

## BOARD OF TRUSTEES

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TRIBAL TREASURER – SHARON ODEGARD  
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### Upper Sioux Community Resolution No. 039-CY2011 (2<sup>nd</sup> Amended Recreational Land Use Ordinance)

WHEREAS, the Upper Sioux Community is a federally recognized Indian community retaining the powers of self-government and self-determination and is governed by the Constitution of the Upper Sioux Community;

WHEREAS, the Upper Sioux Community's governing body is the Board of Trustees of the Upper Sioux Community which is empowered by the Tribal Constitution to act on behalf and in the best interests of the members of the Upper Sioux Community; and

WHEREAS, it is in the best interests of the Community to amend the Upper Sioux Community Recreational Land Use Ordinance to allow Tribal Law Enforcement Officials to issue citations for violation of the Ordinance and to allow Tribal Law Enforcement Officials to seize and confiscate property used in connection with a violation of the Ordinance.

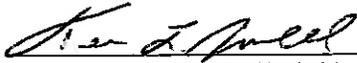
THEREFORE BE IT RESOLVED, that the Board of Trustees, on behalf of the Upper Sioux Community, does hereby adopt and approve the 2<sup>nd</sup> Amendment to the Upper Sioux Community Recreational Land Use Ordinance to allow Tribal Law Enforcement Officials to issue citations for violation of the Ordinance and to allow Tribal Law Enforcement Officials to seize and confiscate property used in connection with a violation of the Recreational Land Use Ordinance.

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## CERTIFICATION

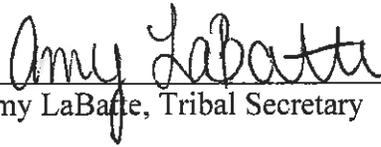
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We, the undersigned officers of the tribal council known as the Board of Trustees, do hereby certify that the foregoing Governing Resolution entitled **Upper Sioux Community Resolution No. 039-CY2011** was duly adopted and approved by the Tribal Council on 22 NOVEMBER 2011 by a vote of 5 For, 0 Against, 0 Abstentions and 0 Absent and Excused.



Kevin Jensvold, Tribal Chairman

*Attest:*



Amy LaBette, Tribal Secretary



# UPPER SIOUX COMMUNITY RECREATIONAL LAND USE ORDINANCE

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## Section 1. Policy.

It is the policy of the Upper Sioux Community generally to reserve hunting, trapping, fishing, harvesting, and motorized recreational vehicle use on trust lands to members of the Upper Sioux Community, and in certain circumstances to non-member spouses of members, subject to the following regulations.

## Section 2. Hunting Regulations.

A. An Upper Sioux Community member, provided such member currently resides on trust land or currently possesses a land assignment or Community leasehold interest, may hunt on Upper Sioux Community trust land provided such land is designated for hunting. A member may not hunt within the boundaries of a Community member's land assignment without the permission of the land assignment holder.

B. A non-member of the Upper Sioux Community and a member of the Upper Sioux Community who does not currently reside on trust land or does not currently possess a land assignment or Community leasehold interest may not hunt on Upper Sioux Community trust lands.

C. An Upper Sioux Community member who hunts on Community trust land shall comply with all of the hunting seasons, limits, and regulations of the State of Minnesota applicable to the zone in which the lands are located. A violation of such seasons, limits, and regulations shall be considered to be a violation of this ordinance.

D. Deer may be taken only by shotguns during applicable seasons lawful under Minnesota state law loaded with single-slug shotgun shells, muzzle loaders, and by archery equipment.

## Section 3. Fishing Regulations.

A. An Upper Sioux Community member, as well as a non-member spouse provided such spouse is accompanied by a member of the Upper Sioux Community, may fish on waters within or adjacent to Upper Sioux Community trust lands.

*2<sup>nd</sup> Amendment Enacted 22 NOVEMBER 2011*  
*1<sup>st</sup> Amendment Enacted 11 September 2008*  
*Originally Enacted December 4, 2004*

B. Subject to the non-member spouse exception, a non-member of the Upper Sioux Community may not fish on Upper Sioux Community trust lands.

C. An Upper Sioux Community member or non-member spouse who fishes on waters within or adjacent to Upper Sioux Community trust lands shall comply with all of the fishing seasons, limits, and regulations of the State of Minnesota applicable to the zone in which the lands are located. A violation of such seasons, limits, and regulations shall be considered to be a violation of this ordinance.

#### **Section 4. Harvesting Regulations.**

A. An Upper Sioux Community member, as well as a non-member spouse provided such spouse is accompanied by a member of the Upper Sioux Community, may harvest native plants or cut or remove trees within the Upper Sioux Community trust land provided such person receives permission from a land assignment holder if such activity is within the member's assignment. The Upper Sioux Community reserves the right to restrict access to some or all trust lands should it be determined by the Board of Trustees that such use is causing damage to the environment.

B. Subject to the non-member spouse exception, a non-member of the Upper Sioux Community may not harvest native plants or cut or remove trees on Upper Sioux Community trust lands.

#### **Section 5. Motorized Recreational Vehicle Regulations.**

A. An Upper Sioux Community member, provided such member is older than ten (10) years old, as well as a non-member spouse, may operate a motorized recreational vehicle ("MRV") on Upper Sioux Community trust land provided that the operator receives permission from a land assignment holder if such use is within the member's assignment. The Upper Sioux Community reserves the right at any time to restrict access to some or all trust land should it be determined by the Board of Trustees that such use is causing damage to the environment.

B. Subject to the non-member spouse exception, a non-member of the Upper Sioux Community may not operate a MRV on Upper Sioux Community trust lands.

C. A MRV operator may not operate a MRV in a careless, reckless or negligent manner than endangers another person or property. A MRV may not be operated on trust land between the hours of 10:00 p.m. and 6:00 a.m.

D. An Upper Sioux Community member or non-member spouse who operates a MRV within the right of way of State highways shall be subject to the applicable laws of the State of Minnesota.

**Section 6. Violations.**

A person who violates any of the provisions of this ordinance shall be fined \$250 (two hundred fifty dollars) per violation.

**Section 7. Jurisdiction of the Upper Sioux Community Tribal Court.**

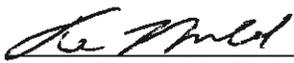
The Tribal Law Enforcement Officials shall have the authority to issue citations for violations of this ordinance. An individual issued a citation by the Tribal Law Enforcement Officials may appeal the enforceability of such citation to the Upper Sioux Community Tribal Court. The Tribal Court shall have the authority to uphold or overturn the citation.

**Section 8. License Fees – Reserved.**

The Board of Trustees reserves the right to enact appropriate hunting, fishing, harvesting and MRV license fees at a later date.

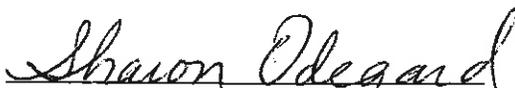
**Section 9. Effective Date.**

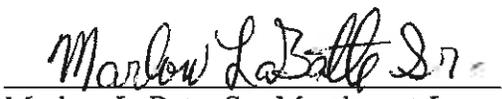
This ordinance shall take effect immediately and shall remain in effect until rescinded by the Board of Trustees.

  
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Kevin Jensvold, Chairman

  
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Travis J. Leenerts, Vice Chair

  
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Amy LaBatte, Tribal Secretary

  
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Sharon Odegard, Tribal Treasurer

  
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Marlow LaBatte Sr., Member-at-Large

2<sup>nd</sup> Amendment Enacted 22 NOVEMBER 2011  
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