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GRAND PORTAGE BAND OF CHIPPEWA CONSERVATION CODE

TITLE II. ADMINISTRATION AND ENFORCEMENT

Section 1. Administration

The following text should be remembered:

This code will be overseen by the Grand Portage Conservation Department. The department will be comprised of individuals as determined appropriate by the Reservation Tribal Council. Any individual, whether a band member or non-member, who meets the qualifications set by the Reservation Tribal Council and any other applicable laws, will be eligible for employment in the Conservation Department.

Section 2. Duties

The Conservation Department shall perform all duties and responsibilities and shall exercise all authority delegated to it by this Code, including, but not limited to:

- 2.1 Issuance of Permits as provided for by this Code;
- 2.2 Keeping and maintaining a current and accurate system of records of Permits issued, type issued, to whom issued, and establishing procedures for obtaining Permits;
- 2.3 Providing regular reports to the Reservation Tribal Council regarding the number of Permits issued to Band Members and non Band members;
- 2.4 Setting of seasons and limits where none are specifically provided, closing or shortening existing seasons when necessary for the preservation of the resource, extending or opening seasons when it is determined that it will not harm the resource, or closing or limiting the manner or amount of take in designated areas when necessary for the preservation of the resource;
- 2.5 Revoking Permits under the provisions of this Code;
- 2.6 Making recommendations to the Reservation Tribal Council for amendments to this Code or for the adoption of additional regulations;
- 2.7 Reviewing annually each specially issued Permit to determine whether limitations of issuance are necessary, or whether additional Permits may be issued, and making the necessary recommendations regarding such Permits;
- 2.8 Collecting all fees charged for the issuance of Permits and all fines imposed for a violation or violations of this Code and keeping and maintaining an accurate account of all monies collected or disbursed;
- 2.9 Preparing an annual assessment of the fish and wildlife population of the Reservation and recommending to the Reservation Tribal Council that stocking of fish species be undertaken, increased, or decreased or that habitat modification be undertaken as necessary for enhancement of the resources;
- 2.10 Making recommendations to the Reservation Tribal Council on matters concerning funding, expenditures, and disbursements;
- 2.11 Recommending a schedule of penalties for violations of this Code; and
- 2.12 Making recommendations to the Reservation Tribal Council for requests for game for the purpose of a ceremonial feast, drum ceremony or for the elderly. Upon order of the Reservation Tribal Council, the Conservation Department shall take the necessary steps towards procuring the requested game. **In no event shall such a taking violate the prohibitions of this Code.**
- 2.13 Preparing an annual budget and presenting it to the Reservation Tribal Council for approval and modification.
- 2.14 Retaining staff and delegating to them such duties as are necessary to effectuals the purposes of this Code.

Section 3. Enforcement

- 3.1 Search and Seizure - When Authorized.

Any person authorized to enforce the provisions of this Code may conduct a search of a person, object or place and seize things when the search is made:

- 3.1.1 With consent;
- 3.1.2 Pursuant to a valid search warrant issued by the Tribal Court;
- 3.1.3 With the authority and within the scope of a right of a lawful inspection;
- 3.1.4 Incident to the issuance of a lawfully issued citation under this Code; or
- 3.1.5 As otherwise authorized by law or by the provisions of this Code.

3.2 Investigations and Citations.

Persons authorized to enforce the provisions of this Code may:

- 3.2.1 Conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages and other receptacles contained therein, utilized by persons reasonably believed to be in violation of this Code;
- 3.2.2 Stop and board any watercraft or stop any motor vehicle if the person has probable cause to believe that a violation or breach of this Code is occurring or has occurred;
- 3.2.3 With or without a warrant; open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband or illegally taken or possessed fish and wildlife, or carcasses or parts thereof, may be contained;
- 3.2.4 Issue a citation on a form approved by the Reservation Tribal Council to any person upon reasonable belief that such person has violated or breached a provision of this Code; and
- 3.2.5 Seize and hold, subject to the order of this Code, any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in the Tribal Court or any property otherwise authorized to be seized by the provisions of this Code.

The inspections authorized by this Section shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

Section 4. Permits

4.1 All persons members hunting, fishing or within the Grand Portage Band of Chippewa Reservation shall apply to the Conservation Department for a Permit on a form approved by the Conservation Department. The Conservation Department may issue a Permit upon receipt of the application, payment of the fee, if any, and if, in the discretion of the Conservation Department, issuance of such Permit will not compromise the conservation of fish and wildlife. The Conservation Department may establish additional written criteria to be considered in granting a Permit.

4.2 Fees may be charged by the Conservation Department for the issuance of Permits required under this Code. No person shall be required by this Code to purchase or possess Minnesota fishing, hunting or Permits when engaged in these activities within the Reservation. All persons issued a Permit for hunting, fishing and trapping within the Grand Portage Band of Chippewa Reservation shall comply with this Code and any regulations promulgated hereto.

4.3 The Conservation Department may, in its discretion, issue Hunting or Fishing Permits to non-members of the Grand Portage Band, for the purposes and period stated herein, which Permits shall authorize the holders thereof to hunt or fish within the Reservation for the time period stated thereon and subject to the conditions set forth in this Code and any other validly enacted regulations. Any non-member of the Grand Portage Band who does not have such Permit properly issued and in his

or her possession shall not be considered to have lawful authority or permission to be upon tribal land under 18 U.S.C. §1165.

Non-members shall not be issued Spearing, Trapping or Commercial Hunting or Commercial Fishing Permits.

4.4 All fees for a Permit shall be recommended by the Conservation Department and approved by the Reservation Tribal Council. Such fees shall be posted a minimum of fourteen (14) days before the beginning of a season for any fish or wildlife. Permit Fee Schedule (non Band-members)

Annual fishing license.....	\$15.00
Small game license.....	\$ _____
Annual bear license.....	\$ _____
Annual deer license.....	\$100.00 Bucks Only

Section 5. Revocation of Permit

Any Permit authorized by this Code may be revoked or suspended by the Conservation Department upon a violation of the regulations contained in or enacted pursuant to this Code. Any revocation may be appealed to the Tribal Court.

Section 6. Harvesting after Revocation or Suspension

No person whose Permit has been revoked or suspended pursuant to this Code shall hunt, fish or trap for any fish or wildlife, the harvest of which is regulated by this Code, during such revocation or suspension.

Section 7. Penalties

The Conservation Department shall recommend a list of penalties, including without limitation, fines, revocation or suspension of Permit and forfeiture of property, that may be imposed upon violation of any provision of this Code, including, without limitation, hunting, fishing or trapping without a Permit, hunting, fishing or trapping outside established seasons, and exceeding bag limits. Such list shall be approved by the Reservation Tribal Council, posted fourteen (14) days prior to the beginning of each respective season and issued to any person granted a Permit.

Section 8. Collection of Money Penalties

8.1 Unpaid fines, forfeitures, court costs, natural resource assessments, civil damages or other monetary penalties lawfully imposed pursuant to this Code shall, upon certification by the Tribal Court, constitute a legal obligation owed to the Conservation Department and may be collected by the Conservation Department in the same manner as any other legal obligation including the use of the debt collection mechanisms of a Court of another jurisdiction, or through any other method authorized by law. Initiating action in any Court to enforce any penalty imposed by the Conservation Department or the Tribal Court is not and shall not be construed as a waiver of sovereign immunity.

8.2 Upon a showing of financial inability or hardship, the Tribal Court may, in its discretion, order payment of any lawfully imposed fine, forfeiture, court cost, natural resource assessment or other monetary penalty to be made through the performance of community service work requirements in lieu of money payments. The performance of such community service work shall be credited at the rate of Five Dollars (\$5.00) per hour.

Section 9. Persons Liable

9.1 Whoever is concerned in the commission of a violation of this Code shall be deemed a principal and may be charged with the violation although he/she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

9.2 A person is concerned in the commission of the violation if the person:

9.2.1 Directly commits the violation;

9.2.2 Aids or abets the commission of it; or

9.2.3 Is a party to a conspiracy with another to commit it, or advises, hires or counsels or otherwise procures to commit it.

Section 10. Appeal

Jurisdiction over all matters, questions, complaints, and alleged violations, arising under this Code shall be with the Conservation Department with the right to appeal to the Tribal Court which shall adjudicate in accordance with this Code, any regulations promulgated hereto, and all other applicable laws.