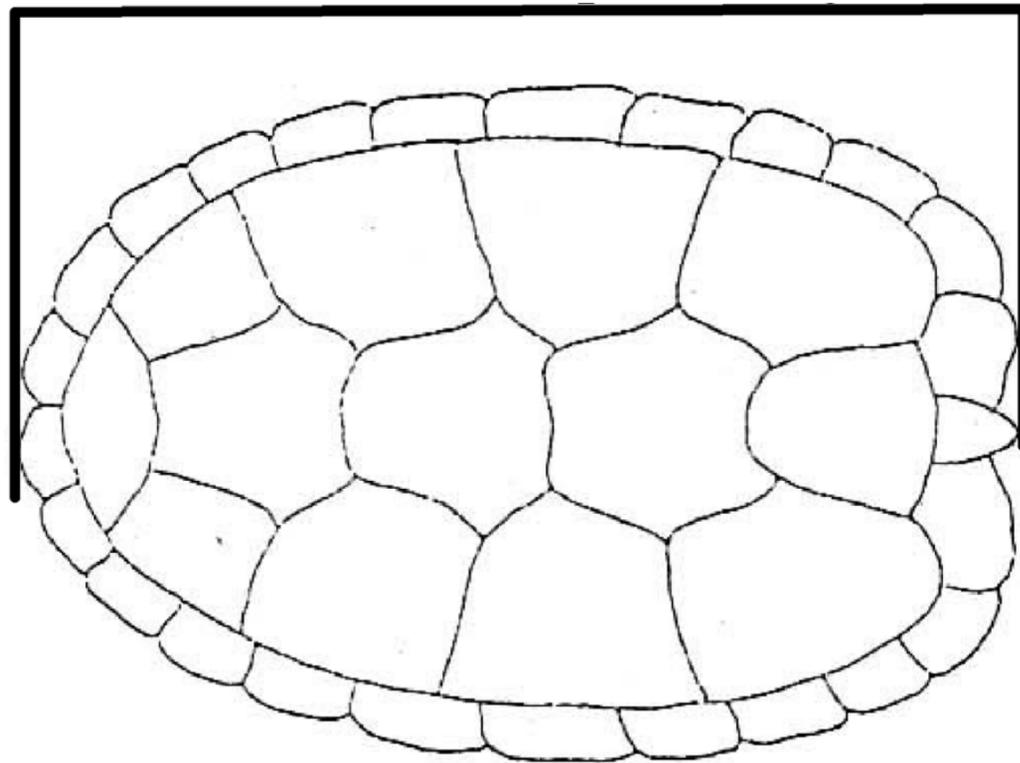


Species	Open Season	Bag Limit	Possession	Notes
Amphibians	Last Saturday in May through November 15	50 of each species per day	No more than 100 of any species at any given time	Note 1, 2, 3 & 5
Snapping turtle	July 1 through September 30	No bag limit	No possession limit	Note 1, 2, 4 & 5
Soft shell turtle				Note 1, 2, 3, 4 & 5
All other turtles, snakes, and lizards				Note 1, 2, 3, 4 & 5
<b>Note 1:</b> See Section 6.05 on Possession				
<b>Note 2:</b> See Section 6.06 on Transportation				
<b>Note 3:</b> No size limit on amphibians				
<b>Note 4:</b> No Tribal member may take snapping turtle or soft shell turtle less than twelve inch (12") maximum carapace length.				
<b>Note 5:</b> See Section 10.02 on Endangered, Threatened, and Special Concern Species				

**Carapace Length**



Message from the Director

**Boozhoo!**

The wisdom and responsibility of the Ogemuk (Chiefs) who signed the Treaty of 1836 among many things, preserved the usual privileges of occupancy for our People including the ability to hunt, fish, and gather so long as the land the activity was being conducted on was not deemed as settled.

For the past 170 years, our People have continued to fight to uphold Treaty Rights our Ogemuk left for us and last year, after a long and difficult negotiation process, we were able to enter into another Treaty that is referred to as the 2007 Consent Decree. It is also important to note that when this deal was agreed upon, that our reaffirmed Rights to hunt, fish and gather will never expire.

With that said, we proudly present the 2008-09 Hunting regulation booklet.

Have a safe and productive hunting season.

*Jimmie Mitchell*

Species	Open Season	Bag Limit	Possession	Notes
Beaver	October 1 through March 1; Lower Peninsula and October 1 through March 15; Upper Peninsula	No bag limit	No possession limit	Note 2 & 3
River Otter	October 1 through March 1; Lower Peninsula and October 1 through March 15; Upper Peninsula	2 per season	2 per season	Note 1, 2, 3 & 5
Bobcat	October 1 through March 1; Lower Peninsula and October 1 through March 15; Upper Peninsula	2 per season (combined hunting and trapping)	2 per season (combined hunting and trapping)	Note 1, 2, 3, 4 & 5
Pine Marten & Fisher	October 1 through March 15; Upper Peninsula Only	2 of each species per season	2 of each species per season	Note 1, 2, 3 & 5
Badger	October 1 through March 1; Lower Peninsula and October 1 through March 15; Upper Peninsula	2 per season (combined hunting and trapping)	2 per season (combined hunting and trapping)	Note 2 & 3
Muskrat, mink, raccoon, red fox, gray fox, and coyote	October 1 through March 1; Lower Peninsula and October 1 through March 15; Upper Peninsula	No bag limit	No possession limit	
<b>Note 1:</b> See section 6.04 on Transport/Harvest Tags				
<b>Note 2:</b> See Section 6.05 on Possession				
<b>Note 3:</b> See Section 6.06 on Transportation				
<b>Note 4:</b> Only 1 bobcat may be harvested from the Lower Peninsula and Drummond Island				
<b>Note 5:</b> See Section 6.28 on Registration of Hides				

Species	Open Season	Bag Limit	Possession	Notes
Ducks	September 15 through January 20	12 per day	No more than 2 times the daily bag limit.	Note 1, 2, & 3
Coots and gallinules		12 per day		
Canada Geese	September 1 through February 8	5 per day		Note 2 & 3
White front, brant, snow, and blue geese	September 1 through November 30	10 per day		
Snipe, sora rail, and morning dove	September 1 through November 14	10 per day		
Woodcock		5 per day		
<b>Note 1:</b> Ducks: 12 per day, with no more than 2 pintail, 2 canvasback, 1 hooded merganser, 3 black ducks, 3 wood ducks, 3 redheads and 6 mallards, only 3 of which may be hens.				
<b>Note 2:</b> See Section 6.05 on Possession				
<b>Note 3:</b> See Section 6.06 on Transportation				

<b>Table 1. Hunting Seasons and Bag Limits</b>				
<b>Species</b>	<b>Open Season</b>	<b>Bag Limit</b>	<b>Possession</b>	<b>Notes</b>
Small Game (see list below)	September 1 through April 1	10 of each species per day	No more than 2 days limit per member.	Note 2 & 3
Deer: Bow and Crossbow	Day after Labor Day through Sunday of the first full weekend in January	5 per year (all seasons combined), no more than 2 of which may be antlered	5 per year (all seasons combined), no more than 2 of which may be antlered	Note 1, 2, 3 & 4
Firearm: Early Season	Day after Labor Day through October 31.	2 deer, no more than 1 of which may be antlered		
Firearm: Late Season	November 15 through the Sunday of the first full weekend in January.	5 per year (all seasons combined), no more than 2 of which may be antlered		Note 1, 2, 3, 4 & 5
Wild Turkey: Fall Season	October 1 through November 14	2 birds of either sex	2 birds of either sex	Note 1, 2 & 3
Wild Turkey: Spring Season	April 15 through June 15	2 adult males with a visible beard	2 adult males with a visible beard	
Bobcat	October 1 through March 1	2 per season (combined hunting and trapping)	2 per season (combined hunting and trapping)	Note 6 & 7
Pine Marten & Fisher	October 1 through March 15 (Upper Peninsula Only)	2 of each species per season	2 of each species per season	Note 1, 2, 3 & 7
Badger, Mink, Gray Fox & Red Fox	October 1 through March 1	No bag limit	No possession limit	Note 1, 2 & 3
Coyote	No closed season			
Raccoon	October 1 through March 15			
<b>Note 1:</b> See section 6.04 on Transport/Harvest Tags				
<b>Note 2:</b> See Section 6.05 on Possession				
<b>Note 3:</b> See Section 6.06 on Transportation				
<b>Note 4:</b> Antlered Deer: A deer with at least one antler of three inches (3") or more.				
<b>Note 5:</b> Late firearm season for Tribal lands will commence on November 1 and end the Sunday of the first full weekend in January.				
<b>Note 6:</b> Only 1 bobcat may be harvested from the Lower Peninsula and Drummond Island				
<b>Note 7:</b> See Section 6.28 on Registration of Hides				
Small Game species include: Ruffed grouse, ring-neck pheasant, cottontail rabbit, snowshoe hare, gray squirrel, black squirrel, fox squirrel, red squirrel, quail, woodchuck, porcupine, sharptail grouse and crow.				

## Table of Contents

Section 1: Purpose .....	4
Section 2: Scope and Application .....	4
Section 3: Definitions .....	4
Section 4: Land and Waters on which Tribal Members may exercise Inland Article 13 Rights.....	7
Section 5: Special Use Permits .....	9
Section 6: Hunting and Trapping Regulations .....	10
Part 1: License and Tag Requirements .....	10
Part 2: Weapons; Shooting Hours and Locations .....	10
Part 3: Prohibited and Restricted Methods; Hunter Harassment .....	12
Part 4: Hunting Platforms and Blinds .....	12
Part 5: Baiting .....	13
Part 6: Registration of Furbearers .....	13
Section 7: Hunting Seasons and Bag Limits .....	14
Section 8: Additional Trapping/Fur Harvester Regulations .....	14
Section 9: Additional Migratory Bird Regulations .....	15
Section 10: Amphibian and Reptile Regulations .....	16
Section 11: Wildlife Damage and Nuisance Animal Control .....	16
Section 12: Gathering Regulations .....	17
Section 13: Access to State and Federal Land .....	19
Section 14: Use and Construction of Temporary Structures on State Land .....	20
Section 15: Biological Assessment and Monitoring .....	20
Section 16: Possession and Use for Religious Purposes .....	21
Section 17: General Prohibitions .....	21
Section 18: Enforcement .....	22
Section 19: Penalties and Fines .....	22
Map 1. 1836 Ceded Territory Map including Shotgun Zone and TB Zone .....	25
Table 1. Hunting Seasons and Bag Limits .....	26
Table 2. Trapping Seasons and Bag Limits .....	27
Table 3. Migratory Bird Hunting Seasons and Bag Limits .....	27
Table 4. Amphibian and Reptile Seasons and Bag Limits .....	28

**SECTION 1: PURPOSE**

These Regulations are intended to achieve compliance with the Inland Consent Decree entered by the United States District Court in *United States v. State of Michigan*, Case No. 2: 73 CV 26, United States District Court for the Western District of Michigan (2007 Inland Consent Decree); to provide an orderly system for Tribal self-regulation regarding Tribal member exercise of their Inland Article 13 Rights; and to ensure the wise use and conservation of the inland resources for future generations.

**SECTION 2: SCOPE AND APPLICATION**

These regulations shall govern the exercise of Inland Article 13 Rights by Tribal members on lands and waters within the 1836 Ceded Territory. Pending further notice, Tribal members shall not exercise Inland Article 13 Rights in disputed areas lying generally between the Ford and Escanaba Rivers in the Upper Peninsula or on the Thunder Bay Peninsula in Alpena County.

**SECTION 3: DEFINITIONS**

- 3.01 **Amphibian** - A cold-blooded, smooth-skinned vertebrate of the class Amphibia. Amphibians hatch as aquatic larvae with gills and, in most species, then undergo metamorphosis into four-legged terrestrial adults with lungs for breathing air.
- 3.02 **Artificial Light**: Any man made source of light.
- 3.03 **Big game** (M'didaa-E'weesi'ek) - Whitetail deer, black bear, wild turkey, elk, and moose.
- 3.04 **Bow** - 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.
- 3.05 **Cased or encased** - Storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.
- 3.06 **Ceded Territory** - For purposes of these regulations, the Ceded Territory refers to all lands and waters within the boundaries of the territory ceded in Article First of the 1836 Treaty, notwithstanding the reservation of certain lands and waters in Articles Second and Third of said Treaty or in later treaties, statutes, executive orders or other instruments. The lands and inland waters within the boundaries of the territory ceded in Article First of the 1836 Treaty are depicted in Exhibit A hereto and are described in Article First of the Treaty as follows:  
  
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 Gitchy 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 (see map 1).
- 3.07 **CFA** - Michigan's Commercial Forest Act, Mich. Comp. Laws, § 324.51101 et seq.



B. **Criminal Penalties.** The commission of a criminal offense under this Section 20.04 shall be punished by a fine of not less than \$500.00 or more than \$5,000.00, or by imprisonment for not less than one (1) day or more than one (1) year, or performance of community service hours, or by any combination of such fine, imprisonment and community service.

C. The criminal penalties in this Section 19.04 shall be in addition to any forfeitures or restitutions assessed under Sections 19.05 and 19.06.

19.05 **Forfeiture.** The Tribal Court may, upon conviction of any person of any civil or criminal violation of these regulations, at the Court’s discretion and in addition to any other fines or penalties the Court may impose, order any materials seized from such person in accordance with Section 18.04 permanently forfeited.

19.06 **Restitution.** The Tribal Court may, upon conviction of any person of any civil or criminal violation of these regulations, at the Court’s discretion and in addition to any other fines or penalties the Court may impose, charge such person with the cost of providing equitable restitution to the Tribe for the damage caused by each violation. A person found liable for an 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: Restitution Table.

Restitution Table	Fine
cougar, moose, wolf and any Endangered or Threatened Species	\$1000
elk, bear	\$500
deer, wild turkey	\$250
beaver, mink, otter, badger, bobcat	\$100
Any waterfowl	\$50
rabbit, muskrat, squirrel, raccoon ruffed grouse, woodcock, morning dove, ringneck pheasant, quail, sharptail grouse	\$30
Any e’weesi’ek (game) animal not named, any non-game species	\$25

19.07 **Tribal Member Responsibility.** It shall be no defense in any criminal or civil prosecution under these regulations for a Tribal Member to claim a lack of awareness or understanding of these regulations or other applicable law.

19.08 **Federal Prosecution.** Nothing in these regulations shall be deemed to preclude a federal prosecution for a violation of federal law. Federal prosecution may be pursued in addition to or in lieu of other enforcement procedures provided by these regulations.

19.09 **State Jurisdiction Preempted.** It shall not be a defense to any civil infraction or criminal offense under these regulations that the alleged activity may be lawful under State law.

19.10 **Repeat offenders** May be fined up to \$5,000 and/or lose their hunting, trapping, fishing or gathering rights, licenses, or permits for specified periods of time as deemed appropriate by the Natural Resource Commission.

19.11 **Formal complaint process.** Any Tribal Member may file a formal complaint of unprofessional conduct against any Federal, Tribal or State law enforcement and/or conservation officer. Forms for filing formal complaints may be obtained from the Natural Resource Department.

3.08 **CITES** – Convention on the International Trade of Endangered Species. Species subject to CITES are listed in 50 C.F.R. Part 23, Appendices I, II and III.

3.09 **Commercial Purposes** - 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.

3.10 **Crossbow** - A device using a bow that, once drawn, is held solely by means other than the effort of the person firing it.

3.11 **Disabled Tribal Hunter** - A person who has been diagnosed by a certified Physician to be permanently physically disabled.

3.12 **Endangered Species** - 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.

3.13 **Enforcement Officer** - Any officer authorized to enforce these regulations under Section 18.01 below.

3.14 **Firearm** - A weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion.

3.15 **Furbearer** - Fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, and muskrat mink, weasel, skunk, raccoon, badger, wolf, cougar, pine marten, fisher and opossum.

3.16 **Game** (E’weesi’ek) - Gaachiinhi-E’weesi’ek (small game) and M’didaa E’weesi’ek (big game).

3.17 **Gather or Gathering-** To take, acquire or attempt to take or acquire possession of any wild plant or part thereof or any other natural resource, except that Gather and Gathering do not include Hunting, Trapping or Fishing.

3.18 **Harvesting Activity** - Hunting, Trapping, Fishing or Gathering or any combination thereof.

3.19 **Hunt or Hunting** - The shooting, shooting at, pursuing, taking, catching, trapping, or killing any wild animal or animals.

3.20 **Inland Article 13 Rights** - The right to hunt, and the other usual privileges of occupancy, secured by Article 13 of the 1836 Treaty of Washington, 7 Stat. 491, in the inland portion of the Ceded Territory. Subject to the provisions of these Regulations, Inland Article 13 Rights include the rights of Tribal members: (i) to Hunt, Fish, Trap, and Gather natural resources, without limitation as to the species (including non-native and artificially propagated species) targeted for harvest, the season or method of harvest, or the use of the resource harvested; (ii) to engage in other historically traditional activities (such as the construction and use of sweat lodges); and (iii) to obtain assistance from non-Tribal members to engage in the foregoing activities in accordance with the following principles:

**General Principle 1.** A Tribal member may engage in Hunting, Fishing, Trapping, or Gathering with any other person who is not a member of an 1836 Treaty Tribe, provided that the non-member possesses a license from, and complies with, the laws of the State of Michigan governing the subject activity.

**General Principle 2.** No Tribal member may be assisted in carrying out a usufructuary activity by a person who is not a member of an 1836 Treaty Tribe, unless the non-member is the spouse, parent, grandparent, child, grandchild, or sibling of the Tribal member, and the Tribal member is physically present during the activity.

**General Principle 3.** Permitted assistance by authorized non-members (as defined in General Principle 2) shall not include using a Spear or other gear to harvest fish, using a firearm or Bow, setting or placing traps or snares, uprooting a plant, or removing parts of plant from a plant left growing.

**General Principle 4.** Any person may assist a Tribal member holding a Disabled Hunter’s Permit, but shall not Hunt or carry a firearm or Bow unless authorized to do so by Tribal or Michigan law.

3.21 **MDNR** - The Michigan Department of Natural Resources, its successor entities, and those authorized

persons or entities acting on its behalf.

- 3.22 **Migratory Birds** - Birds subject to the Migratory Bird Treaty Act, 16 U.S.C. Sections 9.01-9.03, and its implementing regulations, including ducks, geese, swans, doves, rails, coots, gallinules, woodcock and snipe.
- 3.23 **Muzzleloader**- A muzzleloading rifle, a muzzleloading shotgun, or a black powdered handgun which receives a black powder or a commercially manufactured black powdered substitute charge through the muzzle, as distinguished from one which is loaded at the breech.
- 3.24 **NRD or Natural Resources Department** – The Little River Band of Ottawa Indians Natural Resource Department.
- 3.25 **Personal Use** - 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:
1. “Family” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
  2. “Handicraft articles” means articles 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
  3. “Barter” means the exchange of natural resources or parts thereof for personal uses.
- 3.26 **Physician** - person duly licensed to practice medicine or osteopathic medicine and surgery in any State in the United States or with the United States Public Health Service or Indian Health Service.
- 3.27 **Regulations** - These regulations including any subsequent amendments to these regulations and any separate Tribal treaty hunting, fishing trapping or gathering regulations enacted by the Tribe.
- 3.28 **Reptiles** - Any of various cold-blooded, usually egg-laying vertebrates of the class Reptilia, such as a snake, lizard, crocodile, turtle, having an external covering of scales or horny plates and breathing by means of lungs.
- 3.29 **Roadways** - Any governmental or corporate roadways where vehicular traffic is not restricted and the roadway is routinely used by the general public.
- 3.30 **Safety Zone** - Any area within 150 yards (450 feet) of any occupied dwelling, house, residence, cabin, camp, cottage, barn, or other structure.
- 3.31 **Shotgun Zone** – Specifically, Michigan is divided into a northern rifle zone where rifles may be used for firearm deer hunting and southern shotgun zone where only shotguns, muzzle loading rifles and certain handguns may be used. The dividing line between the northern rifle deer hunting zone and the southern shotgun zone is as follows: Starting at a point on the Lake Michigan shoreline directly west of M-46, then easterly to M-46, then easterly along M-46 to US-131 at Cedar Springs, southerly on US-131 to M-57, easterly on M-57 to Montcalm Road on the Kent-Montcalm county line, southerly on Montcalm Road and the Kent-Ionia County line to M-44, easterly on M-44 to M-66, northerly on M-66 to M-57, easterly on M-57 to M-52 near Chesaning, northerly on M-52 to M-46, easterly on M-46 to M-47, northerly on M-47 to US-10 west of Bay City, easterly on US-10 to I-75, northerly on I-75 and US-23 to Beaver Road (about 1 mile north of Kawkawlin), easterly to Saginaw Bay, north 50 degrees east to the International Boundary (see map 1).
- 3.32 **Slingshot** - A "Y" shaped device with an elastic strip at the prong, or one strip of stretchable material,

19.02 Any violation of these regulations regarding gathering, season, bag and creel limits, or restrictions on method or matter of gathering or taking E'weesi'ek (game), furbearers, migratory birds, fish, reptiles or amphibians shall be tried before the Tribal Court under such procedures as are prescribed by Court Rule or Tribal law.

19.03 **Civil Infractions.** Except for the provisions of Section 19.04, these regulations are civil in nature. Violations may be punished by suspension or revocation of the hunting, trapping, fishing and/or gathering rights, licenses and/or permits of the violator, assessment of a fine of not less than \$50.00 and not more than \$1,000.00, assessment of community service hours, forfeitures as set forth in Section 19.05, restitution as set forth in Section 19.06, and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.

19.04 **Criminal Sanctions.**

- A. **Criminal Offenses.** It shall be a criminal offense for any person over whom the Tribe may assert criminal jurisdiction to:
1. Assault, resist, oppose, impede, intimidate, bribe, and attempt to bribe, or interfere with an Enforcement Officer engaged in enforcing these regulations.
  2. Violate any right, license or permit suspension or revocation order.
  3. Violate any court order.
  4. Possess, use, transport, sell, purchase, carry, ship, receive or distribute a firearm in violation of Federal law prohibiting convicted felons from doing so.
  5. Fail to report any injury to or death of any person resulting from the actions of any person taking or attempting to take any wild animal. Every possible assistance shall be rendered to the injured person prior to reporting the incident to the nearest law enforcement agency.
  6. Molest, disturb or appropriate any wild animal or plant or carcass thereof, which has been lawfully reduced to possession by or is otherwise owned by another.
  7. Damage or steal any nets, stands, traps or gear belonging to another hunter, fisher or trapper.
  8. Conspire or agree with another person or persons that they or one or more of them will engage in conduct which constitutes a crime.
  9. Conspire or agree to aid another person or persons in the planning or commission of such crime or of an attempt to commit such crime.
  10. Fail to obey the hand, voice, emergency light, visual or audible siren signal of an Enforcement Officer or other authorized law enforcement officer.
  11. Elude an Enforcement Officer, knowingly flee or attempt to evade an Enforcement Officer following a visible or audible signal to stop. A visible or audible signal under this section may include the use of hands, voice, emergency lights or sirens.
  12. Use unjustified force or violence or threaten the use thereof on an Enforcement Officer for the purpose of interfering or influencing the performance of an official duty.
  13. Fail to consent to any search as authorized in Section 18.04.
  14. Take any Threatened or Endangered Species except as authorized by these regulations.
  15. Engage in fraud or perjury in procuring a Tribal license or permit.

- C. Refuse to consent to any inspection or search as authorized in Section 18.04.
- D. Harass or interfere with any legally licensed person fishing, hunting, trapping or gathering or any duly authorized biological staff while in the performance of their duties.
- E. Fail to make a reasonable effort to recover dead or wounded game, furbearers or migratory birds.
- F. Engage in wanton destruction of game, furbearers, migratory birds, plants, fish, reptiles or amphibians.

**SECTION 18: ENFORCEMENT**

- 18.01 The Little River Band of Ottawa Indians’ law enforcement and/or conservation enforcement officers, law enforcement and/or conservation enforcement officers of one of the other Tribes with whom Little River has entered into a cooperative enforcement agreement, law enforcement and/or conservation enforcement officers employed by the State of Michigan if the prerequisites stated in the 2007 Inland Consent Decree have been satisfied, and federal law enforcement and/or conservation enforcement officers are authorized to enforce the provisions of these regulations. As defined in Section 3.13, any officer authorized to enforce these regulations is an Enforcement Officer. Violations shall be processed through the Tribal Court of the Little River Band of Ottawa Indians.
- 18.02 The Little River Band of Ottawa Indians’ law enforcement and/or conservation enforcement officers are hereby authorized to carry firearms in the performance of their duties under these regulations.
- 18.03 The Little River Band of Ottawa Indians’ law enforcement and/or conservation enforcement officers may stop and if necessary detain any person suspected of committing an offense under these regulations to determine whether the person is a Tribal member. Any Enforcement Officer may detain any Tribal member committing an offense and may seize or confiscate any fish, game, furbearers, wild animals, their parts or hides and/or any vehicles, vessels, firearms, bows, traps, nets, lines or any other associated paraphernalia used in committing the offense. All seized or confiscated material taken under this Section shall be held as evidence according to applicable Tribal law enforcement policies or turned over to the Tribal Court.
- 18.04 Searches and Seizures.
  - A. Any Enforcement Officer may, without a search warrant, search any aircraft, watercraft, motorized vehicle, box, wild animal bag, locker, tool box, ice chest, camper, camper shell, trailer, backpack, bedroll, sleeping bag, or other container or package if the officer has probable cause to believe that wild animals or parts thereof taken in violation of these regulations or the instrumentalities of such illegal taking are contained therein, and that such evidence will not be available absent immediate action.
  - B. Any Enforcement Officer may inspect any wild animals or parts thereof taken, possessed, or transported within the Ceded Territory, and may seize as evidence all wild animals or parts thereof that such officer has probable cause to believe has been taken, possessed, or transported in violation of these regulations, and any object that the officer has probable cause to believe has been used as the instrumentality of such illegal taking, possession, or transportation.
  - C. For all property seized as evidence, the Enforcement Officer shall make an inventory and provide a copy to the person from whom the property was taken. After the final disposition of the case, a hearing shall be held by the Tribal Court to determine the disposition of all property taken as evidence. Upon satisfactory proof of ownership, property taken as evidence shall be returned to the owner, except for contraband which shall be disposed pursuant to Tribal policy.

**SECTION 19: PENALTIES AND FINES**

- 19.01 Any hunting, trapping, fishing, and/or gathering rights, licenses or permits recognized or authorized by these regulations may be suspended or revoked by the Tribe, acting through the Natural Resources Commission or Tribal Court.

with a pocket on one end, used for projecting stones or other objects.

- 3.33 **Small game (Gaachiinhi-Eweesi’ek)** - 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.
- 3.34 **Targeting** - Fishing, hunting, trapping, or gathering with the intent of catching or taking one or more specific species of fish, wildlife, or plants.
- 3.35 **Threatened Species** - A species at risk of becoming endangered as determined by official action of the Tribal Council or by the United States Department of the Interior as set forth in 50 C.F.R. Part 17.
- 3.36 **Transport or Transportation** - Carrying or moving any wild animal, plant or fish or any part thereof by any vehicle or vessel, causing any wild animal, plant or fish or any part thereof to be carried or moved or attempting to do so, or accepting or receiving any wild animal, plant, or fish or any part thereof.
- 3.37 **Treaty** - The March 28, 1836 Treaty of Washington with the Ottawa’s, 7 Stat. 491.
- 3.38 **Tribe** - The Little River Band of Ottawa Indians
- 3.39 **Tribes** - “Tribes” means, collectively, the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, and the Little Traverse Bay Bands of Odawa Indians.
- 3.40 **Tribal Court** - The Court of the Little River Band of Ottawa Indians, except where the context references a Court or Hearing Body of one of the other Tribes.
- 3.41 **Tribal License** – A Tribal identification card or a separately issued hunting, trapping, fishing or gathering license issued by one of the Tribes to one of their members, which is valid and current.
- 3.42 **Tribal Member** - An enrolled member of the Little River Band of Ottawa Indians, except where the context references enrolled members of one or more of the other Tribes.
- 3.43 **Waters** - Inland Lakes and Streams.
- 3.44 **Wild animals** - All creatures, not human, wild by nature.

**SECTION 4: LANDS AND WATERS ON WHICH TRIBAL MEMBERS MAY EXERCISE INLAND ARTICLE 13 RIGHTS**

Tribal Members may exercise Inland Article 13 Rights, including hunting, fishing, trapping and gathering, on the following lands and inland waters within the Ceded Territory in accordance with the provisions of this Section 4 and other applicable provisions of these Regulations:

- 4.01 **General Public Lands and Waters.**
  - A. Public Lands. Tribal members may exercise particular Inland Article 13 Rights on public lands that are open to the public under federal or state law for the particular activity (e.g., hunting, fishing, trapping or gathering) subject to other applicable provisions of these Regulations.
  - B. Waters Located on Public Lands. Tribal members may exercise Inland Article 13 Rights on waters located on public lands that are open to the public under state or federal law for the particular activity (e.g., hunting, fishing, trapping or gathering) subject to other applicable provisions of these Regulations.

4.02 **State, County and Municipal Parks, State Wildlife Refuges, Formally Designated State Wildlife Research Areas, and Formally Designated State Fisheries Research Areas.** Tribal members may hunt and fish in these areas subject to specific regulations for each area. Contact the Natural Resource Department for area specific regulations.

4.03 **Lands and waters owned by any of the Tribes, their members, or their members' spouses.** Tribal members may engage in hunting, fishing, trapping and gathering activities on these lands and waters with permission of the owner subject to other applicable provisions of these regulations.

4.04 **Commercial Forest Act (CFA) Lands and Waters.** Tribal members may hunt, trap and fish on lands enrolled in the State's CFA program (including waters located on such lands) subject to the restrictions in this section. Tribal members may gather and exercise other Inland Article 13 Rights on lands enrolled in the State's CFA program (including waters located on such lands) in accordance with the provisions of Section 4.05 below.

A. CFA Landholdings of Less than One-Thousand (1,000) Acres. The Tribe or Tribal members must obtain permission from a CFA landowner in order to hunt, trap or fish on his or her CFA lands outside State seasons or methods if the CFA landowner owns, in the aggregate, less than one-thousand (1,000) acres in the CFA program. If permission is obtained, Tribal members may hunt, trap or fish on such lands subject to applicable provisions of these regulations. If permission is not obtained, Tribal members may hunt, trap or fish on such lands only during State seasons and only with State-approved methods. Tribal members hunting on such lands during State seasons with State-approved methods remain subject to other applicable provisions of these regulations.

B. CFA Landholdings of More than One-Thousand (1,000) Acres. The Tribes or their members do not need to obtain permission from a CFA landowner in order to hunt, trap or fish on his or her CFA lands outside State seasons or methods if the CFA landowner owns, in the aggregate, more than one-thousand (1,000) acres in the CFA program. Tribal members may hunt, trap and fish on these lands subject to applicable provisions of these Regulations.

C. Limiting Access. The generally applicable provisions of the CFA program allowing CFA landowners to limit access to CFA lands subject to active timber harvesting operations shall apply to hunting, trapping and fishing by Tribal members on CFA lands.

D. Vehicle use. Tribal members shall not use snowmobiles, all-terrain vehicles, or other motor vehicles on CFA lands if such use is prohibited under State law.

E. Permission is not required to hunt, trap or fish on any CFA lands, regardless of size of total ownership, during State seasons and with the use of State approved methods. Tribal members hunting, trapping or fishing on CFA lands during State seasons and with the use of State approved methods remains subject to other applicable provisions of these Regulations.

4.05 **Private lands and waters owned by non-Tribal members.** Except as otherwise provided in Section 4.04 above regarding CFA lands, Tribal members may exercise Inland Article 13 Rights on private lands and waters owned by non-Tribal members (that is, any person or entity other than one of the Tribes, their members or their members' spouses) subject to the following provisions and restrictions as well as other applicable provisions of these Regulations:

A. Permission Required. Except as otherwise provided below, Tribal members must have permission from the landowner or authorized lessee to exercise Inland Article 13 Rights on these lands and waters.

B. Limitation on Private Waters. In the case of private waters (that is, a non-navigable lake with no public access or a non-navigable stream segment on a parcel or parcels of private property), the grant of permission by a riparian owner must not violate the Michigan common law rights of any other riparian owner.

C. Permission Implied Under Recreational Trespass Act. During State seasons, permission for Tribal

authorized assessment permit at all times while conducting such assessment.

15.03 **Scientific Collector's Permit.** The Natural Resource Department may issue to its employees scientific collector's permits for the purpose of conducting biological assessments.

15.04 **Monitoring.** It shall be the duty of Tribal biologists to monitor take, harvest, natural growth and mortality of E'weesi'ek (game), furbearers, migratory birds, fish, reptiles, amphibians, and plants through the receipt of catch reports, E'weesi'ek (game) bag checks, patrols, jawbone retrieval, mail surveys, catch sampling and other means they determine to be appropriate.

15.05 **Emergency Action.** The Tribe's Natural Resources Commission may take or enact emergency measures in order to preserve the rights or resources of the Tribe and its members. This may include but is not limited to shortening or closing seasons, reducing bag limits and/or similar actions. The Commission may take such actions at any regularly scheduled meeting or by phone call poll for that purpose, provided that such emergency actions require a unanimous vote of the Commission. The Commission and NRD will make efforts to coordinate emergency actions with the other Tribes, the State, and the federal government as needed to preserve rights or resources and in accordance with the 2007 Inland Consent Decree.

15.06 **Technical Amendment.** The Tribe's Natural Resources Commission may make technical amendments to these regulations as needed for the protection of the resources addressed herein.

#### **SECTION 16: POSSESSION AND USE FOR RELIGIOUS PURPOSES**

16.01 No animal shall be taken, or plant or mineral gathered, by any Tribal member for any purpose except as generally authorized in these regulations or by Special Use Permit issued by the Natural Resource Department.

16.02 Nothing in these regulations shall be construed to prohibit the possession or use of any species of plant or animal by a Tribal member for spiritual practices.

16.03 If a Tribal member finds a dead eagle, hawk, furbearer, or any Threatened or Endangered Species, the member shall report the finding as soon as possible to the Natural Resource Department. The Tribal member must direct the appropriate Tribal authority to the place where the carcass was found. A Tribal Enforcement Officer shall take a sworn statement from the Tribal member regarding the circumstances under which the carcass was found. If the Tribal Enforcement Officer or appropriate Tribal authority is satisfied that the Tribal member was in no way involved in the intentional taking of the animal, the Tribal member may either keep the carcass or any part of it for spiritual practices or donate it to the Tribal repository, provided such action does not violate any applicable federal law.

16.04 To the extent determined permissible under applicable federal law, the Tribe may maintain a repository to keep parts of eagles, hawks, furbearers, and any Threatened or Endangered Species taken in violation of these regulations or other applicable Tribal law. Tribal members may request in writing animal parts from the repository for spiritual practices. The 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 Natural Resource Department may issue possession licenses if needed to protect Tribal members from non-tribal law enforcement agencies.

#### **SECTION 17: GENERAL PROHIBITIONS**

17.01 **No Tribal member may:**

A. Exceed established limits or engage in prohibited means of taking E'weesi'ek (game), furbearers, migratory birds, fish, reptiles, or amphibians, or violate any other terms or conditions contained in these regulations or any Special Use Permit.

B. Refuse to produce a license, permit, tag or other identification upon the request of an Enforcement Officer.

campground. Tribal members may camp on State Forest lands that are at least one-half mile away from a State Forest campground or the boundary of a State Park, except in areas closed to all camping by the Director of the MDNR. When camping on such State Forest lands, Tribal members must post a cost-free MDNR camping permit on site and follow State land use rules. MDNR camping permits may be obtained from the Natural Resource Department or from the local MDNR State Forest office.

13.02 **State Park and Public Access Site Fees.** A Tribal member engaged in the exercise of an Inland Article 13 Right or related activity will have any entrance, use or launch fees waived in a State Park or, when space is available, at a public access site on lands owned or managed by MDNR if such site is the only public access to a lake or stream segment, on the following conditions:

- A. The Tribal member is in possession of a Tribally issued enrollment card; and
- B. The Tribal member is in possession of a valid Tribally issued vehicle access placard and has it properly displayed in the window on the passenger side of the vehicle.

13.03 **Enforcement of State Park Regulations.** State of Michigan State park rangers are authorized to enforce applicable State park regulations against Tribal members within State parks.

**SECTION 14: USE AND CONSTRUCTION OF TEMPORARY STRUCTURES ON STATE LAND**

14.01 No Tribal member may place a structure on State lands except in accordance with the following provisions or as otherwise authorized by these regulations or applicable State law.

- A. **Temporary Structures.** Tribal members may construct a temporary structure, such as a sweat lodge, using on-site native materials on State Forest lands if they obtain and post a cost-free MDNR dispersed camping permit on site. The Natural Resource Department may issue such permits in accordance with the 2007 Inland Consent Decree. If a Tribal member seeks to construct a temporary structure on State Forest lands that exceeds one hundred (100) square feet, the Natural Resource Department must consult with and obtain the concurrence of the local MDNR forest manager before issuing the permit. Tribal members should allow at least thirty (30) for the Natural Resource Department to do so.
- B. **Prohibition of Non-native Materials.** No Tribal member may construct a temporary structure (other than a hunting blind) of any size on State lands from non-native, processed materials, such as dimensional lumber, plywood, siding or roofing, except that Tribal members may use canvas tarps or similar materials on temporary structures if such materials are removed from the site after use.
- C. **Duration of Use.** No Tribal member may leave a temporary structure on State Forest lands for fifteen (15) days or more without prior written approval from the Natural Resource Department. The Natural Resource Department may provide such approval after consulting with and obtaining the concurrence of the local MDNR Forest Manager in accordance with the 2007 Inland Consent Decree. Tribal members should allow at least thirty (30) days for the Natural Resource Department to do so. All structures must be dismantled and removed after use.

**SECTION 15: BIOLOGICAL ASSESSMENT AND MONITORING.**

15.01 **Biological Assessment.** The Natural Resource Department may require that Eweesi'ek (game), furbearers, migratory birds, fish, reptiles, amphibians, plants or the habitats of any of them within the Ceded Territory be subject to biological assessment. The purpose of such assessment is to insure long range preservation and management of these species and the ecosystems in which they live, and to develop appropriate changes to existing and future regulations as necessary to foster such preservation and management.

15.02 **Assessment Permits.** The Natural Resource Department may authorize a Tribal member to assist with or perform an assessment to assist the Tribe in gathering natural resource data to help manage natural resources more effectively. The Tribal member must have a valid Tribal License and must have in his/her possession a duly

members to hunt, fish and trap shall be implied on lands and waters open to the public for hunting, fishing and trapping under the Michigan Recreational Trespass Act, Mich. Comp. Laws, §§ 324.73101 *et seq.*, as now in force or hereafter amended.

D. **Requirements When Permission Not Implied.** When permission is not implied under Section 4.05C above, Tribal members hunting or trapping on these lands shall possess written evidence of permission from the landowner or authorized lessee, or the name and phone number of the landowner or authorized lessee from whom they obtained permission, and shall produce such written evidence or such name and phone number when requested to do so by an Enforcement Officer.

E. **Limitations on Hunting and Trapping.** Hunting and Trapping on these lands is limited to those seasons and methods available to State-licensed hunters and trappers, unless the Tribal member obtains a special needs subsistence or ceremonial permit from the Tribe, which shall be limited in number, and in which case the Tribal member shall be subject to the restrictions set forth in the permit as well as other applicable provisions of these regulations.

F. **Limitations on Fishing and the Exercise of Other Inland Article 13 Rights.** Fishing and the exercise of other Inland Article 13 Rights on these lands is subject to other applicable provisions of these Regulations.

**SECTION 5: SPECIAL USE PERMITS**

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

5.01 **Disabled Tribal Hunter Permits.** The Natural Resource 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. Any person may assist a Tribal member holding a Disabled Hunter's Permit, but shall not hunt or carry a firearm, bow, or crossbow unless authorized to do so by Tribal or Michigan law.

5.02 **Special Needs Subsistence/Ceremonial Permit.** When authorized by these regulations, Tribal members with special needs may request a permit from the Natural Resource Department to harvest or otherwise take resources. The grounds for issuing a Special Needs Permit include, but are not limited to, religious or ceremonial use in accordance with the traditions and customs of the Tribe, personal/family hardship, and traditional feasts, ceremonies or celebrations. To obtain a Special Needs Permits, a Tribal member must have a valid tribal license and request a special needs permit (and associated tags as may be necessary) in writing. A Tribal member with a Special Needs Permit may use the services of another properly licensed Tribal member to harvest an animal for the permittee if both the permittee and the helper are named on the permit.

5.03 **Road Kill Special Use Permit.** If a Tribal member accidentally strikes and mortally wounds a wild animal the harvest of which is regulated under these regulations while driving a motor vehicle or comes upon a fresh road kill of such animal, the Tribal member shall report the finding as soon as possible to an Enforcement Officer or a local law enforcement agency. The Enforcement Officer or local law enforcement agency may then authorize the issuance of a Road Kill Permit to allow the Tribal member to take and use such animal as long as such issuance is otherwise lawful

**SECTION 6: HUNTING AND TRAPPING REGULATIONS**

*Part 1: License and Tag Requirements*

- 6.01 **Hunting and Trapping License.** Any tribal member ten (10) years of age or older, who hunts or traps within the Ceded Territory, while having under his/her control or immediate possession any firearm, bow, crossbow, slingshot, or any other device capable of killing or restraining E'weesi'ek (game) or furbearers must have in his/her possession a valid and current Tribal Identification card.
- 6.02 **Hunter's Safety Course.** Any tribal member twenty-one (21) years of age or younger who hunts or traps in possession of a firearm any E'weesi'ek (game) or furbearer must either possess a previous license issued specifically for hunting or trapping by one of the Tribes or another lawful issuing agent or have successfully passed a recognized Hunter Safety Course. Possession of a Tribal Identification card alone is not sufficient to satisfy this requirement.
- 6.03 **Age Limits.**
- A. No Tribal member under ten (10) years old may hunt, except that a Tribal member under the age of ten (10) may trap without a bow, crossbow or firearm.
  - B. A Tribal Member must be at least ten (10) years of age to hunt or trap with a bow.
  - C. A Tribal member must be at least twelve (12) years of age to hunt or trap with a crossbow or firearm.
  - D. Any Tribal member from the age of twelve (12) through sixteen (16) years, while hunting with a crossbow or firearm, must be under the immediate control of an adult who must have in his/her possession a valid Tribal or State License.
- 6.04 **Transport/Harvest Tags.** In addition to the Tribal license required by Section 6.01, a Tribal member must obtain annual transport/harvest tags in order to harvest certain species.
- A. Annual harvest/transport tags must be obtained from the Natural Resource Department in advance in order to harvest deer, bear, elk or wild turkey; incidental tags must be obtained from the Natural Resource Department in advance in order to transport bobcat, fisher, marten or otter harvested incidentally out of season.
  - B. Harvest/transport/incidental tags must be completely filled out and affixed immediately to harvested animals and shall remain affixed during transport of the E'weesi'ek (game) and furbearers.
- 6.05 **Possession.** A legal and current Tribal License, a Special Use Permit if necessary, and any tags or permits as may be necessary are required to take, transport, or possess any E'weesi'ek (game), furbearers, migratory birds or parts thereof within the Ceded Territory and to possess or use a firearm, bow, or trapping device in the course thereof.
- 6.06 **Transportation.** E'weesi'ek (game) or furbearers lawfully taken by licensed Tribal members may be transported within or outside of the Ceded Territory provided that the Tribal member must have a valid and current Tribal license in possession. Transported E'weesi'ek (game) that requires a tag must be tagged with a transport/harvest tag containing all required information.

*Part 2: Weapons; Shooting Hours and Locations*

- 6.07 **Automatic & Semi-automatic Weapons.** 1) No Tribal member shall use in hunting, pursuing or killing a wild animal, or possess in an area frequented by wild animals, any fully automatic firearm. 2) No Tribal member shall use in hunting, pursuing or killing a wild animal, or possess in an area frequented by wild animals, any semi-automatic shotgun or center-fired rifle capable of holding more than six (6) shells in both the chamber or magazine combined, or use cartridges containing either tracer or exploding bullets. 3) All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.

- D. Black Ash, Basswood and/or Ironwood.
  - 1. Area Restriction. No Tribal member may collect Black Ash, Basswood or Ironwood from State lands other than those lands designated by the State and the Tribes for the collection of Black Ash, Basswood and Ironwood. The Natural Resource Department shall maintain a list of areas open to Tribal members for the collection of Black Ash, Basswood and Ironwood under this provision. A Tribal member may request that the Natural Resource Department seek the concurrence of the State to designate additional areas for the collection of Black Ash, Basswood or Ironwood.
  - 2. Permit Required. No Tribal member may collect Black Ash, Basswood or Ironwood from State lands without obtaining and having in possession a valid Tribal Black Ash/Basswood and/or Ironwood permit from the Natural Resource Department. The Natural Resource Department may issue such permits in accordance with the 2007 Inland Consent Decree.
  - 3. Commercial Use. No Tribal member may collect Black Ash, Basswood and/or Ironwood from State lands for commercial use except for individuals making traditional handicraft items.
- E. White Birch Bark.
  - 1. Area Restriction. No Tribal member may collect White Birch Bark from State lands other than those designated by the State and the Tribes for White Birch Bark collections. The Natural Resource Department shall maintain a list of areas open to Tribal members for White Birch Bark collection under this provision. A Tribal member may request that the Natural Resource Department seek the concurrence of the State to designate additional areas for White Birch Bark collection.
  - 2. Permit Required. No Tribal member may collect White Birch Bark from State lands without obtaining and having in possession a valid Tribal White Birch Bark permit from the Natural Resource Department. The Natural Resource Department may issue such permits in accordance with the 2007 Inland Consent Decree. Such permits shall contain provisions to prevent permanent damage to the trees, such as seasonal limitations and limitations on the quantity of bark that may be removed. No Tribal member collecting White Birch Bark with such a permit shall violate any condition in the permit.
  - 3. Additional Restrictions. In collecting White Birch Bark on State lands, no Tribal member shall:
    - a. Collect white birch bark from live trees within thirty-three feet (33') of the edge of roads or designated trails; or
    - b. Collect white birch bark for commercial use, except for individuals making traditional handicraft items.
- 12.04 **Modest Personal Sale.** Tribal members may gather plants and the products thereof, such as wild berries, mushrooms, pine cones, nuts and fruits, from State lands for producing modest levels of commodities for personal sale and may use the parts of harvested plants for the manufacture and sale of handicraft items.
- 12.05 **Threatened and Endangered Species.** No Tribal member may gather, collect, or be in possession of parts of any threatened or endangered species, except that Tribal members may harvest plants listed as threatened or endangered for personal use for medicinal, ceremonial or subsistence purposes unless prohibited by Federal law.

**SECTION 13: ACCESS TO STATE LAND**

- 13.01 **Camping.** Tribal members must follow MDNR general camping registration procedures, including payment of camping fees, and all other applicable rules and regulations when camping in a State Park or State Forest

this provision. A Tribal member may request that the Natural Resource Department seek the concurrence of the State to designate additional areas for firewood collection.

2. **Permit Required.** No Tribal member may collect firewood from State lands without first obtaining and having in possession a valid Tribal firewood permit from the Natural Resource Department. The Natural Resource Department may issue such permits in accordance with the 2007 Inland Consent Decree. Such permits shall be for five standard cords per permit, and only one permit per household per year may be issued.
3. **Additional Restrictions.** In gathering firewood on State lands, no Tribal member may:
  - a. Cut or gather trees except those that are dead and down;
  - b. Collect firewood within State timber sale contract areas unless written permission is obtained from the timber sale contractor;
  - c. Cut or gather trees marked with paint;
  - d. Cut or gather cedar or hemlock trees, provided that this provision will not prohibit gathering of cedar or hemlock boughs in accordance with Section 12.03C below; or
  - e. Sell firewood cut or gathered from State land.

C. **Conifer Boughs.**

1. **Area Restriction.** No Tribal member may collect conifer boughs from standing trees on State lands other than those lands designated by the State and the Tribes for conifer bough collection. The Natural Resource Department shall maintain a list of areas open to Tribal members for conifer bough collection under this provision. A Tribal member may request that the Natural Resource Department seek the concurrence of the State to designate additional areas for conifer bough collection.
2. **Permit Required.** No Tribal member may collect conifer boughs on State lands without obtaining and having in possession a valid Tribal Conifer Bough permit from the Natural Resource Department. The Natural Resource Department may issue such permits in accordance with the 2007 Inland Consent Decree.
3. **Additional Restrictions.** In collecting conifer boughs on State lands, no Tribal member shall:
  - a. Collect conifer boughs within twenty feet (20') of the edge of roads, designated trails, or streams;
  - b. Establish new trails or roads to access collection areas;
  - c. Cut down trees for the purpose of gathering conifer boughs;
  - d. Remove boughs from trees less than twelve feet (12') in height;
  - e. Remove boughs from the upper half of a tree;
  - f. Gather or cut cedar or hemlock boughs except for modest quantities for personal medicinal or limited ceremonial uses; or
  - g. Collect conifer boughs for commercial use, except for individuals making traditional handcraft items.

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

6.09 **Additional Firearm Limitations.** 1) In hunting M'didaa-E'weesi'ek (big game) other than wild turkey, a Tribal member may not use a firearm other than a center fire rifle of .223 caliber or larger, muzzle loader of .40 caliber or larger, or shotgun using slug or buckshot. 2) In hunting wild turkey a Tribal member may not use a firearm other than a shotgun or muzzle loading shotgun using number four (#4) shot or smaller.

6.10 **Bow and Arrow Limitations.** In hunting Gaachiinhi-E'weesi'ek (small game) and M'didaa-E'weesi'ek (big game) a Tribal member may use a bow or crossbow, provided that a broad head with a cutting surface a minimum of one inch (1") diameter shall be used to hunt M'didaa-E'weesi'ek (big game) including wild turkey.

6.11 **Shooting Hours.** In hunting E'weesi'ek (game) or furbearers, no Tribal member shall shoot a firearm, bow or crossbow outside of lawful shooting hours. Lawful shooting hours are one half (½) hour before sunrise to one half (½) hour after sunset local time, except for migratory birds as provided in Section 9.01 below, and except for fox, raccoon, coyote and opossum, which may be hunted after sunset with use of dogs, game call, or artificial lights.

6.12 **Hunters Orange.** No Tribal member may 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 requirement does not apply to a Tribal member hunting waterfowl, crow, wild turkey or predators, or to a Tribal member hunting with a bow only.

6.13 **Discharging Firearms, Bows and Crossbows.**

- A. A Tribal member may not discharge a firearm, bow or crossbow over or across a roadway.
- B. No Tribal member may discharge any firearm, arrow, or projectile from a motorized vehicle, provided, however, that a Tribal member may 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, and provided further that a Tribal member with a valid disabled hunter's permit may hunt from a standing motorized vehicle.

6.14 **Safety Zone.** No Tribal member may discharge a firearm, bow or crossbow or shoot at any wild animal within a safety zone, as defined in Section 3.31 of these regulations, without being the owner or occupant of the safety zone property or having permission of the owner or occupant of the safety zone property. Exception: This provision does not apply to indoor or outdoor shooting ranges, target shooting, or law enforcement activities.

6.15 **Shotgun Zone.** No Tribal member shall hunt deer in the shotgun zone with a firearm other than:

- A. A shotgun with a smooth or rifled barrel and of any gauge; or
- B. A muzzle loading rifle or black powder handgun loaded with black powder or a commercially manufactured black-powder substitute; or
- C. A conventional (smokeless powder) handgun of .35 caliber or larger and loaded with straight-walled cartridges and single- or multiple shot but which does not exceed a maximum capacity of nine rounds in the barrel and magazine combined.

Exception: .22 caliber or smaller rimfire rifles and handguns may be used to kill raccoon while hunting raccoons with dogs between the hours of 7 p.m. and 6 a.m. on lands open to hunting throughout the Ceded Territory.

6.16 **Transportation of Firearms, Bows and Crossbows.**

- A. No Tribal member may transport a firearm, other than a handgun, in any motorized vehicle within the Ceded Territory unless it is: 1) unloaded and in a gun case expressly made to contain a firearm, and the

case fully encloses the firearm and is zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the firearm exposed; or 2) unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

- B. With the exception of a pistol carried under the authority of a concealed pistol license, no Tribal member may carry a handgun while in the field unless the handgun is in plain view. Carrying a handgun in a holster in plain view is permitted. No Tribal member may transport a handgun while enroute to and from a hunting area, however, with the exception of a pistol carried under the authority of a concealed pistol License, unless the handgun, including a BB gun larger than .177 caliber and any pellet gun, is unloaded and carried in a container or wrapper in the trunk of the vehicle or, if the vehicle does not have a trunk, the handgun is unloaded and carried in a container or wrapper and is not be readily accessible to any occupant of the vehicle.
- C. No Tribal member may transport a bow or crossbow in a motor vehicle unless the bow is: 1) unstrung; or 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.
- D. No Tribal member may transport a muzzleloader rifle in a motor vehicle unless the muzzleloader: 1) has the cap removed and is completely contained in a case expressly made to contain it; or 2) is unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

***Part 3: Prohibited and Restricted Methods; Hunter Harassment***

- 6.17 **Artificial Light.** Except as otherwise provided in these regulations, no Tribal member shall use an artificial light (including vehicle lights) to locate wild animals (excluding fish) at any time during November or between 11 p.m. and 6 a.m. during the rest of the year. No Tribal member may use an artificial light on a highway or in a field, wetland, woodland, or forest while having in his or her possession or control a firearm, bow or crossbow or other device capable of shooting a projectile. (It is a violation of federal law to shine at any time on any National Wildlife Refuge.)
- 6.18 **Pursuit with Vehicles.** No Tribal member may hunt or pursue any E'weesi'ek (game) with an automobile, motorcycle, off road vehicle, airplane, snowmobile, motorboat, or any other motorized or wind powered vehicle or boat.
- 6.19 **Harmful Substances.** No Tribal member may take any E'weesi'ek (game), furbearers or migratory birds by use of explosive, live decoys, pitfalls, drugs, poisons, medicated bait, or other harmful or stupefying substances.
- 6.20 **Trapping M'didaa-E'weesi'ek (big game).** No Tribal member may trap or snare M'didaa-E'weesi'ek (big game).
- 6.21 **Shooting of Animals While in the Water.** No Tribal member may shoot E'weesi'ek (game) or furbearers while they are swimming.
- 6.22 **Driving Wildlife.** No Tribal member may set or use fire to drive wild animals or to attempt to take wild animals.
- 6.23 **Hunting M'didaa-E'weesi'ek (big game) with Dogs.** 1) No Tribal member may hunt deer, elk, or wild turkey with dogs, except that a Tribal member may hunt wild turkey with dogs during the fall season and may use leashed dogs to track wounded deer. 2) A Tribal member may use dogs to hunt bear provided that no more than six dogs per pack are used and that if relaying no more than six dogs are used.
- 6.24 **Harassment of Hunters.** No Tribal member may harass, impede, or interfere with any legally licensed hunter.

***Part 4: Hunting Platforms and Blinds***

- 6.25 **Hunting from Platforms.** Tribal Members may hunt E'weesi'ek (game) or furbearers from a tree or portable

**SECTION 12: GATHERING REGULATIONS**

**12.01 No Tribal member may gather:**

- A. on State lands except as authorized by these regulations;
- B. on Forest Service lands except in accordance with the MOU between the Tribe and the Forest Service and any implementing regulations adopted by the Tribe;
- C. on Tribal lands except in accordance with gathering permits issued by the Natural Resource Department; or
- D. on private lands except with the consent of the owner or authorized lessee.

**12.02 General Regulations for Gathering on State Lands.** Tribal members may gather plants and other natural resources on State lands for personal, medicinal, cultural or traditional craft use, provided that no Tribal member may excavate or mine sand, gravel or other minerals on State lands except in accordance with applicable State law. No Tribal member may use plants or other natural resources gathered on State lands for commercial purposes except as specifically provided in this Section 13.

**12.03 Species Specific Regulations for Gathering on State Lands.**

- A. Maple Syrup/Sugar Bushes.
  - 1. Area Restriction. No Tribal member may engage in sugar bush operations on State lands other than those designated by the State and the Tribes through the use of the MDNR's Special Conservation Area (SCA) program or another mechanism, or as otherwise agreed by the Tribe and the State to accommodate one-time or occasional (as opposed to annual) use of a limited number of trees (no more than a total of twelve). The Natural Resource Department shall maintain a list of areas open to Tribal members for sugar bush operations under this provision. A Tribal member may request that the Natural Resource Department seek the concurrence of the State to designate additional areas for sugar bush operations under one of the mechanisms set forth above.
  - 2. Permit Required. No Tribal member may engage in sugar bush operations on State Forest land without first obtaining a valid Tribal Sugar Bush permit from the Natural Resource Department. The Natural Resource Department may issue such permits in accordance with the 2007 Inland Consent Decree. Permits for sugar bush operations involving more than a total of twelve (12) trees will specify the number of trees and trees per acre that can be tapped and the number of temporary structures that may be erected. No Tribal member engaging in sugar bush operations under such a permit shall tap more trees or trees per acre or erect more temporary structures than specified in the permit.
  - 3. Additional Restrictions. In conducting sugar bush operations on State lands:
    - a. No Tribal member may use tubing, construct new trails or roads to access sugar bushes, or construct permanent structures; and
    - b. Tribal members must remove any temporary structures and/or any refuse by the permit expiration date.
- B. Firewood.
  - 1. Area Restriction. No Tribal member may collect firewood from State lands other than those lands designated by the State and the Tribes for firewood collection. The Natural Resource Department shall maintain a list of areas open to Tribal members for firewood collection under

- J. Use or be in possession of any shot other than non toxic shot to take migratory birds; provided, however, that a Tribal member may hunt woodcock and morning dove with shot other than 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, any other craft having a motor attached, or a sailboat unless the motor is completely off and/or the sails are completely furled, 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 shall be considered baited for ten (10) days after such bait has been removed. A Tribal member may hunt migratory birds in agricultural fields where crops are standing, have been harvested as a part of normal agricultural operational procedures, or have been 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 regulation in 50 C.F.R. Part 20 or any Federal law referenced therein with respect to hunting migratory birds.
- Q. Swans: No Tribal member may shoot or attempt to shoot swans.

9.03 **Seasons.** No Tribal member shall hunt migratory birds except during the seasons set forth in Table 3.

**SECTION 10: AMPHIBIANS AND REPTILES REGULATIONS**

- 10.01 **Methods.** No Tribal member may shoot an amphibian or reptile with a firearm (including a spring, air, or gas propelled firearm), bow, crossbow, or slingshot. Tribal members may take amphibians and reptiles by hand, trap, dip nets, seines and hook and line, and may spear frogs. All traps used for turtles must have at least four inches (4") of air space inside the trap.
- 10.02 **Endangered and Threatened Species.** No Tribal member shall take or possess any endangered or threatened amphibian or reptile as defined in Section 3.12 or 3.35 except as authorized by the Natural Resource Department in accordance with these regulations or other applicable law.
- 10.03 **Seasons.** No Tribal member shall harvest amphibians and reptiles except during the seasons set forth in Table 4.
- 10.04 **No Tribal member may take an amphibian or reptile except for personal use only.**

**SECTION 11: WILDLIFE DAMAGE AND NUISANCE ANIMAL CONTROL**

- 11.01 **Nuisance Control Permit.** The Natural Resource Department may issue Special Use permits to Tribal members to authorize the taking of wild animals that are damaging or about to damage property owned or controlled by the Tribe or a Tribal member. Such permits shall contain such terms and conditions as deemed necessary or appropriate by the Department and shall require the Tribal member to report what actions were implemented.
- 11.02 **Private Land.** Coyote, raccoon or crow may be taken on private property with permission from the land owner at any time if the animal poses an immediate threat of harm to any livestock or person(s). Any take under this provision must be reported to the Natural Resource Department within twenty-four (24) hours.

raised platform.

6.26 **Hunting Blinds** - Tribal members may use hunting blinds on public and tribal land subject to the following provisions:

- A. **Marking of Raised Hunting Platforms and Ground Blinds.** All raised platforms and ground blinds constructed from non-native, processed materials and erected or used on public or tribal lands must have the user's name and Tribal identification number permanently affixed in legible English letters a minimum of 2" high. A Tribal member's name on a tree stand or ground blind on public land does not guarantee exclusive use.
- B. Non-portable deer ground blinds utilizing man-made materials are prohibited on State lands prior to November 6.
- C. All deer blinds utilizing man-made materials must be removed from State lands by January 12.
- D. The use and placement of blinds utilizing man-made materials is prohibited in State Parks.
- E. All portable blinds must be removed from State land at the end of each day's hunt unless marked in accordance with Section 6.26A above.
- F. Raised hunting platforms and/or ground blinds, whether made of natural or man-made materials, that are erected or used on public or tribal land may not be affixed or attached to any tree by nails, screws, bolts or any item that penetrates through the bark of a tree, except that a "T" bolt or similar device supplied by a tree stand manufacturer for safety purposes may be used.
- G. Man made pit blinds are prohibited on public and tribal land.

**Part 5: Baiting**

6.27 **Baiting.**

- A. No Tribal Member may use salt and/or bait to hunt for E'weesi'ek (game) except for bear or deer or as otherwise permitted by these regulations.
- B. All containers used to carry bait to the site must be removed from the site.
- C. No drugs or poisons may be used.
- D. Baiting with use of use grains, fruits, vegetables, salts or any other minerals is limited to two (2) gallons dispersed over a one-hundred (100) square foot radius.
- E. No Tribal member may use bait in a TB zone designated by the Natural Resource Department (see map 1).

**Part 6: Registration of Furbearers**

6.28 **Registration of Hides.** A Tribal member must present any bobcat or otter harvested to the biological staff of one of the Tribes for inspection and registration within seventy-two (72) hours of harvest. A Tribal member must present any fisher or marten harvested to the biological staff of one of the Tribes for inspection and registration within two weeks of the close of the season in which the animal was harvested. Tribal members are strongly encouraged to call ahead to determine the availability of tribal biological staff or to make arrangements to register animals outside of normal business hours. All animals subject to CITES must be tagged in accordance with Federal law. Tribal members must notify the Natural Resource Department of harvest and location of registration.

- 6.29 **Possession of Unregistered Furbearers.** No Tribal member shall possess or transport a raw (un-processed/not tanned) unregistered (not sealed) bobcat, fisher, marten or otter after the required registration date.
- 6.30 **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 of such hides, furs or pelts under these regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. In order to export bobcat, otter or bear hides from the United States, a Tribal member must obtain a CITES permit within 72 hours of harvest. For details, contact the Natural Resource Department.

#### SECTION 7: HUNTING SEASONS AND BAG LIMITS

- 7.01 No Tribal member shall hunt E'weesi'ek (game) or furbearers except during the seasons set forth in this Section 7 or in excess of the bag limits set forth in this Section 7, unless otherwise authorized to do so by these regulations. See Table 1 (Hunting Seasons and Bag Limits).
- 7.02 **Special Needs Permits.** Notwithstanding the foregoing, the Natural Resource Department may issue a reasonably limited number of special needs permits for subsistence deer hunting and a reasonably limited number of special ceremonial permits that authorize Tribal members to harvest deer for ceremonies (including, by way of example but not limitation, ghost suppers, weddings, or funerals) at any time. Deer harvested pursuant to special ceremonial permits will not count toward the bag limits set forth above. An application for a special needs subsistence or ceremonial permit must be submitted in accordance with Section 5.02 above.
- 7.03 **No Tribal Moose season.**
- 7.04 **Black Bear** - The Tribes shall authorize their members to take no more than 10% of the available state harvest for each bear management unit that encompasses lands within the 1836 Ceded Territory. The tribes shall limit the harvest of bears to a season commencing no sooner than the beginning of the State's bear season and ending no later than the last day of the State's bear season. The Tribes may transfer Tribal bear permits among tribal members. Specific rules and regulations will be provided by the Natural Resource Commission.
- 7.05 **Elk** - The Tribes shall authorize their members to take 10% of either-sex elk permits issued by the State in such years and 10% of female elk permits issued by the State in such years. If the State issues less than a total of 101 permits but more than 50, then the Tribes shall limit their members' harvest to a maximum of five elk of either-sex and five female elk. If the State issues less than a total of 51 permits, the Tribes shall limit their members' harvest to a maximum of five elk in the same ratio of either-sex and female only permits that are issued by the State. The Tribes shall adopt regulations that are no less restrictive than State regulations governing the elk hunt, provided that the Tribes may allow tribal members to hunt elk for up to 15 days after the closure of the States' last elk season. The Tribes may also transfer Tribal elk hunting permits among Tribal members. Specific rules and regulations will be provided by the Natural Resource Commission.

#### SECTION 8: ADDITIONAL TRAPPING/FUR HARVESTER REGULATIONS

- 8.01 **Traps.** No Tribal member shall use a trap for harvesting furbearers, snowshoe hare or cottontail rabbit other than a leg hold, box type, or body gripping (conibear) six inches (6") square, or larger locking type snares as defined by the Natural Resource Commission.
- 8.02 **Trap Markings.** Tribal members shall clearly mark all traps and snares set with the name and current address of the Tribal member who set the trap.
- 8.03 **Tribal members shall attend all traps daily.**
- 8.04 **Incidental catches.** Incidental catches must be released if possible. If not, a Tribal member must turn any incidental catch into the Natural Resource Department within 72 hours of the harvest. The incidental catch may be returned to the harvester as determined by the Natural Resource Department.
- 8.05 **Barter of Hides & Flesh.** A Tribal member may possess, sell, barter or transport hides, furs or pelts of

furbearers lawfully taken, and may possess, sell, trade, barter or transport the flesh of beaver, raccoon or muskrat lawfully taken. A Tribal member may give any game lawfully taken to Tribal Elders or families in need.

- 8.06 **Live Animals for Trapping.** The Natural Resource Department may issue a permit authorizing a Tribal member to possess in a humane way during trapping season one (1) live coyote and two (2) live fox for the purpose of collecting urine and droppings for trapping. No Tribal member shall possess a live coyote or live fox without such a permit.
- 8.07 **Baiting.** A Tribal member may use parts of furbearers or small game as bait for trapping, provided that bait is placed where it is not readily accessible by raptors.
- 8.08 **Destruction of Furbearer Dens and Lodges.** No Tribal member may molest or break open the house, lodge, hole, nest, burrow, or den of a furbearer.
- 8.09 **Beaver Dams.** No Tribal member may set a trap on a beaver dam or lodge unless the trap is fully submerged below the water.
- 8.10 **Seasons.** No Tribal member shall trap furbearers except during the seasons set forth in this Section 8 (See Table 2 – Trapping Seasons and Bag Limits).
- 8.11 **No Tribal member may possess an accidentally trapped non-target protected species such as lynx and gray wolf.** All accidentally trapped live animals shall be released if possible. A Tribal member immediately shall report the trapping of all other such animals to a Enforcement Officer or the Natural Resource Department (*see* Section 8.04, Incidental Catches).

#### SECTION 9: ADDITIONAL MIGRATORY BIRD REGULATIONS

- 9.01 **Shooting Hours.** Shooting Hours. In hunting migratory birds, no Tribal member shall shoot a firearm, bow or crossbow outside of lawful shooting hours. Lawful shooting hours are from one half (1/2) hour before sunrise until sunset local time.
- 9.02 **Restrictions.** No Tribal member may:
- 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 a 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, 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.