Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

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LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS' 2014 RESERVATION NATURAL RESOURCES RULES AND REGULATIONS REG-WOS 2001-004 111313-004

I. Preamble. The Little Traverse Bay Bands of Odawa Indians adopt these Regulations as an exercise of their inherent sovereign right to regulate the use of natural resources within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, in the event that the 1836 reservation is determined to include lands which are not included within the 1855 reservation, plus any lands outside of those boundaries which are now or in the future declared to be Little Traverse Bay Bands of Odawa Indians reservation by the U.S. Department of the Interior. These Regulations enable the Tribe to regulate, preserve, and conserve the resources of its Reservation, to promote public safety within the lands and waters reserved by Treaty, and to govern the wise use of the resources of the Reservation, with the intent that such resources will continue to flourish within the Reservation for the perpetual use and enjoyment of the members of the Tribe. These regulations apply on all lands and waters within the boundaries of our Little Traverse Bay Bands of Odawa Indians Reservation.

II. Definitions:

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

B. **Artificial Fly:** means any commonly accepted single hook wet and dry flies, streamers, and nymphs without spinner, spoon, scoop, lip or any other fishing lure or bait attached. The fly or leader may be weighted but no weight shall be attached to the fly or to the terminal tackle in a manner that allows the weight to be suspended from or below the hook.

C. **Artificial Lure:** means any manmade lure manufactured to imitate natural bait. Artificial lures include spoons, spinners, and plugs made of metal, plastic wood and other non-edible materials. They also include plastic products made to resemble worms, eggs, fish and other aquatic organisms.

D. **Baitfish:** means any legally taken and possessed fish (except sea lamprey, goldfish or any other exotic fish) used for catching other fish.

E. **Big game (M'didaa-E'weesi'ek):** means Whitetail Deer, Black Bear, and Elk.

F. **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.

G. **Cased or encased:** means storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.

H. **CITES:** CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

I. **CFA:** means Michigan's Commercial Forest Act, Mich. Comp. Laws, § 324.51101 et seq.

J. **Commercial Purposes:** means the harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold, but shall not include harvesting of a natural resource for personal use.

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

L. **Disabled Tribal Hunter:** means a person who has been diagnosed by a certified Physician to be permanently physically disabled.

M. **Endangered Species:** means any species of wildlife or plant designated as rare or endangered by the Tribal Council, or the United States Department of the Interior pursuant to 50 C.F.R. Part 17.

N. **Enforcement Officer:** means any Enforcement officer authorized by Tribal law or federal enforcement agents, including Special Agents of the U.S. Fish and Wildlife Service, or other persons deputized by the Tribal Council to enforce these regulations.

O. **E'weesi'ek (Game):** Gaachiinhi-E'weesi'ek (small game) and M'didaa E'weesi'ek (big game).

P. **Feral Swine:** means Swine which have lived their life or any part of their life as free roaming or not under the husbandry of humans and that there has been no claim

nor attempt to retrieve the Swine by the animal's owner.

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

R. **Fur bearer:** means fur bearing animals including Coyote, Red Fox, Gray Fox, Bobcat, Beaver, Otter, and Muskrat, Mink, Weasel, Skunk, Raccoon, Badger, Wolf, Cougar, Pine Marten, Fisher, and Opossum.

S. **Fish:** means Brook Trout, Lake Trout, Splake, Brown Trout, Rainbow (Steelhead) Trout, Coho Salmon, Chinook Salmon, Atlantic Salmon, Largemouth Bass, Small Mouth Bass, Rock Bass, Walleye, Sauger, Northern Pike, Muskellunge, Tiger Muskellunge, Sturgeon, Bluegill, Sunfish, Crappie, Perch, Lake Whitefish, and Round Whitefish (Menominee), and any other species of fish now or in the future present in the Ceded Territory which may be taken for subsistence.

T. **Gaachiinhi-Eweesi'ek (small game):** means Ruffed Grouse (Partridge), Ring-neck Pheasant, Cottontail Rabbit, Snowshoe Hare, Gray Squirrel, Black Squirrel, Fox Squirrel, Quail, Woodchuck, Wild Turkey, Porcupine, and Crow.

U. **Hunt or Hunting:** means the shooting, shooting at, pursuing, taking, catching, trapping, or killing any wild animal or animals.

V. **Impoundment nets:** means trap nets or fyke nets, which are stationary nets attached to the bottom that capture fish by guiding them into enclosures.

W. **LTBB Reservation:** means all lands and waters within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, in the event that the 1836 reservation is determined to include lands which are not included within the 1855 reservation, plus any lands outside of those boundaries which are now or in the future declared to be Little Traverse Bay Bands of Odawa Indians reservation by the U.S. Department of the Interior.

X. **M'didaa E'weesi'ek (big game):** means Whitetail Deer, Black Bear, and Elk.

Y. **MDNR:** means The Michigan Department of Natural Resources, its successor entities, and those authorized persons or entities acting on its behalf.

Z. **Migratory Birds:** means those birds included in the terms of the convention between the United States and any other country for the protection of migratory birds and for which open seasons are prescribed in these regulations, including Ducks,

Geese, Swans, Doves, Pigeons, Rails, Coots, Gallinules, Woodcock and Snipe.

AA. **Muzzle-loader:** means a muzzle-loading rifle, a muzzle-loading shotgun, or a black powered handgun which receives a black powder or a commercially manufactured black powered substitute charge through the muzzle, as distinguished from one which is loaded at the breech.

BB. **NRC or Natural Resources Commission:** means the Little Traverse Bay Bands of Odawa Indians Natural Resources Commission created by WAGANAKISING ODAWAK STATUTE 2001-04.

CC. **NRD or Natural Resources Department:** means The Little Traverse Bay Bands of Odawa Indians Natural Resources Department.

DD. **Personal Use:** means the use of natural resources for direct personal or family consumption by Tribal Citizens as food, medicine, shelter, fuel, clothing, tools; or cultural, ceremonial or transportation purposes; making finished handicraft articles or barter. For purpose of this section, the term:

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

2. "Handicraft articles" means articles produced, decorated or fashioned in the exercise of traditional Indian handicrafts such as carving, weaving, beading, pottery, drawing or painting, without the use of mass copying devices; and

3. "Barter" means the exchange of natural resources or parts thereof for personal uses between Tribal citizens.

EE. **Physician:** means a person duly licensed by any state in the United States to practice medicine or osteopathic medicine and surgery.

FF. **Regulations:** means these regulations including any subsequent amendments to these regulations and any separate Tribal treaty regulations enacted by a Tribe.

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

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

II. **Safety Zone:** means any area within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp,

cottage, barn, or other building used in connection therewith.

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

KK. **Small game (Gaachiinhi-E'weesi'ek):** means Ruffed Grouse (Partridge), Ring-neck Pheasant, Cottontail Rabbit, Snowshoe Hare, Gray Squirrel, Black Squirrel, Fox Squirrel, Quail, Woodchuck, Wild Turkey, Porcupine, and Crow.

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

MM. **Stream:** means all rivers, streams, creeks and flowages.

NN. **Targeting:** means fishing, hunting, trapping, or gathering activity, which has the effect of catching or taking a specific species or species of fish, wildlife, or plants.

OO. **Threatened Species:** means a species at risk of becoming endangered as determined by official action of the Tribal Council or by the United States Department of Interior.

PP. **Transport or Transportation:** means carrying or moving by any vehicle or vessel, causing to be carried or moved or attempting to do so, or accepting or receiving wild animals, plants, or fish or any parts thereof.

QQ. **Tribe:** means the Little Traverse Bay Bands of Odawa Indians (LTBB).

RR. **Tribal Court:** means the court of the Little Traverse Bay Bands of Odawa Indians.

SS. **Tribal License:** means a gathering, hunting, trapping, or fishing license issued by the Tribe to Tribal Citizens or members of another federally recognized Tribe, which is valid and current.

TT. **Tribal Citizens:** means enrolled Citizens of the Little Traverse Bay Bands of Odawa Indians.

UU. **Waters:** - means Inland Lakes and Streams.

VV. **Wild animals:** means all creatures, not human, wild by nature, endowed with sensation, and power of voluntary motion, which includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, insects, and mollusks.

III. TERRITORIAL JURISDICTION

A. These Regulations shall govern all hunting, fishing, trapping and gathering activities of Tribal citizens and of members of other federally recognized Tribes on lands and waters within the LTBB Reservation boundaries and of non-Indians within LTBB Reservation trust properties.

B. Tribal citizens and members of other federally recognized Tribes are authorized, subject to the limitations and pursuant to these Regulations, to hunt, trap, fish and gather within the Reservation boundaries on:

1. All lands and waters open to public hunting, trapping, fishing and gathering.

2. Tribal lands which are open to hunting, trapping, fishing and gathering by Tribal citizens (see LTBB Natural Resource Dept. for detail); and

3. Private lands including without limitation lands held by non-Tribal members, land held in fee by Tribal citizens, lands held by Tribal citizens subject to restrictions on alienation and lands held by the United States in trust for Tribal citizens, with permission from the owner, occupant or lessee.

4. All lakes, rivers, streams, and creeks accessible through public right-a-ways including but not limited to public road crossings, or otherwise assessable by a landowner's permission.

C. The geographic limits of each category of land and water, as defined in this subsection, open to licensed members of other federally recognized Tribes shall be determined and delineated by the Natural Resource Commission.

D. Members of other federally recognized Tribes and non-Indians shall not be permitted, authorized or licensed to carry out or engage in any hunting, fishing, trapping and gathering activities within LTBB leased, fee simple or Reservation trust properties.

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

A. **Disabled Tribal Hunter Permits.** The Natural Resources Department may issue a Disabled Tribal Hunter Permit to discharge a firearm, bow or cross-bow from a stationary motor vehicle within a roadway other than a state or federal highway to a Tribal citizen who is permanently physically unable to walk without crutches, braces, or other mechanical support as verified by a Physician. The holder of such a

permit must shoot away from and not across the roadway. Any person may assist a Tribal citizen 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.

B. **Special Needs Subsistence/Ceremonial Permit.** Tribal citizens with special needs may request a permit from the Natural Resources Department to harvest or otherwise take resources which may otherwise be regulated or prevented by other sections of these regulations. The criteria for a Special Needs Permit include, but are not limited to, religious or ceremonial use in accordance with the traditions and customs of the Tribe, personal/family hardship, and traditional feasts, ceremonies or celebrations. Tribal citizens shall have a valid tribal license and request a Special Needs Permit (and associated tags as may be necessary) in writing. A Tribal citizen with a Special Needs Permit may use the services of another properly licensed Tribal citizen to harvest an animal for them, in which case both the permittee and helper must be named on the permit.

C. **Road Kill Special Use Permit.** If a Tribal citizen or member of another federally recognized Tribe accidentally strikes and mortally wounds a regulated species while driving a motor vehicle or comes upon a fresh road kill of such animal, the Tribal citizen or member of another federally recognized Tribe shall report the finding as soon as possible to the Natural Resource Department or local Law Enforcement agency. The Enforcement Officer may then authorize the issuance of a Special Use Permit to allow the Tribal citizen or member of another federally recognized Tribe to take and use such animal as long as such issuance is otherwise lawful.

V. Hunting Regulations.

A. **Hunting License.** Any Tribal citizen or member of another federally recognized Tribe ten (10) years of age or older, who hunts within the Little Traverse Bay Bands of Odawa Indians' Reservation, while having under his/her control or immediate possession any firearm, bow and arrow, cross-bow, slingshot, or any other device capable of killing or restraining fur bearers or E'weesi'ek (game) shall have in his/her possession a valid and current Tribal license.

B. **Hunters Safety Course.**

1. Any Tribal citizen or member of another federally recognized Tribe born after January 01, 1988 who applies for a Tribal License to hunt any Gaachiinhi-Eweesi'ek (small game), M'didaa-E'weesi'ek (big game), migratory bird, or fur bearer shall either produce a previous license to hunt or trap from a Tribe or other lawful issuing agent within the state of Michigan or have successfully passed a recognized Hunter Safety Course.

2. International Bow Education Program. Tribal citizens or members of another federally recognized Tribe interested in bow hunting only may submit evidence of having successfully passed a recognized International Bow Education Program to satisfy the required hunter safety requirement above for use of archery equipment only.

C. **Age Limits.**

1. No Tribal citizen or member of another federally recognized Tribe less than ten (10) years of age shall be allowed to possess a Tribal License to hunt. It shall be unlawful for a Tribal citizen under ten (10) years old to hunt.

2. A Tribal citizen or member of another federally recognized Tribe must be at least ten (10) years of age to hunt Gaachiinhi E'weesi'ek (small game), migratory birds, turkey, or big game with a bow.

3. A Tribal citizen or member of another federally recognized Tribe must be at least twelve (12) years of age to hunt M'didaa E'weesi'ek (big game) (except turkey) with a firearm.

4. Any Tribal citizen or member of another federally recognized Tribe between the ages of ten (10) and sixteen (16) years of age, while hunting with a firearm shall be under immediate control (within sight and direct voice contact) of an adult who shall have in his/her possession a valid Tribal or State License.

D. **Transport/Harvest Tags.** In addition to the Tribal license required by this section, a Tribal citizen or member of another federally recognized Tribe shall be required to obtain annual transport/harvest tags in order to harvest certain species.

1. Annual harvest/transport tags shall be obtained from the Tribe in advance in order to harvest Deer, Bear and Elk.

2. Harvest/transport tags shall be completely filled out and affixed immediately to harvested animals and shall remain affixed during transport of the E'weesi'ek (game).

3. Upon the harvest of a Bear, the holder of valid Bear Harvest Tag shall immediately attach the harvest tag to the Bear. The tag shall remain attached until the bear is registered and sealed. The Bear must be registered within seventy-two (72) hours of the kill.

VI. Hunting General Provisions

A. **Artificial Light.** Artificial light may only be used to hunt Fox, Raccoon, Coyote, and Opossum. (It is a violation of federal law to shine at any time on any National Wildlife Refuge).

B. **Possession.** A valid License and any tags or permits (as may be necessary) shall be required to take, transport, or possess any fish, E'weesi'ek (game), furs, plants, hides, amphibians or reptiles, or auxiliary parts thereof within the LTBB Reservation and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof, provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of Tribal law relating to the possession or use of any regulated gear.

C. **Transportation.** Fur bearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi Eweesi'ek (small game) lawfully taken by licensed Tribal citizens or members of another federally recognized Tribe may be transported within or outside of the LTBB Reservation provided that the Tribal citizen or member of another federally recognized Tribe shall have a valid and current Tribal license in possession. The transported E'weesi'ek (game) (that requires a tag) must be tagged with a transport/harvest tag containing all necessary information required.

D. **Shooting Hours.** The shooting hour(s) are one half (½) hour before sunrise to one half (½) hour after sunset Eastern Standard Time (EST) excluding migratory birds. Fox, Raccoon, and Coyote may be harvested after sunset with use of dogs, game call, or artificial lights.

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

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

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

H. **Shooting of animals while in the water.** It shall be unlawful to shoot M'didaa E'weesi'ekmiinwa (big game), Gaachiinhi-E'weesi'ek (small game) or fur bearers while they are swimming.

I. **Transportation of firearms, Bows, Cross-bows, and Muzzle-loaders.**

1. A Tribal citizen or member of another federally recognized Tribe may not transport firearms in any motorized vehicle within the LTBB Reservation unless they are; 1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed; or 2) unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle; or 3) if a handgun, the following criteria apply: a) While in the field, handguns must be carried in plain view. Carrying a handgun in a holster in plain view is permitted. b) You may transport your handguns while enroute to and from your hunting area, however, handguns, including BB guns larger than .177 caliber and all pellet guns must be unloaded and carried in a container or wrapper in the trunk of the vehicle. If the vehicle does not have a trunk, the handgun must be unloaded and carried in a container or wrapper and cannot be readily accessible to any occupant of the vehicle. Exception: These rules do not apply to pistols carried under the authority of a concealed pistol license.

2. A Tribal citizen or member of another federally recognized Tribe may not transport an archery bow or cross-bow in motor vehicle unless the bow is; 1) unstrung; or 2) completely contained in a case expressly made to contain it; or 3) in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

3. A Tribal citizen or member of another federally recognized Tribe may not transport a muzzle-loader rifle in a motor vehicle unless the muzzle-loader is 1) with the cap removed and completely contained in a case expressly made to contain it; or 2) unloaded and in the closed trunk of a motor vehicle and not accessible from the driver and passenger compartment of the vehicle.

J. **Discharging Firearms, Bows, Cross-bows and Muzzle-loaders.**

1. A Tribal citizen or member of another federally recognized Tribe may not discharge a firearm, bow, cross-bow or muzzle-loader, over across, or down a roadway.

2. It shall be unlawful to discharge any firearm, arrow, or projectile from a motorized vehicle. Provided, however, that it is lawful to shoot from a motorized boat as long as the motor is not running and forward momentum has ceased, except for forward motion caused by the water or wind current. Tribal citizens with valid disabled hunter permits may hunt from standing

motorized vehicles.

3. No person shall discharge a firearm, muzzle-loader, bow or cross- bow or shoot at any wild animal or bird within a safety zone, as defined in Section II.II, without being the owner or occupant of the safety zone property or having permission of the owner or occupant of the safety zone property. Exception: This provision shall not apply to indoor or outdoor shooting ranges, target shooting, or law enforcement activities. However, this provision does not exempt persons from any applicable city, village, township, tribal or any other municipal laws or regulations that may restrict the discharge of firearms, muzzle-loaders, cross-bows, or bows.

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

VII. Hunting Restrictions

A. Automatic & Semi-automatic Weapons.

1. Fully automatic firearms are at no time to be used in hunting, pursuing or killing of wild animals, or be in possession of, in an area frequented by wild animals.

2. It shall be unlawful to possess afield any semi-automatic shotgun, center fire rifle or handgun of .224 caliber or larger capable of holding more than six (6) shells in both the chamber or magazine combined while actively hunting.

3. No Tribal Citizen shall use in hunting, pursuing or killing a wild animal, or be in possession of while actively hunting cartridges containing either tracer or exploding bullets.

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

B. Firearm Limitations.

1. Any firearm used in hunting M'didaa-E'weesi'ek (big game) must be a center fire rifle of .223 caliber or larger, muzzle-loader of .40 caliber or larger, or shotgun using slug or buckshot except that elk must be of .25 caliber or larger and no buck shot may be used.

2. Wild turkey may be hunted with a bow and arrow, shotgun, or muzzle-loading shotgun using number four (#4) shot or smaller or a rim fire rifle of.222 caliber or smaller.

C. **Silencers.** No Tribal citizen or member of another federally recognized Tribe shall use, or be in possession of, a device or apparatus known as a silencer.

D. **Hunting from Platforms.** Tribal citizens or members of another federally recognized Tribe may hunt M'didaa-E'weesi'ek (big game) except Elk, Gaachiinhi-E'weesi'ek (small game), or fur bearers, from a tree or portable raised platform.

E. **Hunting Blinds.** Tribal citizens or members of another federally recognized Tribe may use Hunting blinds on Public and Tribal land subject to the following provisions:

1. 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 and Tribal lands must have the users name and Tribal Hunting license number permanently affixed in legible English letters.. Your name on a tree stand or ground blind on public land does not guarantee exclusive use.

2. All blinds utilizing man-made materials shall be removed from lands open to the public within ten (10) days of the end of the applicable hunting season.

3. Non-portable ground blinds utilizing man-made materials shall be prohibited in State Parks.

4. All portable blinds shall be removed from State land at the end of each day's hunt unless marked in accordance with Section D(1) above.

5. Use of Nails, Screws or Bolts to Secure Raised Platforms or Ground Blinds. Raised hunting platforms and/or ground blinds whether made of natural or man-made materials erected or used on public lands shall not be affixed or attached to any tree by nails, screws, bolts or any item that penetrates through the bark of a tree. Exception, a "T" bolt or similar device supplied by a tree stand manufacturer for safety purposes may be used.

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

F. **Baiting.**

1. It shall be lawful to use grains, fruits, vegetables, salts or minerals to aid in the taking of Deer or Bear except in any TB (Tuberculosis) designated zones.

2. It shall be unlawful to use grains, fruits, vegetables, salts, minerals or any other materials to attract, lure or entice Elk as an aid to hunting.

3. It shall be lawful to use meat, meat products (including but not limited to dog food), fish, fish products (including but not limited to cat food), bakery/confectionery product and any other natural or man-made sent lures or attractants to aid in the taking of Bear.

4. All containers used to carry bait to the site must be removed from the site by the end of season.

5. No drugs or poisons shall be used.

6. Baiting with use of grains, fruits, vegetables, salts or any other minerals is limited to two (2) gallons dispersed over a one-hundred (100) square foot radius.

7. It shall be unlawful to use grains, fruits, vegetables, salts or any other minerals in any TB (Tuberculosis) designated zones.

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

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

1. It shall be unlawful to hunt Deer, Elk, Moose or Wild Turkey with dogs, except that it shall be legal to hunt Wild Turkey with dogs during the fall season.

2. It shall be legal to use leashed dogs to track wounded Deer.

3. Dogs may be used to hunt Bear provided that no more than six dogs per pack are used and that if relaying no more than six dogs shall be used.

4. It is unlawful to train on a captive, tethered or caged Bear.

5. It is unlawful to train dogs on bear or other wild animals from April 16 through July 7.

J. **Hunters Orange.** It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting Waterfowl, Crow, Wild Turkey, or Predators, or to bow hunters.

K. **Registering of Hides.** All Bobcat, Fisher, Marten or Otter harvested shall be presented to a biological staff of the Natural Resources Department for inspection and registration within two weeks of the close of the season harvested (Tribal citizens are strongly encouraged to call ahead to determine the availability of Tribal staff or make arrangements to register animals outside of normal business hours) All CITES applicable animals will be tagged in accordance with federal law.

L. **Possession of un-registered fur bearers.** It shall be unlawful to possess or transport a raw (un-processed/not tanned) un-registered (not sealed) Bobcat, Fisher, Marten or Otter after the required registration date.

M. **Federal Laws on Hides.** All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any fur bearer apply to the identification, sale or transportation under Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. If you wish to export Bobcat, Otter or (Badger) hides from the United States, you will need to obtain a CITES permit. For details, contact the Natural Resource Department.

N. **Hunting While Under the Influence.** It shall be unlawful to hunt or attempt to hunt while under the influence of alcohol or controlled substances. Individuals suspected of being under the influence will be required to pass a field sobriety test(s) administered by authorized law enforcement officer. Failure to pass the sobriety test may result in termination of hunt, a citation and/or confiscation of the firearm used.

O. Recreational Trespass.

1. Except as provided in subsection 4, a person shall not enter or remain upon the property of another person, <u>other than farm property</u> or a wooded area connected to farm property, to engage in any recreational activity or trapping on that property without the consent of the owner or his or her lessee or agent, if either of the following circumstances exists:

(a) The property is fenced or enclosed and is maintained in such a manner as to exclude intruders.

(b) The property is posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be 1 inch. Each posting sign shall be not less than 50 square inches, and the signs shall be spaced to enable a person to observe not less than 1 sign at any point of entry upon the property.

2. Except as provided in subsection 4, a person shall not enter or remain upon farm property or a wooded area connected to farm property for any recreational activity or trapping without the consent of the owner or his or her lessee or agent, whether or not the farm property or wooded area connected to farm property is fenced, enclosed, or posted.

3. On fenced or posted property or farm property, a fisherman wading or floating a navigable public stream may, without written or oral consent, enter upon property within the clearly defined banks of the stream or, without damaging farm products, walk a route as closely proximate to the clearly defined bank as possible when necessary to avoid a natural or artificial hazard or obstruction, including, but not limited to, a dam, deep hole, or a fence or other exercise of ownership by the riparian owner.

4. A person other than a person possessing a firearm may, unless previously prohibited in writing or orally by the property owner or his or her lessee or agent, enter on foot upon the property of another person for the sole purpose of retrieving a hunting dog. The person shall not remain on the property beyond the reasonable time necessary to retrieve the dog. The burden of showing that the property owner or his or her lessee or agent previously prohibited entry under this subsection is on the plaintiff or prosecuting attorney, respectively.

5. Consent to enter or remain upon the property of another person pursuant to this section may be given orally or in writing. The consent may establish conditions for entering or remaining upon that property. Unless prohibited in the written consent, a written consent may be amended or revoked orally. If the owner or his or her lessee or agent requires all persons entering or remaining upon the property to have written consent, the presence of the person on the property without written consent is prima facie evidence of unlawful entry.

6. Discharging firearm within right-of-way of public highway abutting certain Property:

(a) A person shall not discharge a firearm within the right-of-way of a roadway adjoining or abutting any platted property, fenced, enclosed, or posted property, farm property, or a wooded area connected to farm

property without the consent of the owner of the abutting property or his or her lessee or agent.

VIII. Hunting Seasons and Bag Limits

A. Gaachiinhi-E'weesi'ek (small game).

1. Season - September 1 through April 1.

2. Bag limits - A limit of ten (10) of each species per day and a possession in transport limit of no more than two (2) days limit per licensee.

B. Deer.

1. Seasons.

   a. Firearm – (Weapon of Choice including bow, cross-bow, muzzleloader, shotgun, rifle and handgun): Tuesday after Labor Day through Sunday of the first full weekend in January. (Subject of limitations set forth within Section VII. *Hunting Restrictions*)

2. Bag limits.

   a. A limit of five (5) Deer per tribal hunter, per season (includes reservation and Ceded Territory, no more than two (2) of which may be bucks with three inch antlers. The tribal hunter can harvest the Deer with a bow and arrow, cross bow rifle or muzzleloader.

C. Wild Turkey.

1. Seasons.

   a. Fall Season - October 1 through November 14.

   b. Spring Season - April 15 through June 15.

2. Bag limits.

   a. Fall - two (2) birds of either sex.

   b. Spring - two (2) adult males with a visible beard.

D. **Fur bearers.**

1. Seasons.

a. Bobcat, Badger, and Mink - October 1 through March 1.

b. Gray Fox & Red Fox - October 1 through March 1.

c. Raccoon – No closed season.

d. Coyote - No closed season.

b. Bag limits.

i. Bobcat – one (1) per season.

ii. All other species have no bag limit.

iii. The combined bag limits for hunting/trapping harvest shall not exceed one (1) Bobcat.

E. **Bear.** Harvest Permit Required - No Tribal citizen shall hunt Bear without possessing a valid Bear Harvest Tag issued by the Tribe.

1. Season.

a. September 10 through October 26.

2. Applications. Tribal citizens interested in harvesting bear must apply for a harvest tag. Bear tag/permit application period is July 1 through August 1. Tribal citizens must fill out an application that indicates the top three (3) management units there are interested in hunting. Tribal citizens will be issued one tag at a time. Tribal citizens who successfully harvest a Bear may request an additional tag if excess tags are available after the application deadline.

3. All harvested bears shall be registered by LTBB or at designated MDNR registration stations within seventy-two (72) hours of harvest.

4. Ceremonial Harvest. Additional Bear Permits may be available on a limited basis.

F. **Elk.** Elk Harvest Permit Required - No Tribal citizen shall hunt Elk without possessing a valid Elk Harvest Tag issued by the Tribe. Tribal citizens shall only

be eligible to obtain one (1) per five years.

1. Seasons. Elk seasons will be determined on an annual basis. Contact the Natural Resource Department for specifics.

2. Applications. Tribal citizens interested in harvesting Elk must apply for a harvest tag. Tribal citizens must indicate the top three management units they are interested in hunting. Tags will be issued via lottery. Elk Tag/Permit application period is May 1 through June 1. Successful applicants must wait a minimum of five years before reapplying.

3. Elk harvest permit conditions. It shall be unlawful for a successful applicant to violate any of the conditions of the Elk Harvest Permit, including but not limited reporting harvest and participating in the collection of biological data.

4. Mandatory elk hunt orientation. Successful applicants must attend a half-day training session before their scheduled hunt. The location of the sessions will be provided to successful applicants. The training session will cover Hunter Safety, Elk Behavior, Marksmanship, Carcass Handling, Hunting Rules and Regulations, Hunting Tips, and recommended hunt locations.

G. **Feral Swine.** No closed season and no bag limit.

IX. Trapping.

A. **Trapping License.** Any Tribal citizen or member of another federally recognized Tribe ten (10) years or older who traps, while having under his/her control or immediate possession any firearm, bow and arrow, slingshot, trapping apparatus, or any other device capable of killing or restraining fur bearers or game, shall have in his/her possession a valid Tribal trapping license.

B. **Age Limits.**

1. Any Tribal citizen or member of another federally recognized Tribe ten (10) years of age or older who traps within the Ceded Territory shall have in possession a valid Tribal license.

2. No Tribal citizen or member of another federally recognized Tribe under ten (10) years of age shall be required to possess a Tribal License to trap fur bearers; however, those persons shall be required to follow all applicable Tribal regulations.

3. All trappers ten (10) years of age or older must satisfy the requirements of Section V.B (Hunter Safety Course) in order possess and/or use a firearm while trapping. It shall be unlawful for any Tribal citizen or member of another federally recognized Tribe under the age of ten (10) to be in possession of a firearm while trapping.

C. **Gear.** Traps used for harvesting fur bearers, snowshoe hare or cottontail rabbit shall be leg-hold, snares, box type, or body gripping (conibear) seven inches (7") square, or larger locking type snares.

(1) Body gripping traps larger than seven inches by seven inches (7" x 7") or larger must be at least half submerged in water.

(2) Steel jawed traps cannot have a spread width of more than eight inches (8").

(3) Body gripping traps larger than seven inches by seven inches (7" x 7") cannot be placed:

(a) Within one hundred yards of an occupied building without the owner's consent.

(b) Within three feet (3') of any wire mesh type fence.

(c) Within three feet (3') of a road culvert unless completely submerged in water.

(4) Body gripping (conibear) traps larger than seven inches by seven inches (7" x 7") cannot be set on dry land or frozen water unless it is four feet (4') or more above ground or placed in a box or similar container with openings restricted to seven inches by seven inches (7" x 7") or less.

(5) No steel jawed traps with teeth shall be set, placed or operated.

(6) Snaring regulations: The following restrictions apply to snaring activities.

(a) Any snare must be anchored so that it cannot be dragged.

(b) Any snare, other than a rabbit snare, must be tagged with the Applicable Harvest License number.

(c) No snare may be spring activated.

(d) Any snare must be set in a manner which prevents an animal from being suspended unless it is attached to a drowning mechanism.

(e) All snares must be removed no later than March 31.

(f) Except for snares for rabbit and hare, any snare or cable wire may not have a diameter exceeding 1/8 inch.

(g) Except for snares for rabbit and hare, any snare must have a swivel

device on the anchor end.

(h) No upland snare shall be set on a well-defined deer trail.

(i) No upland snare shall be set such that the top of the loop is more than twenty four (24") inches above the ground or, when the ground is snow-covered, more than twenty-four (24") inches above the adjoining trail.

(j) No upland snare shall be set with a loop size greater than fifteen (15") inches in diameter.

(k) Braided picture wire snares without locks or swivels may be used for the purpose of snaring rabbits or hares.

D. **Trap Markings.** All traps and snares set shall be clearly marked with the name and current address of the person who set the trap.

E. **Trap Attendance.** All traps shall be attended every 48 hrs.

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

G. **Incidental Tags.** One (1) incidental tag per species, per year may be issued upon notice to an investigation by a Tribal Conservation Officer. Any animals determined to be deliberately targeted will be forfeited to the Department and may lead to a citation. Any additional harvested animals must be turned into the Natural Resources Department.

H. **Transportation.** Fur bearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi Eweesi'ek (small game) lawfully taken by licensed Tribal citizens or members of another federally recognized Tribe may be transported within or outside of the Ceded Territory provided that the Tribal citizen shall have a valid and current Tribal license in possession. The transported E'weesi'ek (game) (that required a tag) must be tagged with a transport/harvest tag containing all necessary information required.

I. **Registering of Hides.** All bobcat, fisher, marten or otter harvested shall be presented to a biological staff of the Natural Resources Department for inspection and registration within two weeks of the close of the season harvested (Tribal citizens are strongly encouraged to call ahead to determine the availability of Tribal

staff or make arrangements to register animals outside of normal business hours). Upon inspection and registration, the animals will have an official seal affixed to the pelt. All CITES applicable animals will be tagged in accordance with federal law.

J. **Possession of un-registered fur bearers.** It shall be unlawful to possess or transport a raw (un-processed/not tanned) un-registered (not sealed) Bobcat, Fisher, Marten or Otter after the required registration date.

K. **Federal Laws on Hides.** All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any fur bearer apply to the identification, sale or transportation under Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. If you wish to export bobcat, otter or bear hides from the United States, you will need to obtain a CITES permit within seventy-two (72) hours. For details, contact the Natural Resource Department.

L. **Barter of Hides & Flesh.** It shall be lawful for Tribal citizens or members of another federally recognized Tribe to possess, to sell or use for barter, or transport hides, furs or pelts of fur bearers, lawfully taken, including the trade or barter of the flesh of Beaver, Raccoon and Muskrat. Any game lawfully taken by a Tribal citizen may be given to Tribal Elders or families in need.

M. **Live Animals for Trapping.** It shall be lawful to possess, in a humane way during trapping season, one (1) live Coyote and two (2) live Fox for the purpose of collecting urine and droppings for trapping; provided, at least one (1) Tribal citizen of the immediate family must have a valid Tribal trapping license.

N. **Baiting.** It shall be lawful to use parts of fur bearers or small game as bait for trapping; provided that bait must be placed where it is not readily accessible by raptors.

O. **Hunters Orange.** It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours unless one (1) square foot of hunter's orange is worn and visible from all sides. This does not apply to persons hunting Waterfowl, Crow, Wild Turkey, or Predators, or to bow hunters.

P. **Turtle Trapping.** All traps used for Turtles shall also have at least four inches (4") of air space inside the trap.

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

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

S. **Swimming Fur bearers.** It shall be unlawful to shoot fur bearers, Gaachiinhi (small), or M'didaa-E'weesi'ek (big game) while they are swimming.

T. **Destruction of Fur bearer Dens, Lodges, etc.** It shall be unlawful to molest or break open the house, lodge hole, nest, burrow, or den of a Badger, Beaver, Mink, Muskrat, or Raccoon, whether occupied or not.

U. **Beaver Dams.** It shall be unlawful to set a trap on a Beaver dam or lodge unless the trap is fully submerged below the water.

V. **Seasons.**

1. Beaver, Otter, Muskrat, Mink, Bobcat, Raccoon, Red Fox, Gray Fox, Coyote, and Badger – October 1 through March 1.

2. Marten and Fisher – No open season

X. Bag Limits.

1. Otter, Badger, and Bobcat – one (1) per season. All other species have no bag limit.

2. The combined bag limits for hunting/trapping harvest shall not exceed one (1) Bobcat.

3. Accidentally trapped non-target protected species such as Lynx, Gray Wolf, are unlawful to possess. All live animals shall be released if possible. The trapping of all other such animals shall be reported immediately to a Conservation Officer (*see* incidental tags Section IX.F of these regulations).

X. Migratory Bird Regulations

A. **Age Limits.**

1. Any Tribal citizen or member of another federally recognized Tribe ten (10) years of age or older who hunts migratory birds within the Little Traverse Bay Bands of Odawa Indians' Reservation shall have in possession a valid Tribal license.

2. No Tribal citizen or member of another federally recognized Tribe under ten (10) years of age shall be allowed to possess a Tribal license to hunt migratory birds.

B. **Shooting Hours.** Shooting hours are from one half (½) hour before sunrise until sunset.

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

1. Engage in any migratory bird hunting without first obtaining a Tribal license.

2. Use or allow another person to make use of a Tribal license not his/her own.

3. Engage in wanton destruction of migratory birds.

4. Fail to make a reasonable effort to recover dead or wounded migratory birds.

5. Take, possess, transport, or aid, assist or abet the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law.

6. Exceed established limits or use prohibited means of taking migratory birds.

7. Fail to allow the inspection of any migratory bird or bird part in possession upon demand of an Enforcement Officer.

8. Take migratory birds with trap snare swivel gun, punt gun, battery gun, automatic fired weapon, shot gun with shells longer than three and one-half inches (3.5"), fish hook, poison, drug, or stupefying substance, or explosive.

9. 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.

10. Use or be in possession of any shot other than steel (or other approved non toxic shot) to take migratory birds; provided, however, that it shall be legal to hunt Woodcock and Mourning Dove with shot other than steel (or approved non toxic shot).

11. 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.

12. Use any rim fire, center fire, or muzzle-loading rifle to take migratory birds.

13. Pursue migratory birds from a motorboat, or any other craft having a motor attached, or sailboat unless the motor is completely off, and/or the sails are unfurled, or by means of any motorized land or air conveyance.

14. Use any land, water or air conveyance to drive, concentrate or disperse migratory birds.

15. Use or attempt to use bait, or hunt on or near a baited area. Baiting for migratory birds shall mean the use and distribution of any grain, meals, salt, or other feed whatsoever so as to lure or attract such birds; and a place or locale which has been baited may be considered baited for ten (10) days after such bait has been removed. Provided, however, that it shall be legal to hunt migratory birds in agricultural fields where crops are standing, or have been harvested as a part of normal agricultural operational procedures, or grown for wildlife management, provided that the seeds and grains are not scattered or redistributed once the crop has been harvested.

16. Violate any Federal law addressed in 50 C.F.R. Part 20 dealing with hunting migratory birds.

D. **Seasons.**

1. Ducks - September 15 through January 31.

2. Mergansers - September 15 through January 31.

3. Geese (Canadian, White Front, Brant, Snow and Blue Geese) - September 1 through February 8.

4. Woodcock - September 1 through December 1.

5. Common Snipe - September 1 through December 31.

6. Virgina and Sora Rails - September 1 through December 31.

7. Mourning Dove - September 1 through November 9.

8. Coots & Gallinules - September 15 through December 31.

9. Sandhill Cranes – September 1 through December 1

10. Swans - It shall be unlawful to kill, shoot or attempt to shoot Swans.

11. Eagles- It shall be unlawful to kill, shoot or attempt to shoot or harm eagles.

E. **Bag Limits.**

1. Ducks. The bag limit for Ducks shall not exceed twenty (20) per day, and shall not include more than five (5) Pintails, Canvasbacks, Black Ducks, Wood Ducks, Redheads, or Scaups.

2. Mergansers. The bag limit for mergansers shall not exceed ten (10) per day, and shall not include more than five (5) Hooded Mergansers.

3. Geese. The daily bag limits for Canadian Geese, Brant, White Front, Snow and Blue Geese, shall not exceed twenty (20) per day.

4. Woodcock. The bag limit for Woodcock shall not exceed ten (10) per day.

5. Common Snipe. The bag limit for Common Snipe shall not exceed sixteen (16) per day.

6. Virgina and Sora Rails - The bag limit for Rails shall not exceed twenty (20) per day.

7. Mourning Dove - The daily bag limit for Mourning Dove shall not exceed fifteen (15) per day.

8. Coots and Gallinules - The daily bag limit shall not exceed twenty (20)) per day.

9. Sandhill Cranes – The daily bag limit shall not exceed one (1) per day

10. The possession limit for migratory birds shall not exceed the two (2) days bag limit.

XI. Inland Fishing

A. **Fishing License.**

1. Any Tribal citizen or member of another federally recognized Tribe sixteen (16) years of age or older who fishes or attempts to take any fish, reptiles or amphibians while having under his/her control or in his/her

possession any pole, reel, tip-up, hand line, trap, seine, dip net or spear, within the LTBB Reservation boundaries shall have in his/her possession a valid and current Tribal inland fishing license.

2. No license is required for persons less than sixteen (16) years of age to fish, however all provisions of these Regulations shall apply.
3. Great Lakes. These regulations shall apply to the Great Lakes provided that members may exceed these regulations under a valid Great Lakes Subsistence Fishing licenses. Activities, seasons, methods of harvest and reporting when fishing under a Great Lakes Subsistence Fishing licenses are regulated by the 2000 Great Lakes Consent Decree restrictions.

B. **Methods and Gear Restrictions.**

1. The use of poles, reels, tip-ups, hand lines, spears, bow and arrow, dipnets, seines, and hands are lawful for use while fishing subject to the following regulations.

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

3. Individual hook and line fishing is limited to four (4) lines per person with two (2) lures per line; except that there will be no limit on the number of hooks per line for smelt. Ice fishing is limited to 9 (including tip-ups and hand lines), per licensee.

4. All lines must be tended, provided that fisher must be within unaided eyesight of a tip-up to be considered tended and provided further that trot lines must be checked daily.

5. One (1) trot line per license holder. The trot line shall be limited to five (5) lures/hooks of which shall be size 4 or larger per line and must be checked daily. Each trot line shall be clearly marked with a gallon buoy along with the tribal license number of the person who set the line.

6. Fixed ice shanties must have the owner's name, address and/or number of the Tribal license permanently affixed on all sides with letters at least three inches (3") high. Shanties must be removed prior to the ice becoming unsafe but no later than March 15.

7. Fishing with a dip net is permitted on all lakes, streams and rivers subject to the following: seasons, size and creel limits and other restrictions imposed by the LTBB NRC.

8. Fishing with a spear or bow fishing for Walleye, Northern Pike,

Muskellunge and Trout (including Steelhead) is permitted all-lakes, streams and rivers, and shall be subject to seasons, size and creel limits.

9. Fishing with a spear or bow fishing is permitted on all lakes, streams and rivers for all species not listed above.

C. **Impoundment (fyke/trap) nets**. Tribal citizens may use impoundment nets subject to the following restrictions:

1. **Size and Type Restrictions:**

   a. It shall be unlawful to use monofilament in any part of an impoundment net.

   b. The mesh size shall not be larger than three inch (3") stretch mesh.

   c. Pots shall not exceed eight feet (8') in length by five feet (5') in width or six feet (6') in height.

   d. Leads shall not exceed one-hundred and fifty feet (150') in length.

2. **Marking.** Each Impoundment Net used by a Tribal citizen for fishing shall have the end of the lead, the ends of any wings used and the pot marked with, at a minimum, gallon sized buoy displaying the Tribal citizen's tribal affiliation and Hunting/Fishing License number.

3. **Lake use only.** It shall be unlawful to use impoundment nets in streams.

4. **Permits.** Tribal citizens or member of another federally recognized Tribe shall obtain and possess a valid permit prior to setting any impoundment nets.

   a. All permits must be requested and authorized a minimum of eight (8) hours prior to setting the nets.

   b. Each permit will specify a creel limit, a time period for which the permit is valid and a lake system for which the permit is valid.

5. **Seines.** Tribal citizens or member of another federally recognized Tribe may use seines subject to the following restrictions:

   a. Size restrictions:

i. Short seines - a seine used that is less than twelve feet (12') in length and no more than four feet (4') in depth.

ii. Long seines - any seine that is over twelve feet (12') in length but no larger than thirty feet (30') and no more than four feet (4 ') in depth.

b. Monofilament. It shall be unlawful to use seines constructed of monofilament that exceed one-half inch (1.5") stretch mesh size.

c. Lake use only. It shall be unlawful to use long seines in streams unless in possession of a Special Use Permit.

d. Purse seines. It shall be unlawful to use any size purse seine.

6. **Special Use Permit.** A limited number a Special Use Permits may be issued for the use of long seines in streams between December 1 and March 31.

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

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

2. Drive or harass fish into nets.

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

4. Use gill nets.

5. Use a weighted treble hook or weight attached after the treble hook to take or attempt to take fish.

6. Wanton destruction or waste of fish.

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

8. Take any species of game fish determined to be threatened or endangered.

9. Buy or sell fish or parts of fish, reptiles, amphibians, or crayfish.

10. Deposit litter fish offal, or foreign matter, in any waters.

11. Take or attempt to take fish outside of the open season for that species.

12. Harass or impede another fisherman or boater.

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

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

E. **Reporting**. In addition to the Tribal License required by this section, Tribal citizens or members of other federally recognized Tribes are also required to obtain and submit complete harvest reports for the harvest of the species of fish listed below when harvested by hand or via a spear, dip net, trotline or bow fishing equipment.

1. Completed harvest reports must be completed and submitted to the Natural Resource Department upon the harvest of any Walleye, Northern Pike, Muskellunge, Salmon, Trout (including Steelhead and Brook Trout) through the use of a spear, dip net, hand, trotline or bow fishing equipment.

2. Harvest reports shall indicate the body of water where the harvest is taking place, date of harvest, species, length and sex (if known) of each harvested fish.

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

F. **Seasons.**

1. Trout and Salmon, Inland lakes, streams and river – No closed season. Except as otherwise stated in these regulations.

2. Largemouth Bass, Small Mouth Bass, Sauger, Walleye, Northern Pike, Muskellunge, and Tiger Muskellunge, Inland lakes and streams – No closed season.

3. Bluegill, Sunfish, Crappie, Rock Bass, Perch, Lake Whitefish, Menominee, Catfish, and other species not listed - No closed season.

4. Sturgeon - No open season.

G. **Size Limits.**

1. Trout and Salmon.

a. Inland Lakes - Ten inch (10") minimum.

b. Streams - Eight-inch (8") minimum.

2. Largemouth and Small Mouth Bass - Twelve inch (12") minimum.

3. Northern Pike - Twenty-inch (20") minimum.

4. Muskellunge and Tiger Muskellunge - Forty-two inch (42") minimum.

5. Walleye - Fourteen inch (14") minimum.

6. Bluegill, Sunfish, Crappie, Lake Whitefish, Menominee, Perch, and Catfish species - No minimum size.

7. Other species not listed – No minimum size.

H. **Creel Limits.**

1. Lake Trout, Brook Trout, Brown Trout, and Rainbow Trout - a maximum of ten (10) in any combination.

2. Coho and Chinook Salmon – Ten (10) per species, per day.

3. Muskellunge and Tiger Muskellunge - One (1) per day.

4. Largemouth Bass, Small Mouth Bass, Walleye and Sauger - Ten (10) per day.

5. Bluegill, Sunfish, Crappie, Lake Whitefish, and Yellow Perch - Fifty (50) per day.

6. Northern Pike - Five (5) per day.

7. Rainbow Smelt, Suckers, Carp, Menominee, and Minnows - No limit.

8. Other species not listed – Fifty (50) per day.

XII. Amphibians and Reptiles.

A. **General Regulations**. Amphibians and Reptiles may not be shot with firearms (including spring, air, or gas propelled), conventional bow, cross-bow, or slingshot.

B. **Endangered and Threatened Species**. No animal as defined in Section II(M) or Section II(OO) shall be taken or possessed except as authorized by the Natural Resources Department.

C. **Amphibians.** Amphibians may be taken the last Saturday in May through November 15 with no size limit. No more than fifty (50) of each species shall be taken per day and not more than one-hundred (100) of any species may be in possession at any given time.

D. **Snapping Turtles**. Snapping Turtles and Soft Shell Turtles – July 1 through September 30, twelve inch (12") carapace length.

E. **Equipment**. Taking of amphibians and reptiles may be done by hand, trap, dip nets, seines and hook and line. Frogs may be speared.

F. **Personal Use.** Taking of amphibians and reptiles shall be for personal use only.

G. **Turtle Trapping**. All traps used for Turtles shall also have at least four inches (4") of air space inside the trap.

XIII. **Gathering Vegetation and Natural Growth.** It shall be lawful for Tribal citizens or members of other federally recognized Tribes to gather and use vegetation and natural growth for the construction of traditional crafts, handicraft articles, medicine and food and traditional lodges, subject to the following regulations:

A. **Gathering License.** Tribal citizens or members of other federally recognized tribes must possess a valid Tribal License in order to gather vegetation, natural growth or minerals; provided however, that no license will be required to gather fruit, fungi and nuts, and provided further, that no license will be required to harvest vegetation or natural growth for religious or ceremonial purposes or for consumption by Tribal citizens.

B. **Private Property.** Permission must be obtained from a private land owner(s) prior to gathering on such land.

C. **Medicinal Use.** No license or permit will be required to gather vegetation or natural growth if such vegetation or natural growth is intended for religious or ceremonial purposes.

D. **Commercial Gathering Permit.** Tribal citizens or members of other federally recognized tribes seeking to harvest vegetation or natural growth or minerals for the sole purpose of commercial sale of raw materials or incorporating it into a handicraft or artwork to be sold for a profit must acquire a Commercial Gathering Permit from the Natural Resource Department before the harvest or attempt to harvest any vegetation or natural growth, Except that no permit required for the commercial gathering of fruit, berries, mushrooms or nuts.

E. **Endangered Species.** It shall be unlawful to gather, collect, or be in possession of any vegetation or parts of any threatened or endangered species.

F. **Sweetgrass.** Sweetgrass with roots attached shall not be sold within reservation boundaries.

G. **Biological Restrictions.** In reviewing and taking action on a request for a Commercial Gathering Permit, the biological impact of the harvest shall be taken into account. Such terms and conditions as may be necessary to protect the resource and to ensure compliance with applicable laws and regulations shall be affixed to the Special Gathering Permit. The Natural Resources Commission may limit the quantity of particular types of vegetation taken under a Special Gathering Permit based on scarcity of the resource, heavy demand or other biological reasons.

XIV. Gathering on Public Lands.

A. It shall be lawful for Tribal citizens or members of another federally recognized Tribe to gather plant materials and other natural resources on State lands for personal, medicinal, cultural, or traditional craft use, subject to the following regulations:

1. **Maple Syrup/Sugar Bushes.** Tribal citizens or members of another federally recognized Tribe shall be required to obtain a valid Tribal permit before engaging in sugar bush operations on public land.

   a. Restrictions.

      i. It shall be unlawful to use tubing; to construct new trails or roads to access sugar bushes or to construct permanent structures.

      ii. Temporary structures may be permitted. Any temporary structures and/or any refuse shall be removed by the end of the permit expiration date.

2. **Firewood.** Tribal citizens or members of another federally recognized Tribe shall obtain a valid Tribal permit before collecting firewood from public land.

   a. Restrictions - It shall be unlawful to:

      i. Cut or gathering trees except those that are dead and down;

ii. Collect firewood within State timber sale contract areas unless written permission is obtained from the timber sale contractor;

iii. Cut or gather trees marked with paint;

iv. Cut or gather Cedar and Hemlock trees, provided that this provision will not prohibit gathering of Cedar or Hemlock boughs (see Conifer boughs below section XIV(A,3);

v. Sell firewood cut or gathered from public land;

b. Firewood permits will be issued for a maximum of five (5) standard cords per permit, and that only one permit per household per year will be issued.

c. Tribal citizens or members of another federally recognized Tribe shall have a valid Tribal permit in their possession when collecting firewood.

3. **Conifer Boughs**. Tribal citizens or members of another federally recognized Tribe shall obtain a valid Tribal permit before collecting Conifer boughs from public land.

a. Restrictions - It shall be unlawful to:

i. Collect Conifer boughs within twenty feet (20') of the edge of roads, designated trails, or streams;

ii. Establish new trails or roads to access collection areas;

iii. Cut down trees for the purpose of gathering Conifer boughs;

iv. Remove boughs from trees less than twelve feet (12') in height;

v. Remove boughs from the upper half of a tree;

vi. Gather or cut Cedar or Hemlock boughs for other than modest quantities for personal medicinal or limited ceremonial uses;

vii. Collect Conifer boughs for commercial use, except for individuals making traditional handcraft items.

4. **Black Ash, Basswood and/or Ironwood.** Tribal citizens or members of another federally recognized Tribe shall obtain a valid Tribal permit before collecting Black Ash, Basswood or Ironwood from public land.

   a. Restrictions - It shall be unlawful to a cut Black Ash, Basswood and/or Ironwood for commercial use, except for individuals making traditional handicraft products.

   b. Tribal citizens or members of another federally recognized Tribe shall have a Tribal permit in their possession when collecting Black Ash, Basswood, or Ironwood on State or Tribal lands.

5. **White Birch Bark.** Tribal citizens shall obtain a valid Tribal permit before collecting White Birch bark from public land.

   a. Restrictions - It shall be unlawful to:

      i. Collect White Birch bark form live trees within thirty-three feet (33') of the edge of roads or designated trails;

      ii. Collect White Birch bark for commercial use, except for individuals making traditional handicraft items.

   b. Tribal citizens shall have a Tribal permit in their possession when collecting White Birch bark.

B. **Modest Personal Sale**. Tribal citizens may gather plants and the products thereof, such as wild berries, mushrooms, pine cones, nuts and fruits, for producing modest levels of commodities for personal sale and may use the parts of harvested plants for the manufacture and sale of handicraft products.

C. **Endangered Species.** It shall be unlawful to gather, collect, or be in possession of any vegetation or parts of any threatened or endangered species.

D. **Private Property.** Permission must be obtained from a private land owner prior to gathering on such land.

XV. Access to State Land

A. **Camping.** Tribal citizens or members of another federally recognized Tribe shall follow MDNR general camping registration procedures, including payment of

camping fees, and all other applicable rules and regulations when camping in a within a State Park, State Forest campground or on State Forest land.

B. **Fees to State Parks and Certain Launch Fees**. Tribal citizen(s) engaged in the exercise of a Tribal treaty-related hunting, trapping, fishing, or gathering activities may have any entrance, use or launch fees associated with the Tribal citizen's use of such facilities waived when:

1. The Tribal citizen is in possession of a valid Inland Hunting/Fishing/Gathering license; and

2. The Tribal citizen 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.

C. **Enforcement of Campground Rules**. State of Michigan State Park Rangers are authorized to enforce State Park regulations within State Parks on Tribal citizens or members of another federally recognized Tribe while at the campground.

D. **Use and Construction of Temporary Structures on Public Land.** Tribal citizens may be authorized to place temporary structures on Public lands in accordance with the following provisions.

1. Temporary Structures of one-hundred (100) sq. ft. or less. Tribal citizens seeking to construct a temporary structure, such as a sweat lodge, which occupies no more than one-hundred (100) square feet on Public land shall be required to obtain and post a NRD camping permit on site. Permits can be obtained from the Tribal Natural Resource Department.

2. Temporary Structures of one-hundred (100) sq. ft. or more. Tribal citizens seeking to construct temporary structures over one-hundred (100) sq. ft. must contact the Natural Resource Department and fill out a "Special Use Temporary Structure Permit" form. The Department may reserve up to thirty (30) days to review the application.

3. Prohibition of Non-native Materials. It shall be unlawful to construct a temporary structure of any size (Hunting Blinds exempted) on State lands from non-native, processed materials, such as dimensional lumber, plywood, siding or roofing, except that Tribal citizens may use canvas tarps or similar materials on temporary structures if removed from the site after use.

4. Duration of Use. It shall be unlawful to leave a temporary structure on State Forest lands for fifteen (15) days or more unless the Tribal citizen

received advanced approval from the Tribal Natural Resource Department. All requests for extended stays over fifteen (15) days must be received a minimum of thirty (30) days prior to the construction, placement and use of the temporary structure on State lands. All structures must be dismantled and removed after use.

XVI. Wildlife Damage and Nuisance Animal Control

A. **Nuisance Control Permit**. A Special Use Permit(s) may be issued by Tribe's Natural Resource Department to take, possess or relocate wild animals that are damaging or about to damage property owned or controlled by the Tribe or a Tribal citizen. The permit shall be subject to such terms and conditions as deemed necessary or appropriate by the department and shall require the Tribal citizen to report whether the animal was killed.

B. **Private Property Permission.** Coyote, Raccoon or Crow may be taken on private property with permission from the owner, at any time if the animal poses an immediate threat of harm to any live stock or person(s). All take under this provision must be reported to the Natural Resource Department within twenty-four (24) hrs.

XVII. Possession and Use for Religious Purposes

A. No animal shall be taken, or plant or mineral gathered, by any Tribal citizen for any purpose except as generally allowed for in these regulations or by the Special Use Permit issued by the Tribe.

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

C. If a Tribal citizen finds a dead Eagle, Hawk, Fur bearer, or any threatened or endangered species, the Tribal citizen shall report the finding as soon as possible to the Natural Resources Department. The Tribal citizen should direct the appropriate authority to the place where the carcass was found. A Tribal Enforcement Officer shall take a sworn statement from the Tribal citizen regarding the circumstance under which the carcass was found. If the Enforcement Officer or appropriate Tribal Authority is satisfied that the Tribal citizen was in no way involved with the intentional taking of the animal, the Tribal citizen may either keep the carcass or any part of it for spiritual practices or donate it to the Tribal repository, provided such action does not violate an applicable federal law.

D. To the extent determined permissible under applicable federal law, the Tribe may maintain a repository to keep parts of Eagles, Hawks, Fur bearers, and any

endangered species from species either taken in violation of these regulations or other applicable Tribal law. Tribal citizens may request in writing animal parts from the repository for spiritual practices. The Tribe will develop regulations to process such requests so that items in the repository can be distributed to Tribal citizens in a fair and efficient manner. The Tribe may issue possession licenses if needed to protect Tribal citizens from non-tribal law enforcement agencies.

XVII. Commercial Harvest and Use Restrictions. No Tribal citizens or members of other federally recognized tribes shall sell, offer to sell, or exchange for anything of value an animal, bird, fish or plant, or any part thereof, harvested in the 1836 Ceded Territory, except as authorized by this section:

A. The fur, hide, pelt, plumage (except migratory birds) or skin of any animal lawfully taken under these regulations may be sold or offered for sale by the citizen/member licensed to harvest the animal.

B. The carcass, flesh and parts of fur bearing animals lawfully taken under these regulations may be sold.

C. The antlers of Deer, Elk, Moose and the skull of Black Bear lawfully taken may be sold. The teeth, claw, flesh, bones or internal organs of any animal other than a fur bearing shall not be sold.

D. Plant products, such as wild berries, mushrooms, nuts and fruits, may be sold, and modest levels of salable commodities produced from them may be sold.

E. It shall be lawful to gather plant material for incorporation into handicrafts for sale subject to the permitting requirements in Section XIV.

F. It shall be lawful to use parts of lawfully harvested plants and animals in the production of handicrafts and to sell such handicrafts

G. It shall be lawful for Tribal citizens or members of federally recognized tribes to possess, to sell or use for barter, or transport hides, furs, pelts of fur bearers, lawfully taken, including the trade or barter of the flesh of Beaver, Raccoon and Muskrat. Any game lawfully taken by a Tribal citizen may be given to Tribal Elders or families in need.

H. Maple Sugar and/or Maple Syrup produced from Sugar Maple trees located on State land pursuant to a Sugar Bush Permit issued by the Tribe may be sold; provided that such a sale is authorized by a separate commercial permit issued by the Tribe to the member engaged in the vending of Maple Syrup and/or Maple Sugar.

I. Parts of harvested animals and plants may be utilized by citizens/members in the production of handicrafts which are offered for sale.

J. Tribal citizens or members of other federally recognized tribes may participate in barter and exchange of animals, birds, fish and plants, and parts thereof, lawfully harvested in the LTBB reservation with any member of a federally recognized tribe; provided that any item so acquired shall not be sold.

K. Fish taken from a particular body of water, of a species which the State seeks to eradicate there from, may be sold, provided that the harvest of the fish is made pursuant to a permit issued by the Tribe, and the sale is conducted as may be required in the permit.

L. Tribal citizens or members of a other federally recognized tribes may harvest bait fish for sale after acquiring a Special Use Permit.

M. It shall be unlawful to:

1. Sell fish or any spawn/roe from harvested fish except those fish harvested from a lake targeted for eradication.

2. Engage in the sale or trade of live animals.

3. Sell firewood gathered from State lands or public lands.

4. Sell Conifer boughs gathered from State land except that those incorporated into handicrafts and authorized via permit.

XVIII. General Prohibitions

A. It shall be unlawful to:

1. Exceed established limits, or prohibited means of taking, E'weesi'ek (game), fish, reptiles, amphibians, or violate any other terms or conditions contained in any Special Use Permit.

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

3. Refuse to consent to any inspection or search as authorized in Section VII.B.5 of WAGANAKISING ODAWAK STATUTE 2008-012 NATURAL RESOURCES PROTECTION.

4. Harass or interfere with any legal licensed person fishing, hunting, trapping or gathering or any duly authorized biological staff while in the performance of their duties.

5. Fail to make a reasonable effort to recover dead or wounded game or migratory birds.

6. Engage in wanton destruction of game, migratory birds or fish.

7. Harvest animals or fish outside of permit/tag assigned units, areas, lake system or streams.

8. Harvest, hunt, fish or kill animals outside of established seasons unless authorized via special permit.

9. Tamper, steal, destroy, vandalize or interfere with any blind, stand, gear, item, or object used by a any legal licensed person to further their hunting, fishing, trapping or gathering activity.

10. Steal natural resource(s) reduced to possession by a any legal licensed person fishing, hunting, trapping or gathering .

11. Steal natural resources from a trap, snare, trot line, net, sap collection vessel or some other object designed to hold or capture game or resources.

12. Fail to comply with an order of a Law Enforcement Officer.

13. To create, alter or attempt to alter any licenses, tag or permit.

B. **Enforcement.** LTBB Conservation Enforcement Officers or other officers deputized per intergovernmental agreements with LTBB are authorized to enforce the provisions of these regulations. Violations shall be processed through the LTBB Tribal Court.

C. **Penalties and Fines.**

1. **Suspension.** Any licenses or permits authorized in accordance with these regulations may be suspended for any length of time by the Natural Resources Commission.

2. **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) or fish shall be tried before the Tribal Court

under such procedures as are prescribed by the Court Rule or Tribal law.

3. **Civil Infractions.** These Regulations are civil in nature. Violations may be punished by suspension of the fishing, hunting, and/or trapping license or any permit(s) of the violator, assessment of a fine of not less than $50.00 and no more than $1,000.00, assessment of community service hours, forfeitures as set forth in Section XVIII(4), restitution as set forth in Section XVIII(5) below and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.

4. **Forfeiture.** Any person convicted of any violation of these regulations may, at the Court's discretion, have any materials seized in accordance with Section VII.B.5 of WAGANAKISING ODAWAK STATUTE 2008-012 NATURAL RESOURCES PROTECTION permanently forfeited in addition to any other fines or penalties imposed by the LTBB Tribal Court.

5. **Restitution.** Any person convicted of any violation of these regulations may, at the Court's discretion, be charged the cost of providing equitable restitution to the Tribe for the damage which would be caused by each violation in addition to any other fines or penalties imposed by the LTBB Tribal Court. A person found liable for an infraction, upon a charge of illegal taking, killing, or possession of a plant, fish, migratory bird, or wildlife creature, shall reimburse the Tribe for each plant, fish, migratory bird, or wildlife creature, according to the following schedule.

SPECIES	
Sturgeon, Grayling, Eagles, any Endangered or Threatened Species	$1000
Elk, Bear	$500
Deer, Wild Turkey	$250
Beaver, Mink, Otter, Badger, Bobcat Muskellunge, Tiger Muskellunge	$100
Any Waterfowl, Lake Trout, Brown Trout, Rainbow Trout, Brook Trout, Largemouth Bass, Small Mouth Bass, Walleye, Northern Pike, Lake Whitefish, Menominee	$50
Rabbit, Muskrat, Squirrel, Raccoon, Ruffed Grouse, Woodcock, Mourning Dove, Ring-neck Pheasant, Quail, Sharp-tail Grouse	$30
Any fish, plant or E'weesi'ek (game) animal not named	$25

6. **Tribal Citizen Responsibility.** It shall be no defense in any criminal or civil prosecution pertaining to hunting, fishing, trapping, or gathering, for a Tribal citizen or a person subject to LTBB's jurisdiction to claim a lack of awareness or understanding of law or regulations.

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

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

9. **Repeat Offenders.** Repeat offenders may be fined up to $5,000 by the Tribal Court and/or lose their hunting, trapping, fishing or gathering license(s) for specified periods of time as deemed appropriate by the Natural Resource Commission.

10. **Formal Complaint Process.** Any Tribal citizen may file a formal complaint of unprofessional conduct against any Tribal or State Conservation Officer. Forms for filing formal complaints may be obtained from the Natural Resource Department.

CERTIFICATION

As Chairperson, I approve these 2014 1836 Ceded Territory Natural Resources Rules and Regulations of the Natural Resource Commission.

Date: 11/13/13

Daugherty Johnson, Natural Resource Commissioner

Concurrence By,

Date: 12/2/13

Fred Kiogima, Tribal Chairperson

Received by the Tribal Council Office on: 12/4/13 by: _____

As the Legislative Leader and Tribal Council Secretary, we certify that these 2014 1836 Ceded Territory Natural Resources Rules and Regulations of the Natural Resource Commission were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on _____ at which a quorum was present, by a vote of ____ in favor, ____ opposed, ____ abstentions, and ____ absent.

Date: 12-10-13

Regina Gasco Bentley, Legislative Leader

Date: 12-10-13

Julie Shananaquet, Secretary