

# GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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## • MEMBER TRIBES •

### MICHIGAN

Bay Mills Community  
Keweenaw Bay Community  
Lac Vieux Desert Band

### WISCONSIN

Bad River Band  
Lac Courte Oreilles Band  
Lac du Flambeau Band

### MINNESOTA

Fond du Lac Band  
Mille Lacs Band



## GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-06

### **Wisconsin 1837 and 1842 Ceded Territory Tribal Safe Use and Transportation of Firearms and Bows Regulations**

This Commission Order establishes amendments to the Tribes' general restrictions on hunting for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters relating to miscellaneous fish and game related regulatory amendments.

#### **Sec. 1: Authority and Applicability; Terms Used and Definitions.**

**Subd. 1:** This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §3.21 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provided in each Tribe's Code.

**Subd. 2:** This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters in the implementation of *Section V.A. of the Stipulation for Technical, Management and Other Updates: First Amendment of the Stipulation Incorporated into the Final Judgment* and *Section III.A. of the Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulation Incorporated into the Final Judgment* and as amended *Section E.8 of the Stipulation for Deer Trial* (Docket Number 1167). The Wisconsin Legislature recently amended its laws pertaining to the safe use and transportation of firearms and bows. These changes in State law are less restrictive than the current tribal regulations. As a result, this Order has been developed as a way to provide the tribes with more harvest opportunities in a manner that is the least restrictive possible consistent with legislative amendments.

**Subd. 3:** Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

**Sec. 2: General Restrictions on Hunting.** Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following Tribal general hunting restrictions

shall apply:

**Subd. 1: Definitions; Stationary.** Stationary means not moving, regardless of whether the motor is running.

**Subd. 2: Prohibitions; Motorboats.** Except as otherwise provided in this ordinance, a member is prohibited from placing, possessing, or transporting a firearm, bow or crossbow in or on a motorboat with the motor running, unless one of the following applies: (a) The firearm is unloaded; (b) The bow does not have an arrow nocked; (c) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

**Subd. 3: Prohibitions; Vehicles.** Except as otherwise provided in this ordinance, a member is prohibited from placing, possessing, or transporting a firearm, bow or crossbow in or on a vehicle, unless one of the following applies: (a) The firearm is unloaded; (b) The bow does not have an arrow nocked; (c) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

**Subd. 4: Prohibitions; Placing or Possessing a Firearm Within Certain Areas.** The prohibitions as otherwise provided in this ordinance are stricter within 1,000 feet from the grounds of a school, within a state park, within a state fish hatchery, or within a tribally designated wildlife area. Within these areas, a member is prohibited from having in or on a vehicle, or in his or her possession, or under his or her control a firearm, bow or crossbow unless, in the case of a firearm, the firearm is unloaded and encased or locked in a firearm rack that is on a motor vehicle, or in the case of a bow or crossbow, the bow or crossbow is unstrung or is enclosed in a carrying case.

**Subd. 5: Exceptions; Handguns.** The prohibitions in this ordinance do not apply to a member otherwise authorized by law to place, possess, load, or transport a handgun.

**Subd. 6: Exceptions; Placing or Possessing a Firearm in a Stationary Vehicle.** The prohibitions in this ordinance do not apply to a member placing or possessing a firearm on a vehicle that is stationary.

**Subd. 7: Exceptions; Hunting from a Non-Motorized Stationary Vehicle.** The prohibitions in this ordinance do not apply to a member legally hunting from a stationary non-motorized vehicle that is not attached to a motor vehicle.

**Subd. 8: Exceptions; Hunting in State Park, State Fish Hatchery or Tribally Designated Wildlife Area.** The prohibitions in this ordinance do not apply to a member legally hunting in a state park, state fish hatchery, or tribally designated wildlife area. Therein a tribal member may uncase and load their firearm for the purpose of hunting after removing it from their vehicle at the location they will be hunting.

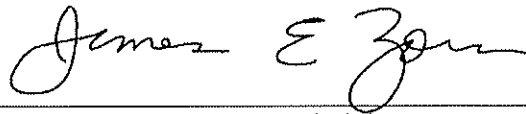
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**Sec. 3: Reservation of Each Tribe's Authority.** Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal general hunting restrictions or other measures that are more restrictive than what is provided in this Order.

Dated this 16th day of November, 2011.

A handwritten signature in black ink, reading "James E Zorn". The signature is written in a cursive style with a large, stylized "Z".

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James E. Zorn, Executive Administrator  
Great Lakes Indian Fish and Wildlife Commission

## Model Code Amendment – Tribal General Hunting Restrictions

Model Code revision regarding general hunting restrictions [§3.21 (General Restrictions on Hunting)] are (deletions shown by ~~strikeout~~ and additions by redline):

### **3.21 General Restrictions on Hunting.**

[Subsections (1) - (2) unchanged]

#### **(3) Safe Use and Transportation of Firearms and Bows.**

(a) Definitions. For the purpose of this ordinance, the following terms shall be construed to apply as follows:

(i) **"Encased"** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, strapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

(ii) **"Highway"** means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of any elementary or high school supported by public taxation and institutions under the jurisdiction of a county board of supervisors, but does not include private roads or driveways as defined below.

(iii) **"Motorboat"** means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion and shall be distinguished from a **"Non-motorized boat"** which means 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. The term, "non-motorized boat" includes, but is not limited to any canoe, sailboat, inflatable boat or similar device, row boat, raft and dinghy which is not a motorboat.

(iv) **"Private Road or Driveway"** is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than elementary and high schools supported by public taxation and institutions under the jurisdiction of a county board of supervisors.

(v) **"Roadway"** means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway

the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(vi) **"Unloaded"** means having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

(vii) **"Vehicle"** means every device in, upon or by which any person or property is or may be drawn upon a highway, except railroad trains, and includes a snowmobile as defined below.

(viii) **"Snowmobile"** means any engine driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of 4 horsepower or less and operated only on private property.

(ix) **"Stationary"** means not moving, regardless of whether the motor is running.

(b) Prohibitions; Motorboats and Vehicles; Highways and Roadways.

(i) Except as provided in subs. (c), no member shall place, possess, or transport a firearm, bow or crossbow in or on a motorboat with the motor running, ~~unless the firearm is unloaded or unless the bow or crossbow is unstrung or enclosed in a carrying case.~~ one of the following applies:

1) The firearm is unloaded.

2) The bow does not have an arrow nocked.

3) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

(ii) Except as provided in subs. (b)(vi) or subs. (c), no member shall place, possess or transport a firearm, bow or crossbow in or on a vehicle, ~~unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.~~ one of the following applies:

1) The firearm is unloaded.

2) The bow does not have an arrow nocked.

3) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

(iii) Except as provided in subs. (c), no member shall load or discharge a

firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(iv) Except as provided in subs. (c), no member shall discharge a firearm or shoot an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

(v) Except as provided in subs. (c), no member shall hunt while possessing a loaded firearm or strung bow or crossbow within 50 feet of roadway's center.

(vi) Except as provided in subs. (c), no member shall within 1,000 feet from the grounds of a school, or in a state park, state fish hatchery, or tribally designated wildlife area, have in or on a vehicle, or in his or her possession, or under his or her control a firearm, bow or crossbow, unless the firearm is unloaded and encased or locked in a firearm rack that is on a motor vehicle or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(c) Exceptions.

(i) Subsections (b) (i), (ii), (iii) and (iv) shall not apply to any person authorized by Section 4.02 to enforce the provisions of this ordinance who, in the line of duty places, possesses, transports, loads or discharges a firearm in, on or from a vehicle or motorboat or discharges a firearm from or across a highway or within 50 feet of the center of a highway.

(ii) Subsection (b)(i), (ii) and (vi) shall not apply to a member otherwise authorized by law to place, possess, load, or transport a handgun.

(iii) ~~(ii)~~ Subsection (b)(ii) shall not prohibit a member from placing or possessing a firearm on ~~leaning an unloaded firearm against~~ a vehicle that is stationary.

(iv) ~~(iii)~~ Subsections (b)(ii) and (iii) shall not apply to a member in or on a stationary vehicle which is parked off a highway and parked more than 50 feet from the center of the roadway.

(v) Subsections (b)(ii) and (iii) shall not apply to a member legally hunting from a stationary non-motorized vehicle that is not attached to a motor vehicle.

(vi) ~~(iv)~~ Subsections (b)(iv) and (v) shall not apply to a member who is lawfully hunting small game with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.

(vii) ~~(v)~~ Subsections (b)(ii), (iii), (iv) and (v) shall not apply to a member who possesses a valid disabled hunters permit issued pursuant to Section 3.32 of

this ordinance and who is hunting in or on a stationary vehicle in accordance with the provisions of that permit.

(viii) Subsection (b)(vi) shall not apply to a member who possesses a valid hunting permit in areas of a state park, state fish hatchery, or tribally designated wildlife area which are open to tribal hunting, therein a tribal member may uncase and load their firearm for the purpose of hunting after removing it from their vehicle at the location they will be hunting.

[Subsection (4) unchanged]