

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

45.1. Purpose and Policy	45.10. Deer Harvest Laws
45.2. Adoption, Amendment, Repeal	45.11. Small Game
45.3. Definitions	45.12. Furbearers
45.4. Administration and Supervision	45.13. Migratory Birds
45.5. Conservation Wardens	45.14. Fishing
45.6. Licenses and Permits	45.15. Conservation Code Violations
45.7. Hunting, Fishing and Trapping Restrictions	45.16. Sanctions
45.8. Protected and Unprotected Species	45.17. Wild Animal Protection Assessments
45.9. Hunter Cautions and Miscellaneous	45.18. Completion of Hunter Safety Course

45.1. Purpose and Policy

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, and to continually improve the law.

45.1-2. *Policy and Intent.* It shall be and is the policy and intent of this law to provide:

- (a) an adequate and flexible system for the protection and conservation of all wildlife and natural resources on the Reservation.
- (b) for the establishment of rules and regulations relating to the harvest of wildlife and the use of recreational areas on the Reservation.
- (c) for the general management and supervision of all wildlife on the Reservation.
- (d) for the establishment of enforcement systems, license requirements, and prohibited acts and penalties related to hunting, fishing and trapping on the Reservation.

45.1-3. 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.

45.1-4. The Hunting, Fishing and Trapping Law shall apply to all persons hunting, fishing or trapping within the Oneida Reservation.

45.1-5. 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.

45.1-6. The Hunting, Fishing and Trapping Law shall be considered civil in nature, rather than criminal.

45.1-7. 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 was adopted by the Oneida Business Committee by resolution BC-7-22-98-A and amended by resolutions BC-09-13-00-D, BC-6-04-03-A, BC- 6-30-04-I, BC-7-13-05-E, BC-8-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E and BC-05-22-13-A.

45.2-2. This law may be amended pursuant to Tribal law by the Oneida Business Committee or the Oneida General Tribal Council.

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. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

45.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

45.2-6. 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. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Bag Limit" or "Daily Bag" shall mean the maximum number of an animal or fish that a person may take from midnight to midnight, except no person may possess more than one (1) day's limit of fish with head, skin and fins attached while on the water, ice or actively engaged in fishing.

(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 ten (10), persons lawfully hunting deer in a group.

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

(f) "Dependent" shall mean a person under the age of eighteen (18) who is the child or step-child of a Tribal member or who lives with a Tribal member for more than half the year.

(g) "Elder" shall mean any person fifty-five (55) years of age or older.

(h) "Endangered or threatened" shall mean any species of 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, 16 U.S.C. 1531-1544, 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.

(i) "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."

(j) "Fully-Automatic Firearm" shall mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one (1) 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.

(k) "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.

- (l) "Game fish" shall include all species belonging to the trout, pike, catfish, bullhead, sunfish (including blue gill and crappie), bass, and perch families of fish.
- (m) "Guardian" shall mean any person designated by a parent or legal guardian to monitor youth activities.
- (n) "Harass" shall mean to shoot at, disturb, worry, rally, concentrate, harry, chase, drive, herd, or torment.
- (o) "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.
- (p) "License" shall mean a written document granting authority to engage in specific activities covered in this law.
- (q) "Loaded" 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 flash pan is cleaned of powder.
- (r) "Member" shall mean any person who is an enrolled member of the Oneida Tribe of Indians of Wisconsin.
- (s) "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 (Orders *Gaviiformes*, *Podicipediformes*, *Pelicaniformes*, *Ciconiiformes*, *Gruiformes*).
- (t) "Non-Indian" shall mean a person who is not a member of any federally recognized Indian tribe, band, or community and is not the spouse or the dependent of an enrolled Oneida Tribal member.
- (u) "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.
- (v) "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 animals.
- (w) "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.
- (x) "Person(s) affiliated with another tribe" means a person who is a member of a federally recognized Indian tribe, band or community, other than the Oneida Tribe.
- (y) "Possession limit" shall mean the maximum number of a particular wildlife species that may be in the possession of a person who has hunted, fished, or trapped two (2) days or more.
- (z) "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.
- (aa) "Raptors" shall mean migratory birds of Order *Falconiformes* or the Order *Strigiformes*. For simplification, bald eagles and golden eagles are part of this definition. "Raptors" generally means all hawks, owls, eagles, and falcons.

- (bb) "Reservation" shall mean all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.
- (cc) "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.
- (dd) "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 animals.
- (ee) "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.
- (ff) "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.
- (gg) "Size limit" shall mean the specific minimum length and/or maximum length in inches of a species of fish that may be possessed legally.
- (hh) "Small game" shall mean, but shall not be limited to the following: Family *Anatidae*, limited to geese, brants, dabbling ducks, diving ducks, tree ducks, sea ducks, and mergansers; *Rallidae*, commonly known as rails, coots, mud hens, and gallinule; *Limicolae*, commonly known as snipe and woodcock; *Phasianidae*, commonly known as grouse, pheasants, partridges, and quail; cottontail rabbit, and gray and fox squirrel.
- (ii) "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.
- (jj) "Take" or "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.
- (kk) "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.
- (ll) "Tribal land" shall mean any land within the Reservation that is held in fee or in trust and is owned by the Oneida Tribe, a member of the Oneida Tribe, or a person affiliated with another Indian tribe.
- (mm) "Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.
- (nn) "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.
- (oo) "Waterfowl" shall mean any wild species of geese, brants, or ducks.

(pp) "Wet set" or "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.

(qq) "Wild animal" or "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.

45.4-2. *Authority of the Board and the Department to Conserve 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 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 fishing, trapping, or hunting, and to regulate and prescribe the means by which wildlife may be taken as may be best to perpetuate, restore, increase, or control any species of wildlife and assure adequate supply thereof, and to regulate the transportation and storage of all wildlife 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 wildlife or parts thereof or any other means or devices for taking of such wildlife.

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

(g) To establish wildlife refuges, production areas, demonstration areas, and research areas.

(h) To establish methods for checking hunters, anglers, or trappers into and out of specified areas, to prescribe safety and fire control measures and other regulations as may be deemed necessary in the interest of range, forest, 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 wildlife.

45.4-3. All rules of the Board in conformity with this law are prima facie reasonable and lawful.

45.4-4. 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.

45.4-5. 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 fifth (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 and may:

- (a) Observe persons engaged in hunting, fishing, and/or trapping and ensure methods and equipment are lawful.
- (b) Investigate reports of wildlife 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 or trapping within the exterior boundaries of the Reservation, a valid Oneida sportsman license or land use permit issued by the Department allowing him/her to hunt, fish, or trap on the Reservation.

(b) Non-member spouses and dependents of members and non-Indians who have permission to hunt, fish or trap on Tribal land shall obtain an Oneida sportsman license before hunting, fishing or trapping on Tribal land and shall be subject to the provisions of this law.

(c) All Oneida sportsman licenses and land use permits expire August 31st of each year. Oneida sportsman licenses and land use permits may be obtained from the Department located at N8047 County Road U at the following costs:

- (1) Member Oneida sportsman license (valid for all hunting, except turkey hunting, fishing and trapping) - \$10.00
- (2) Elder member or disabled member Oneida sportsman license - Free

- (3) Other affiliation Oneida sportsman license- \$25.00
 - (4) Elder other affiliation Oneida sportsman license- \$12.50
 - (5) Spouse and/or dependent of member Oneida sportsman license - \$15.00
 - (6) Elder spouse of member Oneida sportsman license - \$7.50
 - (7) Land use permit - \$500.00
 - (8) Land use permit elder - \$250.00
 - (9) Land use permit youth (under eighteen (18) years of age) - \$100.00
- (d) An application for an Oneida sportsman license or land use permit may be denied if the Department determines that the applicant has had his/her hunting, fishing, or trapping privileges revoked by any federal, Tribal or state agency less than one (1) year prior to the application for the Oneida sportsman license or land use permit.
- (e) Licenses issued after opening day of the gun deer hunting season will be subject to schedules established by the Department.
- (f) The application deadline for a land use permit for a non-Indian is the third (3rd) Monday of August. The Board may, with the recommendation of the Department, limit the number of land use permits issued.
- (g) A hunter's education certification must be presented prior to issuance of any Oneida sportsman license or land use permit to persons who wish to hunt who were born on or after January 1, 1973.

45.6-2. *Permits.*

- (a) *Disabled Permit.* Any person who is physically disabled shall be eligible for a disabled hunting permit and shall have a disabled license plate or sticker in the window of the vehicle he or she is hunting from and shall be a minimum of fifty (50) feet from the center of the roadway. A medical verification of a physical disability will be required.
- (b) *Sustenance Permit.* Members who are in need of nourishment may receive one (1) sustenance permit per household and may use the permit themselves or designate a sportsman to harvest one (1) deer for them. The designated sportsman shall:
- (1) Be identified at the time of permit issuance.
 - (2) Have a valid Oneida sportsman license or land use permit.
 - (3) Only harvest one (1) antlerless deer with a sustenance permit once a year during an established bow, gun, and/or muzzleloading season.
 - (4) Possess the permit, hunt and harvest, transport, register and deliver the carcass to the appropriate applicant.
- (c) *Member Ceremonial/Feast Permit.*
- (1) Members may apply for a 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 eighty-five percent (85%) members. The agent of such group/organization shall be a member;
 - (B) A group/organization customarily recognized by the Oneida community; and
 - (C) A group/organization located within the exterior boundaries of the Reservation.
 - (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 (10) 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 the group shall contact the Conservation Warden twenty-four (24) hours prior to the hunt.
 - (G) Hunting shall be in specified areas only.
 - (H) At least fifty percent (50%) blaze orange shall be worn while hunting.
 - (I) Permits are issued for antlerless deer only. Any antlered deer harvested will be confiscated.
 - (J) All deer shall be registered with the Department within twenty-four (24) hours after the harvest.
- (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 (1) year prior to application for permit.
 - (5) No ceremonial/feast permits shall be issued between the last day of December and the 3rd Saturday of September of any given year.
- (d) *Goose Permits.* The Board with the Department shall establish by regulation each year the initial number of goose permits to be issued that year. The Board with the Department shall also specify, by regulation, the maximum number of additional goose permits which may be obtained at any one time from the Department. Goose permits issued following the initial permits shall not be valid until the day following issuance. All geese harvested shall be registered with Department staff within seven (7) days of harvest. Permits will be available at the Department.
 - (e) *Deer Gun Season Hunter's Choice Permit.* 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.
 - (1) *Elder Members or Disabled Members.* Elder members or disabled members shall have the first choice to accept a Hunter's Choice permit. The deadline for the elder or disabled Hunter's Choice permits is 4:30 p.m. on the first Friday of November.
 - (2) *Drawing.* A drawing for Hunter's Choice permits for those hunters who are not elders or disabled shall be held the last Friday of October.
 - (3) *Ineligibility.* An individual receiving a permit in the previous year is not eligible to receive a permit in the current year.
 - (4) *Hunter Safety Graduates.* Individuals who graduate from a Hunter Safety

Course shall receive a Hunter's Choice permit within one (1) year of passing the Hunter Safety Course.

(f) *Turkey Permits.* 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. Hunting dogs may be used during the Fall turkey season. Tribal members, spouses of Tribal members and dependents of Tribal members who possess a valid Oneida sportsman license may purchase a turkey permit, which authorizes an individual to hunt during the fall and spring seasons, from the Department, for the following cost:

- (1) Five dollars (\$5.00) for anyone under eighteen (18) years of age.
- (2) Fifteen dollars (\$15.00) for an adult.
- (3) Free for an elder.

(g) *Dog Training Permits.* The Department shall issue dog training permits to those persons who wish to possess and release small game birds for dog training purposes. The permit shall contain requirements such as the location where the birds will be released and as to the manner in which a bird shall be marked or identified before being released. The Board, upon recommendation of the Department, shall create a list of small game birds that may or may not be possessed and released for dog training purposes.

45.6-3. *Wildlife Damage and Nuisance Control.* Landowners, lessees or occupants may remove from Tribal land 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 shall not engage in the following without applying in writing and receiving written approval from the Department to:

(A) Destroy, live capture and/or relocate any wild animal classified as:

- (i) a protected species under 45.8-1 of this law, or
- (ii) endangered or threatened under federal, state, Tribal, or other applicable law,

(B) Live capture and/or relocate deer.

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

(A) Destroy by shooting or trapping:

- (i) Any unprotected species under 45.8-2 of this law; or
- (ii) The following birds, 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: Crows, grackles, red-winged blackbirds, and cowbirds.

(B) Live-trap and relocate any wild animal, except deer or any endangered or threatened species may only be live-trapped or relocated in accordance with 45.6-3(a)(1).

(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 1st of each year, unless the Department finds that extraordinary conditions exist. Extraordinary conditions include, but

are not limited to, ongoing, severe damage to crops occurring after October 1st 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) Deer are causing damage on Tribal land 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 endangered or threatened under applicable law; or

(D) Other extraordinary damage 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 twelve (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 section.

(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 the spouse and/or dependents of the permittee. 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 a valid Oneida sportsman license or land use permit when carrying on removal activities. Written approval shall be signed and dated by the permittee and shall include the name, address and phone number of the permittee, name address and phone number of the person removing the wild animals, property location, removal activities, authorized period of removal, and species of animals authorized for removal.

(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 (1) 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 shall 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 two (2) hunters or active trapping or at least one (1) trapper per each forty (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 ten (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 shall 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 and Permits.* All participants shall possess the appropriate license and

permit 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 the conditions listed in 45.6-4, 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 thirty (30) minutes before sunrise to thirty (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, shall harvest at least eighty percent (80%) of the number of deer authorized for harvest on the permit and shall harvest at least fifty percent (50%) of this number during the first forty-five (45) days after the permit is issued, in order 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 specified areas.

(c) *Carcass Tag Distribution.* The number of carcass tags provided to the permittee shall be based upon the harvest objective specified under (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 and/or tagged a 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 (1) deer harvested under the deer shooting permit. All deer not retained shall be disposed of by the Department by first offering to elder members, then disabled members, then to any interested person.

(g) *Deer Type.* Unless exempted by the Department, only deer without antlers or with antlers less than three (3) 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 this law 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 the conditions listed in 45.6-4, the following conditions shall apply to all shooting permits for Canada geese causing damage:

(a) *Goose Hunting Permit Required.* All participants other than the permittee shall have been issued a permit to hunt Canada geese that is valid for the current license year.

(b) *Carcass Tag Distribution.* The number of carcass tags provided to the permittee shall be decided upon by the Department as specified under 45.6-4(i). The permittee may retain the carcass tags provided to him or her for personal use or may distribute the carcass tags to the person(s) they have authorized to participate.

(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 under 45.6-2(d) which are valid for the locations and effective dates specified in the permit prior to using the carcass tags issued for Canada geese causing damage.

(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 forty-eight (48) hours of the time of harvest.

(e) *Bag Limit.* No person may take or possess more than three (3) 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 and the number of wildlife taken under this section.

45.7. Hunting, Fishing and Trapping Restrictions

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

(a) Hunt any wildlife on Tribal land without permission to hunt on the Tribal land and a valid Oneida sportsman license or land use permit.

(b) Carelessly waste wildlife. Every reasonable effort shall be made to retrieve all wildlife 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 wildlife or part thereof at any time other than during the open season and three (3) days after.

(d) Sell, purchase or trade wildlife. 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 wildlife without his consent.

(f) Exceed daily bag or possession limits, or possess wildlife above or below the size limits established by annual regulations.

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

(h) Take wildlife during closed seasons.

(i) Have a valid Oneida sportsman license or land use permit and, while hunting, be accompanied by a non-licensee who is twelve (12) years of age or older.

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

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

(1) Completion of an approved Hunter Safety Course;

(2) Possession of a valid Oneida sportsman license or land use permit; and

(3) Accompaniment by a parent or guardian.

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

(c) Except as provided for under 45.7-3, hunt if under the age of twelve (12).

(d) Possess or use a firearm while hunting after having 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 twenty-one (21) years of age unless under the immediate supervision of a parent or a responsible adult.

(g) Hunt while under the influence of alcohol or a controlled substance.

(h) Hunt any species more than thirty (30) minutes after sunset or more than thirty (30) minutes before sunrise during the gun deer season.

(i) Hunt small game with any permitted weapon and deer with a bow more than thirty (30) minutes after sunset or more than thirty (30) minutes before sunrise. 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, bow and arrow, or animal trap within the boundaries of any wildlife refuge designated by the Board and the Department.

45.7-3. *Ten (10) and Eleven(11) Year-Old Hunters.* Those persons age ten (10) or eleven (11) may obtain an Oneida sportsman license or land use permit to hunt after completing an approved Hunter Safety Course if he or she meets the following requirements:

(a) While hunting, the ten (10) or eleven (11) year old hunter shall:

(1) have a mentor present; and

(2) obey all applicable hunting laws and regulations; and

(3) possess all required licenses, permits and/or tags.

(b) Only one (1) weapon, such as a firearm or bow, may be possessed jointly between the hunter and his or her mentor.

(c) In order to be a mentor, a person shall:

(1) be at least eighteen (18) years old; and

(2) have a valid Oneida sportsman license or land use permit; and

(3) have completed an approved Hunter Safety Course

(4) be the hunter's parent or legal guardian, or have permission from the hunter's parent or legal guardian to be the hunter's mentor; and

(5) remain within arm's grasp of the hunter; and

(6) only mentor one (1) hunter at a time.

45.7-4. *Hunting Aids and Safety.* It is unlawful to:

(a) Hunt from a motorized vehicle, without a special permit issued pursuant to 45.10-5.

(b) Hunt with the use of an airplane, without authorization from the Department under 45.12-9.

(c) Shoot across any road(s).

(d) Shoot firearms within one hundred (100) yards of human occupancy without permission.

(e) Hunt within fifty (50) feet of a road. Anyone hunting small game or waterfowl with a muzzleloader or shotgun loaded with shot size BB or smaller is exempt from this prohibition if the road is unpaved.

(f) Hunt mink, muskrat, beaver, or otter with the aid of a gun, spear, or dog.

45.7-5. *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 unloaded. A muzzleloader 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.
- (d) Transport an air rifle unless it is unloaded.
- (e) Possess a concealed handgun.
- (f) Transport a handgun in a vehicle unless it is unloaded.
- (g) Possess slugs while hunting, except during the deer gun season.
- (h) Hunt waterfowl while in possession or control of any type of lead shot.
- (i) Harvest wildlife with the aid of an explosive or poison.
- (j) Possess or hunt with a shot gun having a barrel less than eighteen (18) inches in length or having an overall length of less than twenty-six (26) inches.
- (k) Possess or hunt with a rifle having a barrel less than sixteen (16) inches in length or having an overall length of less than twenty-six (26) inches.
- (l) Possess or hunt with a fully-automatic firearm.
- (m) Possess or hunt with any mechanism designed to muffle, silence, or minimize the report of any firearm.
- (n) Use a firearm or bow and arrow in a reckless manner.

45.7-6. *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 10:00 p.m. on September 1st through, and including, December 31st. Beginning January 1st through, and including, August 31st, shining is allowed twenty-four (24) hours a day. 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 wildlife with or from a motor vehicle.

45.7-7. *Tree Stands.*

- (a) It is unlawful to erect permanent tree stands on land owned by the Tribe.
- (b) Semi-permanent tree stands may be put up two (2) weeks before the archery season opens and shall be removed by April 1st.
- (c) All tree stands must be stamped with the owner's enrollment number and/or name, address and phone number for identification.

45.7-8. *Licenses, Permits, and Tag Restrictions.* It is unlawful to:

- (a) Fail to register or tag a deer. Failure to register or tag a deer will result in forfeiture of the carcass. Deer must be tagged *immediately* after harvesting. See 45.10-14 for registration time limits.
- (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, agricultural crops or restoration areas on land owned by the Tribe.
- (e) Stock any wildlife 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 Tribal lands and waters without permission for the purpose of hunting, fishing, or trapping and without a valid Oneida sportsman license or land use permit issued by the Department.

45.7-9. *Baiting*. It is unlawful to:

(a) Use or hunt over bait material, liquid, or scent for attracting wild animals containing:

(1) honey, bones, fish, meat, solid animal fat, or parts of animal carcasses.

(2) over ten (10) gallons of bait material, liquid, or 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 non-degradable materials.

(c) Hunt over bait during any established deer season without possessing a valid Oneida sportsman license and/or land use permit.

(d) 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 (10) days after the removal of the bait.

45.8. Protected and Unprotected Species

45.8-1. *Protected Species*. The following wildlife shall not be hunted, trapped or possessed without Department and Board approval:

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

(b) *Birds*. Prairie chicken, Canada spruce grouse (Spruce hen), swan, crane, kingfisher, cormorant, great blue heron, bitterns, plovers, sandpipers, loons, all eagles, hawks, falcons, owls, all species of grebes, and endangered or threatened species. All other wild birds not specifically mentioned here, including songbirds, are protected species. Crows, grackles, red-winged blackbirds, and cowbirds may be killed at any time without permit in accordance with 45.6-3(a)(2).

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, coturnix quail, opossums, skunks, weasels, and all other wild mammals not specifically mentioned in this law.

45.9. Hunter Cautions and Miscellaneous

45.9-1. *Accidents*. Any person who discharges a firearm or arrow while hunting and injures a person, shall 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 the Oneida Police Department.

45.9-2. Every person involved in a hunting accident shall make a report to the Department within five (5) 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 law without possessing a valid Oneida sportsman license or land use permit 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 deer hunting season opening and closing dates, bag limits, and legal sexes (bucks and/or does). The bow season shall not begin before September 1st or continue past January 31st.
- (d) Except as provided under 45.10-9, group deer hunting, any person who harvests a deer shall immediately validate his carcass tag and attach it to the ear or antler of the deer.
- (e) No person shall harvest and/or tag a deer without the appropriate license or permit and carcass tag.
- (f) No person shall hunt or harvest deer without his/her valid Oneida sportsman license or land use permit and carcass tag in possession.
- (g) No person designated to harvest deer for an elder, disabled person or person in need of nourishment shall fail to deliver the validly tagged carcass to such elder, disabled person, or person in need of nourishment.
- (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 shall be charged for any such tag.
- (i) No person shall possess a deer to which a deer carcass tag has not been attached and validated, 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 person with an Oneida sportsman license or land use permit to be accompanied in the field by a non-licensee who is twelve (12) years of age or older.

45.10-4. *Elder and Disabled Permits.*

- (a) No person other than the designated hunter approved by the Department, elder or disabled person may hunt, harvest, transport or possess any deer with a Tribally issued elder or disabled person deer permit. Refer to 45.6-2(a).
 - (1) All designated hunters may take antlerless deer only during bow, gun, and muzzleloading seasons. Refer to 45.10-12. Designated hunters shall be limited to hunt for one (1) elder or disabled person and may fill up to two (2) tags for that person.
- (b) Elder or disabled person deer permits will be considered, provided the applicant:
 - (1) Meets the age and/or disability requirements established by the Department.
 - (2) Completes and submits the appropriate application.
 - (3) Designates one (1) person who will possess the permit, hunt and harvest, transport and deliver the carcass to the elder or disabled person.

(c) An elder member or disabled member shall have the first choice to accept a Hunter's Choice permit. The deadline for the elder or disabled Hunter's Choice permits is 4:30 p.m. on the first Friday of November. Refer to 45.6-2(e).

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

(a) Shoot from a roadway. Refer to 45.6-2(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 open two (2) weeks following the close of the gun deer season, shall be open for two (2) weeks and shall close on a Sunday. 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 twenty (20) gauge or larger than ten (10) gauge, or with a muzzleloader smaller than .40 caliber.

(b) With any handgun which is loaded with caliber chambered for commercially manufactured center fire cartridge which produce a muzzle velocity of nine hundred fifty (950) feet per second and no more than two thousand two hundred (2,200) feet per second and has a barrel length of five (5) 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 thirty-five (35) pounds or using an arrow that does not have a broadhead.

(b) With a crossbow, unless the crossbow:

(1) Is fired from the shoulder.

(2) Has a minimum draw weight of one hundred (100) pounds.

(3) Has stock of not less than thirty (30) inches in length.

(4) Is used with arrows or bolts of not less than fourteen (14) inches in length with a broadhead.

(5) Has a working safety.

45.10-9. *Group Deer Hunting.*

(a) "Contact," as used in this section, means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. Hand radios are allowed as an aid while 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 shall be in contact with the person for whom the deer was harvested.

(2) The person for whom the deer is harvested possesses a valid Oneida sportsman license or land use permit and carcass tag for the unit in which the deer is harvested.

(3) The person who harvests the deer shall ensure that a person of his/her group deer hunting party without delay attaches and validates 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 muzzleloading seasons.
- 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.* In order to be considered an antlered deer, a deer shall have at least one (1) antler which is three (3) or more inches in length and one (1) of the following:
- (a) two (2) antlers with two (2) or more points on each antler; or
- (b) one (1) antler with four (4) or more points.
- 45.10-13. *Bow Hunting 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 muzzleloading season or using a ceremonial/feast permit.
- (c) It is unlawful to group hunt during 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 ceremonial/feast permit shall be registered no later than twenty-four (24) hours after the harvest.
- (c) Deer killed by a firearm during the gun deer season shall be registered no later than 5:00 p.m. the day after the close of the gun deer season.
- (d) All deer harvested by a bow and arrow, cross bow or muzzleloader shall be registered by 5:00 p.m. on the third (3rd) day after the deer was harvested.
- (e) No person shall transport a harvested 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. *Back Tag.* It shall be unlawful for any member to wear a State of Wisconsin back tag while deer hunting on the Reservation.¹

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.

45.10-17. *Blaze Orange Required.*

(a) During the gun deer season and muzzleloading season, no person shall hunt any wildlife, except waterfowl, unless at least fifty percent (50%) of the person's outer clothing above the waist is colored blaze/hunter orange. A hat, if worn, must be at least fifty percent (50%) blaze/hunter orange.

(b) During the gun deer season and muzzleloading season, no person shall occupy a blind unless there is three hundred sixty degrees (360°) of visible blaze orange on the blind.

45.11. Small Game

45.11-1. 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 by the Board. Hunting for furbearing small game shall not begin before September 1st or close later than March 31st. Daily bag and possession limits may vary by species and shall not exceed a harvest of ten (10) animals/birds of each species daily. The daily bag and possession limits will be based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest.

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

45.11-3. *Small Game Hunting Licenses.* No person shall hunt small game without possessing a valid Oneida sportsman license or land use permit.

45.11-4. *Accompaniment of Small Game.* It shall be unlawful for a 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. *Permissible Methods.* The hunting of small game birds is restricted to the use of an air rifle, shotgun or bow and arrow. The hunting of small game mammals is restricted to the use of an air rifle, shotgun, rifle, or bow and arrow.

45.11-6. *Firearm Restrictions.* No person shall hunt small game:

(a) With a shotgun larger than ten (10) gauge.

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

(c) With a handgun with a barrel less than five and a half (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 two (2) shot or while possessing slugs, except that slugs may be possessed if the person holds an Oneida sportsman license or a land use permit 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.

45.11-7. *Bow and Arrow Restrictions.* No person shall hunt small game:

(a) With a bow having a pull or draw strength less than thirty-five (35) pounds.

- (b) With arrows less than twenty-four (24) inches in length or without at least three (3) untrimmed feathers or five (5) trimmed feathers.
- (c) With poison or exploding points of any type.

45.11-8. *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 harvested small game bird in any motor vehicle without leaving at least the fully feathered head or one fully feathered wing attached to each 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 law 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 1st or occur after April 1st. 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 pursuant to this section without possessing a valid Oneida sportsman license or land use permit and any required permit approved by the Department.

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

- (a) Trap with any leg hold trap larger than a number four (4) and/or any trap containing a tooth style jaw for dry sets.
- (b) Trap with any leg hold trap larger than a number five (5) and/or any trap containing tooth style jaw for wet sets.
- (c) Trap within twenty-five (25) feet of any sight-exposed bait.
- (d) Trap with the 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 enrollment number and/or the name, address, and phone number of the owner.
- (f) Hunt with a bow with a pull strength of less than thirty-five (35) pounds.
- (g) Hunt with arrows less than twenty-four (24) inches in length.
- (h) 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, snare or colony trap.
- (m) Disturb or take the traps, snares or trapped animals of someone else.
- (n) Members may operate an unlimited number of traps or snares in any combination.
 - (1) Spouses or dependents of members, not enrolled, may operate no more than

one hundred and fifty (150) 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 operation of a wet set or colony trap for muskrat, beaver and raccoon trapping seasons.
- (b) Set any trap on any perch more than three (3) feet above the ground.
- (c) Set, place or operate any killer trap of the conibear type greater than seven inch by seven inch (7" x 7") or any snare regardless of the size of the noose within one hundred (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 twenty-four (24) hours. Water sets shall be checked within four (4) days of last trap tending.

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

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 Oneida sportsman license or land use permit.

45.12-9. *Aerial Hunting.* No person except an authorized person shall take 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 specified areas for the harvest.
- (c) The reason for requesting the permit.
- (d) Description of aircraft and pilot's name.

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

45.12-11. *Shot and Rifle Sizes:* Buckshot, shot shell and rifle sizes up to .223 caliber may be used 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 law shall be construed as prohibiting 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 1st or close later than December 31st. 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 thirty (30) minutes before sunrise and closing hours shall not extend beyond fifteen (15) minutes after sunset.

(b) Except as otherwise expressly provided by this law, no person shall hunt migratory birds during a closed season.

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

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

(b) A rifle of any type.

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

(d) A handgun of any type.

45.13-4. *Migratory Bird Calls.* 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 (10) 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 birds.

45.13-7. *Licenses and Tags.* No member shall hunt any migratory birds without possessing a valid Oneida sportsman license or land use permit. Any person who harvests a goose shall attach the carcass tag to the leg of the goose. All geese harvested shall be registered with Department staff within seven (7) days after harvest.

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

(a) It shall be unlawful for any person to take, kill, sell, purchase, possess, 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 the Reservation without any required permit.

(b) Any member requesting or desiring any eagle or parts thereof, shall 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 birds shall have in his possession the carcass of any migratory bird unless the fully feathered head or one (1) fully feathered wing is attached naturally to the carcass.

(b) The fully feathered head or fully feathered wing must remain naturally attached to all migratory 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, excluding all eagles, found or taken out of season shall obtain a permit from the Department.

45.13-10. *Live Birds.* It shall be unlawful to possess a live migratory bird or birds at any time. All migratory birds shall 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.* A person may hunt in open water where he or she 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 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 birds from, or with the aid or use of, any vehicle except for qualified disabled persons issued a permit by the Department. Refer to 45.6-2(a).

45.13-14. *Decoys.*

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

(b) No person hunting migratory birds shall:

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

(2) Leave decoys in the water more than twenty (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 land owned by the Tribe shall:

(a) Establish a waterfowl hunting blind on such property, including the bed of any navigable lake, reservoir, pond or stream, prior to seven (7) days before the waterfowl hunting season or leave it established beyond seven (7) 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 (1") square or larger, of the person who constructed the blind.

45.13-17. *Method Restrictions.* No person shall take migratory 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 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 law 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 over the age of sixteen (16) shall take any fish pursuant to this law without possessing a valid Oneida sportsman license or land use permit issued by the Department.
- (b) The Department shall not issue more than one (1) license to one (1) person at a time.
- (c) An Oneida sportsman license shall not be required for Tribal members, dependents of Tribal members, or persons affiliated with another tribe who are less than sixteen (16) years old to fish on Tribal land.

45.14-4. *Seasons, Creel Limits and Size Limits.*

- (a) No person shall take any species of fish in excess of the established bag limit.
- (b) No person shall take or possess any fish under or over the specified length limits.

45.14-5. *Fishing Restricted to Authorized Methods.* No person shall take or kill fish by any method except as prescribed by this law. It shall be unlawful 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 on the Reservation.

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 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 and/or permit.

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 person may remove fish from Duck Creek and its tributaries on Tribal land, if he or she complies with the license requirements of this law.

45.14-10. *Ice Fishing.*

- (a) Ice fishing holes shall be no larger than ten inches (10") in diameter.
- (b) A person shall use no more than four (4) fishing lines at one (1) 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 one (1) square inch of skin with scales intact is attached naturally to the fish carcass or to each fish fillet.
- (d) At least one (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 another person who is lawfully engaged in taking 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 land, 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 sportsman license or land use permit is required to take, catch or kill bullfrogs, except for those persons exempt from having such a license or permit.
- (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.

45.15. Conservation Code Violations

45.15-1. The Board shall hear charges against an individual. If there is more than one (1) violation, each violation shall be heard separately. The violation shall be directly related to those violations listed in this law or regulations established in accordance with this law.

45.15-2. *Citation and Notification of Violation.* The Conservation Warden shall issue a citation of a violation of this law and/or regulations to an alleged violator when the Conservation Warden becomes aware of a violation or when all evidence is processed. The Conservation Warden shall

- (a) identify himself and his title.
- (b) give the alleged violator the citation; and
- (c) retain a copy of the citation. The citation shall include:
 - (1) the violation;
 - (2) the penalties and/or fines; and
 - (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 bylaws of the Board; and
- (b) The Administrative Procedures Act.

45.16. Sanctions

45.16-1. All fines and/or forfeitures shall be paid to the Conservation Department. The following sanctions may be imposed for violations of this law:

Violation	Sanction
1. Hunting deer without an Oneida sportsman license, land use permit or special permit.	1. 1st violation-\$750.00 fine, and must apply for Oneida sportsman license, land use permit or special permit. 2nd violation-within one (1) year is a \$1500.00 fine and loss of deer hunting privileges for two (2) years.
2. Hunting small game or furbearers without an Oneida sportsman license or land use permit.	2. 1st violation-\$75.00 fine, and must apply for Oneida sportsman license or land use permit. 2nd violation \$150.00 fine.
3. Hunting migratory birds without an Oneida sportsman license or land use permit.	3. 1st violation-\$150.00 fine, and must apply for an Oneida sportsman license or land use permit. 2nd violation-\$300.00 fine.
4. Trapping without an Oneida sportsman license or land use permit.	4. 1st violation- \$75.00 fine, and must apply for an Oneida sportsman license or land use permit. 2nd violation- \$150.00 fine.
5. Fishing without an Oneida sportsman license or land use permit.	5. 1st violation- \$75.00 fine and must apply for Oneida sportsman license or land use permit. 2nd violation-within one (1) year is a \$150.00 fine and loss of fishing privileges for two (2) 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-specified 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 fine. 2nd violation- \$150.00 fine.
9. Possession of game or fish without an Oneida sportsman license or land use 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 (2) years. Unlawfully possessed game and fish shall be confiscated and delivered to the Norbert Hill Center cafeteria.
10. Knowingly allowing twelve to fourteen (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. Twelve to fourteen (12-14) year old hunting without being accompanied by a parent or guardian.	11. 1st violation- \$50.00 2nd violation-loss of hunting privileges for one (1) year.
12. Waste of wildlife.	12. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine and loss of hunting and/or fishing privileges for two (2) years.
13. Delivery or receipt of wildlife or any part thereof other than during the open season and three (3) days thereafter.	13. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
14. Unlawful sale of wildlife.	14. 1st violation- \$300.00 fine and loss of Oneida sportsman license or land use permit for one (1)

Violation	Sanction
	year. 2nd violation- \$1500.00 fine and loss of Oneida sportsman license or land use permit for three (3) years.
15. Hunting from a motorized vehicle.	15. 1st violation- \$150.00 fine and loss of Oneida sportsman license or land use permit for one (1) year. 2nd violation-\$300.00 fine and loss of Oneida sportsman license or land use permit for one (1) year.
16. Hunt with the use of an airplane.	16. 1st violation- \$300.00 fine. 2 nd violation- \$600.00 fine.
17. Use of any unlawful device for taking wildlife.	17. 1st violation- \$150.00 fine. 2 nd violation-\$300.00 fine.
18. Shoot across a road.	18. 1st violation-\$150.00 fine. 2 nd violation-\$300.00 fine.
19. Shoot from a motorized vehicle.	19. 1st violation- \$150.00 fine. 2 nd violation- \$300.00 fine.
20. Discharge of firearm within one hundred (100) yards of human occupancy without permission.	20. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine. Violators shall be required to attend a hunter safety course.
21. 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.	21. 1st violation-\$300.00 fine. 2nd violation-\$600.00 fine and loss of hunting privileges for one (1) year.
22. Disturb any squirrel nest or den, raccoon den, den/tree, mink den, muskrat house, beaver dam, or beaver house.	22. 1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.
23. Take another person's wildlife without his consent.	23. 1st violation-\$300.00 fine. 2nd violation-\$1500.00 fine and loss of hunting and/or fishing and/or trapping privileges for three (3) years.
24. Hunt mink, muskrat, beaver, or otter with the aid of gun, spear, or dog.	24. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
25. Shining during prohibited hours	25. 1st violation- \$300.00 fine. 2nd violation- \$1500.00 fine.
26. Shining while in possession of a firearm, bow, or crossbow.	26. 1st violation-\$750.00 fine and loss of hunting privileges for one (1) year. 2nd violation- \$1500.00 fine and loss of hunting privileges for three (3) years.
27. Hunt or shoot within fifty (50) feet of the road	27. 1st violation- \$300.00 fine. 2nd violation- \$600.00 fine.
28. Convicted felon possessing a hunting license or permit.	28. 1st violation- \$600.00 fine. 2nd violation- \$1200.00 fine.
29. Possess a rifle larger than .22 rimfire during the deer gun season.	29. 1st violation-\$600.00 fine. 2nd violation-\$1200.00 fine.
30. Hunt unlawfully with a crossbow.	30. 1st violation- \$300.00 fine. 2nd violation- \$600.00 fine and loss of hunting

Violation	Sanction
	privileges for one (1) year.
31. Erect permanent tree stand on land owned by the Tribe	31. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
32. Possess slugs except for during deer gun season	32. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
33. Failure to validate deer carcass tag.	33. 1st violation- \$300.00 fine. 2nd violation- \$600.00 fine and loss of hunting privileges for two (2) years.
34. Failure to tag deer.	34. 1st violation- \$300.00 fine and loss of deer hunting privileges for one (1) year. 2nd violation-\$1200.00 fine and loss of deer hunting privileges for three (3) years.
35. Failure to register wildlife.	35. 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.
36. Possess shot shells not containing steel while hunting waterfowl.	36. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
37. Kill any wildlife with an explosive or poison.	37. 1st violation- \$750.00 fine. 2nd violation-\$1500.00 fine.
38. Fish during closed season.	38. 1st violation- \$150.00 fine. 2nd violation-\$ \$300.00 fine and loss of fishing privileges for one (1) year.
39. Hunt small game, furbearers, or waterfowl during closed season.	39. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine and loss of hunting privileges for one (1) year.
40. Trap during closed season.	40. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine and loss of trapping privileges.
41. Hunt deer during closed season.	41. 1st violation- \$1500.00 fine, loss of deer hunting privileges for one (1) year, confiscation of deer. 2nd violation- \$3,000.00 fine, loss of deer hunting privileges for two (2) years, confiscation of deer.
42. Exceed bag or possession limits or size limits for wildlife.	42. 1st violation- \$150.00 fine, loss of Oneida sportsman license or land use permit for one (1) year from date of violation, \$150.00 restoration fee for the reacquisition of Oneida sportsman license or land use permit the following year. 2nd violation-\$300.00 fine, loss of Oneida sportsman license or land use permit for two (2) years, \$300.00 restoration fee for reacquisition of Oneida sportsman license or land use permit the following year.
43. Refusal to obey a Tribal warden's lawful request.	43. 1st violation- \$600.00 fine and loss of Oneida sportsman license or land use permit for one (1) year and confiscation of weapon if applicable. 2nd violation-\$1500.00 fine and loss of Oneida sportsman license or land use permit for (2) two

Violation	Sanction
	years and confiscation of weapon if applicable.
44. Harass wildlife from or within a vehicle.	44. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
45. Lend or borrow an Oneida sportsman license, land use permit, or tag.	45. 1st violation- \$300.00 fine. 2nd violation-\$600.00 fine and loss of Oneida sportsman license or land use permit for one (1) year and confiscation of game if applicable.
46. Juvenile hunting alone with a handgun.	46. 1st violation- \$150.00 fine and seizure of weapon. 2 nd violation- \$300.00 fine and seizure of weapon.
47. Knowingly allowing juvenile to hunt alone with a handgun.	47. 1st violation- \$150.00 fine and seizure of weapon. 2 nd violation- \$300.00 fine and seizure of weapon.
48. Hunt while under the influence of alcohol or a controlled substance.	48.1st violation- \$750.00 fine and loss of Oneida sportsman license or land use permit for one (1) year. 2nd violation- \$1500.00 fine and loss of Oneida sportsman license or land use permit for three (3) years.
49. Disturb hunting, fishing, or trapping equipment belonging to another person.	49.1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
50. Damaging property, agricultural crops, or restoration areas.	50. 1st violation- \$300.00 fine and loss of Oneida sportsman license or land use permit for one (1) year. 2nd violation-\$600.00 fine and loss of Oneida sportsman license or land use permit for one (1) year.
51. Stock wildlife without a permit.	51.1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
52. Possess live wildlife without authorization from the Department.	52.1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
53. Hunt or possess wildlife in a refuge.	53. 1 st violation- \$300.00 fine and loss of Oneida sportsman license or land use permit for one (1) year. 2nd violation- \$750.00 fine and loss of Oneida sportsman license or land use permit for two (2) years.
54. Possess shotgun or rifle having sub-legal barrel length or overall length.	54.Referral to Bureau of Alcohol, Tobacco and Firearms.
55. Possess or hunt with a fully-automatic firearm.	55.Referral to Bureau of Alcohol, Tobacco and Firearms.
56. Possession of silencer.	56.Referral to Bureau of Alcohol, Tobacco and Firearms.
57. Interfere with hunting, fishing, or trapping.	57.1st violation- \$300.00 fine. 2nd violation- \$600.00 fine.
58. Use a firearm or bow or crossbow in a reckless manner.	58.1st violation- \$300.00 fine and loss of Oneida sportsman license or land use permit for one (1) year.

Violation	Sanction
	2nd violation- \$1500.00 fine and loss of Oneida sportsman license or land use permit for three (3) years.
59. Destroy "No Trespass" sign.	59.1st violation- \$300.00 fine or referral to U.S. Attorney. 2nd violation- \$600.00 fine or referral
60. Hunting with prohibited bait materials.	60.1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.
61. Hunt over bait contained within or containing nondegradable material.	61.1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.
62. Hunt migratory birds with the aid of bait.	62. 1st violation- \$75.00 fine. 2nd violation- \$150.00 fine.
63. Hunt before or after hours.	63.1st violation- \$150.00 fine, loss of Oneida sportsman license or land use permit for one (1) year and confiscation of weapon and game as applicable. 2nd violation- \$300.00 fine, loss of Oneida sportsman license or land use permit for two (2) years and confiscation of weapon and game as applicable.
64. Knowingly allowing child under twelve (12) years of age to hunt without a valid Oneida sportsman license and/or land use permit and/or a mentor within arm's grasp.	64.1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
65. Have more than one (1) weapon present jointly between a mentor and a ten (10) or eleven (11) year old hunter.	65.1st violation - \$150.00 fine. 2nd violation- \$300.00 fine.
66. Failure to follow the mentor requirements when acting as a mentor to a ten (10) or eleven (11) year old hunter.	66.1st violation - \$150.00 fine. 2nd violation - \$300.00 fine.
67. Hunting and/or possessing protected species.	67.1st violation- \$300.00 fine 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.
68. Spouse or dependent of member or other non-Indian hunting, fishing, or trapping on Tribal land without an Oneida sportsman license or land use permit.	68.Turned over to Oneida Police or County Sheriff's Department.
69. Failure to report hunting accident.	69.1st violation- \$1500.00 fine.
70. Hunt without an Oneida sportsman license and/or land use permit and/or tag in possession.	70.1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
71. Fail to deliver harvested wildlife to designated elder, disabled person or person in need of nourishment.	71.1st violation- \$300.00 fine. 2nd violation-\$600.00 fine.
72. Failure to have car-killed deer tagged.	72.1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
73. Failure to pay assessed fine.	73.1st violation- \$300.00 fine. 2nd violation-\$1500.00 fine.
74. Failure to accompany deer prior to	74.1st violation-\$150.00 fine and seizure of weapon.

Violation	Sanction
registration.	2nd violation- \$300.00 fine and seizure of weapon.
75. Hunting while accompanied by a non-licensee carrying a firearm.	75. 1st violation- \$300.00 fine. 2nd violation- \$600.000 fine and loss of hunting privileges for one (1) year.
76. Failure to wear blaze orange during deer gun or muzzleloading season.	76. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine. 3rd violation-\$300.00 fine and seizure of weapon.
77. Failure to have 360 degrees of visible blaze orange on the blind when occupied during the deer gun season or the muzzleloading season.	77. 1 st violation-\$150.00 fine. 2 nd violation-\$300.00 fine. 3 rd violation-\$300.00 fine and seizure of weapon.
78. Transport deer not in plain view.	78. 1st violation- \$300.00 fine. 2nd violation- \$600.00 fine.
79. Failure to retain deer registration tag.	79. 1st violation-\$75.00 fine. 2nd violation- \$150.00 fine.
80. Possession of deer killed by firearm during bow season.	80. 1st violation- \$750.00 fine, loss of deer hunting privileges for one (1) year, confiscation of deer. 2nd violation-\$1500.00 fine, loss of deer hunting privileges for two (2) years, confiscation of deer.
81. Possess firearm while bow hunting for deer.	81. 1st violation-\$300.00 fine. 2nd violation-\$600.000 fine.
82. Hunt deer with dogs.	82. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
83. Illegally displaying state back tag while deer hunting on Tribal land.	83. 1st violation-\$75.00 fine. 2nd violation-\$150.00 fine.
84. Failure to accompany harvested small game.	84. 1st violation-\$25.00 fine. 2nd violation-\$150.00 fine.
85. Hunt small game birds with a rifle or handgun.	85. 1st violation- \$75.00 fine. 2nd violation-\$150.00 fine.
86. Possess shot larger than two (2) shot while hunting small game.	86. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
87. Failure to leave head or wing on small game bird.	87. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
88. Trap with prohibited trap or snare.	88. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
89. Trap within twenty-five (25) feet of sight-exposed bait.	89. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine and loss of trapping privileges for one (1) year.
90. Failure to provide an enrollment number or name, address, and phone number on a trap or snare.	90. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
91. Take muskrat or mink by means other than trapping or snaring.	91. 1st violation- \$150.00 fine. 2nd violation - \$300.00 fine.
92. Possess animals other than furbearers taken in trapping.	92. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
93. Possess trap other than a trap or snare authorized by this law.	93. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.

Violation	Sanction
94. Disturb, or take traps or snares belonging to another person.	94. 1st violation- \$750.00 fine, loss of trapping privileges for one (1) year. 2nd violation-\$1500.00 fine, loss of trapping privilege for three (3) years.
95. Spouse or dependent of member or other non-Indian operate more than one hundred and fifty (150) traps.	95. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
96. Operate trap sets which permit the trapped animal to reach water except a wet set or colony trap.	96. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
97. Set trap more than three (3) feet above the ground.	97. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
98. Failure to have one-half (1/2) of conibear trap or snare underwater.	98. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
99. Set or operate any conibear trap larger than seven inches by seven inches (7" x 7") or any snare within one hundred (100) yards of any building devoted to human occupancy without the owner's permission.	99. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
100. Violate snare restrictions.	100. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
101. Failure to check traps within prescribed time period.	101. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
102. Hunt migratory birds with rifle or handgun.	102. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
103. Hunt migratory birds with aid of bait.	103. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
104. Hunt migratory birds with aid of live decoys.	104. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
105. Failure to leave head or wing on migratory bird.	105. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
106. Hunt migratory birds in open water.	106. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
107. Hunt migratory birds from moving motorboat.	107. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
108. Place decoys more than two hundred (200) feet from hunter.	108. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
109. Place decoys in water more than one (1) hour before opening time or leave decoys in water more than twenty (20) minutes after close of hunting time.	109. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
110. Establish waterfowl hunting blind prior to seven (7) days before season or leave established more than seven (7) days after season.	110. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
111. Failure of blind to bear name of hunter.	111. 1st violation-\$150.00 fine. 2nd violation-\$300.00fine.
112. Fail to tag migratory birds donated to an	112. 1st violation-\$150.00 fine.

Violation	Sanction
individual or left in the custody of a person.	2nd violation- \$300.00 fine.
113. Discharge of a firearm into water.	113. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
114. Using ice fishing hole larger than ten inches (10").	114. 1st violation- \$150.00 fine. 2nd violation-\$300.00 fine.
115. Operating motorboat on Tribal waters.	115. 1st violation-\$150.00 fine. 2nd violation- \$300.00 fine.
116. Transporting frozen, dressed fish that are not packaged individually.	116. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
117. Transporting fish belonging to another person.	117. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
118. Possession of fish not containing at least one (1) square inch of skin with scales attached prior to reaching residence.	118. 1st violation-\$150.00 fine. 2nd violation-\$300.00 fine.
119. Leave or deposit trash or fish parts on lands, shores of Oneida Tribal waters, and waters.	119. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
120. Empty receptacles containing bait into reservation waters.	120. 1st violation -\$150.00 fine. 2nd violation-\$300.00 fine.
121. Shoot fish, frogs, or turtles with a firearm.	121. 1st violation- \$150.00 fine. 2nd violation- \$300.00 fine.
122. Violation of terms of wildlife damage control and nuisance control permit	122. Violation of terms of wildlife damage control and nuisance control permit
123. Hunting turkey out of season	123. 1st violation - \$500.00 fine. 2nd violation - \$1,000.00 fine.
124. Hunting turkey without a permit	124. 1st violation - \$500.00 fine. 2nd violation - \$1,000.00 fine.
125. Possessing or releasing game birds without a dog training permit or in violation of the permit requirements.	125. 1st violation - \$500.00 fine. 2nd violation - \$1,000.00 fine.
126. Hunting small game with a rifle larger than twenty-two (22) caliber	126. 1st violation - \$500.00 fine. 2nd violation - \$1,000.00 fine.
127. Trespassing in any wildlife areas, parks, or bow hunting area during the nine (9) day gun deer season, without giving notice.	127. 1st violation - \$500.00 fine. 2nd violation - \$1,000.00 fine.
128. Hunting party larger than ten (10) people (Fine for each member within the group).	128. 1st violation - \$25.00 fine. 2nd violation - \$50.00 fine. 3rd violation - \$150.00 fine.
129. Fishing with more lines than authorized.	129. 1st Violation - \$75.00 fine. 2nd Violation - \$150.00 fine.
130. Leaving fishing lines unattended.	130. 1st Violation - \$75.00 fine. 2nd Violation - \$150.00 fine.

45.16-2. All fines assessed under this section shall be paid within sixty (60) days of the judgment of the final hearing body hearing and appeal, or within sixty (60) days of the issuance of the citation or a 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 (1) hour per ten dollars (\$10.00) of the fine.

45.16-4. Persons found to have violated any of these regulations may be required to attend a State of Wisconsin Hunter Safety Course or an Oneida sportsman license or land use permit will not be issued.

45.16-5. All persons are encouraged to report violations of these regulations to the Oneida Police Department or Conservation 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 unlawful harvesting of 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, cougar, or timber wolf, \$385.00.
- (d) For any wild turkey or wild swan, \$175.00.
- (e) For any coyote, raccoon, or mink, \$43.75.
- (f) For any deer, \$200.00.
- (g) For any ruffed grouse, spruce hen, wild duck, coot, or wild goose, \$26.25.
- (h) For any pheasant, Hungarian partridge, quail, rail, Wilson's snipe, woodcock or shorebirds, or songbird, \$17.50.
- (i) For any muskrat, rabbit or squirrel, \$8.75.
- (j) For any muskellunge, or lake sturgeon, \$43.75.
- (k) For any largemouth or smallmouth bass, \$26.25.
- (l) For any brook, rainbow, brown, or steelhead trout, \$26.25.
- (m) For any walleye, northern pike, or any other game fish not mentioned, \$8.75.
- (n) For any wildlife not mentioned, \$8.75.

45.18. Completion of Hunter Safety Course

45.18-1. All hunters applying for an Oneida sportsman license or land use permit born on or after January 1, 1973 shall complete the State of Wisconsin hunter safety course in order to be eligible for an Oneida sportsman license or land use permit.

45.18-2. An individual shall complete the State of Wisconsin hunter safety course before he or she is eligible to act as a mentor to a ten (10) or eleven (11) year old hunter.

End.

Adopted - BC-8-31-94-C

Amended – BC-12-14-11-E

Adopted - BC-4-24-96-A

Amended – BC-05-22-13-A

Adopted - BC-07-22-98-A

Amended - BC-09-13-00-D

Amended - BC-6-04-03-A

Amended - BC-6-30-04-I

Amended - BC-7-13-05-E

Amended - BC-8-29-07-F

Amended - BC-06-24-09-E

Amended - BC-08-26-10-I

Emergency Amended - BC-06-22-11-H (Expired)