

ORDINANCE 11

ON-RESERVATION HUNTING,
FISHING AND GATHERING

INDEX

SECTION 102.	CONSERVATION COMMITTEE	3
SUBDIVISION 1.	CREATION	3
SUBDIVISION 2.	REGULAR VOTING MEMBERS	3
SUBDIVISION 3.	DUTIES AND RESPONSIBILITIES	3
SECTION 103.	DEFINITIONS	5
SECTION 104.	GENERAL	16
SUBDIVISION 1.	PARTIAL INVALIDITY AND SEVERABILITY	16
SUBDIVISION 2.	PROHIBITED ACTS	16
SUBDIVISION 9.	PERMITS, LICENSES AND TAGS	21
SUBDIVISION 10.	PENALTIES	22
SECTION 105.	BIG GAME	24
SECTION 106.	SMALL GAME	29
SECTION 107.	FISH	31
SUBDIVISION 1.	LICENSES	31
SUBDIVISION 2.	NOTICE OF SEASON, LIMITS AND PERMITS	31
SUBDIVISION 3.	ANGLING-OPEN WATER	31
SUBDIVISION 4.	ANGLING-ICE	32
SUBDIVISION 5.	SPEARING-OPEN WATER-GAME FISH	33
SUBDIVISION 6.	SPEARING-OPEN WATER-NON-GAME FISH	33
SUBDIVISION 7.	SPEARING-ICE-NON-GAME AND GAME FISH	33
SUBDIVISION 8.	FISH TRAPS-DIP NETS-SEINES	34
SUBDIVISION 9.	FISHING WITH GILL NETS	35
SUBDIVISION 10.	DAILY BAG LIMITS AND POSSESSION	35
SUBDIVISION 11.	BAIT FISHING-MINNOWS/LEECHES-PERSONAL USE	35
SUBDIVISION 12.	BAIT FISHING-MINNOWS/LEECHES -COMMERCIAL USE	36
SUBDIVISION 13.	SALE OF FISH	37
SUBDIVISION 14.	TRANSPORTATION OF FISH	37
SUBDIVISION 15.	INCIDENTAL TAKE	37
SECTION 108.	TRAPPING	38

SECTION 108.	MIGRATORY WATERFOWL	39
	SUBDIVISION 2. REQUIREMENTS AND LIABILITY	39
	SUBDIVISION 3. SEASON, DAILY AND POSSESSION LIMITS	39
	SUBDIVISION 4. HOURS FOR HUNTING	39
SECTION 110.	WILD RICE	40
SECTION 111.	TRESPASS	42

Section 101.

- (A) Jurisdiction over all matters arising under this Ordinance shall be with the Tribal Community Court which shall adjudicate in accordance with this Ordinance all questions, complaints and alleged violations involving this Ordinance.
- (B) The Chief Judge, Associate Judge, or Magistrate, of the Tribal Court shall also have the authority to issue warrants for search and seizure of the premises and property of any person under the jurisdiction of said court, however, a search warrant shall only be issued consistent with the requirements of Chapter 1.8 of Title I of the Tribal Code.

SECTION 102. CONSERVATION COMMITTEE AND PLANNING DEPARTMENT.

SUBDIVISION 1. CREATION. The Tribal Council for the Saginaw Chippewa Indian Tribe of Michigan, hereby creates and establishes a Conservation Committee, which shall be charged with assisting the Planning Department, and the Tribal Council in the management, preservation, protection and regulation of the taking and gathering of the fish, game, wild rice, natural and woodland resources of the Saginaw Chippewa Indian Tribe's Isabella Reservation.

SUBDIVISION 2. REGULAR VOTING MEMBERS.

The Conservation Committee shall consist of five (5) members, who shall be adult enrolled members of the Saginaw Chippewa Indian Tribe, appointed for a term of two years. The Tribal Council shall make all appointments to the Conservation Committee. These five (5) Conservation Committee Members shall be its only voting members.

SUBDIVISION 3. DUTIES AND RESPONSIBILITIES.

The Conservation Committee derives its authority from the Tribal Council by way of this Ordinance. The Conservation Committee, with the Tribal Planning Department, shall perform all duties and responsibilities as

defined by this Ordinance including, but not limited to:

- (A) Development of a system for the issuance of all licenses, permits, tags, markers, and for the development of a record keeping system. The Planning Department will issue all licenses, permits, tags and markers and will be responsible for record keeping and for keeping the Tribal Council informed with regular reports.
- (B) The Conservation Committee shall recommend to the Tribal Council and the Planning Department: bag limits, where none are specifically provided herein; seasons, where none are specifically provided; closing or shortening existing seasons, when necessary for the well-being of the resource, and; extending or opening seasons, after a determination that such an act will not cause substantial harm to the resource.
- (C) Annually review factors such as shortages or abundance of a resource to determine the numbers and types of permits which may be issued.
- (D) The Planning Department may maintain relationships and communication with tribal, state and federal agencies to facilitate cooperation in the enforcement of respective game laws and other mutual concerns.
- (E) The Planning Department may consult with private groups, tribal, state, local and federal governments concerning the establishment of Natural Resource Conservation Programs which have sound biological, ecological, environmental and economic basis.
- (F) Propose to the Tribal Council and, upon their approval, take necessary steps to initiate and implement aspects of a

Natural Resource Conservation Program,
and a Conservation Fund.

- (G) Recommend to the Tribal Council, disbursements and expenditures from the Conservation Fund so that the funds may be expended and disbursed for purposes which are reasonable and necessary to the implementation of activities and operations governed by this Ordinance.
- (H) With receipt of proper application, the Planning Department will recommend to the Tribal Council that a Conservation Officer or other designated individual take whatever fish or game necessary for feasts, ceremonies, senior citizens or handicapped Tribal members.

SECTION 103. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings given to them in this section.

SUBDIVISION 1.

"Accomplice" shall mean any person who shall advise, hire, counsel or conspire with another to commit a violation, and shall be liable as if he committed the violation.

SUBDIVISION 2.

"Arrow" shall include both fishing arrows and hunting arrows and the standards for each shall be established in a public posting by the Conservation Committee.

SUBDIVISION 3.

"Artificial Light" shall mean any light not occurring naturally.

SUBDIVISION 4.

"Attended Line" shall mean a line used for taking fish that is within sight of the Tribal Member taking the fish.

SUBDIVISION 5.

"Bait" shall mean any lure or enticement placed to attract fish or game for the purpose of taking fish and game.

SUBDIVISION 6.

"Big Game" shall mean deer, bear, elk, and wild turkey.

SUBDIVISION 7.

"Biodegradable" shall mean a material that will readily decompose by biological action.

SUBDIVISION 8.

"Blaze Orange" means a garment featuring a highly visible orange color worn during certain specified seasons. The garment featuring blaze orange must be the outermost garment and must be visible from all sides. Camouflage orange garments, with 50 percent or more of the surface in blaze orange are legal.

SUBDIVISION 9.

"Bow" shall mean any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through the efforts of the person releasing.

SUBDIVISION 10.

"Carcass" shall mean the dead body of an animal.

SUBDIVISION 11.

"Ceremony" shall mean a formal act or acts recognized by the Tribal Council as having cultural importance to the Tribe and Tribal Community.

SUBDIVISION 12.

"Commercial Use" shall mean the hunting, trapping or fishing of big game, small game, game fish, and/or migratory birds for the purpose of barter or sale of the fur, hide, feathers, or any part of the animals, game, migratory birds or fish.

SUBDIVISION 13.

"Conservation Committee" shall mean the committee established under Section 101 of this Ordinance.

SUBDIVISION 14.

"Conservation Officer" shall mean an officer or officers empowered by the Tribal Council to enforce the provisions of this Ordinance.

SUBDIVISION 15.

"Crossbow" shall mean any device using a bow which once drawn, is held solely by means other than the effort of the person releasing.

SUBDIVISION 16.

"Daily Bag Limit" shall mean a continuous twenty-four (24) hour period consistent with the nature of the harvest activity involved.

SUBDIVISION 17.

"Dip Net" shall mean a piece of netting suspended from a round or square frame.

SUBDIVISION 18.

"Domestic Animal" shall mean an animal dependent on humans for its existence.

SUBDIVISION 19.

"Duck Bills" shall mean a forked, hinged metal device attached to the end of a pole and designed to open automatically when pushed against the bottom of a stream or lake.

SUBDIVISION 20.

"Electronic Communication System" shall mean any electrical device capable of any communication.

SUBDIVISION 21.

"Fawn" shall mean all deer that were born that

particular year.

SUBDIVISION 22.

"Feast" shall mean a formal meal recognized by the Tribal Council and Conservation Committee as having importance to the Tribal members.

SUBDIVISION 23.

"Firearms" shall mean a handgun, rifle, shotgun or any device that, through a mechanical release by the operator, ignites a confined powder charge that propels a projectile or projectiles through and out of a metal tube for the purpose of taking game.

SUBDIVISION 24.

"Fishing" shall mean the taking or attempted taking of fish by hook and line or bow and arrow.

SUBDIVISION 25.

"Fish Trap" shall mean a device constructed of netting that employs a frame and/or wings or leads that direct fish movement into and through a funnel of netting at the trap's opening, wherein the fish are trapped by their own movement.

SUBDIVISION 26.

"Furs" shall mean the skin of a fur bearing animal after it has been stripped from the carcass.

SUBDIVISION 27.

"Fur-bearing animals" shall mean any animal whose fur or pelt may be used by the taker for either personal or commercial use, excluding big game animals.

SUBDIVISION 28.

"Game Fish" shall mean all trout, grayling, all bass, muskellunge, northern pike, sauger, sturgeon, panfish, catfish, walleye, herring, cisco, perch, and fish from the salmonid species.

SUBDIVISION 29.

"Gathering" shall mean the harvesting of any plant, plant covering, root, fruit, fungus or grain growing naturally.

SUBDIVISION 30.

"Gill Net" shall mean any net set to take fish by entanglement rather than entrapment.

SUBDIVISION 31.

"Guardian" shall mean a legal guardian, or any person eighteen (18) years of age or older, who is authorized by the parent or legal guardian to supervise a person under the age of eighteen (18).

SUBDIVISION 32.

"Handicapped or Disabled" shall mean a person who has a permanent or temporary disability substantially limiting the person in their daily life activities. This handicap or disability is documented and verified by a licensed physician.

SUBDIVISION 33.

"Hunter Safety Certificate" shall mean a valid certificate issued by a duly authorized Tribal or State Program.

SUBDIVISION 34.

"Hunting" shall mean the taking or attempted taking of birds or mammals.

SUBDIVISION 35.

"Hunting Party" shall mean any group of two or more hunters licensed under this Ordinance, all of whom are afield hunting together at the same time, for the purpose of taking game.

SUBDIVISION 36.

"Indian Person" shall mean a Tribal member or an Indian person as defined under 'Other Indian.'

SUBDIVISION 37.

"Isabella Reservation" shall mean all lands and waters within the exterior boundaries of the Isabella Reservation, as specified in the Order for Judgment entered by the United States District Court for the Eastern District of Michigan in Saginaw Chippewa Indian Tribe of Michigan v. Granholm, et al., Case No. 05-10296-BC.

SUBDIVISION 38.

"Landowner" shall mean the owner, occupant or lessee of the Land.

SUBDIVISION 39.

"License" shall mean the license issued by the Planning Department pursuant to this Ordinance, including a current tribally issued identification card.

SUBDIVISION 40.

"Loaded Firearm" (see 'Unloaded' definition and substitute 'Loaded' for 'unloaded').

SUBDIVISION 41.

"Migratory Birds" mean any kind described in the Migratory Bird Act, 16 U.S.C. section 703 et seq., or at 50 CFR, Part 10.

SUBDIVISION 42.

"Minnows" with the exception of carp, goldfish and mudminnows, shall mean all members of the minnow family (cyprinidae), and shall mean all members of the sucker family (catostomidae) which are not over 12 inches in length, and shall mean bullheads, tulibee, herring, whitefish, goldeneye, and mooneyes if they are not over seven(7)inches in length.

SUBDIVISION 43.

"Motorboat" shall mean any boat equipped with propulsion machinery, whether or not the machinery is the principal source of it's propulsion.

SUBDIVISION 44.

"Motor Vehicle" shall mean any self-propelled vehicle and any vehicle, whether operated from a highway, railroad track, on the ground, in the water, or in the air, or anything attached thereto.

SUBDIVISION 45.

"Netting" shall mean taking fish by seine, trap, gill net, hoop net, cast net or hand-held dip net.

SUBDIVISION 46.

"Non-Game Fish" shall mean fish not defined as Game Fish.

SUBDIVISION 47.

"Non-Motorized Boat" shall a boat that is not a motorboat but that is designed and constructed to be used as a boat for transportation of a person or persons on water. This term includes, but is not limited to, any canoe, kayak, paddleboat, paddleboard, rowboat, raft, and dinghy that is not a motorboat.

SUBDIVISION 48.

"Open Water" shall mean water that is free of ice.

SUBDIVISION 49.

"Order" shall mean the document establishing the season and daily bag limit approved by the Tribal Council and the Conservation Committee.

SUBDIVISION 50.

"Other Indian" shall mean any Indian who is an enrolled member of any federally recognized tribe and is a permanent resident of the Isabella Reservation.

SUBDIVISION 51.

"Permit" shall mean the permit issued by the Planning Department required in addition to the license.

SUBDIVISION 52.

"Pelt" shall mean the skin of a fur-bearing animal after it has been stripped from the carcass.

SUBDIVISION 53.

"Permanent Resident" shall mean a Reservation resident for the previous one (1) year and evincing a desire to continue living on the Reservation.

SUBDIVISION 54.

"Personal Flotation Device" or "PFD" shall mean a Coast Guard approved Type I, II, III or IV personal flotation device.

SUBDIVISION 55.

"Possession" shall mean both actual and constructive possession and control of the things referred to.

SUBDIVISION 56.

"Posted Land" shall mean any land signed as described in Section 111.

SUBDIVISION 57.

"Prohibited Means" of taking includes, but is not limited to, poison arrows, illegal firearms, explosives, wild rice harvesting machines, mechanical snares, set guns, swivel guns and fully automatic rifles, silencers for rifles, shotguns or handguns.

SUBDIVISION 58.

"Public Roadway" shall mean a road and the right-of-way thereof, which is regularly maintained for public use, and shall include banks, ditches and shoulders.

SUBDIVISION 59.

"Rice Bed" shall mean the area of any lake or stream that contains wild rice.

SUBDIVISION 60.

"Ricing Permits" shall mean the permit issued by the Planning Department to a Tribal Member or eligible Other Indian.

SUBDIVISION 61.

"Season" shall mean the length of time in which it is legal to fish, gather, trap or hunt pursuant to this Ordinance.

SUBDIVISION 62.

"Seine" shall mean a net of mesh with floats at the top and weights at the bottom, such that it hangs vertically in the water and which is drawn through the water to capture fish by encircling them rather than entangling them.

SUBDIVISION 63.

"Set Gun" shall mean a firearm placed or fixed in a manner that will require an animal, by its own motion, to discharge the firearm.

SUBDIVISION 64.

"Significant Part" shall mean a portion of flesh from a big game animal weighing more than ten (10) pounds.

SUBDIVISION 65.

"Small Game" shall mean snowshoe hare, coyote, cottontail rabbit, all squirrel species, crow, ruffed grouse, pheasant, quail, morning doves, woodcock, sora, Virginia rail, Wilson's jacksnipe, badger, red and grey fox, bobcat, muskrat, mink, pine martin, beaver and otter.

SUBDIVISION 66.

"Snagging" shall mean taking a fish, with a hook and line, by hooking a fish in a place other than the mouth.

SUBDIVISION 67.

"Snare" shall mean the taking, or attempted taking, of any wild animal by means of setting or operating any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture, or take, a wild animal or animals.

SUBDIVISION 68.

"Spear" shall mean a pole tipped with a minimum of three (3) barbed tines that are a minimum of 4 1/2 inches long with each tine having a barb extending perpendicular, which is greater than 1/8 inch.

SUBDIVISION 69.

"Spearing" shall mean the taking of fish by the use of a spear.

SUBDIVISION 70.

"Swivel Gun" shall mean a firearm attached to a stationary object for the purpose of taking migratory waterfowl.

SUBDIVISION 71.

"Sunrise" shall mean the beginning of a day as determined by the National Oceanic and Atmospheric Administration Chart.

SUBDIVISION 72.

"Sunset" shall mean the end of a day as determined by the National Oceanic and Atmospheric Administration Chart.

SUBDIVISION 73.

"Tags" shall mean a document, sticker or band intended to mark wild game and which is assigned and distributed by the Tribal Planning Department.

SUBDIVISION 74.

"Take" or "Taking" shall mean pursuing, shooting, killing, capturing, trapping, snaring, spearing and netting wild animals, and all lesser acts such as disturbing, harrying, worrying or placing, setting, drawing, or using any net, trap or other device used to take wild animals, and includes every attempt to take and every act of assistance to any person in taking or attempting to take wild animals.

SUBDIVISION 75.

"Trap" shall mean the taking, of attempted taking, of

any wild animal by means of setting or operating any device, mechanism, or contraption that is designed, built or made to close on, hold fast, or otherwise capture, or take, a wild animal or animals.

SUBDIVISION 76.

"Tribal Council" shall mean the governing body of the Saginaw Chippewa Indian Tribe of Michigan.

SUBDIVISION 77.

"Tribal Court" shall mean the Saginaw Chippewa Indian Tribal Court.

SUBDIVISION 78.

"Tribal member" shall mean a person who is an enrolled member of the Saginaw Chippewa Indian Tribe of Michigan.

SUBDIVISION 79.

"Trot Line" shall mean a line with multiple lines and hooks attached to it. Each trot line shall be considered one attended or unattended line.

SUBDIVISION 80.

"Unattended Line" shall mean a line used for taking fish that is not within the sight of the Tribal Member who set the line.

SUBDIVISION 81.

"Under the Influence" shall mean any amount of alcohol or drugs that in any way alters the user's reaction time or ability to react.

SUBDIVISION 82.

"Unloaded" shall mean without ammunition in the barrel/barrels and magazine, if the magazine is in the firearm. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in the pan. A muzzle loading firearm with a percussion ignition is unloaded if it does not have a percussion cap on a nipple. A crossbow is considered

unloaded if the arrow/bolt is not in the crossbow.

SUBDIVISION 83.

"Unprotected Game" shall mean crows, possum, weasels, gophers, porcupine, raccoon, skunk and all other game for which no closed season or other protection is accorded, and no license or permit is required.

SUBDIVISION 84.

"Watercraft" shall mean any description of watercraft used, or capable of being used, as a means of transportation on water.

SUBDIVISION 85.

"Waterfowl Hunting" shall mean the hunting of any migratory waterfowl for which there is an established season.

SUBDIVISION 86.

"Wild Rice" shall mean that crop which grows naturally, or as a result of reseeding or implanting in natural or man-made lakes and waters, including lakes resulting from flood control structures.

Section 104. GENERAL.

SUBDIVISION 1. PARTIAL INVALIDITY AND SEVERABILITY.

- (A) If any clause, sentence, paragraph, or part of this Conservation Ordinance, shall for any reason be adjudicated by any court of competent jurisdiction, to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SUBDIVISION 2. PROHIBITED ACTS.

In addition to the prohibitions contained in the chapters of this Ordinance, the following shall be considered violations of this Ordinance.

- (A) Unless otherwise authorized, allowing any person to use a license or permit of another person, whether or not such person would qualify to receive such a license or permit.
- (B) Taking of any animal protected by Subdivision 3 of this section.
- (C) Willful and wanton destruction or waste of fish, game, wild rice or forest resources on the Isabella Reservation.
- (D) Exceeding established limits.
- (E) Using prohibited means or equipment in the taking, or attempted taking, of fish, game, wild rice or forest resources on the Isabella Reservation.
- (F) Use of electronic communication systems as prohibited by Tribal, state, or Federal Law.
- (G) Fishing, hunting, trapping or ricing outside of seasons and hours established by the Conservation Committee.
- (H) Possession of any fish, game, or live nongame animals without a valid license in possession.
- (I) Fraud or misrepresentation in the procurement of any permit or license.
- (J) Except as permitted, no person shall have a firearm, archery bow or crossbow in a motor vehicle unless it is unloaded and cased.
- (K) The use of any motor vehicle for taking, or the attempted taking, of big game or small game, except as permitted.

- (L) Refusal to cooperate or display the proper permit or license and photo identification upon the request of a Conservation Officer, Tribal Police Officer, or any other authorized enforcement officer.
- (M) Intentionally destroy, or attempt to destroy, any evidence seized or confiscated, or about to be seized or confiscated, by a Conservation Officer, Tribal Police Officer, or any other authorized enforcement officer.
- (N) It shall be an offense for anyone under oath to intentionally give false testimony in any case before the Tribal Court.
- (O) No person shall hunt, fish, trap, gather or operate any watercraft or vehicle while under the influence, or who is otherwise physically, or mentally impaired such that they are unable to engage in such activity in a reasonably safe manner.
- (P) Except as otherwise permitted, no person shall operate or ride in a watercraft while engaged in the act of hunting, fishing or gathering unless there is a sufficient number of readily available personal floatation devices (PFD) on board for each person.
- (Q) The number of persons on any watercraft while engaged in the act of hunting fishing or gathering shall not exceed that watercraft's maximum capacity.
- (R) Destruction or tampering with any structure, device, equipment or result of a project or scientific study by any Tribal, state, or federal department or agency.
- (S) Hunting While Intoxicated.

(1) No person shall hunt with a firearm, bow and arrow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the person is incapable of safely using such weapon, or while a person has a blood alcohol concentration of 0.08 grams or more of alcohol per 100 milliliters of a person's blood or 0.08 grams or more of alcohol per 210 liters of a person's breath, or 0.08 grams or more of alcohol per 67 milliliters of urine, or beginning October 1, 2013 the person has an alcohol content of 0.10 grams or more of alcohol per 100 milliliters or a persons blood, per 210 liters of a person's breath, or per 67 milliliters of urine.

(2) A person hunting with a firearm, bow and arrow, or crossbow shall take or submit to a blood or breath test upon request of an authorized Conservation Officer, or Tribal Police Officer to determine the amount (if any) of intoxicant or controlled substance present if:

(a) the person has been issued a citation for violating Section 1.2308 or 1.2309 of Title I of the Tribal Code;

(b) the person has been involved in an accident while hunting, fishing or gathering resulting in property damage, personal injury, or death and is subject to investigation by Tribal Police or other authorized law enforcement;

(c) the person has refused to take a preliminary breath test; or

(d) a preliminary breath test, which means a chemical analysis of essentially alveolar breath sample, was administered and indicated an

alcohol concentration of 0.08 grams or more, or after October 1, 2013 an alcohol concentration of 0.10 or more.

(3) If a person refuses to take a test required under this section, the Tribe shall impose a civil penalty of \$500 and shall immediately revoke any license or permit issued pursuant to this Ordinance. Such person shall not be eligible for any license or permit under this Ordinance for a period of one year after revocation.

SUBDIVISION 3.

Except as otherwise permitted by the laws of the United States and/or this Ordinance, there shall be no taking of the bald eagle, golden eagle or any bird of prey, cranes, swans, loons, timber wolf, cougar, or any species determined to be endangered or otherwise protected by the Conservation Committee and/or by the United States.

SUBDIVISION 4.

Any person who takes game, fish or furs within the Isabella Reservation and desires to transport such animals off the Reservation should have in his possession a valid license or permit, issued by the Planning Department.

SUBDIVISION 5.

Any person hunting or trapping with any firearm on any lands during daylight hunting hours from August 15 to April 30 must wear a hat, cap, vest, jacket or rain gear of Blaze Orange. When hunting in any season with a license that authorizes the use of a firearm any person must wear Blaze Orange. During the fall firearm deer season, this provision applies to all deer hunters, including those hunting with bow and arrow. The garment featuring blaze orange must be the outermost garment and must be visible from all sides. Camouflage orange garments, with 50 percent or more of the surface in Blaze Orange are legal. This provision does not apply to persons hunting

waterfowl, crow, wild turkey, or to persons engaged in falconry. It does not apply to archery or crossbow bear hunters or to persons who are stationary and in the act of hunting bobcat, coyote, or fox. Archery and crossbow deer hunters, and trappers are not required to wear Blaze Orange except during firearm deer season.

SUBDIVISION 6.

Tribal Conservation or Police Officers are empowered to enter, open and search any motor vehicle, trailer attached thereto, or watercraft upon reasonable suspicion to believe that game, fish, wild rice, or forest products, unlawfully taken, harvested or possessed, may be found. Conservation Officers may, at peak use periods and at such times as necessary, establish check stations on the public roads to enforce compliance with this Ordinance.

SUBDIVISION 7.

Tribal, Police , or any authorized Conservation Officers shall have the authority to seize and impound property used in the unlawful taking, harvesting or unlawful transporting of fish, game, wild rice, plants or forest products within the Isabella Reservation. Officers shall prepare an inventory of all items seized and furnish a copy to the violator.

SUBDIVISION 9. PERMITS, LICENSES AND TAGS.

- (A) Licenses shall be issued to Tribal members, or Other Indians as defined by this Ordinance.
- (B) Permits and/or tags required in addition to a license shall be issued to Tribal members, or Other Indians as defined by this Ordinance.
- (C) A Tribal member who has reached his/her 50th birthday will be eligible for a lifetime license, at no charge, for all hunting, fishing, trapping and gathering, within the defined or open seasons, as provided for in this Ordinance. Licenses issued pursuant to

this section must comply with any permit or tag requirement as specified in this Ordinance, but will not be charged for such permits or tags.

- (D) An "Other Indian" who has reached his/her 50th birthday will be eligible for a free license for all hunting, fishing, trapping and gathering, within the defined or open seasons, as provided for in this Ordinance. Licenses issued pursuant to this subsection must comply with any permit or tag requirement as specified in this Ordinance. Licenses issued pursuant to this subsection shall be valid for a period of one year.
- (E) A permit, in addition to a license, may be issued to a handicapped or disabled Tribal member or eligible Other Indian person. Said permit must be supported by documentation capable of authentication that meets the satisfaction of the Planning Department.

SUBDIVISION 10. PENALTIES.

- (A) Any person adjudged to have violated any provisions of this Ordinance shall be subject to an assessment by the Court of a penalty of not more than one thousand (\$1,000.00) or, at the judge's discretion, be sentenced to serve a period of community service.
- (B) In addition, at the Court's discretion, any fish, game, wild rice or furs, taken, or other items used in violation of this Ordinance, may be seized and impounded by Order of the Court. Any such items may be returned upon payment of penalty assessed, or may be ordered forfeited.
- (C) The Court may also, in its discretion, and in addition to the above penalties,

issue an Order to invoke any other equitable remedies, including, but not limited to, reasonable Court costs; the withholding of Court-ordered fines from income derived from the Reservation upon notice to the Tribe's Payroll or Per-Capita Department; withholding of Court-ordered fines from winnings derived from gaming at a Reservation-controlled gaming establishment upon notice to the Tribe's gaming facility or; Court-ordering the revocation or withholding of licenses, permits, and tags, upon notice to the Planning Department, and restitution for the value of the species killed, injured or possessed in violation of this Ordinance.

(D) The Court shall prescribe and initiate procedures for the sale of any property ordered forfeited.

(E) Any individual charged with violating this Ordinance has the option of paying the assessed penalty, as enumerated in a schedule of fines, as created by the, Planning Department or appearing before the Court.

(1) Should the violator elect to pay the assessed fine without Court appearance, Court Costs will be waived.

(2) Those who elect to pay the fine without Court appearance must make full payment to the Court Clerk prior to the scheduled Court appearance.

(3) A waiver, admitting guilt and waiving the right to appear before the Court, must be signed and filed with the Court Clerk prior to payment of the fine.

(F) Court Costs may be assessed at the Court's discretion.

SECTION 105. BIG GAME.

SUBDIVISION 1.

Every Tribal member, or eligible Other Indian, 10 years of age or older, who takes, or attempts to take big game within the Isabella Reservation shall have in his/her possession a valid license and appropriate big game carcass tag. Tribal members, or eligible Other Indians, under the age of 14 shall not use a firearm to take, or attempt to take big game, unless hunting for wild turkey with a shotgun or muzzle-loading shotgun as provided in this Ordinance during the established season.

SUBDIVISION 2.

- (A) Tribal members, or eligible Other Indians, born on or after January 1, 1980, must have a valid hunter safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license, permit or carcass tags.
- (B) Tribal members, or eligible Other Indians, under fourteen (14) years of age must be accompanied by a licensed parent or guardian. "Accompanied by" requires the adult to be able to come to the immediate aid of the individual which allows for uninterrupted, unaided visual and verbal contact.
- (C) Tribal members or eligible Other Indians ages 10 or 11 may hunt big game without a hunters safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. The youth will use the parent or guardian's tag(s) when tagging a big game animal.

SUBDIVISION 3.

Any licensed hunter over the age of 50, or handicapped, or disabled persons as defined by this Ordinance, may have another licensed hunter hunt for him. This assignment of privilege is limited to deer only. The Planning Department must be notified in writing at the time of the issuance of

the license and the writing must identify the designated hunter.

SUBDIVISION 4.

Tags will be issued with each big game permit and will have a corresponding number. Each animal must have the proper tag affixed so that the tag cannot be removed without breaking the tag. The tag must be affixed at the time the animal is brought to any dwelling, camp, or other abode, or before being placed on any motor vehicle.

SUBDIVISION 5.

- (A) The Planning Department shall establish and maintain stations for the purpose of recording and preserving the following information: sex of animal taken, management unit from where the animal was taken, and any other relevant information necessary for conservation enforcement or population management.
- (B) All big game animals must be registered no later than 4:30 p.m. of the third business day after the animal has been taken.
- (C) Every person taking a big game animal must retain the license, that make it legal to possess said big game animal so long as any part of the meat is in possession.
- (D) In the event that the big game animal, or any significant part thereof is a gift, the person receiving the gift shall retain a statement from the licensee making the gift. The statement will include the license and tag number, address and signature of said licensee.

SUBDIVISION 6.

- (A) Except as provided herein, the establishment of any seasons for the taking of any big game animal shall be permitted only by the written order of the Planning Department.
- (B) Orders, announcing the opening of a season,

will be publicly posted a minimum of fourteen (14) days before the advent of the season.

- (C) In the event of an extended season, the Order shall be posted publicly a minimum of fourteen (14) days prior to the closing of the present season.

SUBDIVISION 7.

It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any big game between 11pm and 6am; provided that an artificial light may be used from November 1 to November 30 on property you own or property owned by a member of your immediate family if you do not have in your possession or control a bow and arrow, firearm, or other device capable of shooting a projectile. A person may not throw or cast the rays of any artificial light at any time for the purpose of spotting and locating any big game or small game while possessing, either individually or as one of a group, a firearm, bow, or other implement that could be used to kill big or small game. The exceptions to this are:

- (A) A firearm that is unloaded, cased, and in the closed trunk of a motor vehicle.
- (B) A bow or crossbow that is completely encased or unstrung and in the trunk of a motor vehicle.
- (C) If the motor vehicle does not have a trunk, the firearm or bow must be in the rearmost part of a motor vehicle and must be cased.
- (D) If the person carrying a firearm is permitted to carry a firearm pursuant to a state or tribally issued carrying a concealed weapon or "CCW" permit.
- (E) A property owner or his/her agent shall be permitted to throw or cast the rays of any artificial light for the purpose of spotting and locating any fox or coyote while possessing, either individually or as one of a group, a firearm, bow, or other implement that could be used to kill big or small game on private lands only when a fox or coyote is

in the act of or about to do damage to the property owner or his/her agent's person or property.

SUBDIVISION 8.

A person may place bait to take bear only within the posted times and seasons. A tag must be displayed at each site where bait is placed and such site must be registered by the Licensee with the Planning Department. The Planning Department shall prescribe the method of tagging and registering the site. To attract bear a person may not bait within a half a mile from any land fill or dump, or within 150 yards of any occupied home or building, and shall not use a bait with:

- (A) Solid waste containing bottles, cans, plastic, paper or metals.
- (B) Materials that are not readily biodegradable.

SUBDIVISION 9.

The taking of big game is permitted from one-half hour before sunrise to one-half hour after sunset.

SUBDIVISION 10.

- (A) Handguns, rifles, shotguns and all projectiles used therein shall have a center fire ignition and be at least .220 of an inch in diameter.
- (B) Unless hunting for wild turkey, handguns, rifles, shotguns must be loaded only with single projectile ammunition.
- (C) The projectile used must have a soft point or is expanding bullet type.
- (D) The muzzleloader (long gun or handgun) cannot be loaded at the breech (muzzle loading revolvers are not legal for taking big game).
- (E) The smooth-bore muzzleloader must be at least .45 caliber.

(F) The rifled muzzleloader must be at least .40 caliber.

(G) Firearms (excluding handguns) may only be transported unloaded and cased in a motor vehicle, including ATVs, while traveling to or from hunting or target shooting, except as prohibited under Subdivision 7 of this Section.

SUBDIVISION 11.

Bows must have a pull of no less than 40 pounds at, or before, full draw. Crossbows must be capable of delivering at least 42 foot-pounds of energy at 10 feet, must have a working safety, must be fired from the shoulder, and arrows or bolts must be at least ten inches in length.

SUBDIVISION 12.

Set guns, swivel guns, snares, artificial lights, fully automatic rifles, or dogs shall not be used for the taking, or attempted taking, of big game animals.

SUBDIVISION 13.

Commercial use as defined in Section 102, Subdivision 13, shall be illegal, except that hides, hooves, antlers, claws and teeth of big game animals may be sold.

SUBDIVISION 14.

There shall be no hunting within 450 feet of any public campground during the season within which it is open for public use, or within 450 feet of any occupied dwelling. Firearms shall not be discharged down or across any public roadway for the taking of game.

SUBDIVISION 15.

There shall be no use of flying craft in the hunting of any big game.

SUBDIVISION 16.

Any member of a Hunting Party may kill a legal deer for any other member of the party who has an unused tag. Any member of the Hunting Party may tag a legal deer killed by any

other member of the party.

SUBDIVISION 17.

Any person who hunts or traps during the big game season shall wear a garment containing Blaze Orange as defined in this Ordinance.

SUBDIVISION 18.

- (A) In addition to any other prohibited means, a wild turkey may not be taken with the aid of recorded calls or sounds or electronically amplified imitations of wild turkey calls or sounds.
- (B) Live decoys or dogs may not be used in the taking of any wild turkey.

SUBDIVISION 19.

Wild turkeys may only be taken with:

- (A) A shotgun 20 gauge or larger or muzzle-loading shotgun 12 gauge or larger and shot size no.4 or smaller in diameter except steel shot may be no. 2 or smaller in diameter. Duplex shot size cannot exceed no.4 in diameter except duplex steel shot cannot exceed no. 2 in diameter.
- (B) A bow and arrow-Bows must have a minimum 40 lb. draw weight. Arrowheads must have at least 2 cutting surfaces and a diameter of at least 7/8s inch.
- (C) A crossbow-Crossbows must be fired from the shoulder, have a minimum 100 lb. draw weight, a stock of not less than 30 inches in length, a working safety and uses arrows or bolts of not less than 14 inches with a broadhead.

SECTION 106. SMALL GAME.

SUBDIVISION 1.

Every Tribal member, or eligible Other Indian, 10 years of age or older, who takes, or attempts to take small game

within the Isabella Reservation shall have in his/her possession a valid license.

SUBDIVISION 2.

- (A) Tribal members, or eligible Other Indians, born on or after January 1, 1980, must have a valid hunter safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license, or permit.
- (B) Tribal members, or eligible Other Indians, under 14 years of age must be accompanied by a licensed parent or guardian. "Accompanied by" requires the adult to be able to come to the immediate aid of the individual which allows for uninterrupted, unaided visual and verbal contact. Tribal members, or eligible Other Indians under the age of 10 years may not hunt small game.

SUBDIVISION 3.

Small game season, daily bag and possession limits for small game shall be designated annually by the Planning Department and be posted publicly at least fourteen (14) days prior to the season opening.

SUBDIVISION 4.

The taking of small game shall be permitted from one-half hour before sunrise to one-half hour after sunset.

SUBDIVISION 5.

Commercial use, as defined in Section 102, Subdivision 14, shall be illegal except for hides, claws, talons, tails and all plumage, including wings of game birds.

SUBDIVISION 6.

It shall be permitted to use artificial light and dogs for the purpose of taking treed raccoons.

SUBDIVISION 7.

Any person who hunts or traps during the big game season

shall wear a garment containing Blaze Orange as defined in this Ordinance.

SECTION 107. FISH.

SUBDIVISION 1. LICENSES.

Every Tribal member, or other eligible Indian person, 16 years of age or older, who takes fish within the Isabella Reservation, shall have in their possession a valid license issued by the Planning Department and, if required, a valid permit.

SUBDIVISION 2. NOTICE OF SEASON, LIMITS AND PERMITS.

- (A) The Planning Department shall establish the fishing season, daily bag limits, possession limit, if any, and, if required, shall announce any required permits. Notice shall be publicly posted a minimum of fourteen (14) days prior to the opening of the season.
- (B) When the Planning Department determines that permits should be issued, the Planning Department shall establish specific waters, times, dates and bag limits and shall publicly post such designations a minimum of fourteen (14) days prior to the issuance of permits.

SUBDIVISION 3. ANGLING-OPEN WATER.

- (A) The taking of fish with attended lines shall not exceed eight (8) lines per eligible person.
- (B) The taking of fish with unattended lines shall not exceed eight (8) lines. Each unattended line must legibly bear the name and address of the licensee on a permanently affixed tag.
- (C) Each unattended line shall be securely anchored so as not to be dislodged by a hooked fish.
- (D) Each unattended line shall be checked by

the licensee at least once every twenty-four (24) hour period.

- (E) The accidental snagging of any fish, while angling in open water, shall be a legal means of taking fish. The taking of fish by use of a snagline, snagpole, or a multi-pointed hook with weight permanently attached is prohibited.
- (F) The taking of fish with a bow and arrow is permitted, provided that the equipment used satisfies the standards established by the Conservation Committee.

SUBDIVISION 4. ANGLING-ICE.

- (A) The taking of fish with attended lines shall not exceed eight (8) lines per person.
- (B) The taking of fish with unattended lines shall not exceed twelve (12) lines per eligible person. Each unattended line must legibly bear the name and address of the licensee on a permanently affixed tag.
- (C) Each unattended line shall be securely anchored so as not to be dislodged by a hooked fish.
- (D) Each unattended line shall be checked at least once every twenty-four (24) hour period.
- (E) The location of each unattended line shall be reasonably marked by an object with a height of at least one foot above the snow line so as to be visible to any vehicular traffic.
- (F) Holes for angling through the ice shall not exceed 12 inches in diameter.
- (G) Fish houses and portable shelters must

be plainly marked with the name and address of the owner.

- (H) Fish houses must be removed from the ice not later than March 15, unless an earlier date is established by the Planning Department, except that portable shelters may be used thereafter, but must be removed from the ice daily.
- (I) The accidental snagging of any fish while angling through the ice shall be a legal means of taking fish. The taking of fish by a snagline, snagpole, or a cluster of fish hooks is prohibited.

SUBDIVISION 5. SPEARING-OPEN WATER-GAME FISH.

The spearing of game fish on open water is permitted on the Isabella Reservation provided that a Tribal member, or Other eligible Indian has in his or her possession a permit issued by the Planning Department.

SUBDIVISION 6. SPEARING-OPEN WATER-NON-GAME FISH.

- (A) The spearing of non-game fish will not require a permit.
- (B) Tribal members, or other eligible Indian persons with a valid license, may spear non-game fish in any open waters, unless otherwise prohibited.
- (C) The use of artificial light is permitted.

SUBDIVISION 7. SPEARING-ICE-NON-GAME AND GAME FISH.

- (A) The spearing of fish through the ice will not require a permit.
- (B) Tribal members, or other eligible Indian persons, with a valid license may spear fish through the ice.
- (C) Tribal members, or other eligible

Indian persons, shall not take fish with a spear that does not meet the requirements established by this Ordinance.

- (D) Fish houses and portable shelters must be plainly marked with the name and address of the owner.
- (E) Fish houses must be removed from the ice not later than March 15, unless an earlier date is established by the Planning Department, except that portable shelters may be used thereafter, but must be removed from the ice daily.
- (F) The use of tip-ups or angling for fish around or within the same fish house used for spearing is permitted.
- (G) The use of artificial lights is permitted.
- (H) When the fish house is moved, open spearing holes shall be clearly marked by an object, at least one foot above the snow line, so as to be visible to other fisherman.

SUBDIVISION 8. FISH TRAPS-DIP NETS-SEINES.

- (A) The taking of game fish with a fish trap, dip net or seine shall require a permit in addition to a valid license.
- (B) A permit issued pursuant to this Subdivision will show the name, license number and signature of the licensee, the waters on which the permit is valid, and the date(s) during which the permit is valid.
- (C) The taking of non-game fish with a fish trap will not require a permit. The Tribal member, or other eligible Indian person, shall return promptly to the water any unharmed game fish

incidentally taken in the trap.

- (D) Fish traps shall not exceed 36 inches in diameter or 52 inches in length. Each wing, or lead of the trap, shall not exceed 72 inches in length. Each trap must legibly bear the name and address of the licensee on a permanently affixed tag.
- (E) A dip net shall not exceed 36 inches in diameter.
- (F) A seine's mesh shall be no larger than 3/8 inch when stretched.

SUBDIVISION 9. RESERVED

SUBDIVISION 10.DAILY BAG LIMITS AND POSSESSION.

- (A) Taking fish by fishing, spearing, trapping, dip net or seine will be limited to the daily limits and possession regulations established pursuant to this Ordinance.
- (B) While in the field, no Tribal member, or other eligible Indian person may possess or transport more than the daily bag limit of fish.

SUBDIVISION 11.BAIT FISHING-MINNOWS/LEECHES-PERSONAL USE.

- (A) A Tribal member, or other eligible Indian person, may take and possess no more than four hundred (400) minnows or leeches for their own personal use. This activity will not require a permit.
- (B) A Tribal member, or other eligible Indian person, may use any net or trap otherwise permitted under this Ordinance to take minnows or leeches.
- (C) Each minnow or leech trap must legibly bear the name and address of the licensee on a permanently affixed tag.

- (D) A Tribal member, or other eligible Indian person, must handle, transport, and hold minnows and leeches in his possession in a manner that will reasonably assure that they are kept alive and healthy and will not cause waste or wanton destruction of the minnows or leeches.
- (E) A Tribal member, or other eligible Indian person, shall return promptly to the water any unharmed game fish incidentally taken in a minnow/leech net or trap.

SUBDIVISION 12.BAIT FISHING-MINNOWS/LEECHES-COMMERCIAL USE.

- (A) A permit is required, in addition to a license, for the taking or possession of more than four hundred (400) minnows or leeches.
- (B) The permit shall show the licensee's name, signature, license number, the waters on which the permit is valid, and the date(s) on which the permit is valid.
- (C) A Tribal member, or other eligible Indian person, may use any means otherwise permissible under this Ordinance to take minnows or leeches.
- (D) Each minnow or leech trap must legibly bear the name and address of the licensee on a permanently affixed tag.
- (E) A Tribal member, or other eligible Indian person, must handle, transport, and hold minnows and leeches in his possession in a manner that will reasonably assure that they are kept alive and healthy and will not cause waste or wanton destruction of the minnows or leeches. Minnows that are held must be provided with aerating equipment of with a continuous flow of water which at all times maintains

sufficient dissolved oxygen to sustain the minnows in good condition.

- (F) All minnows and leeches, not kept, and all game fish incidentally taken, must be promptly returned unharmed to the waters.
- (G) A Tribal member, or other eligible Indian person, may sell to any person minnows or leeches lawfully taken pursuant to this Ordinance. A Tribal member, or other eligible Indian person, may capture and use crayfish for personal use, but shall not commercially take, possess, or sell rusty crayfish.

SUBDIVISION 13.SALE OF FISH.

The Commercial taking of game and non-game fish on the Reservation is prohibited.

SUBDIVISION 14.TRANSPORTATION OF FISH.

- (A) A Tribal member, or other eligible Indian person, shall transport fish, whether whole or filleted, in such a manner that the species and number may be verified by a one-inch patch of skin and/or scale.
- (B) A Tribal member, or other eligible Indian person, shall not transport freshly caught fish exceeding the daily bag limit.
- (C) Tribal members and other eligible Indian persons shall have in their possession their license and any required permits while transporting fish.

SUBDIVISION 15.INCIDENTAL TAKE.

- (A) Any game fish incidentally taken by gill net or spear shall be reported to the Planning Department or Tribal Police Department, prior to transporting said

fish.

- (B) Any game fish incidentally taken by fish trap, dip net or seine and is unharmed must be returned to the water.
- (C) Any game fish incidentally taken by fish trap, dip net or seine and is harmed must be reported to the Planning Department, or Tribal Police Department, prior to transporting said fish.

SECTION 108. TRAPPING

SUBDIVISION 1.

Every Tribal member, or eligible Other Indian, who traps within the Isabella Reservation, shall have in his/her possession a valid license, provided that a license does not authorize a person under age 10 to possess a firearm while trapping.

SUBDIVISION 2.

The season and bag limit for the trapping of fur-bearing animals shall be established by way of an Order from the Planning Department. The Planning Department shall publicly post the Order at least fourteen (14) days prior to the opening of the season.

SUBDIVISION 3.

All traps and snares used pursuant to this Ordinance, shall have the licensee's name and address on a permanently affixed tag. If a trapper prefers, he may engrave his name and drivers license number on the trap.

SUBDIVISION 4.

The pelt and carcass of each bobcat, marten and otter must be presented by the person taking it, to a Planning Department, or other designated individual for registration before the pelt is sold, but, in no event more than two (2) business days after said animal is trapped. The pelt shall be removed from the carcass and the carcass shall be surrendered to the Planning Department.

SUBDIVISION 5.

The pelts of each bobcat, marten and otter shall be tagged before the pelt is sold. The pelts of beaver, weasel, mink, raccoon, fox, coyote, possum, skunk, and muskrat require no tags prior to sale.

SUBDIVISION 6.

Commercial use, as defined in Section 102, Subdivision 13, shall be illegal except for the pelts of fur-bearing animals.

SUBDIVISION 7.

Any person trapping during hunting season shall wear a Blaze Orange garment as defined by this Ordinance.

SECTION 109. MIGRATORY WATERFOWL

SUBDIVISION 1.

Every Tribal member, or eligible Other Indian, who takes, or attempts to take migratory waterfowl within the Isabella Reservation, shall have in their possession a valid license.

SUBDIVISION 2. REQUIREMENTS AND LIABILITY.

To hunt migratory waterfowl a Tribal member, or eligible Other Indian, must have a small game hunting license. Waterfowl Hunters must also have a SCIT issued waterfowl hunting license and a Federal Migratory Bird Hunting Stamp.

SUBDIVISION 3. SEASON, DAILY AND POSSESSION LIMITS.

The seasons, hours, daily bag and possession limits for migratory waterfowl shall be designated annually by the Planning Department, and shall be publicly posted a minimum of fourteen (14) days prior to the opening of the season.

SUBDIVISION 4. HOURS FOR HUNTING.

Shooting hours for migratory waterfowl is one-half hour before sunrise to one-half hour after sunset.

SUBDIVISION 5. FIREARMS.

- (A) Shot shells in possession or used while taking or attempted taking of migratory waterfowl shall contain steel shot or

shot approved non-toxic.

SUBDIVISION 6. WATERCRAFT.

- (A) Watercraft used to take migratory waterfowl may be drifting, beached, moored, resting at anchor or propelled by paddle, oars or pole. Watercraft with motors or sails may be used in the above described manner so long as the motor is shut off and any sails unfurled before taking migratory waterfowl.
- (B) No person may transport any firearm in any watercraft being propelled by a motor or sail unless the firearm is unloaded and contained in a case.
- (C) No person shall operate or ride in a watercraft unless there is a sufficient number of readily available personal flotation devices (PFD) on board.

SUBDIVISION 7. POSSESSION OF MIGRATORY WATERFOWL.

- (A) No Tribal member, or eligible Other Indian, may possess more than the daily bag or aggregate bag limit of freshly taken migratory waterfowl.
- (B) Tribal members, or eligible Other Indians, may possess any number of migratory waterfowl that have been cleaned and processed.

SECTION 110. WILD RICE.

SUBDIVISION 1. LICENSING/AGE REQUIREMENT

- (A) Every Tribal member and eligible Other Indian who harvests Wild Rice within the exterior boundaries of the Isabella Reservation must have in his/her possession a valid license.
- (B) In addition to being licensed, Tribal members and eligible Other Indians under the age of 16 years must be in the

immediate vicinity of a parent,
guardian, or other Tribal member with
ricing experience.

SUBDIVISION 2. SEASON, HOURS, BOAT LIMITS AND LAKE
ASSIGNMENTS.

- (A) The Planning Department shall announce
and post the hours and Wild Rice
harvesting season at least 24 hours
prior to the opening day.
- (B) Boat limits and lake assignments, if
required, shall be posted at least seven
(7) days prior to the opening day.

SUBDIVISION 3. NON-VOTING ADVISORY BOARD MEMBERS.

- (A) The Conservation Committee may have
three (3) Tribal members as Non-Voting
Advisory Board Members who shall act as
advisors to the Committee.

SUBDIVISION 4. REGULATIONS.

- (A) Except as otherwise permitted, Canoes
shall be the only watercraft authorized
to be used in the harvesting of Wild
Rice. Other watercraft must be
pre-approved by the Conservation
Committee prior to use in the Wild Rice
harvest.
- (B) Canoes or other approved watercraft
cannot be propelled by mechanical means
on any designated Wild Rice Bed on any
of the Wild Rice lakes. This prohibition
includes the pre-harvesting growing
season on to the close of the harvesting
season.
- (C) The mechanical "duck bill" poling device
is prohibited on any of the Wild Rice
beds during the pre-harvest and
harvesting season.
- (D) There shall be one (1) designated
landing area on each of the Wild Rice

lakes. Wild Rice gatherers are required to use the designated landing only.

- (E) Lakes assignments, if required, are not transferable. Except that to be eligible to harvest Wild Rice, at least one member of the two member ricing team must be an original member of the ricing team assigned to that particular lake.
- (F) Hunting of migratory waterfowl on any Wild Rice bed during the posting hours of the Wild Rice harvesting season is prohibited.
- (G) The canoe or approved watercraft used to harvest Wild Rice must contain a serviceable U.S. Coast Guard approved Personal Flotation Device for each person on board.

SECTION 111. TRESPASS.

SUBDIVISION 1.

No person shall enter upon the lands of another with the intent of gathering, taking game, or fish nor shall any person intentionally enter upon the land of another for the purpose of pleasure driving, including snowmobiling or operating a motorized vehicle, unless and until the permission of the owner is obtained.

SUBDIVISION 2.

During the open season for that particular game, a hunter on foot may retrieve wounded game from land that is not posted only after receiving the permission of the land owner. If, however, the hunter has been notified orally by the landowner not to enter upon the land, the hunter may not enter the land to retrieve the wounded game. The hunter may only enter posted land after receiving permission from the landowner to do so. The hunter must leave the land immediately after retrieving the wounded game.

SUBDIVISION 3.

No person shall enter upon any land that is not his own, regardless of whether or not it is agricultural land, with

intent to gather, take fish, or take any wild animals, after being notified not to do so, either by the owner, or by a sign erected pursuant to Subdivision 5 of this section.

SUBDIVISION 4.

No person shall enter or leave lands of another, or pass from one portion of another person's land through a closed gate without returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building, grain, crops, live trees or any sign erected pursuant to Subdivision 5 of this section, nor molest, wound or kill any domestic animal.

SUBDIVISION 5.

No person shall erect "no hunting", "no trapping", "no fishing", "no trespassing" or any other sign prohibiting trespass upon any lands or waters in which he has no right, title, interests or license. The owner, or owner's designated agent, of any private lands, or duly constituted legal authority of public land, may erect signs prohibiting trespassing, hunting, trapping or fishing, if the signs bear letters not less than two inches high, are signed by the owner, or the owner's designated agent.

SUBDIVISION 6.

- (A) Cutting and removal of fallen timber shall be in accordance with the Tribe's wood harvest permit.
- (B) The gathering of bark, roots or other tree products shall not occur within 50 feet of a public road.

SUBDIVISION 7.

No person shall deposit garbage, rubbish, offal or the body of a dead animal, or other litter in, or upon, public highways, public waters or the ice thereon, public lands, or private lands, water, or the ice thereon without the consent of the owner.

SUBDIVISION 8.

- (A) Upon conviction for violation of any provision of this section, any license under which the violator was exercising, or attempting to exercise a

privilege may become null and void and the violator may be subject to court sanctions.

- (B) Penalties may be assessed including, but not limited to, restitution and/or confiscation of articles used in the violation of this section.

Legislative History

Enacted by Resolution _____ on _____, 19____. Statement of Purpose and Sections 4, 5, 6, 7, 8, 9, 10.b., 10.c., 11, 12, 12c., 12.d., 12.e., 13 and 14 amended by Resolution 12-019 approved on November 16, 2011. Section 10.a. amended by Resolution 12-129 approved August 1, 2012. Revised by Resolution 13-025 approved on November 14, 2012.