



# Miskwaagamiwi-zaaga'iganiig Aki-genawendamowaad

**Red Lake Department of Natural Resources**

**Ziigwan**  
**Spring 2022**

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## Mazina'igan onji Odaakewigima *Letter from Director*

We went from one weather extreme to the opposite from last year to this year! Last year at this time, we were on the path to one of the driest spring/summer on record. This year it seems like we can't escape cold rain, snow and wind! In this newsletter, staff at the Red Lake DNR have highlighted some projects that were accomplished this past fall and winter and are looking forward to working on more projects this spring and summer.

The Wildlife Program took in over 70 deer heads last fall for testing. All were found to be negative for chronic wasting disease. They will be testing deer again this fall. Make sure to look for more information on that later this summer. Avian influenza is infecting domestic turkey and chickens as well as wild birds in Minnesota. Please contact us as soon as possible if you find a dead wild bird or have a death in your domestic poultry flock.

The Forestry Program was able to clear the right-of-ways on approximately 13 miles of secondary roads on the reservation. This work was done to improve safety on these roads as well as open them up so they are able to dry faster after snow and rain events. In addition, several areas by Big Stone and Clearbrook Road that were damaged in the 2018 windstorm were sheared. This was done to reduce the fuel load for wildfires and to aid in regeneration of the forest in those areas.

Our Water Resources Program is very busy this spring checking the water quality of the Reservation's streams, rivers, and lakes. They continue to be busy working on the restoration of the rock dam, updating water quality standards, and working on watershed partnerships in the local area. I am also excited to hear that we will be replacing 2 additional culverts on Pike Creek this summer.

One of the main concerns facing Red Lake's Environmental Program is the potential releases of hazardous substances on Red Lake tribal lands. The Environmental Program has been working with the Red Lake Solid Waste Director to address issues of potential soil and water contamination of the area south of the Red Lake Transfer Station on 89. Details and results are located in the Environmental section of this newsletter.

The total walleye harvested on the reservation in 2021 was slightly lower than average; however, test netting conducted by the Fisheries Program last fall showed that our walleye population is still very healthy. Fishing opener will be on Saturday May 7th, 2022. Please protect, respect, and enjoy the Red Lake walleye so future generations can enjoy this fishery as we have. Share your experience and take a kid fishing this year!

**Miigwetch!**

*Al Pemberton*

## RED LAKE TRANSFER STATION ENVIRONMENTAL SITE ASSESSMENT

In recent years, Red Lake's Solid Waste Program has done an exceptional job cleaning up and managing incoming potentially hazardous wastes. The Environmental Program has been working with the Solid Waste Director to address concerns of potential releases of hazardous substances which may have occurred prior to the cleanup of the area. Hazardous or potentially hazardous wastes were historically stored openly and exposed to the elements right next to the Tipping Building and around the used oil storage tanks at the Transfer Station. Although they have removed the containers, previous improper storage and handling of hazardous substances has the potential for releases to the soil and groundwater which was very concerning for the Red Lake Nation. The Environmental Program was able to utilize USEPA Grant Funds to conduct Environmental Site Assessments (ESAs) on the site to determine the level of contamination. Once a Site Eligibility Request to use Grant Funds is submitted to and approved by USEPA, a Phase I ESA is conducted to research the site and determine if there is a need to do further investigation and sampling.



The Phase I ESA was conducted in November 2019. It was determined that there were potential threats to human health and the environment such as damaged and partially buried oil drums, multiple open containers and stained soils. A Sampling and Analysis Plan (SAP) was submitted to USEPA for approval in December 2021 and a Phase II ESA was conducted in March 2020. The Phase II ESA indicated that some contaminants were present at levels in excess of Red Lake's Standards. Additional sampling would be necessary to pinpoint the areas and extent in which contamination was present. A subsequent SAP was submitted to USEPA in June 2021 and an additional Phase II ESA was conducted in October 2021. The additional sampling included samples of soils and groundwater. The contamination does not appear to have reached the groundwater. The Environmental Program and Solid Waste Programs are actively working to remediate the site to reduce and eliminate any further risks to human health and the environment.







## HOUSEHOLD HAZARDOUS WASTE DISPOSAL AREA

The Solid Waste Program provides an area for community members to properly dispose of Household Hazardous Wastes to prevent these items from entering the waste stream. Community members can bring the items to the Transfer Station in Red Lake during business hours and should check in with staff to drop off these items either at the used oil storage tanks or the hazardous substance collection area next to the transfer station.

### Examples of Household Hazardous Wastes:

- Any material labeled with signal words: Danger. Caution. Warning. Poison.
- Paint.
- Solvents.
- Pesticides.
- Oven & drain cleaners.
- Furniture strippers.
- Wood preservatives.
- Used oils and automotive fluids.
- Fluorescent Light Bulbs.

## CULVERTS TO BE REPLACED

This summer, the Nonpoint Source (NPS) program is planning to replace culverts on Pike Creek at Fireline Road and at Bartons Camp Trail. The road crossing improvements (larger culverts and stabilized, erosion-resistant banks) will reduce sediment input/erosion, reconnect fish passage, and improve habitat. These projects will also help prevent washouts at the culvert sites and once completed will reconnect all portions of Pike Creek on the Reservation. The Pike Creek watershed is identified as priority watersheds by the Red Lake Band in the EPA approved NPS Management Plan.



## HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS

The Environmental Program has also recently secured USEPA funding to conduct Household Hazardous Waste Collection Events twice per year in each community. Environmental Program Staff will be parked in each community to collect items and will be available to go to homes of Elders to collect items by special request. These events will be announced in the Red Lake Nation Newspaper and on rlenn.com once they are scheduled.

### RED LAKE WALLEYE POPULATION REMAINS STRONG FOR 2022

The 2021 total walleye harvest on the reservation was approximately 528,000 pounds (Figure 1). This was slightly lower than the total average harvest between 2008 and 2021 of 565,000 pounds. The harvest by ice anglers was average, despite very early ice off and ice fishing being done at the end of March in 2021. This was the second earliest date for the ice to leave and only 2009 and 2011 were earlier. The early ice off allowed the water temps to rise, the walleye to spawn earlier, and for the opening spring bite to be very good. Anglers took almost 100,000 pounds of walleyes in May of last year and fishing remained good for the rest of the summer. The walleye were averaging close to 2 pounds and were mostly from the 2011 year class. In 2021, the anglers turned in approximately a quarter of a million pounds of walleye and the net crews were able to supplement the commercial catch with another 303,000 pounds. This was a good harvest season for the fisheries, with the difficulties of COVID 19 and the drought.

Fall test netting results were very encouraging this year and the walleye population remains very healthy (Figure 2.). The

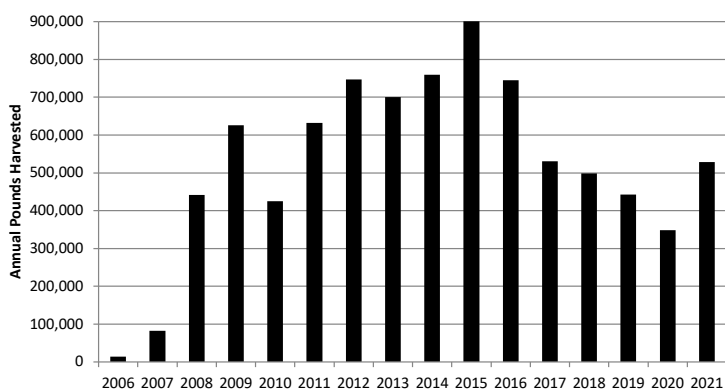
walleye population increased this past year, with the 2019 year class starting to show up in the gillnet catches. This is a very strong year class and will be a major contributor to the commercial catch in the coming years. These fish are currently around 13 to 14 inches in size. There are a total of 14 different year classes of walleye in fishery right now, which is an excellent indicator of the overall health of the population. The 2009 and 2011 year classes are almost gone now, but we have many year classes that are contributing to the fishery and will sustain the population well into the future. We are seeing positive signs of the overall fish community responding to our management plan. Yellow perch, black crappie, lake sturgeon and goldeye numbers are increasing as the walleye population comes back into balance. We have not had to stock walleye in the Red Lakes since 2005, and the population has remained strong. Walleye are the main predator in the lake, and control many of the other species in the lake through predation.

Cooperation has been an important part of the successful management of this world-class walleye fishery. Please protect, respect, and enjoy the Red Lake walleye so future generations can enjoy this fishery as we have. Share your experience and take a kid fishing this year.

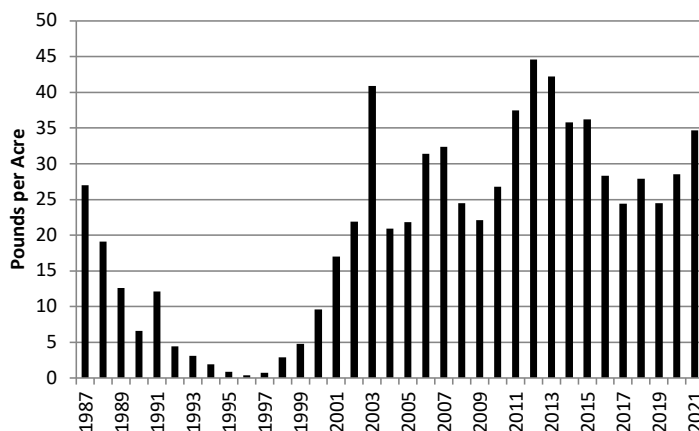
Fishing opener will be on Saturday May 7th, 2022.

Hopefully the ice will be off by this time. Once the water warms up, fishing should be very good this year. Remember everyone needs a lifejacket that fits them, when they are on any waters of the Red Lake Reservation.

Good Luck and stay safe!



**Figure 1.** Annual walleye harvest from the Red Lake Reservation 2006-2021.



**Figure 2.** Estimated walleye biomass in the Red Lakes, 1987-2021.





## RESERVATION WALLEYE FISHING REGULATIONS

### *Upper and Lower Red Lake and Tributaries*

#### SEASON

- The summer fishing season will open on May 7th, 2022 at 12:01 AM.
- Ice fishing continues until the last Saturday in March.

#### BAG LIMIT

- **Personal Use:** 10 walleyes a day, 30 walleyes in possession.
- **Commercial:** 150 walleyes a day, must be turned into the Fisheries.

#### SIZE LIMIT

- Personal Use: Walleye smaller than 22 inches may be kept, walleyes between 22 and 28 inches must be released, and only one walleye over 28 inches may be kept daily.
- Commercial: Only walleyes between 13 and 22 inches will be accepted at the Fisheries. This may change based on markets by the Fisheries manager.
- There is no size limit on walleyes caught below the Red Lake Dam in the Red Lake River west to the reservation boundary, but bag limits still apply.

#### ADDITIONAL REGULATIONS

- Only Red Lake Band members may fish on the reservation waters of Upper and Lower Red Lake and its tributaries.
- The Red Lake River below the Dam does not close to fishing.
- Hook and line is the only legal way of fishing.
- Fish must be transported to a residence before they are filleted.
- One proper fitting life vest is required for each person in any type of watercraft, including but not limited to boats, canoes, inflatables, jet skis and kayaks.



*Protect, respect and enjoy the  
Red Lake walleye into the future!*



# Miskwaagamiwi-zaaga'iganing Mitigokewin | Forestry



Above are the before and after pictures of the intersection of Sandy River Road and Highway 1

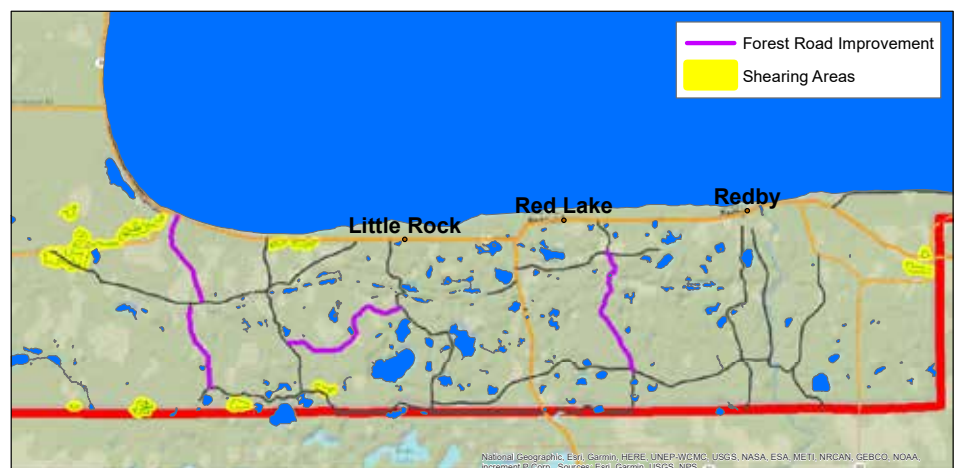
Excessive brush near the roadside is hazardous to traffic by presenting an obstruction to sightline, particularly around corners. By brushing right-of-way zones: it allows vehicles to pull over in case of an emergency, it lowers the chance of flooding by keeping ditches and drains free of debris, and reduces roadside fuels. Overhanging limbs create a contact hazard to vehicles and also tends to force traffic toward the centerline, reducing mutual clearance with on-coming traffic. In addition, excessive canopy in roadside areas hinders the drying and melting processes for moisture on road surfaces, increasing the potential for prolonged snow and ice conditions and rutting. Sun exposure and air movement at the road surface are key factors in enhancing melting and drying. Right-of-way clearing is considered preventive maintenance and is an important management tool in creating safer traveling on all roads.

## ROAD RIGHT-OF-WAY PROJECTS

Trees and shrubs, if left unchecked, can quickly take over roadways. Annual maintenance starts when conditions are frozen to reduce soil compaction and disturbance as much as possible. Maintenance includes mowing, mulching, and chopping road right-of-ways, which is done with heavy equipment. Right-of-way clearing is not just done for cosmetic reasons, but more importantly, it is essential in creating safer traveling routes.

Last winter, the Red Lake DNR prioritized 12.9 miles of Red Lake's backroads including: Barton's Trail, North Sandy River Road, South Sandy River Road, and Sandy Lake Cut Across, as roadways to receive treatment. Canopy growth and understory growth has been impeding

on these forest roads for years. The prescribed project was aimed at opening tree canopy above the road, removing leaning and hazardous trees, and brushing an additional 8 feet along roadside edges. Obstructions in the right-of-way zone have potential to create serious safety concerns.





*Left and Right photos:  
Shearing Project on the Clearbrook Road*

## Winter Shearing Project

The north end of the Clearbrook Road has undergone some changes over the past 5 years. In 2018 a devastating windstorm swept through a pocket of hardwood stands; breaking off aspen trunks and uprooting ash swales. After an initial assessment, the Red Lake DNR determined that the excessive damage was not only an immediate, major fire hazard, but the laterally fallen trees inhibited understory growth, and additionally lowered the stands value as wildlife habitat and future merchantability. Since then a reforestation shearing project has been ongoing in the area to clean up fallen timber, create regeneration, and reduce the potential for heavy wild fire fuels.

Shearing operations continued last winter on timbered areas affected by the 2018 storm. In early winter, 76 acres were sheared on Highway 1 near Big Stone Road. This area was done to reduce the fire risk to nearby residential houses. An additional 120 acres was sheared on the Clearbrook road as a reforestation project. In the shearing projects' final year in contract, the 2021-2022 shearing season accounted for 196 acres of the total 793 acres completed.

Shearing operations are conducted in the winter months while the ground is frozen to minimize any disturbance and potential impacts to topsoil. Shearing is ideal when trees are dormant in freezing subzero temperatures. Shearing involves the use of a large dozer equipped with a shearing blade. This equipment is used to pile and shear trees and vegetation. All project areas that were sheared have species that are capable of stump sprouting and naturally regenerating the stand (eg. Aspen, Paper Birch, Ash). Shearing these sites opens up the canopy allowing for natural regeneration of preferred species, while also creating areas for potential pine plantations on sites suitable for pine. Another benefit of shearing is increased accessibility of the land for tribal members and young growth for wildlife species dependent on young forest cover types. Shearing also reduces the fuel load across the site, drastically reducing the potential for catastrophic wildfire. Although natural disasters cannot be avoided, by utilizing forest management tools, we are able to lessen the long-term impact of these disasters. Clearing debris and reducing the decaying process promotes growth of the native species. What was once unproductive damaged timber is now newly regenerated aspen stocks that will promote wildlife use and timber production.



### WATER RESOURCES PROGRAM UPDATES

The Water Resources Program has been very busy this winter. While the water is covered in ice, our program is still coordinating with partners, analyzing data, sampling through the ice, and preparing for spring. Coordination with partners at the EPA, Army Corps of Engineers, MN DNR, Beltrami Soil and Water Conservation District, and Red Lake Watershed District has helped with some upcoming priority projects. These include a massive river restoration at the Rock Dam, improvements on Pike Creek, finalizing some water quality standards work, and moving forward with the Upper/Lower Red Lake 1WIP. Read on to learn more!

#### Rock Dam

Planning continues for restoration work at the Rock Dam. The Army Corps is finishing a study this year to determine the best method for restoring fish passage and improving river function based on input from Red Lake DNR programs including Fisheries and Water Resources. Construction for the project should begin in fall 2023. This will restore fish passage, improve water quality, and improve native mussel populations (Figure 1).

Fish passage restoration will allow spawning sturgeon and walleye (among other species) to return to Red Lake after swimming downstream in the spring. The Rock Dam (Figure 2) prevents fish from swimming upstream in all but the wettest springs due to the significant drop from the upper part of the dam to the river below. The restoration project will result in a series of rock riffles similar to as was completed on the Mud River (Figure 3). These riffles will allow fish to swim upstream over the dam and back to Lower Red Lake.

Restoring channelization near the outlet dam is another priority of the project. In 1951, the Army Corps of Engineers channelized a segment of the Red Lake River just downstream of the outlet dam. This channelization



**Figure 1.** Native mussel species from the Red Lake River including (from top to bottom) black sandshell, fatmucket, and two Wabash pigtoes

changed the ecology of the surrounding marsh and of the river itself. Phase 2 of this project will be to determine whether restoration of the meandering river bed will be beneficial to the river and/or marsh and if so, restore it. This part of the project has the potential to improve furbearer habitat in the marsh (especially muskrat). It should also improve fish habitat in the river and surrounding wetlands, including important spawning areas. This is no small undertaking and will require the financial and technical support of a number of partners.





**Figure 2.** Rock Dam

## WQS – Water Quality Standards

Red Lake Nation has finally received TAS (Treatment in a similar manner as a State) for water quality standards! This means that the tribe has cleared all policy hurdles to get official EPA approved water quality standards in place. This is a big step for our program and has taken nearly 20 years to complete. The next step in the process will be to develop draft water quality standards (which we are working on now).

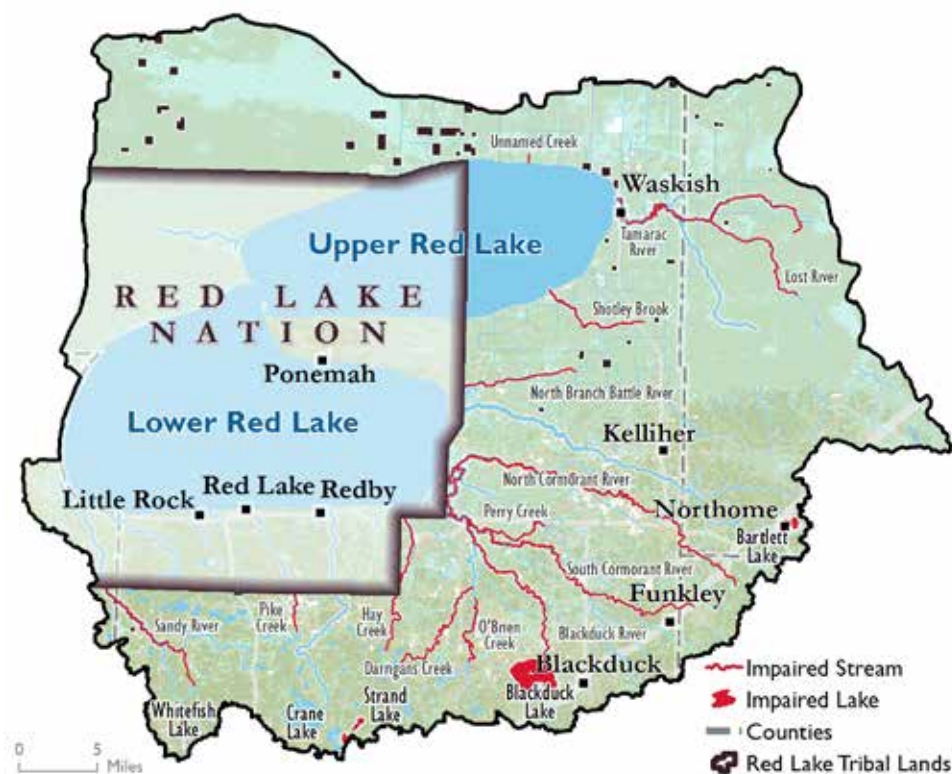
## One Watershed, One Plan

One Watershed, One Plan (1W1P) is a program through the MN Board of Water and Soil Resources (BWSR) that supports partnerships of local governments in developing prioritized, targeted, and measurable implementation plans. The Beltrami SWCD, Red Lake DNR, and Red Lake Watershed will all be working together in the Upper/Lower Red Lake Watershed (Figure 4) to improve and protect water quality. While tribes have been partners in 1W1P efforts before, and the Red Lake Nation has partnered to develop a number of

them, this will be the first time a tribal government has played such an active role in writing the plan. Both RL DNR and Red Lake community members will have opportunities to help shape the plan. More to come over the next year as we work with our partners to get it developed.



**Figure 3.** Step pool located on the Mud River in Redby



**Figure 4.** Upper/Lower Red Lake Watershed showing impaired waters to be addressed during the 1W1P process

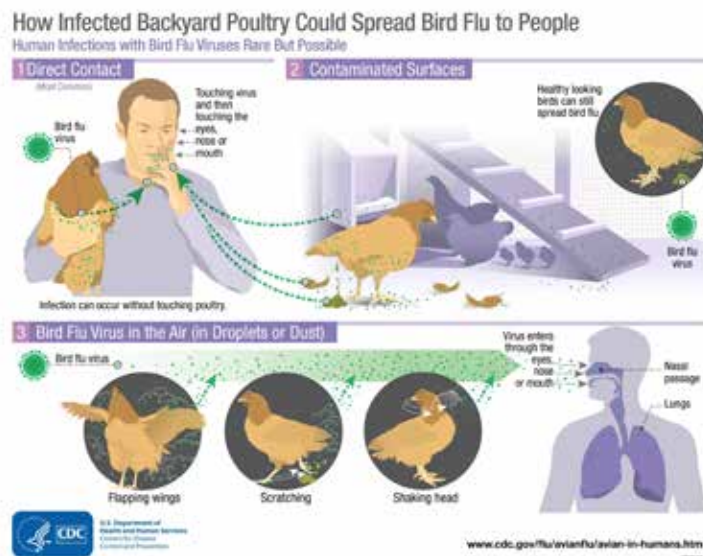
## WHAT TO KNOW ABOUT AVIAN INFLUENZA (BIRD FLU)

Avian influenza, also known as bird flu, is an infection caused by the Avian Influenza Type A virus. Wild aquatic birds such as gulls, terns, shorebirds, ducks, geese and swans are all considered natural carriers (hosts) of avian influenza. These hosts can transmit the virus to domestic poultry (chickens, turkeys, etc.) through direct exposure with infected birds. Avian influenza can be deadly to domestic poultry.

Avian influenza does not normally infect humans; however, human infections have occurred. Human infections happen by exposure to the virus through direct contact with infected birds or infected surfaces. The best prevention is to avoid contact with wild birds or domestic poultry that look sick or have died. Infections range from no symptoms or very mild symptoms to severe infections and even death (very rare, but possible). Signs of bird flu in humans are eye redness and mild upper respiratory flu-like symptoms including fever, cough, sore throat, runny or stuffed nose, muscle or body aches, headaches, fatigue and shortness

of breath. Testing is required to determine if someone is infected with bird flu. On April 28, a man in Colorado tested positive for the H5 bird flu. This is the first case in the United States and only the second case in the world. Avian influenza does not present a food safety risk. Poultry and eggs are safe to eat when handled and cooked properly.

Since March 25, 2022, highly pathogenic avian influenza has been confirmed in commercial and backyard flocks of chickens and turkeys in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Wisconsin, and Michigan as well as several other states. It has been found in 44 counties in MN, affecting over 2.7 million commercial birds. This strain of avian influenza is 90-100% fatal in infected raptors, such as eagles and owls. It is also causing severe illness in other species such as geese, ducks, blue jays and crows. The Red Lake DNR – Wildlife staff will be monitoring wild bird populations during annual migration surveys. If you find a dead wild bird or have a death in your domestic poultry flock, please contact the Red Lake DNR as soon as possible.



Bird flu infections in people are rare, but possible. Most reported bird flu infections in people have happened after unprotected contact with infected birds or contaminated surfaces. This fact sheet provides information about bird flu and bird flu infections in people.

### Bird Flu in Wild Birds

Wild water birds (like ducks and geese) can be infected with avian (bird) influenza (flu) viruses, but usually do not get sick. Infected birds have virus in their saliva, mucus and droppings (feces). Bird flu viruses can spread easily between birds. Some of these viruses can cause serious illness and death in domestic poultry (like chickens, ducks, and turkeys).

### Bird Flu in Poultry

Domesticated birds (chickens, turkeys, ducks, etc.) can become infected with bird flu A viruses through direct contact with infected waterfowl or other infected poultry, or through contact with surfaces that have been contaminated with the viruses. Bird flu is a serious poultry disease and requires rapid response because it is highly contagious and can be fatal to chickens. Animal and Plant Health Inspection Service (APHIS) works with its federal, state, local and industry partners to quickly respond to any bird flu findings. Bird flu (H5) or (H7) virus outbreaks in poultry, where depopulation (or culling, also called "stamping out") of infected flocks is usually carried out.

### Bird Flu in People

It is rare for people to get infected with bird flu viruses, but it can happen. Bird flu viruses can infect people when enough virus gets into a person's eyes, nose, or mouth, or is inhaled. This might happen when virus is in the air (in droplets or possibly dust) and a person breathes it in, or when

a person touches something that has virus on it and then touches their mouth, eyes or nose. (See picture on reverse side.) Most bird flu infections in people have happened after close, prolonged, unprotected contact with infected birds or contaminated surfaces. People who are sick with bird flu virus infection can be treated with the same prescription drugs that are used to treat people who are sick with human seasonal flu virus infection. People who have had no contact with infected poultry or contaminated surfaces are thought to be at very low risk of infection. People with close, prolonged, unprotected exposure with infected birds or contaminated environments are thought to be at greater (though probably still low) risk of infection.

No human bird flu infections have been reported from proper handling of poultry meat or from eating properly cooked poultry or poultry products.

### Bird Flu Outbreaks in Birds

Outbreaks of bird flu happen among birds from time to time. When bird flu outbreaks happen in U.S. poultry, the United States Department of Agriculture (USDA) works with industry, state and other government partners to stop the outbreak so that it does not spread to other poultry. Surveillance of flocks that are nearby or linked to the infected flock(s) and quarantine of exposed flocks with culling if disease is detected, are the preferred control and eradication methods. The Centers for Disease Control and Prevention works with partners to protect the public's health during these outbreaks. The risk to the public from bird flu outbreaks is low; however, because other bird flu viruses have infected people, it is possible that human infections with these viruses could occur.





## CHRONIC WASTING DISEASE (CWD) UPDATE

From September 15 to December 31, 2021, 78 white-tailed deer heads from the Red Lake Reservation and Ceded Lands were submitted for CWD testing. This was accomplished through a Bureau of Indian Affairs Special Project Grant that Red Lake was awarded in 2021 and a partnership with the Grand Portage Band of Lake Superior Chippewa. Grand Portage was awarded a Tribal Wildlife Grant that included all Midwest tribes that wanted to participate in testing for CWD.

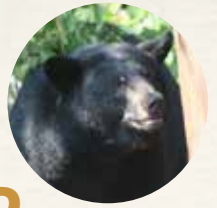
Each head that was submitted was tested for CWD and qualified for one entry into a raffle that included a rifle with scope, binoculars, hunting knife, game camera bundle and L&M Fleet gift card. All heads submitted were

negative for CWD. In addition, the MN DNR tested 1,840 deer for CWD in our region and all those samples submitted were also negative for CWD.

In February 2022, a deer was hit by a car and died in Grand Rapids, MN. The MN DNR tested the adult doe for CWD and it was confirmed positive on March 15, 2022. The deer had no clinical signs of the disease. At the end of March, the MN DNR started culling deer within the city limits of Grand Rapids to test for CWD. The results from those deer are not yet available.

The Red Lake DNR will be collecting deer heads again this fall for CWD testing. Look for more information on this later in the summer.

## CAUTION: PREPARE FOR INCREASED BEAR ACTIVITY



Bears are coming out of their dens and will be hungry. The new compactors at the transfer stations have removed a source of food for some bears. Bears may be more active around homes and communities until natural foods are available.

Some precautions you can take:

- Clean up any garbage around your home and vehicles.
- Do not leave dog food outside.
- Put your bird feeders away until natural crops become available.
- Do not leave garbage on the ground by the compactors.

Please Contact Red Lake Conservation at 679-3313 with any questions or concerns.





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## RED LAKE BURNING PERMITS

**Attention Red Lake Tribal Members:** If you plan to do any burning this spring, please make sure to obtain a Red Lake Burning Permit. Please follow the recommendations that accompany the permit, and make sure that the fire is all the way extinguished before leaving it unattended. **BURNING CAN BE DONE EACH DAY BETWEEN THE HOURS OF 6:00PM to 10:00AM.** Burning permits can be obtained at the new Red Lake Fire Center (next to Red Lake Elementary School) or online: [www.redlakednr.org/burning-permit](http://www.redlakednr.org/burning-permit). If you have any questions, stop by the Red Lake Fire Center or call us at 679-3381.

### TRIBAL CODE 504.05 T- SETTING FIRES

**Subdivision 1. Permit Required.** Any person who shall start a fire without first obtaining a burning permit from the Red Lake Band of Chippewa Indians is guilty of a (petty) misdemeanor and shall be subject to a mandatory fine of \$200.00 (and/or serve three (3) months jail).

**Subdivision 2. Control of Fires.** Any person who shall intentionally or negligently set a fire and fails to properly control it and extinguish it is guilty of a misdemeanor. In addition to the criminal penalties provided from herein, the perpetrator of the fire may be held civilly liable for any damage caused by the failure to properly control and extinguish said fire. If convicted, the perpetrator shall be subject to a mandatory fine of \$500.00 and/or six (6) months in jail, and include the suppression costs associated for an escaped debris burn or wildfire.



**Subdivision 3.** Current or future funds held in trust or by the Band for the benefit of any minor child found to have set a forest/grass fire which requires fire suppression efforts, or does damage to the forest shall be made available to cover any court judgment made pursuant to Chapter 504.05, subdivision 2.

**Subdivision 4.** The parent or guardian of any minor child found to have started a forest/grass fire shall be subject to a civil penalty to cover the cost of fighting the fire and the damage done to the forest, but not to exceed one thousand dollars.

*(The term Indian changed to Person pursuant to Resolution No. 62-2000, dated March 31, 2000) (Subdivision 3 and 4 added pursuant to Resolution No. 62-2000, dated March 31, 2000) (Section 504.05, Subd. 1 and 2 amended by Resolution 103-09, dated June 9, 2009)*