

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA
TRIBAL CODE
CHAPTER 26
OFF-RESERVATION CONSERVATION CODE**

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APPENDIX B: Tribal Self-Regulation Agreement, Memorandum of Understanding

HISTORY NOTE:

Current Ordinance.

Resolution No. 371(88). Chapters I, II, III, IV and IX approved and placed for referendum October 10, 1988, Enacted by referendum October 13, 1988, effective immediately.

Amendments.

Amendments to a large number of sections, necessitated by the federal court ruling of March 3, 1989, and subsequent hearing March 28, 1989, were adopted April 10, 1989, Resolution No. 124(89).

Chapter VI: Deer Hunting, was adopted June 12, 1989, Resolutions No. 188(89), enacted by referendum July 6, 1989. It has not yet taken effect and is not included in the text at this time because it is the subject of a pending federal court decision.

Chapter V (Wild Rice) Adopted by Stipulation, Order signed by Judge Barbara Crabb November 1, 1989.

Chapter VI (Deer Hunting) enacted, Order signed by Judge Barbara Crabb May 9, 1990.

Chapters VII (Bear), VIII (Small Game), X (Migratory Birds), XI (Timber), and XII (Miscellaneous Plants) were all rejected by referendum vote November 30, 1989.

Chapter IX amended April 9, 1990, Resolution 96(90).

Chapters VII (Bear Harvesting) and VIII (Small Game Harvesting) were adopted August 27, 1990, Resolution No. 236(90), enacted by referendum August 30, 1990.

Chapter III Disabled Hunters Permits, amended, September 13, 1993, Resolution No. 295(93).

Part II Off-Reservation National Forest Gathering Ordinance to due to expire August 31, 1997. Enacted, September 26-27, 1996, Resolution 385(96).

Part II Off-Reservation National Forest Gathering Code of the Lac du Flambeau Band of Lake Superior Chippewa Indians. Enacted August 24, 1998. Resolution 420(98). Appendix B (Tribal Self-Regulation Agreement) [*Memorandum of Understanding Regarding the Recognition and Implementation of Tribal Ceded Territory Rights Guaranteed by the Treaties of 1836, 1837 and 1842 on National Forest Lands, August 24, 1998.*]

Chapter 26.606(1) amended November 8, 1999, Resolution No. 611(99) three-day deer registration deadline.

Chapter 26.605(2)(b) amended November 15, 2004, Resolution No. 311(04) issue no more than four (4) carcass tags at one time.

Part III, Off Reservation Conservation Code for the 1837 Minnesota Ceded Territory enacted, subject of the membership voting by referendum; April 7, 1997, Resolution No. 130(97). Certification of election results yes-62 no-34, dated 4/18/97.

Chapter 26.607(1) and Chapter 26.607(2)(a) temporarily changes the Deer Season regulations, Resolution No. 276(07).

Part IV, Off Reservation Conservation Code for the 1842 Michigan Ceded Territory. Enacted October 8, 2007. Resolution 211(07).

Chapter 26.332 added "Tribal Elders 55+" to the Disabled Hunters permit section 26.332 1(a) Disabled Hunters Permit, Resolution No. 348(11), November 28, 2011.

Resolution No. 547 (15), October 19, 2015. Revised Regulations (Model Code Amendment) - Tribal Night Hunting Regulations, amends the Off-Reservation Code by immediately enacting in its entirety the off-reservation Tribal night hunting regulations and by repealing in their entirety, those provisions that are consistent with these regulations: 26.314 Shining Animals, 26.318 Hunting While Intoxicated, 26.330 Permissible Conduct/Assistance by Non-Members, 26.601 Definitions, 26.612 Hunting Hours, 26.620 Deer Night Hunting.

Regulations.

Gillnet regulations pursuant to Sec. 26.908(2) adopted June 12, 1989, Resolution No. 189(89); June 19, 1989, Resolution No. 206(89). Gillnetting banned October 6, 1989, Resolution No 353A(89).

Prior Ordinances.

There have been numerous interim ordinances since the 1983 Voigt decision, including the following:

1983 Deer hunting: Adopted November 7, 1983, Resolution No. 302(83); approved by referendum November 8, 1983. Adopted pursuant to referendum authority November 14, 1983, Resolution No. 316(83). Amended December 12, 1983, Resolution No. 358(83).

1984 Ice fishing: Approved January 30, 1984, Resolution No. 54(84); enacted by referendum February 2, 1984.

1984 Gillnet ban: Adopted June 18, 1984, Resolution No. 206(84).

1984 Open water fishing: Adopted by referendum July 12, 1984.

1984 Deer hunting: Adopted by referendum vote September 12, 1984.

1984-1985 Trapping: Adopted by referendum November 15, 1984.

1984-1985 Ice fishing: Adopted by referendum December 19, 1984.

1984-1985 Small game: Adopted by referendum December 19, 1984.

1985 Spring spearing: Adopted April 15, 1985, Resolution No. 111(85), enacted by referendum April 18, 1985.

1985 Ricing: Adopted August 19, 1985, Resolution No. 294(85), enacted by referendum August 29, 1985.

1985 Migratory birds: Adopted August 19, 1985, Resolution No. 294(85), enacted by referendum August 29, 1985.

1985 Deer hunting: Adopted September 16, 1985, Resolution No. 328(85), enacted by referendum September 19, 1985. Amended October 7, 1985, Resolution No. 359(85); December 16, 1985, Resolution No. 466(85).

1985 Small game hunting: Adopted September 30, 1985, Resolution No. 354(85), enacted by referendum October 9, 1985.

1985-1986 Trapping: Adopted October 21, 1985, Resolution No. 321(85), enacted by referendum October 30, 1985.

1985-1986 Ice fishing: Adopted October 21, 1985, Resolution No. 321(85), enacted by referendum October 30, 1985.

Authority for Tribal Council to approve interim agreements in substantial conformity with previous agreements put out for referendum October 21, 1985, Resolution No. 321(85), approved by referendum October 30, 1985.

1986 Open water spring fishing: Adopted April 7, 1986, Resolution No. 114(86).

1986 Hook and line fishing: Adopted May 19, 1986, Resolution No. 180(86), enacted by referendum May 30, 1986.

1986 Ricing: Adopted August 11, 1986, Resolution No. 290(86).

1986 Deer hunting: Adopted August 25, 1986, Resolution No. 323(86), enacted by referendum September 4, 1986.

1986 Bear hunting: Adopted August 25, 1986, Resolution No. 323(86), enacted by referendum September 4, 1986.

1986 Small game: Adopted September 8, 1986, Resolution No. 328(86).

1986 Trapping: Adopted November 3, 1986, Resolution No. 388(86), enacted by referendum November 13, 1986.

1986-1987 Ice fishing: Adopted November 24, 1986, Resolution No. 426(86), enacted by referendum December 4, 1986.

1987 Spring spearing: Adopted March 30, 1987, Resolution No. 89(87), enacted by referendum April 2, 1987.

1987 Ricing: Adopted August 3, 1987, Resolution No. 256(87), enacted by referendum August 14, 1987.

1987 Deer hunting: Adopted September 15, 1987, Resolution No. 295(87), enacted by referendum September 17, 1987.

1987 Bear hunting: Adopted September 21, 1987, Resolution No. 302(87).

1987 Migratory bird hunting: Adopted September 21, 1987, Resolution No. 302(87).

1987 Small game hunting: Adopted September 21, 1987, Resolution No. 302(87).

1987 Trapping: Adopted October 19, 1987, Resolution No. 351(87).

1987-1988 Ice fishing: Approved January 4, 1988, Resolution No. 5(88), enacted by referendum January 7, 1988.

1988 Spring fishing: Adopted April 11, 1988, Resolution No. 115(88). Amended April 18, 1988, Resolution No. 125(88).

1988 Summer and fall open water fishing: Adopted June 13, 1988, Resolution No. 183(88).

Timber Moratorium: Adopted June 20, 1988, Resolution No. 211(88).
1988 Ricing: Adopted August 1, 1988, Resolution No. 260(88).
1988 Deer hunting: Adopted August 31, 1988, Resolution No. 305(88).
1988 Bear hunting: Adopted September 6, 1988, Resolution No. 320(88).
1988 Migratory bird hunting: Adopted September 16, 1988, Resolution No. 339(88).
1988 Small game hunting: Adopted September 16, 1988, Resolution No. 340(88).
1988-1989 Trapping: Adopted November 23, 1988, Resolution No. 395(88), enacted by referendum November 23, 1988.
1988-1989 Ice fishing: Adopted December 12, 1988, Resolution No. 443(88).
Ban on sale of fish imposed by referendum December 15, 1988.
1989 Ricing: Adopted August 14, 1989, Resolution No. 269(89).
1989 Deer hunting: Adopted August 28, 1989, Resolution No. 293(89).
1989 Bear hunting: Adopted August 28, 1989, Resolution No. 294(89).
1989-1990 Small game hunting: Adopted October 16, 1989, Resolution No. 357(89).
1989 Migratory bird hunting: Adopted October 16, 1989, Resolution No. 358(89).
1996-97 Off-Reservation National Forest Gathering Ordinance (Part II): Adopted September 26-27, 1996.

Cases.

The off-reservation treaty rights litigation is Lac Courte Oreilles Band v. Wisconsin, W.D. Wis. No. 74-C-313. Significant reported decisions having impact on tribal regulations include:

Lac Courte Oreilles Band v. Voigt, 700 F.2d 341 (7th Cir. 1983). Affirms existence of treaty right.

Lac Courte Oreilles Band v. Wisconsin, 653 F. Supp. 1420 (W.D. Wis. 1987). "Doyle decision" defining the rights.

Lac Courte Oreilles Band v. Wisconsin, 668 F. Supp. 1233 (W.D. Wis. 1987). Tribal self-regulation preempts stat regulation.

Lac Courte Oreilles Band v. Wisconsin, 686 F. Supp. 226 (W.D. Wis. 1988). "Moderate living" decision.

TRIBAL CODE

CHAPTER 26:

OFF-RESERVATION CONSERVATION CODE

PART I

CHAPTER I: INTRODUCTION

26.101 Title.

This code shall be known as the Off-Reservation Conservation Code.

26.102 Authority.

This code is enacted pursuant to Article VI, Section 1(x) of the Constitution and By-Laws of the Tribe.

26.103 Purpose.

It is the purpose of this code 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 1837, 7 Stat. 536, and 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 consistent with the Natural Resource Management Plans for the Northern Wisconsin Ceded Territories and the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, as may be amended from time to time, both of which have been ratified by the Tribe and both of which are hereby incorporated by reference as if fully set forth herein.

26.104 Territorial Applicability.

(1) Nothing in this code shall prohibit the use of any resource otherwise subject to the provisions of this code 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 and shall ensure compliance with the provisions applicable to ceremonial harvest of the various court decisions, orders and stipulations entered into as part of the court case Lac Courte Oreilles Band, et al., v. State of Wisconsin et al., Case No. 74-C-313-C (United States District Court, Western District of Wisconsin).

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

CHAPTER II: GENERAL DEFINITIONS

26.201 General Definitions.

The following terms, wherever used in this code, 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 code in particular circumstances, includes the hide or skin and head.

(2) "Ceded Territory" means all lands and waters located in the State of Wisconsin, except Lake Superior, ceded by the Tribe to the United States of America in the Treaty of 1837, 7 Stat. 536, and 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 sec. 17.11 and 17.12) or the State of Wisconsin (Wis. Adm. Code NR 27.03) 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.

Chippewa Indians of Wisconsin, or Sokaogon Chippewa Community of the Mole Lake Band.

(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 code.

(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 mammals 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 a day is a tribal holiday.

CHAPTER III: GENERAL

26.301 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 code 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 code relating to the possession, use, giving, sale, barter or transportation of such wild plants or wild animal, 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 code.

26.302 Permits and Identification.

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

26.304 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.

26.305 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 substance deleterious to wild animals by a member while exercising off-reservation treaty rights regulated by this code 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 section 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.

26.306 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 material; and no member shall abandon any automobile, boat or other vehicle in such waters. Any automobile, boat or other vehicle not removed from such waters within thirty (30) days shall be rebuttably presumed to be abandoned.

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

26.312 Sharing of Permits and Tags.

Except as otherwise provided in this code, 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 code.

26.313 Harvesting with Another's Permit Prohibited.

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

26.314 Shining Animals.

(1) Definitions. As used in this code:

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

(b) **“Light”** means flashlights, automobile lights and other lights, which may include but is not limited to high-powered lights, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow.

(c) **“Point of Kill”** means the location at which a light is used to illuminate and kill a wild animal whose position or location is known by the hunter.

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

(e) **“Safe Zone of Fire”** means the area and direction in which a hunter may safely discharge a weapon.

(f) **“Stationary”** means not moving.

(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.

(a) Prohibitions. Except as otherwise provided in sub. (b), no member shall use or possess with intent to use a light for shining wild animals between 10:00 p.m. and 7:00 a.m. from the day after Labor Day to the first Sunday following New Year's Day or as otherwise provided by a GLIFWC Commission Order.

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

(i) a member who possesses a light or who uses a light while hunting pursuant to the express provisions of this ordinance which allow shining within an established safe zone of fire from a stationary position during the open season for the animals hunted;

(ii) 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;

(iii) 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;

(iv) a member who possesses a light or who uses a flashlight to find their way;

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

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

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

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

(ix) a member engaged in hunting authorized by Section 26.620 of this ordinance; or

(x) a member engaged in fishing authorized by Section 26.906 of this ordinance.

26.315 Duties on Accidental Shooting.

(5) 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:

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

(b) 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.

(6) 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.

26.318 Hunting While Intoxicated.

(1) 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. In addition:

(a) If a member has not attained the age of 21, the member shall not hunt with a firearm, bow and arrow, or crossbow while he or she has an alcohol concentration of more than 0.0 but not more than 0.08.

26.319 Resisting Conservation Wardens.

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

26.320 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 code, or shall assume to act as such an officer, without having been first duly appointed.

26.321 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;

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 sub. (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 sub. (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 sub. (c), no member shall load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle; or

(iv) except as provided in sub. (c), no member shall discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

(e) No member shall use any animal flesh for bait unless the member places a metal identification tag indicating the member's tribal affiliation and tribal identification number on the tree nearest the bait, at eye level, directly facing the bait.

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

26.322 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.

26.323 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.

26.324 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.

26.325 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 26.201(4).

26.326 Records of Commercial Transaction 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) (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 11.12 [Timber Harvest/Assistance by Non-Members], and as provided in Section 26.332 [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 hunting deer at night, acting as a spotter and using a light to shine within an established safe zone of fire from a stationary position.

(vi) In trapping and snaring all activities except the setting or placement of traps and snares;

(vii) In harvesting wild rice, all activities;

(viii) 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

(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 purpose of this ordinance, "street" means a highway {see Section 26.321(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 bolt or an arrow 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; and

(d) The holder of the permit discharges the firearm or shoots the bolt or arrow away and not across or parallel to the roadway.

(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.

Any person authorized to enforce the provisions of this code 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 a valid search warrant;
- (3) With the authority and within the scope of a right of lawful inspection as provided in Section 26.405(1)(a);
- (4) Incident to the issuance of a lawfully issued citation under this code; or
- (5) As otherwise authorized by law or by the provisions of this code.

26.405 Investigations and Citations.

- (1) Any person authorized to enforce the provisions of this code 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 code and of records of commercial transactions required under Section 26.326 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 code;
 - (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 member has violated or breached a provision of this code; and

(5) For all violations, court costs in the amount of \$20. The Court shall suspend all off-reservation privileges or licenses in all cases until payment of the forfeiture imposed.

(6) The court may order community service work in lieu of any forfeiture imposed.

26.409 Enhancement of Forfeiture.

Upon conviction of any member for a violation of this Code, when such person has been convicted of a previous violation of this Code within a period of one year, the forfeiture shall be enhanced as follows:

(1) For a violation carrying a \$20 minimum, not less than \$100 nor more than \$500.

(2) For a violation carrying a \$100 minimum, not less than \$250 nor more than \$500.

(3) For a violation carrying a \$250 minimum, \$500.

(4) For a third violation within a period of one year, \$500 and mandatory revocation of all off-reservation treaty privileges for a minimum of one (1) year.

26.410 Civil Damages.

In addition to any other penalty allowed by this code, 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 code, \$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) For a violation of walleye size limits, a forfeiture no less than \$50 and no greater than \$500, plus a forfeiture of \$8.75 per walleye for possessing more than two (2) walleye in violation of Section 26.905 (3)(b)(ii) or of possessing more than one walleye in excess of 24 inches in violation of said Section.

(7) For netting in closed waters, a forfeiture no less than \$250 and a forfeiture no less than \$8.75 for each walleye, no less than \$75 for each muskellunge, no less than \$25 for each bass, and no less than \$400 for each sturgeon.

(8) For each violation of walleye sex limits, a forfeiture no less than \$50 and no greater than \$500, plus a forfeiture of \$8.75 per walleye.

(9) For a violation of spearing or netting without a permit where required, a forfeiture no less than \$100 plus a forfeiture of \$8.75 for each walleye, \$75 for each muskellunge, \$25 for each bass, and \$400 for each sturgeon taken in violation of the permitting requirement.

(10) For a violation of taking an antlerless deer without the required permit, a minimum forfeiture of \$100.00.

(11) For a violation of taking an antlerless deer from a management unit not authorized by the requisite permit, a minimum forfeiture of \$100.00.

(12) For a violation of hunting or taking a bear without the required permit, a minimum forfeiture of not less than \$100.00.

26.413 Parties to a Violation.

(1) Whoever is involved in the commission of a violation of this code 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 involved 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.

26.414 Harvesting After Revocation or Suspension.

or prior to the opening date of the corresponding season provided by the laws of the State of Wisconsin.

26.502 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 wildrice harvest permit is required of helpers of a permittee who participate only in shore operations.

26.503 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 26.326 (Records of Commercial Transactions Required) shall not apply to the sale of wild rice.

26.504 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.

26.505 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.

26.506 Open Season.

(1) There is no closed season for the harvest of wild rice on any body of water except for the following:

(a) Any body of water listed in the Commission document entitled Waters Regulated for Tribal Wild Rice Harvesting, Version 1, as it may be amended from time to time, which is hereby adopted and incorporated as if fully set forth herein; and

(b) Any other body of water for which the Tribal Wild Rice Authority has established a closed season pursuant to Section 26.501(3)(b).

CHAPTER VI: DEER HARVESTING REGULATIONS

26.601 Definitions.

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

- (1) **“Adequate Backstop”** means earthen terrain that will stop discharges projectiles under hunting circumstances, considering a reasonable margin of error. The maximum distance that an adequate backstop should be from the member’s established stationary position at night is one-hundred twenty-five (125) years pursuant to section 26.620(5) of this ordinance.
- (2) **“Antlerless deer”** means a deer not having at least one antler of at least 3 inches in length.
- (3) **“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.
- (4) **“Crossbow”** means any device using a bow which, once drawn, is held solely by means other than the effort of the person firing it.
- (5) **“Firearm”** means rifle, shotgun, handgun or other type of gun.
- (6) **“Flashlight”** means a battery-operated light designed to be carried and held by hand.
- (7) **“Light”** means flashlights, automobile lights and other lights, which may include but is not limited to high-powered lights, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow.
- (8) **“Point of Kill”** means the location at which a light is used to illuminate and kill a wild animal whose position or location is known by the hunter.
- (9) **“Preapproved Shooting Plan”** means a shooting plan that is inspected and approved to be in compliance with the requirements of subs. (5), by the tribal conservation department or a Commission warden. In the inspection and approval of a shooting plan, the tribal conservation department or a Commission warden shall ensure that there are at a maximum only two shooting plans approved per forty (40) acre parcel or every two hundred twenty (220) yards.
- (10) **“Shining”** means the casting of rays of light on a field, forest, or other area for the purpose of searching for, illuminating, locating, or attempting to search for, illuminate or locate wild animals.

(3) (a) 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 26.611 (Group Deer Hunting).

(b) No member shall hunt antlerless deer pursuant to Section 26.618 (Level 1 Commercial Harvest) without possessing a valid level 1 commercial antlerless deer harvest permit indicating the level 1 antlerless deer harvest zone in which the member may hunt.

(4) No antlerless deer permits shall be considered valid for any deer management unit:

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

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

(c) On which any deer management unit number has been slit, punched through or otherwise crossed out in any fashion; or

(d) With respect to a level 1 commercial harvest antlerless deer permit, which lies outside the level 1 commercial harvest zone in which the member is authorized to hunt.

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

(6) No member shall move or field dress an antlerless deer without making a slit or punch on the antlerless deer permit through the number of the deer management unit in which the deer has been killed.

(7) (a) Except as otherwise provided in this ordinance, antlerless deer permits shall be valid for no longer than 14 successive days of an open season during such time periods as the Commission's Biological Services Division shall establish.

(b) The tribal conservation department shall not issue an antlerless deer permit prior to the first day of the permit period for which the permit will be valid, except:

(i) a permit may be issued no more than 7 days prior to the regular deer season established pursuant to Section 26.607; and

(ii) a permit may be issued no more than 24 hours prior to the start of the middle deer season established pursuant to Section 26.607.

26.607 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) 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 Years Day or is otherwise provided by a GLIFWC Commission Order, except:

(i) For Metropolitan Herd Control Units in the ceded territory, the annual regular firearm, bow and crossbow season is hereby extended to the last day in January or as otherwise provided by a GLIFWC Commission Order.

(b) The regular deer season shall close at the end of hunting hours on the Friday preceding the Thanksgiving Day holiday and shall remain closed at the end of hunting hours on the Friday preceding the Thanksgiving Day holiday and shall remain closed for the duration of the middle season established below at which time it shall reopen.

(3) Middle Season. (a) An annual middle firearm, bow and crossbow deer season is hereby established beginning on the Saturday preceding the Thanksgiving Day holiday and continuing for at least nine (9) consecutive days.

(b) The middle deer season shall automatically extend beyond nine (9) consecutive days if the State of Wisconsin extends its regular gun deer season beyond nine (9) days and shall remain open for the duration of the State's extended season.

(c) During the middle season, no member shall:

(i) fail to comply with the provisions of Section 26.321(2)(Blaze Orange Required);

(ii) hunt without a tribally-furnished back tag attached to the center of the member's outermost garment where it can clearly be seen;
or

(iii) fail to comply with any of the restrictions or requirements generally applicable to deer hunting pursuant to this ordinance.

(4) 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 26.331 (Emergency Closure).

(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 valid for the unit 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.

26.612 Hunting Hours.

(1) No member shall hunt deer 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 deer "regular season;" One-half hour before sunrise to 20 minutes after sunset or as otherwise provided by a GLIFWC Commission Order, except as provided in Section 26.620 of this ordinance.

(2) Lawful deer hunting hours shall be determined in accordance with the Tribal Hunting Hours Zone/Table attached to this ordinance after Chapter 14.

26.613 Transportation.

No member shall transport any deer in or on a 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.

26.614 Hunting on Certain Public Lands Prohibited.

26.617 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 26.605 (Deer Hunting Permits/Tags), including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol, Antlerless Deer Harvest, adopted on May 26, 1989, and of Section 26.606 (Deer Registration) are not affected by the provisions of this Section.

26.618 Level 1 Commercial Harvest Established and Regulated.

(1) Purpose. The purpose of this section is to establish the regulations governing the harvest and registration of no more than 10 deer the meat of which may be sold pursuant to this ordinance 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 deer meat pursuant to this section prior to the effective date as declared by the tribe's governing body in accordance with subs. (a).

(3) Level 1 Commercial Harvest Generally. A member who, between July 1 and June 30, has lawfully harvested deer pursuant to this ordinance may register no more than 10 of those deer for level 1 commercial purposes and may sell to any

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

(c) A member desiring to register an antlerless deer under this subsection for level 1 commercial purposes must obtain a level 1 commercial antlerless deer permit in accordance with the provisions of Section 26.605 {Deer Hunting Permits/Tags} provided:

(i) the permit may be valid at any given time for only one of the following Level 1 antlerless deer commercial harvest zones comprised of the deer management units specified:

Zone I: Units 1, 2, 3, 4, 5, 6, 7, 8, 28.

Zone II: Units 2, 4, 5, 6, 8, 9, 12, 13, 14, 17, 18, 19, 20, 23, 24.

Zone III: Units 14, 28, 29A, 29B, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 52.

Zone IV: Units 35, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50.

Zone V: Units 1, 2, 3, 4, 5, 6, 8, 78, 79.

Zone VI: Units 8, 9, 10, 11, 12, 15, 16, 17, 22.

Zone VII: Units 21, 22a, 25, 26, 27, 33, 57, 57A, 58, 59a, 59b, 62a; and

(ii) the permit is valid for those deer management units within the level 1 antlerless deer commercial harvest zone which are open to hunting antlerless deer.

(d) A member desiring to register an antlerless deer under this subsection for level 1 commercial purposes must register the antlerless deer within and prior to leaving the antlerless deer commercial harvest zone for which an antlerless permit is valid at a tribal registration station or with a person authorized to register deer in the field.

(e) Upon registration, the registering official shall affix a level 1 commercial harvest registration tag to the carcass.

(f) This subsection is not intended to limit a member's ability to otherwise register an antlerless deer under the provisions of Section 26.606

(iii) otherwise complies with the provisions of this ordinance applicable to deer hunting.

(4) Level 2 Commercial Harvest Permit Application.

(a) Any member who possesses a valid deer hunting permit may apply on such forms as the Tribe may prescribe to the tribal conservation department for an additional permit authorizing the harvest of deer for level 2 commercial purposes on the terms and conditions prescribed by this section.

(b) Upon receipt of an application for a Level 2 Commercial Harvest Permit, the tribal conservation department shall inform the Tribe's governing body, or its designate pursuant to subs. (f), below, and the Commission's Biological Services Division of the application, the management unit in which the applicant seeks to hunt and such other relevant information as is included in the application.

(c) The Commission's Biological Services Division shall, within two(2) working days of the receipt of notice of the application, inform the tribal conservation department and the Tribe's governing body, or its designate pursuant to subs. (f), below, of the number of antlerless deer available for harvest pursuant to this ordinance in the management unit requested by the applicant and of the number of antlerless deer permits which may be issued for that unit in accordance with the provisions of Section 26.605(8) {Limitations on the Number of Antlerless Deer Permits}.

(d) Within 3 working days of the receipt of this information, the Tribe's governing body, or its designate pursuant to subs. (f), below, in consultation with the tribal conservation department and the Commission's Conservation Enforcement Division, shall grant or deny the application, and shall notify the applicant as soon as practicable of its decision.

(e) The decision to grant or deny the application shall be exclusively within the discretion of the Tribe's governing body, or its designate pursuant to subs. (f), below, and a decision to grant the application may impose conditions required by the tribe upon a Level 2 Commercial Harvest Permit which are more restrictive than the conditions imposed by this section.

(f) The Tribe's governing body hereby designates the Biological Services Director for Great Lakes Indian Fish and Wildlife Commission to exercise its powers under this section. Any decision by such designate under this section is subject to review by the Tribe's governing body upon request of the applicant.

(5) Terms and Conditions of a Level 2 Commercial Harvest Permit. A Level 2 Commercial Harvest Permit:

be effective beginning the night before the middle deer season established pursuant to Section 26.607(3) of this ordinance 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 26.317(3) of this ordinance.

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 notched arrow from the close of "daytime" hunting hours pursuant to Section 26.612 of this ordinance 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 26.612 of this ordinance.

(2) No member shall hunt deer 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, tribal identification card, and a permit issued pursuant to subs. (1). Any member hunting and shining deer under this section shall be subject to all terms and conditions in this section and in the permit issued pursuant to subs. (1) as otherwise conditioned by the tribal conservation department, as well as all other provisions of this ordinance regulating hunting, unless expressly provided otherwise in this section.

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

(a) hunt deer 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 deer 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 members shooting plan, from a stationary position, at a deer located with the "safe zone of fire;"

(a) A member intending to hunt deer 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 deer "regular 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 area;

(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 park 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 tribal conservation department.

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

(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 tribal conservation department;

(i) The tribal conservation department 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 tribal conservation department.

(6) A member hunting deer at night under this section may pursue and take a deer 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 deer and safely aiming the weapon in the direction of intended fire as identified within the plan and killing the wounded deer when the wounded deer 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).

(7) A permit may be only issued to members pursuant to sub. (1) who have completed an advanced hunter safety/marksmanship training course and received a marksmanship proficiency certificate from the tribe, as follows:

(a) The tribal conservation department shall issue firearms marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum of 80% or better (10 shots) within the six and one-quarter inch inner circle of an NRA certified target at 100 yards. Firearm allowable for certification are those firearms otherwise allowable for deer hunting pursuant to section 26.609 of this ordinance. A member may also certify with use of buckshot at limited distances, however a member may only hunt with the use of buckshot pursuant to this section up to the distance certified.

(b) The tribal conservation department 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 bow/crossbows otherwise allowable for deer hunting pursuant to section 26.610 of this ordinance.

(8) Once a permit pursuant to subs. (1) has been issued, the tribal conservation department shall provide for the advance notification of appropriate federal, state and local officials, as those officials request notification, by providing a

A closed season is hereby established for the hunting of bear except for the open season specified in Section 26.706.

26.703 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.

26.704 Bear Management Zones.

Bear Management Zones encompassing the listed deer management units are hereby established as follows:

- (1) Zone A: Deer Management Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22 (portion north of US Highway 8), 24, 25, 26, 28, 29a, 29b, 30, 31, and 32.
- (2) Zone B: Deer Management Units 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 49, 50, and 52.
- (3) Zone C: Deer Management Units 21, 22 (portion south of US Highway 8), 22a, 23, 27, 33, 46, 47, 48, 57, 57a, 57b, 57c, 58, 59a, 60, and 62a.

26.705 Number of Bear Available For Harvest.

(1) The number of bear (tribal quota) which shall be available for harvest in each bear management zone pursuant to this ordinance 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.

(2) No member shall hunt bear in any bear management zone in which no bear has been made available for tribal harvest pursuant to subs. (1) or which has been closed to further bear hunting pursuant to Section 26.727.

26.706 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.

26.709 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.

26.710 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.

26.711 Firearms Restrictions.

No member shall hunt bear with any firearm the use of which is prohibited pursuant to Section 26.609 for hunting deer, while possessing more than one handgun, or with the use of buckshot.

26.712 Bow/Crossbow Restrictions.

No member shall hunt bear with a bow or crossbow not in compliance with the provisions of Section 26.610.

26.713 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) "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.

(3) Any member of a group bear hunting party may kill a bear for another member of the group bear hunting party if both 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.

- (4) All state parks.
- (5) All wildlife refuges.

26.718 Hunting on Certain Private Lands Prohibited.

No member shall hunt bear on any privately-owned land except those lands which pursuant to Chapter 77, Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

26.719 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.

26.720 Dens.

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

26.721 Landfills.

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

26.722 Cubs.

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

26.723 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 or except in accordance with the provisions of Section 26.725(8) (Transfer of Tags Upon Sale).

pursuant to this subsection from selling the meat to any person who is not a member of a signatory tribe.

(c) Sale to Non-Members. A member who has lawfully harvested and registered a bear pursuant to this ordinance may sell to a person who is not a member of a signatory tribe only the whole carcass (except for the head, skin and viscera) of the bear, provided the member:

(i) complies with the commercial harvest provisions of Section 26.725; and

(ii) otherwise complies with the provisions of this ordinance applicable to bear hunting.

(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 provided:

(i) the Tribe complies with the provisions of subs. (d), below; and

(ii) the member complies with the commercial harvest provisions of Section 26.725.

(c) The Commission's Biological Services Division shall, within 2 working days of receipt of notice of the application, inform the tribal conservation department and the Tribe's governing body, or its designate pursuant to subs (f), below, of the number of bear available for harvest pursuant to this ordinance in the management zone requested by the applicant.

(d) Within 3 working days of the receipt of this information from the Commission's Biological Services Division, the Tribe's governing body, or its designate pursuant to subs (f), below, in consultation with the tribal conservation department and the Commission's Conservation Enforcement Division, shall grant or deny the application, and shall notify the applicant as soon as practicable of its decision.

(e) The decision to grant or deny the application shall be exclusively within the discretion of the Tribe's governing body, or its designate pursuant to subs. (f), below, and a decision to grant the application may impose conditions required by the Tribe upon a Commercial Harvest Permit which are more restrictive than the conditions imposed by this section.

(f) The Tribe's governing body hereby designates its Fish and Game Program to exercise its powers under this section. Any decision by such designate under this section is subject to review by the Tribe's governing body upon request of the applicant.

(4) Terms and Conditions of a Commercial Harvest Permit. A Commercial Harvest Permit:

(a) May authorize a permittee to harvest no more than the number of bear available for harvest in any one bear management zone;

(b) Shall restrict the permittee's hunting of bear pursuant to the permit to only one bear management zone at any given time;

(c) Shall require a member to register all bear harvested pursuant to the permit at a tribal registration station located within the bear management zone for which the permit is valid or within an adjoining management zone provided the bear is transported directly to a registration station in that adjoining unit on federal and state highways; and

(d) Shall require all members named on the Commercial Harvest Permit possess an official copy of the permit and at least one valid carcass tag while hunting pursuant to the permit.

(5) Registration of Entire Carcass Required. When registering a bear under a Commercial Harvest Permit, a member shall present the entire bear carcass (except for the viscera) for registration to an authorized registering official and no registering

26.801 Purpose.

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

26.802 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 26.601(2).
- (2) "Crossbow" shall have the meaning prescribed in Section 26.601(3).
- (3) "Firearm" shall have the meaning prescribed in Section 26.601(4).
- (4) "Hunt" or "Hunting" shall have the meaning prescribed in Section 26.201(8) but shall not include trapping for the purposes of this chapter.
- (5) "Trap" in addition to the meaning prescribed in Section 26.201(13), 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 26.201(17).

26.803 Open and Closed Seasons.

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

26.804 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.

26.805 Fisher Management Zones.

(1) Fisher Management Zones comprised of specific deer management units are hereby established as follows:

(c) On which any fisher management zone letter has been slit, punched through or otherwise crossed out in any fashion.

(4) Except as provided in Section 26.820 (Possession and Sale of Live Small Game Animals), no member shall move or field dress an otter, bobcat or fisher before affixing it to a valid carcass tag.

26.808 Otter, Bobcat and Fisher Registration.

(1) (a) A member killing a 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 first 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 first working day after the 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 or fisher pursuant to this section, the registering official shall, except as provided in Section 26.820 (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 or fisher shall provide the registering official with the following information: the sex of the animal taken, the deer management unit and county 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 or fisher except by presenting the whole carcass to the registering official, or in the alternative 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 26.402 to enforce the provisions of this ordinance is authorized to register otter, bobcat or fisher in the field provide such warden transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.

- (xiii) Red and Gray Fox: Year Around
- (xiv) Red, Gray and Fox Squirrel: Year Around
- (xv) Ruffed Grouse: Day after Labor Day-March 31
- (xvi) Sharp-Tailed Grouse: Day after Labor Day- March 31
- (xvii) Snowshoe Hare: Year Around
- (xviii) 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 26.331 (Emergency Closure).

26.810 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 (all dates and times given are inclusive and all times refer to Central Standard Time and should be adjusted one hour as necessary to account for Daylight Savings Time).

(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 15 minutes after sunset (table attached after Chapter 14).

(b) From April 1 through August 31, for all small game species 24 hours per day.

(c) For coyote, fox, raccoon, snowshoe hare and unprotected species, 24 hours per day except during the middle deer season established pursuant to Section 26.607(3) when hunting hours shall be the same for small game and deer hunting.

26.811 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:

(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 trap raccoon, fox or any unprotected species, a member may possess or use a flashlight.

(2) No member shall hunt raccoon, fox or any unprotected species while shining during the middle deer season established pursuant to Section 26.607(3).

26.817 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 " __ " 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).

26.818 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 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".

(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.

26.820 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

(iv) restraint, transportation or possession of a small game animal for the purpose of selling or otherwise transferring the animal to a person who is legally authorized to possess the live animal.

(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 provided that a member who controls temporarily a live small game animal for the purposes of selling or otherwise transferring the live animal complies with the provisions of subs. (4) and (5).

(4) A member may sell or otherwise transfer a live small game animal which was lawfully taken during the open season for that animal provided:

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.

26.823 Sale of Small Game Authorized.

(1) 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.

(2) The provisions of Section 26.326 (Records of Commercial Transactions) shall not apply to the sale of the fur of any small game furbearing species.

26.824 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority:

(1) To close the small game hunting and trapping season for otter, bobcat or fisher, provided there remains no otter, bobcat or fisher available for harvest under this ordinance; and

(2) To close any fisher management zone prior to the season's closing date, provided there remains no fisher available for harvest under this ordinance in that zone.

26.825 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 26.330 (Permissible Conduct/Assistance by Non-Members).

26.826 Wild Turkey Hunting Regulations.

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

(b) Tags for Turkey Management Zones. No member shall hunt wild turkeys in any wild turkey management zone without possessing a carcass tag valid for the zone in which the turkey is killed.

(2) Season. No member shall harvest any wild turkeys except during the open season which shall be as follows (all dates are inclusive):

(b) No member shall fail to inform the tribal registration station of the location, including the wild turkey management zone if applicable, 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 26.402 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 wild turkey management zone to turkey hunting prior to the season's closing date, provided there remains no turkeys available for harvest under this ordinance in that zone.

26.827 Small Game Hunting Caliber Restrictions.

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

(b) A member may hunt ruffed grouse with a .22 caliber rim-fire rifle.

CHAPTER IX: FISH HARVESTING REGULATIONS

26.901 Definitions.

(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 without the aid of a magnifying device for a period of more than ½ hour.

26.902 Open and Closed Season.

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

26.903 Number of Fish Available for Harvest.

The number of any species of fish which shall be available for harvest pursuant to this code for each twelve month period from April 1 through March 31 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.

26.904 Fishing Permits/Tags.

(1) No member shall fish pursuant to this code without possessing valid fishing permit.

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

26.905 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 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 (date are inclusive)	Bag Limit	Maximum or Minimum Size Limits
(a) LARGE MOUTH AND SMALL MOUTH BASS.				
(i) All waters	Hook & Line ice fishing (including spearing when ice fishing).	Year Around	10 per person/day	None
(ii) All waters	Open water spearing subject to Sec. 26.906, and snagging.	Year Around	10 per person/day	None
(iii) All waters	Setline, set or bank pole subject to section 26.909	Year Around	None	None
(iv) All waters	All nets (except gill nets) subject to Sec. 26.907.	Year Around	10 per person/day	None
(v) 1000 acre or larger lakes	Gillnets subject to Section 26.908.	June 1 to March 1	10 per person/day	None
(b) WALLEYE.				
(i) All waters	Hook & Line, ice fishing (includes spearing when ice fishing)	Year Around	None	None
(ii) All waters	Open waters spearing subject to Sec. 26.906 and snagging.	Year Around	Established by permits issued pursuant to section 26.906.	Maximum of 20 inches except each fisher may take one fish 20-24 inches and one fish any size per permit.
(iii) All waters	All nets (except gillnets) subject to Sec. 26.907.	Year Around	None	None
(iv) All waters	Setline, set or bank pole subject to Sec. 26.909.	Year Around	None	None
(v) 1000 acre or larger lakes	Gillnets subject to Sec. 26.908.	June 1 to March 1	Established by permits issued pursuant to Section	None

				26.908.	
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(c) NORTHERN PIKE.

(i)	All waters	Hook & line, ice fishing (including spearing when ice spearing).	Year Around	None	None
(ii)	All waters	Open waters spearing subject to Sec. 26.906 and snagging.	Year Around	10 per person/day	None
(iii)	All waters	Setline, set or bank pole subject to section 26.909.	Year Around	10 per person/day	None
(iv)	All waters	All nets (except gill nets) subject to Section 26.907.	Year Around	10 per person/day	None
(v)	1000 acre or larger lakes	Gillnets subject to Section 26.908.	June 1 to March 1	10 per person/day	None

(d) ROCK or LAKE STURGEON.

(i)	All waters	Hook & Line, ice fishing (including spearing when ice fishing).	June 1 to March 1	1 per person/year All methods	45 inch minimum size limit (except as provided in Section 26.926).
(ii)	All waters	Open water spearing and snagging subject to Section 26.926 and spearing while ice fishing.	June 1 to March 1 (except that 1 sturgeon per lake may be taken by all tribes during spring spearing and except as provided in Section 26.926).	1 per person/year All methods	45 inch minimum size limit (except as provided in Section 26.926).
(iii)	All waters	Setline, set or bank pole subject to Section 26.909.	June 1 to March 1 (except as provided in Section 26.926).	1 per person/year All methods	45 inch minimum size limit (except as provided in Section 26.926).
(iv)	All waters	All nets (except gillnets) subject to	June 1 to March 1 (except as provided in	1 per person/year	45 inch minimum size limit (except as

	Section 26.907.	Section 26.926).	All methods	provided in Section 26.926).
(v)	1000 acre or larger waters Gillnets subject to Section 26.908.	June 1 to March 1 (except as provided in Section 26.926).	1 per person/year All methods	45 inch minimum size limit (except as provided in Section 26.926).

(e) MUSKELLUNGE.

(i)	All waters Hook & Line, ice, fishing (including spearing when ice fishing)	Year Around	None	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32 inches.
(ii)	All waters Open water spearing subject to Section 26.906; and snagging.	Year Around	Established by permits issued pursuant to Section 26.906.	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32 inches.
(iii)	All waters Setline, set or bank pole subject to Section 26.909.	Year Around	None	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32 inches.
(iv)	All waters All nets (except gillnets) subject to Section 26.907.	Year Around	Established by permits issued pursuant to Section 26.907.	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32 inches.
(v)	1000 acre or larger waters Gillnets subject to section 26.908.	June 1 to March 1	Established by permits issued pursuant to Section 26.908.	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32 inches.

(f) TROUT AND SALMON (except LAKE TROUT).

(i)	Lake Superior Tributaries Hook & Line.	Established in Section 26.925.	10 per person/day in aggregate of which only 2 may be rainbow.	Established in Section 26.925.
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(ii)	All other waters except spring ponds	Hook & Line.	June 1 to September 30	5 per person/day in aggregate.	None
(iii)	Spring ponds	Hook & Line.	First Saturday in May in September 30.	5 per person/day in aggregate.	None
(g) LAKE TROUT.					
	All waters	Hook & Line, ice fishing (including spearing when ice fishing), open water spearing and snagging subject to Section 26.906.	Year Around	2 per person/day	26 inch minimum size limit.
(h) WHITE BASS, ROCK BASS, BLUEGILL, CRAPPIE, PUMPKINSEED, YELLOW PERCH, BULLHEADS, YELLOW BASS, CATFISH.					
	All waters	Hook & Line, ice fishing (including spearing when ice fishing), open water spearing and snagging subject to Section 26.906; setline, set or bank pole subject to Section 26.909; all nets (excluding gillnets subject to Section 26.907).	Year Around	None	None
(ii)	1000 acre or larger lakes	Gillnets subject to Section 26.908.	Year Around	None	None
(i) CISCO and WHITEFISH.					
	All waters	Hook & Line; ice, fishing (including spearing when ice fishing); open water spearing and snagging subject to Section 26.909; setline, set or bank pole subject to Section 26.909; all nets (excluding gillnets subject to Section 26.907).	Year Around	None; exception: Trout Lake (Vilas County) bag limits for open water spearing and netting established by permits issued pursuant to Section 26.906 and 26.907 respectively.	None
(ii)	1000 acre or	Gillnets subject to Section 26.908.	Year Around	None; exception:	None

larger lakes			Trout Lake (Vilas County) bag limits for gillnetting shall be established by permits issued pursuant to Section 26.908.	
(j) <u>ROUGH FISH.</u>				
(i) All waters	All methods not otherwise specifically prohibited by this ordinance except gillnetting.	Year Around	None	None
(ii) 1000 acres	Gillnets subject to Section 26.908.	Year Around	None	None
(k) <u>PADDLEFISH or SPOONBILL CATFISH.</u>				
All waters--No Open Season				

26.906 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.

(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 walleye, muskellunge and sturgeon spearing and for no more than 3 consecutive days for the spearing of all other species;

(c) The permit establishes the respective daily bag limits for walleye and muskellunge which may be less than but shall not exceed the respective number of walleye and muskellunge which remain available for harvest from those made available pursuant to Section 26.903 in the designated body of water;

(d) The respective number of walleye or muskellunge spearing permits which may be issued at any one time shall not exceed the number of walleye or muskellunge which remain available for harvest from those made available pursuant to Section 26.903 divided by the 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 26.907 or 26.908 shall be simultaneously valid for any body of water;

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

(h) The tribal conservation department 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 spear contrary to the terms and conditions of any spearing permit which has been issued to him or her.

(4) No member shall fish with the use of a spear which does not meet the requirements of Section 26.901(9) {Spear Defined}, except that a member may spear panfish with the use of a spear with barbed tines that are smaller than otherwise required.

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

(6) No member shall share spearing equipment with any person who is not a member or a member of another Lake Superior Chippewa Band except that a person who is a

(10) 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.

26.907 Dip Nets, Fyke Nets and Seines Regulated.

(1) Except while netting for minnows pursuant to Section 26.919(2), 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.

(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 for walleye, muskellunge, and sturgeon netting, and for no more than 3 consecutive days for the netting of all other species;

(c) The permit establishes the respective daily bag limit for walleye and muskellunge which may be less than but shall not exceed the respective number of walleye and muskellunge which remain available for harvest from those made available pursuant to Section 26.903 in the designated body of water;

(d) The total number of walleye and muskellunge netting permits issued under this section shall not exceed the number of walleye or muskellunge which remain available for harvest from those made available pursuant to Section 26.903 divided by the daily bag limit;

(e) Netting for all species with dip nets, fyke nets or seines is limited to one body of water for the duration of the permit;

(f) No netting permit issued pursuant to this section, no gill netting permit issued pursuant to Section 26.908 and no spearing permit issued pursuant to Section 26.906 shall be simultaneously valid for any body of water;

(g) The permit shall require that all nets authorized comply with the marking requirements of Section 26.908(9) and the safety requirements of Section 26.908 (10) and (11);

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

(i) Permits issued pursuant to Section 26.919 (Bait Dealers Regulated) shall be governed by the provisions of that section; and

(j) The tribal conservation department 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.

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

(h) Except as provided in subs. (14) the permits establish the maximum length in feet and the mesh size of the gillnet which is authorized; determined from the spring walleye population average length and the following chart:

<u>SPRING LENGTH</u>	<u>MAXIMUM ALLOWABLE MESH SIZE</u> <u>(STRETCH)</u>
13.5"	2.5"
13.5"-16.49"	3.0"
16.5"-18.49"	3.5"
18.5"-20.49"	4.0"
+ 20.5"	4.5"

(i) No gill netting shall be authorized for any body of water unless the spring average length of walleye has been determined that year for that body of water. In determining the spring average length of walleye, data gathered by the use of any appropriate gear, such as fyke nets, electroshocking or spearing, may be utilized provided that an accurate assessment of walleye size can be accomplished.

(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 26.901(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 or a member of another Lake Superior Chippewa Band, except that a person who is a member of the netter's immediate family or household may assist in the placing or lifting of any gillnet, provided that the netter is present during the activity.

(7) Except as provided in subs. (14), the tribal conservation department shall not issue a permit for gillnetting a particular body of water under this section if no walleye remains available for harvest from those made available pursuant to Section 26.903 in that body of water.

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

(c) Each set or bank pole and each setline shall have attached securely to it an identification tag issued by the Tribe showing the member's tribal affiliation and tribal identification number.

(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 26.901(10) {Set or Bank Pole Defined} or Section 26.901(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 or a member of another Lake Superior Chippewa Band, except that a person who is a member of the fisher's immediate family or household may assist in the placing or lifting of any set or bank pole or setline, provided that the fisher is present during the activity.

26.910 Designated Landings May be Required.

(1) In issuing a spearing or netting permit pursuant to Sections 26.906, 26.907 or 26.908, 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) Notwithstanding the provisions of subs. (1) and (2), 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.

26.911 Reporting and Monitoring.

(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;

(g) All holes used for unattended lines shall be marked so as to be visible to vehicular traffic, and all holes over twelve inches shall be marked in a manner which will identify 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 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 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 ice fishing gear, including any spear, with any person who is not a member or a member of another Lake Superior Chippewa Band, except that a person who is a member of the fisher's immediate family or household may assist in the setting or lifting of unattended lines, provided that the fisher is physically present during that activity, and except that any person may occupy an ice fishing house or other enclosure, provided that such person is not in any way assisting with or sharing the member's fishing equipment.

26.914 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 26.310 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 26.906 (Spearing), 26.907 (Netting), or

(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 or possess less than 1200 minnows by the use of any net authorized by Section 26.907 {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 other 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) No member shall take or possess more than 1200 minnows at any time unless the member possesses a permit issued pursuant to sub. (4).

(4) The tribal conservation department may issue a permit to a member authorizing the taking or possession at any time more than 1200 minnows on the following terms and conditions:

(a) A permit shall include the member's name, address, tribal affiliation and tribal identification number;

(b) A permit shall specify the waters where the permit is valid and the number of nets or other devices which may be utilized at any time;

(c) A permit shall describe the nets or other devices authorized;

(d) A permit may be valid for no more than 12 months from the date of issuance;

(e) A permit shall require the member to transport, handle and hold minnows in a manner which will reasonably ensure the minnows will be kept alive and healthy;

(f) A permit shall require all minnows not kept and all game fish caught by the nets or other devices to be promptly returned unharmed to the water;

(g) A permit shall prohibit the removal or destruction of vegetation, logs and other habitat features; and

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

(5) No member shall take or attempt to take minnows contrary to the terms and conditions of any permit issued under subs. (4).

(b) (i) the tribal conservation department may issue a permit to a member for harvesting only the spawn of any fish without harvesting the carcass of the fish upon such terms and conditions as it deems necessary or appropriate.

(ii) no member shall fail to comply with the terms and conditions of any permit issued pursuant to this section.

(3) Nothing in this section shall preclude the Tribe, tribal conservation department or the Commission's Biological Services Division, or their employees or agents, from stocking fish in any body of water pursuant to a management plan.

26.923 Authorization for Closure.

The Commission's Biological Services Division is hereby delegated the authority to close any body of water to fishing by the use of a spear or net for walleye and/or muskellunge prior to the season's closing date, provided no walleye or muskellunge remain available for harvest in that body of water from those made available pursuant to Section 26.903.

26.924 Compliance with Permits Issued by Other Tribes.

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

26.925 Lake Superior Tributary Regulations.

The following seasons and size limits are hereby established for the identified Lake Superior Tributaries:

1) Generally. Lake Superior tributary streams except the Brule River and its tributaries:

<u>Season</u>	<u>Minimum Size Limit(inches)</u>
First Saturday in May at 5:00 a.m. to September 30	6

2) Brule River. The Brule River and its tributaries:

<u>Season</u>	<u>Minimum Size Limit(inches)</u>
First Saturday in May at 5:00 a.m. to September 30	Brook Trout 8; Brown Trout 10; Rainbow Trout 12; Salmon 12

3) Special Early and Extended Seasons.

a) Generally.

(i) the special early and extended open seasons for trout and salmon set forth in this subsection shall apply to the tributary streams identified by county in subsection (ii):

<u>Season</u>	<u>Minimum Size Limits(inches)</u>
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(1) The regulations set forth in this Section shall supersede the season and size restrictions provided by Section 26.905(3)(d).

(2) On lakes with adequate population estimates for sturgeon which are subject to a quota management system in accordance with the provisions of Section B.1.i. of the Stipulation of fish species referenced in Section 26.905(4), there shall be no minimum size limit or seasonal restrictions and the tribal conservation department may issue permits authorizing harvest by tribal members accordingly provided total tribal harvest on such lakes is limited to a quota consistent with the Stipulation.

26.927 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.

CHAPTER X: MIGRATORY BIRD HARVESTING REGULATIONS

26.1001 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 conditions 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 or 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:

(1) No member shall take any migratory bird in any one day in excess of the 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 reached 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 was taken on reservation. No migratory bird falling on reservation lands will be counted as part of a bag or possession limit.

26.1005 Methods.

(1) Unless expressly modified by a U.S. Fish and Wildlife Service Final Rule incorporated into this ordinance pursuant to Section 26.1003(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 fuller, 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;

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 26.1003(1)

26.1007 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 were 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 26.1001(2) of this ordinance;
- (4) A post office; or
- (5) A common carrier facility.

26.1008 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.

26.1009 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.

26.1010 Duck Blinds.

(1) No member shall establish a permanent duck blind on state property, including the bed of any navigable lake, prior to 7 days before the migratory bird season or leave it established beyond 7 days after the close of the season.

(2) No member shall leave on state property during the season any blind unless permanently bears the name (in lettering one-inch square or larger) of the member who constructed the blind.

26.1011 Possession Regulated.

(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.

26.1012 Transportation Regulated.

(1) Prohibited if taken in violation of sections 26.1005-26.1010. 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 26.1005-26.1010 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 26.1011(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 fasiata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place taken until they have arrived at the personal abode of the possessor or at a migratory bird preservation facility as defined in Section 26.1001(3).

(4) Marking package or container. No member shall transport by the Postal Service or a common carrier migratory bird 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.

26.1013 Exportation Regulated.

(1) Prohibited if taken in violation of sections 26.1005-26.1010. 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 26.1005-26.1010 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.

CHAPTER XI: TIMBER HARVESTING REGULATIONS
(RESERVED)

CHAPTER XII: MISCELLANEOUS WILD PLANT HARVESTING REGULATIONS

26.1201 Purpose.

The purpose of this chapter is to regulate the harvest of wild plants, or any parts thereof, which are not regulated pursuant to Chapter V {Wild Rice Harvesting Regulations} or Chapter XI {Timber Harvesting Regulations}.

26.1202 Definitions.

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

(1) "Gathering" means cutting, rooting up, severing, injuring, destroying, removing, or carrying away any wild plant or parts thereof.

(2) "Ginseng" means the roots, seeds or other parts of wild American ginseng (Panax quinquefolium or Panax quinquefolius).

(3) "Landowner" means any owner or other entity responsible for the management of any public land.

(4) "Public Lands" means those lands, including the beds of any streams and flowages, located within the ceded territory owned by the State of Wisconsin or any of its political subdivisions or Departments.

(5) "Wild Plant" means any undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem, and includes endangered or threatened plant species, as defined in Section 26.201(4) of this ordinance, and ginseng, but excludes for the purposes of this chapter timber and wild rice.

(6) "Prairie plants," "Prairie Plant Seeds," and "Marsh Hay" shall be defined as and shall have the meaning agreed to by the Tribe and the Wisconsin Department of Natural Resources as formulated by the Wild Plant Management and Policy Committee established pursuant to the Stipulation for Black Bear, Migratory Birds and Wild Plants entered in the case Lac Courte Oreilles Band v. State of Wisconsin, Case No. 74-C-313 (United States District Court, Western District of Wisconsin). Once formulated, the definitions of these terms shall be and hereby are incorporated by reference into this section.

26.1203 Wild Plant Harvesting Permits.

(1) Generally. Except as provided in subs. (2) {Ginseng, Prairie Plants and Marsh Hay Gathering Permits}, no permit shall be required for the gathering of any wild plant, or any part, fruit, seed or berry thereof, on public land.

(g) Prior to the issuance of a gathering permit pursuant to this section, the tribal conservation department shall consult the landowner of the area where the gathering will take place.

26.1204 Restrictions On Wild Plant Gathering -- Public Safety.

No member engaged in the gathering of wild plants pursuant to this chapter shall impair or obstruct developed recreational trails or special use areas and any wild plant subject to the gathering which may impede or impair the use of those trails or areas shall be removed immediately.

26.1205 Sale of Wild Plants Authorized.

(1) Nothing contained in this ordinance shall be construed to prohibit members from selling any wild plant, or any part thereof, lawfully harvested pursuant to this chapter.

(2) Except with the respect to the sale of ginseng, the provisions of Section 26.326 {Records of Commercial Transactions Required} shall not apply to the sale of any wild plant, or part thereof, lawfully harvested pursuant to this chapter.

(3) In addition, such other information that is required by Section 26.326, no member shall fail to specify the county of ginseng harvest on the record of a commercial transaction.

26.1206 Assistance By Non-Tribal Member.

No person who is not a member or a member of another signatory tribe shall assist a member in the gathering of any wild plant, or part thereof, pursuant to this chapter except as provided in Section 26.330 {Permissible Conduct/Assistance By Non-Members}.

CHAPTER XIII: MISCELLANEOUS WILD ANIMAL HARVESTING REGULATIONS

26.1301 Purpose.

The purpose of this chapter is to regulate the harvest of various wild animals, or any part thereof, and various wild animal harvest methods which are not regulated elsewhere in this ordinance.

26.1302 Clams, Clamming and Commercial Clamming.

(1) Purpose. The purpose of this section is to regulate the taking of clams in order to conserve and maintain their supply, to regulate members engaged in commercial clamming, and to protect those clam species which are endangered, threatened or rare.

(2) Definitions. For the purposes of this section, the following terms shall be construed to apply as follows:

(a) "Clam" means any freshwater mussel, shell, valve or part of any shell, or meat of a freshwater mussel found in any body of water in the ceded territory, but does

(l) "Ring" means a rigid circular band or a circular opening in a piece of solid material which may be used to measure clams.

(m) "Wisconsin-Michigan Boundary Waters" means the following waters that form the interstate boundary waters between the states of Wisconsin and Michigan:

(i) Gogebic Co. (MI)/Vilas Co. (WI): Basin Lake, Big Lake, Big Bateau Lake, Crampton Lake, Crystal Lake, Cyrus Lake, Lac Vieux Desert, Little Presque Isle Lake, Mamie Lake, Mill Lake, Norwood Lake, Plum Lake, Roach Lake, Smoky Lake, State Line Lake, Tenderfoot Lake, West Bay Lake.

(ii) Iron Co. (MI)/Florence and Forest Cos. (WI): Brule River.

(iii) Dickinson Co. (MI)/Florence Co. (WI): Big Bad Water Lake.

(iv) Menominee, Dickinson and Iron Cos. (MI)/Florence Co. (WI): Menominee River (including all impoundments).

(v) Gogebic Co. (MI)/Iron Co. (WI): Montreal River (including the East Fork up to the mouth of Layman Creek.

(n) "Wisconsin-Minnesota Boundary Waters" means the St. Croix and St. Louis Rivers where those waters form the boundary between the states of Wisconsin and Minnesota.

(3) Permit Required.

(a) Clamming Generally.

No permit shall be required of any member to engage in clamming.

(b) Clam Buying and Commercial Clam Shelling.

(i) no member shall engage in clam buying or commercial clam shelling without possessing a valid permit.

(ii) no member shall fail to maintain records of clam buying, commercial clam selling or clam helping activities undertaken pursuant to a permit issued under this subsection or to provide a report of those activities to the tribal conservation department on such forms as the tribe may prescribe.

(c) Issuance of Permits.

(i) the Tribal conservation department is authorized to issue clam buying and commercial clam shelling permits.

(ii) in issuing such permits, the Tribe or tribal conservation department may impose such conditions or requirements in addition to those otherwise imposed by this section as deemed necessary or appropriate.

(4) General Restrictions.

(a) No member engaging in clam buying or commercial clam shelling pursuant to this section shall engage in clamming at the same time.

6. Minimum size and weight restrictions.

(a) Size. A member engaging in clamming or commercial clam shelling shall determine the size of a clam promptly upon removing it from the water by attempting to pass it intact through a ring with a diameter of the minimum size specified for the respective species in the table provided in subs (7) if the clam is taken while commercial shelling or in the table provided in subs (8) if the clam is taken while clamming.

(b) Weight. For the purposes of this section, the weight of the clams shall be determined on a wet or fresh basis if their condition permits it.

7. Commercial Clamming: Size limits; Open Seasons, Species and Waters.

(a) Except as provided in subs. (b), no member shall engage in commercial clam shelling except between sunrise and sunset during the open season in waters which are open to commercial clam shelling, for clams of a species which is open to commercial clam shelling and which are of the minimum size or larger, as shown in the following table (dates given are inclusive):

(8) Assistance by Non-Tribal Members. No person who is not a member or a member of another signatory tribe shall assist a member in the harvesting of clams pursuant to this chapter except in accordance with Section 26.330 {Permissible Conduct/Assistance by Non-Members}.

26.1303 Crayfish Regulations.

(1) Seasons. Except as provided in subs (2), there is a continuous open season for the harvest of crayfish.

(2) (i) in Wisconsin-Minnesota boundary waters as defined in Section 26.1301(2)(n), the open season for crayfish harvesting shall be from May 1 to March 1 (inclusive).

(ii) no member shall harvest crayfish in Wisconsin-Minnesota boundary waters except during the open season provided in this section.

(3) Bag Limit. There is not bag limit on the harvest of crayfish.

(4) Size Limit. There is no size limit applicable to the harvest of crayfish.

(5) Methods of Harvest.

(a) No member shall harvest crayfish except by the methods authorized by subs. (b).

(b) Crayfish may be harvested by hand, by the use of dip nets as defined in Section 26.901(1), fyke nets as defined in Section 26.901(2) or seines as defined in Section 26.901(8), and by crayfish traps with any entrance not to exceed 2 ½" at its greatest diagonal measurement. Crayfish traps set in trout streams shall be of a size

(2) Bag and Size limits. There are no bag or size limits applicable to the harvest of frogs.

(3) Methods of Harvest. No member shall harvest frogs with the aid of a firearm as defined in Section 26.6014(4). There are no other method restrictions applicable to the harvest of frogs.

(4) Exception. This section shall not apply to frogs propagated in captivity.

(5) Sale of Frogs Authorized. (a) Nothing in this ordinance shall be construed to prohibit the sale to any person of frogs lawfully harvested pursuant to this chapter.

(b) The requirements of section 26.326 {Records of Commercial Transaction Required.} shall not apply to the sale of less than 50 pounds live weight of frogs lawfully harvested in a calendar year pursuant to this chapter.

(6) Assistance by Non-Tribal Members. No person who is not a member or a member of another signatory tribe shall assist a member in the harvesting of frogs pursuant to this chapter except in accordance with Section 26.330 {Permissible Conduct/Assistance by Non-Members.}

26.1305 Turtle Regulations.

(1) Seasons.

(a) An annual open season for the harvest of turtles commencing on June 16 and ending on April 30 (inclusive) is hereby established.

(b) No member shall harvest any turtle except during the open season established by this section.

(2) Bag and Size Limits. There are no bag or size limits applicable to the harvest of turtles.

(3) Methods Of Turtle Harvest. Except as provided in subs. (6), below, no member shall harvest turtles except by the following methods:

(a) By hand.

(b) By hook and line.

(c) By the use of traps as follows:

(i) hoop net turtle traps may be used.

(ii) hoop nets shall be constructed with a mesh of not less than 8 inch stretch measure providing traps are set so that not less than 2 inches of the hoops extend above the surface of the water.

(ii) Accipitridae - Buteos, Accipiters, Kites, Harriers and Eagles, excluding the bald eagle.

(iii) Strigidae - limited to only the great horned owl.

(b) "Falconry" means the taking or attempting to take quarry by means of a trained raptor.

(c) "Take" means to trap, capture or pursue or attempt to trap, capture or pursue, a raptor for the purposes of falconry.

(d) "Marker" means a numbered, non-reusable marker supplied by the fish and wildlife service.

(e) "Imping" means a method of repairing broken flight or tail feathers.

(f) "Hacked Back" means a gentle or gradual release technique used by falconers whereby a raptor released back into the wild is fully capable of competing with other raptors.

(g) "Replacement raptor" means a raptor obtained to replace one which has died in captivity, has escaped or is released into the wild.

(h) "Fish and Wildlife Service" means the U.S. Department of Interior - Fish and Wildlife Service.

(2) Scope.

(a) The raptors covered by this section include species whose range extends into any part of Mexico or the United States. All individual birds of such species whether or not raised in captivity, and including any subspecies, even if the range of such subspecies does not include parts of the above countries, are covered by these regulations.

(b) No member shall import any wildlife for the purposes of this section from a foreign source without complying with applicable federal laws and regulations.

(3) Permit Required.

(a) No member shall take, possess, or transport any raptor for falconry purposes or practice falconry in the ceded territory without possessing a valid permit issued pursuant to this section or issued by another jurisdiction provided that the jurisdiction is listed in the federal regulations as a jurisdiction meeting federal falconry standards.

(b) The tribal conservation department is authorized to issue falconry permits pursuant to and in accordance with the provisions of this section. In issuing such a permit, the department may impose such additional conditions or requirements as it deems necessary or appropriate.

to the tribal conservation department on such forms as the department prescribes, provided the department requires the following information:

- (a) Name, address, and tribal identification number.
- (b) The number, species, age (if known), sex (if known), date of acquisition and source of each raptor legally possessed by current permit.
- (c) The number, species, age (if known), sex (if known), and source of each raptor the applicant plans to acquire.
- (d) Description and location of facilities where the raptor is or will be kept.
- (e) Description of training areas.
- (f) Date and time when facilities and training area will be ready for inspection.
- (g) Statement that the information provided is true and correct and authorizing the tribal conservation department, or its designate, and federal agents to inspect raptors, facilities and equipment at any reasonable time following permit issuance.
- (h) Signature of applicant.

(7) Facilities and Equipment.

(a) Upon receipt of the application for a falconry permit, the tribal conservation department, or its designate, shall inspect the applicant's facilities for keeping raptors and make a report concerning the acceptability of the required facilities and equipment.

(b) The proposed use of facilities or equipment other than specified shall be submitted to the tribal conservation department and may be permitted if found to insure the health and safety of the raptor to be possessed.

(c) The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is cleanliness and protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities:

- (i) indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical

(9) Permit Issuance Criteria. Upon receiving an application for a falconry permit, the Tribal Conservation Department shall decide whether a permit should be issued. In making this decision, the department shall consider, in addition to those criteria listed in this section, the following factors:

(a) Whether such action would have a significant effect on the wild population of raptors.

(b) Whether the Fish and Wildlife Service and the Commission's Biological Services Division concur that the applicant has met the requirements of federal and tribal law.

(10) Classes of Permits.

(a) Apprentice Class.

(i) an apprentice class permittee shall be at least 14 years old.

(ii) a sponsor who is holder of a general or master falconry permit is required for the first 2 years in which an apprentice permit is held, regardless of the age of permittee.

(iii) a sponsor may not have more than 3 apprentices at any one time.

(iv) a sponsor shall submit an annual progress report in narrative form to the Tribal Conservation Department by July 31 of each year.

(v) the sponsor shall notify the Tribal Conservation Department at any time when the progress or performance of an apprentice is unsatisfactory.

(vi) upon completion of the apprentice requirement, the permittee must receive approval of the sponsor before advancing to the general class.

(vii) an apprentice class permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.

(viii) an apprentice class permittee shall possess only an American kestrel or a red-tailed hawk.

(b) General Class.

(i) a general class permittee shall be at least 18 years old.

(ii) a general class permittee:

(ii) first year (passage or immature) raptors may be taken only during the period September 16 through December 31 (inclusive).

(iii) in no case shall the total of all periods of raptor taking exceed 180 days during a calendar year, except that a raptor which has a federal marker attached may be retrapped at any time.

(b) Marking.

(i) raptors held under a permit shall wear a numbered non-reusable marker supplied by the Fish and Wildlife Service.

(ii) no member shall fail to attach the marker to the raptor immediately upon acquisition.

(iii) no member shall alter, counterfeit or deface a marker except that permittees may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

(iv) permit holders trapping previously marked raptors shall immediately report such trapping to the tribal conservation department.

(c) Eggs Taken from the Wild. No member shall remove any raptor egg or eggs from any nest unless authorized by a permit issued by the tribal conservation department.

(d) Nestling Raptors. General and master class permittees may take nestlings not yet capable of flight (eyassess) as provided in subs. (10), above.

(e) Adult Raptors. Only American Kestrel and great horned owls may be taken when over one year old, except that any raptor other than federally endangered or threatened species taken under a depredation or scientific collector's permit may be used for falconry by general and master class permittees.

(f) Raptors Taken in the Ceded Territory. Title to raptors taken in the ceded territory remains in the Tribe and said raptors may be transferred in accordance with the provisions of subs. (16), below.

(g) Raptors from Outside the Ceded Territory.
No member shall possess or transport raptors obtained from outside the ceded territory within the ceded territory unless accompanied by legal authority from the jurisdiction in which the raptor was acquired and provided a tribal falconry permit is in the member's possession.

(14) Transportation. (a) Temporary Holding. A raptor may be transported or held in temporary facilities for a period not to exceed 30 days. Such facility shall provide an adequate perch and protection from extreme temperatures and excessive disturbance.

(b) Use Beyond the Ceded Territory. A permittee may remove raptors held pursuant to a tribal permit from the ceded territory for meets, trials, hunting and other falconry activities provided the permittee obtains such permit or license as may be required by another jurisdiction.

(15) Release of Marked Raptors. A falconry permittee shall obtain written permission from the tribal conservation department before any raptor not indigenous to the ceded territory is intentionally released to the wild, at which time the marker from the released bird shall be removed. The marker from an intentionally released raptor which is indigenous to the ceded territory shall also be removed. A standard federal bird band shall be attached to such birds by a tribal or fish and wildlife authorized federal bird bander whenever possible.

(16) Permit Conditions. In addition to the general conditions set forth in this section, every falconry permit issued shall be subject to the following special conditions:

(a) Prohibitions. No permittee shall take, possess or transport a raptor in violation of the restrictions, conditions and requirements contained in this section.

(b) Trade or Transfer of Raptors.

(i) a permittee may trade or transfer a raptor to another permittee if the transaction occurs entirely within the ceded territory and no money or other consideration is involved.

(ii) a permittee may trade or transfer a raptor to another permittee beyond the ceded territory if prior written approval of the other jurisdiction's agency which issued the permit is obtained and no money or other consideration is involved.

(c) Annual Report Requirement.

(i) by July 31 of each year, a permittee shall submit a falconry report to the tribal conservation department containing the following information:

1. Name and address of the permittee.
2. Tribal permit number.
3. Species, sex (if known), age (if known), and marker number of each raptor added since the last report period. Where and from whom acquired.

The use of unprotected animals does not require a permit except from May 1 to June 30 (inclusive). A dog training permit shall:

- (i) be effective through December 31 of the year following issue.
- (ii) authorize the permittee and persons accompanying the permittee to possess and use captive, protected wild animals for dog training only. The permit does not authorize commercial or organized shoots, animal selling, breeding or propagation. On WDNR lands, captive wild animals may only be used within designated dog training areas.
- (iii) be in the possession of the permittee while engaged in dog training activities.
- (iv) be valid for the areas identified on the permit.
- (v) be revoked by the tribal conservation department if any regulations applicable to dog training or any permit restrictions are violated.

(b) Animal Use. Any member using captive protected wild animals for dog training shall possess a receipt issued by a licensed fur farm or game farm or by a dog training or dog trial permit holder.

(i) Wild Animals. Any permittee may train dogs on free-roaming protected or unprotected wild animals except that a permittee shall not:

1. Kill any such wild animal;
2. Pursue wild bear for dog training purposes except from July 1 to August 31 (inclusive); or
3. Pursue any wild animal for dog training purposes from May 1, to June 30 (inclusive).

(ii) Licensed Animals. Training hunting dogs with raccoons possessed under authority of a game or fur farm license may be used at any time outside of WDNR lands without a dog training permit provided the animals are kept under control by caging or similar restraint. Except for bear dog training, training hunting dogs on other protected wild animals possessed under the authority of a game farm, fur farm or shooting preserve license may also be used at any time outside of WDNR lands without a dog training permit. Any dog training pursuant to this subsection shall be limited to the game farm, fur farm or shooting preserve which is licensed to possess the wild animal.

(5) "Operate" or "Use" when used with reference to a motorboat, boat or vessel means to navigate or otherwise employ.

(6) "Operation of a Motorboat" means controlling the speed or direction of a motorboat, except a sailboat operating under sail alone.

(7) "Operator" means a person who is engaged in the operation of a motorboat, who is responsible for the operation of a motorboat or who is supervising the operation of a motorboat.

(8) "Owner" means the person who has lawful possession of a boat by virtue of legal title or equitable interest therein which entitles him or her to lawful possession.

(9) "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

26.1402 Classification of Motorboats.

For the purpose of sections 26.1403, 26.1404 and 26.1405 motorboats are divided on the basis of their length into 4 classes as follows:

- (1) Class A - those less than 16 feet.
- (2) Class 1 - those 16 feet or over but less than 26 feet.
- (3) Class 2 - those 26 feet or over but less than 40 feet.
- (4) Class 3 - those 40 feet or over.

26.1403 Lighting Equipment.

(1) When lights required; prohibited lights. Except as provided in Section 26.1404:

(a) No member shall operate any motorboat at any time from sunset to sunrise unless such motorboat carries the lighting equipment required by this section and unless such equipment is lighted when and as required by this section.

(b) No owner shall give permission for the operation of a motorboat at any time from sunset to sunrise unless such motorboat is equipped as required by this section.

(2) Lights for motorboats of classes A and 1. All motorboats of classes A and 1 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:

The lighting requirements of Section 26.1403 shall not apply to a member operating or using a motorboat while fishing with a spear pursuant to Chapter IX of this ordinance provided that the member is using a light in the front part of the boat as part of such fishing and is operating the boat a slow-no-wake speed.

26.1405 Other Equipment.

(1) Battery cover. No member shall operate any motorboat equipped with a storage battery in the waters of the ceded territory unless the battery is:

(a) Provided with suitable supports and secured against shifting with the motion of the boat; and

(b) Equipped with nonconductive shielding means to prevent accidental shorting of battery terminals.

(2) Personal flotation devices (PFD).

(a) No member shall operate or use a boat which is:

(i) less than 16 feet in length or a canoe or kayak unless at least one PFD of Type I, II, III, or IV PFD or their equivalents listed in figure 1 (below) is on board for each person;

(ii) 16 feet or more in length, except a canoe or kayak, unless at least one PFD of Type I, II, III PFD or their equivalents listed in figure 1 (below) is on board for each person; and

(iii) 16 feet or more in length, except a canoe or kayak, unless at least one Type IV PFD or its equivalent listed in figure 1 (below) is on board in addition to the PFD's required in this subsection 2(i) and (ii) above.

(b) No member shall operate or use a boat unless each Type I, II, III, or IV PFD required by subsection (2)(a) is readily accessible or unless each Type IV PFD required by subsection (2)(a) is immediately available.

(c) No member shall operate or use a boat unless each PFD device required by this subsection is in serviceable condition.

(d) Figure 1 below lists devices that are equivalent to personal flotation devices.

Figure 1

Devices Marked

Are Equivalent To

160.002 Life Preserver

Performance Type I Personal Flotation Device

(4) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right of way to the boat being overtaken, notwithstanding any other rule in this section to the contrary.

(5) A boat granted the right of way by this section shall maintain its course and speed, unless to do so would probably result in collision.

26.1408 Speed Restrictions.

(1) Speed to be reasonable and prudent. No member shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

(2) Fixed limits. In addition to complying with sub. (1), no member shall operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.

26.1409 Prohibited Operation.

(1) Negligent operation. No member shall operate or use any boat upon the waters of the ceded territory in a careless, negligent or reckless manner so as to endanger his or her life, property or person or the life, property of person of another.

(2) Operation by incapacitated person or minor.

(a) No member in charge or control of a boat shall authorize or knowingly permit the boat to be operated by any person who by reason of physical or mental disability is incapable of operating such boat under the prevailing circumstances.

(b) No member under the age of 10 years shall operate a motorboat. Members at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Members at least 12 and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or in possession of a certificate issued upon the successful completion of a tribal boating safety program or similar program conducted by another jurisdiction. Violations of this paragraph done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian.

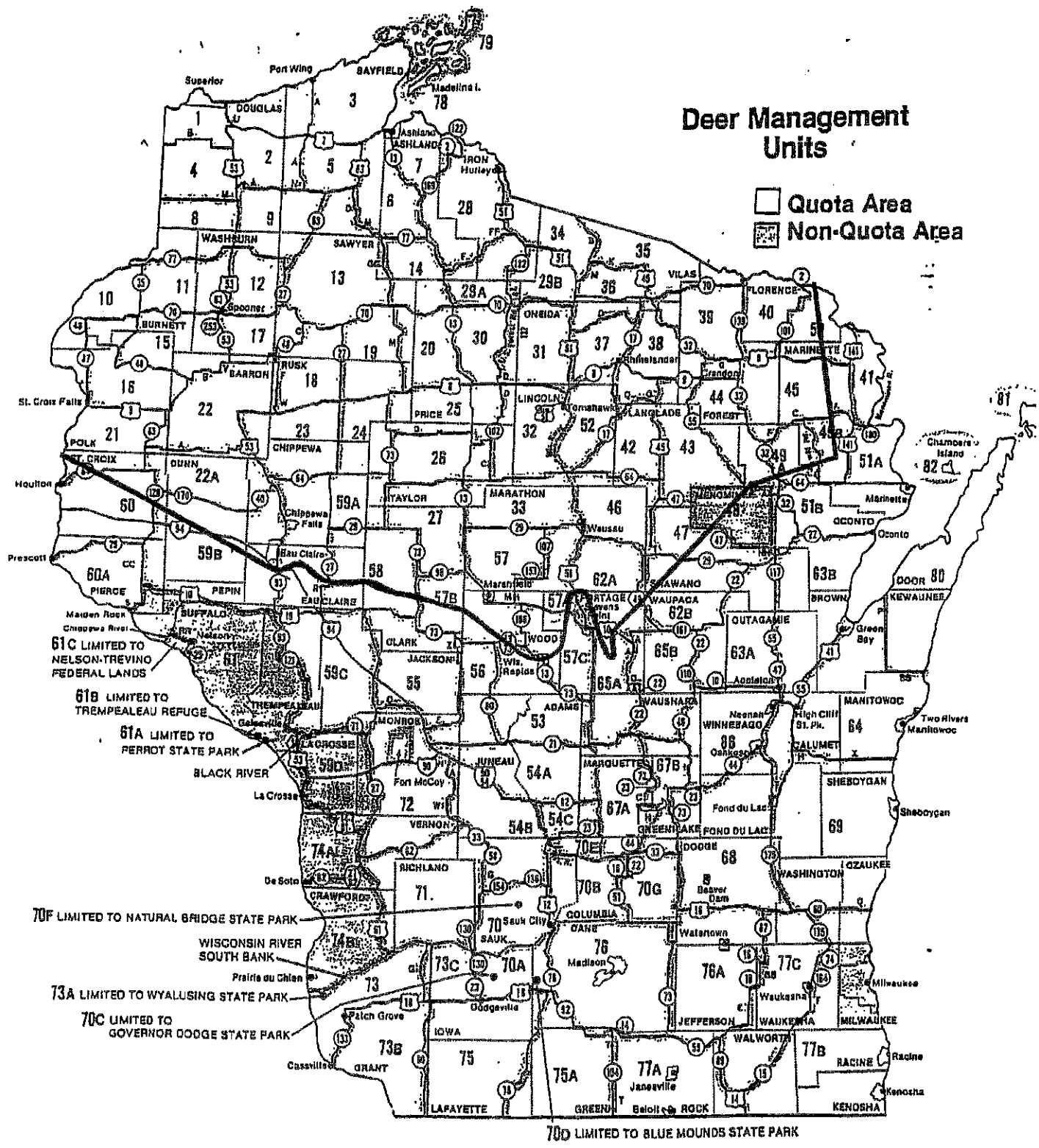
(3) Creating hazardous wake or wash.

2015 Deer, Bear, Small Game, Fall Turkey, and Wolf hunting hours listed from 30 minutes before sunrise to 20 minutes after sunset for Zone A in the Northern Area. If hunting in a zone other than Zone A, add the zone-specific minutes, as found in the hunting regulations, to the opening and closing times. See the regulations specific for the species you plan to hunt for hunting season dates.

Date	Jan		Feb		Mar		April		May		June		July		Aug		Sep		Oct		Nov		Dec		Date
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
1	7:01	4:37	6:42	5:16	5:59	5:57	6:01	7:38	5:08	8:17	4:34	8:52	4:34	9:03	5:03	8:39	5:41	7:48	6:18	6:51	6:00	4:57	6:40	4:28	1
2	7:01	4:38	6:41	5:18	5:57	5:58	5:59	7:39	5:07	8:18	4:34	8:53	4:35	9:03	5:04	8:38	5:42	7:47	6:19	6:49	6:01	4:56	6:41	4:27	2
3	7:01	4:39	6:39	5:19	5:55	5:59	5:57	7:41	5:05	8:20	4:33	8:54	4:36	9:03	5:06	8:36	5:43	7:45	6:21	6:47	6:03	4:54	6:42	4:27	3
4	7:01	4:40	6:38	5:20	5:54	6:01	5:55	7:42	5:04	8:21	4:33	8:55	4:36	9:02	5:07	8:35	5:45	7:43	6:22	6:45	6:04	4:53	6:44	4:27	4
5	7:01	4:41	6:37	5:22	5:52	6:02	5:53	7:43	5:02	8:22	4:32	8:55	4:37	9:02	5:08	8:33	5:46	7:41	6:23	6:43	6:05	4:52	6:45	4:27	5
6	7:01	4:42	6:35	5:23	5:50	6:04	5:51	7:45	5:01	8:23	4:32	8:56	4:38	9:02	5:09	8:32	5:47	7:39	6:25	6:41	6:07	4:50	6:46	4:26	6
7	7:00	4:43	6:34	5:25	5:48	6:05	5:49	7:46	4:59	8:25	4:32	8:57	4:38	9:01	5:10	8:31	5:48	7:37	6:26	6:39	6:08	4:49	6:47	4:26	7
8	7:00	4:44	6:33	5:26	5:46	7:06	5:48	7:47	4:58	8:26	4:31	8:57	4:39	9:01	5:12	8:29	5:50	7:35	6:27	6:38	6:10	4:48	6:48	4:26	8
9	7:00	4:45	6:31	5:28	5:44	7:08	5:46	7:49	4:57	8:27	4:31	8:58	4:40	9:00	5:13	8:28	5:51	7:33	6:28	6:36	6:11	4:46	6:49	4:26	9
10	6:59	4:46	6:30	5:29	5:43	7:09	5:44	7:50	4:55	8:28	4:31	8:59	4:41	9:00	5:14	8:26	5:52	7:31	6:30	6:34	6:12	4:45	6:50	4:26	10
11	6:59	4:47	6:29	5:31	5:41	7:10	5:42	7:51	4:54	8:30	4:30	8:59	4:42	8:59	5:15	8:25	5:53	7:29	6:31	6:32	6:14	4:44	6:51	4:26	11
12	6:59	4:49	6:27	5:32	5:39	7:12	5:40	7:52	4:53	8:31	4:30	9:00	4:42	8:59	5:16	8:23	5:54	7:27	6:32	6:30	6:15	4:43	6:51	4:26	12
13	6:58	4:50	6:26	5:34	5:37	7:13	5:38	7:54	4:52	8:32	4:30	9:00	4:43	8:58	5:18	8:21	5:56	7:26	6:34	6:28	6:17	4:42	6:52	4:26	13
14	6:58	4:51	6:24	5:35	5:35	7:14	5:37	7:55	4:50	8:33	4:30	9:01	4:44	8:57	5:19	8:20	5:57	7:24	6:35	6:27	6:18	4:41	6:53	4:26	14
15	6:57	4:52	6:22	5:37	5:33	7:16	5:35	7:56	4:49	8:34	4:30	9:01	4:45	8:57	5:20	8:18	5:58	7:22	6:36	6:25	6:19	4:40	6:54	4:26	15
16	6:56	4:54	6:21	5:38	5:31	7:17	5:33	7:58	4:48	8:36	4:30	9:02	4:46	8:56	5:21	8:17	5:59	7:20	6:38	6:23	6:21	4:39	6:55	4:27	16
17	6:56	4:55	6:19	5:40	5:29	7:18	5:31	7:59	4:47	8:37	4:30	9:02	4:47	8:55	5:23	8:15	6:01	7:18	6:39	6:21	6:22	4:38	6:55	4:27	17
18	6:55	4:56	6:18	5:41	5:27	7:20	5:30	8:00	4:46	8:38	4:30	9:02	4:48	8:54	5:24	8:13	6:02	7:16	6:40	6:20	6:24	4:37	6:56	4:27	18
19	6:54	4:58	6:16	5:42	5:26	7:21	5:28	8:02	4:45	8:39	4:30	9:03	4:49	8:53	5:25	8:12	6:03	7:14	6:42	6:18	6:25	4:36	6:57	4:28	19
20	6:54	4:59	6:15	5:44	5:24	7:22	5:26	8:03	4:44	8:40	4:30	9:03	4:50	8:52	5:26	8:10	6:04	7:12	6:43	6:16	6:26	4:35	6:57	4:28	20
21	6:53	5:00	6:13	5:45	5:22	7:24	5:24	8:04	4:43	8:41	4:31	9:03	4:51	8:51	5:27	8:08	6:06	7:10	6:44	6:14	6:28	4:34	6:58	4:29	21
22	6:52	5:02	6:11	5:47	5:20	7:25	5:23	8:05	4:42	8:42	4:31	9:03	4:52	8:50	5:29	8:07	6:07	7:08	6:46	6:13	6:29	4:33	6:58	4:29	22
23	6:51	5:03	6:09	5:48	5:18	7:26	5:21	8:07	4:41	8:43	4:31	9:04	4:53	8:49	5:30	8:05	6:08	7:06	6:47	6:11	6:30	4:32	6:59	4:30	23
24	6:50	5:05	6:08	5:50	5:16	7:28	5:19	8:08	4:40	8:44	4:31	9:04	4:54	8:48	5:31	8:03	6:09	7:04	6:49	6:09	6:31	4:32	6:59	4:30	24
25	6:49	5:06	6:06	5:51	5:14	7:29	5:18	8:09	4:39	8:45	4:32	9:04	4:55	8:47	5:32	8:01	6:11	7:02	6:50	6:08	6:33	4:31	6:59	4:31	25
26	6:48	5:07	6:04	5:52	5:12	7:30	5:16	8:11	4:38	8:46	4:32	9:04	4:56	8:46	5:34	7:59	6:12	7:00	6:51	6:06	6:34	4:30	7:00	4:32	26
27	6:47	5:09	6:03	5:54	5:10	7:32	5:14	8:12	4:38	8:47	4:33	9:04	4:58	8:45	5:35	7:58	6:13	6:58	6:53	6:05	6:35	4:30	7:00	4:32	27
28	6:46	5:10	6:01	5:55	5:08	7:33	5:13	8:13	4:37	8:48	4:33	9:04	4:59	8:44	5:36	7:56	6:14	6:56	6:54	6:03	6:37	4:29	7:00	4:33	28
29	6:45	5:12				7:34	5:11	8:15	4:36	8:49	4:33	9:04	5:00	8:43	5:37	7:54	6:16	6:55	6:55	6:02	6:38	4:29	7:01	4:34	29
30	6:44	5:13				7:36	5:10	8:16	4:36	8:50	4:34	9:03	5:01	8:41	5:39	7:52	6:17	6:53	6:57	6:00	6:39	4:28	7:01	4:35	30
31	6:43	5:16				7:37			4:35	8:51			5:02	8:40	5:40	7:50			6:58	5:59			7:01	4:35	31

Deer Management Units

Quota Area
 Non-Quota Area



See reverse side for numbers of permits available.

PART II

OFF-RESERVATION NATIONAL FOREST GATHERING CODE OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

CHAPTER XV: INTRODUCTION

26.1501 Title.

This ordinance shall be known as the Off-Reservation National Forest Gathering Code.

26.1502 Authority.

This ordinance is enacted pursuant to Article VI, Section 1(x), of the Constitution and By-Laws of the Lac du Flambeau Tribe.

26.1503 Purpose.

It is the purpose of this ordinance to:

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

(2) Supplement the Tribal Off-Reservation Conservation Code for the purposes of regulating the exercise of treaty-reserved off-reservation gathering rights applicable to National Forests located in the ceded territory.

(3) 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.

26.1504 Effective Date.

This ordinance shall be effective on the date adopted by the Tribe's governing body.

26.1505 Interpretation.

is the intent of this ordinance that the provisions of the Tribe's Off-Reservation Conservation Code that generally govern the conduct of tribal members exercising treaty rights applicable in the ceded territory shall apply to tribal members exercising treaty-reserved off-reservation gathering rights applicable to National Forests pursuant to this ordinance. Such provisions of the Tribe's Off-Reservation Code are hereby declared, and shall be construed, to govern tribal members engaged in the exercise of treaty-reserved gathering rights applicable to National Forests.

26.1508 Religious or Ceremonial Use of Natural Resources.

(1) Nothing in this ordinance shall prohibit the harvest or use of natural resource in a manner otherwise prohibited by this ordinance 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 Tribe's 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 26.1706(1)).

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

CHAPTER XVI: DEFINITIONS

26.1601 Definitions.

(1) Except for specific terms defined in subsection (2), terms in this ordinance shall have the same definition as provided in the Tribe's Off-Reservation Conservation Code.

(2) The following terms, wherever used in this ordinance, shall be construed as follows:

(a) "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

(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.

26.1702 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 ordinance may require validated for the particular type of activity be engaged in for the particular season in question.

(2) No member shall gather any wild plant off-reservation in 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 ordinance.

(5) The tribal conservation department is authorized to issue to members permits required by this ordinance and to impose such terms, conditions and location restrictions in those permits as it deems necessary or appropriate. 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 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 ordinance.

26.1703 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,

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 contained in the Tribe's Off-Reservation Conservation Code.

26.1705 Emergency Closures.

(1) Notwithstanding any other provision of this ordinance, 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 circumstance 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.

26.1706 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 ordinance 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 ordinance on a Forest Service administrative site. For the purposes of this ordinance, 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

National Forest. This provision does not apply to or otherwise restrict any wild plant gathering on non-National Forest lands that is authorized by another tribal ordinance.

26.1707 Harvest of Trees Subject to a Timber Sale Contract or Located Within a Forest Service Timber Sale Contract Area.

(1) No member shall gather a tree under authority of this ordinance 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. Sometime these trees 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 ordinance 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 ordinance, 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 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

CHAPTER XVIII: ENFORCEMENT

26.1801 Enforcement by Deputized Conservation Wardens and Issuance of Citations.

(1) Any provision of this ordinance may be enforced by tribal conservation wardens or by conservation wardens of the Great Lakes Indian Fish and Wildlife Commission. Said Commission wardens are hereby deputized by the Tribe as tribal conservation wardens for the purposes of enforcing this ordinance.

(2) Such Tribal and Commission wardens may 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.

26.1802 Search and Seizures; When Authorized.

Tribal, Great Lakes Indian Fish and Wildlife Commission conservation wardens, and properly identified Forest Service law enforcement officers are empowered to:

(1) Conduct a search of an object, place or person whose conduct is regulated by the provisions of this ordinance, and may seize things when the search is made:

- (a) with consent;
- (b) pursuant to a valid search warrant;
- (c) with the authority and within the scope of a right of lawful inspection as provided in this section;
- (d) incident to the issuance of a lawfully issued citation under this ordinance; or
- (e) as otherwise authorized by law or by the provisions of this ordinance;

(2) Conduct routine inspections, in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities, of vessels, boats, wagons, trailers, automobiles, snowmobiles, off-highway vehicles, containers, packages, and other receptacles contained therein, utilized by a person in a harvest activity authorized by this

(4) For any violation, appropriate court costs within the discretion of the court.

26.1805 Civil Damages.

(1) 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 gathering or having unlawfully in possession any wild plant taken from a National Forest. The sum assessed for damages for each wild plant shall not be less than the amount stated in this section:

(a) Any endangered or threatened species protected under this ordinance, \$875.00.

(b) Any wild plant for which a fair market value can be established, the fair market value.

(c) Any other wild plant, \$17.50.

(2) Where the Forest Service or another person or entity has sustained damages as a result of unlawful harvest, the court may, with the consent of the Tribe, award all or part of any civil damages obtained pursuant to this section to the Forest Service or to such person or entity.

26.1806 Enhancement of Forfeiture and Penalties.

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.

26.1807 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.

26.1808 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

CHAPTER XIX: SPECIFIC HARVEST REGULATIONS

26.1901 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.

26.1902 Princess Pine.

(1) No member shall gather for subsequent sale any *Lycopodium* species except *Lycopodium obscurum*, *Lycopodium dendroidium*, or *Lycopodium hickeyi*.

26.1903 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 under Section 26.1905.

(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 ponds, 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.

26.1904 Ginseng.

No member shall gather ginseng from November 1 through August 31.

26.1905 Maple Sap/Sugarbushes.

(1) No member shall gather maple sap without a sugarbush site permit valid for a designated tribal sugarbush or such other location approved by the tribal conservation department in consultation with the Forest Service.

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.

APPENDIX B

TRIBAL SELF-REGULATION AGREEMENT

This Tribal Self-Regulation Agreement [hereafter Self-Regulation Agreement] is entered into as part of the parties' ratification of the *Memorandum of Understanding Regarding the Recognition and Implementation of Tribal Ceded Territory Rights Guaranteed by the Treaties of 1836, 1837, and 1842* [hereafter MOU]. Specifically, the Self-Regulation Agreement implements the MOU's provisions regarding the Administration of Justice outlined in MOU Section VI.E.

1. **Parties.** The entities that may be parties to the Self-Regulation Agreement are the same as those that may be parties to the MOU, as set forth in MOU Section II.
2. **Incorporation of MOU's Provisions.** The MOU, as may be amended from time to time, is specifically incorporated by reference into the Self-Regulation agreement as if set forth in its entirety. The Self-Regulation Agreement shall be construed consistent with the purposes and provisions of the MOU, and, except as otherwise specifically provided herein, terms in the Self-Regulation Agreement shall have the same definition as provided in the MOU.
3. **Scope and Purposes of the Self-Regulation Agreement.** The Self-Regulation Agreement pertains to the administration of justice regarding the Tribes' exercise of their treaty-reserved ceded territory rights. Its primary purposes are to:
 - a. Facilitate the exercise of the Tribes' self-regulatory authority over the exercise of those rights; and
 - b. Prevent dual prosecution in tribal and federal forums stemming from conduct regulated by a Tribe's Off-Reservation National Forest Gathering Code that complies with the MOU's provisions [hereafter Complying Tribal Code].
4. **Enforcement and Prosecution of Alleged Violations of Tribal Law.** The parties acknowledge that conduct governed by a Complying Tribal Code also might be governed by federal statutes or regulations which the Forest Service is authorized to enforce in federal forums. Where the underlying conduct or act would be a violation of a Complying Tribal Code and of a federal statute or regulation, the parties agree that the Tribe's court is the preferred forum for dealing the alleged violation. Specifically, the parties agree:
 - a. Except as provide in subs. b, any conduct or act which is an alleged violation of a Complying Tribal Code shall be administered and prosecuted in accordance with the provisions of the Complying Tribal Code, provided:

MEMORANDUM OF UNDERSTANDING

REGARDING

THE RECOGNITION AND IMPLEMENTATION OF

TRIBAL CEDED TERRITORY RIGHTS

GUARANTEED BY THE

TREATIES OF 1836, 1837, AND 1842

ON NATIONAL FOREST LANDS

This Memorandum of Understanding [hereafter MOU]: 1) recognizes and implements tribal ceded territory rights in the Chequamegon-Nicolet, Ottawa, Hiawatha, and Huron-Manistee National Forests as those rights are guaranteed in various treaties between a number of Chippewa Tribes and the United States; and 2) furthers the Native American policies of the USDA-Forest Service.

I. CEDED TERRITORIES AND NATIONAL FORESTS INVOLVED (Figure 1)

A. Ceded Territories. This MOU specifically pertains to the territories ceded [hereafter ceded territories] by various Chippewa Tribes in the following Treaties: Treaty of 1836, 7 Stat. 491; Treaty of 1837, 7 Stat. 536; and Treaty of 1842, 7 Stat. 591.

B. National Forests. This MOU specifically pertains to the portions of the following National Forests [hereafter National Forests] located in the ceded territories: Chequamegon-Nicolet in Wisconsin; and Ottawa, Hiawatha and Huron-Manistee in Michigan.

II. PARTIES. The following entities may ratify this MOU in accordance with their respective applicable laws and procedures, and, upon proper ratification, shall be deemed a party to this MOU:

A. Tribes: In their respective sovereign capacities, the following federally-recognized Tribes [hereafter Tribes] that are members of the Great Lakes Indian Fish and Wildlife Commission [hereafter GLIFWC]: Bad River Band of the Lake Superior Tribe of Chippewa Indians; Lac du Flambeau Band of Lake Superior

Chippewa Indians; Lac Courte Oreilles Band of Lake Superior Chippewa Indians; St. Croix Chippewa Indians of Wisconsin; Sokogon Chippewa Community of the Mole Lake Band; Red Cliff Band of Lake Superior Chippewa Indians; Mille Lacs Band of Chippewa Indians; Bay Mills Indian Community; Keweenaw Bay Indian Community; and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

B. USDA-FS. On behalf of the United States Department Agriculture, Forest Service [hereafter Forest Service] as an agency of the United States Government and the Forest Service's Eastern Region; the Eastern Region's Law Enforcement and Investigations; and the Forest Service's North Central Forest Experiment Station.

III. GOVERNING PRINCIPLES AND FUNDAMENTAL ASSUMPTIONS. The parties agree that the MOU is based upon the following governing principles and fundamental assumptions and that the MOU shall be interpreted in accordance with them:

A. Existence of Ceded Territory Rights. The parties acknowledge and recognize the Tribes' treaty-guaranteed hunting, fishing and gathering rights [hereafter ceded territory rights] that may be exercised on lands administered by the Forest Service located within the ceded territories.

B. Tribal Sovereignty and Self-Regulatory Capacity. The parties acknowledge and recognize:

1. The Tribes' inherent sovereignty and retained regulatory authority regarding their ceded territory rights; and
2. The Tribes' ability to administer and implement a system of effective tribal self-regulation regarding tribal member exercise of those rights.

C. Federal Trust Responsibility and Treaty Obligations. The parties acknowledge and recognize that the Forest Service shares in the United States Government's trust responsibility and treaty obligations to work with the Tribes on a government-to-government basis to protect the Tribes' ceded territory rights on lands administered by the Forest Service.

D. Forest Service's Native American Policies. The parties acknowledge and recognize the Forest Service's Native American policies as presently set forth in Forest Service Manual 1563 [Tribal Governments] and Forest Service Publication FS-446 [Native American Policy - Friends and Partners] to:

1. Maintain a governmental relationship with federally-recognized tribal

they rely. The Tribes measure the protection of these resources in terms of ensuring their sustainability for use by the seventh generation hence. The Forest Service is the federal agency responsible for managing the National Forests for the benefit of present and future generations. In addition, the Forest Service's policy is to carry out its programs and activities in a manner that is sensitive to the Tribes' traditional practices and beliefs. Therefore, the Tribes and Forest Service seek to collaboratively promote ecosystem management that protects and restores native communities and species, furthers the diversity of species, and ensures the sustained yield and availability of natural resources that are subject to the Tribes' ceded territory rights.

D. Efficient and Effective Law Enforcement. As part of their self-regulatory system, the Tribes recognize the need to provide for the enforcement and adjudication of alleged violations of tribal laws governing the exercise of ceded territory rights. To further compliance with tribal laws and to meet out meaningful and effective penalties, they recognize that the administration of justice in this context is best accomplished within their own communities and in their own forums. The Forest Service also recognizes that justice is best served in the communities most involved and affected. Therefore, the parties seek to establish a mutually beneficial efficient and effective system for enforcing applicable laws.

E. Consistent Ceded Territory Gathering Regulations. The meaningful exercise of the Tribes' ceded territory rights requires a consistent, conservation-based harvest regulatory system throughout the National Forests. To avoid administrative inefficiency and the associated confusion, the Forest Service recognizes the need for a consistent gathering policy and regulatory scheme in each of the National Forests. Therefore, the parties seek to establish a ceded territory-wide policy and regulatory framework that provides for the exercise of the ceded territory rights in a consistent manner that meets conservation goals, protects the public health and safety, and promotes efficient and effective law enforcement.

F. Implementation of the Federal Trust Responsibility. The Tribes continually seek to have United States Government and its agencies properly discharge the federal trust responsibility to assist in the development of the Tribes' governmental capabilities and to take actions for the Tribes' benefit. The Forest Service's policy is to administer its programs and activities in a manner sensitive to the Tribes' needs, beliefs, and practices, and to provide research, transfer of technology and technical assistance to the Tribes. Therefore, the parties seek to establish a framework for collaboration, communication and information exchange that will nurture understanding and maximize mutual benefits, and that

which the Tribes' ceded territory gathering rights may be exercised within the provisions of and the protections afforded by this MOU on lands administered by the Forest Service within the ceded territories.

C. Conservation of Natural Resources. Protect, manage and enhance ecosystems and communities that support the natural resources subject to the Tribes' ceded territory rights on lands administered by the Forest Service.

V. RECOGNITION OF THE PARTIES' MUTUAL INTERESTS. Underlying the purposes of and specific agreements contained in this MOU, the parties recognize a number of mutual interests that they wish to address:

A. Tribal Self-Determination and Self-Governance. One of the Tribes' primary goals is to achieve self-determination and self-governance through the exercise of their retained sovereign governmental authority regarding their ceded territory rights. A key Forest Service policy is to administer its programs and activities in a manner that recognizes the governments of the Tribes and the authority that they carry out on behalf of the Tribes. Therefore, the parties seek to establish a government-to-government relationship that promotes collaboration and communication in the management of the National Forests, that provides for effective tribal self-regulation of the exercise of ceded territory rights on lands administered by the Forest Service, and, as noted below, that promotes efficient and effective law enforcement.

B. Collaborative Approach in the Management of Natural Resources. The Tribes' ceded territory rights include the right to gather wild plants and to harvest wild animals on lands administered by the Forest Service, and the Tribes want to ensure that management of these lands protects their ability to meaningfully exercise these rights. The Forest Service is tasked with the administration of the National Forests and is the federal agency responsible for the care and management of the land and natural resources that are part of the National Forests. Therefore, the Tribes and the Forest Service seek to establish a relationship and associated processes that facilitate consistent and timely communication between them and that integrate the Tribes' needs and wishes for the desired state of the National Forests into Forest Plans and subsequent Forest Plan implementation decisions.

C. Sustainability of Ecosystems. Since time immemorial, the Tribes have traditionally harvested certain plants and other resources found on lands now managed as the National Forests to meet subsistence, religious, cultural, medicinal and commercial needs. The Tribes' culture and lifeway depends on this harvest activity, and they wish to protect and enhance the natural resources upon which

Service official, including the appropriate Forest Supervisor and the Regional Forester. The Forest Service agrees to delay a final decision on the unresolved matter until this process has had the opportunity to take place within a reasonable amount of time.

- 2) The Forest Service may make and implement the decision.
- 3) In addition to the procedures provided by the MOU, a Tribe may challenge or appeal any Forest Service decision or action in accordance with applicable law.

2. As to decisions relating to the administration of Forest Service budgets, personnel or property, the parties shall cooperate in identifying and seeking adequate resources for the Tribes' and Forest Service's capabilities necessary to implement this MOU. In particular, the Forest Service shall seek input from the Tribes in a timely manner regarding the development of its budget proposal for upcoming fiscal years.

3. During the course of their dealings, the Tribes and Forest Service shall ensure that they have identified their representatives with whom the other parties should interact regarding particular decisions or particular types of decisions.

4. Nothing in this MOU shall preclude the Tribes and Forest Service from discussing matters or advancing particular requests that are not part of a particular pending Forest Plan implementation decision.

C. **Natural Resource Harvest Management.** The Tribes and Forest Service acknowledge their mutual interests in undertaking a collaborative approach in managing the harvest of natural resources on lands administered by the Forest Service to ensure the sustainability of ecosystems and the sustained yield of natural resources, in ensuring that the Tribes' ceded territory rights are meaningfully exercised, and in providing for a consistent conservation-based system under which the Tribes will exercise their ceded territory rights on those lands. Specifically, the Tribes and Forest Service agree:

1. Within the bounds of their respective authorities, to regulate and monitor the harvest of natural resources on lands administered by the Forest Service in a manner that provides for a sustained harvest of those resources and affords the Tribes the opportunity to harvest an equal allocation of the harvestable surpluses of those resources.

agency regarding personnel, property and budgets, and do not commit to particular land management actions or establish policies governing those actions.

The Tribes and Forest Service agree that they shall consult on a government-to-government basis on all Forest Service decisions that affect the abundance, distribution or access to the natural resources on lands administered by the Forest Service. In addition, they agree that the goal of such consultation shall be that any such Forest Service decision should expressly recognize and accommodate the Tribes' ceded territory rights, protect and enhance treaty-reserved natural resources, and accommodate exercise of ceded territory rights by tribal members under tribal regulations.

To achieve this end, the Tribes and Forest Service specifically agree that:

1. As to decisions that result in particular land management actions, in policies or guidelines governing those actions, or in research projects to be conducted by the North Central Forest Experiment Station:

- a. The Forest Service shall consult with and facilitate effective participation by the Tribes at all stages and levels of the decision-making process. This collaboration is recognized as a dynamic process that must include consultation on a consistent and timely basis at the appropriate levels of government and that must be flexible to deal with ever-changing circumstances and adaptive natural resource management responses.

- b. The Forest Service shall consider the effects of its decisions on treaty resources and the ability of the Tribes to exercise treaty gathering rights. In decision and analysis documents, including those required by the National Forest Management Act and the National Environmental Policy Act, decision-makers will show how tribal information and involvement was taken into account in analyzing the effects of potential management actions and in making the decision.

- c. The Tribes and the Forest Service will strive to reach consensus. Where consensus cannot be reached:

- 1) They will attempt to resolve any dispute or disagreement first by good faith discussions between the affected Tribe(s) and the Forest Service deciding official. The Tribe(s) may raise any matter not resolved at this level to a higher Forest

of this subsection, "properly ratified" means a party's approval of and the agreement to be bound by the Self-Regulation Agreement in accordance with that party's required governmental procedures.

3. That any changes in the Self-Regulation Agreement shall be made in accordance with the provisions of subsection F, below.
4. Primary enforcement and administration of justice responsibilities for the Tribes' regulations lies with the Tribes and their properly authorized agencies.
5. The Tribes and Forest Service will coordinate their respective law enforcement activities and establish cooperative law enforcement ventures, such as joint patrols, effective communication systems, information and potential violation referral processes, and joint training activities. These coordinated law enforcement activities shall include at least annual meetings between designated enforcement personnel.

F. Process for MOU Amendments, Regulatory Changes and Self-Regulation Agreement Changes. The parties recognize the dynamic nature of their government-to-government relationship. They also recognize that changes in federal and tribal regulation and management of the harvesting of the National Forests' natural resources in the ceded territories are inevitable. To facilitate open communication and minimize disputes arising from the dynamics of their relationship and from the need to change harvest regulations, the parties agree:

1. **Consensus/Resolution of Disputes.** As for the matters addressed by this subsection F, the affected parties shall strive to reach consensus on the matter at hand. Where consensus cannot be reached:
 - a. The affected parties will attempt to resolve any dispute or disagreement first by good faith discussions at the appropriate governmental level. A party may raise any matter not resolved at this level to a higher official of another party. If it has the authority to do so, a party will delay a final decision on the unresolved matter until this process has had the opportunity to take place within a reasonable amount of time.
 - b. A party claiming the requisite authority may make and implement a decision on the unresolved matter.
 - c. In addition to the procedures provided by the MOU, a party may

evaluating the impacts of harvest on the resources subject to the Tribes' ceded territory rights, and evaluating the effects of other land management activities on those resources. With the input and recommendations of the TWG, the Tribes and Forest Service agree to:

1. Review their respective existing research projects and administrative studies as needed for the purpose of encouraging research coordination.
2. Establish and implement a program of research, monitoring and evaluation regarding the resources subject to the Tribes' ceded territory rights that specifically would:
 - a. Inventory species status and habitat requirements.
 - b. Monitor the population dynamics and habitats of species as Forest Plans are implemented.
 - c. Determine the effects of land management activities, such as timber harvest, on species' populations.
 - d. Determine the effects of wild plant harvest on the status of the species being harvested.
 - e. Evaluate such other matters that relate to the resources subject to the Tribes' ceded territory rights.

E. Law Enforcement. The parties acknowledge the Tribes' capabilities to implement a self-regulatory system governing the exercise of ceded territory rights applicable on lands administered by the Forest Service. The parties specifically agree that:

1. Any regulation adopted by Tribe consistent with the MOU will govern the exercise of the Tribes' ceded territory gathering rights within the National Forests and is within the scope of the MOU. Any Tribe's regulation that is not consistent with the MOU's provisions is outside the MOU's scope.
2. The enforcement of the Tribes' regulations and of any federal statute or regulation governing the conduct within the scope of a Tribe's regulations that are consistent with the terms of the MOU shall be governed by a properly ratified agreement that is no less restrictive than the Tribal Self-Regulation Agreement [hereafter Self-Regulation Agreement], attached as Appendix B and specifically incorporated into the MOU. For the purposes

parties to make the MOU effective no longer exists.

IX. REQUIRED NOTICES/PARTIES DESIGNATED REPRESENTATIVES

- A. **Notice of Ratification.** Within 30 days of ratification of the MOU, an entity shall notify all other entities listed in Section II, above, of the date of ratification. Each party's Notice of Ratification is specifically incorporated into the MOU as if set forth in its entirety.
- B. **Notice of Withdrawal.** A party shall provide written notice to the other parties of its intent to withdraw from the MOU at least 60 days in advance of the proposed withdrawal date. Within 45 days of such notice, or such other time period as may be agreed upon, the parties shall convene a meeting to discuss the intent to withdraw and to attempt to reach consensus on ways to prevent the withdrawal. Should a party ultimately withdraw from the MOU, it shall provide a written Notice of Withdrawal to the other parties, and such Notice is specifically incorporated into the MOU as if set forth in its entirety.
- C. **Designated Representatives.** In providing notice of its ratification, a party may designate its representative for receiving the notices from the another party that are required by the MOU. Where a party has not formally designated a representative either with its Notice of Ratification or with respect to particular matters addressed by the MOU, another party may provide a required notice ~~ex officio~~ to the office of the official that provided the party's Notice of Ratification.
- X. **INITIAL MEETING OF THE PARTIES.** Within 90 days of the MOU's effective date, the parties shall convene an initial meeting for the purposes of: (A) identifying those matters that require immediate attention in implementing the MOU's provisions, such as the agreement and implementation plan regarding campground fees and length of stay restrictions; (B) identifying and addressing any other matter regarding the MOU that requires the parties' attention; (C) setting forth a timetable for addressing those matters; and (D) identifying their representatives that will serve as their "keepers of the process" in ensuring that the MOU is faithfully implemented. These representatives may be persons other than a party's designated representative for receiving required notices from another party provided for in Article IX, above.