

REVISED DRAFT

May 30, 1991

CONSERVATION
CODE
OF THE
LEECH LAKE BAND
OF CHIPPEWA
INDIANS

CHAPTER 1. IMPLEMENTING REGULATIONS.

SECTION 11.01. DEFINITIONS

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

(1) "Conservation Committee/Commission" shall mean an eight (8) member committee constituted as set forth in Section 12.01 which shall have authority and responsibility for regulation of all matters within the Leech Lake Reservation pertaining to hunting, trapping, fishing and the gathering of wild rice, and for the enforcement of such regulations as are herein included or as may be promulgated by the Committee.

(2) "Leech Lake Reservation" shall mean all lands and waters within the exterior boundary line described in the Memorandum of Settlement and Agreement entered into with the State of Minnesota and described in the Settlement Agreement between the Leech Lake Band of Chippewa Indians and the State of Minnesota in the Federal District Court case of **Leech Lake Band of Chippewa Indians -vs- Robert L. Herbst, et al.**

(2-a) *"Boundary Waters of the Leech Lake Reservation" shall mean those lakes, rivers and streams bisected by the exterior boundary of the Leech Lake Reservation, including the*

portions of which extend outside the exterior boundary line, and are identified herein:

<i>NAME</i>	<i>COUNTY</i>	<i>TOWNSHIP</i>	<i>RANGE</i>
<i>Mississippi River</i>	<i>Cass/Itasca</i>	<i>144/145/55</i>	<i>25/26</i>
<i>Leech Lake River</i>	<i>Cass</i>	<i>143/144</i>	<i>26/27/28</i>
<i>Leech Lake</i>	<i>Cass</i>		
<i>Eoy Lake</i>	<i>Cass</i>	<i>142</i>	<i>27/28</i>
<i>Roy River</i>	<i>Cass</i>	<i>141/142/143</i>	<i>27</i>
<i>Hazel Lake</i>	<i>Cass</i>	<i>141</i>	<i>29</i>
<i>Steamboat Lake</i>	<i>Cass/Hubbard</i>	<i>144</i>	<i>31/32</i>
<i>Mud Lake</i>	<i>Hubbard</i>	<i>145</i>	<i>32</i>
<i>Wolf Lake</i>	<i>Hubbard/Beltrami</i>	<i>145/146</i>	<i>32</i>

<i>Swenson Lake</i>	<i>Beltrami</i>	<i>146</i>	<i>32</i>
<i>Unnamed</i>	<i>Beltrami</i>	<i>146</i>	<i>32</i>
<i>Pimushe</i>	<i>Beltrami</i>	<i>147/148</i>	<i>30/31</i>
<i>Moose Lake</i>	<i>Beltrami</i>	<i>147</i>	<i>30</i>
<i>Third River</i>	<i>Itasca</i>	<i>147</i>	<i>29</i>
<i>Squaw Lake</i>	<i>Itasca</i>	<i>149</i>	<i>27</i>
<i>Rice Lake</i>	<i>Itasca</i>	<i>149</i>	<i>27</i>
<i>Little Whitefish Lake</i>	<i>Itasca</i>	<i>149</i>	<i>26</i>
<i>Four Town Lake</i>	<i>Itasca</i>	<i>148/149</i>	<i>25/26</i>
<i>Bowstring Lake</i>	<i>Itasca</i>	<i>147</i>	<i>25/26</i>
<i>Taylor Lake</i>	<i>Itasca</i>	<i>147</i>	<i>25</i>

(3) "*Leech Lake Tribal Council or Tribal Council* " shall mean the duly constituted governing body of the Leech Lake Band of Chippewa Indians.

(4) "Special Permit" shall mean a permit issued by the Conservation Committee exempting the recipient from one or more of the regulations contained herein upon a finding of the Committee that granting of the exemption will not endanger the resource.

(5) "Identification Card" shall mean an identification card issued by the Leech Lake Tribal Council which contains a full description, address and a color photograph of the recipient. Materials to be furnished by the State of Minnesota.

(6) "Band Fishing Permit" shall mean a permit issued by the Conservation Committee to a member of the Leech Lake Band of Chippewa Indians, which permit authorizes him to fish in accordance with the provisions of this Code.

(7) "Commercial Fishing Permit" shall mean a permit issued by the Conservation Committee to a member of the Leech Lake Band of Chippewa Indians.

(8) "Commercial Purpose" shall mean the taking or possession of wild animals or parts thereof for barter or sale.

(9) "Personal Use" shall mean the taking of wild game for any purpose other than commercial purposes.

(10) "Game Fish" shall include brook trout, brown trout, crappie, grayling, lake trout, large mouth bass, sauger, small mouth bass, sturgeon, sunfish, perch, walleye, muskellunge, northern pike, rainbow trout, rock bass, frogs and turtles.

(11) "Non-Game Fish" shall include buffalo fish, burbot, bullheads, carp, catfish, dogfish, gar, quillback, cisco, sheephead, suckers, tulibee, and whitefish.

(12) "Non-Band Fishing Permit" shall mean a permit issued by the Conservation Committee to an Indian who is not enrolled in the Leech Lake Band of Chippewa Indians, which permit authorizes him to fish in accordance with the provisions of this Code.

(13) "Band Hunting Permit" shall mean a permit issued by the Conservation Committee to a member of the Leech Lake Band of Chippewa Indians, which permit authorizes him to hunt and trap in accordance with the provisions of this Code.

(14) "Big Game" shall mean deer, bear, elk and moose.

(15) "Commercial Taking" shall mean the taking of any wild animal or its parts or flesh for the purpose of barter or sale of furs, pelts, hides or the flesh of such animals.

(16) "Fur Bearing Animals" shall mean beaver, mink, muskrat, otter, raccoon, fox, brush wolf, bobcat, lynx and weasel.

(17) "Migratory Birds" shall have the meaning set forth in the regulation promulgated pursuant to the Migratory Bird Treaty Act at 50 C.F.R., Part 10.

(18) "Motor Vehicles" shall mean self-propelled, motor driven vehicles.

(19) "Small Game" shall mean all wild animals and birds not defined as big game or fur bearing animals.

(20) "Non-Band Hunting Permit" shall mean a permit issued by the Conservation Committee to an Indian who is not enrolled in the Leech Lake Band of Chippewa Indians, which permit authorizes him to hunt and trap in accordance with the provisions of this code.

(21) "Taking - Hunting - Fishing" shall include pursuing, shooting, killing, capturing, trapping, snaring, angling, and netting wild animals and all lesser acts such as intentionally disturbing, harrying, worrying or placing, setting, drawing, using any net, trap or other device to take wild animals, and includes every attempt to take, every act of assistance to any other person in taking or attempting to take wild animals.

(22) "Transport - Transportation" shall mean carrying or moving by any instrumentality, attempting to do so, or accepting or receiving wild animals for transportation or shipment.

(24) "Wild Animals" shall mean all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and included quadrupeds, mammals, birds, fish, amphibious reptiles, crustaceans and mollusks.

(25) "Closed Season" shall mean the period during which protected wild animals may not be taken.

(26) "Open Season" shall mean the period during which protected wild animals may be taken.

(27) "Protected Wild Animals" shall include all wild animals which are accorded some measure of protection in the time or manner of taking.

(28) "Firearm" shall mean any gun from which shot or projectile is discharged by means of an explosive, gas or compressed air.

(29) "Band Ricing Permit" shall mean a permit issued by the Conservation Committee to a member of the Leech Lake Band of Chippewa Indians, which permit authorizes him to gather wild rice in accordance with the provisions of this Code.

(30) "Paddy Rice" shall mean that wild rice crop grown in artificially constructed paddies.

(31) "Non-Band Ricing Permit" shall mean a permit issued by the Conservation Committee to an Indian who is not enrolled in the Leech Lake Band of Chippewa Indians which permit authorizes him to gather wild rice in accordance with the provisions of this Code.

(32) "Wild Rice" shall mean that rice crop which grows naturally or as a result of reseeding in the natural lakes and waters, including lakes resulting from flood control structures, of the Leech Lake Reservation *and the boundary waters thereof.*

SECTION 12.01.

The Conservation Committee shall consist of eight persons, five of whom shall be the current members of the Leech Lake Tribal Council and these shall be the only voting members of the Conservation Committee. One person shall be appointed to the Conservation Committee by the Minnesota Agency Superintendent, Bureau of Indian Affairs; one person shall be appointed by the Regional Director, Region 3, U.S. Fish and Wildlife Service; and one person shall be appointed by the Commissioner of the Minnesota Department of Natural Resources; provided that these three persons shall serve the Conservation Committee in an advisory capacity, shall serve indefinite terms and may not vote.

SECTION 12.02.

The Conservation Committee shall perform all duties and responsibilities and shall exercise all authority delegated to it by the Leech Lake Tribal Council by this Ordinance, including, but no limited to:

(1) Issuance of Band Fishing Permits, Non-Band Fishing Permits, Commercial Fishing Permits, Band Hunting Permits, Non-Band Hunting Permits, Band Ricing Permits, Bait Harvesting or Rice Buyer's Permits or any other type of permit authorized by these regulations.

(2) Amendment of these regulations and adoption of additional regulations as found necessary.

(3) Setting of seasons where none are specifically provided, closing or shortening existing seasons when necessary for the preservation of the resources, or extending or opening seasons when it is determined that it will not harm the resource.

(4) Setting limits on manner or amount of taking any fish, game or wild rice, when necessary for the conservation of the resource and altering limits specifically provided by these regulations.

(5) Reviewing on an annual basis or more frequently the number of each type of permit outstanding, with particular emphasis on any Commercial Permits or Special Permits which may be outstanding, to determine whether or not it is in the best interest of conservation to continue such permits.

(6) Revoking of permits under the provisions of Section 13.01.

(7) Keeping and maintaining an up-to-date and accurate list of all persons to whom each type of permit has been issued.

(8) Maintaining liaison with the Department of Natural Resources to regulate and manage the game and fish resources between Indian and non-Indian.

SECTION 13.01.

The following offenses will be subject to penalties pursuant to Section 51.03, and any permit authorized by this Code may be revoked:

(1) Allowing another person to make use of a permit regardless of whether or not such person would qualify on his own to receive such a permit, *except a person may take big game animals on behalf of immediate family members (mother, father, grandparents, spouse, children or legal dependent), provided said person and the immediate family member both possess valid big game permits.*

(2) Taking, assisting in the taking, possession or transporting of any game prohibited in Section 32.01, or any game or fish which have been determined rare and endangered **by the Committee and State of Minnesota.**

(3) Wanton destruction or waste of the game, fish or wild rice of the Leech Lake Reservation.

(4) Exceeding established limits, using prohibited means or equipment, or fishing, hunting, trapping or ricing outside of established seasons.

(5) Hunting, fishing, trapping or ricing while under the influence of alcohol, drugs or narcotics.

(6) Fraud in the procurement of any permit.

(7) Carrying a loaded firearm, except a pistol on a snowmobile or other off-road vehicle while engaged in trapping during daylight hours only, in or on any moving vehicle.

(8) Hunting from a snowmobile or chasing game with a snowmobile.

(9) Hunting of wild animals by artificial lights except as otherwise specifically provided.

(10) Refusal to display the proper permit upon request of any member of the Conservation Committee, a Conservation Officer, a member of the Tribal Council, or any other person authorized by the Conservation Committee.

(11) Willful hinderance, resistance, obstruction or interference with the lawful duties of a Conservation Officer or Court personnel.

(12) Failure to stop for flashing red lights.

(13) The purchase or attempt to purchase protected wild animals or parts thereof unless otherwise provided within this Code.

(14) The sale or barter or attempt to sell or barter protected wild animals or parts thereof unless otherwise provided within this Code.

(15) Any other violation of this Code not enumerated above.

CHAPTER II. FISHING REGULATIONS.

SECTION 21.01.

Every member of the Leech Lake Band of Chippewa Indians who takes fish within the Leech Lake Reservation shall have in his or her possession a proper Band Fishing Permit. This permit must be in his or her possession whenever taking, possessing or transporting fish within the Reservation and whenever possessing transporting fish anywhere within the State of Minnesota, which fish were lawfully taken within the Reservation. *Persons under sixteen (16) years of age may take fish by means of angling and spearing, in accordance with the provisions of this Code, without a permit.*

SECTION 21.02.

If the Conservation Committee determines that it is in the best interests of the Leech Lake Band of Chippewa Indians, it may issue a Non-Band Fishing Permit to (1) any other member of the Minnesota Chippewa Tribe not enrolled with the Leech Lake Band, (2) any other Indian who resides within the Leech Lake Reservation but is not enrolled with the Minnesota Chippewa Tribe, and (3) to any visiting Indian officials. Such a permit must be in the possession of any such person who takes fish within the Leech Lake Reservation or who transports or possesses fish lawfully taken on the Reservation any place within the State of Minnesota. *Persons under sixteen (16) years of age may take fish by means of angling or spearing, in accordance with the provisions of this Code, without a permit.*

SECTION 21.03.

Fees may be charged by the Conservation Commission for issuance of the permits. The Commission may in its discretion charge a greater fee for a Non-Band Permit than for a Band Fishing Permit.

SECTION 21.04.

No member of the Leech Lake Band of Chippewa Indians shall be required to purchase or possess a Minnesota Fishing License when fishing within the Leech Lake Reservation or when possessing or transporting fish, lawfully taken within the Reservation, anywhere within the State of Minnesota, provided that he has in his possession a proper Band Fishing Permit. Any Indian who is not enrolled in the Leech Lake Band shall not be required to purchase or possess a Minnesota Fishing License when fishing within the Leech Lake Reservation or when possessing or transporting fish, lawfully taken within the Reservation, anywhere within the State of Minnesota, provided that he has in his possession a proper Non-Band Fishing Permit. *Transportation of gamefish off the Reservation is subject to the provisions of Section 13.03 of this Code.*

SECTION 22.01.

The following regulations are hereby imposed on the taking for personal use of fish:

(1) No fish may be taken by means of explosives, drugs, poisons, lime medicated bait or other deleterious substances.

(2) There shall be no taking of game fish for any purpose by use of gill nets except where such taking is for personal use. *Snapping turtles may be taken for commercial purposes during the open season for game fish provided that any person taking snapping turtles for commercial purposes possesses a valid commercial fishing permit.*

(3) Game fish season shall be closed between March 31 and the ~~closest Saturday to May 15~~, *two weeks prior to the Saturday of Memorial Day weekend*, except for perch and panfish. No gill nets shall be used during this period for the taking of any fish.

(4) No gill net shall be set in a river or stream or within three hundred (300) feet of the inlet or outlet of any river or stream between the opening of fishing and June 15 of each season, except exemptions may be made upon an individual application to the Reservation Tribal Council.

(5) Muskellunge shall not be taken with a spear.

(6) When netting for personal use, no more than 200 feet of net or nets shall be used by each permittee and no permittee may set a net within 50 feet of another's net or nets.

(7) Non-game fish, including suckers, shall not be taken in any manner between March 31 and April 30.

(8) No fishing shall be allowed in "No Fishing Areas" posted by the Leech Lake Conservation Commission.

(9) All nets must be identified as Indian by having a float attached to either or both ends with the permittee's name and permit number plainly marked on the float.

(10) It shall be unlawful to have in possession, at or near any waters, a spear during the period of April 1 through April 30. It shall be unlawful to have in possession, at or near any water, a gill net during the period of April 1 to the opening of the game fish season.

SECTION 22.02.

There shall be no taking of any species of fish determined rare or endangered by the Committee and State of Minnesota. The Conservation Committee may in its discretion close all or portions of specified lakes, *streams or rivers to all or specific methods of* fishing if it determines that further fishing in such lakes, *streams or rivers* will harm the resource, or may close such lakes, *streams or rivers* to fishing for specified species of fish when it determines that such species will be endangered by further taking.

SECTION 23.01.

Fish may not be taken for commercial purposes within the Leech Lake Reservation; provided, that upon proper application by a Band member only, the Conservation Committee may in its discretion issue a Commercial Fishing Permit for **non-game fish species** only upon determination that limited amount of commercial fishing will not harm the resource. The Conservation Committee shall strictly regulate the manner of fishing, the type of fish taken and the amount of the take under such a permit. A person operating under such a permit shall have in possession at all times a Commercial Fishing Permit . All nets used must be identified as Indian nets by having a float attached to either or both ends, with the permittee's name and *Commercial Fishing* permit number plainly marked on the float.

SECTION 23.02

Band Members shall not exercise personal netting privileges when engaging in commercial netting activities.

SECTION 23.03.

All persons operating under a Commercial Fishing Permit shall be subject to the following regulations regarding the taking and transportation of non-game fish.

(1) All non-game fish taken under a valid Commercial Fishing Permit may be possessed in quantities prescribed in such permit and bought, sold or transported during any season designated by the Conservation Committee. Such fish may be frozen or cured during open season, and when so cured or frozen may be transported, bought or sold at any time.

(2) All live game fish taken incidentally in a commercial fishing operation shall be released immediately to the waters from which taken. All dead or injured game fish may be retained for personal use.

(3) When shipping non-game fish taken under a Commercial Fishing Permit, the parcel must be plainly marked on the outside stating the name, address and permit number of the shipper and the kind and number of such fish contained in the package. The waybill or receipt issued by any common carrier to a shipper shall specify the pounds and species of such fish so shipped.

(4) No more than ~~two 300-foot nets~~ *600 linear feet of net in total with no single net being more than 300' in length* may be used for the commercial taking of non-game fish by a single permittee.

(5) The season and other conditions for the commercial taking of non-game fish will be set annually by the Leech Lake Tribal Council.

(6) Commercial taking of minnows and other baits except for re-sale at resorts or bait shops located within the Reservation boundaries is prohibited except by special permit or for those who have entered into contracts with the Leech Lake Tribal Council for the commercial taking of minnows and other baits.

(7) Every person who takes minnows or leeches within the Leech Lake Reservation shall have in his/her possession a Commercial Bait Harvest Permit, which permit must be current and must not have been revoked.

(8) Nets and traps used to take leeches or minnows must be clearly identified and visible above the surface of the water, with the owners name and license number on one end of the net or trap on a float, flag or pole.

(9) Nets or traps may not be placed within 100 feet of previously set nets or traps of another permittee.

(10) It shall be prohibited to tend or disturb the net or trap of any other permittee without written authorization from the first permittee.

(11) Nets or traps used for fish, leeches or minnows shall be removed from the water body and adjacent shoreline when not in active use. Nets or traps must be tended within 72 hours of being set or previously tended.

(12) Wanton waste of leeches or minnows shall be prohibited.

(13) Any duly authorized Conservation Officer of the Leech Lake Reservation or the Director of the Leech Lake Reservation Division of Resources Management, may, at their discretion, close a given body of water to bait taking to prevent overharvest, environmental damage or to keep the peace.

SECTION 23.03.

All dark houses will be identified with a name, address and permit number posted in a conspicuous place and manner. All dark houses will be removed from the ice of the lakes and streams and waters within the Reservation not later than 12:01 a.m. March 1st of each year.

CHAPTER III. HUNTING AND TRAPPING REGULATIONS.

SECTION 31.01.

Every member of the Leech Lake Band of Chippewa Indians who hunts or traps within the Leech Lake Reservation must have in his or her possession a proper Band Hunting Permit. This permit must be in his or her possession at all times when hunting, trapping or taking within the Reservation any small game, big game or fur bearing animals, or when possessing or transporting any place in the State of Minnesota any small game, big game or fur bearing animal lawfully taken within the Reservation. *Band Members under sixteen (16) years of age may take small game in accordance with the provisions of this Code without a permit.*

SECTION 31.02.

If the Conservation Committee determines that it is in the best interest of the Leech Lake Band of Chippewa Indians, it may issue a Non-Band Hunting Permit to (1) any member of the Minnesota Chippewa Tribe not enrolled with the Leech Lake Band, (2) any other Indian who resides within the Leech Lake Reservation but is not enrolled with the Minnesota Chippewa Tribe, and (3) to any visiting Indian officials. Such a permit must be in possession of any such person who takes big game, small game or traps within the Leech Lake Reservation or who transport or possesses big game, small game or furs lawfully taken on the Reservation any place within the State of Minnesota. *Non-Band Members under sixteen (16) years of age may take small game in accordance with this Ordinance without a permit.*

SECTION 31.03.

Fees may be charged at the discretion of the Conservation Committee for the issuance of permits required under Section 31.01 and 31.02. The Conservation Committee may charge a higher fee for the issuance of a Non-Band Hunting Permit than for a Band Hunting Permit.

SECTION 31.04.

This section shall not be construed to permit the entry for hunting or trapping of game on privately owned land without permission of the owner thereof, provided by Minnesota Statute 100.273 and 100.29 (subd. 21) as enacted at the time of the Settlement Agreement in 1973.

SECTION 32.01.

(1) There shall be no taking, possession, or transportation whatsoever of bald eagle, fisher, golden eagle, marten, timberwolf or any species determined to be rare or endangered by the Committee and State of Minnesota; however, the Reservation Business Committee may authorize a fisher or martin trapping season if the State of Minnesota authorizes such trapping season for non-Indians.

(2) No protected wild animal shall be captured or trapped and kept for a pet or for sale unless a special permit for such purpose has been issued by the Conservation Committee.

(3) All weapons carried on or in a self-propelled motor vehicle shall be kept completely cased during the period from one-half hour after sunset until one-half hour before sunrise, unless the weapon is in the trunk of a motor vehicle.

SECTION 32.02. SMALL GAME SEASONS AND LIMITS. RULES AND REGULATIONS

(1) The small game season shall be ~~September 1 to and including March 1~~. *set annually by the Conservation Committee.*

(2) There shall be no limitation as to the season, number or manner of taking of rabbit or squirrel.

(3) The taking of migratory birds shall be subject to the provisions of the Migratory Bird Treaty Act, 16 U.S.C. 703-711 and regulations promulgated pursuant thereto set forth at 50 C.F.R., Pat 10.

(4) The taking of ruffed grouse, sharp-tailed grouse and spruce hen shall be limited to six (6) per day per person, and the possession and transportation of these types of small game shall be limited to twelve (12) at any time.

SECTION 32.03. BIG GAME RULES AND REGULATIONS.

(1) The taking of deer and bear shall be limited to one (1) each per season, provided that a Special Permit may be issued allowing the taking of one(1) additional deer upon a showing that a greater need for sustenance exists. A Special Permit is to be returned to the

Committee after use. The season shall be within the period of September 1 to January 31, inclusive. Each permittee shall be furnished with locking seals paid for by the State of Minnesota. The seal shall be affixed to the deer between the tendon and bone and around the bone of the leg or affixed to the bear through an ear so that such seal cannot be removed without breaking the lock. The seal shall be affixed before transporting the animal in any manner or taking it to your place of abode. Such seal must remain on the animal during all phases of possession and transportation and until the animal is butchered or processed.

(2) The taking of elk and moose shall not be permitted; however, the Conservation Committee may authorize a moose or elk season if the State of Minnesota authorizes an elk or moose season for non-Indians.

(3) Set guns, swivel guns and dogs shall not be used for the taking of big game animals.

SECTION 32.04. TRAPPING RULES AND REGULATIONS.

(1) The season for the trapping of fur bearing animals *not subject to the restrictions set forth in Chapter 1, Section 13.01 (2)* shall be ~~October 1 to March 31, inclusive~~ *set annually by the Conservation Committee.*

~~Beaver—October 1 to April 30~~

~~Fisher—December 1 to January 30~~

~~All other fur bearing species not subject to the restrictions set forth in Chapter 1, Section 13.01 (2).~~

~~Amended: LLRBC Resolution #87-80~~

~~Date: June 11, 1987~~

~~(1) The season for the trapping of fur bearing animals shall be October 1 to April 30, inclusive.~~

(2) All fur bearing animals taken pursuant to these regulations and all traps used pursuant to these regulations shall bear the *permittee's name and address or the* identification number of the permittee's Band Hunting permit or Non-Band Hunting Permit.

(3) When shipping furs taken under a Band or Non-Band Hunting Permit, the parcel must be plainly marked on the outside stating the name, address and permit number of the shipper and kind and number of skins contained in the package. The waybill or receipt issued by any common carrier to a shipper shall specify the number and species of furs so shipped.

(4) Hides or pelts adapted to personal use need not carry the permit number of the taker once one adaption is completed.

(5) It shall be unlawful to disturb beaver dens or houses. Muskrat houses, if opened, shall be returned as near as practicable to their natural condition.

(6) The taking of fisher shall be limited to three (3) animals per season by a single permittee.

SECTION 32.05.

There shall be no commercial taking of big game, small game or fur bearing animals with the following exceptions, for which no special commercial permit is needed other than the Band Hunting Permit or Non-Band Hunting Permit:

(1) The skins of all fur bearing animals may be taken commercially according to the regulations of Section 32.04 above.

(2) The hides of deer may be possessed and transported for commercial purposes and when transported or shipped the taker must comply with the regulations set forth at Section 32.04 (3) above if otherwise lawfully taken.

(3) The flesh of beaver, muskrat, rabbit and raccoon may be taken for commercial purposes, and when the flesh of these animals is transported or shipped, the taker must comply with the regulations set forth as Section 32.04 (3) above. The flesh of animals enumerated herein, except that of muskrat, may not be transported outside of the State of Minnesota.

SECTION 32.06.

There shall be no taking of any wild animal from moving motor vehicles, including snowmobiles. There shall be no taking of wild animals with the use of artificial lights except for raccoon which have been treed by a dog. 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. There shall be no firing *from*, down or across any *maintained highway or improved graveled public road while hunting big game.*

SECTION 32.07.

The Conservation Commission may shorten the season provided by these regulations, may impose restrictions where none are set forth, or may close and prohibit trapping or hunting of specified species of small game, big game or fur bearing animals, when it determines that such acts are in the best interests of the resources. The Conservation Committee may also impose such other restrictions on manner of taking and bag limits as it deems necessary for preservation of the resource.

SECTION 32.08.

~~All persons under 12 years of age must possess a valid Hunting Permit and be accompanied by a parent or guardian to hunt with a firearm. All persons between 12 and 16 years of age must possess both a valid Hunting Permit and a Firearm Safety Certificate to hunt alone with a firearm. A 12-16 year old may hunt with a firearm without a Firearm Safety Certificate only while accompanied by an adult at least 21 years of age.~~

All persons under sixteen (16) years of age must possess a valid Firearms Safety Certificate issued by the Reservation or the State of Minnesota in order to hunt with a firearm. All persons under twelve (12) years of age must be accompanied by a parent or guardian to hunt with a firearm. Persons twelve (12) to sixteen (16) years of age must be accompanied by a parent or guardian to hunt big game with a firearm. All persons hunting big game by means of firearm shall wear red or blaze orange clothing visible over at least fifty percent of their body.

CHAPTER IV. RICING REGULATIONS.

SECTION 41.01.

Every member of the Leech Lake Band of Chippewa Indians who gathers wild rice within the Leech Lake Reservation, *or boundary waters thereof*, must have in his or her possession a proper Band Ricing Permit.

SECTION 41.02

If the Conservation Committee determines that it is in the best interest of the Leech Lake Band of Chippewa Indians, it may issue a Tribal Ricing Identification Permit to *(1) any enrolled member of the Minnesota Chippewa Tribe who is not enrolled with the Leech Lake Band (2) any other Indian who resides within the Leech Lake Reservation but is not enrolled with the Minnesota Chippewa Tribe, and (3) to any visiting Indian officials*. Such a permit must be in the possession of any such person who gathers wild rice within the Leech Lake Reservation.

SECTION 41.03

Fees may be charged in the discretion of the Conservation Committee for the issuance of the permits required under Section 41.01 and 41.02. The Committee may in its discretion charge a greater fee for a Non-Band Ricing Permit than for a Band Ricing Permit.

SECTION 42.01

The Conservation Committee shall determine each year, and shall post notices announcing, the season for the harvesting of wild rice that year and the length of time per day during which wild rice may be harvested.

SECTION 42.02. METHODS OF HARVEST

(1) No watercraft may be used for the harvest of wild rice other than a boat, skiff, or canoe, propelled by hand, which boat, skiff or canoe may have a top width of not more than 36 inches and a length of not more than 18 feet, nor may any machine or device be used for the harvest of wild rice other than a flail not more than 30 inches in length, nor more than one (1) pound in weight, which flail must be held and operated by hand.

(2) No pole may be used for propelling any watercraft utilized for the gathering of wild rice unless such pole is forked at the end, with each branch less than 12 inches in length.

(3) **Use of machines in the harvest of wild rice is prohibited.**

SECTION 43.01.

None of the provisions of these regulations shall apply to the gathering of paddy rice.

CHAPTER V. RESERVATION COURT.

SECTION 50.01.

A. The Leech Lake Reservation Court shall have jurisdiction of all violations of these ordinances. This Court shall consist of one Chief Judge to be selected in the following manner: The Leech Lake Tribal Council will select a Chief Judge from a competent candidate for said position. An Associate Judge shall be selected in the same manner as above and may be designated by the Chief Judge to serve in his absence, or in the event of his temporary disqualification.

B. Any adult Indian over the age of twenty-one (21) years, and whether a resident of the Reservation or not, shall be eligible for appointment a Judge, provided no person may hold such office who has been convicted of a felony or, within one (1) year then past, of a misdemeanor.

C. Any Judge of the Leech Lake Reservation Court may be suspended, dismissed or removed by the Leech Lake Tribal Council for cause. Each Judge shall be appointed for a term of three (3) years, unless sooner removed for cause, but shall be eligible for reappointment.

D. In case of a vacancy through resignation, the judgeship will be filled by an appointment through a majority vote of the Leech Lake Tribal Council.

E. It shall be the duty of the Court to judge all cases properly brought before it. This Court shall decide in a fair and just manner whether violations of this ordinance have been committed.

F. All fines or penalties imposed shall be in accordance with the provisions set forth in Section 51.03 of this ordinance.

G. Court will convene in the Community Building or any other building designated by the Leech Lake Reservation Tribal Council upon request of the Chief Judge.

H. The Court shall collect all fines and other monies generated through enforcement of these ordinances.

I. All fines, fees and receipts collected shall be disposed of in the manner prescribed by Section 51.04 of this Ordinance.

SECTION 50.02. COURT PROCEDURE.

A. Sessions of the Leech Lake Reservation Court for the trial or hearing of cases brought under this Code shall be held by the Chief Judge, or the Associate Judge in the absence or disability of the Chief Judge.

B. All prosecutions shall be brought in the name of the Leech Lake Band of Chippewa Indians.

C. The Leech Lake Tribal Council shall appoint a prosecutor to prosecute any person or persons charged with offenses against the provisions set forth in this Code.

SECTION 50.03. APPELLATE COURT

The Leech Lake Tribal Council shall be the Appellate Court, and the Chairman of the Tribal Council shall preside as the Chief Judge thereof. Any Indian convicted by the Leech Lake Reservation Court may request a review of the Appellate Court by giving verbal or written notice within forty-eight (48) hours after the time of sentence and posting a bond with the Clerk of Court of Twenty-five Dollars (\$25.00) to cover the Court costs. The Appellate Court shall hear the case and may, by majority vote, affirm or reverse the trial judgement or reduce the sentence or penalty. If the conviction is reversed or the sentence or penalty is so modified, the cash deposit shall be refunded to the Defendant. In any case where the party has perfected the right of review as established herein, the judgement of the Trial Judge shall not be executed until after final disposition by the Appellate Court. If any member of of the Appellate Court is related to a party concerned in a trial by blood or marriage in the first or second degree, such member of the Court shall disqualify himself from serving on the Court in such case.

SECTION 50.04. WITNESS.

The Judges of the Leech Lake Reservation Court shall have the power to issue subpoenas for the attendance of witnesses on the request of any parties to the case, which subpoenas shall bear the signature of the Judge issuing it. Each witness answering such subpoenas shall be entitled to a fee of a minimum of Five Dollars (\$5.00) per day for each day his services are required for such payments. No witness fee shall be paid to a complaining witness who signs the complaint. Service of subpoenas shall be by Reservation

Conservation Officers or by an Indian appointed by the Court for that purpose. Witnesses who testify voluntarily shall be paid by the party calling them. Any party to the case who desires to have witnesses subpoenaed must make a deposit of Five Dollars (\$5.00) in case the Court is required to send an officer to subpoena any witness.

SECTION 50.05 SPOKESMAN OR OTHER REPRESENTATIVE.

Any person appearing as a defendant shall have a right to a spokesman to assist him in presenting his case, provided that such spokesman shall have first been approved to so act by the Tribal Judge or in advance by the Chief Judge. The Court shall adopt such standards for approval of spokesmen as it may deem necessary to insure effective representation. The Court may appoint a spokesman to assist any person if it appears necessary to protect such person's rights. Any defendant shall also have the right to be represented by an attorney at law, provided that such attorney has made proper application to the Court for admission to practice before it.

SECTION 50.06. CLERK OF COURT

The Leech Lake Tribal Council shall appoint a Clerk of Court for the Leech Lake Reservation Court. The Clerk of the Leech Lake Reservation Court shall render assistance to the Court, to the Band Conservation Officers and to the individual members of the Reservation in the drafting of complaints, subpoenas, warrants and commitments and any other documents incidental to the lawful functions of the Court. It shall be the further duty of said Clerk to attend and keep a written record of all proceeding of the Court, to administer oaths to witnesses, to collect fines paid and to pay all fees authorized by these

regulations. It shall also be the duty of the Clerk to receive all fees for the issuance of Reservation Hunting and Fishing Licenses. The Clerk shall make an accounting from time to time, in a itemized form, all funds received and disbursed by him, to the Leech Lake Reservation Court. The Clerk shall receive reasonable compensation to be fixed by the Tribal Council.

SECTION 50.07. RECORDS.

The Leech Lake Reservation Court shall be required to keep for inspection by duly qualified officials, a record of all proceedings of the Court, which record shall reflect the title of the case, the names of the parties, the substance of the complaint or trial, by whom conducted, the findings and judgment of the Court, together with any other facts or circumstances deemed pertinent to the case.

SECTION 50.08. COMPLAINTS.

No complaints filed with the Leech Lake Reservation Court shall be valid unless it shall bear the signature of the complainant or complaining witness, witnessed by a duly qualified Judge of the Leech Lake Reservation Court.

SECTION 50.09. WARRANTS TO APPREHEND.

Judges of the Leech Lake Reservation Court shall have the authority to issue warrants of arrest, said warrants to issue in the discretion of the Court only after a written complaint shall have been filed, bearing the signature of the complaining witness. Service of such warrants shall be made by a duly qualified Leech Lake Conservation Officer. No warrant

of arrest shall be valid unless it bears the signature of a duly qualified Judge of the Leech Lake Reservation Court.

SECTION 51.01. ARRESTS.

No Reservation Conservation Officer, nor other officer or person designated to serve warrants, shall arrest any person for any offense defined by these regulations, except when such offense shall occur in the presence of the arresting officer, or member of the Band or he shall have reasonable evidence that the person arrested has committed an offense, or the officer shall have a warrant commanding him to apprehend such person.

SECTION 51.02. SEARCH WARRANTS.

The Chief Judge or an Associate Judge of the Leech Lake Reservation Court shall have 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 of search and seizure shall be issued except upon a duly signed and written complaint based upon reliable information or belief and charging the commission of some offense against these regulations.

SECTION 51.03. PENALTIES.

(1) Any Indian who violates any provision of this Conservation Code shall be deemed guilty of an offense; and upon conviction thereof shall be sentenced to payment of a fine of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), an to forfeiture of all game, fish, nets, guns, wild rice, buoy, autos, boats, and peltries in his possession and relating to said violation or sentenced to serve a jail term of up to 180 days, or both, or any other penalty as deemed appropriate by the Judge. Those offenses, however, defined as petty misdemeanors are subject to a maximum penalty of One Hundred Dollars (\$100.00) and any forfeiture as above stated and are to be tried to the Court without a jury right. The following offenses shall be petty misdemeanors, (first offenses only):

Ricing:

- 1) Harvesting without permit;
- 2) Illegal pole, boat, flails;
- 3) Failure to have permit in possession;
- 4) Miscellaneous ricing violations.

Fishing:

- 1) Angling without permit;

- 2) Game fish out of season (1-4 only);
- 3) Rough fish out of season;
- 4) Miscellaneous fishing violations.

Hunting:

- 1) Violation of small game or bird limits (1-3 only);
- 2) Carrying loaded firearm in moving vehicle (day only);
- 3) Miscellaneous hunting violations.

Trapping:

- 1) No permit;
- 2) Tag violation;
- 3) Limit violation (each pelt is a separate offense).

(2) The Leech Lake Reservation Court may in its discretion, in addition to the above penalties, suspend the hunting, fishing, wild ricing or trapping rights, permits or license of any violator of this Code for a period of up to one (1) year's duration.

(3) Any non-Indian or person not subject to the Jurisdiction of the Leech Lake Reservation Court who violates any provision of this Code shall be subject to the penalties provided for in Public Law 86-634, 86th Congress, H.R. 4386, dated July 12, 1960:

"1164 : Destroying boundary and warning signs: Whoever willfully destroys, defaces, or removes any sign erected by an Indian Tribe, or Government agency (1) to indicate the boundary of an Indian Reservation or of any Indian Country as defined in Section 1151 of this title or (2) to give notice that hunting, trapping, or fishings is not permitted thereon

without lawful authority or permission, shall be fined no more than \$250 or imprisoned not more than six (6) months, or both."

'1165: Hunting, trapping or fishing on Indian Land: Whoever, without lawful authority or permission, willfully and knowingly goes upon land that belongs to any Indian or Indian Tribe, Band or group and either are held by the United States in trust or are subject to restriction against alienation imposed by the United States, that are reserved for Indian use, for the purpose of hunting, trapping or fishing thereon shall be fined not more than \$250 or imprisoned not more than ninety (90) days, or both, all game, fish and peltries in his possession shall be forfeited."

SECTION 51.04. DISPOSITION OF FUNDS.

All fines and other monies collected by the Leech Lake Reservation Court shall be deposited to an Indian money account, entitled "Fish and Game Fund". The use of this fund shall be limited to the enforcement of this Code or to the promulgation and development of fish and wild game, or other appropriate governmental uses as designated by the Leech Lake Tribal Council, and expenditures there from shall be made only upon specific authorization by the Leech Lake Tribal Council.

CHAPTER VI. GENERAL.

SECTION 60.01. REPEALER PROVISION.

All prior versions of the Conservation Code of the Leech Lake Band of Chippewa Indians and ordinances and resolutions of the Leech Lake Tribal Council which are inconsistent herewith are hereby repealed.

SECTION 60.02. EFFECTIVE DATE.

This Code will be effective May 1, 1983.

BAIL SCHEDULE
LEECH LAKE RESERVATION CONSERVATION CODE
July 1, 1984

<u>Section</u>	<u>Fishing violations</u>	<u>Amount</u>
21.01	Angling without permit	\$ 50.00
21.01	Netting without permit (personal use)	
	A. Game fish	100.00
	B. Rough fish	50.00
22.01-3	Use of gill net during closed season	300.00
23.01	Commercial rough fishing without permit.	200.00
23.01	Commercial game fishing	500.00
22.01-3	Taking game fish during closed season.	
	A. 1-4 fish	100.00
	B. 4-over	25.00
22.01-7	Taking rough fish during closed season.	
	A. 1-4 fish	50.00
	B. 4-over	15.00
22.01-1	Illegal equipment of means (explosives, drugs, poisons, lime, medicated bait, deleterious substances)	500.00
23.02-2	Failure to return live, uninjured game fish taken while commercial rough fishing.	50.00
1301-4	Illegal size or use of nets	200.00
23.01	Untagged nets (no identification)	100.00
22.01-8	Fishing in posted "No" fishing area.	25.00
22.01-5	Spearing Muskellunge	200.00
13.03	Transporting or possessing illegally taken fish.	
	A. Game fish	300.00
	B. Rough fish	150.00

23.02	Sale or barter of:	
	A. Game fish	500.00
	B. Rough fish	300.00
13.01-1	Permitting another person to use personal permit.	50.00
13.01-3	Wanton destruction of fish	300.00
13.01-6	Fraud in procurement of permit	100.00
23.03	Dark houses not marked.	25.00
23.03	Dark houses on ice after March 1	50.00
22.10-10	Spear in possession by open water	25.00
13.01-5	Fishing while intoxicated	50.00
21.01	No fishing license in possession	15.00

<u>Section</u>	<u>Hunting Violations</u>	<u>Amount</u>
31.01	No hunting license or invalid license	\$ 50.00
31.01	No hunting license in possession	15.00
32.01-2	Sale or barter of :	
	A. Small game	100.00
	B. Big game	500.00
32.02-3	Migratory Bird Act Violation	
	A. 1-4 ducks	50.00
	B. 4-more	15.00
	C. Use of lead shot	50.00
32.01	Taking of rare or endangered animals or birds or protected animals (moose, elk, fisher, martin & timberwolf)	500.00
13.01-4	Hunting during closed season	
	A. Small game	25.00
	B. Big game	500.00
13.01-4	Hunting during closed hours	
	A. Small game	50.00
	B. Big game	500.00
13.01-4	Taking over limit	
	A. Small game - 1	50.00
	B. Small game - 1 or more	20.00@
	C. Big game	500.00@

<u>Section</u>	<u>Ricing Violations</u>	<u>Amount</u>
41.01	Harvesting wild rice without a permit	\$ 50.00
12.02-1	Indian rice buyer buying rice without a permit of Reservation in possession	500.00
42.02-1-2	Illegal boats, poles or flails	50.00
42.02-3	Harvesting with machine	500.00
42.01	Harvesting during closed season or illegal hours	100.00
42.01	Harvesting at night	200.00
41.01	No ricing permit in possession	25.00
13.01-3	Wanton destruction of rice beds	500.00
13.01-5	Ricing under influence of drugs, alcohol or narcotics	50.00

<u>Section</u>	<u>Other Violations</u>	<u>Amount</u>
13.01-6	Fraud in attaining a permit	\$ 100.00
13.01-10	Refusal to display a permit	100.00
13.01-11	Willfully hindering, resisting or assaulting a Conservation Officer in performance of his official duties	500.00 + 180 days
13.01-2	Failure to stop for flashing red lights	300.00
	Disobedience of Court Order	100.00
	Failure to show or be excused for jury duty	15.00
	Contempt of court	100.00
51.03-3	Destroying signs	250.00 + 90 days
Ord. 73-2	Destroying or disturbing burial grounds	500.00 + 6 months
Ord. 82-2	Unregistered or no-display of boat registration	25.00

13.01-3	Wanton waste or destruction of game	
	A. Small game	100.00
	B. Big game	500.00
13.01-7	Carrying a loaded firearm in moving vehicle	
	A. Daytime	100.00
	B. Night	200.00
13.01-8	Chasing with snowmobile	
	A. Small game	100.00
	B. Big game	500.00
13.01-9	Hunting with artificial light	500.00
32.06	Shooting at big game down or across public road.	300.00
32.06	Taking big game with aid of dogs	500.00
32.06	Taking game from moving vehicle (including snowmobile)	
	A. Small game	100.00
	B. Big game	500.00
32.03-1	Untagged game animal (transporting or possession in camp, improperly tagged)	200.00
32.06	Firing within 500 ft. from an open public campground or occupied dwelling	300.00
32.03-3	Illegal firearm - set gun or swivel gun	500.00
32.01-3	Uncased firearm at night	100.00
32.04-5	Disturbing beaver dens	100.00

<u>Section</u>	<u>Trapping violations</u>	<u>Amount</u>
32.04-1	Trapping during closed season	\$ 100.00
32.04-2	Traps not having identification	25.00
31.01	Trapping without a permit	50.00

Ord. 82-2	Unregistered or no-display of ATV registration	25.00
Ord. 82-2	Unregistered or no-display of snowmobile registration	25.00
Ord. 82-2	Illegal transfer of boat registration	20.00
Ord. 82-2	Illegal transfer of ATV registration	20.00
Ord. 82-2	Illegal transfer of snowmobile registration	20.00
13.01-1	Obstruction of Conservation Officer in performance of his official duties	500.00 + 90 days

<u>Section</u>	<u>Commercial Violations</u>	<u>Amount</u>
23.03-6B	Taking leeches or minnows without a permit	\$ 50.00
23.03-8	Set net or trap too deep, failure to mark or identify properly.	100.00
23.03-9	Set net or trap within 100 feet of another permittee.	50.00
23.03-10	Tend or disturb net or trap without written authorization from permittee.	50.00
23.03-11	Unattended nets or traps. Must be tended within 72 hours of being set or previously tended.	50.00
23.03-12	Wanton waste of Minnows or leeches.	150.00