

**UNIFORM CONSERVATION CODE OF THE OTTAWA AND CHIPPEWA OF NORTHERN MICHIGAN**  
Ordinance # 04-500-02

**Article I. Preamble**

- 1.01. The Little River Band of Ottawa Indians, adopts this Uniform Conservation Code pursuant to:
- a. Our Creator-given, ancestral rights as Aníshinaábek in these lands;
  - b. Article Second, of the 1836 Treaty with the United States, whereby our forebears secured the Manistee Reservation for our own use;
  - b. Article First, of the 1855 Treaty with the United States, whereby our forebears secured additional Reservation lands now known as Eden and Custer Townships in Mason County for our own use;
  - c. Public Law 103-324 (Sept. 21, 1994), in which Congress reaffirmed federal recognition of the Little River Band, reaffirmed all rights and privileges of the Band, and provided for the acquisition of certain lands for the benefit of the Band, which are to be taken in the name of the United States in trust for the Band and to be a part of the Band's reservation;
  - d. Article IV, sec.7(a)1, of the Tribal Constitution, which permits the Band's Tribal Council to "exercise the inherent powers of the Little River Band by establishing laws ... to govern the conduct of members of the Little River band and other person within its jurisdiction."
  - e. Article IV, sec. 7(f) of the Tribal Constitution, which permits the Tribal Council to "create by Ordinance regulatory Commissions ... and to delegate to such Commissions the power to manage the affairs of the Little River Band."
  - f. Tribal Council Resolution # 03-1001-313, by which the Tribal Council directed the Natural Resource Commission to "recommend to the Tribal Council ... amendments to Ordinances as may be required".
  - g. Resolution # 97-0804-04, by which the Tribal Council authorized the Natural Resource Commission to issue licenses authorizing Tribal Members to engage in subsistence fishing activities in accordance with regulations promulgated by the Natural Resource Commission.
- 1.02. *Findings.* The LRB Tribal Council finds that:
- a. Chi-mewízhn [in the long-ago, legendary time], Gzhémnidoó had a vision, and acting upon this vision, Gzhémnidoó made rock, water, fire, and wind. Into each one Gzhémnidoó breathed the breath of life and gave to each a different essence, nature, and power, which became its soul-spirit. From these 4 substances, Gzhémnidoó created the physical world of sun, stars, moon, and earth; and
  - b. Chi-mewízhn, upon this physical world, Gzhémnidoó first created plant-kind, followed by animal-kind, and lastly humankind. The Aníshinaábek creation story thus teaches the Aníshinaábek that there are 4 orders in creation: the physical world, the plant world, the animal world, and the human world. Each of the 4 parts are intertwined so as to make up life and 1 complete existence; and
  - c. To each plant, Gzhémnidoó gave a spirit of life, the power to provide growth or healing, and beauty; and upon each animal species, Gzhémnidoó conferred special powers and a nature sufficient to fulfill that specie's being and form. These powers conferred upon plants and animals are a form of Gzhémnidoó's own powers; and
  - d. As a result of this creation sequence, both plant and animal-kind are considered spiritual elders of the Aníshinaábek. The Aníshinaábek continue to revere plant beings as sentient beings, petitioning them to confer the healing powers upon our sick, and seeking pardon and honoring them before removing them from the land.
  - e. Chi-mewízhn, following the Chi-Moóshkáháng [Great Flood], when all human-kind and land animals and plants were destroyed, and only the water animals, and birds and fishes lived on, the water-animals assisted in the re-creation of the world as we now know it. Following the rebirth of human-kind after the ancient flood, animal kind, beginning with Mkwá (Bear), nourished and nurtured humans, offering their flesh that the Aníshinaábek might live. Chi-gbeyhiíng [since time

immemorial], the Aníshinaábek have been dependent upon animals for their food, clothing, and tools; and for their very knowledge of the world, life, and themselves. As animals are endowed with certain traits of character, the Aníshinaábek emulate the animals as our N'doódémk (sacred totems/clans), and continue to seek, attain, and perpetuate that character and make it part of ourselves; and

f. Thus, of all species upon this earth, our Mother, Wegimind Ake, human-kind is the most pitiful in the order of dependence, and the weakest in bodily powers. The Aníshinaábek are humbled by the legacy of the plants, fish, and animals; and retain an ancient reverence for the mystery of life which animates all plants, fish, animals, and human-kind, and the very Earth itself; and

g. The plant, fish, and animal beings on Aníshinaábek Tribal and ancestral lands are our “traditional” foods, given as a gift by Gzhémnidoó, and thus are a part of our spiritual and cultural identity. Aníshinaábek stories of Nanáboožho and other Aádsoókaánek [sacred stories] tell a recurring theme of hunger and starvation, reflecting fear and fact in Aníshinaábek tradition. The yearly return of Spring and its religious and cultural celebration by the Aníshinaábek assures the renewal and continuation of human and all other life. Aníshinaábek rely on the plants, fish, and animal-kind for their feasts associated with Aníshinaábek ceremony; and

h. The Aníshinaábek always have revered the hunters in our communities, since hunter prowess was reflective of learned knowledge of the land and the habits of fish and e'weesi'ek, the shifts of the winds, and the ability to endure with and in the seasons. The Aníshinaábek continue to respect hunters and fishers for their skill, patience, endurance, resourcefulness, and self-reliance and mastery of self. The continued training of Tribal hunters, fishers, and gatherers allows the transfer of Aníshinaábek “traditional” values from generation to generation; and

i. Chi-gbeyhiíng [for a great long time - thousands and thousands of years], the native plant and animal species have lived and flourished in the Aníshinaábek homeland. The animals and their habitat, and the plants, and fish, and the waters in which they spawn and grow, are part of the Aníshinaábek sense of place. Gzhémnidoó guided us here in fulfillment of an ancient prophecy, and the Aníshinaábek are obliged to remain and to protect them in this place. As the Aníshinaábek primary food source for thousands of years, plants, fish, and wildlife continue to be an essential aspect of Aníshinaábek nutritional and spiritual health; and

j. Aníshinaábek traditional” foods – the mnoómín (wild rice) and mné (sturgeon) - are indicator species: as water becomes degraded and the sturgeon population declines, so too will the water animals and plants, such as the dikméng [all, whitefish], miní [blueberry], mshkiigmin [cranberry], žhiíshiíb [duck], jíijaák [crane], šhagí [heron], and mshkikínik [medicines] that sustain us. Without the continued availability of plants, fishes, and animals, the Aníshinaábek would cease to be as Gzhémnidoó made us; and

k. Aníshinaábek stewardship extends respect for life beyond the dignity of human beings to the whole of creation. That respect involves the responsibility to honor what Gzhémnidoó has provided and continues to provide. As long as Nature is taken care of, Nature will take care of the Aníshinaábek. The Aníshinaábek continue to acknowledge this ancient wisdom and the necessity of harmonizing human existence with Nature - acknowledging both what is known and what is unknown. In Nature everything has a purpose, whether or not the Aníshinaábek understand the purpose. For Aníshinaábek, the continuation of human life depends upon the continued viability of the plants, fish, and animals; and,

l. In the 1836 Treaty made with the United States, the Aníshinaábek reserved the right to maintain both their culture and the natural resources on which the Aníshinaábek culture depends - including rights to (some kind of) water, natural foods and medicines. These resources are an irreplaceable part of the Aníshinaábek ancestral heritage. Implicit in the 1836 Treaty, the Aníshinaábek intended to reserve the right to regulate the harvest of plants, fish, and wildlife by Tribal members, and the right to promote the preservation, enhancement, rehabilitation, and restoration of plants, fish, and wildlife

that may be harvested by Tribal members and promote the protection of habitats upon which those species depend; and

m. In the 1855 Treaty made with the United States, the Aníshinaábek reserved the right to maintain permanent homelands on lands within the Aníshinaábek traditional homeland by reserving additional lands within the 1836 Ceded Territory.

1.03. *Policy.* It shall be the policy of the LRB Tribal Council and its Natural Resource Commission that:

a. All beings deserve life, and all life must be honored. In keeping with this fundamental policy, waste of any life-form violates Aníshinaábek culture and shall not be tolerated.

b. The Commission shall promote the protection and enhancement of all wildlife, fish and plants which, now or in the future, may be subject to harvest by Tribal members under this Ordinance and Tribal Regulations, and which, for the purpose of these Ordinance shall include any E'weesi'ek (game animals), Ishpiming-ake-E'weesi'ek (upland game), Binesii (game birds) gegoo'ek (game fish), migratory birds, furbearers, threatened, endangered and protected species.

c. The Commission shall promote the protection and enhancement of plants, fish, and wildlife resources within the 1836 Ceded Territory for the perpetual use, benefit, and enjoyment of the members of the Little River Band.

d. In any regulation of plant, fish, and wildlife resources within the 1836 Ceded Territory, Little River Band members shall be afforded the greatest possible freedom to use and enjoy these resources consistent with the preservation and improvement of those resources for future generations and their fair distribution.

e. Appropriate management and conservation of the plant, fish, and wildlife resources may require limiting the total number of members who harvest, establishing bag and possession limits, and other policy regulations. These regulations may be necessary to ensure the conservation of the resources and their fair distribution, as well as ensuring continued supplies of such species for fishing, hunting, trapping, and gathering.

f. The Commission will monitor the health and status of populations of plants, fish and wildlife and will adopt emergency regulations, and will recommend such changes to Tribal Regulations, as may be necessary to limit the harvest of such species when necessary to prevent the depletion of such species, by closing a season or imposing limits on the sex or number of plants, fish or wildlife that may be harvested. When necessary and appropriate, the Commission may also adopt emergency regulations, or recommend changes to Tribal Regulations, to open or extend a seasons when such action may be taken without endangering the health and status of plant, fish and wildlife populations. In all such cases, the Commission adopt a Resolution embodying its findings in respect to when, under what circumstances, in what localities, by what means, what sex, and in what amounts and numbers with plant, fish, migratory bird, or wildlife that may be taken.

g. All plants, fish, and wildlife resources may be utilized for subsistence and, in appropriate circumstances and upon declaration of the Natural Resource Commission, for commercial value. There is no Aníshinaábe tradition of killing for sport or recreation.

h. To protect and maintain the plant, fish, and animal resources, the Commission shall act to define hunting and fishing rights and privileges and enact laws to protect and conserve these shared resources for the maximum benefits of the Aníshinaábek members of the 1836 Treaty tribes and others entitled to share these resources.

j. From time-to-time, the Commission shall recommend to the Tribal Council, the establishment of sanctuaries, as necessary, to provide safe resting habitat and breeding grounds for E'weesi'ek (game animals) and birds, thereby providing a source of E'weesi'ek (game) for natural stocking.

k. By these Regulations, the Little River Band intends to exercise control over hunting, fishing, trapping, and gathering activities to the fullest extent of Tribal jurisdiction in order to protect all of the plant, fish, and wildlife resources available to the Tribe and its members.

- l. The Commission will manage the plants, fish, migratory birds, and wildlife indigenous to Aníshinaábe ancestral lands in a manner that prevents the need for listing under any endangered or threatened species act.
- m. The Commission will manage sensitive species or species of concern in a manner that assists in the maintenance, recovery, or rehabilitation of the species.
- o. The Commission will identify plant, fish, migratory bird, and wildlife species of especial cultural importance to the Aníshinaábe and to critically manage these species to ensure their continued existence on, or to support their reintroduction to the ancestral Aníshinaábe landscape.
- p. The Commission will manage all species populations based on habitat estimates and the biological health of the species.
- q. The Commission will provide adequate remedies for the protection of species' environmental life support systems from degradation, and to provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.
- r. The Commission will ensure the perpetuation and enhancement of all species as members of ecosystems.
- s. Nothing in this chapter shall be construed as a relinquishment, abrogation or abridgment of any Treaty right of the Little River Band.

## **Article II. Adoption; Amendment; Repeal; Severability**

- 2.01. *Adoption.* This Ordinance is adopted by resolution # 04-0901-357.
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.
- 2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- 2.04. *Application of Dates.* Date ranges used in these regulations include 12:00 a.m. of the first date through 12:00 p.m. of the last date.

## **Article III. Definitions**

- 3.01. *Definitions.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.
- 3.02. *Amphibians and Reptiles* means bull frogs, green frogs, salamanders, snapping turtles, and soft-shelled turtles.
- 3.03. *Baitfish* means any legally taken and possessed fish (except sea lamprey, goldfish or any other exotic fish) used for catching other fish.
- 3.04. *M'didaa-E'weesi'ek (big game)* means whitetail deer, black bear, wild turkey, elk, and moose.
- 3.05. *Bow* means a weapon constructed from wood, plastic, metal, or other material with a cord connecting the two ends when bent or strung, and by means of which an arrow is propelled when drawn and released by hand.
- 3.06. *Cased or encased* means storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.
- 3.07. *Ceded Territory* means all lands and waters ceded in the 1836 Treaty as described in Article First, that were not reserved in Articles Second and Third of the 1836 Treaty, Article One of the 1855 Treaty, or are not now otherwise within Indian Country, as set forth below:  
Beginning at the mouth of the Grand River of Lake Michigan on the north bank thereof, and following up the same to the line called for in the first article of the Treaty of Chicago on the 29th of August, 1821, thence, in a direct line, to the head of Thunder bay River, thence with the line

established by the Treaty of Saginaw on the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British Providence of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the Treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of Githcy Seebing or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of Skonawba river of Green Bay, thence down the south bank of river to its mouth, thence, in a direct line, through the ship channel into Green Bay, to the outer part thereof, thence, south to a point in Lake Michigan west of north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved. Refer to map.

- 3.08. *Commercial Purposes* means the harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold, but shall not include harvesting of a natural resource for personal use.
- 3.09. *Crossbow* means a device using a bow that, once drawn, is held solely by means other than the effort of the person firing it.
- 3.10. *Disabled Tribal Hunter* means a person who has been diagnosed by a certified Physician to be permanently physically disabled.
- 3.11. *Endangered Species* means any species of wildlife or plant designated as rare or endangered by the Tribal Council, or the United States Department of the Interior pursuant to 50 C.F.R. Part 17.
- 3.12. *Enforcement Officer* means any Tribal Enforcement officer authorized by Tribal law to enforce Tribal conservation regulations, or federal enforcement agents, including Special Agents of the U.S. Fish and Wildlife Service, or other persons deputized by the Tribal Council to enforce these regulations.
- 3.13. *Firearm* means a weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion.
- 3.14. *Fishing Activity* means fishing for, catching, taking, or attempting to fish for, catch or take, any species of fish from treaty ceded waters, including all related activities which occur in or on the water, or immediately adjacent to the waters edge and in the process of loading or unloading fish, nets, or related gear, in or from a boat or vehicle.
- 3.15. *Furbearer* means fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat, mink, weasel, skunk, raccoon, badger, wolf, cougar, pine marten, fisher and opossum.
- 3.16. *E'weesi'ek (Game); Gaachiinhi-E'weesi'ek (small game); and M'didaa-E'weesi'ek (big game).*
- 3.17. *Fish* means brook trout, lake trout, splake, brown trout, rainbow (steelhead) trout, coho salmon, chinook salmon, Atlantic salmon, largemouth bass, small mouth bass, rock bass, walleye, sauger, northern pike, muskellunge, tiger muskellunge, sturgeon, bluegill, sunfish, crappie, perch, lake whitefish, and round whitefish (menominee), and any other species of fish now or in the future present in the Ceded Territory which may be taken for subsistence.
- 3.18. *Migratory Birds* means those birds included in the terms of the convention between the United States and any other country for the protection of migratory birds and for which open seasons are prescribed in these regulations, including ducks, geese, swans, doves, pigeons, rails, coots, gallinules, woodcock and snipe.
- 3.19. *Personal Use* means the use of natural resources for direct personal or family consumption by Tribal members as food, medicine, shelter, fuel, clothing, tools; or cultural, ceremonial or transportation purposes; making finished handicraft articles or barter. For purpose of this section, the term:
- a. *Family* means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
  - b. *Handicraft articles* means article produced, decorated or fashioned in the exercise of traditional Indian handicrafts such as carving, weaving, beading, pottery, drawing or painting, without the use of mass copying devices; and
  - c. *Barter* means the exchange of natural resources or parts thereof for personal uses between Tribal

members.

- 3.20. *Physician* means a person duly licensed by any state in the United States to practice medicine or osteopathic medicine and surgery.
- 3.21. *Regulations* means these regulations including any subsequent amendments to these regulations and any separate Tribal treaty regulations enacted by a Tribe.
- 3.22. *Roadways* means any governmental or corporate roadways where vehicular traffic is not restricted and the roadway is routinely used by the general public.
- 3.23. *Safety Zone* means any area within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp, cottage, barn, or other building used in connection therewith.
- 3.24. *Slingshot* means a "Y" shaped device with an elastic strip at the prong, or one strip of stretchable material, with a pocket on one end, used for projecting stones or other objects.
- 3.25. *Gaachiinhi-Eweesi'ek (small game)* means ruffed grouse (partridge), ring-neck pheasant, cottontail rabbit, snowshoe hare, gray squirrel, black squirrel, fox squirrel, red squirrel, quail, woodchuck, porcupine, sharp tail grouse and crow.
- 3.26. *Targeting* means fishing, hunting, trapping, or gathering activity, which has the effect of catching or taking a specific species or species of fish, wildlife, or plants.
- 3.27. *Threatened Species* means a species at risk of becoming endangered as determined by official action of the Tribal council or by the United States Department of Interior.
- 3.28. *Transport or Transportation* means carrying or moving by any vehicle or vessel, causing to be carried or moved or attempting to do so, or accepting or receiving wild animals, plants, or fish or any parts thereof.
- 3.29. *Treaty* means the March 28, 1836 Treaty of Washington with the Ottawa's, 7 Stat. 491.
- 3.30. *Tribe or Tribes* means the Little Traverse Bay Bands of Odawa Indians, the Little River Band of Ottawa Indians and the Grand Traverse Band of Ottawa.
- 3.31. *Tribal Court* means the Court or Hearing Body of one of the Tribes.
- 3.32. *Tribal License* means a gathering, hunting, trapping, or fishing License issued by a Tribe to Tribal member, which is valid and current.
- 3.33. *Tribal Members* means enrolled members of one of the Tribes.
- 3.34. *Wild animals* means all creatures, not human, wild by nature, endowed with sensation, and power of voluntary motion, which includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, insects, and mollusks.

#### **Article IV. Territorial Jurisdiction**

4.01. This Code shall govern all treaty hunting, fishing, trapping and gathering activities of Tribal members on lands and waters within the Ceded Territory. In addition, this Code is adopted by the Little River Band of Ottawa Indians to govern activities within the Ceded Territory and within Indian Country owned by, or held in trust for, the Little River Band of Ottawa Indians or members of the Little River Band of Ottawa Indians.

4.02. *Open Areas.* Tribal members may hunt, trap, fish and gather within the Ceded Territory (on lands which are not part of any Tribe's Reservation) and pursuant to the regulations contained in this Code, only on the following categories of lands and waters. The geographic limits of each category of land and water, as defined in this section, open to licensed Tribal members shall be determined and delineated by Tribal regulation.

- a. Public lands open to public hunting, trapping, fishing and gathering;
- b. Private lands that are required to be open to public hunting, trapping, and fishing by state law, such as lands enrolled in the State's Commercial Forest Land program;
- c. Off-Reservation Tribal fee lands open to hunting, trapping, fishing and gathering, subject to any limitations prescribed by Tribal law or these Regulations;

- d. Private lands, including lands owned by Non-Members, but only with written permission from the owner or authorized lessee granting access to Tribally regulated hunters, trappers, fishers or gatherers;
- e. All lakes, rivers, streams and creeks open to the public for fishing and trapping, including water bodies accessible through public rights-of-ways or otherwise accessible to Tribally regulated hunters, trappers, fishers or gatherers by written permission granted by the landowner or authorized lessee.

#### **Article V. Tribal License; Exception**

5.01. Any Tribal member twelve (12) years of age or older, who hunts, traps, or fishes within the Ceded Territory, while having under his/her control or immediate possession any firearm, bow and arrow, slingshot, trapping apparatus, or any other device capable of killing or restraining furbearers or game, shall have in his or her possession a valid and current Tribal License. Any Tribal member twelve (12) years of age or older who fishes or attempts to take any fish, reptiles or amphibians while having under his/her control or in his/her immediate possession any pole, reel, tip-up hand line, trap, seine, dip net or spear, shall have in his or her possession a valid and current Tribal License.

5.02. The License provided for in section 5.01 shall be required to take, transport, or possess any fish, game, furs, hides, amphibians or reptiles, or auxiliary parts thereof within the Ceded Territory and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.

5.03. No Tribal member under twelve (12) years of age shall be required to possess a Tribal License to fish, take reptiles or amphibians, or gather vegetation or minerals for personal use or use by his immediate family, however, those persons shall be required to follow all applicable Tribal regulations.

5.04. No Tribal member less than twelve (12) years of age shall be allowed to possess a Tribal License to hunt. Any Tribal member under (12) years of age may be issued a License to trap upon application signed by a parent or guardian provided that the member under 12 may not be authorized or allowed to have a firearm in his/her possession while trapping.

5.05. A Tribal Member must be at least fourteen (14) years of age to hunt big game with a firearm.

5.06. Any Tribal member who applies for a Tribal License to hunt any small game, big game, or furbearer shall either produce a previous License to hunt or trap from a Tribe or other lawful issuing agent within the State of Michigan or have successfully passed a recognized Hunters Safety Course.

5.07. Any Tribal member under sixteen (16) years of age, while hunting with a firearm, shall be accompanied by an adult who shall have in possession a valid Tribal or state License.

5.08. *Harvest Transport Tags.* In addition to the Tribal license required by this section, a Tribal Member may be required to obtain annual harvest transport tags in order to harvest or trap certain species. The harvest transport tags shall be completely filled out and affixed to the animal when transporting the E'weesi'ek (game).

- a. Annual harvest/transport tags shall be obtained from the Tribe in order to harvest deer, bear, bobcat, moose, elk, or wild turkey.

- b. Harvest/transport tags shall be affixed immediately after harvest to harvested animals.

5.09. In addition to the Tribal license required by this section, Tribal members may also be required to obtain and carry in his or her possession, a valid and current Special Use Permit authorizing such member to hunt, trap, fish or gather.

5.10. *Tribal License Not Required to Hunt, Trap or Fish Under State Law.* Notwithstanding any other provision of this Section 3, a Tribal member is not required to possess a Tribal License to hunt, trap or fish within the Ceded Territory in compliance with the laws of the State of Michigan regulating seasons, bag and creel limits, size or sex of animals harvested, and the gear and methods of harvest, provided that such member has in his or her possession his or her Tribal enrollment card and a photographic identification card. Except

for the Tribal License requirements of this Section 3, all other provisions of this Code or any regulations promulgated in accordance with this Code, including requirements prescribing biological assessment of harvest levels, shall remain applicable to a Tribal member hunting, trapping or fishing under this paragraph. No member who has not passed a recognized Hunters Safety Course shall hunt or trap under this paragraph.

5.11. *Disabled Tribal Hunter Permits.*

a. The Natural Resources Department may issue a Disabled Tribal Hunter permit to discharge a firearm, bow or crossbow from a stationary motor vehicle within a roadway other than a state or federal highway to a member who is permanently physically unable to walk without crutches, braces, or other mechanical support as verified by a Physician. The holder of such a permit must shoot away from and not across the roadway.

b. The Natural Resources Department may issue a Disabled Tribal Hunter a permit to use a cross bow during archery season provided that the member is deemed permanently unable to physically use a conventional bow (compound/re-curve) as verified by the written opinion of a Physician.

5.12. *Special Needs Permit.* Tribal Hunters with special needs may obtain a permit from the Natural Resources Department. The criteria for a special needs permit include, but are not limited to, being out of food, a death or birth in the immediate family, or a family hardship. The Tribal Hunter shall have a valid tribal license and request a special needs permit and tags in person. A tribal member with a special needs permit may use the services of another enrolled Tribal member to harvest an animal for them, in which case both the permittee and helper must be named on the permit.

5.13. *Road kill Special Use Permit.* If a Tribal member accidentally strikes and mortally wounds a deer, elk, bear or moose while driving a motor vehicle or comes upon a fresh road kill of such animal, the Tribal member should report the findings as soon as possible to the Natural Resource Department or the Tribal Police Department. The member should leave it and direct the appropriate Tribal authority to the place where the animal was struck or found. After inspection of the scene, the Tribal Enforcement Officer or any Officer Deputized by the Tribal Council should take a sworn statement from the Tribal member regarding the circumstance under which the animal was struck or found. The Enforcement Officer should then authorize the issuance of a special use permit to allow the Tribal member to take and use such animal.

## **Article VI. Hunting, General Provisions**

6.01. *Artificial Light.* Artificial light may only be used to hunt fox, raccoon and coyote.

6.02. *Possession.* A legal and current License or Special Use Permit shall be required to take transport, or possess any fish, E'weesi'ek (game), furs, plants, hides, amphibians or reptiles, or auxiliary parts thereof within the Ceded Territory and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.

6.03. *Sale of E'weesi'ek (Game).* It shall be unlawful for any Tribal member to engage in the sale of the flesh of E'weesi'ek (game).

6.04. *Transportation.* Furbearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi- Eweesi'ek (small game) lawfully taken by licensed Tribal Members may be transported within or outside of the Ceded Territory provided that the member shall have a valid and current Tribal license in possession. The transported E'weesi'ek (game) (that requires a tag) must be tagged with a harvest tag containing all necessary information required.

6.06. *Shooting Hours.* Shooting hours are one half-hour before sunrise to ½ hour after sunset Eastern Standard Time (EST) excluding migratory bird. Fox, raccoon and coyote may be hunted after sunset with use of dogs, game call, or artificial lights.

6.06. *Pursuit with Vehicles.* It shall be unlawful to hunt or pursue any E'weesi'ek (game) with automobile, motorcycle, ORV, airplane, snowmobile, motorboat, or any other motorized or wind powered vehicle or boat, unless disabled with a Special Use Permit.



6.07. *Harmful Substances.* No furbearer, migratory birds, Gaachiinhi-Eweesi'ek (small game), or M'didaa-E'weesi'ek (big game) may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful substances.

6.08. *Trapping M'didaa-E'weesi'ek (big game).* It shall be unlawful to trap or snare M'didaa-E'weesi'ek (big game) animals.

6.09. *Shooting Fur Bearers.* It shall be unlawful to shoot M'didaa-E'weesi'ek miinwa Gaachiinhi-Eweesi'ek (big and small game) while they are in the water.

6.10. *Transportation of firearms, Bows, Crossbows, and Muzzleloaders.*

a. A member may not transport firearms in any motorized vehicle within the Ceded Territory unless they are;

1. unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

2. unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle;

3. if a handgun, the following criteria apply:

A. While in the field, handguns must be carried in plain view. Carrying a handgun in a holster in plain view is permitted.

B. You may transport your handguns while en route to and from your hunting area, however, handguns, including BB guns larger than .177 caliber and all pellet guns must be unloaded and carried in a container or wrapper in the trunk of the vehicle. If the vehicle does not have a trunk, the handgun must be unloaded and carried in a container or wrapper and cannot be readily accessible to any occupant of the vehicle.

C. A restricted concealed pistol license for hunting, trapping, or target shooting does not give you any additional authority to transport a loaded or unloaded handgun in your vehicle or on any public conveyance.

b. A member may not transport an archery bow or cross bow in motor vehicle unless the bow is;

1. unstrung;

2. completely contained in a case expressly made to contain it; or

3. in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

c. A member may not transport a muzzleloader rifle in a motor vehicle unless the muzzleloader is

1. with the cap removed and completely contained in a case expressly made to contain it;

2. unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

6.11. *Discharging Firearms, Bows, Crossbows and Muzzleloaders.*

a. A member may not discharge a firearm, bow, crossbow or muzzleloader, over or across an improved public highway.

b. A member may not discharge a firearm, bow, crossbow or muzzleloader within the right-of-way of an improved highway.

c. It shall be unlawful to discharge any firearm, arrow, or projectile from a motorized vehicle. Provided, however, that it is lawful to shoot from a motorized boat as long as the motor is not running and forward momentum has ceased, except for forward motion caused by the water or wind current.

6.12. *Harassment of Hunters.* It shall be unlawful to harass, impede, or interfere with any legally licensed hunter.

6.13. *Seasons and Bag/Harvest Limits.* The seasons and bag/harvest limits for taking Gaachiinhi-Eweesi'ek

(small game), M'didaa-E'weesi'ek (big game), fur bearers, turkeys, and for trapping fur bearers specified in Section 1 shall be as determined by Tribal regulations.

## **Article VII. Specific Hunting Restrictions**

### *7.01 Automatic & Semi-automatic Weapons.*

- a. Fully automatic firearms are at no time to be used in hunting, pursuing or killing of wild animals, or be in possession of, in an area frequented by wild animals.
- b. No Tribal Member shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals any semi-automatic shotgun or rifle capable of holding more than six (6) shells in both the chamber or magazine combined, for use for Gaachiinhi-Eweesi'ek (small game) only, or use cartridges containing either tracer or exploding bullets.
- c. All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.

*7.02. Silencers.* No Tribal Member shall use, or be in possession of, a device or apparatus known as a silencer.

*7.03. Hunting from Platforms.* Tribal Members may hunt deer, Gaachiinhi-Eweesi'ek (small game), fur bearers, turkey or bear from a tree or portable raised platform. Tribal members may hunt from a portable raised platform or tree.

*7.04. Harvesting Restrictions.* Unless otherwise specified in this Code or special Tribal regulations, no Tribal Member shall make use of artificial light, cage, net, trap, pit, pitfall, deadfall, snare, drug, poison, chemical, fire, smoke, gas, explosive, or mechanical device other than firearm or bow and arrow for the purpose of harvesting or killing e'weesi'ek (game).

*7.05. Driving Wildlife.* It shall be unlawful to set or use fire to drive wild animals or to attempt to take wild animals.

### *7.06. Baiting.*

- a. A Tribal Member may use salt and/or bait to hunt for bear or deer.
- b. All containers used to carry bait to the site must be removed from the site.
- c. No drugs or poisons shall be used.

### *7.07. Firearm Limitations.*

- a. Any firearm used in hunting M'didaa-E'weesi'ek (big game) other than wild turkey must be a center fire rifle of .223 caliber or larger, muzzle loader of .40 caliber or larger, or shotgun using slug or buckshot.
- b. Wild turkey may be hunted with a bow and arrow, shotgun or muzzle loading shotgun using number four (#4) shot or smaller.

*7.08. Bow and Arrow Limitations.* Bow and arrow may be used to hunt both M'didaa-E'weesi'ek (big game) and Gaachiinhi-Eweesi'ek, provided that a broad head with a cutting surface of at least one inch (1") diameter may be used to hunt M'didaa-E'weesi'ek (big game) including wild turkey.

### *7.09. Hunting M'didaa-E'weesi'ek (big game) with Dogs.*

- a. It shall be unlawful to hunt deer, elk, moose or wild turkey with dogs, except that it shall be legal to hunt wild turkey with dogs during the fall season.
- b. It shall be legal to use leashed dogs to track wounded deer.
- c. Dogs may be used to hunt bear provided that no more than six dogs per pack are used and that if relaying no more than six dogs shall be used.

*7.10. Hunters Orange.* It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting waterfowl, crow, wild turkey, predators, nor to bow hunters, except during firearm deer season.

### *7.11 Hunting Seasons.*

- a. *Gaachiinhi-E'weesi'ek (small game)*. September 1 - April 1.
- b. *Deer*.
  - 1. *Bow and Crossbow*. October 1 - January 1
  - 2. *Weapon of Choice (bow, crossbow, shotgun, rifle, muzzleloader)*. November 1 - January 1, subject of limitations set forth within as defined in sections 7.01, 7.02, 7.07 and 7.08.
- c. *Bear*. September 10 - October 30, counties open to hunting to be designated by Tribal Wildlife Biologists.
- d. *Wild Turkey*.
  - 1. *Fall Season*. October 1 - November 14.
  - 2. *Spring Season*. April 15 - May 31.
- e. *Elk and Moose*. Seasons to be determine by tribal biologist.
- f. *Furbearers (Hunting)*.
  - 1. *Bobcat and mink*. November 1 - March 1.
  - 2. *Gray fox & red fox*. November 1- March 1.
  - 3. *Raccoon*. October 15 - January 31.
  - 4. *Coyote*. No closed season.

7.12. *Bag Limits*.

- a. *Gaachiinhi-Eweesi'ek (small game)*. A limit of ten (10) of each species per day and a possession in transport limit of no more than two (2) days' limit per licensee.
- b. *M'didaa-E'weesi'ek (big game)*.
  - 1. *Deer*. A limit of five deer per tribal hunter per season (includes Reservation and Ceded Territory), no more than two (2) of which may be bucks, with three inch antlers. The tribal hunter may harvest the deer with a bow and arrow, cross bow, rifle or muzzleloader.
  - 2. *Elk, Moose and Bear*. Bag limits and tags to be determined by Tribal Biologists on an annual basis. (Tags may be issued through a lottery conducted by the Tribes. The total number of tags issued by the Tribe combined will be based on a percentage of sustainable harvest. The Tribe will issue an equal number of tags based on this total.)
  - 3. *Wild Turkey*. Fall two birds of either sex. Spring-two adults males with a visible beard.

**Article VIII. Waterfowl Regulations**

8.01. *Age Limits*.

- a. Any Tribal Member twelve (12) years of age or older who hunts migratory birds within the Ceded Territory shall have in possession a valid Tribal license.
- b. No Tribal Member under twelve (12) years of age shall be allowed to possess a Tribal license to hunt migratory birds.

8.02. *Shooting Hours*. From one half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

8.03. *Restrictions*. It shall be unlawful to:

- a. Engage in any migratory bird hunting without first obtaining a Tribal license.
- b. Use or allow another person to make use of a Tribal license not his/her own.
- c. Engage in wanton destruction of migratory birds.
- d. Fail to make a reasonable effort to recover dead or wounded migratory birds.
- e. Take, possess, transport, or aid, assist or abet the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law.
- f. Exceed established limits or use prohibited means of taking migratory birds.
- g. Fail to allow the inspection of any migratory bird or bird part in possession upon demand of an Enforcement Officer.
- h. Take migratory birds with trap snare swivel gun, punt gun, battery gun, automatic fired weapon, shot gun with shells longer than three and one half inches (3.5"), fish hook, poison, drug, or

stupefying substance, or explosive.

- i. Take migratory birds with a shotgun of any description greater than ten (10) gauge and capable of holding more than three (3) shells, unless it is plugged with a one (1)-piece filler, which is incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- j. Use or be in possession of any shot other than steel (or other approved non-toxic shot) to take migratory birds; provided, however, that it shall be legal to hunt woodcock and morning dove with shot other than steel (or approved non-toxic shot).
- k. Hunt migratory birds from or by means or use of a sink box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.
- l. Use any rim fire, center fire, or muzzle-loading rifle to take migratory birds.
- m. Pursue migratory birds from a motorboat, or any other craft having a motor attached, or sailboat unless the motor is completely off, and/or the sails are unfurled and forward momentum has ceased, or by means of any motorized land or air conveyance.
- n. Use any land, water or air conveyance to drive, concentrate or disperse migratory birds.
- o. Use or attempt to use bait, or hunt on or near a baited area. Baiting for migratory birds shall mean the use and distribution of any grain, meals, salt, or other feed whatsoever so as to lure or attract such birds; and a place or locale which has been baited may be considered baited for ten (10) days after such bait has been removed. Provided, however, that it shall be legal to hunt migratory birds in agricultural fields, otherwise open to Tribal hunters, where crops are standing, or have been harvested as a part of normal agricultural operational procedures, or grown for wildlife management, provided that the seeds and grains are not scattered or redistributed once the crop has been harvested.
- p. Violate any Federal law addressed in 50 C.F.R. Part 20 dealing with hunting migratory birds

#### 8.04. *Offenses*

- a. In addition to the violation of any of the provisions herein contained, or any other hunting regulation enacted now or in the future by a Tribal Council, the acts or omissions as described below shall constitute misdemeanors. A Tribal Enforcement Officer may arrest a person committing an offense and may seize or confiscate any migratory birds, firearms, bows, vessels, vehicles, and any associated paraphernalia used in hunting at the scene of the offense.
- b. In addition to any punishment provided for upon the conviction of any misdemeanor, or any other offense described herein, or upon conviction for the violation of any regulation now enacted or herein after enacted with respect to hunting migratory bird by the Tribal Council, any person so convicted may have any hunting equipment or paraphernalia in his possession at the scene of the offense permanently confiscated. Also, the above said person(s) is/are subject to fines and incarceration as imposed by Tribal Court.

#### 8.05. *Seasons*

- a. *Ducks*. September 15 through January 20.
- b. *Geese*.
  - 1. *White Front, Brant, Snow and Blue Geese*. September 20 through November 30.
  - 2. *Canada geese*. September 1 through February 8.
- c. *Woodcock, snipe, sora rail, Morning Dove*. September 1- November 14.
- d. *Swans*. It shall be unlawful to shoot or attempt to shoot swans.

#### 8.06. *Bag Limits*

- a. *Ducks*. The bag limit for ducks shall not exceed ten (12) per day, and shall not include more than two (2) pintail, two (2) canvasback, one (1) hooded merganser, three (3) black ducks, three (3) wood ducks, three (3) redheads, and six (6) mallards- only three of which may be hens.
- b. *Geese*. The daily bag limits for Canada geese, brant, white-fronted, snow and blue geese, shall not exceed five (5) per day.

c. *Woodcock, snipe, sora rail, Morning Dove.* The daily bag limit for woodcock is five (5), snipe, sora rail, morning dove shall not exceed ten (10) per day.

d. The possession limit for ducks and geese shall not exceed two (2) days' bag limit.

8.07. *Biological Monitoring of Harvest.* It shall be the duty of the Tribal Biologists and Enforcement Officers working with Federal officials to monitor and sample the Tribal harvest of migratory birds through gamebag checks, patrols, and mail surveys. The harvest of all species shall be reported to the U.S. Fish and Wildlife Service to permit evaluation of the impacts of the Tribal harvest and modify this Ordinance on a seasonal basis. The South James Bay Canada Goose population will be monitored particularly closely, based on band recovery, to assess the impacts of hunting by the Tribes.

8.08. *Seasons and Bag Limits.* The season and bag limits for the taking of migratory birds shall be subject to the provisions of the Migratory Bird Treaty Act, 16, U.S.C. secs. 703 to 711, and regulations promulgated pursuant thereto set forth at 50 C.F.R. Part 20.

### **Article IX. Trapping**

9.01. Any Tribal member under twelve (12) years of age may be issued a License to trap upon application signed by a parent or guardian provided that the member under 12 may not be authorized or allowed to have a firearm in his/her possession while trapping.

9.02. *Traps.* Traps used for harvesting fur bearers, snowshoe hare or cottontail rabbit shall be either leg hold, box type, or body gripping (conibear) type or locking type snares.

9.03. *Trap Markings.* All traps and snares set shall be clearly marked with the name and current address of the person who set the trap. All traps shall be attended at least every twenty-four (24) hours.

9.04. *Possession.* A legal and current Photo ID License shall be required to take transport, or possess any fish, E'weesi'ek (game), furs, plants, hides, amphibians or reptiles, or auxiliary parts thereof within the Ceded Territory and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.

9.04. *Marking of Hides.* All bobcat, otter and badger taken by trap, shall be clearly marked with the Tribal License Number and the name of the person to whom it belongs within seventy-two (72) hours of being taken.

9.05. *Transportation.* Furbearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi-Eweesi'ek (small game) lawfully taken by licensed Tribal Members may be transported within or outside of the Ceded Territory provided that the member shall have a valid and current Tribal Photo License in possession. The transported E'weesi'ek (game) (that required a tag) must be tagged with a harvest tag containing all necessary information required.

9.06. *Shipping of Hides.* All hides, furs, or pelts of fur bearers either shot or trapped shall be presented to a biologist for inspection and registration before they are shipped by common carrier, transported outside the 1836 Ceded Territory, or offered for sale or barter.

9.07. *Federal Laws on Hides.* All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any furbearer apply to the identification, sale or transportation under Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. To export bobcat, otter or bear furs, pelts, or hides from the United States, the individual will need to obtain a CITES permit, the the Conservation Department will maintain information for this process.

9.08. *Barter of Hides & Flesh.* It shall be lawful for Tribal Members to possess, sell, or use for barter, or transport hides, furs or pelts of fur bearers, M'didaa-E'weesi'ek (big game) or Gaachiinhi-Eweesi'ek (small game) lawfully taken, including the sale of the flesh of beaver, raccoon and muskrat.

9.09. *Animals for Trapping.* It shall be lawful to possess, in a humane way during trapping season, one live coyote and two live fox for the purpose of collecting urine and droppings for trapping; provided, at least one

member of the immediate family must have a valid Tribal trapping license.

9.10. *Hunters Orange.* It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting waterfowl, crow, wild turkey, predators, nor to bow hunters, except during firearm deer season.

9.11. *Restrictions.*

a. *Harmful Substances.* No furbearer, migratory bird, Gaachiinhi-Eweesi'ek (small game), or M'didaa-E'weesi'ek (big game) may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful substances.

b. *Trapping M'didaa-E'weesi'ek (big game).* It shall be unlawful to trap or snare M'didaa-E'weesi'ek (big game).

c. *Shooting Fur Bearers.* It shall be unlawful to shoot furbearers, Gaachiinhi (small), or M'didaa-E'weesi'ek (big game) while they are in the water.

9.12. *Seasons*

a. *Beaver and otter.* November 1 - April 16.

b. *Muskrat, mink, and bobcat.* November 1 - March 15.

c. *Raccoon, red fox, gray fox, coyote and badger.* November 1 - March 1.

d. *Pine Marten and Fisher.* November 1- March 15 in the UP only.

9.13. *Bag Limits.*

a. *Otter, badger, pine marten, fisher (UP only) and bobcat.* Two (2) per season. All other species have no bag limit.

b. Accidentally trapped non-target protected species such as lynx, gray wolf, are unlawful to possess. All live animals shall be released if possible. The trapping of all other such animals shall be reported immediately to a Conservation Officer.

## **Article X. Gathering Vegetation**

10.01. It shall be lawful for Tribal Members to gather and use vegetation and minerals for the construction of traditional crafts, handicraft articles, medicines, and food, subject to the following regulations.

10.02. Permission must be obtained from a private land owner prior to gathering on such land.

10.03. For any gathering of vegetative or mineral material a Tribal member must acquire a Special Use Permit from his/her Tribe pursuant to Tribal regulations. Provided, that no permit is required to gather fruit, fungi and nuts.

10.04. It shall be unlawful to gather, collect, or be in possession of any vegetation or parts of any threatened or Endangered Species.

## **Article XI. Subsistence Fishing on Inland Waters**

11.01. *Fishing Licenses.* Any Tribal member sixteen (16) years of age or older who fishes or attempts to take any fish, reptiles or amphibians while having under his/her control or in his/her immediate possession any pole, reel, tip-up hand line, trap, seine, dip net or spear, shall have in his or her possession a valid and current Tribal Photo License.

11.02. *Age Limits.*

a. Any Tribal Member sixteen (16) years of age or older who fishes within the Ceded Territory shall have in possession a Tribal license.

b. No Tribal member under sixteen (16) years of age shall be required to possess a Tribal License to fish, take reptiles or amphibians, or gather vegetation for personal use or use by his immediate family, however, those persons shall be required to follow all applicable Tribal regulations.

11.03. *Methods and Gear Restrictions.*

a. The use of poles, reels, tip-ups and hand lines are lawful for use while fishing.

b. Seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet are legal for smelt on inland lakes and 100 yards upstream on all tributaries and connecting waters of the Great Lakes.

c. Bait fish may be taken by traps, seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet.

d. Individual hook and line fishing is limited to four (4) lines per person with two (2) hooks per line; except that there shall be no limit on the number of hooks per line while fishing for smelt on designated smelt lakes. Ice fishing is limited to nine (9) lines.

e. Fixed ice shanties must have the owner's name, address permanently affixed on all sides with letters at least three inches (3 ") high. Shanties must be removed when the ice is unsafe but no later than March 15.

f. Fishing with a spear, bow and arrow, dip net, cross bow or hands is permitted on any water body open to subsistence fishing by Tribal members for all species except sturgeon and grayling. The fisher shall be required to adhere to seasons, size and creel limits and other restrictions imposed by Tribal regulations. In addition to the Photo Tribal License required by this section, Tribal members are also required to obtain and submit complete harvest reports for the harvest of certain species of fish with a spear, bow fishing equipment, hands or dip net.

11.04. *Restrictions.* It shall be unlawful to:

a. Use explosives, drugs, poisons, lime medicated bait or other deleterious substances to take or attempt to take fish.

b. Drive or harass fish into nets.

c. Use firearms to take or attempt to take fish.

d. Use gill nets, trap nets, seines or gorge to take fish, except as allowed for bait fish under Section 9.03(c) and smelt under Section 9.03(b).

e. Use a snag hook to take or attempt to take fish, except snagging for suckers shall be legal provided that the targeted fish are visible to the individual snagging.

f. Wanton destruction or waste of fish.

g. Harass or impede another fisherman or boater.

h. Take fish for the sole purpose of egg (spawn) collection.

i. Possess any fish not hooked in the mouth while fishing with hook and line.

j. It shall be unlawful to sell flesh of fish from inland waters.

k. It shall be unlawful to sell bait fish without a Special Use Permit.

11.05. *Reporting.* In addition to the Tribal License required by this section, Tribal members are also required to obtain and submit complete harvest reports for the harvest of the species of fish listed below with a spear or bow fishing equipment.

a. Harvest reports must be obtained from and submitted to the Conservation Department in order to spear, hands, dip net or bowfish for walleye, northern pike, muskellunge, salmon, trout (including steelhead and brook trout).

b. Harvest reports shall indicate the body of water where the harvest is taking place, date of harvest, and number harvested for each species.

c. Harvest reports shall be submitted within seven (7) days of harvest date.

11.06. *Seasons.*

a. *All Species except sturgeon and grayling.* No closed Season.

b. *Sturgeon.* No open season.

c. *Grayling.* No open season.

d. *Lake Sturgeon.* Open all year Otsego Lake. Hook and line fishing is permitted for harvesting lake sturgeon in Otsego Lake only.

11.07. *Size Limits.*

- a. *Trout and Salmon.*
    - 1. *Lakes.* Ten-inch (10") minimum.
    - 2. *Streams.* Eight-inch (8") minimum.
  - b. *Largemouth and small mouth bass.* Twelve-inch (12") minimum.
  - c. *Northern pike.* Twenty-inch (20") minimum.
  - d. *Muskellunge and tiger muskellunge.* Forty-two inch (42") minimum.
  - e. *Walleye.* Fourteen inch (14") minimum
  - f. *Bluegill, sunfish, crappie, lake whitefish, menominee, perch, catfish species, and other species not listed.* No minimum size.
- 11.08. *Creel Limits.*
- a. *Lake trout, rainbow trout, splake, brook trout and brown trout.* Five (5) per species per day in lakes with a maximum of ten (10) in combination.
  - b. *Brook trout, brown trout, rainbow trout in streams.* A maximum of ten (10) in any combination. No more than three (3) of the total may be over sixteen inches (16") long.
  - c. *Coho, Atlantic, Humpback/Pink and Chinook salmon.* Five (5) per species per day.
  - d. *Muskellunge and tiger muskellunge.* One (1) per day.
  - e. *Largemouth bass, small mouth bass, walleye and sauger.* Ten (10) per day.
  - f. *Bluegill, sunfish, crappie, lake whitefish, and yellow perch.* Fifty (50) per day.
  - g. *Northern Pike.* Five (5) per day
  - h. *Lake Sturgeon.* Otsego Lake Only- 1 per season.

## **Article XII. Amphibians and Reptiles**

- 12.01. *General Regulations.* Amphibians and Reptiles may not be shot with firearms (including spring, air, or gas propelled), conventional bow, crossbow, or slingshot.
- 12.02. *Endangered and Threatened Species.* No animal as defined in section 1.10 or 1.26 shall be taken or possessed except as authorized by the Natural Resources Department.
- 12.03. *Amphibians.* Amphibians may be taken the last Saturday in May through November 15 with no size limit. No more than fifty (50) of each species shall be taken per day and not more than one hundred (100) of any species may be in possession at any given time.
- 12.04. *Snapping Turtles.* Snapping turtles and soft shell turtles – July 1 – September 30, 12 inch carapace length.
- 12.05. *Equipment.* Taking of amphibians and reptiles may be done by hand, trap, dip nets, seines and hook and line. Frogs may be speared.
- 12.06. Taking of amphibians and reptiles shall be for personal use only.

## **Article XIII. Biological Assessment and Monitoring**

- 13.01. To conduct biological assessment, habitat evaluation, or other biological study, upon recommendation of the Biological Services or Conservation Program to the Tribal Council, the Tribal Council may require that furbearers, small game, big game, migratory birds, fish, reptiles, amphibians or the habitats of any of them within the Ceded Territory shall be subject to reasonable biological assessment. The purpose of such assessment is to insure the long range management of these species and their environs, or to make modifications, or changes to the existing regulations or any future regulations as necessary to foster such management.
- 13.02. *Monitoring.* It shall be the duty of Tribal biologists to monitor all take of game, fish, furbearers, migratory birds, reptiles, amphibians and plants and the natural growth harvest of migratory birds through the receipt of catch reports, through gamebag checks, patrols, jawbone retrieval and mail surveys.



#### **Article XIV. Special Use Permits**

14.01. Except as provided in paragraphs 12.02 and 12.03, nothing in this Code shall prohibit the harvest or use of any natural resource by Tribal members for religious or ceremonial purposes or for consumption by Tribal elders.

14.02. No Tribal members shall harvest out of season a natural resource for religious or ceremonial purposes or for consumption by Tribal elders without a Special Use Permit from the Tribe. It shall be a violation of these regulations to fail to comply with the terms and conditions of any such Special Use Permit.

14.03. In reviewing and taking action on a request for any Special Use Permit, a Tribe shall take into account the biological impact of the harvest and include such terms and conditions as may be necessary to protect the resource and shall ensure compliance with all applicable law.

#### **Article XV. Possession and Use for Religious Purposes**

15.01. No animal shall be taken, or plant or mineral gathered, by any Tribal member for any purpose except as allowed for in this Code or by Special Use Permit issued by a Tribe under this Code.

15.02. Nothing in this Code shall be construed to prohibit the possession or use of any species of plant or animal by a Tribal member for religious purposes.

15.03. If a Tribal member finds a dead eagle, hawk, fur bearer, or any Endangered Species, the member shall report the finding as soon as possible to the Tribal Biological Services or Conservation Department. The member shall leave it and direct the appropriate Tribal authority to the place where the carcass was found. After inspection of the scene, the Tribal Enforcement Officer or any officer deputized by the Tribal Council shall take a sworn statement from the Tribal member regarding the circumstances under which the carcass was found. The Enforcement Officer shall then deliver the carcass to the appropriate Tribal authority for shipment to the appropriate agency.

15.04. Each Tribe shall maintain a repository to keep parts of eagles, hawks, furbearers and any Endangered Species from species either taken in violation of this Code or other applicable Tribal law or acquired pursuant to section 15.03. Tribal members may request in writing animal parts from the repository for religious purposes. Each Tribe will develop regulations to process such requests so that items in the repository can be distributed to Tribal members in a fair and efficient manner. The Tribes may issue possession licenses if needed to protect Tribal members from non-Tribal law enforcement agencies.

#### **Article XVI. Offenses**

16.01. *Civil Infractions.* In addition to the violation of any of the provisions herein contained, or any other fishing, hunting, trapping or gathering regulation now or in the future enacted by a Tribal Council, the acts or omissions described in section 16.04 constitute civil infractions.

16.02. *Additional Penalties.* In addition, an Enforcement Officer or any officer deputized by a Tribal Council may detain any person(s) committing the offense and may seize or confiscate any fish, reptiles, amphibians, E'weesi'ek (game), fur bearers, hides, vehicles, vessels, firearms, bows, traps, nets, lines, and any associated paraphernalia used in fishing, hunting, trapping or gathering, to be turned over to the Tribal Court of the offender. Any person so convicted may have any fishing, hunting, trapping or gathering equipment or paraphernalia in his possession at the scene of the offense permanently confiscated, and may also be subject to fines as imposed by the Tribal Court.

16.03. *Member Responsibility.* It shall be no defense in any criminal or civil prosecution under this Code, pertaining to hunting, fishing, trapping, or gathering, for a Tribal Member to claim a lack of awareness or understanding of law or regulations. A conviction upon a violation of any of the provisions of this Code shall constitute a conviction of a civil offense.

16.04. It shall be unlawful to:

- a. Engage in any fishing, hunting or trapping without first obtaining a Tribal License, harvest tag, special use permit, Tribal enrollment card or photographic identification card when required under

this Code. Violation of this provision shall be a class B infraction.

b. Use or allow another person to make use of a Tribal License not his/her own. Except that M'didaa-E'weesi'ek (big game) tags may be used by a tribal members' spouse provided that they are a member of the tribal members' tribe. Additionally, any Tribal Elder may designate by notifying the Tribes' Natural Resource Department that another Tribal member of the Grand Traverse Band of Chippewa and Ottawa Indians, Little River Band of Ottawa Indians or Little Traverse Bay Bands with valid photo license to harvest on behalf of that Elder. Violation of this provision shall be a class B infraction, and shall result in a loss of harvest privileges for at least 60 days.

c. Engage in wanton destruction or waste of fish, E'weesi'ek (game), reptiles or amphibians. Violation of this provision shall be a class D infraction, and the violator may be required to pay restitution to the Tribal community.

d. Take, possess, or transport, or aid, assist, or abet the same, of any E'weesi'ek (game) protected by Tribal Council or Federal law. Violation of this provision shall be a class E infraction.

e. Exceed established limits, or use prohibited means of taking e'weesi'ek, fish, reptiles or amphibians. Violation of this provision shall be a class C infraction, and the violator may be required to pay restitution to the Tribal community.

f. Hunt, fish or trap with a dangerous weapon, while impaired (defined as being .10 blood alcohol level or greater) due to the consumption of alcohol or impaired by controlled substances. Violation of this provision shall be a class D infraction, and the violator may be required to pay restitution to the Tribal community.

g. Refuse to produce a Tribal license, permit or other identification upon the request of an Enforcement Officer. Violation of this provision shall be a class B infraction.

h. Engage in fraud or perjury in procuring a Tribal license. Violation of this provision shall be a class C infraction and shall result in the loss of harvest privileges for at least 60 days.

i. Refuse to allow inspection of any E'weesi'ek (game), fish, reptiles, amphibians, hides, pelts, or furs in possession upon request of an Enforcement Officer. Violation of this provision shall be a class C infraction.

j. Harass or interfere with any legal licensed person fishing, hunting or trapping. Violation of this provisions shall be a class C infraction.

k. Engage in any fishing, hunting or trapping without first obtaining a Special Use Permit when the same is required under this Code or by Tribal regulation. Violation of this provision shall be a class B infraction, and shall result in a loss of harvesting privileges for at least 60 days.

l. Exceed established limits, or prohibited means of taking E'weesi'ek (game), fish, reptiles or amphibians or violate any other terms or conditions contained in any Special Use Permit. Violation of these provisions shall be a class C infraction, and the violator may be required to pay restitution to the Tribal community.

16.05. Any Tribal Member intentionally shooting, trapping, or attempting to trap, or to harm in any way, any Threatened, or Endangered Species will be held by Enforcement Officers until taken into custody by Federal officials for violation of Federal law.

16.06. Any Tribal Member who is a convicted felon must apply for a variance to possess or use a center fire shotgun or rifle, or handgun under 18 USC, Chapter 44.922 G1. A Board of Review shall be composed from a member of the Tribal Council, Tribal Law Enforcement Officer, a Tribal Conservation Enforcement Officer, and the Tribal Prosecutor. This does not apply to use of bow and arrow or muzzle loading black powder firearms.

## **Article XVII. Fines and Penalties**

17.01. Any licenses or permits authorized by this Code may be suspended or revoked by the Tribe.

17.02. Any violation of the regulations contained in this Code, or of the regulations established by the Tribe

regarding gathering, season, bag and creel limits, or restrictions on method or matter of gathering, or taking, E'weesi'ek (game) or fish shall be tried before the Tribal Court heard as provided by the Tribe and under such procedures as are prescribed by the Tribe.

17.03. The following fines shall apply to the civil infractions in this Code:

<b>CLASS OF INFRACTION</b>	<b>FINE</b>
Class A	\$50
Class B	\$100
Class C	\$250
Class D	\$500
Class E	\$1000

17.04. In addition to any other penalties provided by law, a person found liable for a civil infraction, upon a charge of illegal taking, killing, or possession of a plant, fish, migratory bird, or wildlife creature, shall reimburse the Tribe for each plant, fish, migratory bird, or wildlife creature, according to the following schedule.

<b>SPECIES</b>	<b>FINE</b>
Sturgeon, Grayling, any Endangered Species	\$1000
Elk, bear	\$500
Deer, wild turkey	\$250
Beaver, mink, otter, badger, bobcat Muskellunge, Tiger muskellunge	\$100
Any waterfowl Lake Trout, Brown trout, Rainbow trout, brook trout, Largemouth bass, Smallmouth bass, Walleye, Northern pike, Whitefish, Menominee whitefish	\$50
Rabbit, muskrat, squirrel, raccoon Ruffed grouse, woodcock, morning dove, ringneck pheasant, quail, sharptail grouse	\$30
Any fish or e'weesi'ek (game) animal not named	\$25

17.05. Repeat offenders may be fined up to \$5,000 and/or lose hunting, trapping or fishing privileges for an appropriate, at the discretion of the appropriate Tribal entity.