TRIBAL CODE

OF REGULATIONS

TCOR-WOS 2008-001 081009-014

This codified version of the Little Traverse Bay Bands of Odawa Indians Tribal Regulations are mandated by law or deemed necessary by the Executive according to LTBB WOS 2008-001, the Administrative Procedures Act. (APA) These Regulations are only those approved by Tribal Council. In some cases where it is necessary to create Interim Regulations to carry out the intent of the law, those Interim Regulations can be found on the LTBB Website in the Odawa Register. The APA also makes allowances for any person(s) to make comments about the regulations. You can use the link on the website to the Document Comment Form for your comments and send them to the Executive Branch Office. Additional instructions are included on the form itself.

SPECIAL ATTENTION

This is a living document. It is imperative that whenever referencing a printed version of this document that special attention is paid to the version that is currently on the Little Traverse Bay Bands of Odawa Indian's website. The latest version can also be accessed by contacting the Executive Branch via email at chairman@ltbbodawa-nsn.gov or via phone at 231-242-1401.

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TITLE I – THE CONSTITUTION OF THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

Chapter 1. APPLICATION.

Regulations do not apply to the Constitution. The Constitution mandates that laws are created to govern the Tribe which may or may not require regulations. The Executive has the authority to develop regulations when they are not mandated when the Executive deems necessary for implementation of the law.

TITLE II – CITIZENSHIP, TRIBAL ENROLLMENT

Chapter 1. CITIZENSHIP REGULATIONS

I. Introduction and explanation. The Regulations below are not required by the Citizenship Statute, WOS 2008-06. However, the Executive may develop Regulations for such statutes that the Executive deems necessary for the implementation of the intent of the law and shall forward such Regulations to the Tribal Council for approval in accordance with WOS 2008-001, the Administrative Procedures Statute.

II. Definitions:

A. **Adopted Child (ren):** refers to children given up by their natural parents and adopted by others – it does not refer to adoption into the tribe.

B. **Amended Birth Certificate:** (aka: adopted birth certificate) A term used to refer to the new birth certificate that is issued for an adopted child after an adoption becomes final, which shows the new name of the adopted child and the adoptive parents as the parents of the child, as though they are its biological parents. This new birth certificate is placed in the public records in place of the child's original birth certificate. The original birth certificate is then stored in a separate secure location that is not accessible to the public, and may be viewed only by court order.

C. **Certificate Degree of Indian Blood:** (also abbreviated CDIB) is an official U.S. document that certifies an individual possesses a specific degree of Native American blood of a federally recognized Indian tribe, band, nation, pueblo, village, or community. They are issued by the Bureau of Indian Affairs.

D. **Certified funds:** means an amount of money in the form of a money order or certified check from a banking institute.

E. **Degree of Indian Blood:** (also abbreviated DIB) means a letter from a federally recognized Tribe including Canada that lists the degree or amount of Indian ancestry, signed by the Enrollment Office or designee.

F. **Directory:** (a.k.a as the Tribal Directory) means a complied list, in the form of a booklet, of the Little Traverse Bay Bands of Odawa Indians adult citizens who have not declined to be included in the directory.

G. **Directory Labels:** means mailing labels created from the tribal directory.

H. **Immediate Family:** means: wife, husband, son, daughter, mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-law, mother-in-law, child and step-child, grandmother, grandfather, brother-in-law and sister-in-

law.

I. **Little Traverse Bay Bands of Odawa Indians:** means the "Tribe" or "LTBB".

J. **Length of Residency:** For the purpose of this regulation, a resident is defined as an individual who is a full-time occupant of a dwelling located within the 1855 Reservation for a cumulative total of 15 years and who is likely to be at their stated address when not at work or school. A person who owns property within the 1855 Reservation, but does not reside in the 1855 Reservation, is not considered a resident for the purpose of this regulation.

K. **Natural Parent:** This is also known as biological father or mother.

L. **Roll:** means a comprehensive list of all of the Little Traverse Bay Bands of Odawa Indians living citizens, deceased citizens are not included.

M. **Strong Commitment to LTBB:** This is defined as participation or volunteerism in tribal functions such as Tribal sports, Tribal jiingtamok (pow-wow- celebratory gatherings), Tribal language studies and/or Tribal ghost suppers or other ceremonies.

N. **Substantial Community Ties**: means a combination of the length of Residency and evidence of a Strong Commitment to the Little Traverse Bay Bands of Odawa Indians.

III. Adoption.

Demonstration of Substantial Community Ties for Non – LTBB Indians. Applicant must be at least one-fourth (¼) North American Indian blood quantum and provide proof of Indian blood, i.e., CDIB or DIB. The applicant must provide documentation that demonstrates substantial community ties.

A. **Documentation Requirements.**

1. **Length of Residency.** The records or affidavit must include the name, street address, and length of residency of the person applying under Substantial Community ties. The residence of a minor child is presumed to be the legal residence of the parent(s) or guardian(s) who have physical custody of the child. Length of Residency will be determined by one or more of following listed below:

a. A lease or rental agreement consisting of written evidence that the agreement is valid and current, and a current utility bill (gas,

electric, water, home telephone, or cable) or;

b. Notarized affidavit by landlord, Employer, Personal Tax Accountant with length of residency or;

c. Any other documents which are similar in nature listed above verifying length of residency, approved by the Enrollment Officer.

2. **Immediate Family Member by Marriage.** Will be determined by the following listed below:

a. The applicant must provide identification such as a Driver's License, State Identification, School Identification, Military Identification, Pictured Tribal Identification or any pictured identification with a signature, and;

b. A copy of his/her marriage license to the immediate family member.

3. **Proof of Strong Commitment to the LTBB.** This includes a Notarized Affidavit signed by an LTBB Elder stating the applicant's strong commitment to LTBB. The applicant may use an affidavit form generated by the Enrollment Office or any other written notarized document.

4. **Proof of North American Indian Blood.** Proof must be provided of North American Indian blood, i.e., CDIB or DIB to the Enrollment Office. The Enrollment Office will verify the proof of blood quantum via phone.

IV. Enrollment Eligibility for non-LTBB Indian minor children who are legally adopted by Citizens of the Little Traverse Bay Bands of Odawa Indians. The minor must be at least one-fourth (¼) North American Indian blood quantum and provide proof of Indian blood by submitting the following documentation:

A. Must provide order of adoption that lists the LTBB Citizen's name(s).

B. Must provide an amended birth certificate or original birth certificate.

C. Must provide proof of North American Indian blood i.e., CDIB or DIB. The Enrollment Office will verify the proof of blood quantum.

V. Enrollment eligibility of LTBB Indian Children or Adult adopted by Non-member Indian or Non-Indian Families. A minor child or adult who is eligible for citizenship under Section (A) (3) LTBB Constitution must submit the following documentation:

A. A copy of the adoption decree together with either the original birth certificate identifying the natural parent(s) or a legal document identifying the natural parent(s).

B. Certification from the Secretary of the Interior or his/her authorized representative pursuant to the Indian Child Welfare Act of 1978 (P.L. 95-608) of the relationship between an applicant and the natural parent(s); and

C. When necessary, the Enrollment Department shall petition a government or government agency or department, or private adoption agency for the information necessary to establish the identity of the natural parents of the applicant.

1. The Enrollment Department will complete the Petition for Adoption Information and Order form, or any other necessary forms, and submit it to the respective state court or private adoption agency where the adoption was finalized.

2. A copy of the Adoptive Birth Certificate, Order of Adoption and self-addressed return envelope will be submitted with the Petition. If required by the respective state court or private adoption agency, a copy of the applicant's request for LTBB Tribal citizenship will also be submitted.

3. If the respective state court requires a fee to file the Petition, the Enrollment Department shall notify the applicant of the amount. Certified funds made out to the respective state court will be needed before the Petition can be filed.

4. Upon receipt of the birth parent(s) information from the respective state court or private adoption agency, the research to determine degree of Indian blood and tribal affiliation will be done and if appropriate, a confidential Degree of Indian blood (DIB) will be issued and maintained in the applicant's file. No birth parent information will be listed on the DIB. Procedures for enrollment pursuant to Article V of the LTBB Constitution shall apply.

5. If the information received from the respective state court or private adoption agency does not trace to the Little Traverse Bay Bands of Odawa Indians, a denial letter stating that the applicant is not traceable will be issued to the applicant. In cases of denial the Enrollment Department will destroy information received from the respective state court or private agency after two (2) years.

6. If the Enrollment Department cannot continue with the blood quantum research because the natural parent(s) were not enrolled with LTBB, the Enrollment Department shall release the records to the Bureau of Indian Affairs, Midwest Agency, Sault Ste. Marie, MI for further research and

attempted verification of blood quantum.

a. In circumstances where the Enrollment Department is unable to receive the information necessary to issue a Certificate Degree of Indian Blood, documentation along with the enrollment application will be submitted to the Bureau of Indian Affairs requesting a CDIB. If the respective state court or private agency requires a fee to file the Petition, the Enrollment Department will notify the applicant that certified funds made out to the respective state court or private agency will be needed before the Petition can be filed.

b. All fees are the responsibility of the applicant.

VI. Requests for Increasing Blood Quantum. Tribal citizens may file a request with the Enrollment Department to adjust their blood quantum; or the LTBB Enrollment Department may request a change in blood quantum if additional documentation is discovered.

A. **Submission by Tribal Citizens.** Tribal citizens requesting an adjustment to their blood quantum shall provide the Enrollment Department with documents supporting an adjustment to determine eligibility.

1. Supporting documents may be any of the following:

a. Birth Certificate; or

b. Baptismal record; or

c. Bureau of Indian Affairs records; or

d. Marriage license if blood is derived through the father; or

e. School Record(s); and/or

f. Any other documents that are accepted by the Citizenship Commission.

2. **Submission by Enrollment Office**.

a. The Enrollment Department shall submit received documents to the Citizenship Commission for approval.

b. In cases where the Enrollment Department discovers documents which support a change in blood quantum, these documents shall also be submitted to the Citizenship Commission for review.

3. **Review by Citizenship Commission**. The Citizenship Commission shall review submitted documents and make a determination on whether the submitted documents support a change in blood quantum.

   a. If the Citizenship Commission determines that the submitted documents do not support a change in blood quantum, the Citizenship Commission shall pass a motion stating that a change in the individual's blood quantum is not warranted and inform the individual of the reasons why their request for a blood quantum change was denied.

   b. If the Citizenship Commission determines that the submitted documents do support a change in blood quantum, the Citizenship Commission shall pass a motion stating that a change in the individual's blood quantum is warranted and the reasons why such a change is warranted.

4. **Effective Date**. A blood quantum adjustment shall be effective upon the date of the motion by the Citizenship Commission supporting the blood quantum change.

   a. Enrollment Staff will notify the LTBB Citizen of the decision made via first class mail.

VII. Access to Electronic Computer Enrollment Records. Pursuant to WOS 2008-006, Section XIX(A)(4) access to electronic computer enrollment records is limited to LTBB enrollment staff/personnel.

VIII. Tribal Roll. The Executive Branch shall maintain the official roll of all Tribal members.

A. **Contents of Roll.**

1. First, Middle, Last Name, Suffix and where applicable Maiden Name;

2. Date of Birth;

3. Enrollment Number; and

4. Address, City, State and Zip; and Phone Number.

B. **Safeguards of Roll.** The roll of LTBB Citizens shall only contain the information listed in Section A above shall be subject to the safeguard provisions contained in WOS# 2008-006 Citizenship Statute, Section XIX, (C). Each person, department/program who receives a copy of the roll must control access to the roll so as to conform to the safeguards provisions cited above.

C. **Requests for Copies of the Roll.**

1. Requests from the executive branch departments/programs for copies of the roll are made using a form generated by the Enrollment Office or in writing and must state the reason for the request and shall be authorized by one of the following: the Tribal Chairperson, Tribal Vice-Chairperson, or the Tribal Administrator.

2. Requests for copies of the roll from the judicial branch must be submitted using the form generated by the Enrollment Office or in writing and must state the reason for the request. Judicial requests shall be authorized by the Chief Judge or designee.

3. Requests from the Legislative Branch must be submitted using the form generated by the Enrollment Office or in writing and must state the reason for the request. Legislative Branch requests shall be authorized by the Legislative Leader or designee.

4. If labels are required by any of the requesters under this Section (C), 1, 2, and 3 above, the requesting party must provide the labels to the Enrollment Office.

IX. Public Access to Enrollment Data.

A. **LTBB List of Citizen Names.** A list containing the names of all adult Tribal Citizens shall be public and available to Tribal Citizens upon request.

1. A request for the list must be on a form generated by the Enrollment Office accompanied by identification. Requests will be accepted by mail with the proper form and identification. A fee shall apply. See Section XI,(B)(e) of these regulations.

B. **Tribal Directory.** The Directory of Citizens ("Directory") shall contain the name and address of each adult Tribal citizen, unless they decline to be included pursuant to procedures set out below. The Enrollment Department shall use the most current list of adult enrolled citizens to compile the directory. Only LTBB citizens enrolled prior to one (1) month of publication of the Tribal Directory will be included.

1. **Compilation**.

a. **Frequency.** The Directory shall be compiled at least once every four (4) years, but may be compiled more frequently, if so directed by the Executive.

b. **Notification.**

i. The Enrollment Department shall post a Preparation of Tribal Directory Form Notice on the LTBB website, in the Odawa Register, in Tribal governmental office buildings, and other readily available methods of publication, which may include a mailing, at least one (1) month prior to publication.

ii. The Tribal Directory Form Notice shall contain a statement that the Tribal Citizen's name and address will be published in the Directory and also a statement that Tribal Citizens may choose to have their information excluded from the Directory. The notice must contain a deadline for receipt of declination notices by the Enrollment Office. Citizens must notify the Enrollment Office directly by mail if they want to be excluded from the Directory.

2. **Tribal Directory Labels**. Mailing labels may be generated from the Tribal Directory for any Tribal citizen or LTBB employee making such request. The mailing labels must be provided by the requestor. A fee shall apply. See Section XI,(B)(e) of these regulations.

3. **Availability.** The Directory shall be available to Tribal Citizens or LTBB employees and may be picked up at the Enrollment Office or upon request may be sent via U.S. mail. A fee shall apply. See Section XI,(B)(e) of these regulations.

4. **Fees.** The Enrollment Office shall apply the following fees for public access to enrollment data:

Tribal Directory = $5.00, plus shipping costs, if applicable.

Tribal Directory Labels = $5.00, plus shipping costs, if applicable.

LTBB List = $5.00, plus shipping costs, if applicable.

TITLE III – ELECTIONS

Chapter 1. *[Reserved]*

TITLE IV – NATURAL RESOURCES PROTECTION

Chapter 1. NATURAL RESOURCES COMMISSION REGULATIONS FOR LICENSING AND PERMITS

I. AUTHORITY AND PURPOSE

A. **Authority.** As stated in Waganakising Odawak Statute 2001-04 and Waganakising Odawak Statute 2005-01 as amended: "The primary purpose of the Natural Resources Commission is to protect treaty hunting and fishing rights through monitoring resources and promulgating regulations that are consistent with the treaty rights and wise use of the resources. The Commission shall promulgate rules and regulations for all hunting, fishing, trapping and gathering, including subsistence and commercial, for the area within the boundary established by the Treaty of 1855, the 1836 Treaty Ceded Territory, and 1836 Treaty Ceded Waters." To carry out its responsibilities, the powers granted the Commission under that Statute include: "To issue, suspend or revoke licenses [and permits] . . . addressing the commercial fishery and the harvest of the inland natural resources."

B. **Purpose.** The purpose of these regulations is to establish standards and procedures for the issuance, suspension, revocation and denial of licenses and permits issued by the Natural Resources Commission under LTBB natural resources laws and regulations for Great Lakes commercial and subsistence fishing, inland on-reservation hunting, fishing and gathering, and inland Ceded Territory hunting, fishing and gathering.

II. DEFINITIONS

A. None

III. PROCEDURES FOR ISSUANCE OF LICENSES

A. **Duties Delegated to Department.**

1. The Natural Resources Department shall develop application forms, accept applications, and collect fees as set by the Commission, and issue licenses and permits to persons eligible under applicable LTBB law and Commission regulations and policies.

2. Except as noted in subsection 3 below, the Department will only deny permits if the person does not meet statutory or regulatory requirements, if they are subject to a suspension or revocation order of the Commission or Tribal Court, or if a suspension or revocation action is pending.

3. In the event that a limited number of permits are available for a particular species or activity, and the number of applicants exceeds the available permits, the Commission will develop policies to allocate such permits.

B. **Appeal to Commission.** Any person whose license is suspended, revoked or denied may request a hearing before the Commission in accordance with the procedures set out in Section V.

IV. SUSPENSION OR REVOCATION OF LICENSES

In the event that a licensee or permittee is convicted of violating any law or regulation within the Tribe's jurisdiction, including guilty and no-contest pleas, related to the licensed activity, the Commission may issue such suspension or revocation orders as it deems necessary and appropriate using the following guidelines.

A. **First time offenders.**

1. For first time civil convictions, a suspension will not exceed one (1) year.

2. For first time criminal convictions, a suspension shall not exceed five (5) years.

B. **Repeat offenders.**

1. For repeat offenders where both offenses are civil the suspension shall not exceed two (2) years.

2. For repeat offenders where one offense is civil and one criminal

the suspension shall not exceed seven (7) years.

3. For repeat offenders where both offenses are criminal the suspension shall not exceed nine (9) years.

V. APPEALS

A. **Initial Action.** Since a suspension or revocation will generally follow Tribal Court convictions the Commission need not hold a hearing before taking suspension or revocation actions. The person against whom such action has been taken shall have the right to appeal the revocation or suspension in a hearing before the Commission only if the person is an enrolled LTBB citizen.

B. **Notice.** Notices of suspensions and revocations shall be served upon the licensee by personal service or by United States mail. If the notice is served by mail, it shall be addressed to the licensee's last known address. It is the licensees' duty to keep the Commission informed of their current address.

C. **Right to Hearing before Commission.** The notices to people subject to denial, suspension or revocation shall include a statement of the following:

1. The right to a hearing before the Natural Resources Commission on the suspension or revocation.

2. Must file a written notice of appeal request to the Commission for a hearing within thirty (30) days following the effective date of the Commission's action. Failure to properly request a hearing in a timely manner waives the person's right to a hearing or any other appeal of the Commission's decision.

D. **Timing of Hearing**

After receipt of a written notice of appeal, the Commission shall schedule a hearing not later than thirty (30) calendar days after receipt of the request unless the Commission and person making the appeal mutually agree to an extension. Following the hearing the Commission shall make a decision to uphold, modify, or reverse the suspension or revocation.

E. **Conduct of Hearing**

1. The hearing must be held before a quorum of the Commission. The members of the Commission shall serve in the capacity of hearing officers; the Commission shall designate one member to serve as presiding officer.

2. The person challenging the suspension or revocation must appear personally at the hearing and may also bring an advocate (i.e. attorney, tribal member, friend, etc). Parties retaining an advocate who require fees shall retain the advocate at their own cost. Failure of a licensee to appear personally at the hearing, unless otherwise excused by the Commission, forfeits their right for further consideration.

3. The Commission reserves the right to directly question the licensee during the hearing.

4. The licensee shall have the right to present any evidence and witnesses the licensee believes supports reversal or modification of the Commission's action.

5. The Commission shall issue its decision upholding, modify or reversing the action in writing within thirty (30) days of the hearing. If the Commission finds that its initial action was based on misinformation, such as mistaken identity, it must reverse. Otherwise, the Commission will uphold, modify or reverse its initial action at its discretion based on the totality of the circumstances.

F. **Tribal Court Review**

1. Following a final decision of the Commission after a hearing under these Regulations, a licensee has a right to file an appeal with the Tribal Court. The burden of proof in the appeal process is on the applicant or licensee.

2. All appeals shall be in writing. A licensee shall have twenty (20) calendar days from the date of receiving the hearing decision of the Commission to file an appeal in writing with the Tribal Court.

The sole purpose of the Appeals Process will be to determine if there has been a clear error in the Commission's decision based on the documentation in the Commission's record including that provided by the licensee to the Commission before or during the hearing, or if the Commission made a procedural error that significantly prejudiced the licensee. The Tribal Court shall only overrule the decision of the Commission if the evidence cannot reasonably be construed to support the Commission's action. In the event the Tribal Court determines a prejudicial procedural error was made, it shall remand to the Commission to hold a new hearing in accordance with these Regulations.

(Source: REG WOS 2005-01 070909-004)

Chapter 2. LTBB RESERVATION NATURAL RESOURCES RULES AND REGULATIONS

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, turtle, or dinosaur, 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, Elk, and Wild Turkey.

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 hunted 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. A Tribal citizen or member of another federally recognized Tribe may not discharge a firearm, bow, cross-bow or muzzle-loader within the right-of-

way of a state or federal highway.

3. 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.

4. 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. No Tribal citizen or member of another federally recognized Tribe shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals where it is lawful to take such animals as game any semi-automatic shotgun or rifle capable of holding more than six (6) shells in both the chamber or magazine combined, for use for Gaachiinhi-Eweesi'ek (small game) only, or use cartridges containing either tracer or exploding bullets.

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

B. **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.

C. **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.

D. **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 a minimum of 2" high. Your name on a tree stand or ground blind on public land does not guarantee exclusive use.

2. Non-portable deer ground blinds utilizing man-made materials shall be prohibited on State lands prior to November 6.

3. All deer blinds utilizing man-made materials shall be removed from State lands within ten (10) days of the end of the Deer Season.

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

5. 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.

6. 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.

G. **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.

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 Intoxicated.** It shall be unlawful to hunt or attempt to hunt while intoxicated by alcohol or controlled substances.

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.

      a. Bobcat – one (1) per season.

      b. All other species have no bag limit.

c. 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.

a. Season.

i. September 10 through October 26.

b. 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.

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

d. 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.

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

b. 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.

c. 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.

d. 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. **Traps.** Traps used for harvesting fur bearers, Snowshoe Hare or Cottontail Rabbit shall be leg hold, box type, or body gripping (conibare) six inches (6”) square, or larger locking type snares.

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. All traps shall be attended daily.

E. **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.

F. **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.

G. **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.

H. **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.

I. **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.

J. **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.

K. **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.

L. **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.

M. **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.

N. **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.

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

P. **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.

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

R. **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.

S. **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.

T. **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.

U. **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

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

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

XI. Inland Fishing

A. **Fishing License**. 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. No license is required for persons less than sixteen (16) years of age to fish, however all provisions of these Regulations shall apply.

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 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:**

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

ii. The mesh size shall not be larger than three inch (3”) stretch mesh.

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

iv. 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:

i. Size restrictions:

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

B. 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.

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

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

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

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

7. Wanton destruction or waste of fish.

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

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

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

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

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

13. Harass or impede another fisherman or boater.

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

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

D. **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.

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

8. Steal natural resource(s) reduced to possession by a Tribal citizen.

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

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

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.**

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

B. **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.

C. **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.

D. **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.

E. **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

F. **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.

G. **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.

H. **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.

I. **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.

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.

(Source: REG WOS 2005-01 102010-002)

Chapter 3. 1836 CEDED TERRITORY NATURAL RESOURCES RULES AND REGULATIONS

I. Purpose, Scope, and Application. These Regulations are intended to achieve compliance with the Inland Consent Decree entered by the United States District Court in *United States v. State of Michigan*, Case No. 2: 73 CV 26, United States District Court for the Western District of Michigan (**2007 Inland Consent Decree**); to provide an orderly system for Tribal self-regulation regarding Tribal citizen exercise of their Inland Article 13 Rights; and to ensure the wise use and conservation of the inland resources for future generations. These regulations shall govern all treaty Inland Article 13 Rights activities of Tribal citizens on lands and waters within 1836 Ceded Territory.

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. **Ceded Territory:** means all lands and waters ceded in the 1836 Treaty as described in Article First, that were not reserved in Articles Second and Third of the 1836 Treaty, Article One of the 1855 Treaty, or are not now otherwise within Indian Country, as set forth below:
Beginning at the mouth of the Grand River of Lake Michigan on the north bank thereof, and following up the same to the line called for in the first article of the Treaty of Chicago on the 29th of August, 1821, thence, in a direct line, to the head of Thunder bay River, thence with the line established by the Treaty of Saginaw on the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British Providence of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the Treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of Githcy Seebing or Chocolate River, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of Skonawba River of Green Bay, thence down the south bank of river to its mouth, thence, in a direct line, through the ship channel into Green Bay, to the outer part thereof, thence, south to a point in Lake Michigan west of north cape, or entrance of Grand River, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved. Refer to map.

I. **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.

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

K. **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.

L. **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.

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

N. **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.

O. **Enforcement Officer:** means any Enforcement officer authorized by Tribal law or the Inland Consent Decree to enforce Tribal conservation regulations, 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.

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

Q. **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.

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

S. **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.

T. **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.

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. **Inland Article 13 Rights:** means the right to hunt (including hunting, fishing, trapping and gathering), and the other usual privileges of occupancy, secured by Article 13 of the 1836 Treaty of Washington, 7 Stat. 491, on lands and inland waters within the boundaries of the territory ceded in the 1836 Treaty.

X. **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.

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, Boots, 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, turtle, or dinosaur, 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. **Shotgun Zone:** means the area described in Appendix D of the 2007 Inland Consent Decree. Specifically, Michigan is divided into a northern rifle zone where rifles may be used for firearm deer hunting and southern shotgun zone where only shotguns, muzzle-loading rifles and certain handguns may be used. The dividing line between the northern rifle deer hunting zone and the southern shotgun zone is as follows: Starting at a point on the Lake Michigan shoreline directly west of M-46, then easterly to M-46, then easterly along M-46 to US-131 at Cedar Springs, southerly on US-131 to M-57, easterly on M-57 to Montcalm Road on the Kent-Montcalm county line, southerly on Montcalm Road and the Kent-Ionia County line to M-44, easterly on M-44 to M-66, northerly on M-66 to M-57,easterly on M-57 to M-52 near Chesaning, northerly on M-52 to M-46, easterly on M-46 to M-47, northerly on M-47 to US-10 west of Bay City, easterly on US-10 to I-75, northerly on I-75 and US-23 to Beaver Road (about 1 mile north of Kawkawlin), easterly to Saginaw Bay, north 50 degrees east to the International Boundary.

KK. **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.

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

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

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

OO. **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.

PP. **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.

QQ. **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.

RR. **Treaty:** means the March 28, 1836 Treaty of Washington with the Ottawa's, 7 Stat. 491.

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

TT. **Tribes - "Tribes":** means, collectively, the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, and the Little Traverse Bay Bands of Odawa Indians.

UU. **Tribal Court:** means the court of the Little Traverse Bay Bands of Odawa Indians, except where the context references a Court or Hearing Body of one of the other Tribes.

VV. **Tribal License:** means a gathering, hunting, trapping, or fishing license issued by a Tribe to Tribal citizens, which is valid and current.

WW. **Tribal Citizens:** means enrolled citizens of the Little Traverse Bay Bands of Odawa Indians except where the context references enrolled citizens of one or more of the other Tribes.

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

YY. **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. Lands and Water on Which Tribal Citizens May Exercise Inland Article 13 Rights. Tribal citizens may engage in hunting, fishing, trapping and gathering activities on lands and inland waters within the outer boundaries of the 1836 Ceded Territory pursuant to such additional requirements contained within these regulations and in accordance with the following provisions and restrictions:

A. **General Public Lands and Waters.**

1. Lands. Tribal citizens may exercise Inland Article 13 Rights on lands that are open to the public in accordance with federal or state law for the particular activity (e.g., hunting, fishing, trapping or gathering) subject to the specie specific restrictions and provisions of these regulations.

2. Waters. Tribal citizens may exercise Inland Article 13 Rights on waters open to the public under state or federal law, including such public waters that are accessible through public rights-of-way and public road crossings or otherwise accessible to Tribal citizens by permission granted by the landowner or authorized lessee.

B. **State, County and Municipal Parks, State Wildlife Refuges, State Wildlife Research Areas, and State Fisheries Research Areas.**

1. The Tribal citizens hunting and fishing in such areas shall be subject to specific restrictions for each area. Contact NRD for area specific regulations.

C. **Lands and waters owned by any of the Tribes, a Tribal Citizen, or the spouse of a Tribal citizen.**

1. Tribal citizens may engage in hunting, fishing, trapping and gathering activities on these lands and waters with permission of the owner subject to the specie specific restrictions and provisions of these regulations.

D. **Commercial Forest Act (CFA) Lands.** Private lands and waters that are open or required to be open to the public under federal or state law for the particular activity, such as hunting and fishing (but not gathering) on lands enrolled in the State's CFA program shall be open to Tribal citizens subject to the following restrictions:

1. CFA Lands less than one-thousand (1,000) acres. The Tribe or Tribal citizens shall obtain permission from a CFA landowner in order to hunt or fish on his or her CFA lands outside State seasons or methods if the CFA landowner owns, in the aggregate, less than one-thousand (1,000) acres in

the CFA program. Tribal citizens wishing to hunt outside the States seasons, upon approval of the land owner, will continue to be subject and must comply with these Tribal regulations.

2. CFA lands over one-thousand (1,000) acres. The Tribes or their citizens will not have to obtain permission from a CFA landowner in order to hunt or fish on his or her CFA lands outside State seasons or methods if the CFA landowner owns, in the aggregate, more than one-thousand (1,000) acres in the CFA program. Tribal citizen hunting and fishing on these lands will solely be subject to these regulations.

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

4. Vehicle use. Nothing herein shall be construed to authorize the use of snowmobiles, all-terrain vehicles, or other motor vehicles on CFA lands if such use is otherwise prohibited under applicable law.

5. Permission shall not be required to hunt or fish on any CFA lands, regardless of size or total ownership, during State seasons and with the use of State approved methods.

E. **Private lands and waters owned by non-Tribal citizens.** Tribal citizens may hunt, trap, fish or gather on private property subject to provisions and restrictions below:

1. Permission. Tribal citizens shall be required to possess written evidence of permission from the landowner or authorized lessee, or the name and phone number of the landowner or authorized lessee from whom they obtained permission. Except that during State seasons, permission shall be implied on lands and waters open to the public for hunting and fishing under the Michigan Recreational Trespass Act, as now in force or hereafter amended.

2. Hunting and Trapping. The Tribal citizens' hunting and trapping activities on private lands and waters shall be restricted to the seasons and methods available to State of Michigan hunters and trappers. Except that the Tribe may issue subsistence or ceremonial permits for special needs, which shall be limited in number.

3. Fishing. Tribal citizens may engage in fishing activities on these waters subject to the species specific restrictions and provisions as contained within these regulations.

4. Privately-owned Bottom lands. Tribal citizens exercising fishing rights shall not place impoundment nets on privately owned bottom lands if doing so is in violation of the Michigan common law riparian rights of the private bottom land owner.

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. The 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 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 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 to take and use such animal as long as such issuance is otherwise lawful.

V. Hunting Regulations.

A. **Hunting License.** Any Tribal citizen ten (10) years of age or older, who hunts within the Ceded Territory 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 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 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 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 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 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 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 shall be required to obtain annual transport/harvest tags/permits 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, Elk, and Black Lake Sturgeon and Walleye or Steelhead depending on the season and method of harvest (see Walleye and Steelhead sections).

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) or fish.

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 legal and current License or Special Use Permit 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 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 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 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 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 hunted 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 may not transport firearms in any motorized vehicle within the Ceded Territory 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 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 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 may not discharge a firearm, bow, cross-bow or muzzle-loader, over across, or down a roadway.

2. A Tribal citizen may not discharge a firearm, bow, cross-bow or muzzle-loader within the right-of-way of a state or federal highway.

3. 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.

4. 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.JJ 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. No Tribal citizen shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals any semi-automatic shotgun or rifle capable of holding more than six (6) shells in both the chamber or magazine combined, for use for Gaachiinhi-Eweesi'ek (small game) only, or use cartridges containing either tracer or exploding bullets.

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

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

C. **Hunting from Platforms.** Tribal citizens 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.

D. **Hunting Blinds.** Tribal citizens 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 a minimum of 2" high. Your name on a tree stand or ground blind on Public land does not guarantee exclusive use.

2. Non-portable deer ground blinds utilizing man-made materials shall be prohibited on State lands prior to November 6.

3. All deer blinds utilizing man-made materials shall be removed from State lands within ten (10) days of the end of the deer season.

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

5. 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.

6. 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 for 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 (see map).

G. **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.

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 shall 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 Intoxicated.** It shall be unlawful to hunt or attempt to hunt while intoxicated by alcohol or controlled substances.

O. **Shotgun Zone.** In the shotgun zone, all Tribal hunters afield from November 15 through 30, and all Tribal deer hunters in this zone during other deer seasons, must use a bow and arrow (includes cross-bow) or abide by the following firearm restrictions:

1. A shotgun may have a smooth or rifled barrel and may be of any gauge.

2. A muzzle-loading rifle or black powder handgun must be loaded with black powder or a commercially manufactured black powder substitute.

3. A conventional (smokeless powder) handgun must be .35 caliber or larger and loaded with straight-walled cartridges and may be single or multiple shot but cannot exceed a maximum capacity of nine rounds in the barrel and magazine combined.

4. **Exception:** .22 caliber or smaller rim-fire rifles and handguns may be used to kill raccoon while hunting raccoons with dogs between the hours of 7 p.m. and 6 a.m.

VIII. Hunting Season 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 - Harvest Permit Required.** No Tribal citizen shall hunt deer without possessing a valid deer harvest tag issued by the Tribe.

1. Seasons.

a. Bow and Cross-bow. Day after Labor Day through the Sunday of the first full weekend in January.

b. Firearm.

i. Early Season - Day after Labor Day through October 31.

ii. Late Season. November15 through the Sunday of the first full weekend in January.

2. Bag limits.

a. A limit of five (5) Deer per Tribal hunter per year (includes Reservation and Ceded Territory), no more than two (2) of which may be bucks, with three inch (3") antler. The Tribal hunter may harvest the Deer with a bow and arrow, cross- bow, rifle, shotgun or muzzle-loader.

b. Early Firearm Season. During the Early Firearm Season each Tribal citizen shall be limited to a firearm bag limit of two (2) Deer, no more than one (1) of which may be antlered.

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.

e. Other furbearers not listed - No closed season

f. Cougar and Wolf - No open season.

2. Bag limits.

a. Bobcat – two (2) per season with a maximum of one (1) bobcat harvested from Northern Lower Michigan.

b. All other species have no bag limit.

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

a. Season.

i. September 10 through October 26.

b. Applications. Tribal citizens interested in harvesting bear must apply for a harvest tag. Bear Tag/Permit application period is May1 through June1. 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.

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

d. Ceremonial Harvest. Additional Bear Permits may be available on a limited basis. See Section IV(B) of these regulations.

4. 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.

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

b. 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 May1 through June1. Successful applicants must wait a minimum of five years before reapplying.

c. 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 to location of harvest, reporting harvest and participating in the collection of biological data.

d. 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.

5. Feral Swine. No closed season and no bag limit.

IX. Trapping/Fur Harvester General Provisions.

A. **Trapping License.** Any Tribal citizen 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 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 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 have passed Hunter Safety Course in order possess and/or use a firearm while trapping. It shall be unlawful for any Tribal citizen under the age of ten (10) to be in possession of a firearm while trapping.

C. **Traps.** Traps used for harvesting fur bearers, Snowshoe Hare or Cottontail Rabbit shall be leg hold, box type, or body gripping (conibare) six inches (6") square, or larger locking type snares.

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. All traps shall be attended daily.

E. **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.

F. **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.

G. **Transportation.** Fur bearers, M'didaa-E'weesi'ek (big game), or Gaachiinhi Eweesi'ek (small game) lawfully taken by licensed Tribal citizens 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.

H. **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.

I. **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.

J. **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.

K. **Barter of Hides & Flesh.** It shall be lawful for Tribal citizens to possess, 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.

L. **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.

M. **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.

N. **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, predators, or to bow hunters.

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

P. **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.

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

R. **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.

S. **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.

T. **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.

U. **Seasons.**

1. Beaver and Otter – October 1 through March 1 in Northern Lower Michigan, October 1 through March 15 in the Upper Peninsula.

2. Muskrat, Mink, and Bobcat – October 1 through March 1 in Northern Lower Michigan, October 1 through March 15 in the Upper Peninsula.

3. Red Fox, Gray Fox, Coyote, and Badger - October 1 through March 1 in Northern Lower Michigan, October 1 through March 15 in the Upper Peninsula.

4. Marten and Fisher - October 1 through March 15 in the Upper Peninsula only.

5. Raccoon - No closed season.

6. Coyote - No closed season.

7. Other fur bearers not listed - No closed season

8. Cougar and Wolf - No open season.

V. **Bag Limits.**

1. Otter, Badger, Pine Marten, and Fisher – two (2) per season, Pine Marten and Fisher may only be harvested from the Upper Peninsula of Michigan.

2. Bobcat - two (2), one (1) of which may be a Bobcat harvested from Northern Lower Peninsula of Michigan.

3. All other species have no bag limit.

4. The combined bag limits for hunting/trapping harvest shall not exceed two (2) Bobcats.

5. 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 ten (10) years of age or older who hunts migratory birds within the Ceded Territory shall have in possession a valid Tribal license.

2. No Tribal citizen 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 14.

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

9. Swans - It shall be unlawful to shoot or attempt to shoot Swans.

10. 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) Mallard Hens, 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-fronted, 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. The possession limit for migratory birds shall not exceed the two (2) days bag limit.

XI. Inland Fishing Regulations.

A. **Fishing Licenses.** Any Tribal citizen 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 immediate possession any pole, reel, tip-up hand line, trap, club, seine, net or spear, shall have in his or her possession a valid and current Tribal License.

B. **Age Limits.**

1. Any Tribal citizen sixteen (16) years of age or older who fishes within the Ceded Territory shall have in possession a Tribal license.

2. No Tribal citizen under sixteen (16) years of age shall be required to possess a Tribal License to fish, take reptiles or amphibians, or gather vegetation for personal use or use by his immediate family, however, those persons shall be required to follow all applicable Tribal regulations.

C. **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, impoundment nets, seines or gorge to take fish, except as allowed under Section XI(D,2) net regulations, and for bait fish under Section XI(E,1).

5. Use a snag hook to take or attempt to take fish.

6. Wanton destruction or waste of fish.

7. Harass or impede another fisherman or boater.

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

9. Possess any fish not hooked in the mouth while fishing with hook and line.

10. Sell flesh of fish from inland waters.

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

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

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

14. Sell bait fish without a Special Use Permit.

15. Fish within one-hundred feet (100') of electrical lamprey control devices while in operation.

16. Fish within one-hundred feet (100') of the lamprey control barrier on the Betsie River.

17. Fish in the Rock River (Alger County) from the dam to the lower foot bridge downstream from M-28 (T47N, R21W, Sec. 15) April 1-June 30.

18. Fish within three-hundred feet (300') of any of the State's salmon and steelhead egg collection weirs while in operation.

19. To spear in the following Upper Peninsula Streams- Chocolay River; Mosquito River; Big Two Hearted River; Little Two Hearted River; and Anna River from its mouth upstream to the railroad crossing by Wagner Falls in Section 14, Township 46 North, Range 19 West.

D. **Methods and Gear.** The use of poles, rods, reels, tip-ups, hand lines, spears, bow and arrow, seines, nets, clubs and hands are lawful for use while fishing subject to the following regulations:

1. Hook and Line.

a. Individual hook and line fishing is limited to four (4) lines per person with four (4) hooks per line. Ice fishing is limited to seven (7) lines with four (4) hooks per line; except that there shall be no limit on the number of hooks per line while fishing for Smelt.

b. Trot line. One (1) trotline per license holder is allowed. The trotline shall be limited to five (5) hooks or lures of which shall be size 4 or larger. Each trot line shall be clearly marked with a gallon buoy along with the tribal license number of the person who set the

line. All trot lines must be checked daily. The Tribal licensee shall be required to submit harvest reports in accordance with Section XI(F) Harvest Reports.

c. Tip-ups. All tip-ups fished shall be identified by name of the Tribal citizen fishing the tip-up.

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

e. Fixed ice shanties must have the owner's name and address permanently affixed on all sides with letters at least three inches (3”) high. Shanties must be removed when the ice is unsafe but no later than March 15.

2. Nets.

a. Gill nets. The use of gill nets is prohibited on all inland lakes and streams. *Exception- The use of gill nets may be authorized via a Tribally issued permit to harvest fish from a lake from which all fish will be eradicated.

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

i. 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.

ii. 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.

iii. Lake use only.

A. It shall be unlawful to use impoundment nets in streams except when harvesting Burbot in accordance with Section XI.D.2.b.iii.B. below.

B. Impoundment nets may be used to harvest Burbot on AuTrain River in Alger County from AuTrain Lake to the mouth from December 15th to the end of February with an authorized permit.

iv. Permits. Tribal citizens shall obtain and possess a valid permit prior to setting any impoundment nets.

A. All permits must be requested and authorized a minimum of twenty-four (24) 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.

c. Seines. Tribal citizens may use seines subject to the following restrictions:

i. Size restrictions:

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

B. 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.

ii. Monofilament. It shall be unlawful to use Seines constructed of monofilament that exceed one-half inch (1.5”) stretch mesh size.

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

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

v. 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.

vi. There shall be a two (2) gallon creel limit for Smelt harvested with a seine.

3. Spearing. Tribal citizens may use spears subject to the species specific restrictions found in the Pike/Muskellunge, Walleye, Trout, Salmon, Sturgeon, and Steelhead sections of these regulations, general closures and the seasons for harvest and, daily creel limits, and possession limits found within the general fishing regulations. The Tribal licensee shall be required to submit harvest reports in accordance with Section XI.F Harvest Reports.

4. "Quality" Lake Restrictions.

a. **Crawford County:** Jones Lake

i. Open Season - June 1 through September 30.

ii. Tackle - Artificial lures only.

iii. Creel limits - Catch and release only.

iv. Possession of live bait - It shall be unlawful to possess live bait on any of the lake or banks of the lake.

b. **Crawford County:** Wakeley Lake

i. Open Season - June 15 through August 31.

ii. Tackle - Artificial lures only.

iii. Creel limits - Catch and release only.

iv. Possession of live bait - It shall be unlawful to possess live bait on any of the lake or banks of the lake.

c. **Montmorency County:** North and South Blue Lakes and Robarge Lake.

i. Open Season - April 1 through September 30.

ii. Tackle - Artificial lures only.

iii. Creel limits - Catch and release only.

E. **Species Specific Restrictions.**

1. Baitfish. Minnows for personal use only may be taken with hook and line, seines, dip nets, and minnow traps with a valid fishing license.

a. Seines. Seines shall not be used to take Minnows from Trout Streams or from Big Glen Lake (Leelanau Co.), Haltem Creek. (Leelanau Co.).

b. Gear restrictions. Seines use to harvest Minnows must not be over twelve feet (12') by four feet (4').

c. Commercial Harvest. See Commercial Regulations.

2. Pike and Muskellunge.

a. Spearing. The following lakes are closed to Pike and Muskellunge spearing except that Northern Pike may be speared on waters as marked (*) from December 1 through the end of March 15:

Alpena County:
Fletcher Floodwaters

Cheboygan County:
Cornwall Impoundment

Chippewa County:
Caribou Lake

Clare County:
Budd Lake

Delta County:
*Dana Lake

Kent County:
Campau Lake
Murray Lake

Mackinac County:

Brevort Lake

Marquette County:
Fish Lake

Montmorency County:
Fletcher Floodwaters
West Twin Lakes

Muskegon County:
Mona Lake

Otsego County:
Big Bear Lake
Otsego Lake

Ottawa County:
Lake Macatawa

Schoolcraft County:
Big Bass Lake
Grassy Lake
McKeever Lake

b. Closures. It shall be unlawful to take or possess Northern Pike in Potagannising River (Chippewa County) below the Potagannising Dam downstream to Maxton Road from April 15 through May 15.

3. Walleye Restrictions.

a. Restricted Fishing Method Restrictions.

i. Hook and line Open seasons.

A. Upper Peninsula - May 15th through April 1.

B. Lower Peninsula - Last Saturday in April through March 15.

ii. Restricted Fishing Methods permit - The use of spears, bows, or hook and line on Walleye Lake Systems during the April 1 through May 14th time period in the Upper Peninsula or March 16 through last Friday in April time period in the Lower Peninsula or the use of impoundment nets or long seines at any time shall require the obtaining and possession of a valid permit prior to engaging in any of

the above mentioned methods of harvest.

A. Application time period - All spearing, bow or hook and line permits must be requested and authorized a minimum of seven (7) hrs and before 1:00 pm of the same day prior to engaging in the activity and all impoundment and long seine permits must be requested and authorized a minimum of twenty-four (24) hrs prior to engaging in the activity.

B. Each permit will specify a creel limit (not to exceed 10 fish), specific method of harvest (spear, impoundment, etc.), a time period for which the permit is valid and a lake system for which the permit valid.

iii. Size limit - fourteen inches (14”). Walleye speared under the minimum size must be retained as a part of the daily creel limit.

b. Bay de Noc Tributaries.

i. General Hook and Line (no-permit) season - May 16 through March 14.

ii. Regulated Fishing Methods - The following Walleye restrictions shall apply to the streams listed Section XI.E.3.b.ii.E. below.

A. Regulated Fishing Methods permit season. A valid permit shall be required prior to any harvest of Walleye with a hook and line between March 15 and May 15 or at any time with the use of a spear.

B. Application time period. All spearing, bow or hook and line permits must be requested and authorized a minimum of seven (7) hours and before 1:00 pm of the same day prior to engaging in the activity.

C. Each permit will specify a creel limit (not to exceed 10 fish), specific method of harvest (spear, hook and line, spear dip net, etc.), a time period for which the permit is valid and tributary for which the permit is valid.

D. Permits shall be specific to method of harvest and shall not include more than one type of harvest.

E. Bay de Noc Tributaries open to Regulated Fishing Method permit harvest:

Delta County:
Sturgeon River
Escanaba River
Days River
Rapid River

iii. Size limit. Fourteen inch (14") minimum. Walleye speared under the minimum size must be retained as a part of the daily creel limit.

iv. Daily creel limits - ten (10) per day.

v. Field possession limit- ten (10) fish.

vi. All other Bay de Noc Tributaries closed to spearing or hook and line fishing between end of March 1 and May 15.

4. Trout Restrictions.

a. Trophy (5) Trout Streams. The following category restrictions shall apply to the Category 5 Streams.

i. Seasons - Open all year, all species.

ii. Possession Seasons - Brown Trout, Brook Trout, and Atlantic Salmon may be possessed (kept) - last Saturday in April through September 30. All other trout and salmon species open all year.

iii. Tackle - Artificial Flies only.

iv. Size limits.

A. Brook Trout and Salmon (Coho, Chinook & Pink) – ten inches (10").

B. Brown Trout, Rainbow Trout (Steelhead), Splake and Atlantic Salmon - fifteen inches (15").

C. Lake Trout - twenty-four inches (24”).

v. Creel limits - Lake Trout, Rainbow Trout, Splake, Brook Trout and Brown Trout, Salmon (all varieties) - two (2) per species per day.

b. Trophy (6) Streams. The following category restrictions shall apply to the Category 6 Streams.

i. Seasons - Open all year all species.

ii. Possession Seasons - Brown Trout, Brook Trout, and Atlantic Salmon may be possessed (kept) - last Saturday in April through September 30. All other Trout and Salmon species open all year.

iii. Tackle - Artificial lures only.

iv. Size limits.

A. Brook Trout, Splake and Salmon (Coho, Chinook & Pink) – ten inches (10”).

B. Brown Trout and Rainbow Trout (Steelhead) – twelve (12”).

C. Atlantic Salmon – fifteen (15”).

D. Lake Trout - twenty-four (24”).

v. Creel limits - Catch and releases only.

c. Trophy (7) Streams. The following category restrictions shall apply to the Category 7 Streams.

i. Seasons - Open all year all species.

ii. Possession Seasons - No kill zone. It shall be unlawful to possess any Lake Trout, Rainbow Trout, Splake, Brook Trout, Brown Trout, and Salmon (all varieties) while on or along category 7 stream segments and/or to possess any Lake Trout, Rainbow Trout, Splake, Brook Trout, Brown Trout, and Salmon (all varieties) harvested from category 7 stream segments. Except that children under the age of twelve (12) shall be allowed to keep one fish if it is

between eight inches (8”) and twelve inches (12’) in length.

iii. Tackle - Artificial Flies only.

iv. Creel limits - Catch and releases only.

d. Streams Segment Descriptions.

i. Category 5 Stream Segments.

Crawford County:
AuSable Mainstream – from Burtons landing to Wakeley Bridge
Manistee River – from M-72 downstream to the CCC Bridge
North Branch AuSable River – from Lower High Banks downstream to confluence with Mainstream

Kalkaska County:
Manistee River – from M-72 downstream to the CCC Bridge

Lake County:
Little Manistee River – from Spencer’s Bridge (T19N, R13W, Sec. 5) downstream to Johnson’s Bridge (T20N, R14W, Sec 24).

ii. Category 6 Stream Segments.

Delta County:
Escanaba River – from Boney Falls Dam downstream to mouth of Silver Creek (T40N, R23W, Sec. 11).

iii. Category 7 Stream Segments.

Crawford County:
South Branch AuSable River – from Chase Bridge downstream to lower High Banks.

Lake County:
Pere Marquette River – from M-37 downstream to Gleason’s Landing (T17N, R13W, Sec. 18).

e. General Restriction. Possession of Organic Bait - It shall be unlawful to possess live, dead or preserved bait, organic or processed food or scented materials on any of the stream segments

or banks of the stream segments described in this section.

f. Little Manistee River. It shall be unlawful to use spears or bows to harvest Steelhead in the Little Manistee River from the mouth of the Little Manistee River at its confluence with Manistee Lake upstream to three-hundred feet (300') downstream from the Little Manistee River Weir.

g. State Trophy Trout (Type "D") Lakes - The following restrictions shall apply to the lakes listed below.

i. Seasons - Last Saturday in April through September 30.

ii. Possession Seasons - Brown Trout, Brook Trout, Lake Trout, Rainbow (Steelhead), Coho, Chinook, Pink and Atlantic Salmon may be possessed (kept) last Saturday in April through September 30.

iii. Tackle.

A. Artificial lures only.

B. It shall be unlawful to use a spear to harvest any type of fish on lakes listed in this section.

iv. Possession of Organic Bait - It shall be unlawful to possess live, dead or preserved bait, organic or processed food or scented materials on any of the lakes or banks of the lakes described in this section.

v. Size limits.

A. Brook Trout, Brown Trout, Rainbow Trout (Steelhead), Splake, Lake Trout and Atlantic Salmon – fifteen (15").

B. Coho, Chinook and Pink Salmon – ten inches (10").

vi. Daily creel limit - Lake Trout, Rainbow Trout, Splake, Brook Trout, Brown Trout, and Salmon (all varieties) - one (1) per species per day.

h. State Trophy Trout Lakes (Type "D").

i. Upper Peninsula.

Luce County:
Deer Lake
Moon Lake
Sid Lake

Marquette County:
Keyhole Lake (East)
S. Kidney Lake
Pauls Rockingchair Lake (South)
Strawberry Lake

Schoolcraft County:
Dutch Fred Lake
Ned's Lake
Lake Twilight Lake

ii. Lower Peninsula.

Cheboygan County:
Twin Lake #1

Grand Traverse County:
Sand Lake #2

i. Protected Streams - The following Rainbow Trout (Steelhead) restrictions and permits shall apply to the stream segments listed below.

i. Hook and line Seasons.

A. Upper Peninsula Stream Segments - Last Saturday in April through April 1.

B. Lower Peninsula Stream Segments - Last Saturday in April through March 15.

C. Spearing Season - Spearing for Rainbow Trout (Steelhead) - Steelhead may be harvested via a spear with a valid Tribal permit from April 1 through April 15 only.

D. Size limit - sixteen inch (16") minimum.

E. Daily creel limits - three (3) per day.

F. Field possession limit - twice the daily creel limit.

ii. Tribal citizens shall obtain and possess a valid permit prior to any spearing.

iii. Upper Peninsula Stream Segments.

Alger County:
Sucker River – mainstream of the Sucker River and tributaries upstream of Seney Road Bridge

Mackinac County:
Black River – Black River mainstream and tributaries upstream of the confluence of Peters Creek
North Branch of the Pine River – North Branch of Pine River and tributaries upstream of the Highway 40 Bridge
Mainstream of the Pine River – mainstream and tributaries upstream of the confluence with the North Branch of the Pine River
North Branch of the Carp River – North Branch of the Carp River and its tributaries
South Branch of the Carp River – South Branch of the Carp River and its tributaries.

iv. Lower Peninsula Stream Segments.

Antrim County:
Jordan River – mainstream Jordan River and all tributaries above Graves Crossing

Benzie County:
Dair Creek – Dair Creek and its tributaries
Little Betsie – Little Betsie River and its tributaries in the Betsie River Watershed
Platte River – mainstream of the Platte River from the upper State-owned hatchery weir downstream to Platte Lake

Cheboygan County:
Sturgeon River – mainstream Sturgeon River upstream of Afton Rd (a.k.a. Webb Road or Wolverine Road near Wolverine) and the West Branch of the Sturgeon River and its tributaries

Lake County:
Baldwin River – Baldwin River and its tributaries

Pere Marquette River – Pere Marquette River and its tributaries upstream of M-37 in Pere Marquette Watershed
Little Manistee River – Little Manistee River mainstream from Spencer's Bridge upstream, including all tributaries.

Manistee County:
Bear Creek – Above County Road 600, Bear Creek mainstream and tributaries in the Manistee River Watershed
Dair Creek – Dair Creek and its tributaries
Little Betsie River – Little Betsie River and its tributaries in the Betsie River Watershed

Muskegon County:
Cedar Creek – Cedar Creek and its tributaries upstream from River Road
Bigelow Creek – Bigelow Creek and its tributaries in the Muskegon River Watershed
Skeel Creek – Skeel Creek and its tributaries
North Branch of the White River – North Branch of the White River above Arthur Road in the White River Watershed

Newaygo County:
Cedar Creek – Cedar Creek and its tributaries upstream River Road
Bigelow Creek – Bigelow Creek and its tributaries in the Muskegon River Watershed
Baldwin Rover – Baldwin River and its tributaries
Pere Marquette River – all tributaries upstream of M-37 in the Pere Marquette Watershed

Oceana County:
Skeel Creek – Skeel Creek and its tributaries
North Branch of the White River – North Branch of the White River above Arthur Road in the White River Watershed

Otsego County:
Pigeon River – Pigeon River mainstream and its tributaries upstream of Webb Road
Sturgeon River – mainstream Sturgeon River upstream of Afton Rd (a.k.a. Webb Road or Wolverine Road near Wolverine) and the West Branch of the Sturgeon River and its tributaries

Presque Isle County:
Little Ocqueoc River – Little Ocqueoc River and its tributaries
Silver Creek – Silver Creek and its tributaries in the Ocqueoc River Watershed

j. Weirs - It shall be unlawful to fish within three-hundred feet (300') of any of the State's steelhead egg collection weirs while in operation.

5. Salmon Restrictions.

a. Torch Lake - It shall be unlawful to spear Atlantic Salmon in the Torch Lake watershed.

b. Little Manistee.

i. Use of spears, bows, dip nets or hands for Chinook Salmon.

A. Tribal citizens attempting to harvest Chinook Salmon in the Little Manistee River from the mouth of the Little Manistee River at its confluence with Manistee Lake upstream to three-hundred feet (300') downstream from the Little Manistee River Weir with the use of a spear, bow and arrow, dip net or their hands during a period beginning September 1 and ending November 14 shall be required to obtain in advance and then keep in their possession while fishing a valid permit. A limited number of permits will be available on an annual basis.

B. Spearing shall be prohibited in the vicinity of the Little Manistee River at its confluence with Manistee lake- The area closed is defined by a line extending from a squared red post located one-hundred feet (100') southeast of the launch ramp at the MDNR Public Access Site on the east shore, extending southwesterly to a squared red post on the west shore located near the southern end of the Packaging Corporation of America's plant.

ii. Hook and Line - It shall be unlawful to fish (hook and line) from September 6 through October 15 in southern end of Manistee Lake area defined by a line extending from a squared red post located one-hundred feet (100') southeast of the launch ramp at the MDNR Public Access Site on the

east shore, extending southwesterly to a squared red post on the west shore located near the southern end of the Packaging Corporation of America's plant shall be closed, unless the MDNR meets its egg take quota for the year, at which time the fishing closure may be rescinded for the current year. Please contact the Natural Resource Department for more information.

c. Weirs.

i. Platte River - It shall be unlawful to fish for Coho Salmon within three-hundred feet (300') of the lower weir on the Platte River as long as the state of Michigan prohibits harvests of Coho Salmon in such waters.

ii. General - It shall be unlawful to fish within three-hundred feet (300') of any of other state of Michigan's salmon egg collection weirs while in operation.

6. Sturgeon

a. Lake Otsego System

i. Season - Open all year.

ii. Methods of Harvest – the use of spears, bow, hook and line, dip nets and hands are allowed.

iii. Size limit - no size limit.

iv. Creel limit - one per year.

b. Black Lake System

i. Permit Fishery Only - No member shall fish for Sturgeon on Black Lake without possessing a valid Sturgeon harvest permit issued by the Tribe.

ii. Tribal citizens interested in harvesting sturgeon must apply for a harvest permit. Sturgeon tag/permit application period is Nov.1 through Jan.1. Tribal citizens shall be limited to one permit per year. Successful applicants must wait a minimum of three years before reapplying.

iii. Methods of Harvest – the use of spears, bow, hook and line, dip nets and hands are allowed.

iv. Season - February 1 - June 15.

v. Size limit - no size limit.

vi. Creel limit - one per permit.

vii. Tagging- Upon the harvest of a Sturgeon, the holder of valid Sturgeon harvest tag shall immediately attach the harvest tag to the Sturgeon. The tag shall remain attached until the Sturgeon is registered and sealed. The Sturgeon must be registered within twenty-four (24) hours of the kill.

viii. Registration. As soon as practical but no more than twenty-four (24) hrs. after the harvesting of the Sturgeon and before processing for long term storage or consuming of the Sturgeon, the permittee shall have the Sturgeon checked in and sealed by a LTBB NRD or MDNR biologist.

F. **Reporting.** In addition to the Tribal License required by this section, Tribal citizens are also required to obtain and submit complete harvest reports for the harvest of the species of fish listed below with a cross-bow, spear, club, hands, dip net, trot line or bow fishing equipment. Except that Tribal citizens will not be required to submit harvest reports or fish reports for fish speared through the ice.

1. Harvest reports must be obtained from and submitted to the Natural Resource Department upon the harvesting of Walleye, Northern Pike, Muskellunge, Salmon, Trout (including Rainbow Trout (Steelhead) and Brook Trout) via the use of spear, club, short seine, hands, dip net, cross-bow, trot line or bow and arrow.

2. Harvest reports shall indicate the body of water where the harvest took place, date of harvest, and number harvested for each species.

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

G. **Possession Seasons.**

1. All Species except those listed below – Open all year (no closed Season).

2. Grayling - No open season.

3. Lake Sturgeon –

a. Otsego Lake - Open all year.

b. Black Lake - February 1- June 15 (permit only).

4. Brown and Brook Trout.

a. Trout stream Types 1, 2, 4 (See Supplemental A, *Regulated Fishing Locations*, for exact descriptions and locations).

i. Lower Peninsula - Open December 1 through October 14.

ii. Upper Peninsula - Open November 16 through September 30.

b. Trout stream Types 5, 6, 7 (See Supplemental A, *Regulated Fishing Locations*, for exact descriptions and locations).

i. Open last Saturday in April through September 30.

ii. Type 7 - No possession. Catch and Release only.

5. Walleye.

a. Open Seasons.

i. Bay de Noc Tributaries - May 15 through March 15.

ii. Upper Peninsula Lake Systems (inland systems) May 15 through April 1.

iii. Lower Peninsula Lake Systems (inland systems) Last Saturday in April through March 15.

iv. Great Lake Tributaries - Open all year.

v. Great Lakes - See Great Lake regulations.

b. Restricted Fishing Method Permits - Permits may be obtained to fish or/possess walleye during the closed seasons referenced above.

H. **Size Limits.**

1. Trout and Salmon.

a. Lakes - ten-inch (10") minimum.

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

c. Brook Trout - seven-inch (7”) minimum in streams.

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

3. Northern Pike - twenty-inch (20") minimum. Except that the lakes listed in S*upplement A, Pike No Size Limit Lakes* shall have no size limit.

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

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

6. Bluegill, Sunfish, Crappie, Lake Whitefish, Menominee, Rock Bass, Perch, Catfish species, and other species not listed - No minimum size.

7. Sturgeon - No size limit.

8. Other species not listed – No minimum size.

I. **Creel Limits.**

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

2. Coho, Atlantic, Humpback/Pink 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, Rock Bass, and Yellow Perch - fifty (50) per day.

6. Northern Pike - five (5) per day. No Size Limits Lakes- ten (10) per day.

7. Smelt -

a. Hook and line- no limit.

b. Seine - two gallons.

8. Lake Sturgeon-

a. Otsego Lake Only – one (1) per season.

b. Black Lake - permitted fishery only, one per permit.

9. Other species not listed – fifty (50) per day

XII. Amphibians and Reptiles Regulations

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(N) or Section II(QQ) 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. 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.

XIV. Gathering on State Land Regulations.

A. It shall be lawful for Tribal citizens 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 shall be required to obtain a valid Tribal permit before engaging in sugar bush operations on State Forest land. Operations over twelve (12) trees will only be permitted in "Special Conservation Area (SAC)." Tribal citizens may request an area be placed into a SAC for Sugar Bush subject to Tribal and MDNR joint approval.

    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 shall obtain a valid Tribal permit before collecting firewood from State Forest land. The gathering of firewood will only be permitted in designated firewood collection areas. Tribal citizens may request an area be placed into designated firewood collection areas subject to Tribal and MDNR joint approval.

    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 State Forest 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 shall have a valid Tribal permit in their possession when collecting firewood.

3. Conifer Boughs - Tribal citizens shall obtain a valid Tribal permit before collecting Conifer boughs from State Forest land. The gathering of Conifer boughs will only be permitted in designated collection areas or dead and down trees. Tribal citizens may request an area be placed into a designated collection area subject to Tribal and MDNR joint approval.

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.

viii. Sell firewood cut or gathered from State Forest land;

4. Black Ash, Basswood and/or Ironwood. Tribal citizens shall obtain a valid Tribal permit before collecting Black Ash, Basswood or Ironwood from State Forest land. The gathering of Conifer boughs from live trees

will only be permitted in designated collection areas. - Tribal citizens may request an area be placed into a designated collection area subject to Tribal and MDNR joint approval.

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 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 State Forest land. The gathering of White Birch bark will only be permitted in designated collection areas and during authorized times of the year. Tribal citizens may request an area be placed into a designated collection area subject to Tribal and MDNR joint approval.

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(s) prior to gathering on such land.

XV. Access to State Land.

A. **Camping.** Tribal citizens 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 while at the campground.

XVI. Use and Construction of Temporary Structures on State Land.

A. Tribal citizens may be authorized to place temporary structures on State 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 State Forest lands shall be required to obtain and post a cost-free MDNR dispersed camping permit on site. Permits can be obtained from the Tribal Natural Resource Department Office or local MDNR State Forest Office.

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.

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.

XVIII. Commercial Harvest and Use Restrictions. No member shall sell, offer to sell, or exchange for anything of value any 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 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, and Moose and the skull of Black Bear lawfully taken may be sold. The teeth, claws, flesh, bones or internal organs of any animal other than a fur-bearing animal shall not be sold.

D. Plant products, such as wild berries, mushroom, 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 material for incorporation into handicrafts for sale subject to the permitting requirements of 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. Is shall be lawful for Tribal citizens to possess, 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.

H. Maple Syrup and/or Maple Sugar produced from Maple trees located on State land pursuant to a Sugar Bush Permit issued by the Tribe may be sold; provided that such 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 members in the production of handicrafts which are offered for sale.

J. Members may participate in barter and exchange of animals, birds, fish and plants, and parts thereof, lawfully harvested in the 1836 Ceded Territory, with any members of a Signatory 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 for the fish is made pursuant to a permit issued by the Tribe, and that the sale is conducted as may be required in the permit.

L. Members may harvest bait fish for sale after the acquiring of a Special Use Permit.

M. It shall be unlawful to:

1. Sell fish or any spawn/roe from a 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.

XIX. 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 systems or streams.

8. Tamper, steal destroy, vandalize or interfere with any blind, stand, gear, item or object used by a Tribal member to further their hunting, fishing, trapping or gathering activity.

9. Steal natural resource(s) reduced to possession by a Tribal citizen.

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

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

XX. Enforcement. LTBB Conservation Enforcement Officers, Conservation Enforcement Officers of one or more of the other Tribes if Cross Deputation Agreements are entered into, and Conservation Officers duly employed by the state of Michigan, if the prerequisites stated in the 2007 Inland Consent Decree are in place, are authorized to enforce the provisions of these regulations. Violations shall be processed through the LTBB Tribal Court.

XXI. Penalties and Fines.

A. **Suspension or Revocation.** Any licenses or permits authorized by this Code may be suspended or revoked by the Tribe, acting through the Natural Resources Commission or Tribal Court.

B. **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 LTBB Tribal Court under such procedures as are prescribed by the Court Rules or Tribal law.

C. **Civil Infractions.** These Regulations are civil in nature. Violations may be punished by suspension or revocation 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 XXII.D, restitution as set forth in Section XXII.E below and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.

D. **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.

E. **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 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, Whitefish, Menominee Whitefish	$50
Rabbit, Muskrat, Squirrel, Raccoon Ruffed Grouse, Woodcock, Mourning Dove, Ring-neck Pheasant, Quail, Sharp-tail Grouse	$30
Any fish or E'weesi'ek (game) animal not named	$25

F. **Tribal Citizen Responsibility.** It shall be no defense in any criminal or civil prosecution under these regulations pertaining to hunting, fishing, trapping, or gathering, for a Tribal citizen to claim a lack of awareness or understanding of laws or regulations.

G. **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 LTBB Tribal law or these regulations.

H. **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.

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

J. **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.

NON-TRIBAL CITIZEN ASSISTANCE

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

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

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

General Principle 4. Any person may assist a Tribal 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.

Table 1. No size limit Pike Lakes

Table 2. Walleye Lake Systems

(Source: REG WOS 2008-012 102710-002)

TITLE V – CHILD WELFARE

Chapter 1. REGULATIONS FOR ISSUING AND MONITORING CHILD FOSTER CARE FACILITY LICENSES

I. Introduction. Pursuant to the enactment WOS 2009-013, Section V (A,B) the Little Traverse Bay Bands of Odawa Indians Child Welfare Commission is delegated to develop regulations for the licensing and monitoring of child foster care facilities which shall include at a minimum the monitoring of home safety standards and the qualifications for license holders.

II. Definitions:

A. **Applicant:** means the person(s) or facility requesting consideration for a child foster care license.

B. **BIA:** means Bureau of Indian Affairs.

C. **Central Registry Clearance:** means a clearance administered by the Michigan Department of Human Services by making a request on standard form DHS-194.

D. **Child Foster Care License:** means a license issued by the CWC authorizing the Licensee to provide foster care services.

E. **Criminal Background Check:** means a criminal background check administered by the LTBB Social Services Program.

F. **CWC:** means the Little Traverse Bay Bands of Odawa Indians Child Welfare Commission.

G. **DHS:** means Michigan Department of Human Services.

H. **Foster Home Reference:** means a questionnaire form that individuals who want a license fill out and submit to the LTBB Social Services Program.

I. **Home Assessment:** means a two (2) part check of the household measures related to such items as electric, fire, securities, plumbing, maintenance, lights and ventilation, etc.

J. **Home Study:** means a general or relative placement interview process related to the home and the person(s) residing in the home.

K. **Licensee:** means a person(s) or facility that has been issued a license by the LTBB Child Welfare Commission.

L. **LTBB:** means the Little Traverse Bay Bands of Odawa Indians.

M. **Medical Background:** means to show proof that the licensee is physically able to care for the children.

III. Criteria for Foster Home Licensing.

C. When considering an application for licensure, the LTBB Social Services Program and CWC will use the following criteria:

1. The BIA Standards in 25 CFR 63, Minimum Standards of Character;

2. PL 101-630, Criminal Investigations; and

3. The LTBB Foster Care Licensing Criteria, which includes the following:

a. The LTBB Good Moral Character Handbook;

b. A LTBB Home Study;

c. A LTBB Home Assessment;

d. A Foster Home Reference; and

e. A Medical Background.

D. The LTBB Social Services Program requires the applicant to submit a Preliminary Applicant Information Form, undergo a Criminal Background Check, and a Request for Central Registry Clearance. Once these preliminary steps have been successfully completed, the LTBB Social Services Program conducts the final LTBB Foster Care Licensing Criteria studies, assessments, and reports which, once completed in their entirety, are sent to the CWC for licensure consideration in the form of a file referred to as the applicant's file.

IV. Waiver Process. Where an offense or offenses are identified in Section III (A) of these regulations, or other licensing criteria and license issuance is still recommended, the recommendation shall be reviewed by the CWC (the licensing body) with recommendations from staff, such as the Social Services Program representative(s) and legal representative(s) for a final determination as to the issuance of a foster child care license.

V. Submission for CWC Approval. Upon completion of the criteria required to obtain a child foster care facility license, the LTBB Social Services Program shall forward the

applicant's file to the CWC for approval of the license.

VI. **Approval of License.** When the license is approved, a copy of the CWC recommendation approving the license shall be sent to the LTBB Social Services Program. A tribal child foster care facility license shall then be prepared by the LTBB Social Services Program and signed by the CWC Chairperson or designee, and the license is issued and sent to the Licensee. Copies of all licenses are retained by the CWC and the LTBB Social Services Program.

VII. **Written Notice.** The Social Services Program shall provide the license applicant with a written response, as soon as practicable after the review, indicating the determination of CWC (the licensing body). The license applicant has the option to request a meeting with the CWC to discuss the written notice.

VIII. **Denial of License Renewal.** The Child Welfare Commission shall not deny the license renewal of a current licensee based upon convictions which have been reviewed when the license was issued. However, if new findings or new convictions are discovered or disclosed, the licensing body will consider previously reviewed convictions when deciding to approve or deny the license of a current licensee.

IX. **Monitoring.** The LTBB Social Services Program staff monitors Licensees on a continual basis and is responsible for monitoring and assessing complaints related to child foster care Licensees. All licenses are reviewed at a minimum of one (1) time annually. Criminal Background Investigations are conducted at a minimum of every five (5) years. If new convictions are discovered the LTBB Social Services Program shall initiate action by filing a report with the CWC. Upon review of the report the CWC may take immediate action to revoke, may decide that it will not support a revocation, or may have a meeting with the Licensee in question if the CWC feels that a meeting is necessary to make a determination. The Licensee in question has the option to request a meeting with the CWC to protest a revocation. In all cases, the continued welfare and safety of tribal children will be the primary criteria considered in any revocation or reinstatement decision.

(Source: REG-WOS 2009-013 071709-003)

TITLE VI – TRIBAL GOVERNMENT AND ADMINISTRATION

Chapter 1. PUBLIC DOCUMENTS REGULATIONS

I. Introduction. These Regulations are promulgated for all LTBB branches of government, the Prosecutor and the Election Board pursuant to Section IX of the Public Documents Statute, WOS 2010-009, which was passed by Tribal Council on July 25, 2010 and deemed enacted August 26, 2010. These Regulations set forth:

A. A method for defining classifications of documents as either "Exempt" or "Non-Exempt";

B. A method and process for redacting portions of documents classified Exempt to be released as a Non-Exempt document;

C. A method for marking, controlling, keeping and releasing documents; and

D. A section for reasonable costs for release of documents.

II. Definitions:

A. **Appropriate Authority:** means the officials, individual employees and/or manager who possess the authority to make the decision regarding public documents within the respective Entity.

B. **Authorized Representative:** means an LTBB Tribal Citizen (Citizen) who holds a signed notarized statement of authority on behalf of another Citizen.

C. **Copies:** means paper photocopies, commonly referred to as hard copies. It may also include electronic files unless otherwise indicated in these Regulations.

D. **Entity:** means the Executive, Legislative, Judicial branches, the Prosecutor, the Election Board, Corporate Charters, and Enterprises.

E. **PDO or Public Documents Officer:** means an official, individual employee and/or manager designated by the respective branch of government, the Prosecutor or the Election Board to process Public Documents requests.

F. **LTBB or Tribe:** means the Little Traverse Bay Bands of Odawa Indians.

G. **Public Documents:** means a writing prepared, owned, used, in the possession of, or retained by a government branch or division, department, agency, commission, board, committee, entity, enterprise or office in the performance of an official function, from the time it was created. The Public Documents Statute and these Regulations do not require officials and staff to create any reports or other

documents that do not already exist at the time of the request.

H. **Sensitive Documents:** means documents that are not exempted from review by Citizens under the Public Documents Statute or these Regulations, but can only be reviewed on-site because they contain information that should not be disseminated to the general public to protect the interests of LTBB and its Citizens.

III. Classification of Documents. All written or electronic documents in possession of the Tribe are Non-Exempt Public Documents except for the following which shall be classified Exempt:

A. Sealed adoption records within a Citizen's enrollment file that have been sealed under a court order. This exemption includes a Citizen's own records unless the Citizen obtains a court order for their release.

B. Records covered by attorney client privilege. Work product generated by an attorney employed or retained by the Tribe, and consultants to an attorney, such as expert witnesses, including research, memoranda, written and electronic correspondence, less than five years old is assumed to fall under the attorney client privilege unless the Tribe's Legal Department certifies otherwise to the PDO. Work product generated by an attorney employed or retained by the Tribe, or by an attorney's consultant, that is over five years old is assumed to be a public document unless the Tribe's Legal Department certifies otherwise to the PDO, such as situations where the documents involve cases or matters that are still pending.

C. Records that contain confidential business, potential business dealings or legal matters involving the Tribe or a Citizen. The release of documents which could impair the business or legal interests of the Tribe or a Citizen fall under this exception. Each Entity shall consult with respective staff or Appropriate Authority to certify to the respective PDO whether documents fall under this exception.

D. Records that raise significant privacy or confidentiality concerns for the Tribe or a Citizen. This exemption includes employment personnel files, social security numbers, counseling and medical records, and similar records the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This exemption does not include withholding information pertaining to the Citizen except as provided in subsection A, records covered by the Tribe's attorney-client privilege under subsection B, or as otherwise provided by applicable law.

E. Records within a pending investigation either before an administrative or judicial proceeding involving the Tribe or a Citizen.

F. Records subject to or that could impair a criminal investigation.

G. Records specifically exempt by other current and future statutes. Examples of statutes containing provisions regarding confidential records include, but are not limited to:

1. Citizenship Statute,

2. Child Protection Statute,

3. Child Welfare Commission Statute,

4. Juvenile Justice Statute,

5. Economic Development Commission Statute,

6. Gaming Regulatory Statute, and

7. Domestic Violence Protection.

IV. Redacting Documents Classified Exempt. Circumstances that surface where a document that is classified Exempt that could potentially be rendered Non-Exempt by redacting portions of the document the following events occur:

A. When it has been determined, only by legal review by the use of a Legal Request Form, that a document that would be classified Exempt could be redacted to change the classification to Non-Exempt status the document is reviewed and redacted by the Legal Department and returned to the requestor who conducts their own final review.

B. The document is forwarded to the respective PDO for release.

V. Request and Disposition Forms.

A. Request form. The request form shall be made readily accessible on the LTBB website homepage. The form shall include the name, address and contact information of the Citizen making the request, the Citizen's enrollment number, a place for a description of the document requested, whether the request is for copies or on-site review, and a signature and date line. The request must contain the specific document being requested with the document name and the date, when applicable. Only one document may be requested per Request Form. If the request is made by an Authorized Representative, a signed notarized statement of authority from such Citizen must be attached to the request form.

B. The request form will be made available to all Citizens, by sending, faxing or emailing it to them upon their written or verbal request, and through the LTBB

website. Public Documents will only be subject to release or on-site review upon completion and submission of a signed request form with a copy of the Tribal Identification Card and the Tribal Identification Card of the Authorized Representative if applicable.

C. If a request for document review is presented in person the requestor must provide their Tribal Identification Card, which will be copied and they will be provided with a Request Form to be completed prior to releasing the requested documents for on-site review or making copies.

VI. Processing Requests. If it is apparent upon initial review of a request form, or upon oral request before a form is filled out, that all requested documents are readily available to the public on LTBB's website, the PDO or Appropriate Authority may refer the requestor to the location of the documents on the website. Hard copies of such documents may be provided to the requestor without further procedures, subject to any copy costs set under these Regulations.

A. All Public Documents request forms submitted by Citizens will be receipt date stamped or dated with a hand-printed name and initialed by the individual who receives the request. If the request is received by LTBB personnel who is unsure of the appropriate PDO the request shall be forwarded to the Executive Office for an appropriate PDO determination. The Executive Office will then forward the request to the appropriate Entity and the respective PDO will then process the requests as follows:

1. The PDO will first review the request form to make sure that all information has been filled in and that the form is signed by the Citizen. Requests must be clear and specific in nature, for example, if the request does not name a specific document and specific date, when applicable, the request will be deemed vague and shall be rejected. If the form is incomplete the PDO will contact the Citizen by phone, email or mail, to inform the Citizen of the omitted information or to clarify the request. The Citizen may come in and finish the form or submit a new form. Requests that are not clarified are subject to rejection, and the PDO will provide the requestor notification of the rejection.

2. Once the PDO determines that the form is complete, the PDO will proceed with classification of the requested documents as Public Documents “Classified Non-Exempt” or documents falling under a Section III exception being “Classified Exempt”.

a. The PDO will first check to see if any of the requested documents are available on public access portions of the website. Any such documents will automatically be classified as Public Documents (Non-Exempt). For such documents, the PDO will contact the Citizen to ask if the Citizen prefers to access the documents on-line

or would still like a copy. If a copy is provided the documents will be printed, marked "Non-Exempt" and sent to the Citizen.

b. Each Entity will be provided these Regulations. For documents not available through public access portions of the website, the PDO will forward a copy of the request form to the appropriate authority where the requested document is housed. If the document is a Public Document (Classified Non-Exempt), then the appropriate authority will forward photocopies to the PDO, or coordinate with the PDO to arrange a time and place for on-site review if the Citizen has so requested. If one or more documents fall under a Section III exception (Classified Exempt), the appropriate authority shall notify the PDO of the exception in writing. If the appropriate authority has any question as to the status of a document as a Public Document or Section III exception, the appropriate authority shall request a review and opinion from the Legal Department by use of a Legal Request Form. If the requested document is no longer retained due to retention periods spelled out in policies the requestor will be notified that the requested document is no longer retained and they will be given a copy of the applicable policy.

c. The PDO will send marked copies of requested Public Documents to the requesting Citizen at the address provided on the request form, or hand deliver via requestor pick-up the Public Documents to the Citizen. If electronic copies of documents are available, the PDO may provide them via email, compact disc, or by similar technology if the Citizen so prefers. In the event the Citizen has indicated a preference on the request form to review documents on-site rather than receive copies, the PDO will coordinate such review with the appropriate authority. The PDO will also provide the Citizen a list of all documents that were not subject to review or release under Section III, along with a citation to the applicable subsection.

d. Sensitive Documents as defined herein can only be reviewed on-site by the requesting Citizen, and copies of such documents shall not be provided.

e. Receipt of Fees. For each Public Document Request there is a $1.00 processing fee. There are no fees associated when providing copies of personnel files to the employee or former employee whether the requestor is a Tribal Citizen or not. In addition to the initial processing fee the following fees will apply:

1. The fee for photocopied documents will be one-dollar ($1.00) for any documents in excess of 10 pages up to 19 pages. An

additional dollar is charged for additional accumulations of 10 pages. For example 20 -29 pages shall be two dollars ($2.00) and 30-39 pages shall be three dollars ($3.00), etc., with the exception of a request for the Tribal Code of Law which a fee will be assessed of one-hundred fifty dollars ($150.00).

2. The fee for copies supplied on a CD is five dollars ($5.00) per CD.

3. The fee for copies supplied on a Flash Drive is ten dollars ($10.00) per Flash Drive.

4. A receipt shall be provided.

f. Timing. The PDO will use best efforts to provide document copies or arrange for on-site review within ten (10) business days of the receipt of a request. The timing does not include the day in which the request is received. When this is not possible, due to factors such as difficulty in locating archived documents or availability of department staff to coordinate review, the PDO will notify the Citizen of the time it will take to process the request.

g. Notification of Appeal Rights. If all or part of a Public Documents request is denied, the PDO will provide written notification to the requesting Citizen of the right to file a complaint in LTBB Tribal Court within thirty (30) days of the denial.

VII. Marking, Controlling, and Safe-keeping of Documents.

A. Marking.

1. Paper documents. To the extent feasible, hard copy documents that fall under a Section III exception shall be marked confidential and classified exempt at the point of generation or filing, along with a brief notation of the Section III exception. For example the notation will be a reference to the applicable section of these regulations.

2. For future reference, to the extent feasible whenever a document is requested under the Public Documents Statute and these Regulations, when a determination is made regarding classification, the document shall be marked "Classified Non-Exempt" or "Classified Exempt" and noted with the date of request.

3. Electronic Copies. To the extent feasible, all electronic documents that fall under a Section III exception shall be marked confidential and

classified exempt by an appropriate water mark, header, or footer.

4. To avoid releasing confidential documents, or failing to release documents that are no longer Exempt, a determination of the status of a document must be made each time a document request form is being processed under Section VI, regardless of any notations on the documents. If necessary, document markings will be added, updated or corrected at the time of processing requests under these Regulations.

B. Control and Storage.

1. Limited Access. Each Entity shall be responsible for implementing measures which limit access to non-public documents (Classified Exempt) (documents falling under a Section III exception) to staff or officials who are authorized to handle or view such documents.

2. Notice and Posting. Areas not open to the public should be clearly marked and should indicate that access to that area is limited to authorized staff.

3. Non-public documents (Classified Exempt) shall be stored in an area that is not accessible to the general public; the storage area must be capable of being locked or otherwise secured. Non-public documents should be handled at all times in a manner which preserves their non-public character.

4. Public Documents (Classified Non-Exempt). Public documents may be stored in any manner which is convenient or efficient, that reasonably protects them from loss or damage.

(Source: REG-WOS 2010-009 052912-002)

Chapter 2. POLITICAL SOLICITATION PROHIBITION REGULATIONS

I. Authority. The Executive is authorized to develop regulations that it deems necessary for the implementation of the intent of a statute and shall forward such regulations to Tribal Council for approval in accordance with WOS 2008-001. These Regulations are not explicitly required by the Political Solicitation Prohibition Statute, WOS 2011-001.

II. Purpose and Scope. The purpose of these Regulations is to clarify the intended effect of the Political Solicitation Prohibition Statute and its enforcement procedures. These Regulations clarify that the Statute was intended to protect LTBB citizens from being disrupted or harassed at Tribal buildings, especially the Government Center. Further, it was intended to protect employees from being disrupted and harassed in the course of their employment and at their work place. However, these Regulations clarify that the

Statute was not intended to restrict Odawa Casino Resort (OCR) from hosting private political events. Further, the Statue was not intended to restrict official political activity of the Tribe itself, nor was it intended to prevent neutral get-out-the-vote initiatives. These Regulations finally clarify that the responsibility for enforcement of the Statute belongs primarily to Tribal Law Enforcement.

III. Definitions:

E. **Get-out-the-vote Initiative:** Politically-neutral efforts to register eligible voters to vote in Tribal or non-Tribal elections, not for the purpose of getting signatures or votes for specific candidates, referendums, petitions, or recall elections.

F. **Political Purposes:** Campaigns, initiatives, referendums, recalls, petitions, or other election-related activities. "Political" for the purpose of the Statute and these Regulations refers to politics of Tribal government as opposed to non-Tribal government or any official political activity or position of the Tribe as determined by Tribal Council.

G. **Private Political Event:** Any political event, whether paid or unpaid, wherein participation is voluntary. No private political event will be held on behalf of the Tribe without being approved by Tribal Council.

H. **Solicit:** To endeavor to obtain an object, or bring about an event; to woo; to court; to persuade or incite one to commit some act; to make a petition; to disturb or trouble; to harass. "Solicitation" for the purposes of the Statute and these regulations pertains to solicitation for political purposes only.

I. **Statute:** Political Solicitation Prohibition Statute, Waganakising Odawak Statute 2011-001, and Amendment to Waganakising Odawak Statute 2011-001 Political Solicitation Prohibition, Waganakising Odawak Statute 2011-010.

IV. Prohibitions and Exceptions.

A. Except as written under § IV(B), political solicitation is prohibited anywhere Tribal business is transacted or conducted, and while an LTBB employee is performing his or her official duty, and in all Tribal buildings, and within 150 feet of a building during which a poll or election is taking place inside that building.

B. This Statute's prohibitions do not apply to activities in the following situations:

1. Private political events on Tribal housing property that is either leased or owned by an individual.

2. The Tribal candidates' forum sponsored by the Election Board.

3. Get-out-the-vote initiatives on Tribal property at any time.

4. Private political events hosted by OCR and/or the Tribe.

5. The Annual Meeting or Special Meetings of the Tribal Membership in accordance with the rules of conduct for membership meetings.

V. Political Events at Odawa Casino Resort.

A. OCR is not prohibited from hosting private political events, subject to the following conditions:

1. A posted notice shall be made to the public that the event is a private event and is not subject to the restrictions of the Statute or these Regulations.

2. OCR shall not endorse or otherwise give any benefit to the event host or the beneficiary of the event that it would not provide equally to any other.

3. OCR shall make fair, neutral, and business-driven determinations about whether or not to host a private political event.

VI. Law Enforcement.

A. Tribal Law Enforcement officers shall have the discretion to issue a warning or notice of trespass citation in either of the following situations, subject to accepted Court rules pertaining to evidence:

1. The Officer has reasonable cause to believe that a violation of the Statute has occurred in his or her presence; and/or

2. The Officer has reasonable cause to believe that a violation of the Statute has occurred in the presence of a witness.

B. For Tribally-sponsored events, such as the Annual Meeting or special meetings of the Tribal Membership, organizers may request the presence of Tribal Law Enforcement for purposes of maintaining order and enforcing the provisions of the Statute and these Regulations. In such event, a posted notice shall be made at each entrance to the event that the Statute and these Regulations are in force.

C. If OCR Security has reasonable cause to believe that a violation of the Statute or these Regulations has occurred on the grounds of OCR, OCR Security shall, in accordance with existing procedures, call Tribal Law Enforcement to maintain order and may, subject to § VI(A), issue a notice of violation of trespass citation.

D. In accordance with existing procedures, OCR Security officers and Tribal Law Enforcement officers may remove an individual who has violated this statute from Tribal Property where the issuance of a citation in accordance with § VI(A) does not stop the illegal behavior.

E. OCR Security and Tribal Law Enforcement shall provide the necessary training to each of their departments in order to carry out these Regulations.

(Source: In accordance with WOS 2008-001, not explicitly required by WOS 2011-001)

TITLE VII – ECONOMIC DEVELOPMENT

Chapter 1. GAMING REGULATORY COMMISSION

SECTION I. PREAMBLE

A. Development of Regulations. The following regulations are issued pursuant to the powers vested in the Gaming Regulatory Commission by the Gaming Regulatory Ordinance enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians on February 18, 2001 (Waganakising Odawa Statute 2001-02) and approved by the National Indian Gaming Commission ("NIGC") on May 18, 2001, or Waganakising Odawak Statute 2010-012 upon approval of the NIGC. The Tribal Council reviewed and approved these Regulations on October 24, 2010.

B. Policy. It is the declared policy of the Tribe that all of the Gaming Enterprises and Gaming Operations subject to its jurisdiction be controlled through a comprehensive system of licenses, non-key licenses, and other appropriate regulations so as to ensure compliance with all applicable law and regulations governing the operation of the gaming enterprise.

C. Authority. These regulations are promulgated and adopted under the authority of Waganakising Odawak Statute 2001-02 and replace any earlier regulations of the Gaming Regulatory Commission.

SECTION II. DEFINITIONS

A. "Chairperson" means the chairperson of the Gaming Regulatory Commission chosen by the members of the Commission under Section X (B) (2) of the Gaming Regulatory Ordinance.

B. "Collateral Agreement" means any written contract that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between a tribe or any of its members, entities, or organizations.

C. "Tribal Council" means the governing body of the Little Traverse Bay Bands of Odawa Indians also called the Board of Directors in the Tribe's interim Constitution and By-Laws.

D. "Employee" has the same meaning as the term used by the United States Internal Revenue Service.

E. “Gambling game” or “game” or “gaming” means any game authorized by the LTBB Gaming Regulatory Statute.

F. “Enterprise” means the commercial enterprise of the Tribe authorized to engage in Gaming, and all ancillary commercial activities within the building(s) and other improvements constructed for the conduct of Gaming.

G. “Facility” means the building(s) and other improvements of the Little Traverse Bay Bands of Odawa Indians for the conduct of Gaming.

H. “Gaming Operations” means all operations directly related to the conduct of Gaming at the facilities.

I. “Key Contractor” means any person or other legal entity, other than a primary management official or key employee, who has a contract with the Gaming Operations where the contractor performs for the gaming operation any function described in the definition for a key employee or primary management official, included but not limited to all providers of Class II or Class III games of chance, gaming equipment, supplies or services.

J. “Key employee” means:

1. A person who performs one or more of the following functions:

   a. Bingo Caller
   b. Counting Room Supervisor
   c. Chief of Security
   d. Custodian of gaming supplies or cash
   e. Floor Manager
   f. Pit Boss
   g. Dealer
   h. Croupier
   i. Approver of Credit
   j. Custodian of gambling devices including persons with access to cash and accounting records within such devices; or
   k. Custodians of confidential or proprietary information or records

2. If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year; or

3. If not otherwise included, the four most highly compensated persons in the gaming operation.

4. Additionally, the Gaming Regulatory Commission may require a similar standard of review for employees who do not fall under the definition of key employee whose position and access to money or records warrants such review.

K. "License" means a revocable privilege (including temporary licenses) granted for a limited period of time by the Gaming Regulatory Commission, pursuant to these Regulations, to a person or entity to perform certain acts.

L. "Management contract" means any contract, subcontract, or collateral agreement between LTBB and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

M. "Management contractor" means any person or other legal entity having a direct or indirect financial interest in a management contract. Provided, the Gaming Regulatory Commission may in its discretion treat spouses of any such person as management contractors where it is determined that such treatment is necessary to protect the interests of the Tribe.

N. "Person having a direct/indirect financial interest in a management contract" means:

1. When a person is a party to a management contract, any person having a direct financial interest in such management contract;

2. When a trust is a party to a management contract, any beneficiary or trustee;

3. When a partnership is a party to a management contract, any partner;

4. When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or

5. When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

O. "Person having management responsibility for a management contract" means the person designated by the management contract as having management responsibility for the gaming operation, or a portion thereof.

P. "Primary Management Official" means:

1. The person having management responsibility for a management contract;

2. Any person who has authority:

a. To hire and/or fire employees; or
b. To set up working policy for the gaming operation; or

3. The chief financial officer or other person who has financial management responsibility over the Gaming Enterprise.

4. Any other person designated by the Gaming Regulatory Commission based on level of signing authority or job position responsibilities.

Q. "National Indian Gaming Commission" or "NIGC" means the federal gaming regulatory body created by the Indian Gaming Regulatory Act (Public Law 100-497, 25 U.S.C. §§ 2701 *et seq*,) ("IGRA").

R. "Player" means a person who participates in a game other than as an employee or contractor of the gaming operation.

S. "Gaming Regulatory Commission" or "Commission" means the Gaming Regulatory Commission which is comprised of three to five appointed officials, assisted by regulatory staff, to fulfill the duties required for regulation of the tribal gaming operations.

T. "Standard employee" or "non-key employee" means any employee of a gaming operation who works in any capacity except primary management officials and key employees.

U. "Temporary License" means a revocable privilege granted for a limited period of time by the Gaming Regulatory Commission, pursuant to these Regulations, to a person or entity to perform certain acts that do not require separate approval from the federal government.

V. "Tribe" or "LTBB" means the Little Traverse Bay Bands of Odawa Indians.

W. "Non-key license" means a license issued to non-key employees under Section V.

SECTION III. SURVEILLANCE SERVICES

The Surveillance Department shall be supervised by the General Manager of the Enterprise. All Surveillance reports will be sent to the General Manager and Regulatory Director or designee. In the event that a Surveillance report requires additional investigation by Regulatory the General Manager will not release the report until the investigation is complete.

When discussing changes to Surveillance Policies or Procedures the Regulatory Director shall be invited to participate.

SECTION IV. LICENSES

A. Revocable privilege.

1. An application for a license constitutes a request to the Gaming Regulatory Commission for a decision upon the applicant's suitability, character, integrity, and ability to participate or engage in, or be associated with, the gaming industry in the manner or position sought by the applicant.

2. The burden of proving an applicant's qualification to receive any license is at all times on the applicant.

3. The granting of a license by the Gaming Regulatory Commission does not constitute a commitment on behalf of the Gaming Regulatory Commission or any other party or entity to hire or continue to employ the licensee.

4. These regulations do not apply to bona fide traditional Indian gambling games, so long as such games are conducted by Indian persons or organizations at Tribal celebrations or gatherings and not as a business.

B. License categories.

1. Facility license. No gambling games may be played at any place, facilities, or location within the Tribe's jurisdiction unless the manager of the gaming operation first obtains and thereafter maintains in good standing a valid facility license issued in accordance with these regulations.

2. Management contractor's license. No person, corporation or other entity other than the Tribe may serve as the management contractor for a Tribally owned gaming operation within the Tribe's jurisdiction unless said management contractor first obtains and thereafter maintains in good standing a valid management contractor's license issued in accordance with these regulations.

3. Primary management official's license. No person, corporation, or other entity other than the Tribe may have a management interest, or financial interest in the profits of a gaming operation unless she/he first obtains and thereafter maintains in good standing a valid primary management official's license issued in accordance with these regulations.

4. Key employee license. No person shall be employed as a Key Employee by the Gaming Enterprise or by the Gaming Regulatory Commission unless such person first obtains and thereafter maintains in good standing a valid key employee license issued in accordance with these regulations.

5. Non-key license. Each non-key employee in a gaming operation shall first obtain and maintain in good standing a valid non-key license issued in accordance with Section V of these regulations.

6. Key contractor license. No person or other legal entity shall enter into any contract with the Gaming Operation that establishes the entity as a key contractor unless the entity first obtains and thereafter maintains in good standing a valid key contractor license issued in accordance with these regulations.

C. Standards for issuance of a license. No key or primary management official license may be issued to any applicant who:

1. Is under the age of 18; or

2. Has been convicted of, or entered a plea of guilty or no contest to, a gambling related offense, fraud or misrepresentation. The terms "fraud or misrepresentation," as used in this subsection shall mean a criminal offense committed in Michigan or any other jurisdiction, involving, theft, fraud or misrepresentation, which is a felony or would be a felony if committed in Michigan, and which was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, state court order, or operation of law; or

3. Has been convicted of, or entered a plea of guilty or no contest to, any offense not specified in subparagraph (2) within the immediately preceding five years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a Tribal Member, has been determined by the Gaming Regulatory Commission to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a license as a key employee or primary management official.

The term "any offense," as used in subsection this (C)(3), shall mean any criminal offense not described in subsection (C)(2), whether committed in this state or any other jurisdiction, that is, or would be, a crime under the provisions of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, as amended, being MCL 750.1 to 750.568, or the controlled substance provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being MCL 333.7101 to 333.7545, or any other criminal offense not specified in subparagraph (2) involving theft, dishonesty, fraud or misrepresentation arising under the law of Michigan or another state or jurisdiction, that was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, state court order, or operation of law; or

4. Is determined by the Gaming Regulatory Commission to have participated in organized crime or unlawful gambling or whose prior activities, criminal records, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming; or

5. has knowingly and willfully provided materially false statements or fails to disclose (verbally or in writing) information to the Gaming Regulatory Commission or its licensing department or refused to respond to questions asked him/her by the Gaming Regulatory Commission; or

6. has any outstanding warrant for arrest from any jurisdiction; or

7. does not meet the federal requirements pertaining to Indian gaming licenses, especially the IGRA and related regulations.

D. License application procedures.

1. General requirements. Applicants for a gaming license must complete the appropriate application form and submit the form, all necessary additional documents to the Gaming Regulatory Commission. The application will not be regarded as complete until all the requested information has been received from the applicant.

2. Application forms; contents; amendments.

a. Every application or report must be filed on forms furnished or approved by the Gaming Regulatory Commission and must contain and be accompanied by such documents and information as may be specified thereon or otherwise required.

b. All information required to be included in an application must be true and complete as of the date submitted to the Gaming Regulatory Commission, and an applicant shall promptly supply any material factual information occurring after the original application. Failure by an applicant to promptly update his/her application to include all material facts shall be deemed by the Gaming Regulatory Commission as a failure to disclose.

c. Every application for any gaming license, other than a facility license, shall include, at a minimum, the following information:

i. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all

languages (spoken or written);

ii. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

iii. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (c)(2) of this section;

iv. Current business and residence telephone numbers;

v. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

vi. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

vii. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

viii. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

ix. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

x. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (8) or (9) of this subsection, the criminal charge, the name and address of the court involved and the date and disposition;

xi. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

xii. A photograph;

xiii. Any other information the Gaming Regulatory Commission deems relevant; and

xiv. Fingerprints consistent with procedures adopted by the Tribe.

d. The Gaming Regulatory Commission may only license facilities owned by the Tribe and operated by the Tribe itself or the Tribe in conjunction with a management contractor pursuant to a management agreement approved by the NIGC. Every application for a facility license shall include, at minimum, the following information;

i. The name, address, and telephone number of the Gaming Operation;

ii. The name, address, and telephone number of the management company, if any, and the name address, social security number, birth date, and percentage interest in the management company of each person possessing a financial interest in excess of 5% in the management company;

iii. An operating plan containing at a minimum the details specified in Section IV(L)(2) of these Regulations;

iv. A list of all primary management officials, including the position and annual salary of each individual listed; and

v. The complete current or proposed house rules of the gaming operation.

e. An application may be amended only with the consent and solely at the direction of the Gaming Regulatory Commission at any time prior to the Gaming Regulatory Commission's final action on the application.

f. Any document filed under any of the provisions of the Gaming Regulatory Ordinance or these regulations may be incorporated by reference in a subsequent application if it is available in the files of the Gaming Regulatory Commission, to the extent that the document is currently accurate.

3. Fingerprints. An application for a primary management official, or employee license shall not be complete until the applicant furnishes to the Gaming

Regulatory Commission his/her fingerprints in duplicate on fingerprint impression cards taken by the Gaming Regulatory Commission or Tribal Police Department.

4. Application and investigation fees.

a. Non-refundable application fees as periodically set by the Gaming Regulatory Commission and approved by Tribal Council must be paid by the applicant or the Gaming Enterprise under section 4.d.

b. In addition to any non-refundable application fees paid, the Gaming Regulatory Commission may require an applicant to pay such supplementary investigative fees and costs as may be determined by the Gaming Regulatory Commission. The Gaming Regulatory Commission may estimate the supplementary investigative fees and costs and require the applicant to pay the estimated fees and costs in advance as a condition precedent to beginning or continuing an investigation.

c. The Gaming Regulatory Commission may not act upon any application unless all application and investigation fees and costs have been paid in full. The Gaming Regulatory Commission shall deny an application if the applicant has failed or refused to pay all application and investigation fees and costs.

d. The Gaming Regulatory Commission may take preliminary or final action on an application before the required application and investigation fees are received only if payment of the fees is guaranteed by an agreement with the Gaming Enterprise.

e. In the event of a management contract, the application fee will be the actual cost of processing the application for a management contractor, including the cost of background investigations. A management contractor shall pay a $50,000.00 deposit with the application. Once the application is processed, the Gaming Regulatory Commission shall either refund any portion of the deposit not needed to cover processing expenses, or bill the management contractor for any processing costs in excess of the deposit amount.

E. Background investigations.

1. Within 14 Calendar days after receipt of a complete application and such supplemental information as the Gaming Regulatory Commission may require, the licensing staff shall begin its investigation of the applicant's background to determine if the applicant meets the Gaming Regulatory Commission's minimum license standards. The licensing staff shall investigate the criminal history of each

applicant for a license and the personal background, character, reputation and associations of each applicant for a license, and may make such inquiries of and/or about said associations as may be necessary to form a conclusion about the applicant's eligibility for a license. At a minimum, the following investigations shall be performed before taking preliminary or final action on any application:

a. Applicant for any gaming license. The criminal background of an applicant for any gaming license shall be investigated by submitting the applicant's vital information, including but not limited to: full name; any other names used, date and place of birth; citizenship, driver's license numbers; social security number; and physical description to the Michigan State Police and/or local law enforcement agencies, and to the Federal Bureau of Investigation Criminal Information Center, and any other law enforcement agencies that the Gaming Regulatory Commission deems appropriate, requesting a criminal history report. Any fingerprints of applicants required to be taken under these regulations shall also be submitted to these law enforcement agencies.

b. Applicant for any gaming license - additional requirements. If the applicant lived outside the United States for more than six months during the preceding eight years the Gaming Regulatory Commission shall also submit the applicant's vital information to INTERPOL and request an international criminal history report for the applicant. The Gaming Regulatory Commission shall also interview at least three previous employers, associates, or other persons familiar with the applicant to determine if the applicant's reputation, character, habits, and activities meet the standards for issuance of a license. The Gaming Regulatory Commission shall also obtain a credit bureau report on the applicant, and shall take such other steps as it may deem reasonable to verify the information provided by the applicant.

c. Applicant for a primary management official's license. In addition to other investigations, the Gaming Regulatory Commission shall contact banks, other financial institutions, and other information sources as needed to verify the accuracy of financial information provided by each person's name in an application for a primary management official's license.

2. The Gaming Regulatory Commission is not limited to the above investigations and shall make additional investigations and inquiries as required by federal law or regulation or as needed to determine with reasonable certainty that an applicant either does or does not meet the minimum standards for issuance of a gaming license. Such investigation may include personal interviews with applicants.

3. The Gaming Regulatory Commission shall attempt to complete its background investigation within 60 days following receipt of a complete application. If the

investigation cannot be completed within 60 days after receipt of a complete application, the Gaming Regulatory Commission shall notify the applicant in writing why the investigation is not complete and when it expects to complete the investigation.

4. The Gaming Regulatory Commission may contract with private, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations when necessary.

F. Application reviews; approvals; denials; waivers.

1. Review. Within 14 calendar days following completion of the background investigation the Gaming Regulatory Commission shall review each applicant and all background investigation and criminal history reports to determine if the applicant meets the standards for issuance of the requested license.

2. License approval.

a. Preliminary approval; temporary licenses. If, in the Gaming Regulatory Commission's judgment, the applicant meets the standards for issuance of a license and all application and investigation fees are fully paid, the Gaming Regulatory Commission may grant its preliminary approval of the application. At its discretion, the Gaming Regulatory Commission may also issue a temporary or conditional license. A temporary license is valid for 90 days.

b. National Indian Gaming Commission review. Within seven (7) days after granting preliminary approval of a license application, the Gaming Regulatory Commission shall send the results of the background investigation per the NIGC requirements. The Gaming Regulatory Commission shall also include a cover letter indicating the Gaming Regulatory Commission's intent to issue the applicant a license and request that the federal agency review the application pursuant to the requirements of federal law. A copy of this letter may also be sent to the applicant with a notice that the application is not finally approved.

c. Final approval. The Gaming Regulatory Commission may grant final approval of a license application only after:

i. Receiving notice from the NIGC that it has no objection to the issuance of the license; or

ii. 30 days have elapsed since the responsible federal agency was notified of the Gaming Regulatory Commission's intent to issue

the license and the federal agency has not responded; or

iii. The federal agency timely objected to the issuance of the license, the Commission has reconsidered the application, taking into account the federal agency's objections and the Commission has determined that the applicant may be licensed notwithstanding those objections.

The Gaming Regulatory Commission shall promptly notify each approved applicant that his/her application is approved and issue a license. If a temporary license was previously issued, the effective date of the license shall be the issue date of the temporary license.

3. License limitations and restrictions. No license shall be valid unless signed by a majority of the Gaming Regulatory Commission members. The Gaming Regulatory Commission may limit the term of the license, or place such conditions thereon as it may deem necessary to protect the Tribe or public interest.

4. Denial.

a. The Gaming Regulatory Commission shall deny an application for any class of license if, in the Gaming Regulatory Commission's opinion, the applicant does not meet the standards required for issuance of the requested license under these regulations and applicable law. The Gaming Regulatory Commission has the discretion to deny any application or revoke a license, if, in the Gaming Regulatory Commission's judgment, such a denial or revocation is in the interests of the Tribe.

b. The Gaming Regulatory Commission may deny an application at any time during the application process, including after granting preliminary approval to the application.

c. The Gaming Regulatory Commission shall promptly notify an applicant that his/her application was denied and shall specify the reasons for the denial, including a list of criminal conviction(s), date(s), and location(s), if any, that contributed to the Gaming Regulatory Commission's decision to deny the application. If an application was denied as a result of information contained in the applicant's FBI identification record, the applicant shall be advised of the procedures to change, correct, or update the record as set forth in Title 28 CFR, Section 16.34.

5. Waivers. Any enrolled member of the Tribe denied a license may request a

waiver of the license standards, only to the extent allowed under Section IV (C)(3) pursuant to the hearing provisions set out in Section VII of these regulations. Waivers may not be considered for any non-LTBB member. The eligible applicant must show that a waiver is in the best interests of the Tribe or the Gaming Regulatory Commission may not grant the requested waiver.

G. Expirations.

1. Except for a facility license, management contractor's license and a key contractor license, the expiration date of each license shall be determined by the licensee's anniversary date. The license shall expire on the licensee's next anniversary date.

2. A key contractor or management contractor's license shall expire not later than one year from the date it was issued.

3. A facility license shall expire not later than one year from the date it was issued.

4. The expiration schedules in this section describe the maximum period for which a license may be granted. The Gaming Regulatory Commission may issue any license for a shorter period if the Gaming Regulatory Commission deems the shorter period is necessary to adequately protect the interests of the Tribe or the public.

H. Renewals. Subject to the power of the Gaming Regulatory Commission to deny, revoke, suspend, or limit licenses, any gaming license in force may be renewed for the next year with payment of applicable license and investigation fees as required by law and the regulations of the Gaming Regulatory Commission. The Gaming Regulatory Commission shall encourage license holders to apply for a license renewal at least 60 days prior to expiration of the current license, but the Gaming regulatory Commission may not accept a renewal application more than 120 days prior to expiration of the current license.

I. Issuance of License Identification Cards.

1. The Gaming Regulatory Commission shall issue a license identification card to every person granted a license. The identification card shall include the licensee's photograph, name, license number, name of the gaming operation by which they are employed or to which they provide services, expiration date of the license, logo, and such other identifying marks deemed necessary by the Gaming Regulatory Commission to readily identify legitimate cards from counterfeit cards. The licensing staff shall issue identification cards pursuant to procedures established by the Gaming Regulatory Commission. A temporary license

identification card may not be issued until the applicant's application has been approved by the licensing department. The license is no longer temporary when signed by the majority of the Gaming Regulatory Commission.

2. Every licensee shall at all times while on duty wear their license identification card issued by the Gaming Regulatory Commission. Gaming Regulatory Commission employees or off duty licensees are not required to wear their identification card, however, are required to carry it with them at all times and are required to promptly show his/her identification card to any person requesting to inspect the card.

3. The licensee shall be required to surrender his/her photo identification card when: the card expires; a new license is issued; the licensee's association with the gaming operation ends, whether or not the termination is voluntary; or the license is suspended or revoked.

4. Any person who has lost his/her photo identification card must report the loss to the licensing staff within 24 hours of the loss or discovery of the loss. Replacement of a lost photo identification card may be made for a fee as approved by the Gaming Regulatory Commission.

J. Employment of unlicensed persons prohibited. A licensee shall not employ any person or enter into any contract or agreement for services with any person in a capacity for which that person is required to obtain a license if that person does not possess the proper and valid license as required by these regulations. The gaming operation shall immediately discharge any employee and cancel any contract or agreement upon notification by the Gaming Regulatory Commission that the employee's or contractor's license has been revoked by the Gaming Regulatory Commission or that the employee or contractor does not possess the required license.

K. Background review for hiring. Employees of the Gaming Enterprise who make hiring determinations may review the background information, to the extent allowed by applicable law and regulation, compiled by the Gaming Regulatory Commission for potential employees who have been issued a license.

L. Facility license requirements.

1. License fees. The Tribal Government may require and set a facility licensing fee to cover or help offset the actual expenses incurred by the Gaming Regulatory Commission in carrying out its licensing and compliance functions.

2. Operating plan.

a. Every facility licensee shall at all times maintain on file with the Gaming

Regulatory Commission a current operating plan, verified by the affidavit of the operation's general manager, including, but not limited to: days and hours of operation; the maximum number and type of gaming tables or devices expected to be uncovered or in use at any time during the year; the number of gaming tables or devices expected to be in actual use during the first month of the report year. The approved operating budget shall be submitted to the Gaming Regulatory Commission within one week of its approval by the operation's manager but not later than two weeks prior to the beginning of the operation's new fiscal year.

b. Any significant changes (up or down) to the operating plan shall be reported to the Gaming Regulatory Commission in writing no more than two weeks following the end of the month in which the change occurred. Significant changes include, but are not limited to: a change of 15% or more in the number of gaming tables or devices uncovered or in use; a change of 15% or more in the net profit forecast for the balance of the current year; or a change in the operation's fiscal year or accounting policies.

3. Key employee report.

a. Each facility licensee shall submit an annual key employee report to the Gaming Regulatory Commission on a form to be furnished by the Gaming Regulatory Commission.

b. The annual key employee report shall identify every primary management official and key employee of the operation and their annual wage or salary compensation. The report shall also include an organization chart for the operation and a description of each primary management official's and key employee's duties and responsibilities, and the authority delegated to each individual identified in the report.

c. Any changes, additions, or deletions to any information contained within the annual key employee report which occurs subsequent to the filing of the report and prior to the filing of the next year's report shall be reported to the Gaming Regulatory Commission in writing no more than two weeks following the month during which the change, addition, or deletion occurred.

4. Financial Reports. A copy of the final annual audit report shall be submitted to the Gaming Regulatory Commission by the Gaming Enterprise within three (3) days of when the annual audit report is received by the Gaming Enterprise. This report is required to be received no later than one-hundred-twenty (120) days from the end of the fiscal year from the person responsible for preparing such

report under the Tribe's law, regulations, and contracts.

5. Environmental, Public Health, and Safety (EPHS) Certification

a. The Gaming Regulatory Commission shall receive a document listing all laws, resolutions, codes, policies, standards, and procedures identified as applicable to the gaming facility in :

- Emergency Preparedness
- Food and Potable Water
- Construction and Maintenance
- Hazardous Materials
- Sanitation
- Any other applicable areas related to environmental or public health and safety standards adopted by the Tribe.

b. The Gaming Regulatory Commission is required to receive Annual Certification that the gaming facility complies with and enforces the identified laws, resolutions, codes, policies, standards, and procedures.

6. Purpose. The Gaming Regulatory Commission is required to receive the reports and information specified in subsections 1., 2., 3., 4., and 5., solely to ensure that the gaming operation is in compliance with Environmental, Public Health, and Safety standards established by the Tribal Government, free of corruption and to aid in planning staffing and budgeting for Regulatory Departments. The Gaming Regulatory Commission is not responsible for, and shall not interfere with, any business decisions of the Gaming Enterprise.

M. Posting of facility license. A facility license by the Gaming Regulatory Commission must be prominently displayed at all times upon the licensed premises in such position as it may be observed by persons participating in the gaming activities.

N. Notice to patrons. In each facility of the Tribe where Class III Gaming is conducted the Tribe shall post in a prominent position a Notice to Patrons at least two (2) feet by three (3) feet in dimension with the following language.

NOTICE

THIS FACILITY IS REGULATED BY ONE OR MORE OF THE FOLLOWING: THE NATIONAL INDIAN GAMING COMMISSION, BUREAU OF INDIAN AFFAIRS OF THE U. S. DEPARTMENT OF THE INTERIOR AND THE GOVERNMENT OF THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

THIS FACILITY IS NOT REGULATED BY THE STATE OF MICHIGAN

SECTION V. NON-KEY LICENSE

A. Non-key licenses required. All non-key employees must obtain and maintain in good standing a non-key license issued by the Gaming Regulatory Commission as set out in this section. A non-key employee cannot be promoted to a key employee position without first obtaining a license under Section IV of these Regulations. The application contents and procedures for a non-key license are the same as those for a license under Section IV, except information on non-key employees need not be sent to the NIGC or made available to the State of Michigan, and the investigation need only include criminal history checks

B. Issuance standards. The Gaming Regulatory Commission shall not issue a non-key license to any applicant under one or more of the following:

1. who is under the age of eighteen, with the exception of applicants in approved work programs in non-gaming floor areas of the Enterprise;

2. has knowingly and willfully provided materially false statements or fails to disclose (verbally or in writing) information to the Gaming Regulatory Commission or its licensing department or refused to respond to questions asked him/her by the Gaming Regulatory Commission;

3. who has been convicted in the past five years of any felony involving theft, fraud or violence. Provided, this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a Tribal Member, has been determined by the Gaming Regulatory Commission to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a non-key license; or

4. who is determined by the Gaming Regulatory Commission, based on criminal history checks, to pose a threat to the safety or security of the Enterprise or persons present in the facilities.

C. A non-key license may be suspended or revoked if the applicant does not meet the standards required for issuance of a non-key license.

SECTION VI. PENALTIES

A. Suspensions.

1. Emergency suspensions. The Gaming Regulatory Commission's licensing manager or his/her subordinates may seize an individual's identification card and exclude that individual from the gaming establishment for up to 72 hours if, in the licensing manager's judgment, the licensee's actions or commissions pose a threat to the integrity of the gaming operation, the safety of the general public, patrons, or other employees, or the image and reputation of the Tribe. The Gaming Regulatory Commission or its designated staff shall immediately notify the gaming operation's general manager of the emergency suspension. At its discretion, the Gaming Regulatory Commission may take formal suspension action against the individual.

2. <u>Formal suspension.</u>

a. The Regulatory Director or Licensing Manager may issue an order suspending a license if there is reasonable cause to believe that:

i. the suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order, or general welfare of the Tribe; or

ii. the licensee may have violated any condition or requirement imposed on the licensee by the Gaming Regulatory Commission or applicable laws.

b. The suspension order becomes effective when it is signed by the Regulatory Director or Licensing Manager and the holder of the license receives actual or constructive notice of the order.

c. The order suspending the license must state the reason for the suspension.

d. The suspension order shall state that the licensee shall forfeit his/her right to a hearing and any appeal if s/he fails properly to request a hearing before the Gaming Regulatory Commission within 30 days following effective date of the order.

e. By the end of the next business day following the effective suspension date of a license, the Regulatory Director or Licensing shall notify the general manager of the gaming operation employing or contracting services of the suspended license(s) of the suspension. The gaming operation's general manager shall immediately suspend the employee or contract and shall not pay the employee or contractor any wages, benefits,

or other compensation except for legitimate services actually rendered prior to the suspension. If the suspension involves the license of the general manager or the facility, the Regulatory Director or Licensing shall notify the management contractor or other representative of the operation's owner.

f. The Gaming Regulatory Commission may suspend a license for any period of time up to one year in length.

g. The Gaming Regulatory Commission, Regulatory Director or Licensing Manager may reinstate a license only after the licensee resolves to the Gaming Regulatory Commission's satisfaction the cause for making the suspension.

B. Civil Penalties. The Gaming Regulatory Commission may issue citations on any Licensee for any violations of the Gaming Regulatory Statute, these Regulations and MICS, or any applicable Tribal or Federal law or regulation, or provisions of the Compact. The Commission may adopt a schedule of fines and/or forfeitures as a recommendation that may be imposed by the Court upon receipt of an admission of guilt or plea of no contest for violations committed. This schedule shall not apply as to penalties assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty. No citations for fines shall be issued against a facility license of the Enterprise that would violate any covenant in an existing agreement between the Tribe or Enterprise, and lenders. (See Addendum I)

C. Criminal Prosecution. The Gaming Regulatory Commission shall promptly submit any knowledge or evidence of criminal wrongdoing that it may discover to appropriate law enforcement official for prosecution.

D. Revocations. In addition to any penalty the Gaming Regulatory Commission may elect to impose against a licensee, the Gaming Regulatory Commission may revoke a suspended gaming license if the Gaming Regulatory Commission determines that the licensee:

1. Does not meet the minimum standards or requirements for issuance of a license;

2. Failed to disclose, misstated, or otherwise misled the Gaming Regulatory Commission about any fact contained within any application for a license;

3. Violated any of the terms or conditions under which the Gaming Regulatory Commission granted the license; or

4. Failed to request a hearing before the Gaming Regulatory Commission to reinstate a suspended license.

Any person or other legal entity who has had a license revoked by the Gaming Regulatory Commission shall not be eligible to apply for a new license for one year after the effective date of the revocation.

SECTION VII. APPEALS AND HEARING PROCEDURES (Denials, Suspensions and Revocations)

A. Applicability

These Hearing Procedures apply to Licensees under the jurisdiction of the Gaming Regulatory Commission (hereafter referred to as "Commission") and shall be used in all Licensing Hearings conducted by the Commission.

B. Fair Hearings

The Commission is comprised of appointed officials with delegated authority under Tribal and Federal law to promulgate regulations for the Little Traverse Bay Bands Gaming Enterprise(s). The Commission shall make every effort to take affirmative steps to provide fair and objective hearings.

C. Roles and Responsibilities

The Commission shall serve in the capacity of "hearing officers", of which one shall serve as the "Presiding Officer." The Regulatory Director or his /her delegate shall serve in the capacity of "Petitioner," whose responsibility is to provide facts and argument relating to the licensing matter. "Licensee" refers to applicants, employees, vendors and facilities and includes both key and non-key licenses. Together, Petitioner and Licensee are referred to as the "Parties." The Commission reserves the right to designate and assign duties to the Gaming Regulatory Director and/or Gaming Regulatory Administrative Assistant.

D. Service of a Notice to Deny Suspend or Revoke a License

Notices and other hearing documents that deny, suspend or revoke a license shall be served upon the Licensee by personal service or by United States mail. If the notice is served by mail, it shall be addressed to the Licensee's last known address. It is the Licensees' duty to keep the Commission's designee informed of current address.

E. Rights of Licensee

The Licensee whose license is denied, suspended, or revoked:

1. Has the right to a hearing before the Gaming Regulatory Commission on the Gaming Regulatory Commission's decision or order.

2. Must file a written notice of appeal request to the Gaming Regulatory Commission for a hearing within 30 days following the effective date of the Gaming Regulatory Commission's decision or order as stated on the order. Failure to properly request a hearing in a timely manner waives the person's right to a hearing or any other appeal of the Gaming Regulatory Commission's decision.

F. Timing of Hearing

After receipt of a written notice of appeal, the Gaming Regulatory Commission shall schedule a hearing not later than 21 calendar days after receipt of the request unless the Commission and person making the appeal mutually agree to an extension. Following the hearing the Gaming Regulatory Commission shall make a decision to uphold, modify, or reverse the order imposing the denial, suspension of revocation.

G. Prohibition of Ex Parte Communication

In an effort to assure a fair hearing process, unless required for the disposition of ex parte matters authorized by law or by the Commission:

1. Commissioners shall not communicate, directly or indirectly with any party or their representative in connection with any issue of fact or law related to a hearing except upon notice and opportunity to all parties to participate;

2. This section shall not preclude Gaming Regulatory staff from having contact with a Licensee at any stage of the proceedings.

H. Appearance through an Advocate

Parties to proceedings governed by this regulation may appear personally or through an advocate (i.e. attorney, tribal member, friend, etc.). If a party appears through an advocate, the party must attend hearings unless excused by the Commission. Parties retaining an advocate who require fees shall retain the advocate at their own cost.

1. When a party has appeared through an attorney, service of notices of hearings, decisions or any other matters shall thereafter be made upon the attorney.

2. When a party has appeared through other advocate sources, service of all notices of hearings, decisions or any other matters shall thereafter be made upon the Licensee at which point s/he assumes the responsibility of sharing information with the advocate.

3. The Commission reserves the right to directly question the Licensee during the hearing.

I. Discovery and Mandated Exchanges

Prior to the hearing the parties shall exchange all evidence they intend to introduce and exchange written lists of persons each party intends to call as a witness. Each witness shall be identified by name, and a brief description of the reason for which the witness will be called. Failure to disclose evidence and witness lists prior to the hearing may limit a party's opportunity to introduce evidence.

J. Confidential and Privileged Materials

If any document or other material required to be produced is the subject of a privilege or is confidential under applicable law or is subject to a confidentiality agreement, the document shall be marked "confidential" before disclosure or use in a hearing. A Licensee shall not further disseminate confidential or privileged materials except to counsel/advocate of record in the action.

K. Request for Information

Either party may make a written request to the Commission for its assistance in obtaining relevant documents, witnesses and other evidence within the Commission's jurisdiction. Information requests must be specific and contain type of evidence and date of occurrence. Determinations regarding relevancy shall be in the Commission's sole discretion.

L. Limitations

If any party or their attorney/advocate fails reasonably to comply with these regulations, or any order entered regarding any matter, including discovery, the Commission may impose upon such party or attorney, or both, appropriate limitations including an order prohibiting the use of any witness or evidence which should have been disclosed, produced, exhibited, or exchanged.

M. Conduct of Hearings

The hearing before the Commission will proceed as follows:

1. Opening comments and questions.

    a. Presiding Officer
    b. Petitioner
    c. Licensee

2. Case Presentation

    a. Petitioner
    b. Licensee

3. Rebuttals

    a. Petitioner
    b. Licensee

4. Commission/Hearing Officer's Questions.

5. Closing Argument

    a. Petitioner
    b. Licensee

N. Evidence

The Commission shall consider evidence that it finds relevant and material to the dispute, giving the evidence such weight as is appropriate. The Commission may limit testimony to exclude evidence that would be immaterial or unduly repetitive. Upon request before the hearing, the Commission in its discretion may permit the introduction of additional previously undisclosed evidence.

O. Failure to Testify

If a party fails to testify in their own behalf or asserts a claim of privilege in response to any question, the Commission may infer that such testimony or answer would have been adverse to

Licensee's case. Licensee may rebut such inference with an explanation based on a legitimate legally binding reason, such as a confidentiality agreement.

P. Continuances

Continuances will not be granted except for good cause shown.

Q. Default

Failure of a Licensee to appear personally at the hearing, unless otherwise excused by the Commission shall constitute admission of all matters and facts. A judgment by default shall be rendered against an unexcused Licensee and the Commission may take action against the gaming license without further notices to the Licensee.

R. Decision of the Commission

The Commission's decision shall be in writing and shall be based upon a preponderance of the evidence standard (the offense or other cause for the suspension, revocation, denial or penalty more likely than not occurred). Written notice of the decision shall be sent to the parties.

S. Tribal Court Review

1. Following a final decision of the Gaming Regulatory Commission after a hearing under this Section, a Licensee has a right to file an appeal with the Tribal Court. The burden of proof in the appeal process is on the applicant or Licensee.

2. All appeals shall be in writing. A Licensee shall have 20 calendar days from the date of receiving the hearing decision of the Gaming Regulatory Commission to file an appeal in writing with the Tribal Court.

3. The sole purpose of the Tribal Court appeal will be to determine if the Commission made a procedural error that significantly prejudiced the Licensee. In the event the Tribal Court determines such error was made, it shall remand to the Gaming Regulatory Commission to hold a new hearing in accordance with these Regulations.

SECTION VIII. GAMING OPERATIONS

A. Gaming Equipment.

1. No Class III or Class II games of chance, equipment or supplies may be purchased, leased or otherwise acquired by the Tribe unless the equipment or supplies meet the technical standards of either the State of Nevada, State of New Jersey or the State of Michigan.

2. The seller, lessor, manufacturer, or distributor shall provide, assemble and install all Class III or Class II games of chance, gaming equipment, and supplies in a manner approved and licensed by the Tribe.

B. Gaming Prohibitions.

1. No Regulatory employee or member of the Gaming Regulatory Commission, and no employee or member of the Gaming Board of Directors shall be permitted to participate as a player in any game operated within the Facility.

2. Gaming operations employees, except those employed in the Surveillance Department, may participate as players in any game operated within the Facility while off-duty that they are not directly involved in operating or maintaining in the course of their work. By way of example, slot attendants shall not play slot machines, and table games managers or dealers shall not play table games. Employees on the gaming floor while not on duty shall not openly display their license, but must have their license on their person and assessable for review upon request by Gaming Regulatory staff, management or security or other such designated individuals.

3. Members of the Tribal Council, the Tribal Chair, Vice-Chair and members of the Judiciary may participate as players in any game operated within the Facility, but shall not receive complimentary rewards.

4. Surveillance Department employees shall be barred from participating as players in any game operated within the facility for a period of one (1) year after their employment terminates, whether the termination of the employment relationship was voluntary or involuntary, unless waiver is approved by the Gaming Regulatory Commission.

5. Gaming operations employees and Tribal officials listed in subsections 2 and 3 are not eligible for promotions, incentives or awards related to gaming activity, including but not limited to vehicle drawings, players club cards and earning points.

C. Credit Prohibited. No credit shall be extended by a gaming operation to any player. This prohibition shall not be construed, however, to prevent players or customers from utilizing bank cards, credit cards, and other forms of personal credit when the credit is

guaranteed or extended by an independent financial institution.

D. Age Requirements.

1. At the Facility located at 1760 Lears Road, Petoskey, Michigan, no individual under nineteen (19) years of age may play any game in the Enterprise, nor shall any such person be allowed to loiter or remain in the immediate area in which any such game is being played, provided that individual is not an employee of the Enterprise.

2. In the event that LTBB opens a second class III gaming site in accordance with the 2003 Amendment to the Compact Between LTBB and the State of Michigan no individual under twenty one (21) years of age may play any game in such second Enterprise site, nor shall any such person be allowed to loiter or remain in the immediate area in which any such game is being played, provided that individual is not an employee of the Enterprise.

SECTION IX. DISPUTE RESOLUTION

Disputes between the gaming public and the Tribe or management official shall be resolved as follows:

A. The complaining member of the gaming public shall first have an opportunity to present his/her grievance, verbally or in writing, to the general manager of the Gaming enterprise or a person designated by the general manager to resolve grievances with members of the gaming public.

If the grievance is not resolved under Section A. the complaining member of the general public may file a written grievance with the Gaming Regulatory Commission. The Gaming Regulatory Commission shall prepare and make available grievance forms that include space for the name, address, and phone number of the grievant, and a description of the situation or incident complained of. The Gaming Regulatory Commission shall review the written grievance within seven (7) days of receipt. If the Gaming Regulatory Commission deems it necessary, it may hold a fact finding hearing to question the grievance and any employees of the facility involved in the grievance. The Gaming Regulatory Commission shall take final action on the grievance within thirty (30) days of receipt which may include any action authorized under the Gaming Regulatory Ordinance and these regulations.

Citation Schedule

Addendum I

I. **Purpose.** To define the process for issuing a Notice of Citation to the Gaming Operation or Vendors which fail to comply with applicable laws, or regulations, and to establish a Citation Schedule of Fines as recommended guidelines to the Tribal Court. Issuance of a Citation is limited to LTBB Licensed Vendors and LTBB Facility Licenses.

II. **Authority.** The Gaming Regulatory Commission is given the authority to issue citations under the Gaming Regulatory Statute Section VI. E.16-17.

III. **Citations.** Citations may be issued for violations of the Indian Gaming Regulatory Act (IGRA), National Indian Gaming Commission Regulations, LTBB Tribal/State Compact, LTBB Gaming Regulatory Statute, LTBB Gaming Regulatory Regulations, LTBB Tribal Minimum Internal Control Standards or other applicable laws.

1. Violations may include, but are not limited to, any of the following:

    a. Engaging in gaming activity without a valid facility license (IGRA, NIGC, LTBB Statute) $5000.

    b. Failure to provide annual outside audits to the NIGC as required. (IGRA, NIGC, LTBB Statute) $5000.

    c. Employing a person in a Key or Primary position without proper gaming license. (IGRA, NIGC, LTBB Statute, Tribal/State Compact) $5000.

    d. Unauthorized use of Net Revenues in accordance with the Tribal Revenue Allocation Plan. (IGRA, NIGC, LTBB Statute) $5000.

    e. Failure to conduct gaming fairly and honestly. (IGRA, Compact, LTBB Statute) $5000.

    f. Failure to submit annual fees as required by NIGC regulations. (NIGC, LTBB Statute) $5000.

    g. Actions by the gaming operation that defrauds the Tribe or a customer. (NIGC) $5000.

h. Failure to take corrective actions in regard to NIGC violations within 30 Days. (NIGC) $5000.

i. Knowingly submitting false or misleading information to the NIGC or the Tribe. (NIGC, LTBB Statute) $5000.

j. Placing an unapproved gaming device in service for play. (Tribal/State Compact, LTBB Regulations) $5000.

k. Individuals under the legal gambling age participating in gaming activity. (Tribal/State Compact, LTBB Statute) $5000.

l. Failure to comply with Tribal / State Compact Section 4. Regulation of Class III Gaming. (Tribal/State Compact) $5000.

m. Failure to comply with Tribal / State Compact Section 6. Providers of Class III gaming Equipment or Supplies. (Tribal/State Compact, LTBB) $5000.

n. Failure to make payment to the Michigan Gaming Control Board as required. (Tribal/State Compact) $5000.

o. Failure to comply with Federal Bank Secrecy Act Title 31 reporting requirements. (Bank Secrecy Act, LTBB Statute, Tribal/ State Compact) $5000.

p. Failure to comply with Gaming Regulatory Statute Section VII. Gaming Prohibitions. (LTBB Statute) $5000.

q. Failure to Comply with Gaming Regulatory Statute Section IX. Complimentary Items from the Gaming Enterprise. (LTBB Statute) $5000.

r. Failure to comply with Gaming Regulatory Statute Section XI. Environment, Public Health and Safety. (LTBB Statute) $5000.

s. Failure to comply with Gaming Regulatory Statute Section XVII. A. Licenses for Vendors. (LTBB Statute) $5000.

2. Failure to comply with Regulations of the Gaming Regulatory Commission Section VIII Gaming Operations. (LTBB Regulations) $1000.

3. Failure to comply with LTBB Tribal Minimum Internal Controls (TMICS).

a. Failure to respond to TMICS Violations within 10 days or time frame specified on the Notice of Violation (Statute, TMICS) $1000.

b. Failure to respond to Internal Audit Findings within 30 days or time frame specified on the Audit Report (Statute, TMICS) $1000.

c. Failure to correct TMICS Violations within the time frame designated in the response from Management unless there has been an extension approved by the Regulatory Director (Statute, TMICS) $1000.

4. Failure to comply with the established LTBB Gaming Regulatory Commission Shipping Requirements. (TMICS) $1000.

5. Failure to comply with the LTBB Gaming Regulatory Commission established Hardware/Software Agreement. (TMICS) $1000.

IV. Imposition of Fines. The Gaming Regulatory Commission recommends the schedule of fines or forfeitures above that may be imposed by LTBB Tribal Court.

1. **Class A Citation –** Issued for failure to respond to or correct violations of Tribal Minimum Internal Control Standards or other applicable LTBB Regulations.

$1000/violation Max $5000

2. **Class B Citation –** Issued for violation of the Tribal/State Class III Gaming Compact, LTBB Statute, applicable Federal Statute or applicable Federal Regulations.

$5000/violation Max $25000

All citations issued against the facility license of the gaming enterprise shall be forwarded to Legal for review to ensure that the citation does not violate any covenant in an existing agreement between the Tribe or enterprise, and lenders.

V. Acronyms

1. IGRA – Indian Gaming Regulatory Act

2. NIGC – National Indian Gaming Commission Regulations

3. LTBB Statute – Gaming Regulatory Statute

4. LTBB Regulations – Regulations of the Gaming Regulatory Commission

5. TMICS – LTBB Tribal Minimum Internal Control Standards

6. Tribal/State Compact – Compact between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming

(Source: REG-WOS 2005-06 100212-012)

Chapter 2. TRIBAL MINIMUM INTERNAL CONTROL STANDARDS

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I. **Definitions:** The definitions in this section shall apply to all sections of these standards unless otherwise noted.

A.

a. **Account access card:** means an instrument used to access customer accounts for wagering at a gaming machine. Account access cards are used in connection with a computerized account database. Account access cards are not smart cards.

b. **Accountability:** means all items of cash, cash equivalents, chips, coins, tokens, plaques, receivables, and customer deposits constituting the total amount for which the bankroll custodian is responsible at a given time.

c. **Accumulated credit payout:** means credit earned in a gaming machine that is paid to a customer manually in lieu of a machine payout.(i.e. hand pay, manual pay)

d. **Actual hold percentage:** means the percentage calculated by dividing the win by the drop or coin-in (number of credits wagered). Can be calculated for individual tables or gaming machines, type of table games, or gaming machines on a per day or cumulative basis.

e. **Agent** means an employee or licensed person authorized by the Bingo operation, as approved by the LTBB Gaming Regulatory Commission, designated for certain authorizations, decisions, tasks and actions in the gaming operation

f. **Ante:** means a player's initial wager or predetermined contribution to the pot before the dealing of the first hand.

B.

a. **Bill acceptor:** means the device that accepts and reads cash by denomination and cash equivalents (e.g. tickets and vouchers) in order to accurately register customer credits.

b. **Bill acceptor canister:** means the box attached to the bill acceptor used to contain cash and cash equivalents received by bill acceptors.

c. **Bill acceptor canister release key:** means the key used to release the bill acceptor canister from the bill acceptor device.

d. **Bill acceptor canister storage rack key:** means the key used to access the storage rack where bill acceptor canisters are secured.

e. **Bill acceptor drop:** means cash or cash equivalent contained in bill acceptor canisters.

f. **Bill-in meter:** means a meter included on a gaming machine accepting cash or cash equivalent that tracks the cash or cash equivalent put in the machine.

g. **Bingo session:** means bingo games played within the gaming day.

h. **Bonus award:** means an award of cashable or non-cashable credits placed on the credit meter of the machine. The amount placed on the credit meter may or may not result from a wager.

i. **Bonus Payout:** means a type of payout possessing the objective of retaining customer patronage. Various types of bonuses are generally available, such as free cash, match bonuses or free play and may be dependent on the loyalty rating of a customer.

j. **Box person:** means the first-level supervisor who is responsible for directly participating in and supervising the operation and conduct of a craps game.

C.

a. **Cage:** means a secure work area within the gaming operation for cashiers which may include a storage area for the gaming operation bankroll.

b. **Cage accountability:** means all the cash and cash equivalents in the possession of the cage as summarized on a daily basis on a cage accountability form that includes, but is not limited to, items such as currency, coin, and chips/tokens. Contents of safe deposits boxes to which the gaming operation does not have access are excluded.

c. **Cage accountability form**: means an itemized list of the cash and cash equivalents that make up the cage department's accountability.

d. **Calibration module:** means the section of a weigh scale used to set the scale to a specific amount or number of coins to be counted.

e. **Card game:** means a game played with cards in which the gaming operation is not party to wagers and from which the gaming operation receives compensation in the form of a rake, a time buy-in, or other fee or payment from a player for the privilege of playing.

f. **Card room:** means an area set aside for the conduct of card games such as poker.

g. **Card room bank:** means the operating fund assigned to the card room or main card room bank.

h. **Cash equivalents:** means documents, financial instruments, or anything else of representative value other than cash to which a gaming operation has assigned a monetary value. A cash equivalent includes, but is not limited to, tokens, chips, coupons, vouchers, jackpot slips and tickets.

i. **Cash-out ticket:** means an instrument of value generated by a gaming machine representing a cash amount owed to a customer at a specific gaming machine. This instrument may be wagered at other machines by depositing the cash-out ticket in the machine bill acceptor.

j. **Chips:** mean cash substitutes, in various denominations, issued by a gaming operation and used for wagering.

k. **Coin-in meter:** means the meter that displays the total amount wagered in a gaming machine that includes coins-in and credits played.

l. **Coin meter count machine:** means a device used in a coin room to count coin.

m. **Commission:** means the Little Traverse Bay Bands of Odawa Indians Gaming Regulatory Commission.

n. **Complimentary:** means a service or item provided at no cost, or at a reduced cost, to a customer at the discretion of an employee authorized to issue such services or items. This does not include non-gaming items made available to all Tribal Citizens, all Gaming Operation Employees, all LTBB Government Employees, or attendees at a conference or training session.

o. **Computerized casino accounting system:** means a system utilized by a gaming operation that securely maintains and monitors data which may include but is not limited to player tracking, gaming machine activity and marketing functionality, inclusive of other activities that interface with the system. In addition, the casino accounting system may provide the gaming operation with the ability to perform cashless transactions and monitor, detect, report and log system exceptions.

p. **Count:** means the total funds counted for a particular game, gaming machine, shift, or other period.

q. **Count room:** means a secure location in which the drop is counted.

r. **Count team:** means personnel who perform the count of the drop.

s. **Counter Game:** means a game in which the gaming operation is party to wagers and the gaming operation documents all wagering. The term includes, but is not limited to bingo. The term does not include table games card games or gaming machines.

t. **Credit meter:** is a visual LED display of the amount of money or credits on the gaming machine.

u. **Credit slip:** means a form used to record the return of chips from a gaming table to the cage.

v. **Critical IT system:** means the collective hardware, software, network infrastructure and associated equipment, to include computerized casino accounting system (if applicable), used to produce, accumulate, monitor, record, store, and report gaming revenues and associated financial data. At a minimum, the term 'critical system' is applicable to the gaming revenue centers and the following activities and functions, as related to the recognition and recordation of the gaming activity: cage, credit, complimentary services and items, accounting, drop and count, internal audit and surveillance.

w. **Currency counter interface:** means a link between a currency counter and typically the accounting software systems of the gaming operation in which access is restricted to authorized persons.

x. **Currency counter** means a device that identifies currency by means of an optical sensing and correlating technique to both count and differentiate denomination. The counter may perform two counts by independent central processing units prior to transferring the currency into a stacker. It may interface with the accounting systems of the gaming operation and account for cash-out tickets redeemed and promotional coupons cancelled.

y. **Customer deposits:** means an amount of funds deposited in an account opened at the cage for the customer's future use.

D.

a. **Deal:** means a specific pull tab game that has a specific serial number associated with each game.

b. **Dealer:** means an employee who operates a game, individually or as a part of a crew, administering house rules and making payoffs.

c. **Dedicated camera:** means a video camera required to continuously record a specific activity.

d. **Digital Video Recorder (DVR):** means a device that records video in a digital format to tape, digital video disk, or other storage medium, for later reproduction.

e. **Discount Wager:** means a wager in which a customer is given credit for an amount greater than the actual amount placed at risk and is supported by documentation, often a promotional coupon (e.g., match play).

f. **Drop (for gaming machines):** means the total amount of cash, cash-out tickets, coupons, coins, and tokens removed from drop buckets and/or bill acceptor canisters.

g. **Drop (for table games):** means the total amount of cash, chips, and tokens removed from drop boxes.

h. **Drop box:** means a locked container affixed to the gaming table into which the drop is placed. The game type, table number, and shift are indicated on the box.

i. **Drop box contents keys:** means the key used to open drop boxes.

j. **Drop box release keys:** means the key used to release drop boxes from tables.

k. **Drop box storage rack keys:** means the key used to access the storage rack where drop boxes are secured.

l. **Drop bucket:** means a container located in the drop cabinet (or in a secured portion of the gaming machine in coinless/cashless configurations) for the purpose of collecting coins and tokens from the gaming machine.

m. **Drop cabinet:** means the wooden or metal base of the gaming machine that contains the gaming machine drop bucket.

n. **Drop period:** means the period of time that occurs between sequential drops.

E.

a. **EPROM:** means erasable programmable read-only memory.

b. **Exception report:** means a generated listing of occurrences, transactions or items that fall outside a predetermined range of acceptability.

c. **Extraneous Items:** are any items not required to perform job function.

F.

a. **Fill:** means a transaction whereby a supply of chips, coins, or tokens is transferred from a bankroll to a table game or gaming machine.

b. **Fill slip:** means a document evidencing a fill.

c. **Flare:** means the information sheet provided by the manufacturer that sets forth the rules of a particular pull tab game and that is associated with a specific deal of pull tabs. The flare shall contain the following information:

1. Name of the game;

2. Manufacturer name or manufacturer's logo;

3. Ticket count; and

4. Prize structure, which shall include the number of winning pull tabs by denomination, with their respective winning symbols, numbers, or both.

d. **Foot:** means to add up or total.

e. **Free play wager:** means a non-value promotional consideration afforded a customer to participate in a game without requiring the customer to place anything at risk.

G.

a. **Game server:** means an electronic selection device, utilizing a random number generator.

b. **Game Program:** means programs stored on ROMs, EPROMs, FLASH ROMs, DVD, CD-ROM, hard drive or Compact Flash

c. **Gaming floor:** means an area where gaming activity is conducted.

d. **Gaming machine:** means an electronic or electromechanical machine that allows a player to play games of chance, some of which may be affected by skill, which utilizes or relies upon a random number generator routine for outcome selection or computer terminal that accesses an outcome that is subsequently and randomly selected in drawings that are electronically conducted by central computer or other such methods of chance selection, whether mechanical or electronic. The machine is activated by the insertion of cash, cash equivalents or Free Play Wager and which awards cash, cash equivalents, merchandise or a written statement of the player's accumulated credits, which written statements may be redeemable for cash.

e. **Gaming machine analysis report:** means a report prepared that compares theoretical to actual hold by a gaming machine on a monthly or other periodic basis.

f. **Gaming machine booths and change banks:** means a booth or small cage in the gaming machine area used to provide change to players, store change aprons and extra coin, and account for jackpot and other payouts.

g. **Gaming machine count:** means the total amount of coins, tokens, and cash removed from a gaming machine. The amount counted is entered on the Gaming Machine Count Sheet and is considered the drop. The procedure of counting the coins, tokens, and cash or the process of verifying gaming machine coin and token inventory.

h. **Gaming machine pay table:** means the combinations that identify payouts of designated amounts.

i. **Gross gaming revenue:** means annual total amount of cash wagered on class II and class III games, less any amounts paid out as prizes or paid for prizes awarded.

H.

a. **Hold** means the relationship of win to coin-in for gaming machines and win to drop for table games.

I.

a. **Increase/decrease to cage accountability:** means the change in the cage accountability (inventory), which is a function of the gaming transactions. For example, the cash inventory is affected by (a) the cash collected from

the drop and transferred to the cage; (b) funds transferred to or from bank a financial institution; (c) changes in the chip/token inventory due to the chip float (chips/tokens in possession of customers); and (d) front money and customer account transactions.

b. **In-house progressive gaming machine(s):** means a gaming machine on which play on the machine affects the progressive amount. As wagers are placed, the progressive meter on the machine increases. An in-house progressive may be linked to other in-house progressive machines within a single gaming operation.

c. **Internal audit:** means persons who perform a regulatory audit function of a gaming operation that is independent of the department subject to audit. Independence is obtained through the organizational reporting relationship, as the Internal Audit Department shall not report to management of the gaming operation. Internal audit activities should be conducted in a manner that permits objective evaluation of areas examined. Internal audit personnel may provide audit coverage to more than one operation within a Tribe's gaming operation holdings.

J.

a. **Jackpot payout:** means a transaction associated with a winning event that causes the gaming machine to lock up at a predetermined amount and that is paid by gaming machine personnel.

K.

a. **Kiosk** means a self-serve component of a computerized casino accounting system capable of accepting or dispensing cash or cash equivalents and which may also be capable of initiating cashless transactions to or from a wagering account or promotional account.

L.

a. **Lammer button:** means a type of chip that is placed on a gaming table to indicate that the amount of chips designated thereon has been given to the customer for wagering on credit before completion of the credit instrument. Lammer button may also mean a type of chip used to evidence transfers between table banks and card room banks.

b. **Linked electronic game:** means any game linked to two (2) or more gaming operations that are physically separate and not regulated by the same Tribal LTBB Gaming Regulatory Commission.

c. **LTBB Gaming Operation:** means the commercial enterprise of the Tribe authorized to engage in Gaming, and all ancillary commercial activities within the building(s) and other improvements constructed for the conduct

of Gaming..

d. **LTBB Gaming Regulatory Commission (LTBB GRC):** means the tribally designated entity responsible for gaming regulation.

M.

a. **Main card room bank:** means a fund of cash, coin, and chips used primarily for poker and pan card game areas. Used to make even cash transfers between various games as needed. May be used similarly in other areas of the gaming operation.

b. **Management:** means an employee who holds a primary license, has the authority to hire and fire employees and create working policies for the gaming operation or any other person designated by the LTBB Gaming Regulatory Commission..

c. **Master game program number:** means the game program number listed on a gaming machine EPROM.

d. **Master game sheet:** means a form used to record, by shift and day, each table game's winnings and losses. This form reflects the opening and closing of table inventories, the fills and credits, and the drop and win.

e. **Match play:** means a type of discount wager requiring a cash bet of equal amount.

f. **Mechanical coin counter:** means a device used to count coins that may be used in addition to or in lieu of a coin weigh scale.

g. **Meter:** means an electronic (soft) or mechanical (hard) apparatus in a gaming machine. May record the number of coins wagered, the number of coins dropped, the number of times the handle was pulled, or the number of coins paid out to winning players.

h. **Mobile gaming system**: means a system that allows for the conduct of games through mobile communications devices operated solely within a designated, authorized area of a gaming operation.

i. **Motion activated dedicated camera:** means a video camera that, upon its detection of activity or motion in a specific area, begins to record the activity or area.

j. **Multi-game machine:** means a gaming machine that includes more than one type of game.

N.

a. **Non-Gaming Equipment:** Equipment not classified as "gaming equipment" but interfaces with the computerized casino accounting system.

O.

a. **Order for credit:** means a form that is used to request the transfer of chips from a table to the cage. The order precedes the actual transfer transaction that is documented on a credit slip.

P.

a. **Par percentage:** means the percentage of each dollar wagered that the house wins (i.e., gaming operation advantage).

b. **Par sheet:** (See Theoretical hold worksheet.)

c. **Payout** means a transaction associated with a winning event.

d. **PIN:** means the personal identification number used to access a player's account.

e. **Pit podium:** means a stand located in the middle of the tables used by gaming operation supervisory personnel as a workspace and a record storage area.

f. **Pit supervisor:** means the employee who supervises all games in a pit.

g. **Player tracking system:** means a system or a component of a computerized casino accounting system used to record the gaming play of individual customers.

h. **Points:** means a representative of value awarded to a customer based upon specific criteria established by the gaming operation.

i. **Premium points:** means points earned as a result of a winning event and the award is reflected on the payout schedule.

j. **Primary and secondary jackpots:** means promotional pools offered at certain card games that can be won in addition to the pot.

k. **Progressive gaming machine:** means a gaming machine, with a payoff indicator, in which the payoff increases as it is played and may be linked to other machines.. The payoff amount is accumulated, displayed on a machine, and will remain until a player achieves the criteria that results in

the progressive amount being paid.

l. **Progressive jackpot:** means payout from a progressive gaming machine.

m. **Progressive table game:** means table games that offer progressive jackpots.

n. **Promotional account:** means an electronic ledger used in a cashless wagering system to record transactions involving a customer or customers that are not otherwise recorded in a wagering account.

o. **Promotional payout:** means merchandise or awards given to players by the gaming operation based on a wagering activity.

p. **Promotional progressive pots and/or pools:** means funds contributed to a table game or card game by and for the benefit of players. Funds are distributed to players based on a predetermined event.

Q.

[Reserved]

R.

a. **Rake:** means a commission charged by the house for maintaining or dealing a game such as poker.

b. **Rake circle:** means the area of a table where rake is placed.

c. **Random number generator:** means a software module, hardware component or combination of these designed to generate numbers that are effectively random.

d. **Reel symbols:** means symbols listed on reel strips of gaming machines.

e. **Rejected currency:** means currency that a currency counter has rejected due to the authenticity data (comparison of the note to a predetermined standard) failing to confirm the legitimacy of the note.

f. **Revenue Audit:** means persons who perform a Revenue Audit function of a gaming operation that is independent of the department subject to audit.

g. **Runner:** means a gaming employee who transports chips/cash to or from a gaming table and a cashier.

S.

a. **Safe Deposit Box:** means a type of safe which may be located in the cage area to hold items of value. The content is not subject to casino access within the normal course of business and is not included in its accountability record-keeping.

b. **Series number:** means the unique identifying number printed on each sheet of bingo paper that identifies the bingo paper as a series or packet. The series number is not the free space or center space number located on the bingo paper.

c. **Server-based game system:** means a gaming system comprised of a server or system part(s) and player terminals that, together, form a single integrated system in which the server determines the outcomes of the individual games.

d. **Server-supported game:** system means a gaming system comprised of gaming machines connected to a server(s) for the purpose of downloading control programs (games) to gaming machines on an intermittent basis. The gaming machines are capable of operating independently of the server once the downloading process has been completed. In a server-supported game system, game outcome is determined by the gaming machines connected to the system and not by the system itself.

e. **Shift:** means an eight-hour period, unless otherwise approved by the Tribal LTBB Gaming Regulatory Commission, not to exceed twenty-four (24) hours.

f. **Short pay:** means a payoff from a gaming machine that is less than the listed amount.

g. **Smart card:** means a card that possesses the means to electronically store and retrieve data.

h. **Soft count:** means the count of the contents in a drop box or a bill acceptor canister.

i. **Statistical Drop:** means total amount of money, chips, and tokens contained in the drop boxes.

j. **Statistical Win:** means closing bankroll, plus chips, tokens, or credit slips returned to the cage plus drop, minus operating bankroll, minus fills to the table.

k. **Sufficient clarity:** means the capacity of a surveillance system to record images at a minimum of 30 fps (frames per second), and if digital, with a resolution of at least 4 CIF (Common Intermediate Format), which is generally defined as resolution 704X576.

l. **Surveillance operation room(s):** means the secured area(s) of the surveillance department where surveillance is taking place and/or where active surveillance equipment is located.

m. **Surveillance system:** means a system of video cameras, monitors, recorders, video printers, switches, selectors, and other ancillary equipment used for casino surveillance.

T.

a. **Table games:** means games that are banked by the house or a pool whereby the house or the pool pays all winning bets and collects from all losing bets.

b. **Table inventory:** means the total coins and chips at a table.

c. **Table inventory form:** means the form used by gaming operation supervisory personnel to document the inventory of chips, coins, and tokens on a table at the beginning and ending of a shift.

d. **Table tray:** means the container located on gaming tables where chips, coins, or cash are stored that are used in the game.

e. **Theoretical hold:** means the intended hold percentage or win of an individual game.

f. **Theoretical hold worksheet (par sheet):** means a worksheet provided by the manufacturer for all games that indicate the theoretical PAR percentages that the games should hold based on adequate levels of coin-in. The worksheet also indicates the reel strip settings, hit frequency, reel combinations, number of credits that may be played, the payout schedule, the number of reels and other information descriptive of the particular type of game.

g. **Tier A:** means gaming operations with annual gross gaming revenues of more than $ 3,000,000.00 (million) but not more than $8,000,000.00 (million).

h. **Tier B:** means gaming operations with annual gross gaming revenues of more than $8,000,000.00 (million), but not more than $15,000,000.00

(million).

i. **Tier C:** means gaming operations with annual gross gaming revenues of more than $15,000,000.00 (million).

j. **Title 31:** is the section of the Bank Secrecy Act requiring record keeping and reporting requirements for the gaming operation.

k. **TITO:** means Ticket-In/Ticket-Out.

l. **TMICS:** means Tribal Minimum Internal Control Standards.

m. **Tokens:** mean a coin-like cash substitute, in various denominations, used for gambling transactions.

n. **Tribe:** means the Little Traverse Bay Bands of Odawa Indians or Waganakising Odawak.

U.

a. **UPS: uninterrupted power supply. Used on electrical equipment to prevent electrical outages.**

V.

a. **Vault:** means a secure area within the gaming operation where tokens, checks, cash, coins, and chips are stored.

W.

a. **Wager:** means the placing at risk money or something of value on a gambling game that has an uncertain outcome with the primary intent of winning additional money and/or personal property.

b. **Wagering account:** means an electronic ledger for a cashless wagering system customer deposit account wherein only the following types of transactions are recorded**:**

1. Deposits and withdrawals of cash or cash equivalents at a designated area of accountability;

2. Deposits initiated with a debit instrument;

3. Wagering account transfers to and from gaming devices; and

4. Wagering account adjustments.

c. **Weigh/count:** means the value of coins and tokens counted by a weigh machine.

d. **Weigh scale calibration module:** means the device used to adjust a coin weigh scale.

e. **Weigh scale interface:** means a communication device between the weigh scale used to calculate the amount of funds included in drop buckets and the computer system used to record the weigh data.

f. **Weigh tape:** means the tape where weighed coin is recorded.

g. **Wide-area progressive gaming machine:** means a progressive gaming machine that is linked to machines in other operations and play on the machines affect the progressive amount. As wagers are placed, the progressive meters on all of the linked machines increase. Definition applies to shared linked progressives between gaming operations operated by the same tribe and those linked and monitored by an independent wide area service provider.

h. **Win:** means the net win resulting from all gaming activities. Net win results from deducting all gaming losses from all wins prior to considering associated operating expenses.

i. **Win-to-write hold percentage:** means win divided by write to determine hold percentage.

j. **Wrap:** means the method of storing coins after the count process has been completed, including, but not limited to, wrapping, racking, or bagging. "Wrap" may also refer to the total amount or value of the counted and stored coins.

k. **Write:** means the total amount wagered in bingo and pull tab operations.

l. **Writer:** means an employee who writes bingo and pull tab tickets.

II. General Operations

A. The LTBB Gaming Operation shall develop Emergency Procedures. These procedures and any subsequent changes shall require Tribal Gaming Regulatory Commission approval.

B. The LTBB Gaming Operation shall comply with the Little Traverse Bay Bands of Odawa Indians Health and Safety Standards.

C. The LTBB Gaming Operation shall ensure that a Hardware/Software agreement is signed by the required gaming related companies. A signed copy will be forwarded to the Regulatory Licensing Department to be maintained in their Licensing file.

D. All Gaming Vendors are required to comply with LTBB GRC approved shipping requirements.

E. The LTBB Gaming Operation shall respond to all audits within the time frame specified in the audit report (Internal Audit or Safety Audit). If a change to Policies or Procedures is required, a draft of the changes may be submitted with the response. An extension can be granted by the Regulatory Director or designee in the event that more time is required.

F. Requests for Surveillance Dubs shall be submitted on the dub request form to the Surveillance Supervisor on duty. The Surveillance Manager in coordination with the Gaming Operation General Manager shall develop the list of gaming operation personnel authorized to request dubs. This list will require Regulatory Director approval.

G. The Surveillance Manager in coordination with the LTBB Gaming Operation General Manager shall develop the list of gaming operation personnel authorized to enter the Surveillance Suite to view dubs. This list will require Regulatory Director approval.

H. Access to the Surveillance Operation Room requires Tribal Gaming Regulatory Commission approval. Requests for access shall be submitted to the Regulatory Director.

I. Gaming Equipment must comply with approved gaming laboratories standards or be approved for our jurisdiction.

J. The Regulatory Director shall review the LTBB Gaming Operations policies and procedures for compliance with the Tribal Minimum Internal Control Standards and make recommendations to the LTBB Gaming Regulatory Commission for approval based on that review.

K. All departments handling cash must develop Cash Handling Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

L. All departments handling cash must develop a Variance Policy. This Policy and any subsequent changes shall require LTBB Gaming Regulatory approval.

M. All departments shall develop Asset Protection procedures. Including, but not limited to, inventory control, data protection, and fixed assets. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

N. All departments shall comply with the established standards set forth in Title 31 Reporting Policies and Procedures.

O. Surveillance must be notified when a camera needs to be moved, covered, touched, etc.. Touching, moving, obstructing, or disabling a Surveillance camera by anyone other than authorized Surveillance personnel is prohibited. These actions require Surveillance Supervisor or Surveillance Manager approval. Cameras that are required by the Tribal Minimum Internal Control Standards will also require notification to Regulatory.

P. Internal Audit may monitor promotional activity for integrity of the process.

Q. All promotional reports/records shall be maintained and made available to Regulatory upon request.

R. Non-Gaming Equipment:

1. Any non-gaming device, equipment, or software which may interface with any gaming equipment or device, such as micros, kiosk, etc or gaming management system, must meet applicable testing standards as established by a LTBB GRC approved testing company.

2. Any specific standard for non-gaming equipment must be reviewed and approved by the LTBB Gaming Regulatory Commission.

S. New Technology – The LTBB Gaming Regulatory Commission requires 6 month notification of any new games. Waivers are available upon completion of commission review and approval of; internal controls, policies, procedures and rules of the game.

T. Secured Areas – Access to secured areas shall be defined in Policy by the LTBB Gaming Operation as approved by the LTBB GRC. Policies shall define areas of restricted access and limited access.

III. Currency Reporting Transactions

A. Requirements for Casino Management.

1. The LTBB Gaming Operation shall comply with the Bank Secrecy Act, BSA (Title 31) and all applicable standards set forth by the US Department of Treasury or its designee (FINCEN and IRS) and establish reporting policies and procedures.

2. The LTBB Gaming Operation shall have established training programs to ensure the adherence to all BSA reporting requirements as may be promulgated under the BSA by FINCEN and IRS.

3. The LTBB Gaming Operation shall determine the hours for the gaming day to ensure proper reporting.

4. Copies of all Suspicious Activity Reports shall be forwarded to Gaming Regulatory.

5. The LTBB Gaming Operation shall ensure that BSA (Title 31) training is conducted for all new hires and all employees every 6 months, as required by job duty or title.. These training records shall be made available to the Regulatory Department upon request.

B. Requirements for All Departments.

1. The Bank Secrecy Act contains certain record keeping and reporting requirements for the casino.

2. The LTBB Gaming Operation shall comply with all reporting requirements set by the Bank Secrecy Act.

3. The LTBB Gaming Operation shall make every effort to prevent circumvention of these reporting requirements by a gaming patron. Therefore, the casino will identify currency transactions in excess of $2,500.00 and record them on a Multiple Transactions Log (MTL) by individual patron.

IV. Bingo

A. Standards for Bingo.

1. The LTBB Gaming Operation shall develop Bingo Game Protection Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory Commission approval.

2. The LTBB Gaming Operation shall develop Bingo Cash Handling Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory Commission approval.

3. The LTBB Gaming Operation shall develop Bingo Emergency Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory Commission approval.

4. Bingo staff shall comply with the established standards set forth in Title 31 reporting policies and procedures.

5. LTBB Gaming Operation shall develop Bingo Key Control Polices. The policy should include, but not be limited to:

    a. Issuance;

    b. Tracking; (i.e. key log, electronic system)

    c. Retention;

    d. Storage;

    e. Access

6. All keys shall remain with the person who signed them out until they are returned to the key security system. Sharing of secured keys is prohibited.

B. **Bingo Cards**

1. Inventory of Bingo Paper

    a. The bingo paper inventory must be controlled so as to assure the integrity of the bingo paper being used as follows:

        i. When received, bingo paper must be inventoried and secured by an authorized agent(s) independent of bingo sales;

        ii. The issue of bingo paper to the cashiers must be documented and signed for by the authorized agent(s) responsible for inventory control and a cashier. The bingo control log must include the series number of the bingo paper;

iii. The bingo control log must be utilized by the gaming operation to verify the integrity of the bingo paper being used; and

iv. Once each month, an authorized agent(s) independent of both bingo paper sales and bingo paper inventory control must verify the accuracy of the ending balance in the bingo control log by reconciling it with the bingo paper inventory.

b. Paragraph (1)(a) of this section does not apply where no physical inventory is applicable.

2. Bingo Sales

a. There must be an accurate accounting of all bingo sales.

b. All bingo sales records must include the following information:

i. Date;

ii. Time;

iii. Shift or session;

iv. Sales transaction identifiers, which may be the unique card identifier(s) sold or when electronic bingo cards are sold, the unique identifiers of the card faces sold;

v. Quantity of bingo cards sold;

vi. Dollar amount of bingo sales;

vii. Signature, initials, or identification of the agent or device who conducted the bingo sales; and

viii. When bingo sales are recorded manually, total sales are verified by an authorized agent independent of the bingo sales being verified and the signature, initials, or identification of the authorized agent who verified the bingo sales is recorded.

c. No person shall have unrestricted access to modify bingo sales records.

d. An authorized agent independent of the seller must perform the following standards for each seller at the end of each session:

i. Reconcile the documented total dollar amount of cards sold to the documented quantity of cards sold;

ii. Note any variances; and

iii. Appropriately investigate any noted variances with the results of the follow-up documented.

3. Voiding Bingo Cards

a. Procedures must be established and implemented to prevent the voiding of card sales after the start of the calling of the game for which the bingo card was sold. Cards may not be voided after the start of a game for which the card was sold.

b. When a bingo card must be voided the following controls must apply as relevant:

i. A non-electronic bingo card must be marked void; and

ii. The authorization of the void, by an authorized agent independent of the original sales transaction (supervisor recommended), must be recorded either by signature on the bingo card or by electronically associating the void authorization to the sales transaction of the voided bingo card.

4. Reissue of previously sold bingo cards

a. When one or more previously sold bingo cards need to be reissued, the following controls must apply:

a. the original sale of the bingo cards must be verified;
b. and the reissue of the bingo cards must be documented, including the identity of the agent authorizing reissuance.

C. **Draw**

1. Verification and Display

    a. Procedures must be established and implemented to ensure the identity of each object drawn is accurately recorded and transmitted to the participants. The procedures must identify the method used to ensure the identity of each object drawn.

    b. For all games offering a prize payout of $1,200 or more, as the objects are drawn, the identity of the objects must be immediately recorded and maintained for a minimum of 24 hours.

    c. Controls must be present to assure that all objects eligible for the draw are available to be drawn prior to the next draw.

D. **Manual Payouts and Short Pays**

1. Procedures must be established and implemented to prevent unauthorized access or fraudulent transactions using manual payout documents, including:

    a. Payout documents must be controlled and completed in a manner that is intended to prevent a custodian of funds from altering the dollar amount on all parts of the payout document subsequent to the manual payout and misappropriating the funds.

    b. Payout documents must be controlled and completed in a manner that deters any one individual from initiating and producing a fraudulent payout document, obtaining the funds, forging signatures on the payout document, routing all parts of the document, and misappropriating the funds. Recommended procedures of this standard include but are not limited to the following:

        i. Funds are issued either to a second verifier of the manual payout (i.e. , someone other than the agents who generated/requested the payout) or to two agents concurrently (i.e. , the generator/requestor of the document and the verifier of the manual payout). Both witness the manual payout; or

        ii. The routing of one part of the completed document is under the physical control (e.g. ,

dropped in a locked box) of an agent other than the agent that obtained/issued the funds and the agent that obtained/issued the funds must not be able to place the document in the locked box.

c. Segregation of Responsibilities – The functions of sales and prize payout verification must be segregated, if performed manually.

i. Agents who sell bingo cards on the floor must not verify bingo cards for prize payouts with bingo cards in their possession of the same type as the bingo card being verified for the game.

ii. Floor clerks who sell bingo cards on the floor are permitted to announce the identifiers of winning bingo cards.

d. Validation – Procedures must be established and implemented to determine the validity of the claim prior to the payment of a prize (i.e. , bingo card was sold for the game played, not voided, etc.) by at least two persons.

e. Verification – Procedures must be established and implemented to ensure that at least two persons verify the winning pattern has been achieved on the winning card prior to the payment of a prize.

f. Authorization and Signatures

i. Class II gaming system may substitute as one authorization/signature verifying, validating or authorizing a winning card of less than $1,200 or other manual payout. Where a Class II gaming system substitutes as an authorization/signature, the manual payout is subject to the limitations provided in this section.

ii. For manual prize payouts of $1,200 or more and less than a predetermined amount not to exceed $50,000, at least two agents must authorize, sign and witness the manual prize payout.

1. Manual prize payouts over a predetermined amount not to exceed

$50,000 must require one of the two signatures and verifications to be a supervisory or management employee independent of the operation of bingo.

2. This predetermined amount, not to exceed $50,000, must be authorized by management, approved by the LTBB Gaming Regulatory Commission, documented, and maintained.

2. Documentation, including,

a. Manual payouts and short-pays exceeding $10 must be documented on a two-part form, of which a restricted system record can be considered one part of the form, and documentation, must include the following information:

i. Date and time;

ii. Player interface identifier or game identifier;

iii. Dollar amount paid (both alpha and numeric) or description of personal property awarded, including fair market value. Alpha is optional if another unalterable method is used for evidencing the amount paid;

iv. iv. Type of manual payout (e.g. , prize payout, external bonus payout, short pay, etc.);

v. Game outcome (e.g. , patterns, symbols, bingo card identifier/description, etc.) for manual prize payouts, external bonus description, reason for short pay, etc.;

vi. Preprinted or concurrently printed sequential manual payout identifier; and

vii. Signatures or other authorizations, as required by this part.

b. For short-pays of $10 or less, the documentation (single-part form or log is acceptable) must include the following information:

i. Date and time;

ii. Player interface number;

iii. Dollar amount paid (both alpha and numeric). Alpha is optional if another unalterable method is used for evidencing the amount paid;

iv. The signature of at least one agent verifying and witnessing the short pay; and

v. Reason of short pay

c. In other situations that allow an agent to input a prize payout or change the dollar amount of the prize payout by more than $1 in a Class II gaming system that has an automated prize payout component, two agents, one of which is a supervisory employee, must be physically involved in verifying and witnessing the prize payout.

d. For manually paid promotional prize payouts, as a result of the play of a game and where the amount paid is not included in the prize schedule, the documentation (single-part form or log is acceptable) must include the following information:

i. Date and time;

ii. Player interface number;

iii. Dollar amount paid (both alpha and numeric). Alpha is optional if another unalterable method is used for evidencing the amount paid;

iv. The signature of at least one agent verifying and witnessing the manual promotional prize payout of $599 or less and two agents verifying and witnessing the manual promotional prize payout exceeding $599;

v. Description or name of the promotion; and

vi. Total amount of manual promotional prize payouts must be recorded by shift, session or other relevant time period

e. When a controlled manual payout document is voided, the agent completing the void must clearly mark “void” across the face of the document, sign across the face of the document and all parts of the document must be retained for accountability.

E. **Operational Controls**

1. Procedures must be established and implemented with the intent to prevent unauthorized access to or fraudulent transactions involving cash or cash equivalents.

2. Cash or cash equivalents exchanged between two persons must be counted independently by at least two persons and reconciled to the recorded amounts at the end of each shift or if applicable each session. Unexplained variances must be documented and maintained. Unverified transfers of cash or cash equivalents are prohibited.

3. Procedures must be established and implemented to control cash or cash equivalents in accordance with this section and based on the amount of the transaction. These procedures include, but are not limited to, counting and recording on an accountability form by shift, session or relevant time period the following:

    a. Inventory, including any increases or decreases;

    b. Transfers;

    c. Exchanges, including acknowledging signatures or initials; and;

    d. Resulting variances.

4. Any change of control of accountability, exchange or transfer must require the cash or cash equivalents be counted and recorded independently by at least two persons and reconciled to the recorded amount.

F. **Gaming Equipment**

1. Procedures must be established and implemented with the intention to restrict access to agents for the following:

2. The game software components of a Class II gaming system will be identified in the test laboratory report. When initially received, the software must be verified to be authentic copies, as certified by the independent testing laboratory.

3. Procedures must be established relating to the periodic inspection, maintenance, testing, and documentation of a random sampling of gaming equipment/components, including but not limited to:

    a. Software related to game outcome must be authenticated semi-annually by an agent independent of bingo operations by comparing signatures against the test laboratory letter on file with the LTBB Gaming Regulatory Commission for that version.

    b. Class II gaming system interfaces to external systems must be tested annually for accurate communications and appropriate logging of events.

4. Records must be maintained for each player interface that indicate the date the player interface was placed into service or made available for play, the date the player interface was removed from service and not available for play, and any changes in player interface identifiers.

G. **Voucher Systems**

1. The voucher system must be utilized to verify the authenticity of each voucher or coupon redeemed.

2. If the voucher is valid, the patron is paid the appropriate amount.

3. Procedures must be established and implemented to document the payment of a claim on a voucher that is not physically available or a voucher that cannot be validated (e.g. , mutilated, expired, lost, stolen, etc.)

    a. If paid, appropriate documentation is retained for reconciliation purposes.

    b. Payment of a voucher for $50 or more, a supervisory employee must review the applicable voucher system, player interface or other transaction history records to verify the validity of the voucher and initial the voucher or documentation prior to payment.

4. Vouchers redeemed must remain in the cashier's accountability for reconciliation purposes. The voucher redemption system reports must be used to ensure all paid vouchers have been validated.

5. Vouchers paid during a period while the voucher system is temporarily out of operation must be marked “paid”, initialed and dated by the cashier. If the voucher is greater than a predetermined amount approved (not to exceed $500), a supervisory employee must approve the payment and evidence that approval by initialing the voucher prior to payment.

6. Paid vouchers are maintained in the cashier's accountability for reconciliation purposes.

7. Upon restored operation of the voucher system, vouchers redeemed while the voucher system was temporarily out of operation must be validated as expeditiously as possible.

8. Unredeemed vouchers can only be voided in the voucher system by supervisory employees. The supervisory employee completing the void must clearly mark “void” across the face of the voucher and sign across the face of the voucher, if available. The accounting department will maintain the voided voucher, if available.

H. **Patron Accounts and Cashless Systems**

1. All smart cards (i.e. , cards that possess the means to electronically store or retrieve data) that maintain the only source of account data are prohibited.

2. For patron deposit accounts the following standards must apply:

    a. For each patron deposit account, an agent must

        i. Require the patron to personally appear at the gaming operation;

        ii. Record the type of identification credential examined, the credential number, the expiration date of credential, and the date credential was examined. (Note: A patron's driver's license is the preferred method for verifying the patron's identity. A passport, non-resident alien identification card, other government issued identification credential or another picture identification credential normally acceptable as a means of identification when cashing checks, may also be used.);

iii. Record the patron's name and may include another identifier (e.g. , nickname, title, etc.) of the patron, if requested by patron;

iv. Record a unique identity for each patron deposit account;

v. Record the date the account was opened; and

vi. Provide the account holder with a secure method of access to the account.

b. Patron deposit accounts must be established for patrons at designated areas of accountability and the creation of the account must meet all the controls of paragraph (H)(2)(i) of this section when the patron makes an initial deposit of cash or cash equivalents

c. If patron deposit account adjustments may be made by the operation, the operation must be authorized by the account holder to make necessary adjustments. This requirement can be met through the collection of a single authorization that covers the life of the patron deposit account.

d. Patron deposits & withdrawals.

i. Prior to the patron making a withdrawal from a patron deposit account, the cashier must verify the identity of the patron and availability of funds. Reliance on a secured PIN entered by the patron is an acceptable method of verifying patron identity.

ii. A multi-part deposit/withdrawal record must be created when the transaction is processed by a cashier, including;

1. Same document number on all copies;

2. Type of transaction, deposit or withdrawal;

3. Name or other identifier of the patron;

4. At least the last four digits of the account identifier;

5. Patron signature for withdrawals, unless a secured PIN is utilized by the patron;

6. Date of transaction;

7. Dollar amount of transaction;

8. Nature of deposit or withdrawal (e.g., cash, check, chips); and

9. Signature of the cashier processing the transaction.

iii. A copy of the transaction record must be secured for reconciliation of the cashier's bank for each shift. All transactions involving patron deposit accounts must be accurately tracked.

iv. The copy of the transaction record must be forwarded to the accounting department at the end of the gaming day.

v. When a cashier is not involved in the deposit/withdrawal of funds, procedures must be established that safeguard the integrity of the process used

e. Patron Deposit Account Adjustments

i. Adjustments to the patron deposit accounts must be performed by an agent.

ii. A record must be created when the transaction is processed, including:

1. Unique transaction identifier;

2. type of transaction, adjustment;

3. Name of other identifier of the patron;

4. At least the last four digits of the account identifier;

5. Date of transaction;

6. Dollar amount of transaction;

7. Reason for the adjustment; and

8. Signature or unique identifier for the agent who made the adjustment.

iii. The transaction record must be forwarded to the accounting department at the end of the gaming day.

f. Where available, systems reports that indicate the dollar amount of transactions for patron deposit accounts (e.g. , deposits, withdrawals, account adjustments, etc.) that should be reflected in each cashier's accountability must be utilized at the conclusion of each shift in the reconciling of funds.

g. Cashless transactions and electronic funds transfers to and from patron deposit accounts must be recorded and maintained at the end of the gaming operations specified 24-hour accounting period.

h. Procedures must be established to maintain a detailed record for each patron deposit account that includes the dollar amount of all funds deposited and withdrawn, account adjustments made, and the transfers to or from player interfaces.

i. Detailed patron deposit account transaction records must be available to the patron upon reasonable request and to the LTBB Gaming Regulatory Commission upon request.

j. Only dedicated gaming operation bank accounts must be used to record electronic funds transfers to or from the patron deposit accounts. Gaming operation bank accounts dedicated to electronic funds transfers to or from the patron deposit accounts must not be used for any other types of transactions.

3. For promotional and other accounts the following standards must apply:

a. Changes to promotional and other accounts must be performed by an agent

b. The following standards apply if a player tracking system is utilized:

i. In the absence of the patron, modifications to balances on a promotional or other account must be made under the authorization of supervisory employees and must be sufficiently documented (including substantiation of reasons for modification). Modifications are randomly verified by independent agents on a quarterly basis. This standard does not apply to the deletion of balances related to inactive or closed accounts through an automated process.

ii. Access to inactive or closed accounts is restricted to supervisory employees.

iii. Patron identification is required when redeeming values. (Reliance on a secured PIN by the patron is an acceptable method of verifying patron identification.)

I. **Promotions**

1. The conditions for participating in promotional programs, including drawings and giveaway programs must be approved and available for patron review at the gaming operation.

2. Changes to the player tracking systems, promotional accounts, promotion and external bonusing system parameters which control features such as the awarding of bonuses, the issuance of cashable credits, non-cashable credits, coupons and vouchers, must be performed under the authority of supervisory employees, independent of the department initiating the change. Alternatively, the changes may be performed by supervisory employees of the department initiating the change if sufficient documentation is generated and the propriety of the changes are randomly verified by supervisory employees independent of the department initiating the change on a monthly basis.

3. All other changes to the player tracking system must be appropriately documented.

4. All relevant controls from Section XI of this document will apply.

J. **Accounting**

1. Accounting/Audit Standards.

a. Accounting/auditing procedures must be performed by agents who are independent of the persons who performed the transactions being reviewed.

b. All accounting/audit procedures and actions must be documented (e.g. , log, checklist, investigations and notation on reports), maintained for inspection and provided to the LTBB Gaming Regulatory Commission upon request.

c. Accounting/audit procedures must be performed reviewing transactions for relevant accounting periods, including a 24-hour accounting period and reconciled in total for those time periods.

d. Accounting/audit procedures must be performed within seven days of the transaction's occurrence date being reviewed.

e. Accounting/audit procedures must be in place to review variances related to bingo accounting data, which must include at a minimum any variance noted by the Class II gaming system for cashless transactions in and out, electronic funds transfer in and out, external bonus payouts, vouchers out and coupon promotion out.

f. At least monthly, an accounting/audit agent must confirm that the appropriate investigation has been completed for the review of variances.

2. Audit tasks to be performed for each day's business.

a. Records of bingo card sales must be reviewed for proper authorization, completion and accurate calculations.

b. Manual payout summary report, if applicable, must be reviewed for proper authorizations, completion, accurate calculations, and authorization confirming manual payout summary report totals.

c. A random sampling of records of manual payouts must be reviewed for proper authorizations and completion for manual payouts less than $1,200.

d. Records of all manual prize payouts of $1,200 or more must be reviewed for proper authorizations and completion.

e. Where manual payout information is available per player interface, records of manual payouts must be reviewed against the recorded manual payout amounts per player interface.

f. Manual payout forms must be reconciled to each cashier's accountability documents and in total for each relevant period (e.g. , session, shift, day, etc.)

g. Records of voided manual payouts must be reviewed for proper authorization and completion.

h. Records of voided bingo cards must be reviewed for proper authorization and completion.

i. Use of controlled forms must be reviewed to ensure each form is accounted for.

j. Where bingo sales are available per player interface, bingo sales must be reviewed for reasonableness.

k. Amount of financial instruments accepted per financial instrument type and per financial instrument acceptor must be reviewed for reasonableness, to include but not limited to zero amounts.

l. Where total prize payouts are available per player interface, total prize payouts must be reviewed for reasonableness

m. Amount of financial instruments dispensed per financial instrument type and per financial instrument dispenser must be reviewed for reasonableness, to include but not limited to zero amounts.

n. For a random sampling, foot the vouchers redeemed and trace the totals to the totals recorded in the voucher system and to the amount recorded in the applicable cashier's accountability document.

o. Daily exception information provided by systems used in the operation of bingo must be reviewed for propriety of transactions and unusual occurrences.

p. Ensure promotional coupons which are not financial instruments are properly cancelled to prevent improper recirculation.

q. Reconcile all parts of the form used to document transfers that increase/decrease the inventory of an accountability (includes booths and any other accountability areas.

r. Reconcile voucher liability (e.g. , issued-voided-redeemed-expired = unpaid) to the voucher system records.

s. The total of all patron deposit accounts must be reconciled, as follows:

    i. A report must be generated that details each day's beginning and ending balance of patron deposit accounts, adjustments to patron deposit accounts, and all patron deposit account transactions.

    ii. Reconcile the beginning and ending balances to the summary of manual deposit/withdrawal and account adjustment documentation to the patron deposit account report.

t. Reconcile each day's patron deposit account liability (e.g. , deposits ± adjustments−withdrawals = total account balance) to the system records.

u. Reconcile electronic funds transfers to the cashless system records, the records of the outside entity which processed the transactions and the operations dedicated cashless account bank records.

v. Accounting data used in performance analysis may only be altered to correct amounts that were determined to be in error. When correcting accounting data, the correct amount must be indicated in any Class II gaming system exception reports generated.

w. Accounting/auditing agents must reconcile the audited bingo totals report to the audited bingo accounting data for each day.

x. Accounting/auditing agents must ensure each day's bingo accounting data used in performance reports has been audited and reconciled.

y. If the Class II gaming system produces exception reports they must be reviewed on a daily basis for propriety of transactions and unusual occurrences

3. Audit tasks to be performed at relevant periods;

    a. Financial instrument acceptor data must be recorded immediately prior to or subsequent to a financial instrument acceptor drop. The financial instrument acceptor amount-in data must be recorded at least weekly. The time between recordings may extend beyond one week in order for a recording to coincide with the end of an accounting period only if such extension is for no longer than six additional days.

    b. When a player interface is removed from the floor, the financial instrument acceptor contents must be protected to prevent the misappropriation of stored funds.

    c. When a player interface is permanently removed from the floor, the financial instrument acceptor contents must be counted and recorded.

    d. For currency interface systems, accounting/auditing agents must make appropriate comparisons of system generated count as recorded in the statistical report at least one drop period per month. Discrepancies must be resolved prior to generation/distribution of reports.

    e. For each drop period, accounting/auditing agents must compare the amount-in per financial instrument accepted by the financial instrument acceptors to the drop amount counted for the period. Discrepancies must be resolved before the generation/distribution of statistical reports.

    f. Investigation must be performed for any one player interface having an unresolved drop variance in excess of an amount that is both more than $25 and at least three percent (3%) of the actual drop. The investigation performed and results of the investigation must be documented, maintained for inspection, and provided to the LTBB Gaming Regulatory Commission upon request.

    g. The results of a variance investigation, including the date and personnel involved in any investigation, will be documented in the appropriate report and retained. The results will also include any corrective action taken (e.g. , accounting data storage component replaced, interface component repaired, software debugged, etc.). The investigation will be completed

and the results documented within seven days of the day the variance was noted, unless otherwise justified.

h. Procedures must be established and implemented to perform the following on a regular basis, at a minimum of monthly, and using predetermined thresholds:

i. Where the Class II gaming system is capable of providing information per player interface, identify and investigate player interfaces with total prize payouts exceeding bingo sales.

ii. Where bingo sales is available per player interface, investigate any percentage of increase/decrease exceeding a predetermined threshold, not to exceed 20%, in total bingo sales as compared to a similar period of time that represents consistency in prior performance.

iii. Investigate any exception noted in paragraphs (J)(3)(h)(i) and (ii) of this section and document the findings. The investigation may include procedures to review one or more of the following:

1. Verify days on the floor are comparable;

2. Non-prize payouts for authenticity and propriety;

3. Player interface out of service periods;

4. Unusual fluctuations in manual payouts.

iv. If the investigation does not identify an explanation for exceptions then a physical check procedure must be performed, as required by paragraph (J)(3)(h)(v) of this section.

v. Document any investigation of unresolved exceptions using a predefined player interface physical check procedure and checklist, to include a minimum of the following as applicable:

1. Verify game software;

2. Verify player interface configurations;

3. Test amount in accounting data for accuracy upon insertion of financial instruments into the financial instrument acceptor;

4. Test amount out accounting data for accuracy upon dispensing of financial instruments from the financial instrument dispenser;

5. Record findings and repairs or modifications made to resolve malfunctions, including date and time, player interface identifier and signature of the agent performing the player interface physical check, and additional signatures as required; and

6. Maintain player interface physical check records, either in physical or electronic form, for the period prescribed by the procedure.

i. For Class II gaming systems, procedures must be performed at least monthly to verify that the system accounting data is accurate.

j. For Tier C, at least weekly:

   i. Financial instruments accepted at a kiosk must be removed and counted by at least two agents; and

   ii. Kiosk transactions must be reconciled to the beginning and ending balances for each kiosk

k. At the conclusion of a promotion, accounting/audit agents must perform procedures (e.g. , interviews, review of payout documentation, etc.) to ensure that promotional prize payouts,

drawings, and giveaway programs are conducted in accordance with the rules provided to the patrons

4. Inter-tribal prize pools. Procedures must be established and implemented to govern the participation in inter-tribal prize pools, which at a minimum must include the review, verification and maintenance of the following records, which must be made available, within a reasonable time of the request, to the LTBB Gaming Regulatory Commission upon request:

    a. Summary of contributions in total made to an inter-tribal prize pool;

    b. Summary of disbursements in total from an inter-tribal prize pool; and

    c. Summary of inter-tribal prize pool funds availability

5. Performance Analysis.

    a. Bingo performance data must be recorded at the end of the gaming operations specified 24-hour accounting period. Such data must include:

        i. Amount-in and amount-out for each Class II gaming system;

        ii. The total value of all financial instruments accepted by the Class II gaming system by each financial instrument acceptor and by each financial instrument type;

        iii. The total value of all financial instruments dispensed by the Class II gaming system and by each financial instrument type;

        iv. The total value of all manual payouts by each Class II gaming system;

        v. The total value of bingo purchases for each Class II gaming system;

        vi. vi. The total value of prizes paid for each Class II gaming system.

    b. Procedures must be established and implemented that ensure the reliability of the performance data

c. Upon receipt of the summary of the data, the accounting department must review it for reasonableness using pre-established parameters defined by the LTBB Gaming Operation.

d. An agent must record and maintain all required data before and after any maintenance or modifications that involves the clearing of the data (e.g. , system software upgrades, data storage media replacement, etc.). The information recorded must be used when reviewing performance reports to ensure that the maintenance or modifications did not improperly affect the data in the reports.

6. Statistical Reporting

a. The bingo sales, prize payouts, bingo win, and actual bingo win percentages must be recorded for:

i. Each shift or session

ii. Each day;

iii. Month-to-date; and

iv. Year-to-date or fiscal year-to-date.

b. A monthly comparison for reasonableness must be made of the amount of bingo paper sold from the bingo paper control log to the amount of bingo paper sales revenue recognized.

c. Management employees independent of the bingo department must review bingo statistical information on at least a monthly basis.

d. Agents independent of the bingo department must investigate any large or unusual statistical fluctuations, as defined by the LTBB Gaming Operation.

e. Such investigations must be documented, maintained for inspection, and provided to the LTBB Gaming Regulatory Commission upon request.

f. The actual bingo win percentages used in the statistical reports should not include operating expenses (e.g. , a percentage

payment to administrators of inter-tribal prize pools), promotional prize payouts or bonus payouts not included in the prize schedule.

7. Progressive Prize Pools

a. A display that shows the amount of the progressive prize must be conspicuously displayed at or near the player interface(s) to which the prize applies.

b. At least once each day, each gaming operation must record the total amount of each progressive prize pool offered at the gaming operation on the progressive log.

c. When a manual payment for a progressive prize is made from a progressive prize pool, the amount must be recorded on the progressive log.

d. Each gaming operation must record, on the progressive log, the base reset amount of each progressive prize the gaming operation offers.

e. Procedures must be established and implemented specific to the transfer of progressive amounts in excess of the base reset amount to other awards or prizes. Such procedures may also include other methods of distribution that accrue to the benefit of the gaming public.

V. Pull Tabs

A. **Computer Applications.** For any computer application utilized, alternate documentation and/or procedures that provide at least the level of control described by the standards in this section, as approved by the LTBB Gaming Regulatory Commission, will be acceptable.

B. **Standards for Pull Tabs**

1. The Pull Tabs Department shall develop Game Protection procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

2. The Pull Tabs Department shall develop Cash Handling procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

3. The Pull Tabs Department shall develop Emergency Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

4. The Pull Tabs Department shall comply with the established standards set forth in Title 31 reporting policies and procedures.

5. All sensitive keys for Pull Tabs shall be maintained in a secure manner. Key logs shall be maintained by Security to record authorized use of keys.

C. **Pull Tab Inventory**

1. Pull tab inventory (including unused tickets) shall be controlled to assure the integrity of the pull tabs.

2. Purchased pull tabs shall be inventoried and secured by a person or persons independent of the pull tab sales.

3. The issue of pull tabs to the cashier or sales location shall be documented and signed for by the person responsible for inventory control and the cashier. The document log shall include the serial number of the pull tabs issued.

4. Appropriate documentation shall be given to the redemption booth for purposes of determining if the winner purchased the pull tab from the pull tabs issued by the LTBB Gaming Operation. Electronic verification satisfies this requirement.

5. At the end of each month, a person or persons independent of pull tab sales and inventory control shall verify the accuracy of the ending balance in the pull tab control by reconciling the pull tabs on hand.

6. A monthly comparison for reasonableness shall be made of the amount of pull tabs sold from the pull tab control log to the amount of revenue recognized.

D. **Access.** Access to pull tabs shall be restricted to authorized persons.

E. **Transfers.** Transfers of pull tabs from storage to the sale location shall be secured and independently controlled.

F. **Winning Pull Tabs**

1. Winning pull tabs shall be verified and paid as follows:

a. Payouts in excess of a dollar amount determined by the LTBB Gaming Operation, as approved by the LTBB Gaming Regulatory Commission, shall be verified by at least two employees.

b. Total payout shall be computed and recorded by shift.

c. The winning pull tabs shall be voided so that they cannot be presented for payment again.

2. Personnel independent of pull tab operations shall verify the amount of winning pull tabs redeemed each day.

G. **Accountability Form**

1. All funds used to operate the pull tab game shall be recorded on an accountability form.

2. All funds used to operate the pull tab game shall be counted independently by at least two persons and reconciled to the recorded amounts at the end of each shift or session. Unverified transfers of cash and/or cash equivalents are prohibited.

H. **Standards for Statistical Reports**

1. Records shall be maintained, which include win, write (sales), and a win to-write hold percentage as compared to the theoretical hold percentage derived from the flare, for each deal or type of game, for:

a. Each shift:

b. Each day:

c. Month-to-date: and:

d. Year-to-date or fiscal year-to-date as applicable.

2. A manager independent of the pull tab operations shall review statistical information at least on a monthly basis and shall investigate any large or unusual statistical fluctuations. These investigations shall be documented, maintained for inspection, and provided to the LTBB Gaming Regulatory Commission upon request.

3. Each month, the actual hold percentage shall be compared to the theoretical hold percentage. Any significant variations (3%) shall be investigated.

I. **Electronic Equipment**

1. If the LTBB Gaming Operation utilizes electronic equipment in connection with the play of pull tabs, then the following standards shall also apply:

    a. If the electronic equipment contains a bill acceptor, then Section XIII (F) and (G) of this document shall apply.

    b. If the electronic equipment uses a bar code or microchip reader, the reader shall be tested periodically to determine that it is correctly reading the bar code or microchip.

    c. If the electronic equipment returns a voucher or a payment slip to the player, then Section VIII (P) of this document shall apply.

J. **Accounting/Auditing Standards**

1. At the end of each month, a person or persons independent of pull tab sales and inventory control shall verify the accuracy of the ending balance in the pull tab control by reconciling the pull tabs on hand.

2. At least monthly, a comparison for reasonableness shall be made of the amount of pull tabs sold from the pull tab control log to the amount of revenue recognized.

3. Personnel independent of pull tab operations shall verify the amount of winning pull tabs redeemed each day.

4. If the LTBB Gaming Operation utilizes electronic equipment in connection with the play of pull tabs, then the following standards shall also apply.

    a. If the electronic equipment contains a financial instrument acceptor then Section XIII (F) and (G) (as applicable) shall apply.

    b. If the electronic equipment uses a bar code or microchip reader, the reader shall be tested quarterly to determine that it is correctly reading the bar code or microchip.

    c. If the electronic equipment returns a voucher to the player, then Section VIII (P) (as applicable) shall apply.

VI. Card Games

A. **Computer Applications.** For any computer application utilized, alternate documentation and/or procedures that provide at least the level of control described by the standards in this section, as approved by the LTBB Gaming Regulatory Commission will be acceptable.

B. **Standards for Card Games**

1. All sensitive keys for Card Games shall be maintained in a secure manner. Key logs shall be maintained by Security to record authorized use of keys.

C. **Standards for Drop and Count.**

1. The procedures for the collection of the card game drop and count thereof shall comply with Section XIII.

D. **Standards for Supervision.**

1. Supervision shall be provided at all times the card room is in operation by personnel with authority equal to or greater than those who are being supervised.
    a. A supervisor may function as a dealer without any other supervision if disputes are resolved by supervisory personnel independent of the card games department;

    b. A dealer may function as a supervisor, if not dealing the game.

2. Exchanges between table banks and the main card room bank (or cage, if main card room bank is not used) shall be authorized by a supervisor. All exchanges shall be evidenced by the use of a lamer unless the exchange of chips, token, and/or cash takes place at the table. If table banks are maintained at an imprest level and runners are used for exchanges at the table, no supervisory authorization is required.

3. Exchanges from the main card room bank (or cage, if main card room bank is not used) to the table banks shall be verified by the card room dealer and the runner.

4. Transfers between the main card room bank and the cage shall be properly authorized and documented. Documentation must be retained for at least 24 hours.

5. A rake collected and an ante placed shall be done in accordance with the posted rules.

E. **Standards for playing cards.**

1. New and used playing cards to be issued to a table shall be maintained in a secure location to prevent unauthorized access and reduce the possibility of tampering. Used playing cards that are not to be re-used shall be properly canceled and removed from service. The cancelation and removal procedure shall be subject to LTBB Gaming Regulatory Commission review and approval.

2. This standard shall not apply where playing cards are retained for an investigation.

3. A card control log shall be maintained that documents when cards and dice are received on site, distributed to and returned from tables and removed from play by the LTBB Gaming Operation.

F. **Plastic Cards.**

1. Notwithstanding paragraph (E) of this section, if the LTBB Gaming Operation is permitted to use plastic cards (not plastic coated cards), the plastic cards are to be routinely inspected, and washed or cleaned in a manner and time frame approved by the LTBB Gaming Regulatory Commission.

G. **Standards for Reconciliation of Card Room Bank.**

1. The amount of the main card room bank shall be counted, recorded, and reconciled at least once every eight hours or when accountability transfers.

2. At least once per shift, the table banks that were open during that shift shall be counted, recorded, and reconciled by a dealer or other person, and a supervisor (or an employee independent of the card games department), and shall be attested to by their signatures on the check-out form. For imprest banks that remain with the dealer, the banks shall be counted, recorded and reconciled upon issuance and upon return by the dealer and a supervisor (or an employee independent of the card games department), and attested to by their signing the checkout form.

H. **Standards for Promotional Progressive Pots and Pools.**

1. All funds contributed by players into pools shall be returned when won in accordance with the posted rules with no commission or administrative fee withheld.

    a. The payout may be in the form of personal property (e.g., car).

b. A combination of a promotion and progressive pool may be offered.

2. The conditions for participating in current card game promotional progressive pots, pools, and any related promotions including drawings and giveaway programs shall be prominently displayed or available for customer review at the gaming operation.

3. Payouts for card game promotional progressive pots, pools and any other promotion, including related drawings and giveaway programs, that are $600 or more shall be documented at the time of the payout to include the following:

   a. Date and time;

   b. Dollar amount of payout or description of personal property(e.g., car);

   c. Reason for payout (e.g., promotion name);

   d. Signature of one employee verifying, authorizing, and completing the promotional payout with the customer. The employee need not be a card game department employee provided that the required signature is that of the employee completing the payout with the customer; and

   e. Customer's name.

4. If the cash (or cash equivalent) payout for the card game promotional progressive pot, pool, or related promotion, including a payout resulting from a drawing or giveaway program, is less than $600, documentation shall be created to support accountability of the bank from which the payout was made. Such documentation may consist of a line item on a card games department or cage accountability document (e.g., 43 (forty-three) $10 card games giveaway coupons = $430).

5. Rules governing current promotional pools shall be conspicuously posted in the card room and/or available in writing for customer review. The rules shall designate:

   a. The amount of funds to be contributed from each pot;

b. What type of hand it takes to win the pool (e.g., what constitutes a "bad beat");

c. How the promotional funds will be paid out;

d. How/when the contributed funds are added to the pools; and

e. Amount/percentage of funds allocated to primary and secondary pools, if applicable.

6. Promotional pool contributions shall not be placed in or near the rake circle, in the drop box, or commingled with gaming revenue from card games or any other gambling game.

7. The amount of the pools shall be conspicuously displayed in the card room.

8. At least once a day, the posted pool amount shall be updated to reflect the current.

9. At least once a day, increases to the posted pool amount shall be reconciled to the cash previously counted or received by the cage by personnel independent of the card room.

10. All decreases to the pool must be properly documented, including a reason for the decrease.

11. Promotional funds removed from the card game shall be placed in a locked container (e.g., a separate locked container affixed to a card game table used solely for promotional pool funds).

12. Persons authorized to transport the locked container shall be precluded from having access to the contents keys.

13. The contents key shall be maintained by a department independent of the card room.

14. At least once a day, the locked container shall be removed by two (2) persons, one (1) of whom is independent of the Card Games Department, and transported directly to the cage or other secure room to be counted, recorded, and verified, prior to accepting the funds into cage accountability.

I. Card Room Contests and Tournaments

1. All contest/tournament entry fees and prize payouts shall be summarized on a cash accountability document on a daily basis.

2. When, in accordance with the rules of the contest/tournament as established by the LTBB Gaming Operation, identification of the entrant is required for making the subsequent payout of $600 or more,(e.g., high hand of the day/week), the entry fee(s) shall be recorded on a document which contains:

    a. Customer's name;

    b. Date of entry;

    c. Dollar amount of entry fee (both alpha and numeric, or unalterable numeric);

    d. Signature of individual completing transaction attesting to the receipt the entry fee with the customer; and

    e. Name of contest/tournament.

3. When contest/tournament payouts of $600 or more are transacted, the transactions shall be recorded on a document which contains:

    a. Customer's name;

    b. Date of payout;

    c. Dollar amount of entry payout (both alpha and numeric, or unalterable numeric) and/or nature and dollar value of any noncash payout;

    d. Signature of individual completing transaction attesting to the disbursement of the payout with the customer; and

    e. Name of contest/tournament.

4. Contest/tournament prize pools that have the amount of the pool determined through player contributions from card game pots are subject to the requirements of (H) (5) and (H) (11)-(14).

5. The contest/tournament entry fees and payouts shall be summarized and posted to the accounting records on at least a monthly basis.

6. Current contest/tournament rules shall be included on all entry forms/brochures and prominently displayed or available for customer review at the gaming operation. The rules must include at a minimum:

   a. All conditions customers must meet to qualify for entry into, and advancement through, the contest/tournament;

   b. Specific information pertaining to any single contest/tournament, inclusive of the following:

      i. Dollar amount of money placed in to the prize pool;

      ii. If dollar amount not predetermined, the method by which the dollar contribution will be determined; and

      iii. Description of merchandise contributed, inclusive a dollar value.

   c. The distribution of funds based on specific outcomes.

7. Results of current contests/tournaments shall be recorded and available for participants to review, including the name of the event, date(s) of event, total number of entries, dollar amount of entry fees, total prize pool, and the dollar amount paid for each winning category. The LTBB Gaming Operation shall establish a reasonable retention period to maintain the information, which shall be subject to LTBB Gaming Regulatory Commission concurrence.

   a. For contest/tournament prize pools where the amount of the pool is determined through customer contributions from card game pots, the daily contributions and the total contributions shall be recorded.

   b. Two employees, one of whom is independent of the collection of entry fees, shall reconcile the total amount of card game chips issued for the contest/tournament. The reconciliation shall be documented and signed by the employees.

   c. The aforementioned contest/tournament records shall be maintained for each event.

J. **Computerized Player Tracking Systems**

1. The following standards apply only to computerized player tracking systems that accumulate points that are subsequently redeemed by the customer for cash, merchandise, etc.

2. The addition/deletion of points to player tracking accounts other than through an automated process related to actual play must be sufficiently documented (including substantiation of reasons for increases) and authorized by supervisory personnel of the player tracking, promotions, or card games departments. The addition/deletion of points to player tracking accounts other than through an automated process related to actual play must be performed by accounting/audit personnel.

    a. The addition/deletion of points to player tracking accounts authorized by supervisory personnel shall be documented and randomly verified by accounting/audit personnel on at least a quarterly basis.

    b. The above requirements do not apply to the deletion of points related to inactive or closed accounts through an automated process.

3. Employees who redeem points for patrons shall not have access to inactive or closed accounts without supervisory personnel authorization. Documentation of such access and approval shall be created and maintained.

4. Customer identification shall be required when redeeming points.

5. Changes to the player tracking system parameters, such as point structures and employee access, must be performed by supervisory personnel independent of the card games department. Alternatively, changes to player tracking system parameters may be performed by card games supervisory personnel if sufficient documentation is generated and the propriety of the changes is randomly verified by personnel independent of the card games department on a quarterly basis.

6. Rules and policies for player tracking accounts including the awarding, redeeming and expiration of points shall be prominently displayed or available for customer review at the gaming operation.

K. **Accounting/Audit Standards**

1. The card games audit shall be conducted by personnel independent of the card games department.

2. On a daily basis, audit/accounting personnel shall reconcile the amount indicated on the progressive sign/meter to the cash counted or received by the cage and the payouts made for each promotional progressive pot and pool. This reconciliation must be sufficiently documented (including substantiation of differences, adjustments, etc.).

3. The following procedures shall be performed by accounting/audit personnel using the master game sheet prepared by the count team members for each day:

    a. Reconcile the dollar amount of drop proceeds to the dollar amount recorded in the applicable accountability document using, if applicable, the transfer forms indicating all transfers in/out of the count room, both during and at the end of the count. Investigate and document any variance noted.

    b. Recalculate card game proceeds (all funds received by the LTBB Gaming Operation as compensation for conducting the game) in total and by shift. For computerized master games sheets that total the count proceeds from each box, accounting personnel are to recalculate rake in total and by shift for one day each month.

    c. Verify that the correct total of card game proceeds is recorded in the accounting records.

4. At least monthly, accounting/audit personnel shall review all payouts for the promotional progressive pots, pools, or other promotions to determine proper accounting treatment.

5. At least monthly, accounting/audit personnel shall perform procedures to ensure that payouts for the promotional progressive pots, pools, or other promotions are conducted in accordance with conditions provided to the guests.

6. Daily, accounting/audit personnel shall reconcile all contest/tournament entry and payout forms to the dollar amounts recorded in the appropriate accountability document.

7. For all contests, tournaments, promotional payouts (including payouts from computerized player tracking activity), drawings, and giveaway programs the following documentation shall be maintained:

    a. A copy of the information provided to customers describing the contest, tournament, promotional payout, drawing, and giveaway program (e.g., brochures, fliers);

b. Effective dates; and

c. Accounting treatment, including general ledger accounts, if applicable.

8. When payment is made to the winners of a contest/tournament, accounting/audit personnel shall reconcile the contest/tournament entry fees collected to the actual contest/tournament payouts made. This reconciliation is to determine whether, based on the entry fees collected, the payouts made and the amounts withheld by the gaming establishment, if applicable, were distributed in accordance with the contest/tournament rules.

9. For computerized player tracking systems, an accounting/audit employee shall perform the following procedures for at least one day per quarter:

a. Review all point addition/deletion authorization documentation, other than for point additions/deletions made through an automated process related to actual card game play, for propriety.

b. Review exception reports including transfers between accounts.

10. Documentation (e.g., log, checklist, notation on reports, and tapes attached to original documents) evidencing the performance of card games audit procedures, the exceptions noted, and the follow-up of all card games audit exceptions shall be maintained.

VII. Table Games

A. **Computer Applications.** For any computer applications utilized, alternate documentation and/or procedures that provide at least the level of control described by the standards in this section, approved by the LTBB Gaming Regulatory Commission, will be acceptable.

B. **Standard Table Games.**

1. The Table Games Department shall develop Game Protection Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

2. The Table Games Department shall develop Cash Handling Procedures. These procedures and any subsequent changes shall require LTBB Gaming Regulatory approval.

3. The Table Games Department shall develop Emergency Procedures. These procedures and any subsequent changes shall require the LTBB

Gaming Regulatory approval.

4. The Table Games Department shall comply with the established standards set forth in Title 31 reporting policies and procedures.

5. All sensitive keys for Table Games shall be maintained in secure manner. Key logs shall be maintained by Security to record authorized use of keys.

C. **Fill and Credit Standards.**

1. Fill slips and credit slips shall be in at least triplicate form, and in a continuous, pre-numbered series. Such slips shall be concurrently numbered in a form utilizing the alphabet and only in one series at a time. The alphabet need not be used if the numerical series is not repeated during the business year.

2. Unissued and issued fill/credit slips shall be safeguarded and adequate procedures shall be employed in their distribution, use, and control. Personnel from the Cashier or Pit Departments shall have no access to the secured (control) copies of the fill/credit slips.

3. When a fill/credit slip is voided, the cashier shall clearly mark "void" across the face of the original and first copy, the cashier and a Security Officer shall sign both the original and first copy, and shall submit them to the Accounting Department for retention and accountability.

4. Fill transactions shall be authorized by pit supervisory personnel before the issuance of fill slips and transfer of chips, tokens, or cash equivalents. The fill request shall be communicated to the cage where the fill slip is prepared.

5. At least three (3) parts of each fill slip shall be utilized as follows:

   a. One (1) part shall be transported to the pit with the fill and, after the appropriate signatures are obtained, deposited in the table game drop box.

   b. One (1) part shall be retained in the cage for reconciliation of the cashier bank; and

   c. For computer systems, one (1) part shall be retained in a secure manner to insure that only authorized persons may gain access to it. For manual systems, one (1) part shall be retained in a secure manner in a continuous unbroken form.

6. The part of the fill slip that is placed in the table game drop box shall be a different color for fills than for credits, unless the type of transaction is clearly distinguishable in another manner.

7. The total number, shift, and amount of fill by denomination and in total shall be noted on all copies of the fill slip. The correct date and time shall be indicated on at least two (2) copies.

8. All fills shall be carried or escorted from the cashier's cage by a Security Officer.

9. The fill slip shall be signed by at least the following persons (as an indication that each has counted the amount of the fill and the amount agrees with the fill slip):

    a. Cashier who prepared the fill slip and issued the chips, tokens, or cash equivalent;

    b. Security Officer who carried the chips, tokens, or cash equivalent from the cage to the pit.

    c. Dealer or box person who received the chips, tokens, or cash equivalents at the gaming table; and

    d. Pit supervisory personnel who supervised the fill transaction.

10. Fills shall be broken down and verified by the dealer or box person in public view before the dealer or box person places the fill in the table tray.

11. A copy of the fill slip shall be deposited into the drop box on the table by the dealer, where it shall appear in the soft count room with the cash receipts for the shift.

12. Table credit transactions shall be authorized by a pit supervisor before the issuance of credit slips and transfer of chips, tokens, or other cash equivalent. The credit request shall be communicated to the cage where the credit slip is prepared.

13. At least three (3) parts of each credit slip shall be utilized as follows:

    a. Two (2) parts of the credit slip shall be transported by the Security Officer to the pit. After signatures of the Security Officer, dealer, and pit supervisor are obtained, one (1) copy shall be deposited in the table game drop box and the original shall accompany transport of the chips, tokens, or cash equivalents from the pit to the cage for

verification and signature of cashier.

b. For computer systems, one (1) part shall be retained in a secure manner to insure that only authorized persons may gain access to it. For manual systems, one (1) part shall be retained in a secure manner in a continuous unbroken form.

14. The table number, shift, and the amount of credit by denomination and in total shall be noted on all copies of the credit slip. The correct date and time shall be indicated on at least two (2) copies.

15. Chips, tokens, and/or cash equivalents shall be removed from the table tray by the dealer or box person and shall be broken down and verified by the dealer or box person in public view prior to placing them in racks for transfer to the cage.

16. All chips, tokens, and/or cash equivalents removed from the tables shall be carried or escorted to the cashier's cage by a Security Officer.

17. The credit slip shall be signed by a least the following persons (as an indication that each has counted.

a. Cashier who received the item transferred from the pit and prepared the credit slip;

b. Security Officer who carried the items transferred from the pit to the cage;

c. Dealer who had custody of the items prior to transfer to the cage; and

d. Pit supervisory personnel who supervised the credit transaction.

18. The credit slip shall be inserted in the drop box by the dealer.

19. Chips, tokens, or other cash equivalents shall be deposited on or removed from gaming tables only when accompanied by the appropriate fill/credit transfer forms.

20. Cross fill (the transfer of chips between table games) and even cash exchanges are prohibited in the pit.

D. **Table Inventory Forms.**

1. At the close of each shift, for those table banks that were opened during that shift:

    a. The table's chip, token, and coin inventory shall be counted and recorded on a table inventory form.

2. If final fills are not made, beginning and ending inventories shall be recorded on the master game sheet for shift win calculation process.

3. The accuracy of inventory forms prepared at shift end shall be verified by the outgoing pit supervisor and the dealer. Alternatively, if the dealer is not available, such verification may be provided by another pit supervisor or another supervisor from another gaming department. Verifications shall be evidenced by signature on the inventory form.

4. When inventory forms are placed in the drop box, such action shall be performed by the dealer.

E. **Table Games Computer Generated Documentation Standards.**

1. The computer system shall be capable of generating adequate documentation of all information recorded on the source documents and transaction detail (e.g., fill/credit slips etc.)

2. This documentation shall be restricted to authorized personnel.

3. This documentation shall include, at a minimum:

    a. System exception information (e.g., appropriate system parameter information, corrections, voids, etc.); and

    b. Personnel access listing, which includes, at a minimum:

        i. Employee name or employee identification number (if applicable); and
        ii. Listing of functions employees can perform or equivalent means of identifying the same.

F. **Standards for Playing Cards and Dice.**

1. Playing cards and dice shall be maintained in a secure location to prevent unauthorized access and to reduce the possibility of tampering.

2. Used cards and dice shall be maintained in a secure location until defaced, in a manner approved by the LTBB Gaming Regulatory Commission, to

prevent unauthorized access and reduce the possibility of tampering.

3. Used cards and dice shall be defaced by Security within 7 days of being received from the pit.

   a. This standard shall not apply where playing cards or dice are retained for an investigation.

4. Inventory Logs shall be maintained in the Card Room by Security that document when the cards and dice are received on site, distributed to and returned from tables and removed from the LTBB Gaming Operation. Internal Audit or designated Regulatory Staff with Security present, may access the Card Room for inspection of all cards, dice, balls, and Inventory Logs.

5. Internal Audit or designated Regulatory Staff shall be present during inspection of received shipments prior to issuance to the gaming floor.

G. **Standards for Supervision.** Pit supervisory personnel (with authority equal to or greater than those being supervised) shall provide supervision of all table games.

H. **Analysis of Table Game Performance Standards.**

1. Records shall be maintained by day and shift indicating any single-deck blackjack games that were dealt for an entire shift.

2. Records reflecting hold percentage by table and type of game shall be maintained by shift, by day, cumulative month-to-date, and cumulative year-to-date.

3. This information shall be presented to and reviewed by management independent of the Table Games Department on at least a monthly basis.

4. Management independent of the Table Games Department shall investigate any unusual fluctuations in hold percentage with pit supervisory personnel.

5. The results of such investigations shall be documented, maintained for inspection, and provided to the Regulatory Director or designated Regulatory Staff upon request.

I. **Accounting/Revenue Auditing Standards.**

1. The Accounting and Auditing Procedures shall be performed by the Revenue Audit Department.

2. Evidence of Table Games auditing procedures and any follow-up performed shall be documented, maintained for inspection, and provided to the LTBB Gaming Regulatory Commission upon request.

3. A daily recap shall be prepared for the day and month-to-date, which shall include the following information:

   a. Drop;

   b. Win; and

   c. Gross Revenue.

4. Monthly, accounting/auditing personnel shall reconcile gross revenue from the general ledger to the month-end daily tables games recap(this function will be completed by the Accounting Department).

5. The following procedures shall be performed by accounting/auditing personnel using the master game summary prepared by the count team members for each day:

   a. Reconcile the dollar amount of currency drop proceeds on the master games summary to the dollar amount recorded in the applicable accountability document using, if applicable, the transfer forms indicating all transfers in/out of the currency count room, both during and at the end of the count. Investigate and document any variance noted.

   b. Recalculate win/loss in total and by shift on a daily basis.

   c. For computerized master game summaries that compute win/loss, accounting personnel shall recalculate win/loss in total and by shift for at least one day each month.

   d. Verify that the correct total of win/loss on the master games summary is recorded in the accounting records.

   e. Examine documents for propriety of signatures.

6. If a table game has the capability to determine drop (e.g., bill-in/coin-drop meters, bill acceptor, computerized record, etc.) the dollar amount of the drop shall be reconciled to the actual drop by shift. An investigation shall be performed for each table having an unresolved variance in excess of $200 between actual cash and the automated recordings. The investigation performed by accounting/auditing personnel and results of

investigation shall be documented and maintained for LTBB Gaming Regulatory Commission review upon request.

7. Accounting/auditing employees shall review exception reports for all computerized table games systems at least monthly for propriety of transactions and unusual occurrences. The review shall include, but not be limited to, void authorizations.

8. All noted improper transactions or unusual occurrences shall be investigated with the results documented and maintained for LTBB Gaming Regulatory Commission review upon request.

9. For computerized player tracking systems, an accounting/audit employee shall perform the following procedures for at least one day per quarter:

    a. Review all point addition/deletion authorization documentation, other than for point addition/deletions made through an automated process, for propriety;

    b. Review exception reports including point transfers between accounts; and

    c. Review documentation related to access to inactive and closed accounts.

10. At least annually, the computerized table game player tracking system shall be reviewed by personnel independent of the individuals that set up or make changes to the system parameters. The review is performed to determine that the configuration parameters are accurate and have not been altered without appropriate management authorization (e.g., verify the accuracy of the awarding of points based on the dollar amount wagered). The system should also be tested, if possible, to further verify the accuracy of the configuration parameters (e.g., simulate activity to verify the accuracy of the amount of points awarded). The test results shall be documented and maintained for LTBB Gaming Regulatory Commission review upon request.

11. The following procedures shall be performed on fill/credit slips by accounting/audit personnel:

    a. For manual fill/credit slips, for at least one day per month, reconcile the original slip (placed in the table game drop box) to the restricted copy to verify that the dollar amount of the transaction is the same on both parts of the slip.

b. For manual fill/credit slips, for at least one day per month, verify that all numerically numbered slips issued are properly accounted for. Investigations shall be performed for all slips that are unaccounted for with the investigation being documented and retained for LTBB Gaming Regulatory Commission review upon request.

c. For at least one day per month, foot the original slips (placed in the table game drop box) and trace the total to the total fill/credit amounts indicated on the master game summary prepared by the count team members. If the reconciliation results in a variance, an investigation shall be performed to determine whether all forms are accounted for with the investigation being documented and retained for LTBB Gaming Regulatory Commission review upon request.

d. For each day, examine a sample of slips for propriety of signatures and proper completion.

12. The following procedures shall be performed on voided fill/credit slips by accounting/audit personnel (accounting/audit department employees who are soft count team members may perform) after the soft count process for each day:

a. Examine all voided forms for proper authorization and "void" designation;

b. For fill/credit computer systems, trace the voided form to computer system report(s) reflecting void activity;

c. For fill/credit computer systems, examine the computer system report(s) reflecting void activity for void transactions that are not supported by a voided form.

d. Determine that all parts of the voided form have been received.

e. Examine form for the proper number of signatures.

13. For all contests, tournaments, drawings, and giveaway programs, the following documentation is required to be maintained:

a. Copies of the information provided to the customers describing the contests, tournaments, drawings, and giveaway programs (e.g., brochures, fliers);

b. Effective dates and;

c. Accounting treatment, including general ledger accounts, if applicable.

d. For tournaments and contests, the name of the organizations (or persons) that conducted the contest/tournament on behalf of, or in conjunction with, the gaming operation, if any. The extent of responsibilities each organization and the gaming operation had in the contest/tournament (e.g., nonprofit receives 100% of the entry fees and provides noncash prizes to the winners with the gaming operation being responsible for collecting the entry fees, dealing the tournament and distributing prizes to winners) shall also be documented.

14. At least monthly, accounting/auditing personnel shall review all contests, tournaments, drawings, and giveaway programs to confirm proper accounting treatment and proper table games gross revenue win/loss computation.

15. Daily, accounting/audit personnel shall reconcile all contest/tournament entry and payout forms to the dollar amounts recorded in the appropriate accountability document.

16. When payment is made to the winners of a contest/tournament, accounting/audit personnel shall reconcile the contest/tournament entry fees collected to the actual contest/tournament payouts made. This reconciliation is to determine whether, based on the entry fees collected, the payouts made and amounts withheld by the gaming operation, if applicable, were distributed in accordance with the contest/tournament rules.

J. **Foreign Currency.** Foreign currency will not be accepted at any gaming table.

VIII. Slots

A. **Standards for Gaming Machines.**

1. For this section only, credit or customer credit means a unit of value equivalent to cash or cash equivalents deposited, wagered, won, lost, or redeemed by a customer.

2. Coins shall include tokens.

3. For all computerized gaming machine systems, a personnel access listing shall be maintained, which includes at a minimum:

a. Employee name or employee identification number or equivalent; and

b. Listing of functions employees can perform or equivalent means of identifying same.

4. Internal Audit or designee shall be present for all incoming slot machine shipments to break seal and verify incoming shipment. Internal Audit or designee shall be notified of all out-going slot machine shipments.

5. The Slot Department shall notify the Regulatory Department of any gaming machine movement in storage and for Gaming Machine Inventory reports to Internal Audit on a monthly basis. The inventory report shall include machines in-house and at storage sites.

6. The Slot Department shall notify the Regulatory Department of any gaming machine movement on the gaming floor at least seventy-two (72) hours prior to movement.

B. **Computer Applications.** For any computer applications utilized, alternative documentation and/or procedures that provide at least the level of control described by the standards in this section, as approved by the LTBB Gaming Regulatory Commission in writing, will be acceptable.

C. **Documentation for Jackpot Payouts, Gaming Machine Fills, Short Pays exceeding $10, and Accumulated Credit Payout Standards.**

1. For payout and fill documentation (minimum two-part form) shall include the following information:

a. Date and time;

b. Machine number; or for server-based games and mobile gaming systems, the player terminal number;

c. Dollar amount of cash payout or gaming machine fill, both alpha and numeric or description of personal property awarded, including fair market value. Alpha is optional if another unalterable method is used for evidencing the amount of the payout;

d. Game outcome, including reel symbols, card values, suits, etc., for jackpot payouts. Recording “multi-line payout” on the jackpot payout form is adequate as the game outcome. Game outcome is not required if a computerized jackpot/fill system is used;

e. Preprinted or concurrently printed sequential number; and

f. Signatures of at least two (2) employees are required when verifying and witnessing the payout or gaming machine fill (except as otherwise provided in paragraphs (C) (1) (f) (i) and (ii) of this section).

i. Payouts over a predetermined amount shall require the signature and verification of a supervisory or management employee independent of the gaming machine department (in addition to the two signatures required in paragraph (d) (1) (4) of this section). Alternatively, if a computerized casino accounting system is utilized that validates, initiates, and prints the dollar amount of the jackpot payout on the form, only two signatures are required: one employee and one supervisory or management employee independent of the gaming machine department. This predetermined amount shall be authorized by management (as approved by the LTBB Gaming Regulatory Commission), documented, and maintained.

ii. With regard to payouts and hopper fills, the signature of one employee is sufficient if a computerized casino accounting system is utilized that validates, initiates, and prints the dollar amount of the payout on the form and the jackpot or fill is less than $1,200. However, in other situations that allow an individual to add to or edit the dollar amount of the payout by more than $1 in the computerized casino accounting system, two individuals must be physically involved in verifying and witnessing the payout or fill that are less than $1,200.

2. Computerized jackpot/fill systems shall be restricted so as to prevent unauthorized access and fraudulent payout by one (1) person as required by Section XI.

3. Payout forms shall be controlled and routed in a manner that precludes any one (1) person from producing a fraudulent payout by forging signatures or by altering the amount paid out subsequent to the payout and

misappropriating the funds.

D. **Gaming Machine Promotional Prize Payouts or Awards.**

1. The conditions for participating in promotional payout events, including drawings and giveaway programs, shall be prominently displayed or available for customer review at the gaming operation.

2. If the LTBB Gaming Operation offers promotional prize payouts or awards that are not reflected on the gaming machine pay table and are deducted from gross gaming revenue, then the payout form/documentation shall include:

   a. Date and time;

   b. Machine number and denomination; or for server-based games and mobile gaming systems, the player terminal;

   c. Dollar amount of payout or description of personal property (e.g., jacket, toaster, car, etc.), including fair market value; or for server-based games and mobile gaming systems, the player terminal number;

   d. Type of promotion (e.g., double jackpots, four-of-a-kind bonus, etc.); and

   e. Two employee signatures for all payouts of $100 or more. For computerized casino accounting systems that validate and print the dollar amount of the payout on a computerized form, only one employee signature is required on the payout form.

3. If a gaming operation offers promotional prize payouts or awards that are not reflected on the gaming machine pay table and are not deducted from gross gaming revenue, then the payout form/documentation shall include;

   a. For promotional prize payouts less than $600, the documentation created must support the decrease in bank accountability, such as a line item on a gaming machine or cage accountability document (e.g., “45 $10 cash giveaway coupons=$450”).

   b. For promotional prize payouts $600 or more, two employees verifying and witnessing the payout shall be documented on the payout form authorizing and completing the transaction.

4. Payout forms shall be sequentially numbered and if a form is voided, the employee completing the void shall clearly mark “void” across the face of

the form, sign adjacent to the void indication, and submit all parts of the payout form to the accounting department for retention and accountability.

5. Payout forms shall be controlled and routed in a manner that precludes any one person from producing a fraudulent payout by forging signatures or by altering the amount paid subsequent to the payout and misappropriating the funds.

E. **Gaming Machine Department Funds Standards.**

1. The gaming machine booths and change banks that are active during the shift shall be counted down and reconciled each shift utilizing appropriate accountability documentation.

   a. Gaming machine department automated kiosks (e.g., change machines, cashless wagering kiosks, jackpot payout kiosks, etc.) do not require counting/reconciling each shift.

   b. Unverified transfers of cash and/or cash equivalents are prohibited.

2. A computerized casino accounting system shall provide records of the dollar amount of active cash-out tickets created (i.e., available for sale or distributed for promotional purposes) and of wagering account transactions (i.e., deposits, withdrawals, and account adjustments) that should be reflected in the bank's accountability. Such computerized casino accounting system records shall be utilized in reconciling, at least once a day, the inventory of active cash-out tickets and funds held for wagering accounts.

3. The wrapping of loose gaming machine booth and cage cashier coin shall be performed under camera coverage at a time or location that does not interfere with the hard count/wrap process or the accountability of that process.

4. All transfers of funds from one bank to another bank shall be documented.

   a. Each even-money exchange (cash or noncash) shall be recorded on a separate multi-part form and retained.

   b. Each increase/decrease to an imprest bank's accountability inventory with funds from the cage/vault shall be recorded on a separate multi-part form having a preprinted or concurrently printed number. All parts of the form shall be sent to the accounting department daily and retained.

5. For each kiosk that redeems and/or dispenses cash-out tickets the following standards shall apply;

   a. Every drop period, tickets redeemed at the kiosk shall be removed by at least two employees independent of the gaming machine department.

   b. At least weekly or every drop period if drops are more frequently, a minimum of two employees shall remove the remaining bills (including cash from a currency acceptor) from the kiosk, count the cash, and document the count.

   c. At least quarterly, at least two employees independent of the gaming machine department shall remove the remaining coin from the kiosk, count the coin, and document the count.

   d. Whenever employees remove cash out tickets from a kiosk, or cash is removed from or inserted into a kiosk, kiosk reports shall be generated from the kiosk regarding kiosk transactions and accountability.

   e. At least weekly or every drop period if drops are more frequently, the cash remaining in each kiosk (including cash accepted by the kiosk) shall be reconciled to the cash initially loaded into the kiosk (i.e., imprest amount) less tickets redeemed plus tickets sold, by a slot, cage, or accounting employee. The kiosk reports shall be compared to the transactions recorded by the computerized casino accounting system. Variances shall be documented and investigated.

   f. Cash-out tickets shall be delivered to the revenue audit department.

6. For each employee jackpot payout kiosk the following standards shall apply:

   a. At least weekly or every drop period if drops are more frequently, kiosk reports shall be compared to other system reports (e.g., gaming machine jackpot reports).

   b. At least weekly or every drop period if drops are more frequently , a minimum of two employees independent of the gaming machine department shall remove the remaining bills from the kiosk, count the cash, and document the count.

c. At least quarterly, a minimum of two employees independent of the gaming machine department shall remove the remaining coin from the kiosk, count the cash and document the count.

d. Whenever cash is removed from or inserted into a kiosk, kiosk reports shall be generated from the kiosk regarding the kiosk transactions and accountability.

e. At least weekly, the cash remaining in each kiosk shall be reconciled to the cash loaded into the kiosk less the payouts from the kiosk, by a gaming machine, cage or accounting employee. The kiosk reports shall be compared to the transactions recorded by the other systems (e.g., gaming machine jackpot reports). Variances shall be documented and investigated.

F. **Game Program Control Standards.**

1. Personnel who are independent of the gaming machine department and independent of any other department involved in the operation of server-based games and server-supported games, or a representative of an outside entity, shall perform the following;

a. At least annually, procedures shall be performed to insure the integrity of a sample of gaming machine game programs (e.g., game programs stored on ROMs, EPROMs, FLASH ROMs, DVD, CD-ROM, hard drive or Compact Flash), including those stored on the game server of a server-based game, by the Regulatory Internal Audit Department to ensure that the game program is an unaltered LTBB Gaming Regulatory Commission approved game program.

b. For server-supported games and server-based games, for at least one day per quarter, review a sample of server modification logs. The reviewer shall identify any changes to the existing game programs provided by the server-supported games or on the game server of a server-based games, and shall document and maintain the results of the review. All noted improper changes to game programs, improper transactions or unusual occurrences shall be investigated with the results documented and provided to the LTBB Gaming Regulatory Commission as required.

2. The LTBB Gaming Operation with the approval of the LTBB Gaming Regulatory Commission shall develop and implement game program (ROMs, EPROMs, FLASH ROMs, DVD, CD-ROM, hard drive and Compact Flash)procedures for the following:

a. Removal of game programs or other equivalent game software media from devices, the verification of the existence of errors as applicable, and the correction via duplication from the master game program or other equivalent software media.

b. Copying one gaming device program to another approved program;

c. Verification of duplicated game program before being offered for play;

d. Game programs shall be received from the manufacturer, by the Regulatory Department.

e. Destruction of game programs or other equivalent game software media shall be witnessed by a Security Officer and the log shall be completed by the Slot Technician and the Security Officer. Destruction shall take place within 30 days of removal.

f. Securing the EPROM, or other equivalent game software media, duplicator, and master game programs, or other equivalent game software media, from unrestricted access..

g. Game programs removed from a gaming machine shall be secured in a manner that requires dual access in order to prevent unrestricted access until destruction.

3. The master game program number, par percentage, and the pay table shall be appropriately verified (par sheet/theoretical hold worksheet) prior to initiating play.

4. Gaming Machines shall have the game programs locked or physically sealed. The lock or seal shall necessitate the presence of Regulatory Department designated staff to access the device game program or other equivalent game software media. If a seal is used to secure the board to the frame of the gaming device, it shall be pre-numbered.

5. Records that document the procedures for the removal of game program or other equivalent software media, shall include the following information:

a. Date;

b. Machine number source and destination;

c. Manufacturer;

d. Program number;

e. Personnel involved;

f. Disposition of any permanently removed game program or other equivalent game software media;

g. Seal numbers, if applicable; and

h. Approved testing lab approval numbers, if available.

2. Game program's returned to gaming devices shall be labeled with the program number. Supporting documentation shall include the date, program number, information identical to that shown on the manufacturer's label, and initials of the person replacing the game program, or other equivalent game software media.

G. **Standards for Evaluating Theoretical and Actual Hold Percentages.**

1. Accurate and current theoretical hold worksheets shall be maintained or readily available for each gaming machine pay table, and for each game program on a server-based game server.

2. Performance records for gaming machines and server-based games shall include at a minimum the following;

a. For each gaming machine or server-based game player terminal, indicating the date placed into service, date(s) removed from operation, date(s) placed back into operation, and any changes in ID numbers and designations.

b. For each gaming machine, the initial theoretical hold percentage (if available), dates and type of changes made affecting the gaming machine's theoretical hold percentage, and the recalculation of theoretical hold percentage as a result of the changes. For server-based games, records are created and maintained indicating the pay tables on a server-based game server including the dates pay tables are added or deleted.

c. Maintenance of the gaming machine/server-based game player terminal computer data files (theoretical hold percentage, coin-in, drop, payouts, fills and win amounts) shall be performed by a department independent of the gaming department. Alternatively, maintenance of the theoretical hold percentage for each gaming machine/player terminal may be performed by gaming machine supervisory employees if sufficient documentation is generated

and it is randomly verified by employees independent of the gaming machine department on at least a monthly basis.

d. Updates to the gaming machine/server-based game player terminal computer data files to reflect gaming machine additions, deletions or movements, and server-based game player terminal additions, deletions, or changes, shall be made at least weekly, and prior to in-meter readings, generation of system reports, and the gaming machine count process.

3. For multi-game/multi-denominational gaming machines that cannot communicate the coin-in amount by pay table to a computerized casino accounting system, the following standards shall apply;

a. A record shall be maintained for each gaming machine containing the following information;

i. Gaming machine number;

ii. Date gaming machine was placed on the floor;

iii. The initial pay tables activated for play (from a library of pay tables) along with each activated payable's theoretical hold percentage as determined by the manufacturer;

iv. The simple average of the theoretical hold percentages of the pay tables initially activated for play; and

v. The date of each change to the activated pay tables, the revised list of activated pay tables, the theoretical hold percentage for each pay table activated for play, and the new simple average of the theoretical hold percentages of the pay tables activated for play.

b. Addition and/or change of progressive percentage contribution to an activated pay table is considered a change to the activated pay tables requiring recalculation of the simple average theoretical hold percentage.

c. The theoretical hold percentage is obtained for each activated pay table when multi-game and/or multi-denomination slot machines have different pay tables for each denomination within a game.

d. Assignment of a new gaming machine number or other means of differentiating machine performance shall be required when the entire library of pay tables within a machine is replaced with a new library of pay tables.

e. Assignment of a new gaming machine number or other means of differentiating machine performance is not required when a new simple average theoretical hold percentage is calculated as a result of a correction of an inaccurate par percentage.

f. The gaming machine analysis report shall include the simple average of the theoretical hold percentages of all activated pay tables as the theoretical hold for each gaming machine. The gaming machine analysis report shall be revised to indicate the new simple average theoretical hold percentage whenever there is a change in the activated pay tables.

4. For multi-game/multi-denominational gaming machines that can communicate coin-in amount by pay table to the computerized casino accounting system, the following standards shall apply;

a. The computerized casino accounting system shall capture and record the coin-in amount by pay table and adjust the theoretical hold for each machine as follows;

i. Weekly, capture and record the total coin-in meter by gaming machine;

ii. Quarterly, capture and record the coin-in meter for each pay table and the coin-in meter for each pay table by denomination when the pay table has a different theoretical hold percentage for each denomination; and

iii. Annually adjust the theoretical hold percentage for each gaming machine to a weighted average based upon the ratio of coin-in for each pay table in play during the year. Include the new weighted average percentage for the gaming machine in the fiscal year end gaming machine analysis report.

b. For multiple gaming machines with exactly the same activated pay table mix used throughout the year, the adjusted weighted average theoretical hold percentage may be calculated using a weighted average of the combined slot machines' percentages.

c. Adding and/or changing progressive percentage contributions to pay tables requires the use of a new pay table with a new theoretical hold percentage calculated.

5. For server-based games, the following theoretical adjustment standards shall apply;

a. The computerized casino accounting system shall be utilized to complete and document the results of the following procedures (including the theoretical hold percentage reflected in the gaming analysis report) for each player interface ID;

i. Weekly, capture and record the total coin-in meter by player terminal;

ii. Quarterly, for the pay tables with activity associated with the player terminal, capture and record the coin-in meters for each pay table and the coin-in meter for each pay table by denomination when the pay table has a different theoretical hold percentage for each denomination; and

iii. Annually adjust the theoretical hold percentage for each player interface ID to a weighted average based upon the ratio of coin-in for each pay table in play during the year. Include the new weighted average percentage for the player terminal ID in the fiscal year end slot analysis report.

b. Adding and/or changing progressive percentage contributions to pay tables require the use of a new pay table with a new theoretical hold percentage calculated.

6. For gaming machines and server-based game player terminals, the following meter standards shall apply:

a. All machines and terminals shall at a minimum have functioning coin-in, bill-in and ticket out meters (hard or soft);

b. All machines and terminals communicating with a computerized casino accounting system shall contain properly functioning meters (e.g., ticket in, ticket out, etc.) that will enable compliance with this part;

c. Bill-in electronic (soft) meter readings shall be captured and recorded immediately prior to or subsequent to a currency acceptor drop. Coin-in electronic (soft) meter readings shall be captured and recorded at least weekly.

i. The time between readings may extend beyond one week in order for a reading to coincide with the end of an accounting period only if such extension is for no longer than six days;

ii. If a gaming operation chooses to perform a gaming machine coin or currency acceptor drop only once per month, the coin-in electronic (soft) meter readings still shall be captured and recorded at least weekly;

iii. The coin-in and/or bill-in hard meters shall be captured and recorded only when the machine or terminal does not have electronic soft meters;

iv. For gaming operations utilizing a computerized casino accounting system, the meter readings shall be recorded and maintained at the time a drop box (coin or currency) is removed in conjunction with a gaming machine drop. This standard does not preclude the use of "smart cans".

d. If an employee manually records coin-in and bill-in meter readings, the employee recording the readings shall either be independent of the count teams or is assigned on a rotating basis. If the in-meter readings are randomly verified quarterly for all gaming machines and currency acceptors by an employee other than the regular in-meter reader, the regular in-meter reader does not need to be independent of the count teams or assigned on a rotating basis.

e. The coin-in and bill-in meter readings, by gaming machine/player terminal, shall be documented and maintained.

f. Upon receipt of the meter readings information, the accounting department shall review all coin-in meter readings for reasonableness using pre-established parameters.

g. Prior to final generation of gaming analysis and performance reports, coin-in meter readings which do not appear reasonable shall be reviewed with gaming machine department employees, and exceptions documented, so that meters can be repaired or clerical errors in the recording of meter readings can be corrected. The final gaming machine analysis report shall be reviewed to ensure that the correct coin-in dollar amount has been recorded.

h. When the correct coin-in amount cannot be determined (i.e., coin-in not recorded properly due to meter or system failure), the preferred method for recalculating a reasonable coin-in amount is to use an average coin-in from similar gaming machines/player terminals for the period in question. An alternative method is to use the actual average coin-in for the gaming machine/player terminal in question over the previous four weeks.

7. For gaming machine analysis reports, the following standards shall apply;

a. A gaming machine analysis report shall be generated at least monthly summarizing month-to-date, year-to-date, and if practicable, life-to-date gaming machine/player terminal performance by machine and terminal to include the following data;

i. Denomination or an indication that the gaming machine/player terminal is multi-denomination;

ii. Gaming machine/player terminal number and game type ("Game type" is a code or abbreviation associated with a specific game. For example, for multi-game gaming machines, the code could be "MG" and for a server-based game, the code could be "SBG");

iii. Coin in;

iv. Metered or actual drop (if system is configurable);

v. Actual jackpot payouts;

vi. Actual fills;

vii. Statistical win;

viii. Theoretical hold percentage;

ix. Actual hold percentage;

x. Percentage variance (theoretical hold vs. actual hold); and

xi. Projected dollar variance (i.e., coin in times the percentage variance).

b. The drop and payout activity shall include the following:

i. The payout activity represents only gaming machine payouts associated with the manufacturer's pay table. Payouts and fills recorded in the gaming machine analysis report shall include promotional payouts and/or bonus payouts when the payouts are reflected on the pay table and included in the calculation of the theoretical hold percentage.

ii. The drop activity for gaming machines/player terminals recorded in the gaming machine analysis report shall include all amounts placed into bill acceptors (e.g., free play cash-out tickets accepted by the bill acceptor of the gaming machine are included in the drop amount), coin in drop buckets and electronic money transfers made to the gaming machine.

iii. The gaming machine statistical win recorded in the gaming machine analysis report may or may not equal the amount of assessable gross revenues reported in accordance with 25 CFR §514.1.

c. Report(s) shall be generated which includes all gaming machines/player terminals including the gaming machines not communicating with a computerized casino accounting system. For server-based games, a separate section of the report with applicable subtotals is required or, alternatively, a separate report may be generated.

d. The theoretical hold percentages used in the gaming machine analysis reports shall be within the performance standards set by the manufacturer and shall not include other fees (e.g., a percentage payment to operators of inter-casino linked gaming machines).

i. For single pay table gaming machines with identical game programs, the theoretical hold percentage used for like gaming machines in the gaming machine analysis reports shall be the same theoretical hold percentage. When a range of theoretical hold percentages is provided by a manufacturer for a single pay table, the theoretical hold percentage used shall be consistent among the gaming machines.

ii. The optimum hold percentage may be used for skill based game pay tables.

e. The theoretical hold percentage used in the gaming machine analysis report shall represent theoretical performance of the pay table and shall exclude promotional payouts and bonus payouts not included in the pay table.

f. For other than server-supported games and server-based games, each change to a gaming machine's theoretical hold percentage, including adding and/or changing progressive percentage contributions, shall require the use of a new theoretical hold percentage (see (G)(3)(a) and (G)(4)(a) of this section regarding a multi-game and/or multi-denominational gaming machine's theoretical hold percentage). When such changes are made, the gaming machine shall be treated as a new gaming machine in the gaming machine analysis reports with a new theoretical hold percentage (i.e., not commingling various hold percentages).

i. For multi-game and/or multi-denomination gaming machines, a new gaming machine number is required when the entire library of pay tables within a machine is replaced with a new library of pay tables.

ii. A new gaming machine is not required when a new theoretical hold percentage is calculated as a result of a correction of an inaccurate par percentage.

g. For server-supported games, each change to a gaming machine's theoretical hold percentage, including adding and/or changing progressive percentage contributions, shall require the use of a new theoretical hold percentage. The gaming machine shall be treated

as a new machine in the gaming machine analysis reports with a new theoretical hold percentage (i.e., not commingling various hold percentages) unless meter readings are taken to calculate a weighted average theoretical hold percentage for use in the gaming machine analysis report in a manner similar to (G)(4)(a) of this section.

i. For multi-game and/or multi-denominational gaming machines, a new gaming machine number is not assigned when pay tables with metered activity remain stored on the gaming machine.

ii. A new gaming machine number is not required when a new theoretical hold percentage is calculated as a result of a correction of an inaccurate par percentage.

h. Promotional payouts and/or bonus payouts, not reflected on the pay table and/or not included in the calculation of the theoretical hold percentage, shall not be included in gaming machine statistical win for statistical performance purposes in the gaming machine analysis reports. However, these payouts may be included in the gaming machine analysis report as a separate disclosure for the calculation of assessable gross revenues in accordance with 25 CFR §514.1.

i. The statistical reports shall be reviewed by both gaming machine department management and management employee's independent of the gaming machine department on at least a monthly basis.

j. At a minimum, large (5% or as otherwise determined by the LTBB Gaming Operation as approved by the LTBB Gaming Regulatory Commission) year-to-date variances between theoretical hold and actual hold, by gaming machine/player terminal and by denomination (including the multi-denomination category), shall be investigated with the findings documented no later than 30 days after the generation of the gaming machine analysis report. Findings will be provided to the Regulatory Internal Audit Department within 72 (seventy-two) hours of request. Alternatively, life-to-date variances shall be examined when there is insufficient play resulting in large year-to-date variances.

H. **Computerized Casino Accounting Systems**. This standard is not intended to require a centralized accounting system.

1. The computerized casino accounting system shall be connected, functioning and communicating with gaming machines (activated for play) and/or the server-based game server to obtain gaming machine/player terminal meter information as required by this section.

2. At least monthly, the gaming operation shall prepare and maintain a list of gaming machines not available for patron play and not communicating with the computerized casino accounting system along with the reason (e.g. in storage, removed from the floor, awaiting repair, tournament play.)

3. For a computerized casino accounting system that captures the values indicated on gaming machine or server-based game server meters:

    a. All required meters shall be captured, recorded and maintained by the computerized casino accounting system before and after any gaming machine or server-based game server maintenance that involves the clearing or resetting of the meters is performed.

    b. For a server-supported game, before and after any software is added or removed from a gaming machine, if the meter information could be lost, all required meters for the gaming machine shall be captured, recorded and maintained by the computerized casino accounting system.

    c. For a server-based game, before and after any software is added or removed from the game server, if the meter information could be lost, all required meters for each player terminal shall be captured, recorded and maintained by the computerized casino accounting system.

    d. This meter information shall be used when reviewing gaming machine performance reports to ensure that the maintenance performed did not improperly affect the meter values recorded in the gaming machine performance reports.

4. At the time a drop box (coin or currency) is removed in conjunction with a gaming machine drop, the “Drop Meters” (coin drop, bill-in, ticket-in, and coupon promotion in) for each gaming machine dropped shall be captured, and meter amounts recorded and maintained.

5. At the end of the gaming operation’s specified 24-hour accounting period, the following meters, by gaming machine/player terminal, shall be captured, and meter amounts recorded and maintained;

    a. Attendant Paid Meters” (jackpots, accumulated credit payouts, external bonus payouts, and progressive payouts).

b. Physical coin-in meter.

c. Physical coin out meter.

d. “Electronic Promotion Meters” (negotiable in, negotiable out, non-negotiable in and non- negotiable out).

e. “Machine Paid Meters” (external bonus payout and progressive payout).

f. “Wagering Account Transfer” (WAT) meters (out and in).

g. Electronic funds transfer in meter.

h. Ticket out meter.

i. Coin drop meter.

6. The following computerized casino accounting system gaming machine performance reports, as applicable to the gaming operation, shall be generated and maintained for each day for each gaming machine/player terminal:

a. Meter attendant paid jackpots, accumulated credits, progressive payouts and external bonus payouts (in total) vs. actual attendant paid jackpots, accumulated credits, progressive payouts and external bonus payouts (in total).

b. Meter fills vs. actual fills.

c. Meter machine paid and attendant paid external bonus payouts vs. external bonusing system machine paid and attendant paid external bonus payouts.

d. Meter wagering account transfer (WAT) in vs. computerized casino accounting system wagering account transfer (WAT) in.

e. Meter wagering account transfer (WAT) out vs. computerized casino accounting system wagering account transfer (WAT) out.

f. Meter electronic funds transfer (EFT) in vs. computerized casino accounting system electronic funds transfer (EFT) in.

g. Meter negotiable electronic promotion in vs. computerized casino accounting system negotiable electronic promotion in.

h. Meter negotiable electronic promotion out vs. computerized casino accounting system negotiable electronic promotion out.

i. Meter non-negotiable electronic promotion in vs. computerized casino accounting system non-negotiable electronic promotion in.

j. Meter non-negotiable electronic promotion out vs. computerized casino accounting system non-negotiable electronic promotion out.

k. Meter ticket-out vs. computerized casino accounting system ticket-out and payout receipt forms issued.

l. Meter coupon promotion out vs. computerized casino accounting system coupon promotion out forms issued.

m. For gaming machines dropped, meter drop vs. actual drop for each drop type (e.g., coin and bills).

n. For gaming machines dropped, computerized casino accounting system wagering instruments accepted vs. wagering instruments counted in the count room (e.g., tickets and coupons).

o. For gaming machines dropped, meter ticket-in vs. computerized casino accounting system ticket-in forms accepted.

p. For gaming machines dropped, meter coupon promotion in vs. computerized casino accounting system coupon promotion in forms accepted.

7. Variances, by gaming machine/player terminal, noted in the reports required by (H) (6) of this section that are in excess of the following parameters shall be reviewed by the accounting department:

a. For gaming machines dropped, variances in excess of one percent or $100, whichever amount is greater, for each drop type (coin, bills, tickets and coupons).

b. For gaming machines dropped, variances in excess of one percent or $100, whichever amount is greater, for the total of attendant payouts.

c. Any variance noted between meters and computerized casino accounting system for wagering account transfers (WAT) in and out, electronic funds transfer (EFT) in, cashable electronic

promotion in and out, non-cashable electronic promotion in and out, external bonus payouts, tickets out and coupon promotion out.

8. The results of the variance investigation, including the date of and personnel involved in the investigations, shall be documented in the appropriate report and retained. The results shall also include any corrective action taken (e.g., meter replaced, interface component repaired, software debugged, etc.). The investigation shall be completed and the results documented within seven days of the day the variance was noted. Supplemental Information: Material attendant payout variances noted in (H)(6)(a) of this section may be due to an attendant paid progressive jackpot payout amount or wide-area progressive payout amount not being recorded on the gaming device attendant paid progressive payout meter. The attendant paid progressive payout meter may not have the capability to obtain the dollar amount of the progressive amount displayed on the progressive sign. If the variance is due to a progressive jackpot payout the investigation should include the review of the daily progressive payoff dollar amounts recorded to determine that the decrease is reasonably equivalent to the actual progressive jackpot payout dollar amount. For a wide-area progressive payout the investigation should include the review of the report of payouts from the operator of the wide-area progressive system.

I. **Gaming Machine Hopper and/or Bill Acceptor Contents Standards.**

1. When gaming machines with hoppers and/or bill acceptors are temporarily removed from the floor, gaming machine coin and currency drop and hopper contents shall be protected to preclude the misappropriation of stored funds.

2. When gaming machines with hoppers and/or bill acceptors are permanently removed from the floor, the gaming machine drop and hopper contents shall be removed from the gaming machine and properly stored in a secured area until counted and recorded by three employees in the count rooms with appropriate documentation produced and routed to the Revenue Audit Department for proper recording and accounting for initial hopper loads.

3. Permanent removal of a gaming machine from the floor shall require an adjustment to the general ledger to reduce the initial hopper load asset account by the dollar amount of the initial hopper load asset amount. Additionally, the dollar amount of the initial hopper load shall not be included in gross gaming revenue. The difference between the hopper contents and the initial hopper load dollar amount is an adjustment to

gaming machine revenue, which should be included in assessable gross revenues in accordance with 25 CFR §514.1.

J. **Gaming Machine Wagering Account Standards**

1. Equipment

a. A central computer, with supporting hardware and software, to coordinate network activities, provide system interface, and store and manage a wagering account database including the deposit, withdrawal and adjustment functions of the accounts.

2. Wagering account transaction standards.

a. In order to facilitate the reconciliation required by (J) (2) (i) of this section, gaming machine wagering accounts shall be established at one designated area of accountability (e.g., main casino cage). Further, all subsequent deposits/withdrawals and account adjustments shall be transacted through the same designated area of accountability. The standard does not require all customer transactions to be performed at the designated area of accountability (e.g., deposit may be accepted at gaming machine booth and accountability is at the main cage).

b. For each wagering account established, an employee shall:

i. Require the customer to personally appear at the gaming operation prior to the customer completing a wagering account transaction.

ii. Examine, in the customer's presence, the customer's valid identification credential.

iii. Record the following:

I. The customer's name, current address and signature;

II. Type of identification credential, credential number, expiration date of credential, and date credential was examined. A customer's driver's license is the preferred method for verifying the customer's identity. The following documents may also be used:

A. Passport;

B. Non-resident alien identification card;

C. Tribal identification card as approved by the LTBB Gaming Regulatory Commission;

D. Other government issued identification credential or

E. Another picture identification credential normally acceptable as a means of identification when cashing checks.

III. The dollar amount of the customer's initial deposit;

IV. The customer's gaming machine wagering account number; and

V. The date the customer's account is opened.

c. Procedures shall be established to provide a secure method for a customer to access a wagering account (e.g. Personal Identification Number (PIN), account access card/ player tracking card, etc.)

d. Prior to the customer making a cash withdrawal from a wagering account, the employee shall verify the identity of the customer and availability of funds through the computerized casino accounting system.

e. A deposit/withdrawal, other than through actual gaming machine play, shall be evidenced by at least a two-part document, with one part remaining in the area of the employee handling the transaction and the other part given to the customer when a deposit or withdrawal is made. An adjustment to a customer's wagering account shall also be documented. Alternatively, a computerized application approved by the LTBB Gaming Regulatory Commission that satisfied these requirements is acceptable. The deposit/ withdrawal/ adjustment document shall contain the following information;

i. Same document number on all copies;

ii. Customer's name, account number, and signature (adjustments do not require customer signature);

iii. Date of deposit/withdrawal or account adjustment;

iv. Dollar amount of deposit/withdrawal or account adjustment;

v. Nature of deposit/withdrawal (e.g. cash, check, chips);

vi. Reason for adjustment to wagering account, if applicable; and

vii. Signature of employee handling the transaction.

f. Alternatively, if a kiosk is utilized to accept deposits subsequent to the creation of a wagering account, the kiosk reports shall facilitate the reconciliation required by (J)(2)(i) of this section.

g. Adjustments to wagering accounts shall be made by personnel authorized by management.

h. A computerized casino accounting system wagering account detail report shall be created at least daily and upon demand, indicating for each customer's wagering account, the dollar amount of funds deposited and withdrawn, account adjustments made, the transfers to/from the gaming machines and net win/loss (i.e., transfers to gaming machines less transfers from gaming machines). This record shall be maintained for the period of time established by management and approved by the LTBB Gaming Regulatory Commission and made available to the customer upon request.

i. The total of all gaming machine wagering accounts shall be reconciled by employees of the designated area of accountability, as follows:

i. For each shift, obtain a computerized casino accounting system wagering account detail (or summary) report; and

ii. Reconcile the ending and beginning balances (per the computerized casino accounting system) to the hard copy deposit/withdrawal

documentation, account adjustment documentation, and the wagering account transfers (per the computerized casino accounting system).

j. All gaming machine wagering account deposits/withdrawals, account adjustments, and wagering account transfers to/from gaming machines shall be summarized in total on an accountability form on at least a per shift basis.

k. Gaming machine department wagering account revenue shall be summarized and posted as a single line item on an accountability form on at least a daily basis.

3. Smart cards (i.e., cards that possess the means to electronically store and retrieve data) that maintain the only source of account data are prohibited.

K. **Computerized Player Tracking, Promotional Accounts, Promotion and External Bonusing Systems.**

1. The following standards apply for all computerized player tracking, promotional accounts, promotion and external bonusing systems utilized, including those that communicate negotiable and non-negotiable credits to gaming machines:

a. The addition or deletion, inclusive of closure of inactive accounts, of points to member's accounts other than through actual gaming machine play shall be sufficiently documented including substantiation of reasons for increases and shall be authorized by the Revenue Audit Department. Alternatively, addition or deletion, inclusive of closure of inactive accounts, of points to member's accounts may be authorized by player tracking or gaming machine supervisory employees if sufficient documentation is generated and it is verified by Revenue Audit on at least a quarterly basis. The standard does not apply to the deletion of points related to inactive or closed accounts through an automated process.

b. Subject to LTBB Gaming Regulatory Commission approval, the issuance of wagering credits shall be sufficiently documented, and authorized by management personnel independent of the gaming machine department. Alternatively, gaming machine supervisory personnel may authorize the issuance of the wagering credits if sufficient documentation is generated and personnel independent of the gaming machine department on at least a quarterly basis randomly verify the issuance. The player tracking system shall

create and maintain documentation indicating the wagering credits issued.

c. Employees who redeem points for guests shall be allowed to receive lost players club cards, provided that they are immediately deposited into a secured container for retrieval by Security personnel for destruction.

d. Employees who redeem points for customers shall be precluded from access to inactive or closed accounts without supervisory personnel authorization. Documentation of such access and approval shall be created and maintained.

e. Customer identification shall be required when redeeming points.

f. Changes to the player tracking system parameters, such as point structures and employee access, shall be performed by supervisory employees independent of the Gaming Machine Department. Alternatively, changes to player tracking system parameters may be performed by gaming machine supervisory employees if sufficient documentation is generated an it is randomly verified by the Revenue Audit Department on at least a quarterly basis.

g. Subject to prior notification and approval of the LTBB Gaming Regulatory Commission, changes to the promotional accounts parameters, promotion and external bonusing systems, such as the awarding of bonuses, the issuance of cashable credits, non-cashable credits, wagering instruments and employee access, shall be performed by supervisory personnel independent of the gaming machine department. Alternatively, changes to promotional accounts parameters, promotion and external bonusing systems may be performed by gaming machine or player tracking supervisory personnel if sufficient documentation is generated and the propriety of the changes are randomly verified by personnel independent of the gaming machine department on at least a quarterly basis.

h. All other changes to the player tracking, promotional account parameters, promotion and external bonusing system shall be appropriately documented.

2. Rules and policies, as approved by the LTBB Gaming Regulatory Commission, for player tracking accounts including the awarding, redeeming and expiration of points shall be prominently displayed or available for customer review at the licensed location.

L. **Contests/Tournaments**

1. All contest/tournament entry fees and prize payouts shall be summarized on a cash accountability document on a daily basis.

2. When, in accordance with the rules of the contest/tournament as established by the gaming operation and subject to LTBB Gaming Regulatory Commission approval, identification of all entrants is required for making a subsequent payout subject to IRS reporting thresholds, the entry fee(s) shall be recorded on a document which contains:

    a. Customer's name;

    b. Date of entry;

    c. Dollar amount of entry fee (both alpha and numeric, or unalterable numeric);

    d. Signature (electronic signature acceptable of individual completing transaction attesting to the receipt of entry fee (s) and

    e. Name of contest/tournament.

3. When contest/tournament payouts subject to IRS reporting thresholds are transacted, the transactions shall be recorded on a document which contains:

    a. Customer's name;

    b. Date of payout;

    c. Dollar amount of entry payout (both alpha and numeric, or unalterable numeric) and/or nature and dollar value of any noncash payout;

    d. Signature (electronic signature acceptable) of individual completing transaction attesting to the disbursement of the payout; and

    e. Name of contest/tournament.

4. The contest/tournament entry fees and payouts shall be summarized and posted to the accounting records on at least a monthly basis.

5. Current contest/tournament rules, as approved by the LTBB Gaming Regulatory Commission, shall be included on all entry forms or brochures

or prominently displayed and available for review at the gaming facility upon request. The rules must include at a minimum:

a. All conditions customers must meet to qualify for entry into, and advancement through, the contest/tournament;

b. Specific information pertaining to any single contest/tournament, inclusive of the contest or tournament prize schedule.

c. The distribution of funds based on specific outcomes.

6. Results of current contests and tournaments, approved by the LTBB Gaming Regulatory Commission, for which the payout was subject to IRS reporting thresholds, shall be recorded and available for participants' review including:

a. Name of the event;

b. Date(s) of the event;

c. Total number of entries;

d. Dollar amount of entry fees;

e. Total prize pool; and

f. The dollar amount paid for each winning category.

The gaming operation shall establish a reasonable period, subject to LTBB Gaming Regulatory Commission approval, to retain the information.

M. **In-House Progressive Gaming Machine Standards.**

1. A meter that shows the amount of the progressive jackpot shall be conspicuously displayed at or near the machines to which the jackpot applies.

2. At least one (1) time each day, the Revenue Audit Department shall read and record the amount shown on each progressive jackpot meter at the LTBB Gaming Operation except for those jackpots that can be paid directly from the machine.

3. Explanations for meter reading decreases shall be maintained with the progressive meter reading sheets, and where the payment of a jackpot is the explanation for a decrease the Revenue Audit Department shall record the jackpot payout number on the sheet or have the number reasonably

available;

4. Revenue Audit Department shall record the base amount of each progressive jackpot the LTBB Gaming Operation offers.

5. The LTBB Gaming Regulatory Commission shall approve procedures specific to the transfer of progressive amounts in excess of the base amount to other gaming machines. Such procedures may also include other methods of distribution that accrue to the benefit of the gaming public via an award or prize.

N. **Wide-Area Progressive Gaming Machine Standards.**

1. A display meter that shows the amount of the progressive jackpot shall be conspicuously displayed at or near the machines to which the jackpot applies;

2. The gaming operation shall reconcile the vendor billing statements on at least a monthly basis and appropriately recognize its pro-rata share of wide-area progressive jackpots. Wide-area progressive jackpot payouts may represent an allowable adjustment to assessable gross revenues in the amount of the gaming operation's pro-rata share in accordance with 25 CFR §514.1. Administrative fees and other commissions paid to the vendor for the operation of the wide-area progressive are not allowable deductions from assessable gross revenues.

3. The Regulatory Director or designated Regulatory Staff shall be contacted to participate in the verification process of Wide Area Progressive Jackpots.

O. **Accounting/Revenue Auditing Standards.**

1. Gaming Machine Accounting/Auditing Procedures shall be performed by the Revenue Audit Department.

2. For computerized player tracking systems, an accounting/audit employee shall perform the following procedures at least one day per quarter:

   a. Review all point addition/deletion authorization documentation, other than for point additions/deletions made through an automated process, for propriety.

   b. Review exception reports including transfers between accounts.

   c. Review documentation related to access to inactive and closed accounts.

3. At least annually, all computerized player tracking, promotional accounts, promotion and external bonusing gaming machine systems (in-house developed and purchased systems) shall be reviewed by personnel independent of the individuals that set up or make changes to the system parameters. The review is performed to determine that the configuration parameters are accurate and have not been altered without appropriate management authorization (e.g., player tracking system - verify the accuracy of the awarding of points based on the dollar amount wagered). The system should also be tested, if possible, to further verify the accuracy of the configuration parameters (e.g., wagering at a gaming machine to verify the accuracy of the amount of points/credits awarded). Documentation of the test results shall be created and maintained.

4. For weigh scale and currency interface systems, for at least one (1) drop period per month Revenue Audit employees shall compare the totals on the weigh scale report/currency counter report to the system generated count as recorded in the gaming machine statistical report. Discrepancies shall be resolved prior to generation/distribution of gaming machine reports.

    a. For gaming operations that do not have a weigh scale or currency counter interface system, the gaming operation will develop procedures as determined by the LTBB Gaming Regulatory Commission for the reconciliation of meter to drop and the count reflected in the drop report. Variance amounts as established by policy shall be investigated and documented.

5. Accounting/auditing employees shall review exception reports for all computerized gaming machine systems, inclusive of server-based games and server-supported games, on a daily basis for propriety of transactions and unusual occurrences. Alternatively, employees not authorized to add, delete or change game programs may perform the review.

6. For other than server-based games, procedures shall be performed on a random sampling basis (at least 3% of the gaming machines at each facility, if applicable.) at least monthly to verify that the gaming machines are accurately reporting data to the computerized casino accounting system and to verify the continuing accuracy of the coin-in meter readings as recorded in the final gaming machine statistical report.

7. For server-based games, procedures shall be performed on a random sampling basis (one player terminal) at least monthly to verify that the gaming machines are accurately reporting data to the computerized casino accounting system and to verify the continuing accuracy of the coin-in meter readings as recorded in the final gaming machine statistical report.

8. At least annually, accounting/auditing personnel shall randomly verify that game program or other equivalent game software media changes are properly reflected in the gaming machine analysis reports or equivalent.

9. For at least one day each month, accounting/audit personnel shall reconcile the dollar amount of preprinted active tickets that are created and issued to an accountability area (e.g., cashier, players club, change booth) for subsequent sale to customers to the amount reflected in the accountability documents. The reconciliation includes using documents and the computerized casino accounting system reports supporting all additions and reductions of active cash-out tickets.

10. The following procedures shall be performed by accounting personnel for each day:

    a. Review the following gaming machine payout (includes promotional payouts) and fill forms for proper completion:

        i. All computer payout and fill forms prepared as a result of a computer system override.

        ii. All manual payout and fill forms

        iii. A sample of computer payout and fill forms.

        iv. All voided sequentially-numbered payout forms.

    b. For a manual payout process, reconcile the gaming machine payout and fill forms as follows:

        i. Foot the payout and fill forms and trace to the total payout and fill amounts recorded on the cage accountability documents.

        ii. If the reconciliation results in a variance, an investigation shall be performed to determine whether all forms are accounted for with the investigation being documented.

        iii. Verify that the correct total payout and fill amounts are recorded in the accounting records.

    c. For one cashier, foot the cash-out tickets redeemed and trace the totals to the corresponding amount recorded in the computerized

casino accounting system and to the amount recorded in the applicable cashier's accountability documents.

d. Reconcile all parts of the form used for increases/decreases to bank accountability inventory (includes gaming machine booths, change banks, and any other gaming machine accountability areas), investigate any variances noted, and document the results of such investigations.

e. The following procedures are performed using the count document completed by the count team members:

i. Reconcile the dollar amount of coin/currency drop proceeds on the count sheet to the dollar amount recorded in the appropriate cage/ vault accountability document. Additionally, transfer forms documenting transfers in/out of the hard and currency acceptor count rooms during the count, if applicable, shall be considered in the reconciliation. Investigate and document any variance noted.

ii. Verify that the correct totals of coin/currency drop proceeds on the count sheet are recorded in the accounting records.

iii. Examine for propriety of signatures.

f. Ensure all single-use gaming machine promotional coupons redeemed at booths, cages, etc. (i.e., coupons that cannot be accepted by a gaming machine for wagering purposes) are properly canceled by gaming machine/ cage personnel to prevent improper recirculation.

g. Compare the dollar amount of issued, voided, and redeemed cash-out tickets to the unpaid and expired cash-out tickets dollar amount using the reports generated by the computerized casino accounting system for reasonableness, as defined by the LTBB GRC. Investigate and document any variance noted. Examine paid expired cash-out tickets for proper authorization and documentation pursuant to (O)(5) and (O)(6) of this section.

h. Reconcile the dollar amount of wagering account deposit, withdrawal and account adjustment forms to the dollar amount recorded on the accountability form and computerized casino accounting system reports.

i. Verify that the correct amount of gaming machine revenue resulting from wagering account and/or electronic funds transfers and cash-out ticket activity has been recorded in the accounting records. Reconcile the dollar amount of the wagering account revenue (net win/loss) to the dollar amount recorded on the accountability form and computerized casino accounting system reports.

j. Reconcile all contest/tournament entry and payout forms to the dollar amounts recorded in the appropriate accountability document.

k. When payment is made to the winners of a contest/tournament, reconcile the contest/tournament entry fees collected to the actual contest/tournament payouts made. This reconciliation is to determine whether based on the entry fees collected, the payouts made and the amounts withheld by the gaming establishment, if applicable, were distributed in accordance with the contest/tournament rules.

11. At least monthly, accounting/audit personnel shall perform the following:

a. Review the following gaming machine payout (includes promotional payouts) and fill forms for proper completion:

i. All computer payout and fill forms prepared as a result of a computer system override.

ii. All manual payout and fill forms.

iii. A sample of computer payout and fill forms.

iv. All voided sequentially-numbered payout forms.

b. For a manual payout process, reconcile the gaming machine payout and fill forms as follows:

i. Foot the payout and fill forms and trace to the total payout and fill amounts recorded on the cage accountability documents.

ii. If the reconciliation results in a variance, an investigation shall be performed to determine

whether all forms are accounted for with the investigation being documented.

iii. Verify that the correct total payout and fill amounts are recorded in the accounting records.

c. For one cashier, foot the cash-out tickets redeemed and trace the totals to the corresponding amount recorded in the computerized casino accounting system and to the amount recorded in the applicable cashier's accountability documents.

d. Reconcile all parts of the form used for increases/decreases to bank accountability inventory (includes gaming machine booths, change banks, and any other gaming machine accountability areas), investigate any variances noted, and document the results of such investigations.

e. The following procedures are performed using the count document completed by the count team members:

i. Reconcile the dollar amount of coin/currency drop proceeds on the count sheet to the dollar amount recorded in the appropriate cage/ vault accountability document. Additionally, transfer forms documenting transfers in/out of the hard and currency acceptor count rooms during the count, if applicable, shall be considered in the reconciliation. Investigate and document any variance noted.

ii. Verify that the correct totals of coin/currency drop proceeds on the count sheet are recorded in the accounting records.

iii. Examine for propriety of signatures.

f. Ensure all single-use gaming machine promotional coupons redeemed at booths, cages, etc. (i.e., coupons that cannot be accepted by a gaming machine for wagering purposes) are properly canceled by gaming machine/ cage personnel to prevent improper recirculation.

g. Compare the dollar amount of issued, voided, and redeemed cash-out tickets to the unpaid and expired cash-out tickets dollar amount using the reports generated by the computerized casino accounting system for reasonableness, as approved by the LTBB Gaming

Regulatory Commission. Investigate and document any variance noted. Examine paid expired cash-out tickets for proper authorization and documentation pursuant to (O)(5) and (O)(6) of this section.

h. Reconcile the dollar amount of wagering account deposit, withdrawal and account adjustment forms to the dollar amount recorded on the accountability form and computerized casino accounting system reports.

i. Verify that the correct amount of gaming machine revenue resulting from wagering account and/or electronic funds transfers and cash-out ticket activity has been recorded in the accounting records. Reconcile the dollar amount of the wagering account revenue (net win/loss) to the dollar amount recorded on the accountability form and computerized casino accounting system reports.

j. Reconcile all contest/tournament entry and payout forms to the dollar amounts recorded in the appropriate accountability document.

k. When payment is made to the winners of a contest/tournament, reconcile the contest/tournament entry fees collected to the actual contest/tournament payouts made. This reconciliation is to determine whether based on the entry fees collected, the payouts made and the amounts withheld by the gaming establishment, if applicable, were distributed in accordance with the contest/tournament rules.

12. At least once a quarter, for each patron kiosk and jackpot kiosk, accounting/audit personnel shall foot the cash-out tickets redeemed for a week (or one drop period if dropped more frequently) and trace the totals to the totals recorded in the computerized casino accounting system and the related accountability document. This procedure may be performed for different kiosks throughout the quarter as long as each kiosk is examined once a quarter. The audit and the results of investigations into all variances shall be documented by kiosk.

13. At least monthly, accounting/audit personnel shall review all contests, tournaments, promotional payouts, drawings, and giveaway programs to determine proper accounting treatment and proper gaming machine gross revenue win/loss computation.

14. For each day, accounting/audit personnel shall compare the total dollar amount of WAT In (transfers from wagering account to gaming

machines), total dollar amount of WAT Out (transfers to the wagering account from the gaming machine) and total dollar amount of WAT net win/loss (wagering account transfers to gaming machines less wagering account transfers from the gaming machines) indicated on the server-based games revenue report to the total dollar amount of WAT In, total dollar amount of WAT Out and total dollar amount of WAT net win/loss on the computerized casino accounting system wagering account detail report.

15. For each day, accounting/audit personnel shall compare the WAT net win/loss (wagering account transfers to gaming machines less wagering account transfers from the gaming machines) amount indicated on the computerized casino accounting system wagering account detail report to the total dollar amount of WAT net win/loss indicated in the cage accountability.

16. In-house Progressives – If an in house progressive malfunctions and loses data, LTBB Gaming Operation must have adequate procedures to reconcile/retrieve data to restore the proper amount. These procedures and any subsequent changes must be approved by the LTBB Gaming Regulatory Commission.

17. Revenue Audit employees shall review exception reports for all computerized gaming machine systems on a daily basis for propriety of transactions and unusual occurrences.

18. All Gaming Machine Auditing Procedures and any follow-up performed shall be documented, maintained for inspection, and provided to the LTBB Gaming Regulatory Commission upon request.

P. **Ticket-In/Ticket-Out.**

1. The issuance of cash-out tickets for promotional purposes, other than through actual gaming machine play or through the purchase of cash-out tickets by the customer, shall be sufficiently documented and authorized by management personnel independent of the gaming machine department. Alternatively, gaming machine supervisory employees may authorize the issuance of the cash-out tickets for promotional purposes if sufficient documentation is generated and employees independent of the gaming machine department randomly verify the issuance of the cash-out tickets on a quarterly basis.
2. The customer may request a cash-out ticket from the gaming machine that reflects all remaining credits. The cash-out ticket shall be printed at the gaming machine by an internal document printer. The cash-out ticket shall be valid for sixty (60) days as approved by the LTBB Gaming Regulatory Commission. Cash-out tickets may be redeemed for payment

or inserted in another gaming machine and wagered, if applicable, during the specific time period. The printed cash-out ticket shall include the following;

a. Gaming operation name;

b. Gaming machine number, or for server-based games and mobile gaming systems, the player terminal number;

c. Date and time of issuance;

d. Alpha and numeric dollar amount;

e. Validation number; and

f. Expiration period or date when ticket will expire, if applicable.

3. The customer may redeem the cash-out ticket at a kiosk or cashier's cage. Due to utilization of a remote computer validation system, the LTBB Gaming Operation as approved by the LTBB Gaming Regulatory Commission shall develop alternate standards for the maximum amount that can be redeemed at the kiosk, which shall not exceed $2,499.99 per cash-out ticket.

4. Prior to making payment on a cash-out ticket, an employee shall verify the validity of the ticket through the system. The LTBB Gaming Regulatory Commission shall develop procedures for payment of tickets greater than a predetermined amount (not to exceed $10,000), which shall include documentation of supervisory approval prior to payment.

5. Cash-out tickets that cannot be validated (scanned) by the system for reasons other than system failure (e.g. lost, stolen, mutilated or expired tickets) shall require supervisory approval prior to payment. Supervisory personnel shall review the applicable gaming machine play transaction history or other system records to verify the validity of the ticket. The supervisor shall document approval for payment by signing, dating, and writing/stamping a paid designation on the ticket. If the pre-printed amount of the ticket is not legible, it shall also be recorded on the ticket. If the ticket is not available, a document shall be prepared evidencing the approval and documenting the above required information as well as the ticket's validation number, if available. The payment of the ticket shall be entered into system by cage/gaming machine/accounting employees immediately, as applicable

6. Cash-out tickets in excess of an amount predetermined by management (not to exceed $500) that cannot be validated (scanned) by the system

because of system failure shall require supervisory approval prior to payment. Supervisory personnel shall review the applicable gaming machine play transaction history or other similar method to verify the validity of the ticket. The supervisor shall document approval for payment by signing, dating, and writing/stamping a paid designation on the ticket. The payment of the ticket shall be entered into the system by cage/gaming machine/accounting employees when the system resumes operation. This predetermined amount shall be authorized by management (as approved by the LTBB Gaming Regulatory Commission), documented, and maintained.

7. During a system failure, cash-out tickets not requiring supervisory approval for payment when paid shall be written/stamped with a paid designation, signed by the cashier, and noted with the date paid. The payment of the ticket shall be entered into the computerized casino accounting system by cage/gaming machine/accounting personnel when the system resumes operation.

8. Unredeemed cash-out tickets (physical tickets) can only be voided in the system when the ticket is available and when voided by an employee independent of the gaming machine department. The employee completing the void shall enter the void into system and clearly mark "void" across the face of the ticket, date, and sign the face of the ticket. The accounting department shall maintain the voided ticket.

9. The LTBB Gaming Operation shall develop and the LTBB Gaming Regulatory Commission shall approve procedures for the disposition of cash-out tickets found by employees.

10. If the host validation computer system is down for more than four (4) hours, The LTBB Gaming Operation shall promptly notify the LTBB Gaming Regulatory Commission or its designated representative.

Q. **Account Access Cards.** Not applicable at this time.

R. **Smart Cards.** All smart cards that maintain the only source of account data are prohibited, i.e., cards that possess the means to electronically store and retrieve data.

IX. Accounting

A. The LTBB Gaming Operation shall prepare accurate, complete, legible, and permanent records of all transactions pertaining to revenue and gaming activities.

B. The LTBB Gaming Operation shall prepare general accounting records according to "Generally Accepted Accounting Principles" using a double-entry system of accounting, and shall maintain detailed, supporting, subsidiary records including, but not limited to:

1. Detailed records identifying revenues, expenses, assets, liabilities, and equity for each gaming operation.

2. Individual and statistical game records to reflect statistical drop, statistical win, and the percentage of statistical win to statistical drop by each table game, and for each type of table game by shift, by day, by cumulative month-to-date and year-to-date, and by individual and statistical game records reflecting similar information for all other games;

3. Gaming machine analysis reports which, by each machine, compare actual hold percentage to theoretical hold percentages;

4. Other records required by this section and by the Tribal Internal Control Standards;

5. Journal entries prepared by the LTBB Gaming Operation and by its independent accountants: and

6. Any other records specifically required to be maintained.

C. The LTBB Gaming Operation shall establish administrative and accounting procedures for the purpose of determining effective control over a gaming operation's fiscal affairs. The procedures shall be designed to reasonably ensure that:

1. Assets are safeguarded;

2. Financial records are accurate and reliable;

3. Transactions are performed only in accordance with management's general and specific authorization;

4. Transactions are recorded adequately to permit proper reporting of gaming revenue and of fees taxes, and to maintain accountability of assets;

5. Recorded accountability for assets is compared with actual assets at reasonable intervals, and appropriate action is taken with respect to any discrepancies; and

6. Functions, duties, and responsibilities are appropriately segregated in accordance with sound business practices.

D. Gross Gaming Revenue Computations.

1. For table games, gross revenue equals the closing table bankroll, plus credit slips for cash, chips, tokens or personal/payroll checks returned to the cage, plus drop, less opening table bankroll and fills to the table, and money transfers issued from the game through the use of a cashless wagering system.

2. For gaming machines, gross revenue equals drop, less fills, jackpot payouts and personal property awarded to patrons as gambling winnings. Additionally, the initial hopper load is not a fill and does not affect gross revenue. The difference between the initial hopper load and the total amount that is in the hopper at the end of the LTBB Gaming Operation's fiscal year should be adjusted accordingly as an addition to or subtraction from the drop for the year.

3. For each counter game, gross revenue equals:

   a. The money accepted by the LTBB Gaming Operation on events or games that occur during the month or will occur in subsequent months, less money paid out during the month to guests on winning wagers ("cash basis"); or

   b. The money accepted by the LTBB Gaming Operation on events or games that occur during the month, plus money not previously included in gross revenue, that was accepted by the LTBB Gaming Operation in previous months on events or games occurring in the month, less money paid out during the month to guests as winning wagers ("modified accrual basis').

4. For each card game and any other game in which the LTBB Gaming Operation is not a party to a wager, gross revenue equals all money received by the operation as compensation for conducting the game.

E. The LTBB Gaming Operation shall establish internal control systems sufficient to ensure that currency (other than tips or gratuities) received from a guest in the gaming area is promptly placed in a locked box in the table, or, in the case of a cashier, in the appropriate place in the cashiers cage, or on those games which do not have a locked drop box, or on card game tables, in an appropriate place on the table, in the cash register or in another approved repository.

F. If the LTBB Gaming Operation provides periodic payments to satisfy a payout resulting from a wager, the initial installment payment, when paid, and the actual

cost of a payment plan, which is funded by the LTBB Gaming Operation, may be deducted from winnings. The LTBB Gaming Operation is required to obtain approval of all payment plans from the LTBB Gaming Regulatory Commission. For any funding method which merely guarantees the LTBB Gaming Operation's performance, and under which the LTBB Gaming Operation makes payments out of cash flow (e.g., irrevocable letters of credits, surety bonds, or other similar methods), the LTBB Gaming Operation may only deduct such payments when paid to the guest..

G. Cash-out tickets issued at a gaming machine or gaming device shall be deducted from gross revenue as jackpot payouts in the month the tickets are issued by the gaming machine or gaming device. Tickets deducted from gross revenue that are not redeemed within a period, not to exceed the validation date approved by the LTBB Gaming Regulatory Commission, shall be included in gross revenue. An unredeemed ticket previously included in gross revenue may be deducted from gross revenue in the month redeemed.

H. The LTBB Gaming Operation may not deduct from gross revenues the unpaid balance of a credit instrument extended for purposes other than gaming.

I. The LTBB Gaming Operation may deduct from gross revenue the unpaid balance of a credit instrument if the gaming operation documents, or otherwise keeps detailed records of, compliance with the following requirements. Such records confirming compliance shall be made available to the LTBB Gaming Regulatory Commission upon request:

1. The LTBB Gaming Operation can document that the credit extended was for gaming purposes.

2. The LTBB Gaming Operation has established procedures and relevant criteria to evaluate a guest's credit reputation or financial resources and to then determine that there is a reasonable basis for extending credit in the amount or sum placed at the guest's disposal;

3. In the case of personal checks, the LTBB Gaming Operation has established procedures to examine documentation, which would normally be acceptable as a type of identification when cashing checks, and has recorded the guest's bank check guarantee card number or credit card number, or has satisfied paragraph (I)(2) of this section, as management may deem appropriate for the check-cashing authorization granted;

4. In the case of third-party checks for which cash, chips, or tokens have been issued to the guest, or which were accepted in payment of another credit instrument, the LTBB Gaming Operation has established procedures to examine documentation, normally accepted as a means of identification when cashing checks and as, for the check's maker or drawer, satisfied

paragraph (I)(2) of this section, as management may deem appropriate for the check-cashing authorization granted;

5. In the case of guaranteed drafts, procedures should be established to ensure compliance with the issuance and acceptance procedures prescribed by the issuer;

6. The LTBB Gaming Operations has established procedures to ensure that the credit extended is appropriately documented, not least of which would be the guest's identification and signature attesting to the authenticity of the individual credit transactions. The authorizing signature shall be obtained at the time credit is extended.

7. The LTBB Gaming Operation has established procedures to effectively document its attempt to collect the full amount of the debt. Such documentation includes, but is not limited to, letters sent to the guest, logs of personal or telephone conversations, proof of presentation of the credit instrument to the guest's bank for collection, settlement agreements, or other documents which demonstrate that the LTBB Gaming Operation has made a good faith attempt to collect the full amount of the debt. Such records documenting collection efforts shall be made available to the LTBB Gaming Regulatory Commission upon request.

J. Allowable and Non-allowable Deductions from Gross Revenue.

1. Any prizes, premiums, drawings, benefits or tickets that are redeemable for money or merchandise or other promotional allowance, except money or tokens paid at face value or the cost of personal property awarded directly to a guest as the result of a specific wager, must not be deducted.

2. Cash paid to fund periodic payments may be deducted.

3. A gaming operation that provides a guest with additional play at bingo as the result of an initial wager may deduct all money or tokens paid directly to that customer as a result of such additional play.

4. The LTBB Gaming Operation may deduct its pro-rata share of a payout from a game played in a wide area linked system except for a payout made in conjunction with a card game. The amount of the deduction must be determined based upon the written agreement among the gaming establishments participating in the wide area linked system and the operator of the system. All cash prizes and the value of noncash prizes awarded during a contest or tournament conducted in conjunction with a wide area linked system are also deductible on a pro-rata basis to the

extent of the compensation received for the right to participate in that contest or tournament.

5. Deductibility of free play and promotional items:

(i) Gaming machines	
(A) Free pulls on a promotional gaming machine	No effect on drop and no deduction of payouts
(B) Free pulls on a gaming machine	No effect on drop and all payouts deductible
(C) Free play wagering (negotiable, including free coin/tokens) if distinguishable and accounted for separately in the drop	No effect on drop and all payouts deductible
(D) Free play wagering (non-negotiable)	No effect on drop for free play and all payouts deductible
(E) Gaming machine negotiable wagering credits (If tracked electronically when wagered)	No effect on drop and all payouts deductible
(F) Gaming machine negotiable wagering credits (If not tracked electronically when wagered)	Add cash value to drop and all payouts deductible
(G) Non-cash prizes awarded for winning wagers	Cost to gaming operation deductible
(H) Premium points awarded in accordance with a payout schedule as the result of a winning wager	Cash or cost of prizes for redeemed points deductible (Appropriate tracking and documentation required)
(I) Premium points not awarded in accordance with a payout schedule or as the result of a winning wager	Cash or cost of prizes for redeemed points not deductible
(J) Promotional activity reimbursed by an external party	Total amount wagered included in drop and all payouts deductible
(K) Gold or silver coins paid out (legal tender)	Purchase cost to gaming operation deductible

(L) Gold or silver tokens paid out (not legal tender)	Face value deductible
(M) Tournaments/contests/drawings	Include total amount received in drop and payouts deductible (limited to amount received)
(N) Bonus payouts	Bonus payouts resulting from a winning wager deductible
(O) Mystery jackpots (Only if selected by random number generator)	All mystery jackpot payouts reflected on the payout schedule deductible
(P) Appeasement payouts (payments made on non-winning wagers in response to guest complaints)	Not deductible
(ii) Table Games	
(A) Match play (e.g., wager five dollars and receive a ten dollar bet)	Include cash received in drop and all payouts deductible
(B) Discount wagering (negotiable)	Discounted dollar amount (if distinguishable) included in drop and all payouts deductible
(C) Discount wagering (non-negotiable)	Discounted dollar amount included in drop and all payouts deductible
(D) Free play wagering (negotiable)	If distinguishable, no effect on drop, all payouts deductible
(E) Free play wagering (non-negotiable)	No effect on drop and all payouts deductible
(F) Promotional activity reimbursed by an external party	Total amount wagered included in drop and all payouts deductible
(G) Tournaments/contests/drawings	Include total amount received in drop and payouts deductible (limited to amount received)
(H) Tournaments which include purchase and redemption of negotiable chips.	Include total amount wagered in drop, payouts deductible, tournament prizes not deductible
(iii) Card Games	

(A) Buy-in coupons (e.g., $25 in chips for $20 buy-in)	No effect on revenue
(B) Tournaments played with negotiable chips and rake is taken	Rake is included in revenue
(C) Tournaments played with non-negotiable chips, contests and drawings	No effect on revenue
(D) Prizes (e.g., $100 prize for high hand of the week)	No effect on revenue
(E) Promotional progressive pot and/or pool payouts	No effect on revenue
(iv) Pull Tabs	
(A) Match play/discount wagering	Include cash received in sales and all payouts deductible
(B) Free play wagering (negotiable and non-negotiable)	No effect on sales and all payouts deductible
(C) Non-cash prizes	Include cash received in sales and purchase cost of prizes deductible
(D) Promotional activity reimbursement by external party	Include cash received in sales and all payouts deductible
(E) Appeasement payouts (payments made on non-winning pull tabs in response to guest complaints)	Not deductible
(v) Baccarat	
Uncollected baccarat commission	No effect on drop

K. Maintenance and Preservation of Books, Records, and Documents.

1. All original books, records, and documents pertaining to the conduct of wagering activities shall be retained by the LTBB Gaming Operation in accordance with the following schedule. A record that summarizes gaming transactions is sufficient, provided that all documents containing an original signature(s) attesting to the accuracy of a gaming related transaction are independently preserved. Original books, records or

documents shall not include copies of originals, except for copies that contain original comments or notations on parts of multi-part forms. The following original books, records, and documents shall be retained by the LTBB Gaming Operation for a minimum of five (5) years:

a. Casino cage documents;

b. Documentation supporting the calculation of table game win;

c. Documentation supporting the calculation of gaming machine win;

d. Documentation supporting the calculation of revenue received from the games of bingo, pull-tabs (if applicable), card games, and all other gaming activities offered by the LTBB Gaming Operation;

e. Table games statistical analysis reports;

f. Gaming machine statistical analysis reports;

g. Bingo and pull-tab wagering statistical reports; (if applicable),

h. Internal audit reports;

i. All other books, records, and documents pertaining to the conduct of wagering activities that contain original signature(s) attesting to the accuracy of the gaming related transaction.

2. Unless otherwise specified in this section, all other books, records, and documents shall be retained until such time as the accounting records have been audited by the LTBB Gaming Operation's independent certified public accountants.

3. The above standards shall apply without regards to the medium by which the book, record, and document is generated or maintained (paper, computer-generated, magnetic media, etc.).

X. Cage

A. **Computer Applications.** For any computer applications utilized, alternate documentation and/or procedures that provide at least the level of control described by the standards in this section, as approved in writing by the LTBB Gaming Regulatory Commission, will be acceptable.

B. **Personal Checks, Cashier's Checks and Traveler's Checks**

1. If personal checks, cashier's checks, Tribal Enterprise checks or traveler's checks are cashed at the cage, the LTBB Gaming Regulatory Commission, or the LTBB Gaming Operation as approved by the LTBB Gaming Regulatory Commission, shall establish and the LTBB Gaming Operation shall comply with appropriate controls that, at a minimum, provide for security and integrity (i.e. identification verification, acceptance procedures, prompt endorsement and inclusion in cage accountability). For each check cashing transaction, the minimum controls shall include the following:

    a. Verify the guest's identity by examining an identification credential (e.g. driver's license) or other method to ensure the guest's identity. The identification credential information shall be documented on the check unless the information is maintained elsewhere. In such cases, record "Account on file" on the check as the verification source and results.

    b. Examine the check to ensure it includes the guest's name, current address, and signature.

    c. For personal checks, verify the guest's check cashing authority and record the source and results in accordance with management policy.

    d. If a check guarantee service is used to guarantee the transaction and the procedures required by the check guarantee service are followed, then the above requirements do not apply.

2. Personal checks and traveler checks that are not deposited in the normal course of business as established by management (held checks).

3. When traveler's checks or other guaranteed drafts such as cashier's checks are presented, the cashier shall comply with the examination and documentation procedures as required by the issuer.

4. The LTBB Gaming Operation shall develop check cashing authorization standards. These standards delegate to the employees the authority to approve checks based on amounts and job titles. Any changes to the standards will require LTBB Gaming Regulatory Commission approval.

C. **Customer/Guest Deposited Funds.** If the LTBB Gaming Operation permits a guest to deposit funds for safekeeping and/or front money purposes with the gaming operation at the cage, the following standards shall apply. These

standards also apply when transfers are made from such deposit accounts to a wagering account resulting in the funds being transferred to a gaming area for wagering purposes.

1. The receipt or withdrawal of a guest deposit shall be evidenced by at least a completed three-part document (if a manual system is used) with one copy given to the guest, and one copy remaining in the cage and one forwarded to the Revenue Audit Department. If electronic system is used a two part form will satisfy this requirement.

2. Each of the three parts of the sequentially-numbered receipt shall contain the following information:

    a. Same receipt number on each copy;

    b. Guest's name and signature;

    c. Date of receipt and withdrawal;

    d. Dollar amount of deposit/withdrawal.

    e. Nature of deposit/withdrawal (cash, check, chips); and

    f. Name and signature of employee who conducted the transaction.

3. The following procedures shall be established and complied with for front money deposits:

    a. Maintain a detailed record by guest name and date of all funds on deposit;

    b. Maintain a current balance of all guest cash deposits that are in the cage/vault inventory or accountability; and

    c. Reconcile this current balance with the deposits and withdrawals at least daily.

D. **Cage and Vault Accountability Standards.**

1. All transactions that flow through the cage shall be summarized on a cage accountability form for each work shift of the cage and shall be supported by documentation.

2. Increases and decreases to the total cage inventory shall be supported by documentation. For any individual increase/decrease documentation shall

include the date and shift, the purpose of the increase/decrease, the person(s) completing the transaction, and the person or department receiving the cage funds (for decreases only).

3. The cage and vault inventories (including coin rooms/vault) shall be counted by at least two employees at the beginning and end of each work shift. These employees shall make individual counts for comparison of accuracy and maintenance of individual accountability. Such counts shall be recorded at the end of each shift during which activity took place. All discrepancies shall be noted and investigated. Unverified transfers of cash and/or equivalents are prohibited.

4. The LTBB Gaming Operation shall maintain a minimum bankroll formula as approved by LTBB GRC to ensure the gaming operation maintains cash or cash equivalents (on hand and in the bank, if readily accessible) in an amount sufficient to satisfy obligations to the gaming operation's guests as they are incurred. A suggested bankroll formula will be provided by the Commission upon request.

F. **Chip and Token Standards.**

1. The LTBB Gaming Operation shall comply with established procedures for the receipt, inventory, and storage of gaming chips and tokens. All chips and tokens will be stored in a secure location and become part of inventory. Destruction of damaged or obsolete chips or tokens shall be performed by a bonded vendor. Chips or tokens slated for destruction shall be verified by Internal Audit or designee prior to destruction.

2. The Regulatory Department shall be notified of incoming shipments of new chips and/or tokens. The Internal Auditor or designee shall be involved in the receipt and inspection of the new chips and/or tokens shipment.

G. **Coupon Standards.** Any program for the exchange of coupons for chips, tokens, and/or another coupon program shall be approved by the LTBB Gaming Regulatory Commission or designated staff prior to implementation. The LTBB Gaming Operation shall establish and comply with procedures that account for such control programs.

H. **Promotional Payouts, Drawings, and Giveaway Programs.** At a minimum, the following procedures (LTBB Gaming Regulatory Commission approval recommended) shall apply to any payout resulting from a promotional payout, drawing, or giveaway program (e.g. free pull) disbursed by the cage department. Such payouts are associated with gaming activity or a promotional program to encourage guest participation in gaming activities.

1. The conditions for participating in promotional payments, including drawings and giveaway programs, shall be prominently displayed or available for guest review at the LTBB Gaming Operation.

2. Payments of $100 or more shall be documented at the time of the payment. Documentation shall include the following:

   a. Date and time.

   b. Dollar amount of payment or description of personal property (e.g. car).

   c. Reason for payment (e.g. name of promotion).

   d. Guest's name (drawings only).

   e. Signature(s) of the following number of employees verifying, authorizing, and completing the promotional payment with the guest:

      i. Two employee signatures for all payments of $100 or more; or

      ii. For computerized systems that validate and print the dollar amount of the payment on a computer-generated form, only one employee signature is required on the payment form.

   f. The required documentation may be prepared by an individual who is not a cage department employee as long as the required signatures are those of the employees completing the payment with the guest.

I. **Extraneous Items.**

1. Extraneous items are prohibited in the cage and vault areas.

J. **Accounting/Auditing Standards**

1. The cage accountability shall be reconciled to the general ledger at least monthly.

2. For at least one day each month, accounting/audit personnel shall trace the amount of cage deposits to the amounts indicated in the bank statements.

3. For at least two days each year, a count shall be performed of all funds in all gaming areas (i.e. cages, vaults and booths (including reserve areas),

kiosks, cash-out ticket redemption machines, and change machines. Do not include player interface hopper funds. Count all chips and tokens by denomination and type. Count individual straps, bags, and imprest banks on a sample basis. Trace all amounts counted to the amounts recorded on the corresponding accountability forms to ensure the proper amounts are recorded. Maintain documentation evidencing the amount counted for each area and the subsequent comparison to the corresponding accountability form. The count shall be completed within the same gaming day for all areas.

a. Counts shall be observed by an individual independent of the department being counted. It is permissible for the individual responsible for the funds to perform the actual count while being observed

b. Internal audit may perform and/or observe the two counts.

4. At least annually, select a sample of invoices for chips and tokens purchased and trace the dollar amount from the purchase invoice to the accountability document that indicates the increase to the chip or token inventory to ensure the proper dollar amount has been recorded.

5. For each business year end, create and maintain documentation evidencing the amount of the chip/token liability, the change in the liability from the previous year, and explanations for adjustments to the liability account including any adjustments for chip/token float.

6. For at least one day each month, accounting/audit personnel shall review a sample of returned checks to determine that the required information was recorded by cage personnel when the check was cashed.

7. Accounting/audit personnel shall review exception reports for all computerized cage systems (e.g., fill/credit systems) at least monthly for propriety of transactions and unusual occurrences. The review shall include, but is not limited to, voided authorizations. All noted improper transactions or unusual occurrences identified shall be investigated with the results documented.

8. At least monthly, accounting/audit personnel shall review all promotional payments, drawings, and giveaway programs to verify proper accounting treatment and proper win/loss computation.

9. For all promotional payments, drawings, and giveaway programs the following documentation shall be maintained:

a. Copies of the information provided to the patrons describing the promotional payments, drawings, and giveaway programs (e.g., brochures, flyers);

b. Effective dates; and

c. Accounting treatment, including general ledger accounts, if applicable.

10. At least monthly, accounting/audit personnel shall perform procedures to ensure that promotional payments, drawings, and giveaway programs (as relates to the cage) are conducted in accordance with information provided to the guests.

11. Daily, accounting/audit personnel shall reconcile all parts of forms used to document increases/decreases to the total cage inventory, investigate any variances noted, and document the results of such investigations.

12. All cage auditing procedures and any follow-up performed shall be documented, maintained for inspection, and provided to the LTBB Gaming Regulatory Commission upon request.

XI. Management Information Systems

A. Physical Access and Maintenance Controls

1. The critical IT systems and equipment for each gaming application (e.g., keno, pari-mutuel, gaming machines, etc.) and each application for financials, shall be maintained in a physically secured area. The area housing the critical IT systems and equipment for each gaming and other critical IT systems and equipment shall be equipped with the following:

   a. Uninterruptible power supply to reduce the risk of data loss in the event of an interruption to commercial power. Components in a gaming machine device cabinet are not required to maintain an uninterruptible power supply.

   b. A security mechanism to prevent unauthorized physical access to areas housing critical IT systems and equipment for gaming and financial applications, such as traditional key locks, biometrics, combination door lock, or electronic key card system.

2. Access to areas housing critical IT systems and equipment for gaming and financial applications, including vendor supported systems, shall be limited to authorized IT personnel as approved by the LTBB Gaming Regulatory Commission. Non-IT personnel, including vendors of the

gaming computer equipment, shall only be allowed access to the areas housing critical IT systems and equipment for gaming applications when authorized by IT Management in accordance with IT policies and procedures. At a minimum, such policies and procedures shall require monitoring of personnel during each access.

a. A record of each access by non-IT personnel shall be maintained by IT management to include the name of the visitor(s), time and date of entry, reason for visit, company or organization and the name of the designated and authorized personnel escorting the visitor, followed by the time and date of visitor departure.

b. The administration of the electronic security systems, if used to secure areas housing critical IT systems and equipment, shall be performed by personnel independent of a gaming or financial department in accordance with policies and procedures approved by the LTBB Gaming Regulatory Commission.

B. **System Parameters**

1. The computer systems, including application software, shall be logically secured through the use of passwords, biometrics, or other means approved by the LTBB Gaming Regulatory Commission.

2. Security parameters for passwords, if configurable, shall meet the following minimum requirements:

a. Passwords shall be changed at least once every 90 days (quarterly).

b. Passwords shall be at a minimum of 8 characters in length and contain a combination of at least two of the following criteria: upper case letters, lower case letters, numeric and/or special characters.

c. If the system maintains an electronic record of old or previously used passwords, passwords may not be re-used for a period determined by management.

d. User accounts shall be automatically locked out after 3 failed login attempts. The system may, subject to the approval of the LTBB Gaming Regulatory Commission, release a locked out account as determined by management.

e. The written system of internal controls shall delineate whether the system is configurable for security parameters for passwords,

including temporary passwords, and to what extent the system is configurable in meeting the security parameter requirements.

3. A system event log (incident log) or series of reports/logs for critical IT systems, if capable of being created by all components that communicate within the gaming network, will be configured to track the following events:

   a. Failed login attempts.

   b. Changes to live data files occurring outside of normal program and operating system execution.

   c. Changes to operating system, database, network, and application policies and parameters.

   d. Audit trail of information changed by administrator accounts; and

   e. Changes to date/time on master time server.

4. Daily system event logs shall be reviewed at least once weekly (for each day of the entire previous week) by a person independent of the IT department for events listed in (B) (3) of this section. The system event logs shall be maintained for a minimum of the preceding seven (7) days. Documentation of this review (e.g., log, checklist, notation on reports) shall be maintained for a minimum of ninety (90) days and include the date, time, name of individual performing the review, the exceptions noted, and any follow-up of the noted exception

   a. An automated tool that polls the event logs for all gaming and financial related servers, and provides the system administrators notification of the above may be used. Maintaining the notification for ninety (90) days shall serve as evidence of the review.

   b. Any exceptions noted should be reported to Regulatory within 4 hours of detection.

5. Exception reports for components that communicate within the gaming network (e.g. changes to system parameters, corrections, overrides, voids, etc.) shall be maintained and include at a minimum:

   a. Date and time of alteration;

   b. Identification of user that performed alteration;

   c. Data or parameter altered;

d. Data or parameter value prior to alteration; and

e. Data or parameter value after alteration.

C. **User Accounts**

1. Management personnel, or persons independent of the department being controlled, shall establish, or review and approve, user accounts to ensure that, at a minimum, assigned application functions match the employee's current job responsibilities, unless otherwise authorized by management personnel, and to ensure adequate segregation of duties.

2. At a minimum, the review shall ensure that any previously assigned application function access for the employee's user account is changed to inactive (disabled) prior to the employee accessing their new user account for their role or position in a new department.

3. User access listings shall include, if the system is capable of providing such information, at a minimum:

   a. Employee name and title or position.

   b. User login name

   c. Full list and description of application functions that each group/user account may execute. This list may be available in a separate report if the menu functions are easily referenced between the user access listing report and the menu function report.

   d. Date and time account created.

   e. Date and time of last login.

   f. Date of last password change.

   g. Date and time account disabled/deactivated.

   h. Group membership of user account, if applicable.

4. When multiple user accounts for one employee per application are used, only one user account may be active (enabled) at a time if the concurrent use of the multiple accounts by the employee could create a segregation of duties deficiency resulting in noncompliance with one or more TMICS. Additionally, the user account has a unique prefix/suffix to easily identify the users with multiple user accounts within one application.

5. The system administrator or designee and the LTBB Gaming Regulatory Commission shall be notified as approved by the Gaming Regulatory Commission when an employee is known to be no longer employed (e.g., voluntary or involuntary termination of employment). Upon notification the system administrator shall change the status of the employee's user account from active to inactive (disabled) status.

6. The system administrator or designee and the LTBB Gaming Regulatory Commission shall be notified as approved by the LTBB Gaming Regulatory Commission when a user's authorized remote access capability is suspended or revoked. Upon notification, the system administrator or designee shall change the status of the user's account from active to inactive (disabled) status.

7. User access listings for gaming applications at the application layer shall be reviewed quarterly by personnel independent of the authorization and user provisioning processes. The review shall consist of examining a sample of at least 25 users included in the listing or more as determined by the LTBB Gaming Regulatory Commission. The reviewer shall maintain adequate evidence to support the review process, which shall include the identified accounts reviewed, documentation of the results of the review, and e-mails or signatures and dates indicating when the user access listing was reviewed. For each of the randomly selected users, the reviewer shall determine whether:

   a. The assigned system functions are being used as authorized (i.e., system functions are appropriate for user's job position);

   b. The assigned functions provide an adequate segregation of duties;

   c. Terminated users' accounts have been changed to inactive (disabled) status;

   d. Passwords have been changed within the last ninety (90) days. The review for password changes within 90 days applies regardless of whether the system parameter has been configured to forcefully request a password change every 90 days.

   e. There are no inappropriate assigned functions for group membership, if applicable.

D. **Generic User Accounts**

1. Generic user accounts at the operating system level, if used, shall be configured such that the user is automatically brought to the application

logon screen immediately upon logging into the operating system. The generic user accounts must also be configured such that the user is logged out of the operating system automatically upon exiting the application.

2. Generic user accounts at the application system level shall be prohibited unless user access is restricted to inquiry or read only functions.

E. **Service and Default Accounts**

1. Service accounts, if utilized, shall be configured in a manner that prevents unauthorized and inappropriate usage to gain logical access to an application and the underlying databases and operating system. The employee responsible for the documentation indicating the method used to prevent unauthorized and inappropriate usage of these service accounts shall be identified in the written system of internal controls, that include at a minimum:

   a. Service accounts shall be configured such that the account cannot be used to directly log into the console of a server or workstation; and

   b. Service account passwords shall be changed at least once every 90 days, and deactivated immediately upon the completion of services provided.

2. User accounts created by default upon installation of any operating system, database or application (default user accounts) shall be configured, which may include deactivation or disabling, to minimize the possibility that these accounts may be utilized to gain unauthorized access to system resources and data. The employee responsible for the documentation indicating the procedures implemented to restrict access through the use of default accounts shall be identified in the written system of internal controls.

3. Any other default accounts that are not administrator, service, or guest accounts shall be disabled unless they are necessary for proper operation of the system. If these accounts must remain enabled, the passwords shall be changed at least once every 90 days.

F. **Administrative Access**

1. Access to administer the network, operating system, applications, and database security and system parameters shall be limited to supervisory and/or management employees of the IT department or IT employees under the supervision of supervisory and/or management employees of the IT department. If there is no formal IT department, supervisory or

management personnel independent of the department using such system and/or application may perform the administrative procedures. The LTBB Gaming Regulatory Commission shall be notified by the IT department (or supervisory or management personnel independent of the department using the system, if there is no formal IT department) of those employees who have been given administrator level access. Such notification shall occur no less than quarterly or whenever changes occur to the listing.

2. Systems being administered shall be enabled to log usage of all administrative accounts, if provided by the system. Such logs shall be maintained for 30 days and include time, date, login account name, description of event, the value before the change, and the value after the change.

3. An individual independent of the gaming machine department shall review as determined by the LTBB Gaming Regulatory Commission the requirements of a system based game and a system supported game ensuring the proper use of split or dual passwords by system administrators. This standard requires a review to confirm that the system requires or warrants the use of split or dual passwords and that split or dual passwords have been used.

G. **Backups**

1. The IT department shall develop and implement daily backup and recovery procedures which, if applicable, shall address at a minimum the following:

   a. Application data (this standard only applies if data files have been updated).

   b. Application executable files (unless such files can be reinstalled).

   c. Database contents and transaction logs.

2. Upon completion of the backup process, the backup media shall be transferred as determined by the LTBB Gaming Regulatory Commission to a location separate from the location housing the systems' servers and data being backed up (for temporary and permanent storage). The storage location shall be secured to prevent unauthorized access and provides adequate protection to prevent the permanent loss of any data.

3. Backup data files and programs can be maintained in a secured manner in another building on the premises that is physically separated from the building where the system's hardware and software are located. They may also be stored in the same building as the system hardware/software as

long as they are secured in a fireproof safe (1000 degrees Fahrenheit for one (1) hour minimum) or in some other manner that will ensure the safety of the files and programs in the event of a fire or other disaster.

4. Backup system logs, if provided by the system, shall be reviewed by IT personnel or individuals authorized by IT personnel (daily review recommended) at a frequency determined by the LTBB Gaming Regulatory Commission to ensure that backup jobs execute correctly and on schedule. The backup system logs shall be maintained for a time period established by the LTBB Gaming Regulatory Commission.

5. The IT employee(s) responsible for the documentation indicating the procedures implemented for the backup processes and for restoring data and application files is delineated in the written system of internal control or policies and procedures.

    a. In support of data restoration procedures, LTBB Gaming Operations shall test data recovery procedures using actual data at least annually, with documentation, review and IT managerial sign-off of results, which shall be made available to the LTBB Gaming Regulatory Commission upon request.

H. **Recordkeeping**

1. Critical IT system documentation for all in-use versions of applications, databases, network hardware, and operating systems shall be readily available, including descriptions of hardware and software (including version numbers), operator manuals, etc

2. System administrators shall maintain a current list of all enabled generic, system, and default accounts. The documentation shall include, at a minimum, the following:

    a. Name of system (i.e., the application, operating system, or database).

    b. The user account login name.

    c. A description of the account's purpose.

    d. A record (or reference to a record) of the authorization for the account to remain enabled.

3. The current list shall be reviewed by IT management in addition to the system administrator at least once every six months to identify any unauthorized or outdated accounts.

4. User access listings for all gaming systems shall be retained for at least one (1) day of each month for the most recent five (5) years. The lists may be archived electronically if the listing is written to unalterable media (secured to preclude alteration). If the list of users and user access for any given system is available in electronic format, the list may be analyzed by analytical tools (i.e., spreadsheet or database).

5. The IT department shall maintain current documentation with respect to the network topology (e.g., flowchart/diagram), deployment of servers housing applications and databases, and inventory of software and hardware deployed (available upon request by authorized internal and external auditors and by Commission personnel). The employee responsible for maintaining the current documentation on the network topology shall be identified in the IT departmental policies and procedures.

I. **Electronic Storage of Documentation**

1. Documents may be scanned or directly stored to unalterable media (secured to preclude alteration) with the following conditions:

   a. The storage media shall contain the exact duplicate of the original document.

   b. All documents stored shall be maintained with a detailed index containing the casino department and date.

   c. Controls shall exist to ensure the accurate reproduction of records, up to and including the printing of stored documents used for audit purposes.

J. **Network Security**

1. If guest networks are offered (such as networks that provide internet access for patrons, hotel guests, or vendors), adequate logical segregation, as certified by IT management, shall be provided of the guest network from the network used to serve access to gaming and financial related applications and devices. Traffic on guest networks shall be non-routable to the network serving gaming and financial related applications and devices.

2. Production networks serving gaming systems shall be secured from outside traffic (e.g., firewall and routers) such that systems are configured to detect and report security related events (security logs).

a. IT employees responsible for documentation and review of procedures for detecting and reporting security related events shall be identified in the written system of internal control or policies and procedures.

b. If the system is configurable, the system shall log:

i. Unauthorized logins,

ii. Failed login attempts,

iii. Other security related events (incident logs).

c. Deactivate all unused physical and logical ports and any in-bound connections originating from outside the network.

i. Other security related events to be captured by the system include changes to live data files and any other unusual transactions.

3. Network shared drives containing application files and data for all gaming and financial related applications shall be secured such that only authorized personnel may gain access.

4. Server consoles, and unattended user terminals in gaming areas shall be configured to automatically secure themselves after a configurable period of inactivity elapses, the amount of time to be determined by IT department personnel. The time period of inactivity shall be documented in the written system of internal controls or IT policies and procedures. Users shall supply proper login credentials to regain access to the terminal or console.

5. Login accounts and passwords required to administer network equipment shall be secured such that only authorized IT personnel may gain access to these devices. The passwords for these accounts shall meet system security parameters in accordance with IT policies and procedures, and shall be immediately disabled when IT personnel are terminated. The LTBB Gaming Regulatory Commission shall be immediately notified of such actions.

K. **Changes to production Environment**

1. The employee responsible for the documentation indicating the process for managing changes to the production environment shall be identified in the

written system of internal control or IT policies and procedures. Control shall include all changes to the production environment (operating system, network, databases, and applications) that relate to critical IT, gaming and applications systems. This process includes at a minimum:

a. Proposed changes to the production environment shall be evaluated sufficiently by management personnel prior to implementation (certification from a The LTBB Gaming Regulatory Commission approved gaming lab will satisfy this requirement);

b. Proposed changes shall be properly and sufficiently tested prior to implementation into the production environment;

c. A strategy of reverting back to the last implementation shall be used (rollback plan) if the installation is unsuccessful and the rollback plan shall be tested prior to implementation to the production environment; and;

d. Sufficient documentation shall be maintained evidencing management approvals, testing procedures and results, rollback plans, and any issues/resolutions encountered during implementation.

L. **Remote Access**

1. For each critical IT system application that is accessible remotely for purposes of obtaining vendor support, the written system of internal control or policies and

a. If remote access to the production network (live network) is permissible, and allows access to critical IT system applications, such access shall be logged automatically by the device or software where access is established if such logging is capable within system configurations.

i. name of authorized IT technician granting authorization;

ii. vendor's business name and name of authorized programmer;

iii. reason for network access;

iv. critical IT system application to be accessed,

v. work to be performed on the system and

vi. date, time, and approximate duration of the access. Description of work performed shall be adequately detailed to include the old and new version numbers of any software that was modified, and details regarding any other changes made to the system. Final duration of access will be annotated upon termination of the vendors' network connection.

b. For computerized casino accounting systems, the approved secured connection shall be such that the system can only be accessed from an authorized authenticated user.

c. The method and procedures used in establishing and using unique user IDs, passwords and IP addressing to allow authorized vendor personnel to access the system through remote access.

d. IT personnel, by name and role, shall be authorized by IT Management to enable the method of establishing a remote access connection to the system. Such authorizations shall be submitted to the LTBB Gaming Regulatory Commission no less than twice annually.

e. The name and role of IT personnel involved and procedures performed to ensure the method of establishing remote access connection shall be disabled when vendor remote access is no longer required and not in use. The same shall be submitted to the LTBB Gaming Regulatory Commission upon request.

2. User accounts used by vendors shall remain disabled on all operating systems, databases, network devices, and applications until needed by such vendor. Subsequent to an authorized use by a vendor, the account shall be returned to a disabled state.

3. If remote access to the production network (live network) is permissible, and allows access to critical IT system applications, such access shall be logged automatically by the device or software where access is established if such logging is capable within system configurations.

M. Information Technology Department

1. A separate IT department shall be maintained. The IT department shall be independent of all gaming departments (e.g., cage, pit, count rooms, etc.) and operational departments.

2. IT personnel shall be precluded from access to wagering instruments and gaming related forms (e.g., gaming machine jackpot forms, table games fill/credit forms, etc.). IT personnel shall be restricted from having unauthorized access to cash or other liquid assets as well as initiating general or subsidiary ledger entries.

N. **In-house Developed Systems**

1. All of the in-house developed systems described within this section must be submitted to the LTBB Gaming Regulatory Commission for approval prior to being implemented on the gaming network.

2. If source code for gaming and/or financial related software is developed or modified internally, a process (systems development life cycle) shall be adopted to manage this in-house development. The employee responsible for the documentation indicating the process in managing the development or modification of source code shall be identified in the written system of internal control or IT policies and procedures. The process shall address, at a minimum:

   a. Requests for new programs or program changes shall be reviewed by IT supervisory personnel. Approvals to begin work on the program shall be documented.

   b. A written plan of implementation for new and modified programs shall be maintained and include, at a minimum, the date the program is to be placed into service, the nature of the change (if applicable), a description of procedures required in order to bring the new or modified program into service (conversion or input of data, installation procedures, etc.), and an indication of which operational department is to perform all such procedures.

   c. Sufficiently documenting software development and testing procedures through system development life cycle (SDLC) or other suitable, management approved process. Documentation of approvals, systems development, testing, results of testing, and implementation into production. Documentation shall include a record of the final program or program changes, including evidence of user acceptance, date in service, programmer, and reason for changes, shall be documented and maintained.

   d. Physical and logical segregation of the development and testing environment from the production environments.

e. Adequate segregation of duties (i.e., those who develop/test code do not have access to introduce new or modified code into the production environment). In addition, a system administrator shall be precluded from developing/testing code which will be introduced into the production environment.

f. Secured repositories for maintaining code history.

O. Purchased Software

1. For critical IT systems, documentation shall be maintained and include, at a minimum, the date the program was placed into service, the nature of the change (if applicable), a description of procedures required in order to bring the new or modified program into service (conversion or input of data, installation procedures, etc.), and an indication of the IT technicians who performed such procedures.

a. Testing of new and modified programs shall be performed (by the LTBB Gaming Operation or the system manufacturer) and documented prior to full implementation, subject to Tribal gaming regulatory approval.

XII. Complimentary Services

A. The LTBB Gaming Operation shall establish and comply with procedures for the authorization, issuance, and tracking of complimentary services and items, including cash and non-cash gifts. Such procedures must be approved by the LTBB Gaming Regulatory Commission and shall include, but shall not be limited to, the procedures by which the LTBB Gaming Operation delegates to its employees the authority to approve the issuance of complimentary services or items, and the procedures by which conditions or limits, if any, which may apply to such authority are established and modified (including limits based on relationships between the authorizer and recipient), and shall further include effective provisions for audit purposes.

B. At least monthly, accounting, information technology, or revenue audit personnel that cannot grant or receive complimentary privileges shall prepare reports that include the following information:

1. Name(s) of customer/guest who received the complimentary service(s) or item(s);

2. Name(s) of authorized issuer of the complimentary service(s) or item(s);

3. The actual cash value of the complimentary services(s) or items(s);

4. The type of the complimentary services(s) or item(s), (i.e., food beverage, etc.); and

5. Date the complimentary services(s) or item(s) were issued.

C. The report required by paragraph (B) of this section shall not be required to include complimentary services or items below $100.00, but will include a cumulative daily total of $100.00 or more per customer as approved by the LTBB Gaming Regulatory Commission.

D. The Internal Audit or the Gaming Operation Accounting Departments shall review the reports required in paragraph (B) of this section at least monthly. These reports shall be made available to the Tribe, LTBB Gaming Regulatory Commission, or other entities designated by the Tribe upon request.

XIII. Drop and Count

A. Computer Applications. For any computer applications utilized, alternate documentation and/or procedures that provide at a minimum level of control described by these standards in this section, as approved by the LTBB Gaming Regulatory Commission in writing, will be acceptable.

B. Standards for Count/Drop Teams.

1. Count team members shall rotate duties on a routine basis such that the count team member is not consistently performing the same duty more than four (4) days per week. Exceptions can be made by executive management with notification to the Regulatory Department.

2. Extraneous items are prohibited in the Count Room and/or the Cart Storage area.

3. The LTBB Gaming Operation shall develop polices in regard to key control during count and drop procedures. Keys may be left in the Count Room while on scheduled breaks.

C. Table Game Drop Standards.

1. The setting out of empty table game drop boxes and the drop shall be a continuous process. The drop begins with notification to Surveillance.

2. At the end of each shift:

a. All locked table game boxes shall be removed from the tables by Security;

b. The LTBB Gaming Operation utilizes a single drop box with separate openings and compartments for each shift; and

c. Upon removal from the tables, table game drop boxes shall be transported directly to the count room or another equivalently secure area with comparable controls and locked in a secure manner until the count takes place.

3. If drop boxes are not placed on all tables, then the Pit Department shall document which tables were open during the shift.

4. The transporting of the table game drop boxes shall be performed by a minimum of two (2) persons, at least one (1) of whom is independent of the pit shift being dropped.

5. All table game drop boxes shall be posted with a number corresponding to a permanent number on the gaming table and marked to indicate game, table number, and shift.

6. Surveillance shall be notified when the drop is to begin so that Surveillance may monitor the activities.

7. All drop boxes shall be removed only at the time previously designated by the LTBB Gaming Operation and reported to the LTBB Gaming Regulatory Commission, except for emergency drops.

D. **Soft Count Room Personnel.**

1. The table game soft count and the gaming machine bill acceptor count shall be performed by a minimum of three (3) employees.

2. Count room personnel shall not be allowed to exit or enter the count room during the count except for emergencies or scheduled breaks. At no time during the count, shall there be fewer than three (3) employees in the count room until the drop proceeds have been accepted into the cage/vault accountability. Surveillance shall be notified whenever count room personnel exit or enter the count room during the count.

3. The count team shall be independent of transactions being reviewed and counted. The count team shall be independent of the Cage/Vault Department; however an accounting representative may be used if there is an independent audit of all soft count documentation.

E. **Table Game Soft Count Standards.**

1. The table game soft count shall be performed in a soft count room or other equivalently secure area with comparable controls.

2. Access to the count room during the count shall be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel.

3. If counts from various revenue centers occur simultaneously in the count room, procedures shall be in effect that prevent the commingling of funds from the different revenue centers.

4. Immediately prior to the count at least two count team members shall verify the accuracy of the currency counter with previously counted currency for each denomination (i.e., test currency). The test currency shall be counted by the currency counter to ensure that the counter is functioning properly. The test results shall be documented and maintained.

    a. The currency counter test shall be performed with test currency rather than with currency from a drop box.

    b. If the same currency counter is used for one revenue center (e.g., gaming or nongaming revenue center) and then immediately used for a second revenue center, performing the currency counter test once will satisfy the standard provided the same count team members complete one count and then proceed to the other revenue center count.

5. The table game drop boxes shall be individually emptied and counted in such a manner to prevent the commingling of funds between boxes until the count of the box has been recorded.

    a. The count of each box shall be recorded in ink or in another permanent form of recordation.

    b. For counts that do not utilize a currency counter, a second count shall be performed by an employee on the count team who did not perform the initial count. Separate counts of chips and tokens must always be performed by employees of the count team.

    c. Coupons or other promotional items not included in gross revenue may be recorded on a supplemental document by either the count team members or accounting personnel. All single-use coupons shall be cancelled daily by either the count team members or accounting personnel to prevent improper recirculation

d. If a currency counter interface is used:

i. It shall be adequately restricted (e.g., password, keys, etc.) so as to prevent unauthorized access.

ii. The currency drop figures shall be transferred via direct communications line or computer storage media to the accounting department.

6. If currency counters are utilized and the count room table is used only to empty boxes and sort/stack contents, a count team member shall be able to observe the loading and unloading of all currency at the currency counter, including rejected currency.

7. When the currency counter rejects currency but does not record the amount of rejected currency (re-run of rejected currency is permissible), procedures shall be developed and implemented to record the rejected currency amount by table game and to ensure that two counts of the rejected currency (by table game and in total) are performed to ensure the correct amount of the drop is recorded on the count sheet. Posting rejected currency to a nonexistent "dummy" table game is prohibited.

8. Table game drop boxes, when empty, shall be shown to another member of the count team, and to surveillance. The inside of the drop box must be clearly visible for a reasonable amount of time for observers to verify the contents.

9. Fill/credit slips removed from the drop boxes shall be matched to the fill/credit slips obtained from the cage or otherwise reconciled by the count team members or accounting department/revenue audit personnel to verify that the total dollar amounts for the shift are identical. Fills and credits shall be traced to or recorded on the count sheet.

10. The opening/closing table forms shall either be:

a. Examined and traced to or recorded on the count sheet; or

b. If a computerized system is used, accounting personnel can trace the opening/closing table forms to the count sheet. Discrepancies shall be investigated with the findings documented and maintained for inspection.

11. To correct errors in soft count documentation, a single line shall be drawn through the error, and the correct figure entered above the original figure. The correction shall be initialed by at least two count team members verifying the change. If a currency interface is used, an employee

independent of the table games department and count team shall enter the correct figure into the computer system prior to the generation of related table games reports.

12. The count sheet shall be reconciled to the total drop by a count team member who shall not function as the sole recorder and variances shall be reconciled and documented.

13. All members of the count team shall sign the count document or a summary report to attest to their participation in the count.

14. All drop proceeds and cash equivalents that were counted shall be turned over to the cage or vault cashier for verification. Such person shall certify by signature as to the amount of the drop proceeds delivered and received. The individual performing the verification count shall be precluded from having prior knowledge of the results of previous count performed by count team personnel. Any unresolved variances shall be reconciled, documented, and/or investigated by accounting/revenue audit.

15. The count sheet, with all supporting documents, shall be immediately delivered to the Accounting Department by a count team member or a person independent of the Cashiers Department. Alternatively, it may be adequately secured, e.g., locked container to which only accounting personnel can gain access until retrieved by the Accounting Department.

16. The cage/vault employee shall sign the count sheet, or other reconciling document, and thereby assume accountability of the currency drop proceeds, ending the count.

17. Access to stored, full table game drop boxes shall be restricted to authorized members of the drop and count teams.

F. **Gaming Machine Bill Acceptor Drop Standards.**

1. A minimum of three (3) employees shall be involved in the removal of the gaming machine drop, at least one (1) of whom is independent of the Gaming Machine Department.

2. All bill acceptor canisters shall be removed only at the time previously designated by the LTBB Gaming Operation and reported to the LTBB Gaming Regulatory Commission or designee except for emergency drops.

3. Surveillance shall be notified when the drop is to begin so that surveillance may monitor the activities. The gaming machine bill acceptor

drop begins with notification to Surveillance.

4. The bill acceptor canisters shall be removed by a Drop Team member, then transported directly to the count room or other equivalently secure area with comparable controls and locked in a secure manner until the count takes place.

   a. Security shall be provided over the bill acceptor canisters removed from the gaming machines and awaiting transport to the count room.

   b. The transporting of bill acceptor canisters shall be performed by a minimum of two (2) persons, at least one (1) who is independent of the Gaming Machine Department.

5. All bill acceptor canisters shall be posted with a number corresponding to a permanent number on the gaming machine.

G. **Gaming Machine Bill Acceptor Count Standards.**

1. The gaming machine bill acceptor count shall be performed in a soft count room or other equivalently secure area with comparable controls.

2. Access to the count room during the count shall be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel.

3. If counts from various revenue centers occur simultaneously in the count room, procedures shall be in effect that prevent the commingling of funds from different revenue centers.

4. The count team shall not have access to bill-in meter amounts until after the count is completed and the drop proceeds are accepted into the cage/vault accountability. A count team member is allowed to read/record the amount from the bill-in meters provided the count team members do not have knowledge of the dollar amount of currency contained in the, bill acceptor canisters pursuant to the bill-in meters during the count process.

5. Immediately prior to the count at least two count team members shall verify the accuracy of the currency counter with previously counted currency for each denomination (i.e., test currency). The test currency is counted by the currency counter to ensure the counter is functioning properly. The test results shall be documented and maintained.

a. The currency counter test must be performed with test currency rather than with currency from a bill acceptor.

b. If the same currency counter is used for one revenue center (e.g., gaming or nongaming revenue center) and then immediately used for a second revenue center, performing the currency counter test once will satisfy the standard provided the same count team members complete one count and then proceed to the other revenue center count.

6. If a currency counter interface is used:

a. It shall be adequately restricted (e.g., password, keys, etc.) so as to prevent unauthorized access).

b. The currency drop figures shall be transferred via direct communications line or computer storage media to the accounting department.

7. The bill acceptor canisters shall be individually emptied and counted in such a manner to prevent the commingling of funds between canisters until the count of the canister has been recorded.

a. The count of each canister shall be recorded in ink or another permanent form of recordation.

b. For counts that do not utilize a currency counter, a second count shall be performed by an employee on the count team who did not perform the initial count.

8. If currency counters are utilized and the count room table is used only to empty boxes and sort/stack contents, a count team member shall be able to observe the loading and unloading of all currency at the currency counter, including rejected currency.

9. When the currency counter rejects currency (re-run of rejected currency is permissible) but does not record the amount of rejected currency, procedures shall be developed and implemented to record the rejected currency amount, by gaming machine, and to ensure that two counts of the rejected currency (by gaming machine and in total) are performed to ensure the correct amount of the drop is recorded on the count sheet. Posting rejected currency to a nonexistent “dummy” gaming machine is prohibited

10. Canisters, when empty, shall be shown to another member of the count team, or to surveillance, provided that the count is monitored in its entirety by the Surveillance Department or designated Regulatory Staff. The inside of the canister must be clearly visible for a reasonable amount of time for observers to verify the contents.

11. To correct errors in soft count documentation, a single line shall be drawn through the error, and the correct figure entered above the original figure. The correction shall be initialed by at least two count team members verifying the change. If a currency interface is used, an employee independent of the gaming machine department and count team shall enter the correct figure into the computer system prior to the generation of related gaming machine reports.

12. The count sheet shall be reconciled to the total drop by a count team member who shall not function as the sole recorder and variances shall be reconciled and documented. This standard does not apply to cash-out tickets removed from the bill acceptors canisters.

13. All members of the count team shall sign the count document or a summary report to attest to their participation in the count.

14. All drop proceeds and cash equivalents that were counted shall be turned over to the cage or vault cashier for verification. Such person shall certify by signature as to the amount of the drop proceeds delivered and received. The employee performing the verification count shall be precluded from having prior knowledge of the results of previous count performed by count team personnel. Any unresolved variances shall be reconciled, documented, and/or investigated by accounting/revenue audit.

15. The cage/vault employee shall sign the count sheet, or other reconciling document, and thereby assume accountability of the currency drop proceeds, ending the count.

16. The count sheet, with all supporting documents, shall be immediately delivered to the Revenue Audit Department by a Count Team member or a person independent of the Cashiers Department. Alternatively, it may be adequately secured (e.g., locked container to which only revenue audit personnel can gain access) until retrieved by the Revenue Audit Department.

17. Access to stored bill acceptor canisters, full or empty, shall be restricted to:

    a. Authorized member of the drop and count teams; and

b. Authorized personnel for the resolution of a problem. (i.e. Slot Technician/Room, Operations Manager)

18. All bill acceptor canisters contents shall be posted with a number corresponding to a permanent number on the gaming machine.

H. **Gaming Machine Coin Drop Standards.**

1. A minimum of three (3) employees shall be involved in the removal of the gaming machine drop, at least one (1) who is independent of the Gaming Machine Department.

2. All drop buckets shall be removed only at the time previously designated by the LTBB Gaming Operation and reported to the LTBB Gaming regulatory Commission, except for emergency drops.

3. Surveillance shall be notified when the drop is to begin in order that Surveillance may monitor the activities. The gaming machine coin drop begins with notification to Surveillance.

4. Security shall be provided over the buckets removed from the gaming machine drop cabinets and awaiting transport to the count room.

5. As each machine is opened, the contents shall be tagged with its respective machine number, if the bucket is not permanently marked with the machine number. The contents shall be transported directly to the area designated for the counting of such drop proceeds. If more than one (1) trip is required to remove the contents of the machines, the filled carts of coins shall be securely locked in the room designed for counting or in another equivalently secure area with comparable controls. There shall be a locked covering on any carts in which the drop route includes passage out of doors.

   a. Alternatively, a smart bucket system that electronically identifies and tracks the gaming machine number, and facilitates the proper recognition of gaming revenue, shall satisfy the requirements of this paragraph.

6. Each drop bucket in use shall be:

   a. Housed in a locked compartment separate from any other compartment of the gaming machine and keyed differently than other gaming machine compartments; and

   b. Identifiable to the gaming machine from which it is removed. If the gaming machine is identified with a removable tag that is

placed in the bucket, the tag shall be placed on top of the bucket when it is collected.

7. Each gaming machine shall have drop buckets into which coins or tokens that are retained by the gaming machine are collected. Drop bucket contents shall not be used to make change or pay hand-paid payouts.

8. The Collection Procedures may include procedures for dropping gaming machines that have trays instead of drop buckets.

I. **Hard Count Room Personnel.**

1. The weigh/count shall be performed by a minimum of three (3) employees.

2. At no time during the weigh/count shall there be fewer than three (3) employees in the count room until the drop proceeds have been accepted into cage/vault accountability. Surveillance shall be notified whenever count room personnel exit or enter the count room during the count.

3. The Count Team shall be independent of transactions being reviewed and counted. The Count Team shall be independent of the Cage/Vault Departments, unless they are non-supervisory gaming machine employees and perform the laborer function only "a non-supervisory gaming machine employee" is defined as a person below the level of gaming machine shift supervisor. A cage cashier may be used if this person is not allowed to perform the recording function. An accounting representative may be used if there is an independent audit of all count documentation.

J. **Gaming Machine Coin Count and Wrap Standards.**

1. Coins shall include tokens.

2. The gaming machine coin count and wrap shall be performed in a count room or equivalently secure area with comparable controls.

3. Access to the count room during the count shall be restricted to members of the Drop and Count Teams, with the exception of authorized observers, supervisors for resolution problems, and authorized maintenance personnel.

4. If counts from various revenue centers occur simultaneously in the count room, procedures shall be in effect that prevent the commingling of funds from different revenue centers.

5. The following functions shall be performed in the counting of the gaming machine drop:

   a. Recording function, which involves the recording of the gaming machine count; and

   b. Count Team supervisor function, which involves the control of the gaming machine weigh and wrap process. The supervisor shall not perform the initial recording of the weigh/count unless a weigh scale with a printer is used.

6. The gaming machine drop shall be counted, wrapped, and reconciled in such a manner to prevent the commingling of gaming machine drop coin with coin (for each denomination) from the next gaming machine drop until the count of the gaming machine drop has been recorded. If the coins are not wrapped immediately after being weighed or counted, they shall be secured and not commingled with other coin.

   a. The amount of the gaming machine drop from each machine shall be recorded in ink or another permanent form of recordation on a gaming machine count document by the recorder or mechanically printed by the weigh scale. Additionally, if a weigh scale interface is used, the count figures shall be transferred via direct communications line or computer storage media to the accounting department.

   b. Corrections to information originally recorded by the Count Team on gaming machine count documentation shall be made by drawing a single line through the error, writing the correct figure above the original figure, and then obtaining the initials of at least two (2) Count Team members who verified the change.

   c. If a weigh scale interface is used, corrections to the gaming machine count data shall be made by drawing a single line through the error on the gaming machine document, writing the correct figure above the original figure, and then obtaining the initials of at least two (2) Count Team employees. An employee independent of the Gaming Machine Department and Count Team shall enter the correct figure into the computer system prior to the generation of related gaming machine reports.

7. The recorder and at least one (1) other Count Team member shall sign the weigh tape and the gaming machine count document attesting to the accuracy of the weigh/count.

8. All members of the Count Team shall sign the count document or a summary report to attest to their participation in the count.

9. All drop proceeds and cash equivalents that were counted shall be turned over to the cage or vault cashier who shall be independent of the Count Team or to an authorized person/employee independent of the revenue generation and the count process for verification. Such person shall certify by signature as to the accuracy of the drop proceeds delivered and received.

10. All gaming machine count and wrap documentation , including any application computer storage media, shall be delivered to the Revenue Audit Department by a Count Team member or a person independent of the Cashiers Department. Alternatively, it may be adequately secured (e.g., locked container to which only revenue audit personnel can gain access) until retrieved by the Revenue Audit Department.

11. If the coins are transported off the property, a second (alternative) count procedure shall be performed before the coins leave the property. Any variances shall be documented.

12. Large variances (by denomination, either $1,000.00 or 2% of the drop, whichever is less) or unusual (e.g., zero for weigh/count or patterned for all counts) between the weigh/count and wrap shall be investigated by management personnel independent of the Gaming Machine Department, Count Team, and the cage/vault functions within seventy-two (72) hours. The results of such an investigation shall be documented, maintained for inspection, and provided to the LTBB Gaming Regularly Commission upon request.

K. **Security of the Count Room Inventory during the Gaming Machine Coin Count and Wrap.**

1. If the count room is segregated from the coin room, or if the coin room is used as a count room and the coin room inventory is secured to preclude access by the Count Team, all of the following requirements shall be completed, at the conclusion of the count:

   a. At least two (2) members of the Count/Wrap Team shall count the final wrapped gaming machine drop independently from each other;

   b. The final counts, in total and by denomination, shall be recorded on a summary report;

c. The same Count Team members shall compare the final wrap to weigh/count, recording the comparison and noting any variances on the summary report;

d. A member of the Cage/Vault Department shall count the wrapped gaming machine drop by denomination and reconcile it to the weigh/count summary report. Any variance shall be reconciled and documented;

e. At the conclusion of the reconciliation, at least two (2) Count Team members and the cage/vault employee shall sign the summary report attesting to its accuracy; and

f. The wrapped coins shall be transported to the cage, vault or coin vault after the reconciliation of the weigh/count to the wrap.

g. The count team shall not have access to coin drop meter amounts until after the count is completed and the drop proceeds have been accepted into the cage/vault accountability. A count team member is allowed to read/record the amount from the coin-in meters provided the count team members do not have knowledge of the dollar amount of coin contained in the drop buckets pursuant to the coin-in meters during the count process.

L. **Transfers during the gaming Machine Coin Count and Wrap are not Permitted.**

M. **Key Controls-General**

1. The gaming machine coin drop cabinet keys, table games drop box release keys, bill acceptor canister release keys, table games drop box contents keys, bill acceptor canister contents keys, and kiosk keys shall all be separately keyed from each other**.**

2. Surveillance monitoring key access does not satisfy the requirements in this part for physical involvement.

3. All duplicate keys shall be maintained in a manner that provides the same degree of control as is required for the original keys. Records shall be maintained for each key duplicated that indicate the number of keys made and destroyed.

4. Records shall be maintained by the custodian of sensitive keys to document authorization of personnel accessing keys.

N. **Gaming Machine Drop Key Control Standards.**

1. Gaming machine coin drop cabinet keys, including duplicates, shall be maintained by the Security Department.

2. The physical custody of the keys needed to access gaming machine coin drop cabinets, including duplicates, shall require the involvement of two (2) persons, one (1) of whom is independent of the Gaming Machine Department.

3. Two (2) employees separate from key custodian shall be required to accompany such keys while checked out and observe each time the gaming machine drop cabinets are accessed, unless surveillance is notified each time keys are checked out and Surveillance observes the person throughout the period the keys are checked out.

O. **Table Game Drop Box Key Control Standards.**

1. Procedures shall be developed and implemented to ensure that unauthorized access to empty table game drop boxes shall not occur from the time the boxes leave the storage racks until they are placed on the tables.

2. The involvement of at least two (2) Security Officers shall be required to access stored empty table game drop boxes.

3. The release keys shall be separately keyed from the contents keys.

4. At least three (3) Count Team members are required to be present at the time count room or other count keys are issued for the count.

5. All duplicate keys shall be maintained in a manner that provides the same degree of control as is required for the original keys. Records shall be maintained for each key duplicated that indicate the number of keys made and destroyed.

6. Logs shall be maintained by the custodian of sensitive keys to document authorization of personnel accessing keys.

P. **Table Game Drop Box Release Keys.**

1. The table game drop box release keys shall be maintained by the Security Department.

2. Only Security Officers authorized to remove table game drop boxes from the tables shall be allowed access to the table game drop box release keys; however, the Count Team members may have access to the release keys

during the soft count in order to reset the table game drop boxes.

3. Security Officers authorized to remove the table game drop boxes shall be precluded from having simultaneous access to the table game drop box contents and release keys.

4. For situations requiring access to a table game drop box at a time other than the scheduled drop, the date, time, and signature of employee signing out/in the release key must be documented.

Q. **Bill Acceptor Canister Release Keys.**

1. The bill acceptor canister release keys shall be maintained by the Security Department.

2. Only persons authorized to remove bill acceptor canisters from the gaming machines shall be allowed access to the release keys.

3. Persons authorized to remove the bill acceptor canisters shall be precluded from having simultaneous access to the bill acceptor canisters contents keys and release keys.

4. For situations requiring access to a bill acceptor canister at a time other than the scheduled drop, the date, time, and signature of employee signing out/in the release key must be documented.

R. **Table Game Drop Box Storage Rack Keys.**

1. A person independent of the Table Games Department shall be required to accompany the table game drop box storage rack keys and observe each time the table game drop boxes are removed from or placed in storage racks.

2. Persons authorized to obtain table game drop box storage rack keys shall be precluded from having simultaneous access to table game drop box contents keys with the exception of the count team.

S. **Bill Acceptor Canister Storage Rack Keys.**

1. A person independent of the Gaming Machine Department shall be required to accompany the bill acceptor canister storage rack keys and observe each time canisters are removed from or placed in storage racks.

2. Persons authorized to obtain bill acceptor canister storage rack keys shall be precluded from having simultaneous access to bill acceptor canister

contents keys with the exception of the Count Team.

T. **Table Game Drop Box Contents Keys.**

1. Issuance of the table game drop box contents keys at other than scheduled count times shall require the involvement of at least three persons from separate departments, including management. The reason for access issuance shall be documented with the signatures of all participants and observers. Two employees from separate departments are required to accompany the table game drop box contents key from the time the keys are issued until the time the keys are returned. The key custodian issuing keys constitutes physical involvement. A computerized key security system functions as the key custodian.

2. Only Count Team members shall be allowed access to table game drop box content keys during the count process.

U. **Bill Acceptor Canister Contents Keys.**

1. Issuance of the bill acceptor canister contents key at other than scheduled count times shall require the involvement of at least three persons from separate departments, one of whom must be a supervisor. The reason for access issuance shall be documented with the signatures of all participants and observers. Two employees from separate departments are required to accompany the bill acceptor canister contents key from the time the keys are issued until the time the keys are returned. The key custodian issuing keys constitutes physical involvement. A computerized key security system functions as the key custodian.

2. Only Count Team members shall be allowed access to bill acceptor canister content keys during the count process.

V. **Gaming Machine Computerized Key Security Systems.**

1. Computerized key security systems which restrict access to the gaming machine drop and count through the use of passwords, keys or other means, other than a key custodian, must provide the same degree of control as indicated in the aforementioned key control standards; refer to paragraphs (N)(Q)(S), and (U) of this section. Note: This standard does not apply to the system administrator. The system administrator is defined in paragraph (V)(2)(a) of this section.

2. For computerized key security systems, the following additional gaming key control procedures apply:

a. Management personnel independent of the Gaming Machine Department assign and control user access to keys in the computerized key security system, i.e., system administrator, to ensure that gaming machine drop and count keys are restricted to authorized employees.

b. In the event of an emergency or the key box is inoperable, access to the emergency manual keys, AKA the "Override Key" used to access the box containing the gaming machine drop and count keys, requires the physical involvement of at least three (3) persons from separate departments, including management. The date, time, and reason for access must be documented with the signatures of all participating employees signing out/in the emergency manual keys.

c. The custody of the keys issued pursuant to paragraph (V)(2)(b) of this section requires the presence of two (2) persons from separate departments from the time of their issuance until the time of their return.

d. Routine physical maintenance that requires accessing the emergency manual keys, override key, and does not involve the accessing of the gaming machine drop and count keys, only requires the presence of two (2) persons from separate departments. The date, time, and reason for access must be documented with the signatures of all participating employees signing out/in the emergency manual keys.

3. For computerized key security systems controlling access to gaming machine drop and count keys, accounting/audit personnel, independent of the system administrator, will perform the following procedures:

a. Daily review the report generated by the computerized key security system indicating the transactions performed by the individuals that adds, deletes, and changes user's access within the system, i.e., system administrator. Determine whether the transactions completed by the system administrator provide an adequate control over the access to the gaming machine drop and count keys. Determine whether any gaming machine drop and count keys removed or returned to the key cabinet by the system administrator was properly authorized.

b. For at least one (1) day each month, review the report generated by the computerized key security system indicating all transactions performed to determine whether any unusual gaming machine drop

and count key removals or key returns occurred.

c. Review quarterly a sample of users that are assigned access to the gaming machine drop and count keys to determine that their access to the assigned keys is adequate relative to their job position.

d. All noted improper transactions or unusual occurrences are investigated with the results documented.

4. Quarterly an inventory of all count room, gaming machine drop box release, storage rack and contents keys is performed, and reconciled to records of keys made, issued, and destroyed. Investigations are performed for all keys unaccounted for, with the investigation being documented.

W. **Table Games Computerized Key Security Systems.**

1. Computerized key security systems which restrict access to the table game drop and count keys through the use of passwords, keys or other means, other than a key custodian, must provide the same degree of control as indicated in the aforementioned key control standards; refer to paragraphs (O)(P)(R), and (T) of this section. Note: This standard does not apply to the system administrator. The system administrator is defined in paragraph (W)(2)(b) of this section.

2. For computerized key security systems, the following additional Table Game Key Control Procedures apply:

a. Management personnel independent of the Table Game Department assign and control user access to keys in the computerized key security system, i.e., system administrator to ensure that table game drop and count keys are restricted to authorized employees.

b. In the event of an emergency or the key box is inoperable, access to the emergency manual keys, AKA the “Override Key”, used to access the box containing the table game drop and count keys, requires the physical involvement of at least three (3) persons from separate departments, including management. The date, time, and reason for access, must be documented with the signatures of all participating employees signing out/in the emergency manual keys.

c. The custody of the keys issued pursuant to paragraph (W)(2)(b) of this section requires the presence of two (2) persons from separate departments from the time of their issuance until the time of their return.

d. Routine physical maintenance that requires accessing the emergency manual keys, the override key, and does not involve the accessing of the table games drop and count keys, only requires the presence of two (2) persons from separate departments. The date, time, and reason for access must be documented with the signatures of all participating employees signing out/in the emergency manual keys.

3. For computerized key security systems controlling access to table games drop and count keys, accounting/audit personnel, independent of the system administrator, will perform the following procedures:

a. Daily review the report generated by the computerized key security system indicating the transactions performed by the individuals that adds, deletes, and changes user's access within the system, i.e., system administrator. Determine whether the transactions completed by the system administrator provide an adequate control over the access to the table games drop and count keys. Determine whether any table games drop and count keys removed or returned to the key cabinet by the systems administrator was properly authorized.

b. For at least one (1) day each month, review the report generated by the computerized key security system indicating all transactions performed to determine whether any unusual table games drop and count key removals or key returns occurred.

c. At least quarterly review a sample of users that are assigned access to the table games drop and count keys to determine that their access to the assigned keys is adequate relative to their job position.

d. All noted improper transactions or unusual occurrences are investigated with the results documented.

4. Quarterly an inventory of all count room, table game drop box release, storage rack and contents keys is performed, and reconciled to records of keys made, issued, and destroyed. Investigations are performed for all keys unaccounted for, with the investigation being documented.

X. **Equipment Standards for Gaming Machine Count.**

1. A weigh scale calibration module shall be secured so as to prevent unauthorized access (e.g., pre-numbered seal, lock, and key etc.).

2. A person independent of the cage, vault, gaming machine, and count team functions shall be required to be present whenever the calibration module is accessed. Such access shall be documents and maintained.

3. If a weigh scale interface is used, it shall be adequately restricted so as to prevent unauthorized access (passwords, keys, etc.).

4. If the weigh scale has a zero adjustment mechanism, it shall be physically limited to minor adjustments (e.g., weight of a bucket or physically situated such that any unnecessary adjustments to it during the weigh process would be observed by other count team members).

5. The weigh scale and weigh scale interface (if applicable) shall be tested by a person or persons independent of the cage, vault, and Gaming Machine Departments and count team at least quarterly. At least annually, this test shall be performed by Internal Audit in accordance with the Internal Audit Standards. The result of these tests shall be documented and signed by the person or persons performing the test.

6. Prior to the gaming machine count, at least two (2) employees shall verify the accuracy of the weigh scale with varying weights or with varying amounts of previously counted coin for each denomination to ensure the scale is properly calibrated (varying weights/coin from drop to drop is acceptable).

7. If a mechanical coin counter is used instead of a weigh scale, the LTBB Gaming Regulatory Commission, or the LTBB Gaming Operation as approved by the LTBB Gaming Regulatory Commission, shall establish and the LTBB Gaming Operation shall comply, with procedures that are equivalent to those described in paragraphs (Y)(4), (Y)(5), and (Y)(6) of this section.

8. If a coin meter count machine is used, the Count Team member shall record the machine number denomination and number of coins in ink on a source document, unless the meter machine automatically records such information.

    a. A Count Team member shall teat the coin meter count machine prior to the actual count to ascertain if the metering device is functioning properly with a predetermined number of coins for each denomination.

    b. [Reserved]

Y. **Emergency Drop Procedures.** The LTBB Gaming Operation shall develop Emergency Drop Procedures. These procedures and any subsequent changes

shall require LTBB Gaming Regulatory Commission approval. *See of this section.*

Z. **Accounting/Auditing Standards**

1. Unannounced currency counter and currency counter interface (if applicable) tests shall be performed by personnel independent of the cage, vault, count team, player interface, and card games departments (as applicable) on at least a quarterly basis with the test results documented and maintained. All denominations of currency and all types of cash out tickets counted by the currency counter must be tested. This test may be performed by internal audit or the LTBB Gaming Regulatory Commission. The result of these tests shall be documented and signed by the person or persons performing the test.

2. Unannounced weigh scale and weigh scale interface (if applicable) tests shall be performed by a person or persons independent of the cage, vault, and player interface departments and count team at least quarterly with the test results being documented and maintained. This test may be performed by internal audit or the LTBB Gaming Regulatory Commission. The result of these tests shall be documented and signed by the person or persons performing the test.

XIV. Internal Audit

A. **Internal Audit Personnel.**

1. A separate Internal Audit Department shall be maintained whose primary function is performing internal audit work and that is independent with respect to the departments subject to audit.

2. The Internal Audit personnel shall report directly to the LTBB Gaming Regulatory Commission, as designated by the Tribe.

B. **Audits.**

1. Internal Audit personnel shall perform audits of all areas of the LTBB Gaming Operation. The following shall be audited at least annually:

   a. Bingo, including but not limited to, computer applications, game play standards, promotional payouts or awards, accountability form, bingo equipment, statistical reports, electronic equipment, linked games, host requirements, remote requirements, player accounts ;

b. Pull tabs, including but not limited to, computer applications, pull tab inventory, access, transfers, winning pull tabs, accountability form, statistical reports, and electronic equipment;

c. Card Games, including but not limited to, computer applications, drop and count, supervision, playing cards, shills, reconciliation of card room bank promotional progressive pots, card room contests and tournaments computerized player tracking systems and accounting/audit standards;

d. Cage procedures, including but not limited to, computer applications, personal checks, cashier's checks, and traveler's checks, customer deposited funds, safe deposit boxes, cage/vault accountability, chip and token standards, promotional payouts, drawings, and giveaway programs, accounting/auditing standards and extraneous items;

e. Information technology functions, including but not limited to, physical access and maintenance controls, system parameters, user accounts, generic user accounts, service and default accounts, administrative access, backups, recordkeeping, electronic storage of documentation, network security, changes to production environment, remote access, information technology department, in-house developed systems, and purchased software programs Complimentary service(s) or item(s), including but not limited to, procedures whereby complimentary service(s) and/or item(s) are issued, authorized, and redeemed and reported;

f. Accounting standards, including but not limited to, accounting records, GAAP requirements, administrative and accounting procedures, gross gaming revenue computations, currency controls, periodic payment plans, cash out ticket deductibility, credit instrument deductibility, allowable and non-allowable deductions from gross revenue, and maintenance and preservation of books;

g. Drop and count standards, including but not limited to, computer applications, table games drop, soft count room personnel, table games count, gaming machine bill acceptor drop, gaming machine bill acceptor count, gaming machine coin drop standards, hard count room personnel, gaming machine coin count and wrap standards, count room inventory security, transfers of currency and coin during the count, key controls-general, gaming machine drop key control standards, table games drop key control standards, table game drop box release keys, bill acceptor canister release keys, table game drop box storage rack keys, bill acceptor canister

storage rack keys, table game drop box contents keys, bill acceptor canister contents keys, gaming machine computerized key security systems and table game computerized key security systems, emergency drop procedures and gaming machine count equipment; and

h. Any other internal audits as required by the Tribe, LTBB Gaming Regulatory Commission.

2. In addition to the observation and examinations performed under paragraph (B)(1) of this section, follow-up observations and examinations shall be performed to verify that corrective action has been taken regarding all instances of non-compliance cited by internal audit, the independent accountant, and/or the LTBB Gaming Regulatory Commission. The verification shall be performed within six (6) months following the date of notification.

3. The following areas shall be audited at least semi-annually:

a. Table games, including but not limited to, fill and credit procedures, table inventory forms, playing cards and dice, table game analysis, accounting/auditing, call bets, and foreign currency; and

b. Gaming machines, including but not limited to, jackpot payout and gaming machine fills, promotional payouts, department funds, game programs, theoretical and actual hold, hopper content standards, player tracking, in-house progressives, wide area progressives, accounting/auditing, cash-out tickets and account access cards.

4. Whenever possible, internal audit observations shall be performed on an unannounced basis, i.e., without the employees being forewarned that their activities will be observed.

C. **Documentation.**

1. Documentation (e.g., checklists, programs, reports, etc.) shall be prepared to evidence all internal audit work performed as it related to the requirements in this section, including all instances of noncompliance.

2. The Internal Audit Department shall operate with audit programs which, at a minimum, address the TMICS. Additionally, the department shall properly document the work performed, the conclusions reached, and the resolution of all exceptions. Institute of Internal Auditors Standards are

recommended but not required.

D. **Reports.**

1. Reports documenting audits performed shall be maintained and made available to the LTBB Gaming Regulatory Commission upon request.

2. Such audit reports shall include the following information:

a. Audit objectives;

b. Audit Procedures and scope;

c. Findings and conclusions;

d. Recommendations, if applicable; and

e. Management's response.

E. **Material Exceptions.** All material exceptions resulting from internal audit work shall be investigated and resolved with the results of such being documented and retained for five (5) years. Reports of material exceptions will be forwarded to the Tribal Executive and Tribal Council.

F. **Role of Management.**

1. Internal audit findings shall be reported to Casino Management.

2. Management shall be required to respond to internal audit findings stating corrective measures to be taken to avoid recurrence of the audit exception.

3. Such management responses shall be included in the internal audit report that will be delivered to the Tribal Executive, Tribal Council, the LTBB Gaming Regulatory Commission, and Casino Management.

G. **Internal Audit Annual Audit Plan.** In connection with the internal audit testing pursuant to paragraph (B)(1) and (B) (3) in this section, the LTBB Gaming Regulatory Commission shall review and approve the recommended Internal Audit Annual Audit Plan, which shall be available upon request.

XV. Surveillance

A. The surveillance system shall be maintained and operated from a staffed surveillance room and shall provide surveillance over all gaming and areas designated by the LTBB GRC.

B. The entrance to the surveillance operation room shall be located so that it is not readily accessible by either the LTBB Gaming Operation employees who work primarily on the casino floor, or the general public.

C. Access to the surveillance operation room shall be limited to surveillance personnel, designated employees, or other persons authorized in accordance with the Surveillance Department policies as approved by the LTBB Gaming Regulatory Commission. The Surveillance Department shall maintain a sign-in log of other authorized persons entering the surveillance operation room.

D. Surveillance room equipment shall have a total override capability over all other satellite surveillance equipment located outside of the surveillance operation room.

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E. All DVR equipment must be securely located in the surveillance operation room and the Surveillance Department shall be ultimately responsible for its proper operation and maintenance. The master evidence server may be stored in a separate outside secured location.

F. All logs required in this section and as outlined in approved policies will be stored as determined by the Gaming Regulatory Commission.

G. In the event of power loss to the surveillance system, an auxiliary or back up power source shall be available and capable of providing immediate restoration of power to all elements of the surveillance system that enable surveillance personnel to observe the table games remaining open for play and all areas covered by dedicated cameras. Auxiliary or back up power sources such as a UPS System, back-up generator, or an alternate utility supplier satisfies this requirement.

H. The surveillance system shall include date and time generators that possess the capability to display the date and time of recorded events on video and/or digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

I. The Surveillance Department shall ensure staff is trained in the use of the equipment, knowledge of the games, and house rules.

J. Each camera required by the standards in this section shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees. Surveillance must be notified when a camera needs to be moved, covered, touched, etc. Touching, moving, obstructing, or disabling a Surveillance camera by anyone other than authorized Surveillance personnel is prohibited. These actions require Surveillance Supervisor or Surveillance Manager approval. Cameras that are required by the Tribal

Minimum Internal Control Standards will also require notification to Regulatory.

K. Each camera required by the standards in this section shall possess the capability of having its picture displayed on a monitor and recorded. The surveillance system shall include sufficient numbers of monitors and recorders to simultaneously display and record multiple gaming and count room activities, and record views of all dedicated cameras and motion activated dedicated cameras.

L. Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within seventy-two (72) hours after the malfunction is discovered. The LTBB Gaming Regulatory Commission shall be notified of any camera(s) that have malfunctioned for more than twenty-four (24) hours.

1. In the event of a dedicated camera malfunction, the LTBB Gaming Operation and/or the Surveillance Department shall immediately provide alternative camera coverage or other security measures, such as additional supervisory or security personnel, to protect the subject activity.

M. **Revenue Outlets**

1. The surveillance system shall monitor and record a general overview of the activities occurring in each point of sale area.

2. The surveillance system shall be capable of monitoring all opening and closing (beginning and end of shift) of cashier's drawers.

N. **Bingo.**

1. The surveillance system shall possess the capability to monitor the bingo ball drawing device or random number generator, which shall be recorded during the course of the draw by a dedicated camera with sufficient clarity to identify the balls drawn or numbers selected.

2. The surveillance system shall monitor and record the game board and the activities of the employees responsible for drawing, calling, and entering the balls drawn or numbers selected.

O. **Card Games.** The surveillance system shall monitor and record general activities in each card room with sufficient clarity to identify the employees performing the different functions.

P. **Progressive Card Games.**

1. Progressive card games with a progressive jackpot of $25,000.00 or more shall be monitored and recorded by dedicated cameras that provide

coverage of:

a. The table surface, sufficient that the card values and card suits can be clearly identified;

b. An overall view of the entire table with sufficient clarity to identify customers and dealer; and

c. A view of the posted jackpot amount.

Q. **Table Games.**

1. Except as otherwise provided in paragraphs (Q)(3) and (Q)(4) of this section, the surveillance system of the LTBB Gaming Operations operating four (4) or more table games shall provide at a minimum one (1) pan-tilt-zoom camera per two (2) tables and surveillance must be capable of taping:

a. With sufficient clarity to identify customers and dealers; and

b. With sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values, and game outcome.

c. One (1) dedicated camera per table and one (1) pan-tilt-zoom camera per four (4) tables may be an acceptable alternative procedure to satisfy the requirements of this paragraph.

2. The surveillance system of the LTBB Gaming Operations operating three (3) or fewer table games shall:

a. Comply with the requirements of paragraph (Q)(1) in this section; or

b. Have one (1) overhead camera at each table.

3. **Craps.** All craps tables shall have two (2) dedicated cross view cameras covering both ends of the table.

4. **Roulette.** All roulette area shall have one (1) overhead dedicated camera covering the roulette wheel and shall also have one (1) dedicated camera covering the play of the table.

R. **Progressive Table Games.**

2. Progressive table games with a progressive jackpot of $25,000.00 or more shall be monitored and recorded by dedicated cameras that provide coverage of:

   a. The table surface, sufficient that the card values and card suits can be clearly identified;

   b. An overall view of the entire table with sufficient clarity to identify customers and dealer; and

   c. A view of the progressive meter jackpot amount. If several tables are linked to the same progressive jackpot meter, only one (1) meter need be recorded.

S. **Gaming Machines.**

1. Except as otherwise provided in paragraphs (S)(2) and (S)(3) in this section gaming machines offering a payout of more than $250,000.00 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

   a. All customers and employees at the gaming machine; and

   b. The face of the gaming machine, with sufficient clarity to identify the payout lines of the gaming machine.

2. In-house progressive gaming machines offering a base payout amount jackpot reset amount of more than $100,000.00 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

   a. All customers and employees at the gaming machine; and

   b. The face of the gaming machine, with sufficient clarity to identify the payout lines of the gaming machine.

3. Wide-area progressive gaming machines offering a base payout amount of $1,000,000.00 or more and monitored by an independent vendor utilizing and on-line progressive computer system shall be monitored and recorded by dedicated cameras to provide coverage of:

   a. All customers and employees at the gaming machine;

   b. The face of the gaming machine, with sufficient clarity to identify the payout lines of the gaming machine; and

c. The Surveillance Department shall contact the Gaming Regulatory Department Director or designee when wide-area jackpots are awarded.

4. Notwithstanding paragraph (S)(1) in this section, if the gaming machine is a multi-game machine, the LTBB Gaming Operation, subject to the approval of the LTBB Gaming Regulatory Commission, shall develop and implement alternative procedures to verify payouts.

T. **Cage and Vault.**

1. The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify employees within the cage and customers and employees at the counter areas.

2. Each cashier station shall be equipped with one (1) dedicated overhead camera covering the transaction area.

3. The surveillance system shall provide an overview of cash transactions. This overview should include the customer, the employee, and the surrounding area.

U. **Fills and Credits.**

1. The cage or vault area in which fills and credits are transacted shall be monitored and recorded by a dedicated camera or motion activated dedicated camera that provides coverage with sufficient clarity to identify the chip values and the amounts on the fill and credit slips.

2. Controls provided by a computerized fill and credit system may be deemed an adequate alternative to viewing the fill and credit slips.

V. **Currency and Coin.**

1. The surveillance system shall monitor and record with sufficient clarity all areas where currency or coin may be stored or counted.

2. Audio capability of the soft count room shall also be maintained.

3. The surveillance system shall provide for:

a. Coverage of scales shall be sufficiently clear to view any attempted manipulation of the recorded data;

b. Monitoring and recording of the table game drop box storage rack or area by either a dedicated camera or a motion activated camera;

c. Monitoring and recording of all areas where coin may be stored or counted, including the hard count room, all doors to the hard count room, all scales and wrapping machines, and all areas where uncounted coin may be stored during the drop and count process. Coverage of the currency counting machines and currency sorting machines must be sufficiently clear to view the currency input, output and reject areas.

d. Monitoring and recording of soft count room, including all doors to the room, all table game drop boxes, safes, and counting surfaces, and all Count Team personnel. The counting surface area must be continuously monitored and recorded by a dedicated camera during the soft count.

e. Monitoring and recording of all areas where currency is sorted, stacked, counted, verified, or stored during the soft count process.

W. **Change Booths.** The surveillance system shall monitor and record a general overview of the activities occurring in each gaming machine change booth.

X. **Revenue Audit** The surveillance system shall monitor and record a general overview of the activities occurring within the Revenue Audit Room. Additionally, dedicated cameras shall be required in areas where paperwork/documentation is stored and received.

Y. **Digital Equipment Standards.**

1. Frame rate shall be a minimum of thirty (30) frames per second for all coverage of the gaming floor.

2. Picture size measured in Common Image Format (CIF) shall be a minimum of four (4) CIF. Digital storage shall be minimally hot swappable Raid 5 or equivalent for coverage of the gaming floor.

3. Raid units (Redundant Array of Independent Drives) shall at a minimum be configured as raid 5.

4. A supervisory program that monitors the system and immediately reports malfunctions is required.

5. Access, or the ability to access, a digital surveillance system from any location outside of the surveillance operation room, must be approved by the LTBB Gaming Regulatory Commission. Such transmissions shall be

effectively encrypted, firewalled on both ends, and password protected. If remote access (e.g., VPN, modem, wireless) to any associated equipment is allowed for software support, the LTBB Gaming Operation shall maintain an access log that includes:

a. Name of employee authorizing remote access;

b. Name of Authorized programmer or manufacturer representative;

c. Reason for remote access;

d. Description of work performed in adequate detail to include the old and new version numbers, if applicable of any other changes made to the system; and

e. Date, time and duration of access

6. All digital records of coverage provided by the dedicated cameras or motion activated dedicated cameras required by the standards in this section shall be retained for a minimum of ten (10) days.

7. Recordings involving suspected or confirmed gaming crimes, unlawful activity must be retained for a minimum of thirty (30) days.

8. Duly authenticated copies of digital records shall be provided to the LTBB Gaming Regulatory Commission upon request.

9. Have a media storage system configured to limit loss of data.

10. In the event of a failure of a DVR storage media system, the gaming operation should strive to repair or replace the equipment within 8 hours of the failure.

Z. **Video Library Log.** A video library log, or comparable alternative procedure approved by the LTBB Gaming Regulatory Commission shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

AA. **Malfunction and Repair Log.**

1. Surveillance personnel shall maintain a log or alternative procedure approved by the LTBB Gaming Regulatory Commission that documents each malfunction and repair of the surveillance system as defined in this section.

2. The log shall state the time, date, and nature of each malfunction, the efforts expended to repair the malfunction, the reasons for any delays in repairing the malfunction, and when applicable any alternative security measures that were taken related to the malfunction.

BB. **Surveillance Log.**

1. Surveillance personnel shall maintain a log of all surveillance activities.

2. Such log shall be maintained by the Surveillance Room personnel and shall be stored securely within the Surveillance Department.

3. At a minimum, the following information shall be recorded in the surveillance log:

   a. Date;

   b. Time commenced and terminated;

   c. Activity observed or performed; and

   d. The name or license credential number of each person who initiates, performs, or supervises the surveillance.

4. Surveillance personnel shall also record a summary of the results of the surveillance of any suspicious activity. This summary may be maintained in a separate log.

CC. **Surveillance Review.** Surveillance shall develop Review Procedures for review purposes for Tribal Law Enforcement and Casino Management. These procedures and any subsequent changes shall require the LTBB gaming Regulatory Commission approval.

XVI. Effective Date. These approved Tribal Minimum Internal Control Standards (TMICS) will be implemented and become effective at a date no later than six-months from the approval date of this amendment to the TMICS.

(Source: REG-WOS 2005-006 091412-012 Tribal Minimum Internal Control Standards)

TITLE VIII – HOUSING

Chapter 1. *[Reserved]*

TITLE IX – CRIMINAL AND CIVIL LAWS

Chapter 1. SEX OFFENDER REGISTRATION AND NOTIFICATION STATUTE CLASSES OF SEX OFFENDERS

I. Introduction. These regulations are promulgated to establish a process for recapturing, registering, and notifying Sex Offenders in accordance with the LTBB Sex Offender Registration and Notification Statute (SORNS). LTBB has additionally determined that a fair judicial appeal process is required for offenders who fall into a Sex Offender Tier and are not in agreement to the tier that has been assigned by the Registering Officer. These regulations address the process of appeal.

II. Definitions:

A. "Felony" means a person has been convicted in a court of competent jurisdiction of one of the following:

1. A crime defined by the Tribe's Criminal Code as a felony or;

2. Rape or;

3. Sexual assault against an individual who has not attained the age of 16 years or;

4. Any other crime that is listed by the Major Crimes Act, Title 18, United States Code, Section 1153 paragraph A. "(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States."

B. "Conviction" means being found guilty by either plea of guilty or nolo contendere, or by verdict.

C. "Registering Officer" means any Law Enforcement Officer or employee assigned the duty of registering sex offenders according to regulations, policies or procedures.

III. Recapture.

J. According to SORNS a defendant can be recaptured for the following:

1. Sex Offenders that are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime.

2. Sex Offenders that are already registered or subject to a pre-existing sex offender registration requirement under the Tribe's jurisdiction.

3. Sex Offenders who have reentered the Tribe's criminal justice system because of a conviction for some other felony crime, (whether or not it is a sex offense).

K. When a Sex Offender is incarcerated, under Court supervision, or has been convicted of felony crime, the Registering Officer shall obtain a copy of the Offenders criminal history record. Based on the convictions within the criminal history record, the Registering Office shall determine the Tier Classification of the Sex Offender.

L. Upon making such determination, the Registering Officer shall notify the Sex Offender of his or her Tier Classification and registering requirements.

IV. Tiering Offenders. Pursuant to LTBB SORNS when an offender is convicted in a court of competent jurisdiction the offender will be assigned a tier classification. If at the time of conviction the offender was not assigned a tier or if the offender is relocating from another jurisdiction a tier will be assigned by the Registering Officer to the offender based on the tribal offense that's elements most closely corresponds to the offense the offender was convicted. The Registering Officer may be consulted by the offender with questions regarding their tier classification or their tiering determination may be appealed to Tribal Court. See Section V of these regulations.

V. Appeals.

A. If the Sex Offender does not agree with the Registering Officer's determination of the Tier Classification, the Sex Offender will have fifteen (15) days to appeal such determination to the Tribal Court for review.

B. The Tribal Court may review the Registering Officer's determination of the Tier Classification by using the review standard of arbitrary and capricious wherein the determination will only be invalid because it was made on unreasonable grounds or without any proper consideration of circumstances.

C. The Tribal Court will notify the Registering Officer and the Sex Offender of its determination.

D. The Registering Officer shall register the Sex Offender based on the Tribal Court ruling.

(Source: REG-WOS 2012-008 081712-002)

TITLE X – LAND USE AND BUILDING

Chapter 1. *[Reserved]*

TITLE XI – HEALTH AND EDUCATION

Chapter 1. MICHELLE CHINGWA EDUCATION ASSISTANCE SCHOLARSHIP REGULATIONS

I. APPLICATION

A. Students must submit a completed application packet to apply for the MCEA scholarship, which includes the following: MCEA application, Release of Information form, and the Student Aid Report, prior grade report(s) for the last semester attended (reflecting cumulative GPA) and the last semester awarded (reflected awarded MCEA scholarship).

B. The continuation of a student's scholarship application for subsequent semesters during an academic year relies on the submission of a new course schedule for the upcoming semester.

II. DEFINITIONS

A. **Education Appeals Board:** means the body appointed by Tribal Council who handles the MCEA Appeals and Hearings.

B. **Education Department:** means the LTBB Education Department that is overseen by the Executive.

C. **Enrollment Verification Form:** means a form provided by the LTBB Education Department to the student(s) who has the institution where they complete their portion and return it to the LTBB Education Department.

D. **Executive:** means the Tribal Chairperson or his/her designee.

E. **FAFSA:** means "Free Application for Federal Student Aid".

F. **GPA:** means a student's Grade Point Average reported by an institution on a student's transcript and/or a report card.

G. **LTBB:** means The Little Traverse Bay Bands of Odawa Indians or the "Tribe".

H. **MCEA:** means Michelle Chingwa Education Assistance.

I. **Release of Information Form:** means a form provided by the LTBB Education Department that the student completes that gives the department permission for 3rd part communication with the institution.

J. **Student Aid Report:** means the student's copy of the processed FAFSA.

III. DISTRIBUTION OF SCHOLARSHIP

A. Students will be allowed one (1) award per semester or semester equivalent, which shall be awarded to any eligible student, who applies prior to the established deadlines as defined in WOS 2007-005 Section III, Application (C)(a)(i-iv).

B. A student's scholarship award will be calculated at the credit rate established by the (MCEA) statute for each classification and according to the student's submitted application and schedule. For calculation purposes, a student may only receive funding for up to 18 credits for undergraduate courses (class 1, 2, 3 or 5) **OR** receive funding for up to 12 credits for graduate courses (class 4); or a combination of both not to exceed 18 credits total. If a student is taking both undergraduate and graduate courses, the student may choose which credits they want to apply the award, but the total amount of credits awarded shall not exceed 18 credits.

C. Scholarship awards will be distributed directly to the institution unless the student provides acceptable proof, to the Education Department that their MCEA scholarship will reduce other financial aid awards, in which case the Education Department will distribute the scholarship directly to the student.

D. The scholarships will be distributed in two (2) installments each semester. The second installment is subject to adjustments for changes in a student's original enrollment schedule. Students receiving an award for the summer semester will receive the award in one (1) full installment.

E. Check requests for the second installment will be submitted upon receipt of an original Enrollment Verification Form, a copy of the grades for the last semester attended, and a copy of the grades for the last semester awarded. The student is responsible for submitting the requested information to the Education Department prior to the last day of the student's enrolled semester.

F. Students must submit grade reports for the previously awarded semester(s). If necessary, adjustments will be made for any credits dropped, withdrawn or deemed ineligible according to the GPA guidelines.

G. All applications must be submitted by hand delivery or postmarked by the deadlines set forth in the MCEA to be considered timely. Pursuant to WOS 2007-05, MCEA Section III(C)(d) and (e), scholarships granted after the deadlines shall be classified as ***late*****.** Late scholarships shall be available only to those who failed to complete their application at no fault of the applicant and provided that funds are available. The Executive shall have the authority to limit the amount of late scholarships funded during the winter and summer cycles to help project available

funds for the fall cycle.

H. It is at the discretion of the Education Department to determine on a case-by-case basis if the late application(s) are to be considered due to no fault of the student.

I. If a student's application is late for one (1) semester that shall not impact a timely application made in another semester.

(As this amendment is approved by Tribal Council May 16, 2010, Section III, Distribution of Scholarships)

IV. SCHOLARSHIP LEVELS

A. The Executive shall post the scholarship levels on the Tribal website under Executive Directives and in the Tribal newsletter. Scholarship information shall be made readily available to students through the Education Department.

V. APPEAL PROCESS AND RESTRICTIONS

Tribal Citizens may only appeal MCEA award denials made by the Education Department based on GPA status, or scholarship award adjustments due to withdrawal from a course.

A. Tribal Citizens who wish to appeal a denial or adjustment must submit an Appeal Form provided by the Education Department.

B. The Tribal Citizen must submit their appeal in person or postmarked within fifteen (15) business days from the date of receiving the notice of denial or adjustment.

C. The Tribal Citizen has the right to attend and speak at the Appeal Hearing. The Appeal Form shall contain a checkbox for the student to indicate whether they will be attending the Appeal Hearing or that they waive their right to attend the hearing. This box ***must*** be checked either "yes" or "no". This checkbox determines when the hearing will be held. Additionally, the form will require that the student provide ***current*** contact information, email, phone number (cell or message number), and/or address, so the student can be contacted in an expedient manner regarding their appeal and hearing.

D. All appeals shall be addressed to: "***The Education Appeals Board c/o Tribal Chairman's Office***, 7500 Odawa Circle, Harbor Springs, Michigan 49740."

E. Upon receiving an Appeal Form, an Appeal Hearing shall be held within ten (10) business days. Appeals shall be closed only at the request of the student

requesting the appeal.

F. When making a determination in an appeal process regarding the 2.0 GPA status, the Education Appeals Board shall either:

1. Grant the appeal and place the student on probation, for a period determined by the Education Appeals Board. If the appeal is granted and the student is placed on a probationary period, the probationary period is clearly indicated in the determination letter.

OR

2. Deny the appeal.

F. Students who are granted a probationary period:

1. Must reach a 2.0 cumulative GPA by the end of their designated probationary period.

2. Must maintain academic progress, as reflected in a semester GPA report.

3. May appeal in subsequent semesters.

G. After a determination has been made by the Education Appeals Board, the Commission Chairperson, or the Chairperson's designee, shall attempt to personally contact the Tribal Citizens as to the outcome of their appeal. In all cases, the Education Appeals Board shall notify the Tribal Citizen by mail within ten (10) business days and the Education Department will be copied on the letter.

H. All decisions by the Education Appeals Board are final within the Executive Branch.

I. In order for the Education Department to consider funding students for a course more than twice, the student must provide acceptable proof, as defined in Section V(I)(1) below in these regulations, to the Education Department that they need to take the class over to complete a degree requirement. No student may be funded for the same class more than three (3) times.

VI. REPORTING

The following reports shall be submitted to Tribal Council:

A. Three (3) summary reports for each semester's scholarships in March, July and October and a year-end summary each January for all the previous year's

scholarships.

B. Each report shall contain:

1. Number of students in each class of scholarships.

2. Number of semester equivalent credits or equivalent contact hours in each class of scholarship.

3. Total dollar amount of scholarships for each designated semester and the academic year.

4. Present scholarship rates and projected rates for the next school year to meet the budget for the next cycle.

5. Total number of dropped rates and adjusted rates.

6. Graduations and types of degrees received.

(Source: REG-WOS 2007-05 080809-006)

Chapter 2. WELFARE OF ADULTS REGULATIONS

I. Application of Regulations. These Regulations apply only to Executive Departments and are limited to actions brought by Executive Departments. These Regulations do not apply to actions authorized by the Welfare of Adults Statute which are brought by interested parties that are not part of the Executive branch of government.

Deference to Actions Brought by Non-Governmental Parties. In cases where a private action authorized by the Statute has been commenced in Tribal court, Executive departments shall be precluded from commencing an action regarding the same individual(s) or circumstances involved in the private action, unless:

B. An Executive Department authorized to bring an action under these Regulations believes that failure to bring an independent action on behalf of an adult Tribal citizen poses a risk to the health, safety, or well-being of the adult Tribal citizen and;

C. The Chairperson or their designee reviews the case information and the conclusions of the Executive Department, and agrees with the Executive

Department and authorizes that department to either intervene in the private action or commence an independent action.

II. Definitions:

A. **Private Action:** means an action which is authorized by the Welfare of Adults Statute which is commenced by a non-government party.

B. **Authorization to Bring Actions:** means the authority of the Tribal Administrator under WOTC 11.403.B to bring petitions on behalf of adult tribal citizens may be exercised through the Human Services Department –Social Services Program.

C. **Department:** means the LTBB Human Services Department.

III. Procedures for Bringing Actions:

A. Actions by Executive Departments:

1. **Referrals**. Receipt of information of circumstances requiring action shall be sent to the Director of Social Work, Human Services Department – Social Services Program.

a. Executive Departments and Programs, including but not limited to, Health Services, Substance Abuse, Elder's Program, Housing, etc that observe events or circumstances which indicate that an adult Tribal citizen is in an abusive situation, abandoned, medically incapacitated, incompetent, or in situations where the individual is unable to manage their personal, medical, or financial affairs they shall report such circumstances to the Human Services Department-Social Services Program.

b. Referrals should be made on a form approved by the Department for this purpose.

c. The Human Services Department- Social Services Program may require that the individual making the referral file a written report which provides more information about the reason for the referral, etc. Any report requested by the Human Services Department-Social Services Program should be completed within the time frame provided by the Department.

2. **Follow-up and Investigation** Upon receipt of information that an adult Tribal citizen has been or currently is in an abusive situation, abandonment, medical incapacitation, or in situations where the individual is unable to manage their personal, medical, or financial affairs, the Director of Social Work, Human Services Department – Social Services Program or their designee shall visit the adult to determine whether additional services are needed by the adult, whether action on the part of the Department is necessary to provide such services, and whether the situation calls for additional action or investigation by the Department and/or Law Enforcement.

   a. The Department will make every reasonable effort to make face-to-face contact with the adult subject within seventy-two (72) hours after receiving the information of a possible abusive situation.

   b. If Department personnel see any indication in their initial visit of possible criminal violations, they will refer the matter to Tribal Law Enforcement for further investigation by LTBB or other law enforcement agency having jurisdiction based on the location of the adult.

   c. A report on the initial visit must be completed within thirty (30) days after receiving a complaint/referral.

3. **Consultation**. If the initial Department report and/or subsequent law enforcement investigation indicates a need for further action to protect the adult the Department shall consult with Enjinaaknegeng and the Chairperson, or their designee to determine what action, if any, is necessary.

4. **Filing Petition**. If a determination is made that a petition should be filed, the Director of Social Work, Human Services Department – Social Services Program shall coordinate with Enjinaaknegeng to file an appropriate petition in Tribal Court.

B. **Coordination with Law Enforcement Agencies**. The Department is authorized to coordinate with appropriate law enforcement agencies in investigating an adult welfare case.

C. **Interdepartmental Cooperation.** Upon request from the Department, other Executive departments shall assist the Department in processing adult welfare cases to the extent permitted by LTBB law, or applicable federal law.

(Source: REG-WOS-2005-07-030709-004)

Chapter 3. FOOD SAFETY REGULATIONS

Chapter 4. BURIAL REQUEST PROGRAM REGULATIONS

I. Introduction. These regulations have been formulated to clarify the intentions of the LTBB Burial Program Statute WOS 2006-017 which provides burial funding of no more than $8,000.00 for all eligible deceased LTBB Tribal Citizens. An explanation of the Burial Funds Assistance Program shall be published at least once annually in the Odawa Trails Newspaper and by other readily accessible locations such as the LTBB website. Electronic and paper versions of the full burial assistance program regulations and procedures shall be made available to any Tribal Citizen requesting burial assistance. The LTBB Human Services Department has been given the authority and responsibility of the Burial Funds Requests oversight.

II. Definitions.

A. **LTBB:**

B. **Requestor:**

III. Office Procedures. The LTBB Human Services Department shall establish written office procedures to facilitate the distribution of funds by means of supplying instructions as well as forms and applications used in the facilitation of burial funds requests.

IV. Initial Processing of Burial Funds Requests. All burial funds requests are processed through the LTBB Human Services Department as outlined below.

B. The deceased person's citizenship status, or eligibility for citizenship if child is less than one (1) year of age, shall be determined and/or verified through the LTBB Enrollment Office.

C. Original death certificates shall be hand delivered to the LTBB Enrollment Office. A copy shall be retained in the deceased individual's confidential burial funds request file at the LTBB Human Services Department.

D. Upon determination and/or verification of eligibility the Human Services Department will notify the requestor, and the funeral home if appropriate, of the submission requirements for receipts and/or invoices.

V. Allowable Expenses.

A. The following is a list of all expenses which are considered allowable:

1. Funeral Services/Funeral Director Fees;
2. Casket or other container;
3. Cremation or embalming expense;
4. Cemetery and/or ground opening expense;
5. Floral arrangements;
6. Cosmetics for burial expense;
7. Clergy or officiate;
8. Drum/Pipe Carrier/Music/Spirit Medicines;
9. Transportation to/from funeral home/cemetery;
10. Catering of food;
11. Grave markers;
12. Guest books;
13. Photos/ Photo albums;
14. Printing;
15. Food or supplies for feasts or ceremonies or other similar expenses; and
16. Taxes on any of the above expenses.

B. The LTBB Human Services Department reviews and verifies that all receipts and/or invoices that are submitted for each burial are allowable.

VI. Statutory Time Limit. There is a six (6) month statutory time limit for submission of receipts and/or invoices of all allowable expenses.

VII. Burial Funds Request Denials. If a burial funds request is denied, the LTBB Human Services shall notify the requestor as soon as possible or with three (3) business days of the reason(s) for denial.

VIII. Processing Receipts and/or Invoices.

A. To process receipts the burial funds requestor or designee according to WOS 2006-017 of allowable receipts shall be reimbursed by guidelines set forth in the LTBB Human Services Office Procedures and the LTBB Accounting Department.

The processing of invoices related to burial funds requests for allowable items or services, or the like, shall be sent to the payable on the invoice.

(Source: REG-WOS 2006-017 022307-002)

Chapter 5. LTBB ELDERS PROGRAM DENTAL REGULATIONS

I. Purpose. Pursuant to Tribal Resolution #022110-01, to provide funding for establishing an Elder's Dental Program Fund, to assist Tribal Elders with specialized dental costs that are typically not covered by the LTBB Tribal Clinic. The Elders Department shall create a line item in future budgets to continue providing the Elder's Dental Services.

II. Eligibility.

A. The Elder's Dental Services program will provide services to all enrolled LTBB Elders. To be eligible for the program the Tribal Elder must provide a copy of their enrollment card that shows that the person is age of 55 years or older in the current calendar year prior to any dental services being performed.

B. The Tribal Elder will provide an invoice that contains the dental services being provided or requested along with a cost of the services. Only the following services shall be approved for payment: dentures, bridges, crowns, all prep work necessary to complete the aforementioned items, or such other items that would not be considered general maintenance or cosmetic in nature.

C. The LTBB Elder must exhaust all their available medical/dental coverage options before applying for this program. The LTBB Elder's Dental Services program is the payer of last resort. The Elder's Dental Services program will contact the Dental Service provider and verify that all other medical and/or dental coverage options have been exhausted before providing funding.

D. Work preformed must have taken place on or after February 11, 2010 to be eligible for this program.

III. Services. The Elder's Dental Services will provide funding for specialized dental costs that are not typically covered by the LTBB Tribal Dental Clinic; such as the cost of dentures, bridges, crown or such other items that would not be considered general maintenance or cosmetic in nature as shall not exceed $2,400.00 per calendar year per Elder. Periodontal surgery is not covered.

A. If an Elder resides within the LTBB 27 county Indian Health Services [IHS] service area they are to use our LTBB Tribal Dental Clinic and shall request an invoice of costs for services from the LTBB Tribal Dental Clinic.

B. If an Elder resides outside of the LTBB IHS 27 county service, then they may participate in a direct billing option which requires the Dental Service provider to participate as an LTBB Vendor including submission of an invoice, prior to dental services being paid , **or**

C. If an Elder resides outside of the LTBB IHS 27 county service area, then they may participate in the reimbursement option. This option will require the Elder to first check with the Elder's Dental program to ensure that there are adequate funds available for reimbursement. The Elder's Dental program will reimburse the Elder upon receipt of an invoice for services showing that payment has been made.

IV. Administrative Requirements.

A. The Elder's Dental Services office procedures shall be adopted by the Elders Department.

B. A brief explanation of the Elder's Dental Services program shall be published in the Odawa Trails and on the LTBB website.

C. Electronic and paper versions of the full Elder's Dental Services program regulations and procedures shall be made available to any Tribal Elder requesting specialized dental services.

D. The Elder's Dental services application will be processed once all required documentation within the Elder's Dental Services program file is complete.

E. If the request is denied, the Elders Department shall notify the requestor within five (5) business days or sooner of the reason(s) for the denial.

F. LTBB Accounting Department requires original invoice(s) to process payments for specialized dental services received by the LTBB Tribal Elder.

G. LTBB Elders program staff will obtain W-9 forms for all dental providers participating in the direct billing option. LTBB Accounting Department requires

W-9 forms for all vendors conducting business with the Little Traverse Bay Bands of Odawa Indians before payment can be processed.

H. In the event, a dental services provider refuses to participate in the LTBB Vendor Application process. The Tribal Elder will use the reimbursement option offered by the Tribe.

V. Funding Requests. In the event that additional funding is needed in a fiscal year, the Executive shall prepare a request for supplemental funding in accordance with WOS 2008-004.

VI. Limitations.

A. Elder's Dental Services funds are limited to $2,400.00 per Tribal Elder in a 12-month period.

B. Program is available until current years' funding has been exhausted.

(Source: REG-ELD-RES 022110-01 081010-004)

TITLE XII – CORPORATIONS, BUSINESSES AND COMMERCIAL TRANSACTIONS

Chapter 1. BUSINESS REGISTRATION REGULATIONS

I. Purpose. The Little Traverse Bay Bands of Odawa Indians (LTBB) authorizes entities or individuals to do business under assumed names.

II. Definitions.

A. **DBA:** means Business Registrations Certificate, Persons Conducting Business Under Assumed Name or Partnership; aka: "Doing Business As".

B. **DOC:** means the Department of Commerce for the Little Traverse Bay Bands of Odawa Indians.

C. **Tribe:** means the Little Traverse Bay Bands of Odawa Indians. "LTBB".

D. **Tribal Citizen:** means an enrolled person the Little Traverse Bay Bands of Odawa Indians.

III. Jurisdiction. These regulations shall apply to all LTBB lands whether held in fee or in federal trust, and to any person(s) under the jurisdiction of LTBB.

IV. Filing for a Business Registration. The Department of Commerce shall receive and process requests for persons filing a Business Registration Certificate for Persons Conducting Business Under Assumed Name or Partnership. Individuals or authorized entities who operate, or intend to operate a business, under an assumed name within the Tribe's jurisdiction may file a Certificate of Assumed Name (also known as a DBA) with the DOC of the Little Traverse Bay Bands of Odawa Indians.

A. The requestor's tribal citizenship status shall be verified through the DOC using an electronic membership list that is provided by the LTBB Enrollment Department.

B. To ensure there are no existing businesses using the name chosen, the DOC will verify that there is no duplication of business names within the Tribal jurisdiction.

C. The Business Registration Certificate (DBA) form may be filled out prior, however they may ***not*** be signed. The certificate ***must*** be signed only when it is presented at the DOC office.

D. Signatures ***must*** be signed and witnessed by a ***Notary Public***. The Department of Commerce will provide notarization if all owners are present at time of signing, and have a current valid LTBB Tribal Identification, Driver's License or

government issued identification.

E. **Change of Name or Address.** In the event an individual or authorized entity who has filed a DBA through the DOC changes their name or address, the filer must notify the DOC in writing, within thirty (30) of the change. The filer is required to fill out another DBA form with the new address or name reflected. The Change of Name and or Address filing fee will apply for each change. The original DBA number issued will remain the same.

F. A Certificate of Assumed Name or Co-Partnership must be amended when there is a change in the composition of the partners.

V. Dissolution.

A. In the event an individual or authorized entity who has filed a DBA becomes deceased, documentation such as an obituary or notification in writing from a family member may be used to document the death of the filer. Information received from the Tribal Enrollment office may also be used to document the deceased filer. The original DBA number will not be issued to another filer and the DBA is considered to be dissolved on the date of death.

B. A DBA is deemed dissolved if the business moves outside of the Tribal jurisdiction.

VI. Renewals

A. Business Registration Certificates (DBA's) are valid for a period of ten (10) years.

B. Upon expiration of Certificates of Assumed Names, the filer may reapply for the DBA using the same business name. The filer may do so up to 30 days prior to expiration. If the filer does not file for renewal by the expiration date (December 31st of the 10th year), then the DBA is automatically dissolved and the business name may be used by other persons.

VII. Fees.

A. The fee for the Business Registration Certificate (DBA) is fifteen-dollars ($15.00).

B. In order to change the address of a DBA or Co-Partnership it is a two (2) step process consisting of two (2) separate forms. The existing DBA or Co-Partnership must first be dissolved and then reapplied for. There is a ten dollar ($10.00) filing fee for each form, therefore the **total** fee when filing for a Change of Name or Address is twenty dollars ($20.00).

C. Dissolution of Assumed Name or Co-Partnership Fee is ten dollars ($10.00).

(Source: REG-WOS 2006-009 080809-003)

TITLE XIII – DOMESTIC RELATIONS & PROBATE

Chapter 1. *[Reserved]*