

**WAGANAKISING ODAWAK STATUTE 1997016**

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
COMMERCIAL AND SUBSISTENCE FISHING RULES AND  
REGULATIONS FOR THE TREATY CEDED WATERS OF LAKES  
SUPERIOR, HURON AND MICHIGAN**

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS COMMERCIAL AND  
SUBSISTENCE FISHING RULES AND REGULATIONS FOR THE TREATY CEDED  
WATERS OF LAKES SUPERIOR, HURON AND MICHIGAN

SECTION I. PURPOSE . . . . . 1

SECTION II. DEFINITIONS . . . . . 1

SECTION III. LICENSE DEFINITION AND RESTRICTIONS . . . . . 3

SECTION IV. LICENSE REGULATIONS . . . . . 5

SECTION V. CATCH REPORTING AND SAMPLING . . . . . 6

SECTION VI. LAKE HURON RESTRICTIONS . . . . . 7

SECTION VII. LAKE MICHIGAN RESTRICTIONS . . . . . 7

SECTION VIII. LAKE SUPERIOR RESTRICTIONS . . . . . 7

SECTION IX. OTHER RESTRICTIONS . . . . . 8

SECTION X. GEAR RESTRICTIONS . . . . . 8

SECTION XI. SPECIES RESTRICTIONS . . . . . 8

SECTION XII. SEASON RESTRICTIONS . . . . . 9

SECTION XIII. PRIMARY LAKE TROUT REHABILITATION ZONES RESTRICTIONS  
10

SECTION XIV. WHOLESALE AND RETAIL REPORTING REQUIREMENTS . . 10

SECTION XV. SUBSISTENCE FISHING . . . . . 11

SECTION XVI. JURISDICTION AND ENFORCEMENT . . . . . 11

SECTION XVII. CRIMINAL PROVISIONS . . . . . 13

SECTION XVIII. USE OF ACCESS SITES . . . . . 13

Certification . . . . . 15

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
COMMERCIAL AND SUBSISTENCE FISHING RULES AND REGULATIONS FOR  
THE TREATY CEDED WATERS OF LAKES SUPERIOR, HURON AND MICHIGAN**

Effective August 17, 1997 until modified, superseded or revoked.

**SECTION I. PURPOSE.**

These regulations are adopted to govern the commercial and subsistence fishing activities of members of the Little Traverse Bay Bands of Odawa Indians in exercising the treaty rights reserved by the Bands in the Treaty of March 28, 1836. The regulations are intended to ensure conservation of the fishery resource for future generations of the Bands, to ensure safe fishing practices and to prevent conflict wherever possible.

**SECTION II. DEFINITIONS.**

A. "Treaty" means the Treaty of March 28, 1836, 7 Stat. 491.

B. "Enforcement Officer" means:

1. any enforcement agent of the Bureau of Indian Affairs, the United States Fish and Wildlife Service, any Indian tribe that signed the 1836 Treaty, or any person authorized to enforce the provisions of Title 25, Code of Federal Regulations, Part 249.3, or

2. any person authorized by Bands ordinance to enforce these regulations, or

3. any conservation officer of the Michigan Department of Natural Resources.

C. "Fishing activity" means fishing for, catching or taking any species of fish or attempting to fish for, catch or take any species of fish from treaty ceded waters, including all related activities which occur in or on the water or immediately adjacent to the water, and including the process of loading or unloading fish, nets or related gear in or from a boat or vehicle.

D. "Commercial fishing" means fishing activity for the purpose of sale of fish or fish parts.

E. "Subsistence fishing" means fishing activity solely for personal and family use and not for sale of fish or fish parts.

F. "River" means the following designated water-courses:

1. in Lake Superior, the Chocolay River, Laughing Whitefish River, Au Train River, Sands River, Anna River, Hurricane River, Grand Sable River, Blind Sucker River, Little Two Hearted River, Big Two Hearted River, Tahquamenon River, Pendills Creek, and

2. in Lake Huron, the Little Black River, Cheboygan River, Carp River, Nunns Creek, Pine River, Little Trout River, Thunder Bay River, Long Lake Creek, Grand Lake River, and

3. in Lake Michigan, the Ford River, Escanaba River, Whitefish River, Days River, Rapid River, Tacoosh River, Ogontz River, Sturgeon River, Big Fishdam River, Little Fishdam River, Thompson Creek, Manistique River, Crow River, Milakokia River, Brevort River, Lower Milecoquins River, Black River, Cut River, Paquin Creek, Carp Lake River, Inwood Creek, Crystal River, Boardman River, Platte River, Betsie River, Otter Creek, Leland River, Big Manistee River, Pere Marquette River, Grand River, Stoney Creek and Elk River.

G. "Grid" means statistical grid, approximately 11.5 miles longitude north to south by 8 miles latitude, east to west, consisting of approximately 92 square miles, as delineated by longitude and latitude coordinates on standard U. S. Department of Commerce, National Oceanic and Atmospheric Administration navigational charts, commonly employed by tribal, state, provincial and federal governments in reporting fishery statistics.

H. "Target fishing" means any fishing activity which has the effect of catching or taking a specific species or several specific species of fish.

I. "Regulations" or "these regulations" means the provisions of this document, including any subsequent modifications or amendments thereto.

J. "Breakwall" means a man-made barrier which breaks the force of waves, as before a harbor.

K. "Dam" means a barrier which obstructs the flow of water built across a stream, creek or river.

L. "Pier" means a structure built to extend from land out over water, which is used as a landing place for ships or boats.

M. "Large mesh gill net" means a gill net having a diagonal stretch measure of 4 1/2 inches or greater.

N. "Small mesh gill net" means a gill net having a diagonal stretch measure of 2 1/2 inches through 3 inches.

O. "Impoundment gear" means gear designed to capture fish by means of deflection in order to retain them in a live condition, including trap nets, pound nets, fyke nets, and hoop nets.

P. "Seine" means a net used to enclose fish when its ends are pulled together and are drawn to shore.

Q. "Treaty ceded waters" means all waters, bays, sounds and estuaries within Lake Michigan, Lake Huron and Lake Superior which are described in Article One of the Treaty of March 28, 1836, and all waters connecting such waters, bays, sounds and estuaries.

R. "Unattended nets" means nets which have been tagged by an enforcement officer as such for at least seven (7) days, except when fishing through the ice, which the fisher refuses to tend upon reasonable notice from an enforcement officer, or nets which contain entirely decayed fish.

### **SECTION III. LICENSE DEFINITION AND RESTRICTIONS.**

A. Each member of the Little Traverse Bay Bands of Odawa Indians who is eighteen years of age or older shall be eligible to apply for one or more of the licenses described in subsection B herein. Application must be made in writing to the Tribal Council of the Little Traverse Bay Bands of Odawa Indians, must be accompanied by the designated fee, if any. A license is only valid for the calendar year for which it is issued and must be signed by the Tribal Chairman or the Chairman of the Natural Resources Committee. A member of the Little Traverse Bay Bands of Odawa Indians who is less than eighteen years of age may apply for a minor's license described in subsection C herein.

#### **B. Types of Licenses and Fees.**

1. A commercial fishing license entitles the holder to operate a fishing boat and to participate fully in all commercial fishing activities, including the capture and sale of all species pursuant to these regulations. It further entitles the holder to employ helpers in such activities. The fee for such a license shall be twenty dollars (\$20.00).

2. A commercial fishing helper license entitles the holder to assist the holder of a commercial fishing license in commercial fishing activities. The fee for such a license shall be ten dollars (\$10.00).

3. A subsistence fishing license entitles the holder to engage in fishing activities for subsistence purposes; provided, however, that the members of the immediate household of the holder of a commercial fishing license shall be ineligible to receive subsistence fishing licenses. There shall be no fee for subsistence licenses.

4. An ice fishing license entitles the holder to engage in commercial fishing activities through the ice. The fee for a license to fish through the ice shall be ten dollars (\$10.00).

5. A commercial fishing vessel license entitles the holder, when he or she also holds a valid commercial fishing license, to operate the vessel licensed for the purpose of commercial fishing activities. The fee for a license to operate a vessel of up to and including thirty (30) feet in length shall be ten dollars. The fee for a license to operate

a vessel of more than thirty (30) feet in length shall be one hundred fifty dollars (\$150.00).

6. Special licenses may be issued by the Natural Resources Commission for assessment purposes, or for emergency or one time purposes, which licenses shall set forth clear date and time limits, authorized fishing zones, gear and species restrictions, catch limits and whether or not there is any restriction on sale of the catch. There shall be no fee for special licenses.

C. A member of the Bands, or the child of a member of the Bands under Section XV (E), who is less than eighteen(18) years of age may apply to the Tribal Council for a minor's license, which shall entitle him or her to engage in commercial fishing, or to assist a validly licensed commercial fisher, or to engage in subsistence fishing or to fish through the ice. There shall be no fee for a minor's license, however, the applicant must submit written consent for engaging in a fishing activity from his or her parent or guardian. Such license shall be valid for the calendar year in which it is issued and must be signed in the same manner as licenses issued to adult members.

D. A member of the Bands who has a valid commercial fishing license or a valid commercial fishing helper license may also be issued an assessment license which shall authorize the capture and study of specific species in specific quantities from specific locations. The license shall be issued on a special form by the chairman of the Natural Resources Commission and shall clearly set forth the biological need for the assessment and the limitations on the assessment catch. In the event that gear is to be used which might otherwise be prohibited, that fishing activity is to take place in waters which might otherwise be closed, or that species are to be taken which might otherwise be prohibited, such shall clearly be set forth on the assessment license. The license shall also clearly state the information which the holder of the assessment license is to collect in aid of the biological need. All fish taken pursuant to assessment fishing efforts may be sold, provided that all necessary biological information shall first be obtained.

E. Staff biologists of the Natural Resources Commission may also be issued assessment licenses authorizing specific catch designed for the collection of specific biological information. The licenses shall be issued on the same forms as are assessment

licenses issued under Section III (D) and shall contain all of the same information, restrictions and limitations and shall additionally clearly state that the holders of such licenses are employees of the Little Traverse Bay Bands of Odawa Indians who are authorized to collect biological specimens as a part of performance of their official duties. There shall be no sale of the catch taken pursuant to an assessment license held by a staff biologist.

#### **SECTION IV. LICENSE REGULATIONS.**

A. No member of the Little Traverse Bay Bands of Odawa Indians may engage in fishing activity within the treaty ceded waters without having in his or her possession at all times one of the following: commercial fishing license, a minor's license, a commercial fishing helper license, an ice fishing license, a subsistence license or a special license issued in accordance with these regulations.

B. No member of the Little Traverse Bay Bands of Odawa Indians shall allow a person who does not possess a valid fishing license as required by subsection A of this section to aid or assist him or her while engaged in any commercial fishing activity; provided, however, that a validly licensed member of the Bands may employ the consulting technical expertise of a non-member by obtaining a permit therefor from the Little Traverse Bay Bands of Odawa Indians Tribal Council, which permit may not extend for more than one calendar year; and provided further, however, that a validly licensed member of the Bands may employ a commercial fisher who is validly licensed by any other Federally recognized tribe under fishing rights pursuant to the Treaty of Washington of March 28, 1836, as a helper. Copies of any such permits to non-members for technical consultation shall be forwarded to the Director of the Michigan Department of Natural Resources.

C. The license or permit required by subsections A and B of this section shall be shown to any enforcement officer who requests therefor.

D. Each gang of gill nets and each impoundment net or seine used in commercial or subsistence fishing shall be clearly marked at each end with a buoy on the surface, which buoy shall clearly show the license number of the fisher operating the net or seine. In addition, each gang of gill nets used at the surface of the water to target salmon shall further be marked as follows:

1. Each gang of nets shall be marked at each end with a staff which extends a minimum of five (5) feet above the surface and which:

- a. is at least 50 percent reflective orange or red in color;
  - b. has affixed to the top one orange flag 12" x 12" in size;
  - c. has affixed the license number of the fisher.
2. Each gang of nets shall have attached along the top edge of the net orange PVC floats which is at least 6" x 14" in size and which are evenly spaced along the length of the gang at intervals of not more than 200 feet.
  3. No gang of nets shall exceed 1,800 feet in length.
- E. Each boat which is used by a licensee of the Little Traverse Bay Bands of Odawa Indians for commercial fishing activity shall have affixed to it in a clearly visible manner either the number of the commercial fishing vessel license issued by the Bands or a valid State of Michigan watercraft registration. Each snowmobile which is used by a licensee of the Little Traverse Bay Bands of Odawa Indians for commercial fishing activity shall have a valid State of Michigan snowmobile registration.

#### **SECTION V. CATCH REPORTING AND SAMPLING.**

- A. Subject to the exception contained herein, each person to whom a commercial fishing license, ice fishing license, minor's license, subsistence fishing license, or a special license has been issued must file an accurate report of his or her catch for each calendar month.
1. Such report must be filed with the Tribal Office no later than the tenth of the following month.
  2. This requirement will be satisfied if the licensee who is in charge of a fishing vessel files a single report listing the names and license numbers of all licensed fishers who worked on the vessel at any time during the previous month.
  3. The catch report shall include, for each day of fishing activity:
    - a. the kind of gear used, including mesh size and total length of net lifted or number of impoundment nets lifted,
    - b. the depth and location of fishing activity by grid number,
    - c. the total pounds of each species landed,
    - d. whether the fish were sold round or dressed,
    - e. any other information required.
  4. The holder of a commercial license who does not fish during a month shall file a report of "no fishing." If no

report is filed by the 10th of the month it will be assumed that no fishing activity occurred.

B. Each licensed subsistence fisher who catches more than 100 pounds of fish (based on the combined weight of all species) in any calendar month is subject to the reporting requirements of Section V of these regulations.

C. Any catch may be subject to reasonable biological sampling to obtain information required for conservation and management purposes.

#### **SECTION VI. LAKE HURON RESTRICTIONS.**

The following grids - 307-309, the North 1/2 of 407.408-410 - shall constitute a lake trout refuge in which the following restrictions apply:

A. All commercial fishing activity shall be limited to impoundment gear only,

B. No commercial or subsistence gill net activity shall be allowed, and

C. Retention of lake trout shall be prohibited.

#### **SECTION VII. LAKE MICHIGAN RESTRICTIONS.**

A. There shall be no commercial fishing activity in the following grids: 306, 519, 815, 816, 915 and 916.

B. The following grids in Lake Michigan - South 1/2 of 313, South 1/2 of 314, 413-415, 513-516, Northwest 1/4 of 517, 613, North 1/2 of 614 - shall constitute a lake trout refuge in which the following restrictions apply:

1. All commercial fishing activity shall be limited to impoundment gear only,

2. No commercial or subsistence gill net activity shall be allowed, and

3. Retention of lake trout shall be prohibited.

C. The following grids shall constitute a primary lake trout rehabilitation zone and are subject to regulations defined in Section XIII of these regulations: North 1/2 of 313, North 1/2 of 314, 315-316, 416, South 1/2 and northeast 1/4 of 517, 518, South 1/2 of 614, 615-616, 715-716.

#### **SECTION VIII. LAKE SUPERIOR RESTRICTIONS.**

The following grids shall constitute a primary lake trout rehabilitation zone and are subject to regulations defined in Section XIII of these regulations: 830-833, 930-935, 1030-1036, 1130-1136, 1230-1236, 1330-1336, 1430-1436, 1530-1536, 1632-1634.

## **SECTION IX. OTHER RESTRICTIONS.**

A. The following area is closed to all commercial fishing activity: the St. Mary's River east of a line extending from Point aux Pins, Ontario, to Brush Point, Michigan, downstream to the Detour-Drummond Island ferry docks, including all of Potagannissing Bay from Hay Point on Drummond Island west to Cherry Island and north to the International boundary.

B. All commercial and subsistence fishing activity utilizing gill nets or impoundment gear is prohibited within one-half (1/2) mile radius of the mouth of any river listed in Section II(F), and within 100 yards of any breakwall, dam or pier; provided, however, that nothing shall prohibit licensed fishers from targeting for Pacific salmon species in any of such areas where salmon has specifically been stocked.

## **SECTION X. GEAR RESTRICTIONS.**

A. The following are permitted gears for commercial fishing activity, except as otherwise restricted by these regulations: large mesh gill nets, small mesh gill nets, impoundment gear, seines and hooks.

B. Permitted subsistence gear is defined in Section XV of these regulations.

C. Use of any other gear, mesh size or method of capturing fish by commercial fishers is prohibited unless authorized by special license from the Chairman of the Natural Resources Commission.

D. Unattended nets may be seized by an enforcement officer and forfeited as set forth in these rules.

E. Possession of a firearm while engaged in fishing pursuant to these regulations is prohibited.

## **SECTION XI. SPECIES RESTRICTIONS.**

A. The following fish species shall not be offered for sale or exchange when taken during commercial fishing activity and must immediately be returned to the water if alive: lake sturgeon; muskellunge; brown, brook and rainbow (steelhead) trout; Atlantic salmon; largemouth and smallmouth bass; northern pike; and any species listed as threatened or endangered by the Federal Endangered Species Act, 16 U.S.C. 51531, et seq.

B. For the purpose of maintaining and protecting fish stocks, the following size restrictions shall apply to fish taken by licensed commercial fishers:

1. whitefish and lake trout less than 17 inches long and walleye less than 15 inches long shall be returned to the water immediately if alive, and

2. in Lake Huron, yellow perch less than 8 inches long shall be returned to the water immediately if alive, and

3. possession of more than 5% (based on the combined weight of the total catch) of undersized fish species as identified in subparagraph B of this section shall be prohibited, and in no event shall undersized fish species be offered for sale.

C. Commercial target fishing for walleye:

1. is prohibited in the following grids of Lake Huron: 207-209, 404-409, 504-506.

2. throughout Lake Huron is prohibited from 12:00 Noon December 31 through 12:00 Noon June 30 and 12:00 Noon November 5 through 12:00 Noon November 29.

## SECTION XII. SEASON RESTRICTIONS.

A. In order to protect whitefish spawning stocks, the following shall apply to all commercial fishers during the period 12:00 Noon November 5 through 12:00 Noon November 29:

1. target fishing for whitefish is prohibited, and

2. the use of large mesh gill nets is prohibited in all areas, and

3. the retention of whitefish caught in any other gear, including impoundment gear, is prohibited.

B. In order to protect the walleye spawning stocks, the following shall apply to commercial fishers during the period 12:00 Noon April 1 through 12:00 Noon May 15:

1. target fishing for walleye is prohibited, and

2. possession of more than 20% (based on the combined weight of the total catch) of walleye by commercial fishers using gill nets is prohibited, and

3. possession of more than 5% (based on the combined weight of the total catch) of walleye by commercial fishers using impoundment gear is prohibited.

C. The use of floating suspended gill nets for the commercial harvest of chinook and coho salmon by commercial fishers is permitted only from 12:00 Noon August 16 through 12:00 Noon October 13 within two mile radius from the stream mouths where

salmon stocking has occurred. Gear must be marked in accordance with subsection IV(C) of these regulations.

D. In order to protect lake herring spawning stocks, the following shall apply to commercial fishers during the period from 12:00 Noon November 15 through 12:00 Noon December 15:

1. target fishing for lake herring is prohibited, and
2. possession of more than 20% (based on the combined weight of the total catch) or lake herring is prohibited.

#### **SECTION XIII. PRIMARY LAKE TROUT REHABILITATION ZONES RESTRICTIONS.**

A. The following regulations shall apply to commercial fishers in all primary lake trout rehabilitation zones defined in Sections VII(C) and VIII of these regulations:

1. target fishing for lake trout is prohibited at all times, and
2. all live lake trout must be immediately returned to the water, and
3. possession of more than 30% lake trout (based on the combined weight of the total catch) by commercial fishers using gill nets is prohibited and
4. possession of more than 5% lake trout (based on the combined weight of the total catch) by commercial fishers using impoundment gear is prohibited, and
5. to help protect spawning lake trout aggregations, all commercial fishing activity utilizing small mesh gill nets in waters six (6) fathoms or less is prohibited from 12:00 Noon October 15 through 12:00 Noon November 15, and
6. the use of large mesh gill nets by commercial fishers during the period 12:00 Noon November 1 through 12:00 Noon November 29 is prohibited.

B. In the Lake Michigan primary rehabilitation zone as defined in Section VII(C) of these regulations except partial 517 and 518, all commercial fishing activity utilizing small mesh gill nets in waters between 15 and 40 fathoms is prohibited at any time.

#### **SECTION XIV. WHOLESALE AND RETAIL REPORTING REQUIREMENTS.**

Commercial fishers selling fish to any retail outlet must provide a bill of sale to the retailer which shall include: the name of the fisher, the amount and species of fish sold, the date of sale and the signature of the fisher. Commercial fishers selling fish to any wholesale outlet must provide the name of the fisher, address, license number and signature on a Michigan Department of Natural Resources wholesale fish record of purchase. Licensed helpers or others may be permitted to sell fish if the

commercial licensee who was responsible for the capture and reporting of the fish provides a signed Michigan Department of Natural Resources wholesale fish dealer record of purchase for that purpose.

#### **SECTION XV. SUBSISTENCE FISHING.**

A. The holders of subsistence fishing licenses may fish using gill nets or impoundment gear for any species of fish throughout the treaty ceded waters of the Great Lakes, including the St. Mary's River, except as follows:

1. subsistence fishing in lake trout refuges as defined in Sections VI and VII(B) of these regulations is prohibited, and

2. subsistence fishing is prohibited within a 1/2 mile radius of any stream listed in Section II(H) of these regulations and within 100 yards of any breakwall, dam or pier, except for hook and line fishing.

B. The sale of any fish species caught by a subsistence fisher is prohibited.

C. Possession of more than 100 pounds of fish (based on the combined weight of all species) by a subsistence fisher at any one time is prohibited.

D. The following fishing gears shall be permitted in all subsistence fishing activity:

1. a single large or small mesh gill net, as defined in Sections II(M) and II(N) of these regulations, not to exceed 300 feet in length, except that in the St. Mary's River Systems a single gill net shall not exceed 100 feet in length; a subsistence fisher is prohibited from tying together single gill nets to form a gang of nets, and

2. impoundment gear as defined in Section II(O), and

3. hooks, and

4. spears.

E. Any child of a member of the Band may apply for a minor license under Section III C for subsistence fishing only.

#### **SECTION XVI. JURISDICTION AND ENFORCEMENT.**

A. Jurisdiction to enforce these regulations upon members of the Little Traverse Bay Bands of Odawa Indians and minor children of members is vested exclusively in the Little Traverse Bay Bands of Odawa Indians Tribal Court.

B. In addition to all powers delegated to the Little Traverse Bay Bands of Odawa Indians Tribal Court by the ordinance

creating such court, as amended from time to time, it shall have additional powers as expressly provided for or implied by these regulations.

C. These regulations, except for the provisions of Section XVII of these regulations, are civil in nature, and violations may be punished by: suspension or revocation of the fishing license of the violator, assessment of a monetary penalty not to exceed \$1,500, requiring the violator to make restitution to the Bands commensurate to the value of the injury to the Band's treaty resource resulting from the violation of these regulations, and/or by forfeitures as set forth in subsections E and F of this section without the necessity of a separate forfeiture action.

D. Violations by commercial fishers of the regulations contained in Sections VI, VII(A) and VII(B), IX(A), XII(A) and XII(B), XIII(A)(1) and (5) and (6), and XV(A)(1) herein shall be deemed major violations and shall be punished by license suspension for not more than ninety (90) days, a fine of not more than \$2500.00, forfeiture of the catch and such additional penalties as the Tribunal may order.

E. All fish, eggs or parts thereof taken, possessed, sold, purchased, offered for sale or purchased, transported, delivered, received, carried, shipped, exported or imported contrary to these regulations shall be subject to seizure and shall be forfeited to the Bands.

F. All traps, nets and other equipment, vessels, snowmobiles, vehicles and other means of transportation used to aid the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting or importing any fish, eggs or parts thereof in violation of these regulations shall be subject to seizure and may be forfeited to the Bands.

G. The Bands will accept and prosecute all alleged violations of these regulations referred to them by the Michigan Department of Natural Resources or other state law enforcement agencies.

H. Any enforcement officer as defined in Section II(B) of these regulations may:

1. detain for inspection and inspect any package, crate, box or other container, including its contents and all accompanying documents or tags, at reasonable times, or
2. arrest, without warrant any person committing in his or her presence or view a violation of Section XVII of these regulations, or
3. execute any process for enforcement of the provisions of these regulations, or

4. search any place reasonably related to treaty fishing activity, with or without a warrant, as authorized by state law, or

5. seize, with or without warrant, any article which may be subject to forfeiture under subsections E and F of this section or which may be required as evidence of a violation of these regulations, if the violation occurs in his or her presence; provided, however, that any such articles seized shall be delivered within 48 hours of the time of seizure into the custody of the Bands enforcement officer.

#### **SECTION XVII. CRIMINAL PROVISIONS.**

A. It shall be a criminal offense for any person to commit any of the following acts:

1. assault, resist, oppose, impede, intimidate, bribe, attempt to bribe or interfere with an enforcement officer engaged in enforcing these rules, or

2. engage in commercial fishing without first having obtained a valid commercial fishing license as required by Section IV(A) of these regulations, or

3. violate any license suspension or revocation ordered by the Little Traverse Bay Bands of Odawa Indians Natural Resources Tribunal pursuant to Section XVI(C) hereof, or

4. commit any contempt within the presence of the Tribunal, or

5. violate any court order, or

6. damage or steal nets or equipment belonging to another fisher, or steal fish from another fisher's nets, or

7. possess a firearm while engaging in treaty fishing.

B. Criminal offenses shall be punishable by a fine not to exceed \$5000.00 or imprisonment not to exceed one year or both. In addition, the forfeiture and restitution provisions of Section XVI(C), (E) and (F) hereof shall apply to those convicted of criminal offenses.

#### **SECTION XVIII. USE OF ACCESS SITES.**

A. Fishers licensed pursuant to these regulations, including subsistence fishers, are authorized to utilize access sites which are the subject to permits issued by the Michigan Department and Natural Resources and the United States Forest Service to the Chippewa/Ottawa Treaty Fishery Management Authority and sites acquired by the Management Authority from private parties. Sites

may be utilized for putting boat into and pulling boat out of the water, for docking facilities and for parking of vehicles.

B. The following regulations apply to the use of such access sites:

1. all vehicles are to be parked in the designated parking areas only, and
2. equipment, with the exception of boat trailers, may not be left on site overnight, and
3. sites are to be maintained in a neat and orderly fashion with all garbage and refuse disposed of properly, and
4. no littering is permitted, and
5. no cleaning of fish or fish disposal is permitted, and
6. no maintenance of equipment is permitted at access sites, and
7. no damages to trees, signs, or improvements on sites is permitted, and
8. no camping or overnight housing is permitted.

C. Violation of the regulations contained in this section may result in permission to use access sites being denied and restitution for damages.

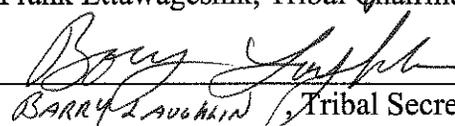
### Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Little Traverse Bay Bands of Odawa Indians Commercial and Subsistence Fishing Rules and Regulations for the Treaty Ceded Waters of Lakes Superior, Huron and Michigan was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 17, 1997, at which a quorum was present, by a vote of 6 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>✓</u>	_____	_____	_____
<i>Patricia Deer-Dickson</i> Michelle Chingwa	_____	_____	_____	<u>✓</u>
Frank Ettawageshik	<u>✓</u>	_____	_____	_____
Barry Laughlin	<u>✓</u>	_____	_____	_____
Shirley Oldman	<u>✓</u>	_____	_____	_____
<i>Janet Shonish</i> Rita Shananaquet	<u>✓</u>	_____	_____	_____
Alice Yellowbank	<u>✓</u>	_____	_____	_____

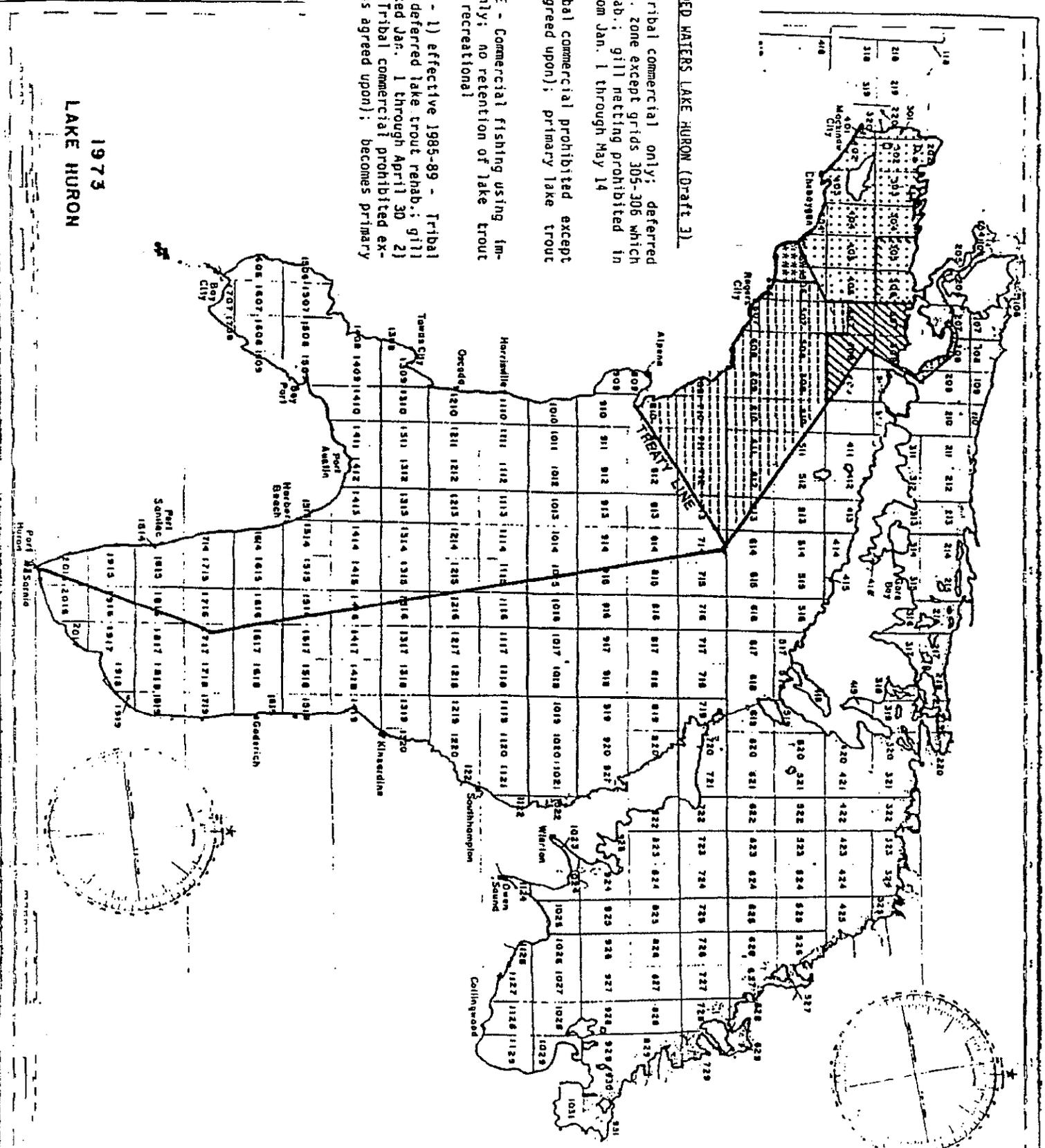
Date: 8-17-97

  
 \_\_\_\_\_  
 Frank Ettawageshik, Tribal Chairman

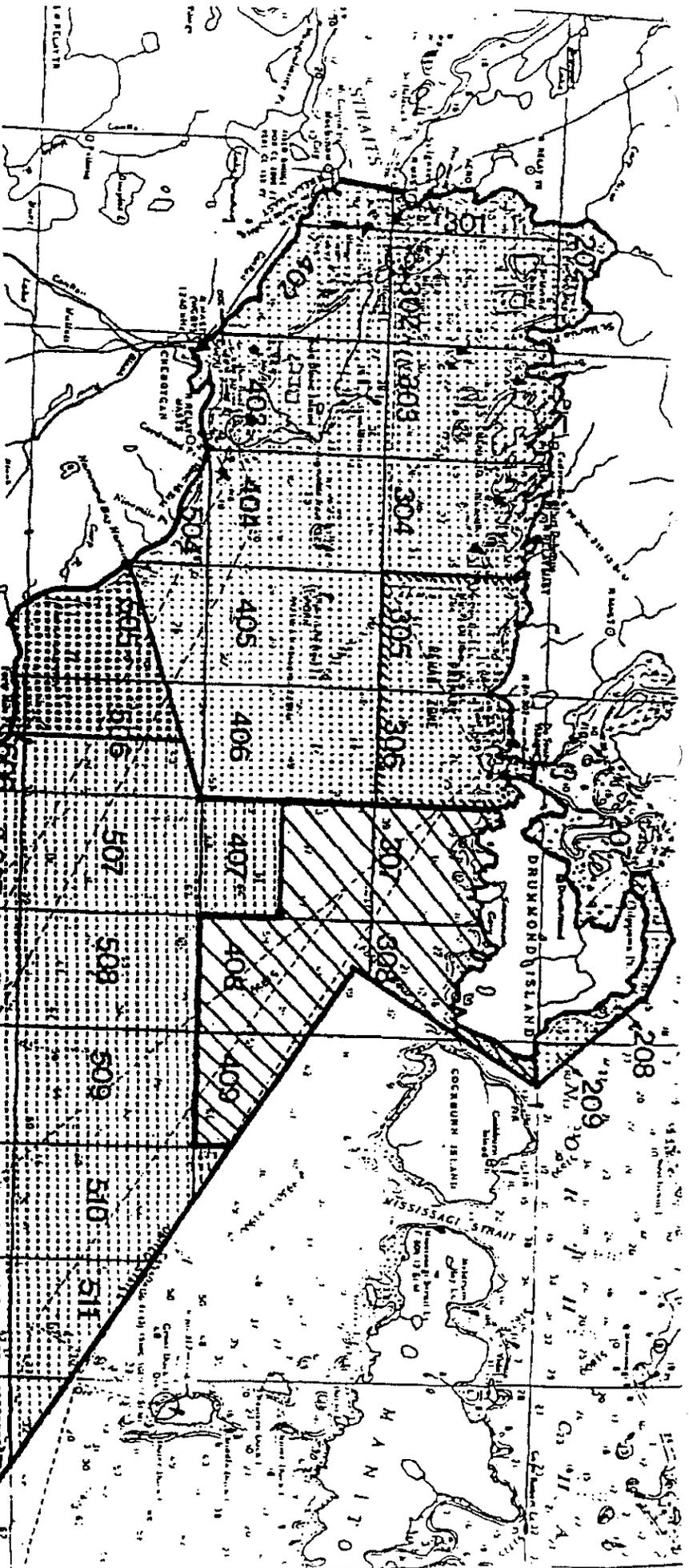
  
 \_\_\_\_\_  
 BARRY LAUGHLIN Tribal Secretary

DIFFERENT MAP - TREATY-CEDED WATERS LAKE HURON (Draft 3)

-  TRIBAL ZONE - Tribal commercial only; deferred lake trout rehab. zone except grids 305-306 which are primary rehab.; gill netting prohibited in grids 305-306 from Jan. 1 through May 14
-  STATE ZONE - Tribal commercial prohibited except for chubs (as agreed upon); primary lake trout rehab. zone
-  LAKE TROUT REFUGE - Commercial fishing using impoundment gear only; no retention of lake trout by commercial or recreational
-  TRANSITION ZONE - 1) effective 1985-89 - Tribal commercial only; deferred lake trout rehab.; gill netting prohibited Jan. 1 through April 30 2) effective 1990 - Tribal commercial prohibited except for chubs (as agreed upon); becomes primary rehab. zone



1973  
LAKE HURON



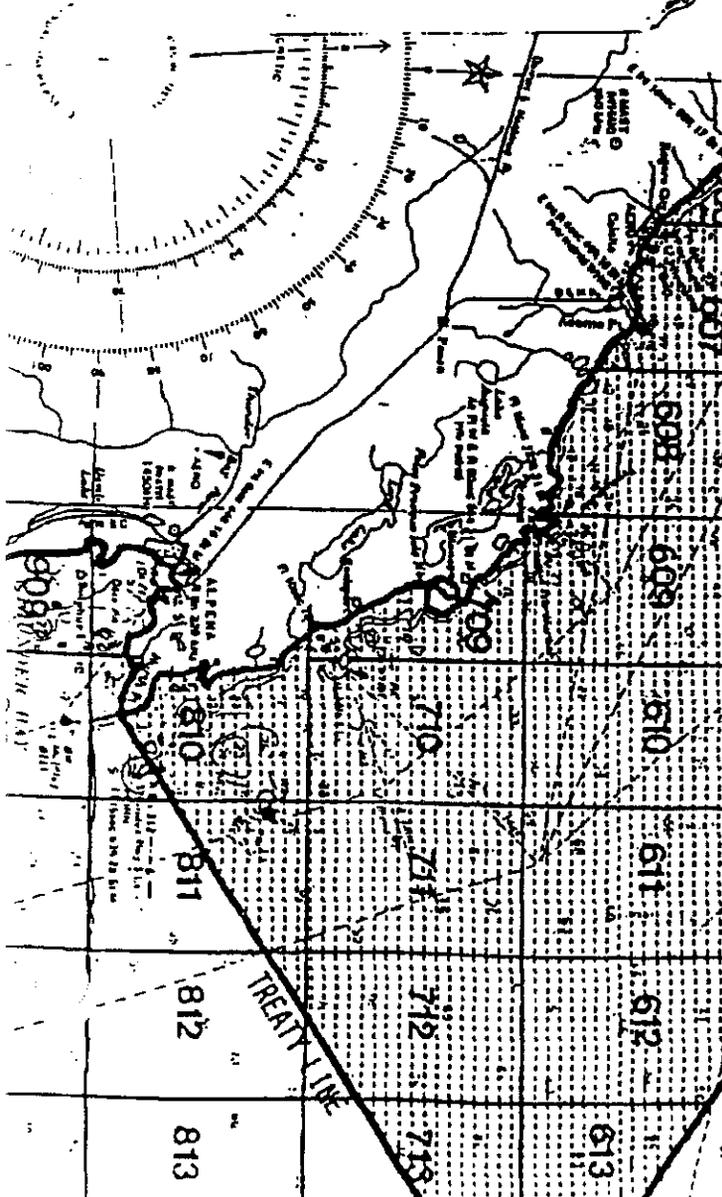
**SETTLEMENT MAP - TREATY-CEDDED WATERS LAKE HURON (Draft 3)**

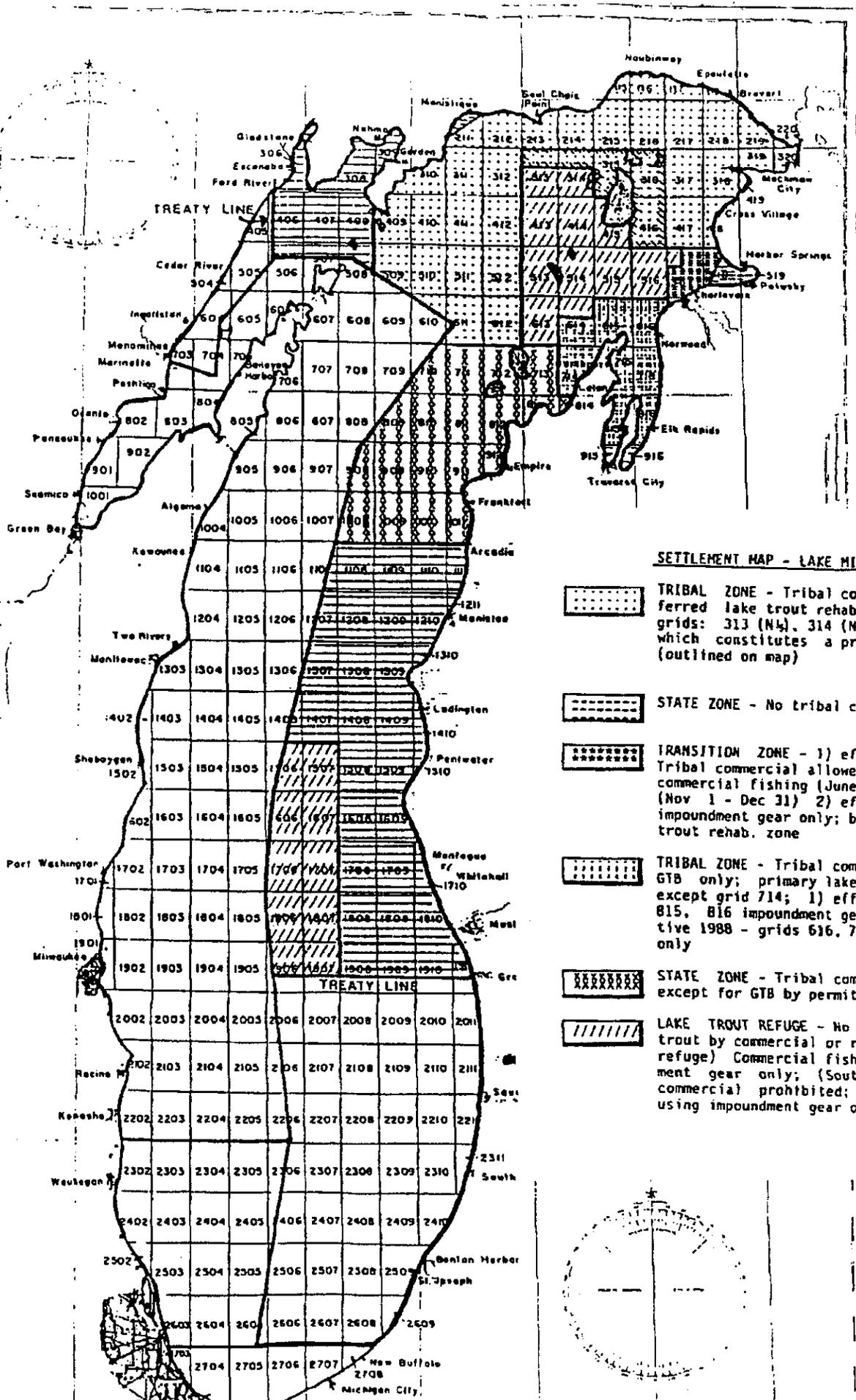
**TRIBAL ZONE - Tribal commercial only; deferred lake trout rehab. zone except grids 305-306 which are primary rehab.; gill netting prohibited in grids 305-306 from Jan. 1 through May 14**

**STATE ZONE - Tribal commercial prohibited except for chubs (as agreed upon); primary lake trout rehab. zone**

**LAKE TROUT REFUGE - Commercial fishing using impoundment gear only; no retention of lake trout by commercial or recreational**

**TRANSITION ZONE - 1) effective 1985-89 - Tribal commercial only; deferred lake trout rehab.; gill netting prohibited Jan. 1 through April 30 2) effective 1990 - Tribal commercial prohibited except for chubs (as agreed upon); becomes primary rehab. zone**





SETTLEMENT MAP - LAKE MICHIGAN (Draft 3)

- 
**TRIBAL ZONE - Tribal commercial only; deferred lake trout rehab. zone except for grids: 313 (N4), 314 (N4), 315, 316, 416 which constitutes a primary rehab. zone (outlined on map)**
- 
**STATE ZONE - No tribal commercial fishing**
- 
**TRANSITION ZONE - 1) effective 1985-1990: Tribal commercial allowed (all tribes); no commercial fishing (June 1 - Sept 30) and (Nov 1 - Dec 31) 2) effective 1990: GTB impoundment gear only; becomes primary lake trout rehab. zone**
- 
**TRIBAL ZONE - Tribal commercial limited to GTB only; primary lake trout rehab. zone except grid 714; 1) effective 1985 - grids 815, 816 impoundment gear only, 2) effective 1988 - grids 616, 716 impoundment gear only**
- 
**STATE ZONE - Tribal commercial prohibited except for GTB by permit**
- 
**LAKE TROUT REFUGE - No retention of lake trout by commercial or recreational; (North refuge) Commercial fishing using impoundment gear only; (South refuge) Tribal commercial prohibited; state commercial using impoundment gear only**

SETTLEMENT MAP - LAKE MICHIGAN (DRAFT 3)

TRIBAL ZONE - Tribal commercial only; deferred lake trout rehab. zone except for grids: 313 (Hj), 314 (Hh), 315, 316, 416 which constitute a primary rehab. zone (outlined on map)

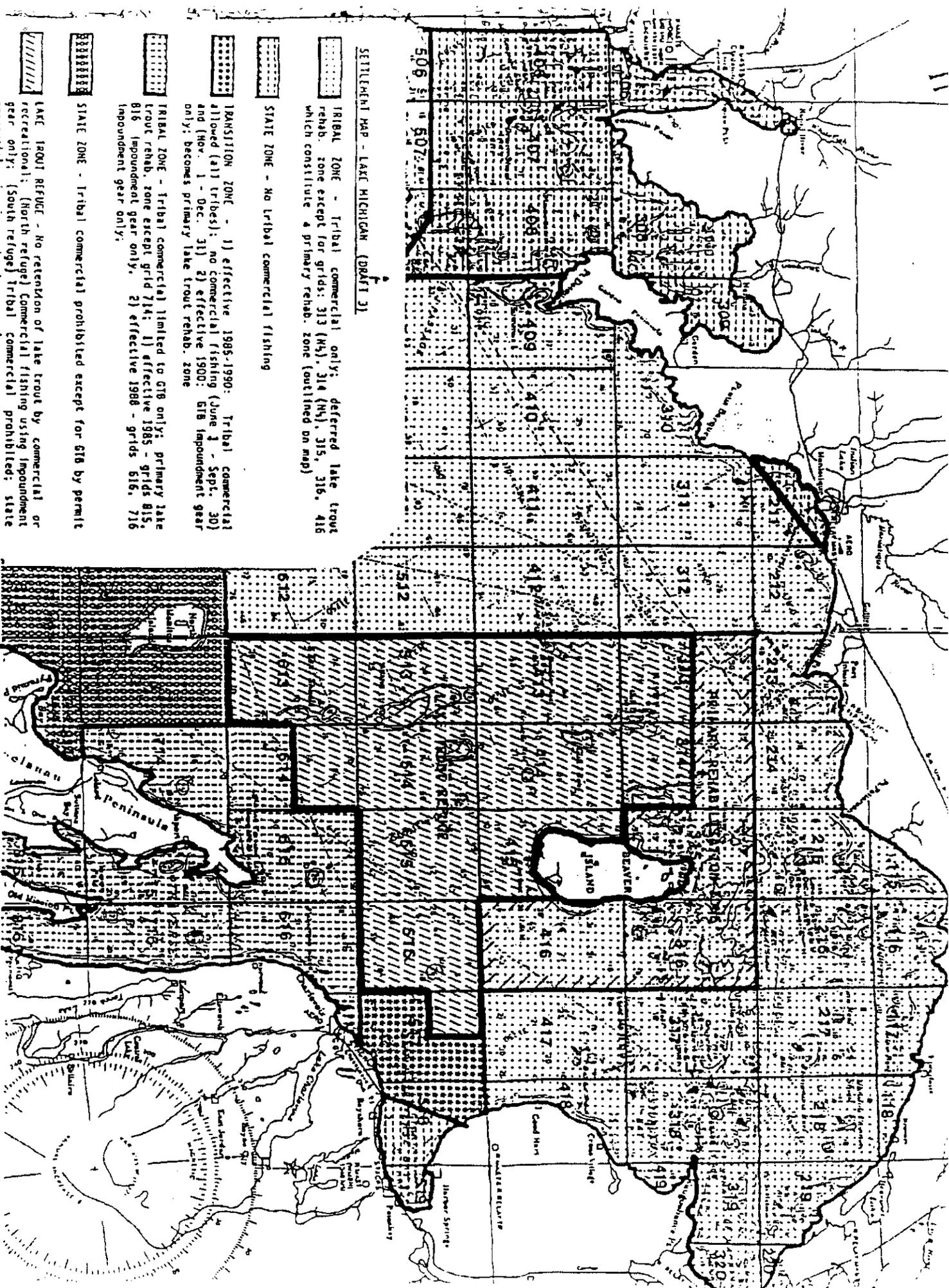
STATE ZONE - No tribal commercial fishing

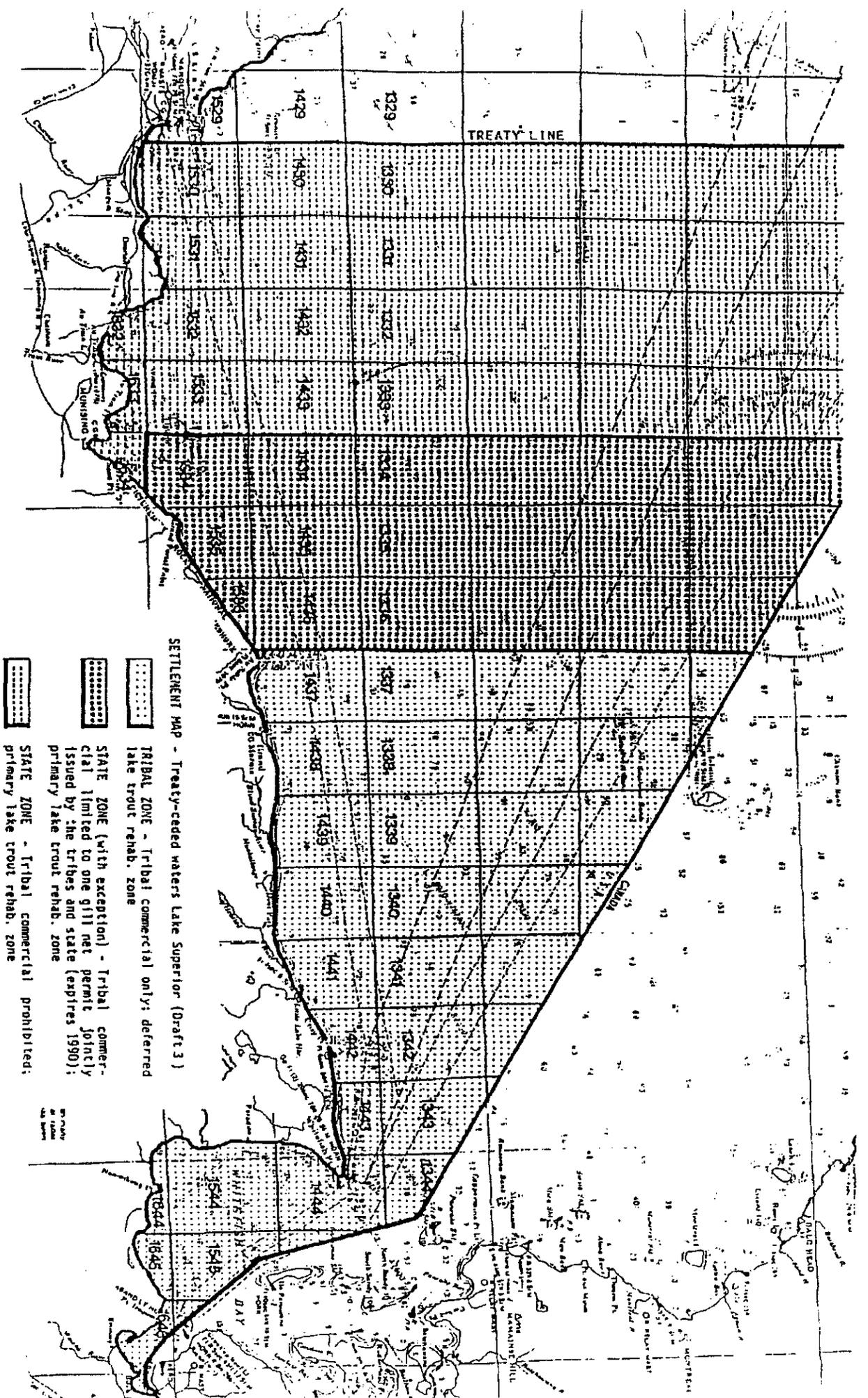
TRANSITION ZONE - 1) effective 1985-1990: Tribal commercial allowed (all tribes); no commercial fishing (June 1 - Sept. 30) and (Nov. 1 - Dec. 31) 2) effective 1990: GIB impoundment gear only; becomes primary lake trout rehab. zone

TRIBAL ZONE - Tribal commercial limited to GIB only; primary lake trout rehab. zone except grid 714; 1) effective 1985 - grids 815, 816 impoundment gear only, 2) effective 1988 - grids 616, 716 impoundment gear only;

STATE ZONE - Tribal commercial prohibited except for GIB by permit

LAKE TROUT REFUGE - No retention of lake trout by commercial or recreational; (North refuge) Commercial fishing using impoundment gear only; (South refuge) Tribal commercial prohibited; state commercial using impoundment gear only





SETTLEMENT MAP - Treaty-ceded waters Lake Superior (Draft 3)

TRIAL ZONE - Tribal commercial only; deferred lake trout rehab. zone

STATE ZONE (with exception) - Tribal commercial limited to one gill net permit issued by the tribes and state (expires 1990); primary lake trout rehab. zone

STATE ZONE - Tribal commercial prohibited; primary lake trout rehab. zone

1973  
LAKE SUPERIOR

