

COMMISSIONER'S ORDER NO. 105-89
Natural Resources

A Commissioner's Order to adopt and ratify Off-Reservation Conservation Code for Fishing in accordance with the Chippewa Intertribal Agreement Governing Resource Management and Regulation of 1837 Off-Reservation Treaty Rights.

WHEREAS, the Mille Lacs Band of Chippewa Indians is a signatory and successor to the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591, and;

WHEREAS, the Mille Lacs Band of Chippewa Indians resides in the ceded territories of the Treaty of 1837, 7 Stat. 536, and;

WHEREAS, the Mille Lacs Band deem it appropriate to provide an orderly system of tribal control and regulation of off-reservation spearing, and;

WHEREAS, the Mille Lacs Band further deems it appropriate to provide conservation and management for fish populations found in the ceded territory through the regulation of member spearing occurring therein, and;

WHEREAS, the Commissioner of Natural Resources has the authority to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through Band Statute 1032-MLC-1, Sec. 29, Band Statute 1017-MLC-7, and Band Statute 1092-MLC-25, et seq., and;

WHEREAS, the taking of fish is a natural resources under the jurisdiction of the Mille Lacs Band of Chippewa Indians and;

WHEREAS, nothing herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Non-Removable Mille Lacs Band of Chippewa Indians of the solemn, special trust obligation of the United States of America, and;

WHEREAS, pursuant to the provisions of Band Statute 1032-MLC-1, Section 25 and 29, the Commissioner of Natural Resources is empowered to execute the regulatory agreements for fishing by members of the Mille Lacs Band for the area East of the St. Croix River and within the 1837 treaty area.

WHEREAS, the member tribes of the 1837 Chippewa Code Territory have agreed to manage and regulate Off-Reservation Fishing jointly, and

WHEREAS, this management and regulation will be implemented through the Great Lakes Indian Fish and Wildlife Commission Voigt Task Force.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians pursuant to Band Statute 1032-MLC-1, Section 29, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby adopt and ratify the 1987-88 Off-Reservation Conservation Code for Fishing by and between the Tribal and State Parties in Lac Courte Oreilles, et al., v. State of Wisconsin, et al., and;

It is further and finally ordered that the following Off-Reservation Conservation Code for, east of the St. Croix River, for members of the Mille Lacs Band of Chippewa Indians.

OFF-RESERVATION CONSERVATION CODE
OF THE
MILLE LACS BAND OF CHIPPEWA

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CHAPTER 1 - INTRODUCTION

- 1.01 Title. This ordinance shall be known as the Mille Lacs Band of Chippewa Off-Reservation Conservation Code.
- 1.02 Authority. This ordinance is enacted pursuant Mille Lacs Band Statute 1032-32-MCL-1, Section 25 and 29.
- 1.03 Purpose. It is the purpose of this ordinance to:
- 1) Provide an orderly system for tribal control and regulation of hunting, fishing and gathering on the off-reservation land ceded by the Tribe in the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591; and
 - 2) Provide a means to promote public health and safety and the conservation and management of fish, wildlife and plant population in the ceded territory through the regulation of member harvesting activities occurring there consistent with the Natural Resources Management Plans for the Northern Wisconsin Ceded Territories and the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, as may be amended from time to time, both of which have been ratified by the Tribe and both of which are hereby incorporated by reference as if fully set forth herein.
- 1.04 Territorial Applicability. This ordinance shall govern the off-reservation hunting, fishing and gathering activities of resources subject to the provisions of this ordinance by members within the ceded territory.
- 1.05. Effective Date. Except as provided in Section 9.20 (1), this ordinance shall be effective on the date adopted by Commissioner's Order.
- 1.06 Interpretation. The provision of this ordinance:
- 1) Shall be interpreted and applied as minimum requirements applicable to the exercise of off-reservation treaty rights subject to this ordinance;
 - 2) Shall be liberally construed in favor of the Tribe;
 - 3) Shall be construed consistent with the purposes and provisions of the Natural Resources Management Plans for the Northern Wisconsin Ceded Territories and the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory; and
 - 4) Shall not be deemed a limitation or repeal of any other tribal power or authority.
- 1.07. Severability and Non-Liability. If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this ordinance.
- 1.08 Repeal of Inconsistent Tribal Ordinances. All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that this ordinance imposes greater restrictions than those contained in any other tribal ordinance, the provision of this ordinance shall govern.
- 1.09. Religious or Ceremonial Use of Natural Resources.
- 1) Nothing in this ordinance shall prohibit the use of any resource otherwise subject to the provisions of this ordinance which is harvested, taken or otherwise obtained within the ceded territory for religious or ceremonial purposes in accordance with the traditions and customs of the Tribe and with the consent of the Tribe's governing body, or its designee.
 - 2) In reviewing any request for religious or ceremonial harvest, the Tribe's governing body, or its designee, shall take into account the biological impact of the harvest.

CHAPTER 2 - GENERAL DEFINITIONS

2.01 General Definitions. The following terms, wherever used in this ordinance, shall be construed to apply as follows:

- 1) "Carcass" means the dead body of any wild animal to which it refers, and unless clearly indicated to the contrary by a specific provision of this ordinance in particular circumstances, includes the hide or skin and head.
- 2) "Ceded territory" means all lands and waters, except Lake Superior, ceded by the Tribe to the United States of America in the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591.
- 3) "Commission" means the Great Lakes Fish and Wildlife Commission.
- 4) "Endangered or Threatened Species" means any wild animal or wild plant which is contained on either the federal (50 CFR §§17.11 and 17.12) or the State of Wisconsin (Wis. Adm. Code NR 27.03) endangered or threatened species lists, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.
- 5) "Fishing" includes taking, capturing, killing, or fishing for fish of any variety in any manner. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing" as defined herein.
- 6) "Game fish" includes all varieties of fish, except rough fish and minnows; "rough fish" includes chub, dace, suckers, carp, goldfish, redhorse, freshwater drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, smelt, and carpsucker; "minnows" includes suckers, mud minnows, madtom, stonecat, killifish, stickleback, troutperch, darters, sculpin and all minnow family cyprinids except goldfish and carp.
- 7) [Reserved]
- 8) [Reserved]
- 9) "Member" means a member of the Tribe.
- 10) "Off-Reservation" means all lands and waters lying outside the exterior boundaries of a Wisconsin Chippewa Tribe's Reservation, Mille Lacs Reservation but lying within the ceded territory as defined in section 2.01 (2) of this ordinance.
- 11) "Possession" means having killed, harvested, or otherwise obtained or acquired any wild animal or wild plant subject to the provisions of this ordinance.
- 12) "Protected" when used in reference to any wild animal or wild plant means that the hunting, fishing, trapping or gathering of such animal or plant is expressly prohibited except as authorized or regulated by this ordinance.
- 13) [Reserved]
- 14) "Tribe" means Mille Lacs Band of Chippewa.
- 15) "Tribal Conservation Department" means the conservation department of the Bad River Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Red Cliff Band of Lake Superior Band of Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokagagon Chippewa Community of the Mole Lake Band or Mille Lacs Band of Chippewa.
- 16) "Unprotected" when used in reference to any wild animal or wild plant, means that the hunting, fishing, trapping or gathering of such animal or plant is not expressly prohibited by this ordinance.
- 17) "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.
- 18) "Wildlife" means all varieties of wild mammals or birds.
- 19) "Wild Plant" means any undomesticated species, and fruit or part thereof, of the plant kingdom occurring in the natural ecosystem, and includes wild rice, maple sap, ginseng, birch bark and timber.
- 20) "Working day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless such a day is a tribal holiday.

CHAPTER 3 - GENERAL

3.01 Title to Wild Animals and Wild Plants.

- 1) The legal title to, and the custody and protection of, all wild plants and wild animals within the ceded territory is vested in the Tribe for the purposes of regulating members' use, disposition and conservation thereof.
- 2) The legal title to any such wild plant or wild animal, or carcass or part thereof, taken or reduced to possession in violation of this ordinance remains with the Tribe; and the title to any such wild plant or wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of this ordinance relating to the possession, use, giving, sale, barter or transportation of such wild plants or wild animal, or carcass or part thereof, by the holder of such title, the same shall revert, as a result of the violation to the Tribe. In either case, any such wild plant or carcass or part thereof, may be seized forthwith, wherever found, by the tribal conservation department or any law enforcement official authorized to enforce the provisions of this ordinance.

3.02 Permits and Identification.

- 1) No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance without a validly issued tribal off-reservation natural resources harvesting permit or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question.
- 2) No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance except while carrying a valid picture identification card issued by the Tribe, or other form of identification card issued by the Tribe, or other form of identification approved by the Tribe for such activities.
- 3) The tribal conservation department is authorized to issue to members permits required by this ordinance. Except as otherwise required by this ordinance, the form of such permits shall be left to the discretion of the tribal conservation department provided such form shall require the name, address and the member's tribal identification number.
- 4) The tribal conservation department may issue such harvesting permits to members of any other Lake Superior Chippewa Band, provided such other Band has adopted an ordinance or other regulations essentially in conformance with the provisions of this ordinance for the particular season or activity involved.
- 5) No member shall refuse to display his or her identification documents or any required by this ordinance to any tribal, state, local or federal law enforcement officer upon request by such officer.
- 6) Each member to whom any permit has been issued under this ordinance shall, when requested by the tribal conservation department or the Commission, provide harvest reports and data, and such other relevant information, as may be requested.

3.03 Waste of Natural Resources. No member shall unreasonably waste, injure or destroy, or impair natural resources while engaging in the exercise of off-reservation treaty rights regulated by this ordinance.

3.04 Larceny of Natural Resources. No member shall, without permission of the owner, molest, disturb or appropriate any wild plant or wild animal, or the carcass or part thereof, which has been lawfully reduced to possession of another.

3.05 Use of Poison and Explosives; Pole Traps.

- 1) No member shall take, capture or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poisonous or stupefying substances or devices.
- 2) No member shall place in any off-reservation waters explosives which might cause the destruction of any wild animal, except when authorized by the tribal conservation department, or have in his or her possession or under his or her control upon any off-reservation waters any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing wild animals.

- 3) No member shall use, set, lay or prepare in any off-reservation waters any lime, poison, fish berries, or any other substance deleterious to fish life; or use baits containing poison of any description in any off-reservation forests, fields or other places where such baits might destroy or cause the destruction of wild animals; and the possession of any such poison, poison baits or substances deleterious to wild animals by a member while exercising off-reservation treaty rights regulated by this ordinance is prima facie evidence of a violation of this section.
- 4) No member shall take, capture or kill or attempt to take capture or kill any bird by setting or operating any trap or device designed, built or used to capture birds on a pole, post, tree stump or any other elevated perch more than three (3) feet above the ground.
- 5) Nothing in this ordinance shall prohibit the tribal conservation department or its designated agents from using explosives or have explosives in its possession for the purpose of removing beaver dams, clearing a channel, or breaking a log or ice jam.

3.06 Throwing Refuse in Waters; Abandoning Automobiles, Boats or Other Vehicles. No member shall deposit, place or throw into any off-reservation waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste material; and no member shall abandon any automobile, boat or other vehicle in such waters. Any automobile, boat or other vehicle not removed from such waters within thirty (30) days shall be rebuttable presumed to be abandoned.

3.07 Scientific Investigation.

- 1) The tribal conservation department and the Commission may conduct investigations of wild animals and wild plants in order to develop scientific information relating to population, distribution, habitat needs, and other biological data in order to advise the Tribe on conservation measures designed to ensure the continued ability of wild animals and wild plants to perpetuate themselves.
- 2) The tribal conservation department or the Commission may for scientific purposes engage in or authorize others to engage in the harvest or protected wild animals or wild plants by the use of methods, at times or at locations not authorized by this ordinance on such terms and conditions as it deems appropriate.

3.08 Seasons. No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance, except during the respective seasons established pursuant to this ordinance.

3.09 Possession of Wild Animals During Closed Season.

No member shall have in his or her possession or under his or her control at any time the carcass, or any part thereof, of any protected wild animal showing that the same has been taken off-reservation during the closed season for such animal.

3.10 Bag Limits; Possession Limits. No member while off reservation shall have in his or her possession or under his or her control any wild animal in excess of the bag or possession limits, or above or below the size limits for any wild animal as established by this ordinance, except that wild animals harvested on-reservation, if properly tagged or identified in a manner determined sufficient by the tribal conservation department as having been harvested on-reservation shall not be subject to the bag, possession or size limits established by this ordinance. The possession of or control of wild animals not so identified or tagged as part of an on-reservation harvest shall be rebuttably presumed to be part of the applicable off-reservation bag or possession limit.

3.11 Waters Partially on a Reservation. The provisions of this ordinance shall apply to the off-reservation portions of any waters located partially on the Tribe's reservation.

3.12 Sharing of Permits and Tags. Except as otherwise provided in this ordinance, no member shall lend, share, give, sell, barter, or trade, or offer to lend, share, give, sell, barter or trade to any person any identification document, permit or tag issued by the Tribe pursuant to this ordinance.

- 3.13 Harvesting with Another's Permit Prohibited. No member shall hunt, fish, trap or gather any wild animal or wild plant while in possession of any permit or tag issued to another.
- 3.14 [Reserved]
- 3.15 [Reserved]
- 3.16 [Reserved]
- 3.17 [Reserved]
- 3.18 [Reserved]
- 3.19 Resisting Conservation Wardens. No member shall assault or otherwise resist or obstruct any law enforcement officer authorized to enforce the provisions of this ordinance in the performance of duty.
- 3.20 False Impersonation of Warden. No member shall falsely represent himself or herself to be a law enforcement officer authorized to enforce the provisions of this ordinance, or shall assume to act as such an officer, without having been first duly appointed.
- 3.21 [Reserved]
- 3.22 [Reserved]
- 3.23 [Reserved]
- 3.24 Tampering with Equipment of Another Prohibited. No member shall molest, disturb, tamper with or in any way otherwise interfere with any hunting, fishing, trapping or gathering equipment used, set or placed by another except with the owner's permission.
- 3.25 Endangered and Threatened Species Protected. Except as otherwise permitted by law, no member shall take, transport, possess, process or sell any endangered and threatened species as defined in Section 2.01 (4).
- 3.26 Records of Commercial Transactions Required.
- 1) No member shall sell, trade or barter any protected wild animals to any person unless the member maintains a written record made within 24 hours of all transactions on forms prescribed by the Tribe indicating the amount and type of resource involved in the transaction, the parties to the transaction, and the date of the transaction.
 - 2) Records maintained pursuant to the requirements of subs. (1) shall be forwarded monthly to the tribal conservation department, or its designee.
 - 3) No member shall fail to comply with the reporting requirements of subs.(2).
- 3.27 Wild animal Refuges Established.
- 1) The following Commission documents, as they may be amended from time to time, are hereby adopted and incorporated as if fully set forth herein:
 - a) Tribal Fish Refuges Version 1: November 15, 1985; and
 - b) Tribal Wildlife Refuges and Closed Areas (October, 1985) and
 - c) Tribal Fish Management Experiments.
 - 2) No member shall fail to comply with the closures and other restrictions established by the documents adopted by subs.(1).

- 3.28 Unprotected Species. Except as otherwise expressly provided, nothing in this ordinance shall be construed to prohibit or regulate the off-reservation harvest of any unprotected species, as defined in Section 2.01 (16), in the ceded territory.
- 3.29 Protected Species. No member shall hunt, fish, trap or gather any of the following species: paddlefish, spoonbill, catfish, moose, elk, marten, wolverine, badger, flying squirrel, timber wolf, lynx, cougar, or any wild bird, except those regulated pursuant to Chapter 8 [Small Game Harvesting Regulation] and Chapter 10 [Migratory Bird Harvesting Regulation].
- 3.30 Permissible Conduct.
- 1) Conduct which is not expressly prohibited, restricted or otherwise regulated by this ordinance shall be deemed permissible.
 - 2) Nothing in this ordinance shall be construed to prohibit a member from hunting, fishing, trapping or gathering with any other person who is not a member or a member of another Lake Superior Chippewa Band, provided that such other person possesses a license or is otherwise not prohibited from engaging in the activity involved and complies with the laws of the State of Wisconsin governing such activity.
- 3.31 Emergency Closures.
- 1) Notwithstanding any other provisions of this Ordinance, the Director of the Biological Services Division of the Commission is hereby authorized and empowered to order the closure of the harvest activity of any species, generally or with respect to the particular location or body of water, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the harvest goals and quotes adopted pursuant to Section 7 of the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory or may otherwise cause biological harm to the species involved.
 - 2) Every reasonable effort shall be made to consult with and obtain the approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.
 - 3) An emergency closure shall become effective immediately upon issuance or at such other time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and swiftest practicable method.
 - 4) No member shall violate the terms, conditions, or restrictions of an emergency closure order issued pursuant to this section.

CHAPTER 4 - ENFORCEMENT

- 4.01 Hearings in Tribal Court. Jurisdiction over all matters arising under this ordinance shall be with the tribal court which shall adjudicate in accordance with the Tribal Court Code all questions, complaints and alleged violations involving the provisions of this ordinance.
- 4.02 Enforcement by Deputized Conservation Wardens. Any provision of this ordinance may be enforced by wardens of the tribal conservation department or by wardens of the Commission. Said Commission wardens are hereby deputized by the Tribe as tribal conservation wardens for the purpose of enforcing this ordinance.
- 4.03 Enforcement by Wisconsin Department of Natural Resources Wardens. Wardens and Deputy Wardens of the Wisconsin Department of Natural Resources are hereby empowered to enforce the provisions of this ordinance and to institute proceedings in the tribal court by use of citation forms of that Department as described in Wis. Stat. Sec. 23.54 or to refer the matter to appropriate tribal wardens or the tribal prosecutor for further investigation or action.

- 4.04 Search and Seizure: when Authorized. Any person authorized to enforce the provisions of this ordinance may conduct a search of a member, object or place, and seize things when the search is made:
- (1) With consent;
 - (2) Pursuant to a valid warrant;
 - (3) With the authority and within the scope of a right of lawful inspection;
 - (4) Incident to the issuance of a lawfully issued citation under this ordinance; or
 - (5) As otherwise authorized by law or by the provisions of this ordinance.
- 4.05 Investigations and Citations. Any person authorized to enforce the provisions of this ordinance may:
- (1) Execute and serve warrants and other process issued by the tribal court in accordance with applicable law;
 - (2) Stop and board any boat and stop any automobile or other vehicle if the person reasonably suspects there is a violation or breach of this ordinance;
 - (3) With or without a warrant, open, enter, and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband wild plants or wild animals, or carcasses or part thereof, may be contained.
 - (4) Issue a citation on a form approved by the Tribe or tribal court to any member upon reasonable belief that such member has violated or breached a provision of this ordinance; and
 - (5) May seize and hold subject to the order of the tribal court any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in tribal court or any property otherwise authorized to be seized by the provisions of this ordinance.
- 4.06 Members of other Tribes, Tribal Court Adjudications. The tribal court is authorized to adjudicate alleged violations by any member of the Keweenaw Bay Indian Community or the Mille Lacs Band of Lake Superior Chippewa Indians of any off-reservation conservation code of either Tribe provided:
- (1) the relevant provisions of such ordinance is in essential conformance with the parallel provision of this ordinance; and
 - (2) The other Tribe has authorized the adjudication.
- 4.07 Registration Information. Tribal and commission wardens are hereby empowered to request and receive from tribal tag and permit issuance stations and harvest registration stations information regarding tag and permit issuance and harvest registration.
- 4.08 Penalties. Any person who, for himself or herself, or by his or her agent, servant or employee, or who as agent, servant or employee of another, violates this Code, shall be liable as follows:
- (1) For all violations for which no other amount is specified, a forfeiture of not more than \$5,000.00;
 - (2) For any violation, a revocation of off-reservation hunting, fishing, or gathering privileges for period of time within the discretion of the court;
 - (3) For any violation, a forfeiture of any property, including boats, motors, vehicles, hunting or fishing equipment, or other property, used in the commission of the violation of this ordinance;
 - (4) For all violations, the court may order a natural resources assessment not to exceed 75% of the amount of the forfeiture.
 - (5) For all violations, appropriate court costs within the discretion of the court.
- 4.09 Enhancement of Forfeiture and Penalties. Upon conviction of any member for a violation of this ordinance when such person has been convicted of a previous violation of this ordinance within a period of one year, the court may enhance any forfeiture or other penalty as the court deems appropriate.

- 4.10 Civil Damages. In addition to an action to impose penalties, the tribal court may award to the Tribe or, in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of damages against any person unlawfully killing, wounding, catching, taking, trapping, or having unlawfully in possession any of the following named protected wild animals, birds, or fish or any part thereof, and the sum assessed for damages for each wild plant or animal, shall not be less than the amount stated in this section:
- (1) Any endangered and threatened species protected under this ordinance, \$875.
 - (2) [Reserved]
 - (3) [Reserved]
 - (4) [Reserved]
 - (5) [Reserved]
 - (6) [Reserved]
 - (7) [Reserved]
 - (8) [Reserved]
 - (9) Any muskellunge or rock or lake sturgeon, \$43.75
 - (10) Any largemouth or smallmouth bass, \$26.25.
 - (11) Any brook, rainbow, brown, or steelhead trout, \$26.25.
 - (12) Any walleye, northern pike, or any other game fish not mentioned in pars. (9) to (11), \$8.75.
 - (13) Any game or fur-bearing animal or bird not mentioned in pars. (2) to (10), \$17.50.
- 4.11 Seized Wild Animals and Wild Plants. No wild animal or wild plant seized pursuant to this ordinance shall be returned to a convicted violator, his or her immediate family, or other member of the hunting, fishing or gathering party.
- 4.12 Schedule of Money Penalties; No Contest. The Tribal Court, in consultation with the Tribe's Governing Body, may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this ordinance has occurred, or a plea of no contest, which may be done either in person or in writing. This schedule shall not bind the Court as to forfeitures assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty.
- 4.13 Collection of Money Penalties. Enforcement of the money penalties imposed pursuant to this ordinance may be had through the collection of penalties from funds of the violator held by the Tribe, through the imposition of community service work requirements in lieu of money payment, through debt collection mechanisms of the courts of other jurisdictions, or through any other method authorized by law.
- 4.14 Parties to a violation.
- (1) Whoever is concerned in the commission of a violation of this ordinance shall be deemed a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.
 - (2) A person is concerned in the commission of the violation if the person:
 - (a) directly commits the violation;
 - (b) aids or abets the commission of it; or
 - (c) is a party to a conspiracy with another to commit it, or advises, hires, or counsels or otherwise procures another to commit it.
- 4.15 Harvesting After Revocation or Suspension. No member whose off-reservation hunting, fishing or gathering privileges have been revoked or suspended to Section 4.08 (2), shall hunt, fish, trap or gather off-reservation any wild plant or wild animal, the harvest of which is regulated by this ordinance, during such revocation or suspension.

CHAPTER 5 - WILD RICE HARVESTING REGULATIONS

[RESERVED]

CHAPTER 6 - DEER HARVESTING REGULATIONS

[RESERVED]

CHAPTER 7 - BEAR HARVESTING REGULATIONS

[RESERVED]

CHAPTER 8 - SMALL GAME HARVESTING REGULATIONS

[RESERVED]

CHAPTER 9 - FISH HARVESTING REGULATIONS

901. Definitions.

- a) "Dip Net" means a piece of netting suspended from a round or square frame not exceeding 8 feet in diameter or 8 feet in width and 8 feet in length.
- b) "Fyke Net" or "Trap Net" means a device constructed of netting which may employ a frame, wings, and leads, and which directs the movement of fish through a funnel of netting into inner hearts or built-in forebays wherein the fish are trapped by their movement.
- c) "Gillnet" means any net set to capture fish by entanglement rather than entrapment.
- d) "Hook and Line" means a rod and reel or similar device including a tip up and hand held lines, and includes trolling.
- e) "Ice Fishing" means fishing through an artificial hole in the ice.
- f) "Net" means any dip net, fyke net, gill net or seine and when used as a verb means to fish with any of these nets.
- g) "Open Water Fishing" means all fishing other than fishing through an artificial hole in the ice.
- h) "Seine" means a net of mesh no larger than 2" stretch measure, with floats at the top and weights at the bottom, such that it hangs vertically in the water, and which is drawn through the water to capture fish by encircling them rather than entangling them.
- i) "Spear" means a pole tipped with a minimum of three barbed tines which are a minimum of 4 1/2 " long and when used as a verb means reducing or attempting to reduce to possession fish by means of a hand held spear or other similar device which is directed by the spearer for the purpose of impaling the target fish, and may include the use of an artificial light. When used as a verb, spear shall also mean snagging for the purpose of this ordinance.
- j) "Set or Bank Pole" means a pole used for fishing from the banks of lakes or rivers in compliance with the provisions of Section 9.09.
- k) "Setline" means a line used for fishing in compliance with the provisions of Section 9.09.
- l) "Snagging" means attempting to take or reduce a fish to possession by hooking a fish in a place other than the mouth by the use of the hook and line or any other device which is not a net or spear.
- m) "Troll" means to fish from a motor-driven boat when the motor is running, from any boat in tow of a motor-driven boat when the motor is running, or from a sailboat when in motion.
- n) "Unattended" means beyond visual contact without the aid of a magnifying device for a period of more than 1/2 hour.

9.02. Open and Closed Season. A closed season is hereby established for fishing except for the open season specified in this chapter.

903. Number of Fish Available for Harvest. The number of any species of fish which shall be available for harvest pursuant to this ordinance for each twelve month period from April 1, through March 31 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the ceded Territory.

9.04. Fishing Permits/Tags.

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

9.05. Seasons, Methods, Bag Limits, and Size Limits.

- 1) No member shall take, catch, kill or fish for any species of fish in excess of the daily bag limit, by means other than those enumerated, during other than the open season, below the minimum size limit, above the maximum size limit or in locations other than those established by this section.
- 2) The following table hereby establishes the open season, permissible methods, daily bag limits and size limits for the enumerated species of fish in the identified locations:

<u>Kind of Fish and Locality</u>	<u>Method Permitted</u>	<u>Open Season (dates are inclusive)</u>	<u>Individual Daily Bag Limit</u>	<u>Maximum or minimum Size Limits</u>
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a) Largemouth and Smallmouth Bass.

(i) All waters	Hook & line, and ice fishing (including spearing when ice fishing)	Year Around	10	None
(ii) All waters	Open water spearing subject to Section 9.06	Year Around	10	None
(iii) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	None	None
(iv) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	10	None
(v) 1000 acres or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	10	None

b) Walleue

(i) All waters	Hook & line, and ice fishing (including spearing when ice fishing)	Year Around	10	None
(ii) All waters	Open water spearing subject to Section 9.06	Year Around	Established by permits issued pursuant to Section 9.06	Maximum of 20 inches except each fisher may take one fish 20-24 inches and one fish any size per day
(iii) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	Established by permits issued pursuant to Section 9.07	Identifiable males only prior to May 1. Maximum of 20 inches thereafter
(iv) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	None	None

(v)	1000 acres or larger lakes	Gillnets subject to	June 1 to March 1	Established by permit issued pursuant to Section 9.08	None
(c) <u>Northern Pike</u>					
(i)	All waters	Hook & line, and ice fishing (including spearing when ice fishing)	Year Around	10	None
(ii)	All waters	Open water spearing subject to Section 9.06	Year Around	10	None
(iii)	All waters	All nets (except gillnets subject to Section 9.09)	Year Around	10	None
(iv)	All waters	Setline, set or bank pole subject to Section 9.07	Year Around	10	None
(v)	1000 acres or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	10	None
(d) <u>Rock or Lake Sturgeon</u>					
(i)	All waters	Hook & line, and ice fishing (excluding spearing when ice fishing)	Year Around	1 per year all methods	45 inch minimum size limit
(ii)	All waters	Open water spearing subject to Section 9.06 and spearing while ice fishing	Year Around	1 per year all methods	None
(iii)	All waters	All nets (except gillnets subject to Section 9.09)	Year Around	1 per year all methods	45 inch minimum size limit
(iv)	All waters	Setline, set or bank pole subject to Section 9.07	Year Around	1 per year all methods	45 inch minimum size limit
(v)	1000 acres or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	1 per year all methods	None
(e) <u>Muskellunge</u>					
(i)	All waters	Hook & line, and ice fishing (including spearing when ice fishing)	Year Around	2 per day	One fish of any size; one of at least 32 inches
(ii)	All waters	Open water spearing subject to Section 9.06	Year Around	Established by permits issued pursuant to Section 9.06	One fish of any size; one of at least 32 inches

(iii)	All waters	All nets (except gillnets subject to Section 9.09	Year Around	2 per day	One fish of any size; one of at least 32 inches
(iv)	All waters	Setline, set or bank pole subject to Section 9.09	Year Around	Established by permits issued pursuant to Section 9.06	One fish of any size; one of at least 32 inches
(v)	1000 acres or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	Established by permits issued pursuant to Section 9.06	One fish of any size; one of at least 32 inches

(f) Trout and Salmon (Except Lake Trout)

(i)	Lake Superior tributaries	Hook and Line	First Saturday in April at 5:00 a.m. to May 31	10 in aggregate of which only 4 may be rainbow	10 inch minimum size limit
(ii)	Lake Superior tributaries	Hook and Line	June 1 to September 30	20 in aggregate	6 inch minimum size limit
(iii)	Lake Superior tributaries	Hook and Line	October 1 to November 15	10 in aggregate of which only 4 may be rainbow	10 inch minimum size limit
(iv)	All other waters except spring ponds	Hook and Line	January 1 to September 30	20 in aggregate	6 inch minimum size limit
(v)	Spring ponds	Hook and Line	First Saturday in May to September 30	20 in aggregate	6 inch minimum size limit

(g) Lake Trout.

(i)	All waters	Hook and line, ice fishing (including spearing when ice fishing) and open water spearing subject to Section 9.06	Year Around	4 per day	None
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(h) White Bass, Rock Bass, Bluegill, Crappie, Pumpkinseed, Yellow Perch, Bullheads, Yellow Bass, Catfish

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| (i) | All waters | Hook and Line; ice fishing (including spearing when ice fishing); open water spearing subject to Section 9.06; setline, set or bank pole subject to Section 9.09; all nets (except gillnets) subject to Section 9.07. | Year Around | None | None |
| (ii) | 1000 acres | Gillnets subject to Section 9.08. | Year Around | None | None |

(i) Cisco and Whitefish.

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|------|------------|---|-------------|------|------|
| (i) | All waters | Hook and Line; ice fishing (including spearing when ice fishing); open water spearing subject to Section 9.06; setline, set or bank pole subject to Section 9.09; all nets (except gillnets) subject to Section 9.07; and gillnets on lakes only subject to Section 9.08. | Year Around | None | None |
| (ii) | 1000 acres | Gillnets subject to Section 9.08. | Year Around | None | None |

(j) Rough Fish.

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|------|------------|--|-------------|------|------|
| (i) | All waters | All methods not otherwise specifically prohibited by this ordinance except gillnetting | Year Around | None | None |
| (ii) | 1000 acres | Gillnets subject to Section 9.08. | Year Around | None | None |

(k) Paddlefish or Spoonbill Catfish .

All waters -- No Open Season

9.06. Spearing Regulated.

- 1) Except while ice fishing, no member shall use or possess any spear on any body of water unless the member possesses a valid permit authorizing the use of a spear on that body of water.
- 2) The tribal conservation department may issue a spearing permit to a member provided:
 - a) An open season exists for the species to be fished;
 - b) The permit shall be valid for no more than 1 day for walleye, muskellunge, sturgeon and Lake Trout spearing and for no more than 3 consecutive days for the spearing of all other species;
 - c) The permit establishes the daily bag limit for walleye which may be less than but shall not exceed the number of walleye which remain available for harvest from those made available pursuant to Section 9.03 in the designated body of water;
 - d) The total number of walleye spearing permits which may be issued at any one time shall not exceed the number of walleye which remain available for harvest from those made available pursuant to Section 9.03 divided by the daily bag limit;
 - e) The permit designates the body of water for which the permit is valid;
 - f) No spearing permit shall be issued for any body of water for which permits for the use of nets pursuant to Sections 9.07 and 9.08 have also been issued; and
 - g) The permit requires the member's signature.
- 3) No member shall fish by the use of a spear contrary to the terms and conditions of any spearing permit which has been issued to him or her.
- 4) No member shall fish with the use of a spear which does not meet the requirements of Section 9.01(9) [Spear Defined], except that a member may spear panfish with the use of a spear with barbed tines that are smaller than otherwise required.
- 5) Except while ice fishing, no member shall possess any fish harvesting devices other than a spear while engaged in spearing.
- 6) No member shall share spearing equipment with any person who is not a member or a member of another Lake Superior Chippewa Band except that a person who is a member of the spearer's immediate family and household may assist in the operation of a boat.
- 7) The tribal conservation department shall not issue a permit for a particular body of water under this section which authorizes the spearing of walleye if no walleye remain available for harvest from those made available pursuant to Section 9.03 in that body of water.
- 8) The tribal conservation department shall not issue a spearing permit under this section during spring spearing for a particular body of water unless a biological monitoring team will be required to be present at each landing designated for that body of water.
- 9) The tribal conservation department may issue an open water spearing permit to a member for a designated stream segment, as identified in Section 9.06 (10), provided:
 - a) The permit shall authorize spearing only on a stream segment designated by the Commission's Biological Service Division as available for open water spearing;
 - b) No more than four boats and twelve spearers per day shall be permitted to fish on any designated stream segment;
 - c) No designated stream segment shall be speared for a particular species for more than two days in a fishing year;
 - d) No spearing shall be authorized in any fish refuge located within the designated stream segment;
 - e) The permit requires the use of designated landings for ingress to the egress from the designated stream segment;
 - f) Spearing in a designated stream segment may take place from a boat or while wading;
 - g) The permit imposes the following bag limits for the species indicated:

(i) Sturgeon	On per day per designated stream segment (All boats)
(ii) Muskellunge	One per boat per day
(iii) Walleye	Five per person per day; and

- h) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements in addition to those contained in Section 9.06 (8) appropriate to the level of harvest activity on a designated stream segment.
- 10) For the purposes of this section, "designated stream segment" means a discrete in-stream population of a particular species as opposed to a discrete fish population of a lake which moves into a tributary stream to spawn.

9.07. Dip Nets, Fyke Nets and Seines Regulated.

- 1) Except while netting for minnows pursuant to Section 9.19 (2), no member shall use or possess any dip net, fyke net or seine on any body of water unless the member possess a valid permit authorizing the use of a dip net, fyke net or seine on that body of water.
- 2) The tribal conservation department may issue a dip netting, fyke netting or seining permit, provided:
 - a) An open season exists for the species to be fished;
 - b) the permit shall be valid for no more than 1 day for walleye, muskellunge, and Lake Trout, and for no more than 3 consecutive days for all other species;
 - c) The permit established the daily bag limit for walleye which may be less than but shall not exceed the number of walleye which remain available for harvest from those made available pursuant to Section 9.03 in the designated body of water;
 - d) The total number of walleye netting permits issued under this section shall not exceed the number of walleye which remain available for harvest from those made available pursuant to Section 9.03 divided by the daily bag limit;
 - e) Netting for all species with dip nets, fyke nets or seines is limited to one body of water for the duration of the permit;
 - f) No netting permit shall be issued for any body of water for which permits for the use of gillnets pursuant to Section 9.08 or the use of spears pursuant to Section 9.06 have been issued;
 - g) The permit shall require that all nets authorized comply with the marking requirements of Section 9.08 (9) and the safety requirements of Section 9.08 (10) and (11);
 - h) The permit requires the member's signature;
 - i) Permits issued pursuant to Section 9.19 [Bait Dealers Regulated] shall be governed by the provisions of that section; and
 - j) The tribal conservation department or the Commission may impose such other terms and conditions as it deems necessary and appropriate.
- 3) No member shall fish by the use of a dip net, fyke net or seine contrary to the terms and conditions of any netting permit which has been issued to him or her.
- 4) No member shall fish with the use of a dip net, fyke net or seine which does not meet the requirements of Section 9.01 (1) [Dip Net Defined], Section 9.01 (2) [Fyke Net Defined], or Section 9.01 (8) [Seine Defined].
- 5) Except while netting for minnows pursuant to Section 9.19, no member shall possess any fish harvesting device other than a dip net, fyke net or seine while engaged in netting under this section.
- 6) No member shall share netting equipment authorized under this section with any person who is not a member or a member of another Lake Superior Chippewa Band, except that a person who is a member of the netter's immediate family or household may assist in the placing or lifting of any net.
- 7) The tribal conservation department shall not issue a permit for netting a particular body of water under this section for walleye if no walleye remain available for harvest from those made available pursuant to Section 9.03 in that body of water.

9.08 Gillnets Regulated.

- 1) No member shall use or possess any gillnet on any body of water unless the member possess a valid permit authorizing the use of a gillnet on that body of water.
- 2) The tribal conservation department may issue a gillnetting permit for any lake provided;
 - a) An open season exists for the species to be fished;
 - b) The permit shall be valid for no more than 1 day for any species;
 - c) The permit establishes a daily bag limit for walleye which may be less than but shall not exceed the number of walleye which remain available for harvest from those made available pursuant to Section 9.03 in that lake;
 - d) Except as provided in subs. (14), any number of permits shall be issued at any one time for any lake but the total length in feet of all gillnets authorized for all permits on any one lake shall not exceed the number of walleye remaining available for harvest in that lake multiplied by 10;
 - e) Gillnetting for all species is limited to one body of water for the duration of the permit;
 - f) No gillnetting permit issued pursuant to Section 9.06 or netting permits pursuant to Section 9.07 shall be simultaneously valid for body of water.
 - g) The permit requires the member's signature;
 - h) Except as provided in subs. (14), the permit establishes the maximum length in feet and the mesh size of the gillnet which is authorized as determined from the spring walleye population average length and the following chart:

<u>Spring Length</u>	<u>Maximum Allowable Mesh Size (Stretched)</u>
13.5"	2.5"
13.5- 16.49"	3.0"
16.5- 18.49"	3.5"
18.5- 20.49"	4.0"
20.5" and under	4.5"

- i) No gill netting shall be authorized for any body of water unless the spring average length of walleye has been determined that year for that body of water. In determining the spring average length of walleye, data gathered by the use of any appropriate gear, such as fyke nets, electro-shocking or spearing, may be utilized provided that an accurate assessment of walleye size can be accomplished.
 - j) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.
- 3) No member shall fish by the use of a gillnet contrary to the terms and conditions of any gillnetting permit which has been issued to him or her.
- 4) No member shall fish with the use of a gillnet which does not meet the requirements of Section 9.01 (3) [Gillnet Defined].
- 5) No member shall possess any fish harvesting device other than a gillnet while engaged in gillnetting under this section.
- 6) No member shall share gillnetting equipment authorized under this section with any person who is not a member or a member of another Lake Superior Chippewa Band, except that a person who is a member of the netter's immediate family or household may assist in the placing or lifting of any gillnet, provided that the netter is physically present during the activity.
- 7) Except as provided in subs. (14), the tribal conservation department shall not issue a permit for gillnetting a particular body of water under this section if no walleye remain available for harvest from those made available pursuant to Section 9.03 in that body of water.
- 8) In imposing appropriate mesh size restrictions on a gillnet permit, the tribal conservation department shall consult with the Commission and any size restriction shall take into account the length distribution of the adult walleye population in the lake to be fished.

- 9) No member shall fish with any gillnet unless the gillnet is marked in compliance with the following provisions:
 - a) Each gill net shall be marked with two flags on the inside of the net and one flag on the outside;
 - b) Each flag pole shall be three feet or more above the water and have a diameter of two and one-half inches or less;
 - c) Each flag pole shall be white and ten inches square or larger; and
 - d) Each pole shall have attached securely to it an identification tag issued by the tribal conservation department showing the member's tribal affiliation and tribal identification number.
- 10) No member shall set a gillnet with a topline within 3 feet of the water's surface unless the gillnet is buoyed at 500 foot intervals.
- 11) No member shall set any gillnet in an unsafe manner which shall unreasonably expose boaters and other users of the lake to a risk of imminent bodily harm or property damage, or contrary to such other restrictions as the tribal conservation department may require.
- 12) No member shall remove a gillnet from a lake without first removing from the gillnet and returning all crayfish to the water or killing all crayfish entangled in the gillnet.
- 13) No member shall fail to lift any gillnet at least two times in each continuous 24 hour period during which the net is set, or more frequently as water temperature may require so as to avoid the spoilage of any fish taken by the net.
- 14) Notwithstanding the provisions of subs. (2)(d), (2)(h) and (2)(f), the tribal conservation department may issue a permit for gillnetting ciscos (tullibeas) on such terms and conditions as it deems necessary or appropriate, provided that at a minimum all other provisions of this section shall otherwise apply to cisco gill netting permits.

9.09 Setlines and Set or Bank Pole Regulated.

- 1) No member shall fish with or set any setline or set or bank pole except in accordance with the following provisions:
 - a) A maximum of 20 set or bank poles and 1 setline may be used at any one time in no more than 3 bodies of water.
 - b) Setlines must be marked as follows:
 - (i) one end of the setline must be marked by a white flag ten inches square or larger held by a pole or staff at least 3 feet above the water's surface or bank;
 - c) Each set or bank pole and each setline shall have attached securely to it an identification tag issued by the Tribe showing the member's name, tribal affiliation and tribal identification number.
 - d) Setlines or set or bank poles shall not be equipped with stainless steel hooks.
 - e) A set or bank pole may not be equipped with more than one line which shall not have more than 2 hooks.
 - f) A setline shall not have more than 10 hooks.
 - g) Each set or bank pole and setline shall be lifted and the catch removed at least once each day following the day it was set.
 - h) Set or bank poles and setlines may only be set, attended or lifted from one hour before sunrise to one-half hour past sunset.
 - i) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.
- 2) No member shall fish with any set or bank pole or setline which does not meet the requirements of Section 9.01 (10) [Set or Bank Pole Defined] or Section 9.01 (11) [Setline Defined].
- 3) No member shall possess any fish harvesting device other than a set or bank pole or setline while setting, lifting or attending a set or bank pole or setline.
- 4) No member shall share any set or bank pole or setline with any person who is not a member or a member of another Lake Superior Chippewa Band, except that a person who is a member of the fisher's immediate family or household may assist in the placing or lifting of any set or bank pole or setline, provided the fisher is physically present during the activity.

9.10 Designated Landing May be Required.

- 1) In issuing a spearing or netting permit pursuant to Sections 9.06, 9.07 or 9.08, the tribal conservation department or the Commission may require permittees to use only designated landings for entering upon and exiting from a body of water.
- 2) When so required, no member shall enter upon or exit from a body of water except at such landings designated by the tribal conservation department or the Commission pursuant to subs. (1).
- 3) Notwithstanding the provisions of subs. (1) and (2), a member may exit from a body of water at a location other than a designated landing when necessitated by weather conditions, considerations of person safety or other appropriate circumstances.

9.11 Reporting and Monitoring.

- 1) No member shall fail to complete catch reports in the manner required by the tribal conservation department or the Commission Biological Services Division or to otherwise fail to comply with any catch monitoring requirements imposed by either of those agencies with respect to any fishing method authorized by this chapter.
- 2) The tribal conservation department shall issue no further permits under this chapter to any member who has failed to complete and return any creel census questionnaire or other catch report required by subs. (1).
- 3) In the event that a member fails to report or return a census questionnaire, the tribal conservation department or the Commission's Biological Services Division, shall count the total number of fish allowed by that member's permit against the tribal quota/harvest until such report or census questionnaire is completed and returned in compliance with this section.

9.12 Hook & Line Open Water Fishing Regulated. Except as provided in Section 9.09 [Setlines and Set or Bank Poles Regulated], no member shall:

- 1) engage in open water fishing by the use of hook and line with more than six lines with a maximum of two hooks or lures per line.
- 2) engage in open water fishing by the use of any unattended hook and line.
- 3) Nothing in this ordinance shall be construed to prohibit any member from trolling on any body of water while engaged in open water fishing by the use of hook and line.

9.13 Ice Fishing Regulated.

- 1) No member shall ice fish by the use of hook and line through a hole larger than 12 inches in diameter.
- 2) No member shall ice fish by the use of a spear through a hole larger than 24 inches by 36 inches.
- 3) No member shall ice fish with unattended lines except in compliance with the following provisions:
 - a) All unattended lines shall have attached a single iron hook with a maximum 1/2 inch point to shank gape;
 - b) All unattended lines shall be of a biodegradable material and shall be securely anchored so as not to be dislodged by a hooked fish;
 - c) All unattended lines shall be tagged with a valid identification tag obtained from the tribe indicating the member's name, tribal affiliation and tribal identification number;
 - d) Any member fishing with unattended lines shall, prior to doing so, inform the tribal conservation department of his or her name, address, phone number, and lakes upon which the member intends to fish with unattended lines;
 - e) Each unattended line shall be checked at least once every 24 hours unless severe weather conditions render it impractical to do so;
 - f) No more than a total of 30 attended or unattended lines shall be used at any one time in no more than 3 lakes; and
 - g) All poles used for unattended lines shall be marked so as to be visible to vehicular traffic, and all openings more than twelve inches in diameter or across shall be marked in a manner which identifies them as a hazard when unused.

- 4) No member shall ice fish within an ice fishing house or other enclosure, unless the enclosure is equipped with a latch which will permit the door to be readily opened from the outside at all times while the house is occupied.
- 5) No member shall place, maintain or use a house or other enclosure for ice fishing on any body of water unless the owner's name and address is clearly displayed on the outside of the house.
- 6) No member shall fail to remove an ice fishing house or other enclosure from any body of water on or before March 15 except that portable shelters may be used while ice fishing after that date provided the portable shelter is removed daily from the ice.
- 7) No member shall share any ice fishing gear, including any spear, with any person who is not a member or a member of another Lake Superior Chippewa Band except that a person who is a member of the fisher's immediate family or household may assist in setting or lifting of unattended lines, provided that the fisher is physically present during the activity, and except that any person may occupy an ice fishing house or other enclosure provided such person is not in any way assisting with or sharing the member's fishing equipment.

9.14 Possession Limit.

- 1) (a) Except as provided in subs (3) and (4), no member shall have in his or her possession any number of fresh fish of any species greater than double the daily bag limit of that species.
(b) For the purpose of this section, "fresh" means unspoiled and never frozen once removed from a body of water.
- 2) Except as provided in subs. (3) and (4), no member shall possess more than one daily bag limit of any species of fish while on any body of water or while fishing unless all fish in excess of the daily bag limit have been tagged in accordance with Section 3.10 as having been harvested on-reservation.
- 3) The possession limits of this section shall not apply to fresh walleye lawfully taken pursuant to permits issued under Sections 9.06 [Spearing], 9.07 [Netting] or 9.08 [Gillnetting] when such walleye have been monitored and counted as the permittee leaves a body of water except that no member shall possess more than the walleye daily bag limit established by a permit for any body of water while on that body of water unless all walleye in excess of the daily bag limit have been tagged in accordance with Section 3.10 as having been harvested on-reservation.
- 4) The possession limits established by this section shall not apply to fresh fish tagged for sale pursuant to Section 9.21.

9.15 Sturgeon Tagging Required.

- 1) No member shall fail to register with the tribal conservation department any sturgeon harvested pursuant to this ordinance prior to 5:00 p.m. of the next working day following the harvest.
- 2) Upon registering a sturgeon, the registering official shall firmly affix a registration tag to the carcass.

9.16 Incidental Take by Gillnet.

- 1) No member shall retain possession of any species of fish taken in excess of the daily bag limit by the use of a gillnet authorized by Section 9.08 and no member shall fail to either:
 - a) Return to the water any such fish which appears capable of surviving; or
 - b) Transfer possession of such fish as soon as practicable to the tribal conservation department or to a person authorized to enforce this ordinance.
- 2) Any such fish transferred pursuant to subs. (1) (b) shall be disposed of by the tribe for charitable purposes but shall not be returned to the member or his or her immediate family.

9.17 Live Bait Restrictions. No member shall use as live bait while fishing pursuant to this ordinance: carp, goldfish, redhorse, fresh water drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, gizzard shad, smelt, goldeye, mooneye, carpsucker, quillback, chub and crayfish.

9.18. Fishing in Certain Locations Prohibited or Restricted.

- 1) No member shall fish at any time within 50 yards of a tribal, Commission or Wisconsin Department of Natural Resources assessment net or its leads.
- 2) No member shall fail to comply with the closures and other restrictions with respect to fish refuges and fish management experimental bodies of water established pursuant to Section 3.27 [Wild Animal Refuges Established].

9.19. Bait Dealers Regulated.

- 1) No member shall set, use or operate any net or other device for taking, catching or killing minnows except as provided by this section.
- 2) Any member may take or possess less than 1200 minnows by the use of any net authorized by Section 9.07 [Dip Nets, Fyke Nets and Seines] without a permit provided that while netting for minnows:
 - a) No member shall remove or destroy vegetation, logs or other habitat features;
 - b) No member shall handle, transport or hold minnows except in a manner which will reasonable ensure the minnows will be kept alive and healthy; and
 - c) No member shall fail to promptly return unharmed to the water all minnows not kept and all game fish caught by a net.
- 3) No member shall take or possess more than 1200 minnows at any time unless the member possesses a permit issued pursuant to subs. (4).
- 4) The tribal conservation department may issue a permit to a member authorizing the taking or possession at any time more than 1200 minnows on the following terms and conditions;
 - a) A permit shall include the member's name, address, tribal affiliation and tribal identification number;
 - b) A permit shall specify the waters where the permit is valid and the number of nets or other devices which may be utilized at any time.
 - c) A permit shall describe the nets or other devices authorized;
 - d) A permit may be valid for no more than 12 months from the date of issuance;
 - e) A permit shall require the member to transport, handle and hold minnows in a manner which will reasonably ensure the minnows will be kept alive and healthy;
 - f) A permit shall require that all minnows not kept and all game fish caught by the nets or other devices to be promptly returned unharmed to the water;
 - g) A permit shall prohibit the removal or destruction of vegetation, logs and other habitat features; and
 - h) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.
- 5) No member shall take or attempt to take minnows contrary to the terms and conditions of any permit issued under subs. (4).
- 6) Nothing in this ordinance shall be construed to prohibit a member from selling, trading or bartering to any person minnows lawfully taken pursuant to this section.

9.20 Sale of Game Fish.

- 1) (a) The provisions of this section and Section 9.21 shall not take effect until such time as the tribe's governing body declares them to be effective by a subsequent resolution.
 - b) No member shall sell any game fish prior to the effective date as declared by the tribe's governing body pursuant to subs. (1) (a).
- 2) At such time as the provisions of this section are declared effective pursuant to subs. (1) (a), no member shall sell to any person any game fish or part thereof lawfully harvested pursuant to this ordinance, except in accordance with the provision of Section 9.21 and in accordance with the terms and conditions of the resolution of the Tribe's governing body.
- 3) Nothing in this ordinance shall be construed to prohibit any member from selling to any person any fish lawfully harvested pursuant to this ordinance which is not a game fish.

9.21 Sale of Game Fish Regulated.

- 1) The purpose of this section is to establish the regulations governing the sale of game fish pursuant to Section 9.20 (1) (c).
- 2) The tribal conservation department may issue sequentially numbered tags which authorize a member to sell a game fish lawfully harvested pursuant to this ordinance on the following conditions:
 - a) Each whole game fish sole must be tagged prior to being sold; or
 - b) If filleted prior to sale, all fillets from a game fish must be tagged together or otherwise packaged together with one tag prior to sale.
- 3) No member shall sell a game fish or any part thereof pursuant to Section 9.20 (2) unless such game fish or parts thereof have been properly tagged in accordance with subs. (2).

9.22 Harvest of Spawn and Introduction of Fish Regulated.

- 1) No member shall stock, introduce, place, transfer or otherwise release any fish or the spawn of any fish into any body of water, except for returning or releasing a fish into a body of water from which it came.
- 2)(a) Except in accordance with the provisions of subs. (2) (b), no member shall harvest the spawn of any fish unless the carcass of the fish is legally harvested pursuant to this ordinance.
 - b) (i) The tribal conservation department may issue a permit to a member for harvesting only the spawn of any fish without harvesting the carcass of the fish upon such terms and conditions as it deems necessary or appropriate.
 - (ii) No member shall fail to comply with the terms and conditions of any permit issued pursuant to this section.
- 3) Nothing in this section shall preclude the Tribe, tribal conservation department or the Commission's Biological Services Division, or their employee or agents, from stocking fish in any body of water pursuant to a management plan.

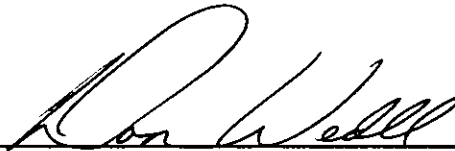
9.23 Authorized for Closure. The Commission's Biological Services Division is hereby delegated the authority to close any body of water to walleye fishing by the use of a spear or net prior to the season's closing date, provided no walleye remain available for harvest in that body of water from those made available pursuant to Section 9.03.

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

CHAPTER 10 - MIGRATORY BIRD HARVESTING REGULATIONS

[RESERVED]

DATED at Vineland, Minnesota this fifth day of April in the year one thousand nine hundred and eighty-nine.



Don Wedll
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO
FORM AND EXECUTION

Tadd Johnson
Solicitor General

OFFICIAL SEAL OF THE BAND