both the appointees and the Fond du Lac Conservation Department of such appointments. These seven (7) regular Conservation Committee Members shall be its only voting members.

**SUBDIVISION 3. [RESCINDED, APRIL 17, 2013]**

**SUBDIVISION 4. DUTIES AND RESPONSIBILITIES.**

The Conservation Committee derives its authority from the Reservation Business Committee by way of the Conservation Code. The Conservation Committee shall perform all duties and responsibilities as defined by the Code including, but not limited to:

- (A) Development of a system for the issuance of all licenses, permits, tags, markers, and for the development of a record keeping system. The Conservation Division will issue all licenses, permits, tags and markers and will be responsible for record keeping and for keeping the Conservation Committee informed with regular reports.
- (B) Any amendment to the Fond du Lac Conservation Code shall be by Resolution of the Reservation Business Committee.
- (C) The Conservation Committee shall recommend to the Fond du Lac Reservation Business Committee: seasons, where none are specifically provided; closing or shortening existing seasons, when necessary for the well-being of the resource, and; extending or opening seasons, after a determination that such an act will not cause substantial harm to the resource.
- (D) Review, annually, factors such as shortages or abundance of a resource to determine the numbers and types of permits which may be issued.
- (E) Maintain a liaison with the Minnesota Department of Natural Resources and the United States Fish and Wildlife Service to facilitate cooperation in the enforcement of respective game laws and other mutual concerns.

- (F) Consult with private groups, state, local and federal governments concerning the establishment of Natural Resource Conservation Programs which have sound biological, ecological, environmental and economic basis.
- (G) Propose to the Fond du Lac Reservation Business Committee and, upon their approval, take necessary steps to initiate and implement aspects of the Natural Resource Conservation Program.
- (H) Recommend to the Reservation Business Committee, disbursements and expenditures from the Conservation fund so that the funds may be expended and disbursed for purposes which are reasonable and necessary to the implementation of activities and operations governed by this Code.
- (I) Recommend to the Conservation Court, a schedule of penalties and a procedure for expeditious collection of such penalties.
- (J) With receipt of proper application, the Conservation Committee will recommend to the Reservation Business Committee that a Conservation Officer take whatever fish or game necessary for feasts, ceremonies, senior citizens or handicapped Band members.

**SECTION 102. DEFINITIONS.**

As used in this Conservation Code, the following terms shall have the meanings given to them in this section.

**SUBDIVISION 1.**

"Accomplice" shall mean any person who shall advise, hire, counsel or conspire with another to commit a violation, and shall be liable as if he committed the violation.

**SUBDIVISION 2.**

"Agricultural Lands" shall mean lands containing plowed fields, standing crops or residue, or lands with a maintained fence for the purpose of enclosing domestic livestock.

**SUBDIVISION 3.**

"Arrow" shall include both fishing arrows and hunting arrows and the standards for each shall be established in a public posting by the Conservation Committee.

**SUBDIVISION 4.**

"Artificial Light" shall mean any light not occurring naturally.

**SUBDIVISION 5.**

"Attended Line" shall mean a line used for taking fish that is within sight of the Band Member taking the fish.

**SUBDIVISION 6.**

"Bait" shall mean any lure or enticement placed to attract fish or game for the purpose of taking fish and game.

**SUBDIVISION 7.**

"Band Member" shall mean a person who is an enrolled member of the Fond du Lac Band of Chippewa Indians.

**SUBDIVISION 8.**

"Big Game" shall mean deer, bear and moose.

**SUBDIVISION 9.**

"Biodegradable" shall mean a material that will readily decompose by biological action.

SUBDIVISION 10.

"Blaze Orange" means the clothing worn during certain specified seasons and shall include the camouflaged pattern of at least 50% blaze orange within each square foot.

SUBDIVISION 11.

"Bow" shall mean any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through the efforts of the person releasing.

SUBDIVISION 12.

"Carcass" shall mean the dead body of an animal.

SUBDIVISION 13.

"Ceremony" shall mean a formal act or acts recognized by the Reservation Business Committee and the Conservation Committee as having importance to the band members.

SUBDIVISION 14.

"Commercial Use" shall mean the hunting, trapping or fishing of big game, small game, game fish, and/or migratory birds for the purpose of barter or sale of the fur, hide, feathers, or any part of the animals, game, migratory birds or fish.

SUBDIVISION 15.

"Conservation Committee" shall mean the committee established under Section 101 of the Fond du Lac Conservation Code, Ordinance #03/90.

SUBDIVISION 16.

"Conservation Officer" shall mean an officer, as defined by the Fond du Lac Reservation Business Committee or other officers, who are empowered by the Fond du Lac Reservation Business Committee to enforce the provisions of the Fond du Lac Conservation Code.

SUBDIVISION 17.

"Crossbow" shall mean any device using a bow which once drawn, is held solely by means other than the effort of the person releasing.

SUBDIVISION 18.

"Daily Bag Limit" shall mean a continuous twenty-four (24) hour period consistent with the nature of the harvest activity involved.

SUBDIVISION 19.

"Dip Net" shall mean a piece of netting suspended from a round or square frame.

SUBDIVISION 20.

"Domestic Animal" shall mean an animal dependent on humans for its existence.

SUBDIVISION 21.

"Duck Bills" shall mean a forked, hinged metal device attached to the end of a pole and designed to open automatically when pushed against the bottom of a stream or lake.

SUBDIVISION 22.

"Duck Hunting" shall mean the hunting of any migratory waterfowl for which there is an established season.

SUBDIVISION 23.

"Electronic Communication System" shall mean any electrical device capable of any communication.

SUBDIVISION 24.

"Fawn" shall mean all deer that were born that particular year.

SUBDIVISION 25.

"Feast" shall mean a formal meal recognized by the Reservation Business Committee and Conservation Committee as having importance to the band members.

SUBDIVISION 26.

"Firearms" shall mean a handgun, rifle, shotgun or any device that, through a mechanical release by the operator, ignites a confined powder charge that propels a projectile or projectiles through and out of a metal tube for the purpose of taking game.

SUBDIVISION 27.

"Firearm Safety Certificate" shall mean a valid certificate issued by a duly authorized Band or State Program.

SUBDIVISION 28.

"Fishing" shall mean the taking of fish by hook and line or bow and arrow.

SUBDIVISION 29.

"Fish Trap" shall mean a device constructed of netting that employs a frame and/or wings or leads that direct fish movement into and through a funnel of netting at the trap's opening, wherein the fish are trapped by their own movement.

SUBDIVISION 30.

"Fond du Lac Conservation Code" shall mean Ordinance #03/90 as adopted by the Reservation Business Committee.

SUBDIVISION 31.

"Fond du Lac Reservation" shall mean all lands and waters within the exterior boundaries of the Fond du Lac Reservation.

SUBDIVISION 32.

"Fond du Lac Tribal Court" shall mean the Tribal Court established by the Reservation Business Committee with the authority to adjudicate all matters arising under the Fond du Lac Conservation Code.

SUBDIVISION 33.

"Furs" shall mean the skin of a fur bearing animal after it has been tripped from the carcass.

SUBDIVISION 34.

"Fur-bearing Animals" shall mean any animal whose fur or pelt may be used by the taker for either personal or commercial use, excluding big game animals.

SUBDIVISION 35.

"Game Fish" shall mean all trout, crappie, grayling, all bass, muskellunge, northern pike, sager, sturgeon, sunfish, catfish, walleye, coho, herring, cisco, splake and perch.

SUBDIVISION 36.

"Gathering" shall mean the harvesting of any plant, plant covering, root, fruit or grain growing naturally.

SUBDIVISION 37.

"Gill Net" shall mean any net set to take fish by entanglement rather than entrapment.

SUBDIVISION 38.

"Guardian" shall mean a legal guardian, or any person eighteen (18) years of age or older, who is authorized by the parent or legal guardian to supervise the person under the age of sixteen (16).

SUBDIVISION 39.

"Handicapped or Disabled" shall mean a person who has a permanent or temporary disability substantially limiting the person in their daily life activities. This handicap or disability is documented and verified by a licensed physician.

SUBDIVISION 40.

"Hunting" shall mean the taking of birds or mammals.

SUBDIVISION 41.

"Hunting Party" shall mean any group of two or more licensed hunters, all of whom are afield hunting together at the same time, for the purpose of taking game.

SUBDIVISION 42.

"Indian Person" shall mean a band member or an Indian person as defined under 'Other Indian.'

SUBDIVISION 42a.

"Infested waters" shall mean lakes, streams, or rivers identified by the Resource Management Division as either (1) containing a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent this; or (2) is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species as defined in Section 103, Subdivision 2(T)(2).

SUBDIVISION 43.

"Landowner" shall mean the owner, occupant or lessee of the land.

SUBDIVISION 44.

"License" shall mean the license issued by the Conservation Division pursuant to the Fond du lac Conservation Code.

SUBDIVISION 45.

"Loaded Firearm" (see 'Unloaded' definition and substitute 'Loaded' for 'unloaded',

SUBDIVISION 46.

"Migratory Birds" mean any kind described in the Migratory Bird Act, 16 U.S.C. section 703 et seq., or at 50 CFR, Part 10.

SUBDIVISION 47.

"Minnows" with the exception of carp, goldfish and mudminnows, shall mean all members of the minnow family (cyprinidae), and shall mean all members of the sucker family (catostomidae) which are not over 12 inches in length, and shall mean bullheads, tulibee, herring, whitefish, goldeneye, and mooneyes if they are not over seven (7) inches in length.

SUBDIVISION 48.

"Motorboat" shall mean any boat equipped with propulsion machinery, whether or not the machinery is the principal source of it's propulsion.

SUBDIVISION 49.

"Motor Vehicle" shall mean any self-propelled vehicle and any vehicle, whether operated from a highway, railroad track, on the ground, in the water, or in the air, or anything attached thereto.

SUBDIVISION 50.

"Netting" shall mean taking fish by seine, trap, gill net, hoop net, cast net or hand-held dip net

SUBDIVISION 51.

"Non-Game Fish" shall mean buffalo fish, burbot, bullheads, carp, dogfish, quillback, sheephead, sucker, tulibee, whitefish and other fish not defined as Game Fish.

SUBDIVISION 52.

"Non-Motorized Boat" shall a boat that is not a motorboat but that is designed and constructed to be used as a boat for transportation of a person or persons on water. This term includes, but is not limited to, any canoe, rowboat, raft, and dinghy that is not a motorboat.

SUBDIVISION 53.

"Open Water" shall mean water that is free of ice.

SUBDIVISION 54.

"Order" shall mean the document establishing the season and daily bag limit approved by the Conservation Committee.

SUBDIVISION 55.

"Other Indian" shall mean any Indian who is an enrolled member of any federally recognized tribe and is a permanent resident of the Fond du Lac Reservation.

SUBDIVISION 56.

"Permit" shall mean the permit issued by the Conservation Division required in addition to the license.

SUBDIVISION 57.

"Pelt" shall mean the skin of a fur-bearing animal after it has been stripped from the carcass.

SUBDIVISION 58.

"Permanent Resident" shall mean a Reservation resident for the previous one (1) year and evincing a desire to continue living on the Reservation.

SUBDIVISION 59.

"Personal Flotation Device or PFD" shall mean a Coast Guard approved Type I, II, III or IV personal flotation device.

SUBDIVISION 60.

"Possession" shall mean both actual and constructive possession and control of the things referred to.

SUBDIVISION 61.

"Posted Land" shall mean any land signed as described in Section 110, Subdivision 5.

"Prohibited Means" of taking includes, but is not limited to, poison arrows, illegal firearms, wild rice harvesting machines, set guns, swivel guns and fully automatic rifles, silencers for rifles, shotguns or handguns.

SUBDIVISION 63.

"Public Roadway" shall mean a road and the right-of-way thereof, which is regularly maintained for public use, and shall include banks, ditches and shoulders.

SUBDIVISION 64.

"Reservation Business Committee" shall mean the duly constituted governing body of the Fond du Lac Band of Lake Superior Chippewa.

SUBDIVISION 65.

"Rice Bed" shall mean the area of any lake or stream that contains wild rice.

SUBDIVISION 66.

"Ricing Permits" shall mean the permit issued by the Conservation Division to a Band Member or eligible other Indian.

SUBDIVISION 67.

"Season" shall mean the length of time in which it is legal to fish, gather, trap or hunt pursuant to the Fond du Lac Conservation Code.

SUBDIVISION 68.

"Seine" shall mean a net of mesh with floats at the top and weights at the bottom, such that is hangs vertically in the water and which is drawn through the water to capture fish by encircling them rather than entangling them.

SUBDIVISION 69.

"Set Gun" shall mean a firearm placed or fixed in a manner that will require an animal, by its own motion, to discharge the firearm.

SUBDIVISION 70.

"Significant Part" shall mean a portion of flesh from a big game animal weighing more than ten (10) pounds.

SUBDIVISION 71.

"Small Game" shall mean snowshoe hare, cottontail rabbit, jackrabbit, grey squirrel, crow, ruffed grouse, spruce grouse, sharptail grouse, Hungarian partridge, pheasant, wild turkey, quail, prairie chicken, morning doves, woodcock, sora, Virginia rail, Wilson's jacksnipe, badger, opossum, red and grey fox, lynx, bobcat, wolverine, muskrat, mink, pine martin, fisher, beaver and otter.

SUBDIVISION 72.

"Snagging" shall mean taking a fish, with a hook and line, by hooking a fish in a place other than the mouth.

SUBDIVISION 73.

"Snare" shall mean the taking, or attempted taking, of any wild animal 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, or take, a wild animal or animals.

SUBDIVISION 74.

"Spear" shall mean a pole tipped with a minimum of three (3) barbed tines that are a minimum of 4 1/2 inches long with each tine having a barb extending perpendicular, which is greater than 1/8 inch.

SUBDIVISION 75.

"Spearing" shall mean the taking of fish by the use of a spear.

SUBDIVISION 76.

"Swivel Gun" shall mean a firearm attached to a stationary object for the purpose of taking migratory waterfowl.

SUBDIVISION 77.

"Sunrise" shall mean the beginning of a day as determined by the National Oceanic and Atmospheric Administration Chart.

SUBDIVISION 78.

"Sunset" shall mean the end of a day as determined by the National Oceanic and Atmospheric Administration Chart.

SUBDIVISION 79.

"Tags" shall mean a locking device intended to mark wild game and which is assigned and distributed by the Fond du Lac Conservation Division.

SUBDIVISION 80.

"Take" or "Taking" shall mean pursuing, shooting, killing, capturing, trapping, snaring, spearing and netting wild animals, and all lesser acts such as disturbing, harrying, worrying or placing, setting, drawing, or using any net, trap or other device used to take wild animals, and includes every attempt to take and every act of assistance to any person in taking or attempting to take wild animals.

SUBDIVISION 81.

"Trap" shall mean the taking, of attempted taking, of any wild animal by means of setting or operating any device, mechanism, or contraption that is designed, built or made to close on, hold fast, or otherwise capture, or take, a wild animal or animals.

SUBDIVISION 82.

"Trot Line" shall mean a line with multiple lines and hooks attached to it. Each trot line shall be considered one attended or unattended line.

SUBDIVISION 83.

"Unattended Line" shall mean a line used for taking fish that is not within the sight of the Band Member who set the line.

SUBDIVISION 84.

"Under the Influence" shall mean any amount of alcohol or drugs that in any way alters the users reaction time or ability to react.

SUBDIVISION 85.

"Unloaded" shall mean without ammunition in the barrel/barrels and magazine, if the magazine is in the firearm. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in the pan. A muzzle loading firearm with a percussion ignition is unloaded if it does not have a percussion cap on a nipple. A crossbow is considered unloaded if the arrow/bolt is not in the crossbow.

SUBDIVISION 86.

"Unprotected Game" shall mean weasels, coyote, gophers, porcupine, raccoon, skunk and all other mammals for which no closed season or other protection is accorded.

SUBDIVISION 87.

"Watercraft" shall mean any description of watercraft used, or capable of being used, as a means of transportation on water.

SUBDIVISION 88.

"Wild Rice" shall mean that crop which grows naturally, or as a result of reseeding in natural lakes and waters, including lakes resulting from flood control structures.

## **SECTION 103. GENERAL.**

### **SUBDIVISION 1. PARTIAL INVALIDITY AND SEVERABILITY.**

- (A) If any clause, sentence, paragraph, or part of this Conservation Code, which shall be known as the Fond du Lac Conservation Code, shall for any reason be adjudicated by any court of competent jurisdiction, to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgement shall have been rendered.
- (B) Any provision or act not addressed in this Code shall not be interpreted to mean that the Fond du Lac Reservation waives its jurisdiction over that provision or act.

### **SUBDIVISION 2. PROHIBITED ACTS.**

In addition to the prohibitions contained in the chapters of this Code, the following shall be considered violations of this Conservation Code.

- (A) Unless otherwise authorized, allowing any person to use a license or permit of another person, whether or not such person would qualify to receive such a license or permit.
- (B) Taking of any animal protected by Subdivision 3 of this section.
- (C) Wanton destruction or waste of fish, game, wild rice or forest resources on the Fond du Lac Reservation.
- (D) Exceeding established limits.
- (E) Using prohibited means or equipment in the taking, or attempted taking, of fish, game, wild rice or forest resources on the Fond du Lac Reservation. Such prohibited means includes, but is not limited to, the following: poison arrows, illegal firearms, wild rice harvesting machines, set guns, swivel guns, and fully automatic rifles. It shall also be unlawful for a person to possess a silencer for any rifle, shotgun or pistol.
- (F) Use of electronic communication systems as prohibited by State or Federal Law.
- (G) Fishing, hunting, trapping or ricing outside of seasons and hours established by the Conservation Committee.
- (H) Possession of any fish or game without a valid license in possession.
- (I) Fraud or misrepresentation in the procurement of any permit or license.
- (J) Except as permitted, no person shall have a firearm, archery bow or crossbow in a motor vehicle unless it is unloaded.

- (K) The use of any motor vehicle for taking, or the attempted taking, of big game or small game, except as permitted.
- (L) Refusal to cooperate or display the proper permit upon the request of a Conservation Officer, or Special Deputy Conservation Officer, or any State Conservation Officer who has been commissioned as a Deputy Fond du Lac Conservation Officer.
- (M) Intentionally destroy, or attempt to destroy, any evidence seized or confiscated, or about to be seized or confiscated, by an authorized Conservation Officer.
- (N) It shall be an offence for anyone under oath to intentionally give false testimony in any case before the Fond du lac Tribal Court.
- (O) No person shall hunt, fish, trap, gather or operate any watercraft or vehicle while under the influence.
- (P) Except as otherwise permitted, no person shall operate or ride in a watercraft unless there is a sufficient number of readily available personal floatation devices (PFD) on board.
- (Q) The number of persons on any watercraft shall no exceed that watercraft's maximum capacity.
- (R) Destruction or tampering with any structure, device, equipment or result of a project or scientific study by the Fond du Lac Natural Resources or Forestry Departments.
- (S) Hunting While Intoxicated.
  - (1) No member shall hunt with a firearm, bow and arrow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such weapon, or while a member has a blood alcohol concentration of 0.08 grams or more of alcohol per 100 milliliters of a person's blood or 0.08 grams or more of alcohol per 210 liters of a person's breath.
  - (2) A member hunting with a firearm, bow and arrow, or crossbow shall take or submit to a blood or breath test to determine the amount (if any) of intoxicant or controlled substance present if:
    - (a) the member has been lawfully issued a citation for violating section 3.18(1);
    - (b) the member has been involved while hunting in an accident resulting in property damage, personal injury, or death;

- (c) the member has refused to take a preliminary screening breath test; or
  - (d) a preliminary screening breath test was administered and indicated an alcohol concentration of 0.08 grams or more.
- (3) If a member refuses to take a test required under section 3.18(2), the Band shall impose a civil penalty of \$500 and prohibit the member from hunting for one year.
- (T) (1) No Band member shall possess, import, purchase, sell, propagate, transport, or introduce an invasive species as defined in section (T)(2), except:
- (a) under a permit issued by the Resource Management Division for the purpose of disposal, control, research, or education;
  - (b) when being transported to the Resource Management Division's offices or another destination as the Resource Management Division may direct, in a sealed container for the purposes of identifying the species or reporting the presence of the species;
  - (c) when a specimen has been lawfully acquired and is dead, or in the case of a plant, is secured in a sealed container;
  - (d) when being removed from watercraft and equipment, or caught while fishing and immediately destroyed or returned to the water from which they came; or
  - (e) when the invasive species has been designated by the Band as "regulated" but not "prohibited," provided, however that no species designated as a "regulated invasive species" may be introduced into any natural setting such as public waters.
- (2) "Invasive species" includes the following species:
- (a) Aquatic plants: Eurasian milfoil, purple loosestrife.
  - (b) Fish: Grass carp, rudd, round and tubenose goby, ruffe, sea lamprey, white perch, common carp, Asian carps (bighead, black, grass and silver carps) and goldfish.
  - (c) Invertebrates: rusty crayfish, zebra mussel, Quagga mussel, New Zealand mudsnail, Chinese mystery snail, and spiny water flea.
  - (d) Pathogens: Viral Hemorrhagic Septicemia (VHS).
  - (e) Any other species that is designated as an invasive species by the Resource Management Division.

### SUBDIVISION 3.

- (A) Except as otherwise permitted by the laws of the United States and/or this Code, there shall be no taking of the bald eagle, golden eagle or any bird of prey, cranes, swans, loons, pelican, timber wolf, cougar, or any species determined to be endangered by the Conservation Committee and/or by the United States.

### SUBDIVISION 4.

Any person who takes game, fish or furs within the Fond du Lac Reservation and desires to transport such animals off the Reservation must have in his possession a valid license or permit, issued by the Conservation Committee.

### SUBDIVISION 5.

Any person who hunts or traps during the big game season shall wear blaze orange from the waist up including cap or hat. Blaze orange includes the camouflaged pattern of at least 50% blaze orange within each square foot.

### SUBDIVISION 6.

Official Conservation Officers of the Fond du Lac Band are empowered to enter, open and search any motor vehicle, trailer attached thereto, where there is reason to believe that game, fish, wild rice, or forest products, unlawfully taken or possessed, may be found. Conservation Officers may, at peak use periods and at such times as necessary, establish check stations on the public roads to enforce compliance with this Code.

### SUBDIVISION 7.

Official Conservation Officers shall have the authority to seize and impound property used in the unlawful taking or unlawful transporting of fish, game, wild rice, or forest products within the Fond du Lac Reservation. Officers shall prepare an inventory of all items seized and furnish a copy to the violator.

### SUBDIVISION 8.

- (A) Jurisdiction over all matters arising under the Fond du Lac Conservation Code shall be with the Fond du Lac Tribal Court which shall adjudicate in accordance with the Conservation Code all questions, complaints and alleged violations involving the Conservation Code.
- (B) The Chief Judge, or an Associate Judge, of the Fond du Lac 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.

SUBDIVISION 9. PERMITS, LICENSES AND TAGS.

- (A) Licenses shall be issued to Band members of the Fond du Lac Band of Lake Superior Chippewa, or "Other Indians" as defined by Section 102, Subdivision 55.
- (B) Permits required in addition to a license shall be issued to Band Members of the Fond du Lac Band of Lake Superior Chippewa, or "Other Indians" as defined by Section 102, Subdivision 55.
- (C) A Band Member who has reached his/her 55th birthday will be eligible for a lifetime license, at no charge, for all hunting, fishing, trapping and gathering, within the defined or open seasons, as provided for in the Fond du lac Conservation Code. Licenses issued pursuant to this section must comply with any permit or tag requirement as specified in the Fond du Lac Conservation Code, but will not be charged for such permits or tags.
- (D) An "Other Indian" who has reached his/her 55th birthday will be eligible for a free license for all hunting, fishing, trapping and gathering, within the defined or open seasons, as provided for in the Fond du Lac Conservation Code. Licenses issued pursuant to this section must comply with any permit or tag requirement as specified in the Fond du Lac Conservation Code. Licenses issued pursuant to this section shall be valid for a period of one year.
- (E) A permit, in addition to a license, may be issued to a handicapped or disabled Band Member or eligible Other Indian person who is unable to walk with or without crutches, braces or other mechanical/life support. This permit will allow the discharge of a firearm or bow and arrow, or crossbow from a stationary motor vehicle. All other provisions of this code will apply. The handicap or disability must be verified in writing by a licensed physician.

SUBDIVISION 10. PENALTIES.

- (A) Any person adjudged to have violated any provisions of this Code shall be subject to an assessment by the Court if a penalty of not more than five hundred dollars (\$500.00) or, at the judge's discretion, be sentenced to serve a period of community service.
- (B) In addition, at the Court's discretion, any fish, game, wild rice or furs, taken, or other items used in violation of this Code, may be seized and impounded by Order of the Court. Any such items may be returned upon payment of penalty assessed, or may be ordered forfeited.
- (C) The Court may also, in its discretion, and in addition to the above penalties, invoke any other equitable remedies, including, but not limited to, reasonable Court costs; the withholding of Court-ordered fines from salaries derived from the Reservation upon due notice to the Fond du Lac Payroll Department; withholding of Court-ordered fines from winnings derived from gaming at a Reservation-controlled gaming establishment upon due notice to the Fond du Lac

gaming facility or; Court-ordering the revocation or withholding of licenses, permits, tags and motor vehicle license plates, upon due notice to the Fond du Lac Registrar or Conservation Department.

- (D) The Court shall prescribe and initiate procedures for the sale of any property ordered forfeited.
- (E) Any individual charged with violating this Code has the option of paying the assessed penalty, as enumerated in the Schedule of Fines, or appearing before the Court.
  - (1) Should the violator elect to pay the assessed fine without Court appearance, Court Costs will be waived.
  - (2) Those who elect to pay the fine without Court appearance must make full payment to the Clerk of Courts prior to the scheduled Court appearance.
  - (3) A waiver, admitting guilt and waiving the right to appear before the Court, must be signed and filed with the Clerk of Courts prior to payment of the fine.
- (F) Court Costs may be assessed at the Court's discretion but shall not exceed fifty dollars (\$50).

**SECTION 104. BIG GAME.**

**SUBDIVISION 1.**

Every Band Member, or eligible Other Indian, 12 years of age or older, who takes, or attempts to take big game within the Fond du Lac Reservation shall have in his/her possession a valid license and appropriate big game carcass tag.

**SUBDIVISION 2.**

- (A) Band Members, or eligible Other Indians, born on or after January 1, 1980, must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags.
- (B) Band Members under fourteen (14) years of age must be accompanied by a licensed parent or guardian.
- (C) Band Members or eligible Other Indians ages 10 or 11 may hunt big game without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card or a permit identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging a big game animal.

**SUBDIVISION 3.**

Any licensed hunter over the age of 55, or handicapped, or disabled persons as defined by this Code, may have another licensed hunter hunt for him. This assignment of privilege is limited to deer only. The Conservation Department must be notified in writing at the time of the issuance of the license and the writing must identify the designated hunter.

**SUBDIVISION 4.**

Tags will be issued with each big game permit and will have a corresponding number. Each animal must have the proper locked tag affixed between the leg bone tendon and around the bone of the leg so that the tag cannot be removed without breaking the lock. The tag must be affixed at the time the animal is brought to any dwelling, camp, or other abode, or before being placed on any motor vehicle.

**SUBDIVISION 5.**

- (A) The Resource Management Division shall establish and maintain stations for the purpose of recording and preserving the following information: sex of animal taken, management unit from where the animal was taken, and any other relevant information necessary for conservation enforcement or population management.

- (B) All big game animals must be registered no later than 4:30 p.m. of the third working day after the animal has been taken.
- (C) Every person taking a big game animal must retain the license, carcass tag, and registration tag that make it legal so long as any part of the meat is in possession.
- (D) In the event that the big game animal, or any significant part thereof is a gift, the person receiving the gift shall retain a statement from the licensee making the gift. The statement will include the license and tag number, address and signature of said licensee.

#### SUBDIVISION 6.

- (A) Except as provided herein, the establishment of any seasons for the taking of any big game animal shall be permitted only by the written order of the Conservation Committee.
- (B) Orders, announcing the opening of a season, will be publicly posted a minimum of fourteen (14) days before the advent of the season.
- (C) In the event of an extended season, the Order shall be posted publicly a minimum of fourteen (14) days prior to the closing of the present season.

#### SUBDIVISION 7.

It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any big game from two hours after sunset until sunrise. A person may not throw or cast the rays of any artificial light for the purpose of spotting and locating any big game or small game while possessing, either individually or as one of a group, a firearm, bow, or other implement that could be used to kill big or small game. The exceptions to this are:

- (A) A firearm that is unloaded, cased, and in the closed trunk of a motor vehicle.
- (B) A bow or crossbow that is completely encased or unstrung and in the trunk of a motor vehicle.
- (C) If the motor vehicle does not have a trunk, the firearm or bow must be in the rearmost part of a motor vehicle.

#### SUBDIVISION 8.

A person may place bait to take bear only within the posted times and seasons. A tag must be displayed at each site where bait is placed and register that site with the Conservation Department. The Conservation Committee shall prescribe the method of tagging and registering

the site. To attract bear a person may not bait within a half a mile from any land fill or dump and shall not use a bait with:

- (A) a carcass from a mammal, if the carcass contains more than 25% of the intact carcass.
- (B) solid waste containing bottles, cans, plastic, paper or metals.
- (C) materials that are not readily biodegradable.

#### SUBDIVISION 9.

The taking of big game is permitted from one-half hour before sunrise to one-half hour after sunset.

#### SUBDIVISION 10.

- (A) Handguns, rifles, shotguns and all projectiles used therein shall have a center fire ignition and be at least .220 of an inch in diameter.
- (B) Handguns, rifles, shotguns must be loaded only with single projectile ammunition.
- (C) The projectile used must have a soft point or is expanding bullet type.
- (D) The muzzleloader (long gun or handgun) cannot be loaded at the breech (muzzle loading revolvers are not legal for taking big game).
- (E) The smooth-bore muzzleloader must be at least .45 caliber.
- (F) The rifled muzzleloader must be at least .40 caliber.
- (G) Firearms (excluding handguns) may be transported unloaded and uncased in a motor vehicle, including ATVs, while traveling to or from hunting or target shooting, except as prohibited under Subdivision 7 of this Section.

#### SUBDIVISION 11.

Bows must have a pull of no less than 30 pounds at, or before, full draw. Crossbows must be capable of delivering at least 42 foot-pounds of energy at 10 feet, must have a working safety, must be fired from the shoulder, and arrows or bolts must be at least ten inches in length.

#### SUBDIVISION 12.

Set guns, swivel guns, snares, artificial lights, fully automatic rifles, or dogs shall not be used for the taking, or attempted taking, of big game animals.

SUBDIVISION 13.

Commercial use as defined in Section 102, Subdivision 14, shall be illegal, except that hides, hooves, antlers, claws and teeth of big game animals may be sold.

SUBDIVISION 14.

There shall be no hunting within 500 feet of any public campground during the season within which it is open for public use, or within 500 feet of any occupied dwelling. Firearms shall not be discharged down or across any public roadway for the taking of game.

SUBDIVISION 15.

There shall be no use of flying craft in the hunting of any big game.

SUBDIVISION 16.

Any member of a hunting party may kill a legal deer for any other member of the party who has an unused tag. Any member of the hunting party may tag a legal deer killed by any other member of the party.

SUBDIVISION 17.

Any person who hunts or traps during the big game season shall wear blaze orange from the waist up including cap or hat. Blaze orange includes the camouflaged pattern of at least 50% blaze orange within each square foot.

**SECTION 105. SMALL GAME.**

**SUBDIVISION 1.**

Every Band Member, or eligible Other Indian 16 years of age or older, who takes, or attempts to take small game within the Fond du Lac Reservation shall have in his/her possession a valid license.

**SUBDIVISION 2.**

Band Members, or eligible Other Indian, under the age of 16 years must have a valid firearm safety certificate in his/her possession. Band Members, or eligible Other Indians, under the age of 14 years must be accompanied by a licensed parent or guardian, in addition to the license and firearm safety certificate requirements of Subd. 1 and 2. Band Members, or eligible Other Indians under the age of 12 years may not hunt small game.

**SUBDIVISION 3.**

Small game season, daily bag and possession limits for small game shall be designated annually by the Conservation Committee and be posted publicly at least fourteen (14) days prior to the season opening.

**SUBDIVISION 4.**

The taking of small game shall be permitted from one-half hour before sunrise to one-half hour after sunset.

**SUBDIVISION 5.**

Commercial use, as defined in Section 102, Subdivision 14, shall be illegal except for hides, claws, talons, tails and all plumage, including wings of game birds.

**SUBDIVISION 6.**

It shall be permitted to use artificial light and dogs for the purpose of taking treed raccoons.

**SUBDIVISION 7.**

Any person who hunts or traps during the big game season shall wear blaze orange from the waist up including cap or hat. Blaze orange includes the camouflaged pattern of at least 50% blaze orange within each square foot.

SUBDIVISION 8.

- (A) In addition to any other prohibited means, a wild turkey may not be taken with the aid of recorded calls or sounds or electronically amplified imitations of wild turkey calls or sounds.
- (B) Live decoys or dogs may not be used in the taking of any wild turkey.

SUBDIVISION 9.

Wild turkeys may only be taken with:

- (A) A shotgun 20 gauge or larger or muzzle-loading shotgun 12 gauge or larger and shot size no.4 or smaller in diameter except steel shot may be no. 2 or smaller in diameter. Duplex shot size cannot exceed no.4 in diameter except duplex steel shot cannot exceed no. 2 in diameter.
- (B) A bow and arrow – Bows must have a minimum 40 lb. draw weight. Arrowheads must have at least 2 cutting surfaces and a diameter of at least 7/8s inch.
- (C) A crossbow – Crossbows must be fired from the shoulder, have a minimum 100 lb. draw weight, a stock of not less than 30 inches in length, a working safety and uses arrows or bolts of not less than 14 inches with a broadhead.

## **SECTION 106. FISH AND AQUATIC RESOURCES.**

### **SUBDIVISION 1. LICENSES.**

Every Band member, or other eligible Indian person, 16 years of age or older, who takes fish within the Fond du Lac Reservation, shall have in their possession a valid license issued by the Fond du Lac Conservation Department and, if required, a valid permit.

### **SUBDIVISION 2. NOTICE OF SEASON, LIMITS AND PERMITS.**

- (A) The Conservation Committee shall establish the fishing season, daily bag limits, possession limit, if any, and, if required, shall announce any required permits. Notice shall be publicly posted a minimum of fourteen (14) days prior to the opening of the season.
- (B) When the Conservation Committee determines that permits should be issued, the Conservation Committee shall establish specific waters, times, dates and bag limits and shall publicly post such designations a minimum of fourteen (14) days prior to the issuance of permits.

### **SUBDIVISION 3. ANGLING - OPEN WATER.**

- (A) The taking of fish with attended lines shall not exceed eight (8) lines per eligible person.
- (B) The taking of fish with unattended lines shall not exceed twelve (12) lines. Each unattended line must bear the name and license number of the licensee on a metal tag no less than 5/8 inch by 2 inches and no thinner than 30 gauge.
- (C) Each unattended line shall be securely anchored so as not to be dislodged by a hooked fish.
- (D) Each unattended line shall be checked by the licensee at least once every twenty-four (24) hour period.
- (E) The accidental snagging of any fish, while angling in open water, shall be a legal means of taking fish. The taking of fish by use of a snagline, snagpole, or a cluster of fish hooks is prohibited.
- (F) The taking of fish with a bow and arrow is permitted, provided that the equipment used satisfies the standards established by the Conservation Committee.

### **SUBDIVISION 4. ANGLING -ICE.**

- (A) The taking of fish with attended lines shall not exceed eight (8) lines per person.

- (B) The taking of fish with unattended lines shall not exceed twelve (12) lines per eligible person. Each unattended line must bear the name and license number of the licensee on a metal tag no less than 5/8 inch by 2 inches and no thinner than 30 gauge.
- (C) Each unattended line shall be securely anchored so as not to be dislodged by a hooked fish.
- (D) Each unattended line shall be checked at least once every twenty-four (24) hour period.
- (E) The location of each unattended line shall be reasonably marked by an object with a height of at least one foot above the snow line so as to be visible to any vehicular traffic.
- (F) Holes for angling through the ice shall not exceed 12 inches in diameter.
- (G) Fish houses and portable shelters must be plainly marked with the name and address of the owner.
- (H) Fish houses must be removed from the ice not later than March 15, unless an earlier date is established by the Conservation Committee, except that portable shelters may be used thereafter, but must be removed from the ice daily.
- (I) The accidental snagging of any fish while angling through the ice shall be a legal means of taking fish. The taking of fish by a snagline, snagpole, or a cluster of fish hooks is prohibited.

**SUBDIVISION 5. SPEARING - OPEN WATER - GAME FISH.**

The spearing of game fish on open water is prohibited on the Fond du Lac Reservation.

**SUBDIVISION 6. SPEARING - OPEN WATER - NO-GAME FISH.**

- (A) The spearing of non-game fish will not require a permit.
- (B) Band members, or other eligible Indian persons with a valid license, may spear non-game fish in any open waters, unless otherwise prohibited.
- (C) The use of artificial light is permitted.

**SUBDIVISION 7. SPEARING - ICE - NON-GAME AND GAME FISH.**

- (A) The spearing of fish through the ice will not require a permit.

- (B) Band members, or other eligible Indian persons, with a valid license may spear fish through the ice.
- (C) Band members, or other eligible Indian persons, shall not take fish with a spear that does not meet the requirements established by this Code.
- (D) Fish houses and portable shelters must be plainly marked with the name and address of the owner.
- (E) Fish houses must be removed from the ice not later than March 15, unless an earlier date is established by the Conservation Committee, except that portable shelters may be used thereafter, but must be removed from the ice daily.
- (F) The use of tip-ups or angling for fish around or within the same fish house used for spearing is permitted.
- (G) The use of artificial lights is prohibited.
- (H) Spearing holes shall not exceed 24 inches by 36 inches.
- (I) When the fish house is moved, open spearing holes shall be clearly marked by an object, at least one foot above the snow line, so as to be visible to other fisherman.

SUBDIVISION 8. FISH TRAPS - DIP NETS - SEINES.

- (A) The taking of game fish with a fish trap, dip net or seine shall require a permit in addition to a valid license.
- (B) A permit issued pursuant to this Subdivision will show the name, license number and signature of the licensee, the waters on which the permit is valid, and the date(s) during which the permit is valid.
- (C) The taking of non-game fish with a fish trap will not require a permit. The Band member, or other eligible Indian person, shall return promptly to the water any unharmed game fish incidentally taken in the trap.
- (D) Fish traps shall not exceed 36 inches in diameter or 52 inches in length. Each wing, or lead of the trap, shall not exceed 72 inches in length. Each trap must bear the name and license number of the licensee on a metal tag which is no less than 5/8 inch by 2 inches in diameter and no thinner than 30 gauge.
- (E) A dip net shall not exceed 36 inches in diameter.
- (F) A seine's mesh shall be no larger than 3/8 inch when stretched.

SUBDIVISION 9. FISHING WITH GILL NET.

- (A) The taking of game fish with a gill net shall require a permit in addition to a valid license. No Band member, or other eligible Indian person, may use or possess a gill net on any body of water unless they possess a permit for the gill net.
- (B) A permit issued pursuant to this Subdivision will show the name, license number and signature of the licensee, the waters on which the permit is valid, the date(s) during which the permit is valid, and the limit as designated by the Conservation Committee.
- (C) All gill nets used to take fish must bear the name and license number of the Band member, or other eligible Indian person, on a metal tag no less than 5/8 inch by 2 inches and no thinner than 30 gauge. Tags shall be readily visible.
- (D) Each gill net shall be marked in the following manner:
  - (1) Each gill net shall be marked with two (2) flags on the inside of the net and one flag on the outside;
  - (2) Each flag pole shall be three (3) feet or more above the water and have a diameter of 2 1/2 inches or less;
  - (3) Each flag shall be white and ten (10) inches square or larger;
  - (4) Each pole shall have securely attached to it a metal tag no less than 5/8 inch by 2 inches and no thinner than 30 gauge bearing the name and license number of the Band member or other eligible Indian person; and
- (E) Each gill net must be checked by the licensee at least once every twenty-four (24) hour period.
- (F) Each gill net used for taking fish shall not exceed two hundred (200) feet in total length and mesh size shall be no smaller or larger than 2 inches stretched.

SUBDIVISION 10. DAILY BAG LIMITS AND POSSESSION.

- (A) Taking fish by fishing, spearing, trapping, dip net or seine will be limited to the daily limits and possession regulations established pursuant to this Code.
- (B) While in the field, no Band member, or other eligible Indian person may possess or transport more than the daily bag limit of fish.

SUBDIVISION 11. BAIT FISHING-MINNOWS/LEECHES-PERSONAL USE.

- (A) A Band member, or other eligible Indian person, may take and possess no more than four hundred (400) minnows or leeches for their own personal use. This activity will not require a permit.
- (B) A Band member, or other eligible Indian person, may use any net or trap otherwise permitted under this Code to take minnows or leeches.
- (C) Each minnow or leech trap must bear the name and license number of the licensee on a metal tag no less than 5/8 inch by 2 inches and no thinner than 30 gauge.
- (D) A Band member, or other eligible Indian person, must handle, transport, and hold minnows and leeches in his possession in a manner that will reasonably assure that they are kept alive and healthy and will not cause waste or wanton destruction of the minnows or leeches. Minnows that are held must be provided with aerating equipment or with a continuous flow of water which at all times maintains sufficient dissolved oxygen to sustain the minnows in good condition.
- (E) A Band member, or other eligible Indian person, shall return promptly to the water any unharmed game fish incidentally taken in a minnow/leech net or trap.

SUBDIVISION 12. BAIT FISHING-MINNOWS/LEECHES-COMMERCIAL USE.

- (A) A permit is required, in addition to a license, for the taking or possession of more than four hundred (400) minnows or leeches.
- (B) The permit shall show the licensee's name, signature, license number, the waters on which the permit is valid, and the date(s) on which the permit is valid.
- (C) A Band member, or other eligible Indian person, may use any means otherwise permissible under this Code to take minnows or leeches.
- (D) Each minnow or leech trap must bear the name and license number of the Band member or other eligible Indian person on a metal tag no less than 5/8 inch by 2 inches and no thinner than 30 gauge.
- (E) A Band member, or other eligible Indian person, must handle, transport, and hold minnows and leeches in his possession in a manner that will reasonably assure that they are kept alive and healthy and will not cause waste or wanton destruction of the minnows or leeches. Minnows that are held must be provided with aerating equipment or with a continuous flow of water which at all times maintains sufficient dissolved oxygen to sustain the minnows in good condition.

- (F) All minnows and leeches, not kept, and all game fish incidentally taken, must be promptly returned unharmed to the waters.
- (G) A Band member, or other eligible Indian person, may sell to any person minnows or leeches lawfully taken pursuant to this Code.

SUBDIVISION 13. SALE OF FISH.

The Commercial taking of game and non-game fish on the Reservation is prohibited.

SUBDIVISION 14. TRANSPORTATION OF FISH.

- (A) A Band member, or other eligible Indian person, shall transport fish, whether whole or filleted, in such a manner that the species and number may be verified by a one-inch patch of skin and/or scale.
- (B) A Band member, or other eligible Indian person, shall not transport freshly caught fish exceeding the daily bag limit.
- (C) Band members and other eligible Indian persons shall have in their possession their license and any required permits while transporting fish.

SUBDIVISION 15. INCIDENTAL TAKE.

- (A) Any game fish incidentally taken by gill net or spear shall be turned over to the Conservation Department.
- (B) Any game fish incidentally taken by fish trap, dip net or seine and is unharmed must be returned to the water.
- (C) Any game fish incidentally taken by fish trap, dip net or seine and is harmed must be turned over to the Conservation Department.

SUBDIVISION 16. TRANSPORTATION OF AQUATIC PLANTS.

- (A) It shall be unlawful for Band members to transport Eurasian or northern watermilfoil, or purple loosestrife over a public road.
- (B) Failing to remove all visible aquatic plants from the exterior of any boat or trailer before leaving the water access and before entering onto any public road is unlawful.

SUBDIVISION 17. INFESTED WATERS.

- (A) No Band members shall take any fish, crayfish, leeches, or frog for purposes of use of bait from any water designated by the Resource Management Division as infested waters, as defined in Section 102, subdivision 42a, except that live bait may be collected from infested waters provided the bait is used only within the infested waters in which they were collected and only on the same day collected. Live bait collected from infested waters shall not be transported from the infested waters, and must be released or destroyed prior to the Band member leaving the waters.
- (B) Following use in any infested waters, no Band member shall fail to:
  - (1) dry for a minimum of 10 (ten) days or freeze for a minimum of 2 (two) days before use in any other waters any net or associated piece of equipment, including traps, buoys, anchors, stakes, or line, provided however, that any net, trap, buoy, anchor, stake or line that has been used in waters infested with spiny water fleas, shall not be used in any other waters.
  - (2) remove all aquatic vegetation from nets or associated equipment when they are removed from infested waters.
  - (3) Notify the Resource Management Division when removing nets from infested waters and before resetting those same nets in any other waters.
- (C) No Band member shall use water from infested waters to transport fish without a permit from the Resource Management Division and no Band member shall transport water from infested waters for any other purpose.
- (D) No Band member leaving infested waters shall fail to drain bait containers, livewells, and bilges by removing the drain plug before transporting the watercraft and associated equipment over public roads.
- (E) No Band member shall enter an area of limited infestation of Eurasian milfoil marked or delineated by the Division of Resource Management of the Minnesota Department of Natural Resources except:
  - (1) in emergency situations where property or human life is endangered;
  - (2) by enforcement, emergency, resource management, and other Band government personnel or their agents when performing official duties;
  - (3) for the purpose of access via the shortest and most direct route through a marked or delineated area by owners or lessees of land adjacent to such area who do not have other water access available.

## **SECTION 107. TRAPPING.**

### **SUBDIVISION 1.**

Every Band Member, or eligible Other Indian 16 years of age or older, who traps within the Fond du Lac Reservation, shall have in his/her possession a valid license.

### **SUBDIVISION 2.**

The season and bag limit for the trapping of fur-bearing animals shall be established by way of an Order from the Conservation Committee. The Conservation Committee shall publicly post the Order at least fourteen (14) days prior to the opening of the season.

### **SUBDIVISION 3.**

All traps and snares used pursuant to this Code, shall have the permittee's name and permit number on a metal tag 5/8 inch by 2 inches and no thinner than 30 gauge. If a trapper prefers, he may engrave his name and drivers license number on the trap.

### **SUBDIVISION 4.**

The pelt and carcass of each bobcat, fisher, lynx, marten and otter must be presented by the person taking it, to a Conservation Officer for registration before the pelt is sold, but, in no event more than 48 hours after the season closes. The pelt shall be removed from the carcass and the carcass shall be surrendered to the Conservation Officer.

### **SUBDIVISION 5.**

The pelts of each bobcat, fisher, lynx, marten and otter shall be tagged before the pelt is sold. The pelts of beaver, weasel, mink and muskrat require no tags prior to sale.

### **SUBDIVISION 6.**

Commercial use, as defined in Section 102, Subd. 25, shall be illegal except for the pelts of fur-bearing animals.

### **SUBDIVISION 7.**

Any person trapping during hunting season shall wear blaze orange from the waist up, including cap or hat. Blaze orange includes the camouflaged pattern of at least 50% blaze orange within each square foot.

**SECTION 108. MIGRATORY WATERFOWL.**

**SUBDIVISION 1.**

Every Band Member, or eligible Other Indian, 16 years of age or older who takes, or attempts to take migratory waterfowl within the Fond du Lac Reservation, shall have in their possession a valid license.

**SUBDIVISION 2. AGE REQUIREMENT AND LIABILITY.**

Band Members, or eligible Other Indians under the age of sixteen (16) years of age must have a valid firearm safety certificate in his/her possession. Band Members, or eligible Other Indians under fourteen (14) years of age must be accompanied by a parent or guardian, in addition to the license and firearms safety certificate requirements of Subd. 1 and 2. Band Members or eligible Other Indians under the age of 12 years may not hunt Migratory Waterfowl.

**SUBDIVISION 3. SEASON, DAILY AND POSSESSION LIMITS.**

The seasons, hours, daily bag and possession limits for migratory waterfowl shall be designated annually by the Conservation Committee, and shall be publicly posted a minimum of fourteen (14) days prior to the opening of the season.

**SUBDIVISION 4. HOURS FOR HUNTING.**

Shooting hours for migratory waterfowl is one-half hour before sunrise to one-half hour after sunset.

**SUBDIVISION 5. FIREARMS.**

- (A) Shot shells in possession or used while taking or attempted taking of migratory waterfowl shall contain steel shot or shot approved non-toxic.

**SUBDIVISION 6. WATERCRAFT.**

- (A) Watercraft used to take migratory waterfowl may be drifting, beached, moored, resting at anchor or propelled by paddle, oars or pole. Watercraft with motors or sails may be used in the above described manner so long as the motor is shut off and any sails unfurled before taking migratory waterfowl.
- (B) Band Members may not transport any firearm in any watercraft being propelled by a motor or sail unless the firearm is unloaded and contained in a case.
- (C) No person shall operate or ride in a watercraft unless there is a sufficient number of readily available personal flotation devices (PFD) on board.

SUBDIVISION 7. POSSESSION OF MIGRATORY WATERFOWL.

- (A) No Band Member, or eligible Other Indian, may possess more than the daily bag or aggregate bag limit of freshly taken migratory waterfowl.
- (B) Band Members, or eligible Other Indians, may possess any number of migratory waterfowl that have been cleaned and processed.

**SECTION 109. WILD RICE.**

**SUBDIVISION 1. LICENSING/AGE REQUIREMENT.**

- (A) Every Band Member and eligible Other Indian who harvests Wild Rice within the exterior boundaries of the Fond du Lac Reservation must have in his/her possession a valid license or permit if required.
- (B) In addition to being licensed, Band Members and eligible Other Indians under the age of 16 years must be in the immediate vicinity of a parent, guardian, or other Band Member with ricing experience.

**SUBDIVISION 2. SEASON, HOURS, BOAT LIMITS AND LAKE ASSIGNMENTS.**

- (A) The Conservation Committee shall announce and post the hours and Wild Rice harvesting season at least 24 hours prior to the opening day.
- (B) Boat limits and lake assignments, if required, shall be posted at least seven (7) days prior to the opening day.

**SUBDIVISION 3. NON-VOTING ADVISORY BOARD MEMBERS.**

- (A) Pursuant to Section 101 Subd. 3, the Conservation Committee shall have at least three (3) Band Members as Non-Voting Advisory Board Members who shall act as advisors to the Fond du Lac Natural Resources Department in its management of the Wild Rice lakes.

**SUBDIVISION 4. REGULATIONS.**

- (A) Except as otherwise permitted, Canoes shall be the only watercraft authorized to be used in the harvesting of Wild Rice. Other watercraft must be pre-approved by the Conservation Committee prior to use in the Wild Rice harvest.
- (B) Canoes or other approved watercraft cannot be propelled by mechanical means on any designated Wild Rice Bed on any of the Wild Rice lakes. This prohibition includes the pre-harvesting growing season on to the close of the harvesting season.
- (C) The mechanical "duck bill" poling device is prohibited on any of the Wild Rice beds during the pre-harvest and harvesting season.
- (D) There shall be one (1) designated landing area on each of the Wild Rice lakes. Wild Rice gatherers are required to use the designated landing only.

- (E) Lakes assignments, if required, are not transferable. Except that to be eligible to harvest Wild Rice, at least one member of the two member ricing team must be an original member of the ricing team assigned to that particular lake.
- (F) Hunting of migratory waterfowl on any Wild Rice bed during the posting hours of the Wild Rice harvesting season is prohibited.
- (G) The canoe or approved watercraft used to harvest Wild Rice must contain a serviceable U.S. Coast Guard approved Personal Flotation Device for each person on board.
- (H) No member shall harvest or gather wild rice by the use of any method other than smooth, rounded cedar sticks not more than 30 inches in length which are held and operated by hand.

## **SECTION 110. TRESPASS.**

### **SUBDIVISION 1.**

No person shall enter upon the agricultural lands of another with the intent of taking game, nor shall any person intentionally enter upon the agricultural land of another for the purpose of pleasure driving, including snowmobiling or operating a motorized vehicle, unless and until the permission of the owner, occupant or lessee is obtained.

### **SUBDIVISION 2.**

During the open season for that particular game, a hunter on foot may retrieve wounded game from agricultural land that is not posted without the permission of the land owner. If, however, the hunter has been notified orally by the landowner not to enter upon the land, the hunter may not enter the land to retrieve the wounded game. The hunter may only enter posted land after receiving permission from the landowner to do so. The hunter must leave the land immediately after retrieving the wounded game.

### **SUBDIVISION 3.**

No person shall enter upon any land that is not his own, regardless of whether or not it is agricultural land, with intent to take any wild animals, after being notified not to do so, either by the owner, occupant or lessee, or by a sign erected pursuant to Subdivision 5 of this section.

### **SUBDIVISION 4.**

No person shall enter or leave lands of another, or pass from one portion of another person's land through a closed gate without returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building, grain, crops, live trees or any sign erected pursuant to Subdivision 5 of this section, nor molest, wound or kill any domestic animal.

### **SUBDIVISION 5.**

No person shall erect "no hunting", "no trapping", "no fishing", "no trespassing" or any other sign prohibiting trespass upon any lands or waters in which he has no right, title, interests or license. The owner, occupant, or lessee of any private lands, or duly constituted legal authority of public land, may erect signs prohibiting trespassing, hunting, trapping or fishing, if the signs bear letters not less than two inches high, are signed by the owner, occupant or lessee, and are posted at intervals of no more than 250 feet upon the boundaries of the area so protected.

#### SUBDIVISION 6.

- (A) All cutting of any forest resources, including saw-timber, firewood, Christmas trees and shrubbery will be in accordance with the Fond du Lac's wood cutting policy, dated September 28, 1979 and as amended thereafter.
- (B) The gathering of bark, roots or other tree products shall not occur within 50 feet of a public road.

#### SUBDIVISION 7.

No person shall deposit garbage, rubbish, offal or the body of a dead animal, or other litter in, or upon, public highways, public waters or the ice thereon, public lands, or private lands, water, or the ice thereon without the consent of the owner.

#### SUBDIVISION 8.

- (A) Upon conviction for violation of any provision of this section, any license under which the violator was exercising, or attempting to exercise a privilege shall immediately become null and void and the violator shall be subject to court sanctions.
- (B) Penalties may be assessed including, but not limited to, restitution and/or confiscation of articles used in the violation of this section.

#### SUBDIVISION 9.

To the extent authorized by applicable law, the Resource Management Division shall post no trespassing signs on all land on the Fond du Lac Reservation that is owned by the Band in fee or held in trust for the Band, the Minnesota Chippewa Tribe, or an individual Indian, except that land that is leased or intentionally held open to the public shall not be posted. The Resource Management Division shall inform the Minnesota Department of Natural Resources of the posted lands.

Any person authorized to hunt, fish, or gather under this Ordinance is authorized to enter land posted under this Subdivision. Any person not authorized to hunt, fish, or gather under this Ordinance is authorized to enter land posted under this Subdivision only if the person has been issued a license from the Resource Management Division. The Resource Management Division shall charge a fee for the license, as approved by the Reservation Business Committee. The Resource Management Director may revoke such a license if the person fails to comply with Band laws and regulations, fails to comply with instructions from Resource Management Division or Law Enforcement Division staff, or takes any action that is a threat to the health, safety, and welfare of the Band.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance was duly presented and adopted by Resolution #253/90, by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 present at a Special Meeting of the Fond du Lac Reservation Business Committee held on August 30, 1990, on the Fond du Lac Reservation, and subsequently amended as follows: by Ordinance #02/93 adopted by Resolution #1030/93 on January 26, 1993; by Ordinance #11/93 adopted by Resolution #1218/93 on August 3, 1993; by Ordinance #13/93 adopted by Resolution #1298/93 on September 24, 1993; by Ordinance #14/93 adopted by Resolution #1300/93 on September 24, 1993; by Ordinance #11/94 adopted by Resolution #1195/94 on May 24, 1994; by Ordinance #05/95 adopted by Resolution #1294/95 on August 29, 1995; by Ordinance #03/96 adopted by Resolution #1079/96 on March 12, 1996; by Ordinance #08/96 adopted by Resolution #1173/96 on June 18, 1996; by Ordinance #05/98 adopted by Resolution #1159/98 on June 25, 1998; by Ordinance #02/00 adopted by Resolution #1141/00 on May 25, 2000; by Resolution #1095/08 on April 3, 2008; by Resolution #1095/08, Amended on January 20, 2009; by Resolution #1152/09 on April 7, 2009; by Resolution #1394/09 on September 24, 2009; by Resolution #1191/12 on June 6, 2012; Resolution #1140/13 on April 17, 2013; Resolution #1239/16 on August 24, 2016; and by Resolution #1130/19 on April 30, 2019.



Kevin R. Dupuis, Sr.  
Chairman



Ferdinand Martineau, Jr.  
Secretary/Treasurer