



# WHITE EARTH RESERVATION

**CHAIRMAN** Michael Fairbanks **SECRETARY-TREASURER** Michael LaRoque  
**DISTRICT I** Henry Fox **DISTRICT II** Eugene Sommers **DISTRICT III** Cheryl "Annie" Jackson

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## NOTICE TO TRIBAL MEMBERSHIP

Date: April 12, 2024

From: Laurie York, Executive Director

Re: Draft Conservation Code Amendment, Sections 500.00 – 503.02

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Attached please find the proposed amendment to the above referenced sections of the Conservation Code. Pursuant to White Earth Reservation Business Committee Resolution 001-16-0174, this notice to membership will be posted for a 15-day comment period, ending April 27, 2024. All comments may be made in writing and shall be respectful and constructive. The proposed amendment is currently under consideration by the White Earth Reservation Business Committee.

After completion of the 15-day comment period, all comments will be considered by the White Earth Reservation Business Committee. The comments will be summarized, this summary and summary responses will be publicly posted.

Upon receipt of a final draft, the Executive Director will post another notice to Tribal membership for an additional 15 days, after which the White Earth Reservation Business Committee will consider for a vote at a White Earth Reservation Business Committee work session.

Thank you in advance for your consideration and input.

**White Earth Band of Ojibwe Conservation Code**

**Tamarac National Wildlife Refuge Ordinance**

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## **C.C. 500. 00 General Provisions**

### **§ 500.01 Short Title**

This Section of the White Earth Conservation Code (W.E.C.C.) shall be entitled “Tamarac National Wildlife Refuge Ordinance,” and may be abbreviated as the W.E.C.C. Tamarac Refuge Ordinance.

### **§ 500.02 Repeal and Replace**

1. This ordinance replaces and repeals the former White Earth Conservation Code Chapter 500 titled the Tamarac National Wildlife Refuge Provisions with this new Chapter 500 Tamarac National Wildlife Refuge Ordinance.
2. Enactment of this Ordinance does not void any prior Court order made in reliance on the former version(s) of the Code.

### **§ 500.03 Conflict with other Tribal Laws**

If any provisions of the W.E.C.C. Tamarac Refuge Ordinance conflict with other provisions in the laws of the White Earth Band of Ojibwe, the provisions of this Ordinance shall supersede such other provisions with the exception of the White Earth Judicial Code.

### **§ 500.04 Declaration of Policy**

1. White Earth Tribal Council, also known as the Reservation Business Committee (RBC), recognizes the special and unique nature of the Tamarac National Wildlife Refuge (herein Refuge), and that the Refuge has certain protections under Federal law.
2. White Earth RBC enacted this ordinance for the preservation and protection of tribal members’ inherent and retained rights within the Refuge, and for the protection and enhancement of the Refuge’s natural resources for future generations by establishing standards and regulations for permitting Band member activities within the entirety of the Refuge which allow maximum usage while maintaining populations at a level of regeneration.
3. The Seven Ojibwe principles that guide decisions pursuant to this Ordinance are:
  - a. Gwayakwaadiziwin, honesty;
  - b. Zaagi’idiwin, love;
  - c. Aakode’ewin, courage;
  - d. Debwewin, truth;
  - e. Nibwaakaawin, wisdom;
  - f. Dabaadendiziwin, humility;
  - g. Minaadendamowin, respect.

### **§ 500.05 Purpose of the Ordinance**

1. The purpose of this Ordinance is to establish standards and a process for permitting White Earth Band members’ rights to various activities within the Refuge including ceremonies, leeching, turtling, minnowing, furbearer trapping, gathering, ricing, and wood cutting activities.
2. The purpose of this Ordinance establishes standards and a process for permitting research activities within the entirety of the Refuge as research using material as to which the Tribe has a claim of ownership and with respect to White Earth Tribal members pursuant to White Earth Nation’s Research Code enacted by Resolution No. 001-17-008.

#### **§ 500.06 Applicability and Scope**

1. The Ordinance shall apply to all permitted activities conducted by White Earth Band members within the Refuge contained within this Ordinance.
2. The White Earth RBC recognizes the unique nature of law enforcement and natural resource management responsibilities that WEDNR is tasked with. The WEDNR has a duty to protect and manage natural resources of the Reservation as well as Band members' rights to access resources within the entirety of the Refuge such that WEDNR is authorized to issue permits under this Ordinance, implement, and enforce provisions of this Ordinance subject to the direction and oversight of the White Earth RBC.

#### **§ 500.07 Authority and Sovereign Immunity**

1. White Earth Reservation Tribal Council, as the duly elected governing body of the White Earth Band of Ojibwe enacts this Ordinance pursuant to inherent sovereign authority and in accordance with Article IV, Section I, of the revised Constitution and Bylaws of the Minnesota Chippewa Tribe, as amended, and organized under Section 16, of the Act of June 18, 1934 (48 Stat. 984).
2. Nothing contained in this Ordinance shall be deemed or construed as a waiver, limitation, or modification of the White Earth Reservation's sovereign immunity, and such sovereign immunity is expressly asserted in any action required for the enforcement of this Ordinance.

#### **§ 500.08 Effective Date**

This Ordinance shall take effect immediately upon approval by the White Earth Reservation Business Committee.

#### **§ 500.09 Severability**

If any part of this Ordinance is invalidated, the remainder shall remain in effect.

#### **§ 500.10 Definitions**

For purposes of this ordinance, White Earth Conservation Code (W.E.C.C.) Chapter 101 (1) – (95), applies with respect to definitions used in this ordinance. Relevant and additional definitions as used in this Ordinance are as follows.

1. Alternative permittee: an eligible permittee who assumes primary permittee's or drawing winner's activity when the primary permittee or drawing winner is unable or unwilling to participate in the activity. Must be at least 16 years of age or older, in good standing, and an enrolled member of the White Earth Band.
2. Apprentice: also known as mentored youth, enrolled persons or persons eligible for enrollment in White Earth Band under 16 years of age accompanied by an adult who assumes responsibility of the minor for the purpose of learning a permitted activity on the Refuge.
3. As Is: the existing condition of an area.
4. Authorized Activity: also referred to as permitted activity, regulated conduct through a permit issued in accordance with sections contained in this Ordinance.
5. Aquatic Invasive Species: a non-native animal, plant, or other organism that lives primarily in water and is either causing harm or has the potential to cause harm in an area beyond the organism's native range.
6. Bait: see W.E.C.C. 101(9).
7. Bait fish: see W.E.C.C. 101(10).

8. Band Member: shall mean a person who is enrolled in the White Earth Nation.
9. Ceremonial Use Permit: shall mean a permit to conduct a ceremony within Refuge boundaries that is issued by the White Earth Licensing Department only to enrolled members of the White Earth Band. Ceremonial Use permits shall denote the primary permittee's name, date of birth, enrollment number, current contact information; location of the ceremony, duration, and approximate number of participants. See Section 501, *intra*.
10. Closed Area: a delineated location in the Refuge permanently or seasonally closed to permitted activities.
11. Commercial Leech and Minnow License: see W.E.C.C. Section 1000. Permit for commercial purposes for leeching, minnowing, and turtling.
12. Commercial purposes: see W.E.C.C. 101(23). Note for leeching and minnowing on the Refuge, commercial purposes are considered harvesting more than 144 individual leeches or minnows and requires a commercial permit. See *intra* Section 503.01 and W.E.C.C. Section 1000 for more information.
13. Conservation Officer: see W.E.C.C. Section 101(24).
14. Contempt list: a list of persons with suspensions or permanent loss of eligibility for various permitted activities on the Refuge maintained by WEDNR or authorized representative.
15. Daily limit: see W.E.C.C. 101(26).
16. Dead and downed: trees or broken limbs that have fallen to the ground without human intervention.
17. Designated zone: a determined area that delineates the location in which a permitted activity may occur on the Refuge.
18. Drawing Winner: the primary permittee who wins a lottery drawing for access to a certain designated zone within the Refuge for a specific permitted activity.
19. Fur bearing animal: see W.E.C.C. 101(37).
20. Game animal: see W.E.C.C. 101(38).
21. Game Fish: see W.E.C.C. 101(39).
22. Good cause: substantial and generally unforeseen circumstances beyond a person's control that significantly impact that person.
23. Good standing: as used in this ordinance means eligible for permitted activity because the person's eligibility is not suspended or otherwise found to be in violation of this ordinance, W.E.C.C. or other applicable laws.
24. Guardian: see C.C. Section 101(41).
25. Harvest partner: Also known as helper or associate. Must be 16 years of age or older, in good standing, and have a valid Tribal identification card from the White Earth Band. No more than two persons may be designated as harvest partners. When an activity is permitted, the harvest partner must also have a Refuge harvest permit while participating in the permitted activity.
26. Mushroom: the fruiting portion of fungal growth.
27. Nut: a fruit consisting of a hard shell protecting a usually edible kernel.
28. Natural Resources: see W.E.C.C. Section 101(52).
29. Non-game/rough fish: see W.E.C.C. Section 101(55).
30. Nontimber Forest products: includes any product other than timber that is naturally produced in forested biomes and can be harvested for human use without cutting down trees.
31. Permitted activity: also referred to as authorized activity, regulated conduct through a permit issued in accordance with sections contained in this Ordinance.
32. Personal use: see C.C. Section 101(66), includes all uses other than commercial including ceremonial, educational, and research.

33. Primary Permittee: the person who through a permit or, if applicable a drawing, has been authorized to carry out a specified activity within the Refuge.
34. Research Activity: the definition contained in 05A of White Earth Nation Research Code: the use of systematic methods to gather and analyze information for the purpose of proving or disproving a hypothesis, evaluating concepts or parties or otherwise adding to knowledge and insight in a particular discipline or field of knowledge or to demonstrate or investigate theories, techniques, or practices, including (1) basic and clinical research; (2) behavioral studies; (3) anthropological and archaeological studies; or (4) feasibility and other studies designed to evaluate or test programmatic techniques or to develop basic data in all phases of public administration.
35. Research Natural Area: an area in the Refuge that contains important ecological and scientific values and is managed for minimum human disturbance apart from education and research under federal law, 43 U.S.C. § 8223 et seq.
36. Reservation: see W.E.C.C. Section 101(72).
37. Ricing: see W.E.C.C. Section 101(73).
38. Small game animals: see W.E.C.C. Section 101(77).
39. Slash: unused parts of the tree when cutting firewood such as the limbs and tops.
40. Take or taking: see W.E.C.C. Section 101(83).
41. Tamarac National Wildlife Refuge Harvest Permit: (herein abbreviated as Refuge Harvest Permit) permits issued to eligible White Earth Band enrolled members. The Permit and attachments shall denote what natural resource activity is covered; permittee's: name, date of birth, current contact information, enrollment number; the location or designated zone of the activity; the duration of the activity; and approximate quantity of the targeted resources as well as other relevant information requested by WEDNR.
42. Waterfowl: see W.E.C.C. Section 101(89).
43. White Earth Band: means the White Earth Band of Ojibwe or Minnesota Chippewa Tribes also referred to as White Earth Nation.
44. White Earth Division of Natural Resources (WEDNR): also known as White Earth Natural Resources Department, is the Division of White Earth Nation's government tasked with the responsibility to protect, manage, and enhance the White Earth Nation's natural resources and environment by efficient and effective ways to allow maximum usage while maintaining population at a level capable of regeneration.
45. White Earth Reservation Business Committee (RBC): is the governing body of the White Earth Band of Ojibwe incorporated into the Minnesota Chippewa Tribe through the revised constitution and bylaws enacted pursuant to Section 16 of the Indian Reorganization Act of 1934.
46. White Earth Research Review Board (RRB): a members consisting of a Board instituted pursuant to Resolution No. 001-17-008 to implement the White Earth Nation Research Code.
47. Wilderness Area: protected and defined under federal law in the Wilderness Act, codified as 16 U.S.C. § 1131 et seq.
48. Wood cutting permit: a permit obtained from WEDNR Forestry Division for personal use only to collect dead and down wood in the Refuge.

### **§ 500.11 General Information and Provisions for Activities on the Refuge**

1. Permitted activities may occur only during Refuge open hours from 5 a.m. to 10 p.m. daily unless otherwise authorized by permit.
2. All persons carrying out authorized activities in the Refuge that require access through combination lock systems on gates must return such locks to a closed and locked position when both entering and exiting Refuge trails.

3. Combination locks must be interlocked between the master/best lock and another use lock or one end of the chain in a manner that prohibits entry by unauthorized persons. Failure to do so shall result in penalties. Persons are required to report missing locks or vandalism as soon as practicable upon discovery.
4. Enrolled Band members may be eligible for a waiver to general regulations for a permitted activity through a special permit upon a showing of good cause to WEDNR necessitating the waiver. WEDNR reserves the right to deny such requests when in conflict with cultural understandings, federal or White Earth Tribal laws, or natural resource management practices.
5. Requirements of this Ordinance may be reasonably adjusted as necessary to allow White Earth Band members with different abilities or disabilities to exercise a permitted activity when such persons contact WEDNR at least 48 hours in advance. WEDNR reserves the right to deny such requests when in conflict with cultural understandings, federal or White Earth Tribal laws, or natural resource management practices and no reasonable accommodations can be made.
6. Harvest partners may be changed during the season when the primary permittee or drawing winner immediately informs WEDNR of the change and provides proof the new harvest partner is eligible. WEDNR reserves the right to deny such changes.

#### **§ 500.12 Prohibited, Unlawful, or Restricted Acts on the Refuge**

All prohibited acts contained in W.E.C.C. Section 102.00 Subd.1-17 General Provisions and Prohibited Acts, applies within the Refuge to permitted activities. Each permitted activity may have additional restrictions, refer to the specific activity's section. Refuge specific prohibitions and restrictions are as follows:

1. It is prohibited to litter, leave garbage, or personal property in the Refuge past 10 p.m. each day of the duration of the permit.
2. There is a limited exception for leaving personal property when it is equipment related to an authorized activity such as canoes or person propelled boats, harvesting equipment, or ceremonial structures for the pendency of the activity. Such personal property must be removed by 10 p.m. on the expiration date of the permit. Persons who choose to leave their property during the pendency of a permitted activity assume all liability and do not hold USFWS or WEDNR responsible for any theft or damage as a result.
3. Storing bait or an personal property in a manner likely to entice wildlife and create a nuisance or pose a risk to public safety is prohibited.
4. Unattended traps creates a presumption of endangering others life and property.
5. Licensed automobiles are permitted only on open designated trails and roads.
6. Bicycles are permitted only on county and township roads, Bruce Boulevard and the Blackbird Wildlife Drive.
7. Horses are only permitted on county and township roads.
8. The use of snowmobiles is strictly prohibited.
9. Licensed Off-Road Recreational Vehicles (ORRV), Off-Road Vehicles (ORV) and Off Highway Vehicles (OHV) are permitted on County and Township roads only. Operation of ORRV, ORV or OHV on Refuge roads including administrative trails, Bruce Boulevard and Blackbird Wildlife Drive is strictly prohibited without written permission.
10. Open fires are prohibited unless authorized by permit.
11. Parking, blocking or in any manner restricting access to roads, boat landings and gates is prohibited.
12. Camping and overnight parking is prohibited unless authorized by permit.
13. Personal watercraft, swimming, waterskiing, and tubing are prohibited on all Refuge waters unless authorized by permit.



14. Outboard motors are prohibited on all Refuge waters except those open to fishing and migratory bird hunting. Blackbird lake only electric motors are allowed for fishing.
15. All motorized vehicles are prohibited on the ice.
16. A federal permit to carry is required to carry firearms outside of established hunting seasons. Target, skeet, trap and indiscriminate shooting is prohibited.
17. Trapping activities have special regulations regarding firearms, see intra Sections 505.
18. Pets must be kept on a leash or under voice control at all times.
19. Damage or destruction of Refuge habitats and vegetation is strictly prohibited unless incidental to a permitted activity in which the permittee may be required to demonstrate reasonable efforts were taken to minimize damage.
20. Exceptions to the above restrictions and prohibitions may apply in individual activity sections or with written permission from the WEDNR and/or Refuge manager.

### **§ 500.13 Inspection and Enforcement Procedures**

1. White Earth Conservation Law Enforcement Officers may inspect any permitted activity in the Refuge for compliance with relevant regulations and applicable laws.
2. Consistent with the current Memorandum of Understanding between United States Fish and Wildlife Service Tamarac National Wildlife Refuge and White Earth Nation Reservation Tribal Council in effect:
  - a. USFWS agrees that USFWS Law Enforcement Officers who contact White Earth tribal members in the Refuge found suspected violation of any provision of the W.E.C.C. Tamarac Refuge Ordinance shall report such to White Earth Conservation Law Enforcement for further investigation.
  - b. USFWS Law Enforcement Officers may inspect any regulated activity in the Refuge for compliance with Federal Laws. In the sensitive case of ceremonial activities, USFWS Law Enforcement Officers shall, to the greatest extent practicable, be accompanied by White Earth Conservation Law Enforcement Officers.
  - c. Further information related to enforcement procedures, refer to the above referenced Memorandum of Understanding.
3. USFWS Law Enforcement Officers, White Earth Conservation Law Enforcement Officers, and State of Minnesota Law Enforcement Officers may take necessary action(s) in response to suspected criminal activity within the Refuge.
4. WEDNR, White Earth Conservation Law Enforcement Officers, the Cultural Division, WERRB, or other authorized representative of tribal government may initiate proceedings in Tribal Court to enforce this ordinance.

### **§ 500.14 Penalties**

1. All persons are required to comply with relevant federal laws and regulations while in the Refuge such as: the Migratory Bird Treaty Act, Eagle Protection Act, Lacey Act, National Wildlife Refuge System Administration Act, National Wilderness Act, National Wildlife Refuge System Administration Act and National Wildlife Refuge System Improvement Act, among others. Violations of federal laws and regulations may result in legal action in federal and/or tribal court.
2. Any violations of the White Earth Tribal Codes, White Earth Conservation Code, this Ordinance, and permit's conditions or attachments may result in the revocation of the permit, suspension of eligibility for future permits and drawings, fines, other civil, and/or criminal penalties in Tribal Court.
3. Civil remedies in Tribal Court may include but are not limited to injunctive relief, seizure and forfeiture, posting of bonds or sureties to insure compliance with tribal law.

4. Civil penalties include but are not limited to: fines of \$5,000 for each found violation, suspended permit privileges for a minimum of 3 years not to exceed 5 years for each found violation.
  - a. A Tribal Court finding of serious, repeated, reckless, or intentional violations shall result in a permanent suspension from activities within the Refuge and may result in fines not less than \$5,000 nor more than \$15,000 for each violation.
5. Criminal penalties include but are not limited to: jail time not to exceed 180 days.
6. WEDNR or authorized representative shall maintain a contempt list of persons with suspensions or permanent loss of eligibility and share such list with relevant divisions and departments of White Earth Nation.

## **C.C. 501.00 Refuge Ceremonial Use Regulations**

### **§ 501.01 Ceremonial Use Refuge Permits**

1. Persons must be at least 16 years of age, in good standing, and possess a valid, unexpired White Earth Tribal Enrollment Identification card to be eligible for a ceremonial use permit.
2. A valid, unexpired White Earth Tribal Enrollment Identification card and the ceremonial permit from White Earth Licensing Department is required to participate in cultural, traditional, religious, or spiritual ceremonies within the Refuge.
3. White Earth Licensing Department shall issue Ceremonial Use Refuge permits for eligible White Earth Band members.
4. Ceremonial use permits are nontransferable.
5. Primary permittee is responsible for ceremony participants in the Refuge.

### **§ 501.02 Ceremonial Use Regulations**

1. Disturbance of the peace, disorderly conduct, or otherwise disrespectful behavior is strictly prohibited.
2. Constructed ceremonial structures, to the greatest extent practicable, shall use only biodegradable materials and shall not be permanent.
3. Any structure, personal property, or offsite materials with the exception of spiritual offerings must be removed by 10 p.m. on the expiration date of the permit.
4. Ceremonies requiring the use of fire must also have a wood cutting permit for this purpose, see intra Section 502. Ceremonies requiring gathering of nontimber forest products such as certain plant species must also have a Refuge Harvest permit, see intra Section 504.
5. The primary permittee must be present and have on his or her possession the ceremonial use permit for the permitted duration of the activity.
6. The primary permittee and participants accept the condition of the premise "as is" and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear and/or leaving spiritual offering.
7. In the case of damages, the primary permittee is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of the ceremony participants.
8. Primary permittees shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of Refuge fires.
9. Primary permittees and participants shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife.

10. A ceremonial use permit does not grant the ability to restrict other authorized entry in his or her permitted area.
11. WEDNR and the Cultural Division reserves the right to revoke any ceremonial use permit for noncompliance with applicable laws and regulations. WEDNR may also revoke a ceremonial use permit for nonuse.
12. Permittees and ceremony participants agree to hold WEDNR, the Cultural Division, and USFWS harmless for any and all claims for damages or losses that may arise in the use of the ceremony permit. Permittees and ceremony participants understand and accept the inherent risks involved in wild spaces.
13. Any personal property that remains 30 days after the termination of the permit's expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.
14. Other conditions and regulations may apply. Permittees shall refer to the permit and its attachments or contact WEDNR for more information and questions.

## **C.C. 502.00 Refuge Woodcutting Regulations**

### **§ 502.01 Woodcutting Refuge Permits**

1. Wood cutting permits are required for all wood cutting related activities including firewood.
2. Wood cutting permits are nontransferable.
3. A valid, unexpired Tribal Enrollment Identification card and a wood cutting permit from White Earth Forestry Department and good standing is required to participate in any wood cutting activity on the Refuge, including the collection of dead and down timber for firewood.
4. WEDNR Forestry Department shall provide designated zones and seasons for wood cutting activities in the Refuge. Historically seasons are between September 1 to March 1 annually. Contact WEDNR Forestry Division for more information.
5. Primary permittees may have up to two harvest partners.
6. Permittees shall provide their name, contact information, location, approximate quantity and a list of species targeted to harvest.

### **§ 502.02 Woodcutting Regulations**

1. Firewood harvest is limited to five (5) cords per permittee per season but permittees may be eligible for additional permits upon request.
2. Firewood may be harvested along designated roads and trails on the Refuge open to automobile access. Firewood may be cut within 100 feet of the centerline of the road or trail.
3. Live vegetation shall not be cut to create access.
4. Unused portions of wood (slash) must be removed from roads and ditches. Slash shall be further cut and scattered so that wood lies no more than 12 inches from the ground to assist in the prevention of wildfire.
5. Any form of woodcutting may not occur in Closed areas, Wildlife Drive, Wildlife areas, or Research Natural areas on the Refuge.
6. Woodcutting is prohibited within 100 feet of moving water, 50 feet of standing water, and 100 feet of administrative facilities without prior written permission from WEDNR.
7. Any power equipment used to aid in wood cutting activities shall be in good repair with a screen-type spark-arrester of .023 inches or less and qualified under federal standards.
8. Fuel for any power equipment shall be properly stored in a vehicle.
9. When a fire risk is anything greater than "low," permittees must carry a fire extinguisher and shovel with them while harvesting.

10. Primary permittees and harvest partners shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
11. The primary permittee, and harvest partners accept the condition of the premise “as is” and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear.
12. In the case of damages, the primary permittee is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of his or her harvest partners and/or apprentices.
13. Primary permittees and harvest partners shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife.
14. A wood cutting permit does not grant the ability to restrict other authorized entry in his or her permitted area.
15. WEDNR reserves the right to revoke any Refuge harvest permit for noncompliance with applicable laws and regulations. WEDNR may also revoke a Refuge harvest permit for nonuse.
16. Permittees and harvest partners agree to hold WEDNR and USFWS harmless for any and all claims for damages or losses that may arise in the use of the Refuge harvest permit. Permittees and harvest partners understand and accept the inherent risks involved in wild spaces.
17. Any personal property that remains 30 days after the termination of the permit’s expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.
18. Other conditions and regulations may apply. Permittees shall refer to the permit and its attachments or contact WEDNR for more information and questions.

## **C.C. 503.00 Harvesting Leeches, Turtles, and Minnows on Refuge Regulations**

### **§ 503.01 Leech, Turtle, and Minnow Permit Drawing**

1. Lottery drawings for leeching, turtling, and minnowing in designated zones or selected locations of Refuge as well as seasons will be held at the discretion of WEDNR.
2. Permit drawing dates will be set and publicly posted by the WEDNR at least two (2) weeks in advance.
3. All persons entering the drawing must possess a Refuge Harvest Permit, a Commercial Leech and Minnow License, be at least 16 years of age, in good standing, and possess a valid unexpired Tribal Enrollment Identification Card to be eligible.
4. Primary permittees or drawing winners may designate up to two harvest partners.
5. Primary permittee or drawing winners permits are nontransferable.
6. Minors under 16 years of age may accompany a drawing winner or harvest partner in the Refuge for the purpose of learning how to leech, minnow, or turtle. Apprentices in the Refuge are the responsibility of an adult.
7. The primary permittee/drawing winner and harvest partners must have a Refuge Harvest Permit and Commercial Leech and Minnow License from White Earth Licensing Department, and a valid, unexpired Tribal Enrollment Identification card in their possession while harvesting leeches, turtles, and minnows in designated zones and selected locations on the Refuge.
8. Primary permittees/drawing winners agree to assist WEDNR’s mission by reporting approximate numbers of animals taken, location(s), number of traps set, and active date range to a person

authorized by the WEDNR within two weeks of the conclusion of their activity. Failure to provide this information may result in a loss of eligibility for future participation in activities.

9. Drawing winners, primary permittees and all harvest partners must attend any applicable regulation meetings.
10. Designated zones for harvest and other applicable restrictions are given to drawing winners at the lottery drawing and regulation meetings.

### **§ 503.02 Leech, Turtle, and/or Minnow Regulations**

1. Drawing winners, harvest partners, and apprentices are expected to follow regulations regarding gates in the Refuge, see intra Section 500.11.
2. The introduction of aquatic invasive species is strictly prohibited. Primary permittees/drawing winners, harvest partners, and apprentices are required to take all necessary precautions to avoid introducing or transporting aquatic invasive species. It is prohibited to use any equipment previously used in known waters with aquatic invasive species infestations.
3. The drawing winner must be present when conducting leeching, minnowing, or turtle harvest activities and have on their possession Refuge harvest permit, Commercial Leech and Minnow License, and their valid White Earth Tribal identification card.
4. Turtles shall only be harvested by hand or with handheld equipment.
5. Turtle sizes and daily limits for various turtle species is established by the WEDNR.
6. Snapping turtles must measure at least 10 inches in diameter across the shell's carapace.
7. All leech and minnow traps and any other personal property must be removed from the Refuge by 10 p.m. on the expiration date of the permit.
8. Garbage and bait must be removed each day by 10 p.m. for the pendency of the permitted activity.
9. Littering is strictly prohibited.
10. Permittees, harvest partners, and apprentices are expected to take reasonable precautions to avoid leaving bait or other substances known to attract wildlife in such a manner as to attract nuisance wildlife and endanger public safety.
11. All unwanted leeches, turtles, and minnows will be immediately returned to the same body of water from which they were taken.
12. All leech and minnow traps must be permanently marked and legible with identification of the permittee's last five digits: of their enrollment number, commercial leech and minnow license number, or Refuge harvest permit. Primary permittee or drawing winner is responsible to make sure all traps are legible throughout the season.
13. Trap floats shall not use recycled bottles of any sort.
14. Primary permittee/drawing winner is responsible for all traps and floats in Refuge waters and shall immediately retrieve any loose traps or floats. In the event of missing traps or floats, primary permittee or drawing winner shall immediately notify WEDNR or USFWS within 24hrs of discovery and take all reasonable steps necessary to locate the missing item.
15. Until WEDNR or USFWS modify regulations, the use of outboard motors for leeching, turtling, and minnowing is only permitted on the following lakes: Blackbird lake and lakes or wetlands open to migratory bird hunting.
16. Drawing winners and his or her harvest partners and/or apprentices accept the condition of the premise "as is" and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear.
17. In the case of damages, the drawing winner is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of his or her chosen harvest partners and apprentices.
18. Drawing winners shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.

19. Drawing winners, harvest partners, and apprentices shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife. Leeching and minnowing drawing winners agree to remove bait each day to prevent nuisance wildlife.
20. Winning a drawing or being a harvest partner or apprentice does not grant the ability to restrict other authorized entry in his or her area.
21. WEDNR reserves the right to revoke a drawing winner for noncompliance with applicable laws and regulations. WEDNR may also revoke a drawing winner for nonuse.
22. Drawing winners and harvest partners agree to hold WEDNR and USFWS harmless for any and all claims for damages or losses that may arise during the activity. Drawing winners and harvest partners understand and accept the inherent risks involved in wild spaces.
23. Any personal property that remains 30 days after the termination of the permit's expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.
24. Other conditions and regulations may apply. Permittees and drawing winners shall refer to the permit and its attachments or contact WEDNR for more information.

#### **A. Special Minnow Regulations**

1. All regulations in above in Section 503 continue to apply. Minnowing has the following additional regulations.
2. Minnow traps must be either a box or a cylinder style trap made of plastic, galvanized or plastic coated mesh, or tempered glass designed for river use. Box trap size shall be no greater than 3 feet wide by 3 feet tall by 3 feet long. Cylinder trap size shall be no greater than 24 inches in diameter and 48 inches in length.
3. Maximum of 10 total minnow traps are permitted at each authorized location.
4. Traps at bridge locations on the Ottertail River may be placed up to 200 feet up or downstream.
5. Traps on the Egg River may be placed up to 200 feet downstream and 25 feet upstream to accommodate other upstream uses.
6. All minnow traps must be emptied of fish at least every 72 hours after deployment and as frequently as necessary to prevent losses.
7. WEDNR reserves the right to inspect fishes for disease and promulgate additional regulations as necessary to prevent the spread of disease.

## **C.C. 504.00 Gathering Nontimber Forest Products on the Refuge**

### **§ 504.01 Nontimber Forest Product Tamarac National Wildlife Refuge Harvest Permits**

1. Good standing, a valid, unexpired Tribal Enrollment Identification card and a Refuge harvest permit from White Earth Licensing Department is required to participate in gathering nontimber forest products from the Refuge including but not limited to mushrooms, nuts, and berries, as well as other species used for healing, ceremony, educational, and other traditional purposes.
2. Permittee agrees to support WEDNR's mission and is required to provide a report to WEDNR Director, or a person authorized by the Director, that includes a list of plant species gathered, approximate size or developmental stage of the species, approximate harvest quantities, time frame of gathering, and location(s) in the Refuge within two (2) weeks of the conclusion of ht permitted activity. Failure to do so may result in a loss of eligibility for future participation in activities
3. Refuge Harvest permits are nontransferable.

4. Primary permittee may designate up to two harvest partners.

#### **§ 504.02 Nontimber Forest Product Regulations**

1. Limits on quantity and type of species for the harvest of nontimber forest products are posted by WEDNR and attached to the Refuge Harvest permit when a permittee indicates their intent to gather nontimber forest products in the Refuge.
2. Any harvest of rare or protected plant or fungi species under federal law is strictly prohibited. Primary permittees shall refer to the attachment for authorized species and quantities available for harvest.
3. Harvesting plants and fungi species within 100 ft of administrative facilities is prohibited.
4. Permittees, harvest partners, and apprentices shall use reasonable care and take precautions not to damage other non-target species. The damage or removal of vegetation to facilitate harvest is prohibited with the exception of down and dead wood; see Section 502 of this Ordinance.
5. The permittee, harvest partners, and apprentices accept the condition of the premise "as is" and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear.
6. In the case of damages, the primary permittee is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of his or her harvest partners and/or apprentices.
7. Primary permittees and harvest partners shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
8. Primary permittees and harvest partners shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife.
9. A Refuge Harvest Permit does not grant the ability to restrict other authorized entry in his or her permitted area.
10. WEDNR reserves the right to revoke any Refuge Harvest Permit for noncompliance with applicable laws and regulations. WEDNR may also revoke a Refuge harvest permit for nonuse.
11. Permittees and harvest partners agree to hold WEDNR and USFWS harmless for any and all claims for damages or losses that may arise in the use of the Refuge harvest permit. Permittees and harvest partners understand and accept the inherent risks involved in wild spaces.
12. Any personal property that remains 30 days after the termination of the permit's expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.
13. Other conditions and regulations may apply. Permittees shall refer to the permit and its attachments or contact WEDNR for more information and questions.

#### **C.C. 505.00 Refuge Furbearer Trapping Regulations**

##### **§ 505.01 Trapping Permits**

1. A lottery drawing for fur bearing animal trapping permits in designated zones of Refuge will be held annually. WEDNR shall publicly post the drawing at least two (2) weeks in advance.
2. Available species, limits, and seasons for trapping are determined by WEDNR and approved through RBC Resolution.
3. All persons entering the drawing must be 16 years of age or older, possess a Refuge harvest permit from White Earth Licensing Department, be in good standing, and possess a valid unexpired Tribal Enrollment Identification Card to be eligible.

4. Each permittee may designate up to two harvest partners and shall provide their names and contact information to WEDNR. The primary permittee must be present when conducting trapping activities.
5. Primary permittees (drawing winners) agree to assist WEDNR's mission by reporting approximate numbers of animals taken, location, number of traps or snares set, and date range to a person authorized by the WEDNR Director within two weeks of the conclusion of their activity. Failure to provide this information may result in a loss of eligibility for future participation in activities.

#### **§ 505.02 Trapping Regulations**

1. Permittees, harvest partners and apprentices may not possess an archery bow, crossbow, or firearm, other than a .22 caliber rifle used to dispatch trapped species.
2. Any person under 18 years of age who takes furbearers while in possession of a firearm shall have in his/her possession a valid Federal, State, or Band issued Firearm's Safety Certificate.
3. If a non-target species is able to be released it must be immediately released back into the wild in the same area where it was trapped. If the animal is dead or otherwise cannot be released, you must immediately notify law enforcement officers in the Refuge or the White Earth Tribal Conservation Officers within 24 hours upon discovery and follow their directions regarding the animal.
4. All traps and snares must be clearly marked throughout the season with the last five digits of a permittee's: tribal enrollment number or Refuge Harvest Permit number.
5. Traps and snares must be tended at least every 72 hours. Failure to do so is considered a serious violation and creates a presumption of endangering others life and property.
6. Use of snares for land sets is permitted, with the following special restrictions:
  - a. Cable diameter is limited to not more than 3/32 inches;
  - b. Snare loop size may not exceed 7 inches from top to bottom;
  - c. The bottom of the snare loop may not exceed a height of 8" above the ground.
7. Motorized vehicles including off-road motorize vehicles are not permitted in the Refuge other than the exception that trappers may use motorized vehicles to access trapping zones only on mowed trails.
8. With the exception of trap set materials, no other personnel property including garbage may be left over night on the Refuge.
9. Littering is prohibited.
10. All personal property must be removed by 10 p.m. on the date of expiration for the permit.
11. Drawing winners and his or her harvest partners and/or apprentices accept the condition of the premise "as is" and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear.
12. In the case of damages, the drawing winner is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of his or her chosen harvest partners and apprentices.
13. Drawing winners shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
14. Drawing winners, harvest partners, and apprentices shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife. Leeching and minnowing drawing winners agree to remove bait each day to prevent nuisance wildlife.
15. Winning a drawing does not grant the ability to restrict other authorized entry in his or her area.
16. WEDNR reserves the right to revoke a drawing winner for noncompliance with applicable laws and regulations. WEDNR may also revoke a drawing winner for nonuse.



17. Drawing winners and harvest partners agree to hold WEDNR and USFWS harmless for any and all claims for damages or losses that may arise during the activity. Drawing winners and harvest partners understand and accept the inherent risks involved in wild spaces.
18. Any personal property that remains 30 days after the termination of the permit's expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.
19. Other conditions and regulations may apply. Permittees shall refer to the permit and its attachments or contact WEDNR for more information and questions.

## **C.C. 506.00 Refuge Manoomin (Wild Rice) Gathering Regulations**

### **§ 506.01 Manoomin Permits**

1. Manoomin harvest in the Refuge is determined by joint effort between WEDNR's Wild Rice Program and Refuge staff.
2. Interested White Earth tribal members may contact WEDNR's Wild Rice Program Manager or the White Earth Wild Rice Committee for more information about ricing in the Refuge and seasons.
3. The WEDNR Wild Rice Program Manager shall publicly post information regarding ricing availability in the Refuge and conduct an informational meeting at least two (2) weeks in advance.
4. To be eligible persons must be 16 or old, in good standing, possess a valid, unexpired White Earth Tribal Enrollment Identification card, and a Refuge Harvest Permit issued by the White Earth Reservation Licensing Department are required to be in his/her possession when ricing.
5. Refuge Harvest permits are nontransferable.
6. No more than two harvest partners may join the primary permittee.
7. Apprentices may join to learn about ricing but they are the responsibility of the accompanying adult in the Refuge during the activity.
8. All members of the ricing party must provide their names and current contact information to WEDNR.
9. Primary permittees agree to assist WEDNR's mission by reporting approximate amount of Manoomin gathered and location(s) to a person authorized by the WEDNR Director within two weeks of the conclusion of their activity. Failure to provide this information may result in a loss of eligibility for future participation in activities.

### **§ 507.02 Manoomin Regulations**

1. The WEDNR works closely with White Earth Wild Rice Committee to make management decisions and determine the harvest season of wild rice in the Refuge.
2. Designated ricing access points and number of boats allowed per lake for ricing shall be published by WEDNR as attachments to permits and distributed at information meetings.
3. Primary permittees and members of each ricing party are expected to follow regulations regarding gates in the Refuge, see intra Section 500.11.
4. Ricing hours are during daylight hours during the season.
5. It is prohibited to intentionally harm any plant or animal during ricing. Persons must take care and be respectful while ricing.
6. It is prohibited to take wild rice by any means except with:
  - a. a hand flail no longer than 30 inches and weight no more than one pound,
  - b. a canoe no more than 18 feet in length and less than 42 inches in width,
  - c. a push pole that has forks 12 inches or less; or
  - d. by foot.

7. The introduction of aquatic invasive species is strictly prohibited. Everyone participating in ricing activities is required to take all necessary precautions to avoid introducing or transporting aquatic invasive species. All ricing equipment such as boats, trailers, and push poles must be free of aquatic vegetation and all water needs to be drained before launching into Refuge lakes.
8. Littering, the abandonment of personal property, and leaving garbage is strictly prohibited.
9. Disturbance of the peace or disorderly conduct is strictly prohibited.
10. The permittee, alternative permittee, and/or harvest partners accept the condition of the premise "as is" and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear.
11. In the case of damages, the primary permittee is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of his or her harvest partners and/or apprentices..
12. Primary permittees and harvest partners shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
13. Primary permittees and harvest partners shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife.
14. A Refuge Harvest Permit does not grant the ability to restrict other authorized entry in his or her permitted area.
15. WEDNR reserves the right to revoke any Refuge Harvest Permit for noncompliance with applicable laws and regulations. WEDNR may also revoke a Refuge harvest permit for nonuse.
16. Permittees and harvest partners agree to hold WEDNR and USFWS harmless for any and all claims for damages or losses that may arise in the use of the Refuge harvest permit. Permittees and harvest partners understand and accept the inherent risks involved in wild spaces.
17. Any personal property that remains 30 days after the termination of the permit's expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.
18. Refuge staff and WEDNR reserve the right to harvest wild rice for the purpose of re-seeding.
19. Other conditions and regulations may apply. Permittees shall refer to the permit and attachments issued by WEDNR or contact WEDNR for more information.

## **C.C. 507.00 Scientific Research on the Refuge**

### **§ 507.01 Scientific Research Permits**

1. To participate in a research activity on the Refuge, White Earth tribal members must be in good standing, have a valid unexpired Tribal Enrollment Identification card and a research permit or waiver from the White Earth Research Review Board (WERRB).
2. Research permits are nontransferable.
3. Tribal members shall contact the White Earth Research Review Board (WERRB) or WEDNR at least two (2) weeks in advance of the proposed research activity to determine whether or not a permit shall be needed.
4. Certain routine activities performed by tribal employees in the usual course of their employment for the Band such as water sampling by WEDNR's Fisheries Division do not require a permit and may be granted a waiver by WERRB for business as usual.
  - a. WEDNR shall gather the person's name, current contact information, location of the activity, list of the impacted natural resource or targeted species, and timeframe on the Refuge for the research activity which WEDNR Director or other designated individual

shall supply to the Refuge Manager at least 24 hours in advance when activities are considered business as usual.

5. All other persons or entities who desire to participate in a research activity on the Refuge may contact WERRB or WEDNR two (2) weeks in advance of the proposed research activity to determine whether or not a permit will be needed. Pursuant to the White Earth Nation's Research Code, Resolution No. 001-17-008 permits are required when conducting research activities within the Reservation boundaries, and research activities impacting tribal ownership interests.
6. When a person contacts either WERRB or WEDNR, the contacted division or board shall make a good faith effort to contact the other within 24 hours. WERRB and WEDNR shall coordinate to determine whether or not a permit is required for an activity. If a permit is required, the person shall need to fill out a completed application with WERRB pursuant to White Earth Nation Research Code.
7. Other conditions and regulations may apply. Permittees shall refer to the permit and attachments issued or contact WEDNR or WERRB for more information.

#### **§ 507.02 Scientific Research Regulations**

1. White Earth Nation's Research Code enacted by Resolution No. 001-17-008 shall apply in the Refuge with respect to enrolled White Earth Tribal members and may apply to other persons conducting research activities in the Refuge pursuant to the Research Code and the aforementioned Section 507.01 herein.
2. Primary permittees must provide the names and, if applicable, contact information of each research associate participating in the research activity.
3. The permittee and research associates accept the condition of the premise "as is" and agree to leave the premises in as good a condition as when they arrived except for reasonable wear and tear.
4. In the case of damages, the primary permittee is responsible to repay the Refuge/relevant agency any and all damages as a direct or indirect result of his or her negligence or failure to act with care, and that of his or her research associates.
5. Primary permittees and research associates shall take all reasonable precautions to prevent the escape of fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
6. Primary permittees and research associates shall take all reasonable precautions to prevent nuisance wildlife by exercising due care when handling materials that are commonly known to attract wildlife.
7. A Research permit does not grant the ability to restrict other authorized entry in his or her permitted area.
8. WEDNR and WERRB reserves the right to revoke any research permit for noncompliance with applicable laws and regulations.
9. WEDNR and WERRB may also revoke a research permit for nonuse.
10. Permittees and research associates agree to hold WEDNR, the WERRB, and USFWS harmless for any and all claims for damages or losses that may arise in the use of the Refuge harvest permit. Permittees and research associates understand and accept the inherent risks involved in wild spaces.
11. Any personal property that remains 30 days after the termination of the permit's expiration date shall become WEDNR or USFWS property. The failure to remove personal property may result in civil or criminal penalties.