Hunting, Trapping, and Gathering Regulations for the 1836 Ceded Territory

Article 1. Purpose, Findings.

1.01. *Purpose.* These regulations are promulgated for the following reasons:

a. To achieve compliance with the Inland Consent Decree entered into on November 2, 2007 in *United States v. Michigan,* Case No. 2:73 CV 26 in the United States District Court for the Western District of Michigan; and

b. To provide for an orderly system of Tribal self-regulation regarding members' exercise of their Inland Article 13 Rights; and

c. To ensure the wise use and conservation of the inland resources for future generations.

1.02. *Findings.* The Natural Resource Commission makes the following findings:

a. The Constitution of the Little River Band of Ottawa Indians vests the Tribal Council with the power to exercise the inherent powers of the Band by establishing through the enactment of ordinances and adoption of resolutions that govern the conduct of its members and other persons within its jurisdiction and that promote, protect, and provide for public health, peace, morals, education, and general welfare of the Band's members (Article IV, Section 7(a)); and

b. The Constitution of the Little River Band of Ottawa Indians further vests in the Tribal Council the power to delegate its legislative and rulemaking authority regulatory commissions and subordinate organizations to manage its affairs (Article IV, Section 7(f)); and

c. Tribal Council created this Natural Resource Commission as a subordinate regulatory commission to oversee and regulate the wise utilization of natural resources within its jurisdiction in Ordinance #06-500-01, adopted by Resolution #12-0229-052; and

d. Clear and thorough regulations governing the exercise of Article 13 Inland Rights will satisfy the Tribe's obligations assumed by virtue of its status as a Plaintiff/Intervenor in *United States v. Michigan,* Case No. 2:73 CV 26 and as a member of the Chippewa Ottawa Resource Authority.

Article 2. Adoption, Amendment, Repeal, Severability.

2.01. *Adoption.* The Natural Resource Commission adopts these regulations by Resolution #NRC-2018-0820-05. Tribal Council approved the adoption of these regulations by Resolution #18-0822-255.

2.02. *Amendment.* The Natural Resource Commission or Tribal Council may amend these regulations according to the AdministrativeProcedures Act, Ordinance #04-100-07.

2.03. *Repeal.* The Natural Resource Commission or Tribal Council may repeal these regulations according to the Administrative Procedures Act, Ordinance #04-100-07.

2.04. *Severability.* If any provision of these regulations 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 that end the provisions of these regulations are severable.

Article 3. Definitions.

3.01. *General.* For purposes of these regulations, certain terms and phrases are defined in this Article. Use of the word "shall" throughout these regulations is always mandatory and never merely advisory.

3.02. *Amphibian* means a cold-blooded, smooth-skinned vertebrate of the class *Amphibia.* Amphibians hatch as aquatic larvae with gills and usually undergo metamorphosis into four-legged terrestrial adults with lungs for breathing air.

3.03. *Artificial Light* means any man-made source of light.

3.04 *Bag Limit* means the daily limit in the amount of each species of game that may be taken by any one person.

3.05 *Bait* means any substances that are placed by any person and that may serve as an attraction to wildlife, fish or reptiles, and may include, but is not limited to, grain or animal remains.

3.06 *Barter* means the act of trading goods or services between Tribal members for other goods or services rather than money.

3.07. *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. *See also* Crossbow.

3.08. *Cased* or *Encased* means storage of a weapon in any device or case made to contain that weapon so that no portion is exposed.

3.09. *Ceded Territory* means 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 that 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 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, then 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 the 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.

3.10. *Closed Area* means any area of Tribal lands set aside for the exclusive use of enrolled members of the Little River Band of Ottawa Indians and their immediate family members per Tribal Council Resolution #00-1006-01, Paragraph (b) and Interim Land Use Ordinance #00-1212-08.

3.11. *Closed Lands* means Tribal Trust Lands or Tribal Fee Lands access to which is prohibited by the Tribal Council because of the cultural sensitivity of the lands or for other reasons; such lands shall remain closed until such time that Tribal Council restores access to them.

3.12. *Closed Season* means the period of time during which the taking and sale of specific wildlife is prohibited.

3.13. *Commercial Forest Act (CFA)* means Michigan Commercial Forest Act, Mich. Comp. Laws, *§§* 324.51101 *et seq.*

3.14. *Commercial Purposes* means harvesting a natural resource to sell the resource or its parts. It does not include harvesting a resource for personal use.

3.15. *Commission* means the Natural Resource Commission of the Little River Band of Ottawa Indians.

3.16. *Convention on the International Trade of Endangered Species (CITES)* means 50 CFR Part 23, Appendices I, II and III.

3.17. *CORA* means the Chippewa Ottawa Resource Authority.

3.18. *Crossbow* means a device using a bow that, once drawn, is held solely by means other than the effort of the person firing it. *See also* Bow, § 3.

3.19. *Department* means the Natural Resource Department of the Little River Band of Ottawa Indians.

3.20. *Director* means the Director of the Natural Resource Department or the individual authorized to act in that capacity by the Tribal Ogema.

3.21. *Disabled Tribal Hunter* means for the purposes of Tribal lands, a Disabled Tribal Hunter means a person who is unable to walk unassisted due to a permanent or temporary physical disability as diagnosed by a certified Physician.

3.22. *Endangered Species* means any species of wildlife or plant designated as rare or endangered by the Tribal Council, the State of Michigan, or by the United States Department of the Interior as set forth in 50 CFR Part 17.

3.23. *Enforcement Officer* means any officer authorized to enforce these regulations as described in these regulations.

3.24. *E'weesi'ek* means game. It includes *Gaachiinhi-E'weesi'ek,* meaning small game, and *M'didaa E'weesi'ek,* meaning big game.

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

3.26. *Furbearer* means fur-bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat, mink, weasel, skunk, raccoon, badger, wolf, cougar, American marten, fisher, and opossum.

3.27. *Gaachiinhi-E'weesi'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, opossum, weasel, skunk, ground squirrel, feral swine, feral pigeon, starling, house sparrow, sharp tail grouse, and crow.

3.28. *Handicraft articles* means articles produced, decorated or fashioned in the exercise of traditional Indian handicrafts, such as but not limited to carving, weaving, beading, pottery, drawing, or painting, without the use of mass copying devices.

3.29. *Harvest or Harvesting Activity* means hunting, trapping, fishing, or gathering or any combination thereof.

3.30. *Hunt* or *Hunting* means shooting, shooting at, pursuing, taking, catching, trapping, or killing any wild animals or attempting to do any of the foregoing. Such term does not include stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures or making sound recordings thereof.

3.31. *Immediate Family Member* means a spouse, parent, child, or grandchild or an enrolled Tribal member per resolution #00-0925-01.

3.32. *Immediate Possession* means within arm's reach of the hunter, fisher, trapper, or gatherer.

3.33. *Inland Article 13 Rights* means the right to hunt, and other usual privileges of occupancy, secured by Article 13 of the 1836 Treaty of Washington, 7 Stat 491, in 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, (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.

3.34. *License* means Tribal Identification card or State of Michigan License.

3.35. *Loaded Firearm* means any firearm having a live round of ammunition in the firearm.

3.36. *Member* means an enrolled member of the Little River Band of Ottawa Indians.

3.37. *M'dida-E'weesi'ek* (big game) means whitetail deer, black bear, wild turkey, elk, and moose.

3.38. *Michigan Department of Natural Resources (MDNR)* means that Department of the State of Michigan, its successor entities and those authorized persons or entities acting on its behalf.

3.39. *Migratory Birds* means birds subject to the Migratory Bird Treaty Act, 16 USC §§ 7.03-7.12 and its implementing regulations. It includes but is not limited to mourning dove, snipe, rail, and woodcock. It also includes but is not limited to waterfowl such as pintail, canvasback, hooded merganser, canvasback, black duck, red duck, wood duck, redhead, mallard duck, Canada goose, white-fronted goose, brant, and snow goose.

3.40. *Muzzleloader* means a muzzle-loading rifle, a muzzle-loading shotgun or a black powdered handgun which receives a black powder or a commercially manufactured black powder

substitute charge through the muzzle, as distinguished from one which is loaded at the breech.

3.41. *Natural Resources Department (NRD)* means the Natural Resources Department of the Little River Band of Ottawa Indians and any successor entities and those authorized persons acting on its behalf.

3.42. *Nocturnal Species* means those wildlife species that are most active during the night hours.

3.43. *Personal Use* means the use of natural resources by Tribal Members for direct personal or family consumption as food, medicine, shelter, fuel, clothing, or tools; cultural, ceremonial, or transportation purposes; trade or barter within Tribal communities; or making handicraft articles for sale, trade, or barter. For purposes of this section:

a. *Family* means all persons related by blood, marriage, adoption, or any person living within the household on a permanent basis;

b. *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

c. *Barter* means the exchange of natural resources or parts thereof for personal uses.

3.44. *Physician* means a person duly licensed to practice medicine or osteopathic medicine and surgery in any State in the United States, with the United States Public Health Service, or Indian Health Service.

3.45. *Possession Limit* means the amount of each species of game or fish that a person may possess on his/her person.

3.46. *Public Highways* means all roadways open to the public for vehicular travel.

3.47. *Regulations* means these regulations and any subsequent amendments to these regulations and any separate Tribal treaty hunting, fishing, trapping or gathering regulations enacted by the Tribe.

3.48. *Reptile* means any of various cold-blooded, usually egg-laying, vertebrates of the class *Reptilia,* such as a snake, lizard or turtle, usually having an external covering of scales or horny plates, and breathing by means of lungs.

3.49. *Reservation* means lands that are held in trust by the United States for the Little River Band of Ottawa Indians and located in the Michigan counties of Manistee, Mason, Wexford and Lake.

3.50. *Rifle* means a shoulder weapon with a rifled bore.

3.51. *Roadways* means any governmental or corporate roadways where vehicular traffic is not restricted and the roadway is routinely used by the general public.

3.52. *Safety Zone* means any area within 150 yards (450 feet) of any occupied dwelling, house, residence, cabin, camp, cottage, barn, or other structure.

3.53. *Shotgun* means a smooth bore or rifled barrel shoulder positioned weapon designed for firing shots or slugs.

3.54. *Shotgun Zone* means the area described in Appendix D of the 2007 Inland Consent Decree. Specifically, Michigan is divided into a northern rifle zone where rifles may be used for firearm deer hunting and a 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 1-75, northerly on 1-75 and US-23 to Beaver Road (about one mile north of Kawkawlin), easterly to Saginaw Bay, north 50 degrees east to the International Boundary.

3.55. *Slingshot* means a "Y" shaped device with an elastic strip at the prong, or at least one strip of stretchable material, often with a pocket on one end, used for projecting stones or other objects.

3.56. *Spear* means any hand, rubber, or spring propelled spear.

3.57. *Subsistence Gathering* means gathering wild and renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, or transportation; for the making and/or selling of handicraft articles from non-edible byproducts of plant, fish, or wildlife resources taken for personal or family consumption; or for barter or customary trade.

3.58. *Take* or *Taking* means to pursue, hunt, shoot, wound, kill, trap, capture, or collect any wild animal or to pursue with the intent to do so.

3.59. *Target* or *Targeting* means fishing, hunting, trapping or gathering with the intent of catching or taking one or more specific species of fish, wildlife or plants.

3.60. *Threatened Species* means any species at risk of becoming endangered as determined by official action of the Tribal Council, the State of Michigan, or by the United States Department of the Interior as set forth in 50 CFR Part 17.

3.61. *Transport* or *Transporting* means carrying or moving any wild animal, plant or fish or part thereof by any vehicle or vessel, causing any wild animal, plant or fish or 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.

3.62. *Trap* or *Trapping* means the taking of wild animals by means of a trap or snare.

3.63. *Treaty* means the March 28, 1836 Treaty of Washington with the Ottawas, 7 Stat 491.

3.64. *Tree Stand* means a raised platform with a horizontal surface constructed or manufactured by a person that increases the field of vision that normally would be attained by that person standing on the ground.

3.65. *Trespass* means:

a. To enter upon the real property of another that is posted to prohibit trespassing, is fenced, or contains obvious outward signs of habitability, without written permission of the owner or the owner's agent;

b. To enter upon any Tribal Trust Lands or Tribal Fee Lands designated by Tribal law as closed unless the person:

1. Is a Tribal member;

2. Has in their possession a valid LRB Special Trespass Permit or a Non-member Camping/Access Permit; or

3. Is a non-member who is an agent, employee, or sub-contractor of the Little River Band acting in the course of his/her employment or contractual duties with the Tribe per Tribal Council Resolution #00-1006-01, Paragraph (c);

c. To enter upon and/or refuse to depart from areas deemed as Closed Lands or which are subject to an order of exclusion issued by the Tribal Council; or

d. To take any other action identified as trespassing under these Regulations..

3.66. *Tribe* means the Little River Band of Ottawa Indians.

3.67. *Tribes* means 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 Band of Odawa Indians.

3.68. *Tribal Court* means the court of the Little River Band of Ottawa Indians, except where the context clearly refers to a court or hearing body for one of the other Tribes.

3.69. *Tribal Identification Card* means a current and valid identification card issued to a Tribal Member by his/her Tribe.

3.70. *Tribal License* means a hunting, trapping, fishing, or gathering license issued by one of the Tribes to one of their members, which is valid and current. For the purposes of these regulations, a Little River Band Tribal Identification Card is considered a Tribal License.

3.71. *Tribal Member* means an emailed member of the Little River Band of Ottawa Indians, except where the context references emailed members of one or more of the other Tribes.

3.72. *Water* or *Waters* means inland lakes and streams.

3.73. *Wanton Waste* means to intentionally or negligently harm a natural resource leaving it damaged against the use, taking, or enjoyment by others.

3.74. *Wild Animals* means all undomesticated creatures, not human, wild by nature.

Article 4. Lands Open for Harvesting.

4.01. *Tribal, Public and Private Lands.* Tribal Members and members of tribes with reciprocal agreements may harvest natural resources on public lands open to hunting, trapping, fishing, and gathering on reservation lands and water, lands and water held in fee simple by the Tribe, or on private lands owned by non-members with the written permission of the owner or authorized lessee of the lands, and all lakes, rivers, streams, and creeks open to the public for fishing and trapping, including water bodies accessible to Tribal members by written permission from the landowner or authorized lessee.

4.02. *Restricted Tribal Lands.* The following Tribal parcels are subject to restrictions on harvesting activities:

a. *Justice Center.* The Tribal property known as the Justice Center (formerly known as Newland Academy) is closed to hunting with firearms, pursuant to Tribal Council Resolution #03-0212-45.

b. *Bull Property.* The Tribal property known as the Bull property or the Orchards on the northwest comer of Dontz Road and M-22 are limited to archery, crossbow, shotgun, and muzzleloader hunting unless amended by the Natural Resource Commission or the Tribal Council.

c. *East Lake Property.* The Tribal property known as the East Lake property or "Big Blue" is closed to hunting and fishing activities at all times.

d. *Powwow Grounds.* The Tribal property known as the Powwow Grounds or Gathering Grounds are closed to hunting and trapping activities at all times.

e. *Aki Maadiziwin.* The Tribal property known as the Aki Maadiziwin Housing Development, including the Tribal Utility Department Pump House, is closed to hunting and trapping activities at all times, except for archery.

f. *Parcels in City of Manistee.* Parcels owned by the Tribe in fee simple within the City of Manistee are closed to harvesting activities at all times, with the exception of gathering on residential parcels leased to a Tribal member by the lessee or with the lessee's written permission.

g. *The Devoe parcel.* The Devoe parcel is limited to archery, crossbow, shotgun, and muzzleloader hunting in designated areas as posted.

4.03. *Closed Tribal Areas.* The following Tribal lands are closed to all harvesting activities at all

times, unless modified by resolution of the Natural Resource Commission:

a. The Little River Casino Resort site;

b. The Little River Wastewater Treatment Plant and waste treatment pond area, if within 100 feet of the fenced treatment plant and treatment pond area;

c. The Tribal Governmental Building site, including the C-Store location;

d. *Within 100 feet of any land used for a cemetery at the Custer Property.* No holes of any kind may be dug on the Custer Property for the purposes of harvesting;

e. *Odeno.* The approximately 120 acres located in Fruitport Township in Muskegon, Michigan bounded on the west by South Sheridan Road and Stephens Creek to the east. North and south boundaries are privately owned parcels;

f. *Race Track Parcels* (otherwise known as Great Lakes Downs). The approximately 147 acres located in Fruitport Township in Muskegon, Michigan bounded on the west by Harvey Road, with the eastern boundary being I-96 and Quarterline. Northern boundary is private land while the southern boundary, across Ellis Road, is also bordered by private holdings. Commonly known as 4800 Harvey Street, Fruitport, Michigan;

g. *Blueberry Field Parcels.* The approximately 35.1 acres located in Fruitport Township in Muskegon, Michigan bounded on the west by Harvey Road, with the eastern boundary being I-96 and Quarterline. Northern boundary is private land while the southern boundary, across Ellis Road, is also bordered by private holdings; and

h. *Golf Course Property.* The LRCR property known as the Bear Lake Highlands.

4.04. *1836 Ceded Territory.* Tribal members may exercise Inland Article 13 Rights, including hunting and trapping, on the following lands and inland waters within the Ceded Territory in accordance with the provisions of this Article and other applicable regulations. Tribal Members shall not exercise any 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.

a. General Public Lands and Inland Waters. Tribal Members may exercise particular Inland Article 13 Rights on public lands and inland waters that are open to the public under federal or State law for the particular activity (e.g., hunting or trapping), subject to other applicable provisions of these regulations.

b. 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 the specific state regulations for each activity.

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

d. Commercial Forest Act (CFA) Lands and Inland 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:

1. *CFA Landholdings of Less than One Thousand (1,000) Acres.* The Tribe or Tribal Member must obtain permission from a CFA landowner in order to hunt or trap on his/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 or trap 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 or trapping on such lands during State seasons and with State-approved methods remain subject to other applicable provisions of these regulations.

2. *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 or trap on his/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 or trap on these lands subject to applicable provisions of these regulations.

3. *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 and trapping by Tribal Members on CFA lands.

4. *Vehicle Use.* Tribal Members shall not use snowmobiles, all-terrain vehicles, or other motor vehicles on CFA lands if the use is prohibited under State law.

5. *Permission Not Required for State Methods and Seasons.* Permission is not required to hunt or trap on any CFA lands, regardless of the size of total ownership, during State seasons and with the use of State-approved methods. Tribal Members hunting or trapping on CFA lands during State

seasons and with State-approved methods remain subject to other applicable provisions of these regulations.

e. *Lands and Inland Waters Owned by Non-Tribal Members.* Except as otherwise provided, 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 member's spouses) subject to the following provisions and restrictions as well as other applicable provisions of these regulations:

1. *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.

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

3. *Permission Implied Under Recreational Trespass Act.* During State seasons, permission for Tribal Members to hunt or trap shall be implied on lands and inland waters open to the public for hunting or trapping under the Michigan Recreational Trespass Act, Mich. Comp. Laws, §§324.73101 *et seq.*, as now in force or hereafter amended.

4. *Requirements When Permission Not Implied.* When permission is not implied, 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.

5. *Limitations on Hunting and Trapping.* Hunting and Trapping on the lands described in this section 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. *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:

1. The Tribal Member is in possession of a Tribally-issued enrollment card; and

2. 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.

3. *Enforcement of State Park Regulations.* Tribal Members shall comply with applicable State park regulations as enforced by State park rangers.

g. *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 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.

h. *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) days for the Natural Resource Department to do so.

1. *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.

2. *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.

Article 5. Licenses, Tags, and Permits.

5.01. *Tribal Member Licenses.* A Tribal Member harvesting on tribal lands or within the 1836 Ceded Territory shall at all times carry his/her Tribal Identification Card issued by the Tribe's Enrollment Department. If the issued identification does not bear a photograph of the member, the member shall carry additional identification bearing a photograph. No member shall permit another person to use his/her identification card.

5.02. *Non-Tribal Member Permit.* Non-Tribal Members may be permitted by the Department to harvest in on-reservation areas only, subject to the following:

a. *Trespass Permits.* Immediate family members of Tribal Members shall receive a special trespass permit on submission to the Department. The application shall, at a minimum, identify the enrolled tribal member to whom the applicant is related and identify the nature of the relationship, with verification by the listed tribal member. The permittee must carry the permit and photo I.D. at all times during harvesting activities on on-reservation lands. The tribal member need not accompany the trespass permit holder.

b. Members of tribes with reciprocal agreements shall receive a special trespass permit upon submission to the Department. The application shall, at a minimum, identify the applicant's tribe of enrollment and any assigned tribal identification number, whether the applicant's tribe has issued any harvesting license, permit or tag to him or her and whether the applicant's tribe has revoked his/her current harvesting privileges.

c. The Department may deny permits to members of tribes with reciprocal agreements if the applicant's tribe has revoked his/her current harvesting privileges.

5.03. *Age Limits.*

a. *Tribal Members under Age 10.* Tribal Members under the age of ten may hunt on private land and on Tribal land during any annual youth hunting event if under the immediate control of an adult with a valid Tribal or State license. Tribal Members under the age of ten may also trap on Tribal land without the use of a bow, crossbow, or firearm. The accompanying adult is responsible for the youth hunter's actions.

b. *Tribal Members Aged 10 - 11.* Tribal Members aged 10 - 11 years old may hunt on private land and on Tribal land during any annual youth hunting event if under the immediate control of an adult with a valid Tribal or State license. Tribal Members aged 10-11 may hunt or trap on Tribal land with a bow under the immediate control of an adult with a valid Tribal or State license. The accompanying adult is responsible for the youth hunter's actions.

c. *Tribal Members Aged 12 - 16.* Tribal Members must be at least 12 years of age to hunt

or trap with a crossbow or firearm, unless the Tribal Member is within one of the exceptions mentioned in 5.03 (a) or (b). Tribal Members from the ages of twelve through sixteen years old hunting with a crossbow or firearm must be under the immediate control of an adult with a valid Tribal or State license. The accompanying adult is responsible for the youth hunter's actions.

5.04. *Licenses.* 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 weapon 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 License. Licenses are not transferrable unless explicitly authorized by Tribal Regulations.

5.05. *Hunter 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.

5.06. *Special Use Permits.* The Tribe may issue special use permits on request. When considering a request, the Natural Resources Department shall take into account its biological impact. The Permit shall include such terms and conditions as may be necessary to protect the resource and ensure compliance with all applicable laws. The grant or denial of special use permits are subject to review by the Natural Resource Commission.

5.07. *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. On tribal lands, 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 or temporarily physically unable to walk without crutches, braces, or other mechanical support as verified by a Physician. The holder of such permits 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 State law.

5.08. *Special Needs Permit.* The Natural Resource Department may grant a special needs permit upon application. The grounds for issuing a special needs permit are personal or family hardship. Deer harvested with a special needs permit are not subject to the seasons and bag limits defined elsewhere in these Regulations. To apply for a special needs permit the Tribal Member must present a valid Tribal Identification card and request the permit and the necessary tags in writing. A Tribal Member with a special needs permit may use the services of another properly licensed Tribal Member to harvest an animal if both the Tribal Member and the helper are named on the special needs permit.

5.09. *Ceremonial Permit.* The Natural Resource Department may grant a ceremonial permit for a Tribal Member to harvest or take resources. The grounds for issuing a ceremonial permit include, but are not limited to, religious or ceremonial use in accordance with the traditions and customs of the Tribe and traditional feasts, ceremonies, or celebrations. Deer harvested with a ceremonial permit are not subject to the seasons and bag limits defined elsewhere in these Regulations.

5.10. *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. This permit does not apply to migratory birds.

5.11. *Nuisance Control Permit.* The Natural Resources Department may issue special use permits to Tribal Members for 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. Tribal Members taking under this permit shall report to the Department whether the animal was killed.

5.12. *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 authorized assessment permit at all times while conducting such assessment.

5.13. *Scientific Collector's Permit.* The Natural Resource Department may issue scientific collector's permits for the purpose of conducting biological assessments to its employees, volunteers, or other appropriate personnel as necessary.

5.14. *Possession and Transportation.* Tribal Members must have a legal and current Tribal license and any tags, permits, or special use permits necessary to take, transport, or possess any E'weesi'ek (game), furbearers, migratory birds, wild animals, or parts thereof within the Ceded Territory and to possess or use a firearm, bow, or trapping device in the course thereof. 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 or harvest tag containing all required information. In addition to the Tribal license required by §5.01, a Tribal Member must obtain annual transport or harvest tags in order to harvest certain species.

a. Annual harvest or transport tags must be obtained from the Natural Resource Department in advance in order to harvest deer, bear, elk, or wild turkey.

b. Harvest, transport, or 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.

5.15. *Harvest Reporting.* The Natural Resources Department shall gather, by voluntary survey to Tribal Members, data on E'weesi'ek (game) and forbearer harvests.

5.16. *Off-Road Vehicle Use.* Unless otherwise prohibited in this regulation, Tribal members may operate off-road vehicles, snowmobiles, boats, or other vessels while engaging in the exercise of Article 13 rights and shall not be subject to State vehicle or vessel registration requirements, provided the Tribal Member satisfies all licensing requirements for the Article 13 activity in question, is in compliance with applicable tribal hunting, trapping, or fishing season limitations in these Tribal regulations, and possesses evidence of being so engaged in the Article 13 activity, such as possession of fish, game, or common items related to hunting, trapping, fishing, or gathering such as fishing rods, tip-ups, firearms, traps, or nets. Tribal members shall not operate vehicles other than snowmobiles on dedicated snowmobile paths. Restrictions on the use of ORVs do not apply to those retrieving a legally harvested animal.

Article 6. Weapons; Shooting Hours and Locations.

6.01. *Firearm Prohibitions.* Tribal Members shall not use any of the following to hunt or take a wild animal, nor possess them in an area frequented by wild animals:

a. Any fully automatic firearms;

b. Any semi-automatic shotgun or center-fired rifle capable of holding more than six (6) shells in both the chamber or magazine combined; or

c. Cartridges containing either tracer or exploding bullets;

6.02. *Firearm Limitations.* Tribal Members are further subject to the following limitations on weapons:

a. In hunting M'didaa-E'weesi'ek (big game) other than wild turkey, a Tribal Member shall not use a firearm other than a center fire rifle of .223 caliber or larger, a muzzle- loader of .40 caliber or larger, or a shotgun using slug or buckshot.

b. 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.

c. All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.

d. Any device or apparatus known or used as a silencer may be used when used in compliance with federal law.

6.03. *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.

6.04. *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 below, and except for fox, raccoon, coyote, and opossum, which may be hunted after sunset with the use of dogs, game calls, or artificial lights.

6.05. *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, or wild turkey, or to a Tribal Member hunting with a bow only.

6.06. *Discharging Firearms, Bows and Crossbows.* All Tribal Members hunting with firearms, bows or crossbows are subject to the following limitations:

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.

6.07. *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 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. This provision does not apply to indoor or outdoor shooting ranges, target shooting, or law enforcement activities.

6.08. *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;

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.

6.09. *Raccoon Hunting.* .22 caliber or smaller rim fire 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.

Article 7. Carrying and Transporting Firearms, Bows and Crossbows.

7.01. *Transportation of Firearms.* Tribal Members shall not transport a firearm, other than a handgun, in any motorized vehicle within the Ceded Territory unless:

a. It is unloaded and in a case expressly made to contain the weapon it was designed for;

b. The case fully encloses the weapon and is zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the weapon exposed; or

c. Unloaded and in the closed trunk of a motor vehicle and not accessible from the passenger compartment of the vehicle.

7.02. *Carrying Handguns.* With the exception of a pistol carried under the authority of a concealed pistol license, no Tribal Member shall carry a handgun 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 en route 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 readily accessible to any occupant of the vehicle.

7.03. *Transporting Bows and Crossbows.* No Tribal Member shall transport a bow or crossbow in a motor vehicle unless the bow is unstrung or completely contained in a case expressly made to contain it, with bolts removed, or in the closed trunk of a motor vehicle and not accessible from the passenger compartment of the vehicle.

7.04. *Muzzleloader Rifles.* No Tribal Member may transport a muzzleloader rifle in a motor vehicle unless the muzzleloader:

a. Has the cap removed and is completely contained in a case expressly made to contain it; or

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

Article 8. Prohibitions and Restrictions.

8.01. *Pursuit with Vehicles.* No Tribal Member may hunt or take 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.

8.02. *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.

8.03. *Trapping M'didaa-E'weesi'ek (big game).* No Tribal Member may trap or snare M'didaa-E'weesi'ek (big game).

8.04. *Shooting of Animals While in the Water.* No Tribal Member may take E'weesi'ek (game) or furbearers while the animal is swimming.

8.05. *Driving Wildlife.* No Tribal Member may set or use fire to drive wild animals or to take wild animals.

8.06. *Hunting M'didaa-E'weesi'ek (big game) with Dogs.* Tribal Members may only use dogs to hunt wild turkey during the fall season and may use leashed dogs to track wounded deer. Tribal Members may also use dogs for bear hunting, subject to further restrictions in the annual bear regulation supplement provided by the Natural Resource Department.

8.07. *Harassment of Hunters, Trappers, and Gatherers.* No person may harass, impede, or interfere with any legally licensed hunter, trapper, or gatherer.

Article 9. Night Hunting and Artificial Lights.

9.01. *Artificial Light - General Prohibition.* Except as otherwise provided in these regulations, no Tribal Member shall use an artificial light in taking game or furbearers or in an area frequented by wild animals; throw or cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest while having a bow or firearm or other weapon capable or shooting a projectile in that person's possession or under the person's control.

9.02. *Use of Artificial Light When Traveling by Foot.* Except as provided in Section 9.03 below, a Tribal Member licensed to hunt under these Regulations may use an artificial light one (1) hour before and one (1) hour after shooting hours while in possession of any unloaded firearm or bow and traveling on foot to and from the licensed hunter's location.

9.03. *Artificial Light - Seasonal Restrictions.* A person shall not throw, cast, or cause to be thrown or cast, the rays of an artificial light from December 1 to October 31 between the hours of 11:00 P.M. and 6:00 A.M. for the purpose of locating wild animals. Except as otherwise permitted by these Regulations, a person shall not throw, cast, or cause to be thrown or cast, the rays of a spotlight, headlight, or other artificial light for the purpose of locating animals at any time from November 1 to November 30. This subsection does not apply to any of the following:

a. An enforcement officer in the performance of the officer's duties;

b. A person operating an emergency vehicle during an emergency;

c. An employee of a public or private utility during the scope of his/her employment;

d. A person operating a vehicle with headlights in a lawful manner upon a street, highway, or roadway;

e. A person using an artificial light to identify a house or mailbox number;

f. A person using artificial light to conduct a census or scientific study by the Department; or

g. A person using an artificial light from November 1 to November 30 on property that is owned by that person or a member of that person's immediate family.

Article 10. Hunting Blinds and Platforms

10.01. *Hunting/ram Platforms.* Tribal Members may hunt E'weesi'ek (game) or furbearers from a tree or portable raised platform.

10.02. *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 10.02(a) 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.

Article 11. Baiting

11.01. *Deer Baiting.*

a. Until January 31, 2019, deer may be baited with any type of bait, except for those areas designated as Figure 1 in the TB zone and those areas named in 11.01.(b) below, where no baiting is permitted. No more than 5 gallons of bait may be made available to deer at any one time, and when possible must be spread over at least 100 square foot area. Multiple bait piles must be placed at least 100 feet apart.

b. Any baiting for deer, including baiting with a substance composed of and including but not limited to:
(1) Minerals;
(2) Salt;
(3) Plant parts including but not limited to grains, fruit, vegetables, or hay; or
(4) any other food material, whether natural or manufactured,

which may lure, entice, or attract deer on lands, within the jurisdiction of tribal laws and regulations, is hereby prohibited in the Ceded Territories in Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, and Ottawa counties.

All deer baiting shall be banned for the lower peninsula of Michigan effective January 31, 2019.

c. *Lures/Attractants.* Prohibition on possession or use of natural cervid urine-based lures or attractants not marked with the official archery trade association seal of participation stamp in an area frequented by game.

11.02. *Black Bear Baiting.* Regulations for black bear baiting are provided in the annual black bear regulation booklet provided by the Natural Resources Commission. The Regulations in that booklet supersede any conflicting regulations herein.

11.03. *Wild Turkey.* Wild turkey may be harvested over or near bait if it is otherwise permitted by these regulations.

11.04. *Drugs or Poisons Prohibited.* Tribal Members shall not use drugs or poisons in bait for any wild animal.

Article 12. Furbearers.

12.01. *Inspection and Registration of Furbearers.* Tribal Members shall present the following species to the biological staff at a qualified Tribal or state-run wildlife check facility for inspection and registration within the following timelines:

a. Bobcat and otter shall be presented within seventy (72) hours of the harvest.

b. Fisher shall be presented within two weeks of the close of the season during which the animal was harvested.

12.02. *Notification to Natural Resources Department.* Tribal Members are responsible for ensuring the availability of Tribal biological staff during business hours or to make arrangements to register harvested animals outside of normal business hours. Tribal members should call the Natural Resources Department to arrange for staff to check animals. If checked at a state-run facility, Tribal Members must notify the LRBOI Natural Resources Department of the harvest and location of registration.

a. *CITES Tags.* All animals subject to CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) restrictions must be tagged in accordance with federal law.

b. *Possession of Unregistered Furbearers.* Tribal Members shall not possess or transport a raw (unprocessed / not tanned), unregistered (not sealed) bobcat, fisher, or otter after the required registration date.

12.03. *Federal Law 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 seventy-two (72) hours of harvest.

Article 13. Inedible or Diseased Animals.

13.01. *Deer.* If a Tribal Member harvests a deer that is diseased or otherwise inedible, the Tribal Member may present the carcass to the Natural Resource Department for inspection. If verified as inedible or otherwise unviable by a qualified biologist, the Department may issue a new tag or permit and the diseased animal will not be counted towards the Tribal Member's annual bag limits. The inedible or unusable carcass and all of its parts must be immediately forfeited to the Department.

13.02. *Notification.* The Natural Resource Department shall be notified if any harvested wild animal displays signs of disease, genetic defect, or other natural abnormality. The Department may request pictures, visual inspection, and small samples of the carcass as warranted. In serious cases, the Natural Resource Department may confiscate the carcass, subject to appeal to the Natural Resource Commission.

13.03. *Prohibition on movement of deer carcasses or parts thereof.* A person killing a deer within 5-County Core CWD Area that includes Ionia, Kent, Mecosta, Montcalm, and Newaygo counties, shall not possess the carcass or parts thereof, of the animal outside of the core CWD area except for deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a skull cap cleaned

of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount, unless the hunter has presented the head at a State-designated drop off location within twenty-four (24) hours after killing the deer.

Article14. Seasons and Bag Limits.

14.01. The following species are limited by the seasons and bag limits displayed in the following table:

Hunting Seasons and Bag Limits		
Species	**Season**	**Bag Limit**
Gaachiinhi-E'weesi'ek (small game)	September 1 through April 1	Ten (10) species per day; possession limit of twenty (20)
Feral swine, starling, pigeon, sparrow, red squirrel, ground squirrel, porcupine, opossum, woodchuck, weasel, skunk	No closed season	No bag limits , no possession limit
Wild turkey	Fall Season: October 1 through November 14	Two (2) birds of either sex
	Spring Season: April 15 through June 15	Two (2) adult males with visible beards
Deer	Bow and Crossbow season: the day after Labor Day through the Sunday of the first full weekend in January	Annual bag limit of five (5) deer per Tribal hunter.
	Firearm early season: the day after Labor Day through October 31	FIRE ARM SEASON ONLY: no more than two (2) of the five (5) deer bag limit may be antlered. Only one (1) antlered deer, and no more than two (2) deer <u>total,</u> may be taken the day after Labor Day through October 31.
	Firearm late season for all lands: November 15 through the Sunday of the first full weekend in January. Firearm late season for Tribal lands only: will commence on November 1 and end the Sunday of the first full weekend in January.	
Bobcat	October 1 through March 1	Two (2) per season combined hunting and trapping

Fisher	Upper Peninsula: October 1 through March 15	Two (2) per season combined hunting and trapping
	Lower Peninsula: No Season	No harvest permitted
Badger, mink, gray fox, and red fox	October 1 through March 1	No bag limit
Raccoon	October 1 through March 15	No bag limit
Coyote	No closed hunting season	No bag limit
Beaver, muskrat, otter, wolf, cougar, moose, American marten, and gray wolf	No hunting season; see trapping regulations in Article 15.	
Black Bear	See Additional Regulations in Black Bear Regulations and annual supplement.	
Elk	See Additional Regulations in Elk Regulations and annual supplement.	

14.02. *Nuisance Harvests.* Coyote, raccoon, or crow may be taken on private property with written permission from the owner at any time if the animal poses an immediate threat of harm to any livestock, crops, or person. Any take under this provision must be reported to the Department of Public Safety within twenty-four (24) hours.

14.03. *Nighttime Hunting.* Raccoon, coyote, fox, and bobcat may be hunted at night subject to the seasons and bag limits indicated in §14.01 and subject to all of the following:

a. Only lights similar to the type ordinarily held in the hand or on the person may be used, mounted on a person's clothing or firearm. Night vision and laser sights, including scopes, may also be used.

b. Spotlights powered by vehicle batteries, floodlights, vehicle headlights, and any other light not ordinarily held in the hand or on the person are prohibited.

c. Raccoons hunted under this §14.03 may be hunted with dogs, provided that firearms are unloaded and arrows are un-nocked, except at the point of kill.

d. Coyote, fox, and bobcat hunted under this §14.03 may be hunted with game or predator calls only. Firearms may be loaded and arrows may be necked only when using calls.

Article 15. Trapping Regulations for Furbearers.

15.01. *Traps.* Tribal Members may only use the following types of traps for harvesting furbearers, snowshoes hares, or cottontail rabbits: leg hold, box type, snares, live traps, body gripping (conibear) four inches or larger square.

15.02. *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.

15.03. *Daily Tending Required.* Tribal Members shall attend to all traps daily, except for traps purposely set under ice. Traps under the ice shall be attended on a regular basis to prevent accidental catches and waste of resources.

15.04. *Incidental catches.* Incidental catches must be released if possible. If not, a Tribal Member must tum any incidental catch into the Natural Resource Department within seventy-two (72) hours of the harvest. One incidental catch per species per year may be returned to the Harvester at the discretion of the Natural Resource Department. Subsequent incidental catches will be forfeited to the wildlife repository at the Natural Resource Department.

15.05. *Accidental Catches.* Tribal Members shall not possess accidentally trapped non-target protected species, including but not limited to lynx, gray wolf, raptors, and threatened or endangered species. If possible, Tribal Members must release these animals if trapped alive. A Tribal Member shall immediately report the trapping of dead or mortally injured non-target protected species to an Enforcement Officer or the Natural Resources Department. These animals shall be forfeited to the Department and not returned.

15.06. *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.

15.07. *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.

15.08. *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.

15.09. *Beaver Dams.* No Tribal Member may set a trap on a beaver dam or lodge unless the trap is fully submerged below the water.

15.10. *Seasons.* The Upper Peninsula trapping season for all species listed below is November 1 through March 1 unless otherwise indicated. The Northern Lower Peninsula trapping season for species listed below is November 1 through March 15 unless otherwise indicated. All species are subject to the bag limits listed below:

Species	**Bag Limit**	**Season**
Beaver	No bag limit	
Otter	Two (2) per season	
Muskrat	No bag limit	

Mink	No bag limit	
Bobcat	Two (2) per season combined hunting and trapping	Season opens October 15
Raccoon	No bag limit	Season opens October 15
Red Fox	No bag limit	Season opens October 15
Gray Fox	No bag limit	Season opens October 15
Coyote	No bag limit	No closed season
Badger	Two (2) per season	Season opens October 15
Fisher	Combined hunting and trapping bag limit of two (2) per season. Upper Peninsula season only; no Lower Peninsula Season.	

Article 16. Migratory Bird Regulations.

16.01. *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 (½) hour before sunrise until sunset local time.

16.02. *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 net, trap, snare, swivel gun, punt gun, battery gun, automatic fired weapon, shotgun with shells longer than three and one half inches, 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.

j. Use or be in possession of any shot other than nontoxic shot to take migratory birds; provided, however, that a Tribal Member may hunt woodcock and mourning dove with shot other than nontoxic 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. Take 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.

16.03. *Seasons and Bag Limits.* The seasons, possession limits, and bag limits for migratory birds are defined in the annual supplemental booklet released by the Natural Resources Department. The Regulations in that booklet supersede any conflicting regulations herein.

Article 17. Biological Assessment and Monitoring.

17.01. *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 ensure 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.

17.02. *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. Data collected through monitoring shall be furnished by the Department to the Natural Resource Commission on no less than a monthly basis.

17.03. *Radio Collars or Other Scientific Equipment.* Tribal Members are permitted to hunt animals under these regulations that carry radio collars, identification tags, bands, or other scientific equipment unless prohibited elsewhere in these regulations or other applicable laws. All such equipment shall be surrendered to the Natural Resource Department upon discovery.

17.04. *Emergency Action.* The 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.

Article 18. Possession and Use for Religious Purposes.

18.01. *General.* 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. .

18.02. *Reporting Findings.* If a Tribal Member finds a dead eagle, hawk, or other raptor, furbearer, or any Threatened or Endangered Species, the Member shall report the finding to the Natural Resource Department as soon as possible. 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 shall donate it to the Tribal repository, provided such action does not violate any applicable federal law. Tribal members are then free to apply for the carcass or parts of it. This section applies to found wild animals only, and not to road kill or incidental catch as set forth in these regulations or other applicable law.

Article 19. Gathering.

19.01. 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 these regulations and gathering permits issued by the Natural Resource Department; or

d. On private lands except with the consent of the owner or authorized lessee.

19.02. *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 these regulations.

a. No member shall gather any natural resource on State lands except while carrying a valid Tribal Identification Card.

b. Tribal members must obtain a permit from the Department to harvest, gather, or collect any natural resource on State lands, including but not limited to: plants or plant parts whether living or dead, insects and structures constructed or used by insects, and minerals. Valid permits shall list the resources being harvested, the amount of harvest anticipated, and the location of the harvest. Tribal members shall notify the Department when gathering has been completed, where the gathering took place, and what and how much was harvested.

c. The Department may at its discretion, after reviewing a permit application to harvest on State lands, deny that permit based on its biological impact to natural resources. The Department may add to a permit such stipulations, conditions, and/or limitations as it may deem necessary for the protection of natural resources.

19.03. 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 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 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 19.03(c) 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 handicraft items.

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 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, 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, 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.

19.04. *Modest Personal Sale.* Tribal members may gather plants and the products thereof, such as wild berries, mushrooms, pinecones, 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.

19.05 *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. Tribal members must obtain a permit from the Department to gather, collect, or be in possession of parts of any threatened or endangered plant species.

19.06. Specific Regulations for Gathering on National Forest Lands within the Ceded Territory.

a. General Regulations for Gathering on National Forest Lands.

1. Tribal members must obtain a permit from the Department to harvest, gather, or collect any natural resource on National Forest lands, including but not limited to: plants or plant parts whether living or dead, insects and structures constructed or used by insects, and minerals. Valid permits shall list the resources being harvested, the amount of harvest anticipated, and the location of the harvest.

2. In reviewing and taking action on any request for religious or ceremonial harvest, the Department shall take into account the biological impact of the harvest, shall ensure that the harvest takes place in a manner that does not cause biological harm, and shall consult with the local National Forest District office if the requested gathering is to take place in a National Forest Research Natural Area.

3. A Tribal Member must possess a valid Tribal Identification Card while gathering any natural resource in a National Forest.

b. Firewood.

1. In gathering firewood on National Forest lands, Tribal members may not:

a. Gather more than five (5) cords per permit;

b. Cut or gather trees except those that are dead and down;

c. Sell firewood cut or gathered from National Forest land;

d. Use a farm tractor, rubber-tired skidder, or similar vehicle; or

e. Gather from areas outside tribally designated areas.

2. Tribal members must notify the Department when firewood gathering has been completed and where exactly the gathering took place.

19.07. General Regulations for Gathering on Tribal Lands.

a. A Tribal Member must possess a valid Tribal Identification Card while gathering any natural resource on Tribal Lands. Family members may accompany Tribal Members while gathering on Tribal Lands. There is no requirement for a Trespass Permit for those family members participating with Tribal Members in general gathering. Tribal Members are responsible for the actions of the family members gathering with them. Nothing in this provision is meant to lessen the requirements for permits related to specific activity on state or federal lands or for those immediate family members that wish to gather without a Tribal Member present.

b. *Firewood.* Tribal members may gather up to five full cords of wood per permit on Tribal lands. Only dead and downed wood may be collected. Firewood may be bartered but may not be sold.

Article 20. General Prohibitions.

20.01. *General.* No person shall:

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 permit;

b. Refuse to produce a Tribal identification card, license, permit, tag, or other identification upon the request of an Enforcement Officer;

c. Refuse to consent to any inspection or search as authorized in §21.04;

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 or harassment of game, furbearers, migratory birds, plants, fish, reptiles, amphibians, or their habitats; or

g. Refuse to forfeit a wild animal when it has been determined by the Department to be diseased or otherwise tainted subject to Article 13 above.

Article 21. Enforcement.

21.01. *General.* The Little River Band of Ottawa Indians' law enforcement, or conservation enforcement officers, the law enforcement or conservation enforcement officers of one of the other Tribes with whom Little River has entered into a cooperative enforcement agreement, law enforcement 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 or conservation enforcement officers are authorized to enforce the provisions of these Regulations. As defined in Article 3, any office 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.

21.02. *Reasonable Stops and Detainers.* The Little River Band of Ottawa Indians' law enforcement and 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 plants, 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. Any perishable evidence will be handled in accordance with law enforcement policy which may result in processing fees assessed in restitution and distribution of seized material to prevent waste.

21.03. *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 wild animals or parts thereof were 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 the evidence shall be managed as per Department of Public Safety policy. 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.

Article 22. Penalties and Fines.

22.01. *Licenses and Permits Subject to Revocation.* 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 Department, Natural Resources Commission, or Tribal Court. This includes suspension or revocation of rights, licenses, or permits of members of tribes with reciprocal agreements.

22.02. *Venue for Violations.* 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, amphibians, or plants shall be tried before the Tribal Court under such procedures as are prescribed by Court Rule or Tribal law. The Tribal Court shall notify the Natural Resource Commission of all such cases heard before it. The Natural Resource Commission may act to limit a Tribal Member's exercise of the rights protected under these regulations for numerous infractions.

22.03. *Civil Infractions.* Except for the provisions of §22.05, 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 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 §22.06, restitution as set forth in §22.07, and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.

22.04. *Criminal Offenses.* Criminal offenses shall be enforced in accordance with the Natural Resources-Law and Order-Criminal Offense and Penalty Act (NRLO), Ordinance #06-400-07. In the event these Regulations disagree with the NRLO, Article V of the NRLO supersedes. The following acts shall be a criminal offense for any person over whom the Tribe may assert criminal jurisdiction to:

a. *Trafficking Fish and Game.* A person shall be guilty of the criminal offense of trafficking fish and game if the person:

1. Sells or barters, or has in his possession with intent to sell or barter;

2. Exposes or offers for sale or barter; or

3. Ships for commercial purposes, or has in their possession with intent to ship for commercial purposes, any big or small game or fish or parts thereof.

4. Provided that, this section shall not apply to the sale or possession of fish lawfully taken during commercial treaty fishing season, the possession or sale of hides or antlers of game animals lawfully taken, or the sale or barter between members or descendants of any federally recognized Indian Tribes

for the personal use of such members.

b. *Interference with Hunting or Fishing Related Property.* A person shall be guilty of the criminal offense of interference with the hunting or fishing-related property of another if the person, without the permission of the owner, uses, operates, occupies, moves, disturbs, taints or otherwise tampers with fishing gear, firearms, vehicles, boats, blinds, feed plots or other hunting or fishing-related personal property belonging to another.

c. *Illegal Possession of Harvest or Transportation Tags.* A person shall be guilty of the criminal offense of Illegal Possession of harvest or transportation tags if an individual is found in possession of harvesting or transportation tags that are not their own. Tags may only be possessed or used by the recipient of the tag with the following exceptions:

1. A parent or guardian may be in possession of harvest or transportation tags assigned to their minor children under the age of eighteen (18);

2. An individual harvesting for a disabled hunter, in accordance to Tribal law, may possess the disabled hunter's harvest or transportation tags; or

3. A person harvesting under a ceremonial permit or special needs permit may possess the harvest or transportation tag issued under the ceremonial permit or special needs permit.

d. *Wanton and Willful Waste.* A person shall be found guilty of the misdemeanor crime of wanton and willful waste when the individual intentionally and negligently harms a natural resource leaving it damaged against the use, taking, or enjoyment by others or when a person takes a resource and intentionally and negligently fails to utilize the resource allowing it to waste to the point that it is not useable by the taker or another individual.

1. *Prosecutorial discretion.* At the discretion of the Tribal Prosecutor, the offense of Wanton and Willful Waste may be charged as an infraction or a misdemeanor under this code or other applicable Tribal law.

e. *Interference with Law Enforcement Efforts to Enforce Tribal Law.* A person shall be found guilty of Interference with Law Enforcement Efforts to Enforce Tribal Law if they assault, resist, oppose, impede, intimidate, bribe, or attempt to bribe, or interfere with an Enforcement Officer engaged in enforcing this Ordinance.

f. *Illegal Taking of Harvested Resource.* A person shall be found guilty of Illegal Taking of Harvested Resource if they 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.

g. *Failure to Cooperate with Law Enforcement Investigation of Harvesting Activity.*

A person shall be found guilty of Failure to Cooperate with Law Enforcement Investigation of Harvesting Activity if they:

1. Fail to obey the hand, verbal command, emergency light, visual, or audible siren signal of an Enforcement Officer or other authorized law enforcement officer;

2. Elude, 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);

3. Use unjustified force, violence, or threat of violence on an Enforcement Officer for the purpose of interfering or influencing the performance of an official duty; or

4. Fail to consent to any lawful search as authorized.

h. *Harvesting of Endangered Species.* A person shall be found guilty of Harvesting of Endangered Species if they take, possess, or harm any threatened or endangered species except as authorized by Tribal Law.

i. *Harvesting Specially Permitted Animals without a Permit.* A person shall be found guilty of harvesting a specially permitted animals without a permit if an individual harvests a bear, elk, or sturgeon without a tribally issued permit.

j. *Destruction of a natural resource or property of the Tribe's Natural Resource Department.* A person shall be found guilty of destruction of a natural resource or property of the Tribe's Natural Resource Department if an individual takes any action to damage, destroy, pollute, denigrate, or harm a natural resource or property of the Tribe's Natural Resource Department.

22.05. *Criminal Penalties.* The commission of a criminal offense under Section 22.04 shall be punished by a fine of not less than $50.00 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. The criminal penalties in this Section shall be in addition to any forfeitures or restitutions assessed under§§ 22.06 and 22.07.

22.06. *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 21.03 permanently forfeited.

22.07. *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 wild animal, according to the following schedules:

Civil 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, mourning dove, ringneck pheasant, quail, sharptail grouse	$30
Any e'weesi'ek (game) animal not named, any non-game species	$25

Criminal Restitution Table	Fine
Sturgeon, Grayling, Elk, Bear, or any Endangered, Threatened, or protected species as defined by the LRBOI Natural Resource Department	$2500
Deer, Muskellunge, Tiger Muskellunge	$1000
Wild turkey, beaver, mink, otter, badger, bobcat muskellunge, tiger muskellunge, lake trout, brown trout, rainbow trout, brook trout, largemouth bass, smallmouth bass, walleye, northern pike, whitefish, menominee whitefish	$500
Rabbit, muskrat, squirrel, raccoon, ruffed grouse, woodcock, mourning dove, ringneck pheasant, quail, sharptail grouse	$100
Any e'weesi'ek (game) animal not named, any non-game species	$50

22.08. *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.

22.09. *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.

22.10. *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.

22.11. *Repeat Offenders.* 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 or as ordered by Tribal Court.