Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

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LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS' 2012 1836 CEDED TERRITORY NATURAL RESOURCES RULES AND REGULATIONS REG-WOS 2008-012 102710-002

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.

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

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

HH. **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.

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

JJ. **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.

KK. **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.

LL. **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.

MM. **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.

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

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

PP. **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.

QQ. **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.

RR. **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.

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

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

UU. **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.

VV. **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.

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

XX. **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.

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

ZZ. **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

CERTIFICATION

As Chairperson, I approve these 2012 1836 Ceded Territory Natural Resources Rules and Regulations of the Natural Resource Commission.

Date: 12-1-11 Dexter McNamara

Dexter McNamara, Tribal Chairperson

Received by the Tribal Council Office on: 12-14-11 by: Michael Smith

As the Legislative Leader and Tribal Council Secretary, we certify that these 2012 1836 Ceded Territory Natural Resources Rules and Regulations of the Natural Resource Commission were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on 12-18-11 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent.

Date: 12/21/11

Melvin L. Kiogima, Legislative Leader

Date: 12-21-11 Regina Gasco Bentley

Regina Gasco Bentley, Secretary