

Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government

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Giiwegiizhigookway Martin, Tribal Vice-
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Gertrude McGeshick, Tribal Secretary



Council Members:

Michael Hazen, Jr.
Michelle Hazen
Mitchell McGeshick
Tyrone McGeshick
Henry Smith

RESOLUTION NO. T2018-053

APPROVING LAC VIEUX DESERT CONSERVATION CODE AMENDMENTS TO ALLOW FOR OFF RESERVATION HUNTING OF OMASHKOOZ

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians (“Tribe”), a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, 25 U.S.C §476; and,

WHEREAS, pursuant to the Constitution of the Tribe, the Tribal Council (“Council”) is empowered, pursuant to Article IV, Section 1(a) “to promote and protect the health, safety, education and general welfare of the Tribe and its members” and Section 1(f) to “manage the economic affairs, enterprises, property, both real and personal, and other interests of the [Tribe]”; and,

WHEREAS, pursuant to the Article IV, Section 1(b) of the Constitution, the Council is authorized to enact resolutions or ordinances; and

WHEREAS, the Tribe is a party to the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591, in which the Ojibwe Bands reserved the rights to self-regulate off-reservation harvesting activities, including elk hunting; and

WHEREAS, omashkooz, or elk, has been reintroduced to the Ceded Territories of 1837 and 1842; and

WHEREAS, omashkooz, or elk, population has reached a level to provide for harvestable surplus; and

WHEREAS, the Lac Vieux Desert Band of Lake Superior Chippewa Indians intends to participate in the omashkooz hunt; and

WHEREAS, at a duly called meeting of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Conservation Committee (“Conservation Committee”), the Conservation Committee reviewed proffered Voight Intertribal Task Force

recommended changes to the Model Off-Reservation Code to allow for the off-reservation hunting of omashkooz; and

WHEREAS, the Conservation Committee proposes the attached modifications to Sections 3.27 and 3.29 as well as the addition of a new Chapter 12 to enable tribal members to hunt omashkooz; and

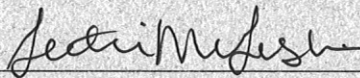
WHEREAS, the Council has reviewed the modifications proposed by the Conservation Committee and believe the modifications to be in the best interest of the Tribe; and

WHEREAS, the Council finds that the because of the timing of the proffered modifications and the currently planned ceremonies and hunt in late September, immediate action is necessary to further the health, safety, and welfare of the Tribe in the exercise of it treaty rights regarding the hunting of omashkooz that warrants an exception to the posting requirements of Section 8 of the LVD Legislative Procedure Code.

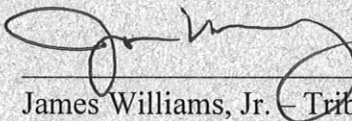
NOW THEREFORE BE IT RESOLVED that the Lac Vieux Desert Band of Lake Superior Chippewa Indians Council hereby revises the LVD Conservation Code to amend Sections 3.27 and 3.29 and add Chapter 12 (as attached) to immediately enable tribal members to hunt omashkooz.

CERTIFICATION

I, the undersigned, as Chairman of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act 25 U.S.C. 476 and, more specifically, 25 U.S.C. 1300(h), do hereby certify that the Tribal Council of the Band is composed of nine (9) members, of whom (8), constituting a quorum, were present at a meeting duly called, noticed, convened and held on the 19th day of September 2018 and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of (8) members, (0) against, and (0) abstaining, and that the said resolution has not been rescinded or amended in any way.



Gertrude McGeshick – Tribal Secretary



James Williams, Jr. – Tribal Chairman

**Amendments to Lac Vieux Desert Conservation Code
to open a Tribal omashkooz (elk) hunting season**

Section 3.27

(1) The following Commission documents, as they may be amended from time to time, are hereby adopted and incorporated as if fully set forth herein:

[subsections (a)-(c) & (e)-(k) unchanged]

(d) Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, ~~Version 1.2: August 2008.~~

Section 3.29

No members shall hunt, fish, trap or gather any of the following species: paddlefish, spoonbill catfish, marten, 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 Code.

CHAPTER 12 - ELK HARVESTING REGULATIONS

12.01 Definitions.

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

(1) "Antlerless Elk" means an elk not having at least one antler that is six (6) inches, or greater than six (6) inches, in length.

(2) "Bow" shall have the meaning provided in Section 6.01(2).

(3) "Bull Elk" means an elk having one or more antlers that are six (6) inches, or greater than six (6) inches, in length.

(4) "Crossbow" shall have the meaning provided in Section 6.01(3).

(5) "Firearm" shall have the meaning provided in Section 6.01(4).

12.02 Open and Closed Season.

(1) A closed season is hereby established for the hunting of elk except for the open season specified in Section 12.07.

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

12.03 Number of Elk Available for Harvest.

(1) The number of elk (tribal quota) which shall be available for harvest in each elk management zone pursuant to this Code for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the

Ceded Territory and the Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest) Harvest Levels, which was adopted on --/, pursuant to that Agreement.

(2) No member shall hunt elk in any elk management zone in which no tribal quota has been made available pursuant to subs. (1) or which has been closed to further elk hunting pursuant to Section 15.19.

15.04 Elk Management Zones.

Elk Management Zones as set forth in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this Code pursuant to Section 3.27 are hereby established.

15.05 Elk Hunting Permits/Tags.

(1) No member shall hunt elk pursuant to this chapter without possessing a valid antlerless elk hunting permit or a valid bull elk 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 elk without possessing a valid carcass tag, except as provided in Section 12.11 [Group Elk Hunting].

(b) The Tribe shall issue no more than one (1) carcass tag to a member, at one time.

(3) (a) No member shall hunt antlerless elk without a valid antlerless elk hunting permit bearing the number of the member's carcass tag and valid

for the date on which the member is hunting, except as provided in Section 12.11 [Group Elk Hunting].

(b) No member shall hunt bull elk without a valid bull elk hunting permit bearing the number of the member's carcass tag and valid for the date on which the member is hunting, except as provided in Section 12.11 [Group Elk Hunting].

(4) No antlerless elk hunting permits or bull elk hunting permits shall be considered valid for any elk management unit, or portion of any elk management unit:

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

(b) which has been deactivated by the tribe's permitting system.

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

(6) Except as otherwise provided in this Code, antlerless elk permits or bull elk permits shall be valid for the open season specified in Section 12.07.

(7) The number, and intertribal distribution, of antlerless elk permits or bull elk permits, which may be issued at any one time for an elk management zone during the open season shall be determined in accordance with the procedures and methods approved pursuant to the Chippewa Intertribal Agreement Concerning Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, and the Voigt Intertribal

Task Force Protocol Noodamashkoozwe (Elk Harvest) Harvest Levels, which was adopted on --/--, pursuant to that Agreement.

15.06 Elk Registration.

(1) A member who has killed an elk pursuant to this Code, whose carcass tag has been placed on the elk, shall register the elk by presenting it to a tribal registration station no later than 5:00 p.m. of the next working day after the killing. For the purpose of this Code, a tribal registration station may include Wisconsin Department of Natural Resources field stations, or offices as may be designated from time to time, by the Tribe.

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

(3) A member registering an elk shall provide the registering official with the following information: whether the elk taken is a bull or antlerless elk, the management zone where the elk was taken, the date when the elk was taken, the tribal identification number of the member taking the elk and any other relevant information requested by the registering official. A member registering an elk shall also provide the Tribe, or its designee, with access to the carcass, or parts of the carcass, for any required biological testing.

(4) No member shall register an elk except by presenting the whole carcass, either whole or quartered, to the registering official or, in the alternative, by presenting the head and at least at least 6 inches of the neck, measured from base of the skull, provided the carcass tag is firmly affixed to the head 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 Code is authorized to register elk 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.

12.07 Elk Seasons; Specific Regulations.

All dates given in this section are inclusive.

(1) Closed Season. No member shall hunt elk from the first Monday following New Year's Day to Labor Day.

(2) Regular Season.

(a) An annual regular firearm, bow and crossbow season is hereby established beginning on the day after Labor Day and ending on the first Sunday following New Year's Day or as otherwise provided by a GLIFWC Commission Order (when the Tribes have established an elk

hunting season through the issuance of a Commission Order and declaration of a tribal quota).

(b) Unless otherwise provided by a GLIFWC Commission Order, no member shall:

(i) Fail to comply with the provisions of Section 3.21(2) [Blaze Orange/Pink Required]; or

(ii) Fail to comply with any of the restrictions or requirements generally applicable to elk hunting pursuant to this Code.

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

12.08 Permissible Methods.

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

12.09 Firearms Restrictions.

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

12.10 Bow/Crossbow Restrictions.

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

12.11 Group Elk 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 elk hunting party**" means 2 or more members lawfully hunting elk in a group under this Code.

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

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

(b) The member for whom the elk is killed possesses a current unused elk carcass tag.

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

12.12 Hunting Hours.

(1) No member shall hunt elk except during the following hours (dates and times are inclusive and all times refer to Central Standard Time and

should be adjusted one hour as necessary to account for Daylight Savings Time):

(a) The day after Labor Day - close of the elk "regular season":

One-half hour before sunrise to 20 minutes after sunset or as otherwise provided by a GLIFWC Commission Order.

(2) Lawful elk hunting hours shall be determined in accordance with the Tribal Hunting Hours Zone/Table attached to this Code after Chapter 15.

12.13 Hunting on Certain Public Lands Prohibited.

No member shall hunt elk 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 hunting 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 bow and gun hunting.

(4) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as elk hunting is permitted in those areas.

(5) All state parks, except as described in the following comprehensive tribal document as it may be amended from time to time, and is hereby adopted and incorporated in this Code as if fully set forth herein, and no member shall fail to comply with the closures and other restrictions established in this document:

Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories.

12.14 Hunting on Certain Private Lands Prohibited.

No member shall hunt elk on any privately-owned land except those lands which, pursuant to Chapter 77.16, Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

12.15 Sale of Elk and Elk Parts.

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

(2) Meat. No member shall sell the meat of any elk killed pursuant to this Code, except in accordance with the provisions of Sections 12.16 and 12.17.

12.16 Sale of Elk Meat to Members.

(1) Purpose. The purpose of this section is to regulate the sale of elk meat to members of signatory tribes where subsequent sale or resale of the meat to non-members is prohibited. Nothing in this Code shall be construed to limit the number of elk, 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 an elk pursuant to this Code may sell the carcass, or any part thereof, of the elk 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 an elk pursuant to this Code may sell the carcass, or any part thereof, of the elk 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 12.05 [Elk Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest) Harvest Levels, which was adopted on --/--, and of Section 12.06 [Elk Registration] are not affected by the provisions of this Section.

12.17 Commercial Harvest Established and Regulated.

(1) Purpose. The purpose of this section is to establish the regulations governing the harvest and registration of elk, the meat of which may be sold pursuant to this Code when subsequent sale or resale of the meat to non-members is contemplated.

(2) Effective Date.

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

(b) No member shall sell any elk meat pursuant to this section prior to the effective date as declared by the tribe's governing body in accordance with subs. (a).

(3) Commercial Harvest Generally. A member who, between July 1 and June 30, has lawfully harvested elk pursuant to this Code may register those elk for commercial purposes and may sell to any person only the whole or quartered carcasses (except for the heads, skins and hooves) of any of those elk, provided the member:

(a) complies with the commercial harvest provisions of this Section;

(b) complies with the terms and conditions of the enabling resolution of the tribe's governing body enacted pursuant to subs. (2)(a); and

(c) otherwise complies with the provisions of this Code applicable to elk hunting.

(4) Elk Commercial Harvest.

(a) A member may register pursuant to this subsection an elk lawfully harvested in any tribal elk management zone.

(b) When registering an elk under this subsection, a member shall present the entire elk carcass, whole or quartered for registration, and no registering official shall register an elk under this subsection unless the entire carcass, whole or quartered, is presented for registration.

(c) A member may register an elk under this subsection at any tribal registration station, or with any person authorized to register elk in the field, at which time the registering official shall affix a commercial harvest registration tag to the carcass.

(d) This subsection is not intended to limit a member's ability to otherwise register an elk under the provisions of Section 12.06 [General Elk Registration Provisions] for noncommercial purposes, but only shall serve to condition the harvest and limit the number of elk which the member may register under this subsection.

(e) Except as modified by the provisions of this subsection, the provisions of Section 12.05 [Elk Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest) Harvest Levels, which was adopted on --/--, pursuant to that Agreement, and of Section 12.06 [Elk Registration], shall apply to members desiring to register antlered elk under this subsection.

(5) Transfer of Entire Carcass Required. No member who has harvested and registered any antlered or antlerless elk pursuant to this section shall sell the elk without transferring the entire carcass, whole or quartered, except for the head, skin and hooves, the registration tag and such accompanying documents as the Tribe may require be transferred to the person to whom the elk is sold.

12.18 Shining Prohibited.

(1) Until such time as a tribal antlerless elk season has been established, no member shall hunt elk while shining as defined in Section 3.14.

(2) Upon the establishment of a tribal antlerless elk season, the Tribe may issue permits that authorize hunting elk at night up to a maximum shooting distance of one-hundred (100) yards, by shining within an established safe zone of fire from a stationary position, between one hour after sunset and one hour before sunrise, provided that no such permit shall be effective beginning the night before the middle deer season established pursuant to Section 6.07(3) of this Code until the night of the day following the middle deer season, except:

(a) No member 10 years of age or older but under 16 years of age may hunt under this section unless at all times while hunting, the person is a mentored hunter who meets the requirements of Section 3.17(3) of this Code.

A member occupying a night hunting location outside of nighttime hunting hours may not: possess a loaded firearm, have a bolt in a crossbow, or possess a bow with a nocked arrow from the close of "daytime" hunting hours pursuant to Section 12.12 of this Code until the opening of "nighttime" hunting hours (one hour after sunset) and from the close of "nighttime" hunting hours (one hour before sunrise) to the opening of "daytime" hunting hours pursuant to Section 12.12 of this Code.

(3) No member shall hunt elk at night while shining within an established safe zone of fire from a stationary position under this section unless in possession of a signed and certified shooting plan, a tribal identification card, and a permit issued pursuant to subs. (2). Any member hunting and shining elk under this section shall be subject to all terms and conditions in this section and in the permit issued pursuant to subs. (2) as otherwise conditioned by the Tribe, as well as all other provisions of this Code regulating hunting, unless expressly provided otherwise in this section.

(4) No member hunting elk at night while shining within an established safe zone of fire from a stationary position under this section shall:

(a) hunt elk between one hour after sunset and one hour before sunrise except with a light, which may include but is not limited to high-powered lights held by hand, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow. Unless the member arrives at the specified location during daylight hours, the member must shine the established safe zone of fire and adequate backstop area prior to hunting in order to properly evaluate the contents of the night hunting location;

(b) shine elk between one hour after sunset and one hour before sunrise except within an established safe zone of fire from a stationary position, or to trail a wounded animal;

(c) discharge a firearm, bow and arrow or crossbow between one hour after sunset and one hour before sunrise except within an established safe zone of fire, in the direction detailed on the member's shooting plan, from a stationary position, at an elk located within the "safe zone of fire;"

(d) hunt and shine elk between one hour after sunset and one hour before sunrise from the first Monday following New Years Day to October 31;

(e) use a firearm, bow and arrow or crossbow unless the member has received a marksmanship proficiency certificate for the particular method to be utilized;

(f) use a projectile other than one with a soft point or which is an expanding bullet type;

(g) shoot at running elk unless mitigating circumstances exist.

(5) A member hunting elk at night while shining within an established safe zone of fire from a stationary position under this section may but is not required to:

(a) hunt and shine elk between one hour after sunset and one hour before sunrise with the aid of electronic or other calling techniques or hunt over bait as otherwise authorized by this Code;

(b) hunt and shine elk between one hour after sunset and one hour before sunrise with the use of an infrared, night vision, or thermal

imaging equipment; provided the equipment shall not be used as a sighting device and shall not be mounted on a firearm, bow or crossbow;

(c) hunt and shine elk between one hour after sunset and one hour before sunrise with the use of a telescopic site;

(d) hunt and shine elk between one hour after sunset and one hour before sunrise with the use of a spotter in order to have an additional set of eyes to see the target and the designated backstop as well as to prevent tunnel vision; provided, that the spotter shall not possess a firearm or otherwise be engaged in the shooting aspect of hunting; and provided further that the Tribe may impose other such terms and conditions as it deems necessary or appropriate to ensure safety while hunting and shining elk with the use of a spotter.

(6) Before issuing a permit pursuant to subs. (1), the Tribe shall ensure the receipt of a signed and certified shooting plan valid from November 1 to the close of the season as follows:

(a) a member intending to hunt elk at night while shining within an established safe zone of fire from a stationary position under this section up to a maximum distance of one-hundred (100) yards shall submit a "preapproved shooting plan" to the tribal registration station prior to receiving a permit pursuant to subs. (1). The member must visit the area detailed in the shooting plan at least once during daytime hours from the day after Labor Day to the close of the elk season and the

shooting plan shall clearly mark the “safe zone of fire,” the member’s stationary position, the adequate backstop present within one-hundred twenty-five (125) yards from the stationary position, the direction of intended fire, and the following locations within a quarter-mile:

(i) an area including the grounds of a school plus 1,000 feet in all directions;

(ii) school forest, public landfill, or public gravel pits where hunting is prohibited and where notice of the prohibition is clearly posted;

(iii) road;

(iv) residence, building or dwelling;

(v) designated public campgrounds, public beaches, or public picnic areas;

(vi) lake or waterbody;

(vii) ATV trail, snowmobile trail, or other designated trails (such as hiking, biking or cross country ski trail);

(viii) open area;

(ix) private property;

(x) all closed portions of state parks as described in the Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories document;

(xi) another tribal shooting plan area;

(xii) any other area as determined by the Tribe.

Member shooting plans that do not include the locations specified in this section within the clearly marked “safe zone of fire” and “direction of intended fire” shall be considered compliant shooting plans, otherwise no member shall mark a “safe zone of fire” with any of the locations specified in this section within a quarter-mile in the “direction of intended fire” on a shooting plan without an adequate backstop present between the marked “safe zone of fire” and the specified location. Members must take reasonable precautions to prevent against the establishment of a non-compliant shooting plan. At a maximum only two shooting plans may be approved per forty (40) acre parcel or every two-hundred twenty (220) yards. Only one shooting plan shall be approved for a specified location, at a time. The member that submitted the shooting plan, or the Tribe, may rescind the approval of a shooting plan, and thereby subsequently approve the shooting plan of another member for the specified location.

(b) A member intending to hunt elk at night while shining within an established safe zone of fire from an elevated stationary position (a minimum of ten feet off the ground) under this section up to a maximum distance of fifty (50) yards shall submit a shooting plan (which does not need to be preapproved) to the tribal registration station prior to receiving a permit pursuant to subs. (2). The member must visit the

area detailed in the shooting plan during daytime hours from the day after Labor Day to the close of the elk hunting season and the shooting plan shall clearly mark the “safe zone of fire,” the member’s elevated stationary position, the adequate backstop present within one-hundred twenty-five (125) yards from the stationary elevated position, the direction of intended fire, and the locations within a quarter-mile pursuant to subs. (6)(a).

(c) A member possessing a valid disabled hunter permit pursuant to Section 3.32 of this Code, intending to hunt elk at night while shining within an established safe zone of fire from a stationary position under this section shall submit a “preapproved shooting plan” to the tribal registration station prior to receiving a permit pursuant to subs. (2). The shooting plan shall clearly mark the “safe zone of fire,” the member’s stationary position, the adequate backstop present, the direction of intended fire, and if hunting from a roadway, the shooting plan shall detail the stretch of road and surrounding locations within a quarter-mile pursuant to subs. (6)(a), provided:

(i) The Tribe shall only issue a member possessing a valid disabled hunter permit, one valid permit pursuant to subs. (2) at a time;

(d) No member hunting deer at night while shining within an established safe zone of fire from a stationary position under this section

shall discharge a firearm, bow and arrow, crossbow except as identified within the shooting plan as follows:

(i) from the member's marked stationary position;

(ii) from within the "safe zone of fire" with an adequate backstop present;

(iii) in the direction of intended fire.

(e) When submitting a shooting plan, no member shall provide false or misleading information or otherwise fail to complete a shooting plan in the manner required by the Tribe. The Tribe shall issue no further permits under this section for the remainder of the season, to any member who has provided false or misleading information or otherwise failed to complete a shooting plan in the manner required by this section and the Tribe.

(7) A member hunting elk at night under this section may pursue and take an elk wounded by the member while shooting within an established safe zone of fire from a stationary position, provided that a light may be used to trail the wounded animal as well as at the point of kill for the purpose of accurately identifying the elk and safely aiming the weapon in the direction of intended fire as identified within the plan and killing the wounded elk when the wounded animal is within the safe zone of fire designated on the member's shooting plan. The wounded elk may not be dispatched with a firearm, bow and arrow, or crossbow prior to one-half hour before sunrise when the wounded

animal is located outside the safe zone of fire designated on the member's shooting plan, however the member may dispatch the wounded animal by means other than a firearm, bow and arrow, or crossbow (such as with a knife).

(8) A permit may be only issued to members pursuant to subs. (2) who have completed an advanced hunter safety/marksmanship training course and received a marksmanship proficiency certificate from the tribe, as follows:

(a) The Tribe shall issue firearms marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of a NRA certified target at 100 yards. Firearms allowable for certification are those firearms otherwise allowable for elk hunting pursuant to section 12.09 of this Code.

(b) The Tribe shall issue bow/crossbow marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of an NRA certified target at 30 yards. Bows/crossbows allowable for certification are those bows/crossbows otherwise allowable for elk hunting pursuant to Section 15.10 of this Code.

(8) Once a permit pursuant to subs. (2) has been certified, the Tribe shall provide for the advance notification of appropriate federal, state and local officials, as those officials request notification, by providing a list of the tribal

hunting identification numbers of authorized members and copies of preapproved shooting plans which contain sufficient detail to determine the hunting location.

15.19 Authorization for Closure.

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

15.20 Removal and Retention of Tags.

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

(2) No member who kills an elk pursuant to this Code 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 Section 12.17 [Sale to Members] from a member who retains a registration tag under this section is not required to possess a registration tag.

12.21 Assistance by Non-Members.

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

(2) Except as provided in subs. (3) or as otherwise provided herein, nothing in this Code shall be construed to prohibit a member from hunting elk with any other person who is not a member of the Band, provided that such other person possesses a license or permit, or is otherwise not prohibited from engaging in the activity involved and complies with applicable laws.

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