

PUBLIC NOTICE.COMMENT PERIOD.TITLE 35, FISH AND GAME
(September, 2024)

The Tribe is proposing to amend Title 35 of the Tribal Code, FISH AND GAME, adding Chapter 35.08.01 (Pages 1 through 7) to formally establish the (TMBCI) Department of Natural Resources (DNR); and, within the Tribal DNR, the “TURTLE MOUNTAIN PARKS DIVISION” to manage and oversee Sky Chief Park / Gordon Lake and other nature-based parks under Tribal DNR’s jurisdiction.

The Tribe is also proposing to amend Title 35 of the Tribal Code, FISH AND GAME adding Chapter 35.08.02 (Pages 1 through 19) TRIBAL DNR – PARK USE RULES AND PENALTIES in order to formally establish and enforce rules and regulations by the DNR staff in order to establish a safe and healthy park environment for park visitors and users.

The proposed revisions to Title 35, Fish and Game are being placed out for a thirty (30) day comment period. If there are any questions, please forward them on this page.

Copies of the proposed code is available on the Tribal Records Dept Facebook page, at the Tribal Records Dept located in the Tribal Headquarters, on the website at: www.tmchippewa.com, or can be obtained in writing by request.

Written comments are to be submitted by mail to PO Box 900, Belcourt, ND 58316, by fax at 477-0916 or by email to tribalrecordsdept@yahoo.com. Please contact the Tribal Records Dept at 477-2602, 477-2677 or 477-2665 if there are any questions.

RESOLUTION NUMBER TMBC1507-09-24 OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE
TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

- WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band acting under a revised Constitution and By-Laws approved by the Secretary of the Interior on June 16th, 1959 and amendments thereto approved; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and By-Laws empowers the Tribal Council with the authority to represent the Band and to negotiate with Federal, State, and Local Governments and with private persons; and
- WHEREAS, Article IX Section 11 of the Turtle Mountain Constitution authorizes the Tribal Council of the Turtle Mountain Band of Chippewa Indians to engage in any business that will further the economic well-being of the members of the Tribe or to undertake programs or projects designed for the economic advancement of the people; and
- WHEREAS, Article IX (a) Section 6 of the Turtle Mountain Constitution and Bylaws empowers the Tribal Council with the authority to enact ordinances to provide rules and regulations governing fishing, hunting and trapping on the reservation; and
- WHEREAS, Article VII Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and
- WHEREAS, the Tribe is proposing to amend TITLE 35 – FISH AND GAME, adding Chapter 35.08.01 to formally establish the (TMBCI) Department of Natural Resources (DNR); and within the Tribal DNR, the “Turtle Mountain Parks Division” to manage and oversee Sky Chief Park/Gordon Lake and other nature-based parks under Tribal DNR’s jurisdiction; establish Tribal Parks Policy and Mission Statements; establish the Director/Supervisor position to manage the Turtle Mountain Parks Division, and establish the powers, authority, duties and responsibilities of the director(s) under the Tribal DNR/Turtle Mountain Parks Division; establish Tribal DNR Parks policies on Natural Resources Management and Forest Management within Tribal DNR park and Recreation areas, including prescriptions and plans for forest harvesting/renewal of over-aged aspen stands and prescribed burning for hazard reduction and wildlife habitat; establish authorities and policies for Recreation Grant Programs and functions; establish policies and procedures on DNR Parks expenditures through existing departments or agencies; allow Tribal DNR to train and appoint boundaries of DNR park and recreation areas to increase public safety and visitor protection; authorize the Tribal DNR Parks Division to provide for and regulate facilities, services, and vendors within the park, charge established fees for camping and park use; require permits for motor vehicles, park visitors, and offer free permits to tribal elders; establish rental and campsite fees for tents;/vehicle camping and RV camping sites; and establish policies and procedures for the collection of park-use permits, vehicle permits cabin/facility rentals and fee/penalties collected for violation of park rules and regulations; and
- WHEREAS, the Tribe is proposing to further amend TITLE 35 – FISH & GAME adding Chapter 35.08.02 TRIBAL DNR – PARK USE RULES AND PENALTIES in order to formally establish and enforce rules and regulations by the DNR staff in order to establish a safe and healthy park environment for part visitors and users; reduce conflicts and serious incidents within the park; establish non-

criminal penalties and citations for violations of park rules and regulations, should enforce and be necessary; provide for the protection of park resources, park facilities, cultural and historical resources, reduce park littering, "dumping" and damage to park amenities, trees and vegetation; restrict the locations and times of fires and fireworks to protect park visitors and resources from destructive wildfires, restrict and regulate animals that are brought into the park, particularly aggressive and dangerous animals; maintain and enforce "quiet hours"; regulate boating, fishing, ATV/UTV/off-highway vehicle and snowmobile use; regulate swimming areas, boat ramps and marinas to maintain visitor safety; prohibit/restrict the use or possession of firearms and dangerous weapons within DNR parks; restrict/prohibit hunting and chasing of and harassment of wildlife; establish rules and regulations for camp sites for visitor/resource protection; establish a "zero tolerance" policy for the possession or use of dangerous narcotics within DNR park and recreation areas; establish regulations for park roads, trails and vehicles within the park; etc.; and

WHEREAS, the Tribe proposes to place the aforementioned proposed revisions out for a public comment period under Title 35 of the Tribal Code which will create a Turtle Mountain Parks Division under the TMBCI Department of Natural Resources (DNR) as tribal organizations as Chapter 35.08.01 of Title 35 DEPARTMENT OF NATURAL RESOURCES – TURTLE MOUNTAIN PARKS DIVISION; as well as establish and enforce Tribal DNR Turtle Mountain Parks rules, regulations and penalties under Title 35 Chapter 08.01 TRIBAL DNR PARK USE RULES AND PENALTIES; now

THEREFORE BE IT RESOLVED that the Tribe is approving 30-day comment period for amendments to Title 35 – FISH AND GAME, adding Chapter 35.08.01.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of *nine (9) members* of whom *nine (9)* constituting a quorum were present at a meeting duly called, convened and held on the *24th day of September, 2024* that the foregoing resolution was adopted by an affirmative vote of *eight (8) in favor* – Reps. Elmer Davis Jr., Blaine "Slugger" Davis, Lynn Gourneau, Ron Trottier Sr., Craig Lunday, Kenneth Malaterre, Chad Counts and Jon Jon Keplin; *none (0) absent; none (0) opposed*; with the Tribal Chairman not voting.


Jolean A. Morin, Tribal Secretary *9/25/24*

SIGNED INTO LAW/Dated this *25th* day of *September*, 2024
 VETOED/Dated this _____ day of _____, 2024


Jamie Azure, Tribal Chairman

TITLE 35 – FISH AND GAME
CHAPTER 35.08.01. DEPARTMENT of NATURAL RESOURCES – “TURTLE MOUNTAIN PARKS” DIVISION

35-08-01. TMBCI – Department of Natural Resources – Turtle Mountain Parks Division.

There is created the **Turtle Mountain (TMBCI) Department of Natural Resources (DNR)**, and within the Department of Natural Resources, the *“Turtle Mountain Parks” Division*.

35-08-01.1 TMBCI Natural Resources - Tribal Parks policy.

For all lands under the authority and jurisdiction of the Turtle Mountain Band of Chippewa Indians – Department of Natural Resources, the Turtle Mountain Parks Division shall plan and coordinate tribal DNR programs encouraging the full development and management of existing and future Tribal DNR nature-based outdoor park and recreation areas, wilderness areas, and nature preserves. The TMBCI - Department of Natural Resources - Parks Division may coordinate with other tribal entities, state and federal agencies, and trail rider clubs to enhance and develop Tribally designated snowmobile, off-road-vehicle (ATV), equestrian, biking or hiking trails and facilities.

35.08.01.2 Mission Statement.

It shall be the mission of the Tribal DNR Turtle Mountain Parks Division to establish and manage DNR nature-based outdoor park and recreation areas and designated trails within those park and recreation areas, to serve as regional, day-use and overnight park and recreation areas, emphasizing high-quality front and backcountry hiking experiences, fishing, camping, water sports, as well as other forms of seasonal outdoor recreation. The Tribal DNR Turtle Mountain Parks Division shall actively manage DNR nature-based park facilities and programs for public access and enjoyment while also ensuring the wellbeing of the landscape’s plants and animals through the conservation of natural and heritage values in perpetuity.

35-08-01.3 Turtle Mountain Parks Division – Director/Supervisor

The Department of Natural Resources - Turtle Mountain Parks Division shall serve as the focal point within the Tribe for activities related to DNR’s nature-based parks and recreational areas. The Tribal DNR - Turtle Mountain Parks Division shall plan and coordinate programs to fulfill the Tribe’s nature-based outdoor parks and park policies.

The TMBCI – DNR Lead Park Ranger shall serve as the Division Supervisor of the Turtle Mountain Parks Division and as the Park Manager of Sky Chief Park and other DNR nature-based parks under the supervision of the TMBCI Director of Natural Resources.

35-08-01.4 Tribal DNR Director / Division of Turtle Mountain Parks & Recreation – Powers.

The Tribal DNR Director, as assisted by the Division Director / Lead Park Ranger, shall:

1. Manage all tribal DNR nature-based outdoor parks, campgrounds, recreation areas and nature reserves. This may include site selection and planning, establishment of fees and charges, establishment of hours and seasons of operation, and regulation of the conduct of guests and visitors.
2. Request personnel necessary to carry out the duties and functions of the parks and recreation division and request to fix their compensation within the levels of tribal appropriations.
3. Accept on behalf of the Tribe, donations, gifts, or grants of property for the TMBCI-DNR Parks.

4. Coordinate with the tribal government and tribal land manager to acquire or set aside any tribal or tribally leased lands under the authority and jurisdiction of the TMBCI Tribe for park expansion and for new park & recreation areas.
5. Work with other governmental agencies to apply for state or federal grants or assistance related to parks and recreations, conservation projects and park facilities to enhance the tribal parks.
6. Manage all tribal DNR park real property and buildings, equipment and DNR Parks Division property.
7. Coordinate with the Tribal Attorney and Tribal Council to adopt rules relating to the protection, care and use of tribal parks, tribal campgrounds, and tribal recreational areas or reserves. This would also include establishing speed limits, one-way roads, road, and trail restrictions to motorized vehicles or snowmobiles, and fire-prevention regulations in the parks.
8. Coordinate with the Tribal Council and Chairman, Tribal Departments, Tribal Land Manager, allotted and fee-patent landowners, trail rider groups and federal or state agencies to develop and maintain recreational trail systems.
9. Seek the advice of the tribal elders, tribal historians, Turtle Mountain Community College, and local historical society on matters relating to history, prehistory, and cultural heritage of tribal park and recreation areas and recreational trails.
10. Advise in advance and consult with the tribal historian, B.I.A. Superintendent, B.I.A. Regional archeologist, and Tribal Historic Preservation Officer (THPO) before undertaking any earthmoving projects or major constructions so that the DNR Director may be advised whether the earthmoving operations or constructions might endanger historical or archeological artifacts or the cultural value of the area. The Tribal THPO, Tribal DNR Director and the B.I.A. Archeologist shall jointly agree on the disposition of historical artifacts and archaeological material at tribal parks.
11. In the Director or Tribal DNR's discretion, designate any Tribal DNR park or tribal park campground or area within any tribal park, under the authority of the Tribal DNR, as an area within the use of alcoholic beverages is prohibited. Any person violating that designation would be guilty of a noncriminal offense.
12. Establish noncriminal penalties for violation of Tribal DNR park rules for adoption by the Tribal Council. The maximum noncriminal penalty shall be a fine of two hundred fifty dollars. Tribal Conservation Law Enforcement Officers, designated law enforcement certified Park Rangers and the Park Manager shall have the power to enforce noncriminal violations of these rules. Fines collected for violation of these rules shall be deposited in the general tribal fund in accordance with Section 35.06.280 "*Disposition of Fees, Forfeitures, Penalties*" and shall be available for expenditure in connection with the operation and maintenance of Tribal DNR park and recreation areas. The TMBCI-DNR Turtle Mountain Parks Division shall maintain a ledger of all noncriminal fines and fees collected.
13. Protect the historic, prehistoric, archeological, and cultural values of designated historic or cultural sites within Sky Chief Park and other DNR-managed park and recreation areas.
14. Make annual budget requests to the TMBCI Tribal Council and Chairman, for personnel, equipment, maintenance and repairs of park buildings, vehicle and equipment purchases, utilities, motor vehicle and equipment fuel, natural resources projects, and DNR-sponsored events, etc.

35-08-02. Natural Resources Management within Tribal DNR Parks & Recreation Areas.

Natural resources within Tribal DNR parks and recreation areas shall be managed and conserved in perpetuity for present and future generations to provide for the conservation and management of forest products and rangeland resources; wildlife habitat and plants; nature-based recreation; preservation of cultural, historical and

archeological resources and values; protection of water resources and water quality; protection and enhancement of the landscape and scenic values; and nature-based education.

Natural resources shall be managed according to an approved Tribal DNR Parks & Recreation Natural Resources Management Plan, Tribal Integrated Resource Management Plan, or approved forest management, wildlife, fisheries, rangeland, wildland fire management, or bison management plan(s).

35-08-02.1. Forest Management within Tribal DNR park and recreation areas:

Forested areas of tribal park and recreation areas, including all plants and animals in the associated ecosystems, shall be managed, and conserved in perpetuity for both forest and woodland products, as well as water quality, wildlife, and recreation. Lakes and suitable bodies of water shall be managed and stocked for fishing, water quality, wildlife, and recreation. The Tribal Director of the Department of Natural Resources shall manage the forest resources within any tribal park or recreation area, as per the guidelines in an approved TMBCI Park Natural Resources Management Plan or in the absence of a park natural resources plan, the latest TMBCI Tribal Forest Management Plan. Activities may include, but not be limited to:

1. Reforestation of previously cut, cleared or burned-over area of a park or recreation area.
2. Planting of conifers or conifer plantations, where desired, for screening and park beautification.
3. Planting of native trees and shrubs to retain park-like settings in campgrounds and picnic areas.
4. Logging of diseased, over-aged or damaged aspen for forest regeneration and ruffed-grouse habitat.
5. Clearing of hazardous understory brush, debris, and downed timber to create open park-like stands.
6. Timber thinning and timber-stand-improvement activities to improve the forest and enhance the park.
7. Retention of healthy oak and ash trees, where feasible, within tribal parks and recreation areas for shade and aesthetic purposes.
8. Removal of hazard-trees within campgrounds, picnic areas, or road and trail rights-of-way, and,
9. Where feasible and desirable, retention of "den trees", or sound/stable snags as "wildlife trees".
10. Utilization of suitable trees from regeneration-cutting areas as lumber for the Tribal DNR sawmill.
11. Restricting users and visitors from bringing in off-site firewood and set up monitoring traps to prevent the introduction of Emerald-Ash Borer (EAB) (*Agrilus planipennis*) and European Gypsy Moth/Spongy Moth (*Lymantria dispar*).
12. Control of exotic and invasive or poisonous tree and shrub species through accepted mechanical and chemical means. This shall include Common Buckthorn / European Buckthorn (*Rhamnus cathartica*), Glossy Buckthorn (*Frangula alnus*), Russian Olive (*Elaeagnus angustifolia*), Poison Oak and Poison Ivy (*Toxicodendron spp.*).
13. Coordinate with BIA Turtle Mountain Agency – Fire Management for the prevention and control of destructive forest and range (wild) fires, as well as for the use of beneficial prescribed fires for park enhancement, hazardous fuels reduction, and habitat management. Prescribed fires shall be conducted by properly trained and equipped personnel under an approved prescribed fire plan.
14. Utilize Tribal DNR personnel and equipment, as funded by B.I.A. hazardous fuels reduction or forest management funds, to conduct hazardous-fuels-reduction and forest development/regeneration thinning and forest management projects under an approved plan within identified areas of the park(s).
15. Providing DNR workers and parks staff with safety training and personal-protective-equipment to accomplish their tasks. Training may include but not be limited to chain saw and tree falling, equipment operation, basic wildfire behavior and suppression, and hazard-tree identification.

35-08-03.1. Recreation grants programs – Function.

The Director of the Tribal Department of Natural Resources (DNR) may:

1. Apply for state, federal, or private grants for recreation purposes.
2. Keep financial and other records relating to the programs and furnish appropriate officials of the United States and the State of North Dakota such reports and information as may be reasonably necessary to enable those officials and agencies to perform their duties under such programs.
3. Undertake the development of broad tribal park and recreation policies for the tribe as a whole and a long-range plan for their implementation.
4. Initiate a continuing appraisal of the total tribal recreation resources, potentials, and needs and the adequacy of current efforts to meet the demands.
5. Provide for the coordination and appraisal of related programs administered by all levels of government and by private enterprise.
6. Expend DNR funds, as appropriated, to contract out grant writing and engineering plans for park grant applications, to tribal businesses or individuals.

35-08-03.2. Expenditures through existing departments or agencies.

All tribal and state funds, grants-in-aid from federal allocations, and other moneys or funds contributed or matched, for developing or providing tribal outdoor recreation facilities and opportunities made available to Tribal DNR, must be expended through such departments or agencies using their established procedures. Direct or force construction project activities must be undertaken and conducted only after the Tribe has received such basic authorization for such work. Construction projects and major purchases must go through the Tribal Contracting Officer. Contractors will be expected to comply with Tribal Employment Rights Office requirements.

35-08-04. Employees as peace officers.

The Turtle Mountain Band of Chippewa Indians, as per the recommendation of the Director of the Tribal Department of Natural Resources may train and appoint tribal DNR personnel to tribal law enforcement officer status while they are in the employment of the Department of Natural Resources; provided however that:

- The individual has passed a standard background check, equivalent to a Tribal Law Enforcement Officer.
- The individual has been reviewed and approved for training and certification by the TMBCI Tribal Attorney.
- The individual attends and completes the required state or federal law enforcement training and certification.
- For any law enforcement trained and certified Park Rangers, the police powers are limited only to lands and waters within tribal park and recreation areas, or recreational trails administered by the Turtle Mountain Band of Chippewa Indians – Department of Natural Resources.
- While functioning within the park as a peace officer, the employee shall be in official uniform, and in an official marked Tribal DNR vehicle, watercraft, or Utility-Terrain Vehicle.

35-08-04.1. Others to aid Tribal DNR peace officers – When.

All Tribal DNR law enforcement officers may serve and execute, in the same manner as any tribal police officer, all warrants and legal process issued by the tribal court in enforcing this chapter. The officers and park rangers of the department of natural resources may call to their aid any tribal or federal B.I.A. law enforcement officer, county sheriff, or deputy sheriff, or other person to enforce this chapter.

35-08-05 Services Provided and Charges for Services.

The Tribal Director of the Department of Natural Resources may provide special services, within tribal parks, tribal campgrounds, tribal recreation areas, and reserves; provide special technical assistance services; and to make rules for the use of those services. The Director shall establish and cause to be collected charges, fees, and rentals for the use of those special services. Specifically, the Director may, for any waters and lands administered by the TMBCI Department of Natural Resources:

1. Provide special parking space for automobiles or other motor driven vehicles in any tribal park or tribal recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for the space according to the daily rate which must be determined and fixed charged for the space according to the daily rate which must be determined and fixed by the DNR director consistent with the type of facility provided for the accommodation of visitors in the park with similar facilities offered for tourist camping in the area.
3. Provide water, sewage disposal, and electric service to trailer and tent campsites and buildings and structures included in projects authorized by the TMBCI Tribal Council.
4. Provide facilities and allow for the sale to the public of food, nonintoxicating beverages, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the use of food vendors or the rental/lease of a building, structure and facilities to a tribal concessionaire to be operated on the terms and compensation basis as the DNR Director determines to be in the best interest of the TMBCI Tribe. The duration of a concession agreement may not exceed ten years. A bond may be required of each concessionaire in the amount the DNR Director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
5. The sale of beer, wine, cigarettes, and vaping devices shall be prohibited within the park or by operating concessionaires on any property or park and recreation area under the management of the Tribal Department of Natural Resources.
6. Charge and collect motor vehicle permit fees for the use of the park, as authorized under Section 35-08-06. Fees shall be forwarded to the Tribal Treasurer to be placed in the Tribal General Fund in accordance with Section 35.06.280.

35-08-06. Permits for motor vehicles, park visitors and their guests.

1. The Director of the Tribal Department of Natural Resources may establish separate daily and annual park entrance fees for any motor vehicle owned or operated by any tribal or non-tribal members. Once the park entrance fees are established, one may not enter or be permitted to enter any tribal park, tribal outdoor recreational area, or reserve unless the operator of the vehicle displays upon request a permit issued as provided in this chapter. Permits shall be of a size, form, and character as the DNR Director prescribes, and the DNR Director shall procure permits for each calendar year which by appropriate language must grant permission to use or enter any tribal park, tribal recreation area, or reserve.
2. Annual motor vehicle park permits shall be issued for the calendar year and shall be available for sale no later than December 1st preceding the following calendar year. Permits in each category must be numbered consecutively for each year of issue.
3. A permit fee must be established by the Tribal DNR Director each year before being placed on sale as prescribed by subsection 1:

- a. **Temporary Vehicle Permits.** Permits of appropriate special design may be sold individually at a fee established by the DNR Director and for a designated period of not more than three days. Separate fees may be established for tribal versus non-tribal members.
 - b. **Annual Vehicle Permits for Tribal Elders.** The DNR Director may authorize a free annual permit to any tribal member who is sixty-five years of age or older and who applies for a permit.
 - c. **Annual Vehicle Permits for Military Veterans, National Guard Members and First Responders.** The DNR Director may authorize a discount on the sale of annual permits to any resident of North Dakota who is either a military veteran; active member of the North Dakota National Guard; or a volunteer member of a fire, rescue, or ambulance service displaying a "First Responder" license plate; and who applies for a permit.
4. The fees collected must be deposited in the General Tribal Fund in accordance with Section 35.06.280 unless authorized as follows:
- a. The DNR Director may exempt vehicles and personnel of other agencies, volunteer organizations, area schools, Turtle Mountain Community College, and emergency response personnel, cooperating with or conducting official business within any tribal park, recreation area, designated recreational trail, or reserve, while on official business or training.
 - b. The Tribal DNR Director may exempt all or any part of any tribal park, tribal recreation area, or reserve from the requirement of the motor vehicle permit and fee, for any activity or period, when in the tribal DNR Director's judgement it is desirable to do so.

35-08-07. Rental and Fees for developed tent, vehicle, and RV camping sites.

- 1. Unless authorized by the Director of the Tribal Department of Natural Resources, no person or persons are permitted to utilize or park their vehicle(s) within any developed modern RV or developed tent camping sites or utilize any reserved park buildings and facilities within any tribal park or tribal outdoor recreational area unless the person or operator of the vehicle has a camping permit for a reserved area, issued by the TMBCI-DNR Parks Division.
- 2. Camping and Facility Permits shall be of a size, form, and character as the DNR Director prescribes, and the DNR Director shall procure permits for each calendar year which by appropriate language must grant permission to use or any developed camp site, camping cabin, or for reserved park buildings and facilities as per subsection 35-08-05 within any tribal park or tribal recreation area.
- 3. The Tribal DNR Director shall establish campground facilities and designate reserved park buildings and facilities for which a reservation and permit is required.
- 4. The Tribal DNR Director may establish permit fees for tribal versus non-tribal members, as per subsection 35-08-05.
- 5. The Tribal DNR Director may establish and require a damage deposit for the use of any buildings or facilities, at his discretion.

35-08-08. Compliance with Federal Law.

Nothing in this Chapter authorizes any person to violate any Federal Law or Regulation.

35-08-09. Sovereign Immunity Preserved.

Nothing in this Chapter shall be interpreted as a waiver of the Turtle Mountain Band of Chippewa Indians sovereign immunity from unconsented lawsuit, or as authorization for claim for money damages against the Tribe.

35-08-10. Use of Funds Deposited in the General Tribal Fund under Section 35.06.280.

(a) All fees resulting from the sale of park-use permits, temporary and annual vehicle park permits, park campground and cabin, facility or equipment fees or rentals, forfeitures or penalties collected for violations of park-use rules, shall be deposited in the Tribal General Fund as per Section 35.06.280 *Disposition of Fees, Forfeitures, Penalties*.

(b) In addition to being available for expenditure in connection with the conservation and protection of the fish and wildlife of the Turtle Mountain Tribe, any funds collected under 35-08-10 (a) shall also be made available for expenditure in connection with the operation, maintenance, and improvement of Sky Chief Park as well as other nature-based parks managed under the TMBCI-DNR Turtle Mountain Parks Division.

(c) The TMBCI DNR Turtle Mountain Parks Division shall, within twenty days after payment is received under the provisions of this Code, remit to the Tribal Treasurer all park-use permit and rental fees collected.

TITLE 35 – FISH AND GAME

CHAPTER 35.08.02 TRIBAL DEPARTMENT OF NATURAL RESOURCES - PARK USE RULES AND PENALTIES

Section

- 35-08-02-01 Authority
- 35-08-02-02 Definitions
- 35-08-02-03 Rules Enforcement Policy – Fees
- 35-08-02-04 Public Behavior
- 35-08-02-04.1 Disorderly Conduct in a Tribal Park, Tribal Recreation Area, or Tribal Recreational Trail
- 35-08-02-05 Limitation of Cabin, Dormitory, or Campsite Occupancy
- 35-08-02-06 Camping and Camping Equipment
- 35-08-02-07 Park Roads, Trails, and Vehicle Use
- 35-08-02-07.1 Garbage, glass, rubbish, and injurious materials on park roads, trails, or fire breaks.
- 35-08-02-08 Sanitation
- 35-08-02-09 Animals
- 35-08-02-09.1 Pesticide Use
- 35-08-02-10 Destruction of Property
- 35-08-02-11 Building and maintaining a fire – Cutting firewood.
- 35-08-02-12 Firearms, dangerous devices, dangerous weapons, bows and arrows, slingshots, and BB guns.
- 35-08-02-12.1 Fireworks
- 35-08-02-13 Fees and Permits
- 35-08-02-14 Closed Areas and Closing Hours
- 35-08-02-15 Hunting, Chasing or Harassing Wildlife
- 35-08-02-16 Fishing
- 35-08-02-16.1 Aquatic Nuisance Species (ANS).
- 35-08-02-17 Metal Detectors
- 35-08-02-18 Unmanned Aircraft Systems
- 35-08-02-19 Advertising, Special Events, and Authorized Concession Operations
- 35-08-02-20 Swimming Areas, Boat Ramps, and Marinas
- 35-08-02-21 Operation of a snowmobile or off-highway vehicle within a tribal park or recreation area.
- 35-08-02-22 Rules for Operation of Snowmobile, ATV, UTV or Off-Highway Vehicle in a tribal park, recreation area, or recreational trail system.
- 35-08-02-23 Alcoholic Beverages
- 35-08-02-24 Controlled Substances – Zero Tolerance Policy.

35-08-02-01. Authority - Citations

1. These tribal parks use rules and regulations apply to all tribal parks, tribal recreation areas and designated recreational trails, under the authority and jurisdiction of the Turtle Mountain Band of Chippewa Indians. The authority to make these rules is granted pursuant to the TMBCI Tribal Code sections 35-08-01.4 and 35-08-05.
2. All violations of this Section under Title 25 may be issued through a citation for Class 1, 2 and 3 noncriminal offenses with a sum of twenty-five dollars (\$25), fifty dollars (\$50), and one-hundred dollars (\$100) respectfully; the requirement of a criminal complaint that is set forth in Title 1 of the Turtle Mountain Band of Chippewa Criminal Procedure Code is not required.
3. Non-Indian(s) within the territory and jurisdiction of the Turtle Mountain Tribe shall be subject to a non-criminal citation of a sum of not less than twenty-five dollars (\$25) but no more than two-hundred fifty dollars (\$250) and shall be responsible for the restitution associated with any of the offenses enumerated in this Section.
4. For any violations within a tribal park, tribal recreation area or recreational trail, verbal or written warnings, or non-criminal citations under Title 35 Section 8-02 may be issued by the TMBCI Tribe Department of Natural Resources Conservation Law Enforcement Officer (CLEO), a designated law - enforcement certified Park Ranger, or the Park Manager / Lead Park Ranger in accordance with Title 35 Section 35-08-04.
5. Nothing in this Title and Section shall be intended or implied to limit the authority or the jurisdiction of any Federal or Tribal law enforcement officers from enforcing traffic laws, criminal laws or game and fish laws, including issuing citations and making arrests, under the U.S. Code or TMBCI Tribal Code within any tribal park, tribal recreation area, or tribal recreational trail.
6. The Director of the Department of Natural Resources, Park Manager/Lead Park Ranger or designated Park Ranger in Charge may expel any person or persons from the lands under the management of the Department for violations of any tribal law, administrative park rule, or posted park rules and regulations. Persons expelled are not eligible for refunds.

35-08-02-02. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Camping unit" means any vehicle or shelter specifically used for sleeping in upon a portion of tribal land or water designated as a campsite.
2. "Campsite" means any area so designated by the Tribal Department of Natural Resources for the express purpose of camping. A campsite will generally include the following items: parking pad, picnic table, campsite marker, and fire ring.
3. "Department" or "DNR" means the TMBCI Tribal Department of Natural Resources.
4. "Fireworks" means any device consisting of a combination of explosives or combustibles, set off to generate colored lights, smoke, or noise for amusement.
5. "Immediate family" means parent, parents, or guardian and their children under the age of eighteen.
6. "Lead Park Ranger" means the supervisory park ranger of the Tribal Department of Natural Resources, who supervises and tribal park rangers and is responsible for the day-to-day activities of the Tribal DNR – Turtle Mountain Parks & Recreation Division.

7. "Occupied campsite" means a campsite where a valid camping permit is affixed to the campsite marker and a camping unit is onsite. If a camping unit is not onsite, a campsite is not occupied unless specific permission for leaving the campsite has been given by park personnel.
8. "Off-Highway Vehicle" means any All-Terrain-Vehicle (ATV), Utility-Terrain-Vehicle (UTV) or "side-by-side", off-road motorcycle, "minibike" or "dirt bike", designed primarily for recreational purposes and off-road use, and includes two-wheel, three-wheel, and four-wheel vehicles. This definition does not include any vehicle licensed by the state or tribe for travel on public roads.
9. "Park Manager" means the individual responsible for the administration of a tribal park. The Tribal DNR "Lead Park Ranger" shall have the same authority and management responsibilities as a Park Manager.
10. "Park Ranger" means an employee of the TMBCI – DNR – Turtle Mountain Parks & Recreation Division who, under the direction and supervision of the Tribal DNR Lead Park Ranger or DNR Director ; patrols and maintains the tribal park, recreation area, or recreational trail; ensures the safety and well-being of park users and visitors and informs them of the park rules and regulations; enforces park regulations by gives verbal warnings to violators of park regulations; assists in the construction and maintenance of park facilities; assists in teaching nature-based educational programs; clears and maintain trails within the park; and assists with the management of park natural resources, ecosystems, wildlife, and recreational resources. The individual does not have "peace officer" law enforcement status unless so trained and commissioned to do so.
11. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than one thousand two hundred pounds [544.31 kilograms], driven by track or tracks in contact with the snow, steered by a ski or skis in contact with the snow, and which is not wider than forty-eight inches [121.92 centimeters].
12. "Swimming Area" means an area, marked by buoys, ropes, signs, or floats, or other United States Coast Guard approved devices, in which swimming is allowed, including the adjacent beach and/or designated land area.
13. "Trail" means any path or route managed by the TMBCI Tribal Department of Natural Resources for nonmotorized or off-highway vehicle (OHV) recreational activities to include single-path walking, hiking or biking trails; two-track trails; snowmobile trails; ATV/OHV trails, fire break trails, interpretive trails, winter snowshoe or cross-country ski trails; and paved non-motorized ADA trails for wheelchair use.
14. "Tribal Park" or "Tribal Recreation Area" refers to any lands or waters managed for recreational use or for wildlife habitat by the TMBCI Department of Natural Resources – Turtle Mountain Parks Division.
15. "Unmanned aircraft system" or "UAS" means an unmanned aircraft or "drone" and the equipment necessary for the safe and efficient operation of that aircraft.

35-08-02-03. Rules enforcement policy – Fees.

All rules of the Tribal DNR – Turtle Mountain Parks & Recreation Division will be enforced within the tribal park or tribal park and recreation area boundaries. Individuals violating these rules may receive a verbal or written warning, an administrative complaint, a civil summons and complaint in Tribal court, a criminal complaint and warrant or summons in Tribal court, or loss of park privileges. Fees for violation of noncriminal park rules and regulations under this chapter shall be:

- Class one (1) – twenty-five (\$25).
- Class two (2) – fifty dollars (\$50).
- Class three (3) – one-hundred dollars (\$100).

Comment period issue-Resolution No. TMBC1507-09-24

- Fees for violations not specifically noted shall be two-hundred fifty dollars (\$250).

Fines collected for violation of these rules shall be deposited in the general tribal fund in accordance with Section 35.06.280 "*Disposition of Fees, Forfeitures, Penalties*" and shall be available for expenditure in connection with the operation and maintenance of Tribal DNR park and recreation areas. The TMBCI-DNR Turtle Mountain Parks Division shall maintain a ledger of all noncriminal fines and fees collected.

No person with any unpaid fees or fees for park violations shall be allowed back on the park premises, until such time as when their fee is paid in full.

35-08-02-04. Public Behavior.

1. The hours between eleven o'clock p.m. and seven o'clock a.m. are designated as quiet hours. Activity or noise levels that interfere with the peace and quiet of the park and result in complaints constitute a class 2 noncriminal offense (\$50) under this subsection.
2. Violation of any tribal law or of park rules and regulations of the Tribal Department of Natural Resources by a member or guest of a member, non-member, or guest of a non-member of a camping party, is cause for revocation of the camping permit and eviction from the property. Persons evicted are not eligible for refunds.

35-08-02-04.1. Disorderly Conduct in a Tribal Park, Tribal Recreation Area, or Tribal Recreational Trail

1. Unless otherwise specified in this subsection by rule or statute, Disorderly Conduct is governed as per TMBCI Tribal Code Title 26 Chapter 13, Section 26.13.120 *Disorderly Conduct*.
2. Within any tribal park, lake, tribal recreation area, or tribal recreational trail; it is unlawful for a person or group of persons to purposely cause public inconvenience, annoyance, or alarm, or recklessly create a risk or dangerous situation by:
 - a. Engaging in conduct, with the intent to cause public alarm, public nuisance, jeopardy, or violence; or knowingly or recklessly creating a risk thereof by any means. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
 - b. Engaging in fighting, threatening someone, or engaging in violent behavior. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
 - c. Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
 - d. Makes noise that is unreasonable, considering the nature and the purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
 - e. Creates or maintains a hazardous or physically offensive condition by any act. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).

- f. Taking control of a park, park facility without specific authorization or refusing to vacate after being ordered to do so. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
 - g. Obstructing entrance or exit from a park, park facility or interfering with the normal use of the park or park facility by blocking etc. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
 - h. Refusing to abide by the directions or instructions when verbally advised of violations of park rules by the park manager, park rangers or park employees in the performance of their duties; directly or indirectly threatening or intimidating a park manager, park ranger or park employee in the performance of their duties. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
3. Serious violations of this subsection will be immediately reported to law enforcement.
 4. Violation of this subsection by a member or guest of a member of a camping party is cause for revocation of the park permit and/or camping permit and eviction from the property by the park manager or park ranger in charge. Persons evicted are not eligible for refunds.
 5. At the discretion of the DNR Director, Park Manager or Lead Park Ranger; serious or repeat violators may lose seasonal or permanent park privileges and be banned from the park, accordingly, in each situation.

35-08-02-05. Limitation of cabin, dormitory, or campsite occupancy.

1. A person or group of persons may not occupy any cabin, dormitory, or campsite for more than fourteen days within any thirty-day period without the written permission of the Tribal DNR Director, or designated park manager. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
2. When a park manager determines that a person or group is not utilizing a campsite or overnight facility for a true recreational purpose, that person, group of persons, or unit may not occupy any cabin, dormitory, or campsite for more than three days. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
3. Overnight visitors must comply with date and time expirations listed on their vehicle permit. Additional vehicles at a cabin or campsite will be charged the day use fee for each day in the park. Any person who violates this section is guilty of a class 1 noncriminal offense (\$25).
4. Only one camping unit with a maximum of six persons or the immediate family members shall be permitted on each single campsite except with the permission of the park manager. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
5. Children under the age of eighteen must be accompanied by an adult to occupy a campsite or cabin in a tribal park, unless written permission is granted by the park manager. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
6. A person may not use campground shower facilities in any tribal park unless the person is a registered overnight customer or has purchased a special shower pass along with a vehicle permit. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).

35-08-02-06 Camping and camping equipment.

1. A person may not camp in an area not designated as a campsite. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
2. No person may take or attempt to take possession of a campsite when it is an occupied campsite, or when informed by park personnel that such site is an occupied campsite, or when the site is posted with a "Reserved" sign. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
3. All non-reserved campsites are available on a first-come, first-served basis. Campers must immediately establish an occupied campsite following purchase of a camping permit. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
4. All camping sites are restricted to one camping unit per campsite unless designated as a multiple or group site. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
5. No camping party may move from one assigned site to another campsite without permission from the park manager. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
6. Camping equipment or setup may not damage the campsite. The use of portable kennels and swimming pools must be approved by the park manager. Pools may not exceed six feet in diameter and eight inches in depth. Digging of sod, soil, or gravel to accommodate camping or camping equipment is prohibited. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
7. Generator usage hours are from seven o'clock a.m. to eleven o'clock p.m. This usage is allowed on a campground-by-campground basis. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
8. As per TMBCI Tribal Code Title 35 Chapter 4 Section 35.04.040 *Camping*, subsection (b) (3), no person shall camp within one-quarter (1/4) mile of a wildlife or livestock watering hole, or in any area which is posted as a "No Camping" area. Anyone violating 35.04.040 shall be guilty of a Class One Civil Offense.
9. Unless otherwise specified in this subsection by rule or statute, activities in tribal parks and campgrounds are governed as per TMBCI Tribal Code Title 35 Chapter 4, Section 35.04.100 *Prohibited Activities: Occupation and Use*. "Prohibited Activities" are as follows:
 - (a) Except as otherwise permitted in this code, in addition to all other activities prohibited by this Code, the following acts are unlawful.
 - 1) Building, attending, maintaining, or using a fire outside of a stove, grill, fireplace, or fire ring.
 - 2) Possessing, discharging, or using any kind of fire-work or other pyrotechnic device.
 - 3) Failing to remove all camping equipment or personal property when vacating an area or site.
 - 4) Occupying any portion of a recreation site for other than recreation purposes.
 - 5) Occupying a place designated for day use only between the hours of 10 p.m. and 6 a.m.
 - 6) Entering or remaining in a camping area between 10 p.m. and 6 a.m. except to camp or visit a person who is camping.
 - 7) Moving any campground equipment without the owner's consent.
 - 8) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.
 - 9) Cleaning or washing any food, personal property, fish or other animal, or bathing or washing at a hydrant or water faucet not provided for that purpose.
 - 10) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical

instrument, motor, or engine in such a manner and at such a time so as to unreasonably disturb any person.

- 11) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site, or over an adjacent body of water without written permission from the Department.
- 12) Posting, placing, or erecting any paper, notice, advertising material, sign, or similar matter without written permission from the Department.
- 13) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.
- 14) Parking or leaving a vehicle in violation of posted instructions.
- 15) Being publicly nude.
- 16) Entering a Closed Area.
- 17) Entering any Special Use Area without a proper Special Use Permit.

(b) Violation of Subsection (a) Shall be a Class 1 noncriminal offense (\$25).

(c) Except as otherwise permitted by this Code, in addition to all other activities prohibited by this Code, the following acts are unlawful:

- (1) Allowing any unleashed dog or dog, [not] on a leash [no] longer than 8 feet, to roam within any campground, or populated or public area.
- (2) Depositing body waste except into receptacles provided for that purpose.
- (3) Abandoning any personal property.
- (4) Abandoning or leaving a fire unattended.
- (5) Using any pesticide except for personal use as an insect repellent or as allowed with written permission by the Department.

(d) Violation of Subsection (c) shall be a Class 2 noncriminal offense (\$50).

(e) Except as otherwise permitted by this Code, in addition to all other activities prohibited by this Code, the following acts are unlawful within the boundaries of the Turtle Mountain Indian Reservation.

(1) Disobeying a lawful order of an Authorized Officer. In addition, any able-bodied person who, without good reason, refuses to render assistance when summoned by an Authorized Officer to suppress range or forest fires within the Reservation, shall, pursuant to Section 35.06.270, forfeit all rights, privileges, leases and permits granted by the Tribe.

(2) Discharging a firearm or using any pyrotechnic device:

(a) In or within one quarter mile of a residence, building, campsite, developed recreation site or occupied area: or

(b) Across or on a roadway, or within one quarter mile of a roadway, or in any manner or place whereby any person or property is exposed to injury or damage because of such discharge or use.

(f) Violation Subsection (e) shall be a Class 3 noncriminal offense (\$100).

35-08-02-07. Park roads, trails, and vehicle use.

1. The use of off-highway vehicles on tribal lands is regulated by the Tribe under Title 35 *Fish & Game* Chapter 35.04 *Recreational Activities*, 35.04.020 *Regulation of Motor Vehicles*.
2. All traffic control devices posted within the park, including those located at entrance stations, must be obeyed. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
3. No person may operate a vehicle at speeds exceeding the posted speed limit, or at a speed which is reasonable and prudent for the conditions. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
4. No person may operate any motorized or nonmotorized vehicle beyond the roads and trails built and maintained for the operation of that specific vehicle. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
5. Unless specifically designated, off-highway vehicles are not permitted to operate within tribal parks or on trails within the tribal parks. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
6. No person may use a trail that has been closed for public use by DNR personnel or in a manner that impedes traffic. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
7. No person may park any vehicle, camper, or trailer in any area not specifically designated for parking or in a manner that impedes traffic. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
8. The Department of Natural Resources may provide signed permanent or temporary parking places for persons with mobility impairments. No person may park in such a space without a valid permit or handicapped tag on their vehicle. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
9. No person may park or leave a vehicle, camper, watercraft, or other equipment in a designated storage area without a valid storage permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
10. Groomed, designated, and posted cross-country ski trails are for the exclusive use of cross-country skiers. Walking, pets, or any activity that may interfere with the groomed and tracked surface shall be a violation. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
11. No person may abandon any vehicle, truck, camper, trailer, ATV, snowmobile, or other motor vehicle upon any tribal parks or park and recreation areas. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50). In addition, the park manager is authorized to have the vehicle towed from the premises.
12. No person may smoke or ignite any substance along any trail. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-07.1. Garbage, glass, rubbish, and injurious materials on park roads, trails, or fire breaks.

1. An individual may not deposit upon any park road, park trails, fire breaks, road right-of-way or upon any snowmobile or off-highway vehicle trail maintained by the Tribal DNR any glass bottle, glass, nails, tacks, wire, cans, rubbish, or any other litter. In addition, an individual may not deposit upon any park road, trail, fire break or right-of-way any other substance likely to injure a person, animal, or vehicle. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

2. An individual who deposits, or permits to be deposited, upon a park road, trail, fire break, snowmobile, or off-highway vehicle trail, a destructive or injurious material shall immediately remove or cause to be removed the material. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-08. Sanitation.

1. Unless otherwise specified in this chapter, Sanitation on tribal lands is governed under the TMBCI Tribal Code Title 35 Fish & Game Chapter 4 Section 35.04.110 *Prohibited Activities: Sanitation*.
3. It shall be unlawful for any person to fail to dispose of all garbage or refuse from their camp site or picnic site, including any paper, can, bottle, plastic, tobacco products, or rubbish, either by removal from the park, or by depositing it into park receptacles or provided for such purposes.,. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50). See Title 35 subsection 35.04.110 (2).
4. In accordance with Title 35 subsection 35.04.110 (1). - No person shall place in or near a stream, lake, or other water any substance, which does or may pollute a stream, lake, or other water. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
5. In accordance with Title 35 subsection 35.04.110 (3), it shall be unlawful for any person to deposit in any toilet, toilet vault, or plumbing fixture within any tribal park, recreation area, or tribal trail facility; any substance which could damage or interfere with the operation or maintenance of the fixture. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
6. Fish cleaning is only allowed in designated areas of the park. Only fish, including bait fish, may be cleaned, or deposited at designated fish cleaning stations. If no cleaning station is available, game and fish remains, including bait fish, must be removed from the park. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
7. It is unlawful to place refuse generated outside the tribal park into park trash receptacles or dumpsters. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
8. Sewage holding tanks must be dumped in designated dump stations. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).
9. Gray water must be dumped in designated dump stations. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
10. Trash must be deposited in park dumpsters or other container provided for refuse. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).

35-08-02-09. Animals.

1. Unless otherwise specified, in statute or rule in this subsection, animals and pets are governed under the TMBCI Tribal Code *Title 10 Animals and Rabies Control*.
 - a. Under Title 10 subsection 10.10.110, it shall be prohibited to allow any Pit Bull, Rottweiler, or Doberman Pinscher breed of dog within the Turtle Mountain Reservation, to include any tribal park, tribal campground or picnic area, tribal recreation area, or recreational trail. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).
 - b. No person may bring into any tribal park or tribal recreation area, any dog or cat that has not been vaccinated for rabies by a licensed veterinarian or in accordance with Title 10 *Animals and Rabies Control*. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).

2. Unless otherwise specified, in statute or rule in this subsection, hazardous or nuisance animals (including rabid animals) in or near any tribal campground that are immediately dangerous to the life and health of park staff, visitors and users are governed under the TMBCI Title 35 Chapter 5 subsection *35.05.140 Hazardous or Nuisance Animals in Campgrounds, etc.; Report; Abatement Plan; Protection of Persons*. Any dangerous or nuisance animal will be immediately dealt with by the tribal DNR staff, DNR game warden (CLEO), or by law enforcement.
3. Pets shall be personally always attended to and shall be effectively restrained by a portable enclosure or a leash not exceeding eight feet (8ft.) in length. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
4. No person may keep a noisy, vicious, or dangerous pet or other animal, or one which is disturbing to other persons, in a tribal park or recreation area. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).
5. Pet waste must be bagged and disposed of in an appropriate waste container. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
6. Animals are not allowed on any designated swimming areas, playgrounds, in buildings, or other posted areas in a tribal park, except for service animals, as defined in North Dakota Century Code section 25-13-01.1 for assistance. Any person who violates this is guilty of a class 1 noncriminal offense.
7. No person may tie or hitch any animal to a tree or plant. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
8. No person may bring riding or pack animals onto a site or trail which has not been developed and maintained to accommodate riding or pack animals. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
9. All riding or pack animals must be restrained and under control. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
10. Horse waste and hay must be removed daily from all areas except designated horse trails. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).

58-08-02-09.1 Pesticide Use.

Unless approved by the director of Tribal DNR, no person shall apply, or allow to be applied, any pesticide, within a tribal park, campground, or picnic area unless it is formulated and labelled for household use only. No person may apply any restricted-use pesticides within a tribal park, campground, or picnic area, except for licensed persons under the supervision of the tribal DNR for the control of noxious/invasive weeds. If applying an authorized treatment, the treatment must not infringe on people or property in adjacent use areas. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).

35-08-02-10. Destruction of property.

1. No person may destroy, in any manner, any native wild tree, shrub, or animal. Any person who violates this is guilty of a class 1 noncriminal offense (\$25). This shall not apply to noxious or invasive plant species.
2. No person may destroy, deface, or remove, or disturb, in any manner, any real, personal, or public property, including park facilities, park buildings, equipment, campgrounds and picnic areas, park signs,

gates and fences, as well as historical or cultural artifacts. Any person violating this subsection is guilty of a noncriminal offense with a fee of two-hundred fifty dollars (\$250).

3. This shall not apply to the collection of edible fruit, berries, plants, mushrooms, or medicinal plants, or for scientific studies or biological surveys of plants or animals as authorized by the Tribal DNR.

35-02-08-11. Building and maintaining fires – Cutting firewood.

1. Except by permission of the park manager, no person may build a fire outside of stoves, grills, fire rings, or other places provided for building a fire. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
2. All fires must be always attended to by a person eighteen years of age or older. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
3. Before abandoning any fire, it must be completely extinguished and cold to the touch. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
4. No person may negligently allow a campfire set, maintained, or allowed by them at their camp or picnic site to escape control. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
5. All firewood must be sized to fit the fire rings provided. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
6. Firewood collection of other than dead fallen woody material is prohibited in a tribal park or recreation area without a special permit. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
7. No person may bring off-site firewood into any tribal park or recreation area. This is to prevent the introduction of invasive species like Emerald Ash Borer, Elm Bark Beetle, Spongy Moth, etc. Any person who violates this provision is guilty of a class 2 noncriminal offense (\$50).
8. Use of chainsaws to collect firewood is prohibited without special authorization from the park manager. Authorized gasoline-powered chain saw operation in the park is limited to 7 o'clock a.m. to 11 o'clock p.m. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
9. Burning of lumber with nails, staples, or other metal is prohibited. Burning of treated wood, plastics, rubber tires, or any putrid waste which could give off noxious smoke or odors is prohibited. Any person who violates this is guilty of a class 1 noncriminal offense (\$25).
10. In accordance with Title 35 Section 35-04.090 subsection (6), no park user, park visitor, campsite or picnic area user may cause any fire to be lit, other than a recreational campfire, warming fire, or cooking fire. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).
11. If at any time that the burning conditions in the park become too dangerous, too windy, or too dry to allow the building of campfires; and the person has been so advised of that by the park staff; no person may start, build, or maintain any fire except in a charcoal or gas grill within an area complete devoid of vegetation or flammable materials. Any person who violates this is guilty of a class 2 noncriminal offense (\$50).
12. Escaped fires - Within any tribal park, tribal recreation area, or recreational trail site, no person or persons may start, build, maintain, suffer, or allow any campfire or recreational fire and:
 - a. Negligently allow their fire to escape from the site; or
 - b. To Fail to make every effort to report, control and extinguish an escaped fire.Any person violating this subsection shall be guilty of a class 3 noncriminal offense (\$100).

35-08-02-12. Firearms, dangerous devices, dangerous weapons, bows and arrows, slingshots, and BB guns.

1. Unless otherwise specified, in statute or rule in this subsection, firearms, dangerous weapons, and dangerous devices are governed by the TMBCI Tribal Code Title 26 Chapter 26.19 *Weapons Offenses*.
 - a. *(fff) "FIREARMS" means pistols, revolvers, rifles, shotguns, and any device that is capable of being used as a weapon because it expels a projectile by some means of force. A firearm or other weapon shall be deemed "loaded" when there is an unexpended cartridge, shell, or projectile in the firing position, except in the case of pistols and revolvers in which case they shall be deemed "loaded" when an unexpended cartridge, shell or projectile is in such position as could be fired by one or more pulls of the trigger.*
 - b. *(kk) "DANGEROUS WEAPONS" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object or thing, the character of the wound produced, if any, and the manner in which the instrument, item or thing was used shall be determinative. This includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, or dagger; any throwing star, nunchaku, or other martial arts weapon, any billy club, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slingshot; any bow and arrow, crossbow, or spear; any stun gun; and any projector of a bomb or many object containing or capable of producing and emitting any noxious liquid, gas, or substance.*
 - c. *(jj) "DANGEROUS DEVICE" means any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or flammable substance, chemical, or compound, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or under conditions or in a manner calculated to endanger health, life, limb, or property.*
2. As per the TMBCI Tribal Code 35 Fish & Game Chapter 35.05 Section 35.05.160 *Prohibited Devices*. Possession or use of any of the following devices within a tribal park or tribal recreational area shall be unlawful:
 - 1) Any explosive, incendiary or poison gas including but not limited to a bomb, grenade, rocket having a propellant charge of more than four ounces, or mine.
 - 2) Any device designed, made, or adapted to muffle the report of a firearm (i.e., "silencer").
 - 3) Any firearm that is capable of shooting more than one shot automatically by a single function of the trigger without manual reloading.
 - 4) Any rifle, with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than twenty-six inches.
 - 5) Any breakable container (Molotov cocktail) which contains a flammable liquid with a flash point of one hundred fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.
 - 6) Any crossbow, except for use by an Authorized Officer, or disabled person.
 - 7) Any magazine capable of holding more than five rounds of ammunition.
 - 8) Any night vision scope or other night vision apparatus, except for use by an Authorized Officer.
 - 9) Any combination of parts or materials designed and intended for use in making or converting a device into an item set forth in Subsection (a)(1) or (a)(5) of this section (35.05.160).

Any person who violates this subsection within a tribal park, in addition to a Class Four Civil Offense as per Title 35 35.05.160 (b), shall be guilty of a noncriminal offense with a \$250 fee.

3. No person may discharge or set off within any tribal park, tribal recreation area, campground, or picnic area any firearm, bow and arrow, slingshot, BB gun, or self-propelled rocket. Any person who violates this is guilty of a class 3 noncriminal offense (\$100).
4. Except for law enforcement officers, employees of the Tribal Department of Natural Resources as authorized by the Director, and individuals with a valid tribal issued concealed weapons permit, the possession of any firearm, dangerous device, or dangerous weapon, as defined in TMBCI Title 26 Chapter 26.19 *Weapons Offenses*, is prohibited. Any person who violates this is guilty of a criminal offense under TMBCI Tribal Code Title 26.19 and may also lose seasonal or permanent park privileges in accordance with 35-08-02-04.1. (5).
 - a. This shall not apply to axes and hatchets for firewood collection.
5. An individual who is not otherwise prohibiting from possessing a class 2 firearm and dangerous weapons license under the TMBCI Tribal Code Title 26, chapter 26.19 *Weapons Offenses*, may carry a concealed firearm within a tribal park, tribal campground or picnic area, or tribal recreation area ONLY in accordance with the TMBCI Tribal Code Title 26.19.220 *License to Carry a Firearm or Dangerous Weapon Concealed*. Any person violating this subsection is guilty of a criminal offense under TMBCI Tribal Code Title 26.19 and may also lose seasonal or permanent park privileges in accordance with 35-08-02-04.1 (5).

35-08-02-12.1 Fireworks.

No person may discharge or set off any form of fireworks, bottle-rockets, smoke grenades, firecrackers, roman-candles, or other explosive projectiles within any tribal park or tribal recreation area, unless authorized by the Tribal DNR Director. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-13 Fees and Permits.

1. Unless otherwise specified, in statute or rule in this subsection, recreational permits are governed under the TMBCI Tribal Code Title 35 Fish & Game Chapter 35.03 *Permits*.
2. No person may evade or attempt to evade any fee or other charge that may be levied for admission to or use of any tribal park or facility contained therein. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
3. Park visitors must immediately register at the park office or entrance station or utilize the self-registration facilities, when available, to secure a valid vehicle or camping permit. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
4. While in the park, visitors must have their daily entrance permits or annual entrance permits prominently displayed in the lower left-hand corner of their vehicle or camping unit windshield unless otherwise instructed by park staff to be validly registered for admission. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
5. Camping permits must be placed on the campsite marker specifically provided for that purpose. If no campsite marker is provided, the permit must be conspicuously displayed on the camping unit or on a vehicle parked on the campsite. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).

6. The annual entrance permit may only be used on vehicles registered to the owner of the permit as listed on the Tribal DNR's own annual vehicle permit log. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
7. Daily vehicle permits used for day use activity expire at 11 o'clock p.m. on the day of purchase. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
8. The permits are neither refundable, transferable, nor assignable.

35-08-02-14. Closed Areas and Closing Hours.

1. No person may enter or use a campsite or other area which is closed for use. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
2. No person may be admitted or allowed to remain in any tribal park after the designated closing hour except for the purpose of camping, dormitory, and cabin rentals, unless the person has permission from the park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
3. As per TMBCI Tribal Code Section 26.16.040 *Trespass at Lakes*, no person shall remain on any lakes or bodies of water within any tribal park between the hours of 11 o'clock p.m. to ½-hour before sunrise, any day of the year. This shall not apply to the shore areas for permitted individuals and their guests camping along the lake(s). The lakes or bodies of water shall be closed upon notification of a thunderstorm warning, declared by the National Weather Service, or during any pending lightning activity. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
4. No person may enter any tribal park or recreation area or use any campsite which is closed by park personnel due to a fire emergency or during a prescribed fire being conducted within the park. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50). In the event of a fire in the park, daily use or camping permits are refundable.
5. The Buffalo (Bison) Park areas and trails shall be closed to public use. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-15. Hunting, Chasing, and Harassing Wildlife.

- 1) No person may hunt, trap, pursue, chase, catch, kill, or harass any wild bird or wild animal in a tribal park unless specifically allowed by the Tribal DNR Director, or by tribal proclamation. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
- 2) When hunting is allowed in a tribal park, no person is allowed in areas closed to hunting. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
- 3) Special restrictions may be set by the Tribal DNR Director or the park manager for hunting within a tribal park. Any violations of those special restrictions shall result in a loss of park hunting privileges or payment of the fine indicated, or both. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
- 4) When hunting is allowed in the park, hunters and trappers shall follow the tribal laws, rules, and regulations under the TMBCI Tribal Code Title 35 *Fish & Game*. Anyone violating this subsection is guilty of a class 2 noncriminal offense (\$50), in addition to any civil charges under Title 35.

35-08-02-16 Fishing.

- 1) Unless otherwise specified in this subsection, fishing within any tribal parks or tribal recreation areas is governed under the TMBCI Tribal Code 35 *Fish & Game*. Any person who violates this subsection within a tribal park or tribal recreation area is guilty of a class 2 noncriminal offense (\$50).
 - a. Permits - Any Non-member who fishes or intends to fish shall first purchase a Fishing Permit and shall comply with this Code and the Non-member Regulations issued by the Department.
 - b. No fishing Permit is required for any person under fourteen (14) years of age that is accompanied by an adult fishing permit holder or tribal member.
 - c. Fishing Permits shall not be required for [Tribal] Members.
 - d. There are restrictions on bait being transported into the park under 35-08-02-16.1. (4).]
 - e. Fish may be taken by angling only unless otherwise authorized in writing by the Department.
 - f. Use of nets, of any type, to trap fish is prohibited.
 - g. Gaffing is legal for members only during time period set by the Department.
- 2) Fishing is not allowed within or immediately adjacent to any designated swimming area(s). Anyone violating this subsection is guilty of a class 2 noncriminal offense (\$50).
- 3) Persons shall abide by Section 35-08-02-16.1. Aquatic Nuisance Species regulations. Boaters are expected to check in at the park office before launching their boats. Anyone violating this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-16.1 Aquatic Nuisance Species (ANS).

Aquatic nuisance species of animals, plants, or diseases that are not native to North Dakota can negatively impact fishing, displace native plants or animals, and cause serious economic and ecological damage to tribal lakes and bodies of water under the authority and jurisdiction of the Turtle Mountain Band of Chippewa Indians.

No person may bring a boat, watercraft, jet-ski, canoe, kayak, paddleboat, fishing poles/rods/lures, or bait into any tribal park, tribal recreation area, tribal lake without having complied with the following aquatic-nuisance-species regulations:

1. All water must be drained from boats and other equipment, including bilges, live wells, and motors before entering the park. Legal live baitfish, and other live aquatic baits may not be transported in a live well containing water into the park. Potable (drinking) water is excluded from this regulation.
2. Before entering the park, all drain plugs that hold back water must be removed, and all draining devices must be open on all watercraft and recreational bilges and confined spaces, and during any out-of-water transport of same.
3. All aquatic vegetation must be removed from boats, personal watercraft, trailers, and associated equipment, such as fishing poles/lures, prior to entering the park. That means "vegetation free" when transporting watercraft and equipment, including bait buckets, away from a boat ramp, landing area or shoreline.
4. Live aquatic bait or aquatic vegetation may not be transported into the park.
5. Water used for transportation into the park of legal live bait is allowed but only in bait buckets (containers) no larger than 5 gallons.

Any person who violates this subsection shall be guilty of a class 3 noncriminal offense (\$100).

35-08-02-17. Metal detectors.

No person may use any device for the purpose of locating or removing any metallic object or any other objects of value from a tribal park or recreation area. Exceptions may be made by the director for approved archeological surveys or for evidence collection by law enforcement personnel. Use of a metal detector to find a lost item may be allowed under the direct supervision of park staff. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-18 Unmanned aircraft systems.

The operation of any unmanned aircraft system for hobby, recreation, or commercial purposes within any tribal parks or tribal recreation areas of the Tribal DNR is prohibited unless authorized by the DNR Director or park manager. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

35-08-02-19. Advertising, special events, and authorized concession operations.

1. No person may erect, post, or hand out any sign, notice, or literature, or solicit signatures for a petition unless prior authorization is obtained from the park manager. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
2. No organization or group may hold any event that charges an admission or registration within any lands managed by the Tribal Department of Natural resources without prior approval from the director. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
3. No person, firm, or corporation may operate any concessions, business, enterprise, or sell personal property in a tribal park or tribal recreation area without prior permission from the DNR Director. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

25-08-02-20. Swimming areas, boat ramps and marinas.

Any person swimming in a tribal park or tribal recreation area, or on any tribal lake or slough shall do so at the person's own risk.

1. No person may swim at a tribal park or tribal recreation area, except within designated swimming areas. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
2. It is unlawful in a designated tribal park or tribal recreation area:
 - a. To possess glass containers near any swimming area, boat ramp, marina or near any lake or slough. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 - b. To use the beach or designated swimming area between one-half hour after sunset and seven o'clock a.m. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
 - c. To enter a swimming area with any boat, canoe, or raft. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 - d. To fish at a designated swimming area. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 - e. To engage in hazardous activity which could cause injury to others. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 - f. To use any soap, detergent, or shampoo in any body of water. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).

- g. To change clothes except in their camping units or in structures that may be provided by the park for that purpose. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
 - h. To swim in the nude. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
3. Swimming is not allowed in tribal parks by children under the age of twelve years, unless they are supervised by a person eighteen years of age or older. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 4. No person may give or transmit a false signal or alarm of drowning. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
 5. Any person using any designated beach, designated swimming area, boat ramp, or marina shall obey all posted rules and regulations given by park rangers or other tribal park employees. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 6. All watercraft operating within tribal park or recreation area marinas, or near boat ramps so designated as "NO WAKE ZONE" must be restricted to idle speed. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
 7. No person may operate an indoor or outdoor motorboat on any posted lake that is restricted to oars and electric trolling motors only; except, for park personnel as required for park management or emergency operations. Any person who violates this subsection shall be guilty of a class 1 offense (\$25).
 8. No person may park or leave any watercraft unattended on courtesy docks located on boat launching ramps unless retrieving or parking the towing vehicle. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
 9. Bicycles, skateboards, or any similar equipment is prohibited on courtesy docks. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).

35-08-02-21. Operation of a snowmobile or off-highway vehicle within a tribal park or recreation area.

It shall be unlawful to operate a snowmobile, ATV, UTV, off-road motorcycle, or off-highway vehicle within a tribal park, tribal recreation area, or on a tribally designated recreation trail as follows:

1. Within any tribal park and recreation area closed off to snowmobiles, all-terrain-vehicles, utility-terrain vehicles, and off-highway vehicles.
2. Driving off-road through tent sites, camping sites or picnic areas.
3. After sunset until sunrise, or in such a manner as to disturb the peace and quiet of the park.
4. On any park trails or in areas that are restricted or closed off to snowmobile, ATV, or off-highway vehicle use; or are closed off due to muddy conditions.
5. Going off-road within a tribal park or recreation area, through any un-roaded area(s) or non-motorized zones; through tall, dry vegetation; through muddy areas; or in such a manner as to may or does cause damage to soils, vegetation, and park resources.
6. In any areas or trails that are posted "No Access", "No Snowmobiles" or "No ATVs".
7. On any trails or areas that are closed off or restricted due to the risk of fire or other hazardous condition.

Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).

The above does not apply to emergency operations or to tribal DNR rangers and B.I.A. staff, government employees and law enforcement personnel operating within the scope of their duties and in such a manner as to limit damage to park resources.

35-08-02-22. Rules for Operation of Snowmobile, ATV, UTV and Off-Highway Vehicle in a tribal park, recreation area, or recreational trail system.

Within any tribal park, recreation area, or recreational trail system under the authority and jurisdiction of the Turtle Mountain Band of Chippewa Indians - Department of Natural Resources; an individual may not operate a snowmobile, all-terrain-vehicle (ATV), utility-terrain-vehicle (UTV), off-road motorbike (dirt bike), or off-highway vehicle (OHV) in the following ways, which are declared to be unsafe and a public nuisance:

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
2. In a reckless as defined under Title 38 Section 38.02.060 *Reckless Driving; Aggravated Reckless Driving; Penalty*; or, in a careless or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another person. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
3. While under the influence of intoxicating liquor or a controlled substance. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
4. Without a lighted headlamp and taillight when required for safety. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
5. In any tree nursery or planting in a manner that damages growing stock. Any person who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
6. Without a manufacturer-installed or equivalent muffler in good condition. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
8. Leaving the designated park or recreational trail on to any private, tribally owned, or allotted land off the park or trail where the property is posted "No Trespassing", "Trail Closed", or "Stay on The Trail". The name and address of the posting person and the date of the posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred eighty (880) yards (1/2 mile) apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
9. Poaching, chasing or harassing wildlife in the park with a snowmobile, ATV, or off-highway vehicle. Any person who violates this subsection is guilty of a class 3 noncriminal offense (\$100).
10. Without a required safety helmet as per TMBCI Title 38 Traffic Code, Section 38.01.500 *Use of Helmets When Operating Snowmobiles, Go Carts, Motor Bikes and ATVs*, and Title 38 Section 38.510.01, *Age Requirements for Protective Headgear*. Any person who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
11. During times of Very High to Extreme fire danger in the park, the following is prohibited, except for emergency personnel:
 - a. Driving off-road or off-trail into tall, dry grass or vegetation that can or may be ignited.
 - b. Failing to have a mounted and operational fire extinguisher on the OHV.
 - c. Driving into any area that is restricted to public use due to high fire danger.

d. Smoking except in a designated safe area clear of flammable debris.
Any person who violates this subsection is guilty of a class 2 offense (\$50).

35-08-02-23. Alcoholic Beverages.

1. Unless otherwise specified in this section, alcohol use within a tribal park, tribal recreation area, or tribal recreational trail is governed under the TMBCI Title 19 *Alcoholic Beverage Controls*.
2. No one under 21 years of age may possess or use any alcoholic beverages. Anyone violating this subsection will be turned over to law enforcement and evicted from the park. Anyone providing alcohol beverages to a minor under this subsection shall be guilty of a class 3 noncriminal offense (\$100).
3. No one may sell alcoholic beverages within any tribal park or tribal recreation area. Anyone who violates this subsection is guilty of a class 2 noncriminal offense (\$50).
4. Alcoholic beverages are not allowed in any of the public use buildings, swimming beaches, playground areas, marina areas, or lakes, or at any public events. Anyone who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
5. No glass beverage bottles are allowed in any of the park areas, campsites, picnic sites, or on or near any lakes, swimming areas, fishing docks, or on any of the park trails. Anyone who violates this subsection is guilty of a class 1 noncriminal offense (\$25).
6. Alcoholic beverages are allowed at individual camping sites and park cabins by persons of legal age, so long as someone is not under the influence of alcohol to such an extent that they become a nuisance.
7. Presence in the park of any person when under the influence of alcohol to a degree that they may endanger oneself or another person, or damage park property or resources, is prohibited. Anyone violating this subsection shall be guilty of a class 3 noncriminal offense (\$100) and shall be evicted from the park, if necessary, by law enforcement.

35-08-02-24. Controlled substances – Zero Tolerance Policy.

1. Unless otherwise specified in this section, the illegal use, possession, delivery, or distribution of any controlled substance within a tribal park or recreation area, is governed under the TMBCI Tribal Code Title 26 Section 26.17 *Drug and Alcohol Related Crimes*. There shall be a zero-tolerance policy within any tribal park or tribal recreation area and law enforcement shall be contacted by park personnel. Individuals violating this subsection may be banned and lose park privileges, accordingly, in each situation, as determined by the Tribal DNR Park Manager.
2. Presence in a park area of any person when under the influence of a controlled substance particularly to a degree that they may endanger oneself or another person, or damage park property or resources; is prohibited. Anyone violating this subsection is guilty of a criminal offense under the TMBCI Tribal Code Title 26. Law enforcement shall be contacted by park personnel, and the person, shall be removed / evicted from the park. The person may also lose seasonal or permanent park privileges in accordance with subsection 35-08-02-04.1. (5).
3. (y) "CONTROLLED SUBSTANCE" means a drug, substance, or immediate precursor in Schedules I through V of Section 26.17.070. of the TMBCI Tribal Code.
4. Anyone violating this subsection is also guilty of a noncriminal offense with a \$250 fee.