

Commissioner's Order 21-84

Natural Resources

A Commissioner's Order establishing and regulating deer hunting east of the St. Croix River for the Mille Lacs Band of Chippewa Indians for 1984 Deer Hunting.

WHEREAS, Band Statute 1032-MLC-1, Section 29 mandates that the Commissioner of Natural Resources shall protect and regulate all matters of land and water for the Mille Lacs Band of Chippewa Indians, and;

WHEREAS, the Seventh Circuit Court of Appeals has ruled that the hunting, fishing, and gathering right does exist, and;

WHEREAS, the State of Wisconsin has been consulted in regards to deer hunting within the ceded territories of 1837, and;

WHEREAS, the Mille Lacs Band of Chippewa will regulate its members in the taking of deer within the area of the 1837 treaty east of the St. Croix River, and;

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Band River Band of Lake Superior Chippewa Indians, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the St. Croix Band of Lake Superior Chippewa Indians, and the Mole Lake Band of Lake Superior Chippewa Indians have agreed to allow Mille Lacs Band of Chippewa to hunt within their territorial jurisdiction for the purpose of deer hunting.

NOW THEREFORE, pursuant to the authority vested in me by the Mille Lacs Band of Chippewa Indians under tribal law, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby prescribe the following regulations applicable only for deer hunting east of the St. Croix River:

Regulations  
Off Reservation 1984 Deer Hunting

101. Purpose. It is the purpose of this order to accomplish the following goals:

- a. To provide an orderly system for the Band to control and regulate deer hunting on public lands in the off-reservation territories ceded by the Chippewa in the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591; and
- b. To provide conservation and management of the deer population found in the ceded territory through the regulation of member deer hunting occurring there.

102. Interpretation. The provisions of this order shall be interpreted and applied as minimum requirements applicable to deer hunting by tribal members, and shall be liberally construed in favor of the Tribe. The provisions shall not, however, be deemed a limitation or repeal of any other tribal power or authority.
103. Repeal of Inconsistent Commssioners Order. All orders inconsistent with this order are hereby repealed. To the extent that this order imposes greater restrictions than those contained in any other Band order, the provisions of this order shall govern.
104. The Band asserts immunity on its part and that of its agencies, employees, and/or agents from any action for damages that may occur as a result of reliance upon and conformance with this order.
201. Definitions.
- a. "Antlerless deer" means any deer not having at least one antler of at least 3 inches in length.
  - b. "Gun" means rifle, shotgun, or handgun.
  - c. "Hunt" means to shoot, shoot at, pursue, take, catch, or kill, any deer off-reservation, but does not include the recovery of a deer which has already been lawfully reduced to possession.
  - d. "Member" means an enrolled member of the Band .
  - e. "Natural Resources Department" means the conservation department of the Mille Lacs Band of Chippewa Indians.
  - f. "Band" means the Mille Lacs Band of Chippewa Indians.
  - g. "Vehicle" means any motorized means of transportation.
  - h. "Working day" means Monday, Tuesday, Wednesday, Thursday and Friday.
301. Gun seasons. No member shall, with a gun, hunt deer except during the following seasons:
- a. September 22, 1984 through November 2, 1984, hereinafter referred to as the "early season".
  - b. November 17, 1984 through November 25, 1984, hereinafter referred to as the "middle season".

c. November 26, 1984 through December 15, 1984, hereinafter referred to as the "late season".

302. Bow season. No member shall, with a bow and arrow or crossbow, hunt deer except from September 15, 1984 through November 11, 1984 and from December 1, 1984 through December 31, 1984.

303. Gun hunting restrictions. During the season indicated no member shall:

a. Possess, place or transport in or on any vehicle any firearm unless such firearm is unloaded and enclosed within a carrying case. Prohibition applies during middle and late seasons.

am. Possess, place or transport in or on any vehicle any firearm unless firearm is unloaded and enclosed within a carrying case, except while hunting. Prohibition applies during early season.

b. Load, fire or shoot any firearm in, on or from any stationary vehicle. Prohibition applies during middle season.

c. Load, fire or shoot any firearm from any moving vehicle. Prohibition applies during early, middle and late seasons.

d. Discharge any firearm from or across any public road surfaced with concrete or blacktop or hunt within 50 feet of the centerline of such roads or to the existing fence, whichever distance is shorter. Public roads shown on the current official county highway map. Prohibition applies during early, middle and late seasons.

e. Hunt deer unless at least 50% of the member's outer clothing above the waist is of highly visible color commonly referred to as hunter orange, blaze orange, flourescent orange, or flame orange. Prohibition applies during middle season.

f. Hunt deer unless there is attached to the center of the member's coat, shirt, jacket or similar outer most garment where it can clearly be seen the back tag issued to him by a tribal conservation department. Prohibition applies during middle season.

g. If under the age of 16, hunt deer unless accompanied by a parent or guardian or unless such member is at least 14 years of age and has a validly issued hunter safety certificate. Prohibition applies during early, middle and late seasons.

h. Hunt within 300 feet of any dwelling or within 1700 feet of any hospital, school grounds, or sanitorium.

304. Gun and bow hunting restrictions, all seasons. No member shall:

a. Use or possess with intent to use a light for shining deer or other wild animals

1. while the member is hunting deer; or

2. while the member is in possession of a firearm, bow and arrow, or crossbow; or

3. at any time between 10:00 p.m. and 7:00 a.m.

A member casting rays of light on a field, forest or other area which is frequented by wild animals is rebuttably presumed to be shining wild animals.

b. Move or field dress any deer before tagging it with a metal carcass tag, or fail to tag the deer with a metal carcass tag immediately upon killing.

c. Transport any deer in or on any motor vehicle from the time such deer is killed to the time it is lawfully registered unless the deer is carried openly exposed and in such manner so that the deer tag attached to the deer cannot be handled or manipulated by any occupant of the vehicle.

d. Possess, place or transport in or on a motordriven boat while the motor is running any firearm, bow, or crossbow unless the firearm is unloaded or unless the bow or crossbow is unstrung or enclosed within a carrying case.

e. Unreasonably waste, injure, destroy, or impair natural resources while engaged in deer hunting activities.

305. Prohibited weapons. No member shall hunt deer using any weapon other than a rifle, shotgun, handgun, bow and arrow, or crossbow permitted by this section.

a. No member shall hunt deer with a .22 rimfire rifle, 5mm rimfire rifle, .17 caliber centerfire rifle.

b. No member shall hunt deer with a 410 bore shotgun.

- c. No member shall hunt deer with any handgun except a handgun:
1. Loaded with .357, .41, 94 .44 magnum caliber cartridges or any other caliber handgun chambered for commercially manufactured cartridges which produce a minimum muzzle energy or 100 ft. - lbs.; and
  2. Having a minimum barrel length of 5 1/2 inches measured from the muzzle to the firing pin with the action closed.

No member hunting with a handgun as herein described shall have in his possession while hunting any other handgun.

- d. No member shall hunt deer with a bow and arrow having a pull of less than 30 pounds.
- e. No member shall hunt deer with a crossbow unless the crossbow:
1. Is fired from the shoulder.
  2. Delivers at least 42 ft. - lbs. of energy at a distance of 10 feet.
  3. Has a stock of not less than 30 continuing inches in length.
  4. Has a working safety; and
  5. Is used with arrows or bolts of not less than 10 inches with a broadhead.

306. Prohibiting hunting hours. No member shall hunt deer at any time of day except as permitted by this section:

a. Gun Season hours:

<u>DATE</u>	<u>TIME</u>
September 22 - October 1	6:15 a.m. - 7:00 p.m. DST
October 2 - October 9	6:30 a.m. - 6:45 p.m. DST
October 10 - October 16	6:30 a.m. - 6:30 p.m. DST
October 17 - October 25	6:45 a.m. - 6:15 p.m. DST
October 26 - October 27	7:00 a.m. - 6:00 p.m. DST
October 28 - November 2	6:00 a.m. - 5:00 p.m. CST
November 17 - December 15	6:30 a.m. - 4:30 p.m. CST

b. Bow season hours:

<u>DATE</u>	<u>TIME</u>
September 15 - September 17	6:00 a.m. - 7:15 p.m. DST
September 18 - October 1	6:15 a.m. - 7:00 p.m. DST
October 2 - October 9	6:30 a.m. - 6:45 p.m. DST
October 10 - October 16	6:30 a.m. - 6:30 p.m. DST
October 17 - October 25	6:45 a.m. - 6:15 p.m. DST
October 26 - October 27	7:00 a.m. - 6:00 p.m. DST
October 28 - November 6	6:00 a.m. - 5:00 p.m. CST
November 7 - November 11	6:15 a.m. - 4:45 p.m. CST
December 1 - December 31	6:30 a.m. - 4:30 p.m. CST

307. Prohibited hunting areas. No member shall hunt deer on any of the following lands:

- a. Designated public campgrounds, public beaches, and public picnic areas;
- b. School forests, landfills, and gravel pits where hunting is prohibited and where notice of the prohibition is clearly posted;
- c. Public land within incorporated areas except that members may use the same method as non-Indians for those lands which are designated for deer hunting.
- d. All state parks except Big Bay State Park, Interstate State Park and Tuscobia - Park Falls State Trail, provide that gun hunting is permitted in these state parks only from November 17, 1984 through December 15, 1984, and bow hunting is permitted only from December 1, 1984 through December 31, 1984.
- e. All state wildlife refuges except for the following:

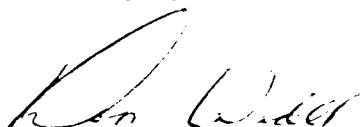
Burnett County	- Fish Lake Wildlife Area
Marathon County	- Beans Eddy Berkhahn Flowage Honey Island Flowage McMillion Marsh Mead
Oneida County	- Rice Lake
St. Croix County	- Oakridge Lake
Douglas County	- Bruel River
Vilas County	- Powell Marsh
Wood County	- Mead

Provided, That gun hunting is permitted in these wildlife refuges only from November 17, 1984 through December 15, 1984 and bow hunting is permitted only from December 1, 1984 through December 31, 1984.

308. Identification. No member shall hunt deer who does not carry on his or person a valid picture ID issued by the Band, which shall be displayed upon request by tribal, state, or local law enforcement officials.
309. Permits, tags.
- a. No member shall hunt any deer without a validly issued metal carcass tag in his possession.
  - b. No member shall hunt an antlerless deer without an antlerless deer permit in his/her possession bearing the number of the member's carcass tag and valid for the date on which he/she is hunting.
  - c. No member shall hunt an antlerless deer without an antlerless deer permit valid for the deer management unit in which the deer is located at the time of shooting.
  - d. The band may issue tags and permits to and register deer taken by the members of any other Chippewa Band of Wisconsin.
310. Registration.
- a. A Band member killing a deer shall register the deer by presenting it at a tribal registration station no later than 5:00 p.m. of the first working day after killing.
  - b. A Band member killing an antlerless deer shall surrender his/her antlerless deer permit upon registration.
  - c. A Band member registering a deer shall provide the registering official with the following information: the management unit and county where the deer was taken, the date and time when the deer was taken, and the ID number of the member taking the deer.
401. Enforcement by Deputized Conservation Wardens. Any provisions of this order may be enforced by tribal conservation wardens or by conservation wardens of the Great Lakes Indian Fish and Wildlife Commission. Said Commission wardens are hereby deputized by the Tribe as tribal conservation wardens for purposes of enforcing this order.

402. Enforcement by Wisconsin Department of Natural Resources Wardens. Wisconsin conservation wardens and deputy conservation wardens are hereby empowered to enforce the provisions of this order and to institute proceedings in the Band Court by use of the citation forms of the Wisconsin Department of Natural Resources, as described in Wis. Stat. 23.054.
403. Jurisdiction. The Mille Lacs Band's Court of Central Jurisdiction has jurisdiction over violations of this order pursuant to Band Statute 101B-MLC-7, Section 17. The procedures and penalties set forth in the Court of Central Jurisdiction shall apply to violations of this order except:
- a. For a violation of section 309(b) or 309(c), a forfeiture of not less than \$100.00 shall be imposed.
  - b. State law enforcement personnel may use state citation forms as provided in Section 402.
  - c. Court hearing will be held in Wisconsin.
404. Conformance. This order is in conformance with the 1984 Chippewa Indian Off-Reservation Deer Hunting Season Agreement by and between the Tribal and state parties in Lac Courte Oreilles Band, etc. al. v. State of Wisconsin, et.al.

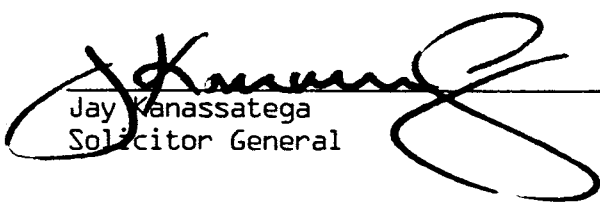
DATED, at Vineland, Minnesota this twenty-sixth day of September in the year one thousand nine hundred and eighty-four.

  
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Don Wedll  
Commissioner of Natural Resources

APPROVED AND NUMBERED AS TO  
FORM AND EXECUTION

EXPIRATION DATE

\_\_\_\_\_  
January 1, 1985

  
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Jay Kanassatega  
Solicitor General

OFFICIAL SEAL OF THE BAND