

S.W.S.T. CODE
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CHAPTER 16

SISSETON-WAHPETON SIOUX TRIBE

FISH AND WILDLIFE CODE

16-01-01. POLICY AND INTENT

It shall be and is hereby established as the policy and intent of the Sisseton-Wahpeton Sioux Tribal Council.

16-01-02 To provide an adequate and flexible system for the protection and conservation of all fish and wildlife resources on reservation lands of the Lake Traverse Reservation of the Sisseton-Wahpeton Sioux Tribe.

16-01-03 To provide for the establishment of rules and regulations relating to the harvest of fish and wildlife on reservation lands of the Lake Traverse Reservation of the Sisseton-Wahpeton Sioux Tribe.

16-01-04 To provide for the general management and supervision of all fish and wildlife activities on reservation lands and of the Lake Traverse Reservation of the Sisseton-Wahpeton Sioux Tribe.

16-01-05 To provide for the establishment of a license requirement and of prohibited acts and penalties in regard to fish and wildlife activities on reservation lands of the Lake Traverse Reservation of the Sisseton-Wahpeton Sioux Tribe.

16-02-01 GENERAL PROVISIONS AND DEFINITIONS

Sovereign rights of Tribe in resident fish and wildlife populations. All fish and wildlife species and populations residing on reservation lands are the property of the Sisseton-Wahpeton Sioux Tribe and will be managed for the overall benefit of the Tribe.

16-03-01 JURISDICTION

All matters contained herein relating to the propagation, conservation, management, distribution, transportation, storage, and taking of fish and wildlife, or relating to fishing, hunting, trapping, sale, barter and exchange of fish and wildlife from local resources on all reservation lands and water within the boundaries on all reservation lands and water within the boundaries of Roberts, Marshall, Day, Grant, and Codington Counties of South Dakota and North Dakota and Sargent, and Richland Counties of North Dakota, and other outdoor recreational activities occurring on such lands and waters, are all subject to the absolute jurisdiction of the Sisseton-Wahpeton Sioux Tribe.

Revised: 6-19-94

- 16-03-02 The Tribe shall have criminal jurisdiction over non-members of the Tribe who expressly consent thereto as a condition for obtaining any license to hunt, fish or trap within the territorial jurisdiction of the Tribe. Any person who is not a member of the Tribe and who refuses to provide express consent to the criminal jurisdiction of the Tribe as a condition for obtaining any license to hunt, fish or trap shall not be issued a license to hunt, fish or trap.
- 16-04-01 **INTERFERENCE WITH EXCLUSIVE TRIBAL JURISDICTION AND NONCOMPLIANCE WITH CODE; TRIBAL RIGHT OF ACTION**
In addition to any criminal action or proceeding that may be maintained by the Tribe for a violation of this Chapter or Chapter 26, the Tribe, for purposes of enforcing the provisions of this Chapter, shall have the right to maintain in Tribal Court, or in a court established pursuant to the Code of Federal regulations, any civil cause of action necessary to prevent interference, by Indians or Non-Indians or by the State of South Dakota and North Dakota and its agents or employees, with the exclusive jurisdiction of the Tribe over all matters covered under this Chapter, including any action that may be necessary to enforce compliance with this Chapter and the rules and regulations promulgated pursuant thereto. In any such civil action, the Tribe may seek declaratory and, where appropriate, punitive, and such other relief as may be deemed necessary to prevent continued interference with the Tribe's exclusive jurisdiction.
- 16-04-02 The Tribal Court, or a court established pursuant to the Code of Federal Regulations, as the case may be, shall have jurisdiction over any civil action brought by the Tribe pursuant to this Chapter for alleged interference with the exclusive jurisdiction of the Tribe and over any action brought to enforce compliance with this Chapter and the rules and regulations promulgated pursuant thereto.
- 16-05-01 **DEFINITIONS: INTERPRETATION**
The following terms and definitions shall be used in Chapter 16 and shall have the meaning so ascribed to them in this Section unless a different meaning clearly appears from the context.
- 16-05-02 **All-Terrain Vehicle** - means any motorized vehicle designed for or capable of travel over unimproved terrain.
- 16-05-03 **Antlered** - means any male animal with a visible antler at four inches above the head.
- 16-05-04 **Antlerless** - means any animal not classified as antlered as defined in 16-05-03 above.

- 16-05-05 Bag Limit - means the maximum number of wildlife species which may be legally taken per day and shall include the maximum number of each species by sex.
- 16-05-06 Bait - means any food item including but not limited to shelled or unshelled grains, shucked or unshucked grains, beans, alfalfa, hay, food supplements, salt, and any other food which entices or attracts wildlife or fish to a particular place.
- 16-05-07 Bait Fish - means any fish or minnow which is used for angling or the capture or taking of fish.
- 16-05-08 Baiting - means the act of putting out, scattering or in other ways distributing bait for the purposes of attracting and taking any species of wildlife or fish.
- 16-05-09 Big Game - shall be defined as Whitetail Deer, Mule Deer, Turkey, Elk, Moose, Antelope, and Buffalo for which harvest seasons have been established by the Sisseton-Wahpeton Sioux Tribe Natural Resources Commission.
- 16-05-10 Big Game Tag - means any tag issued with a big game permit which must be attached around the hock of the big game animal at the time it is taken.
- 16-05-11 Carcass - means the dead body of any wild animal to which it refers including the hear, hair, skin, plumage, skeleton or any other parts thereof.
- 16-05-12 Closed Area - means any area, where by authority of the Sisseton-Wahpeton Sioux Tribe's natural resources commission, hunting, fishing or trapping is prohibited and to which access or any other activities may not be allowed as indicated by signs so stating and located in conspicuous places along access routes.
- 16-05-13 Closed Season - means any time or times during a calendar year, where by authority of the Sisseton-Wahpeton Sioux Tribe's Natural Resources Commission, hunting, fishing or trapping is prohibited.
- 16-05-14 Creel Limit - means the maximum number of any species of fish which may be legally taken per day.
- 16-05-15 Endangered Species - means any species of wildlife, fish or plants classified as endangered species under the Endangered Species Act of 1973 or any regulations promulgated pursuant thereto, including any amendments to such law or regulations as, from time to time, may be adopted.
- 16-05-16 Firearm - means any handgun, rifle, or shotgun.

- 16-05-17 Furbearer - means animals which are taken primarily for sale or their pelts.
- 16-05-18 Game - means all wild animals and birds for which hunting seasons have been established by the Sisseton-Wahpeton Sioux Natural Resources Commission.
- 16-05-19 Game Fish - means all species belonging to the Salmon, Trout, Pike, Catfish, Bullhead, Sunfish, Black Bass, Bluegill, Crappie, Perch, Walleye and Sauger families of fish species.
- 16-05-20 Hunt/Trap - means any effort to kill, injure, capture or disturb any wild animal.
- 16-05-21 Hunter Orange - an article of external clothing, including caps, hats, vests, sweaters or gloves required to be worn by all hunters except waterfowl hunters and Spring Turkey hunters.
- 16-05-22 Indian Non-member - means an Indian enrolled in another Indian Tribe.
- 16-05-23 Judicial Revocation - means loss of license, for specific period of time.
- 16-05-24 License - means the primary document issued by authority of the Sisseton-Wahpeton Sioux Tribe which grants authority to engage in activities covered by the provisions of this Chapter.
- 16-05-25 Live Bait - means any baitfish, amphibian, or any other live animal used for angling.
- 16-05-26 Loaded Firearm - means any firearm containing cartridges in the chamber, clip or magazine.
- 16-05-27 Motor Vehicle - means a motorized vehicle which may travel on land, water, snow, or air.
- 16-05-28 Non-Indian - means other than defined in 16-05-22 and 16-05-48.
- 16-05-29 Officer - means a Conservation Officer of the Sisseton-Wahpeton Sioux Tribe's Fish and Wildlife Department or any other Law Enforcement Officer of the Bureau of Indian Affairs or Sisseton-Wahpeton Sioux Tribe.
- 16-05-30 Open Season - means any time or times during a calendar year, where by authority of the Sisseton-Wahpeton Sioux Tribe's Natural Resources Commission, hunting, fishing or trapping is lawful.

- 16-05-31 **Possession** - means physical possession or control of any undomesticated game or non-game animal or parts thereof on one's person, premises, motor vehicles, or public or private place of processing or storage.
- 16-05-32 **Possession Limit** - means the maximum number of game species which may be possessed.
- 16-05-33 **Predator** - means animals which kill and eat the flesh of other animals.
- 16-05-34 **Protected Species** - means any fish or wildlife species that is not either endangered, or a species of tribal concern, or an unprotected species.
- 16-05-35 **Recreational Vehicle** - means any snowmobile, all terrain or other vehicle used to engage in off-highway recreational use.
- 16-05-36 **Reservation** - means all Indian Country, as that term is defined in 18 U.S.C. §1151, within the exterior boundaries of the Lake Traverse Indian Reservation including, but not limited to, Tribal allotted and Trust lands and the waters appurtenant thereto, within Roberts, Marshall, Day Grant and Codington Counties of South Dakota and North Dakota and within Sargent and Richland Counties in North Dakota, and all other lands and waters whereon or wherein the Tribe or its members have the right to hunt, fish, trap or gather pursuant to the Treaty of February 19, 1867, 15 Stat. 505, or other applicable federal law.
- 16-05-37 **Rough Fish** - means any and all fish species, not included in the game fish families and specifically includes, but is not limited to, Buffalo, Carp, Carpsuckers, Suckers, Drum.
- 16-05-38 **Sell** - means to offer or possess for sale, barter, exchange or trade or the act of selling, bartering, exchanging or trading.
- 16-05-39 **Small Game** - shall be defined as all rabbits, squirrels, and woodchucks for which hunting seasons have been established by the Sisseton-Wahpeton Sioux Tribe Natural Resources Commission.
- 16-05-40 **Snagging** - means the use of a hook or hooks and line, with or without a pole, to impale or attempt to impale fish in a manner other than by natural feeding behavior by fish.
- 16-05-41 **Snowmobile** - means any motorized vehicle designed for travel on snow and/or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressured tires.

- 16-05-42 **Species of Tribal Concern** - means all species of wildlife and fish which may be extinct or found in very low numbers within the Reservation including but not limited to: Swift Fox, Swanson Hawk, Ferruginous Hawk, Mountain Plover, Long Billed Curlew, Greater Prairie Chicken, Sharptail Grouse, Blue Sucker, Sturgeon Chub, Sicklefin Chub.
- 16-05-43 **Specified Areas** - means areas where the taking of game animals is restricted to the specifications set forth by rules and regulations promulgated by the Sisseton-Wahpeton Sioux Tribe Natural Resources Commission.
- 16-05-44 **State** - means the States of South Dakota or North Dakota, as contextually applicable.
- 16-05-45 **Tag** - means a card, label or other identification device issued for attachment to the carcass of any game animal.
- 16-05-46 **Take** - means to fish, angle, hunt, pursue, catch, capture seine, trap, kill or otherwise possess any wildlife or any attempt to commit any of these acts.
- 16-05-47 **Tribal Court** - means the Sisseton-Wahpeton Sioux Tribal or, in the absence thereof, any court established under the Code of Federal Regulations.
- 16-05-48 **Tribal Member** - means a person who is an enrolled member of the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation.
- 16-05-49 **Tribe** - means Sisseton-Wahpeton Sioux Tribe.
- 16-05-50 **Trot Line** - means any line used for fishing with one or more hooks which is not used with a conventional rod and reel and is left unattended which shall include but not be limited to the terms throw line, set line, limb line or jug line.
- 16-05-51 **Unprotected Species** - means those species of birds and animals which are not protected under the provisions of this Chapter, and for which year round hunting is allowed, including but not limited to the following:
- | | |
|---------------------|----------------------|
| Brewer's Blackbirds | Pigeons |
| Bronzed Grackles | Pocket Gophers |
| Crows | Prairie Dogs |
| European Starlings | Purple Grackles |
| Ground Squirrels | Raven |
| House Sparrows | Regwing Blackbirds |
| Jack Rabbits | Skunks - All species |
- 16-05-52 **Upland Game Bird** - means pheasants, partridges and morning doves for which hunting seasons have been established by the Sisseton-Wahpeton Sioux Tribe Natural Resource Commission.

- 16-05-53 Waterfowl - shall include, but limited to, all varieties of geese, brant, swans, ducks, rail and coot.
- 16-05-54 Wildlife - means any form of animal life generally living wild in a state of nature, endowed with sensation and power of voluntary motion, including all wild animals, birds, fish, reptiles, amphibians and their eggs, nest, and spawn.
- 16-05-55 Youth - means any person under the age of 16.
- 16-06-01 **REGULATION**
The Sisseton-Wahpeton Sioux Tribe Natural Resources Commission, from time to time, may promulgate regulations which, without limiting the general powers herein conferred, shall include regulations:
- 16-06-02 Fixing, shortening, extending or closing seasons with respect to any species of wildlife in any specific locality after investigation and upon a determination that such action is necessary either to assure maintenance of an adequate supply thereof, to regulate taking, or to effectuate proper wildlife management and control.
- 16-06-03 Regulating and prescribing the means by which wildlife may be taken as may be best to perpetuate, restore, increase or control any species of wildlife and assure an adequate supply thereof, and regulating the transportation and storage of all wildlife or parts thereof throughout reservation lands of the Lake Traverse Reservation.
- 16-06-04 Establishing or changing daily limits and/or possession limits on the taking or possession of fish and wildlife.
- 16-06-05 Prescribing the types of or kinds of bait, lures, tackle, equipment, traps, firearms and weapons, the tagging of wildlife or fish or parts thereof or any means or devices for taking of such wildlife.
- 16-06-06 Establishing methods for checking compliance by hunters, fishermen, or trappers, with this Chapter or any rules or regulations promulgating pursuant thereto.
- 16-06-07 Prescribing safety and fire control measures and other regulations as may be deemed necessary in the interest of range, wildlife, fish or furbearing animal management.
- 16-06-08 Establishing fees and license cost for hunting and fishing seasons.

16-07-01 ENFORCEMENT PROCEDURES

16-07-02 Officers Duties

It shall be the duty of every Tribal Conservation Officer and Tribal Law Enforcement Officer to enforce this Chapter and any Rules and Regulations relating to hunting, fishing, trapping, and all other regulations which may relate to activities governed by this Chapter and such officers may issue citations and/or make arrests and bring before the Tribal Court or, in absence thereof, any court established under the Code of Federal Regulations, any persons violating any provisions of this Chapter or any of the Regulations or Rules adopted pursuant thereto.

16-07-03 Search

Any officer described in Section 16-05-29, may search without warrant upon probable cause any conveyance, vehicle, game bag, game basket, game boat, any receptacle, any package, box, hunting camp or similar place, except the hunter's, fisher's or trapper's dwelling, which he has reason to believe contains evidence of violations of this Chapter or any regulations or rules adopted thereunder.

16-07-04 Authority to Enter Reservation Land

Any officer described in Section 16-05-29, in the course of his duty may enter upon any reservation lands of the Lake Traverse Reservation of the Sisseton-Wahpeton Sioux Tribe and remain thereon while performing such duties, and such actions by such officers shall not constitute trespass.

16-07-05 Seizure

Any officer described in Section 16-05-29, may upon probable cause seize without warrant:

16-07-06 All wildlife and fish or parts thereof taken, killed, transported or possessed, contrary to the provisions of this Chapter or any regulations or rules promulgated pursuant thereto, and

16-07-07 Any gun, trap, net decoy, light, or other devices, including motor vehicles unlawfully used in hunting, fishing or trapping, or held with the intent to unlawfully use for hunting, fishing, or trapping.

16-07-08 Civil Liability to the Tribe

Any person who has illegally taken, killed, or possessed any species of fish or wildlife shall be liable for a civil fine. The fine to be paid to the Sisseton-Wahpeton Sioux Tribe's Fish and Wildlife Department shall be as follows:

BIG GAME	MALES	FEMALES
Antelope	\$ 200.00	\$ 300.00
Buffalo	\$ 5,000.00	\$ 2,500.00
Deer	\$ 200.00	\$ 300.00
Elk	\$ 2,000.00	\$ 1,500.00
Moose	\$ 2,000.00	\$ 1,500.00
Turkey	\$ 100.00	\$ 100.00

SMALL GAME

Rabbits	\$	40.00	\$	40.00
Squirrels	\$	40.00	\$	40.00
Woodchucks	\$	40.00	\$	40.00

UPLAND BIRDS

Hungarian Partridge	\$	50.00	\$	50.00
Mourning Dove	\$	40.00	\$	40.00
Pheasants	\$	50.00	\$	50.00

PREDATORS

Coyote	\$	75.00	\$	75.00
Fox	\$	75.00	\$	75.00

FURBEARERS

Badger	\$	40.00	\$	75.00
Beaver	\$	200.00	\$	250.00
Bobcat	\$	200.00	\$	250.00
Mink	\$	200.00	\$	250.00
Muskrat	\$	15.00	\$	75.00
Raccoon	\$	40.00	\$	75.00
Weasel	\$	15.00	\$	75.00

FISH - The civil fine for all fish taken over the lawfully prescribed taking limit shall be \$25.00 per fish.

16-07-09 Harassment

No one may intentionally interfere with another person lawfully engaged in taking or attempting to take wildlife or fish or engage in any activity intended to harass or prevent the lawful taking of wildlife or fish, or engage in any activity intended to scare or disturb wildlife or fish with specific intent to prevent its lawful taking.

16-08-01 GENERAL LICENSING, HUNTING, FISHING AND TRAPPING PROVISIONS
The Sisseton-Wahpeton Sioux Tribe declares that all hunting and fishing and trapping seasons are closed year round for all species, unless specifically opened by the action of the Tribe Natural Resources Commission.

16-08-03 Only enrolled members of the Sisseton-Wahpeton Sioux Tribe may hunt, trap or fish during any season designated as a Tribal Season. Indian Non-members and Non-Indians must hunt during the regular season.

16-08-04 License fees for hunting, fishing and trapping will be established by the Sisseton-Wahpeton Sioux Tribe's Natural Resources Commission on a yearly basis.

16-08-05 GENERAL HUNTING LICENSE

The General Hunting License is required of every hunter. Hunters between the ages 12 - 15 years inclusive must possess a Certificate of Hunter Safety and be accompanied by a licensed adult. A hunting license shall not be issued to anyone under the age of 12.

- 16-08-06 In issuing Big Game hunting licenses, a preference shall be given to employees of Tribal and Federal Government Agencies (located in Sisseton) that provide service for members of the Sisseton-Wahpeton Sioux Tribe when the Tribe has a surplus of Big Game Licenses.
- 16-08-07 Licenses shall be issued without charge to any Tribal member 55 years of age or older.
- 16-08-08 **FEE WAIVER**
The Conservation Officer may waive the hunting, fishing or trapping license fee for any applicant who can prove financial inability to purchase a license. Prior to granting any waiver, the Conservation Officer shall check with other agencies to determine whether or not the applicant qualifies for the waiver.
- 16-08-09 **PERMIT TO HUNT BIG GAME**
It shall be unlawful for any person to hunt any big game animal except the person to whom a Tribal Big Game License has been issued. A violation of this Section is a Class 1 Misdemeanor under Section 16-16-01.
- 16-08-10 **SMALL GAME PERMIT**
The small game license as provided for herein is required of every hunter who hunts small game. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-08-11 **UPLAND BIRDS**
The upland birds license as provided for herein is required of every hunter who hunts upland birds. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-08-12 **FURBEARERS**
the furbearer license as provided for herein is required of every hunter who hunts furbearers. A violation of this Section is a Class D Misdemeanor under Section 16-16-01.
- 16-08-13 **WATERFOWL**
The waterfowl license as provided for herein is required of every hunter who hunts waterfowl. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-08-14 **HANDICAPPED HUNTERS**
Licensed hunters who are paraplegic or otherwise physically unable to walk with or without crutches, braces, or other mechanical support devices in the fields or woods and who have obtained a special license from the Sisseton-Wahpeton Sioux Tribe Fish and Wildlife Department may shoot from a standing vehicle in the course of hunting wildlife or fishing.

- 16-08-15 PROTRUDING GUNS**
Except as otherwise provided for herein it shall be unlawful for any gun or firearm to protrude from any motor vehicle or conveyance while on a highway or public road within reservation lands. A violation of this Section is a Class F Misdemeanor under Section 16-16-01 of this Chapter.
- 16-08-16 DISTURBING WILDLIFE PROHIBITED.**
No person shall scare, chase, harass, disperse, rally or otherwise disturb any wildlife by means other than by legal hunting methods and in the ordinary course of hunting. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-08-17 SIZE OF PARTY LIMITED**
No more than twenty (20) persons shall cooperate as a group in hunting. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-08-18 HUNTING METHODS RESTRICTED TO SHOULDER GUNS AND BOW AND ARROWS**
No person shall at any time hunt any wildlife in any other manner than by shooting with a gun held at the shoulder, except that handguns of calibers .41 and .44 caliber may be used in the taking of big game animals, or by a bow and arrow with a draw weight of at least forty (40) pounds and a draw of twenty-eight (28) inches of draw or at the peak of draw. All cross bows or various forms thereof shall be illegal, except for handicapped hunters issued a special cross bow license. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.
- 16-08-19 HUNTER ORANGE**
Hunter Orange shall be required of every hunter when hunting in the field, except waterfowl hunters and Spring Turkey hunters. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.
- 16-08-20 USE OF RIFLE TO HUNT BIRDS PROHIBITED**
The use of rifles in the hunting of game birds is prohibited except that rifles using center fire cartridges may be used in the fall hunting of wild Turkeys. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.
- 16-08-21 USE OF ARTIFICIAL LIGHT IN HUNTING PROHIBITED**
No person shall take or attempt to take any wildlife with the aid or use of artificial light, except raccoons after they have been treed with the aid of dogs. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.

- 16-08-22 HUNTING FROM A MOTOR VEHICLE PROHIBITED**
No person while in or on a motor vehicle or any conveyance attached thereto shall take wildlife or discharge any firearm at any wildlife while on a public highway or in a field or unharvested grain. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.
- 16-08-23 HUNTING FROM A RECREATIONAL VEHICLE**
It shall be unlawful for any person to chase, drive, harass, or hunt any wildlife with or from a recreational vehicle. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.
- 16-08-24 POSSESSION OF UNLAWFULLY TAKEN OR IMPORTED WILDLIFE OR FISH**
It shall be unlawful for any person, at any time to have in his possession or under his control, any wildlife or fish, or any part thereof, which has been unlawfully taken on the reservation. It shall also be unlawful for any person to possess and transport onto the reservation any wildlife or fish or part thereof which has been taken in violation of the laws of the United States, the State of South Dakota and North Dakota or any of the State or Indian Tribe. A violation of this Section is a Class D Misdemeanor under Section 16-16-01. Any person found guilty of a violation of this Section shall also pay a civil fine to the Tribe as specified in Section 16-07-08 of this Chapter.
- 16-08-25 POSSESSION DURING CLOSED SEASONS AS PRIMA FACIE EVIDENCE OF TAKING DURING CLOSED SEASON**
The possession or having under control by any person of any wildlife or fish or part thereof at any time when the killing, taking or possession thereof is by the law of the Sisseton-Wahpeton Sioux Tribe declared to be unlawful shall be prima facie evidence that such taking or killing has occurred during the closed season. A violation of this Section is a Class B Misdemeanor under Section 16-16-01.
- 16-08-26 INSPECTION AND COUNTING OF WILDLIFE AND FISH TO BE PERMITTED BY PERSON IN POSSESSION**
Every person having in possession any wildlife or fish or any part thereof shall, upon the request of any person authorized to enforce the game and fish laws of the Sisseton-Wahpeton Sioux Tribe, permit the inspection and count of such wildlife or fish in his possession, and any motor vehicle may be stopped for such inspection and count by any uniformed law enforcement officer. Refusal to permit such inspection or the interference with such inspection or count is a Class D Misdemeanor under Section 16-16-01.
- 16-08-27 USE OF CITIZEN BAND RADIOS PROHIBITED**
It shall be unlawful to use Citizen Band Radios or any other wireless means of communication to make it easier or less difficult to harvest any form of wildlife on the reservation. A violation of this Section is a Class D Misdemeanor under Section 16-16-01.

- 16-08-28 LICENSING, MISREPRESENTATION**
Misrepresentation of identity, age, or residency while purchasing a Tribal license to hunt, fish or trap shall be unlawful and shall constitute fraud. Any person violating any of the provisions of this Section is guilty of a Class 1 Misdemeanor under Section 16-16-01.
- 16-08-29 TRANSFER/ALTERATION OF LICENSES**
Except as provided in subparagraph (2) of this Section, Tribal licenses shall be valid only for the person whose name appears on the license. Further it shall be unlawful to alter or change in any way any Tribal license or Permit to hunt, fish, or trap after being issued by the Sisseton-Wahpeton Sioux Tribe Fish and Wildlife Department. Any person violating any of the provisions of this Section is guilty of a Class 1 Misdemeanor under Section 16-16-01.
- 16-08-30** Any member of the Tribe holding a license to hunt big game any designate another member of the Tribe to exercise the rights of the license to hunt big game if the designation is authorized by the Fish and Wildlife Department.
- 16-08-31 DESTRUCTION OF PROPERTY**
No person shall deface, mutilate, shoot at, tear or pull down or destroy any sign on the reservation nor shall any person cut, run through, tear out, take down and leave down any fence, or leave gates open or in any way destroy gates or fences on the reservation. Any person violating any the provisions of this Section is guilty of a Class 1 Misdemeanor under Section 16-16-01. In addition to the penalty provided for in this Section, any violator may be required by the convicting court to pay for all damages resulting from such violation.
- 16-08-32 WASTE PROHIBITED**
No person shall wantonly waste or destroy any of the wildlife or fish of the kinds protected by the laws of the Sisseton-Wahpeton Sioux Tribe. A violation of this Section is guilty of a Class D Misdemeanor under Section 16-16-01.
- 16-08-33 FINANCE OF FISH AND GAME DEPARTMENT**
The operations of the Fish and Game Department will be financed, in part, through the receipt of all revenue:
- (a) taken in from hunting, fishing, and trapping licenses,
 - (b) from any other licenses or permits issued by the Fish and Game Department,
 - (c) from any civil or criminal fines for violations of this Chapter, and
 - (d) from any other source through which the Fish and Game Department directly generates revenues.

- 16-08-34 JUDICIAL REVOCATION OF PRIVILEGES FOR VIOLATION OF ANY FISH AND WILDLIFE LAWS.**
In any case where a person is convicted of violating any law or regulation pertaining to fishing, hunting or possessing fish or wildlife without a license or during closed season, the court shall revoke the person's hunting, trapping, or fishing privileges for a period of one year following such conviction and if such person is the holder of a license to hunt, trap, or fish, the court shall require such license to be forfeited to the court and the same shall be cancelled and revoked and returned to the Sisseton-Wahpeton Sioux Tribe Fish and Wildlife Department.
- 16-08-35 UNARMED RETRIEVAL**
Any licensed hunter may pursue and retrieve any wounded wildlife by proceeding unarmed directly to the wildlife for retrieval either with or without the consent of the landowner.
- 16-08-36 LANDOWNER'S CONSENT TO HUNTING, TRAPPING AND FISHING**
Hunting, trapping and fishing on private lands within the reservation may occur only with the permission of the landowner. Lessees of Indian owned lands within the reservation shall be granted no hunting, trapping and fishing privileges under their leases.
- 16-09-01 BIG GAME PROVISIONS**
- 16-09-02 BIG GAME TAGGING**
Any tag issued with each Big Game permit shall be attached securely around one leg between the hoof and knee joint. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-03 GENERAL**
No Big Game animal shall be hunted or harvested by any other method than is prescribed in this Chapter or in any Rules and Regulations promulgated pursuant thereto.
- 16-09-04 BAITING**
It shall be unlawful to use bait of any kind to attract Big Game animals while hunting or to hunt or take Big Game using bait. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-05 EVIDENCE OF SEX**
After harvesting a Big Game animal, evidence of sex must be left attached to the carcass. Suitable evidence of sex shall include scrotum, udder, or identifiable portions of reproductive organs. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.

- 16-09-06 SILENCING**
It shall be unlawful to use any mechanism to silence, muffle, or minimize the report of any firearm while hunting Big Game. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-07 ACCOMPANIMENT PROHIBITED**
No Big Game Licensee, while hunting in the field during any Big Game season shall be accompanied by any non-licensee carrying any firearm or bow and arrow. A "non-licensee" is a person not having a Big Game license for the same season. Violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-08 MINIMUM CALIBER OF BIG GAME AMMUNITION**
It shall be unlawful for any person to hunt any Big Game animal with a center firearm that produces less than 1,000 foot pounds per second of velocity. A Big Game cartridge must contain a soft point or expanding bullet. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-09 BUCKSHOT PROHIBITED IN HUNTING BIG GAME**
No buckshot may be used and no single shot or rifled slug weighing less than 1/2 ounce may be used in hunting Big Game animals. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-10 DOG PROHIBITED IN HUNTING BIG GAME**
No dog shall be used in the hunting of Big Game animals. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-11 USE OF SALT TO ATTRACT BIG GAME PROHIBITED**
No person shall place any salt or salt lick or construct a blind, or stand at or near any salt lick for the purpose of hunting Big Game animals. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-09-12 UNLAWFUL TAKING, POSSESSION, SALE OR TRANSPORTATION OF WILDLIFE OR FISH OR PROTECTED SPECIES**
Any person who takes, catches, kills or has in his possession with intent to sell, sells, or causes to be conveyed, has in possession with intent to ship or convey to any point, either within or without this reservation, any wildlife or fish or parts thereof or protected species, in violation of any law or regulations of the Sisseton-Wahpeton Sioux Tribe, or any common carrier or agent thereof who aids or abets any person in shipping such wildlife or fish or protected species or has the same in his possession with intent to ship or convey such wildlife or fish or protected species to any point either within or without this reservation contrary to law, shall be guilty of a Class D Misdemeanor under Section 16-16-01. Any person or entity violating this Section shall also be liable for a civil fine as provided under Section 16-07-08 of this Chapter.

16-09-13 (1) ARCHERY EQUIPMENT RESTRICTIONS

No person hunting with a bow and arrow shall use or possess explosive points, poisonous points, barbed points, or cross bows. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.

16-09-14 MINIMUM SIZE OF BOW AND ARROW

Big Game licensees hunting with a bow and arrow shall be equipped with a bow of not less than forty pounds pull at twenty-eight inches of draw or at peak of draw and capable of shooting an arrow one-hundred and twenty-five yards. The cutting edge of the arrow head must be of steel and be not less than 7/8 inches wide and not less than 1 1/2 inches long. The following devices are illegal:

- (a) An arrow with a shaft shorter than 26 inches.
- (b) Explosive, poisonous, and barbed points.
- (c) Crossbows, bolts, and darts.
- (d) Telescopic sights and lighted sight pins.
- (e) String licks or similar mechanical devices that hold a bow at draw.

A violation of this Section is a Class F Misdemeanor under Section 16-16-01.

16-09-15 ARCHERS PROHIBITED FROM POSSESSING FIREARMS

No person licensed in a season restricted to archery only shall possess any firearm in the field while hunting with a bow and arrow. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.

16-09-16 TAGGING REQUIREMENTS FOR BIG GAME

No Big Game animal taken on the reservation shall be transported unless the tag bearing the licensee's number for that season has been securely attached at the time the Big Game animal is brought into any hunting camp, dwelling, farmyard, or other place of abode of any kind occupied overnight or, in the event such Big Game animal is brought out to a road or trail, then before the same game is placed upon or in a vehicle of any kind. All tagging instructions printed on the tag must be followed, a violation of this Section is a Class F Misdemeanor under Section 16-16-01.

16-10-01 FISHING REGULATIONS

16-10-02 NO FISHING LICENSE

It shall be unlawful for all persons to attempt to take fish by any means without a Tribal Fishing License. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.

16-10-03 EXEMPTION

Youth up to the age of 15 inclusive, shall be exempt from purchasing a fishing license.

- 16-10-04 LABELING AND ACCESS TO FISHING HOUSES**
Fish houses, shanties, and other shelters must display on the outside the name and address of the owner in letters at least 2 inches high. the door must permit entry at all times except when locked from the outside. All such shelters must be removed from the ice by March 5th or earlier, as determined by the Sisseton-Wahpeton Sioux Tribe's Natural Resources Commission. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-10-05 REFUSE LEFT ON ICE**
It shall be unlawful for any person to deposit any form of organic or inorganic waste on the ice of any waters on the reservation. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-10-06 FISHING RESTRICTED TO AUTHORIZED METHODS**
It shall be unlawful to catch or attempt to catch, take or net any fish by any method, except as provided in this Chapter. A violation of this Section is a Class F Misdemeanor under Section 16-16-01.
- 16-10-07 MAXIMUM NUMBER OF LINES AND HOOKS**
It shall be unlawful for any person to fish with more than four lines at the same time, and no more than three hooks shall be attached to the same line. Artificial lures constitute one hook, regardless of the number of hooks attached. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-10-08 FISH TAKING: Conditions**
It is legal to take certain fish, as annually specified by the Tribe Natural Resources Commission, by means of bow and arrow, and spear subject to the following conditions:
- (a) Each bow and arrow shooter shall have in his possession a valid Tribal Fishing license.
 - (b) The minimum weight of bows shall be twenty-five pounds.
 - (c) The maximum length of arrows shall be thirty-two inches.
 - (d) Each arrow must have a barbed head.
 - (e) Each arrow must be a shot from a bow.
 - (f) A line must be attached from bow to arrow.
 - (g) It shall be unlawful to take fish using a crossbow.
 - (h) It shall be unlawful to take fish by any firearm.
 - (i) A spear shall not have less than 4 barbed prongs.
 - (j) Bow and Arrow, and spear fishing is permitted only during daylight hours.

Any person violating any of the provisions of this Section is guilty of a Class G Misdemeanor under Section 16-16-01.

- 16-10-09 ROUGH FISH AREA: Restrictions**
All streams, lakes, ponds, and other waters on the reservation subject to the laws and regulations of the Tribe relative to fishing are open to the taking of certain rough fish by means of a bow and arrow, except that all water areas within a distance of 100 yards of any boat dock, swimming area, picnic area, or other place where people are congregated are closed to bow and arrow fishing. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-10-10 RODS, LINES, BAITED HOOKS**
It is unlawful to take fish by any other means than by rods, lines and baited fishhooks, except as provided by this Chapter or any rules or regulations promulgated pursuant thereto. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-10-11 TAKING OF MINNOWS**
It is lawful to have and use, for the sole purpose of taking minnows for bait, a minnow seine not more than four feet wide and fifteen feet long with a mesh not larger than one-fourth inch square and a glass wire minnow trap with a throat not larger than one inch in diameter. Any other seine or seine device shall be unlawful. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-10-12 TAKING OF BULFROGS**
Bullfrogs may be legally taken by hand, dip-net and by hook and line. Any and all other means and methods of catching, taking and/or killing bullfrogs is prohibited. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-11-01 TRAPPING**
- 16-11-02 TRAPS: Marking**
All traps will be marked with the owners name and address.
- 16-11-03 TRAPS: Disturbing**
No one shall disturb in any way another person's trap sets or harass, kill, or take animals from another person's trap set. A violation of this Section is a Class A Misdemeanor under Section 16-16-01.
- 16-11-04 TRAPS TO BE CHECKED**
Traps sets shall be checked at least once every 48 hours.
- 16-11-05 TRAPS: Distances From**
No traps shall be set within 200 yards of any occupied house or dwelling, community, town, city limits, public use area, picnic area or other places where public gatherings are likely to take place. A violation of this Section is a Class E Misdemeanor under Section 16-16-01.

- 16-11-06 TRAPPING GAME ANIMALS UNLAWFUL**
It shall be unlawful to trap any small or big game animals. Only furbearers, predators, and unprotected species may be legally trapped. A violation of this Section is a Class F Misdemeanor under Section 16-16-01 and is also subject to the civil fine provisions of Section 16-07-08 of this Chapter.
- 16-11-07 TRAPPING PROTECTED SPECIES**
If protected species are trapped, the animal shall be left undisturbed, and the proper authority shall be contacted. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-11-08 STEEL LEGHOLD TRAPS**
No steel leghold traps larger than #4 are permitted. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-11-09 POSSESSION OF LIVE PREDATOR AND FURBEARERS GENERALLY PROHIBITED; Pets Excepted**
No live predator or furbearer shall be held in possession anyone, except that one predator or furbearer may be kept as a pet under humane conditions. A violation of this Sections is a Class G Misdemeanor under Section 16-16-01 and is also subject to the civil fine provisions of Section 16-07-08 of this Chapter.
- 16-11-10 PHYSICAL ALTERATION OF WILD PREDATOR OR FURBEARER**
No wild predator or furbearer which is to be kept as a pet shall be physically altered in any way. This shall include declawing, defanging, descenting, spading, or any other intentional physical alteration. A violation of this Section is a Class G Misdemeanor under Section 16-16-01.
- 16-12-01 MIGRATORY BIRDS**
- 16-12-02 ILLEGAL TO HARASS MIGRATORY BIRDS**
No person shall intentionally take or injure any migratory birds or harass any migratory bird upon its nest or remove any eggs or young.
- 16-12-03 NO TAKING BY VEHICLE**
No person may take migratory birds from or with the aid or use of a care or other motor driven land conveyance or aircraft.
- 16-12-04 SCIENTIFIC TAKING**
Nothing in this Chapter shall be construed to prohibit the taking of migratory birds for scientific purposes without authorization of the Tribe and in accordance with Federal Law and regulations.
- 16-12-05 FIREARMS RESTRICTIONS**
No person shall hunt migratory birds with:
- (a) A shotgun larger than 10 gauge.

- (b) A shotgun capable of holding more than three (3) shells.
- (c) A shotgun using a plug of two (2) or more pieces.
- (d) A rifle of any type.
- (e) A shotgun with a barrel length of less than 18 inches.
- (f) A handgun of any type.
- (g) With shot other than steel shot.
- (h) A Crossbow, Swivel gun, Punt gun, Battery gun or Machine gun.

16-12-06 BAIT RESTRICTIONS

It is unlawful to hunt over bait other than grain crops left in the field due to normal agricultural practices. It is unlawful to use electronic calls or electronic devices of any type to lure migratory birds for any purpose.

16-12-07 LIVE DECOYS

It shall be unlawful to use live decoy birds for the purpose of hunting migratory birds. If live domestic geese or ducks are or have been present in an area intended to be used for the hunting of migratory birds, they must be removed ten (10) days prior to hunting.

16-12-08 PERMITS AND TAGS

No person shall pursue or take any migratory birds on reservation lands without possessing a valid Tribal license, required transportation tag, or waterfowl stamp. Non-Tribal members are required to possess a Federal migratory bird stamp.

16-12-09 HUNTING SEASON, BAG LIMITS AND SHOOTING HOURS

The establishment of migratory bird hunting seasons and bag limits shall be set by the Natural Resources Commission in compliance with the Migratory Bird Treaty Act. In addition to any regulations provided for pursuant to this subsection, all rules and regulations provided for in 50 CFR 20 (Migratory Bird Hunting) will be enforced. Except where otherwise expressly authorized, no person shall pursue, shoot, kill or attempt to take any migratory bird between sunset of one day and sunrise of the next day.

16-12-10 TRANSPORTATION

No person shall:

16-12-11 Transport any migratory bird without leaving a fully feathered wing or head on each carcass.

16-12-12 Transport birds of another without that person present or without permission from the person providing the migratory bird for transport, or without birds being properly tagged.

- 16-12-13 Subsections 16-12-11 and 16-12-12 shall not apply to any authorized enforcement persons in the course of their duties transporting any seized migratory bird (s).
- 16-12-14 **LIVE BIRDS**
It shall be unlawful to possess live migratory birds at any time. All migratory birds must be immediately killed once possession is gained. Persons who raise captive birds may maintain these birds by permit issued through a hatchery, game farm, or Tribal, State or Federal Agency. Any person violating the provisions of this Section is guilty of a Class A Misdemeanor under Section 16-16-01.
- 16-13-01 **BOATING REGULATIONS**
- 16-13-02 **GENERAL PROVISIONS**
No person shall operate any vessel, motorboat, water-craft, ski jet or other floating-device without complying with all rules and regulations pertaining to safety and operation established by this code.
- 16-13-03 No person shall operate any vessel, motorboat, water-craft, ski jet or other floating device on water within the exterior boundaries of the Lake Traverse Reservation, without possessing the requisite license, permit or registration.
- 16-13-04 **BOAT REGISTRATION**
Any vessel, motorboat, water-craft, ski jet or other floating device placed upon or operated within the exterior boundaries of the Lake Traverse Reservation, shall be numbered and licensed as described by Rules and Regulations promulgated by the Department and Commission and this Code.
- 16-13-05 **BOATING SAFETY EQUIPMENT**
No person shall operate any vessel, motorboat, water-craft, ski jet or floating device without maintaining the following equipment on or within any boat, craft, vessel or floating device:
- 16-13-06 All vessels, motorboats, water-craft, ski jet or other floating device less than 16 feet in length and nonmotorized boats, must have at least one Coast Guard approved Type I, II, or IV flotation device for each person on board, and all boats 16 feet and over in length must have, in addition, at least one Coast Guard approved throwable Type IV device on-board.
- 16-13-07 All persons using water skis, surfboard or similar device must wear a Coast Guard approved Type I, II, or III flotation device.
- 16-13-08 Any Enforcement Officer who observes a vessel being used in an unsafe condition or manner and in the Officer's judgement such use creates a hazardous condition, may direct the operator to take whatever immediate and reasonable steps that would be necessary for the safety of those aboard the vessel or other floating device, including

directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended; provided that for the purpose of this Section an unsafe condition shall be defined as any one of the following:

- (a) operating without boating safety equipment;
- (b) operating in an overloaded condition;
- (c) fuel leakage or presence of fuel in bilges;
- (d) riding on the bow, gunwale, transom, or on the back of seats without taking precautions to prevent persons falling overboard;
- (e) operating in weather or water conditions which endanger the boat and/or occupants;
- (f) operating a boat without a battery cover in place;
- (g) operating a boat without the necessary lights for low light conditions.

16-13-09 WATER SAFETY - BOATING - NEGLIGENT OPERATION

It shall be a violation of this Code for any person to operate any vessel or other floating device on the waters of this Reservation in a careless or heedless manner so as to be indifferent to the person or property of other persons, or at a rate of speed greater than will permit him/her in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.

16-13-10 The owner of a vessel or other floating device shall be liable for injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of this Code, or neglecting to observe such ordinary care and such operation as the rules or regulations that may be promulgated by the Department and Commission. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.

16-13-11 The owner shall not be liable unless such vessel is being used and operated with his/her expressed or implied consent. It shall be presumed that such vessel or other floating device is being operated with the knowledge and consent of the owner, if at the time of the injury or damage it is under control of his/her immediate family members. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.

- 16-13-12 Nothing herein relieves any other person from any liability he/she would otherwise have, and nothing contained herein authorizes or permits any recovery in excess of injury or damage actually incurred. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.
- 16-13-13 **BOATING - OVERLOADING**
It shall be a violation of the Code for any person to operate any vessel or other floating device loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.
- 16-13-14 **BOATING - SPEED**
It shall be a violation of this Code for any person to operate a vessel or other floating device on the waters of this Reservation at a speed or under conditions that cause any damage to or affects the safety of other vessels, docks, shoreline installations or other property or person. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.
- 16-13-15 **BOATING - LIGHTING**
It shall be a violation of the Code for any person to operate a vessel or other floating device on the waters of this Reservation during hours of darkness or between one (1) hour after sunset and one (1) hour before sunrise without lighted running lights attached to both bow and stern of such vessel. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.
- 16-13-16 **BOATING - FLOTATION DEVICES**
It shall be a violation of this Code for any person to operate a vessel, motorboat, water-craft, ski jet or other floating device on waters of this Reservation without Coast Guard approved flotation device for each person aboard. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.
- 16-13-17 **BOATING - INCAPACITY OF OPERATOR**
It shall be a violation of this Code for the owner of any vessel or any person having such in charge or in his/her control to authorize or knowingly permit the same to be operated on the waters of this Reservation by any person who by reason of age, physical or mental disability is incapable of operating such vessel under the prevailing circumstances. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-13-18 **BOATING - INTOXICATION**
It shall be a violation of this Code for the owner of any vessel or any person having such in charge or in his/her control to operate or knowingly authorize a vessel, boat, water-craft, ski jet or other floating device to be operated while under the influence of alcohol, intoxicant or controlled substance with a blood alcohol concentration of 0.10% or more by weight of alcohol in the person's blood or 0.10% grams or more of alcohol in 200 liters of that

persons breath or to a degree that the person is incapable of safely operating said vessel. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.

16-13-19 BOATING - SWIMMING AREAS

It shall be a violation of this Code, for the owner or operator having charge of any vessel, boat, water-craft, ski jet or other floating device in his/her control to knowingly operate a vessel, boat, water-craft, ski jet or other floating device within any designated swimming areas or in areas where swimmers are present; provided, further, that no person shall operate a vessel, boat, water-craft, ski jet or other floating device within 100 yards of a skin-diving zone marked by the appropriate diving flags indicating the presence of skin divers (scuba diving) below the surface. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.

16-13-20 BOATING - FISHING

It shall be a violation of this Code, for the owner or operator having charge of any vessel, boat, water-craft, ski jet or other floating device in his/her control to knowingly operate such vessel in a manner as to molest, disturb or annoy persons lawfully engaged in fishing. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.

16-13-21 COLLISIONS, ACCIDENTS, CASUALTIES AND LIABILITY

Any person involved in a collision and/or accident shall give their name, address, and identification of the vessel or other floating device in writing to any person injured and to the owner of any property damaged in excess of \$100.00, or should a person disappear from any vessel under circumstances that indicate death or injury, the operator thereof shall file with the Department Director, a full description of the collision, accident, or other casualty, including such information as the Commission may, by regulation, require.

16-13-22 It shall be the duty of the operator of any vessel and/or boat involved in a collision, accident, or other casualty, so far as he/she can do without serious danger to his/her own life or property, to render aid to persons affected by the collision, accident, or other casualty.

16-13-23 Any person involved in a collision and/or accident shall be liable for any damages directly and proximately caused by said accident should it be found that said vessel was being operated in a negligent manner as indicated by this Chapter.

16-13-27 THROWING REFUSE IN WATERS

No person shall deposit, place or throw into any waters of the Lake Traverse Reservation, or leave upon the ice or in any cans, bottles, debris, refuse or other solid waste material. Violation of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.

- 16-13-28 ABANDONMENT; AUTOMOBILES, BOATS, OR OTHER VEHICLES**
No person shall abandon any automobile, boat or other vehicles in or around any waters of the Lake Traverse Reservation. Any automobile, boat, or other vehicles not removed from such waters within thirty (30) days shall constitute abandonment and be considered a violation of this Code. The Tribes Fish and Wildlife Department, shall remove or cause to be removed after thirty (30) days any automobile, boat, or other vehicle that has been determined to be abandoned, and related costs will be assessed to owner of said automobile, boat, or other vehicle. Any person violating the provisions of this Section, is guilty of a Class F Misdemeanor under Section 16-16-01.
- 16-14-01 BAITFISH REGULATIONS**
- 16-14-02 JURISDICTION**
The Sisseton-Wahpeton Sioux Tribe, shall have exclusive jurisdiction over all waters that abut Tribal and Trust lands, including over all matters relating to the propagation, conservation, management, distribution, commercial sale, transportation and storage of baitfish.
- 16-14-03 LICENSE**
Only enrolled members of the Sisseton-Wahpeton Sioux Tribe, may trap, take or attempt to take any baitfish pursuant to this Ordinance, if possessing a valid Tribal Business License and a Commercial Baitfish Permit. These licenses shall be nontransferable.
- 16-14-04 Fee:**
- (a) Tribal Member Business License Fee.
 - (b) Tribal Member Wholesale/Retail Bait Dealer Permit Fee.
 - (c) To be set by the Natural Resource Commission annually.
- 16-14-05 Duration:**
All licenses expire on December 31, of the calendar year for which the license is issued.
- 16-14-06 Display of Dealers License:**
A true copy of the dealers license must be conspicuously displayed in all places where bait is sold.
- 16-14-07 BAIT DEFINED**
Baitfish includes fish of the minnow family, except carp and goldfish, fish of the sucker family, except buffalofish and carpsucker, fish of the stickleback family.
- 16-14-08 TRAPS**
Any Tribal Member, taking baitfish for personal use may use lift traps up to 3 feet square with mesh 3/8 inches square or less or round cylinder type traps no larger than 12

inches in diameter and 36 inches long with funnel entrances no larger than one inch wide. Larger equipment may be used by the Tribes Fish and Wildlife Program, and commercial bait fish dealers. (box traps with lead, etc.) Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.

16-14-09 TRAP SPACING

Bait traps must not be set either singularly or in a series so as to cover more than one-half of the width of any stream. All bait traps must be lifted and emptied of fish often enough to prevent loss of bait or other animals and at least once in every 48 hours, between April 1st and October 31st, and at least once in every 72 hours between November 1st and March 31st. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.

16-14-10 TRAP MARKINGS

All bait traps must be marked or numbered conspicuously and legibly with the owners name and address. Bait traps lost or stolen must be reported within 10 days of knowledge of loss to the Tribes Fish and Wildlife Program. Owners will be liable for all violations involving unreported loss or stolen traps. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.

16-14-11 TRANSPORTATION

No one may transport more than 12 dozen baitfish or other gill breathing animals directly from the waters from which they were taken in any container containing less than 50 gallons of water except in containers equipped with temperature controls and aeration equipment, or in controlled environment containers capable of maintaining sufficient oxygen to support fish life. No bait dealer may transport baitfish or other gill breathing animals in water of higher temperature than 60 degrees Fahrenheit, except in a container provided with aerating equipment, operating so as to maintain sufficient dissolved oxygen in good condition whether or not the vehicle is in motion. Transportation equipment will be such as to allow inspection of bait at all times. No fish, except baitfish can be transported by a dealer while he is transporting bait. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.

16-14-12 KEEPING BAITFISH

No person shall keep more than 12 dozen baitfish or other gill breathing animal in any container unless it is equipped with aerating equipment or is provided with a continuous flow of water sufficient to maintain dissolved oxygen in a quantity adequate to maintain the bait in good condition. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.

- 16-14-13 EVIDENCE OF VIOLATION**
Any loss in excess of one quart of bait for every 50 gallons of water or portion thereof in any container used for keeping or transporting bait will be prima facie evidence of violation of the applicable provisions hereof relating to sufficient quantities of dissolved oxygen. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-14-14 RETURN TO WATERS**
Game fish and endangered or threatened species must be released and/or returned to the water from which they were taken. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-14-15 DISCARDED BAIT**
It is unlawful for any person to empty the contents of any minnow bucket or other receptacle containing bait into any waters under the jurisdiction of the Sisseton-Wahpeton Sioux Tribe. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-14-16 TRESPASS**
No person may trespass on Private Lands without the permission from the owner(s). Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-14-17 RECORDS**
Licensed Bait dealers must maintain; records of the gallons of Baitfish sold to retail and wholesale minnow dealers. Name and address of buyer, species, quantity and date sold. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-14-18 REVOCATION**
Violation of any of the laws and regulations pertaining to baitfish may be cause for revocation of the violators license and for the refusal to issue a license in the year following the violation. Violation of this Section, is guilty of a Class I Misdemeanor under Section 16-16-01.
- 16-14-19 VIOLATION**
A violation of this Baitfish Ordinance is a CLASS I Misdemeanor punishable upon conviction by a fine not to exceed \$5,000.00 or by imprisonment not to exceed one (1) year, or both such fine and imprisonment.
- 16-14-20 EXEMPTION**
The Fish and Wildlife Department or Duly appointed individual acting on behalf of the Sisseton-Wahpeton Sioux Tribe, is exempt from all the above regulations.
- 16-15-01 VIOLATIONS OF CHAPTER AND REGULATIONS: Penalties and Fines**
Except as otherwise specifically provided in this Chapter, upon conviction, any violator of this Chapter or of any of the Rules and Regulations promulgated pursuant thereto

shall be punishable by imprisonment not to exceed one (1) year or by a criminal fine not to exceed five thousand dollars (\$5,000.00), or by both such imprisonment and fine. In addition to or in lieu on any criminal penalty authorized under this section, any person found to have violated any provision of this Chapter or any Rule or Regulation promulgated pursuant thereto may be civilly fined in an amount not to exceed five thousand dollars (\$5,000.00) and the court may confiscate any property of a violator that was used, directly or indirectly, in committing the violation. Any fines or property forfeited to the court as a result of a violation of this Chapter or the Rules and Regulations promulgated pursuant thereto shall be remitted to the Tribal Treasurer to be budgeted for the operations of the Fish and Wildlife Department.

16-16-01

CLASSIFICATION OF OFFENSES

CLASS ONE (1) MISDEMEANOR:
Maximum Sentence :

One (1) year incarceration
\$5,000.00 Fine, or both**

CLASS A MISDEMEANOR :
Maximum Sentence :

Eight (8) month incarceration
\$1,000.00 Fine, or both**

CLASS B MISDEMEANOR :
Maximum Sentence :

Four (4) months incarceration
\$400.00 Fine, or both**

CLASS C MISDEMEANOR :
Maximum Sentence :

Three (3) month incarceration
\$250.00 Fine, or both**

CLASS D MISDEMEANOR :
Maximum Sentence :

Forty-five (45) days incarceration
\$100.00 Fine, or both**

CLASS E MISDEMEANOR :
Maximum Sentence :

Fifteen (15) days incarceration
\$50.00 Fine, or both**

** AS PROVIDED FOR IN THESE CODES, THE COURT IN ITS DISCRETION, MAY ALSO ORDER RESTITUTION AND/OR WORK FOR THE BENEFIT OF THE SISSETON-WAHPETON SIOUX TRIBE.

CLASS F MISDEMEANOR :
Maximum Sentence :

\$75.00 Fine

CLASS G MISDEMEANOR :
Maximum Sentence :

\$50.00 Fine

SPECIAL CLASS MISDEMEANOR:

Sentence to Imprisonment,
Fine or Work.

No Section of this Code shall prohibit the court from imposing any sentence, deemed more appropriate than imprisonment or a fine, under the circumstances of a particular case.

SENTENCES MAY INCLUDE FOR EXAMPLE:

- A. Commitment to a rehabilitation program.
- B. Work for the benefit of the Sisseton-Wahpeton Sioux Tribe.
- C. Restitution, etc;.

16-17-01 COURT ADJUDICATION

If any clause, sentence, paragraph, section, or part of this Chapter shall, for any reason be adjudicated by any court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

D.W.S.T. CODE

Amendment

New Adoption

Final Approved

02-24-88

Council Adopted

03-01-88