

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

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BC Resolution # 7-13-05-E

Resolution Adopting Amendments to the Hunting, Fishing and Trapping Law

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

WHEREAS, the Oneida Business Committee adopted the Hunting, Fishing and Trapping Law in April, 1996, and has amended the Law in July of 1998, September of 2000, June of 2003, and June of 2004, and

WHEREAS, the Environmental Resource Board and Conservation Department have forwarded recommended changes to the law which, among other things, makes grammatical changes, and also changes and adds policy within the Law, and

WHEREAS, uniform regulation helps to monitor and maintain fish and game within the reservation under Tribal jurisdiction, and

WHEREAS, the amendments to the Hunting, Fishing and Trapping Law have been presented at a public hearing held on June 14, 2005.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby adopts the attached amendments to the Oneida Hunting, Fishing, and Trapping Law.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Environmental Resources Board is directed to develop and schedule any necessary public meetings to disseminate the changes in this law to the public.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Conservation Department is directed to identify individuals holding licenses and mail a postcard indicating that changes to the Hunting, Fishing and Trapping Law have been adopted, effective date, and when copies of the amended law will be available.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 6 members were present at a meeting duly called, noticed and held on the 13th day of July, 2005; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoelt, Tribal Secretary
Oneida Business Committee

Chapter 45
HUNTING, FISHING AND TRAPPING LAW
Lutolátha?, Latsywáaha? O?khále Atlistáy^ Tsi? Kayanláhsla
Our laws concerning hunting, fishing and trapping

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45.1. Policy and Purpose.

45.1-1. *Goals and Objectives.* The goals and objectives of this Law are to conserve and preserve wildlife on the Oneida Indian Reservation, to respect each other as sportsmen, to assist in the development and construction of any accompanying regulations required by this Law, and to continually improve the Law and any accompanying regulations, and the observance of each.

45.1-2. Indian Nations possess the inherent right of self-government, which includes the right to manage their natural resources and take wildlife. These rights have existed since time immemorial, and continue to be exercised today. The Oneida Tribe of Indians of Wisconsin recognizes its sovereign right and responsibility to regulate hunting, fishing and trapping within the Oneida Reservation boundaries according to its own rules and regulations, and promulgates the following Hunting, Fishing and Trapping Law to further this purpose.

45.1-3. The Hunting, Fishing and Trapping Law and accompanying regulations shall apply to all persons hunting, fishing and trapping within the Oneida Reservation.

45.1-4. The Hunting, Fishing and Trapping Law establishes a semi-permanent framework for protecting and conserving wildlife. Specific regulations governing seasons and bag limits shall be established annually pursuant to the terms of this Law.

45.1-5. The Hunting, Fishing and Trapping Law and accompanying regulations shall be considered civil in nature, rather than criminal.

45.1-6. Officers of the Oneida Police Department are authorized to enforce the Hunting, Fishing and Trapping Law.

45.2. Adoption, Amendment, Repeal.

45.2-1. This Law shall take effect upon adoption by the Oneida Business Committee by resolution # BC-4-24-96-A and amended by resolutions BC-7-22-98-A, BC-9-13-00-A, BC-6-04-03-A, BC-6-30-04-I and BC-7-13-05-G.

45.2-2. This Law may be amended by the Oneida Business Committee or the General Tribal Council, pursuant to procedures set out in the Administrative Procedures Act.

45.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

45.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions, and all other similar actions which are inconsistent with this Law are hereby repealed unless specifically re-enacted after

adoption of this Law.

45.2-5. The sovereignty of the Oneida Tribe of Indians of Wisconsin is not waived by these laws. Where state law is referred to it is solely for the express purpose of providing minimal guidelines.

45.3. Definitions.

45.3-1. As used in this law, the following words and phrases shall each have the designated meaning unless a different meaning is expressly provided or the context is clearly indicated.

(a) "Bag Limit/Daily Bag" shall mean the maximum number of an animal or fish that a person may take in one (1) day.

(b) "Board" shall mean the Environmental Resources Board.

(c) "Conservation Warden" shall mean an employee of the Oneida Conservation Department empowered by the Oneida Tribe to enforce the provisions of this law.

(d) "Deer Hunting Party" means at least two (2), but not more than sixteen (16), persons lawfully hunting deer in a group.

(e) "Department" shall mean the Oneida Conservation Department.

(f) "Elder" shall mean, for the purposes of this Law, any person 55 years of age or older.

(g) "Endangered or Threatened Species" shall mean any species of fish, wildlife or wild plant within the Oneida Reservation listed in 50 CFR 17.11 and 17.12, or any species classified pursuant to the Endangered Species Act of 1973, as may be amended from time to time, or any species which the Oneida Tribe from time to time may declare as endangered or threatened.

(h) "Fishing" shall mean the taking, capturing, harvesting or attempting to take, capture or harvest fish of any variety in any manner. When the word "fish" is used as a verb it shall have the same meaning as the word "fishing."

(i) "Furbearers" shall mean the wild animals taken primarily for the sale of their pelts and shall include, but not be limited to mink, muskrat, beaver, weasel, fox, coyote, bobcat, badger and raccoon.

(j) "Game Fish" shall include all species belonging to the trout, pike, catfish, bullhead, sunfish, bass, bluegill, crappie and perch families of fish.

(k) "Harass" shall mean to shoot at, disturb, worry, rally, concentrate, harry, chase, drive, herd or torment.

(l) "Hunt or Hunting" shall include shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wild animal or animals, except that hunt or hunting does not include the recovery of any wild animal which has already been lawfully reduced to possession.

(m) "License" shall mean a written document granting authority to engage in specific activities covered in this Law.

(n) "Loaded Firearm" shall mean any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, or magazine or clip. Muzzleloading firearms shall not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver, and flint lock muzzleloading firearms shall not be considered loaded if the flashpan is cleaned of powder.

(o) "Machine Gun/Automatic Firearm" shall mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without

manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(p) "Member" shall mean any Oneida Tribal citizen who is enrolled as a member of the Oneida Tribe of Indians of Wisconsin.

(q) "Migratory Birds" shall include, but not be limited to, the following:

(1) All species of ducks, geese, and swans (Order Anseriformes).

(2) All shorebirds, wading birds, and seabirds (Order Gaviiformes, Podicipediformes, Pelicaniformes, Ciconiiformes, Gruiformes).

(r) "Non-game Species/Protected Species" shall mean all species of birds, mammals, fish, reptiles, amphibians and plants for which this Law does not expressly authorize the taking, hunting or possession of and thus are protected at all times unless otherwise provided for within the provisions of this Law.

(s) "Open Water" shall mean any water beyond a natural growth of vegetation rooted to the bottom and extending above the water surface of such height as to offer whole or partial concealment of the hunter.

(t) "Permanent Tree Stand" shall mean any manufactured or constructed platform fastened by nails, screws or other means deemed permanently fixed, for the purpose of allowing a person to view, observe or hunt wild game.

(u) "Permit" shall mean a document, stamp, or tag issued by the Department to the holder of a license authorizing a specific activity of this Law.

(v) "Possession Limit" shall mean the maximum number of a particular game species that may be in possession of a person who has hunted, fished or trapped two days or more.

(w) "Raptors" shall mean a migratory bird of Order Falconiformes or the Order Strigiformes. For simplification, bald eagle and golden eagle is part of this definition. Raptors generally mean all hawks, owls, eagles and falcons.

(x) "Reservation" shall mean all the lands and waters within the exterior boundaries designated by the Treaty with the Oneida. 7 Stat. 566 (1838)

(y) "Rifle" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(z) "Rough Fish/Non-game Fish" shall mean all fish species not included in the game fish families or not otherwise protected by this Law.

(aa) "Semi-Permanent Tree Stand" shall mean any manufactured or constructed platform fastened, strapped, chained or otherwise attached to a tree, for the purpose of allowing a person to view, observe or hunt wild game.

(bb) "Shotgun" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

- (cc) "Sight-exposed Bait" shall mean any bones, meat or viscera of an animal, bird, or fish with or without skin, hide or feathers which can be seen from above the bait.
- (dd) "Size Limit" shall mean the specific minimum length and/or maximum length in inches of a species of fish that may be possessed legally.
- (ee) "Small Game" shall be defined as including the following: Family Anatidae, limited to geese, brants, dabbling ducks, diving ducks, tree ducks, sea ducks, and mergansers; Rallidae, commonly known as rails, coots, mudhens, and gallinule; Limicolae, commonly known as snipe and woodcock; Phasianidae, commonly known as grouse, pheasants, partridges, and quail; cottontail rabbit, fox, and grey squirrel.
- (ff) "Snagging" shall mean the use of hook and line, with or without a pole, to impale or attempt to impale fish in a manner other than by the natural feeding behavior by fish.
- (gg) "Specified Areas" shall mean areas where the taking of fish and wildlife is restricted to the specifications set forth by rules, regulations, ordinances, or resolutions set forth by the Board.
- (hh) "Take/Taking" shall mean pursuing, shooting, shooting at, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any fish, wildlife or plant or attempting any of the foregoing.
- (ii) "Trapping" shall mean the taking of, or attempting to take, any wild animal(s) or fish by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture wild animal(s) or fish.
- (jj) "Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.
- (kk) "Unprotected Species" shall mean species which can be hunted year round without limit and includes: opossum, skunk, weasel, and all other animals not mentioned in the hunting and trapping regulations.
- (ll) "Waterfowl" shall mean any wild species of geese, brants, or ducks.
- (mm) "Wet Set/Water Set" shall mean a trap which is staked in such a manner as to permit the trap or trapped animal to reach water at any point.
- (nn) "Wild Animal/Wildlife" shall mean any mammal, bird, fish, reptile, amphibian or other creature of a wild nature endowed with sensation and the power to voluntary motion, including their eggs, nests and spawn.

45.4. Administration and Supervision.

45.4-1. The Board with the Department shall have the power and be jointly charged with the duty to protect, conserve, enhance and manage all fish and wildlife species within the exterior boundaries of the Reservation. The Board shall be primarily responsible for the establishment of the regulations required under this Law, and the Department shall have the responsibility for the enforcement of this Law and any accompanying regulations.

45.4-2. *Policy and Intent.* It shall be and is the policy and intent of this Law:

- (a) To provide an adequate and flexible system for the protection and conservation of all fish, wildlife and other natural resources on the Reservation.
- (b) To provide for the establishment of rules and regulations relating to the harvest of fish, wildlife and the use of recreational areas on the Reservation.
- (c) To provide for the general management and supervision of all fish and wildlife on the Reservation.

(d) To provide for the establishment of enforcement systems, license requirements, and prohibited acts and penalties related to hunting, fishing and trapping on the Reservation.

45.4-3. *Authority of the Board and the Department to Conserve Fish, Wildlife and Recreation Resources.* The Board with the Department shall from time to time recommend to the Oneida Business Committee or General Tribal Council amendment of this Law as is consistent with the policy, objectives and intent of this Law which it may deem necessary or desirable in the public interest in carrying out the policy and provisions of this Law. Without limiting the general powers herein conferred, the Board shall have the power, after consultation with the Department:

(a) To fix seasons and shorten, extend or close seasons on any wildlife and fish in any location, if found, after investigation, that such action is necessary either to assure maintenance or an adequate supply thereof, to regulate taking, or to effectuate proper management and control.

(b) To close or open lakes, streams and refuges or parts thereof to angling, trapping or hunting, and to regulate and prescribe the means by which wildlife and fish may be taken as may be best to perpetuate, restore, increase or control any species of wildlife and fish and assure adequate supply thereof, and to regulate the transportation and storage of all wildlife and fish or parts thereof within the boundaries of the Reservation and the shipment or transportation off the Reservation.

(c) To establish or change bag limits and possession limits.

(d) To establish and change territorial limits for the taking of all species of wildlife.

(e) To prescribe the types of or kinds of bait, lures, tackle, equipment, traps, firearms and weapons, the tagging of game or fish or parts thereof or any other means or devices for taking of such wildlife.

(f) To designate the areas for hunting with bow and arrows and seasons thereof.

(g) To establish big game, small game, fish, furbearer and/or wildlife refuges, production areas, demonstration areas and research areas.

(h) To establish methods for checking hunters, anglers or trappers into and out of designated areas, to prescribe safety and fire control measures and other regulations as may be deemed necessary in the interest of range, forest, game, fish furbearer or wildlife management, and to provide for the safety and welfare of hunters, trappers, anglers, boaters, other outdoor recreationists, landowners and the Tribe.

(i) To establish fees, license and permit costs for hunting seasons, general, special or otherwise.

(j) To establish rules and regulations governing the operation of boats upon waters located within the Reservation.

(k) To regulate and limit the number of hunters, anglers, trappers and outdoor recreationists and the maximum harvest of fish and game.

(l) All rules of the Board in conformity with this Law are prima facie reasonable and lawful.

(m) Every rule in conformity with this Law shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of prosecution for such violation the person charged with such violation shall have brought an action to vacate and set aside such rule.

(n) The Department and Board while in the performance of their duties are exempt from the regulatory restrictions and provisions of this Law unless otherwise directed by this Law.

45.5 Conservation Wardens.

45.5-1. *Qualifications and Requirements.* To serve as a Conservation Warden, an individual shall:

- (a) Possess an Associate Degree in Police Science or closely related field from an accredited college or university or a minimum of sixty (60) fully accredited college level credits in Police Science or closely related field by the 5th year of employment.
- (b) Pass a background investigation.
- (c) Pass a physical examination prior to start of employment.
- (d) Pass a psychological examination prior to start of employment.
- (e) Obtain State of Wisconsin Law Enforcement Certification within six (6) months of employment and maintain Certification during employment.
- (f) Reside within a twenty (20) miles radius of the Reservation within three (3) months of employment.

45.5-2. Conservation Wardens shall be subject to the Tribe's personnel laws and policies.

45.5-3. *Duties and Responsibilities.* Conservation Wardens are authorized to enforce this law within the Reservation boundaries to include the duty and responsibility to:

- (a) Observe persons engaged in fish and game violations and ensure methods and equipment are lawful.
- (b) Investigate reports of fish, game and environmental law violations.
- (c) Issue warnings and/or citations for violations of this law.

45.6. Licenses and Permits.

45.6-1. *Licenses.*

- (a) All persons shall have in his/her possession, while hunting, fishing and trapping within the exterior boundaries of the Reservation, a license issued by the Department allowing him/her to hunt, fish or trap on the Reservation.
- (b) An administrative charge shall be determined by the Tribe for the issuance of said permit and/or license.
- (c) Spouses can only hunt on Tribal lands with a sports license.
- (d) All licenses expire August 31 of each year, except non-member fishing land use permits which expire March 31 of each year. Licenses may be obtained from the Department located at N8305 Olson Road (the intersection of Cooper Road and Olson Road) at the following costs:

- (1) Members Sports License (valid for all hunting, fishing and trapping) - \$10.00
- (2) Elderly or Disabled members Sports License - Free
- (3) Other Affiliation Sportsman License- \$25.00
 - (A) Elder Other Affiliation Sportsman License- \$25.00
 - (B) Other Affiliation Fishing License- \$25.00
 - (C) Other Affiliation Small Game License- \$25.00
 - (D) Other Affiliation Trapping License- \$25.00
 - (E) Other Affiliation Waterfowl License- \$25.00
 - (F) Other Affiliation Archery License- \$25.00
 - (G) Other Affiliation Firearm License- \$25.00
- (4) Spouse and/or Dependent(s) of members-Sports License - \$15.00
- (5) (A) Non-members -Sports Land Use permit (valid for hunting and trapping,

- but not fishing) - \$300.00
- (B) Non-member Elder-Sports License - \$100.00
- (C) Non-member Fishing License- \$100.00
- (D) Non-member Small Gaming License - \$100.00
- (E) Non-member Trapping License - \$100.00
- (F) Non-member Waterfowl License (plus stamp as applicable) \$100.00
- (G) Non-member Archery License - \$200.00
- (H) Non-member Firearm License - \$200.00

Application deadline for Land Use permits is the 3rd Monday of August. The Board reserves the right, with the recommendation of the Department, to limit the number of licenses issued to non-members.

(6) Non-members with 40+ acres of land available to members to hunt/fish on, Sport License - Free, provided that:

- (A) The non-member makes available all available hunting land, and
- (B) Application deadline is the 1st full week of August of given year.
 - (i) The Department and ERB offices shall make available a list of all available hunting land.

(e) Licenses issued after opening day of the gun deer hunting season will be subject to schedules established by the Department in accordance with sec. 6-3.

(f) A hunter's education certification must be presented prior to issuance of any hunting license to persons born on or after January 1, 1973.

45.6-2. *Special Permits.*

(a) *Disabled permit.* Any person who is physically disabled must have a disabled license plate or sticker in window and must be a minimum of fifty feet from center of roadway. A medical verification of said disability will be required.

(b) *Oneida Member Ceremonial/Feast Permit.*

(1) Members may apply for a special ceremonial/feast permit to hunt deer outside the regular hunting season.

(2) A ceremonial/feast permit shall be issued to the following groups and/or organizations:

- (A) A group/organization that consists of at least 85% members. The leader of such group/organization shall be a member.
- (B) A group/organization customarily recognized by the Oneida community.
- (C) A group/organization located within the exterior boundaries of the Reservation.
- (D) All deer harvested by a firearm under the authority of a deer ceremonial/feast license or permit shall be registered no later than twenty-four (24) hours after the harvest.

(3) The following shall apply to all issued ceremonial/feast permits:

- (A) Application information shall include:
 - (i) Name of the group/organization
 - (ii) Name of the agent of the group applying for the permit and his/her enrollment number.
- (B) Only named hunters shall be allowed to use the ceremonial/feast permit.

- (C) Permit shall last no longer than ten days.
 - (D) All deer are to be tagged immediately upon harvest.
 - (E) Number of deer shall be specified on permit.
 - (F) All such group hunts shall be monitored by the Conservation Wardens and group must contact the Conservation Warden twenty-four hours prior to hunt.
 - (G) Hunting will be in designated areas only.
 - (H) At least 50% blaze orange must be worn while hunting.
 - (I) Permits are issued for antlerless deer only. Any antlered deer harvested will be confiscated
 - (J) All deer must be registered with the Department within 24 hours after the harvest. (During the Gun Deer Season deer must be registered during designated registration hours.)
 - (K) All tags not utilized must be returned to the Department within 30 days after permits expire.
- (4) A permit may be denied if the Department determines that:
- (A) Conservation of deer will be impaired.
 - (B) A safety or health hazard exists.
 - (C) A person of the hunting party has had his/her hunting, fishing or trapping privileges revoked less than one year prior to application for permit.
- (5) No ceremonial/feast special permits shall be issued between the last day of December and the 3rd Saturday of September of given year.
- (6) Immediate family members of members, not enrolled, may obtain an Oneida Sportsman's Special Permit and special identification card. All holders of Special permits are subject to all laws of the Tribe, and enforcement procedures of this Law.
- (7) Any member of any other Indian nation may purchase a special hunting and fishing permit through the Department.
- (8) It shall be unlawful for any non-member to possess a Special permit except pursuant to subsections 6 and 7, above, or approved by the Department.
- (c) *Permits.*
- (1) *Goose Tags.* The Board with the Department shall establish by regulation each year the initial number of goose tags to be issued to members who will be participating in the Tribal goose hunting season that year. The Board with the Department shall also specify, by regulation, the maximum number of additional goose tags which may be obtained at any one time from the Department. Goose tags issued following the initial tags will not be valid until the day following issuance. All geese harvested must be registered with Department staff within seven (7) days of harvest. Tags will be available at the Department.
 - (2) *Deer Gun Season Hunter's Choice.* The Department shall issue Deer Gun Season Hunter's Choice permits during those years that deer populations are large enough to support a harvest of antlerless deer. The Board shall determine annually, upon recommendation of the Department the number of permits to be issued. Hunter's choice permits are issued for antlerless deer only.
 - (A) *Elderly or disabled members.* Elderly or disabled members shall have

the first choice to accept a Hunter's Choice permit. The deadline for the elderly or disabled Hunter's Choice permits is by 4:30 p.m. on the first Friday of November.

(B) *Drawing*. A drawing for Hunter's Choice permits will be held the last Friday of October.

(C) *Ineligibility*. An individual receiving a permit in the previous year is not eligible to receive a permit in the current year.

(3) *Turkey Tags*. The Department shall issue turkey permits during those years that the turkey populations are large enough to support a harvest of turkeys. The Board shall determine annually, upon recommendation of the Department, the number of permits to be issued per year.

45.6-3. *Wildlife Damage and Nuisance Control*. Authorization to remove wild animals causing damage or nuisance. Landowners, lessees or occupants may remove from lands under their control wild animals and their associated structures causing damage or constituting a nuisance in accordance with this section.

(a) Written application and approval required.

(1) *General prohibitions*. Unless otherwise approved by the Department, a landowner, lessee or occupant may not engage in the following without applying in writing and receiving written approval from the Department to:

(A) Destroy any wild animal classified as:

(1) protected under sec. 8-1 of this Law, or

(2) endangered or threatened under federal, state, Tribal, or other applicable law,

(B) Live capture and relocate white-tailed deer, or any wild animal listed in subsection (a)(1)(A) above.

(2) *Exemptions*. Written authorization is not required to:

(A) Destroy by shooting or trapping:

(1) Any unprotected wild animal under sec. 8-2 of this Law; or

(2) Any bird causing depredation under sec. 8-1(b) of this Law, provided that all game and furbearing animals are disposed of as directed by the Department.

(B) Live-trap and relocate any wild animal, except white-tailed deer, or any wild animal classified as endangered or threatened under applicable law.

(3) *Application Deadline*. The Department may not consider any application to shoot deer causing damage to corn, alfalfa, clover, other hay, soybeans, small grains, vegetable crops, melons, strawberries, cabbage, potatoes, cucumbers, popcorn, or sunflowers filed after October 1, unless the Department finds that extraordinary conditions exist. Extraordinary conditions include, but are not limited to, ongoing, severe damage to crops occurring after October 1, which will cause extensive yield reductions or winter losses.

(b) *Approval Criteria*. Prior to authorizing the removal of wild animals causing damage, the Department shall find that:

(1) *Abatement Attempt*. The applicant is employing or has agreed to employ alternative abatement methods deemed reasonable by the Department.

(2) *Damage Extent.*

(A) Damage to applicant's property in the current calendar year exceeds or is likely to exceed \$1,000; or

(B) White-tailed deer are causing damage on lands closed by a permanent deer fence that has been certified to be in proper working order by the Department; or

(C) Damage will result in a loss of plants or animals listed as threatened or endangered under applicable law; or

(D) Extraordinary damage other than specified in sections (A) through (C) is occurring or is likely to occur.

(3) *Access Control.* The applicant has the authority to control access for purposes of hunting and trapping on the lands being damaged and any contiguous lands under the same ownership that are suitable for hunting or trapping.

(4) *Previous Performance.* The applicant has complied with the conditions of any previous department authorizations to remove wild animals causing damage or nuisance issued within the preceding 12 months.

(5) *Migratory Birds.* In the case of any proposed removal of birds classified as migratory by the United States Fish and Wildlife Service (USFWS) under 50 CFR 10.13, the USFWS has authorized the Department to remove or authorize the removal of such birds.

(c) *Participation by Others.* Persons other than the landowner, lessee or occupant, may assist in the removal of wild animals causing damage or nuisance in accordance with this subsection.

(1) *Number and Selection of Participants.* The Department may limit the number of persons assisting in a removal. All participants shall be selected by the permittee. First preference may be given to members of the permittee's immediate family. Next preference shall be given to persons that are able to provide immediate removal assistance and meet all other applicable requirements of this Law.

(2) All participants and persons assisting participants shall possess written approval from the permittee and the appropriate, valid hunting or trapping license when carrying on removal activities. Written approval shall include: name address and phone number of landowner, name address and phone number of the person removing wild animals, property location and removal activities, authorized period of removal, species of animals authorized for removal, signature of the landowner or lessee, and date.

(3) *No Fee.* The permittee may not charge any form of fee to a participant.

(4) Wild animals removed according to this section, whether trapped for relocation or destroyed, shall be treated and disposed of in a manner consistent with this Law.

45.6-4. *Conditions of Permits to Shoot or Trap Wild Animals Causing Damage.* The following general conditions apply to all permits to remove wild animals causing damage.

(a) *Public Use During Open Seasons.* All lands described on the application and any contiguous lands under the same ownership suitable for hunting or trapping shall be open to public hunting or trapping of the species causing the damage for a period of one year from the effective date of the permit. These lands may be posted to indicate that hunting

permission is required from the permittee. The Department *will* require a permittee to keep a daily log of hunter's names and telephone numbers on forms provided by the Department as a condition of the permit. The Department shall submit copies of all logs to the Board on the first Thursday of each month.

(b) *User Refusal*. Permittees may refuse access to hunters or trappers for reasonable cause. The presence of at least 2 hunters or active trapping or at least one trapper per each 40 acres suitable for hunting or trapping, respectively, shall constitute a reasonable cause for refusal.

(c) *Rule Compliance*. The permittee and all participants shall comply with all applicable hunting and trapping rules unless otherwise provided under this section. Permittees and participants who fail to comply shall be subject to the penalty applicable to the appropriate violation.

(d) *Reporting*. Each permittee shall keep a current, correct and complete record of all participants and permit activities as required by the Department on forms furnished by the Department. Permit records may be inspected by the Department at any time. Copies of records shall be provided to the Department upon request. The permittee shall report the total number of wild animals or structures removed and return all unused permit materials and any participant authorizations issued, to the Department within 10 days after the permit expiration date.

(e) *Carcass Care and Disposition*. Unless otherwise directed by the Department, each animal shall be:

- (1) Tagged with a carcass tag provided by the Department immediately upon harvesting;
- (2) Field dressed and stored in a cool location; and
- (3) As soon as practical, turned over to the Department designee authorized to receive the carcass.

(f) *Department Assistance*. The Department may not assist the permittee in shooting or trapping unless:

- (1) Extraordinary damage is occurring; or
- (2) The permittee has demonstrated an inability to harvest an adequate number of wild animals and damage to the permittee's property in the current calendar year exceeds or is likely to exceed \$5,000.

(g) *Permit Materials Possession*. Each participant shall have in their possession while hunting or trapping under the authority of a permit to remove wild animals causing damage any materials issued to the participant by the Department or permittee.

(h) *Permit Materials Restriction*. Permit materials are not transferable and may not be altered or defaced.

(i) *Permit Harvest Limit*. The Department may specify the sex and age of the animals to be removed and limit the number of carcass tags issued under this section after consultation with the applicant.

(j) *Licenses, Stamps and Permits*. All participants shall possess the appropriate hunting or trapping license, and stamps for hunting or trapping for that species.

- (1) *Violations*. No person may violate the terms of any permit issued under this section.

45.6-5. *Conditions of Permits to Shoot Deer Causing Damage*. In addition to sec. 6-4 above, the

following conditions shall apply to all shooting permits for deer causing damage.

(a) *Shooting Hours.* Permittees and participants may hunt deer only during the period from 30 minutes before sunrise to 30 minutes after sunset during the closed deer gun season. During the deer gun season participants shall comply with any restrictions regarding shooting hours.

(b) (1) *Harvest Objective.* The permittee and participants, unless granted an exemption under par. 2, shall harvest at least 80% of the number of deer authorized for harvest on the permit and shall harvest at least 50% of this number during the first 45 days after permit issuance, to retain eligibility for future deer shooting permits.

(2) *Harvest Objective Exemption.* The Department may exempt the permittee from harvesting the deer necessary to meet harvest objectives if deer are unavailable for harvest within the authorized area.

(c) *Carcass Tag Distribution.* The number of carcass tags provided to the permittee shall be based upon the harvest objective specified under subs. (b)(1) and the expected harvest rate. The permittee may distribute the carcass tags provided to the permittee to the persons they have authorized to participate or retain them for their use.

(d) *Effective Dates.* Authorization to harvest deer commences the date of permit receipt by the permittee and continues through the open season, except that no deer may be harvested during the twenty-four (24) hour period prior to the opening of gun deer season.

(e) *Tagging, Transportation and Registration of Carcasses.* Each person who has harvested a deer and/or person who has tagged the deer, shall comply with all provisions herein relating to tagging, transportation, and registration of carcasses.

(f) *Carcass Distribution.* The Department shall offer the permittee and each participant the opportunity to retain one deer harvested under the deer shooting permit. All deer not retained under this subsection shall be disposed of by the Department by first offering to the elderly, then disabled, then to any interested person.

(g) *Deer Type.* Unless exempted by the Department, only deer without antlers or with an antler less than three inches in length may be harvested.

(h) *Weapon Use.* The following conditions shall apply to the use of firearms and bows on deer shooting permits:

(1) Permittees, all participants and persons assisting participants, shall comply with the blaze orange clothing regulations of sec. 10-17 unless exempted by the Department.

(2) All participants shall comply with the firearm type restrictions of this Law.

45.6-6. *Conditions of Permits to Shoot Canada Geese Causing Damage.* In addition to sec. 6-4, the following conditions shall apply to all shooting permits for Canada geese causing damage:

(a) *Goose Hunting Permit Required.* All participation other than the permittee shall have been issued a permit to hunt Canada geese under sec. 6-2(c)(1) that is valid for the current license year.

(b) *Carcass Tag Distribution.* The number of carcass tags provided to the permittee shall be based upon the harvest objective specified under sec. 6-5(b)(1) and the expected harvest success rate. The permittee may distribute the carcass tags, provided to the permittee, to the person they have authorized to participate or retain them for their use.

(c) *Use of Other Permits.* All persons authorized to participate under this section shall have

used any other goose hunting permit and carcass tags issued to them which are valid for the locations and effective dates specified in the permit prior to using the carcass tags issued under sec. 6-5(b)(1).

(d) *Reporting.* Any person receiving a permit from a permittee under this section shall report the harvest of a Canada goose to the permittee and mail a completed goose harvest report card to the Department within 48 hours of the time of harvest.

(e) *Bag Limit.* No person may take or possess more than three Canada geese under each permit issued under this section.

45.6-7. *Reporting.* The Department shall provide an annual report to the Board detailing the number of permits issued under this Article. And the number of wildlife taken in accordance with the provisions of this Article.

45.7. Hunting, Fishing and Trapping Restrictions.

45.7-1. *General Restrictions Regarding Hunting, Fishing and Trapping.* It is unlawful to:

(a) Possess any game unless holding an Oneida Identification card, unless you are hunting as a landowner on own land within Reservation boundaries

(b) Carelessly waste game. Every reasonable effort must be made to retrieve all game killed or crippled. Provided that, this does not permit entrance on private property without permission of the landowner.

(c) Transport, deliver, receive, or offer to deliver or receive for transporting any game or part thereof at any time other than during the open season and three days after.

(d) Sell, purchase, or trade any game. There shall be an exception to this prohibition for the trading of the skins, heads, meats, or tails of lawfully harvested animals between members and/or special permit holders.

(e) Take another person's game without his consent.

(f) Possess fish and wildlife in excess of bag or possession limits, or above or below the size limits for any fish and wildlife established by annual regulations.

(g) Possess any live wildlife or fish unless authorized by the Department.

(h) Exceed daily bag and possession limits for fish and game.

(i) Take or attempt to take fish and game during closed seasons.

(j) Use hand radios as an aid in hunting. Hand radios are only allowed to keep track of hunters.

(k) It shall be unlawful for any licensee or special permit holder to be accompanied in the field by a non-licensee.

45.7-2. *Licensing and Hunting Prohibitions.* It is unlawful to:

(a) Hunt if between the ages of 12 and 14 without:

(1) Completion of an approved Hunters Safety Course, and

(2) Accompaniment by a parent or legal guardian.

(b) Hunt if born on or after January 1, 1973 without completion of an approved Hunters Safety Course.

(c) Hunt if under the age of 12.

(d) Possess or use a firearm while hunting after been convicted of, or entered a plea of guilty or nolo contendere to a felony offense if the conviction has not been removed from the record by executive pardon or state court order.

- (e) Hunt, fish, or trap except during open seasons established by annual regulations.
- (f) Hunt with a handgun if under 21 years of age unless under the immediate supervision of a parent or any responsible adult.
- (g) Hunt while under the influence of alcohol or a controlled substance.
- (h) Hunt any species more than 30 minutes after sunset or more than 30 minutes before sunrise the following day during the gun deer season.
- (i) Hunt small game with any permitted weapon and deer with a bow more than 30 minutes after sunset or more than 30 minutes before sunrise the following day. Coyote, fox, raccoon and unprotected species may be hunted without hunting hour restrictions except during the gun deer season.
- (j) Hunt or possess a firearm or bow and arrow or animal trap within the boundaries of any wildlife refuge designated by the Board and the Department.

45.7-3. *Hunting Aids and Safety*. It is unlawful to:

- (a) Hunt from a motorized vehicle, without a special permit issued pursuant to sec. 9-5.
- (b) Hunt with the use of an airplane.
- (c) Shoot across any road(s).
- (d) Shoot from any motorized vehicle, without a special permit issued pursuant to sec. 9-5.
- (e) Shoot firearms within 100 yards of human occupancy without permission.
- (f) Hunt or shoot within fifty feet of a road. Anyone hunting small game or waterfowl with a muzzle loader or shotgun located with shot size BB or smaller is exempt from this prohibition if the road is unpaved.
- (g) Hunt mink, muskrat, beaver, or otter with the aid of gun, spear, or dog.

45.7-4. *Firearms, Traps and Bows*. It is unlawful to:

- (a) Use any device other than legal firearms, bows, or traps to harvest and/or catch wild animals.
- (b) Transport any firearm in a vehicle, unless it is encased and unloaded. A firearm must be within a carrying case without any part of the firearm exposed. A muzzle loader is considered unloaded when the cap, primer (flint), is not in place.
- (c) Possess a rifle larger than .22 rimfire during the gun deer season unless it is unloaded and enclosed within a carrying case.
- (d) Transport an air rifle unless it is unloaded and cased.
- (e) Hunt with a crossbow unless a special permit is obtained through the Department.
- (f) Possess a concealed handgun.
- (g) Transport a handgun in a vehicle unless it is unloaded and completely enclosed within a carrying case. A holster is not a legal carrying case unless it completely encloses the handgun.
- (h) Possess slugs while hunting, except during the deer gun season.
- (i) Hunt waterfowl while in possession or control of any type of lead shot.
- (j) Harvest any fish or wildlife with the aid of an explosive or poison.
- (k) Possess or hunt with a shot gun having a barrel less than 18 inches in length or having an overall length of less than 26 inches.
- (l) Possess or hunt with a rifle having a barrel less than 16 inches in length or having an overall length of less than 26 inches.
- (m) Possess or hunt with a fully-automatic firearm.

- (n) Possess or hunt with any mechanism designed to muffle, silence, or minimize the report of any firearm.
 - (o) Use a firearm or bow and arrow in reckless manner.
- 45.7-5. *Interfere with Wildlife.* It is unlawful to:
- (a) Disturb any squirrel nest or den, raccoon den, mink den, muskrat house, beaver dam, or beaver house.
 - (b) Shine after 10p.m. on September 1st thru, and including, December 31st. Members may shine 24 hours a day beginning January 1st thru, and including, August 31. A light may be used while shooting coyote, raccoon, fox, or unprotected species at the point of harvest, while hunting on foot and to find your way.
 - (c) Harass, chase, or rally any wildlife with or from any motor vehicle.
- 45.7-6. *Tree Stands.*
- (a) It is unlawful to erect permanent tree stands on Tribal lands.
 - (b) Semi-permanent tree stands may be put up two (2) weeks before the archery season opens and removed two (2) weeks after the close of the deer hunting season.
 - (c) All tree stands must be stamped with owner's enrollment number for identification.
- 45.7-7. *Licenses, Permits, and Tag Restrictions.* It is unlawful to:
- (a) Fail to register or tag deer. Failure to register or tag deer will result in forfeiture of carcass. Deer must be tagged *immediately* after harvesting.
 - (1) Bow season deer must be registered no later than three days after it was harvested.
 - (b) Lend any license, permit or tag to another person or borrow any license, permit, or tag from another person.
 - (c) Disturb any hunting, fishing, or trapping equipment used, set or placed by another person without his permission.
 - (d) Intentionally damage trees on Tribal lands.
 - (e) Stock any fish, animal, or bird on the Reservation without a Department permit.
 - (f) Interfere with lawful hunting, fishing, or trapping with the intent to prevent the taking of a wild animal.
 - (g) Discharge a firearm or arrow from a bow at a replica of a wild mammal or bird placed for law enforcement purposes by Conservation Wardens or other law enforcement officers.
 - (h) Refuse to obey a Conservation Warden's lawful request.
 - (i) Destroy any sign on the Reservation which gives notice of a hunting and/or trespass restriction.
 - (j) Enter upon Oneida Nation lands and waters for the purpose of hunting, fishing, or trapping without being a member or holding a license issued by the Department.
- 45.7-8. *Baiting.* It is unlawful to:
- (a) Use or hunt over bait material, liquid or scent for attracting wild animals containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses, or in excess of 10 gallons of bait material or liquid scent in a baited area. Salt and salt blocks are excluded from this prohibition.
 - (b) Place, use or hunt over bait contained within or containing metal, paper, plastic, glass, wood (other than hollow stumps) or other nondegradable materials.
 - (c) Hunt over bait during any established deer season without possessing a valid, unused

sports license, non-member sports license, or special permit.

(d) Distribute bait in a pile.

45.8. Protected and Unprotected Species.

45.8-1. *Protected Species.* The following mammals and birds may not be hunted or trapped or possessed without Department and Board approval other than the permitting for transport of road-killed animals under sec. 13-9(c):

(a) *Mammals.* Marten, fisher, wolverine, badger, flying squirrel, timber wolf, Canada lynx, cougar, endangered and/or threatened species, and all albino wildlife. Woodchucks are protected, except the owner or occupant of any land may hunt them on their own property, except during the 24-hour period prior to the opening on gun/deer season.

(b) *Birds.* Prairie chicken, Canada spruce grouse (Spruce hen), swan, crane, kingfisher, cormorant, great blue heron, bitterns, plovers, sandpapers, loons, all eagles, hawks, falcons, owls, all species of grebes, and endangered and/or threatened species. All other wild birds, including songbirds not specifically mentioned here, are also protected. Crows, grackles, red-winged blackbirds, and cowbirds may be killed at any time without permit when causing damage or about to cause damage to trees, crops, livestock or wildlife or when concentrated in large numbers that may constitute a nuisance.

(c) *Exception.* No exceptions under Protected Species will be applied for and approved by the Department and Board.

45.8-2. *Unprotected Species.* Mammals and birds which may be hunted year-round without limit are feral pigeons, starlings, English (house) sparrows, chukar partridge, couturnix quail, opossums, skunks, weasels, and all other wild mammals not specifically mentioned in this Article.

45.9. Hunter Cautions and Miscellaneous.

45.9-1. *Accidents.* Any person who discharges a firearm or arrow while hunting and injures a person, must give their name and address to such person and render or obtain necessary medical assistance, then report the accident or death to a Conservation Warden or Oneida Police Department.

45.9-2. Every person involved in a hunting accident shall make a report to the Department within five days.

45.9-3. Dogs found loose while out hunting shall be reported to a Conservation Warden or the Oneida Police Department.

45.10. Deer Harvest Laws.

45.10-1. *Big Game Permits/Tags.*

(a) No person shall hunt deer pursuant to this Article without possessing a valid big game hunting license issued by the Department.

(b) No person shall hunt deer without possessing a valid carcass tag, except while group hunting during the deer gun season.

(c) The Board with the Department shall pass regulations annually setting forth bow and gun hunting season opening and closing dates, season bag limits, and legal sexes (bucks and/or does). The bow season shall not begin before September 1 or continue past January 31.

(d) Except as provided under deer gun group hunting, any person who harvests a deer shall immediately validate his big game carcass tag and then shall attach the carcass tag to the ear

or antler of the deer.

(e) No person shall harvest and/or tag a deer without the appropriate license and carcass tag.

(f) No person shall hunt or harvest deer without his/her valid license and carcass tag in possession.

(g) No person designated to harvest deer for an elderly or disabled person shall fail to deliver the validly tagged carcass to such elderly or disabled person.

(h) Any person who while operating a motor vehicle on a highway accidentally collides with and kills a deer may retain possession of such animal if the person has it tagged by the Department, or by any law enforcement officer designated by the Department. No fee may be charged for any such tag.

(i) No person shall possess a deer to which a deer carcass tag has not been attached, except as provided by the Department or any other law enforcement agency.

45.10-2. *Accompaniment of Deer.* It shall be unlawful to transport any deer prior to registration without being present with the carcass. Nor shall anyone knowingly accept for and transport another's deer without the valid license holder present. This shall not apply to any authorized enforcement persons who in the course of their duties transport any such seized deer.

45.10-3. *Accompaniment by Non-Licensee.* It shall be unlawful for any deer licensee/or special permit holder to be accompanied in the field by a non-licensee.

45.10-4. *Elderly Person and Disabled Permits.*

(a) No person other than the designated hunter approved by the Department or elderly or disabled citizen may hunt, harvest, transport or possess any deer with a Tribally issued elderly or disabled citizen deer permit. Refer to sec.6-2(a).

(b) Elderly or disabled citizen deer permits will be considered, provided:

(1) The applicant meets the age and/or disability requirements established by the Department.

(2) Completes and submits the appropriate application.

(3) Designates one person who will possess the permit, hunt and harvest, transport and deliver the carcass to the elderly or disabled person.

(4) All designated hunters may take antlerless deer only during bow, gun, and muzzle loading seasons. Designated hunters shall be limited to two tags per elderly or disabled person.

45.10-5. *Special Provisions for Disabled Persons.* Waiver of restrictions listed below will be permitted after proof of disability is confirmed:

(a) Shoot from a roadway. Refer to sec. 6-2(a).

(b) Shoot from a vehicle that is not moving provided that the engine of the vehicle is not running.

45.10-6. *Muzzleloading Season.* The muzzleloading deer season shall be from the Monday following the close of the regular gun deer season until first Sunday of January. Back tags not filled during the bow or gun season may be used for the muzzleloading season.

45.10-7. *Firearms Restrictions.* No person shall hunt deer:

(a) With a rifle, with a shot gun smaller than 20 gauge or larger than 10 gauge, or with a muzzleloader smaller than .40 caliber.

(b) With any handgun which is loaded with caliber chambered for commercially manufactured cartridge which produce a muzzle velocity of 1,000 ft per second and no more

than 2,200 ft per second and has a barrel length of five inches measured from the muzzle to the firing pin with the action closed. Hunters using handguns for deer hunting may possess other firearms legal for the zone in which they are hunting deer.

45.10-8. *Bow/Crossbow Restrictions.* No person shall hunt deer:

- (a) With a bow having a pull strength less than 35 pounds or using an arrow that does not have a broadhead.
- (b) With a crossbow, unless the crossbow:
 - (1) Is allowed by special permit by the Department.
 - (2) Is fired from the shoulder.
 - (3) Has a minimum draw weight of 100 pounds.
 - (4) Has stock of not less than 30 inches in length.
 - (5) Is used with arrows or bolts of not less than 14 inches in length with a broadhead.
 - (6) Has a working safety.

45.10-9. *Group Deer Hunting.*

- (a) As used in this section:
 - (1) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.
 - (2) "Deer Hunting Party" means at least two, but not more than sixteen (16) persons, lawfully hunting deer in a group under this section.
 - (3) Hand radios are allowed to keep track of hunters, but not as an aid in deer hunting.
- (b) Any person of a group deer hunting party may harvest deer for another person of the group if the following conditions exist:
 - (1) At the time and place of the harvest, the person who harvests the deer must be in visual or voice contact with the person for whom the deer was harvested.
 - (2) The person for whom the deer is harvested possesses a current unused deer license and carcass tag valid for the unit in which the deer is harvested.
 - (3) A person who harvests the deer must ensure that a person of his/her group deer hunting party without delay must attach and validate a carcass tag prior to field dressing and moving the deer. No person harvesting a deer under this provision shall leave the animal unattended until after it is properly tagged.
- (c) Group deer hunting is permitted during the gun deer and muzzle loader seasons.

Group hunting is permitted during the muzzleloader.

45.10-10. *Transportation.*

- (a) No person shall transport any untagged deer in or on any motor vehicle. All deer must be properly tagged before transporting.
- (b) No person shall transport an unregistered deer in or on a vehicle unless the animal is openly exposed, open to view by a person in a passing vehicle, and placed so that the operator of the vehicle and any other occupants of the vehicle cannot handle the carcass tag.

45.10-11. *Removal and Retention of Tags.*

- (a) No person who harvests a deer shall remove a carcass or registration tag from the deer until such time as the carcass is butchered or processed for consumption.
- (b) No person who harvests a deer shall dispose of the registration tag until all the meat is consumed.

(c) Any person who receives meat from another as a gift is exempt from the carcass tag provision.

45.10-12. *Minimum Antler Size.* A buck must have at least one antler which is three or more inches in length.

45.10-13. *Bowhunting Regulations.*

(a) No person shall possess a deer harvested with a firearm during an archery only deer hunting season.

(b) No person hunting deer under the authority of an archery deer permit shall have a firearm in his/her possession unless participating in annual muzzle loading season or ceremonial/feast special permit.

(c) It is unlawful to group hunt during the bow hunting seasons.

45.10-14. *Deer Registration.*

(a) No person shall fail to register a deer harvested during a firearm or archery deer hunting season at a registration station authorized by the Department to register deer.

(b) All deer harvested by a firearm under the authority of a deer ceremonial/feast firearm hunting license or permit shall be registered no later than 24 hours after the harvest.

(1) Deer killed by a firearm must be registered no later than 5 p.m. the following day of the close of Gun Deer Season.

(c) All deer harvested by a bow and arrow or cross bow or muzzle loader under the authority of a deer archery permit or special permit must be registered by 5:00 p.m. on the third day after the deer was harvested.

(d) No person harvesting a deer under the authority of a Department hunting permit shall transport the deer off the Reservation without first registering it.

45.10-15. *Hunting Deer with Dogs Prohibited.* No person shall hunt deer with the aid of a dog or dogs.

45.10-16. *Tribal Back Tag Required.*

(a) Any individual hunting deer within the Oneida Nation boundaries during the bow deer or gun deer hunting seasons must display the issued back tag where it can be clearly seen on the back of the outermost garment.

(b) It shall be unlawful for any member to wear a State of Wisconsin back tag while deer hunting within the exterior boundaries of the Oneida Reservation unless they are non-members in possession of a non-member Land Use permit.¹

45.10-17. *Blaze Orange Required.* During the gun deer season, and muzzle loading season, no person may hunt any game, except waterfowl, unless at least 50% of the person's outer clothing above the waist is colored blaze/hunter orange. A hat, if worn, must be at least 50% blaze/hunters orange.

45.11. Small Game.

45.11-1. *General Provisions.*

(a) "Small Game" means, but not limited to, gray and fox squirrels, ruffed grouse, cottontail rabbits, pheasant, bobwhite quail, and Hungarian partridge.

¹ NOTE: According to the Department of Conservation, Oneida Tribal members can not fill/utilize their state back tags within the reservation boundaries because they are regulated by the Tribe. The Tribe does not recognize the state as having the right to manage or regulate the Tribe's natural resources or membership.

(b) No person shall take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may occur in normal agricultural, horticultural, or wildlife research practices and as may be authorized by the Board and the Department.

45.11-2. *Open and Closed Seasons; Bag Limits.*

(a) A closed season is hereby established for the hunting of small game except for open seasons which shall be specified in annual regulations of the Board. Hunting for furbearing small game shall not begin before September 1 or close later than March 31. Daily bag and possession limits may vary by species and shall not exceed a harvest of 10 animals/birds of each species daily. The daily bag and possession limits will be based on the supply of game, the needs of conservation, and the objective of achieving a fair allocation of the harvest.

(b) Except as otherwise expressly provided for by this Article, no person shall hunt small game during a closed season.

45.11-3. *Small Game Hunting Licenses.* No person shall hunt small game without possessing a valid sports license.

45.11-4. *Accompaniment of Small Game or Small Game Birds.* It shall be unlawful for a small game hunter to transport any harvested small game without being present with the carcass until such time as the carcass reaches the hunter's residence. Nor shall any person knowingly accept for transport another's small game without the valid license holder present.

45.11-5. *Special Permits.* No person shall possess, hunt or take any small game without possessing a small game hunting license or sports license or a valid special permit issued by the Department.

45.11-6. *Permissible Methods.* The hunting or taking of small game birds is restricted to the use of an air rifle, shotgun or bow and arrow. The hunting or taking of small game mammals is restricted to the use of an air rifle, shotgun, rifle, or bow and arrow.

45.11-7. *Firearm Restrictions.* No person shall hunt small game:

(a) With a shotgun larger than 10 gauge.

(b) With a rifle or handgun larger than .22 caliber, including both rimfire and center-fire cartridges. Rifles or handguns may not be used for hunting birds.

(c) With a handgun with a barrel less than 5.5 inches in length as measured from the muzzle to the firing pin or caliber greater than a .357 magnum.

(d) While possessing shot shells larger than 2 shot or while possessing slugs, except that slugs may be possessed if the person holds a deer hunting license and a firearm season for deer exists at the time the individual is hunting small game.

(e) With any type of shell, cartridge or altered projectile or device which is not considered a factory load, copy or style.

45.11-8. *Bow and Arrow Restrictions.*

(a) No person shall hunt small game:

(1) With a bow having a pull or draw strength less than 35 pounds.

(2) With arrows less than 24 inches in length or without at least three untrimmed feathers or five trimmed feathers.

(3) With poison or exploding points of any type.

(b) Crossbows are prohibited except when authorized for special situations by the Department.

45.11-9. *Transportation.*

(a) No person shall transport any small game in or on any motor vehicle without possessing

the appropriate permit or required license.

(b) No person shall transport any small game bird in any motor vehicle without leaving at least the fully feathered head or one fully feathered wing attached to each harvested bird.

45.12. Furbearers.

45.12-1. General Provisions.

(a) No person shall take any furbearer in its den, or remove any young except as may occur during normal agricultural, horticultural or wildlife research practices and as may be authorized by the Department.

(b) Nothing in this Article shall be construed to prohibit the taking of such furbearers for scientific purposes or depredation control as may be authorized by the Department.

45.12-2. Open and Closed Seasons. A closed season is hereby established for the hunting and trapping of furbearers except for open seasons declared by annual regulations. Seasons shall not begin before October 1 or occur after April 1. Unless dictated by reduced populations, daily bag and possession limits shall be unlimited.

45.12-3. Permits and Tags. No person shall take, hunt or trap furbearers on any lands of the Reservation pursuant to this section without possessing a valid sports license or required permit approved by the Department.

45.12-4. Methods of Taking. No person shall:

(a) Trap with any leghold trap larger than a number 4 and/or any trap containing a tooth style jaw for dry sets.

(b) Trap with any leghold trap larger than a number 5 and/or any trap containing tooth style jaw for wet sets.

(c) Trap within 25 feet of any exposed bait.

(d) Trap with aid of poison, stupefying substances or explosives.

(e) Set any trap or snare unless a metal tag is attached, stamped or engraved legibly with the name and address of the owner.

(f) Hunt with a bow with a pull strength of less than 35 pounds.

(g) Hunt with arrows less than 24 inches in length.

(h) Take or attempt to take mink or muskrat by means other than trapping or snaring.

(i) Hunt with the aid of an artificial light except that a flashlight may be used while hunting coyotes, raccoons, foxes or unprotected species while hunting on foot.

(j) Use any traps to take any wildlife not specified as furbearers.

(k) Destroy any den, lodge or hut.

(l) Possess any trap for the purpose of catching furbearers other than a steel-jawed trap, live trap or snare.

(m) Disturb or take the traps or snares or trapped animals of someone else.

(n) Operate more than 75 traps or snares in any combination.

45.12-5. Set and Placement Restrictions. No person trapping furbearers shall:

(a) Operate trap sets which permit the trapped animal to reach water, except during the muskrat, beaver and raccoon trapping seasons.

(b) Set any trap on any perch more than three feet above the ground.

(c) Set, place or operate any killer trap of the conibear type greater than "7 x 7" or any snare regardless of the size of the noose within 100 yards of any building devoted to human

occupancy without the owner's consent.

45.12-6. *Trapping Hours.* No person shall fail to check all dry land sets and remove animals therein at least once every 24 hours. Water sets shall be checked within four days of last trap tending.

45.12-7. *Use of Dogs.* Dogs may be used in the pursuit of game birds, small game, raccoon, coyote and fox while hunting.

45.12-8. *Harvest of Depredating Animals.* With the approval of the Department, any landowner or tenant may destroy any furbearer which has been identified as depredating any livestock, poultry or crops. He/she shall not commercialize in, sell, trade, or ship any pelt or parts thereof without possessing a valid sports license.

45.12-9. *Aerial Hunting.* No person except an authorized person shall attempt to take, hunt, or pursue any furbearer using aircraft without authorization from the Department. The following information shall be provided by any person seeking authorization:

(a) The name and address of each person who will be hunting.

(b) A description of the furbearers authorized to be taken, the number of furbearers to be taken, and the harvest area.

(c) The reason for requesting the permit.

(d) Description of aircraft and pilot's name.

45.12-10. *Motor Vehicle Use.* No person shall take, hunt, kill, chase, harass or pursue furbearers or attempt the above from any type of motor vehicle unless specifically authorized by permit or license issued by the Department.

45.12-11. *Use of Hand Radios:* Hand radios are allowed to keep track of hunters, but not as an aid in deer hunting.

45.12-12. *Shot and Rifle Sizes:* Able to use buckshot, shot shell and rifle sizes up to .223 caliber for fox and coyote hunting.

45.13. Migratory Birds.

45.13-1. *General Provisions.*

(a) No person shall take or injure any migratory bird or harass any migratory bird upon its nest or remove any eggs or young except as may occur in normal agricultural, horticultural or wildlife research practices and as may be authorized by the Department and applicable federal regulations.

(b) Nothing in this Article shall be construed to prohibit the taking of such migratory birds for scientific purposes with the authorization of the Department and in accordance with applicable federal regulations.

45.13-2. *Open and Closed Seasons.*

(a) A closed season is hereby established for the hunting of migratory birds except for open seasons specified by regulation. The Board with the Department shall set regulations each year for the hunting of migratory birds based on agreement with the U.S. Fish and Wildlife Service. The waterfowl hunting season shall not open prior to September 1 or close later than December 31. The daily bag limit for each waterfowl hunter shall not exceed 5 ducks and 3 geese. The Board with the Department may declare a closed season on waterfowl during any year(s) when the populations will not justify a harvest. Maximum allowable daily harvests may be declared for individual species of waterfowl. Daily hunting hours shall be established by the Board with the Department by annual regulation. Opening hours shall not

begin until 30 minutes before sunrise and closing hours shall not extend beyond 15 minutes after sunset.

(b) Except as otherwise expressly provided by this Article, no person shall hunt migratory birds on any Reservation lands during a closed season.

45.13-3. *Firearms Restrictions.* No person shall hunt migratory birds with:

(a) A shotgun larger than 10 gauge, duck plugs are not required.

(b) A rifle of any type.

(c) A shotgun with a barrel length less than 18 inches.

(d) A handgun of any type.

45.13-4. *Bait Restrictions.*

(a) No person shall hunt migratory birds with the aid of bait other than grain crops left in the field due to normal agricultural practices. A baited area is considered to be baited for ten days after the removal of the bait.

(b) No person shall use electronic calls of any type to hunt migratory birds.

45.13-5. *Hazing.* No person shall drive, rally or chase birds with any motorized conveyance to put them in the range of hunters.

45.13-6. *Live Decoys.* No person shall hunt migratory birds with the aid of live decoys. All live, tame or captive ducks and geese shall be removed for a period of ten consecutive days prior to hunting and confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of migratory waterfowl.

45.13-7. *Permits and Tags.* No member shall hunt any migratory birds without possessing a sports license. Any person who harvests a goose shall attach the carcass tag to the leg of the goose. All geese harvested must be registered with Department staff within seven (7) days of harvest.

45.13-8. *Raptors, Bald and Golden Eagles, Other Protected Species.*

(a) It shall be unlawful for any person to take, attempt to take, kill, hunt or sell, purchase, possess, pursue, shoot at, disturb, or destroy any raptor, golden or bald eagle, owl, falcon or other species of protected migratory birds or its nest or eggs thereof on any lands of the Reservation.

(b) Any member requesting or desiring any eagle or parts thereof, must make or properly complete an application for submission to the U.S. Fish & Wildlife Service, Law Enforcement Division. Interested members should contact the Department for application forms.

45.13-9. *Transportation.*

(a) No person hunting migratory game birds shall have in his possession the carcass of any migratory game bird unless the fully feathered head or one fully feathered wing are attached naturally to the carcass.

(b) The fully feathered head or fully feathered wing must remain naturally attached to all migratory game birds being transported from the field to the person's permanent abode or a preservation facility.

(c) Any person transporting a raptor or protected migratory bird found or taken out of season shall obtain a permit from the Oneida Conservation Department excluding all eagles.

45.13-10. *Live Birds.* It shall be unlawful to possess a live migratory bird or birds at any time. All migratory birds must be immediately killed once possession is gained. Persons who raise migratory birds may maintain these birds by permit issued through the Department, a hatchery, game farm or

state and/or federal agency.

45.13-11. *Open Water Hunting.* It shall not be unlawful to hunt in any open water where a person can stand on the bottom without the aid of a blind and in this circumstance may hunt with the aid of a securely anchored boat, canoe, raft, or similar device.

45.13-12. *Moving Boats.*

(a) No person shall hunt migratory birds from any moving boat unless it is propelled by paddle, oars or pole.

(b) A hunter who kills or cripples any migratory game bird shall make a reasonable effort to retrieve such bird. A hunter who cripples a bird which falls or moves into open water may pursue the bird into open water and shoot from a boat propelled by paddle, oars or pole.

(c) If a motorboat is used to pursue a crippled migratory bird into open water, the motor must be shut off and all forward movement of the boat must cease before loading and shooting at the crippled migratory bird.

45.13-13. *Vehicle Use.* No person shall take migratory game birds from, or with the aid or use of, any vehicle except for qualified disabled persons issued a permit by the Department. Refer to sec. 6-2(a).

45.13-14. *Decoys.*

(a) No person hunting migratory birds shall place decoys beyond 200 feet from the cover in which the person is located.

(b) No person hunting migratory game birds shall:

(1) Place decoys in the water prior to one hour before opening of waterfowl hunting time.

(2) Leave decoys in the water more than 20 minutes after the close of waterfowl hunting time.

45.13-15. *Shot Restrictions.* No person shall hunt waterfowl, coots or gallinules while in possession or control of any type of lead shot.

45.13-16. *Blind Restrictions.* No person hunting waterfowl or coots on Tribal, trust, or allotted trust lands shall:

(a) Establish a waterfowl hunting blind on such property, including the bed of any navigable lake, reservoir, pond or stream, prior to seven days before the waterfowl hunting season or leave it established beyond seven days after the close of the waterfowl hunting season.

(b) Establish a waterfowl hunting blind of wooden or partially wooden construction unless the blind bears the name, in lettering one-inch square or larger, of the person who constructed the blind.

45.13-17. *Method Restrictions.* No person shall take or attempt to take migratory game birds with a trap, net, fishhook, poison, drug, explosives, or stupefying agent.

45.14. Fishing.

45.14-1. *General Provision.*

(a) No person shall take, attempt to take or injure any fish in any waters, upon its nest, or remove any eggs except as may occur in normal recreational or fisheries research practices, or as may be authorized by the Board and the Department.

(b) Nothing in this Article shall be construed to prohibit the taking of such fish for scientific purposes with the authorization of the Board and the Department.

45.14-2. *Seasons.* The fishing season shall be continuous (year-round) unless specific seasons are set by annual regulations. Annual regulations shall establish species that may be fished, daily bag limits, and minimum/maximum lengths.

45.14-3. *Licenses.*

- (a) No person shall fish, take or attempt to take any fish pursuant to this Article without possessing a valid Tribal fishing license issued by the Department.
- (b) The Department shall not issue more than one license to one person at a time.
- (c) No fishing license shall be required for persons less than 16 years old to fish on Tribal, trust, and allotted trust lands.

45.14-4. *Seasons, Creel Limits and Size Limits.* The following terms shall mean:

- (a) *Daily Limit.* The number of fish that may be taken from midnight to midnight, except no person may possess more than one day's limit of fish with head, skin and fins attached while on the water, ice or actively engaged in fishing.
- (b) No person shall take, attempt to take, catch or fish for any species of fish in excess of the established daily or possession creel or bag limit.
- (c) No person shall take, attempt to take, harvest or possess any fish under or over the specified length limits.

45.14-5. *Fishing Restricted to Authorized Methods.*

- (a) No person shall catch or attempt to catch, take or kill fish by any method except as prescribed by this Article.
- (b) It shall be unlawful to take or attempt to take fish by any means other than rods, lines and bare hooks, baited fish hooks, nets, spears, use of hands, and bows/arrows on waters within the Reservation boundaries.

45.14-6. *Firearm Restrictions in Fishing Areas.* No person shall discharge a firearm into Reservation lakes, reservoirs or public use areas, except for the purpose of hunting migratory game birds during established seasons.

45.14-7. *Trespass.* No person may fish on private waters without permission from the owner or occupant. No person may fish on Tribal, state, or federal refuge waters or protected waters without possessing the required license, permit, tags, or unlawfully fish in those designated waters.

45.14-8. *Trading of Fish.* All fish caught or taken by any means may be traded. However, such trading may only occur between members on the lands and waters of the Tribe.

45.14-9. *Fishing on Duck Creek.* Any member and any other person may be permitted to remove fish from Duck Creek and its tributaries on Tribal lands.

45.14-10. *Ice Fishing.*

- (a) Ice fishing holes shall be no larger than 10" in diameter.
- (b) Members are permitted to use no more than four (4) fishing lines at one time.

45.14-11. *Night Fishing.* Night fishing is permitted.

45.14-12. *Motorboats.* Motorboat use is prohibited on Tribal waters, except for law enforcement and conservation purposes by the Department. Motors shall be limited to electric motors.

45.14-13. *Transportation.*

- (a) No person shall transport dressed fish from the waters of the reservation to his or her residence unless those fish can be readily counted.
- (b) A person may carry or transport only his or her own lawfully possessed fish.
- (c) No person may possess a fish carcass or a fish fillet while fishing or prior to returning

to his or her permanent residence unless at least 1 square inch of skin with scales intact is attached naturally to the fish carcass or to each fish fillet.

(d) At least 1 square inch of skin with scales shall be left naturally attached to each fish or fish fillet being transported to a person's house.

45.14-14. *Interference.* No person may intentionally interfere with the other persons lawfully engaged in taking or attempting to take fish, or engage in an activity specifically intended to harass or prevent the lawful taking of fish.

45.14-15. *Restrictions.* No person shall:

(a) Leave, deposit, place or throw on the waters, ice, shores of water or upon Tribal, trust and allotted trust lands, any cans, bottles, debris, refuse, fish offal, fish carcasses, fish parts or solid waste material.

(b) Empty receptacles containing bait into Reservation waters.

(c) Transport or introduce fish or fish eggs into Reservation waters.

(d) Release fish, reptiles, amphibians or crustaceans into Reservation waters without written authorization from the Board and the Department.

(e) Lend his or her license to another person or aid someone in securing a license fraudulently.

(f) Use explosives, electrical devices, or poisonous or stupefying drugs to take fish.

(g) Shoot fish, frogs or turtles with a firearm.

45.14-16. *Frogs.*

(a) A valid Oneida Nation fishing license is required to take, catch or kill bullfrogs, except for those persons exempt by Law from having such a license.

(b) No person shall catch, take or kill bullfrogs except by hand, dip net, hook and line, or spear.

45.14-17. *Health Advisory.* The following warning shall be placed in all hunting and fishing regulation information booklets:

*** WARNING ***

Fish caught in Duck Creek, ducks, geese, and other wildlife may contain PCB's. Women and children are most at risk for health defects. Detailed information is available from the Oneida Conservation Department.

If you need to contact an expert or contact person for a specific question, you can call Jim Amrhein, Environmental Toxicologist, @ 1-608-266-5325. He is with the Bureau of Water Resources, Wisconsin Department of Natural Resources, Madison.

45.15. Conservation Code Violations.

45.15-1. *Conservation Code Violations.* The Board shall hear charges against a member, special permit holder, or non-member.

(a) If there is more than one (1) violation, each violation shall be heard separately.

(b) The violation shall be directly related to those violations listed in the Hunting, Fishing and Trapping Law or regulations.

45.15-2. *Citation and Notification of Violation.* The Conservation Warden shall issue a citation of a violation of the Hunting, Fishing and Trapping Law and regulations to an alleged violator when the Conservation Warden becomes aware of a violation or when all evidence, material is processed.

- (a) The Conservation Warden shall identify himself and his title.
- (b) The Conservation Warden shall give the alleged violator the citation and the Conservation Warden shall retain a copy of the same.
- (c) The citation shall include:
 - (1) the violation
 - (2) the penalties and/or fines.
 - (3) the date, time, and place of the hearing.

45.15-3. *Environmental Resources Board Hearing.* The Board shall hold any and all hearings on alleged violations of this Law in accordance with:

- (a) The By-Laws of the Board; and
- (b) The Administrative Procedures Act.

45.16. Sanctions.

45.16-1. The following sanctions may be imposed for violations of the Hunting, Fishing and Trapping Law:

- (a) All fines forfeitures shall be paid to the Conservation Department.

Violation	Sanction
1. Hunting deer without a license, permit or special permit.	1. 1st violation-\$750.00 find, and must apply for permit. 2nd violation-within one year is a \$1500.00 fine and loss of deer hunting privileges for two years.
2. Hunting small game or furbearers without a license or permit.	2. 1st violation-\$75.00 fine, and must apply for permit. 2nd violation \$150.00 fine.
3. Hunting migratory birds without a license or permit.	3. 1st violation-\$150.00 fine, and must apply for a permit. 2nd violation-\$300.00 fine.
4. Trapping without a license or permit	4. 1st violation- \$75.00 fine, and must apply for a permit. 2nd violation- \$150.00 fine.
5. Fishing without a license or permit.	5. 1st violation- \$75.00 fine and must apply for permit. 2nd violation-within one year is a \$150.00 fine and loss of fishing privileges for two years.
6. Unlawfully possessing a special permit.	6. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
7. Hunting deer with a ceremonial feast permit in non-designated area.	7. 1st violation-\$150.00-fine. 2nd violation-\$300.00 fine.
8. Failing to contact Department at least twenty-four (24) hours prior to a deer hunt for ceremonial/feast purposes.	8. 1st violation-\$50.00 2nd violation- \$150.00 fine.

Violation	Sanction
9. Possession of game or fish without a license or permit (does not apply to donated fish and game)	9. 1st violation-\$150.00 fine and seizure of game or fish. 2nd violation- \$300.00 fine and loss of appropriate privileges for two years. Unlawfully possessed game and fish shall be confiscated and delivered to the Norbert Hill Center cafeteria.
10. Knowingly allowing 12-14 year olds to hunt without being accompanied by a parent or legal guardian.	10. 1st violation-\$75.00 fine. 2nd violation-\$150.00 fine
11. 12-14 year old hunting without being accompanied by a parent or legal guardian.	11. 1st violation- \$50.00 2nd violation-loss of hunting privileges for one year.
12. Waste of game or fish.	12. 1st violation-\$150.00 fine. 2nd violation-\$30.000 fine and loss of hunting and/or fishing privileges for two years..
13. Delivery or receipt of game or fish or any part thereof other than during the open season and three days thereafter.	13. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
14. Unlawful sale of fish or game.	14. 1st violation- \$300.000 fine and loss of license for one year. 2nd violation- \$1500.00 fine and loss of license for three years.
15. Hunting from a motorized vehicle.	15. 1st violation- \$150.00 fine and loss of license for one year. 2nd violation-\$300.00 fine and loss of license for one year.
16. Hunt with the use of an airplane.	16. 1st violation- \$300.00fine. 2nd violation- \$600.00 fine.
17. Use of any unlawful device for taking fish or game.	17. 1st violation- \$150.00 fine. 2nd violation-\$300.00fine.
18. Shoot across a road.	18. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
19. Shoot from a motorized vehicle.	19. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine.
20. Discharge of firearm within 100 yards of human occupancy without permission.	20. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine. Violators shall be required to attend a hunter safety course.
21. Possession of un-cased air rifle, firearm or bow or crossbow in a motor vehicle.	21. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.

Violation	Sanction
22. Possession of loaded air rifle firearm or knocked bow or cocked crossbow in a motor vehicle. BB and Pellet guns must be cased and unloaded while transporting.	22. 1st violation-\$300.00fine. 2nd violation-\$600.00 fine and loss of hunting privileges for one year.
23. Disturb any squirrel nest or den, raccoon den, den/tree, mink den, muskrat house, beaver dam, or beaver house.	23. 1st violation- \$75.00fine. 2nd violation-\$150.00 fine.
24. Take another person's game or fish without his consent.	24. 1st violation-\$300.00 fine. 2nd violation-\$1500.00 fine and loss of hunting and/or fishing and/or trapping privileges for three years.
25. Hunt mink, muskrat, beaver, or other with the aid of gun, spear, or dog.	25. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
26. Shining during prohibited hours	26. 1st violation- \$300.00 fine. 2nd violation- \$1500.00 fine.
27. Shining while in possession of a firearm, bow, or crossbow.	27. 1st violation-\$750.000 fine and loss of hunting privileges for one year. 2nd violation- \$1500.00 fine and loss of hunting privileges for three years.
28. Hunt or shoot within 50 feet of the road	28. 1st violation- \$300.00 fine. 2nd violation- \$600.000 fine.
29. Convicted felon possessing a hunting license or permit.	29. 1st violation- \$600.000 fine. 2nd violation- \$1200.00 fine.
30. Possess a rifle larger than .22 rimfire during the deer gun season.	30. 1st violation-\$600.000 fine. 2nd violation-\$1200.00 fine.
31. Hunt unlawfully with a crossbow.	31. 1st violation- \$300.00 fine. 2nd violation- \$600.00 fine and loss of hunting privileges for one year.
32. Erect permanent tree stand on Tribal lands	32. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
33. Possess slugs except for during deer gun season	33. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
34. Failure to validate deer carcass tag.	34. 1st violation- \$300.00 fine. 2nd violation- \$600.000 fine and loss of hunting privileges for two years.
35. Failure to tag deer.	35. 1st violation- \$300.00 fine and loss of deer hunting privileges for one year. 2nd violation-\$1200.00 fine and loss of deer hunting privileges for three years.

Violation	Sanction
36. Failure to register game or deer/turkey/goose.	36. 1st violation- \$75.00 fine and loss of deer hunting privileges for one (1) year. 2nd violation- \$150.00 fine and loss of deer hunting privileges for two (2) years.
37. Possess shot shells not containing steel while hunting waterfowl.	37. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
38. Kill any fish or wildlife with an explosive or poison.	38. 1st violation- \$750.00 fine. 2nd violation-\$1500.00 fine.
39. Fish during closed season.	39. 1st violation- \$150.00 fine. 2nd violation-\$ \$300.00fine and loss of fishing privileges for one year.
40. Hunt small game, furbearers, or waterfowl during closed season.	40. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine and loss of hunting privileges for one year.
41. Trap during closed season.	41. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine and loss of trapping privileges.
42. Hunt deer during closed season.	42. 1st violation- \$1500.00 fine, loss of deer hunting privileges for one year, confiscation of deer. 2nd violation- \$3,000.00 fine, loss of deer hunting privileges for two years, confiscation of deer.
43. Exceed bag or possession limits or size restrictions for fish or game.	43. 1st violation- \$150.00 fine, loss of license for one year from date of violation, \$150.00 restoration fee for the reacquisition of license the following year. 2nd violation-\$300.00fine, loss of license for two years, \$300.00restoration fee for reacquisition of license the following year.
44. Refusal to obey a Tribal warden's lawful request.	44. 1st violation- \$600.000 fine and loss of license for one year and confiscation of weapon if applicable. 2nd violation-\$1500.00 fine and loss of license for two years and confiscation of weapon if applicable.
45. Harass, chase, or rally wildlife from or within a vehicle.	45. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
46. Lend or borrow a license, permit, or tag.	46. 1st violation- \$300.00 fine. 2nd violation-\$600.00 fine and loss of license for one year and confiscation of game if applicable.
47. Juvenile hunting alone with a handgun.	47. 1st violation- \$150.00 fine and seizure of weapon. 2nd violation- \$300.00 fine and seizure of weapon.
48. Knowingly allowing juvenile to hunt alone with a handgun.	48. 1st violation- \$150.00 fine and seizure of weapon. 2nd violation- \$300.00 fine and seizure of weapon.

Violation	Sanction
49. Hunt while intoxicated.	49. 1st violation- \$750.000 fine and loss of license for one year. 2nd violation- \$1500.00 fine and loss of license for three years.
50. Hunt with the aid of bait.	50. 1st violation- \$75.00 fine. 2nd violation- \$150.00 fine.
51. Disturb hunting, fishing, or trapping equipment belonging to another person.	51. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
52. Damaging property	52. 1st violation- \$300.00 fine and loss of license for one year. 2nd violation-\$600.000 fine and loss of license for one year.
53. Stock fish or game without a permit.	53. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
54. Possess live fish or game.	54. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
55. Hunt or possess game in a refuge.	55. 1st violation- \$300.00 fine and loss of license for one year. 2nd violation- \$750.000 fine and loss of license for two years.
56. Possess shotgun or rifle having sub-legal barrel length or overall length.	56. Referral to Bureau of Alcohol, Tobacco and Firearms.
57. Possess or hunt with a fully-automatic firearm.	57. Referral to Bureau of Alcohol, Tobacco and Firearms.
58. Possession of silencer.	58. Referral to Bureau of Alcohol, Tobacco and Firearms.
59. Interfere with hunting, fishing, or trapping.	59. 1st violation- \$300.00 fine. 2nd violation- \$600.000 fine.
60. Use a firearm or bow or crossbow in a reckless manner.	60. 1st violation- \$300.00 fine and loss of license for one year. 2nd violation- \$1500.00 fine and loss of license for three years.
61. Destroy "No Trespass" sign.	61. 1st violation- \$300.00 fine or referral to U.S. Attorney. 2nd violation- \$600.000 fine or referral
62. Hunting with prohibited bait materials	62. 1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.
63. Hunt over bait contained within or containing nondegradable material.	63. 1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.

Violation	Sanction
64. Hunt before or after hours.	64. 1st violation- \$150,000 fine, loss of license for one year and confiscation of weapon and game as applicable. 2nd violation- \$300.00fine, loss of license for two years and confiscation of weapon and game as applicable.
65. Knowingly allowing child under 12 years of age to hunt.	65. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
66. Hunting and/or possessing protected species.	66. 1st violation- \$300.00fine or referral to state or federal authorities, confiscation of species. 2nd violation- \$1500.00 fine or referral to state or federal authorities, confiscation of species.
67. Non-member on Tribal land.	67. Turned over to Oneida Police or County Sheriff's Department.
68. Failure to report hunting accident.	68. 1st violation- \$1500.00 fine.
69. Hunt without a license and/or permit and/or tag in possession.	69. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine.
70. Fail to deliver harvested game to designated elderly or disabled person.	70. 1st violation- \$300.00 fine. 2nd violation-\$600.00 fine.
71. Failure to have car-killed deer tagged.	71. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
72. Failure to pay assessed fine.	72. 1st violation- \$300.00fine. 2nd violation-\$1500.00 fine.
73. Failure to accompany deer prior to registration.	73. 1st violation-\$150.00 fine and seizure of weapon. 2nd violation- \$300.00 fine and seizure of weapon.
74. Hunting while accompanied by a non-licensee carrying a firearm.	74. 1st violation- \$300.00 fine. 2nd violation- \$600.000 fine and loss of hunting privileges for one year.
75. Failure to wear blaze orange during deer gun season.	75. 1st violation-\$150.00 fine. 2nd violation- \$300.00fine. 3rd violation-\$300.00fine and seizure of weapon.
76. Transport deer not in plain view.	76. 1st violation- \$300.00 fine. 2nd violation- \$600.00 fine.
77. Failure to retain deer registration tag.	77. 1st violation-\$75.00 fine. 2nd violation- \$150.00 fine.
78. Possession of deer killed by firearm during bow season.	78. 1st violation- \$750.00 fine, loss of deer hunting privileges for one year, confiscation of deer. 2nd violation-\$1500.00 fine, loss of deer hunting privileges for two years, confiscation of deer.

Violation	Sanction
79. Possess firearm while bow hunting for deer.	79. 1st violation-\$300.00fine. 2nd violation-\$600.000 fine.
80. Hunt deer with dogs.	80. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine.
81. Failure to display back tag while deer hunting.	81. 1st violation- \$50.00 2nd violation-\$150.00 fine.
82. Displaying state back tag while deer hunting on Tribal lands.	82. 1st violation-\$75.00 fine. 2nd violation-\$150.00 fine.
83. Failure to accompany harvested small game.	83. 1st violation-\$25.00 fine. 2nd violation-\$150.00 fine.
84. Hunt small game birds with a rifle or handgun.	84. 1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.
85. Possess shot larger than 2 shot while hunting small game.	85. 1st violation-\$150.00 fine. 2nd violation- \$300.00fine.
86. Failure to leave head or wing on small game bird.	86. 1st violation- \$150.00 fine. 2nd violation-\$300.00fine.
87. Trap with prohibited leghold trap or snare.	87. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
88. Trap within 25 feet of exposed bait.	88. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine and loss of trapping privileges for one year.
89. Failure to have name and address on trap or snare.	89. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
90. Take muskrat or mink by means other than trapping or snaring.	90. 1st violation- \$150.00 fine. 2nd violation - \$300.00 fine.
91. Possess animals other than furbearers taken in trapping.	91. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
92. Possess trap other than leghold trap or snare.	92. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
93. Disturb, or take traps or snares belonging to another person.	93. 1st violation- \$750.00 fine, loss of trapping privileges for one year. 2nd violation-\$1500.00 fine, loss of trapping privilege for three years.
94. Operate more than 75 traps.	94. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
95. Operate trap sets which permit the trapped animal to reach water (except for muskrat, mink, beaver, raccoon).	95. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.

Violation	Sanction
96. Set trap more than 3 feet above the ground.	96. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
97. Failure to have one-half of conibear trap or snare underwater.	97. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
98. Set or operate any conibear trap larger than 6" x 6" or any snare within 100 yards of any building devoted to human occupancy without the owner's permission.	98. 1st violation-\$150.00 fine. 2nd violation- \$300.00fine.
99. Violate snare restrictions.	99. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
100. Failure to check traps within prescribed time period.	100. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
101. Hunt migratory birds with rifle or handgun.	101. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
102. Hunt migratory birds with aid of bait.	102. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
103. Hunt migratory birds with aid of live decoys.	103. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
104. Failure to leave head or wing on migratory bird.	104. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
105. Hunt migratory birds in open water.	105. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
106. Hunt migratory birds from moving motorboat.	106. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
107. Place decoys more than 200 feet from hunter.	107. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
108. Place decoys in water more than one hour before opening time or leave decoys in water more than 20 minutes after close of hunting time.	108. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
109. Establish waterfowl hunting blind prior to 7 days before season or leave established more than 7 days after season.	109. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
110. Failure of blind to bear name of hunter.	110. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
111. Fail to tag migratory birds donated to an individual or left in the custody of a person.	111. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
112. Discharge of a firearm into water.	112. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.

Violation	Sanction
113. Using ice fishing hole larger than 10".	113. 1st violation- \$150.00 fine. 2nd violation-\$300.00fine.
114. Operating motorboat on Tribal waters.	114. 1st violation-\$150.00 fine. 2nd violation- \$300.00fine.
115. Transporting frozen, dressed fish that are not packaged individually.	115. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine.
116. Transporting fish belonging to another person.	116. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
117. Possession of fish not containing at least 1 square inch of skin with scales attached prior to reaching residence.	117. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
118. Leave or deposit trash or fish parts on lands, shores of Oneida Tribal waters, and waters.	118. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine.
119. Empty receptacles containing bait into reservation waters.	119. 1st violation -\$150.00 fine. 2nd violation-\$300.00fine.
120. Shoot fish, frogs, or turtles with a firearm.	120. 1st violation- \$150.00 fine. 2nd violation- \$300.00fine.
121. Violation of terms of wildlife damage control and nuisance control permit	121. Violation of terms of wildlife damage control and nuisance control permit
122. Hunting turkey out of season	122. 1st violation - \$500.00 fine 2nd violation - \$1,000.00 fine
123. Hunting turkey without a permit	123. 1st violation - \$500.00 fine 2nd violation - \$1,000.00 fine
124. Hunting small game with a rifle larger than 22 caliber	124. 1st violation - \$500.00 fine 2nd violation - \$1,000.00 fine
125. Trespassing in any wildlife areas, parks, or bow hunting area during the 9 day gun deer season, without giving notice.	125. 1st violation - \$500.00 fine 2nd violation - \$1,000.00 fine
126. Failure to return unused feast/ceremonial tags to Department within 30 days.	126. 1st violation - \$300.00 fine 2nd violation - loss of any future feast/ceremonial permits
127. Hunting party larger than 16 people (Fine for each member within the group).	127. 1st violation - \$25.00 fine 2nd violation - \$50.00 fine 3rd violation - \$150.00 fine
128. Illegal use of hand radios (Fine for each member within the group).	128. 1st violation - \$100.00 fine 2nd violation - \$200.00 fine 3rd violation - \$300.00 fine
129. Baiting.	129. 1st Violation - \$75.00 2nd Violation - \$150.00

130. Fishing with more lines than authorized .	130. 1st Violation - \$75.00 2nd Violation - \$150.00
131. Leaving fishing lines unattended.	131. 1st Violation - \$75.00 2nd Violation - \$150.00

45.16-2. All fines assessed under this section shall be paid within sixty days of the judgment of the final hearing body hearing and appeal, or otherwise within sixty days of the issuance of the citation or license will not be issued.

45.16-3. Community service may be substituted for fines for any of the above violations at the discretion of the Board at the rate of one hour per \$10.00 of the fine.

45.16-4. All persons found to have violated any of these regulations shall be required to attend State of Wisconsin Hunter Safety Course or license will not be issued.

45.16-5. All persons are encouraged to report violations of these regulations to the Oneida Police Department or Department. Any information received regarding violations shall be kept confidential by both Departments.

45.17. Wild Animal Protection Assessments.

45.17-1. If the Board imposes a fine for the violation of hunting, fishing, or trapping laws or regulations for the unlawful harvesting of fish or wildlife, the Board may in addition to the fine impose a wild animal protection assessment (civil recovery value) as follows:

- (a) For any endangered or threatened species, \$875.00.
- (b) For any moose, fisher, or sandhill crane, \$262.50.
- (c) For any bear, wild turkey, or wild swan, \$175.00.
- (d) For any coyote, raccoon, or mink, \$43.75.
- (e) For any deer, \$200.00.
- (f) For any ruffed grouse, spruce hen, wild duck, coot, or wild goose, \$26.25.
- (g) For any pheasant, Hungarian partridge, quail, rail, Wilson’s snipe, woodcock or shorebirds, or songbird, \$17.50.
- (h) For any muskrat, rabbit or squirrel, \$8.75.
- (i) For any muskellunge, or lake sturgeon, \$43.75.
- (j) For any largemouth or smallmouth bass, \$26.25.
- (k) For any brook, rainbow, brown, or steelhead trout, \$26.25.
- (l) For any walleye, northern pike, or any other game fish not mentioned, \$8.75.
- (m) For any game or furbearing animal or bird not mentioned, \$8.75.

45.18. Completion of Hunter Safety Course.

45.18-1. All persons applying for a license born on or after January 1, 1973 must have completed the State of Wisconsin hunter safety course.

End.

Adopted - BC-4-24-96-A
Amended - BC-7-22-98-A
Amended - BC-9-13-00-A
Amended - BC-6-04-03-A
Amended - BC-6-30-04-I
Amended - BC-7-13-05-G