



# 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: June 3, 2024

From: Laurie York, Executive Director

Re: Draft Conservation Code Amendment, Sections 500.00 – 503.02

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Attached please find the final draft amendment to the above referenced sections of the Conservation Code as the new Tamarac National Wildlife Refuge Ordinance. Pursuant to White Earth Reservation Business Committee Resolution 001-16-0174, this will be posted for 15 days and attached are the summary responses to Tribal public comment.

After completion of the 15-day posting period, the White Earth Reservation Business Committee will consider this amendment for a final vote at the next White Earth Reservation Business Committee meeting.

Thank you in advance for your consideration and input.

**SUMMARY RESPONSE TO COMMENTS RECEIVED**  
**TAMARAC NATIONAL WILDLIFE REFUGE ORDINANCE**

**SUMMARY OF PUBLIC COMMENT:**

Do we have any rights on our own Reservation?

**SUMMARY RESPONSE TO PUBLIC COMMENT:**

Tribal members do have rights on their Reservation, indeed there are several rights beyond the scope of this proposed ordinance. The purpose of this ordinance is to manage, protect, and enhance the natural resources within the Reservation and the Tamarac National Wildlife Refuge broadly for tribal members and others to enjoy; as well as set standards for scientific research within the Refuge when the research involves material the tribe has a claim of ownership.

**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, compassionate 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:
  - a. White Earth Band members' rights to various activities within the Refuge including ceremonies, leeching, turtling, minnowing, furbearer trapping, gathering, ricing, and wood cutting activities, and
  - b. permitting research activities within the entirety of the Refuge for any research that uses material the Tribe has a claim of ownership to, 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 White Earth Department of Natural Resources (herein 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 Subd. 1 – 95, applies with respect to definitions used in this ordinance. Relevant and additional definitions as used in this Ordinance are as follows.

1. Administrative facilities: buildings, structures, or monuments within the Refuge, including office buildings, kiosks, boat landings, and pit toilets.
2. Alternative permittee/drawing winner: Must be at least 16 years of age or older, in good standing, and an enrolled member of the White Earth Band who is selected at a drawing to take over the permitted activity in the event the original drawing winner and harvest partners are unable to.
3. 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.
4. As Is: the existing condition of an area.
5. Authorized Activity: also referred to as permitted activity, regulated conduct through a permit issued in accordance with sections contained in this Ordinance.
6. 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.

7. Bait: see W.E.C.C. 101 Subd. 9.
8. Bait fish: see W.E.C.C. 101 Subd. 10.
9. Band Member: shall mean a person who is enrolled in the White Earth Nation.
10. 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 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*.
11. Closed Area: a delineated location in the Refuge permanently or seasonally closed to permitted activities.
12. Commercial Leech and Minnow License: see W.E.C.C. Section 1000. Permit for commercial purposes for leeching, minnowing, and turtling.
13. Commercial purposes: see W.E.C.C. 101 Subd. 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 license. See *intra* Section 505.01 and W.E.C.C. Section 1000 for more information.
14. Conservation Officer: see W.E.C.C. Section 101 Subd. 24.
15. 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.
16. Daily limit: see W.E.C.C. 101 Subd. 26.
17. Dead and downed: trees or broken limbs that have fallen to the ground without human intervention.
18. Designated zone: a determined area that delineates the location in which a permitted activity may occur on the Refuge.
19. Drawing Winner: the permittee who wins a lottery drawing for access to a certain designated zone or selected location within the Refuge for a particular permitted activity.
20. Fur bearing animal: see W.E.C.C. 101 Subd. 37.
21. Game animal: see W.E.C.C. 101 Subd. 38.
22. Game Fish: see W.E.C.C. 101 Subd. 39.
23. Good cause: substantial and generally unforeseen circumstances beyond a person's control that significantly impact that person.
24. 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.
25. Guardian: see W.E.C.C. Section 101 Subd. 41.
26. 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 for leeching/turtling, minnowing, and furbearer trapping.
27. Mushroom: the fruiting portion of fungal growth.
28. Nut: a fruit consisting of a hard shell protecting a usually edible kernel.
29. Natural Resources: see W.E.C.C. Section 101 Subd. 52.
30. Non-game/rough fish: see W.E.C.C. Section 101 Subd. 55.
31. 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.
32. Permitted activity: also referred to as authorized activity, regulated conduct through a permit issued in accordance with sections contained in this Ordinance.

33. Personal use: see W.E.C.C. Section 101 Subd. 66, includes all uses other than commercial including ceremonial, educational, and research.
34. Permittee: the person who through a permit or, if applicable a drawing, has been authorized to carry out a specified activity within the Refuge.
35. 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.
36. 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.
37. Reservation: see W.E.C.C. Section 101 Subd. 72.
38. Ricing: see W.E.C.C. Section 101 Subd. 73.
39. Slash: unused parts of the tree when cutting firewood such as the limbs and tops.
40. Small game animals: see W.E.C.C. Section 101 Subd. 77.
41. Special waiver permit: intra Section 500.11 Subd. 4 and 5, upon showing of good cause Band members may be eligible for waiver permit to a permitted activity provided they follow notice requirements contained in Section 500.11.
42. Substitute drawing winner: an eligible harvest partner who assumes a drawing winner's activity when the 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. WEDNR reserves the right to deny such selections.
43. Take or taking: see W.E.C.C. Section 101 Subd. 83.
44. 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.
45. Waterfowl: see W.E.C.C. Section 101 Subd. 89.
46. White Earth Band: means the White Earth Band of Ojibwe or Minnesota Chippewa Tribes also referred to as White Earth Nation.
47. White Earth Licensing Department: also known as the White Earth Department of Motor Vehicles (DMV) is the Department responsible for issuing permits under this Ordinance.
48. 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.
49. 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.
50. 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.



51. Wilderness Area: protected and defined under federal law in the Wilderness Act, codified as 16 U.S.C. § 1131 et seq.
52. 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 Refuge lock and another use lock or one end of the chain in a manner that allows independent entry by permitted parties and 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 waiver permit upon a showing of good cause or a request based upon that member's different abilities or disabilities which necessitate a waiver. Persons requesting a special waiver permit must contact WEDNR at least 48 hours in advance. WEDNR shall endeavor to make reasonable accommodations when good cause or ability necessitates a waiver. WEDNR reserves the right to deny such requests when in conflict with cultural understandings, federal or White Earth Tribal laws, natural resource management practices or if no reasonable accommodations can be made. WEDNR agrees to inform USFWS Refuge Manager when a special permit is requested and shall give due consideration to any recommendations or concerns.
5. Harvest partners may be changed during the season when the permittee/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.
6. When a drawing winner is unable to participate in the particular activity they won, that winner may choose one harvest partner as their alternative permittee. WEDNR reserves the right to deny such selections.

#### **§ 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 any 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 create 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 motorized watercraft, swimming, waterskiing, and tubing are prohibited on all Refuge waters.
14. Outboard motors are prohibited on all Refuge waters except those open to fishing and migratory bird hunting. On Blackbird Lake only electric motors are allowed for fishing.
15. All motorized vehicles are prohibited on the ice.
16. A valid Minnesota state permit to carry, or permit to carry from another jurisdiction that Minnesota has reciprocity with, is required to carry firearms outside of established hunting seasons except as otherwise prohibited by applicable Federal law.
17. Target, skeet, trap and indiscriminate shooting is prohibited.
18. Trapping activities have special regulations regarding firearms, see intra Sections 506.
19. Pets must be kept on a leash or under voice control at all times.
20. 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.
21. 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, and
  - 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. For 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 all 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 including but not limited to: 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. Violations of federal laws and regulations may result in legal action in federal and/or tribal court.
2. When circumstances require an immediate response for serious infractions and violations of applicable laws White Earth Conservation Law Enforcement Officers may seize permits under the direction of the WEDNR Director. White Earth members whose permits are seized in this manner may petition WEDNR Director for reinstatement. Any decisions by the WEDNR Director with regard to the seizure and reinstatement of a permit under this Ordinance is final.
3. 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.
4. Civil remedies in Tribal Court may include but are not limited to injunctive relief, seizure and forfeiture, posting of bonds or sureties to ensure compliance with tribal law.
5. 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.
6. Criminal penalties include but are not limited to: jail time not to exceed 180 days.
7. 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 Ceremonial Use Regulations**

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

1. There must be an enrolled White Earth member designated as the permittee for a ceremonial use permit to conduct or engage in a cultural, traditional, religious, or spiritual ceremony with the accompanying regulations and privileges on the Refuge contained herein.
2. Persons must be at least 16 years of age, in good standing, and possess a valid, unexpired White Earth Tribal Identification card to be eligible as a permittee for a ceremonial use permit.
3. White Earth Licensing Department shall issue Ceremonial Use Refuge permits.
4. Ceremonial use permits are nontransferable.
5. Permittee is responsible for all ceremony participants in the Refuge for the duration of permitted activity.
6. Ceremonial use permit partners, apprentices, and participants do not need to be enrolled members of the White Earth Band to participate or engage in the permitted activity. Through their participation in the activity, non-enrolled persons thereby enter a consensual relationship with the

White Earth Band and agree to submit to the jurisdiction and authority of White Earth Tribal laws and White Earth Tribal Court.

**§ 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. Ceremonial use permits are the only exception to fire prohibition in the Refuge. The use of fire is weather and condition dependent. Fire is prohibited when under unsafe wildfire conditions or burn bans. It is the responsibility of the permittee to know when these unsafe fire conditions are prevalent.
5. Transporting wood sourced off the Refuge is prohibited. Therefore the use of fire must also have a dead & down wood cutting permit endorsement for this purpose, see intra Section 502.
6. Ceremonies requiring gathering of plants and other nontimber forest products must also have a permit endorsement for this purpose, see intra Section 503.
7. Ceremonies requiring traditional timber forest products must also have a permit endorsement for this purpose, see intra Section 504.
8. The permittee must be present and have on his or her possession the ceremonial use permit for the permitted duration of the activity.
9. The permittee and all 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.
10. In the case of damages, the permittee is responsible to repay the Refuge or relevant party 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.
11. 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.
12. 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.
13. A ceremonial use permit does authorize the permittee to restrict unauthorized persons from entry into the ceremonial use permitted area. However the ceremonial use permit does not grant the permittee the ability to restrict authorized entry in his or her permitted area for lawful purposes such as law enforcement or emergency services.
14. 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.
15. Permittees and ceremony participants agree to hold the White Earth Licensing Department, 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.
16. 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.
17. 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 Dead & Down Woodcutting Regulations**

### **§ 502.01 Dead & Down Woodcutting Permits**

1. Dead & down wood cutting permits are required for all wood cutting related activities including firewood.
2. Dead & down wood cutting permits are nontransferable.
3. A valid, unexpired Tribal Identification card, good standing, and a dead & down wood cutting permit from White Earth Licensing Department are required to participate in the collection of dead and down timber wood cutting activity on the Refuge.
4. WEDNR Forestry Department may provide additional regulations and management decisions related to wood cutting activities in the Refuge as needed. Contact WEDNR Forestry Division for more information.
5. Permittees shall provide their name and contact information.

### **§ 502.02 Dead & Down Woodcutting Regulations**

1. Dead and down wood cutting is limited to five (5) cords per permittee per season but permittees may be eligible for additional permits upon request. Season dates are September 1<sup>st</sup> to March 1<sup>st</sup> annually.
2. Only dead and down wood may be harvested along designated roads and trails on the Refuge open to automobile access. Dead and down wood 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, Wilderness 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 and USFWS.
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. 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.
11. Permittee accepts 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, each permittee is responsible to repay the Refuge or relevant party 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 apprentices.
13. Permittees 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 agree to hold White Earth Licensing Department, 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 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 Gathering Nontimber Forest Products on the Refuge**

### **§ 503.01 Nontimber Forest Products Permits**

1. Good standing, a valid, unexpired Tribal 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 upon request by WEDNR Director, or a person authorized by the Director, shall provide a list of plant species and approximate quantities gathered. If requested by WEDNR the failure to provide such information may result in a loss of eligibility for future participation in activities.
3. Refuge Harvest permits are nontransferable.

### **§ 503.02 Nontimber Forest Products Regulations**

1. The harvest or gathering of nontimber forest products are for personal or ceremonial use only. Limits on quantity and type of species for the harvest of nontimber forest products are under the discretion of the WEDNR Forestry Division and will be attached to the Refuge Harvest permit when necessary.
2. Any harvest of rare or protected plant or fungi species under federal, tribal, and state law is strictly prohibited. Permittees shall refer to the permit attachment for species unavailable for harvest. It is the responsibility of the permittee to know which species are protected by law.
3. Harvesting plants and fungi species within 100 ft of administrative facilities is prohibited.
4. Permittees 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.
5. The permittee accepts 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 permittee is responsible to repay the Refuge or relevant party 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 apprentices.
7. Permittees shall take all reasonable precautions to prevent fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
8. Permittees 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.
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 agree to hold White Earth Licensing Department, 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 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. 504.00 Gathering Traditional Timber Forest Products on the Refuge**

### **§ 504.01 Traditional Timber Forest Products Permits**

1. Good standing, a valid, unexpired Tribal Identification card and a Refuge harvest permit from White Earth Licensing Department is required to participate in gathering traditional timber forest products from the Refuge including but not limited to diamond willow, black ash, tamarack, birch bark, snake sticks, collection of timber materials for ricing poles or lodges, and other timber products traditionally used for healing, ceremony, educational, and other traditional purposes.
2. Permittee agrees to support WEDNR's mission and upon request by WEDNR Director, or a person authorized by the Director, shall provide a list of tree species and approximate quantities gathered. If requested by WEDNR the failure to provide such information may result in a loss of eligibility for future participation in activities.
3. Refuge Harvest permits are nontransferable.

### **§ 504.02 Traditional Timber Forest Products Regulations**

1. The harvest of traditional timber forest products is for personal use only. WEDNR Forestry Division determines quantities and when necessary shall attach a list to the Refuge Harvest permit.
2. Any harvest of rare or protected tree species under federal, tribal, and state law is strictly prohibited. It is the responsibility of the permittee to know which species are protected by law.
3. Permittees 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.
4. Permittees and apprentices are expected to use best management practices in the removal of targeted species by using respectful and careful harvesting procedures.
5. The permittee accepts 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. Any form of woodcutting may not occur in Closed areas, Wildlife Drive, Wilderness Areas, or Research Natural areas on the Refuge.
7. 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 and USFWS.
8. 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.
9. Fuel for any power equipment shall be properly stored in a vehicle.
10. When a fire risk is anything greater than "low," permittees must carry a fire extinguisher and shovel with them while harvesting.
11. Permittees shall take all reasonable precautions to prevent fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.

12. Permittees 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.
13. A Refuge Harvest Permit does not grant the ability to restrict other authorized entry in his or her permitted area.
14. 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.
15. In the case of damages, the permittee is responsible to repay the Refuge or relevant party 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 apprentices.
16. Permittees agree to hold White Earth Licensing Department, 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 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. 505.00 Harvesting Leeches, Turtles, and Minnows on Refuge Regulations**

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

1. Lottery drawings for leeching, turtling, and minnowing in designated zones or selected locations of Refuge and season dates 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 must possess a Commercial Leech and Minnow License, be at least 16 years of age, in good standing, and possess a valid unexpired Tribal Identification Card to be eligible for the drawing.
4. Drawing winners will receive a Refuge Harvest permit and should carry this permit on their person during the activity.
5. The drawing winner may select up to two harvest partners to accompany them on the activity.
6. Drawing winner must be present during the activity with the harvest partners unless otherwise approved by WEDNR as detailed in 505.01 Subd. 7.
7. In the event the drawing winner is unable to participate in the activity for the season he/she can select one of their harvest partners to substitute and shall notify WEDNR immediately. WEDNR reserves the right to deny such selections.
8. In the event the original drawing winner and their harvest partners are unable to participate in the activity for the season, an alternative drawing winner will be selected at the drawing.
9. Refuge harvest permits are nontransferable.
10. 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 the adult accompanying them.
11. The permittee/drawing winner must have a Refuge Harvest Permit and Commercial Leech and Minnow License from White Earth Licensing Department, and a valid, unexpired Tribal Identification card in their possession while harvesting leeches, turtles, and minnows in designated zones and selected locations on the Refuge.



12. Harvest partners must have Commercial Leech and Minnow License from White Earth Licensing Department, and a valid, unexpired Tribal Identification card in their possession while harvesting leeches, turtles, and minnows in designated zones and selected locations on the Refuge.
13. 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 each month of the duration of their activity upon request. Failure to provide this information may result in a loss of eligibility for future participation in activities.
14. Drawing winners/permittees and all harvest partners must attend any applicable regulation meetings.
15. Designated zones for harvest and other applicable restrictions are given to drawing winners at the lottery drawing and regulation meetings.

#### **§ 505.02 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. 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 unless otherwise authorized under § 505.01 Subd. 7 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 agree to remove unused bait each day and are expected to take all 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. 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. 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, 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. 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 or relevant party 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 fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
19. 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.
20. 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.
21. Drawing winners and harvest partners agree to hold White Earth Licensing Department, 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.
22. 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.
23. 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 505 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. 506.00 Refuge Furbearer Trapping Regulations**

#### **§ 506.01 Trapping Permit Drawing**

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, be in good standing, and possess a valid unexpired Tribal Identification Card to be eligible.
4. Each permittee/drawing winner may designate up to two harvest partners and shall provide their names and contact information to WEDNR.

5. The drawing winner/permittee must be present when conducting trapping activities with harvest partners unless otherwise approved by WEDNR in 506.01 Subd. 6.
6. In the event the drawing winner is unable to participate in the activity for the season he/she can select one of their harvest partners to substitute and shall notify WEDNR immediately. WEDNR reserves the right to deny such selections.
7. In the event the original drawing winner and their harvest partners are unable to participate in the activity for the season, an alternative drawing winner will be selected at the drawing.
8. Apprentices may join to learn about trapping activities and are the responsibility of the accompanying adult.
9. 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 halfway through the permitted activity (typically around December or January) and again at the conclusion of the activity upon request. Failure to provide this information may result in a loss of eligibility for future participation in activities.

### **§ 506.02 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 also have in his/her possession a valid Federal, State, or Band issued Firearm's Safety Certificate.
3. Permittees must obtain locking seal/tag from WEDNR for each pelt or hide of a designated species. This seal/tag must be affixed to the hide or pelt through an eye or some other manner as prescribed by WEDNR.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. With the exception of trap set materials, no other personnel property including garbage may be left over night on the Refuge.
10. Littering is prohibited.
11. All personal property must be removed by 10 p.m. on the date of expiration for the permit.
12. 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.
13. In the case of damages, the drawing winner is responsible to repay the Refuge or relevant party 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.
14. Drawing winners shall take all reasonable precautions to prevent fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.

15. 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.
16. Winning a drawing does not grant the ability to restrict other authorized entry in his or her area.
17. 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.
18. Drawing winners and harvest partners agree to hold White Earth Licensing Department, 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.
19. 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.
20. 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. 507.00 Refuge Manoomin (Wild Rice) Gathering Regulations**

### **§ 507.01 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 years of age or older, in good standing, possess a valid, unexpired White Earth Tribal Identification card, and a regular Harvest Permit issued by the White Earth Reservation Licensing Department are required to be in his/her possession when ricing.
5. Persons who are not White Earth Tribal members are not permitted by WEDNR to participate in ricing activities within the entirety of the Tamarac National Wildlife Refuge.
6. Harvest permits are nontransferable.
7. Apprentices may join to learn about ricing but they are the responsibility of the accompanying adult in the Refuge during the activity.
8. 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 upon request. 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. WEDNR shall designate ricing access points and the number of boats allowed per lake for ricing as needed and distribute this information as attachments to permits and/or informational meetings.
3. All 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 and all members of the ricing party 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 permittee is responsible to repay the Refuge or relevant party 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 apprentices.
12. All members of the ricing party shall take reasonable precautions to prevent fires, suppress fires, and render all reasonable assistance in the suppression of refuge fires.
13. All members of the ricing party 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 regular 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 Harvest Permit for noncompliance with applicable laws and regulations. WEDNR may also revoke a permit for nonuse.
16. Permittees agree to hold White Earth Licensing Department, 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 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. 508.00 Scientific Research on the Refuge**

### **§ 508.01 Scientific Research Permits**

1. All persons or entities who desire to participate in a research activity on the Refuge may contact White Earth Reservation Review Board (WERRB) or WEDNR two (2) weeks in advance of the proposed research activity to determine whether or not a research permit or waiver will be needed.
2. 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 when research activities impact tribal ownership interests.
3. Research permits are nontransferable.

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 72 hours in advance when activities are considered business as usual. Only 24 hours' notice is required for rice and water sampling per the current Memorandum of Agreement between White Earth Band and United States Fish and Wildlife Service.
5. When a person or entity 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.
6. Other conditions and regulations may apply. Permittees shall refer to the permit and attachments issued or contact WEDNR or WERRB for more information.

#### **§ 508.02 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 508.01 herein.
2. 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 permittee is responsible to repay the Refuge or relevant party 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. Permittees and research associates shall take all reasonable precautions to prevent fires, suppress fires and render all reasonable assistance in the suppression of refuge fires.
6. 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, research associates, investigators, or other participants agree to hold the WEDNR, the WERRB, and the USFWS harmless for any and all claims for damages or losses that may arise in the use of the Refuge harvest permit. Permittees and all research participants 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.