

ONEIDA NATION PUBLIC MEETING NOTICE

WEDNESDAY, JULY 30, 2025, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings)

Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417



HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS

The purpose of the Hunting, Fishing, and Trapping law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen.

The Hunting, Fishing, and Trapping law amendments will:

- ♦ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to the Conservation Department, except hearing authority, which is delegated to the Oneida Nation Judiciary.
- ♦ Revise what topics the Conservation Department is to draft rules for, including, but not limited to adding rules to identify designated seasons and/or hunting hours for elder, disabled, and youth hunts; regulate the use of recovery and retrieval services and methods; regulate the care and husbandry of animals used to hunt or animals used for private game hunting.
- ♦ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons.
- ♦ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules.
- ♦ And make other drafting changes to the law.

Individuals may attend the public meeting for the proposed Hunting, Fishing, and Trapping law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSES WEDNESDAY, AUGUST 13, 2025

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Hunting, Fishing, and Trapping law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Add a definition for descendant, great bodily harm, and warden. <i>[4 O.C. 406.3-1(g), 406.3-14(m), 406.3-1(ff)];</i> ▪ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law, except hearing authority, to the Conservation Department throughout the entire law.; ▪ Require the Conservation Department draft rules that identify designated seasons and/or hunting hours for elder, disabled, and youth hunts. <i>[4 O.C. 406.5-2(e)(1)];</i> ▪ Eliminate the requirement that the Conservation Department draft rules establishing a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law. <i>[4 O.C. 406.5-2];</i> ▪ Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods. <i>[4 O.C. 406.5-2(m)];</i> ▪ Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting. <i>[4 O.C. 406.5-2(n)];</i> ▪ Eliminate the requirement that a rule booklet be provided to each person receiving a license permit. <i>[4 O.C. 406.5-2];</i> ▪ Recognize that wardens fall within the organization of the Oneida Police Department and not the Conservation Department, and therefore prescribe all responsibilities/duties of the wardens to the Oneida Police Department officers; and eliminate the requirement that an Oneida Police Department office who observes a violation of this law report it to a warden. <i>[4 O.C. 406.5-3, eliminate 406.5-4];</i> ▪ Adds beaver to list of animals a landowner, lessee, or designee is allowed to hunt or trap on property they own or lease year round without a sportsman license, removing beavers from the list of nuisance animals that a person is not required to get a nuisance animal removal permit to hunt or trap <i>[4 O.C. 406.6-1(a)(2)(G), eliminated 406.8-3(a)];</i> ▪ Eliminate the provision that allowed any licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license. <i>[Eliminated 4 O.C. 406.6-1(b)(1)(B)];</i>

	<ul style="list-style-type: none">▪ Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit. <i>[4 O.C. 406.6-2(b)]</i>;▪ Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit. <i>[4 O.C. 406.6-2(c)]</i>;▪ Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. <i>[4 O.C. 406.6-6]</i>;▪ Provide that any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court instead of ERB. <i>[4 O.C. 406.6-7(b)]</i>;▪ Provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin, instead of the Department. <i>[4 O.C. 406.7-3]</i>;▪ Remove the requirement that the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. <i>[eliminated 4 O.C. 406.7-5]</i>;▪ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. <i>[4 O.C. 406.9-2(g)]</i>;▪ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. <i>[4 O.C. 406.9-4(b)]</i>;▪ Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities. <i>[4 O.C. 406.9-5]</i>;▪ Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations. <i>[4 O.C. 406.10-4]</i>; and▪ Make other minor drafting revisions.
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Purpose	The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1].
Affected Entities	Conservation Department, Oneida Police Department, Oneida Judiciary, all individuals who possess a sportsman license from the Nation
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Hunting, Fishing, and Trapping law (“the Law”) was originally adopted by the Oneida Business Committee in 1994 through resolution BC-08-31-94-C, and then amended by resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D and BC-07-26-17-F. The purpose of the Law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1]. It is the policy of the Nation provide: an adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and an enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules. [4 O.C. 406.1-2].
- B. Request for Amendments.** A request to amend this Law originally came before the Legislative Operating Committee in December 2022. On August 10, 2022, the OBC made a motion “to direct the General Manager to complete the assessment regarding the feasibility of the Environmental, Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board and for the assessment to be submitted at the second meeting Business Committee meeting in September.” In short, the General Manager concluded that although changes were necessary to those Oneida laws that delegated the authority and responsibility to the Environmental Resources Board (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Land, sand Agriculture Division (ELA), could be assumed by ELA. Additionally, for those duties that delegated ERB the power and duty to carry out the intent and purposes of the law, including enforcement, those responsibilities could be delegated to ELA and/or the Oneida Land Commission. On September 28, 2022, the Oneida Business Committee made a motion to accept the Environmental, Land, and Agriculture Division and Environmental Resource Board assessment; to recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring back a report in forty-five (45) days on actions that need to take place in order to complete the dissolution of the Environmental Resource Board including amendments to laws and addressing any background material. The Oneida Law Office provided this report to the Oneida Business Committee on November 29, 2022. This item was then added to the Active Files List on December 7, 2022, in an effort to make amendments to address the dissolution of the Environmental Resources Board, and transition the Board’s responsibilities to the Environmental, Land and Agriculture Division and/or the Oneida Land Commission.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of the amendments to the Law and this legislative analysis:
- Oneida Police Department;
 - Oneida Law Office;
 - Conservation Department;
 - Environmental, Land, Agriculture Division; and
 - General Manager.
- B. The following laws were reviewed in the drafting of this analysis:
- Administrative Rulemaking law;
 - Legislative Procedures Act;
 - Citations law;
 - Judiciary law; and
 - Paper Reduction Policy.

SECTION 4. PROCESS

- A. The development of the proposed amendments to the Law complies with the process set forth in the Legislative Procedures Act (LPA).
- On October 4, 2023, the Legislative Operating Committee added the Hunting, Fishing, and Trapping law amendments to its Active Files List for this legislative term.
 - On May 7, 2025, the Legislative Operating Committee approved the draft of the proposed amendments to the Law and directed that a legislative analysis be developed.
 - On May 21, 2025, the Legislative Operating Committee approved an updated draft and the legislative analysis.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Law this legislative term:
- January 3, 2024: LOC work session.
 - May 10, 2024: LOC work session.
 - May 30, 2024: LOC work session.
 - December 9, 2024: LOC work session with the General Manager, Environmental, Land, and Agriculture Division, Conservation Department, and Oneida Police Department.
 - January 14, 2025: LOC work session with General Manager, Environmental, Land, and Agriculture Division, Conservation Department, Oneida Law Office, and Oneida Police Department.
 - February 3, 2025: LOC work session.
 - February 24, 2025: LOC work session with the General Manager, Environmental, Land, and Agriculture Division, Conservation Department, and Oneida Police Department.
 - March 5, 2025: LOC work session with the Environmental, Land, and Agriculture Division and Conservation Department.
 - April 16, 2025: LOC work session.
 - May 1, 2025: LRO work session with Conservation Department.
- C. *Community Outreach Events.* In addition to the public meeting required by the Legislative Procedures Act, the LOC held the following community outreach events on this legislation:
- June 4, 2024: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria.

- March 19, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill Center’s cafeteria.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Definitions.** The proposed amendments to the Law add definitions for the terms: descendant, great bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-1(m), 406.3-1(ff)]. Descendant is defined in the proposed amendments to the Law as a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation. [4 O.C. 406.3-1(g)]. The term descendent is not currently defined in the Law, instead a footnote was included that said, “Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.” Great bodily harm is defined in the proposed amendments to the Law as a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. [4 O.C. 406.3-1(m)]. In the current Law, this term is defined within section 406.6-7(a)(2)(C). The definition for great bodily harm was moved from section 406.6-7(a)(2)(C) in an effort to be consistent with the placement of definitions under the definition section of the Law found at section 406.3-14. Warden is defined in the proposed amendments to the Law as an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources. [4 O.C. 406.3-1(ff)].
- **Effect.** The proposed amendments to the Law ensure that proper definitions are included for terms utilized within the Law, and that all definitions are organized in a consistent manner. The Legislative Procedures Act provides that all laws published in the Oneida Code of Laws shall be in a consistent format and that every law should have “Section 3 – Definitions” which contains definitions of all words used in a technical sense throughout the law. All words not defined within this section are to be used in their ordinary sense. [1 O.C.11-1(c)].
- B. **Elimination of the Environmental Resource Board.** The current Law provides that the Environmental Resource Board and the Department are responsible to protect, manage, supervise, conserve, and enhance all wildlife within the reservation. [4 O.C. 406.5-1]. Throughout the Law the Environmental Resource Board is given a variety of different responsibilities and authorities. The proposed amendments remove all mentions of the the Environmental Resource Board from the Law, and instead delegates all responsibilities of the Environmental Resource Board provided in the law to the Conservation Department, except for hearing authority which is delegated to the Judiciary Trial Court.
- **Effect.** The removal of the Environmental Resource Board through the proposed amendments to the Law aligns with the September 28, 2022, Oneida Business Committee directive to dissolve the Environment Resource Board. The Environmental Resource Board has to be eliminated from all laws of the Nation, and their responsibilities delegated to another entity before the board can be officially dissolved.
- C. **Administrative Rulemaking.** The current Law delegates joint administrative rulemaking authority to the Environmental Resource Board and the Conservation Department and provides various topics that must be addressed through rules. [4 O.C. 406.5-1, 406.5-2]. The proposed amendments to the Law eliminate the Environmental Resource Board and provide that it is a responsibility of the Conservation Department to establish and maintain rules in accordance with the Administrative Rulemaking law, and the Law still provides specific topics the Conservation Department is responsible for drafting rules

about. [4 O.C. 406.5-1, 406.5-2]. The current law requires that administrative rules be drafted to fix, shorten, extend, or close seasons and hunting hours on any wildlife. [4 O.C. 406.5-2(e)]. The proposed amendments extend this requirement for administrative rules and also require that the rules identify designated seasons and/or hunting hours for elder, disabled, and youth hunts. [4 O.C. 406.5-2(e)(1)]. The requirement that there be a rule to establish a process for retention, storage, and disposal of items confiscated or turned over to the Department in accordance with this law was eliminated in the proposed amendments to the Law since the Department does not confiscate or retain any items, that would now be a responsibility of the Oneida Police Department. [4 O.C. 406.5-2]. The proposed amendments to the Law also delegate authority to the Conservation Department to develop rules to regulate the use of recovery and retrieval services and methods, and to regulate the care and husbandry of animals used to hunt or animals used for private game hunting. [4 O.C. 406.5-2(m), 406.5-2(n)]. The requirement that the Environmental Resource Board provide notice of rules on the Nation's website and ERB and/or the Department develop a rule booklet which the Department shall provide to each person receiving a license or permit was removed from the Law. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking already requires that all rules are published under the corresponding law on the Code of Laws within the Oneida Register on the Nation's website. [1 O.C. 106.8-2(a)(1)]. A physical booklet is not being provided anymore due to the fact that the rules are available for review online on the Oneida Register, and to fall in line with the Nation's Paper Reduction Policy. The Paper Reduction Policy provides that it is the policy of the Nation to reduce the amount of paper being used to benefit the next seven (7) generations through recycling, reduction, and environmental awareness, and that all programs of the Nation are encouraged to reduce paper usage and waste. [2 O.C. 220.1-1, 220.4-1].

- *Effect.* The proposed amendments to the Law update the requirements for the administrative rules developed by the Conservation Department – eliminating rules for responsibilities the Conservation Department no longer handles, and adding the development of rules for topics the Conservation determined need to be addressed.

D. *Organization of the Wardens.* Currently the Law provides that Conservation Department wardens shall enforce this Law and corresponding rules on the reservation and provides a variety of responsibilities of the wardens such as observe persons engaged in hunting, fishing, and trapping in order to ensure that the methods and equipment used are lawful, investigate reports of violations of this law and corresponding rules, and issues warnings and citations for violations. [4 O.C. 406.5-3]. The current Law then provides that any Oneida Police Department officer who observes a violation of this law or the rule shall report the violation to the Conservation Department or the Conservation Department warden, unless immediate action is necessary to prevent imminent danger to life or serious damage to property in which they can then issue a warning or citation. [4 O.C. 406.5-4]. Since this Law was last amended, the organization of the warden positions has changed. The warden position is no longer found within the Conservation Department and instead is found within the Oneida Police Department. The proposed amendments to the Law therefore prescribe all responsibilities and duties of the warden to Oneida Police Department officers – treating wardens and Oneida Police Department officers the same throughout the Law. [4 O.C. 406.5-3]. The section requiring that Oneida Police Department officers notify the Conservation Department or the wardens of any violations, unless in emergency situations, was also eliminated from the Law since Oneida Police Department officers and the warden are within the same department and have the same authorities and responsibilities. [eliminated 4 O.C. 406.5-4].

- *Effect.* The proposed amendments to the Law recognize the reorganization of the warden position within the Oneida Police Department and prescribe all responsibilities and duties of the warden to Oneida Police Department officers throughout the Law.

E. ***Hunting and Trapping of Beavers.*** The current Law provides that landowners, lessees, and designees with the permission of the landowners or lessees, may hunt and trap the following species on the property they own or lease, year-round without a sportsman license: coyote, fox, raccoon, woodchuck, rabbit, squirrel, and any nuisance animal that is not an endangered or threatened species and is also not a regulated or protected species. [4 O.C. 406.6-1(a)(2)]. The current Law provides that landowners and lessees may remove wildlife considered a nuisance animal from land under their control and their associated structures, provided that they obtain a nuisance animal removal permit. [4 O.C. 406.8-1, 406.8-2]. The current Law also provides that a nuisance animal permit is not needed for landowners, lessees, or designee to hunt or trap beavers that are nuisance animals or to remove a beaver dam. [4 O.C. 406.8-3(a)]. The current Law then clarifies that only the landowner or the Department may set traps on a beaver dam on Tribal land, and this privilege may not be transferred to a designee. *Id.* The proposed amendments to the Law simply add beavers to the list of animals that landowners, lessees, and designees may hunt or trap on the property they own or lease, year-round, without a sportsman license. [4 O.C. 406.6-1(a)(2)].

- *Effect.* The proposed amendments allow for beavers to be hunted or trapped by landowner, lessee, or designee on the property they own or lease, year-round, without a sportsman license. The proposed amendments also eliminate the prohibition against designees setting traps on beaver dams on Tribal land.

F. ***Fishing Only Sportsman License.*** The current Law provides that a sportsman license may be issued which permits fishing only. [4 O.C. 406.6-1(b)(1)]. In those circumstances, successful completion of a certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only. *Id.* A person issued a fishing only sportsman license is not allowed to hunt or trap until the licensee provides the Department with proof of successful completion of a hunter safety course. [4 O.C. 406.6-1(b)(1)(A)]. The current Law then allows any licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license. [4 O.C. 406.6-1(b)(1)(B)]. The proposed amendments to the Law eliminate the provision that allowed for any licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license. *Id.*

- *Effect.* The proposed amendments no longer allow a licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license.

G. ***Ceremonial and/or Feast Permit.*** The current Law allows for Tribal members to apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons. [4 O.C. 406.6-2]. The current Law allows a ceremonial and/or feast permit to be issued to a group or organization that meets each of the following requirements: at least eighty-five percent (85%) of the group or organization members are Tribal members, the designee of the group is a Tribal member, and the hunt takes place on the reservation. [4 O.C. 406.6-2(b)]. The proposed amendments to the Law eliminate the requirement that at least eighty-five percent (85%) of the group or organization members be Tribal members. The current Law provides that all persons participating in the ceremonial or feast hunt shall be named hunters on the ceremonial or feast permit. [4 O.C. 406.6-2(c)]. The proposed

amendments to the Law maintain that requirement, which also adding the requirement that those participating in the hunt be tribal members, descendants, or a spouse to a Tribal member. [4 O.C. 406.6-2(c)(2)].

- *Effect.* The proposed amendments to the Law eliminate the requirement that at least eighty-five percent (85%) of the group or organization members be Tribal members for ceremonial or feast permits in recognition that this requirement would be hard to monitor and enforce, and in recognition that there may be ceremonial or feast occasions recognized by the Oneida community in which it would be common to have a mixture of Tribal members and non-Tribal members, such as a funeral feast. Descendants and spouses of Tribal members are added to Tribal members that are allowed to hunt for ceremonial or feast permits in recognition of mixed Tribal status family structures.

H. *Disabled Hunter Permit.* The current Law provides that the Conservation Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability. [4 O.C. 406.6-6]. A disabled hunter permit allows a person to hunt from a stationary vehicle within fifty (50) feet on the center of the road. *Id.* The proposed amendments to the Law clarify that the medical verification has to show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. *Id.*

- *Effect.* The proposed amendments to the Law draw a greater connection between the verification of a physical disability and the need to hunt from a stationary vehicle. The Conservation Department requested additional clarification be added to this section of the Law to make it easier to determine when a disabled hunter permit should be issued.

I. *Appeal of License or Permit Decision.* The current Law provides that any person who has had a license or permit denied in accordance with section 406.6-7(a) of the Law may appeal the Department's decision by requesting a hearing before the Environmental Resource Board. [4 O.C. 406.6-7(b)]. Then later the current Law provides that any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department. [4 O.C. 406.10-4]. The proposed amendments to the Law provide in all places throughout the Law that any person who has had a license or permit denied in accordance with section 406.6-7(a) of the Law or wish to contest any other decision of the Conservation Department in regard to permits or licenses may appeal the Department's decision by requesting a hearing before the Trial Court.

- *Effect.* Currently, sections 406.6-7(b) and 406.10-4 of the Law appear to be conflicting and are not clear on where someone should contest a decision of the Department in regard to permits or licenses. The proposed amendments recognize the removal of the Environmental Resource Board from this Law, and transfer the Environmental Resource Board's hearing authority to the Trial Court in all instances throughout the Law.

J. *Accidental Collision and Killing of Deer.* The current Law provides that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the Conservation Department or the Department's designee. [4 O.C. 406.7-3]. The proposed amendments to the Law eliminate the requirement to have the deer tagged by the Conservation Department or its designee, and instead requires that you have the deer tagged by the State of Wisconsin. *Id.*

- *Effect.* The proposed amendments to the Law change the responsibility of tagging a deer accidentally collided with from the Conservation Department to the State of Wisconsin to reflect current practice.

K. *PCB Warning in Rulebook.* The current Laws provides that the Environmental Resource Board and the Conservation Department ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese, and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. [4 O.C. 406.7-5]. The proposed amendments to the Law eliminate this provision.

- *Effect.* The proposed amendments to the Law eliminate the requirement that the Conservation Department include in its rule booklet a warning about potential PCBs in Duck Creek based upon a request from the Conservation Department. Rule booklets are updated at most once a year – and therefore the Conservation Department believes there are better ways to share safety concerns and warnings with the community to ensure that the best and most accurate information is shared.

L. *Allowable Hunting Party Size.* The current Law provides that persons may not hunt in a party of more than ten (10) persons. [4 O.C. 406.9-2(g)]. The proposed amendments to the Law increase the allowable hunting party size from ten (10) to fifteen (15) persons.

- *Effect.* The proposed amendments to the Law increase the allowable hunting party size to allow greater flexibility to hunters.

M. *Designated Hunters.* The current Law provides that a permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event the permittee is physically or legally unable to take their own permit. [4 O.C. 406.9-4]. A designated hunter is only allowed to hunt for the number of permittees as authorized by the rules developed pursuant to this Law. [4 O.C. 406.9-4(b)]. The Hunting, Fishing, and Trapping Law Rule Handbook provides that designated hunters may only take antlerless deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two (2) deer carcass tags on behalf of the original permittee; and may fill a maximum of two (2) turkey tags for the original permittee, regardless of the number of tags issued to the original permittee. [Rule 4-7(a)(7), 4-9]. The proposed amendments to the Law allow a designated hunter to hunt for an unlimited number of permittees. [4 O.C. 406.9-4(b)].

- *Effect.* The proposed amendments to the Law remove any limitations on how many permittees a designated hunter may hunt for, in an effort to increase the number of physically or legally disabled permittees that ultimately end up with hunted animals that can then provide food for themselves and family.

N. *Age Restriction of Youth Hunters.* The current Law breaks up age restrictions for hunters into different categories. Persons between the age of twelve (12) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities to. [4 O.C. 406.9-5(a)]. The parent, legal guardian, or responsible adult is required to have a valid license and permits, and must remain within voice and sight contact of the youth hunters at all times. Tribal members, descendants, non-member Indians, and dependents age ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits. [4 O.C. 406.9-5(b)]. Tribal members, descendants, non-member Indians, and dependents less than ten (10) years old may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt. The proposed amendments to the Law

combine the categories for those youth hunters age ten (10) through eleven (11) and twelve (12) through fourteen (14) years of age, and provides that persons between the age of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities to. [4 O.C. 406.9-5(a)].

- *Effect.* The proposed amendments to the Law allow youth hunters age ten (10) and eleven (11) to be treated the same as youth hunters age twelve (12) through fourteen (14) in an effort to get more youth interested in and involved in hunting at an earlier age.

O. **Citations.** The current contains a lot of provisions regarding the citation process. The current Law provides that Department wardens may issue verbal or written warnings or citations to any person found to be in violation of this law or the rules. The current Law then goes on to provide that all citations, orders and declarations issued pursuant to this law include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. [4 O.C. 406.10-5]. Persons wishing to contest a citation are required to appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. *Id.* The Judiciary is then responsible for scheduling a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. *Id.* In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved. The current Law then addresses community service, allocation of citation revenue, appealing a decision of the Judiciary Trial Court, and pursuing payment of a citation. [4 O.C. 406.10-5(a)-(d)]. The proposed amendments to the Law much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations. [4 O.C. 406.10-4].

- *Effect.* The proposed amendments remove bulk of the language regarding citations, because since this Law was last amended a Citations law which provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation was adopted. [8 O.C. 807.1-1]. Referencing the Citations law instead of including specific provisions within this Law ensures that all citations of the Nation are handled in a consistent manner.

SECTION 6. EXISTING LEGISLATION

A. **Other Related Laws of the Nation.** The following laws of the Nation are related to the proposed amendments to this Law.

- **Legislative Procedures Act.** The Legislative Procedures Act provides a standard process for the development and adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies within the organization of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - The development of amendments to the Hunting, Fishing, and Trapping law complies with the process and procedures of the Legislative Procedures Act.
- **Administrative Rulemaking Law.** The Administrative Rulemaking law provides a process for the adoption and amendment of administrative rules. [1 O.C. 106.1-1]. It is the policy of the Nation to ensure there is an efficient, effective and democratic process for enacting and revising

administrative rules, and that authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 109.1-2].

- The Hunting, Fishing, and Trapping law provides that it is a responsibility of the Conservation Department to establish and maintain rules in accordance with the Administrative Rulemaking law, and the Law provides specific topics the Conservation Department is responsible for drafting rules about. [4 O.C. 406.5-1, 406.5-2].
- Any rules developed in accordance with this Hunting, Fishing, and Trapping law must comply with all processes and procedures of the Administrative Rulemaking law.
- **Citations Law.** The Citations law provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
 - The Hunting, Fishing, and Trapping law provides that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation’s laws and policies governing citations. [4 O.C. 406.10-4].
 - Any citations issues under the Hunting, Fishing, and Trapping law must comply with the process for handling citations as provided for in the Citations law.
- **Paper Reduction Policy.** The Paper Reduction Policy provides that it is the policy of the Nation to reduce the amount of paper being used to benefit the next seven generations through recycling, reduction, and environmental awareness. [2 O.C. 220.1-1]. All enterprises and programs of the Nation are encouraged to reduce paper usage and waste as quickly as possible. [2 O.C. 220.4-1].
 - The proposed amendments to the Hunting, Fishing, and Trapping law remove the requirement that the Conservation Department shall a rule booklet to each person receiving a license or permit. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking law already requires that all rules are published under the corresponding law on the Code of Laws within the Oneida Register on the Nation’s website. [1 O.C. 106.8-2(a)(1)]. The elimination of a physical booklet falls in line with the Nation’s Paper Reduction Policy.
- **Judiciary Law.** The Judiciary law establishes a Judiciary, and provides for the administration of law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the inherent power to make, execute, apply and enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 801.1-1]. It is the policy of the Nation to provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a grant of authorization by law. The Judiciary law provides that the Trial Court shall have subject mater jurisdiction over cases and controversies arising under laws of the Nation that specifically authorize the Trial Court to exercise jurisdiction. [8 O.C. 801.5-2(a)].
 - The Hunting, Fishing, and Trapping law authorizes the Trial Court to exercise jurisdiction over permit and license issues. [4 O.C. 406.6-7(b), 406.10-4].

SECTION 7. OTHER CONSIDERATIONS

- A. **Hunting, Fishing, and Trapping Law Rules.** Currently, a Hunting, Fishing, and Trapping law rule handbook exists and was last adopted in May of 2017.

- *Conclusion.* The Hunting, Fishing, and Trapping law rules will need to be reviewed upon adoption of amendments to the Hunting, Fishing, and Trapping law to bring the rules into compliance with any amendments made to the Hunting, Fishing, and Trapping law.

B. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- *Conclusion.* The Legislative Operating Committee has not yet requested a fiscal impact statement from the Finance Department.

Title 4. Environment and Natural Resources – Chapter 406**HUNTING, FISHING AND TRAPPING****Lutolátha?, Latsywáaha? O?khále Atlistáya Tsi? Kayanláhsla***Our laws concerning hunting, fishing and trapping***HUNTING, FISHING, AND TRAPPING**

406.1. Purpose and Policy
 406.2. Adoption, Amendment, Repeal
 406.3. Definitions
 406.4. Jurisdiction
 406.5. Administration and Supervision

406.6. Licenses and Permits
 406.7. General Regulations
 406.8. Wildlife Damage and Nuisance Control
 406.9. Hunting
 406.10. Enforcement and Penalties

406.1. Purpose and Policy

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, respect for both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of this law the Nation to provide:

- (a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and
- (b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules.

406.2. Adoption, Amendment, Repeal

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-08-31-94-C, and amended by resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D-and, BC-07-26-17-F-, and BC- - - -.

406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. 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.

406.2-4. 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.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

406.3. Definitions

406.3-1. 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) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel Lengthlength” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) ~~“ERB”~~“Bodily harm” means physical pain or injury or any impairment of the Environmental Resources Boardphysical condition.

(d) “Daily Bag Limitbag limit” means the maximum number of a species of wildlife that

a person may take during a twenty-four (24) hour period measured from midnight to midnight.

(e) “Department” means the Oneida Conservation Department.

(f) “Dependent” means 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 of the year.

~~(g) “Designated Hunter”~~ (g) “Descendant” means a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation.

(h) “Designated hunter” means the person named by a permittee as authorized to harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.

~~(h)~~ (i) “Elder” means any person fifty-five (55) years of age or older.

~~(i)~~ (j) “Endangered or ~~Threatened~~ threatened” means any species of wildlife within the reservation in danger of extinction or likely to become in danger of distinction as recognized by ~~ERB and~~ the Department and under federal law.

~~(j)~~ (k) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law, ~~which is payable to ERB or the Department within the amount of time designated by the rules.~~

~~(k)~~ (l) “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or harvest fish of any variety in any manner.

~~(l)~~ (m) “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(n) “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wildlife.

~~(m)~~ (o) “License” means a written document issued by the Department granting authority to engage in specific activities covered under this law and the rules created pursuant to this law.

~~(p)~~ (p) “Loaded” means any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, magazine, or clip.

(1) Muzzleloading firearms may not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver.

(2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan is cleaned of powder.

~~(q)~~ (q) “Nation” means the Oneida Nation.

~~(r)~~ (r) “Non-Indian” means a person who is not a member of any federally recognized Indian tribe, band, or community.

~~(s)~~ (s) “Non-Member Indian” means a person who is a member of a federally recognized Indian tribe, band, or community other than this Nation.

~~(t)~~ (t) “Nuisance Animal” means any wildlife causing and one (1) or combination of the following:

(1) Damage to property;

(2) Damage to or endangered or threatened species of wildlife and/or plants;

(3) Depredation of crops and/or livestock; or

(4) Health and/or safety risks posed to persons.

~~(u)~~ (u) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the

confiscation of equipment and/or wildlife ~~with return of the same at the discretion of ERB~~, the imposition of a wildlife protection assessment (civil recovery value), revocation and/or ineligibility for licenses and/or permits for a specified period of time, and restitution.

(~~tv~~) “Permit” means a document, stamp or tag authorizing a specific activity which is issued by the Department to the holder of a license.

(~~uw~~) “Protected ~~Species~~species” means any species of wildlife that is not endangered or threatened, but for ~~which ERB~~the Department has established seasons, daily bag limits, or otherwise restricted the taking of.

(~~vx~~) “Reservation” means all the property within the exterior boundaries of the reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(~~wy~~) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by ~~ERB and/or~~ the Department in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.

(~~xz~~) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any wildlife, or attempting any of the foregoing.

(~~yaa~~) “Transport” means to bring or move from one place to another by means of carrying, dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

(~~zbb~~) “Trapping” means the taking of, or attempting to take, any wildlife by means of setting or operating any device or mechanism that is designed, built, or made to close upon, hold fast, snare or otherwise capture wildlife.

(~~aacc~~) “Tribal ~~Land~~land” means any land within the reservation that is held in fee or in trust and is owned by the Nation, a Tribal member, or a non-member Indian.

(~~bbdd~~) “Tribal ~~Member~~member” means an enrolled member of the Nation.

(~~eece~~) “Vehicle” means any self-propelled conveyance that derives power from a motor and is used to transport persons or objects over land, including but not limited to, an automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped or similar conveyance.

(~~ddff~~) “Warden” means an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources.

(~~gg~~) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.⁺

406.4. Jurisdiction

406.4-1. This law applies to the following persons:

- (a) All Tribal members,
- (b) All non-member Indians,
- (c) All non-Indians who:
 - (1) apply for and receive a license and/or permit, and/or
 - (2) enter Tribal land,
- (d) All persons as otherwise permitted under federal law.

⁺For additional information, please reference the definition of “domestic animal” in the Nation’s Domestic Animal law; any animal that does not fall into the “domestic animal” classification is considered “wildlife” for the purpose of this law.

406.4-2. This law applies:

- (a) within the boundaries of the ~~reservation~~Reservation, and
- (b) on lands held in trust for the Nation outside the boundaries of the reservation.

406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the Nation's natural resources. ~~However,~~ this law shall not negate the jurisdiction of the State of Wisconsin in certain instances involving non-member Indians and non-Indians. ~~Thus,~~ to hunt, fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation's license, permit, and tag requirements and may also be subject to the requirements of the State of Wisconsin. ~~License and permit holders may not exercise any hunting, fishing, or tapping privileges within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those~~ ~~afford~~afforded pursuant to this Law and associated rules.

406.5. Administration and Supervision

406.5-1. ~~ERB and the~~The Department shall protect, manage, supervise, conserve, and enhance all wildlife within the reservation. ~~ERB and the~~The Department shall ~~jointly~~ establish and maintain the rules in accordance with the Administrative Rulemaking law that are required to implement this law. ~~The Department shall administer and enforce this law and the rules created pursuant to this law.~~

406.5-2. ~~-~~ Administrative Rulemaking Authority. In addition to any other duties delegated to ~~ERB and the~~ Department under this law, ~~jointly, ERB and the~~ Department ~~are~~is hereby ~~jointly~~ delegated ~~the~~ rulemaking authority in accordance with the Administrative Rulemaking law to:

- (a) Determine the types and number of licenses and permits that may be issued by the Department, including how many licenses and permits that may be issued to non-Indian hunters.
- (b) Establish a fee schedule and application requirements and deadlines for obtaining licenses and/or permits.
- (c) Establish or amend daily bag limits and possession limits based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest. ~~Restrictions in such rules may include, but are not limited to, limits related to gender, species, size, age, and maturity.~~
- (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any species in need of protection a protected species or an endangered or threatened species, and thereafter modify or revoke such declarations as may be appropriate.
- (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife. ~~Provided that ERB and the Department~~
 - (1) ~~The rules~~ shall ~~base the open season for the~~identify designated seasons and/or hunting of migratory birds on the Nation's agreement with the U.S. Fish hours for elder, disabled, and Wildlife Service youth hunts.
- (f) Establish and/or modify areas' territorial limits, including bodies of water or parts thereof, for any of the following, as may be necessary:
 - (1) the taking of wildlife;
 - (2) other specified areas, pursuant to the rules ~~jointly~~ developed by ~~ERB and the~~ Department.
- (g) Establish methods for checking persons into and out of areas specified under subsection (f) above.
- (h) Regulate the operation of boats upon reservation waters and the operation of vehicles and aircraft used while hunting, fishing, or trapping.

(i) Regulate and prescribe the means and methods by which wildlife may be taken, including, but not limited to, the use of:

- (1) bait;
- (2) decoys;
- (3) hunting dogs;
- (4) traps;
- (5) firearms;
- (6) ammunition;
- (7) laser sights; and
- (8) night vision.

(j) Regulate the transportation, registration, tagging, and storage of all wildlife within the reservation and the shipment or transportation of wildlife off the reservation.

(k) Prescribe safety and fire control measures and other rules as may be necessary for range, forest, or wildlife management, and/or for the safety and welfare of outdoor recreationists, landowners, lessees, occupants, and the Nation.

~~(l) Establish a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law and the rules established pursuant to this law.~~

~~(m)~~(l) Establish a citation schedule that sets the monetary fines and penalties for violations of this law and/or the rules established pursuant to this law.

~~(n)~~(m) Regulate use of recovery and retrieval services and methods.

~~(o)~~(n) Regulate the care and husbandry of animals used to hunt or animals used for private game hunting.

~~(p)~~(o) Create other rules as specifically directed throughout this law or as may be necessary to implement this law. ~~ERB shall provide notice of said rules on the Nation's website and ERB and/or the Department shall develop a rule booklet, which the Department shall provide to each person receiving a license or permit pursuant to this law.~~

406.5-3. Oneida Police Department Officers and Wardens. Oneida Police Department officers and/or wardens shall enforce this law and corresponding rules on the reservation, and, accordingly shall:

- (a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the methods and equipment utilized are lawful.
- (b) Investigate reports of violations of wildlife and environmental laws, including, but not limited to, this law and corresponding rules.
- (c) Work to prevent persons from violating this law and/or the corresponding rules.
- (d) Issue warnings and/or citations, which may include fines and/or penalties, for violations of this law and/or the corresponding rules.

~~406.5-4. Oneida Police Department. Any Oneida Police Department officer, who observes a violation of this law and/or corresponding rules, shall report such violation to the Department and/or a Department warden. However, if immediate action is necessary to prevent imminent danger to life or serious damage to property, the Oneida Police Department officer may issue a warning or citation for the said violation(s) and/or prevent persons from committing the said violation(s).~~

406.6. Licenses and Permits

406.6-1. *Sportsman License.*

- (a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal

land, except:

(1) Fishing is permitted without a sportsman license for Tribal members, dependents, and non-member Indians whom are sixteen (16) years of age or younger.

(2) Landowners~~and~~, lessees, and guests~~designees~~ with the permission of the landowners or lessees, may hunt and trap the following species on the property they own or lease, year-round, without a sportsman license:

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

~~(F)~~(G) beaver; and

~~(G)~~(H) any nuisance animal that is not an endangered or threaten species and is also not a regulated or protected species.

~~(b)~~ Anyone born on or after January 1, 1973, shall successfully complete a ~~state~~-certified hunter safety course to be eligible for a sportsman license, except that:

(1) *Fishing Only Sportsman License*. A sportsman license may be issued which permits fishing only. ~~In such circumstances, successful completion of a state-~~certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only.

(A) A person issued a “fishing only” sportsman license may not hunt or trap, or be eligible to hunt or trap, until the licensee provides the Department with proof of successful completion of a ~~state~~-certified hunter safety course.

~~(B) Any licensee holding a fishing only sportsman license may name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license based on the rules established pursuant to this Law. For the requirements related to naming a designated hunter, refer to section 406.9-4.~~

406.6-2. *Ceremonial and/or Feast Permit*. Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

~~(1) At least eighty five percent (85%) of the group and/or organization members are Tribal members;~~

~~(2)~~ The agent~~designee~~ of the group/organization is a Tribal member;

~~(3)~~ The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and

~~(4)~~ The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be ~~named hunters on the ceremonial and/or feast permit;~~

(1) Named hunters on the ceremonial and/or feast permit; and

(2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The agent~~designee~~ of the group ceremonial and/or feast hunt shall notify ~~the~~an Oneida

Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. ~~The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.~~

406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules, the Department may issue permits authorizing a person to engage in specific hunting, fishing and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.

406.6-4. ~~It is unlawful for any person to:~~

(a) Provide false information or fail to report relevant information as requested by the Department, when applying for a license or permit; or

(b) Aid another in fraudulently securing a license or permit.

406.6-5. Except as provided under sections 406.6-1(b)(1)(A), ~~406.9-4~~ and 406.9-6, licenses and/or permits are not transferable and may not be altered, defaced, or lent to or from another person, any may not be used by any person other than the person to whom the license and/or permit is issued.

406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner and location as required by the Department. ~~A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the rules developed pursuant to this law.~~

406.6-7. *Denial of a License or Permit.*

(a) The Department may decline to issue a license and/or permit to an applicant if:

(1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution owed because of a violation of this law and/or corresponding rules.

(2) At any time and for any reason, the Department determines that issuing the license and/or permit poses a risk to the health, safety, and/or welfare of the Nation, to natural resources on the reservation, or to any persons. ~~There is a rebuttable presumption that an applicant poses such a risk under the following circumstances:~~

(A) At the time of the request, the applicant's hunting, fishing, or trapping license, permit, or related privileges are suspended or revoked in any jurisdiction.

(B) Within three (3) years of the request, the applicant has repeatedly and/or egregiously done any one (1) or more of the following:

(i) violated this law and/or corresponding rules and/or the hunting, fishing, or trapping laws and regulations of other jurisdictions;

(ii) violated other laws or rules of the Nation while engaged in hunting, fishing, or trapping activities; or

(iii) demonstrated poor judgment, disregard for safety or unsportsmanlike behavior while hunting, fishing, or trapping; including while interacting with other sportsmen or with wardens, of this jurisdiction or any other.

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another. ~~For the purposes of this section, great bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement,~~

~~or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.~~

(b) Any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before ~~ERB~~the Trial Court pursuant to section 406.10-4.

406.7. General Requirements

406.7-1. Persons may not:

(a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.

(b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.

(c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department ~~officers or~~ wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.

(d) Carelessly waste wildlife. ~~Persons~~ hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).

(e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.

(f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the ~~Environmental Resource Board~~Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.

(g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or ~~stupefying~~stunning substance or agent.

(h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.

(i) Stock or possess any live wildlife on the reservation without a permit.

(j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.

(k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.

(l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has given permission.

(m) Use a gas-powered motorboat on the Nation's waters, except for the Department's use for law enforcement and conservation purposes.

(n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where hunting or trapping is expressly prohibited by the Nation's laws or rules.

(o) Sell or purchase wildlife that was harvested on the reservation, except as may be expressly allowed by this law and corresponding rules.

(1) Under no circumstances may trading, gifting, or sharing of wildlife for traditional or ceremonial purposes be considered a violation of this section.

(p) Refuse to obey an Oneida Police Department officer or warden's lawful order.

(q) Inflict or threaten to inflict bodily harm upon ~~an Oneida Police~~ Department ~~officer or~~ warden. ~~For the purposes of this law, “bodily harm” means physical pain or injury or any impairment of the physical condition.~~

406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap, possess, or transport any wildlife unless ~~he or she possesses~~ they possess the appropriate license and any required permit, including tags, for harvesting and/or possessing such wildlife.

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the ~~Department or the Department’s designee~~ State of Wisconsin.

406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner as ~~ERB and~~ the Department shall ~~jointly~~ establish in its ~~the~~ rules. No person may possess or transport harvested wildlife that is not properly tagged in accordance with this law and corresponding rules.

~~406.7-5. *Health Advisory.* ERB and the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request.~~

406.8. Wildlife Damage and Nuisance Control

406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land under their control and their associated structures, provided that landowners and lessees shall satisfy all requirements of this law and corresponding rules, including, but not limited to the permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not be relocated to Tribal lands without express written authorization from the Department, and, similarly, may not be relocated to private property without express written authorization from the landowner.

406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

(a) In order to be eligible for a nuisance animal removal permit, the applicant shall demonstrate that:

(1) ~~He or she has~~ They have the authority to control hunting and trapping access to the lands subject to the nuisance or being damaged as well as any contiguous lands.

In circumstances where the contiguous lands are not owned or leased by the applicant, the applicant shall demonstrate authority to control hunting and trapping access to the contiguous lands by providing the Department with the property owner’s or lessor’s written consent;

(2) ~~He or she~~ They are either ~~is~~-employing or ~~agrees~~ agree to employ, reasonable alternative abatement methods to removal;

(3) The wildlife sought to be removed is a nuisance animal and reasonable alternative abatement methods either have been or are reasonably likely to be unsuccessful;

(4) ~~He or she has~~ They have complied with this law and corresponding rules and the conditions of any previously-issued nuisance animal removal permit, at a minimum, for the previous twelve (12) months from the date ~~he or she applies~~ they

410 apply for the permit;

411 (5) The nuisance animal removal permit applied for does not conflict with any
412 provisions of the Nation's agreement with the United States Fish and Wildlife
413 Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

414 (b) Each permittee shall keep a record of all permit activities and shall provide the said
415 permit record to the Department within ten (10) days of the permit's expiration. ~~At a~~
416 minimum, the permittee shall include in the record any ~~agents~~designees assigned under
417 section 406.8-4 and the total number of nuisance animals removed pursuant to the permit,
418 provided that, the Department may name additional items required to be included in the
419 record. ~~All~~ permit records may be inspected by the Department at any time.

420 (c) The permittee shall return all unused permits, including carcass tags, to the Department
421 within ten (10) days of the permit's expiration.

422 406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is
423 not required if the nuisance animal would otherwise be exempt from the license and permit
424 requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically
425 not required in following circumstances:

426 ~~(a) Beaver. A nuisance animal removal permit is not needed for a landowner, lessee, or~~
427 ~~an authorized agent to hunt or trap beaver(s) that are nuisance animals, or to remove a~~
428 ~~beaver dam. However, only the landowner and the Department may set traps on a beaver~~
429 ~~dam on Tribal land; this privilege may not be transferred to an agent.~~

430 ~~(b)~~(a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is
431 otherwise required, may be removed without the required permit if such removal is
432 necessary to maintain a person's immediate health and safety.

433 (1) Persons taking a nuisance animal under emergency circumstances shall report
434 the emergency taking to the Department on the required form available with the
435 Department.

436 (2) The Department shall conduct an investigation into the validity of the alleged
437 emergency circumstance. ~~If~~ the investigation provides clear and convincing
438 evidence that the taking was not in fact required due to a legitimate threat to a
439 person's immediate health and safety, the Department shall classify the taking an
440 unlawful taking without a permit and shall take the appropriate corrective measures.

441 406.8-4. ~~Designated Agents.~~Nuisance Animal Removal Designees. A landowner may utilize ~~an~~
442 ~~agent~~as designee to remove a nuisance animal pursuant to the provisions of this law. ~~If~~ the
443 requirements of this law and corresponding rules are satisfied, the landowner's nuisance animal
444 removal permit and associated carcass tags, if applicable, may be utilized by the landowner's
445 assigned ~~agent~~designee.

446 (a) In order for ~~an agent~~a designee to be assigned to remove a nuisance animal, the
447 landowner shall ensure that the following conditions are met:

448 (1) The ~~agent~~designee shall have a valid license for hunting or trapping that
449 nuisance animal's species;

450 (2) The landowner shall grant written permission to the ~~agent~~designee specifically
451 identifying the following:

452 (A) The location of the nuisance animal where the removal activities are
453 sought to occur;

454 (B) An authorized time period for the removal of the nuisance animal; and

455 (C) Any other information as may be required by the rules established
456 pursuant to this law.

(b) The Department may limit the number of persons permitted to assist in a removal.

~~(e)(b)~~ The landowner or lessee permittee may ~~not~~ charge any assigned ~~agent~~designee any form of fee.

406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within the previous January to December.

406.8-6. ~~Department~~Officer or *Warden's Access.* Any landowner or lessee pursuing the removal of a nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted access to the premises on which the said removal is being conducted, is anticipated to be conducted, or has been conducted. ~~Further,~~ the landowner or lessee, and the landowner's ~~agent~~designee, if applicable, shall promptly furnish any information requested by a Oneida Police Department officer or warden relating to the said removal.

406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies to nuisance animals removed in accordance with this section:

(a) The permittee and each ~~agent~~designee assigned under section 406.8-4 may retain no more than one (1) deer removed pursuant to a nuisance animal removal permit. ~~The~~ Department shall distribute or dispose of any deer that are not so retained by offering them to Tribal members in the following order:

(1) Elders;

(2) Disabled persons; and

(3) Any other interested persons.

(b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken pursuant to a nuisance animal removal permit, the permittee shall be explicitly and separately authorized by the permit to retain the wildlife and to sell the wildlife.

(c) Furs from nuisance animals which did not require a nuisance animal removal permit in order to be removed, may be retained by a landowner, lessee, or assigned ~~agent~~designee without a permit. ~~Provided that the~~ landowner, lessee, or assigned ~~agent~~designee shall have a valid license and/or permit in order to commercialize in, sell, trade, ship, or transport any wildlife, except that any squirrels' parts retained may be sold during the closed season.

406.9. Hunting

406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

(a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is authorized under this law and corresponding rules for the taking of a particular species.

(b) Discharge a firearm, air rifle, bow, or crossbow:

(1) Into reservation lakes, reservoirs, or any area designated for public use pursuant to the Public Use of Tribal Land law, except for the purpose of hunting migratory birds during established seasons, in accordance with the rules created pursuant to this law;

(2) Across any roadway; or

(3) Within one hundred (100) yards of any structure, unless the owner-occupant, lessee, or tenant has granted express permission.

(c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a permit, if applicable, do any of the following:

(a) Hunt with the use of aircraft;

- (b) Hunt within fifty (50) feet of the center of a paved road;
- (c) Hunt from a vehicle;
- (d) Hunt while under the influence of alcohol or a controlled substance;
- (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon, fox, or any other authorized unprotected species;
- (f) Shine between the hours of 10:00 p.m. and sunrise during the months of September, October, November, and December; during all other months, shining is allowed at any hour;
- (g) Hunt in a party of more than ~~ten~~ fifteen (15) persons;
- (h) Hunt with, or possess while hunting:
- (1) Any firearm for which the possession is unlawful under Wisconsin or Federal law;
 - (2) Slugs, except that a person may possess slugs during deer firearm season if ~~he or she~~ they also ~~possesses~~ possess the required associated permit;
 - (3) A handgun with a barrel length of less than five (5) inches;
 - (4) A concealed handgun without a valid permit from the State of Wisconsin; and/or
 - (5) Any of the following without a valid federal permit:
 - (A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;
 - (B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;
 - (C) A fully-automatic firearm;
 - (D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

406.9-3. ~~Accidents~~ Injury Causing Incidents. Any person, who discharges a firearm, bow, or crossbow while hunting and injures another person, shall render or attempt to obtain necessary medical assistance, provide the injured person with ~~his or her~~ their name and contact information including address, and report the ~~accident~~ injury causing incident to either the Department or the Oneida Police Department as soon as possible.

406.9-4. *Designated Hunters*. A permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to ~~his or her~~ their own permit, provided that, the designated hunter shall provide ~~his or her~~ their name and contact information to the Department along with a signed statement from the original permittee naming the designated hunter. ~~The designated hunter shall receive the Department's approval of the designation before using the permits of the original permittee.~~

- (a) To be eligible to be named a ~~Designated Hunter~~ designated hunter, the named person shall:

- (1) Possess a valid hunting license;
- (2) Be eligible for the permits for which the person is named the designated hunter; and
- (3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for ~~the~~ an unlimited number of permittees ~~as authorized by the rules developed pursuant to this law.~~

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the

original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ~~twelve (12)~~ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated ~~his or her~~their supervisory responsibilities.

(1) The parent, legal guardian, or responsible adult shall have a valid license and any required permits.

(2) Adults accompanying youth hunters pursuant to this section shall remain within voice and sight contact of the youth hunters at all times.

(b) Tribal members, descendants², ~~non-member Indians and dependents aged ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits.~~

~~(c) Tribal members, descendants², non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.~~

~~(d) The following limitations apply to youth hunters and their mentors hunting pursuant to this section:~~

~~(1) Only one (1) weapon may be possessed jointly between the mentor and his or her mentee(s);~~

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

~~(e) In order to be eligible to be a mentor, the person shall:~~

~~(1) Be at least eighteen (18) years old;~~

~~(2) Have a valid license and any required permits; and~~

~~(3) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor.~~

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. ~~Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:~~

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. ~~Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.~~

(b) The member of the hunting party for whom the deer was harvested shall possess a valid,

²Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.

³See footnote 2.

license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

406.10. Enforcement and Penalties

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any ~~one (1)~~ of the following acts or any combination thereof:

(a) Has committed an act causing any of ~~his or hers~~their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against ~~him or her~~them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or

(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

~~406.10-3. *Warning and Citations.* Department wardens may issue verbal and/or written warnings and/or citations to any person found to be in violation of this law and/or the corresponding rules. The Department shall ensure that all warning and citations identify the relevant violation and, if applicable, the fine and/or penalties imposed as a consequence of the violation.~~

~~406.10-4~~406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

~~406.10-5. *Contested Action Hearings.* All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

~~(a) *Community Service.* Community service may be substituted~~ A citation ~~for fines at a violation of this law, the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10.00) of the fine.~~

~~(b) *Allocation of Citation Revenue.* All~~ corresponding rules, or any orders issued pursuant

to this law may include fines and other penalties ~~issued by citations are payable to ERB or its designee, the proceeds of which ERB shall contribute to the Nation's general fund.~~

~~(e) Appealing the Decision of the Judiciary, as well as conditional orders made by the Trial Court. Any person wishing to contest the determination of the Judiciary Trial Court may appeal the applicable determination to the Judiciary's Court of Appeals~~

(b) A citation for a violation of this law shall be processed in accordance with the Rules of Appellate Procedure.

~~(d) Pursuing Payment of a Citation. ERB may pursue payment from parties who have failed to make the required payments through the garnishment process~~procedure contained in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant to the Per Capita law. Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C

Adopted - BC-04-24-96-A

Adopted - BC-07-22-98-A

Amended - BC-09-13-00-D

Amended - BC-06-04-03-A

Amended - BC-06-30-04-I

Amended - BC-07-13-05-E

Amended - BC-08-29-07-F

Amended - BC-06-24-09-E

Amended - BC-08-26-10-I

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

Amended – BC-12-14-11-E

Amended – BC-05-22-13-A

Amended – BC-01-25-17-D

Amended – BC-07-26-17-F

Amended – BC- - - -

Title 4. Environment and Natural Resources – Chapter 406
Lutolátha?, Latsywaáaha? O?khále Atlistáya Tsi? Kayanl?hsla
Our laws concerning hunting, fishing and trapping
HUNTING, FISHING, AND TRAPPING

406.1.	Purpose and Policy	406.6.	Licenses and Permits
406.2.	Adoption, Amendment, Repeal	406.7.	General Regulations
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406.4.	Jurisdiction	406.9.	Hunting
406.5.	Administration and Supervision	406.10.	Enforcement and Penalties

406.1. Purpose and Policy

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen for both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and
- (b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules.

406.2. Adoption, Amendment, Repeal

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-08-31-94-C, and amended by resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D, BC-07-26-17-F, and BC-__-__-__-__.

406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. 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.

406.2-4. 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.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

406.3. Definitions

406.3-1. 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) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel length” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) “Bodily harm” means physical pain or injury or any impairment of the physical condition.

(d) “Daily bag limit” means the maximum number of a species of wildlife that a person may take during a twenty-four (24) hour period measured from midnight to midnight.

- (e) “Department” means the Oneida Conservation Department.
- (f) “Dependent” means 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 of the year.
- (g) “Descendant” means a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation.
- (h) “Designated hunter” means the person named by a permittee as authorized to harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.
- (i) “Elder” means any person fifty-five (55) years of age or older.
- (j) “Endangered or threatened” means any species of wildlife within the reservation in danger of extinction or likely to become in danger of distinction as recognized by the Department and under federal law.
- (k) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.
- (l) “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or harvest fish of any variety in any manner.
- (m) “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- (n) “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wildlife.
- (o) “License” means a written document issued by the Department granting authority to engage in specific activities covered under this law and the rules created pursuant to this law.
- (p) “Loaded” means any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, magazine, or clip.
- (1) Muzzleloading firearms may not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver.
- (2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan is cleaned of powder.
- (q) “Nation” means the Oneida Nation.
- (r) “Non-Indian” means a person who is not a member of any federally recognized Indian tribe, band, or community.
- (s) “Non-Member Indian” means a person who is a member of a federally recognized Indian tribe, band, or community other than this Nation.
- (t) “Nuisance Animal” means any wildlife causing and one (1) or combination of the following:
- (1) Damage to property;
- (2) Damage to or endangered or threatened species of wildlife and/or plants;
- (3) Depredation of crops and/or livestock; or
- (4) Health and/or safety risks posed to persons.
- (u) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of equipment and/or wildlife, the imposition of a wildlife protection assessment (civil recovery value), revocation and/or ineligibility for licenses and/or permits for a specified period of time, and restitution.
- (v) “Permit” means a document, stamp or tag authorizing a specific activity which is

issued by the Department to the holder of a license.

(w) “Protected species” means any species of wildlife that is not endangered or threatened, but for the Department has established seasons, daily bag limits, or otherwise restricted the taking of.

(x) “Reservation” means all the property within the exterior boundaries of the reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(y) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by the Department in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.

(z) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any wildlife, or attempting any of the foregoing.

(aa) “Transport” means to bring or move from one place to another by means of carrying, dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

(bb) “Trapping” means the taking of, or attempting to take, any wildlife by means of setting or operating any device or mechanism that is designed, built, or made to close upon, hold fast, snare or otherwise capture wildlife.

(cc) “Tribal land” means any land within the reservation that is held in fee or in trust and is owned by the Nation, a Tribal member, or a non-member Indian.

(dd) “Tribal member” means an enrolled member of the Nation.

(ee) “Vehicle” means any self-propelled conveyance that derives power from a motor and is used to transport persons or objects over land, including but not limited to, an automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped or similar conveyance.

(ff) “Warden” means an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources.

(gg) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.

406.4. Jurisdiction

406.4-1. This law applies to the following persons:

(a) All Tribal members,

(b) All non-member Indians,

(c) All non-Indians who:

(1) apply for and receive a license and/or permit, and/or

(2) enter Tribal land,

(d) All persons as otherwise permitted under federal law.

406.4-2. This law applies:

(a) within the boundaries of the Reservation, and

(b) on lands held in trust for the Nation outside the boundaries of the reservation.

406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the Nation’s natural resources. However, this law shall not negate the jurisdiction of the State of Wisconsin in certain instances involving non-member Indians and non-Indians. Thus, to hunt, fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation’s license, permit, and tag requirements and may also be subject to the requirements of the State of Wisconsin. License and permit holders may not exercise any hunting, fishing, or tapping privileges

within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those afforded pursuant to this Law and associated rules.

406.5. Administration and Supervision

406.5-1. The Department shall protect, manage, supervise, conserve, and enhance all wildlife within the reservation. The Department shall establish and maintain the rules in accordance with the Administrative Rulemaking law that are required to implement this law. The Department shall administer and enforce this law and the rules created pursuant to this law.

406.5-2. *Administrative Rulemaking Authority.* In addition to any other duties delegated to the Department under this law, the Department is hereby delegated rulemaking authority in accordance with the Administrative Rulemaking law to:

- (a) Determine the types and number of licenses and permits that may be issued by the Department, including how many licenses and permits that may be issued to non-Indian hunters.
- (b) Establish a fee schedule and application requirements and deadlines for obtaining licenses and/or permits.
- (c) Establish or amend daily bag limits and possession limits based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest. Restrictions in such rules may include, but are not limited to, limits related to gender, species, size, age, and maturity.
- (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any species in need of protection a protected species or an endangered or threatened species, and thereafter modify or revoke such declarations as may be appropriate.
- (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife.
 - (1) The rules shall identify designated seasons and/or hunting hours for elder, disabled, and youth hunts.
- (f) Establish and/or modify areas' territorial limits, including bodies of water or parts thereof, for any of the following, as may be necessary:
 - (1) the taking of wildlife;
 - (2) other specified areas, pursuant to the rules developed by the Department.
- (g) Establish methods for checking persons into and out of areas specified under subsection (f) above.
- (h) Regulate the operation of boats upon reservation waters and the operation of vehicles and aircraft used while hunting, fishing, or trapping.
- (i) Regulate and prescribe the means and methods by which wildlife may be taken, including, but not limited to, the use of:
 - (1) bait;
 - (2) decoys;
 - (3) hunting dogs;
 - (4) traps;
 - (5) firearms;
 - (6) ammunition;
 - (7) laser sights; and
 - (8) night vision.
- (j) Regulate the transportation, registration, tagging, and storage of all wildlife within the reservation and the shipment or transportation of wildlife off the reservation.
- (k) Prescribe safety and fire control measures and other rules as may be necessary for

range, forest; or wildlife management, and/or for the safety and welfare of outdoor recreationists, landowners, lessees, occupants, and the Nation.

(l) Establish a citation schedule that sets the monetary fines and penalties for violations of this law and/or the rules established pursuant to this law.

(m) Regulate use of recovery and retrieval services and methods.

(n) Regulate the care and husbandry of animals used to hunt or animals used for private game hunting.

(o) Create other rules as specifically directed throughout this law or as may be necessary to implement this law.

406.5-3. *Oneida Police Department Officers and Wardens.* Oneida Police Department officers and/or wardens shall enforce this law and corresponding rules on the reservation, and accordingly shall:

(a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the methods and equipment utilized are lawful.

(b) Investigate reports of violations of wildlife and environmental laws, including, but not limited to, this law and corresponding rules.

(c) Work to prevent persons from violating this law and/or the corresponding rules.

(d) Issue warnings and/or citations, which may include fines and/or penalties, for violations of this law and/or the corresponding rules.

406.6. Licenses and Permits

406.6-1. *Sportsman License.*

(a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal land, except:

(1) Fishing is permitted without a sportsman license for Tribal members, dependents, and non-member Indians whom are sixteen (16) years of age or younger.

(2) Landowners, lessees, and designees with the permission of the landowners or lessees, may hunt and trap the following species on the property they own or lease, year-round, without a sportsman license:

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(G) beaver; and

(H) any nuisance animal that is not an endangered or threaten species and is also not a regulated or protected species.

(b) Anyone born on or after January 1, 1973, shall successfully complete a certified hunter safety course to be eligible for a sportsman license, except that:

(1) *Fishing Only Sportsman License.* A sportsman license may be issued which permits fishing only. In such circumstances, successful completion of a certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only.

(A) A person issued a “fishing only” sportsman license may not hunt or trap, or be eligible to hunt or trap, until the licensee provides the Department with

- 227 proof of successful completion of a certified hunter safety course.
- 228 406.6-2. *Ceremonial and/or Feast Permit.* Tribal members may apply for a ceremonial and/or
- 229 feast permit to group hunt wildlife outside of the regular applicable seasons.
- 230 (a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for
- 231 antlerless deer.
- 232 (b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting
- 233 each of the following requirements:
- 234 (1) The designee of the group/organization is a Tribal member;
- 235 (2) The occasion for the ceremonial and/or feast requiring the hunt out of season is
- 236 recognized by the Oneida community; and
- 237 (3) The hunt takes place on the reservation.
- 238 (c) All persons participating in the ceremonial and/or feast hunt shall be:
- 239 (1) Named hunters on the ceremonial and/or feast permit; and
- 240 (2) Tribal members, descendants, or a spouse to a Tribal member.
- 241 (d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police
- 242 Department officer or warden of the time and place where the hunt will take place no later
- 243 than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or
- 244 warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.
- 245 406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules,
- 246 the Department may issue permits authorizing a person to engage in specific hunting, fishing
- 247 and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.
- 248 406.6-4. It is unlawful for any person to:
- 249 (a) Provide false information or fail to report relevant information as requested by the
- 250 Department, when applying for a license or permit; or
- 251 (b) Aid another in fraudulently securing a license or permit.
- 252 406.6-5. Except as provided under sections 406.9-4 and 406.9-6, licenses and/or permits are not
- 253 transferable and may not be altered, defaced, or lent to or from another person, any may not be
- 254 used by any person other than the person to whom the license and/or permit is issued.
- 255 406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any
- 256 person who is physically disabled, upon a showing of medical verification of a physical disability
- 257 that results in mobility issues that makes it necessary for the disabled hunter to hunt from a
- 258 stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner
- 259 and location as required by the Department. A disabled hunter permit authorizes a person to hunt
- 260 from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the
- 261 rules developed pursuant to this law.
- 262 406.6-7. *Denial of a License or Permit.*
- 263 (a) The Department may decline to issue a license and/or permit to an applicant if:
- 264 (1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution
- 265 owed because of a violation of this law and/or corresponding rules.
- 266 (2) At any time and for any reason, the Department determines that issuing the
- 267 license and/or permit poses a risk to the health, safety, and/or welfare of the Nation,
- 268 to natural resources on the reservation, or to any persons. There is a rebuttable
- 269 presumption that an applicant poses such a risk under the following circumstances:
- 270 (A) At the time of the request, the applicant's hunting, fishing, or trapping
- 271 license, permit, or related privileges are suspended or revoked in any
- 272 jurisdiction.

(B) Within three (3) years of the request, the applicant has repeatedly and/or egregiously done any one (1) or more of the following:

- (i) violated this law and/or corresponding rules and/or the hunting, fishing, or trapping laws and regulations of other jurisdictions;
- (ii) violated other laws or rules of the Nation while engaged in hunting, fishing, or trapping activities; or
- (iii) demonstrated poor judgment, disregard for safety or unsportsmanlike behavior while hunting, fishing, or trapping; including while interacting with other sportsmen or with wardens, of this jurisdiction or any other.

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another.

(b) Any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court pursuant to section 406.10-4.

406.7. General Requirements

406.7-1. Persons may not:

- (a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.
- (b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.
- (c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department officers or wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.
- (d) Carelessly waste wildlife. Persons hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).
- (e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.
- (f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.
- (g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or stunning substance or agent.
- (h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.
- (i) Stock or possess any live wildlife on the reservation without a permit.
- (j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.
- (k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.
- (l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has

given permission.

(m) Use a gas-powered motorboat on the Nation's waters, except for the Department's use for law enforcement and conservation purposes.

(n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where hunting or trapping is expressly prohibited by the Nation's laws or rules.

(o) Sell or purchase wildlife that was harvested on the reservation, except as may be expressly allowed by this law and corresponding rules.

(1) Under no circumstances may trading, gifting, or sharing of wildlife for traditional or ceremonial purposes be considered a violation of this section.

(p) Refuse to obey an Oneida Police Department officer or warden's lawful order.

(q) Inflict or threaten to inflict bodily harm upon an Oneida Police Department officer or warden.

406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap, possess, or transport any wildlife unless they possess the appropriate license and any required permit, including tags, for harvesting and/or possessing such wildlife.

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin.

406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner as the Department shall establish in its rules. No person may possess or transport harvested wildlife that is not properly tagged in accordance with this law and corresponding rules.

406.8. Wildlife Damage and Nuisance Control

406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land under their control and their associated structures, provided that landowners and lessees shall satisfy all requirements of this law and corresponding rules, including, but not limited to the permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not be relocated to Tribal lands without express written authorization from the Department, and, similarly, may not be relocated to private property without express written authorization from the landowner.

406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

(a) In order to be eligible for a nuisance animal removal permit, the applicant shall demonstrate that:

(1) They have the authority to control hunting and trapping access to the lands subject to the nuisance or being damaged as well as any contiguous lands. In circumstances where the contiguous lands are not owned or leased by the applicant, the applicant shall demonstrate authority to control hunting and trapping access to the contiguous lands by providing the Department with the property owner's or lessor's written consent;

(2) They are either employing or agree to employ, reasonable alternative abatement methods to removal;

(3) The wildlife sought to be removed is a nuisance animal and reasonable alternative abatement methods either have been or are reasonably likely to be unsuccessful;

(4) They have complied with this law and corresponding rules and the conditions of any previously issued nuisance animal removal permit, at a minimum, for the previous twelve (12) months from the date they apply for the permit;

(5) The nuisance animal removal permit applied for does not conflict with any provisions of the Nation's agreement with the United States Fish and Wildlife Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

(b) Each permittee shall keep a record of all permit activities and shall provide the said permit record to the Department within ten (10) days of the permit's expiration. At a minimum, the permittee shall include in the record any designees assigned under section 406.8-4 and the total number of nuisance animals removed pursuant to the permit, provided that, the Department may name additional items required to be included in the record. All permit records may be inspected by the Department at any time.

(c) The permittee shall return all unused permits, including carcass tags, to the Department within ten (10) days of the permit's expiration.

406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is not required if the nuisance animal would otherwise be exempt from the license and permit requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically not required in following circumstances:

(a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is otherwise required, may be removed without the required permit if such removal is necessary to maintain a person's immediate health and safety.

(1) Persons taking a nuisance animal under emergency circumstances shall report the emergency taking to the Department on the required form available with the Department.

(2) The Department shall conduct an investigation into the validity of the alleged emergency circumstance. If the investigation provides clear and convincing evidence that the taking was not in fact required due to a legitimate threat to a person's immediate health and safety, the Department shall classify the taking an unlawful taking without a permit and shall take the appropriate corrective measures.

406.8-4. *Nuisance Animal Removal Designees.* A landowner may utilize as designee to remove a nuisance animal pursuant to the provisions of this law. If the requirements of this law and corresponding rules are satisfied, the landowner's nuisance animal removal permit and associated carcass tags, if applicable, may be utilized by the landowner's assigned designee.

(a) In order for a designee to be assigned to remove a nuisance animal, the landowner shall ensure that the following conditions are met:

(1) The designee shall have a valid license for hunting or trapping that nuisance animal's species;

(2) The landowner shall grant written permission to the designee specifically identifying the following:

(A) The location of the nuisance animal where the removal activities are sought to occur;

(B) An authorized time period for the removal of the nuisance animal; and

(C) Any other information as may be required by the rules established pursuant to this law.

(b) The Department may limit the number of persons permitted to assist in a removal.

(b) The landowner or lessee permittee may charge any assigned designee any form of fee.

406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-

414 winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3
415 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within
416 the previous January to December.

417 406.8-6. *Officer or Warden's Access.* Any landowner or lessee pursuing the removal of a
418 nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted
419 access to the premises on which the said removal is being conducted, is anticipated to be
420 conducted, or has been conducted. Further, the landowner or lessee, and the landowner's designee,
421 if applicable, shall promptly furnish any information requested by a Oneida Police Department
422 officer or warden relating to the said removal.

423 406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies
424 to nuisance animals removed in accordance with this section:

425 (a) The permittee and each designee assigned under section 406.8-4 may retain no more
426 than one (1) deer removed pursuant to a nuisance animal removal permit. The Department
427 shall distribute or dispose of any deer that are not so retained by offering them to Tribal
428 members in the following order:

429 (1) Elders;

430 (2) Disabled persons; and

431 (3) Any other interested persons.

432 (b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken
433 pursuant to a nuisance animal removal permit, the permittee shall be explicitly and
434 separately authorized by the permit to retain the wildlife and to sell the wildlife.

435 (c) Furs from nuisance animals which did not require a nuisance animal removal permit in
436 order to be removed, may be retained by a landowner, lessee, or assigned designee without
437 a permit. Provided that the landowner, lessee, or assigned designee shall have a valid
438 license and/or permit in order to commercialize in, sell, trade, ship, or transport any
439 wildlife, except that any squirrels' parts retained may be sold during the closed season.

441 **406.9. Hunting**

442 406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

443 (a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is
444 authorized under this law and corresponding rules for the taking of a particular species.

445 (b) Discharge a firearm, air rifle, bow, or crossbow:

446 (1) Into reservation lakes, reservoirs, or any area designated for public use pursuant
447 to the Public Use of Tribal Land law, except for the purpose of hunting migratory
448 birds during established seasons, in accordance with the rules created pursuant to
449 this law;

450 (2) Across any roadway; or

451 (3) Within one hundred (100) yards of any structure, unless the owner-occupant,
452 lessee, or tenant has granted express permission.

453 (c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

454 406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a
455 permit, if applicable, do any of the following:

456 (a) Hunt with the use of aircraft;

457 (b) Hunt within fifty (50) feet of the center of a paved road;

458 (c) Hunt from a vehicle;

459 (d) Hunt while under the influence of alcohol or a controlled substance;

460 (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light

to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon, fox, or any other authorized unprotected species;

(f) Shine between the hours of 10:00 p.m. and sunrise during the months of September, October, November, and December; during all other months, shining is allowed at any hour;

(g) Hunt in a party of more than fifteen (15) persons;

(h) Hunt with, or possess while hunting:

(1) Any firearm for which the possession is unlawful under Wisconsin or Federal law;

(2) Slugs, except that a person may possess slugs during deer firearm season if they also possess the required associated permit;

(3) A handgun with a barrel length of less than five (5) inches;

(4) A concealed handgun without a valid permit from the State of Wisconsin; and/or

(5) Any of the following without a valid federal permit:

(A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;

(B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;

(C) A fully-automatic firearm;

(D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

406.9-3. *Injury Causing Incidents.* Any person, who discharges a firearm, bow, or crossbow while hunting and injures another person, shall render or attempt to obtain necessary medical assistance, provide the injured person with their name and contact information including address, and report the injury causing incident to either the Department or the Oneida Police Department as soon as possible.

406.9-4. *Designated Hunters.* A permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to their own permit, provided that, the designated hunter shall provide their name and contact information to the Department along with a signed statement from the original permittee naming the designated hunter. The designated hunter shall receive the Department's approval of the designation before using the permits of the original permittee.

(a) To be eligible to be named a designated hunter, the named person shall:

(1) Possess a valid hunting license;

(2) Be eligible for the permits for which the person is named the designated hunter; and

(3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for an unlimited number of permittees.

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities.

(1) The parent, legal guardian, or responsible adult shall have a valid license and any required permits.

(2) Adults accompanying youth hunters pursuant to this section shall remain within voice and sight contact of the youth hunters at all times.

(b) Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.

(b) The member of the hunting party for whom the deer was harvested shall possess a valid, license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

406.10. Enforcement and Penalties

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any of the following acts or any combination thereof:

(a) Has committed an act causing any of their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or

(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

406.10-4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

(a) A citation for a violation of this law, the corresponding rules, or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C
 Adopted - BC-04-24-96-A
 Adopted - BC-07-22-98-A
 Amended - BC-09-13-00-D
 Amended - BC-06-04-03-A
 Amended - BC-06-30-04-I
 Amended - BC-07-13-05-E
 Amended - BC-08-29-07-F
 Amended - BC-06-24-09-E
 Amended - BC-08-26-10-I
 Emergency Amended - BC-06-22-11-H (Expired)
 Amended – BC-12-14-11-E
 Amended – BC-05-22-13-A
 Amended – BC-01-25-17-D
 Amended – BC-07-26-17-F
 Amended – BC-__-__-__-__