

Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government

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Executive Officers:

James Williams Jr., Tribal Chairman
Joette Pete-Baldwin, Tribal Vice-Chairwoman
Misaabe McGeshick, Treasurer
Michelle Allen, Secretary



Council Members:

Roberta Ivey
Shasta Klingman
giiwegiizhigookway Martin
Tyrone McGeshick
Tracy Pete

RESOLUTION # 2010- 014

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians is a signatory or successor to the Treaty of 1842, 7 Stat. 591; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians deems it appropriate to provide an orderly system for tribal control and regulation of hunting, fishing and gathering on the off-reservation lands ceded by the Tribe in the Treaty of 1842, 7 Stat. 591; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians has previously adopted an Off-reservation (Michigan) Spearing Ordinance on April 26, 1989 (Resolution #88/89-014) together with subsequent amendments; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians has previously adopted the Lac Vieux Desert Off-Reservation Conservation Code: 1842 Ceded Territory in Michigan as originally established on November 22, 1991; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians has previously adopted the Off-Reservation National Forest Gathering Code of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on September 9, 1998 (Resolution #98-032) as approved and recommended by the Voigt Intertribal Task Force on August 6, 1998; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians has previously adopted the Lac Vieux Desert Migratory Bird Harvest Regulations which parallels the federal requirements as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting and automatically incorporates by reference the Federal migratory bird regulations adopted in response to the annual Voigt Intertribal Task Force migratory bird treaty harvest proposal; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians has previously adopted the 1842 Michigan Ceded Territory Interim Off-Reservation Gillnetting and Fyke Netting Ordinance as originally established September 28, 2008 and was amended on April 15, 2009; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians without prejudice to any future rights, claims or defenses with respect to these treaty rights, specifically recognizes the need to establish regulations regarding wild rice harvesting, bear harvesting, small game trapping and small game hunting in furtherance of the desire to provide a means to promote public health and safety and the conservation and management of wildlife and plant populations in the ceded territory through the regulation of member harvesting activities occurring there; and

WHEREAS, The Lac Vieux Desert Band of Lake Superior Chippewa Indians has enacted this ordinance for the purpose of preserving and protecting hunting, fishing, trapping and gathering rights, which were *reserved* by the Band in the Treaty of La Pointe, Wisconsin with the Chippewa on October 4, 1842, (7 Stat. 591), for future generations of tribal members. Except as expressly provided herein, the ordinance shall not be construed as a waiver of any rights, claims or defenses that, absent this ordinance, the Band may have under the Treaty of 1842 (7 Stat. 591) or the Treaty of 1854 (10 Stat. 1109) between the United States and the Band, or under other applicable law of the United States. The Band acknowledges that this ordinance contains provisions that may be the result of policy choices. As such, these provisions may not reflect the full extent of the Band's ceded territory rights. Therefore, the provisions contained herein are not intended to alter or abridge the Band's underlying ceded territory rights or the Band's sovereign governmental authority regarding those rights.

NOW THEREFORE BE IT RESOLVED that the Lac Vieux Desert Band of Lake Superior Chippewa Indians hereby:

1. Enacts in its entirety the attached Off-Reservation Conservation Code of the Lac Vieux Desert Band of Chippewa Indians effective immediately and by repealing in their entirety, these ordinances as they presently exist and by adopting this change into tribal law; and

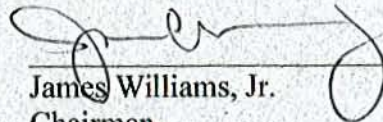
2. Directs Michelle Allen, tribal secretary, to notify the Great Lakes Indian Fish and Wildlife Commission and the State of Michigan, Department of Natural Resources, of this change.

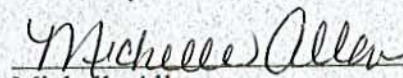
3. Authorizes the Tribal Council (or its designee) and the Great Lakes Indian Fish and Wildlife Commission to take all necessary and appropriate steps to implement this change and to ensure that tribal members are able to enjoy their benefits.

4. Enacts this ordinance for the purpose of preserving and protecting hunting, fishing, trapping and gathering rights, which were *reserved* by the Band in the Treaty of La Pointe, Wisconsin with the Chippewa on October 4, 1842, (7 Stat. 591), for future generations of tribal members. Except as expressly provided herein, the ordinance shall not be construed as a waiver of any rights, claims or defenses that, absent this ordinance, the Band may have under the Treaty of 1842 (7 Stat. 591) or the Treaty of 1854 (10 Stat. 1109) between the United States and the Band, or under other applicable law of the United States. The Band acknowledges that this ordinance contains provisions that may be the result of policy choices. As such, these provisions may not reflect the full extent of the Band's ceded territory rights. Therefore, the provisions contained herein are not intended to alter or abridge the Band's underlying ceded territory rights or the Band's sovereign governmental authority regarding those rights.

CERTIFICATION

We do hereby certify that this resolution was duly presented and voted upon with a vote of 8 in favor, 0 opposed, and 0 abstaining, at a regular meeting of the Tribal Council held on this 17th day of March, 2010.


James Williams, Jr.
Chairman


Michelle Allen
Secretary

OFF-RESERVATION CONSERVATION CODE
OF THE
LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

Preamble

The Lac Vieux Desert Band of Lake Superior Chippewa Indians has enacted this ordinance for the purpose of preserving and protecting hunting, fishing, trapping and gathering rights, which were *reserved* by the Band in the Treaty of La Pointe, Wisconsin with the Chippewa on October 4, 1842, (7 Stat. 591), for future generations of tribal members. Except as expressly provided herein, the ordinance shall not be construed as a waiver of any rights, claims or defenses that, absent this ordinance, the Band may have under the Treaty of 1842 (7 Stat. 591) or the Treaty of 1854 (10 Stat. 1109) between the United States and the Band, or under other applicable law of the United States. The Band acknowledges that this ordinance contains provisions that may be the result of policy choices. As such, these provisions may not reflect the full extent of the Band's ceded territory rights. Therefore, the provisions contained herein are not intended to alter or abridge the Band's underlying ceded territory rights or the Band's sovereign governmental authority regarding those rights.

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CHAPTER 1 – INTRODUCTION

1.01 Title.

This ordinance shall be known as the Off-Reservation Conservation Code of the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

1.02 Authority.

This ordinance is enacted pursuant to Article IX, Section 3 of the Constitution and By-Laws of the Lac Vieux Desert Tribe.

1.03 Purpose.

It is the purpose of this ordinance to:

(1) Provide an orderly system for tribal control and regulation of hunting, fishing and gathering on the off-reservation lands ceded by the Tribe in the Treaty of 1842, 7 Stat. 591; and

(2) Provide a means to promote public health and safety and the conservation and management of fish, wildlife and plant populations in the ceded territory through the regulation of member harvesting activities occurring there.

1.04 Territorial Applicability.

This ordinance shall govern the off-reservation hunting, fishing and gathering activities of resources subject to the provisions of this ordinance by members within the ceded territory.

1.05 Effective Date.

Except as otherwise provided in specific sections, the provisions of this ordinance shall be effective on the date adopted by the Tribe's governing body.

1.06 Interpretation.

The provisions of this ordinance:

(1) Shall be interpreted and applied as minimum requirements applicable to the exercise of off-reservation treaty rights subject to this ordinance;

(2) Shall be liberally construed in favor of the Tribe;

(3) Shall not be deemed a limitation or repeal of any other tribal power or authority.

1.07 Severability and Non-Liability.

If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this ordinance.

1.08 Repeal of Inconsistent Tribal Ordinances.

All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that this ordinance imposes greater restrictions than those contained in any other tribal ordinance, the provisions of this ordinance shall govern.

1.09 Religious or Ceremonial Use of Natural Resources.

(1) Nothing in this ordinance shall prohibit the use of any resource otherwise subject to the provisions of this ordinance which is harvested, taken or otherwise obtained within the ceded territory for religious or ceremonial purposes in accordance with the traditions and customs of the Tribe and with the consent of the Tribe's governing body, or its designee.

(2) In reviewing and taking action on any request for religious or ceremonial harvest, the Tribe's governing body, or its designee, shall take into account the biological impact of the harvest.

(3) No member shall fail to comply with the terms and conditions of a permit issued pursuant to this section.

History:

- **This version of the code is a compilation of the following: The Lac Vieux Desert Off-Reservation Conservation Code: 1842 Ceded Territory in Michigan as originally established on November 22, 1991; and the Off-Reservation (Michigan) Spearing Ordinance of the Lac Vieux Desert Band of Lake Superior Chippewa Indians as originally adopted on April 22, 1989 (Resolution #88/89-014) and was amended on April 29, 2008 (Resolution #2008-016).**

CHAPTER 2 - GENERAL DEFINITIONS

2.01 General Definitions.

The following terms, wherever used in this ordinance, shall be construed to apply as follows:

(1) "**Carcass**" means the dead body of any wild animal to which it refers, and, unless clearly indicated to the contrary by a specific provision of this ordinance in particular circumstances, includes the hide or skin and head.

(2) "**Ceded territory**" means all lands and waters located in the State of Michigan, except Lake Superior, ceded by the Tribe to the United States of America in the Treaty of 1842, 7 Stat. 591.

(3) "**Commission**" means the Great Lakes Indian Fish and Wildlife Commission.

(4) "**Endangered or Threatened Species**" means any wild animal or wild plant which is contained on either the federal (50 CFR Sections 17.11 and 17.12) or the State of Michigan endangered and threatened species lists, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.

(5) "**Fishing**" includes taking, capturing, killing or attempting to take, capture or kill fish of any variety in any manner. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing" as defined herein.

(6) "**Game fish**" includes all varieties of fish except rough fish and minnows; "**rough fish**" includes chub, dace, suckers, carp, goldfish, redhorse, freshwater drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, smelt, and carpsucker; "**minnows**" includes suckers, mud minnows, madtom, stonecat, killifish, stickleback, trout-perch, darters, sculpin and all minnow family cyprinids except goldfish and carp.

(7) "**Gathering**" means to take or acquire or attempt to take or acquire possession of any wild plant or any part thereof.

(8) "**Hunt**" or "**Hunting**" includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals, except that "hunt" or "hunting" does not include the recovery of any wild animal which has already been lawfully reduced to possession.

(9) "**Member**" means a member of the Tribe.

(10) "**Off-Reservation**" means all lands and waters lying outside the exterior boundaries of the Tribe's Reservation but lying within the ceded territory as defined in Section 2.01(2) of this ordinance.

(11) "**Possession**" means having killed, harvested, or otherwise obtained or acquired any

wild animal or wild plant subject to the provisions of this ordinance.

(12) **"Protected"** when used in reference to any wild animal or wild plant means that the hunting, fishing, trapping or gathering of such animal or plant is expressly prohibited except as authorized or regulated by this ordinance.

(13) **"Signatory Tribe"** means an Indian tribe which is a signatory to the Treaty of 1842, or such tribe's successor in interest.

(14) **"Trapping"** includes the taking of, or attempting to take, any wild animal by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast, or otherwise capture a wild animal or animals. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein.

(15) **"Tribe"** means the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

(16) **"Tribal Conservation Department"** means the conservation department of the Tribe, or, as circumstances indicate, of another signatory Tribe.

(17) **"Unprotected"** when used in reference to any wild animal or wild plant, means that the hunting, fishing, trapping or gathering of such animal or plant is not expressly prohibited by this ordinance.

(18) **"Wild animal"** means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

(19) **"Wildlife"** means all varieties of wild animals or birds.

(20) **"Wild Plant"** means any undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem, and includes wild rice, maple sap, ginseng, birch bark and timber.

(21) **"Working day"** means Monday, Tuesday, Wednesday, Thursday or Friday, unless such day is a tribal holiday.

History:

- **This version of the code is a compilation of the following: The Lac Vieux Desert Off-Reservation Conservation Code: 1842 Ceded Territory in Michigan as originally established on November 22, 1991; and the Off-Reservation (Michigan) Spearing Ordinance of the Lac Vieux Desert Band of Lake Superior Chippewa Indians as originally adopted on April 22, 1989 (Resolution #88/89-014) and was amended on April 29, 2008 (Resolution #2008-016).**

CHAPTER 3 – GENERAL

3.01 Title to Wild Animals and Wild Plants.

(1) The legal title to, and the custody and protection of, all wild plants and wild animals within the ceded territory is vested in the Tribe for the purposes of regulating members' use, disposition and conservation thereof.

(2) The legal title to any such wild plant or wild animal, or carcass or part thereof, taken or reduced to possession in violation of this ordinance remains with the Tribe; and the title to any such wild plant or wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of this ordinance relating to the possession, use, giving, sale, barter or transportation of such wild plants or wild animals, or carcass or part thereof, by the holder of such title, the same shall revert, as a result of the violation to the Tribe. In either case, any such wild plant or carcass or part thereof, may be seized forthwith, wherever found, by the tribal conservation department or any law enforcement official authorized to enforce the provisions of this ordinance.

3.02 Permits and Identification.

(1) No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance without a validly issued tribal off-reservation natural resources harvesting permit or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question.

(2) No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance except while carrying a valid color picture identification card issued by the Tribe.

(3) The tribal conservation department is authorized to issue to members permits required by this ordinance. Except as otherwise required by this ordinance, the form of such permits shall be left to the discretion of the tribal conservation department provided such form shall require the name, address and the member's tribal identification number.

(4) The tribal conservation department may issue such harvesting permits to members of a signatory tribe, provided such other tribe has adopted an ordinance or other regulations essentially in conformance with the provisions of this ordinance for the particular season or activity involved.

(5) No member shall refuse to display his or her identification documents or any other document or permit required by this ordinance to any tribal, state, local or federal law enforcement officer upon request by such officer.

(6) No member to whom any permit has been issued under this ordinance shall fail or refuse to provide harvest reports and data, and such other relevant information, as may be requested by tribal, state, local and federal law enforcement officers or by the Commission's Biological Services Division.

(7) Permits, carcass tags and registration tags issued or used pursuant to this ordinance in connection with any species for which a harvest quota is established shall be numbered sequentially and shall be indexed by number making information regarding the identity of the person who has been issued a tag or permit promptly accessible.

3.03 Waste of Natural Resources.

No member shall unreasonably waste, injure or destroy, or impair natural resources while engaging in the exercise of off-reservation treaty rights regulated by this ordinance.

3.04 Larceny of Natural Resources.

No member shall, without permission of the owner, molest, disturb or appropriate any wild plant or wild animal, or the carcass or part thereof, which has been lawfully reduced to possession of another.

3.05 Use of Poison and Explosives; Pole Traps.

(1) No member shall take, capture, or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poisonous or stupefying substances or devices.

(2) No member shall place in any off-reservation waters explosives which might cause the destruction of any wild animal, except when authorized by the tribal conservation department, or have in his or her possession or under his or her control upon any off-reservation waters any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing wild animals.

(3) No member shall use, set, lay or prepare in any off-reservation waters any lime, poison, fish berries, or any other substance deleterious to fish life; or use baits containing poison of any description in any off-reservation forests, fields or other places where such baits might destroy or cause the destruction of wild animals; and the possession of any such poison, poison baits or substances deleterious to wild animals by a member while exercising off-reservation treaty rights regulated by this ordinances is prima facie evidence of a violation of this section.

(4) No member shall take, capture or kill or attempt to take capture or kill any bird by setting or operating any trap or device designed, built or used to capture birds on a pole, post, tree stump or any other elevated perch more than three (3) feet above the ground.

(5) Nothing in this ordinance shall prohibit the tribal conservation department or its designated agents from using explosives or having explosives in its possession for the purpose of removing beaver dams, clearing a channel, or breaking a log or ice jam.

3.06 Throwing Refuse in Waters; Abandoning Automobiles, Boats or Other Vehicles.

No member shall deposit, place or throw into any off-reservation waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste materials; and no member shall abandon any automobile, boat or other vehicle in such waters. Any automobile, boat or other vehicles not removed from such waters within thirty (30) days shall be rebuttably presumed to be abandoned.

3.07 Scientific Investigation.

(1) The tribal conservation department or the Commission's Biological Services Division may conduct investigations of wild animals and wild plants in order to develop scientific information relating to population, distribution, habitat needs, and other biological data in order to advise the Tribe on conservation measures designed to ensure the continued ability of wild animals and wild plants to perpetuate themselves.

(2) The tribal conservation department or the Commission's Biological Services Division may for scientific purposes engage in or authorize others to engage in the harvest of protected wild animals or wild plants by the use of methods, at times or at locations not authorized by this ordinance on such terms and conditions as it deems appropriate.

(3) Nothing in this section shall authorize any person to exceed the biological safe harvest level of any species.

3.08 Seasons.

No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance, except during the respective seasons established pursuant to this ordinance.

3.09 Possession of Wild Plants or Wild Animals During Closed Season.

No member shall have in his or her possession or under his or her control at any time any wild plant or wild animal, or the carcass or any part thereof, showing that the same has been taken off-reservation during the closed season for such plant or animal.

3.10 Bag Limits; Possession Limits.

No member while off reservation shall have in his or her possession or under his or her control any wild plant or wild animal in excess of the bag or possession limits, or above or below the size limits for any wild animal as established by this ordinance, except that wild plants or wild animals harvested on-reservation, if properly tagged or identified in a manner determined sufficient by the tribal conservation department as having been harvested on-reservation shall not be subject to the bag, possession or size limits established by this ordinance. The possession of or control of wild plants or wild animals not so identified or tagged as part of an on-reservation harvest shall be rebuttably presumed to be part of the applicable off-reservation bag or possession limit.

3.11 Waters Partially on a Reservation.

The provisions of this ordinance shall apply to the off-reservation portions of any waters located partially on the Tribe's reservation.

3.12 Sharing of Permits and Tags.

Except as otherwise provided in this ordinance, no member shall lend, share, give, sell, barter or trade, or offer to lend, share, give, sell, barter or trade to any person any identification document, permit or tag issued by the Tribe pursuant to this ordinance.

3.13 Harvesting with Another's Permit Prohibited.

Except as otherwise provided in this ordinance, no member shall hunt, fish, trap or gather any wild animal or wild plant while in possession of any permit or tag issued to another.

3.14 Shining Animals.

(1) Definitions. As used in this ordinance:

(a) **"Flashlight"** means a battery operated light designed to be carried and held by hand.

(b) **"Light"** includes flashlights, automobile lights and other lights.

(c) **"Shining"** means the casting of rays of light on a field, forest, or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

(2) Presumption. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is rebuttably presumed to be shining wild animals.

(3) Shining Wild Animals While Hunting or Possessing Weapons Prohibited.

(a) Prohibition. Except as otherwise provided in subs. (b), no member shall use or possess with intent to use a light for shining wild animals while the member is hunting or in possession of a firearm, bow and arrow or crossbow.

(b) Exceptions. This subsection shall not apply to:

(i) a member who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot pursuant to the express provisions of this ordinance which allow shining during the open season for the animals hunted;

(ii) a person authorized to enforce the provisions of this ordinance on official business;

(iii) an employee of the Tribe or the Commission on official business; or

(iv) a person authorized by the Tribe or the Commission to conduct a game census.

(4) Shining Wild Animals After 10 P.M. During Certain Times of the Year Prohibited.

(a) Prohibition. Except as otherwise provided in subs. (b), no member shall use or possess with intent to use a light for shining wild animals between 11 p.m. and 6 a.m. from September 15 to December 31.

(b) Exceptions. This subsection shall not apply to:

(i) a member who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot pursuant to the express provisions of this ordinance which allow shining during the open season for the animals hunted;

(ii) a member who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals;

(iii) a person authorized to enforce the provisions of this ordinance on official business;

(iv) an employee of the Tribe or the Commission on official business;

(v) a person authorized by the Tribe or the Commission to conduct a game census; or

(vi) if the tribe's governing body specifically permits a member to use or possess a light for shining wild animals during these times.

3.15 Duties on Accidental Shooting.

Any member who, while hunting any wild animal, discharges a firearm or arrow, and thereby injures or kills another person, shall forthwith give his or her name and address to such person if injured and render assistance to him or her as may be necessary and obtain immediate medical or hospital care, and shall immediately thereafter report such injury or death to the proper law enforcement authorities.

3.16 Failure to Report Hunting Accident.

Every member who shall have caused or been involved in an accident in which another person has been injured by gunfire or by arrow while hunting or trapping, or shall have inflicted an injury upon himself or herself with a firearm or arrow while hunting or trapping, shall render or cause to be rendered a report to the tribal conservation department within ten (10) days after

such injury.

3.17 Hunter Education Requirements and Restrictions on Hunting by Members Under 16 years of Age.

(1) (a) Certificate of Accomplishment Required. Except as provided in subs. (b), no member born on or after January 1, 1977 may hunt while possessing a firearm, bow and arrow or crossbow unless the member has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course.

(b) Exceptions. A member may hunt while possessing a firearm, bow and arrow or crossbow without having been issued a certificate of accomplishment from a tribal hunter education and firearm safety course when:

(i) the member has a certificate, license or other evidence indicating that he or she has completed a hunter safety course offered by another tribe, state or province and the course is substantially similar to the Tribe's hunter safety course; or

(ii) the member has successfully completed basic training in the U.S. Armed Forces, Reserves or National Guard; or

(iii) the member is hunting with a mentor who meets the requirements as specified in subs. (3) and complies with the requirements as specified in subs. (2).

(2) Additional Restrictions on Hunting by Members Under 14 Years of Age.

(a) Persons Under 10 Years of Age. No member under 10 years of age may hunt while possessing a firearm, bow and arrow or crossbow.

(b) Persons 10 to 12 Years of Age. No member 10 years of age or older but under 12 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless at all times while hunting, the person is a mentored hunter who meets the requirements as specified in subs. (3);

(c) Persons 12 to 14 Years of Age. No member 12 years of age or older but under 14 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless he or she is accompanied by a parent, guardian or other adult member designated by a parent or guardian.

(d) Persons 14 to 16 Years of Age. No member 14 years of age or older but under 16 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless he or she:

(i) is accompanied by a parent, guardian or other adult member designated by a parent or guardian; or

(ii) has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course or a similar certificate issued by another tribe, state or province;

(e) Parental Obligation. No parent, guardian or other member shall authorize or knowingly permit or encourage a child under 16 years of age to violate this section.

(3) Mentored Hunting Restrictions.

(a) Requirements for Acting as a Mentored Hunter. No member 10 years of age or older may hunt with a mentor unless all of the following requirements are met:

(i) No member shall hunt without possessing a valid tribal off-reservation natural resources harvesting permit or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question;

(ii) No member shall hunt without possessing a valid carcass tag, except as otherwise provided in this ordinance.

(iii) The mentored hunter may only hunt while within arms reach of a mentor;

(iv) The mentored hunter must follow all other restrictions as provided in the ordinance;

(v) A 10 and 11 year old tribal member may only hunt under these mentorship requirements, even if they already completed hunter education.

(b) Requirements for Acting as a Mentor. No adult may serve as a qualified mentor for a hunter unless all of the following requirements are met:

(i) The adult must be parent or guardian of the mentored hunter for whom he or she is serving as a mentor or is an adult member authorized by the parent or guardian to serve as a mentor.

(ii) At all times while serving as mentor, the mentor must be in arm's reach of the person for whom he or she is serving as a mentor.

(iii) If born on or after January 1, 1977 the mentor must have been issued a certificate of accomplishment under a tribal hunter education and firearm safety course, unless one of the exceptions as specified in subs. (1) applies.

(iv) The mentor must possess a valid tribal off-reservation natural resources harvesting permit or such other license as required by law.

(c) Requirement for both the Mentored Hunter and the Mentor. Only one firearm, bow, or crossbow can be possessed jointly between the mentored hunter and the mentor.

3.18 Hunting While Intoxicated.

No member shall hunt with a firearm, bow and arrow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such weapon, or while a member has a blood alcohol concentration of 0.08 grams or more of alcohol per 100 milliliters of a person's blood or 0.08 grams or more of alcohol per 210 liters of a person's breath.

3.19 Resisting Conservation Wardens.

No member shall assault or otherwise resist or obstruct any law enforcement officer authorized to enforce the provisions of this ordinance in the performance of duty.

3.20 False Impersonation of Warden.

No member shall falsely represent himself or herself to be a law enforcement officer authorized to enforce the provisions of this ordinance, or shall assume to act as such an officer, without having been first duly appointed.

3.21 General Restrictions on Hunting.

(1) Hunting in Restricted Areas. No member shall:

(a) Hunt within 1700 feet of any hospital, school grounds or sanatorium where notice of this prohibition is clearly posted;

(b) While on the lands of another, discharge a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "**Building**" as used in this subsection includes any house trailer or mobile home, but does not include any tent, bus, truck, vehicle or similar portable unit.

(2) Color of Clothing. During the daylight shooting hours from August 15 through April 30, no member shall hunt any wild animal except waterfowl, wild turkeys or while hunting with a bow and arrow or crossbow, unless at least 50% of the member's outer clothing above the waist is of a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange, or fluorescent blaze orange.

(3) Safe Use and Transportation of Firearms and Bows.

(a) Definitions. For the purpose of this ordinance, the following terms shall be construed to apply as follows:

(i) **"Encased"** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, strapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

(ii) **"Highway"** means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of any elementary or high school supported by public taxation and institutions under the jurisdiction of a county board of supervisors, but does not include private roads or driveways as defined below.

(iii) **"Motorboat"** means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion and shall be distinguished from a **"Non-motorized boat"** which means a boat that is not a motorboat but that is designed and constructed to be used as a boat for transportation of a person or persons on water. The term, "non-motorized boat" includes, but is not limited to any canoe, sailboat, inflatable boat or similar device, row boat, raft and dinghy which is not a motorboat.

(iv) **"Private Road or Driveway"** is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than elementary and high schools supported by public taxation and institutions under the jurisdiction of a county board of supervisors.

(v) **"Roadway"** means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(vi) **"Unloaded"** means having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

(vii) **"Vehicle"** means every device in, upon or by which any person or property is or may be drawn upon a highway, except railroad trains, and includes a snowmobile as defined below.

(viii) **"Snowmobile"** means any engine driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or similar means of contact with the surface upon which it is operated, but

does not include such vehicles which are either manually propelled or driven by a motor of 4 horsepower or less and operated only on private property.

(b) Prohibitions; Motorboats and Vehicles; Highways and Roadways.

(i) Except as provided in subs. (c), no member shall place, possess, or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or enclosed in a carrying case.

(ii) Except as provided in subs. (c), no member shall place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(iii) Except as provided in subs. (c), no member shall load or discharge a firearm or shoot an arrow from a bow or crossbow in or from a vehicle.

(c) Exceptions.

(i) Subsections (b) (i), (ii), and (iii) shall not apply to any person authorized by Section 4.02 to enforce the provisions of this ordinance who, in the line of duty places, possesses, transports, loads or discharges a firearm in, on or from a vehicle or motorboat.

(ii) Subsection (b)(ii) shall not prohibit a member from leaning an unloaded firearm against a vehicle.

(iii) Subsections (b)(ii) and (iii) shall not apply to a member in or on a stationary vehicle which is parked off a highway and parked more than 50 feet from the center of the roadway.

(iv) Subsections (b)(ii) and (iii) shall not apply to a member who possesses a valid disabled hunters permit issued pursuant to Section 3.32 of this ordinance and who is hunting in or on a stationary vehicle in accordance with the provisions of that permit.

(4) Restrictions on Use of Bait.

(a) No member shall use bait to hunt unless such bait is confined to an area containing no more than ten (10) gallons of bait material.

(b) No member shall place, use or hunt over bait containing or contained within metal, plastic, glass, wood or nondegradable materials.

(c) No member shall place or hunt over bait or liquid scent within fifty (50) yards

of any trail, road or campsite used by the public.

(d) No member shall use honey for bait.

(e) This section shall not prohibit hunting over bait materials deposited by natural vegetation or found solely as a result of normal agricultural practices.

3.22 Hunting with Aircraft Prohibited.

No member shall hunt with the aid of an airplane, including the use of an airplane to spot, rally or drive wild animals for hunters on the ground.

3.23 Pivot Guns and Similar Devices Prohibited.

No member shall place, operate or attend, spread, or set any net (except as authorized for fishing pursuant to Chapter 9), pitfall, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching or which might catch, take or ensnare wild animals.

3.24 Tampering with Equipment of Another Prohibited.

No member shall molest, disturb, tamper with or in any way otherwise interfere with any hunting, fishing, trapping or gathering equipment used, set or placed by another except with the owner's permission.

3.25 Endangered and Threatened Species Protected.

Except as otherwise permitted by law, no member shall take, transport, possess, process or sell any endangered and threatened species as defined in Section 2.01(4).

3.26 Records of Commercial Transactions Required.

(1) Except as otherwise provided in this ordinance, no member shall sell any protected wild animal or wild plant to any person unless the member maintains a written record made within 24 hours of all transactions on forms prescribed by the Tribe indicating the amount and type of resource involved in the transaction, the parties to the transaction, and the date of the transaction.

(2) Records maintained pursuant to the requirement of subs. (1) shall be forwarded monthly to the tribal conservation department, or its designee.

(3) No member shall fail to comply with the reporting requirements of subs. (2).

3.27 Wild Animal Refuges Established.

No member shall fail to comply with the closures and other restrictions governing any wildlife refuge or sanctuary established by the Tribe or the State of Michigan.

3.28 Unprotected Species.

Except as otherwise expressly provided, nothing in this ordinance shall be construed to prohibit or regulate the off-reservation harvest of any unprotected species, as defined in Section 2.01(12), in the ceded territory.

3.29 Protected Species.

No member shall hunt, fish, trap or gather any of the following species: paddlefish, spoonbill catfish, wolverine, badger, flying squirrel, timber wolf, lynx, cougar, elk, moose, homing pigeon or any wild bird, except those species whose harvest is specifically regulated pursuant to the provisions of this ordinance.

3.30 Permissible Conduct/Assistance by Non-Members.

(1) Conduct which is not expressly prohibited, restricted or otherwise regulated by this ordinance shall be deemed permissible.

(2) Except as provided in subs. (3) or as otherwise provided herein, nothing in this ordinance shall be construed to prohibit a member from hunting, fishing, trapping or gathering with any other person who is not a member of a signatory tribe, provided that such other person possesses a license or is otherwise not prohibited from engaging in the activity involved and complies with the laws of the State of Michigan governing such activity.

(3) (a) No member shall allow any person who is not a member of a signatory tribe to assist, and no such person shall assist, in the activities authorized by this ordinance except in accordance with the provisions of this subsection, as provided in subs. (2), above, and as provided in Section 3.32 [Disabled Hunters Permits].

(b) (i) Except as provided in subs. (2), those persons who may assist a member shall be limited to the member's spouse, forebears, children, grandchildren and siblings.

(ii) For the purposes of this subsection:

(1) "**Forebears**" includes only parents and grandparents.

(2) "**Siblings**" includes persons who have one or both parents in common.

(c) A member may be assisted by a non-member in accordance with this subsection only if the member is physically present during the activity which constitutes assistance.

(d) Non-member "assistance" pursuant to this subsection shall be limited to the

following activities:

- (i) Operation of a boat during spearing;
- (ii) Placing or lifting a net, set pole, bank pole or setline;
- (iii) Setting or lifting of unattended lines during ice fishing;
- (iv) In hunting, all activities except the actual use of a firearm, bow and arrow or crossbow to kill an animal;
- (v) In trapping and snaring all activities except the setting or placement of traps and snares;
- (vi) In harvesting wild rice, all activities;
- (vii) In harvesting plants other than wild rice and timber, all activities except the actual cutting or uprooting of the plant, or the removal of plant parts from plants left growing; and
- (viii) In harvesting clams, crayfish, turtles and species the harvest of which are not prohibited or otherwise regulated by this ordinance, all activities except the actual use of a device to kill an animal or the specific act which reduces an animal to possession.

3.31 Emergency Closures.

(1) Notwithstanding any other provisions of this ordinance, the Director of the Biological Services Division of the Commission is hereby authorized and empowered to order the closure of the harvest activity of any species, generally or with respect to a particular location or body of water, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the Tribe's harvest goals and quotas or may otherwise cause biological harm to the species involved.

(2) Every reasonable effort shall be made to consult with and obtain the approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.

(3) An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and swiftest practicable method.

(4) No member shall violate the terms, conditions, or restrictions of an emergency closure order issued pursuant to this section.

3.32 Disabled Hunters Permits.

(1) (a) The Tribal Conservation Department is authorized to issue Disabled Hunters Permits in accordance with the provisions of this Section and may impose terms and conditions on a permit as it deems appropriate that are in addition to those specified in this Section.

(b) Members desiring a Disabled Hunters Permit shall apply to the Tribal Conservation Department on such forms as the Department prescribes and shall provide such information as the Department requests. The Department may deny an application if the member fails to provide the requested information.

(2) (a) No member shall hunt pursuant to this section without possessing a validly issued Disabled Hunters Permit.

(b) No member shall fail to comply with the terms and conditions of a Disabled Hunters Permit.

(3) The intent of this Section is to afford a hunting opportunity to members who suffer from physical disability or impairment and who would face a significant health risk by participating in normal hunting activities or who would find it unduly burdensome or would otherwise be unable to participate in normal hunting activities.

(4) For the purposes of this ordinance, "**street**" means a highway [see Section 3.21(3)(a)(ii)] that is within the corporate limits of a city or village.

(5) A Disabled Hunters Permit shall authorize the holder of the permit to hunt from a stationary vehicle and to load and discharge a firearm or shoot a bow or crossbow within 50 feet of the center of a roadway provided:

(a) The roadway is part of a county highway, a town highway or any other highway that is not part of a street or of a state trunk or federal highway;

(b) The holder of the permit is not hunting to fill the permit or tag of another person;

(c) The vehicle bears special registration "handicapped" or "disabled" plates issued by the tribe, a state or other governmental entity, or displays a sign provided by the Tribal Conservation Department on which "disabled" is conspicuously written;

(d) The holder of the permit discharges the firearm or shoots a bow or crossbow away from and not across or parallel to the roadway; and

(e) The holder of a permit shall not otherwise, possess or transport a firearm, bow or crossbow in or on a moving vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(6) To be eligible for a Disabled Hunters Permit, a member must otherwise be authorized to hunt pursuant to this ordinance and must submit to the Tribal Conservation Department a written statement verifying that the member suffers from a temporary or permanent disability or impairment and would face a significant health risk by participating in normal hunting activities or would find it unduly burdensome or otherwise be unable to participate in normal hunting activities.

(7) No member shall, with the intent to fraudulently obtain a Disabled Hunters Permit under this section, provide false or misleading information in applying for or otherwise seeking such permit.

(8) A member who feels that he or she has been unreasonably denied a Disabled Hunters Permit may request the Tribe's Governing Body to review the decision of the Tribal Conservation Department.

(9) (a) A holder of a Disabled Hunters Permit may be assisted by any person, including one who is not eligible for a permit under this section. The assisting person shall not hunt or carry a firearm, bow or crossbow unless authorized to do so under tribal or state law.

(b) The assisting person shall not be deemed to have violated the provisions of Section 3.21(3) [Safe Use and Transportation of Firearms and Bows] of this ordinance simply by virtue of the acts of a Disabled Hunters Permit holder in or from the assisting person's vehicle. However, should the assisting person violate any other applicable provision of the ordinance, he or she may be issued a citation accordingly. In addition, should the permit holder violate any provision of this ordinance, the assisting member may be issued a citation pursuant to Section 4.14 [Parties to a Violation] or any other applicable section of this ordinance.

(c) The assisting person may help the Disabled Hunters Permit holder in any activity except the actual use of a firearm, bow or crossbow.

3.33 Technical Updates.

(1) The Tribal Conservation Department is authorized to amend from time to time, this Off-Reservation Conservation Code of the Lac Vieux Desert Band of Lake Superior Chippewa Indians under the following circumstances:

(a) Basis Standard: The 1842 Ceded Territory (Michigan) Off-reservation Conservation Code of the Lac Vieux Desert Band of Lake Superior Chippewa as enacted at the time of the establishment of this provision provides for the basis regulation standard;

(b) Technical Amendments: The Great Lakes Indian Fish and Wildlife Commission Executive Administrator may, without consultation with the State, issue a Commission Order to provide tribal members more treaty harvest opportunities in line

with state harvesters;

(c) Mechanism for Amendment: A Commission Order can be administered detailing the technical amendment to be updated in the 1842 Ceded Territory (Michigan) Off-reservation Conservation Code of the Lac Vieux Desert Band of Lake Superior Chippewa;

(d) Consultation: The Lac Vieux Desert Band will inform the State of the ratification of a Commission Order.

(e) Voluntary Amendment: The Lac Vieux Desert Band may voluntarily implement the Commission Order as the Band deems appropriate, by means of completing a ratification document.

History:

- **This version of the code was originally established on November 22, 1991 as the Lac Vieux Desert Off-Reservation Conservation Code: 1842 Ceded Territory in Michigan.**

CHAPTER 4 - ENFORCEMENT

4.01 Hearings in Tribal Court.

Jurisdiction over all matters arising under this ordinance shall be with the tribal court which shall adjudicate in accordance with the Tribal Court Code all questions, complaints and alleged violations involving the provisions of this ordinance.

4.02 Enforcement by Deputized Conservation Wardens.

Any provision of this ordinance may be enforced by wardens of the tribal conservation department or by wardens of the Commission. Said Commission wardens are hereby deputized by the Tribe as tribal conservation wardens for the purpose of enforcing this ordinance.

4.03 Enforcement by Michigan Department of Natural Resources Wardens.

Wardens of the Michigan Department of Natural Resources are hereby empowered to enforce the provisions of this ordinance and to institute proceedings in the tribal court by use of citation forms of that Department or to refer the matter to appropriate tribal or Commission wardens or the tribal prosecutor for further investigation or action.

4.04 Search and Seizure; When Authorized.

Any person authorized to enforce the provisions of this ordinance may conduct a search of an object, place or person whose conduct is regulated by the provisions of this ordinance, and seize things when the search is made:

- (1) With consent;
- (2) Pursuant to valid search warrant;
- (3) With the authority and within the scope of a right of lawful inspection as provided in Section 4.05(1)(a);
- (4) Incident to the issuance of a lawfully issued citation under this ordinance; or
- (5) As otherwise authorized by law or by the provisions of this ordinance.

4.05 Investigations and Citations.

- (1) Any person authorized to enforce the provisions of this ordinance may.

(a) Subject to subsection (2), conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages, and other receptacles contained therein, utilized by a person in a harvest activity authorized by this ordinance and of records of commercial transactions required under Section 3.26 which

have not yet been forwarded to the tribal conservation department, or its designee;

(b) Execute and serve warrants and other process issued by the tribal court in accordance with applicable law;

(c) Stop and board any boat and stop any automobile or other vehicle pursuant to subs. (1)(a) or if the person reasonably suspects there is a violation or breach of this ordinance;

(d) With or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband wild plants or wild animals, or carcasses or part thereof, may be contained or pursuant to subs. (1)(a);

(e) Issue a citation on a form approved by the Tribe or tribal court to any person whose conduct is regulated by the provisions of this ordinance upon reasonable belief that such person has violated or breached a provision of this ordinance; and

(f) May seize and hold subject to the order of the tribal court any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in tribal court or any property otherwise authorized to be seized by the provisions of this ordinance.

(2) The inspections authorized by subsection (1)(a) shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

4.06 Members of Other Tribes, Tribal Court Adjudications.

The tribal court is authorized to adjudicate alleged violations by any member of a signatory tribe of any off-reservation conservation code of that Tribe provided:

(1) The relevant provisions of such ordinance are in essential conformance with the parallel provisions of this ordinance; and

(2) The other Tribe has authorized the adjudication.

4.07 Registration Information.

Tribal and Commission wardens are hereby empowered to request and receive from tribal tag and permit issuance stations and harvest registration stations information regarding tag and permit issuance and harvest registration.

4.08 Penalties.

Any person who, for himself or herself, or by his or her agent, servant or employee, or who as an agent, servant or employee of another, violates this ordinance, shall be liable as follows:

(1) For all violations for which no other amount is specified, a civil remedial forfeiture of not more than \$5,000.00;

(2) For any violation, a revocation or suspension of off-reservation hunting, fishing or gathering privileges for a period of time within the discretion of the court;

(3) For any violation, a civil remedial forfeiture of any property, including boats, motors, vehicles, hunting or fishing equipment, or other property, used in the commission of the violation of this ordinance;

(4) For all violations, the court may order a natural resources assessment not to exceed 75% of the amount of the civil remedial forfeiture; and

(5) For all violations, appropriate court costs within the discretion of the court.

4.09 Enhancement of Forfeiture and Penalties.

Upon conviction of any member for a violation of this ordinance when such person has been convicted of a previous violation of this ordinance within a period of one year, the court may enhance any civil remedial forfeiture or other penalty as the court deems appropriate.

4.10 Civil Damages.

In addition to any other penalty allowed by this ordinance, the tribal court may award to the Tribe or, in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of, damages against any person unlawfully killing, wounding, catching, taking, trapping, or having unlawfully in possession any of the following named protected wild plant, wild animals, or any part thereof, and the sum assessed for damages for each wild plant or wild animal, shall not be less than the amount stated in this section:

(1) Any endangered and threatened species protected under this ordinance, \$875.00.

(2) Any fisher, prairie chicken or sand hill crane, \$262.50.

(3) Any deer, moose, elk or bear, \$75.00.

(4) Any bobcat, cougar, fox, beaver or otter, \$87.50.

(5) Any coyote, raccoon or mink, \$43.75.

(6) Any sharptail grouse, ruffed grouse, spruce grouse, wild duck, coot, wild goose or brant, \$26.25.

(7) Any pheasant, Hungarian partridge, bobwhite, quail, rail, Wilson's snipe, woodcock or shorebird, or protected song bird or harmless bird, \$17.50.

(8) Any muskrat, rabbit or squirrel, \$8.75.

(9) Any muskellunge or rock or lake sturgeon, \$43.75.

(10) Any largemouth or smallmouth bass, \$26.25.

(11) Any brook, rainbow, brown, or steelhead trout, \$26.25.

(12) Any walleye, northern pike, or any other game fish not mentioned in pars. (9) to (11), \$8.75.

(13) Any wild animal or wild plant not mentioned in pars. (2) to (8), \$17.50.

4.11 Seized Wild Animals and Wild Plants.

No wild animal or wild plant seized pursuant to this ordinance shall be returned to a convicted violator, his or her immediate family, or other member of the hunting, fishing or gathering party.

4.12 Schedule of Money Penalties; No Contest.

The Tribal Court, in consultation with the Tribe's Governing Body, may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this ordinance has occurred, or a plea of no contest, which may be done either in person or in writing. This schedule shall not bind the Court as to forfeitures assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty.

4.13 Collection of Money Penalties.

Enforcement of the money penalties imposed pursuant to this ordinance may be had through the collection of penalties from funds of the violator held by the Tribe, through the imposition of community service work requirements in lieu of money payment, through debt collection mechanisms of the courts of other jurisdictions, or through any other method authorized by law.

4.14 Parties to a Violation.

(1) Whoever is concerned in the commission of a violation of this ordinance shall be deemed a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

(a) directly commits the violation;

(b) aids or abets the commission of it; or

(c) is a party to a conspiracy with another to commit it, or advises, hires, or counsels or otherwise procures another to commit it.

4.15 Harvesting After Revocation or Suspension.

No person whose off-reservation hunting, fishing or gathering privileges have been revoked or suspended pursuant to Section 4.08(2), shall hunt, fish, trap or gather off-reservation any wild plant or wild animal, the harvest of which is regulated by this ordinance, during such revocation or suspension.

History:

- **This version of the code is a compilation of the following: The Lac Vieux Desert Off-Reservation Conservation Code: 1842 Ceded Territory in Michigan as originally established on November 22, 1991; and the Off-Reservation (Michigan) Spearing Ordinance of the Lac Vieux Desert Band of Lake Superior Chippewa Indians as originally adopted on April 22, 1989 (Resolution #88/89-014) and was amended on April 29, 2008 (Resolution #2008-016).**

CHAPTER 5 - WILD RICE HARVESTING REGULATIONS

5.01 Tribal Wild Rice Authority.

(1) Recognition. There hereby is recognized the Lac Vieux Desert Wild Rice Authority which shall have the powers and duties enumerated in this chapter.

(2) Definition. As used in this chapter, "Lac Vieux Desert Wild Rice Authority" shall mean the individuals named by the Lac Vieux Desert Band's governing body to act in the manner of the traditional Rice Chiefs for the purposes of implementing the provisions of this Chapter and of regulating the harvest and conservation of wild rice.

(3) Powers. The Lac Vieux Desert Wild Rice Authority may designate the open and closed dates for harvesting wild rice growing within the Ceded Territory by posting notice of the open dates on the shores of and at places of access to such waters. The Authority will work with the Commission so that at least 24 hours notice is given before such open dates.

(4) Sufficient Notice of Opening Dates. The posting of an open date for harvesting wild rice pursuant to subs. (3) shall be deemed sufficient notice of such opening date and no other publication thereof is required.

(5) Consultation Required. In exercising its powers and duties under subs. (3), the Lac Vieux Desert Wild Rice Authority shall consult with and obtain the advice and recommendations of the Tribe's governing body, the tribal conservation department and the Commission's Biological Services Division.

5.02 Permit Required.

No member shall harvest or gather wild rice pursuant to this ordinance without possessing a valid wild rice harvesting permit issued by the tribal conservation department. No wild rice harvest permit is required of helpers of a permittee who participate only in shore operations.

5.03 Sale of Wild Rice Authorized.

(1) Nothing in this ordinance shall be construed to prohibit members from selling wild rice legally harvested pursuant to this ordinance.

(2) The provisions of Section 3.26 [Records of Commercial Transactions Required] shall not apply to the sale of wild rice.

5.04 Allowable Methods.

(a) No member shall harvest or gather wild rice by the use of any method other than smooth, rounded cedar rods or sticks not more than 38 inches in length and which are held and operated by hand.

(b) No member shall bind or otherwise bundle together any wild rice stalks, or harvest or gather any wild rice, the stalks of which have been bound or otherwise bundled together, except by special permit issued by the tribal conservation department.

5.05 Boats.

No member may harvest or gather any wild rice by the use of any boat longer than 17 feet or wider than 38 inches, or with any modification of the gunwale designed to capture rice outside of the boat, or by the use of any boat propelled by other than muscular power using only a push pole or canoe paddle.

5.06 Open Season.

No member shall harvest or gather wild rice in any body of water except during the time(s) as such body of water is posted open by the Lac Vieux Desert Wild Rice Authority pursuant to Section 5.01(3).

5.07 [Open.]

5.08 Hours.

No member shall harvest or gather wild rice between sunset and the following 9:00 a.m., Central Time.

5.09 Harvest Monitoring.

No member shall refuse to cooperate with wild rice harvest monitoring activities conducted by the Tribe or the Commission's Biological Services Division.

5.10 Harvest by Authorized Officials.

Nothing in this Chapter shall prohibit or preclude the tribal conservation department, the Commission's Biological Services Division or their designees from harvesting or gathering wild rice for scientific purposes or otherwise within the performance of their duties.

5.11 [Open.]

5.12 Assistance by Non-Members.

No person who is not a member or a member of another signatory tribe shall not assist a member in the gathering of wild rice pursuant to this ordinance except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

History:

- **This version of the code was originally established on October 13, 2009.**

CHAPTER 6 - DEER HARVESTING REGULATIONS

6.01 Definitions.

For the purposes of this ordinance, the following terms shall be construed to apply as follows:

(1) "**Antlerless deer**" means a deer not having at least one antler of at least 3 inches in length.

(2) "**Bow**" means any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through the efforts of the person releasing, but does not include crossbow.

(3) "**Crossbow**" means any device using a bow which, once drawn, is held solely by means other than the effort of the person firing it.

(4) "**Firearm**" means rifle, shotgun, handgun or other type of gun.

6.02 Open and Closed Season.

(1) A closed season is hereby established for the hunting of deer except for the open season specified in Section 6.07.

(2) Except as otherwise expressly provided by this ordinance, no member shall hunt deer off-reservation in the ceded territory during the closed season.

6.03 Number of Deer Available for Harvest.

(1) The Tribe's governing body, or its authorized designee shall establish either the number of antlered or antlerless deer to be available for harvest pursuant to this ordinance in aggregate for each twelve month period commencing July 1 and ending June 30 a seasonal or daily (tribal quota), or a daily bag limit applicable to individual members (bag limit).

(2) (a) In establishing a tribal quota or bag limit, the Tribe's governing body, or its authorized designee may limit the areas where deer may be harvested or may limit the number of deer to be harvested from a particular area.

(b) No member shall hunt deer in any area in which no deer have been made available pursuant to subs. (2)(a) or which have been closed to further deer hunting pursuant to Section 6.21.

6.04 [Open.]

6.05 Deer Hunting Permits/Tags.

(1) No member shall hunt deer pursuant to this chapter without possessing a valid deer hunting permit approved by the Tribe. Such a permit may be the member's tribal identification card required by Section 3.02(2).

(2) (a) No member shall hunt deer without possessing a valid carcass tag, except as provided in Section 6.11 [Group Deer Hunting].

(b) The tribal conservation department shall issue no more than four (4) carcass tags at one time to a member.

(3) (a) When an antlerless deer quota has been established, no member shall hunt antlerless deer without a valid antlerless deer permit bearing the number of the member's carcass tag(s) and valid for the date on which the member is hunting, except as provided in Section 6.11 [Group Deer Hunting].

(4) No antlerless deer permits, when required, shall be considered valid for any area:

(a) which is shown to be closed on the permit;

(b) for which the permit is marked as invalid;

(5) No member shall move or field dress a deer before affixing to it a valid carcass tag.

(6) Except as otherwise provided in this ordinance, antlerless deer permits shall be valid for the regular deer season established pursuant to Section 6.07.

6.06 Deer Registration.

(1) A member who has killed a deer pursuant to this ordinance, or, in the instance of group hunting [Section 6.11], whose carcass tag has been placed on the deer, shall register the deer by presenting it to a tribal registration station no later than 5:00 p.m. of the third working day after the killing.

(2) Upon registering a deer pursuant to this section, the registering official shall affix a registration tag and duly record in an appropriate manner all information required to be provided by the member at the time of registration.

(3) A member registering an antlerless deer shall surrender his or her antlerless deer permit upon registration of the deer.

(4) A member registering a deer shall provide the registering official with the following information: the type of deer (antlered or antlerless) taken, the management unit and county where the deer was taken, the date when the deer was taken, the tribal identification number of the member taking the deer and any other relevant information requested by the registering official.

(5) No member shall register a deer except by presenting the whole carcass to the registering official or, in the alternative, by presenting the head of a carcass provided the carcass tag is firmly affixed to the head or any part thereof.

(6) No person shall provide information to the registering official which the person knows, or has reason to know, is false or misleading.

(7) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register deer in the field provided such warden transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.

6.07 Deer Seasons; Specific Regulations.

All dates given in this section are inclusive.

(1) Closed Season. No member shall hunt deer from the first Monday following New Years Day to Labor Day.

(2) Open Season. The firearm, bow and crossbow deer hunting season begins on the day after Labor Day and ending on the first Sunday following New Years Day or as otherwise provided by a GLIFWC Commission Order.

(3) Emergency Closure. Nothing in this section shall be construed to authorize deer hunting or the opening of a deer hunting season contrary to an Emergency Closure Order issued pursuant to Section 3.31 [Emergency Closure].

6.08 Permissible Methods.

No member shall hunt deer except by the use of any firearm, bow or crossbow, the use of which is not prohibited by this ordinance.

6.09 Firearms Restrictions.

No member shall hunt deer:

(1) With a .22 rimfire rifle, 5 mm rimfire rifle, or .17 caliber centerfire rifle;

(2) With a 410 bore shotgun;

(3) With any handgun except a handgun which is loaded with .357, .41 or .44 magnum caliber handgun chambered or commercially manufactured cartridges which produce a minimum muzzle energy of 1000 ft-lbs. and which has a minimum barrel length of 5.5 inches measured from the muzzle of the firing pin with the action closed;

(4) With any shell, cartridge or ammunition known as tracer shells, or with incendiary

shells or cartridges (NOTE: Distress flares are exempt from this Section);

(5) With shot shells containing shot of a size less than 12 gauge "00" buckshot.

6.10 Bow/Crossbow Restrictions.

No member shall hunt deer:

(1) With a bow having a pull of less than 30 pounds or using an arrow that does not have a broadhead; or

(2) With a crossbow unless the crossbow:

(a) is fired from the shoulder;

(b) has a minimum draw weight of 100 pounds, except;

(i) compound bows equipped with a draw-lock type mechanism that holds the bow at full draw are exempt from the 100 pound draw requirement (30 pound minimum still applies [section 6.10(1)]).

(c) has a stock of not less than 30 continuing inches in length;

(d) has a working safety; and

(e) is used with arrows or bolts of not less than 14 inches with a broadhead.

6.11 Group Deer Hunting.

(1) As used in this section:

(a) "**Contact**" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "**Group deer hunting party**" means 2 or more members lawfully hunting deer in a group under this ordinance.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the member who kills the deer is in contact with the person for whom the deer is killed.

(b) The member for whom the deer is killed possesses a current unused deer carcass tag, and, if the deer is an antlerless deer, an antlerless deer permit when required, valid for the area in which the deer is killed.

(3) A member who kills a deer under subs. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a deer carcass tag to the deer prior to moving or field dressing it. No member who kills a deer while group hunting shall leave the deer unattended until after it is properly tagged.

6.12 Hunting Hours.

(1) No member shall hunt deer except from one-half hour before sunrise to one-half hour after sunset or as otherwise provided by a GLIFWC Commission Order.

6.13 Transportation.

No member shall transport any deer in or on any motor driven vehicle prior to registration unless the deer is carried so that a portion of it is visible from a passing vehicle and in such manner that the tag attached to the deer cannot be handled or manipulated by any occupant of the vehicle.

6.14 Hunting on Certain Public Lands Prohibited.

No member shall hunt deer on any of the following public lands except as noted:

- (1) Designated public campgrounds, public beaches, and public picnic areas.
- (2) School forests, public landfills and public gravel pits where deer hunting is prohibited and where notice of the prohibition is clearly posted.
- (3) Public land within incorporated areas except for those lands:
 - (a) which are designated for bow and gun deer hunting; or
 - (b) which are designated for bow deer hunting.
- (4) Any state park except as deer hunting is permitted under Michigan law.
- (5) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as deer hunting is permitted in those areas.

6.15 Hunting on Certain Private Lands Prohibited.

No member shall hunt deer on any privately-owned land except:

- (1) Those lands which, pursuant to Michigan law, are open to public hunting; or
- (2) Where the land owner has consented to tribal hunting.

6.16 Sale of Deer and Deer Parts.

(1) Head, Skin and Hooves. Nothing in this ordinance shall be construed to prohibit any member from selling to any person the head, skin and hooves, when severed from the rest of the carcass, of any deer lawfully killed pursuant to this ordinance.

(2) Meat. No member shall sell the meat of any deer killed pursuant to this ordinance, except in accordance with the provisions of Sections 6.17.

6.17 Sale of Deer Meat to Members.

(1) Purpose. The purpose of this section is to regulate the sale of deer meat to members of signatory tribes where subsequent sale or resale of the meat to non-members is prohibited. Nothing in this ordinance shall be construed to limit the number of deer, or parts thereof, which may be sold to such members pursuant to this section.

(2) Sale to Members. Any member who has lawfully harvested and registered a deer pursuant to this ordinance may sell the carcass, or any part thereof, of the deer to any other member provided no member who receives a carcass or any part thereof pursuant to this subsection or pursuant to subsection (3) shall sell the carcass or part thereof to any person who is not a member of a signatory tribe.

(3) Sale to Members of Other Tribes. Any member who has lawfully harvested and registered a deer pursuant to this ordinance may sell the carcass, or any part thereof, of the deer to a member of a signatory tribe provided that such other tribe prohibits its member who receives a carcass or any part thereof pursuant to this subsection from selling the carcass or part thereof to any person who is not a member of a signatory tribe.

(4) General Permit/Registration Provisions Unaffected. The provisions of Section 6.05 [Deer Hunting Permits/Tags], and of Section 6.06 [Deer Registration] are not affected by the provisions of this Section.

6.18 [Open.]

6.19 [Open.]

6.20 Shining Prohibited.

No member shall hunt deer while shining as defined in Section 3.14.

6.21 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close any area to antlerless deer hunting prior to the season's closing date, provided there is no tribal quota remaining in that area or when it appears imminent that more than the tribal quota for that unit will be harvested prior to the expiration of the next permit period.

6.22 Removal and Retention of Tags.

(1) No member who kills a deer pursuant to this ordinance shall remove a carcass or registration tag from that deer until such time as the carcass is butchered.

(2) No member who kills a deer pursuant to this ordinance shall dispose of the registration tag until the meat is consumed.

(3) Any person who receives any meat from a member as a gift or pursuant to Sections 6.17 [Sale to Members] from a member who retains a registration tag under this section is not required to possess a registration tag.

6.23 Assistance by Non-Members.

No person who is not a member or a member of another signatory tribe shall assist a member in the hunting of deer pursuant to this ordinance except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

History:

- This version of the code was originally established on November 22, 1991 as the Lac Vieux Desert Off-Reservation Conservation Code: 1842 Ceded Territory in Michigan.
- The amendment to Section (6.05) was adopted by the Voigt Intertribal Task Force on August 7, 2008 and was amended in this code on October 13, 2009.
- The amendment to Section (6.06) was adopted by the Voigt Intertribal Task Force on August 7, 2008 and was amended in this code on October 13, 2009.
- The amendment to Section (6.07) was adopted by the Voigt Intertribal Task Force on August 7, 2008 and was amended in this code on October 13, 2009.
- The amendment to Section (6.10) was adopted by the Voigt Intertribal Task Force on August 7, 2008 and was amended in this code on October 13, 2009.
- The amendment to Section (6.12) was adopted by the Voigt Intertribal Task Force on August 7, 2008 and was amended in this code on October 13, 2009.

CHAPTER 7 - BEAR HARVESTING REGULATIONS

7.01 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

- (1) "**Bow**" shall have the meaning provided in Section 6.01(2).
- (2) "**Crossbow**" shall have the meaning provided in Section 6.01(3).
- (3) "**Firearm**" shall have the meaning provided in Section 6.01(4).

7.02 Open and Closed Season.

A closed season is hereby established for the hunting of bear except for the open season specified in Section 7.06.

7.03 Hunting During Closed Season Prohibited.

Except as otherwise expressly provided by this ordinance, no member shall hunt bear off-reservation in the ceded territory during the closed season.

7.04 [Open.]

7.05 Number of Bear Available for Harvest.

(1) The Tribe's governing body, or its authorized designee shall establish either the number of bear to be available for harvest pursuant to this ordinance in aggregate for each twelve month period commencing July 1 and ending June 30 a seasonal or daily (tribal quota), or a daily bag limit applicable to individual members (bag limit).

(2) (a) In establishing a tribal quota or bag limit, the Tribe's governing body, or its authorized designee may limit the areas where bear may be harvested or may limit the number of bear to be harvested from a particular area.

(b) No member shall hunt bear in any area in which no bear have been made available pursuant to subs. (2)(a) or which have been closed to further bear hunting pursuant to Section 7.27.

7.06 Bear Season; Specific Regulations.

All dates given in this section are inclusive.

- (1) Closed Season. No member shall hunt bear from November 1 through Labor Day.

(2) Bow and Firearm Season. An annual firearm, bow and crossbow season is hereby established commencing on the day after Labor Day and extending to October 31.

(3) Nothing in this section shall be construed to authorize bear hunting or the opening of a bear hunting season contrary to an Emergency Closure Order issued pursuant to Section 3.31 [Emergency Closure].

7.07 Bear Hunting Permits/Tags.

(1) No member shall hunt bear pursuant to this ordinance without possessing a valid bear hunting permit. Such a permit may be the member's tribal identification card required by Section 3.02(2).

(2) Except as provided in Section 7.13 [Group Bear Hunting], no member shall hunt or shoot a bear without possessing a bear carcass tag valid for the hunting zone in which the bear is shot.

(3) No member shall fail to affix a valid carcass tag to a bear immediately upon reducing the bear to possession.

7.08 Bear Registration.

(1) A member who has killed a bear pursuant to this ordinance, or, in the instance of group hunting [Section 6.12], whose carcass tag has been placed on the bear, shall register the bear by presenting it to a tribal registration station no later than 5:00 p.m. of the third working day after the killing.

(2) Upon registering a bear pursuant to this section, the registering official shall affix a registration tag and duly record in an appropriate manner all information required to be provided by the member at the time of registration.

(3) A member registering a bear shall provide the registering official with the following information: the area where the bear was taken, the date when the bear was taken, the tribal identification number of the member taking the bear and any other relevant information requested by the registering official.

(4) No member shall register a bear except by presenting the entire carcass to the registering official or, in the alternative, by presenting only the hide with claws, head and teeth attached thereto, provided the carcass tag is firmly affixed to the hide or any part thereof.

(5) No person shall provide information to the registering official which the person knows, or has reason to know, is false or misleading.

(6) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register bear in the field provided such warden provides all registering information to a tribal registration station no later than 5:00 p.m. of the

first working day after the field registration.

7.09 Skinning/Preservation Intact.

No member shall skin or butcher, other than for field dressing, a bear prior to registration unless the member leaves the claws, head and teeth attached to the hide.

7.10 Permissible Methods.

No member shall hunt bear except by the use of any firearm, bow or crossbow, the use of which is not prohibited by this ordinance.

7.11 Firearms Restrictions.

No member shall hunt bear with any firearm the use of which is prohibited pursuant to Section 6.09 for hunting deer, while possessing more than one handgun, or with the use of buckshot.

7.12 Bow/Crossbow Restrictions.

No member shall hunt bear with a bow or crossbow not in compliance with the provisions of Section 6.10.

7.13 Group Bear Hunting.

(1) As used in this section:

(a) "**Contact**" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "**Group bear hunting party**" means 2 or more members lawfully hunting bear under this ordinance in a group all using firearms.

(2) Any member of a group bear hunting party may kill a bear for another member of the group bear hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the member who kills the bear is in contact with the person for whom the bear is killed.

(b) The member for whom the bear is killed possesses a current unused bear carcass tag valid for the bear management zone in which the bear is killed.

(3) A member who kills a bear under subs. (2) shall ensure that a member of his or her group bear hunting party without delay attaches a bear carcass tag to the bear prior to moving or field dressing it. No member who kills a bear while group hunting shall leave the bear unattended until after it is properly tagged.

7.14 Hunting with Non-Members.

Except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members], no member may share with anyone who is not a member of a signatory tribe any tribal bear permit, carcass tag, gear, bait, or dogs, except that nothing in this ordinance shall be construed to prohibit a member from hunting with any person who is not a member of the Tribe or of another signatory tribe during the State of Michigan bear hunting season if that person has a state license and if an individual in the hunting party has a state bear harvest permit.

7.15 Hunting Hours.

No member shall hunt bear except during the hours established for hunting deer in Section 6.12.

7.16 Transportation.

No member shall transport any bear in or on any motor driven vehicle prior to registration unless the bear is carried so that a portion of it is visible from a passing vehicle and in such manner that the tag attached to the bear cannot be handled or manipulated by any occupant of the vehicle.

7.17 Hunting on Certain Public Lands Prohibited.

No member shall hunt bear on any of the following public lands except as noted:

- (1) Designated public campgrounds, public beaches, and public picnic areas.
- (2) School forests, public landfills and public gravel pits where bear hunting is prohibited and where notice of the prohibition is clearly posted.
- (3) Public land within incorporated areas except for those lands:
 - (a) which are designated for bow and gun bear hunting; or
 - (b) which are designated for bow bear hunting.
- (4) Any state park except as bear hunting is permitted under Michigan law.
- (5) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as bear hunting is permitted in those areas.

7.18 Hunting on Certain Private Lands Prohibited.

No member shall hunt bear on any privately-owned land except:

- (1) Those lands which, pursuant to Michigan law, are open to public hunting; or
- (2) Where the land owner has consented to tribal hunting.

7.19 Hunting Bear with Dogs.

No member shall hunt bear with dogs except in accordance with the following provisions:

- (1) Dogs Marked. Any dog used to hunt bear must be tattooed or wear a collar with the owner's name and address attached.
- (2) Dog Packs. No more than six dogs in a single pack may be used to hunt bear regardless of the number of bear hunters and regardless of dog ownership.
- (3) Training Season. No member may train dogs by pursuing wild bear except from July 1 through August 30.

7.20 Dens.

No member shall hunt or shoot a bear in a den.

7.21 Landfills.

No member shall hunt or shoot bear in any dump or sanitary landfill.

7.22 Cubs.

No member may shoot, shoot at, or kill any bear cub or any adult bear accompanied by a cub or cubs.

7.23 Removal and Retention of Tags.

(1) No member who kills a bear pursuant to this ordinance shall remove a registration tag from the carcass until such time as the carcass is butchered or when the bear is prepared by a taxidermist.

(2) No member who kills a bear pursuant to this ordinance shall dispose of the registration tag until the meat is consumed.

(3) Any person who receives any bear meat as a gift or pursuant to Section 7.24(2)(a) or (b) [Sale to Members] from a member who retains a registration tag under this section is not required to possess a registration tag.

7.24 Sale of Bear and Bear Parts.

(1) Head and skin.

(a) Sale to Members. No member who has harvested a bear pursuant to this ordinance shall sell the head and skin, when severed from the rest of the carcass, of the bear to another member or to a member of another signatory tribe unless the head, claws and teeth remain attached to the skin, except as follows:

(i) The member may sell any part of the head or skin, including teeth and claws, of a bear lawfully harvested pursuant to this ordinance to any other member provided no member who receives any part of a head or skin pursuant to this paragraph shall sell such parts to any person who is not a member of a signatory tribe; and

(ii) The member may sell any part of a head or skin, including teeth and claws, of a bear lawfully harvested pursuant to this ordinance to a member of any other signatory tribe provided that such other tribe prohibits its member who receives any part of a head or skin from selling such parts to any person who is not a member of a signatory tribe.

(b) Sale to Non-members. No member who has harvested and a bear pursuant to this ordinance shall sell the head and skin, when severed from the rest of the carcass, of the bear to any person who is not a member or a member of another signatory tribe unless the head, claws, and teeth remain attached to the skin.

(2) Meat. No member shall sell the meat of any bear killed pursuant to this ordinance, except as follows:

(a) Sale to Members. Any member who has lawfully harvested and registered a bear pursuant to this ordinance may sell the meat of any carcass, or any part thereof, of the bear to any other member provided no member who receives the meat pursuant to this subsection shall sell such meat to any person who is not a member of a signatory tribe.

(b) Sale to Members of Other Tribes. Any member who has lawfully harvested and registered a bear pursuant to this ordinance may sell the meat of any carcass, or any part thereof, of the bear to a member of any other signatory tribe provided that such other tribe prohibits its member who receives the meat pursuant to this subsection from selling the meat to any person who is not a member of a signatory tribe.

(3) Teeth, Claws, Paws and Viscera.

(a) Sale to Non-Members. No member shall sell to any person who is not a member of a signatory tribe any tooth, claw, paw or organ which has been severed from the carcass of any bear harvested pursuant to this ordinance.

(b) Sale to Members. No member shall sell to another member or to a member of another signatory tribe any tooth, claw, paw or organ which has been severed from the

carcass of any bear harvested by the member pursuant to this ordinance except as follows:

(i) The member may sell any tooth, claw, paw or organ which has been severed from the carcass of a bear lawfully harvested pursuant to this ordinance to any other member provided no member who receives any such part pursuant to this paragraph shall sell the part to any person who is not a member of a signatory tribe; and

(ii) The member may sell any tooth, claw, paw or organ which has been severed from the carcass of a bear lawfully harvested pursuant to this ordinance to a member of any other signatory tribe provided that such other tribe prohibits its member who receives such part selling the part to any person who is not a member of a signatory tribe.

(c) Sale to the Tribe. Any member who has lawfully harvested and registered a bear pursuant to this ordinance may sell any tooth, claw, paw or organ which has been severed from the carcass of the bear to the Tribe.

7.25 [Open.]

7.26 Shining.

No member shall hunt bear while shining, as defined in Section 3.14.

7.27 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close any area to bear hunting prior to the season's closing date, provided there remains no bear available for harvest under this ordinance in that area.

History:

- **This version of the code was originally established on October 13, 2009.**

CHAPTER 8 – SMALL GAME HARVESTING REGULATIONS

8.01 Purpose.

The purpose of this chapter is to regulate off-reservation small game hunting and trapping in the ceded territory by members.

8.02 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

- (1) "Bow" shall have the meaning prescribed in Section 6.01(2).
- (2) "Crossbow" shall have the meaning prescribed in Section 6.01(3).
- (3) "Firearm" shall have the meaning prescribed in Section 6.01(4).
- (4) "Hunt" or "Hunting" shall have the meaning prescribed in Section 2.01(8) but shall not include trapping for the purposes of this chapter.
- (5) "Trap", in addition to the meaning prescribed in Section 2.01(14), means to trap or snare.
- (6) "Unprotected Species" means:
 - (a) Opossum, skunk, weasel, woodchuck;
 - (b) Starlings, English sparrows, coturnix quail, chukar partridge and rock doves;
 - (c) All other unprotected species as defined in Section 2.01(17).

8.03 Open and Closed Seasons.

A closed season is hereby established for the hunting and trapping of small game except for the specified open season.

8.04 Hunting/Trapping During Closed Season Prohibited.

Except as otherwise expressly provided in this ordinance, no member shall hunt or trap small game off-reservation in the ceded territory during the closed season.

8.05 [Open.]

8.06 Small Game Quotas.

(1) The Tribe's governing body, or its authorized designee shall establish either the number of otter, bobcat, marten and fisher to be available for harvest pursuant to this ordinance in aggregate for each twelve month period commencing July 1 and ending June 30 a seasonal or daily (tribal quota), or a daily bag limit applicable to individual members (bag limit).

(2) (a) In establishing a tribal quota or bag limit, the Tribe's governing body, or its authorized designee may limit the areas where otter, bobcat, marten and fisher may be harvested or may limit the number of otter, bobcat, marten and fisher to be harvested from a particular area.

(b) No member shall harvest otter, bobcat, marten and fisher in any area in which no otter, bobcat, marten and fisher have been made available pursuant to subs. (2)(a) or which have been closed to further otter, bobcat, marten and fisher harvesting pursuant to Section 8.24.

8.07 Small Game Harvest Permits/Tags.

(1) (a) No member shall hunt small game pursuant to this chapter without possessing a valid small game hunting permit.

(b) No member shall hunt bobcat without possessing a valid carcass tag.

(2) (a) No member shall trap small game pursuant to this chapter without possessing a valid small game trapping permit.

(b) No member shall trap otter, bobcat, marten and fisher without possessing a valid carcass tag.

(3) [Open.]

(4) Except as provided in Section 8.20 [Possession and Sale of Live Small Game Animals], no member shall move or field dress an otter, bobcat, marten and fisher before affixing to it a valid carcass tag.

8.08 Otter, Bobcat, Fisher and Marten Registration.

(1) (a) A member killing a marten or fisher pursuant to this ordinance shall register the animal by presenting it to a tribal registration station no later than 5:00 p.m. of the third working day after killing if the animal was hunted or after retrieval if the animal was trapped.

(b) A member killing an otter or bobcat pursuant to this ordinance shall notify a tribal registration station of the killing no later than 5:00 p.m. of the third working day after killing if the animal was hunted or after retrieval if the animal was trapped. The member shall present the animal for registration on the date and at the location specified by the registering official.

(2) Upon registering an otter, bobcat, marten and fisher pursuant to this section, the

registering official shall, except as provided in Section 8.20 [Sale and Possession of Live Small Game Animals], affix a registration tag and shall duly record in an appropriate manner all information required to be provided by the member at the time of registration.

(3) A member registering an otter, bobcat, marten and fisher shall provide the registering official with the following information: the sex of the animal taken, the area where the animal was taken, the date when the animal was taken, the tribal identification number of the member taking the animal and any other relevant information requested by the registering official.

(4) No member shall register an otter, bobcat, marten and fisher except by presenting the whole carcass to the registering official, or in the alternative, by providing the whole skin to the registering official provided the carcass tag is attached to the skin.

(5) No member shall provide information to the registering official which the member knows, or has reason to know, is false or misleading.

(6) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register otter, bobcat, marten and fisher in the field provided such warden transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.

(7) No member shall fail to transfer the carcass, except for the skin, of any otter, bobcat, marten and fisher to the tribal conservation department or the Commission's Biological Services Division when requested unless the carcass was delivered to a licensed fur buyer.

8.09 Small Game Seasons; Specific Regulations.

(1) Annual small game trapping seasons for the time periods provided in this subs. 2(b) and annual small game hunting seasons for the time periods provided in subs. 3(b) are hereby established.

(2) (a) For the purposes of small game trapping, seasons begin at 6:00 a.m. of the opening date and end at 11:59 p.m. of the closing date.

(b) The small game trapping season for all species, except for otter, fisher, marten, and beaver, listed in subs. 3(b) commences on October 1 and closes on March 31, the fisher and marten trapping season commences on November 1 and closes on March 31, the otter trapping season commences on October 1 and closes on April 30, and the beaver trapping season commences on October 1 and closes on April 30.

(3) (a) For the purposes of small game hunting, seasons begin and end in accordance with the applicable hunting hours prescribed in Section 8.10.

(b) Specific small game hunting seasons (all dates are inclusive):

(i) Bobcat

October 1 - March 31

(ii) Beaver	Year Around
(iii) Bobwhite Quail	Day after Labor Day - March 31
(iv) Coyote	Year Around
(v) Cottontail Rabbit	Year Around
(vi) Fisher	No Open Hunting Season
(vii) Hungarian Partridge	Day after Labor Day - March 31
(viii) Marten	No Open Hunting Season
(ix) Mink	No Open Hunting Season
(x) Muskrat	No Open Hunting Season
(xi) Otter	No Open Hunting Season
(xii) Pheasant	Day after Labor Day - March 31
(xiii) Raccoon	Day after Labor Day - March 31
(xiv) Red and Gray Fox	Day after Labor Day - March 31
(xv) Red, Gray and Fox Squirrel	Year Around
(xvi) Ruffed Grouse	Day after Labor Day - March 31
(xvii) Sharp-Tailed Grouse	Day after Labor Day - March 31
(xviii) Snowshoe Hare	Year Around
(xix) Unprotected Species	Year Around

(c) The daily bag limit for sharp-tailed grouse is one and no member shall harvest any sharp-tailed grouse in excess of this bag limit.

(4) Nothing in this section shall be construed to authorize small game hunting or trapping or the opening of a small game hunting or trapping season for a particular species contrary to an Emergency Closure Order issued pursuant to Section 3.31 [Emergency Closure].

8.10 Hunting Hours.

(1) Except where otherwise expressly authorized by this ordinance, no member shall hunt small game except during the hours prescribed by this section.

(2) Lawful small game hunting hours during open seasons are provided as follows:

(a) From September 1 through March 31, for all small game animals except coyote, fox, raccoon, snowshoe hare, and unprotected species one-half hour before sunrise to one-half hour after sunset or as otherwise provided by a GLIFWC Commission Order.

(b) From April 1 through August 31, for all small game species except for wild turkeys, 24 hours per day, or as otherwise provided by a GLIFWC Commission Order.

(c) For coyote, fox, raccoon, snowshoe hare and unprotected species, 24 hours per day, or as otherwise provided by a GLIFWC Commission Order.

(d) For wild turkeys, hunting hours are one-half hour before sunrise to one-half hour after sunset or as otherwise provided by a GLIFWC Commission Order.

8.11 Hunting and Trapping on Certain Public Lands Prohibited.

No member shall hunt or trap small game on any of the following lands except as noted:

(1) Designated public campgrounds, public beaches, and public picnic areas.

(2) School forests, public landfills and public gravel pits where small game hunting or trapping is prohibited and where notice of the prohibition is clearly posted.

(3) Public land within incorporated areas except for those lands which are designated for small game hunting or trapping.

(4) Any state park except as small game hunting or trapping is permitted under Michigan law.

(5) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as small game hunting or trapping is permitted in those areas.

8.12 Hunting and Trapping on Certain Private Lands Prohibited.

No member shall hunt or trap small game on any privately-owned land except:

(1) Those lands which, pursuant to Michigan law, are open to public hunting or trapping;
or

(2) Where the land owner has consented to tribal hunting or trapping.

8.13 [Open.]

8.14 Specific Small Game Hunting and Trapping Closed Areas and Refuges.

No member shall hunt or trap small game in any wildlife refuge or closed area as established pursuant to Section 3.27 contrary to the closures and restrictions established by that section.

8.15 Small Game Hunting Prohibited Methods.

While hunting small game, no member shall:

(1) Use or possess any device designed or used for the purpose of driving rabbits out of their holes or dens;

(2) Use or possess any ferret; or

(3) Molest the nest or den of any squirrel.

8.16 Shining Raccoon, Fox or Unprotected Species.

(1) No member shall hunt raccoon, fox or any unprotected species while shining as defined in Section 3.14 except:

(a) While hunting on foot during the open season for the animal hunted, a member may possess or use a flashlight at the point of kill; or

(b) While on foot training a dog to hunt or track raccoon, fox or any unprotected species, a member may possess or use a flashlight.

8.17 Identification of Traps Required.

(1) No member shall trap pursuant to this ordinance without affixing to each trap or snare a metal tag upon which shall be stamped or engraved the trapper's name and address and the initials designated by the tribal conservation department indicating membership in the tribe.

(2) Any trap or snare which is untagged shall be immediately seized and confiscated, and the owner or member using or attending the untagged trap shall be subject to citation for a violation of the provisions of subs. (1).

8.18 Specific Trapping Regulations.

No member shall:

(1) Set out traps or snares except during the open season.

- (2) Set out bait or scent for attracting furbearing animals except during the open season.
- (3) Use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of trap or snare.
- (4) Use water sets except during the open season for muskrat, beaver or otter.
- (5) Fail to check all dry land sets and snares and to remove all animals therein at least once each day.
- (6) Place on the ice any artificial house or den, or place therein any trap or snare, which has the purpose or may have the effect of taking furbearers.
- (7) Set, place, possess or operate on or adjacent to waters any trap other than a snare or steel-jawed trap or live-trap capable of capturing only one animal in a single setting for the purpose of taking furbearing animals.
- (8) Set, place or operate except as a water set at least half submerged in water any killer or conibear trap larger than 7" x 7".
- (9) Set, place or operate any steel-jawed trap with a spread width of more than 8 inches.
- (10) Set, place or operate any steel-jawed trap with teeth except as a water set.
- (11) Set, place or operate any killer trap of the conibear type greater than 6" x 6" or 6" in diameter in the following locations:
 - (a) Within 3 feet of any federal, state or county road right-of-way culvert unless completely submerged in water.
 - (b) Within 3 feet of any woven or welded wire mesh type fence.
 - (c) Within 100 yards of any building devoted to human occupancy without the owner's consent.

8.19 Specific Snaring Regulations.

No member shall trap small game by the use of a snare except in compliance with the following provisions:

- (1) Any snare must be anchored so that it may not be dragged.
- (2) Any snare must be tagged as in Section 8.17(1).
- (3) No snare may be spring activated.

(4) Any snare must be set in a manner which prevents an animal from being suspended unless it is attached to a drowning mechanism.

(5) Any upland snare must be removed no later than March 31.

(6) Any water set snare must be removed no later than March 31.

(7) Except as provided in subs. (13), any snare must have either a mechanical stop device which will prevent the snare loop size from becoming smaller than 2½ inches or a break-away mechanical lock.

(8) Except as provided in subs. (13), any snare must have a swivel device on the anchor end.

(9) Except as provided in subs. (13), any snare or cable wire may not have a diameter exceeding 1/8 inch.

(10) No upland snare shall be set on a well defined deer trail.

(11) No upland snare shall be set such that the bottom of the loop is more than 6" above the ground or, when the ground is snow covered, more than 6" above the level of the adjoining trail.

(12) No upland snare shall be set with a loop size greater than 10" in diameter.

(13) Members may use braided picture wire snares without locks or swivels for the purpose of snaring rabbits or hares.

8.20 Possession and Sale of Live Small Game Animals.

(1) As used in this section, the following terms shall be construed to apply as follows:

(a) "Control temporarily" means to possess a small game animal for a limited period of time for one of the following purposes:

(i) Removal or transportation of a small game animal from one location to a more appropriate location;

(ii) Restraint or transportation of a small game animal for treatment or medical care;

(iii) Restraint or transportation of a small game animal for game censuses, surveys or other purposes authorized by the Tribe; or

(b) "Possess" means to own, restrain, keep in captivity or transport a small game animal.

(2) Except as otherwise authorized by law or as provided in subs. (3) and (4), no member shall possess, or sell or otherwise transfer to any person, any live small game animal and any member who takes any small game animal shall kill the animal when it is taken or shall immediately release the animal.

(3) A member may control temporarily a live small game animal for one of the purposes described in subs. (1)(a), but not for the purpose of selling the live animal.

8.21 Incidental Take.

Any member taking any animal by trapping except during the open season for that animal shall surrender the animal as soon as practicable to the tribal conservation department, or shall immediately release the animal if the animal was live trapped.

8.22 Shipment of Furs.

No member shall send or ship any fur from an animal harvested pursuant to this chapter unless all fur shipments are marked on the outside of the package showing the number and kinds of hides in the shipment and the name and address of the shipper.

8.23 Sale of Small Game Authorized.

Nothing in this ordinance shall be construed to prohibit any member from selling the carcass, or any part thereof, of any lawfully harvested small game animal to any person.

8.24 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close any area to small game hunting and trapping prior to the season's closing date, provided there remains no small game hunting and trapping available for harvest under this ordinance in that area.

8.25 Sharing of Equipment/Assisting Tribal Member.

No member shall share any small game hunting or trapping equipment with or otherwise be assisted while small game hunting or trapping by any person who is not a member or a member of another signatory tribe except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

8.26 Wild Turkey Hunting Regulations.

(1) Permit Required. No member shall hunt wild turkeys without possessing a valid small game hunting permit issued pursuant to the provisions of this chapter.

(2) Season. No member shall harvest any wild turkeys except during the open season

which shall be as follows (all dates are inclusive):

(a) Fall Season: Day after Labor Day to December 31.

(b) Spring Season: Wednesday nearest April 13 for forty (40) consecutive days.

(3) Number of Wild Turkeys Available for Harvest.

(a) By subsequent resolution, the Tribe's governing body shall establish either the number of turkey to be available for harvest pursuant to this ordinance in aggregate for each twelve month period commencing July 1 and ending June 30 a seasonal or daily (tribal quota), or a daily bag limit applicable to individual members (bag limit).

(b) (i) In establishing a tribal quota or bag limit, the Tribe's governing body may limit the areas where turkey may be harvested or may limit the number of turkey to be harvested from a particular area.

(ii) No member shall harvest turkey in any area in which no turkey have been made available pursuant to subs. (2)(a) or which have been closed to further turkey harvesting pursuant to Section 8.24.

(4) Bag Limit. No member shall harvest more than 3 wild turkeys per day.

(5) **[Open.]**

(6) Methods of Turkey Harvest. No member shall hunt wild turkeys:

(a) By any means other than a shotgun or muzzle-loading shotgun fired from the shoulder, or a bow and arrow or a crossbow.

(b) With the aid of recorded bird calls or sounds or electrically amplified imitations of bird calls or sounds.

(c) With the aid of dogs.

(d) With live decoys for the purposes of enticing wild turkeys.

(7) Registration Required.

(a) A member killing a wild turkey pursuant to this ordinance shall present the carcass for registration to a tribal registration station no later than 5:00 p.m. of the third working day following the killing.

(b) No member shall fail to inform the tribal registration station of the location, including the area where the animal was killed or to provide such other information as is required by the registering official.

(c) No person shall provide information to the registering official which the person knows, or has reason to know, is false or misleading.

(d) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register wild turkeys in the field provided such warden provides all registering information to a tribal registration station no later than 5:00 p.m. of the first working day after field registration.

(8) Other Restrictions Applicable.

(a) While hunting wild turkeys, no member shall fail to comply with the other restrictions applicable to hunting generally or to small game hunting specifically, such as hunting hours, which are not modified or otherwise affected by the provisions of this section.

(b) (i) No member shall hunt wild turkeys in any area designated pursuant to subs. (b)(ii) as a wild turkey reintroduction area.

(ii) The Commission's Biological Services Director, or his or her designee, is hereby authorized, upon prior consultation with the Tribe, to designate certain areas within the ceded territory as wild turkey reintroduction areas in which the hunting of wild turkeys shall be prohibited.

(9) Authorization for Closure. The Commission's Biological Services Director, or his or her designee, is hereby delegated the authority to close any area to turkey hunting prior to the season's closing date, provided there remains no turkeys available for harvest under this ordinance in that zone.

8.27 Small Game Hunting Caliber Restrictions.

No member shall hunt any bobwhite quail, hungarian partridge, pheasant, ruffed grouse or sharp-tailed grouse with a rifle (other than a .22 caliber rifle) or a shotgun loaded with a single ball or slug or shot larger than no. BB.

History:

- **This version of the code was originally established on October 13, 2009.**

CHAPTER 9 - FISH HARVESTING REGULATIONS

9.01 Definitions.

For the purpose of this chapter, the following terms shall be construed as follows:

(1) "**Dip Net**" means a piece of netting suspended from a round or square frame not exceeding 8 feet in diameter or 8 feet in width and 8 feet in length.

(2) "**Fyke Net**" or "**Trap Net**" means a device constructed of netting which may employ a frame, wings or wings and leads, and which directs the movement of fish through a funnel of netting into inner hearts or built-in forebays wherein the fish are trapped by their own movement.

(3) "**Gillnet**" means any net set to capture fish by entanglement rather than entrapment.

(4) "**Hook and Line**" means a rod and reel or similar device including a tip up and hand held lines, and includes trolling.

(5) "**Ice Fishing**" means fishing through an artificial hole in the ice.

(6) "**Net**" means any dip net, fyke net, gill net or seine and when used as a verb means to fish with any of these nets.

(7) "**Open Water Fishing**" means all fishing other than fishing through an artificial hole in the ice.

(8) "**Seine**" means a net of mesh no larger than 2" stretch measure, with floats at the top and weights at the bottom, such that it hangs vertically in the water, and which is drawn through the water to capture fish by encircling them rather than entangling them.

(9) "**Spear**" means a pole tipped with barbed tines which are a minimum of 4-1/2" long. When used as a verb, spear shall also mean reducing or attempting to reduce to possession fish by means of a hand held spear or other similar device which is directed by the spearer for the purpose of impaling the target fish. Spearing includes the use of an artificial light and also mean snagging for the purpose of this ordinance.

(10) "**Set or Bank Pole**" means a pole used for fishing from the banks of lakes or rivers in compliance with the provisions of Section 9.09.

(11) "**Setline**" means a line used for fishing in compliance with the provisions of Section 9.09.

(12) "**Snagging**" means attempting to take or reduce a fish to possession by hooking a fish in a place other than the mouth by the use of a hook and line or any other device which is not a net or spear.

(13) **"Troll"** means to fish from a motor-driven boat when the motor is running, from any boat in tow of a motor-driven boat when the motor is running, or from a sailboat when in motion.

(14) **"Unattended"** means beyond visual contact with the aid of a magnifying device for a period of more than 1/2 hour.

9.02 Open and Closed Season.

A closed season is hereby established for fishing except for the open seasons specified in this chapter.

9.03 Number of Fish Available for Harvest.

(1) The Tribe's governing body, or its authorized designee, with the assistance of Commission biologists shall develop and approve harvest guidelines for the fishery resources within the ceded territory subject to treaty right harvest.

(a) In establishing harvest guidelines the Tribe's governing body, or its authorized designee, may limit the areas where fish may be harvested or may limit the number of fish to be harvested from a particular area.

(b) No member shall harvest fish in any area in which no harvest guidelines have been made available pursuant to subs. (1) or which have been closed to further fish harvesting pursuant to Section 9.23.

(2) The Tribe agrees to regulate the exercise of the treaty right in a manner which assures that the harvest guidelines adopted by the Tribe shall not be exceeded.

(3) No treaty right harvest of any resource for which the Tribe has not adopted harvest guidelines shall be authorized or permitted.

9.04 Fishing Permits.

(1) No member shall fish on any lake, river or stream without first obtaining and having in his/her possession a tribal picture identification card.

(2) No member shall fish with the use of a spear, except while ice fishing, or net pursuant to this ordinance without possessing a permit bearing the member's tribal identification number and valid for the date on which and the location in which the member is spearing or netting.

(3) The Tribal Council nor any designee, shall issue any permit to spear to any person unless they are a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, except as follows:

(a) Permits shall be issued to members of an 1842 treaty signatory tribe whom is also the spouse or significant other of a member and resides in the same household of a Lac Vieux Desert Tribal member.

(b) Permits (when available) may be issued to members of an 1842 treaty signatory tribe whom reside in the State of Michigan.

9.05 Seasons, Methods, Bag Limits, and Size Limits.

(1) No member shall take, catch, kill or fish for any species of fish in excess of the bag limit, by means other than those enumerated, during other than the open season, below the minimum size limit, above the maximum size limit or in locations other than those established by this section.

(2) For the purposes of bag limits, "day" shall mean a continuous 24 hour period consistent with the nature of the harvest activity involved.

(3) The Tribe's governing body, or its authorized designee, with the assistance of Commission biologists may establish the open season, daily bag limits and size limits for all other fishing species and methods, not enumerated in subsection (4), within the ceded territory subject to treaty right harvest.

(4) Except as provided in, subsection (3), the following table hereby establishes the open season, permissible methods, daily bag limits and size limits for the enumerated species of fish in the identified locations:

Kind of Fish and Locality	Methods Permitted	Open Season (dates are inclusive)	Bag Limit	Maximum or Minimum Size Limits
(a) Muskellunge – All Waters	Open water hook and line fishing, ice fishing (including spearing when ice fishing, open water spearing subject to Section 9.06, and snagging	Year Around	2 per person/day	None
(b) Bass – All Waters	Open water hook and line fishing, ice fishing (including spearing when ice fishing, open water spearing subject to Section 9.06, and snagging	Year Around	10 per person/day	None
(c) Lake Trout – All Waters	Open water hook and line fishing, ice fishing (including spearing when ice fishing, open water spearing subject to Section 9.06, and snagging	Year Around	4 per person/day	None
(d) Lake Sturgeon – All Waters	Open water hook and line fishing, ice fishing (including spearing when ice fishing, open water spearing subject to Section 9.06, and snagging	Year Around	1 per person/day	None
(e) Walleye – All Waters	Open water hook and line fishing, ice fishing (including spearing when ice fishing, open water spearing subject to Section 9.06, and snagging	Year Around	Established by permit issued pursuant to Section 9.06	None
(f) Walleye – All Waters	All nets subject to Section 9.07	Year Around	Established by permit issued pursuant to Section 9.07	None
(g) Walleye – Michigamme Reservoir and Peavy Pond	All Gillnets subject to Section 9.08	April 1 to the Friday proceeding Memorial day	Established by permit issued pursuant to Section 9.08	None

9.06 Spearing Regulated.

(1) Except while ice fishing, no member shall use or possess any spear on any body of water unless the member possesses a valid permit authorizing the use of a spear on that body of water.

(a) A valid permit authorizing the use spear on the Michigamme Reservoir shall include from the open water portion of the reservoir to the upper end section location on the Deer River (Lat. 46.2038 and Long. 88.3185), the Fence River (Lat. 46.213 and Long. 88.1885), and the Michigamme River (Lat. 46.2013 and Long. 88.0805).

(2) The tribal conservation department may issue an open water spearing permit to a member provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day for the spearing of walleye, muskellunge, sturgeon and other game fish;

(c) The permit establishes the respective harvest limit / daily bag for walleye, and for any other species designated by the Tribe, which may be less than but shall not exceed the remaining respective tribal harvest guideline in the designated body of water;

(d) The respective number of walleye spearing permits which may be issued at any one time shall not exceed the tribal harvest guideline of walleye divided by the respective daily bag limit;

(e) The permit designates the body of water for which the permit is valid;

(f) No spearing permit issued pursuant to this section and no netting permit issued pursuant to Section 9.07 or 9.08 shall be simultaneously valid for any body of water; except as follows:

(i) Members may be simultaneously issued a spearing permit, a fyke netting permit and/or a gillnetting permit on waterbodies that are open to both spearing and netting, however;

(ii) No member shall simultaneously possess multiple fish harvesting devices on any waterbodies that are open to both spearing and netting.

(iii) Prohibited harvest methods while spearing include but are not limited to snagging, guns, firearms, electron and toxic substances.

(g) The permit requires the member's signature; and

(h) The tribal conservation department or the Commission may impose such other

terms and conditions as it deems necessary or appropriate, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(3) The tribal conservation department or the Commission may issue an ice spearing permit provided an open season exists for the species to be fished. The permit shall require the member's signature and may incorporate such other terms and conditions as the tribal conservation department deems necessary or appropriate.

(4) No member shall fish by the use of a spear contrary to the terms and conditions of any spearing permit which has been issued to him or her.

(5) No member shall fish with the use of a spear which does not meet the requirements of Section 9.01(9) [Spear Defined].

(6) Except while ice fishing, no member shall possess any fish harvesting devices other than a spear while engaged in spearing.

(7) No member shall share spearing equipment with any person who is not a member of a signatory tribe as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

(8) The Tribe's governing body, or its authorized designee shall not issue a permit for spearing a particular species of fish in a particular body of water under this section if no tribal harvest guideline for that species remains available in that body of water.

(9) The Tribe's governing body, or its authorized designee shall not issue a spearing permit under this section for a particular body of water unless a biological monitoring team will be present at that body of water to monitor the spearing harvest.

(10) The Tribe's governing body, or its authorized designee may issue an open water spearing permit to a member for a designated stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize spearing only on a stream segment designated by the Commission's Biological Services Division as available for open water spearing;

(b) The permit requires the use of designated landings for ingress to and egress from the designated stream segment;

(c) Spearing in a designated steam segment may take place from a boat or while wading;

(d) The tribal conservation department or the Commission may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements in addition to those contained in Section 9.06(8) appropriate to the level of harvest activity on a designated stream segment.

(11) For the purpose of this section, "designated stream segment" means a discrete in-stream population of a particular species as opposed to a discrete fish population of a lake which moves into a tributary stream to spawn.

9.07 Dip Nets, Fyke Nets and Seines Regulated.

(1) No member shall use or possess any dip net, fyke net or seine on any body of water unless the member possesses a valid permit authorizing the use of a dip net, fyke net or seine on that body of water.

(a) A valid permit authorizing the use of a fyke net on the Michigamme Reservoir shall include from the open water portion of the reservoir to the upper end section location on the Deer River (Lat. 46.2038 and Long. 88.3185), the Fence River (Lat. 46.213 and Long. 88.1885), and the Michigamme River (Lat. 46.2013 and Long. 88.0805).

(2) The tribal conservation department may issue a dip netting, fyke netting or seining permit, provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day;

(c) The permit establishes the respective daily bag / harvest limit for walleye which may be less than but shall not exceed the remaining respective tribal harvest guideline for walleye in the designated body of water;

(d) The respective number of walleye netting permits which may be issued at any one time shall not exceed the tribal harvest guideline of walleye divided by the respective daily bag limit;

(e) The permit designates the body of water for which the permit is valid;

(f) No netting permit issued pursuant to this section and no spearing permit issued pursuant to 9.06 and no gillnetting permit issued pursuant to Section 9.08 shall be simultaneously valid for any body of water; except as follows:

(i) Members may be simultaneously issued a spearing permit, a fyke netting permit and/or a gillnetting permit on waterbodies that are open to both spearing and netting, however;

(ii) No member shall simultaneously possess multiple fish harvesting devices on any waterbodies that are open to both spearing and netting.

(iii) Prohibited harvest methods while spearing include but are not limited to snagging, guns, firearms, electron and toxic substances.

(g) The permit shall require that all nets authorized will be marked with flagged buoys or floats and that a numbered identification tag will be securely attached to each net.

(h) The permit requires the member's signature; and

(i) Permits issued pursuant to Section 9.19 [Bait Dealers Regulated] shall be governed by the provisions of that section; and

(j) The tribal conservation department or the Commission may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(3) No member shall fish by the use of a dip net, fyke net or seine contrary to the terms and conditions of any netting permit which has been issued to him or her.

(4) No member shall fish with the use of a dip net, fyke net or seine which does not meet the requirements of Section 9.01(1) [Dip Net Defined], Section 9.01(2) [Fyke Net Defined], or Section 9.01(8) [Seine Defined].

(5) No member shall possess any fish harvesting device other than a dip net, fyke net or seine while engaged in netting under this section.

(6) No member shall share netting equipment authorized under this section with any person who is not a member of a signatory tribe, except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

(7) The tribal conservation department shall not issue a permit for netting a particular species of fish on a particular body of water under this section if no tribal harvest guideline for that species remains available in that body of water.

9.08 Gillnets Regulated.

(1) No member shall use or possess any gillnet on any body of water except:

(a) Michigamme Reservoir

(b) Peavy Pond

(c) Any other body of water designated by the tribal conservation department in consultation with the Commission's Biological Services Division and the State of Michigan.

(2) The tribal conservation department may issue a gillnetting permit for any body of water, as provided in subs. (1), provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day for any species;

(c) The permit establishes the respective daily bag limit for all species which can be harvested with gillnets under Section 9.05 [Season, Methods, Bag Limit and Size Limit], and/or all other management measures to control the harvest of such species or any other species that might be harvested incidentally, including without limitation restrictions on the length, depth or bar size of nets, soak times, or location of harvest, as determined by the tribal conservation department;

(d) Except as provided in subs. (13), any number of permits may be issued at any one time for any lake but the total number of walleyes available for harvest shall not exceed the walleye harvest guideline selected by the Tribe for the water body to be harvested. In water bodies that are open to both spearing and netting, the total harvest will include walleyes harvested by spear and net.

(e) Gillnetting for all species is limited to one body of water for the duration of the permit;

(f) No gillnetting permit issued pursuant to this section, no spearing permit issued pursuant to Section 9.06 or netting permit issued pursuant to Section 9.07 shall be simultaneously valid for any body of water; except as follows:

(i) Members may be simultaneously issued a spearing permit, a fyke netting permit and/or a gillnetting permit on water bodies that are open to both spearing and netting, however;

(ii) No member shall simultaneously possess multiple fish harvesting devices on any water bodies that are open to both spearing and netting.

(iii) Prohibited harvest methods while spearing include but are not limited to snagging, guns, firearms, electron and toxic substances.

(g) The permit requires the member's signature;

(h) Except as provided in subs. (13), the permit shall establish the location of where the net is set and time the net shall be lifted. No permit shall be issued unless a monitor is available at the time the net is lifted.

(i) Except as provided in Subs. (2c) and (13), the maximum length, depth and bar size of a gillnet shall be as follows:

DATE	MAXIMUM ALLOWABLE LENGTH	MAXIMUM DEPTH	BAR SIZE RANGE
April 1 - Friday	100 feet	4 feet	1.50 - 1.75 inches

Preceding Memorial Day

(j) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(3) No member shall fish by the use of a gillnet contrary to the terms and conditions of any gillnetting permit which has been issued to him or her.

(4) No member shall fish with the use of a gillnet which does not meet the requirements of Section 9.01(3) [Gillnet Defined].

(5) No member shall possess any fish harvesting device other than a gillnet while engaged in gillnetting under this section.

(6) No member shall share gillnetting equipment authorized under this section with any person who is not a member of a signatory tribe, except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Member].

(7) Where the annual tribal harvest guideline for any fish species as established pursuant to Section 9.03 has been taken on a body of water by any method or combination of methods:

(a) No gillnetting under this section may take place on that body of water until the following fishing year; and

(b) The tribal conservation department shall not issue permits for gillnetting on that particular body of water for the remainder of the fishing year.

(8) No member shall fish with any gillnet unless the gillnet is marked in compliance with the following provisions:

(a) Each gillnet shall be marked with marked with flagged buoys or floats on each end.

(b) A numbered identification tag will be securely attached to the topline or floatline on each net.

(9) No member shall set a gillnet in open water with a topline within 3 feet of the water's surface unless the gillnet is buoyed at 100 foot intervals.

(10) No member shall set any gillnet in a manner in an unsafe manner which shall unreasonably expose boaters and other users of the lake to a foreseeable risk of imminent bodily harm or property damage, or contrary to such other restrictions as the tribal conservation department may require.

(11) No member shall remove a gillnet from a lake without first removing from the

gillnet and returning all crayfish to the water or killing all crayfish entangled in the gillnet.

(12) Except as otherwise provided in subs. (2)(c), no member shall fail to lift any gillnet at least two times in each continuous 24 hour period during which the net is set, or more frequently as water temperatures may require so as to avoid the spoilage of any fish taken by the net.

(13) Notwithstanding the provisions of subs. (2)(d) and (2)(h), the tribal conservation department may issue a permit for gillnetting ciscos (tulibeas) on such terms and conditions as it deems necessary or appropriate, provided that at a minimum all other provisions of this section shall otherwise apply to cisco gillnetting permits.

9.09 Setlines and Set or Bank Poles Regulated.

(1) No member shall fish with or set any setline or set or bank pole except in accordance with the following provisions:

(a) A maximum of 20 set or bank poles and 1 setline may be used in no more than 3 bodies of water at any one time.

(b) Setlines shall be marked at one end by a white flag ten inches square or larger held by a pole three feet or more above the surface of the water or bank; the pole shall not be more than two-and-one-half inches in diameter and, if a buoy is used to hold the pole, it shall be round or ovate in shape and have a diameter of fifteen inches or less; the pole shall not be placed in the main channel of any navigable waterway;

(c) Each set or bank pole and each setline shall have attached securely to it a numbered identification tag issued by the Tribe

(d) Setlines or set or bank poles shall not be equipped with stainless steel hooks.

(e) A set or bank pole may not be equipped with more than one line which shall not have more than 2 hooks.

(f) A setline shall not have more than 10 hooks.

(g) Each set or bank pole and setline shall be lifted and the catch removed at least once each day following the day it was set.

(h) Set or bank poles and setlines may only be set, attended or lifted from one hour before sunrise to one-half hour past sunset.

(i) The tribal conservation department may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(2) No member shall fish with any set or bank pole or setline which does not meet the requirements of Section 9.01(10) [Set or Bank Pole Defined] or Section 9.01(11) [Setline Defined].

(3) No member shall possess any fish harvesting device other than a set or bank pole or setline while setting, lifting or attending a set or bank pole or setline.

(4) No member shall share any set or bank pole or setline with any person who is not a member of a signatory tribe, except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

9.10 Designated Landings May Be Required.

(1) In issuing spearing or netting permit pursuant to Sections 9.06, 9.07 or 9.08, the tribal conservation department may require permittees to use only designated landings for entering upon and exiting from a body of water.

(2) When so required, no member shall enter upon or exit from a body of water except at such landings designated by the tribal conservation department pursuant to subs. (1).

(3) Identification of an alternate boat landing or harvest monitoring location shall be properly coordinated with Commission conservation law enforcement and MDNR Law Enforcement Division at Marquette.

(4) Notwithstanding the provisions of subs. (1), (2) and (3), a member may exit from a body of water at a location other than a designated landing when necessitated by weather conditions, considerations of personal safety or other appropriate circumstances.

9.11 Reporting and Monitoring.

(1) No member shall fail to complete catch reports in the manner required by the tribal conservation department or the Commission's Biological Services Division or to otherwise fail to comply with any catch monitoring requirements imposed by either of those agencies with respect to any fishing method authorized by this chapter.

(2) The tribal conservation department shall issue no further permits under this chapter to any member who has failed to complete and return any creel census questionnaire or other catch report required by subs. (1).

(3) In the event that a member fails to report or return a census questionnaire, the tribal conservation department or the Commission's Biological Services Division, shall count the total number of fish allowed by that member's permit against the tribal harvest guideline until such report or census questionnaire is completed and returned in compliance with this section.

9.12 Open Water Hook & Line Fishing Regulated.

(1) Except as provided in Section 9.09 [Setlines and Set or Bank Poles Regulated], no member shall:

(a) Engage in open water fishing by the use of hook and line with more than six lines with a maximum of two hooks or lures per line; or

(b) Engage in open water fishing by use of any unattended hook and line which is physically unattended for a period of more than an one hour.

(2) Any member engaged in open water fishing by use of any unattended hook and line shall attach to such line a numbered identification tag issued by the member's Tribe.

(3) Nothing in this ordinance shall be construed to prohibit any member from trolling on any body of water while engaged in open water fishing by the use of hook and line.

9.13 Ice Fishing Regulated.

(1) No member shall ice fish by the use of hook and line through a hole larger than 12 inches in diameter.

(2) No member shall ice fish by the use of a spear through a hole larger than 24 inches by 36 inches.

(3) No member shall ice fish with unattended lines except in compliance with the following provisions:

(a) All unattended lines shall have attached a single iron hook with a maximum 1/2 inch point to shank gape;

(b) All unattended lines shall be of biodegradable material and shall be securely anchored so as not to be dislodged by a hooked fish;

(c) All unattended lines shall be tagged with a numbered identification tag obtained from the tribe;

(d) Any member fishing with unattended lines shall, prior to doing so, inform the tribal conservation department of his or her name, address, phone number and lakes upon which the member intends to fish with unattended lines;

(e) Each unattended line shall be checked at least once every 24 hours unless severe weather conditions render it impractical to do so;

(f) No more than a total of 30 attended or unattended lines shall be used in no more than 3 lakes at any one time; and

(g) All poles used for unattended lines shall be marked so as to be visible to

vehicular traffic, and all openings more than twelve inches in diameter or across shall be marked in a manner which identifies them as a hazard when unused.

(4) No member shall ice fish within an ice fishing house or other enclosure, unless the enclosure is equipped with a latch which will permit the door to be readily opened from the outside at all times while the house is occupied.

(5) No member shall place, maintain or use a house or other enclosure for ice fishing on any body of water unless the owner's name and address or a numbered identification tag issued by the member's Tribe is clearly displayed on the outside of the house.

(6) No member shall fail to remove an ice fishing house or other enclosure from any body of water on or before March 15 or as otherwise determined by the tribal conservation department except that portable shelters may be used while ice fishing after that date provided the portable shelter is removed daily from the ice.

(7) No member shall share any ice fishing gear, including any spear, with any person who is not a member of a signatory tribe, except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

9.14 Possession Limit.

(1) (a) Except as provided in subs. (3) and (4), no member shall have in his or her possession any number of fresh fish of any species greater than double the daily bag limit of that species.

(b) For the purposes of this section, "**fresh**" means unspoiled and never frozen once removed from a body of water.

(2) Except as provided in subs. (3) and (4), no member shall possess more than one daily bag limit of any species of fish while on any body of water or while fishing unless all fish in excess of the daily bag limit have been tagged in accordance with Section 3.10 as having been harvested on-reservation.

(3) The possession limits of this section shall not apply to fresh walleye lawfully taken pursuant to permits issued under Sections 9.06 [Spearing], 9.07 [Netting] or 9.08 [Gillnetting] when such walleye have been monitored and counted as the permittee leaves a body of water while on that body of water unless all walleye in excess of the daily bag limit have been tagged in accordance with Section 3.10 as having been harvested on-reservation.

9.15 Sturgeon Tagging Required.

(1) No member shall fail to register with the tribal conservation department any sturgeon harvested pursuant to this ordinance prior to 5:00 p.m. of the third working day following the harvest.

(2) Upon registering a sturgeon, the registering official shall firmly affix a registration tag to the carcass.

9.16 Incidental Take by Gillnet.

(1) No member shall retain possession of any species of fish taken in excess of the daily bag limit by the use of a gillnet authorized by Section 9.08 and no member shall fail to either:

(a) Return to the water any such fish which appears capable of surviving; or

(b) Transfer possession of such fish as soon as practicable to the tribal conservation department or to a person authorized to enforce this ordinance.

(2) Any such fish transferred pursuant to subs. (1)(b) shall be disposed of by the tribe for charitable purposes but shall not be returned to the member or his or her immediate family.

9.17 Live Bait Restrictions.

(1) No member shall use as live bait while fishing pursuant to this ordinance: carp, goldfish, redhorse, fresh water drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, gizzard shad, smelt, goldeye, mooneye, carpsucker, quillback, crayfish or other non-native or exotic species designated by the tribal conservation department.

(2) [Open.]

9.18 Fishing in Certain Locations Prohibited or Restricted.

(1) No member shall fish at any time within 50 yards of a tribal, Commission or Michigan Department of Natural Resources assessment net or its leads.

(2) No member shall fail to comply with the closures and other restrictions with respect to fish refuges and fish management experimental bodies of water established pursuant to Section 3.27 [Wild Animal Refuges Established].

9.19 Bait Dealers Regulated.

(1) No member shall set, use or operate any net or other device for taking, catching or killing minnows except as provided by this section.

(2) Any member may take minnows by the use of any net authorized by Section 9.07 [Dip Nets, Fyke Nets and Seines] without a permit provided that while netting for minnows:

(a) No member shall remove or destroy vegetation, logs or habitat features;

(b) No member shall handle, transport or hold minnows except in a manner which will reasonably ensure the minnows will be kept alive and healthy; and

(c) No member shall fail to promptly return unharmed to the water all minnows not kept and all game fish caught by a net.

(3) Nothing in this ordinance shall be construed to prohibit a member from selling to any person minnows lawfully taken pursuant to this section.

(4) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.

9.20 Sale of Game Fish.

(1) (a) The provisions of this section shall not take effect until such time as the tribe's governing body specifically declares them to be effective by an enabling resolution.

(b) No member shall sell any game fish prior to the effective date as declared by the tribe's governing body pursuant to subs. (1)(a).

(2) At such time as the provisions of this section are declared effective pursuant to subs. (1)(a), no member shall sell to any person any game fish or part thereof lawfully harvested pursuant to this ordinance, except in accordance with the terms and conditions of the enabling resolution of the Tribe's governing body.

(3) Nothing in this ordinance shall be construed to prohibit any member from selling to any person any fish lawfully harvested pursuant to this ordinance which is not a game fish.

9.21 [Open.]

9.22 [Open.]

9.23 Authorization for Closure.

The Commission's Biological Services Director, or his or her designee, is hereby delegated the authority to close any body of water to fishing for any species subject to a harvest guideline by the use of a spear or net prior to the season's closing date for that species, provided none of the harvest guideline for that species remains in that body of water.

9.24 Compliance with Permits Issued by Other Tribes.

No member shall fish pursuant to a spearing or netting permit issued by another signatory tribe in a manner which violates the provisions of that Tribe's law governing the activity authorized by the permit.

9.25 [Open.]

9.26 [Open.]

9.27 Alteration of Fish Size Prohibited.

While open-water spearing or netting, no person shall cut, clip, or otherwise alter the size of any fish before the fish is counted by a biological monitoring team. This provision does not apply to fish whose length has been altered as an incidental result of the act of spearing or netting, as a result of natural causes, or as part of a biological survey or assessment.

History:

- **This version of the code was originally adopted as the Off-Reservation (Michigan) Spearing Ordinance of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on April 22, 1989 (Resolution #88/89-014) and was amended on April 29, 2008 (Resolution #2008-016).**
- **This version of the code was originally adopted as the 1842 Michigan Ceded Territory Interim Off-Reservation Gillnetting and Fyke Netting Ordinance as was originally established on September 28, 2008 and was amended on April 15, 2009.**
- **This version of the code was reformatted on October 13, 2009.**

CHAPTER 10 - MIGRATORY BIRD HARVESTING REGULATIONS

10.01 Definitions.

For the purposes of this chapter, the following terms shall be construed as follows:

(1) **"Bag Limits"** mean:

(a) **"Aggregate bag limit"** means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the member in predetermined or unpredetermined quantities to satisfy a maximum take limit.

(b) **"Daily bag limit"** means the maximum number of migratory birds of a single species or combination (aggregate) of species permitted to be taken by one member in any one day during the open season.

(c) **"Aggregate daily bag limit"** means the maximum number of migratory birds permitted to be taken by one member in any one day during the open season when such member hunts for more than one species for which a combined daily bag limit is prescribed for any one species.

(d) **"Possession limit"** means the maximum number of migratory birds of a single species or a combination of species permitted to be possessed by any one member when lawfully taken in the ceded territory.

(2) **"Migratory Bird"** means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR Section 10.13, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part of any part, nest or egg thereof.

(3) **"Migratory Bird Preservation Facility"** means:

(a) Any person who, at his residence or place of business and for hire or other consideration; or

(b) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(c) Any hunting club which, in the normal course of operations: receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

(4) **"Personal abode"** means a member's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel, or

rooming house used during a hunting, pleasure or business trip.

(5) **"Take"** means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect.

(6) **"Waterfowl"** means any migratory bird of the family anatidae, including ducks, geese, coots, rails, gallinules, brant, and mergansers.

10.02 Closed Season.

(1) A closed season is hereby established for the hunting of migratory birds except for the open seasons specified in Section 10.03.

(2) Except as otherwise expressly provided by this ordinance, no member shall take any migratory bird off-reservation during the closed season for that animal.

10.03 Seasons and Annual Harvest Regulations.

(1) Upon publication in the Federal Register of the U.S. Fish and Wildlife Service Final Rule establishing federal regulations in response to the Tribe's proposal pursuant to the Service's Interim Guidelines described in the June 4, 1985, Federal Register (50 FR 23467), all such regulations as to season, daily bag and possession limits, and other conditions, shall be and hereby are incorporated into this ordinance, as if fully set forth in their entirety herein, and shall constitute tribal regulations governing member off-reservation migratory bird hunting for the seasons so established.

(2) No member shall take or possess migratory birds or otherwise engage in any activity contrary to the federal regulations incorporated into this ordinance pursuant to this section on a season-by-season basis.

(3) Any violation of such annual federal migratory bird regulations incorporated herein shall be deemed a violation of this ordinance, and shall be subject to the jurisdiction of the tribal court pursuant to the provisions of this ordinance.

10.04 Daily Bag Limits and Possession Limits.

(1) No member shall take any migratory bird in any one day in excess of the daily bag limit for that species or in excess of the aggregate daily bag limit, whichever applies, as established by this chapter.

(2) No member shall possess migratory birds taken off-reservation in excess of the possession limits for that species established by this chapter.

(3) When a daily bag limit or aggregate daily bag limit is established in terms of "points", the daily bag limit or aggregate daily bag limit, whichever applies, is reached when the point value established by this chapter of the last migratory bird taken during that day reaches or

exceeds the maximum number of points allowed for that day.

(4) For purposes of enforcing bag and possession limits under this chapter, all migratory birds in a member's possession or custody on ceded lands will be considered to have been taken on those lands, unless tagged by a tribal, Commission or state conservation warden as taken on reservation. No migratory bird falling on reservation lands will be counted as part of a bag or possession limit.

10.05 Methods.

(1) Unless expressly modified by a U.S. Fish and Wildlife Service Final Rule incorporated into this ordinance pursuant to Section 10.03(1), migratory birds for which open seasons are prescribed may be taken by any method except those prohibited in this section.

(2) No member shall take migratory birds:

(a) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by any means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: Provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this section for any member to take migratory waterfowl in an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(h) By the aid of baiting, or on or over any baited area. As used in this subsection, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked or unshucked corn, wheat, other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this section shall prohibit:

(i) the taking of all migratory birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(ii) the taking of all migratory birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: Provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown;

(i) While possessing shotshells loaded with shot other than steel shot or such shot approved as non-toxic by the Director of the U.S. Fish and Wildlife Service, provided that this restriction applies only to the taking of ducks, geese (including brant), swans and coots and any species that make up aggregate bag limits during concurrent seasons with the former;

(j) With shot larger than size T; or

(k) By the use or aid of any motor driven land, water, or air conveyance, or any sailboat, used for the purpose of or resulting in the concentrating, stirring up, driving, or rallying any migratory bird.

10.06 Shooting Hours.

No member shall take migratory birds except during the lawful hunting hours established by the U.S. Fish and Wildlife Service Final Rule incorporated into this ordinance pursuant to Section 10.03(1).

10.07 Hunting on Certain Public Lands Prohibited.

No member shall hunt migratory birds on any of the following public lands except as noted:

- (1) Designated public campgrounds, public beaches, and public picnic areas.
- (2) School forests, public landfills and public gravel pits the where migratory bird hunting is prohibited and where notice of the prohibition is clearly posted.
- (3) Public land within incorporated areas except for those lands:
 - (a) which are designated for migratory bird hunting; or
 - (b) which are designated for bow migratory bird hunting.
- (4) Any state park except as migratory bird hunting is permitted under Michigan law.
- (5) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as migratory bird hunting is permitted in those areas.

10.08 Hunting on Certain Private Lands Prohibited.

No member shall hunt migratory birds on any privately-owned land except:

- (1) Those lands which, pursuant to Michigan law, are open to public hunting; or
- (2) Where the land owner has consented to tribal hunting.

10.09 Wanton Waste of Migratory Birds.

No member shall kill or cripple any migratory bird pursuant to this chapter without making a reasonable effort to retrieve the bird, and retain it in his or her actual custody, at the place where taken or between that place and any of the following places:

- (1) The member's automobile or principle means of land transportation;
- (2) The member's personal abode or temporary or transient place of lodging;
- (3) A migratory bird preservation facility as defined by Section 10.01(2) of this ordinance;
- (4) A post office; or
- (5) A common carrier facility.

10.10 Decoys.

No member shall take any migratory bird with decoys which are:

- (1) Placed beyond 200 feet from the location in which the member is located;
- (2) Placed in the water prior to one hour before opening of shooting hour; or
- (3) Left in the water more than 20 minutes after the close of shooting hours.

10.11 Structures.

No member shall hunt migratory birds from any publicly owned pier, dam, dock, breakwater, or similar man-made structure where the prohibition of such hunting is clearly posted.

10.12 Duck Blinds.

(1) No member shall establish a duck blind on public waters or public land prior to prior to 7 days before the migratory bird season or leave it established beyond 7 days after the close of the season. No member shall leave any waterfowl hunting blind in open public waters after dark.

10.13 Possession Regulated.

(1) Prohibited if taken in violation of sections 10.05-10.12. No member shall at any time, by any means, or in any manner, possess or have in custody any migratory bird or part thereof, taken in violation of any portion of Sections 10.05-10.12 of this ordinance.

(2) During closed season. No member shall possess any freshly killed migratory bird taken off of the reservation during the closed season.

(3) Possession limit. No member shall possess more migratory birds taken in the ceded territory than the possession limit or the aggregate possession limit, whichever applies. This section applies only to transportation. Possession limits for the purposes of this subsection do not include birds which are cleaned, dressed, and at the member's primary residence.

(4) Opening day of a season. No member on the opening day of the season shall possess any migratory bird freshly killed off of the reservation in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

(5) Field possession limit. No member shall possess, have in custody, or transport more than the daily bag limit, or aggregate daily bag limit, whichever applies, of migratory birds, tagged or not tagged, at or between the place where taken and any of the following places:

- (a) The member's automobile or principle means of land transportation;
- (b) The member's personal abode or temporary or transient place of lodging;

(c) A migratory bird preservation facility as defined in Section 10.01(3) of this ordinance;

(d) A post office; or

(e) A common carrier facility.

(6) Tagging requirements. No member shall put or leave any migratory bird at any place (other than his or her personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such bird has a tag attached, signed by the member, stating his or her address, the total number and species of birds, and the date such birds were killed. Migratory birds being transported in any vehicle as the personal baggage of the processor shall not be considered as being in storage or temporary storage.

(7) Custody of birds of another. No member shall receive or have in custody any migratory bird belonging to another person unless such bird has been tagged as required by subs. (6).

(8) Possession of live birds. Every migratory bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become part of the daily bag limit. No member shall at any time, or by any means, possess or transport live migratory game birds taken pursuant to this ordinance.

(9) Termination of possession. Subject to all other requirements of this chapter, the possession of any migratory bird taken by any member shall be deemed to have ceased when such bird has been delivered by him or her to another person as a gift; or have been delivered by him or her to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the member.

(10) Gift of migratory bird. No member shall receive, possess, or give to another, any freshly killed migratory birds as a gift, except at the personal abode of the donor or donee, unless such birds have a tag attached, signed by the member who took the birds, stating such member's address, the total number and species of birds and the date such birds were taken.

10.14 Transportation Regulated.

(1) Prohibited if taken in violation of sections 10.05-10.12. No member shall at any time, by any means, or in any manner, transport any migratory bird of part thereof, taken in violation of any provision of Section 10.05-10.12 of this ordinance.

(2) Transportation of birds of another. No member shall transport any migratory bird belonging to another person unless such bird is tagged as required by Section 10.13(6) of this ordinance.

(3) Species identification requirement. No member shall transport within the United States any migratory birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or at a migratory bird preservation facility as defined in Section 10.01(3).

(4) Marking package or container. No member shall transport by the Postal Service or a common carrier migratory birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

10.15 Exportation Regulated.

(1) Prohibited if taken in violation of sections 10.05-10.12. No member shall at any time, by any means, or in any manner, export or cause to be exported, any migratory bird or part thereof, taken in violation of any provision of Sections 10.05-10.12 of this ordinance.

(2) Species identification requirement. No member shall export migratory birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

(3) Marking package or container. No member shall export migratory birds via the Postal Service or common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

10.16 Permit Required.

No member shall hunt migratory birds pursuant to this ordinance without possessing a valid migratory bird hunting permit issued by the Tribe.

10.17 Closed Areas.

No member shall fail to comply with the closures and other restrictions with respect to wildlife refuges and closed areas as established pursuant to Section 3.27 of this ordinance.

10.18 Authorization for Emergency Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close or temporarily suspend any season in any particular locale to tribal off-reservation migratory bird hunting provided:

(1) That a continuation of the season would impact significantly the migratory bird resource; and

(2) In the case of a temporary suspension, notice is provided to members of the date and time when the season may be resumed.

10.19 Enforcement by U.S. Fish and Wildlife Service Personnel.

Any Memorandum of Agreement or other such document by which the Tribe and the U.S. Fish and Wildlife Service establish the conditions upon which the Service's personnel may enforce the provisions of this ordinance is hereby incorporated into this ordinance as if set forth in its entirety herein.

10.20 Assistance by Non-Members.

No person who is not a member or a member of another signatory tribe shall assist a member in the hunting of migratory birds pursuant to this ordinance except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].

10.21 Sale of Migratory Birds Parts Regulated.

(1) No member shall sell the meat of any migratory bird taken in the ceded territory.

(2) Nothing in this ordinance shall be construed to prohibit a member from selling the feathers of migratory waterfowl (ducks, geese, brant and swans) lawfully harvested pursuant to this ordinance for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses except that:

(a) No member shall purchase or sell, or offer to purchase or sell, for millinery or ornamental use the feathers of migratory birds taken in the ceded territory; and

(b) No member shall purchase or sell, or offer to purchase or sell, mounted specimens of migratory birds taken in the ceded territory.

History:

- **Since 1985, GLIFWC has submitted an annual proposal on behalf of the member Tribes of the Voigt Intertribal Task Force (for the 1837 and 1842 Treaty areas) regarding the implementation of off-reservation special migratory bird hunting regulations. The specific regulations were initially established in 1985 by the United States Fish and Wildlife Service in consultation with the Wisconsin Department of Natural Resources and the Voigt Intertribal Task Force for the portion of the 1837 and 1842 ceded territories located in the State of Wisconsin. Beginning in 1986, a tribal season on 1842 ceded lands in the western portion of the Michigan Upper Peninsula was developed in coordination with the Voigt Intertribal Task Force and the Michigan Department of Natural Resources. In 1987, a tribal season on the 1837 ceded lands in Minnesota was developed in coordination with the Voigt Intertribal Task Force and the Minnesota Department of Natural Resources. In the**

implementation of this off-reservation special migratory bird hunting regulation it was required that tribal members comply with tribal codes that are no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles v. State of Wisconsin* (Voigt) and *Mille Lacs Band v. State of Minnesota* cases. This chapter appropriately parallels both the Voigt and Mille Lacs model ceded territory conservation codes. As required, this chapter also parallels the Federal requirements as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting and automatically incorporates by reference the Federal migratory bird regulations adopted in response to the annual Voigt Intertribal Task Force proposal.

- **This version of the code was reformatted on October 13, 2009.**

CHAPTER 11 – NATIONAL FOREST GATHERING REGULATIONS

11.01 Purpose.

It is the purpose of this chapter to:

(1) Provide an orderly and effective system for tribal control and regulation of treaty-reserved gathering activities applicable to National Forests located in the ceded territory.

(2) Implement the provisions of the *Memorandum of Understanding Regarding the Recognition and Implementation of Tribal Ceded Territory Rights Guaranteed by the Treaties of 1836, 1837, and 1842*, as may be amended from time to time, which has been ratified by the Tribe and which is incorporated by reference herein as if set forth in its entirety.

11.02 Definitions.

For the purposes of this chapter, the following terms shall be construed as follows:

(1) **"Ceded Territory"** means those off-reservation lands ceded by the Tribe or another signatory tribe to the United States of America in the Treaty of 1836, 7 Stat. 491, the Treaty of 1837, 7 Stat. 536, or the Treaty of 1842, 7 Stat. 591.

(2) **"Forest Service"** means the United States Department of Agriculture, Forest Service.

(3) **"Gather"** or **"gathering"** means to take or acquire or attempt to take or acquire possession of any wild plant, or part thereof.

(4) **"Forest Service Salvage Timber Stand"** means any stand of trees where the Forest Service has notified the Tribe of the decision to solicit bids for a Forest Service salvage timber sale contract.

(5) **"National Forest"** means those lands located within the ceded territory owned by the United States of America and part of the Chequamegon-Nicolet National Forest, the Hiawatha National Forest, the Huron-Manistee National Forest, or the Ottawa National Forest.

(6) **"Salvage Timber"** means any tree in a Forest Service salvage timber stand, whether alive, dead, down or standing, having a diameter of four inches or greater.

(7) **"Signatory Tribe"** means an Indian Tribe which is a signatory to the Treaty of 1836, 7 Stat. 491, the Treaty of 1837, 7 Stat. 536, or the Treaty of 1842, 7 Stat. 591, or such tribe's successor in interest.

(8) **"Wild Plant"** means any undomesticated species, or part thereof, of the plant and fungi kingdoms occurring in the natural ecosystem, but for the purposes of this ordinance excludes wild rice.

11.03 Interpretation.

The provisions of this chapter:

(1) Shall be construed consistent with the purposes and provisions of the *Memorandum of Understanding Regarding the Recognition and Implementation of Tribal Ceded Territory Rights Guaranteed by the Treaties of 1836, 1837, and 1842*, as may be amended from time to time, which has been ratified by the Tribe and which is incorporated by reference herein as if set forth in its entirety.

11.04 Religious or Ceremonial Use of Natural Resources in National Forests.

(1) Nothing in this chapter shall prohibit the harvest or use of natural resources in a manner otherwise prohibited by this chapter which is harvested, taken or otherwise obtained in a National Forest within the ceded territory for religious or ceremonial purposes in accordance with the traditions and customs of the Tribe and with the consent of the Tribe's governing body, or its designee.

(2) In reviewing and taking action on any request for religious or ceremonial harvest, the Tribes' governing body, or its designee, shall take into account the biological impact of the harvest, shall ensure that the harvest takes place in a manner that does not cause biological harm, and shall consult with the local National Forest District office if the requested gathering is to take place in a National Forest Research Natural Area (see Section 3.06(1)).

(3) No member shall fail to comply with the terms and conditions of the any permit issued pursuant to this section or to otherwise comply with the requirements imposed by the Tribe's regarding religious or ceremonial harvest of wild plants in National Forests in the ceded territory.

11.05 Regulatory Authority.

(1) The Tribe asserts legal authority to regulate the exercise of the Tribe's treaty-reserved ceded territory gathering rights applicable to wild plants found in National Forests.

(2) Any person authorized to enforce this ordinance may seize forthwith wherever found:

(a) any wild plant taken or reduced to possession in violation of this ordinance; or

(b) any wild plant lawfully taken or reduced to possession under this ordinance, upon violation of any provision of this ordinance relating to the possession, use, giving, sale, barter or transportation of such wild plant.

11.06 Permits and Identification -- General.

(1) No member shall gather any wild plant off-reservation in a National Forest without

possessing a valid off-reservation harvesting permit approved by the Tribe, which may be the member's tribal identification card required by Subsection (2), or such other permit as this chapter may require validated for the particular type of activity to be engaged in for the particular season in question.

(2) No member shall gather any wild plant off-reservation in a National Forest except while carrying a valid picture identification card issued by the tribe, or other form of identification approved by the tribe for such gathering activities.

(3) No member shall refuse to display his or her identification documents upon request of any tribal, Great Lakes Indian Fish and Wildlife Commission, federal, state, or local law enforcement officer.

(4) No member shall fail to comply with the terms, conditions and location restrictions of a permit issued pursuant to this chapter.

(5) The tribal conservation department is authorized to issue to members permits required by this chapter and to impose such terms, conditions and location restrictions in those permits as it deems necessary or appropriate. Except as otherwise required by this chapter, the form of such permits shall be left to the discretion of the tribal conservation department, provided such form shall require the name, address and member's tribal identification number.

(6) The tribal conservation department may issue such harvesting permits to members of a signatory Tribe, provided such other Tribe has enacted an ordinance governing gathering in National Forests that is at least as restrictive as this chapter.

11.07 Commercial Wild Plant Gathering Permits.

(1) No member shall gather to sell conifer boughs, princess pine or ginseng without possessing a valid commercial wild plant gathering permit.

(2) A commercial wild plant gathering permit shall:

(a) identify the permittee or permittees, including the name, address, tribal affiliation and tribal identification number of all members authorized by the permit; and

(b) identify the amount and general location of the plants to be gathered;

(c) require that all members authorized by the permit must possess a duplicate of the permit while engaged in the gathering activity.

(3) A commercial wild plant gathering permit may:

(a) establish limits on the quantity of the plants which may be gathered;

(b) in addition to other area restrictions provided in this ordinance, limit

gathering to a specific area or areas;

(c) define or limit the methods which may be employed to gather the plants; and

(d) establish such other conditions or requirements deemed necessary or appropriate by the tribal conservation department.

11.08 Harvest Monitoring.

(1) Generally. No member to whom any permit has been issued under this chapter shall fail or refuse to provide harvest information when requested by the tribal conservation department, any person authorized to enforce this ordinance, or the Great Lakes Indian Fish and Wildlife Commission.

(2) Records of Commercial Ginseng Transactions.

(a) No member shall sell any ginseng harvested pursuant to this chapter to any person unless the member maintains a written record of all transactions on forms prescribed by the tribal conservation department indicating the amount of ginseng involved, the parties to the transaction, the date of the transaction and the National Forest in which harvest occurred.

(b) Records maintained pursuant to this section shall be forwarded annually to the tribal conservation department, or its designee.

(c) No member shall fail to comply with the reporting requirements of this section.

(d) With respect to ginseng gathered in a National Forest, this section supersedes any requirement for maintaining records of commercial transactions otherwise contained in this ordinance.

11.09 Emergency Closures.

(1) Notwithstanding any other provision of this chapter, the Director of the Biological Services Division of the Great Lakes Indian Fish and Wildlife Commission or the tribal conservation department may order the closure of the harvest activity of any wild plant in a National Forest generally or with respect to a particular location, whenever the continuation of the harvest is likely to cause biological harm to the species involved.

(2) Every reasonable effort shall be made to consult with and obtain approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.

(3) An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and swiftest practical method.

(4) No member shall violate the terms, conditions or restriction of an emergency closure order issued pursuant to this section.

11.10 Harvest and Other Location Restrictions.

(1) Tribal Wilderness, Research Natural Areas, and Special Use Areas Established. The following Great Lakes Indian Fish and Wildlife Commission document, as it may be amended from time to time, is hereby adopted and incorporated in this chapter as if fully set forth herein, and no member shall fail to comply with the closures and other restrictions established by this document:

Tribal Wildernesses, Tribal Research Natural Areas, and Tribal Vehicle Permit Areas on National Forests, Version 1: [August 1998].

(2) Forest Service Administrative Sites. No member shall gather wild plants under authority of this chapter on a Forest Service administrative site. For the purposes of this chapter, a "Forest Service administrative site" means a specific site where an office, storage or other building or structure is located and maintained by the Forest Service as part of its operation and management of a National Forest. It is the member's responsibility to be certain about a Forest Service administrative site. Any uncertainty should be resolved by contacting the tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or the local National Forest District office.

(3) National Forest Campgrounds. (a) Gathering in Developed Campgrounds. (i) Except as provided in subs (ii), no member shall gather wild plants under authority of this ordinance on any land located within a developed National Forest Campground. For the purpose of this chapter, a "developed National Forest Campground" means a location that is clearly marked and identified as a campground by the Forest Service and on which improvements clearly have been made to develop and maintain the site as a campground. It is the member's responsibility to be certain about a developed National Forest campground. Any uncertainty should be resolved by contacting the tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or the local National Forest District office.

(ii) Except where firewood is provided at no cost by the campground or where firewood will be used while camping in the campground, no member shall gather firewood in a developed National Forest campground.

(b) Camping Fees and Length of Stay Restrictions. The Tribe and the Forest Service have entered into a Memorandum of Understanding that will exempt members from certain camping fees and length of stay restrictions that the Forest Service requires of the general public in the National Forests. Once the Tribe and the Forest Service have entered into a campground fee and length of stay Exemption Agreement and accompanying Implementation Plan, and the Tribe has ratified the Agreement and Plan, no member shall fail to comply with the requirements and restrictions contained in the Agreement and Plan. Information about the Exemption Agreement and Implementation Plan can be obtained by contacting the tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or local National Forest District

office.

(4) Non-National Forest Lands. No member shall gather wild plants under authority of this chapter on any land located within the boundaries of a National Forest that is not owned by the United States of America and part of a National Forest. This provision does not apply to or otherwise restrict any wild plant gathering on non-National Forest lands that is otherwise authorized by this ordinance.

11.11 Harvest of Trees Subject to a Timber Sale Contract or Located Within a Forest Service Timber Sale Contract Area.

(1) No member shall gather any tree under authority of this chapter without a permit issued pursuant to subs. (4) that is subject to the harvest rights of another in a valid Forest Service timber sale contract. Sometimes these trees are marked with orange, green or yellow paint. However, it is the member's responsibility to be certain about trees that are subject to a valid Forest Service timber sale contract. Any uncertainty should be resolved by contacting the tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or the local National Forest District office.

(2) Within an open Forest Service Timber Sale Contract Area as defined in subs. (3), no member shall undertake any of the following activities under authority of this chapter without a permit issued pursuant to subs. (4):

(a) Cut down any live tree;

(b) Remove the bark of any live tree;

(c) Trim or remove the branches from the top half of any live tree; or

(d) Trim or remove the branches or other parts, except cones, of any tree that has been cut down by another person.

(3) For the purposes of this chapter, an "open Forest Service Timber Sale Contract Area" means a defined location of a National Forest which has been delineated by the Forest Service for the purposes of a timber sale offering and for which a valid Forest Service timber sale contract has been executed. Typically, a Forest Service Timber Sale Contract Area is marked with blue paint on trees around the perimeter of the Area. It is the member's responsibility to be certain about an open Timber Sale Contract Area. Any uncertainty should be resolved by contacting the tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or the local National Forest District office.

(4) (a) The tribal conservation department, after first consulting with the Forest Service, is authorized to issue permits under this section on such terms and conditions as it deems necessary and appropriate.

(b) No member shall fail to comply with the terms and conditions of a permit

issued pursuant to this section.

11.12 Harvest of Certain "Marked" Trees.

(1) No member shall cut down any tree that has been designated with any of the following markings, and no member shall remove, alter or deface any of the following markings:

(a) Blue Paint. Blue paint designates the boundaries of a payment unit within a Forest Service Timber Contract Sale Area;

(b) Red Paint. Red paint indicates boundaries between National Forest land and other ownerships, or may designate a witness tree at a legal corner;

(c) White Paint Stripes or Other White Bands. White stripes or bands indicate a tree being used to collect cones or seeds for nursery stock; or

(d) Metal or Wood Forest Service Signs. These signs designate property or National Forest boundaries, indicate legal corners or other survey data, indicate nursery stock, or provide other similar information.

11.13 Conifer Boughs.

No member shall:

(1) Cut down a tree for the purpose of gathering conifer boughs;

(2) Remove boughs from the upper half of a tree; or

(3) Gather for subsequent sale northern white cedar or hemlock boughs.

11.14 Princess Pine.

No member shall gather for subsequent sale any *Lycopodium* species except *Lycopodium obscurum*, *Lycopodium dendroidium*, or *Lycopodium hickeyi*.

11.15 Firewood.

(1) No member shall cut any live tree or gather any salvage timber for firewood unless the tree is included within a National Forest "firewood sale," other area designated for firewood either generally or on a case-by-case basis, or as permitted pursuant to a valid sugarbush site permit issued pursuant to Section 5.05.

(2) No member shall cut any standing dead tree more than 100 feet from the cleared edge of any road where it is legal for highway vehicles to travel.

(3) No member shall cut any standing dead tree within 200 feet of any pond, lake, stream

or river.

(4) No member shall use a farm tractor, rubber tired skidder, or similar vehicle for gathering firewood without written permission from the Tribe.

11.16 Ginseng.

No member shall gather ginseng from November 1 through August 31.

11.17 Maple Sap/Sugarbushes.

(1) No member shall gather maple sap without a sugarbush site permit valid for a designated tribal sugarbush or for such other location approved by the tribal conservation department in consultation with the Forest Service.

(2) "Designated tribal sugarbush" means a specific site identified and established by the tribal conservation department, in consultation with the Forest Service, for which a site management plan has been developed and for which a sugarbush site permit has been issued.

(3) The tribal conservation department may issue a sugarbush site permit to one or more members and may impose such terms and conditions as it deems necessary or appropriate.

(4) No member shall fail to comply with the terms and conditions of a sugarbush site permit.

11.18 Harvest of Live Trees and Salvage Timber.

(1) Harvest for Sale as "Lumber" or Similar Wood Products.

(a) No member shall under authority of this chapter cut down any live tree or gather any salvage timber for the purposes of selling all or part of it, or any product derived from its wood, as bolts, pulpwood or lumber.

(b) No member shall sell under authority of this chapter all or part of any tree, or any product derived from its wood, as bolts, pulpwood or lumber.

(2) Harvest for Construction Purposes.

(a) No member or tribal entity shall cut down any live tree or gather any salvage timber under authority of this chapter for the purposes of constructing a structure or dwelling, as those terms are defined in subs. (b), without a valid structure construction harvest permit issued pursuant to subs. (c).

(b) (i) For the purposes of this section, the terms "structure or dwelling" mean a building or other larger structure to be used for residential, commercial, or storage purposes, and include, for example, a home, cabin, garage, storage shed,

store, office building, and manufacturing facility. The terms do not include smaller structures, such as hunting blinds, fish houses or sugarbush shacks, that are used in the exercise of treaty-reserved hunting, fishing or gathering rights. It is the member's responsibility to verify that the intended construction use is not prohibited by this chapter. Any uncertainty should be resolved by contacting the tribal conservation department or the Great Lakes Indian Fish and Wildlife Commission.

(ii) For the purposes of this section, "tribal entity" means an agency, business, partnership, corporation, committee, body or other entity, and the officers, employees and agents thereof, that is chartered, directed, controlled, or majority owned by the Tribe.

(c) (i) The tribal conservation department is authorized to issue construction harvest permits on such terms and conditions as it deems appropriate.

(ii) Prior to issuing a construction harvest permit, the tribal conservation department must consult with and obtain the concurrence of the Forest Service.

History:

- **This version of the code was originally adopted as the Off-Reservation National Forest Gathering Code of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on September 9, 1998 (Resolution #98-032) as approved and recommended by the Voigt Intertribal Task Force on August 6, 1998.**
- **This version of the code was reformatted on October 13, 2009.**