

# St. Croix Chippewa Indians of Wisconsin

24663 Angeline Avenue • Webster, WI 54893 • (715) 349-2195 • Fax (715) 349-5768

## ST. CROIX TRIBAL COUNCIL RESOLUTION NO. 09.12-2024.04

### ADOPTION OF AMENDMENTS TO ST. CROIX CHIPPEWA INDIANS OF WISCONSIN, TITLE 7, CHAPTER 1, NATURAL RESOURCES

**WHEREAS**, the St. Croix Chippewa Indians of Wisconsin (the “Tribe”) is federally recognized Indian Tribe duly organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 5123, as amended, and established pursuant to the Revised Constitution and By-Laws adopted by the Tribe on July 6, 2023, and approved by the Secretary of the Interior on December 15, 2023; and

**WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the governing body of the Tribe is the Tribal Council (the “Tribal Council”); and

**WHEREAS**, Article V, Section 1(a) of the Constitution and By-Laws of the Tribe grants the Tribal Council the authority to negotiate with federal, state, and local governments on all matters affecting the welfare of the members of the Tribe; and

**WHEREAS**, Article V, Section 1(f) of the Constitution and By-Laws of the Tribe grants the Tribal Council the authority to regulate its own procedure, to appoint boards or committees, and to delegate to such subordinate agencies such powers as may be necessary in the performance of the duties assigned to them, reserving the right to review any action taken by virtue of such delegated power; and

**WHEREAS**, the Tribe established the St. Croix Chippewa Indians of Wisconsin Natural Resources Code (the “Natural Resources Code”), previously known as the St. Croix Reservation Natural Resources Code via Resolution No. 09.06.86.02 on October 6, 1986, which was amended November 11, 1991, via Resolution No. 11.11.91.02; and

**WHEREAS**, the Tribal Council has determined that the Natural Resources Code needs further amendment to better address the needs of the Tribal Membership and the Tribe; and

**WHEREAS**, the St. Croix Environmental, Natural Resources, and Tribal Utilities Department, St. Croix Tribal Police, and other departments collaboratively proposed revisions to the Natural Resources Code which was presented to the Tribal Council; and

**WHEREAS**, the Tribal Council has reviewed the proposed revisions and intends to adopt the aforementioned amendments in its entirety;

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council, on behalf of the Tribe, hereby adopts in its entirety the attached St. Croix Chippewa Indians of Wisconsin, Title 7, Chapter 1, Natural Resources Code, which will replace all previously adopted version(s).

# St. Croix Chippewa Indians of Wisconsin

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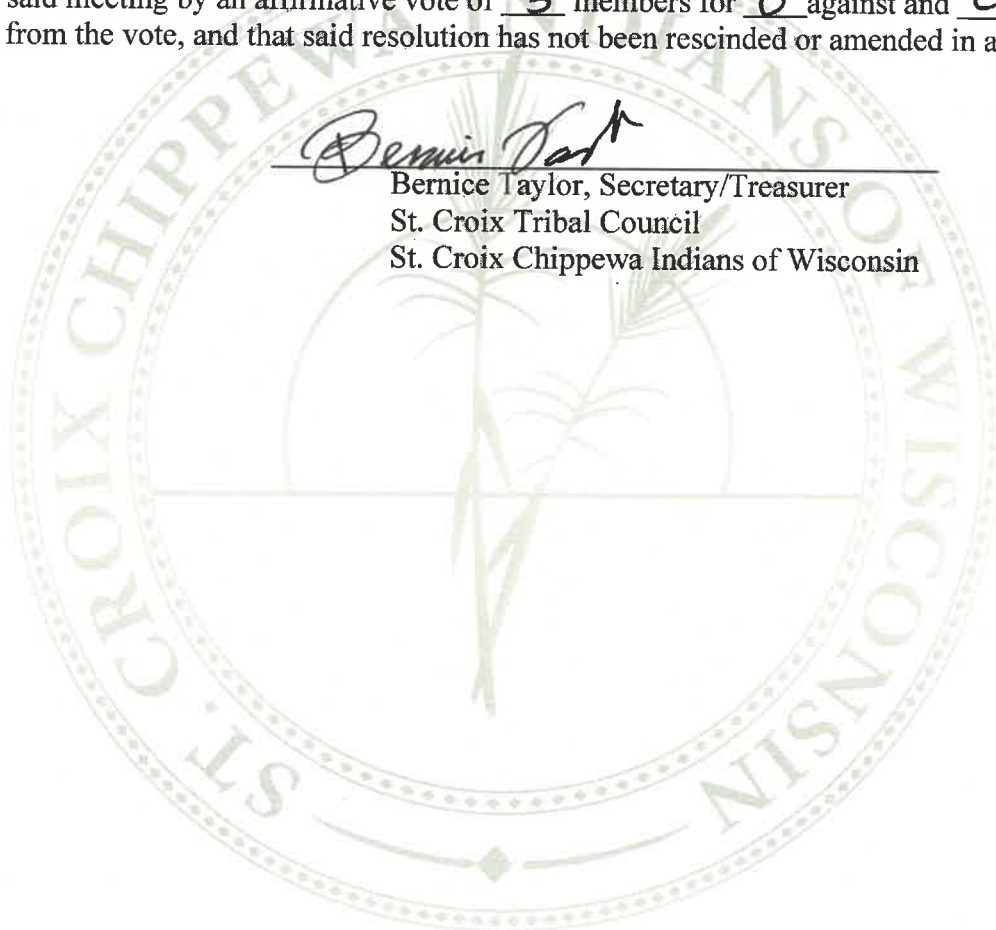
**BE IT FINALLY RESOLVED**, that the amendments to the St. Croix Chippewa Indians of Wisconsin, Title 7, Chapter 1, Natural Resources Code shall be effective immediately and shall be distributed to all appropriate departments and posted on the Tribe's website.

## CERTIFICATION

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council hereby certify that the Tribal Council is composed of five (5) members of whom 5 were present, constituting a quorum at a meeting duly called, convened and held this 12<sup>th</sup> day of September, 2024 and that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members for 0 against and 0 member abstaining from the vote, and that said resolution has not been rescinded or amended in any way.



Bernice Taylor, Secretary/Treasurer  
St. Croix Tribal Council  
St. Croix Chippewa Indians of Wisconsin



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**Thomas Fowler**  
Chairman  
Maple Plain

**Richard Benjamin**  
Vice-Chairman  
Danbury

**Bernice Taylor**  
Secretary/Treasurer  
Sand Lake

**Georgia Cobenais**  
Representative  
Round Lake

**Conrad St. John**  
Representative  
Sand Lake

**ST. CROIX CHIPPEWA INDIANS OF WISCONSIN  
TITLE 7  
CHAPTER 1  
NATURAL RESOURCES CODE**

**Resolution No.** 09.12.2024.04

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*Legislative History:*

*Established on October 6, 1986 via Resolution No. 09.06.86.02*

*Amended on November 11, 1991 via Resolution No. 11.11.91.02*

*Amended on September 12, 2024 via Resolution No. 09.12.2024.04*

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## **ARTICLE I – GENERAL PROVISIONS**

### **7 S.C.T.C. § 01.01(1) Title**

This Ordinance shall be known as the St. Croix Chippewa Indians of Wisconsin Natural Resources Code.

### **7 S.C.T.C. § 01.01(2) Authority**

This Ordinance is enacted pursuant to the Constitution and Bylaws of the St. Croix Chippewa Indians of Wisconsin. Article IV of the Constitution and Bylaws provides that the St. Croix Council (the “Tribal Council”) is the governing body of the St. Croix Chippewa Indians of Wisconsin and Article V, Section (f) grants the Tribal Council authority to regulate its own procedure, to appoint boards or committees, and to delegate to such subordinate agencies such powers as may be necessary in the performance of the duties assigned to them, reserving the right to review any action taken by virtue of such delegated power. Article V, Section (g) provides that the Tribal Council has the authority to establish a Tribal Court for purposes of enforcing tribal ordinances.

### **7 S.C.T.C. § 01.01(3) Purpose**

The purpose of this Ordinance is to:

- (a) Provide an orderly system for the control and regulations of hunting, fishing, and gathering on the lands and waters of the St. Croix Reservation by members and non-members of the St. Croix Chippewa Indians of Wisconsin;
- (b) Provide a means to promote the conservation and management of reservation wildlife resources under the authority of the St. Croix Tribal Council; and
- (c) Provide a means for the control and regulation of other outdoor recreational activities under the authority of the St. Croix Tribal Council.

### **7 S.C.T.C. § 01.01(4) Effective Date**

This Code shall be effective upon the accompanying resolution adopted by the St. Croix Chippewa Indians of Wisconsin Tribal Council.

### **7 S.C.T.C. § 01.01(5) Severability and Non-Liability**

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its employees and / or agents from any action or damages that may occur as a result of enforcement of this Ordinance.

## ARTICLE II – DEFINITIONS

### 7 S.C.T.C. § 01.02(1) Definitions

For purpose of this Ordinance, except where otherwise specifically provided, or where the context otherwise requires, the following definitions shall apply:

- (a) “*All terrain vehicle*” means any motorized vehicle designed for or capable of travel over unimproved terrain;
- (b) “*Closed season*” means the period of time during which the taking of wildlife is prohibited;
- (c) “*Commission Member*” means a member of the St. Croix Natural Resources Commission;
- (d) “*Fishing*” means the act of possessing or attempting to possess aquatic wildlife by any means;
- (e) “*Gathering*” means to take or acquire forest products other than timber forest products including but not limited to: roots, berries, fruits, nuts, seeds, flowers, and other plants;
- (f) “*Hunting*” means to take any bird or animal by any means other than trapping;
- (g) “*Middle Deer Season*” means the deer season beginning on the Saturday preceding the Thanksgiving Day holiday and continuing for at least nine (9) consecutive days or longer if the State of Wisconsin extends its regular gun season;
- (h) “*Non-Member*” means an individual who is not enrolled with the St. Croix Chippewa Indians of Wisconsin;
- (i) “*Open season*” means the period of time during which the taking of wildlife by legal means is permitted;
- (j) “*Possession limit*” means the maximum number of wildlife which may be legally possessed by any one person at a given point of time;
- (k) “*Protected species*” means those species that the Wisconsin Department of Natural Resources has designated as protected or endangered unless changed or altered by regulation or proclamation by the St. Croix Natural Resources Commission;
- (l) “*Recreational vehicle*” means any all-terrain vehicle engaged in off-highway recreational use;
- (m) “*Reservation*” means any lands proclaimed by the Secretary of the Interior to be reservation lands held in trust for the St. Croix Chippewa Indians of Wisconsin or any lands held in trust by the United States for the benefit of the Tribe;



- (n) “*St. Croix*” or “*Tribe*” means the St. Croix Chippewa Indians of Wisconsin;
- (o) “*St. Croix lands*” means both the reservation and fee lands owned by the Tribe;
- (p) “*St. Croix Natural Resources Commission*” or “*Commission*” means the Commission established for purposes of promulgating this Ordinance;
- (q) “*St. Croix Police Department*” means the department created to serve as the Law Enforcement Agency for the Tribe;
- (r) “*Tag*” means a card, label, or other identification device issued for attachment to the carcass of any wildlife;
- (s) “*Tribal Council*” means the elected governing body of the St. Croix Chippewa Indians of Wisconsin in accordance with the Constitution and By-Laws of the Tribe;
- (t) “*Tribal Court*” means the St. Croix Chippewa Indians of Wisconsin Tribal Court established pursuant to Tribal Council Resolution No. 84.03.19.01, as amended, and having jurisdiction over this Ordinance;
- (u) “*Tribal Identification*” means a valid tribal identification card issued by the St. Croix Chippewa Indians of Wisconsin;
- (v) “*Tribal Member*” means an enrolled individual of the St. Croix Chippewa Indians of Wisconsin;
- (w) “*Tribal Warden*” means the law enforcement officer tasked with enforcement of this Ordinance;
- (x) “*Wildlife*” means all varieties of wild animals or birds.

### **ARTICLE III – WARDENS**

#### **7 S.C.T.C. § 01.03(1) Tribal Wardens**

Tribal Wardens shall possess those qualifications as established by the St. Croix Natural Resources Commission and shall obtain appropriate certifications and pass any required background checks.

#### **7 S.C.T.C. § 01.03(2) Tribal Police Department**

In the event a Tribal Warden is not appointed the St. Croix Tribal Police Department shall cover the duties and responsibility under this Ordinance.

### **7 S.C.T.C. § 01.03(3) Warden Powers**

St. Croix Tribal Wardens are police officers for purposes of enforcing the provisions of this Ordinance and any proclamations or other regulations issued hereunder. St. Croix Tribal Wardens may exercise those powers authorized by the Tribal Council through the adoption of an ordinance defining said powers, in addition to:

- (a) To require the submission of information as to the size and locale of harvest of natural resources, both from Tribal Members and Non-members;
- (b) To require the production of permits, applicable licenses, and identification from both Tribal Members and Non-members hunting, fishing, and gathering on St. Croix lands;
- (c) Issuing citations to Tribal Members and Non-Members in violation of this Ordinance or the Off-Reservation Conservation Code;
- (d) To confiscate equipment, fish, animals, plants and other natural resources, of both Tribal Members and Non-members; and
- (e) To conduct all powers for the purpose of enforcing of this Ordinance or the Off-Reservation Conservation Code.

## **ARTICLE IV – GENERAL REGULATIONS**

### **7 S.C.T.C. § 01.04(1) St. Croix Natural Resources Commission**

The St. Croix Natural Resources Commission shall consist of not more than three (3) people selected from the St. Croix Environmental and Natural Resources Department, St. Croix Tribal Police Chief, St. Croix Community members, or the Tribal Council. The Tribal Council may elect to have a St. Croix Natural Resources Commissioner rather than a full Commission.

- (a) The Commission members shall serve until they are removed by the Tribal Council or resign from the Commission.
- (b) The Commission should meet with the appropriate departments to determine permitting amounts based upon the biological and cultural impact of wildlife subject to the permitting and may consult with appropriate departments as outlined in 7 S.C.T.C. § 01.04(2).

### **7 S.C.T.C. § 01.04(2) St. Croix Natural Resources Commission Consultation**

The St. Croix Natural Resources Commission may consult with the St. Croix Legal Department and shall consult with the St. Croix Environmental and Natural Resource Department for the biological impact, or any biological questions regarding any wildlife unless an employee from the Natural Resource Department who can answer their questions is a Commission member. The St. Croix Natural Resources Commission may consult with any other appropriate department as needed.

### **7 S.C.T.C. § 01.04(3) Adopted Regulations**

From time-to-time, the Tribal Council may adopt or modify regulations governing hunting and fishing, gathering activities on St. Croix lands. These duly adopted regulations may be either temporary or permanent and shall be made available to the public. When these duly adopted regulations are posted they shall have the force of law.

### **7 S.C.T.C. § 01.04(4) Natural Resources Commission Recommendations**

The Natural Resources Commission shall propose appropriate regulations to the Tribal Council, which, when adopted by the Tribal Council either with or without amendments, shall have the force of law on St. Croix lands.

### **7 S.C.T.C. § 01.04(5) Regulations**

The following regulations shall be adopted by the Tribal Council:

- (a) Establish seasons on any species of wildlife in any specific reservation locality or localities. Said seasons shall be based on a finding that such action is necessary either to assure maintenance of an adequate supply of a species or to effectuate proper wildlife management and control;
- (b) Established closed or open lakes, streams and refuges, specified localities or parts thereof, to angling, trapping, hunting or gathering and to regulate and prescribe the means by which wildlife may be taken as in its judgment may be best to perpetuate, restore, increase or control any species of wildlife and assure an adequate supply thereof;
- (c) Prescribing the manner and means of taking or transportation of any wildlife, including, but not limited to, the type or kinds of bait, lures, tackle, equipment, traps, firearms and weapons, tagging of game or fish or parts thereof, or any other means or device for taking such wildlife;
- (d) Establishment of refuges or sanctuaries for game, game birds, fish, or fur bearing animals. All boundary lines shall be posted at the usual place of ingress with signs bearing the title of the St. Croix Tribe;
- (e) Establish fees for licenses, permits, tags, special hunting seasons;
- (f) Establishment of rules and regulations governing the operation of boats upon waters located within the St. Croix Reservation. Said rules and regulations shall conform with the established rules and regulations of the United States Coast Guard where applicable;
- (g) Establishment of rules and regulations governing the operation of all terrain and recreational vehicles on Tribal lands;

- (h) Establishment of rules and regulations governing gathering within St. Croix lands;
- (i) Establishment of rules and regulations for Timber harvesting within St. Croix lands and in accordance with applicable laws; and
- (j) Establishment of rules and regulations governing the trapping of animals within St. Croix lands.

**7 S.C.T.C. § 01.04(6) DNR Regulations Apply**

Where not inconsistent with this Ordinance, regulations of the Wisconsin Department of Natural Resources governing open seasons, bag limits, and methods of hunting shall apply to Non-members hunting, fishing, or gathering under this Ordinance.

**7 S.C.T.C. § 01.04(7) Off-Reservation Model Code**

This Ordinance shall govern the hunting, fishing, and gathering activities both on-reservation and on fee lands owned by the Tribe. Where this Ordinance is vague or less restrictive than the Tribe's Off-Reservation Conservation Code, the Off-Reservation Conservation Code shall apply on fee lands owned by the Tribe.

**7 S.C.T.C. § 01.04(8) Wisconsin Regulations**

This Ordinance shall govern the hunting, fishing, and gathering activities both on-reservation and on fee lands owned by the Tribe for non-members. Where this Ordinance is vague or less restrictive than Wisconsin regulations, Wisconsin regulations shall apply in addition to this Ordinance to non-members.

**7 S.C.T.C. § 01.04(9) Protected Species**

No person shall hunt, fish, trap or gather any of the following species: paddlefish, spoonbill catfish, marten, wolverine, badger, flying squirrel, timber wolf, lynx, cougar, moose, homing pigeon or any wild bird, except those species whose harvest is specifically regulated pursuant to the provisions of this Ordinance.

**7 S.C.T.C. § 01.04(10) Publication of Regulations**

All regulations shall be made publicly available. This includes all temporary and permanent rules governing hunting, fishing, and gathering.

## **ARTICLE V – HUNTING REGULATION**

**7 S.C.T.C. § 01.05(1) Hunting Permit Requirement**

All persons hunting within the lands owned by the Tribe, must have a valid permit duly approved through the Natural Resource Commission.

(a) Permit Application. The permit application must be completed fully and include the following information:

1. The name and address of the person applying for a permit;
2. The dates the person intends to hunt;
3. General location of the hunting (i.e. Big Round Lake, Big Sand Lake, Danbury, or Maple Plain);
4. The species the person intends to hunt;
5. Evidence of Hunter Education or exception in accordance with 7 S.C.T.C. § 01.05(5)(a);
6. Other information requested on the Permit Application; and
7. Signed by the applicant.

(b) Application Fee. The permit application must be accompanied with the application fee in order for it to be reviewed for approval by the Natural Resource Commission.

1. Tribal Members may request a waiver of the Application Fee upon producing a valid St. Croix Tribal ID.

(c) Approval. The Natural Resource Commission shall review applications and approve applications based upon the biological impact of the harvest, number of permits already approved, and other relevant factors. Notice of the decisions shall be provided to the Applicant as soon as possible.

#### **7 S.C.T.C. § 01.05(2) Hunting License Requirement**

All persons while hunting any type of wildlife on St. Croix lands, are required to have in their possession a St. Croix permit to the type of hunting involved, a valid hunting license (either a tribal hunting license or state hunting license), and a valid photo identification card.

#### **7 S.C.T.C. § 01.05(3) Sharing of Permits and Tags**

No person shall lend, share, give, sell, barter or trade, or offer to lend, share, give, sell, barter or trade to any person any identification document, permit, or tag issued by the Tribe pursuant to this ordinance.

#### **7 S.C.T.C. § 01.05(4) Hunter Age Requirements**

No parent, guardian or other person shall authorize or knowingly permit or encourage a child under sixteen (16) years of age to violate the following hunter age requirements:

- (a) Persons Under Age 10. No person under ten (10) years of age may hunt while possessing a firearm, bow and arrow, or crossbow.

- (b) Persons Age 10 – 12. No person between age ten (10) and twelve (12) may hunt while possessing a firearm, bow and arrow, or crossbow unless at all times while hunting, the person is a mentored hunter who meets the requirements of 7 S.C.T.C. § 01.05(6), or the person is participating in a Tribal Youth Hunt.
- (c) Persons Age 12 – 14. No persons between age twelve (12) and fourteen (14) may hunt while possessing a firearm, bow and arrow, or crossbow unless the person is accompanied by a parent, guardian, or other adult designated by a parent or guardian.
- (d) Persons Age 14 – 16. No persons between age fourteen (14) and sixteen (16) may hunt while possessing a firearm, bow and arrow, or crossbow unless the person has been issued a certificate of accomplishment under a hunter education and firearm safety course or is accompanied by a parent, guardian, or other adult designated by a parent or guardian; except that persons age fourteen (14) and fifteen (15) participating in a Tribal Youth Hunt must be accompanied by a parent, guardian, or other adult designated by a parent or guardian.

#### **7 S.C.T.C. § 01.05(5) Hunter Education Requirements**

No person born on or after January 1, 1977 may hunt while possessing a firearm, bow and arrow, or crossbow unless the person has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course.

- (a) Exceptions. A person may hunt while possessing a firearm, bow and arrow, or crossbow without having been issued a certificate of accomplishment from a tribal hunter education and firearm safety course when:
  - 1. The person has a certificate, license, or other evidence indicating that he or she has completed a hunter safety course offered by another tribe, state, or province and the course is substantially similar to the Tribe's hunter safety course; or
  - 2. The person has successfully completed basic training in the U.S. Armed Forces, Reserves, or National Guard; or
  - 3. The person is hunting with a mentor who meets the requirements as specified in 7 S.C.T.C. § 01.05(6).

#### **7 S.C.T.C. § 01.05(6) Mentored Hunting**

While mentored hunting, only one firearm, bow and arrow, or crossbow can be possessed jointly between the mentored hunter and the mentor.

- (a) Mentored Hunter. No person ten (10) years of age or older may hunt with a mentor unless all of the following requirements are met:
  - 1. No person shall hunt without possessing a valid permit as this ordinance may require for the particular type of activity to be engaged in for the particular season in question;

2. No person shall hunt without possessing a valid carcass tag, except as otherwise provided in this ordinance;
3. The mentored hunter may only hunt while within arm's reach of a mentor;
4. The mentored hunter must follow all other restrictions as provided in the ordinance; and
5. A ten (10) and eleven (11) year old may only hunt under these mentorship requirements, even if they already completed hunter education.

(b) Mentor. No adult may serve as a qualified mentor for a hunter unless all of the following requirements are met:

1. The adult must be parent or guardian of the mentored hunter for whom he or she is serving as a mentor or is an adult member authorized by the parent or guardian to serve as a mentor;
2. At all times while serving as mentor, the mentor must be in arm's reach of the person for whom he or she is serving as a mentor;
3. If born on or after January 1, 1977 the mentor must have been issued a certificate of accomplishment under a tribal hunter education and firearm safety course, unless one of the exceptions as specified in 7 S.C.T.C. § 01.05(5)(a) applies;
4. The mentor must possess a valid harvesting permit for the particular type of activity to be engaged in for the particular season in question and such other license as required by law.

#### **7 S.C.T.C. § 01.05(7) Tribal Youth Hunts**

Persons aged ten (10) to fifteen (15) may participate in Tribal Youth Hunts while in possession of a valid permit and while accompanied by an adult as specified in subsection (a) or (b) as applicable:

(a) Youth members aged ten (10) to eleven (11) years old, and twelve (12) to fifteen (15) years old, without a certificate of accomplishment under a tribal education and firearm safety course or similar certificate issued by another tribe, state or province, may participate in Tribal Youth Hunts under the following conditions:

1. The youth member is accompanied by a parent, guardian or other adult member designated by a parent or guardian;
2. The parent, guardian or adult member may only accompany one youth member aged ten (10) to fifteen (15) at the same time, unless the second youth member is at least twelve (12) years old and has been issued a certificate of accomplishment under a tribal education and firearm safety course or similar certificate issued by another tribe, state or province;
3. The parent, guardian or adult member may not hunt while participating in a Tribal Youth Hunt;
4. The parent, guardian or adult member participating in a Tribal Youth Hunt must remain in arm's reach of the youth member;

5. The parent, guardian or adult member born after January 1, 1977, must have been issued a certificate of accomplishment under a tribal hunter education and firearm certification course unless one of the exceptions in 7 S.C.T.C. § 01.05(5)(a) applies; and
  6. No more than one firearm, bow and arrow, or crossbow may be possessed jointly between the parent, guardian or adult member and the youth member.
- (b) Youth members aged twelve (12) to fifteen (15) with a certificate of accomplishment under a tribal education and firearm safety course or similar certificate issued by another tribe, state or province, may participate in Tribal Youth Hunts under the following conditions:
1. The youth member is accompanied by a parent, guardian or other adult member designated by a parent or guardian;
  2. The parent, guardian or adult member may accompany no more than two youth members aged twelve (12) to fifteen (15) years old, as long as both have been issued a certification of accomplishment of a tribal education and firearm safety course or similar certificate issued by another tribe, state or province;
  3. The parent, guardian or adult member may not hunt while participating in a Tribal Youth Hunt;
  4. The parent, guardian or adult member participating in a Tribal Youth Hunt must remain in arm's reach of the youth member(s); and
  5. No more than one firearm, bow and arrow, or crossbow per youth member in the group, may be possessed collectively among the parent, guardian or adult member and youth members.

**7 S.C.T.C. § 01.05(8) Ceremonial or Religious Use of Natural Resources**

Nothing in this Ordinance shall prohibit the use of any resource otherwise subject to the provisions of this Ordinance which is harvested, taken, or otherwise obtained for religious or ceremonial purposes in accordance with the traditions and customs of the Tribe and with the consent of the Tribe's governing body, or its designee.

- (a) In reviewing and taking action on any request for religious or ceremonial harvest, the Tribe's governing body, or its designee, shall take into account the biological impact of the harvest and shall ensure compliance with the provisions applicable to ceremonial harvest of the various court decisions, orders and stipulations entered into as part of the court case Lac Courte Oreilles Band, et. al. v. State of Wisconsin, et. al, Case No. 74-C-313 (United States District Court, Western District of Wisconsin).
- (b) No person shall fail to comply with the terms and conditions of a permit issued pursuant to this section.



**7 S.C.T.C. § 01.05(9) Group Hunting**

Group hunting means when two (2) or more persons are lawfully hunting in a group. All persons in the group must have their own valid permit and comply with applicable laws.

**7 S.C.T.C. § 01.05(10) Non-member Shining**

No non-member may use or possess with intent to use a light for shining deer, elk, or bear while the person is hunting deer, elk, or bear in possession of a firearm, bow and arrow, or crossbow.

**7 S.C.T.C. § 01.05(11) Non-member Baiting**

No non-member may bait while hunting. Baiting means the placing, exposing, depositing, distributing, or scattering of corn, wheat, grain, salt, apples, or other feed as to lure, attract, or entice wildlife to an area where hunters are attempting to take them.

**7 S.C.T.C. § 01.05(12) Hunting While Intoxicated**

No person shall hunt with a firearm, bow and arrow, or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such weapon, or while a person has any blood alcohol concentration.

**7 S.C.T.C. § 01.05(13) Felon Hunters**

Any person who is a convicted felon, is prohibited from hunting using a firearm. A convicted felon may hunt with a bow and arrow, crossbow, or other allowable weapon unless otherwise ordered by a court with competent jurisdiction. In accordance with Wisc. Stat. § 167.31(1)(c) a “firearm” means a weapon that acts by force of gunpowder.

**7 S.C.T.C. § 01.05(14) Color of Clothing**

During the middle deer season and any Tribal Youth Hunt, no member shall hunt any wild animal except waterfowl unless at least 50% of the member's outer clothing above the waist is of one or more of the following highly visible colors commonly referred to as blaze orange (also referred to as hunter orange, fluorescent orange, flame orange, fluorescent blaze orange) or blaze pink/fluorescent pink.

**ARTICLE VI – MEMBER FISHING**

**7 S.C.T.C. § 01.06(1) Fishing License Requirement**

All members while fishing within the lands owned by the Tribe or fishing from the shores of lands owned by the Tribe, are not required to have in their possession a St. Croix fishing license, their Tribal ID shall act as their fishing license.

**7 S.C.T.C. § 01.06(2) Fishing Amount**

All members while fishing pursuant to this Article, may take a reasonable number of fish to feed their household. Members may fish for other households with their permission.

- (a) Members may use fyke nets to obtain a reasonable number of fish. The fyke net may not be permanently set. A member is in violation of this provision if a fyke net is left for more than 48 hours, or causes or may cause biological harm.
- (b) A member may use gill nets to obtain a reasonable number of fish. The gill net may not be permanently set. A member is in violation of this provision if a gill net is left for more than 48 hours, or causes or may cause biological harm.
- (c) All nets must have markings that indicate who the nets are owned by with a first initial and last name. In the event that a member shares a first initial and last name with another member the net must be indicated in a way to clearly delineate who the net belongs to.
- (d) In either scenario the St. Croix Natural Resource Commission shall determine whether a take is causing or may cause biological harm.

**7 S.C.T.C. § 01.06(3) Commercial Fishing Prohibited**

Members may not use this Article for commercial fishing. Members may only waive the licensing process when fishing for their household or another member's household.

**7 S.C.T.C. § 01.06(4) Sale of Fish**

Members may sell a portion of their fish but may not take a large number of fish purely for sale. It shall be unlawful for members to utilize this Ordinance to fish purely or majorly for the sale of fish.

**7 S.C.T.C. § 01.06(5) Fishing Restrictions**

It shall be unlawful for any members to:

- (a) Use goldfish or alewife for bait;
- (b) Transport live fish into or within lands owned by the Tribe, with the exception of minnows;
- (c) Leave any fish line unattended;
- (d) Fish within areas posted against fishing by official signs;
- (e) Release unused minnows or other bait fish obtained from a different lake or purchased from a bait seller; and

- (f) Take fish by firearms or gun.

**7 S.C.T.C. § 01.06(6) Bait Restrictions**

All members fishing within the lands owned by the Tribe or fishing from the shores of lands owned by the Tribe, may not possess more than 600 minnows. The purpose of this provision is to restrict transmittable diseases between fish and should be interpreted to minimize the spread of transmittable diseases. In addition, the follow restrictions apply to bait:

- (a) It is unlawful to transport any live fish or live fish eggs away from any waters with the exception of bait fish obtained from a Wisconsin bait dealer whose bait may be used on one water;
- (b) It is unlawful to use dead fish, fish eggs, or fish parts as bait unless the bait was preserved in a method that does not require freezing or refrigeration which may only be used on one water;
- (c) It is unlawful to possess or use bait obtained outside of Wisconsin; and
- (d) All other live bait methods may only be used on one body of water.

**7 S.C.T.C. § 01.06(7) Ice Fishing Shelters**

All enclosed shelters may be used provided the door is readily opened from the outside when occupied; the legible name and address of the owner is permanently affixed on the outside with each letter being a minimum of one inch square in size; and the shelter is removed from ice on or before March 15 or otherwise provided by the Tribe. Portable shelters may be used after the above dates by persons actively engaged in fishing. Such shelters shall be removed daily when not in use.

**7 S.C.T.C. § 01.06(8) Ice Fishing Holes**

All member ice fishing holes shall be no larger than twelve (12) inches in diameter or square for taking fish in any manner through the ice, except for dip netting, the taking of minnows, by minnow traps, winter spearing, or skin diving.

**7 S.C.T.C. § 01.06(9) Possession and Use of Nets for Rough Fish**

All members fishing or netting for rough fish within the lands owned by the Tribe or fishing from the shores of lands owned by the Tribe must comply with the following provisions:

- (a) Dip nets not exceeding eight (8) feet in diameter or eight (8) feet square may be used from April 1<sup>st</sup> to May 25<sup>th</sup> from taking smelt and suckers in all streams within lands owned by the Tribe.

- (b) The bag and possession limit for suckers and redhorse taken by dip netting shall be fifty (50) in aggregate per person and no suckers and redhorse so taken shall be sold or bartered in any manner. There shall be no bag limit on other species of rough fish.
- (c) Only one dip net per person is permitted for the taking of rough fish. Such dip net must be attended at all times while in use and such nets shall only be raised and lowered vertically when fishing.
- (d) It is unlawful to fish with hook and line while using a dip net for rough fish or from any boat which has a dip net attached.
- (e) It is unlawful to leave dip nets or seines unattended within twenty-five (25) feet of the edge of waters inhabited by smelt.

**7 S.C.T.C. § 01.06(10) Invasive Species**

All members shall conduct best efforts to reduce the transmission of invasion species including but not limited to:

- (a) Washing off of boats and other water vehicles;
- (b) Not transporting bait, other live fish, or fish eggs, for the purpose of catching fish.

**ARTICLE VII – NON-MEMBER FISHING**

**7 S.C.T.C. § 01.07(1) Fishing License Requirement**

All non-members fishing within the lands owned by the Tribe, fishing from the shores of lands owned by the Tribe, or utilizing any boat launch located on lands owned by or for the Tribe for the purposes of fishing, must have a valid license duly approved through the Natural Resource Commission.

- (a) Application. The permit application must be completed fully and include the following information:
  1. The name and address of the person applying for a license;
  2. The dates the person intends to fish;
  3. General location of the fishing (i.e. Big Round Lake, Big Sand Lake, Danbury, or Maple Plain);
  4. Other information requested on the License Application; and
  5. Signed by the applicant.
- (b) Application Fee. The application must be accompanied with the application fee in order for it to be reviewed for approval by the Natural Resource Commission.

- (c) Approval. The Natural Resource Commission shall review applications and approve applications based upon the biological impact of the harvest, number of licenses already approved, and other relevant factors. Notice of the decisions shall be provided to the Applicant as soon as possible.

**7 S.C.T.C. § 01.07(2) Fishing License Requirement**

All non-members while fishing within the lands owned by the Tribe or fishing from the shores of lands owned by the Tribe, are required to have in their possession a St. Croix fishing license and a valid photo identification card.

**7 S.C.T.C. § 01.07(3) Fishing Restrictions**

It shall be unlawful for any non-members to:

- (g) Take fish by any means other than angling and trolling except as otherwise provided (rough fish may be taken by hand at all times);
- (h) Fish in all waters with more than the allowed lines or with more than one hook or bait per line, as permitted by the State;
- (i) Fish through ice with hook and line with more than the allowed hooks as permitted by the State;
- (j) Fish in trout streams during the closed season for trout except that rough fish can be taken by hand;
- (k) Have in possession or control on waters or on shores of waters at any time a spear or similar device that might be used for the purpose of taking, catching, or killing fish;
- (l) Use goldfish or alewife for bait;
- (m) Transport live fish into or within lands owned by the Tribe, with the exception of minnows;
- (n) Leave any fish line unattended;
- (o) Fish within areas posted against fishing by official signs;
- (p) Release unused minnows;
- (q) Possess or use snag hook, snag line, or snag pole unless specifically provided;
- (r) Keep fish taken by fouling or snagging unless otherwise provided;
- (s) Take fish by firearms or gun;

- (t) Possess any unlicensed set line at any time;
- (u) Possess a live box without legible tag bearing the name and address of the owner or user, but containers carried by anglers are accepted; or
- (v) Sort fish after the legal bag limit is filled.

**7 S.C.T.C. § 01.07(4) Bait Restrictions**

All non-members fishing within the lands owned by the Tribe or fishing from the shores of lands owned by the Tribe, may not possess more than 600 minnows or sell minnows on lands owned by the Tribe. The purpose of this provision is to restrict transmittable diseases between fish and should be interpreted to minimize the spread of transmittable diseases. In addition, the follow restrictions apply to minnows:

- (a) It is unlawful to use minnow, live fish, or live fish eggs for bait unless that bait was taken from the same water or purchased from a Wisconsin bait dealer.
- (b) It is unlawful to use dead fish, fish eggs, or fish parts as bait.
- (c) It is unlawful to use bait that are obtained outside of Wisconsin. This does not apply to minnows that were imported under Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) permit.
- (d) These restrictions shall adjust based on scientific advancements or updated regulations adopted by the State of Wisconsin.
- (e) It is unlawful to transport any live fish or live fish eggs away from any waters with the exception of bait fish obtained from a Wisconsin bait dealer whose bait may be used on one water.
- (f) It is unlawful to use dead fish, fish eggs, or fish parts as bait unless the bait was preserved in a method that does not require freezing or refrigeration which may only be used on one water;
- (g) It is unlawful to possess or use bait obtained outside of Wisconsin; and
- (h) All other live bait methods may only be used on one body of water.

**7 S.C.T.C. § 01.07(5) Ice Fishing Shelters**

All enclosed shelters may be used provided the door is readily opened from the outside when occupied; the legible name and address of the owner is permanently affixed on the outside with each letter being a minimum of one inch square in size; and the shelter is removed from ice on or

before March 15. Portable shelters may be used after the above dates by persons actively engaged in fishing. Such shelters shall be removed daily when not in use.

**7 S.C.T.C. § 01.07(6) Ice Fishing Holes**

All non-member ice fishing holes shall be no larger than twelve (12) inches in diameter or square for taking fish in any manner through the ice, except for dip netting, the taking of minnows, by minnow traps, winter spearing, or skin diving.

**7 S.C.T.C. § 01.07(7) Possession and Use of Nets for Rough Fish**

All non-members fishing or netting for rough fish within the lands owned by the Tribe or fishing from the shores of lands owned by the Tribe must comply with the following provisions:

- (f) Dip nets not exceeding eight (8) feet in diameter or eight (8) feet square may be used from April 1<sup>st</sup> to May 25<sup>th</sup> from taking smelt and suckers in all streams within lands owned by the Tribe.
- (g) The bag and possession limit for suckers and redhorse taken by dip netting shall be fifty (50) in aggregate per person and no suckers and redhorse so taken shall be sold or bartered in any manner. There shall be no bag limit on other species of rough fish.
- (h) Only one dip net per person is permitted for the taking of rough fish. Such dip net must be attended at all times while in use and such nets shall only be raised and lowered vertically when fishing.
- (i) It is unlawful to fish with hook and line while using a dip net for rough fish or from any boat which has a dip net attached.
- (j) It is unlawful to leave dip nets or seines unattended within twenty-five (25) feet of the edge of waters inhabited by smelt.

**7 S.C.T.C. § 01.07(8) Fishing Seasons**

All non-members shall follow the fishing seasons issued by the State of Wisconsin.

**7 S.C.T.C. § 01.07(9) Invasive Species**

All non-members shall conduct best efforts to reduce the transmission of invasion species including but not limited to:

- (a) Washing off of boats and other water vehicles;
- (b) Not transporting bait, other live fish, or fish eggs, for the purpose of catching fish.

## **ARTICLE VIII – GATHERING**

### **7 S.C.T.C. § 01.08(1) Gathering Regulations**

All members shall be allowed to take a reasonable number of plants to feed their household or for ceremonial use. This shall be considered small scale gathering and not require a license.

- (a) Members must carry their tribal id when gathering plants in a small scale for personal use or ceremonial use. But is prohibited from harvesting for commercial sale or profit.
- (b) Gathering should be conducted in a way that is not destructive of the surrounding environment and which does not purposely damage non-harvest products.

### **7 S.C.T.C. § 01.08(2) Sale of Plants**

Members may sell a portion of gathered plants but may not take a large number of plants purely for sale. It shall be unlawful for members to utilize this Ordinance to gather purely or majorly for the sale of plants.

### **7 S.C.T.C. § 01.08(3) Gathering Restriction**

In the interest of preserving the Tribe’s natural environment, the Tribal Council or St. Croix Natural Resource Commission may restrict gathering of a specific species or multiple species in the interest of conservation. In the event gathering of a species is restricted, a public notice shall be made.

### **7 S.C.T.C. § 01.08(4) Harvest of Downed Trees**

The Tribal Council may contract an outside company or permit a tribal department to harvest downed timber. Downed timber may be harvested for sale, reserved for firewood, or other uses. Tribal members may request permission to collect a portion of downed trees for personal use including firewood through the St. Croix Natural Resource Commission or the Tribal Council.

### **7 S.C.T.C. § 01.08(5) Harvest of Timber**

Except in limited circumstances, harvest of timber on the reservation is strictly prohibited. The Tribal Council may from time-to-time consider timber harvest contracts, after determining the harvest is in the best interest of the Tribe, and in accordance with all applicable laws, regulations, and procedures.

- (a) The Tribal Council or the St. Croix Natural Resource Commission may allow for permits to collect white birch, cedar, lodgepoles, birchbark, or other timber products in limited instances for personal or ceremonial uses. Any approved harvest must be in accordance with all applicable laws, regulations, and procedures with special consideration for Bureau of Indian Affairs regulations.



- (b) Off-reservation is the preferred method for collecting timber products but permits may be allowed based on a biological basis but shall be limited only to Tribal Members and for limited amounts.

## **ARTICLE IX – OFFENSES, PENALTIES, AND PROCEDURES**

### **7 S.C.T.C. § 01.09(1) Penalties and Procedures**

Violation of any provision of this Natural Resource Code or any regulation or proclamation issued thereunder by the Tribal Council shall, unless otherwise designated, subject said violator to a civil remedial money penalty, as set forth in the St. Croix Tribal Court Code and may in addition be punishable by revocation of fishing and hunting or other licenses and civil remedial forfeiture of property as set forth in the St. Croix Tribal Court Code. The provisions for penalties herein shall apply to all persons, both members and non-members of the Tribe alike, unless otherwise provided herein. The procedures for the imposition of civil remedial money penalties and civil remedial forfeitures of property are located in the St. Croix Tribal Court Code.

- (a) At the time a complaint is made and/or citation issued for violation of this Code, the enforcing officer may confiscate any fishing equipment, guns or other fishing or hunting equipment or paraphernalia as reasonably appears to have been involved in the Commission of the violation for which the citation was issued or complaint made, and shall give the person from whom such things are taken an itemized receipt for all such confiscated items.
- (b) The officer shall follow those procedures for civil remedial forfeitures of property found in the St. Croix Tribal Court Code.
- (c) Any person found guilty of a violation of this Ordinance shall be assessed a civil remedial money penalty not greater than \$5,000.00 determined by the type of violation, severity of violation, and whether the person has been previously found guilty of violating this Ordinance by the Tribal Court.
- (d) In lieu of a civil remedial money penalty or in addition to the violation of this Ordinance, the Tribal Court may exercise its discretion by ordering the seized equipment or paraphernalia to be permanently seized and the equipment or paraphernalia to become property of the St. Croix Tribal Police Department, or to be disposed of at the discretion of the Tribal Council.
- (e) If the accused person is found by the Tribal Court not to have violated the Ordinance, any seized equipment or paraphernalia shall be immediately returned.
- (f) In lieu of a civil remedial money penalty or in addition to the violation of this Ordinance by a minor child, the Tribal Court may exercise its discretion by ordering the minor child to complete a specified amount in hours of community service.

- (g) Depending on the severity or a person's prior violation(s) of this Ordinance, the Tribal Court may order the suspension of hunting, fishing, gathering, and trapping rights for a period not to exceed two years. The suspension may include both on reservation and off-reservation rights.
- (h) The Tribal Council may adopt a forfeiture schedule to be imposed by the Tribal Court upon a finding that the accused has violated the Ordinance, or if the person enters a plea of no contest to the charge(s).
- (i) Monetary penalties imposed by the Tribal Court under this Ordinance may be collected through wage garnishments, garnishment of individual funds distributed by the Tribe, through community service hours in lieu of monetary payment, through debt collection mechanisms of the Tribal Court or another jurisdiction, or any other method authorized under law.

#### **7 S.C.T.C. § 01.09(2) Enforcement**

Wardens and other law enforcement officers of the Tribe are authorized to enforce the provisions of this Code and any regulations and proclamations issued hereunder and shall act in accordance with the provisions of the St. Croix powers of wardens ordinance.

#### **7 S.C.T.C. § 01.09(3) Offenses**

The following are declared to be general offenses under this Code:

- (a) Carrying or handling firearms while under the influence of alcohol or controlled substances. It is unlawful for any person to carry or use any firearm while under the influence of alcohol or controlled substances.
- (b) Damaging property by gunfire - It is unlawful for any person to knowingly damage any property of the Tribe through negligence or careless use of firearms.
- (c) Exceeding the bag limits and possession - It is unlawful for any person to take or otherwise possess more than the allowed number of wildlife or fish. Bag and possession limits will be established through regulation by the Natural Resource Commission. All wildlife possessed in excess of these limits may be seized and forfeited to the Tribe.
- (d) Careless use of a firearm - It is unlawful for any person to carry, handle or use any firearm in such a manner as to carelessly endanger the life, limb or property of another.
- (e) Hunting or possessing game out of season - It is unlawful for any person, except as authorized by Ordinance, to hunt, kill, wound or otherwise take, capture or have in his possession any big game, or any game bird as herein defined when the season has not been declared open. Hunting seasons will be established by proclamation by the Natural Resource Commission.

- (f) Hunting on wildlife refuges - It is unlawful for any person to knowingly or willfully hunt or otherwise take any game birds or game animals on any posted wildlife refuge or sanctuary unless authorized by the St. Croix Tribal Council.
- (g) Killing or taking protected species - It is unlawful for any person to hunt or otherwise take any protected species, unless authorized by the St. Croix Tribal Council.
- (h) Fishing out of season - Unless otherwise provided by regulation the fishing season will be open the entire year. If limited, fishing out of season will be an offense.
- (i) Planting of fish - It is unlawful for anyone to plant, place or attempt to plant or place any type of fish in any body of water without the authorization of the Tribe.
- (j) Littering - It is unlawful for any person to deposit garbage, refuse, ashes, junk, glass, bottles, cans or any other form of litter or debris anywhere except in containers or dumping grounds which are provided and designated for such use.
- (k) Disobeying a tribal warden - It is unlawful for any person to fail to obey, knowingly flee or obstruct a lawful order given by an authorized officer of the St. Croix Tribe while in the course of performing his duties.
- (l) Loss of license or permit - Any person, knowingly using a lost license, tag or permit is guilty of an offense.
- (m) Making a false statement - It is unlawful for any person to knowingly swear or affirm to any false statement while applying for any type of hunting or fishing license, tag or permit.
- (n) Allowing fires to spread - Any person who makes a campfire or other fire and negligently allows it to spread and do damage to any property shall be deemed guilty of an offense.
- (o) Impersonating a ranger - It shall be unlawful for any authorized person to falsely represent himself to be a warden of the St. Croix Tribe.
- (p) It shall be unlawful to violate any rule or standard declared by a proclamation or regulation of the Natural Resource Commission.