

SHAKOPEE MDEWAKANTON
SIOUX COMMUNITY

CONSERVATION, FISH AND
GAME ORDINANCE

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SHAKOPEE MDEWAKANTON SIOUX COMMUNITY
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CHAPTER 1 AUTHORITY & PURPOSE

1.1 Authority

This Conservation, Fish and Game Ordinance is enacted under the inherent sovereign authority of the Shakopee Mdewakanton Sioux Community General Council, as the governing body of the Shakopee Mdewakanton Sioux Community, and pursuant to Article III, §1(h) of the Constitution of the Shakopee Mdewakanton Sioux Community and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476.

1.2 Purpose

The purpose of this Ordinance is to provide an orderly system for the Shakopee Mdewakanton Sioux Community to regulate hunting on Community lands. This Ordinance encourages the safe and ethical taking of game and promotes conservation and management of Community resources.

1.3 Territorial Applicability

- (A) This Ordinance shall apply to all members and licensed non-members who take or attempt to take fish or game on the trust and Reservation lands of the Shakopee Mdewakanton Sioux Community;
- (B) This Ordinance shall apply to Community members who take or attempt to take fish and game on Community non-trust or non-reservation land and such Members may also be subject to Minnesota Fish and Game laws.
- (C) Any person who takes or attempts to take fish or game on the trust or reservation lands of the Community without lawful authority or permission is subject to 18 U.S.C. §1165 as a violation of federal law.
- (D) Any non-member who takes or attempts to take fish and game on non-trust or non-reservation land shall be subject to the exclusion powers of the Community and the trespass and fish and game laws of the State of Minnesota.

1.4 Designation of Tribal Lands

- (A) The Business Council is delegated authority to designate tribal lands that may be used for hunting. Hunting on Community lands is permitted only on lands designated for such use. Hunting on Community lands that are not designated for such purposes will be penalized pursuant to Chapter 7 of this Ordinance.
- (B) By designating lands for a certain use, the Community does not: extend any assurance that the land is safe for any purpose; confer upon any person the

legal status of an invitee or licensee to whom a duty of care is owed; or assume responsibility for or incur liability for any injury to a person or property.

1.5 Nonwaiver of Immunity

Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Shakopee Mdewakanton Sioux Community, or any of its officers, employees, or agents administering or enforcing this Ordinance, except as provided for by a duly authorized resolution. Nor shall this Ordinance subject the Community to liability for damages or other relief resulting from enforcement of this Ordinance, reliance upon it, or conformance to it, except as provided for by a duly authorized resolution.

1.6 Inclusion of Language from Other Laws

Inclusion of language, definitions, procedures, or other statutory or administrative provisions of other state or federal law shall not be deemed an adoption of that law by the Community. Nor shall it be deemed an action deferring to state or federal jurisdiction where such state or federal jurisdiction is concurrent or does not otherwise exist.

1.7 Interpretation

The provisions of this Ordinance shall be interpreted and applied as minimum requirements applicable to hunting on Community lands and shall be liberally construed in favor of the Community.

1.8 Severability

The provisions of this Ordinance are severable. If any Chapter, Section, Paragraph, part or provision shall be held unconstitutional, the remaining provisions shall not be affected or impaired.

CHAPTER 2 DEFINITIONS

2.1 Definitions

The terms used in this Conservation, Fish and Game Ordinance shall have the following meanings:

- (A) “Bag limit” means the maximum number of game which may be taken in one calendar day.
- (B) “Bait” means liquid or solid food products utilized by a person to attract or entice game.
- (C) “Big game” means deer.

- (D) “Bow” means a weapon designed to propel arrows that is drawn and held by and through the efforts of a person.
- (E) “Community” means the Shakopee Mdewakanton Sioux Community.
- (F) “Community-authorized officer” means any officer of a federal, tribal, state, or local government that the General Council has granted authority to or has authorized an agreement with, for the purposes of enforcing this Ordinance.
- (G) “Community member” means an enrolled member of the Shakopee Mdewakanton Sioux Community.
- (H) “Crossbow” shall mean a device that must: be fired from the shoulder; deliver at least 42-foot pounds of energy at a distance of ten feet; have a stock at least 30 inches long; have a working safety, and be used with arrows or bolts at least ten inches long.
- (I) “Firearm” means pistols, revolvers, rifles, shotguns and any device that ignites powder to propel a projectile or projectiles out of a barrel.
- (J) “Fish and Game Offense” means violations of this Ordinance that are subject to civil citations and civil penalties under Chapter 7 of this Ordinance.
- (K) “Game” means big and small game as defined by this Ordinance.
- (L) “Hunting” means to take or harvest or attempt to take or harvest game with a firearm or bow.
- (M) “Legally posted sign” means a sign that states “no trespassing” or similar term that is displayed in letters at least two inches high and is signed by the owner, occupant, lessee, or authorized manager or includes a legible name and telephone number of the owner, occupant, lessee, or authorized manager. Signs must be placed at intervals of one thousand (1,000) feet or less along the boundary of the area or at intervals of five hundred (500) feet or less in a wooded area where boundary lines are not clear. Signs must also mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land.
- (N) “Migratory game birds” means woodcock, rails, snipe, sand hill cranes and mourning doves.
- (O) “Migratory waterfowl” means ducks, geese, mergansers, and coots.
- (P) “Motor vehicle” means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on the ground, in the water, or in the air.

- (Q) “Possession” means both actual and constructed possession and control of the thing referred to.
- (R) “Resident Family Member” means a family member of a Community Member that is not enrolled in the Community but whose residency is established on the reservation as evidenced by a state issued identification card, insurance card, or bills sent to the tribal address in the person’s name.
- (S) “Small Game” means migratory waterfowl, migratory game birds, upland game birds, turkeys, squirrels, and rabbits.
- (T) “Tag” means an identification device issued for attachment to the carcass of big game.
- (U) “Take/Taking” means pursuing, shooting, killing, trapping, capturing, snaring, or placing, setting, drawing or using a net, trap or other device to take game. Taking includes attempting to take game or assisting another person in taking or attempting to take game.
- (V) “Transport/Transportation” means causing or attempting to cause game to be carried, or moved by any means whatsoever and includes acceptance of receiving fish or game for transportation.
- (W) “Tribal Conservation/Tribal Law Enforcement Officer” means a tribal employee authorized to enforce laws pursuant to Chapter 7 of this Ordinance.
- (X) “Upland game bird” means pheasants, grouse, and quail.

CHAPTER 3 GENERAL PROVISIONS

3.1 Business Council Authority to Set Seasons and Limits

The Business Council is delegated authority to establish seasons, including youth and special seasons, and bag limits on an annual basis. New seasons or bag limits shall be established and published by August 1st for fall seasons and March 1st for spring seasons of each year. If the Business Council does not publish new seasons or bag limits prior to the aforementioned dates, the previous year’s seasons and bag limits shall apply. The Business Council may modify seasons and bag limits at any time.

3.2 Natural Resources and Infrastructure Workgroup

The Natural Resources and Infrastructure Workgroup (the “Workgroup”) shall meet in April of every year to discuss potential changes to seasons, fees, maps, and bag limits for the upcoming

year. The Workgroup shall submit recommended changes to seasons, fees, maps, and bag limits to the Business Council by July 1st of every year.

3.3 Authorized Taking

Pursuant to written permission from the Business Council, a person may take fish and game for the purposes of conservation, scientific examination, protection of the welfare of Community members and Community lands, or for any other purposes deemed to be in the interest of the Community. Such taking may occur out of season, beyond limits, and with methods not authorized by this Code.

3.4 Cooperative Agreements

The Business Council is delegated authority to enter into cooperative agreements with state and federal entities to aid in the enforcement of this Ordinance.

3.5 Age Limits

Persons under the age of sixteen (16) may not hunt on Community lands unless accompanied by a parent, guardian, adult family member, or hunting mentor. Small and big game animals may be hunted by enrolled Community members under the age of sixteen (16) provided that such individual is accompanied by a parent, guardian, adult family member, or hunting mentor. The permission of the custodial parent or legal guardian of an enrolled Community member under the age of sixteen (16) must be obtained if the child is going to hunt with a non-custodial parent, adult family member, or hunting mentor. Hunting mentors do not need to be a parent, guardian, or adult family member but must have knowledge of the fish and game laws of the Community and general hunting safety requirements. The hunting mentor may not personally take big game animals on Community lands and may only take small game animals on Community land if they have the requisite license pursuant to Chapter 4 of this Ordinance. Hunting mentors must check in with Mdwakanton Conservation Enforcement Department prior to commencing a hunt.

3.6 Firearm Safety

Persons born after December 31, 1979, must complete firearm safety training in order to hunt with a firearm on Community lands.

3.7 Transportation of Game

Anyone who transports game on Community lands must have in her/his possession a valid tribal license. The appropriate tag must be affixed to big game prior to transport. Transporting game without the appropriate tribal license shall be a Class B Fish and Game Offense. Such a violation may only be cured by providing evidence that the proper tribal license was issued prior to the violation. Evidence of proper licensure must be submitted to the Tribal Conservation Office or Community authorized officer within seven (7) days.

3.8 Hunting Out of Season

A person who engages in hunting on Community lands may not hunt, kill, wound, pursue or otherwise take or have in his possession game outside of the seasons established by the Business Council. A violation of this provision shall be a Class A Fish and Game Offense. This provision does not apply to a person granted permission to take fish or game pursuant to Section 3.3 of this Chapter.

3.9 Exceeding Bag Limits

A person who engages in hunting on Community lands may not shoot or otherwise take or possess more than the allowed number of game species. All game possessed in excess of the bag limit shall be seized and forfeited to the Shakopee Mdewakanton Sioux Community. A violation of this provision shall be a Class B Fish and Game Offense. This provision does not apply to a person granted permission to take fish or game pursuant to Section 3.3 of this Chapter.

3.10 Picture Identification

A person who engages in hunting on Community lands must possess valid picture identification. The failure to furnish valid picture identification upon request by the Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer shall be a violation of this Ordinance. Such a violation may only be cured by providing a copy of valid picture identification within seven (7) days.

3.11 Posting of Property

- (A) The Community shall place clear notice that accurately describes the fee or trust status of Community lands. The signs shall state “no trespassing” or similar terms that are displayed in letters at least two inches high. Signs must be placed at intervals of one thousand (1,000) feet or less along the boundary of the area or at intervals of five hundred (500) feet or less in a wooded area where boundary lines are not clear. Signs must also mark the primary corners of each parcel of land and access roads and trails at the point of entrance to each parcel of land.

3.12 Trespass

- (A) Civil Trespass. A person commits civil trespass if the person:
 1. Enters or occupies Community lands without a validly issued tribal license or permit or after permission has been expressly denied or revoked;
 2. Enters or occupies a tribal land assignment without the express permission of the assignment holder or after such permission has been expressly denied or revoked;

3. Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so;
 4. Cuts down, destroys, or injures any wood, timber, plant, vegetation, or standing crop on Community lands or tribal land assignments or carries away any wood, timber, plant, vegetation, or crop of another;
 5. Discharges a firearm, releases arrows from a bow, or otherwise uses any weapon on Community lands without a validly issued tribal license or permit;
 6. Engages in any act, or attempted act of hunting, trapping, or fishing on Community land without a validly issued tribal license or permit;
 7. Digs, takes, or carries away from the land of another, earth, soil, minerals, cultural resources, or any other property;
 8. Erects, puts up, fastens, prints, or paints upon another's property, graffiti, notices, advertisements, signs, or other writings designed to communicate to the general public;
 9. Dumps, deposits, places, throws, burns, emits, or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters, or any land;
 10. Opens, damages, renders inoperable, or destroys a fence, or gate on enclosed land of another;
 11. Destroys or injures land, waters, livestock, poultry, buildings, equipment, or any property of the Community or another;
 12. Permits or allows livestock or any other domesticated animal to enter upon or remain upon the land of the Community or another;
 13. Uses or possesses assigned, leased, or subleased land beyond the possessory right granted by such assignment, lease, or sublease or other contract; or
 14. Violates any restraining order, including a domestic restraining order issued or recognized by the SMSC Tribal Court.
- (B) Exceptions for Community Member Subsistence, Cultural, and Ceremonial Activities.

1. Nothing in this Section shall limit the ability of Community Members to collect, gather, harvest, or remove plants, plant parts, vegetation, or other flora or fungi that occur organically on the trust, reservation, or fee lands of the Shakopee Mdewakanton Sioux Community provided that such materials are collected for subsistence, cultural, or ceremonial uses.
- (C) Classes of Violations. A trespass violation shall be a Class C Fish and Game Offense except as provided below:
1. A trespass violation shall be a Class B Fish and Game Offense if the individual causes over \$500.00 in property damage to the Community or an assignee, lessee, or sublicensee.
 2. A trespass violation shall be a Class A Fish and Game Offense if the individual causes over \$1,500.00 in property damage to the Community or an assignee, lessee, or sublicensee.
 3. Trespass violations shall be subject to escalating enforcement provisions. If an individual was found civilly liable for the same violation within the past three (3) years, the new violation shall be escalated and the individual will be issued a citation for the next Class of Offense up.
- (D) Civil Fines and Penalties. Civil fines and penalties for trespass violations include, but are not limited to:
1. Civil fines as set forth in Section 7.4 of this Ordinance; and
 2. Treble damages, payable to the Community or an assignee, licensee, lessee, or sublessee, for any violation listed in Section 3.12(A) that results in damage, injury, or loss of real or personal property;
 3. Payment of costs associated with replacement, rehabilitation, reforestation, replanting, lost future revenue or lost profits, loss of productivity, or damage to resources for any violation listed in Section 3.12(A) that results in damage, injury, or loss of real or personal property;
 4. Payment of all reasonable costs associated with the enforcement of these trespass provisions beginning with detection and including all processes through the prosecution and collection of damages, including but not limited to field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees.
- (E) Private Cause of Action. Any person whose property is damaged may bring a private cause of action against an individual in Tribal Court for trespass.

The party bringing the suit must prove, by a preponderance of the evidence, that another party engaged in activity that constitutes a violation of this Ordinance and caused damage to their property. If successful, the person filing suit may recover the damages and costs defined in Section 3.12(C)(2),(3), and (4) of this Ordinance.

- (F) **Parents Jointly and Severally Liable.** Parents or legal guardians shall be jointly and severally liable for acts of children who are under the age of eighteen (18) that result in fines, damages, or costs associated with civil trespass violations.

3.13 Public Safety Restrictions

- (A) A person who engages in hunting on Community lands may not discharge a firearm: within five hundred (500) feet of a residential or commercial building; across, along or near a public road or highway; or in areas that have not been designated for hunting. A violation of this provision shall be a Class B Fish and Game Offense.
- (B) A person who engages in hunting on Community lands may not discharge a bow: within one hundred (100) feet of a residential or commercial building; across, along or near a public road or highway; or in areas that have not been designated for hunting. A violation of this provision shall be a Class B Fish and Game Offense.
- (C) A person who engages in hunting on Community lands may not set any trap, pit, deadfall or snare capable of taking game. It shall be unlawful to set any foothold or body gripping trap to take game unless such methods are authorized pursuant to Section 3.3 or Section 6.9 of this Ordinance. A violation of this provision shall be a Class B Fish and Game Offense.
- (D) A person who engages in hunting on Community lands may not possess or place set guns, poisons, explosives, or stupefying substances or devices for the taking of game or fish unless authorized by Section 3.3 of this Ordinance. A violation of this provision shall be a Class A Fish and Game Offense.

3.14 Prohibited Acts

- (A) **Use of Prohibited Means or Equipment:** A person who engages in hunting on Community lands may not take game with firearms, bows, or crossbows that are not authorized for such use by this Ordinance or by means not specified in this Ordinance. A violation of this provision shall be a Class B Fish and Game Offense. A violation of this provision that involves the discharge of a firearm other than those designated shall be a Class A Fish and Game Offense.

- (B) Careless Use of a Firearm or Bow: A person who engages in hunting on Community lands may not carry, handle or use a firearm or bow in such a manner as to carelessly endanger the life, limb, or property of themselves or another. A violation of this provision shall be a Class B Fish and Game Offense.
- (C) Damaging Property: A person may not knowingly damage property with a firearm or bow on Community lands.
- (D) Shooting from Motor Vehicles: A person who engages in hunting on Community lands may not take game with a firearm or bow from a motor vehicle except a disabled person with a state issued permit to shoot from a stationary motor vehicle or a person hunting waterfowl from a boat. A violation of this provision shall be a Class B Fish and Game Offense.
- (E) Using a Motor Vehicle to Take Game: A person may not harass or drive game by means of a motorized vehicle. The use of off-road vehicles in hunting areas is prohibited. Off-road vehicles may not be used to harass or drive game or to transport hunters that are attempting to take game.
- (F) Transportation of Firearms or Bows: Firearms and bows that are transported in or on a motor vehicle must be unloaded and within a case made expressly for that purpose. A violation of this provision shall be a Class B Fish and Game Offense.
- (G) Use of Artificial Lights: A person may not cast light from a spotlight or other light source onto land where game animals may be expected to be while having in their possession or control a firearm or other implement that could kill game. A violation of this provision shall be a Class B Fish and Game Offense.
- (H) Hunting While Under the Influence of Alcohol or Controlled Substances: A person may not take game with a firearm or bow or be afield with a loaded or uncased firearm or an uncased bow while under the influence of a controlled substance or with a blood-alcohol content of .04 or higher. A violation of this provision shall be a Class A Fish and Game Offense.
- (I) Taking of Undefined Species: A person may not take species that are not specifically mentioned in this Ordinance.
- (J) Wanton Waste: A person may not willfully, wantonly, or maliciously destroy fish, wildlife, or plants on Community lands. A violation of this provision shall be a Class B Fish and Game Offense.
- (K) Littering: A person may not leave or discard cans, bottles, refuse or other waste or debris on Community lands.

- (L) Trapping: Trapping any small or big game animal is prohibited unless a special license is issued to an individual by the Chief Conservation Officer. The Chief Conservation Officer shall approve the location and number of traps and may establish other reasonable requirements for traps set pursuant to this Ordinance.

**CHAPTER 4
LICENSING**

4.1 Community Licensing Authority

Big and small game licenses will be available at the Shakopee Mdewakanton Sioux Community Government Center during normal business hours. The Business Council is delegated authority to set licensing fees. The licensee will be provided with a map that accurately portrays lands designated for hunting. Licenses are non-transferable and are only valid for the period identified on the license.

4.2 Community Member Licensing

Community members hunting small game on Community lands must possess a small game license from the Shakopee Mdewakanton Sioux Community. Community members hunting deer on Community lands must possess a big game license and the appropriate tags from the Shakopee Mdewakanton Sioux Community.

SMALL GAME LICENSE	
COVERED SPECIES	
Migratory Waterfowl	Ducks, geese, mergansers, coots (must have federal and state stamps)
Migratory Game Birds	Woodcock, rails, snipe, sand hill cranes, mourning doves
Upland Game Birds	Pheasants, grouse, quail
Turkey	Turkey
Other Small Game	Rabbits, squirrels
BIG GAME LICENSE	
COVERED SPECIES	
White-tailed deer	Deer tags will be distributed upon licensure.

4.3 Resident Family Member Licensing

Resident family members may obtain small and big game licenses from the Shakopee Mdewakanton Sioux Community. Resident family members are subject to the same conditions as Community members. By obtaining a license, resident family members agree to be bound by this Ordinance and submit to the jurisdiction of the Shakopee Mdewakanton Sioux Community Tribal Court.

4.4 Non-Resident, Non-Member Licensing

One day small game licenses may be issued to non-resident, non-members subject to the following requirements: the non-resident, non-member must be accompanied by a Community member at all times; the non-resident, non-member must adhere to the same conditions as Community members; the non-resident, non-member must agree to be bound by this Ordinance; the non-resident, non-member must submit to the jurisdiction of the Shakopee Mdewakanton Sioux Community Tribal Court; and the Community member sponsoring the non-resident, non-member must have a currently valid tribal license. Non-resident, non-member small game licenses shall be effective for the day of the hunt. Small game licenses for non-resident, non-members may be issued no greater than three (3) days in advance of the effective date of the license. A Community member may only take one non-resident, non-member hunting per day. Game that is present on Community lands is a Community resource that should primarily benefit Community members and families. For this reason, each Community member is limited to sponsoring four (4) days of non-resident, non-Community member hunting per calendar year. Community members that are minors may sponsor non-resident, non-members provided that the minor Community member has a valid firearm safety certification and has permission to sponsor a non-resident, non-member from their custodial parent or legal guardian.

NON-RESIDENT, NON-MEMBER SMALL GAME LICENSE (1 DAY)	
Migratory Waterfowl	Ducks, geese, mergansers, coots (must have federal and state stamps)
Migratory Game Birds	Woodcock, rails, snipe, sand hill cranes, mourning doves
Turkey	Turkey
Upland Game Birds	Pheasants, grouse, quail

4.5 License Requirement

A properly issued tribal license must be in the possession of any person who takes or attempts to take game on Community lands. In addition to the applicable tribal license, Resident family members and non-resident, non-members must also have a state issued license for the game being hunted. The appropriate tribal license must be furnished upon request by a Community-authorized officer. The failure to furnish the appropriate license shall be deemed a violation of this Ordinance. Such a violation may only be cured by providing evidence that the proper tribal license was issued prior to the violation. Such evidence must be submitted to the Community authorized officer within seven days. Failure to furnish an appropriate tribal license or engaging in small game hunting on Community lands without the appropriate tribal license shall be a Class B violation of this Ordinance. Engaging in big game hunting on Community lands without the appropriate tribal license shall be a Class A violation of this Ordinance.

4.6 Fishing Licenses

Fishing on lakes that border Community lands shall be done in accordance with Minnesota laws and regulations, including licensing requirements.

CHAPTER 5 BIG GAME HUNTING

5.1 Establishment of Seasons, Bag Limits and Licensing

When setting annual seasons and bag limits, the Business Council may designate the sex of big game species which may be taken and may institute point restrictions for white-tail deer provided that no Community member may be allowed to harvest more than one (1) antlered per year. Big game licenses and tags will have corresponding numbers which will be recorded by the issuing authority.

5.2 Shooting Hours

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

5.3 Legal Firearms and Bows

A person hunting big game on Community lands may use the following:

- (A) Deer: bows with a pull weight no less than thirty (30) pounds at or before full draw and crossbows as that term is defined in this Ordinance.

5.4 Tagging and Registering Big Game

A licensee must attach the big game tag to the carcass before transportation. Licensees shall register harvested big game by providing notification to the Tribal Conservation/Tribal Law Enforcement Officer or the Community-authorized officer of the species, sex, location, and time of the harvest within three (3) calendar days.

5.5 Temporary Stands and Blinds

The erection of permanent stands or blinds on Community lands is prohibited. Temporary tree stands are permitted but must be of a design where no invasive spikes, foot pegs, or nails are needed for installation. Temporary ground blinds may be used on Community lands. Each licensed Community member may only have up one (1) temporary stand and one (1) ground blind at any given time. A temporary stand must have the applicable deer hunting tree stand permit issued by Mdewakanton Conservation Enforcement. Temporary stands and ground blinds may be erected thirty (30) days prior to when the season opens and must be removed immediately after the licensee has fulfilled their harvest limit or if the licensee has not fulfilled their harvest limit, by January 15th of every year.

5.6 Prohibited Acts

- (A) Chapter III: The prohibited acts listed in Chapter III apply to this Chapter.

- (B) **Wounded Animals:** A person may not wound big game without making a good faith effort to track and dispatch the animal. Injured or wounded game may be tracked and dispatched outside of designated areas with the consent of the Tribal Conservation/Tribal Law Enforcement Officer or the Community-authorized officer. The Tribal Conservation/Tribal Law Enforcement Officer or the Community authorized officer must be consulted if wounded big game animals leave Community lands.
- (C) **Bait:** A person may not use bait while hunting big game. A violation of this provision shall be a Class B Fish and Game Offense.
- (D) **Dogs:** No person shall allow a dog to chase, drive, track, kill or harass big game. An authorized officer may kill a dog that endangers big game at any time.
- (E) **No Party Hunting:** Big game must be tagged by the person who harvested it. Tags are nontransferable and in no event may a person place their tag on an animal that was harvested by another individual.
- (F) **Sale:** No person shall engage in the sale or other commercial use of big game. A violation of this provision shall be a Class A Fish and Game Offense and also may be subject to federal prosecution under the Lacy Act, 16 U.S.C. §3371 *et seq.*

CHAPTER 6 SMALL GAME HUNTING

6.1 Legal Guns and Bows

A person may hunt small game with the following:

- (A) Shotguns of 410, 28, 20, 16, 12, or 10 gauge.

6.2 Transportation of Small Game

Small game must be transported as follows:

- (A) Except for pheasants, all game birds must have a fully feathered wing attached.
- (B) Ducks must have a fully feathered wing and fully feathered head attached.
- (C) Pheasants must have one leg attached or a fully feathered wing attached.
- (D) Doves, squirrels, and rabbits may be transported fully dressed.
- (E) Turkeys with a fully feathered wing attached or an intact leg and foot.

6.3 Blaze Orange

At least one visible article of clothing above the waist must be blaze orange when hunting small game, except when hunting migratory waterfowl, migratory game birds, or turkey.

6.4 Use of Dogs

Dogs may be used to flush and retrieve small game. Dogs must be under the control and supervision of their owner or another adult at all times.

6.5 Migratory Waterfowl

- (A) Federal and State Stamps: A licensee possessing a tribal small game license must also possess Federal and State Migratory Waterfowl Stamps in order to take migratory waterfowl.
- (B) Federal regulations: All hunters taking migratory waterfowl must comply with federal migratory waterfowl regulations including 50 CFR Part 20.
- (C) Non-toxic shot required: A person may not take migratory waterfowl with lead shot or while having any lead shot in possession.
- (D) Shooting Hours: Shooting hours for migratory waterfowl are one-half hour before sunrise to 4 p.m., until the first Friday in October and until sunset thereafter.
- (E) Retrieval: A person may not kill or wound any migratory waterfowl without making a reasonable effort to retrieve the bird and including it in the daily bag limit.
- (F) Decoys: A person may not place decoys on Community lands more than two hours before legal shooting hours. A person may not leave decoys on Community land overnight.
- (G) Motorized Decoys: From the opening day of duck season until the first Saturday in October, a person may not use a motorized decoy or other motorized device designed to attract migratory waterfowl.

6.6 Migratory Game Birds

- (A) A migratory waterfowl stamp is not required to take migratory game birds.
- (B) Shooting Hours: Shooting hours for migratory game birds are one-half (1/2) hour before sunrise until sunset.

6.7 Upland Game Birds

- (A) Shooting Hours: Shooting hours for upland game birds are one-half (1/2) hour before sunrise to sunset except pheasants, which the shooting hours are from 9 am to sunset.

6.8 Turkey

- (A) Shooting Hours: Shooting hours for turkey are one-half hour before sunrise to sunset.
- (B) Method of Taking: Turkeys may be taken by firearm, bow, and crossbows that conform to the requirements of this Ordinance.

6.9 Other Small Game (Rabbits and Squirrel)

- (A) Shooting Hours: Shooting hours for rabbits and squirrel are one-half hour before sunrise to sunset.
- (B) Methods of Taking: Rabbits and squirrels may only be taken with an authorized firearm except when taken with snares pursuant to an education program conducted in order to further cultural awareness. Snaring performed pursuant to this provision must be supervised by an instructor or adult designated by the Community to teach methods of snaring.

6.10 Prohibited Acts

- (A) Wounded Animals: A person may not wound small game without making a good faith effort to retrieve the animal.
- (B) Bait: A person may not use bait while hunting small game.

**CHAPTER 7
ENFORCEMENT**

7.1 Tribal Conservation/Tribal Law Enforcement Officer

The Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer shall have the authority to enforce the provisions of this Conservation, Fish and Game Ordinance and any other tribal or state law authorized by General Council action. After the execution of a cooperative enforcement agreement between the Community and the commissioner of natural resources, Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer may also enforce the State's fish and game, natural resources, and recreational laws on Community lands to the same extent as State conservation officers.

7.2 Civil Regulatory Authority

All matters relating to the conservation, regulation, control, or management of the resources of the Shakopee Mdewakanton Sioux Community are subject to the civil regulatory authority of the Community with the exception of applicable state or federal laws. This Ordinance may be invoked and applied to conduct on Community lands pursuant to Chapter 1, Section 1.3.

7.3 Classes of Fish and Game Offenses

CLASS	DESCRIPTION	PENALTY
Class A	Conduct designated as a Class A Offense by this Ordinance.	Civil fines, civil forfeiture and license suspension.
Class B	Conduct designated as a Class B Offense by this Ordinance.	Civil fines, repeat offenses may result in license suspension.
Class C	Conduct not designated as a Class A or Class B Offense by this Ordinance.	Civil fines, repeat offenses may result in license suspension.

7.4 Civil Fines

Any fines collected under this Ordinance shall be deposited and used the enforcement of fish and game laws on Community lands. The following fines apply to fish and game violations:

- (A) Class A Fish and Game Offenses shall be subject to a fine of \$500.
- (B) Class B Fish and Game Offenses shall be subject to a fine of \$350.
- (C) Class C Fish and Game Offenses shall be subject to a fine of \$150.

7.5 Civil Forfeiture

The Tribal Conservation/Tribal Law Enforcement Officer or a Community authorized officer may seize property including firearms or off-road vehicles used by a violator of this Ordinance and hold and possess such property until such time as the violator fully satisfies all fines and penalties due under this Chapter. If a violator is convicted of a Class A violation, the Tribal Court may direct a Community-authorized officer to sell property seized during the commission of such offenses and the proceeds shall be deposited and used for the enforcement of fish and game laws on Community lands.

7.6 License Suspension

The Tribal Court shall suspend a violator's licensing privileges under this Ordinance for the following periods if the violator is found guilty of a Fish and Game Offense:

CLASS	DESCRIPTION	LICENSE SUSPENSION
Class A	Conduct designated as a Class A Offense by this Ordinance.	3 years

Class B	Conduct designated as a Class B Offense by this Ordinance.	2 years
Class C (2 violations within 1 year period)	Conduct not designated as a Class A or Class B Offense by this Ordinance.	1 year

All license suspension shall begin on the date that the individual is found guilty of the Fish and Game Offense that triggers the license suspension. License suspensions for numerous violations that stems from the same set of actions shall run concurrently. If an individual is the subject of a current license suspension and commits additional violations, any subsequent license suspensions shall be added on to the initial license suspension and shall run consecutively. Two (2) or more Class C violations that occur at different times within a one (1) year period shall trigger a one (1) year license suspension. A person with an unpaid civil fine due to a previous violation of this Ordinance shall be ineligible to receive tribal hunting licenses until the debt has been paid.

7.7 Institution of Tribal Proceedings; Citation

Proceedings for enforcement of this Conservation, Fish and Game Ordinance shall be instituted by the issuance of a citation by a Tribal Conservation/Tribal Law Enforcement Officer or a Community authorized officer. If an officer has reason to believe that a person subject to tribal authority has violated a provision of this Ordinance, the officer may issue a citation to that person and shall file a copy with the Tribal Court. A duly issued citation shall be considered the complaint and shall include the summons/notice to appear. A duly issued citation may be served personally on the alleged violator or by certified mail.

7.8 Contents of Citation

When a Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer issues a citation, a duplicate copy of the citation shall be provided to the alleged violator. The following must be included in the citation:

- (A) the name and address of the person cited;
- (B) his or her driver’s license number;
- (C) the tribal hunting or fishing license number if applicable;
- (D) the specific offense charged;
- (E) the date, time, and place the infraction occurred;
- (F) the date on which the citation was issued;
- (G) appropriate contact information for the Tribal Court;

- (H) whether the offense is subject to a mandatory court appearance or a payable fine;
- (I) summons/notice to appear that include separate procedures for violations that require a mandatory court appearance and violations that are subject to a payable fine; and
- (J) certification that the officer issuing the citation believes that the person cited committed the infraction.

7.9 Mandatory Court Appearances

The following individuals shall be subject to a mandatory court appearance: individuals charged with a Class A Fish and Game Offense; individuals that may be subject to civil forfeiture pursuant to Section 7.5 of this Chapter; or individuals that may be subject to license suspension pursuant to Section 7.6 of this Chapter. The Tribal Court shall schedule an initial hearing upon receiving a citation for an offense subject to a mandatory court appearance. A Notice of Initial Hearing shall be served personally on the alleged violator or by other means established by the Court. The Notice of Initial Hearing shall include a copy of the citation/complaint and shall state that a failure to appear at the initial hearing will result in a default judgment. Copies of the Notice of Initial Hearing shall also be provided to the involved officers and the Business Council.

7.10 Payable Fines

All other violations not specifically addressed in Section 7.9 of this Chapter shall be subject to payable fines. Individuals charged with an offense subject to a payable fine must comply with one of the following options within thirty (30) days of receipt of the citation:

- (A) **Payment.** An individual may pay the full amount of a payable fine for each violation within thirty (30) days of receipt of the citation. The payment of a payable fine shall be considered an admission of guilt but shall relieve the alleged violator of any additional requirements and the case against him/her shall be closed. Payment may be made by check payable to the Shakopee Mdewakanton Sioux Community and should include the citation number(s) on the front of the check. Checks may be mailed, or hand delivered to the Tribal Court.
- (B) **Contest the Citation.** An individual charged with an offense subject to a payable fine may contest the citation by providing written Notice of Contest to the Tribal Court within thirty (30) days of receipt of the citation. Following receipt of a written Notice of Contest, the Tribal Court shall schedule an initial hearing. A Notice of Initial Hearing shall be served personally on the alleged violator or by other means established by the Court. The Notice of Initial Hearing shall state that a failure to appear at the initial hearing will result in a default judgment against the alleged violator. Copies of the Notice of Initial Hearing shall also be provided to the involved officers and the Business Council.

7.11 Failure to Appear

Any person who fails to appear before the Tribal Court for a mandatory court appearance, or who has not paid the designated fine or filed a Notice of Contest for a payable fine within thirty (30) days of receipt of the citation, shall be subject to a default judgment. Any person with an outstanding Fish and Game judgment against him or her shall not be eligible to receive licenses pursuant to this Ordinance until such judgment is fulfilled. He or she may also be subject to the civil contempt powers of the Court.

7.12 Subsequent Civil Proceedings

Proceedings subsequent to the issuance of a citation, including enforcement proceedings upon any judgment granted and appeals, shall be conducted in conformity with this Ordinance and with rules adopted by the Shakopee Mdewakanton Sioux Community Tribal Court.

7.13 Enforcement of State Laws

The Tribal Court of the Shakopee Mdewakanton Sioux Community shall be the preferred venue for enforcement actions brought pursuant to this Ordinance. Every effort should be made to prosecute Community members in Tribal Court. However, Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer may, in certain circumstances, issue citations under Minnesota law. If the Tribal Conservation/Tribal Law Enforcement Officer or a Community-authorized officer issues a citation related to Minnesota law, she or he shall exercise authority as a state, or local law enforcement officer only. If a Community-authorized or the Tribal Conservation/Tribal Law Enforcement Officer issues a citation under Minnesota law, the officer shall notify the appropriate federal, state, or local law enforcement agency and take the steps necessary for the case to proceed in the Minnesota court system set forth in the requisite mutual aid agreement.