

CHAPTER 2 - GENERAL DEFINITIONS

2.01 General Definitions.

The following terms, wherever used in this ordinance, shall be construed to apply as follows:

(1) "**Carcass**" means the dead body of any wild animal to which it refers, and, unless clearly indicated to the contrary by a specific provision of this ordinance in particular circumstances, includes the hide or skin and head.

(2) "**Ceded territory**" means all lands and waters located in the State of Wisconsin, except Lake Superior, ceded by the Tribe to the United States of America in the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591. For the purposes of this ordinance, the southern boundary of this territory is set forth in the Commission's Document entitled Guide to the Southern Boundary of Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0, August 2008, as it may be amended from time to time, which is hereby adopted and incorporated as if fully set forth herein.

(3) "**Commission**" means the Great Lakes Indian Fish and Wildlife Commission.

(4) "**Endangered or Threatened Species**" means any wild animal or wild plant which is contained on either the federal (50 CFR Sections 17.11 and 17.12) or the State of Wisconsin (Wis. Adm. Code NR 27.03) endangered and threatened species lists, as may be amended from time to time, or which the Tribe's governing body from time to time may declare as endangered or threatened.

(5) "**Fishing**" includes taking, capturing, killing or attempting to take, capture or kill fish of any variety in any manner. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing" as defined herein.

(6) "**Game fish**" includes all varieties of fish except rough fish and minnows; "**rough fish**" includes chub, dace, suckers, carp, goldfish, redhorse, freshwater drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, smelt, and carpsucker; "**minnows**" includes suckers, mud minnows, madtom, stonecat, killifish, stickleback, trout-perch, darters, sculpin and all minnow family cyprinids except goldfish and carp.

(7) "**Gathering**" means to take or acquire or attempt to take or acquire possession of any wild plant or any part thereof.

(8) "**Hunt**" or "**Hunting**" includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals, except that "hunt" or "hunting" does not include the recovery of any wild animal which has already been lawfully reduced to possession.

(9) "**Member**" means a member of the Tribe.

(10) **“Miscellaneous Forest Products”** means any undomesticated species, or part thereof, of the plant and fungi kingdoms occurring in both forested and non-forested natural ecosystems including: non-timber forest products as defined in Section 12.02(12) [Definitions] of this ordinance; wild plants as defined in Section 12.02(18) [Definitions] of this ordinance; gathering products as defined in Section 12.02(7) [Definitions] of this ordinance; endangered or threatened plant species as defined in Section 2.01(4), and includes Species of Special Concern, as defined in Section 12.06(2) [Harvest of Certain Miscellaneous Forest Products Prohibited] of this ordinance, but for the purposes of this ordinance excludes wild rice.

(11) **"Off-Reservation"** means all lands and waters lying outside the exterior boundaries of a Wisconsin Chippewa Tribe's Reservation but lying within the ceded territory as defined in Section 2.01(2) of this ordinance.

(12) **"Possession"** means having killed, harvested, or otherwise obtained or acquired any wild animal or wild plant subject to the provisions of this ordinance.

(13) **"Protected"** when used in reference to any wild animal or wild plant means that the hunting, fishing, trapping or gathering of such animal or plant is expressly prohibited except as authorized or regulated by this ordinance.

(14) **"Signatory Tribe"** means an Indian tribe which is a signatory to either the Treaty of 1837 or the Treaty of 1842, or such tribe's successor in interest.

(15) **"Trapping"** includes the taking of, or attempting to take, 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 a wild animal or animals. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein.

(16) **"Tribe"** means the _____.

(17) **"Tribal Conservation Department"** means the conservation department of the Tribe, or, as circumstances indicate, of another signatory Tribe.

(18) **"Unprotected"** when used in reference to any wild animal or wild plant not otherwise regulated by this ordinance, means that the hunting, fishing, trapping or gathering of such animal or plant is not expressly prohibited by this ordinance.

(19) **"Wild animal"** means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

(20) **"Wildlife"** means all varieties of wild animals or birds.

(21) **“Wild rice”** means any species of the annual aquatic grass known as manoomin (zizania sp.) occurring in the natural ecosystem.

(22) "**Working day**" means Monday, Tuesday, Wednesday, Thursday or Friday, unless such day is a tribal holiday.

CHAPTER 3 – GENERAL

3.01 Title to Wild Animals and Wild Plants.

(1) The legal title to, and the custody and protection of, all wild plants and wild animals within the ceded territory is vested in the Tribe for the purposes of regulating members' use, disposition and conservation thereof.

(2) The legal title to any such wild plant or wild animal, or carcass or part thereof, taken or reduced to possession in violation of this ordinance remains with the Tribe; and the title to any such wild plant or wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of this ordinance relating to the possession, use, giving, sale, barter or transportation of such wild plants or wild animals, or carcass or part thereof, by the holder of such title, the same shall revert, as a result of the violation to the Tribe. In either case, any such wild plant or carcass or part thereof, may be seized forthwith, wherever found, by the tribal conservation department or any law enforcement official authorized to enforce the provisions of this ordinance.

3.02 Permits and Identification.

(1) No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance without a validly issued tribal off-reservation natural resources harvesting permit or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question.

(2) No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance except while carrying a valid color picture identification card issued by the Tribe.

(3) The tribal conservation department is authorized to issue to members permits required by this ordinance. Except as otherwise required by this ordinance, the form of such permits shall be left to the discretion of the tribal conservation department provided such form shall require the name, address and the member's tribal identification number.

(4) The tribal conservation department may issue such harvesting permits to members of a signatory tribe, provided such other tribe has adopted an ordinance or other regulations essentially in conformance with the provisions of this ordinance for the particular season or activity involved.

(5) No member shall refuse to display his or her identification documents or any other document or permit required by this ordinance to any tribal, state, local or federal law enforcement officer upon request by such officer.

(6) No member to whom any permit has been issued under this ordinance shall fail or refuse to provide harvest reports and data, and such other relevant information, as may be requested by tribal, state, local and federal law enforcement officers or by the Commission's

Biological Services Division.

(7) Permits, **stamps**, carcass tags and registration tags issued or used pursuant to this ordinance in connection with any species for which a harvest quota is established shall be ~~numbered sequentially and shall be indexed by number~~ **issued in a manner to allow for making** information regarding the identity of the person who has been issued a tag or permit **to be** readily accessible.

(8) The tribal conservation department may issue individual tribal member hunting, trapping and/or fishing identification numbers as part of its ceded-territory wide automated system for issuing permits.

3.03 Waste of Natural Resources.

No member shall unreasonably waste, injure or destroy, or impair natural resources while engaging in the exercise of off-reservation treaty rights regulated by this ordinance.

3.04 Larceny of Natural Resources.

No member shall, without permission of the owner, molest, disturb or appropriate any wild plant or wild animal, or the carcass or part thereof, which has been lawfully reduced to possession of another.

3.05 Use of Poison and Explosives; Pole Traps.

(1) No member shall take, capture, or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poisonous or stupefying substances or devices.

(2) No member shall place in any off-reservation waters explosives which might cause the destruction of any wild animal, except when authorized by the tribal conservation department, or have in his or her possession or under his or her control upon any off-reservation waters any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing wild animals.

(3) No member shall use, set, lay or prepare in any off-reservation waters any lime, poison, fish berries, or any other substance deleterious to fish life; or use baits containing poison of any description in any off-reservation forests, fields or other places where such baits might destroy or cause the destruction of wild animals; and the possession of any such poison, poison baits or substances deleterious to wild animals by a member while exercising off-reservation treaty rights regulated by this ordinances is prima facie evidence of a violation of this section.

(4) No member shall take, capture or kill or attempt to take capture or kill any bird by setting or operating any trap or device designed, built or used to capture birds on a pole, post, tree stump or any other elevated perch more than three (3) feet above the ground.

(5) Nothing in this ordinance shall prohibit the tribal conservation department or its designated agents from using explosives or having explosives in its possession for the purpose of removing beaver dams, clearing a channel, or breaking a log or ice jam.

3.06 Throwing Refuse in Waters; Abandoning Automobiles, Boats or Other Vehicles.

No member shall deposit, place or throw into any off-reservation waters, or leave upon the ice or in such waters any cans, bottles, debris, refuse or other solid waste materials; and no member shall abandon any automobile, boat or other vehicle in such waters. Any automobile, boat or other vehicles not removed from such waters within thirty (30) days shall be rebuttably presumed to be abandoned.

3.07 Scientific Investigation.

(1) The tribal conservation department or the Commission's Biological Services Division may conduct investigations of wild animals and wild plants in order to develop scientific information relating to population, distribution, habitat needs, and other biological data in order to advise the Tribe on conservation measures designed to ensure the continued ability of wild animals and wild plants to perpetuate themselves.

(2) The tribal conservation department or the Commission's Biological Services Division may for scientific purposes engage in or authorize others to engage in the harvest of protected wild animals or wild plants by the use of methods, at times or at locations not authorized by this ordinance on such terms and conditions as it deems appropriate.

(3) Nothing in this section shall authorize any person to exceed the biological safe harvest level of any species.

3.08 Seasons.

No member shall engage in the exercise of off-reservation treaty rights regulated by this ordinance, except during the respective seasons established pursuant to this ordinance.

3.09 Possession of Wild Plants or Wild Animals During Closed Season.

No member shall have in his or her possession or under his or her control at any time any wild plant or wild animal, or the carcass or any part thereof, showing that the same has been taken off-reservation during the closed season for such plant or animal.

3.10 Bag Limits; Possession Limits.

No member while off reservation shall have in his or her possession or under his or her control any wild plant or wild animal in excess of the bag or possession limits, or above or below the size limits for any wild animal as established by this ordinance, except that wild plants or

wild animals harvested on-reservation, if properly tagged or identified in a manner determined sufficient by the tribal conservation department as having been harvested on-reservation shall not be subject to the bag, possession or size limits established by this ordinance. The possession of or control of wild plants or wild animals not so identified or tagged as part of an on-reservation harvest shall be rebuttably presumed to be part of the applicable off-reservation bag or possession limit.

3.11 Waters Partially on a Reservation.

The provisions of this ordinance shall apply to the off-reservation portions of any waters located partially on the Tribe's reservation.

3.12 Sharing of Permits and Tags.

Except as otherwise provided in this ordinance, no member shall lend, share, give, sell, barter or trade, or offer to lend, share, give, sell, barter or trade to any person any identification document, permit or tag issued by the Tribe pursuant to this ordinance.

3.13 Harvesting with Another's Permit Prohibited.

Except as otherwise provided in this ordinance, no member shall hunt, fish, trap or gather any wild animal or wild plant while in possession of any permit or tag issued to another.

3.14 Shining Animals.

(1) Definitions. As used in this ordinance:

(a) "**Flashlight**" means a battery operated light designed to be carried and held by hand.

(b) "**Light**" means flashlights, automobile lights and other lights, which may include but is not limited to high-powered lights, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow.

(c) "**Point of Kill**" means the location at which a light is used to illuminate and kill a wild animal whose position or location is known by the hunter.

(d) "**Shining**" means the casting of rays of light on a field, forest, or other area for the purpose of searching for, illuminating, locating or attempting to illuminate or locate wild animals.

(e) "**Safe Zone of Fire**" means the area and direction in which a hunter may safely discharge a weapon.

(f) "**Stationary**" means not moving.

(2) Presumption. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is rebuttably presumed to be shining wild animals.

(3) Shining Wild Animals While Hunting or Possessing Weapons Prohibited.

(a) Prohibition. Except as otherwise provided in subs. (b), no member shall use or possess with intent to use a light for shining wild animals while the member is hunting or in possession of a firearm, bow and arrow or crossbow.

(b) Exceptions. This subsection shall not apply to:

(i) a member who possesses a light or who uses a light while hunting pursuant to the express provisions of this ordinance which allow shining within an established safe zone of fire from a stationary position during the open season for the animals hunted;

(ii) a member who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot pursuant to the express provisions of this ordinance which allow shining during the open season for the animal hunted;

(iii) a member who possesses a light or who uses a flashlight to find their way;

(iv) a person authorized to enforce the provisions of this ordinance on official business;

(v) an employee of the Tribe or the Commission on official business;

(vi) a person authorized by the Tribe or the Commission to conduct a game census.

(vii) if the Tribe's governing body specifically permits a member to use or possess a light for shining wild animals during these times;

(viii) a member engaged in hunting authorized by Section [6.20](#) of this ordinance; or

(ix) a member engaged in fishing authorized by Section [9.06](#) of this ordinance.

(4) Shining Wild Animals After 10 P.M. During Certain Times of the Year Prohibited.

(a) Prohibition. Except as otherwise provided in subs. (b), no member shall use or possess with intent to use a light for shining wild animals between 10 p.m. and 7 a.m.

from the day after Labor Day to the first Sunday following New Year's Day or as otherwise provided by a GLIFWC Commission Order.

(b) Exceptions. This subsection shall not apply to:

(i) a member who possesses a light or who uses a light while hunting pursuant to the express provisions of this ordinance which allow shining within an established safe zone of fire from a stationary position during the open season for the animals hunted;

(ii) a member who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot pursuant to the express provisions of this ordinance which allow shining during the open season for the animals hunted;

(iii) a member who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals;

(iv) a member who possesses a light or who uses a flashlight to find their way;

(v) a person authorized to enforce the provisions of this ordinance on official business;

(vi) an employee of the Tribe or the Commission on official business;

(vii) a person authorized by the Tribe or the Commission to conduct a game census; or

(viii) if the tribe's governing body specifically permits a member to use or possess a light for shining wild animals during these times;

(ix) a member engaged in hunting authorized by Section [6.20](#) of this ordinance; or

(x) a member engaged in fishing authorized by Section [9.06](#) of this ordinance.

3.15 Duties on Accidental Shooting.

Any member who, while hunting any wild animal, discharges a firearm or arrow, and thereby injures or kills another person, shall forthwith give his or her name and address to such person if injured and render assistance to him or her as may be necessary and obtain immediate medical or hospital care, and shall immediately thereafter report such injury or death to the proper law enforcement authorities.

3.16 Failure to Report Hunting Accident.

Every member who shall have caused or been involved in an accident in which another person has been injured by gunfire or by arrow while hunting or trapping, or shall have inflicted an injury upon himself or herself with a firearm or arrow while hunting or trapping, shall render or cause to be rendered a report to the tribal conservation department within ten (10) days after such injury.

3.17 Hunter Education Requirements and Restrictions on Hunting by Members Under 16 years of Age.

(1) (a) Certificate of Accomplishment Required. Except as provided in subs. (b), no member born on or after January 1, 1977 may hunt while possessing a firearm, bow and arrow or crossbow unless the member has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course.

(b) Exceptions. A member may hunt while possessing a firearm, bow and arrow or crossbow without having been issued a certificate of accomplishment from a tribal hunter education and firearm safety course when:

(i) the member has a certificate, license or other evidence indicating that he or she has completed a hunter safety course offered by another tribe, state or province and the course is substantially similar to the Tribe's hunter safety course; or

(ii) the member has successfully completed basic training in the U.S. Armed Forces, Reserves or National Guard; or

(iii) the member is hunting with a mentor who meets the requirements as specified in subs. (3) and complies with the requirements as specified in subs. (2).

(2) Additional Restrictions on Hunting by Members Under 14 Years of Age.

(a) Persons Under 10 Years of Age. No member under 10 years of age may hunt while possessing a firearm, bow and arrow or crossbow.

(b) Persons 10 to 12 Years of Age. No member 10 years of age or older but under 12 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless at all times while hunting, the person is a mentored hunter who meets the requirements as specified in subs. (3) **or the person is participating in a Tribal Youth Hunt as specified in subs.(4);**

(c) Persons 12 to 14 Years of Age. No member 12 years of age or older but under 14 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless

he or she is accompanied by a parent, guardian or other adult member designated by a parent or guardian.

(d) Persons 14 to 16 Years of Age. No member 14 years of age or older but under 16 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless he or she:

(i) is accompanied by a parent, guardian or other adult member designated by a parent or guardian; or

(ii) has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course or a similar certificate issued by another tribe, state or province, **except that members aged 14 to 15 participating in a Tribal Youth Hunt as specified in subs. (4) must be accompanied by a parent, guardian or other adult member designated by a parent or guardian;**

(e) Parental Obligation. No parent, guardian or other member shall authorize or knowingly permit or encourage a child under 16 years of age to violate this section.

(3) Mentored Hunting Restrictions.

(a) Requirements for Acting as a Mentored Hunter. No member 10 years of age or older may hunt with a mentor unless all of the following requirements are met:

(i) No member shall hunt without possessing a valid tribal off-reservation natural resources harvesting permit or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question;

(ii) No member shall hunt without possessing a valid carcass tag, except as otherwise provided in this ordinance.

(iii) The mentored hunter may only hunt while within arm's reach of a mentor;

(iv) The mentored hunter must follow all other restrictions as provided in the ordinance;

(v) A 10 and 11 year old tribal member may only hunt under these mentorship requirements, even if they already completed hunter education.

(b) Requirements for Acting as a Mentor. No adult may serve as a qualified mentor for a hunter unless all of the following requirements are met:

(i) The adult must be parent or guardian of the mentored hunter for whom

he or she is serving as a mentor or is an adult member authorized by the parent or guardian to serve as a mentor.

(ii) At all times while serving as mentor, the mentor must be in arm's reach of the person for whom he or she is serving as a mentor.

(iii) If born on or after January 1, 1977 the mentor must have been issued a certificate of accomplishment under a tribal hunter education and firearm safety course, unless one of the exceptions as specified in subs. (1) applies.

(iv) The mentor must possess a valid tribal off-reservation natural resources harvesting permit or such other license as required by law.

(c) Requirement for both the Mentored Hunter and the Mentor. Only one firearm, bow, or crossbow can be possessed jointly between the mentored hunter and the mentor.

(4) Tribal Youth Hunts.

(a) Tribal Youth Hunts Established. Members aged 10 to 15 may participate in Tribal Youth Hunts while in possession of valid tribally-issued permits and while accompanied by an adult as specified in subsection (b) or (c) as applicable.

(b) Youth members aged 10 to 11 years old, and 12 to 15 years old, without a certificate of accomplishment under a tribal education and firearm safety course or similar certificate issued by another tribe, state or province, may participate in Tribal Youth Hunts under the following conditions:

(i) The youth member is accompanied by a parent, guardian or other adult member designated by a parent or guardian;

(ii) The parent, guardian or adult member may only accompany one youth member aged 10 to 15 at the same time, unless the second youth member is at least 12 years old and has been issued a certificate of accomplishment under a tribal education and firearm safety course or similar certificate issued by another tribe, state or province;

(iii) The parent, guardian or adult member may not hunt while participating in a Tribal Youth Hunt;

(iv) The parent, guardian or adult member participating in a Tribal Youth Hunt must remain in arm's reach of the youth member;

(v) The parent, guardian or adult member born after January 1, 1977 must have been issued a certificate of accomplishment under a tribal hunter education and firearm certification course unless one of the exceptions in subs. (1)(b)

applies; and

(vi) No more than one firearm, bow or crossbow may be possessed jointly between the parent, guardian or adult member and the youth member.

(c) Youth members aged 12 to 15 with a certificate of accomplishment under a tribal education and firearm safety course or similar certificate issued by another tribe, state or province, may participate in Tribal Youth Hunts under the following conditions:

(i) The youth member is accompanied by a parent, guardian or other adult member designated by a parent or guardian;

(ii) The parent, guardian or adult member may accompany no more than two youth members aged 12 to 15 years old, as long as both have been issued a certification of accomplishment of a tribal education and firearm safety course or similar certificate issued by another tribe, state or province;

(iii) The parent, guardian or adult member may not hunt while participating in a Tribal Youth Hunt;

(iv) The parent, guardian or adult member participating in a Tribal Youth Hunt must remain in arm's reach of the youth member(s); and

(v) No more than one firearm, bow or crossbow per youth member in the group, may be possessed collectively among the parent, guardian or adult member and youth members.

3.18 Hunting While Intoxicated.

(1) No member 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 member is incapable of safely using such weapon, or while a member 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. In addition:

(a) If a member has not attained the age of 21, the member shall not hunt with a firearm, bow and arrow, or crossbow while he or she has an alcohol concentration of more than 0.0 but not more than 0.08.

3.19 Resisting Conservation Wardens.

No member shall assault or otherwise resist or obstruct any law enforcement officer authorized to enforce the provisions of this ordinance in the performance of duty.

3.20 False Impersonation of Warden.

No member shall falsely represent himself or herself to be a law enforcement officer authorized to enforce the provisions of this ordinance, or shall assume to act as such an officer, without having been first duly appointed.

3.21 General Restrictions on Hunting.

(1) Hunting in Restricted Areas. No member shall:

(a) Hunt within 1700 feet of any hospital, school grounds or sanatorium where notice of this prohibition is clearly posted;

(b) While on the lands of another, discharge a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. **"Building"** as used in this subsection includes any house trailer or mobile home, but does not include any tent, bus, truck, vehicle or similar portable unit.

(2) Color of Clothing. During the middle deer season established pursuant to Section 6.07(3), no member shall hunt any wild animal except waterfowl unless at least 50% of the member's outer clothing above the waist is of **one or more of the following** highly visible colors commonly referred to as **blaze orange (also referred to as hunter orange, fluorescent orange, flame orange, fluorescent blaze orange); or blaze pink/fluorescent pink.**

(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 **paved** 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 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. In those areas, a tribal member may uncase and load his or her firearm, for the purpose of hunting, after removing it from the vehicle at the location he or she will be hunting.

(4) Restrictions on Use of Bait.

(a) No member shall use bait to hunt unless such bait is confined to an area measuring no more than two (2) feet in width and two (2) feet in length.

(b) No member shall place, use or hunt over bait containing or contained within metal, plastic, glass, wood or nondegradable materials.

(c) No member shall place or hunt over bait or liquid scent within fifty (50) yards of any trail, road or campsite used by the public.

(d) No member shall use honey for bait.

(e) No member shall use any animal flesh for bait unless the member places a metal identification tag indicating the member's name and address, or tribal affiliation and tribal trapping identification number and the initials “ ” indicating membership in the tribe, on the tree nearest the bait, at eye level, and directly facing the bait.

(f) This section shall not prohibit hunting over bait materials deposited by natural vegetation or found solely as a result of normal agricultural practices.

3.22 Hunting with Aircraft Prohibited.

No member shall hunt with the aid of an airplane, including the use of an airplane to spot, rally or drive wild animals for hunters on the ground.

3.23 Pivot Guns and Similar Devices Prohibited.

No member shall place, operate or attend, spread, or set any net (except as authorized for fishing pursuant to [Chapter 9](#)), pitfall, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching or which might catch, take or ensnare wild animals.

3.24 Tampering with Equipment of Another Prohibited.

No member shall molest, disturb, tamper with or in any way otherwise interfere with any hunting, fishing, trapping or gathering equipment used, set or placed by another except with the owner's permission.

3.25 Endangered and Threatened Species Protected.

Except as otherwise permitted by law, no member shall take, transport, possess, process or sell any endangered and threatened species as defined in Section [2.01](#)(4).

3.26 Records of Commercial Transactions Required.

(1) Except as otherwise provided in this ordinance, no member shall sell any protected wild animal or wild plant to any person unless the member maintains a written record made within 24 hours of all transactions on forms prescribed by the Tribe indicating the amount and type of resource involved in the transaction, the parties to the transaction, and the date of the transaction.

(2) Records maintained pursuant to the requirement of subs. (1) shall be forwarded monthly to the tribal conservation department, or its designee.

(3) No member shall fail to comply with the reporting requirements of subs. (2).

3.27 Tribal Administrative Documents Established.

(1) The following Commission documents, as they may be amended from time to time, are hereby adopted and incorporated as if fully set forth herein:

(a) [Tribal Fish Refuges Version 4b: January 9, 1998](#);

- (b) [Tribal Wildlife Refuges and Closed Areas](#), Version 3: September, 1990;
- (c) [Tribal Fish Management Experiments](#);
- (d) [Tribal Management Units and Zones in the 1837 and 1842 Ceded Territories; Version 1.2: August 2008](#);
- (e) [Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0: August 2008](#).
- (f) [Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Tribal Species of Special Concern, Version 1: \[October 2010\]](#);
- (g) [Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Tribal Designated Use, Tribal Research and Management Areas, and Tribal Closed Areas, Version 1: \[November 2010\]](#);
- (h) [Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Public Lands Open to Tribal Gathering, Version 1: \[November 2010\]](#);
- (i) [Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: \[November 2010\]](#);
- (j) [Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: \[October 2010\]](#);
- (k) [Tribal Alternative Monitoring of Walleye Harvest](#) [Open Water Spearing on Certain Lakes in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: \[November 2010\]](#); and
- (l) [Tribal Disease and Invasive Species Management Areas](#); and
- (m) [Voigt Intertribal Task Force Protocol on Manoominikewin \(Wild Rice Harvest\) Levels](#).

(2) No member shall fail to comply with the closures and other restrictions established by the documents adopted by subs. (1).

3.28 Unprotected Species.

Except as otherwise expressly provided, nothing in this ordinance shall be construed to prohibit or regulate the off-reservation harvest of any unprotected species, as defined in Section [2.01](#)(18) [General Definitions; Unprotected], in the ceded territory.

3.29 Protected Species.

No member shall hunt, fish, trap or gather any of the following species: paddlefish, spoonbill catfish, marten, wolverine, badger, flying squirrel, timber wolf, lynx, cougar, ~~elk~~, moose, homing pigeon or any wild bird, except those species whose harvest is specifically regulated pursuant to the provisions of this ordinance.

3.30 Permissible Conduct/Assistance by Non-Members.

(1) Conduct which is not expressly prohibited, restricted or otherwise regulated by this ordinance shall be deemed permissible.

(2) Except as provided in subs. (3) or as otherwise provided herein, nothing in this ordinance shall be construed to prohibit a member from hunting, fishing, trapping or gathering with any other person who is not a member of a signatory tribe, provided that such other person possesses a license or is otherwise not prohibited from engaging in the activity involved and complies with the laws of the State of Wisconsin governing such activity.

(3) (a) No member shall allow any person who is not a member of a signatory tribe to assist, and no such person shall assist, in the activities authorized by this ordinance except in accordance with the provisions of this subsection, as provided in subs. (2), above, and as provided in Section [12.13](#) [Timber Harvest/Assistance by Non-Members], and as provided in Section [3.32](#) [Disabled Hunters Permits].

(b) (i) Except as provided in subs. (2), those persons who may assist a member shall be limited to the member's spouse, forebears, children, grandchildren and siblings.

(ii) For the purposes of this subsection:

(1) "**Forebears**" includes only parents and grandparents.

(2) "**Siblings**" includes persons who have one or both parents in common.

(c) A member may be assisted by a non-member in accordance with this subsection only if the member is physically present during the activity which constitutes assistance.

(d) Non-member "assistance" pursuant to this subsection shall be limited to the following activities:

(i) Operation of a boat during spearing;

(ii) Placing or lifting a net, set pole, bank pole or setline;

(iii) Setting or lifting of unattended lines during ice fishing;

(iv) In hunting, all activities except the actual use of a firearm, bow and arrow or crossbow to kill an animal;

(v) In hunting deer at night, acting as a spotter and using a light to shine within an established safe zone of fire from a stationary position;

(vi) In trapping and snaring all activities except the setting or placement of traps and snares;

(vii) In harvesting wild rice, all activities;

(viii) In harvesting plants other than wild rice and timber, all activities except the actual cutting or uprooting of the plant, or the removal of plant parts from plants left growing; and

(ix) In harvesting clams, crayfish, turtles and species the harvest of which are not prohibited or otherwise regulated by this ordinance, all activities except the actual use of a device to kill an animal or the specific act which reduces an animal to possession.

3.31 Emergency Closures.

(1) Notwithstanding any other provisions of this ordinance, the Director of the Biological Services Division of the Commission is hereby authorized and empowered to order the closure of the harvest activity of any species, generally or with respect to a particular location or body of water, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the harvest goals and quotas adopted pursuant to Section 7 of the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory or may otherwise cause biological harm to the species involved.

(2) Every reasonable effort shall be made to consult with and obtain the approval of the Tribe prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.

(3) An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may direct. Such closure shall be communicated to the Tribe by the best and swiftest practicable method.

(4) No member shall violate the terms, conditions, or restrictions of an emergency closure order issued pursuant to this section.

3.32 Disabled Hunters Permits.

(1) (a) The Tribal Conservation Department is authorized to issue Disabled Hunters Permits in accordance with the provisions of this Section and may impose terms and conditions on a permit as it deems appropriate that are in addition to those specified in this Section.

(b) Members desiring a Disabled Hunters Permit shall apply to the Tribal Conservation Department on such forms as the Department prescribes and shall provide such information as the Department requests. The Department may deny an application if the member fails to provide the requested information.

(2) (a) No member shall hunt pursuant to this section without possessing a validly issued Disabled Hunters Permit.

(b) No member shall fail to comply with the terms and conditions of a Disabled Hunters Permit.

(3) The intent of this Section is to afford a hunting opportunity to members who suffer from physical disability or impairment and who would face a significant health risk by participating in normal hunting activities or who would find it unduly burdensome or would otherwise be unable to participate in normal hunting activities.

(4) For the purposes of this ordinance, "**street**" means a highway [see Section [3.21\(3\)\(a\)\(ii\)](#)] that is within the corporate limits of a city or village.

(5) A Disabled Hunters Permit shall authorize the holder of the permit to hunt from a stationary vehicle and to load and discharge a firearm or shoot a bow or crossbow within 50 feet of the center of a roadway provided:

(a) The roadway is part of a county highway, a town highway or any other highway that is not part of a street or of a state trunk or federal highway;

(b) The holder of the permit is not hunting to fill the permit or tag of another person;

(c) The vehicle bears special registration "handicapped" or "disabled" plates issued by the tribe, a state or other governmental entity, or displays a sign provided by the Tribal Conservation Department on which "disabled" is conspicuously written;

(d) The holder of the permit discharges the firearm or shoots a bow or crossbow away from and not across or parallel to the roadway; and

(e) The holder of a permit shall not otherwise, possess or transport a firearm, bow

or crossbow in or on a moving 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:**

(i) The firearm is unloaded.

(ii) The bow does not have an arrow nocked.

(iii) The crossbow is not nocked or is unloaded and enclosed in a carrying case.

(6) To be eligible for a Disabled Hunters Permit, a member must otherwise be authorized to hunt pursuant to this ordinance and must submit to the Tribal Conservation Department a written statement verifying that the member suffers from a temporary or permanent disability or impairment and would face a significant health risk by participating in normal hunting activities or would find it unduly burdensome or otherwise be unable to participate in normal hunting activities.

(7) No member shall, with the intent to fraudulently obtain a Disabled Hunters Permit under this section, provide false or misleading information in applying for or otherwise seeking such permit.

(8) A member who feels that he or she has been unreasonably denied a Disabled Hunters Permit may request the Tribe's Governing Body to review the decision of the Tribal Conservation Department.

(9) (a) A holder of a Disabled Hunters Permit may be assisted by any person, including one who is not eligible for a permit under this section. The assisting person shall not hunt or carry a firearm, bow or crossbow unless authorized to do so under tribal or state law.

(b) The assisting person shall not be deemed to have violated the provisions of Section [3.21](#)(3) [Safe Use and Transportation of Firearms and Bows] of this ordinance simply by virtue of the acts of a Disabled Hunters Permit holder in or from the assisting person's vehicle. However, should the assisting person violate any other applicable provision of the ordinance, he or she may be issued a citation accordingly. In addition, should the permit holder violate any provision of this ordinance, the assisting member may be issued a citation pursuant to Section [4.14](#) [Parties to a Violation] or any other applicable section of this ordinance.

(c) The assisting person may help the Disabled Hunters Permit holder in any activity except the actual use of a firearm, bow or crossbow.

3.33 Technical Updates.

(1) The Tribal Conservation Department is authorized to amend from time to time, this _____ Off-Reservation Conservation Code under the following circumstances:

(a) Basis Standard: The Voigt Final Order Stipulations and Model Code as entered into between the tribal and state parties to Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al., Case No. 74-C-313 (United States District Court, Western District of Wisconsin) provide for the basis regulation standard;

(b) Technical Amendments: The Great Lakes Indian Fish and Wildlife Commission Executive Administrator may, without consultation with the State, issue a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters subject to the Voigt Stipulations and Case parameters pertaining to the following: age restrictions, disability exemptions, method restrictions, equipment restrictions, hunting hours, season length, new places to hunt, or caliber restrictions;

(c) Other Liberalization Amendments: The Great Lakes Indian Fish and Wildlife Commission Executive Administrator may, after consultation with the State and upon agreement of the parties (where consent may not be unreasonably withheld), issue a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters subject to the Voigt Stipulations and Case parameters pertaining to other fish and game related regulatory amendments of the Model Code;

(d) Mechanism for Amendment: A Commission Order can be administered detailing the technical amendment to be updated in the tribal off-reservation conservation code;

(e) Consultation: The Tribes agree that they will inform the State of the issuance of a Commission Order.

(f) Amendment Implementation: Unless a Tribe has adopted more restrictive measures, the regulations established above in a Commission Order shall be that Tribe's regulations as provided in that Tribe's Code.

(g) Mandatory Reversion: Each Tribe must mandatorily revert through the issuance of a subsequent Commission Order issued simultaneously with the State as if and when State regulations revert toward the basis regulation standard. If the Tribes dispute the basis for the State's reversion, they may object, in which case the formal stipulation review process should be followed.

(2) This section does not diminish the ability of either party to propose formal stipulation amendments and the process for achieving these amendments.

CHAPTER 5 - WILD RICE HARVESTING REGULATIONS

5.01 Tribal Wild Rice Authority.

(1) Creation. There hereby is created a Tribal Wild Rice Authority which shall have the powers and duties enumerated in this chapter.

(2) Definition. As used in this chapter, "Tribal Wild Rice Authority" shall mean the individuals named by the Tribe's governing body to act in the manner of the traditional Rice Chiefs for the purposes of implementing the provisions of this Chapter and of regulating the harvest and conservation of wild rice.

(3) Powers. The Tribal Wild Rice Authority may:

(a) Designate the open and closed dates for harvesting wild rice growing within the ceded territory by posting notice of the open dates on the shores of and at places of access to such waters and at the tribal conservation department and by notifying the Commission's Biological Services Division at least 24 hours before such open dates;

(b) For conservation purposes, establish a closed season on any body of water for which no closed season is established by the Commission's Biological Services Division pursuant to Section [5.06\(1\)\(a\)](#) [Open Season: Regulated Waters]; and

(c) Establish a year-round open season as circumstances may allow on any body of water for which a closed season has been established pursuant to subs. (3)(b) or Section [5.06\(1\)\(a\)](#) [Open Season: Regulated Waters].

(4) Sufficient Notice of Opening Dates. The posting of an open date for harvesting wild rice pursuant to subs. (3)(a) shall be deemed sufficient notice of such opening date and no other publication thereof is required.

(5) Consultation Required.

(a) In exercising its powers and duties under subs. (3), the Tribal Wild Rice Authority shall consult with and obtain the advice and recommendations of the Tribe's governing body, the tribal conservation department and the Commission's Biological Services Division.

(b) The Tribal Wild Rice Authority shall not open any body of water for which a closed season has been established pursuant to section [5.06\(1\)\(a\)](#) [Open Season: Regulated Waters] without first consulting with the Wisconsin Department of Natural Resources or prior to the opening date of the corresponding season provided by the laws of the State of Wisconsin.

5.02 Permit Required.

No member shall harvest or gather wild rice pursuant to this ordinance without possessing a valid wild rice harvesting permit issued by the tribal conservation department. No wild rice harvest permit is required of helpers of a permittee who participate only in shore operations.

5.03 Sale of Wild Rice Authorized.

(1) Nothing in this ordinance shall be construed to prohibit members from selling wild rice legally harvested pursuant to this ordinance.

(2) The provisions of Section [3.26](#) [Records of Commercial Transactions Required] shall not apply to the sale of wild rice.

5.04 Allowable Methods.

(1) No member shall harvest or gather wild rice by the use of any method other than smooth, rounded cedar rods or sticks not more than 38 inches in length and which are held and operated by hand.

(2) No member shall bind or otherwise bundle together any wild rice stalks, or harvest or gather any wild rice, the stalks of which have been bound or otherwise bundled together.

5.05 Boats.

No member may harvest or gather any wild rice by the use of any boat longer than 17 feet or wider than 38 inches, or with any modification of the gunwale designed to capture rice outside of the boat, or by the use of any boat propelled by other than muscular power using only a push pole or canoe paddle.

5.06 Open Season.

(1) There is no closed season for the harvest of wild rice on any body of water except for the following:

(a) Any body of water listed as a “**Water Subject to Opening through Tribal Ricing Authority**” in the Commission document entitled **Voigt Intertribal Task Force Protocol on Manoominikewin (Wild Rice Harvest) Levels** ~~Waters Regulated for Tribal Wild Rice Harvesting, Version 1~~, as it may be amended from time to time, which is hereby adopted and incorporated as if fully set forth herein; and

(b) Any other body of water for which the Tribal Wild Rice Authority has established a closed season pursuant to Section [5.01](#)(3)(b) [Tribal Wild Rice Authority:

Establishing a Closing Date].

(2) No member shall harvest or gather wild rice in any body of water for which there is a closed season pursuant to subs. (1), except during the time(s) as such body of water is posted open by the Tribal Wild Rice Authority pursuant to Section 5.01(3)(a) [Tribal Wild Rice Authority: Designation of Open and Closed Dates].

5.07 Tribal Designation of Open Waters.

The bodies of water which the Tribal Wild Rice Authority shall be authorized to declare open for the harvest of wild rice shall be determined pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory.

5.08 Hours.

No member shall harvest or gather wild rice between sunset and the following 10:00 a.m., Central Time.

5.09 Harvest Monitoring.

No member shall refuse to cooperate with wild rice harvest monitoring activities conducted by the Tribe or the Commission's Biological Services Division.

5.10 Harvest by Authorized Officials.

Nothing in this Chapter shall prohibit or preclude the tribal conservation department, the Commission's Biological Services Division or their designees from harvesting or gathering wild rice for scientific purposes or otherwise within the performance of their duties.

5.11 Harvest in Certain Locations Prohibited.

(1) (a) No member shall harvest or gather wild rice from any portion of a stream or flowage where the bed is privately owned.

(b) For the purposes of this section, "**privately owned**" means owned by a person or entity other than the Tribe, another signatory tribe, or the State of Wisconsin or its political subdivisions.

~~(2) No member shall harvest or gather wild rice from Wisconsin—Minnesota boundary waters as those waters are defined in Section 13.02(2)(n) [Clams, Clamming and Commercial Clamming] of this ordinance.~~

5.12 Assistance by Non-Members.

No person who is not a member or a member of another signatory tribe shall assist a member in the gathering of wild rice pursuant to this ordinance except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

CHAPTER 6 - DEER HARVESTING REGULATIONS

6.01 Definitions.

For the purposes of this ordinance, the following terms shall be construed to apply as follows:

(1) "**Adequate Backstop**" means earthen terrain that will stop discharged projectiles under hunting circumstances, considering a reasonable margin of error. The maximum distance that an adequate backstop should be from the member's established stationary position at night is one-hundred twenty-five (125) yards pursuant to section [6.20\(5\)](#) of this ordinance.

(2) "**Antlerless deer**" means a deer not having at least one antler of at least 3 inches in length.

(3) "**Bow**" means any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through the efforts of the person releasing, but does not include crossbow.

(4) "**Crossbow**" means any device using a bow which, once drawn, is held solely by means other than the effort of the person firing it.

(5) "**Firearm**" means rifle, shotgun, handgun or other type of gun.

(6) "**Flashlight**" means a battery operated light designed to be carried and held by hand.

(7) "**Light**" means flashlights, automobile lights and other lights, which may include but are not limited to high-powered lights, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow.

(8) "**Point of Kill**" means the location at which a light is used to illuminate and kill a wild animal whose position or location is known by the hunter.

(9) "**Preapproved Shooting Plan**" means a shooting plan that is inspected and approved to be in compliance with the requirements of subs. (5), by the tribal conservation department or a Commission warden. In the inspection and approval of a shooting plan, the tribal conservation department or a Commission warden shall ensure that there are at a maximum only two shooting plans approved per forty (40) acre parcel or every two-hundred twenty (220) yards.

(10) "**Shining**" means the casting or rays of light on a field, forest, or other area for the purpose of searching for, illuminating, locating, or attempting to search for, illuminate or locate wild animals.

(11) "**Safe Zone of Fire**" means the area and direction in which a hunter may safely discharge a weapon. The maximum safe zone of fire range that a hunter may establish on a

shooting plan is 180°. In all instances, the member must comply with the shooting plan requirements established pursuant to section [6.20](#)(5) of this ordinance.

(12) “Stationary” means not moving.

6.02 Open and Closed Season.

(1) A closed season is hereby established for the hunting of deer except for the open season specified in Section [6.07](#) [Deer Season; Specific Regulations].

(2) Except as otherwise expressly provided by this ordinance, no member shall hunt deer off-reservation in the ceded territory during the closed season.

6.03 Number of Antlerless Deer Available for Harvest.

(1) Unless a tribal antlerless deer quota system is triggered by the provisions of subs. (2) of this Section, there shall be no limit on the number of antlerless deer available for harvest under this ordinance.

(2) The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to implement the provisions of *Section XI.A of the Stipulation for Technical, Management and other Updates: Second Amendment of Stipulations Incorporated Into Final Judgment* [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding the implementation of a quota management system for antlerless deer.

(3) When a tribal antlerless deer quota is required in a particular tribal deer management unit, the number of antlerless deer which shall be available for harvest in each deer management unit pursuant to this ordinance for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory. For the purposes of this ordinance, this number shall be termed the tribal quota.

(4) When a tribal antlerless deer quota is required, no member shall hunt antlerless deer in any deer management unit which has been closed to further antlerless deer hunting pursuant to Section [6.21](#) [Authorization for Closure].

(5) Deer Management Units as set forth in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this ordinance pursuant to Section [3.27](#) [Tribal Administrative Documents are Established] are hereby established.

6.04 Number of Antlered Deer Available for Harvest.

There shall be no limit on the number of antlered deer available for harvest under this ordinance.

6.05 Deer Hunting Permits/Tags.

(1) No member shall hunt deer pursuant to this chapter without possessing a valid deer ~~stamp hunting permit~~ approved by the Tribe. Such a permit may be the member's tribal identification card required by Section [3.02\(2\)](#) [Permits and Identification: Tribal Identification Cards Required].

(2) (a) No member shall hunt deer without possessing a valid ~~deer stamp carcass tag~~, except as provided in Section [6.11](#) [Group Deer Hunting].

(b) The tribal conservation department shall issue no more than four (4) ~~deer stamps carcass tags~~ at one time to a member except as authorized in Section [6.19](#) [Level 2 Commercial Harvest].

(3) No antlerless deer ~~stamps permits~~ are necessary, except when an antlerless deer harvest threshold was reached in the previous year and a quota has been declared pursuant to Section [6.03](#) [Number of Antlerless Deer Available for Harvest] of this ordinance. **When an antlerless deer stamp is necessary, the following regulations apply:**

(a) ~~When necessary, n~~No member shall hunt antlerless deer without an ~~valid antlerless deer stamp permit bearing the number of the member's carcass tag(s) and valid for the unit in date on~~ which the member is hunting, except as provided in Section [6.11](#) [Group Deer Hunting].

(b) ~~When necessary, n~~No member shall hunt antlerless deer pursuant to Section [6.18](#) [Level 1 Commercial Harvest] without possessing a valid level 1 commercial antlerless deer harvest permit indicating the level 1 antlerless deer harvest zone in which the member may hunt.

(4) When **an antlerless deer permit or stamp is necessary**, no antlerless deer permits or stamps shall be considered valid for any deer management unit:

(a) which is shown to be closed on the permit **or stamp**;

(b) for which the permit **or stamp** is marked as invalid or **which has been deactivated by the tribe's permitting system; or**

(c) ~~on which any deer management unit number has been slit, punched through or otherwise crossed out in any fashion; or~~

(~~d~~) with respect to a level 1 commercial harvest antlerless deer permit, which lies

outside the level 1 commercial harvest zone in which the member is authorized to hunt.

(5) No member shall ~~move or field dress a deer before affixing to it a~~ **leave a deer carcass unattended in the field without affixing to it a valid carcass tag listing the member's hunting identification number and the deer stamp number for that carcass.**

(6) ~~No member shall move or field dress an antlerless deer without making a slit or punch on the antlerless deer permit, when antlerless deer permits are necessary, through the number of the deer management unit in which the deer has been killed.~~ **[open]**

(7) (a) Except as otherwise provided in this ordinance, antlerless deer permits, when necessary, shall be valid for three distinct permit periods:

(i) Day after Labor Day to November 15;

(ii) November 16 to December 1; and

(iii) December 2 to close of the deer "regular season."

(b) The tribal conservation department shall not issue an antlerless deer permit, when necessary, prior to the first day of the permit period for which the permit will be valid, except:

(i) a permit may be issued no more than 7 days prior to the regular deer season established pursuant to Section [6.07](#) [Deer Seasons; Specific Regulations]; and

(ii) a permit may be issued no more than 24 hours prior to the start of the middle deer season established pursuant to Section [6.07](#) [Deer Seasons; Specific Regulations].

(8) When necessary, the number of antlerless deer permits, including commercial harvest antlerless permits issued pursuant to Section [6.18](#) [Level 1 Commercial Harvest] and Section [6.19](#) [Level 2 Commercial Harvest], which may be issued at any one time for a deer management unit during an antlerless deer permit period shall be determined in accordance with the procedures and methods approved pursuant to the Chippewa Intertribal Agreement Concerning Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, and the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, pursuant to that Agreement.

6.06 Deer Registration.

(1) A member who has killed a deer pursuant to this ordinance, or, in the instance of group hunting pursuant to Section [6.11](#) [Group Hunting], whose **deer stamp was used for the**

harvest of that carcass tag has been placed on the deer, shall register the deer by presenting it to a tribal registration station no later than 5:00 p.m. of the third working day after the killing, or shall register the deer using the tribe's remote registration system or by presenting it to a tribal warden by 5:00 p.m. the day after the killing.

(2) Except as otherwise provided in Sections 6.18 [Level 1 Commercial Harvest] and 6.19 [Registration of Deer for Commercial Purposes], members may register deer in-person, at tribal registration stations, or by using the tribe's remote registration system.

(a) Upon registering a deer pursuant to this section, by presenting the carcass in-person at the tribal registration station, the registering official shall affix a registration tag and duly record in an appropriate manner all information required to be provided by the member at the time of registration.

(b) Upon registering a deer using the tribe's remote registration system, the member shall supply all information requested, record the registration number generated by the tribal remote registration system on his or her deer hunting permit, which shall be maintained by the member until the carcass is consumed.

(c) No member shall fail to present the carcass, or certain parts of the carcass, to the tribal registration station when requested by the Biological Services Division.

(3) When antlerless deer stamps permits are necessary, a member registering an antlerless deer shall surrender his or her antlerless deer permit in person or through the tribe's remote registration system will deactivate the antlerless deer stamp upon registration of the deer.

(4) A member registering a deer shall provide the registering official or the tribe's remote registration system with the following information: the type of deer (antlered or antlerless) taken, the management unit and county where the deer was taken, the date when the deer was taken, the tribal identification number of the member taking the deer and any other relevant information requested by the registering official or the tribe's remote registration system.

(5) Except as provided in Sections 6.18 [Level 1 Commercial Harvest] and 6.19 [Registration of Deer for Commercial Purposes], No member shall register a deer except by presenting the whole carcass to the registering official, or, in the alternative, by presenting the head of a carcass, (except as provided in Sections 6.18 [Level 1 Commercial Harvest] and 6.19 [Registration of Deer for Commercial Purposes]) provided the carcass tag is firmly affixed to the head or any part thereof, or, in the alternative, using the tribe's remote registration system.

(6) No person shall provide information to the registering official or the tribe's remote registration system which the person knows, or has reason to know, is false or misleading.

(7) Any tribal or Commission warden authorized pursuant to Section 4.02 [Enforcement by Deputized Conservation Wardens] to enforce the provisions of this ordinance is authorized to

register deer in the field provided such warden ~~transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.~~ provides all registering information to a tribal registration station no later than 5:00 p.m. of the first working day after the field registration.

6.07 Deer Seasons; Specific Regulations.

All dates given in this section are inclusive.

(1) Closed Season. No member shall hunt deer from the first Monday following New Years Day to Labor Day.

(2) Regular Season.

(a) An annual regular firearm, bow and crossbow season is hereby established beginning on the day after Labor Day and ending on the first Sunday following New Years Day or as otherwise provided by a GLIFWC Commission Order, except:

(i) For Metropolitan Herd Control Units in the ceded territory, the annual regular firearm, bow and crossbow season is hereby extended to the last day in January or as otherwise provided by a GLIFWC Commission Order.

(b) The regular deer season shall close at the end of hunting hours on the Friday preceding the Thanksgiving Day holiday and shall remain closed for the duration of the middle season established below at which time it shall reopen.

(3) Middle Season.

(a) An annual middle firearm, bow and crossbow deer season is hereby established beginning on the Saturday preceding the Thanksgiving day holiday and continuing for at least nine (9) consecutive days.

(b) The middle deer season shall automatically extend beyond nine (9) consecutive days if the State of Wisconsin extends its regular gun deer season beyond nine (9) days and shall remain open for the duration of the State's extended season.

(c) During the middle season, no member shall:

(i) Fail to comply with the provisions of Section [3.21](#)(2) [Blaze Orange/Blaze Pink Required]; or

(ii) ~~Hunt without a tribally furnished back tag attached to the center of the member's outermost garment where it can be clearly seen; or~~

~~(iii) Fail to comply with any of the restrictions or requirements generally~~

applicable to deer hunting pursuant to this ordinance.

(4) Emergency Closure. Nothing in this section shall be construed to authorize deer hunting or the opening of a deer hunting season contrary to an Emergency Closure Order issued pursuant to Section [3.31](#) [Emergency Closure].

6.08 Permissible Methods.

No member shall hunt deer except by the use of any firearm, bow or crossbow, the use of which is not prohibited by this ordinance.

6.09 Firearms Restrictions.

No member shall hunt deer:

(1) With a .22 rimfire rifle, 5 mm rimfire rifle, or .17 caliber centerfire rifle;

(2) With a 410 bore shotgun;

(3) With any handgun except a handgun which is loaded with .357, .41 or .44 magnum caliber handgun chambered or commercially manufactured cartridges which produce a minimum muzzle energy of 1000 ft-lbs. and which has a minimum barrel length of 5.5 inches measured from the muzzle of the firing pin with the action closed;

(4) With any shell, cartridge or ammunition known as tracer shells, or with incendiary shells or cartridges (NOTE: Distress flares are exempt from this Section);

(5) With shot shells containing shot of a size less than 12 gauge "00" buckshot.

6.10 Bow/Crossbow Restrictions.

No member shall hunt deer:

(1) With a bow having a pull of less than 30 pounds or using an arrow that does not have a broadhead; or

(2) With a crossbow unless the crossbow:

(a) is fired from the shoulder;

(b) has a minimum draw weight of 100 pounds, except;

(i) compound bows equipped with a draw-lock type mechanism that holds the bow at full draw are exempt from the 100 pound draw requirement (30 pound

minimum still applies [section 6.10(1)].

(c) has a stock of not less than 30 continuing inches in length;

(d) has a working safety; and

(e) is used with arrows or bolts of not less than 14 inches with a broadhead.

6.11 **Group Deer Hunting.**

(1) As used in this section:

(a) "**Contact**" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "**Group deer hunting party**" means 2 or more members lawfully hunting deer in a group under this ordinance.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the member who kills the deer is in contact with the person for whom the deer is killed.

(b) The member for whom the deer is killed possesses a current unused **deer stamp** ~~carcass tag~~, and, if the deer is an antlerless deer **and antlerless deer stamps are necessary**, an antlerless deer **stamp** ~~permit~~ valid for the unit in which the deer is killed.

(3) A member who kills a deer under subs. (2) shall ensure that a member of his or her group deer hunting party ~~without delay~~ **attaches to it a deer carcass tag, to the deer listing the member's hunter identification number and deer stamp number for that carcass, prior to leaving the carcass unattended in the field** ~~moving or field dressing it~~. No member who kills a deer while group hunting shall leave the deer unattended until after it is properly tagged.

6.12 **Hunting Hours.**

(1) No member shall hunt deer except during the following hours (dates and times are inclusive and all times refer to Central Standard Time and should be adjusted one hour as necessary to account for Daylight Savings Time):

(a) The day after Labor Day - close of the deer "regular season;" One-half hour before sunrise to 20 minutes after sunset or as otherwise provided by a GLIFWC Commission Order, except as provided in Section 6.20 of this ordinance.

(2) Lawful deer hunting hours shall be determined in accordance with the Tribal Hunting

Hours Zone/Table attached to this ordinance after Chapter 14 15.

6.13 Transportation.

~~No member shall transport any deer in or on any motor driven vehicle prior to registration unless the deer is carried in such manner that the tag attached to the deer cannot be handled or manipulated by any occupant of the vehicle.~~ [Open]

6.14 Hunting on Certain Public Lands Prohibited.

No member shall hunt deer on any of the following public lands except as noted:

- (1) Designated public campgrounds, public beaches, and public picnic areas.
- (2) School forests, public landfills and public gravel pits where deer hunting is prohibited and where notice of the prohibition is clearly posted.
- (3) Public land within incorporated areas except for those lands:
 - (a) which are designated for bow and gun deer hunting; or
 - (b) which are designated for bow deer hunting.
- (4) All state parks except as described in the following comprehensive tribal document as it may be amended from time to time, and is hereby adopted and incorporated in this ordinance as if fully set forth herein, and no member shall fail to comply with the closures and other restrictions established by this document:

Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [January 2010].

- (5) All wildlife refuges and closed areas as established pursuant to Section [3.27](#) [Tribal Administrative Documents Established], except as deer hunting is permitted in those areas.

6.15 Hunting on Certain Private Lands Prohibited.

No member shall hunt deer on any privately-owned land except those lands which, pursuant to Chapter 77.16, Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

6.16 Sale of Deer and Deer Parts.

- (1) Head, Skin and Hooves. Nothing in this ordinance shall be construed to prohibit any member from selling to any person the head, skin and hooves, when severed from the rest of the

carcass, of any deer lawfully killed pursuant to this ordinance.

(2) Meat. No member shall sell the meat of any deer killed pursuant to this ordinance, except in accordance with the provisions of Sections [6.17](#) [Sale of Meat to Members], [6.18](#) [Level One Commercial Harvest] and [6.19](#) [Level Two Commercial Harvest].

6.17 Sale of Deer Meat to Members.

(1) Purpose. The purpose of this section is to regulate the sale of deer meat to members of signatory tribes where subsequent sale or resale of the meat to non-members is prohibited. Nothing in this ordinance shall be construed to limit the number of deer, or parts thereof, which may be sold to such members pursuant to this section.

(2) Sale to Members. Any member who has lawfully harvested and registered a deer pursuant to this ordinance may sell the carcass, or any part thereof, of the deer to any other member provided no member who receives a carcass or any part thereof pursuant to this subsection or pursuant to subsection (3) shall sell the carcass or part thereof to any person who is not a member of a signatory tribe.

(3) Sale to Members of Other Tribes. Any member who has lawfully harvested and registered a deer pursuant to this ordinance may sell the carcass, or any part thereof, of the deer to a member of a signatory tribe provided that such other tribe prohibits its member who receives a carcass or any part thereof pursuant to this subsection from selling the carcass or part thereof to any person who is not a member of a signatory tribe.

(4) General Permit/Registration Provisions Unaffected. The provisions of Section [6.05](#) [Deer Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, and of Section [6.06](#) [Deer Registration] are not affected by the provisions of this Section.

6.18 Level 1 Commercial Harvest Established and Regulated.

(1) Purpose. The purpose of this section is to establish the regulations governing the harvest and registration of no more than 10 deer the meat of which may be sold pursuant to this ordinance when subsequent sale or resale of the meat to non-members is contemplated.

(2) Effective Date.

(a) The provisions of this section shall not take effect until such time as the tribe's governing body specifically declares them effective by an enabling resolution.

(b) No member shall sell any deer meat pursuant to this section prior to the effective date as declared by the tribe's governing body in accordance with subs. (a).

(3) Level 1 Commercial Harvest Generally. A member who, between July 1 and June 30, has lawfully harvested deer pursuant to this ordinance may register no more than 10 of those deer for level 1 commercial purposes and may sell to any person only the whole carcasses (except for the heads, skins and hooves) of any of those deer, provided the member:

(a) complies with the level 1 commercial harvest provisions of this Section;

(b) complies with the terms and conditions of the enabling resolution of the tribe's governing body enacted pursuant to subs. (2)(a); and

(c) otherwise complies with the provisions of this ordinance applicable to deer hunting.

(4) Antlered Deer Level 1 Commercial Harvest.

(a) A member may register pursuant to this subsection an antlered deer lawfully harvested in any deer management unit.

(b) When registering an antlered deer under this subsection, a member shall present the entire deer carcass for registration and no registering official shall register a deer under this subsection unless the entire carcass is presented for registration.

(c) A member may register an antlered deer under this subsection at any tribal registration station or with any person authorized to register deer in the field at which time the registering official shall affix a level 1 commercial harvest registration tag to the carcass.

(d) This subsection is not intended to limit a member's ability to otherwise register an antlered deer under the provisions of Section [6.06](#) [General Deer Registration Provisions] for noncommercial purposes but only shall serve to condition the harvest and limit the number of antlered deer which the member may register under this subsection.

(e) Except as modified by the provisions of this subsection, the provisions of Section [6.05](#) [Deer Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, and of Section [6.06](#) [Deer Registration] shall apply to members desiring to register antlered deer under this subsection.

(5) Antlerless Deer Level 1 Commercial Harvest.

(a) A member may register pursuant to this subsection a lawfully harvested antlerless deer provided the provisions of this subsection have been complied with.

(b) When registering an antlerless deer under this subsection, a member shall present the entire deer carcass for registration and no registering official shall register an antlerless deer under this subsection unless the entire carcass is presented for registration.

(c) A member desiring to register an antlerless deer under this subsection for level 1 commercial purposes must obtain a level 1 commercial antlerless deer permit, when necessary, in accordance with the provisions of Section [6.05](#) [Deer Hunting Permits/Tags] provided:

(i) The permit may be valid at any given time for only one of the following level 1 antlerless deer commercial harvest zones comprised of the deer management units specified:

Zone I: Units 1, 2, 3, 4, 5, 6, 7, 8, 28.

Zone II: Units 2, 4, 5, 6, 8, 9, 12, 13, 14, 17, 18, 19, 20, 23, 24.

Zone III: Units 14, 28, 29A, 29B, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 52.

Zone IV: Units 35, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50.

Zone V: Units 1, 2, 3, 4, 5, 6, 8, 78, 79.

Zone VI: Units 8, 9, 10, 11, 12, 15, 16, 17, 22.

Zone VII: Units 21, 22a, 25, 26, 27, 33, 57, 57a, 58, 59a, 59b, 62a; and

(ii) The permit is valid for those deer management units within the level 1 antlerless deer commercial harvest zone which are open to hunting antlerless deer.

(d) A member desiring to register an antlerless deer under this subsection for level 1 commercial purposes must register the antlerless deer within and prior to leaving the antlerless deer commercial harvest zone for which an antlerless permit is valid at a tribal registration station or with a person authorized to register deer in the field.

(e) Upon registration, the registering official shall affix a level 1 commercial harvest registration tag to the carcass.

(f) This subsection is not intended to limit a member's ability to otherwise register an antlerless deer under the provisions of [Section 6.06](#) [General Deer Registration Provisions] for noncommercial purposes but only shall serve to condition the harvest and limit the number of deer which such member may register under this subsection.

(g) Except as modified by the provisions of this subsection, the provisions of [Section 6.05](#) [Deer Hunting Permits/Tags], including the requirements of Paragraph 5 of the [Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe \(Antlerless Deer Harvest\) Levels and State Park Hunter Density Levels](#), which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, and of [Section 6.06](#) [Deer Registration] shall apply to members desiring to register an antlerless deer under this subsection.

(6) Transfer of Entire Carcass Required. No member who has harvested and registered any antlered or antlerless deer pursuant to this section shall sell the deer without transferring the entire carcass of the deer, except for the head, skin and hooves, the registration tag, and such accompanying documents as the Tribe may require to the person to whom the deer is sold.

6.19 Level 2 Commercial Harvest Established and Regulated.

(1) Purpose. The purpose of this section is to establish the regulations governing the harvest and registration of deer the meat of which may be sold pursuant to this ordinance where subsequent sale or resale of the meat of more than 10 deer to non-members is contemplated.

(2) Effective Date.

(a) The provisions of this section shall not take effect until such time as the tribe's governing body specifically declares them effective by an enabling resolution.

(b) No member shall sell any deer meat pursuant to this section prior to the effective date as declared by the tribe's governing body in accordance with subs. (a).

(3) Level 2 Commercial Harvest Generally. A member who obtains a Level 2 Commercial harvest permit pursuant to this section and who lawfully harvests and registers deer pursuant to the permit may sell to any person only the whole carcasses (except for the head, skins and hooves) of any of those deer, provided the member:

(a) complies with level 2 commercial harvest provisions of this section;

(b) complies with the terms and conditions of the enabling resolution of the tribe's governing body enacted pursuant to subs. (2)(a); and

(c) otherwise complies with the provisions of this ordinance applicable to deer hunting.

(4) Level 2 Commercial Harvest Permit Application.

(a) Any member who possesses a valid deer hunting permit may apply on such forms as the Tribe may prescribe to the tribal conservation department for an additional

permit authorizing the harvest of deer for level 2 commercial purposes on the terms and conditions prescribed by this section.

(b) Upon receipt of an application for a Level 2 Commercial Harvest Permit, the tribal conservation department shall inform the Tribe's governing body, or its designate pursuant to subs. (f), below, and the Commission's Biological Services Division of the application, the management unit in which the applicant seeks to hunt and such other relevant information as is included in the application.

(c) The Commission's Biological Services Division shall, when necessary, within 2 working days of the receipt of notice of the application, inform the tribal conservation department and the Tribe's governing body, or its designate pursuant to subs. (f), below, of the number of antlerless deer available for harvest pursuant to this ordinance in the management unit requested by the applicant and of the number of antlerless deer permits which may be issued for that unit in accordance with the provisions of Section [6.05\(8\)](#) [Limitations on the Number of Antlerless Deer Permits].

(d) Within 3 working days of the receipt of this information, the Tribe's governing body, or its designate pursuant to subs. (f), below, in consultation with the tribal conservation department and the Commission's Conservation Enforcement Division, shall grant or deny the application, and shall notify the applicant as soon as practicable of its decision.

(e) The decision to grant or deny the application shall be exclusively within the discretion of the Tribe's governing body, or its designate pursuant to subs. (f), below, and a decision to grant the application may impose conditions required by the tribe upon a Level 2 Commercial Harvest Permit which are more restrictive than the conditions imposed by this section.

(f) The Tribe's governing body hereby designates _____
_____ to exercise its powers under this section. Any decision by such designate under this section is subject to review by the Tribe's governing body upon request of the applicant.

(5) Terms and Conditions of a Level 2 Commercial Harvest Permit. A Level 2 Commercial Harvest Permit:

(a) subject to the provisions of Section [6.05\(8\)](#) [Limitations on Number of Antlerless Deer Permits], may authorize a member or group of members to harvest any number of antlered deer and when necessary, no more than the number of antlerless deer which remain available for harvest from the tribal quota in any one deer management unit;

(b) shall restrict the member's hunting of deer pursuant to the permit to only one deer management unit at any given time;

(c) shall require the permittee to register all deer harvested pursuant to the permit at a tribal registration station located within the management unit for which the permit is valid or within an adjoining unit provided the deer is transported directly to a registration station in that adjoining unit on federal or state highways; and

(d) shall require that all members named on the permit possess an official copy of the permit and at least one valid carcass tag while hunting pursuant to the permit.

(6) Registration of Entire Carcass Required. When registering a deer under a Level 2 Commercial Harvest Permit, a member shall present the entire deer carcass for registration to an authorized registering official and no registering official shall register a deer under this section unless the entire carcass is presented for registration.

(7) Registration Tag Required. Upon registration, the registering official shall affix a level 2 commercial harvest registration tag to the carcass.

(8) General Tagging and Registration Requirements Unaffected. Except as modified by the provisions of this section, the provisions of Section [6.05](#) [Deer Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, and of Section [6.06](#) [Deer Registration] shall apply to members hunting pursuant to a Level 2 Commercial Harvest Permit.

(9) Transfer of Entire Carcass Required. No member who has harvested and registered any deer pursuant to this section shall sell such deer without transferring the entire carcass of such deer, except for the head, skin and hooves, the registration tag, and such accompanying registration documents as the Tribe may require to the person to whom such deer is sold.

6.20 Deer Night Hunting.

(1) The tribal conservation department may issue permits that authorize hunting deer at night up to a maximum shooting distance of one-hundred (100) yards, by shining within an established safe zone of fire from a stationary position, between one hour after sunset and one hour before sunrise, provided that no such permit shall be effective beginning the night before the middle deer season established pursuant to Section [6.07](#)(3) of this ordinance until the night of the day following the middle deer season, except:

(a) No member 10 years of age or older but under 16 years of age may hunt under this section unless at all times while hunting, the person is a mentored hunter who meets the requirements of Section [3.17](#)(3) of this ordinance.

A member occupying a night hunting location outside of nighttime hunting hours may not: possess a loaded firearm, have a bolt in a crossbow, or possess a bow with a notched arrow from

the close of “daytime” hunting hours pursuant to Section [6.12](#) of this ordinance until the opening of “nighttime” hunting hours (one hour after sunset) and from the close of “nighttime” hunting hours (one hour before sunrise) to the opening of “daytime” hunting hours pursuant to Section [6.12](#) of this ordinance.

(2) No member shall hunt deer at night while shining within an established safe zone of fire from a stationary position under this section unless in possession of a signed and certified shooting plan, a tribal identification card, and a permit issued pursuant to subs. (1). Any member hunting and shining deer under this section shall be subject to all terms and conditions in this section and in the permit issued pursuant to subs. (1) as otherwise conditioned by the tribal conservation department, as well as all other provisions of this ordinance regulating hunting, unless expressly provided otherwise in this section.

(3) No member hunting deer at night while shining within an established safe zone of fire from a stationary position under this section shall:

(a) hunt deer between one hour after sunset and one hour before sunrise except with a light, which may include but is not limited to high-powered lights held by hand, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow. Unless the member arrives at the specified location during daylight hours, the member must shine the established safe zone of fire and adequate backstop area prior to hunting in order to properly evaluate the contents of the night hunting location;

(b) shine deer between one hour after sunset and one hour before sunrise except within an established safe zone of fire from a stationary position, or to trail a wounded animal;

(c) discharge a firearm, bow and arrow or crossbow between one hour after sunset and one hour before sunrise except within an established safe zone of fire, in the direction detailed on the member’s shooting plan, from a stationary position, at a deer located within the “safe zone of fire;”

(d) hunt and shine deer between one hour after sunset and one hour before sunrise from the first Monday following New Years Day to October 31;

(e) use a firearm, bow and arrow or crossbow unless the member has received a marksmanship proficiency certificate for the particular method to be utilized;

(f) use a projectile other than one with a soft point or which is an expanding bullet type;

(g) shoot at running deer unless mitigating circumstances exist.

(4) A member hunting deer at night while shining within an established safe zone of fire

from a stationary position under this section may but is not required to:

(a) hunt and shine deer between one hour after sunset and one hour before sunrise with the aid of electronic or other calling techniques or hunt over bait as otherwise authorized by this ordinance;

(b) hunt and shine deer between one hour after sunset and one hour before sunrise with the use of an infrared, night vision, or thermal imaging equipment; provided the equipment shall not be used as a sighting device and shall not be mounted on a firearm, bow or crossbow;

(c) hunt and shine between one hour after sunset and one hour before sunrise with the use of a telescopic site;

(d) hunt and shine deer between one hour after sunset and one hour before sunrise with the use of a spotter in order to have an additional set of eyes to see the target and the designated backstop as well as to prevent tunnel vision; provided, that the spotter shall not possess a firearm or otherwise be engaged in the shooting aspect of hunting; and provided further that the tribal conservation department may impose other such terms and conditions as it deems necessary or appropriate to ensure safety while hunting and shining deer with the use of a spotter.

(5) Before issuing a permit pursuant to subs. (1), the tribal conservation department shall ensure the receipt of a signed and certified shooting plan valid from November 1 to the close of the “regular season,” as follows:

(a) a member intending to hunt deer at night while shining within an established safe zone of fire from a stationary position under this section up to a maximum distance of one-hundred (100) yards shall submit a “preapproved shooting plan” to the tribal registration station prior to receiving a permit pursuant to subs. (1). The member must visit the area detailed in the shooting plan at least once during daytime hours from the day after Labor Day to the close of the deer “regular season” and the shooting plan shall clearly mark the “safe zone of fire,” the member’s stationary position, the adequate backstop present within one-hundred twenty-five (125) yards from the stationary position, the direction of intended fire, and the following locations within a quarter-mile:

(i) an area including the grounds of a school plus 1,000 feet in all directions;

(ii) school forest, public landfill, or public gravel pits where hunting is prohibited and where notice of the prohibition is clearly posted;

(iii) road;

(iv) residence, building or dwelling;

- (v) designated public campgrounds, public beaches, or public picnic areas;
- (vi) lake or waterbody;
- (vii) ATV trail, snowmobile trail, or other designated trails (such as hiking, biking or cross country ski trail);
- (viii) open area;
- (ix) private property;
- (x) all closed portions of state parks as described in the Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories document;
- (xi) another tribal shooting plan area;
- (xii) any other area as determined by the tribal conservation department.

Member shooting plans that do not include the locations specified in this section within the clearly marked “safe zone of fire” and “direction of intended fire” shall be considered compliant shooting plans, otherwise no member shall mark a “safe zone of fire” with any of the locations specified in this section within a quarter-mile in the “direction of intended fire” on a shooting plan without an adequate backstop present between the marked “safe zone of fire” and the specified location. Members must take reasonable precautions to prevent against the establishment of a non-compliant shooting plan. At a maximum only two shooting plans may be approved per forty (40) acre parcel or every two-hundred twenty (220) yards. Only one shooting plan shall be approved for a specified location, at a time. The member that submitted the shooting plan, or the tribal conservation department, may rescind the approval of a shooting plan, and thereby subsequently approve the shooting plan of another member for the specified location.

(b) A member intending to hunt deer at night while shining within an established safe zone of fire from an elevated stationary position (a minimum of ten feet off the ground) under this section up to a maximum distance of fifty (50) yards shall submit a shooting plan (which does not need to be preapproved) to the tribal registration station prior to receiving a permit pursuant to subs. (1). The member must visit the area detailed in the shooting plan during daytime hours from the day after Labor Day to the close of the deer “regular season” and the shooting plan shall clearly mark the “safe zone of fire,” the member’s elevated stationary position, the adequate backstop present within one-hundred twenty-five (125) yards from the stationary elevated position, the direction of intended fire, and the locations within a quarter-mile pursuant to subs. (5)(a).

(c) A member possessing a valid disabled hunter permit pursuant to Section [3.32](#) of this ordinance, intending to hunt deer at night while shining within an established safe zone of fire from a stationary position under this section shall submit a “preapproved shooting plan” to the tribal registration station prior to receiving a permit pursuant to subs. (1). The shooting plan shall clearly mark the “safe zone of fire,” the member’s stationary position, the adequate backstop present, the direction of intended fire, and if hunting from a roadway, the shooting plan shall detail the stretch of road and surrounding locations within a quarter-mile pursuant to subs. (5)(a), provided:

(i) The tribal conservation department shall only issue a member possessing a valid disabled hunter permit, one valid permit pursuant to subs. (1) at a time;

(d) No member hunting deer at night while shining within an established safe zone of fire from a stationary position under this section shall discharge a firearm, bow and arrow, crossbow except as identified within the shooting plan as follows:

(i) from the member’s marked stationary position;

(ii) from within the “safe zone of fire” with an adequate backstop present;

(iii) in the direction of intended fire.

(e) When submitting a shooting plan, no member shall provide false or misleading information or otherwise fail to complete a shooting plan in the manner required by the tribal conservation department:

(i) The tribal conservation department shall issue no further permits under this section for the remainder of the season, to any member who has provided false or misleading information or otherwise failed to complete a shooting plan in the manner required by this section and the tribal conservation department.

(6) A member hunting deer at night under this section may pursue and take a deer wounded by the member while shooting within an established safe zone of fire from a stationary position, provided that a light may be used to trail the wounded animal as well as at the point of kill for the purpose of accurately identifying the deer and safely aiming the weapon in the direction of intended fire as identified within the plan and killing the wounded deer when the wounded animal is within the safe zone of fire designated on the member’s shooting plan. The wounded deer may not be dispatched with a firearm, bow and arrow, or crossbow prior to one-half hour before sunrise when the wounded animal is located outside the safe zone of fire designated on the member’s shooting plan, however the member may dispatch the wounded animal by means other than a firearm, bow and arrow, or crossbow (such as with a knife).

(7) A permit may be only issued to members pursuant to subs. (1) who have completed an advanced hunter safety/marksmanship training course and received a marksmanship

proficiency certificate from the tribe, as follows:

(a) The tribal conservation department shall issue firearms marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of a NRA certified target at 100 yards. Firearms allowable for certification are those firearms otherwise allowable for deer hunting pursuant to section [6.09](#) of this ordinance. A member may also certify with the use of buckshot at limited distances, however a member may only hunt with the use of buckshot pursuant to this section up to the distance certified.

(b) The tribal conservation department shall issue bow/crossbow marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of an NRA certified target at 30 yards. Bows/crossbows allowable for certification are those bows/crossbows otherwise allowable for deer hunting pursuant to Section [6.10](#) of this ordinance.

(8) Once a permit pursuant to subs. (1) has been certified, the tribal conservation department shall provide for the advance notification of appropriate federal, state and local officials, as those officials request notification, by providing a list of the tribal hunting identification numbers of authorized members and copies of preapproved shooting plans which contain sufficient detail to determine the hunting location.

6.21 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close any deer management unit to antlerless deer hunting prior to the season's closing date, provided there is no tribal quota remaining in that unit or when it appears imminent that more than the tribal quota for that unit will be harvested prior to the expiration of the next permit period.

6.22 Removal and Retention of Tags.

(1) No member who kills a deer pursuant to this ordinance shall remove a carcass or registration tag from that deer until such time as the carcass is butchered.

(2) No member who kills a deer pursuant to this ordinance shall dispose of the registration tag until the meat is consumed or except in accordance with the provisions of Sections [6.18](#)(6) [Level 1 Commercial Harvest Established and Regulated] and [6.19](#)(9) [Transfer of Tags Upon Sale].

(3) Any person who receives any meat from a member as a gift or pursuant to Sections [6.17](#) [Sale to Members] from a member who retains a registration tag under this section is not required to possess a registration tag.

6.23 Assistance by Non-Members.

No person who is not a member or a member of another signatory tribe shall assist a member in the hunting of deer pursuant to this ordinance except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

6.24 Tribally-Designated CWD Management Areas.

The provisions of Sections 6.25, 6.26 and 6.27 shall apply to deer killed by members within tribally-designated CWD Management Areas listed and described in Part A of the administrative document: [Tribal Disease and Invasive Species Management Areas](#).

6.25 Transportation of Deer Carcasses from a CWD Management Area.

(1) No member shall transport the carcass of any deer killed within a tribally-designated CWD Management Area outside of the tribally designated CWD Management Area except as described in subsection (2).

(2) A tribal member may transport the following items outside of tribally-designated CWD Management Area:

- (a) Deer meat that is boned out, cut and wrapped, with no parts of the spinal column or head attached or included;
- (b) Quarters of a deer carcass, or other portions of meat, with no part of the spinal column or head attached or included;
- (c) Deer hides with no heads attached;
- (d) Deer antlers, or clean (no brain tissue attached) skull plates with antlers attached; and
- (e) Finished deer taxidermy mounts.

6.26 Deer Registration for a CWD Management Area.

No member shall register a deer killed within a tribally-designated CWD Management Area except via remote registration.

6.27 Disposal of a Deer Carcasses within a CWD Management Area.

No member shall dispose of any carcass of a deer killed within a tribally-designated CWD Management Area except at the site of kill, or within a licensed landfill, or designated deer

carcass collection site, located within the tribally-designated CWD Management Area.

CHAPTER 7 - BEAR HARVESTING REGULATIONS

7.01 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

(1) "**Bow**" shall have the meaning provided in Section [6.01\(3\)](#) [Definitions: Bow].

(2) "**Crossbow**" shall have the meaning provided in Section [6.01\(4\)](#) [Definitions: Crossbow].

(3) "**Firearm**" shall have the meaning provided in Section [6.01\(5\)](#) [Definitions: Firearm].

7.02 Open and Closed Season.

A closed season is hereby established for the hunting of bear except for the open season specified in Section [7.06](#) [Bear Season: Specific Regulations].

7.03 Hunting During Closed Season Prohibited.

Except as otherwise expressly provided by this ordinance, no member shall hunt bear off-reservation in the ceded territory during the closed season.

7.04 Bear Management Zones.

Bear Management Zones as set forth in the Commission's document entitled [Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories](#) that is incorporated into this ordinance pursuant to Section [3.27](#) [Tribal Administrative Documents Are Established] are hereby established.

7.05 Number of Bear Available for Harvest.

(1) Unless a tribal bear quota system is triggered by the provisions of subs. (2) of this Section, there shall be no limit on the number of bear available for harvest under this ordinance.

(2) The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to implement the provisions of *Section XI.B of the Stipulation for Technical, Management and other Updates: Second Amendment of Stipulations Incorporated Into Final Judgment* [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding the implementation of a quota management system for bear.

(3) When a tribal bear quota is required in a particular tribal bear management zone, the number of bear (tribal quota) which shall be available for harvest in each bear management zone pursuant to this ordinance for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory.

(4) When a tribal bear quota is required, no member shall hunt bear in any bear management zone which has been closed to further bear hunting pursuant to Section [7.27](#) [Authorization for Closure].

7.06 Bear Season; Specific Regulations.

All dates given in this section are inclusive.

(1) Closed Season. No member shall hunt bear from November 1 through Labor Day.

(2) Bow and Firearm Season. An annual firearm, bow and crossbow season is hereby established commencing on the day after Labor Day and extending to October 31.

(3) Nothing in this section shall be construed to authorize bear hunting or the opening of a bear hunting season contrary to an Emergency Closure Order issued pursuant to Section [3.31](#) [Emergency Closure].

7.07 Bear Hunting Permits/Tags.

(1) No member shall hunt bear pursuant to this ordinance without possessing a valid bear hunting permit. Such a permit may be the member's tribal identification card required by Section [3.02](#)(2) [Permits and Identification].

(2) Except as provided in Section [7.13](#) [Group Bear Hunting], no member shall hunt or shoot a bear without possessing a bear **stamp** ~~carcass tag~~ valid for the hunting zone in which the bear is shot.

(3) No member shall fail to affix a ~~valid carcass tag~~ **listing the member's hunting identification number and bear stamp number for that carcass prior to leaving the carcass unattended in the field** ~~to a bear immediately upon reducing the bear to possession~~.

7.08 Bear Registration.

(1) A member who has killed a bear pursuant to this ordinance, or, in the instance of group hunting under Section [7.13](#) [Group Bear Hunting], whose **bear stamp was used for the harvest of that** ~~carcass tag has been placed on the bear~~, shall register the bear by presenting it to a tribal registration station no later than 5:00 p.m. of the third working day after the killing, **or shall register the bear using the tribe's remote registration system by 5:00 p.m. the day after the**

killing.

(2) Members may register bear by presenting the carcass in-person, at tribal registration stations, or by using the tribe's remote registration system.

(a) Upon registering a bear pursuant to this section, by presenting the carcass in-person at a tribal registration station, the registering official shall affix a registration tag and duly record in an appropriate manner all information required to be provided by the member at the time of registration.

(b) Upon registering a bear using the tribe's remote registration system, the member shall supply all information requested, record the registration number generated by the tribal remote registration system on his or her bear hunting permit, which shall be maintained by the member until the carcass is consumed.

(c) No member shall fail to present the carcass, or certain parts of the carcass, to the tribal registration station when requested by the Biological Services Division.

(3) A member registering a bear shall provide the registering official, or the tribe's remote registration system, with the following information: the deer management unit and county where the bear was taken, the date when the bear was taken, the tribal identification number of the member taking the bear and any other relevant information requested by the registering official or the tribe's remote registration system.

(4) No member shall register a bear except by using the tribe's remote registration system, or presenting the entire carcass to the registering official or, in the alternative, by presenting only the hide with claws, head and teeth attached thereto, provided the carcass tag is firmly affixed to the hide or any part thereof.

(5) No person shall provide information to the registering official, or the tribe's remote registration system, which the person knows, or has reason to know, is false or misleading.

(6) Any tribal or Commission warden authorized pursuant to Section [4.02](#) [Enforcement by Deputized Conservation Wardens] to enforce the provisions of this ordinance is authorized to register bear in the field provided such warden provides all registering information to a tribal registration station no later than 5:00 p.m. of the first working day after the field registration.

7.09 Skinning/Preservation Intact.

No member shall skin or butcher, other than for field dressing, a bear prior to registration unless the member leaves the claws, head and teeth attached to the hide.

7.10 Permissible Methods.

No member shall hunt bear except by the use of any firearm, bow or crossbow, the use of

which is not prohibited by this ordinance.

7.11 Firearms Restrictions.

No member shall hunt bear with any firearm the use of which is prohibited pursuant to Section [6.09](#) [Firearms Restrictions] for hunting deer, while possessing more than one handgun, or with the use of buckshot.

7.12 Bow/Crossbow Restrictions.

No member shall hunt bear with a bow or crossbow not in compliance with the provisions of Section [6.10](#) [Bow/Crossbow Restrictions].

7.13 Group Bear Hunting.

(1) As used in this section:

(a) "**Contact**" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "**Group bear hunting party**" means 2 or more members lawfully hunting bear under this ordinance in a group all using firearms.

(2) Any member of a group bear hunting party may kill a bear for another member of the group bear hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the member who kills the bear is in contact with the person for whom the bear is killed.

(b) The member for whom the bear is killed possesses a current unused bear **stamp** ~~carcass tag~~ valid for the bear management zone in which the bear is killed.

(3) A member who kills a bear under subs. (2) shall ensure that a member of his or her group bear hunting party ~~without delay~~ **attaches to it a bear carcass tag listing the member's hunting identification number and bear stamp number** to the bear prior to **leaving the carcass unattended in the field** ~~moving or field dressing it~~. No member who kills a bear while group hunting shall leave the bear unattended until after it is properly tagged.

7.14 Hunting with Non-Members.

Except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members], no member may share with anyone who is not a member of a signatory tribe any tribal bear permit, **stamp** ~~carcass tag~~, gear, bait, or dogs, except that nothing in this ordinance shall be construed to prohibit a member from hunting with any person who is not a member of the Tribe or of another signatory tribe during the State of Wisconsin bear hunting season if that person has

a state ~~Class A bear license or is exempt from the need for a class A bear license under Wisconsin state law~~ and if an individual in the hunting party has a state bear harvest permit.

7.15 Hunting Hours.

No member shall hunt bear except during the hours established for hunting deer in Section [6.12](#) [Hunting Hours].

7.16 Transportation.

No member shall transport any bear in or on any motor driven vehicle prior to registration unless the bear is carried so that a portion of it is visible from a passing vehicle ~~and in such manner that the tag attached to the bear cannot be handled or manipulated by any occupant of the vehicle.~~

7.17 Hunting on Certain Public Lands Prohibited.

No member shall hunt bear on any of the following public lands except as noted:

- (1) Designated public campgrounds, public beaches, and public picnic areas.
- (2) School forests, public landfills and public gravel pits where bear hunting is prohibited and where notice of the prohibition is clearly posted.
- (3) Public lands within incorporated areas except for those lands:
 - (a) which are designated for bow and gun bear hunting; or
 - (b) which are designated for bow bear hunting.
- (4) All state parks.
- (5) All wildlife refuges.

7.18 Hunting on Certain Private Lands Prohibited.

No member shall hunt bear on any privately-owned land except those lands which pursuant to [Chapter 77](#), Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

7.19 Hunting Bear with Dogs.

No member shall hunt bear with dogs except in accordance with the following provisions:

(1) Dogs Marked. Any dog used to hunt bear must be tattooed or wear a collar with the owner's name and address attached.

(2) Dog Packs. No more than six dogs in a single pack may be used to hunt bear regardless of the number of bear hunters and regardless of dog ownership.

(3) Training Season. No member may train dogs by pursuing wild bear except from July 1 through August 30.

7.20 Dens.

No member shall hunt or shoot a bear in a den.

7.21 Landfills.

No member shall hunt or shoot bear in any dump or sanitary landfill.

7.22 Cubs.

No member may shoot, shoot at, or kill any bear cub or any adult bear accompanied by a cub or cubs.

7.23 Removal and Retention of Tags.

(1) No member who kills a bear pursuant to this ordinance shall remove a registration tag from the carcass until such time as the carcass is butchered or when the bear is prepared by a taxidermist.

(2) No member who kills a bear pursuant to this ordinance shall dispose of the registration tag until the meat is consumed or except in accordance with the provisions of Section [7.25](#)(8) [Transfer of Tags Upon Sale].

(3) Any person who receives any bear meat as a gift or pursuant to Section [7.24](#)(2)(a) or (b) [Sale to Members] from a member who retains a registration tag under this section is not required to possess a registration tag.

7.24 Sale of Bear and Bear Parts.

(1) Head and skin.

(a) Sale to Members. No member who has harvested a bear pursuant to this ordinance shall sell the head and skin, when severed from the rest of the carcass, of the bear to another member or to a member of another signatory tribe unless the head, claws and teeth remain attached to the skin, except as follows:

(i) The member may sell any part of the head or skin, including teeth and claws, of a bear lawfully harvested pursuant to this ordinance to any other member provided no member who receives any part of a head or skin pursuant to this paragraph shall sell such parts to any person who is not a member of a signatory tribe; and

(ii) The member may sell any part of a head or skin, including teeth and claws, of a bear lawfully harvested pursuant to this ordinance to a member of any other signatory tribe provided that such other tribe prohibits its member who receives any part of a head or skin from selling such parts to any person who is not a member of a signatory tribe.

(b) Sale to Non-members. No member who has harvested and a bear pursuant to this ordinance shall sell the head and skin, when severed from the rest of the carcass, of the bear to any person who is not a member or a member of another signatory tribe unless the head, claws, and teeth remain attached to the skin.

(2) Meat. No member shall sell the meat of any bear killed pursuant to this ordinance, except as follows:

(a) Sale to Members. Any member who has lawfully harvested and registered a bear pursuant to this ordinance may sell the meat of any carcass, or any part thereof, of the bear to any other member provided no member who receives the meat pursuant to this subsection shall sell such meat to any person who is not a member of a signatory tribe.

(b) Sale to Members of Other Tribes. Any member who has lawfully harvested and registered a bear pursuant to this ordinance may sell the meat of any carcass, or any part thereof, of the bear to a member of any other signatory tribe provided that such other tribe prohibits its member who receives the meat pursuant to this subsection from selling the meat to any person who is not a member of a signatory tribe.

(c) Sale to Non-members. A member who has lawfully harvested and registered a bear pursuant to this ordinance may sell to a person who is not a member of a signatory tribe only the whole carcass (except for the head, skin and viscera) of the bear, provided the member:

(i) complies with the commercial harvest provisions of Section [7.25](#) [Commercial Harvest Regulated]; and

(ii) otherwise complies with the provisions of this ordinance applicable to bear hunting.

(3) Teeth, Claws, Paws and Viscera.

(a) Sale to Non-Members. No member shall sell to any person who is not a

member of a signatory tribe any tooth, claw, paw or organ which has been severed from the carcass of any bear harvested pursuant to this ordinance.

(b) Sale to Members. No member shall sell to another member or to a member of another signatory tribe any tooth, claw, paw or organ which has been severed from the carcass of any bear harvested by the member pursuant to this ordinance except as follows:

(i) The member may sell any tooth, claw, paw or organ which has been severed from the carcass of a bear lawfully harvested pursuant to this ordinance to any other member provided no member who receives any such part pursuant to this paragraph shall sell the part to any person who is not a member of a signatory tribe; and

(ii) The member may sell any tooth, claw, paw or organ which has been severed from the carcass of a bear lawfully harvested pursuant to this ordinance to a member of any other signatory tribe provided that such other tribe prohibits its member who receives such part selling the part to any person who is not a member of a signatory tribe.

(c) Sale to the Tribe. Any member who has lawfully harvested and registered a bear pursuant to this ordinance may sell any tooth, claw, paw or organ which has been severed from the carcass of the bear to the Tribe provided:

(i) the Tribe complies with the provisions of subs. (d), below; and

(ii) the member complies with the commercial harvest provisions of Section [7.25](#) [Commercial Harvest Regulated].

(d) The Tribe may purchase or otherwise obtain from a member who has lawfully harvested and registered a bear pursuant to this ordinance any tooth, claw, paw or organ which has been severed from the carcass of the bear and may sell such part to any person provided:

(i) the Tribe maintains a record of all such transactions, including the name of the member, the name and address of the subsequent purchaser, the carcass tag and registration tag numbers of the bear which was lawfully harvested and the part or parts involved in the transaction; and

(ii) a bill of sale or other similar document indicating the date of the transaction, the parties to the transaction, and the part or parts involved in the transaction.

7.25 Commercial Harvest Regulated.

(1) Purpose. The purpose of this section is to establish the regulations governing the harvest and registration of bear the meat of which, and the teeth, claws, paws or viscera when severed from the carcass of which, may be sold pursuant to this ordinance when subsequent sale or resale of the meat or such parts to non-members is contemplated.

(2) Effective Date.

(a) The provisions of this section shall not take effect until such time as the Tribe's governing body specifically declares them effective by an enabling resolution.

(b) No member shall sell any meat or sell any tooth, claw, paw or organ when severed from the carcass pursuant to this section prior to the effective date as declared by the Tribe's governing body in accordance with subs. (a).

(3) Commercial Harvest Permit Application.

(a) Any member who or a group of members which possesses a valid bear hunting permit may apply on such forms as the Tribe may prescribe to the tribal conservation department for an additional permit authorizing the harvest of bear for commercial purposes on the terms and conditions prescribed by this section.

(b) Upon receipt of an application for a Commercial Harvest Permit, the tribal conservation department shall inform the Tribe's governing body, or its designate pursuant to subs. (f), below, and the Commission's Biological Services Division of the application, the bear management zone in which the applicant seeks to hunt, the time period during which the applicant seeks to hunt and such other relevant information as is included in the application.

(c) The Commission's Biological Services Division shall, within 2 working days of receipt of notice of the application, inform the tribal conservation department and the Tribe's governing body, or its designate pursuant to subs. (f), below, of the number of bear available for harvest pursuant to this ordinance in the management zone requested by the applicant.

(d) Within 3 working days of the receipt of this information from the Commission's Biological Services Division, the Tribe's governing body, or its designate pursuant to subs. (f), below, in consultation with the tribal conservation department and the Commission's Conservation Enforcement Division, shall grant or deny the application, and shall notify the applicant as soon as practicable of its decision.

(e) The decision to grant or deny the application shall be exclusively within the discretion of the Tribe's governing body, or its designate pursuant to subs. (f), below, and a decision to grant the application may impose conditions required by the Tribe upon a Commercial Harvest Permit which are more restrictive than the conditions imposed by this section.

(f) The Tribe's governing body hereby designates _____ to exercise its powers under this section. Any decision by such designate under this section is subject to review by the Tribe's governing body upon request of the applicant.

(4) Terms and Conditions of a Commercial Harvest Permit. A Commercial Harvest Permit:

(a) may authorize the permittee to harvest no more than the number of bear available for harvest in any one bear management zone;

(b) shall restrict the permittee's hunting of bear pursuant to the permit to only one bear management zone at any given time;

(c) shall require a member to register all bear harvested pursuant to the permit at a tribal registration station located within the bear management zone for which the permit is valid or within an adjoining management zone provided the bear is transported directly to a registration station in that adjoining unit on federal and state highways; and

(d) shall require that all members named on the Commercial Harvest Permit possess an official copy of the permit and at least one valid carcass tag while hunting pursuant to the permit.

(5) Registration of Entire Carcass Required. When registering a bear under a Commercial Harvest Permit, a member shall present the entire bear carcass (except for the viscera) for registration to an authorized registering official and no registering official shall register a bear under this section unless the entire carcass (except for the viscera) is presented for registration.

(6) Registration Tag Required. Upon registration, the registering official shall affix a commercial harvest registration tag to the carcass.

(7) General Tagging and Registration Requirements Unaffected. Except as modified by the provisions of this section, the provisions of Section [7.07](#) [Bear Hunting Permits/Tags] and [7.08](#) [Bear Registration] shall apply to members hunting pursuant to a Commercial Harvest Permit.

(8) Transfer of Entire Carcass Required.

(a) No member shall sell to any person who is not a member of a signatory tribe any bear registered under this section without transferring the entire carcass of such bear, except for the head, skin and viscera, the registration tag, and such accompanying documents as the Tribe may require to the person to whom such bear is sold.

(b) (i) No member shall sell to any person who is not a member of a signatory

tribe the head or skin of any bear registered under this section without transferring the entire skin with the head, claws and teeth attached, the registration tag if it has not been or will not be transferred pursuant to subs. (a), and such accompanying documents as the Tribe may require to the person to whom the skin is sold. If the registration tag is not available for transfer under this subsection because of transfer pursuant to subs. (a), the member shall transfer a document indicating the carcass tag and registration tag numbers of the bear from which the skin has been removed.

(ii) No member shall sell to the Tribe pursuant to Section [7.24\(3\)\(c\)](#) [Sale of Teeth, Claws, Paws, and Viscera to the Tribe] any organ of any bear registered under this section without transferring to the Tribe the information and documents required in Section [7.24\(3\)\(d\)](#) [Sale of Teeth, Claws, Paws, and Viscera by the Tribe].

7.26 Shining.

No member shall hunt bear while shining, as defined in Section [3.14](#) [Shining Animals].

7.27 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close any bear management zone to bear hunting prior to the season's closing date, provided there remains no bear available for harvest under this ordinance in that zone.

CHAPTER 8 – SMALL GAME HARVESTING REGULATIONS

8.01 Purpose.

The purpose of this chapter is to regulate off-reservation small game hunting and trapping in the ceded territory by members.

8.02 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

(1) “Body Gripping Trap” means a trap that is designed to allow the animal’s head, neck or torso to enter the trap opening and be held by compression of the jaws around the head, neck or torso when the trap is sprung and which is not a cage trap, enclosed trigger trap, snare, restraining snare or jawed trap.

(1) “Bow” shall have the meaning prescribed in Section [6.01\(3\)](#) [Definitions].

(3) “Box Trap” means a trap that is not used as a water set or in conjunction with a jawed trap, an enclosed trigger trap or body gripping trap, and that is designed to allow an animal to enter the trap enclosure, be captured and remain alive inside the cage or box type enclosure until it can be released unharmed or reduced to possession by the operator of the trap.

(4) “Colony Trap” means while trapping to use an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap not to exceed 6 ¼” (six and one quarter inches) in width, 6 ¼” (six and one quarter inches) in height and 36” (thirty-six inches) in length.

(5) “Crossbow” shall have the meaning prescribed in Section [6.01\(4\)](#) [Definitions].

(6) “Dry Land Set” means any trap that is set or staked in such a manner as to prevent the trapped animal from reaching water that is not frozen.

(7) “Enclosed Trigger Trap” means any trap with a pull-activated trigger, inside an enclosure, and recessed 1 ¼ inches or more, from an opening that is no greater than 1 ¾ inches in diameter.

(8) “Firearm” shall have the meaning prescribed in Section [6.01\(5\)](#) [Definitions].

(9) “Fur Bearing Animals” means beaver, bobcat, cottontail rabbit, coyote, fisher, fox, squirrel, grey fox, grey squirrel, mink, muskrat, otter, raccoon, red fox, red squirrel, snowshoe hare, and any mammalian variety of unprotected species as defined herein.

(10) “Hunt” or “Hunting” shall have the meaning prescribed in Section [2.01\(8\)](#) [Definitions] but shall not include trapping for the purposes of this chapter.

(11) “Jawed Trap” means a trap designed to catch any animal by the foot, but does not include enclosed trigger traps, body gripping traps or snares.

(12) “Restraining Snare” means a wire noose with a relaxing lock used for restraining furbearing animals which does not allow the device or trapped animal to reach unfrozen water.

(13) “Small Game” means beaver, bobcat, bobwhite quail, cottontail rabbit, coyote, fisher, fox squirrel, grey fox, grey squirrel, Hungarian partridge (grey partridge), mink, muskrat, otter, pheasant, raccoon, red fox, red squirrel, ruffed grouse, sharp-tailed grouse, snowshoe hare, unprotected species.

(14) “Snare” means a noose with a non-relaxing lock used for catching furbearing animals.

(15) “Trap”, when used as a noun, shall mean a body-gripping trap, colony trap, enclosed trigger trap, box trap, jawed trap, snare or restraining snare. When the word “trap” is used as a verb, it shall have the same meaning as the word “trapping” as defined herein.

(16) “Trapping” includes the taking or possessing of, or attempting to take or possess, 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 a wild animal or animals.

(17) “Unprotected Species” means:

- (a) Opossum, skunk, weasel, woodchuck;
- (b) Starlings, English sparrows, coturnix quail, chukar partridge and rock doves;
- (c) All other unprotected species as defined in Section [2.01\(18\)](#) [Definitions].

(18) “Water Set” means any trap which is set or staked in such a manner as to permit the trap or trapped animal to reach unfrozen water.

8.03 Open and Closed Seasons.

A closed season is hereby established for the hunting and trapping of small game except for the specified open season.

8.04 Hunting/Trapping During Closed Season Prohibited.

Except as otherwise expressly provided in this ordinance, no member shall hunt or trap

small game off-reservation in the ceded territory during the closed season.

8.05 Fisher Management Zones.

(1) Fisher Management Zones as set forth in the Commission's document entitled [Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories](#) that is incorporated into this ordinance pursuant to Section [3.27](#) [Tribal Administrative Documents Established] are hereby established.

(2) No member shall hunt or trap fisher except in the management zones established by this section.

8.06 Small Game Quotas.

(1) Unless a tribal otter, bobcat and fisher quota system is triggered by the provisions of subs. (2) of this Section, there shall be no limit on the number of otter, bobcat and fisher available for harvest under this ordinance.

(2) The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to implement the provisions of *Section XI.C of the Stipulation for Technical, Management and other Updates: Second Amendment of Stipulations Incorporated Into Final Judgment* [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding the implementation of a quota management system for otter, bobcat and fisher .

(3) When a tribal otter and/or bobcat quota is required, or a tribal fisher quota is required in a particular tribal fisher management zone, the number of otter, bobcat and fisher (tribal quota) which shall be available for harvest pursuant to this ordinance for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the [Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory](#).

(4) (a) When a tribal otter and/or bobcat quota is required, no member shall hunt or trap otter and/or bobcat in the ceded territory when it has been closed to further otter and/or bobcat harvest pursuant to Section [8.24](#) [Authorization for Closure].

(b) When a tribal fisher quota is required, no member shall hunt or trap fisher in any fisher zone which have been closed to further fisher harvest pursuant to Section [8.24](#) [Authorization for Closure].

8.07 Small Game Harvest Permits/Tags.

(1) (a) No member shall hunt small game pursuant to this chapter without possessing a valid small game hunting permit.

(b) No member shall hunt otter, bobcat or fisher without possessing a valid carcass tag.

(2) (a) No member shall trap small game pursuant to this chapter without possessing a valid small game trapping permit.

(b) No member shall trap otter, bobcat or fisher without possessing a valid carcass tag.

(3) No small game hunting or small game trapping permit shall be considered valid for hunting or trapping any fisher in a fisher management zone:

(a) which is shown to be closed on the permit; or

(b) for which the permit is marked as invalid or which has been deactivated by the tribe's permitting system; ~~or~~

~~(c) on which any fisher management zone letter has been slit, punched through or otherwise crossed out in any fashion.~~

(4) Except as provided in Section [8.20](#) [Possession and Sale of Live Small Game Animals], no member shall move or field dress an otter, bobcat or fisher before affixing to it a valid carcass tag.

8.08 Otter, Bobcat and Fisher Registration.

(1) (a) A member killing a fisher pursuant to this ordinance shall register the animal by presenting it to a tribal registration station no later than 5:00 p.m. of the third working day after killing if the animal was hunted or after retrieval if the animal was trapped.

(b) A member killing an otter or bobcat pursuant to this ordinance shall notify a tribal registration station of the killing no later than 5:00 p.m. of the third working day after killing if the animal was hunted or after retrieval if the animal was trapped. The member shall present the animal for registration on the date and at the location specified by the registering official.

(2) Upon registering an otter, bobcat or fisher pursuant to this section, the registering official shall, except as provided in Section [8.20](#) [Sale and Possession of Live Small Game Animals], affix a registration tag and shall duly record in an appropriate manner all information required to be provided by the member at the time of registration.

(3) A member registering an otter, bobcat or fisher shall provide the registering official with the following information: the sex of the animal taken, the deer management unit and county where the animal was taken, the date when the animal was taken, the tribal identification

number of the member taking the animal and any other relevant information requested by the registering official.

(4) No member shall register an otter, bobcat or fisher except by presenting the whole carcass to the registering official, or in the alternative, by providing the whole skin to the registering official provided the carcass tag is attached to the skin.

(5) No member shall provide information to the registering official which the member knows, or has reason to know, is false or misleading.

(6) Any tribal or Commission warden authorized pursuant to Section [4.02](#) [Enforcement by Deputized Conservation Wardens] to enforce the provisions of this ordinance is authorized to register otter, bobcat or fisher in the field provided such warden transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.

(7) No member shall fail to transfer the carcass, except for the skin, of any fisher, bobcat or otter to the tribal conservation department or the Commission's Biological Services Division when requested unless the carcass was delivered to a licensed fur buyer.

8.09 Small Game Seasons; Specific Regulations.

(1) Annual small game trapping seasons for the time periods provided in this subs. 2(b) and annual small game hunting seasons for the time periods provided in subs. 3(b) are hereby established.

(2) (a) For the purposes of small game trapping, seasons begin at 6:00 a.m. of the opening date and end at 11:59 p.m. of the closing date.

(b) The small game trapping season for all species, except for otter, fisher, and beaver, listed in subs. 3(b) commences on October 1 and closes on March 31, the fisher trapping season commences on ~~November 1~~ **the Saturday nearest October 17** and closes on March 31, the otter trapping season commences on October 1 and closes on April 30, and the beaver trapping season commences on October 1 and closes on April 30.

(3) (a) For the purposes of small game hunting, seasons begin and end in accordance with the applicable hunting hours prescribed in Section [8.10](#) [Hunting Hours].

(b) Specific small game hunting seasons (all dates are inclusive):

- | | |
|----------------------|--------------------------------|
| (i) Bobcat | October 1 - March 31 |
| (ii) Beaver | Year Around |
| (iii) Bobwhite Quail | Day after Labor Day - March 31 |

(iv) Coyote	Year Around
(v) Cottontail Rabbit	Year Around
(vi) Fisher	No Open Hunting Season
(vii) Hungarian Partridge	Day after Labor Day - March 31
(viii) Mink	No Open Hunting Season
(ix) Muskrat	No Open Hunting Season
(x) Otter	October 1 - March 31
(xi) Pheasant	Day after Labor Day - March 31
(xii) Raccoon	Day after Labor Day - March 31
(xiii) Red and Gray Fox	Day after Labor Day - March 31
(xiv) Red, Gray and Fox Squirrel	Year Around
(xv) Ruffed Grouse	Day after Labor Day - March 31
(xvi) Sharp-Tailed Grouse	Day after Labor Day - March 31
(xvii) Snowshoe Hare	Year Around
(xviii) Unprotected Species	Year Around

(c) The daily bag limit for sharp-tailed grouse is one and no member shall harvest any sharp-tailed grouse in excess of this bag limit.

(4) Nothing in this section shall be construed to authorize small game hunting or trapping or the opening of a small game hunting or trapping season for a particular species contrary to an Emergency Closure Order issued pursuant to Section [3.31](#) [Emergency Closure].

8.10 Hunting Hours.

(1) Except where otherwise expressly authorized by this ordinance, no member shall hunt small game except during the hours prescribed by this section (all dates and times given are inclusive and all times refer to Central Standard Time and should be adjusted one hour as necessary to account for Daylight Savings Time).

(2) Lawful small game hunting hours during open seasons are provided as follows:

(a) From September 1 through March 31, for all small game animals except coyote, fox, raccoon, snowshoe hare, and unprotected species one-half hour before sunrise to 20 minutes after sunset or as otherwise provided by a GLIFWC Commission Order.

(b) From April 1 through August 31, for all small game species except for wild turkeys, 24 hours per day, or as otherwise provided by a GLIFWC Commission Order.

(c) For coyote, fox, raccoon, snowshoe hare and unprotected species, 24 hours per day, or as otherwise provided by a GLIFWC Commission Order except during the middle deer season established pursuant to Section [6.07\(3\)](#) when hunting hours shall be the same for small game and deer hunting.

(d) For wild turkeys, hunting hours are:

(i) Fall Season (established in Section [8.26\(2\)\(a\)](#)) – one-half hour before sunrise to 20 minutes after sunset; or as otherwise provided by a GLIFWC Commission Order and

(ii) Spring Season (established in Section [8.26\(2\)\(b\)](#)) – one-half hour before sunrise to sunset or as otherwise provided by a GLIFWC Commission Order.

(3) Lawful small game hunting hours shall be determined in accordance with the *Tribal Hunting Hours Zone/Table* attached to this ordinance after Chapter ~~14~~ [15](#).

8.11 Hunting and Trapping on Certain Public Lands Prohibited.

No member shall hunt or trap small game on any of the following lands except as noted:

(1) Designated public campgrounds, public beaches and public picnic areas.

(2) School forests, public landfills and public gravel pits where small game hunting is prohibited and where notice of the prohibition is clearly posted.

(3) Public lands within incorporated areas except for those lands which are designated for small game hunting or trapping.

(4) All state parks except as described in the following comprehensive tribal document as it may be amended from time to time, and is hereby adopted and incorporated in this ordinance as if fully set forth herein, and no member shall fail to comply with the closures and other restrictions established by this document:

Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [January 2010].

8.12 Hunting on Certain Private Lands Prohibited.

No member shall hunt small game on any privately-owned land except those lands which, pursuant to Chapter 77.16, Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

8.13 Trapping on Certain Private Lands Prohibited.

(1) No member shall place a trap on any privately-owned land.

(2) For the purposes of this section, "privately owned" means owned by a person or entity other than the Tribe, another signatory Tribe, or the State of Wisconsin or its political subdivisions, and includes the bed of any stream or flowage owned by such person or entity.

8.14 Specific Small Game Hunting and Trapping Closed Areas and Refuges.

No member shall hunt or trap small game in any wildlife refuge or closed area as established pursuant to Section [3.27](#) [Tribal Administrative Documents Established] contrary to the closures and restrictions established by that section.

8.15 Small Game Hunting Prohibited Methods.

While hunting small game, no member shall:

(1) Use or possess any device designed or used for the purpose of driving rabbits out of their holes or dens;

(2) Use or possess any ferret; or

(3) Molest the nest or den of any squirrel.

8.16 Shining Raccoon, Fox or Unprotected Species.

(1) No member shall hunt raccoon, fox or any unprotected species while shining as defined in Section [3.14](#) [Shining Animals] except:

(a) While hunting on foot during the open season for the animal hunted, a member may possess or use a flashlight at the point of kill; or

(b) While on foot training a dog to hunt or track raccoon, fox or any unprotected species, a member may possess or use a flashlight.

(2) No member shall hunt raccoon, fox or any unprotected species while shining during the middle deer season established pursuant to Section [6.07](#)(3) [Deer Season; Specific Regulations: Middle Season].

8.17 Identification of Traps Required.

(1) No member shall trap pursuant to this ordinance without affixing to each trap or snare a metal tag upon which shall be stamped or engraved the trapper's name and address **or tribal trapping identification number and the initials " ___ " indicating membership in the tribe.**

(2) Any trap or snare which is untagged shall be immediately seized and confiscated, and the owner or member using or attending the untagged trap shall be subject to citation for a violation of the provisions of subs. (1).

8.18 Specific Trapping Regulations.

No member shall:

- (1) Set out traps, snares, or restraining snares except during the open season.
- (2) Set out bait or scent for attracting furbearing animals except during the open season.
- (3) Use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of any trap, snares, or restraining snares.
- (4) Use water sets except during the open season for muskrat, beaver or otter.
- (5) Fail to check all dry land sets, snares, or restraining snares and to remove all animals therein at least once each day, except sets placed for weasels, placed entirely in enclosures, with no opening larger than 1 3/8 inch in diameter, and anchored to an immovable object shall be tended within a 4-day period following the last tending of the set. Any animal captured shall be removed from the set each time the trap is tended.
- (6) Place on the ice any artificial house or den, or place therein any trap or snare, which has the purpose or may have the effect of taking furbearers.
- (7) Set, place, or operate any trap other than a body-gripping trap, enclosed trigger trap, snare, restraining snare, jawed trap, or box trap capable of capturing only one animal in a single setting for the purpose of taking furbearing animals, or a colony trap except for muskrat as follows, except incidentally harvested mink may be retained from a lawfully set colony trap:
 - (a) The colony trap is set entirely underwater at all times.
 - (b) The colony trap is not placed within three feet of any culvert.

(c) The colony trap and set does not utilize bait.

(d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

(8) Set, place or operate any body-gripping trap larger than 8" x 8" as measured from the maximum outside points of the effective width and height of the jaws of the trap, except as a water set at least half submerged in water at all times.

(9) Set, place or operate any jawed trap with a spread width of more than 8 inches.

(10) Set, place or operate any jawed trap with teeth except as a water set.

(11) Set, place or operate any body-gripping trap greater than 8" x 8" as measured from the maximum outside points of the effective width and height of the jaws of the trap or 7.5" in diameter in the following locations:

(a) Within 3 feet of any federal, state or county road right-of-way culvert unless completely submerged in water.

(b) Within 3 feet of any woven or welded wire mesh type fence.

(c) Within 100 yards of any building devoted to human occupancy without the owner's consent.

8.19 Specific Snaring and Restraining Snare Regulations.

(1) No member shall trap fur bearing animals by the use of a snare except in compliance with the following provisions:

(a) Any snare must be anchored so that it may not be dragged.

(b) Any snare must be tagged as in Section [8.17\(1\)](#) [Identification of Traps Required].

(c) No snare may be spring activated.

(d) Any snare must be set in a manner which prevents an animal from being suspended unless it is attached to a drowning mechanism.

(e) Any upland snare must be removed no later than March 31.

(f) Any water set snare must be removed no later than March 31.

(g) Except as provided in subs. (m), any snare must have either a mechanical stop device which will prevent the snare loop size from becoming smaller than 2½ inches or a break-away mechanical lock.

(h) Except as provided in subs. (m), any snare must have a swivel device on the anchor end.

(i) Except as provided in subs. (m), any snare or cable wire may not have a diameter exceeding 1/8 inch.

(j) No upland snare shall be set on a well-defined deer trail.

(k) No upland snare shall be set such that the bottom of the loop is more than 6" above the first surface, when the ground is snow covered, more than 6" above the level of the adjoining trail. The measurement to the adjoining trail is the distance to the first surface beneath the bottom of the set upland snare where the surface is ground, ice, crusted or packed snow or any other hard material.

(l) No upland snare shall be set with a loop size greater than 10" in diameter.

(m) Members may use braided picture wire snares without locks or swivels for the purpose of snaring rabbits or hares.

(2) No member shall trap fur bearing animals by the use of a restraining snare except in compliance with the following provisions:

(a) No restraining snare may be set, placed or operated for any species other than fox, coyote, and bobcat, except incidentally harvested raccoon may be retained from a lawfully set restraining snare.

(b) No restraining snare may be set out or placed, whether set or sprung, during the closed season. Restraining snares may only be used from October 1 - March 31 for bobcat, coyote and fox.

(c) No restraining snare may be staked in a manner that allows the restraint device to reach any part of a fence, rooted woody vegetation greater than ½ inch diameter, or any other immovable object or stake that could cause entanglement.

(d) No restraining snare may be set, placed or operated with the bottom of the set restraining snare loop less than 6 inches or greater than 12 inches above the first surface. The measurement of the surface is the distance to the first surface beneath the bottom of the set cable restraint where the surface is ground, ice, crusted or packed snow or any other hard material.

(e) **Except as provided in subsection (f) below,** No restraining snare may be set,

place or operate any cable restraining unless the noose cable and noose attachments conform to the following specifications:

(i) Cable length may not exceed 7 feet.

(ii) Cable must be galvanized and include a swivel.

(iii) It must be non-spring activated.

(iv) Cable must be made of multiple strands of wire, with a diameter of 3/32 inch or larger.

(v) Include a breakaway device or stop rated at 285 pounds or less.

(vi) Include a relaxing reverse-bend washer lock with a minimum outside diameter of 1¼ inches.

(vii) Include cable stops affixed to the cable to ensure that the portion of the cable, which makes up the noose loop, may not be longer than 38 inches when fully open, or less than 8 inches when fully closed.

(f) Spring-activated restraining snares (commonly referred to as “foot-activated restraining snares”) may be used for bobcats from December 1 to January 31 and for fox and coyote from December 1 to February 15, provided the spring-activated restraining snares conform to the following specifications:

(i) Cable length may not exceed 7 feet.

(ii) Cable must be made of multiple strands of wire, with a diameter of 3/32 inch or larger.

(iii) Cable restraint must include a roller or barrel in-line swivel that acts as the maximum opening cable stop set to ensure that the portion of the cable which makes the noose loop may not be longer than 22 inches when fully open.

(iv) Cable restraint must include a breakaway device or stop rated at 285 pounds or less.

(v) Cable restraint must include an in-line shock swing.

8.20 Possession and Sale of Live Small Game Animals.

(1) As used in this section, the following terms shall be construed to apply as follows:

(a) "Control temporarily" means to possess a small game animal for a limited

period of time for one of the following purposes:

(i) Removal or transportation of a small game animal from one location to a more appropriate location;

(ii) Restraint or transportation of a small game animal for treatment or medical care;

(iii) Restraint or transportation of a small game animal for game censuses, surveys or other purposes authorized by the Tribe; or

(iv) Restraint, transportation or possession of a small game animal for the purpose of selling or otherwise transferring the animal to a person who is legally authorized to possess the live animal.

(b) "Possess" means to own, restrain, keep in captivity or transport a small game animal.

(2) Except as otherwise authorized by law or as provided in subs. (3) and (4), no member shall possess, or sell or otherwise transfer to any person, any live small game animal and any member who takes any small game animal shall kill the animal when it is taken or shall immediately release the animal.

(3) A member may control temporarily a live small game animal provided that a member who controls temporarily a live small game animal for the purposes of selling or otherwise transferring the live animal complies with the provisions of subs. (4) and (5).

(4) A member may sell or otherwise transfer a live small game animal which was lawfully taken during the open season for that animal provided:

(a) the member sells or transfers the animal within three (3) days of when the animal was taken or retrieved and, if the animal is not sold or transferred within this period, the member must kill the animal;

(b) the person to whom the live small game animal is sold or transferred is legally authorized to possess the live animal and such person presents evidence of that authorization to the member;

(c) in addition to the requirements of Section [3.26](#) [Records of Commercial Transactions Required], the member maintains a record of each sale or transfer, the name and address of the purchaser or transferee, the type of authorization or license held by the purchaser or transferee and its number, if any, the date of the sale or transfer, and a description of the animal involved;

(d) if the animal taken for the purpose of selling or transferring pursuant to this

section is an otter, bobcat or fisher, the member must attach the carcass tag to the container in which the animal is transported to the registration station;

(e) any otter, bobcat or fisher which is taken for the purpose of selling or transferring pursuant to this section shall be registered in accordance with the provisions of Section [8.08](#) [Otter, Bobcat and Fisher Registration] provided the member retains the registration tag and such other registration documents provided by the registering official until such time as the animal is sold, transferred or otherwise disposed of;

(f) the member transfers to the purchaser or transferee the registration tag and other required registration documents for any otter, bobcat or fisher sold or transferred pursuant to this section; and

(g) the member treats it in a humane manner and confines the animal under sanitary conditions with proper and adequate housing, care, food and fresh water.

(5) Any otter, bobcat or fisher sold or otherwise transferred pursuant to this section shall be counted against the quota for the particular species, and, any fisher shall count against the quota of the fisher management zone in which the fisher was taken.

8.21 Incidental Take.

Any member taking any animal by trapping except during the open season for that animal shall surrender the animal as soon as practicable to the tribal conservation department, or shall immediately release the animal if the animal was live trapped.

8.22 Shipment of Furs.

No member shall send or ship any fur from an animal harvested pursuant to this chapter unless all fur shipments are marked on the outside of the package showing the number and kinds of hides in the shipment and the name and address of the shipper.

8.23 Sale of Small Game Authorized.

(1) Nothing in this ordinance shall be construed to prohibit any member from selling the carcass, or any part thereof, of any lawfully harvested small game animal to any person.

(2) The provisions of Section [3.26](#) [Records of Commercial Transactions] shall not apply to the sale of the fur of any small game furbearing species.

8.24 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority:

(1) to close the small game hunting and trapping season for otter, bobcat or fisher, provided there remains no otter, bobcat or fisher available for harvest under this ordinance; and

(2) to close any fisher management zone prior to the season's closing date, provided there remains no fisher available for harvest under this ordinance in that zone.

8.25 Sharing of Equipment/Assisting Tribal Member.

No member shall share any small game hunting or trapping equipment with or otherwise be assisted while small game hunting or trapping by any person who is not a member or a member of another signatory tribe except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

8.26 Wild Turkey Hunting Regulations.

(1) Permit Required. No member shall hunt wild turkeys without possessing a valid small game hunting permit issued pursuant to the provisions of this chapter.

(2) Season. No member shall harvest any wild turkeys except during the open season which shall be as follows (all dates are inclusive):

(a) Fall Season: Day after Labor Day to December 31.

(b) Spring Season: Wednesday nearest April 13 for forty-two (42) consecutive days.

(i) For State Park Hunting Zones, the spring season will be limited to the first three periods, which will open on the Wednesday nearest April 13 for twenty-one (21) consecutive days.

(c) **Tribal Youth Hunt: Two consecutive days starting on the Saturday immediately preceding the beginning of the Spring Season for tribal members aged 10 to 15, pursuant to subs. [3.17\(4\)](#).**

(3) Number of Wild Turkeys Available for Harvest.

(a) Unless a wild turkey quota system is triggered by the provisions of subs. 3(b) of this Section, there shall be no limit on the number of wild turkeys available for harvest under this ordinance.

(b) The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to implement the provisions of *Section III.A.1* of the *Stipulation for Technical, Management and other Updates: First Amendment of the Stipulations Incorporated into the Final Judgment* [hereafter referred to in this Section as

"Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding the implementation of a quota management system for wild turkeys.

(c) When a tribal wild turkey quota is required in a particular wild turkey management zone, the number of wild turkeys (tribal quota) which shall be available for harvest in that zone pursuant to this ordinance for each twelve month period commencing September 1 and ending August 31 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory.

(d) When a tribal wild turkey quota is required, no member shall hunt wild turkeys in any wild turkey management zone which has been closed to further wild turkey hunting pursuant to subs. (9).

(4) Bag Limit. No member shall harvest more than 3 wild turkeys per day.

(5) Wild Turkey Management Zones.

(a) The Commission's Biological Services Division Director, or his or her designee, is hereby delegated the authority to implement the provisions of *Sections VII.A and VII.B.5* of the *Stipulation for Technical, Management and other Updates* [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding tribal turkey management zones within the ceded territory consistent with the Stipulation's requirements.

(b) Such wild turkey management zones shall be included in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this ordinance pursuant to Section 3.27 [Tribal Administrative Documents Established].

(6) Methods of Turkey Harvest. No member shall hunt wild turkeys:

(a) By any means other than a shotgun or muzzle-loading shotgun fired from the shoulder, or a bow and arrow or a crossbow.

(b) With the aid of recorded bird calls or sounds or electrically amplified imitations of bird calls or sounds, except when a member possesses a valid disabled hunter permit pursuant to Section 3.32 [Disabled Hunters Permits] of this ordinance.

(c) ~~With the aid of dogs.~~ [Open]

(d) With live decoys for the purposes of enticing wild turkeys.

(7) Registration Required.

(a) A member killing a wild turkey pursuant to this ordinance shall register the wild turkey no later than 5:00 p.m. of the third working day following the killing.

(b) No member shall fail to inform the tribal registration station of the location, including the wild turkey management zone if applicable, where the animal was killed or to provide such other information as is required by the registering official **or the tribe's remote registration system.**

(c) No ~~person~~ **member** shall provide information to the registering official, **or the tribe's remote registration system,** which the ~~person~~ **member** knows, or has reason to know, is false or misleading.

(d) Any tribal or Commission warden authorized pursuant to Section 4.02 [Enforcement by Deputized Conservation Wardens] to enforce the provisions of this ordinance is authorized to register wild turkeys in the field provided such warden provides all registering information to a tribal registration station no later than 5:00 p.m. of the first working day after field registration.

(e) No member shall fail to present the carcass, or certain parts of the carcass, to the tribal registration station when requested by the Biological Services Division.

(8) Other Restrictions Applicable.

(a) While hunting wild turkeys, no member shall fail to comply with the other restrictions applicable to hunting generally or to small game hunting specifically, such as hunting hours, which are not modified or otherwise affected by the provisions of this section.

(b) (i) No member shall hunt wild turkeys in any area designated pursuant to subs. (b)(ii) as a wild turkey reintroduction area.

(ii) The Commission's Biological Services Director, or his or her designee, is hereby authorized, upon prior consultation with the Tribe, to designate certain areas within the ceded territory as wild turkey reintroduction areas in which the hunting of wild turkeys shall be prohibited.

(9) Authorization for Closure. The Commission's Biological Services Director, or his or her designee, is hereby delegated the authority to close any wild turkey management zone to turkey hunting prior to the season's closing date, provided there remains no turkeys available for harvest under this ordinance in that zone.

8.27 Small Game Hunting Caliber Restrictions.

(1) No member shall hunt any bobwhite quail, hungarian partridge, pheasant, ruffed grouse or sharp-tailed grouse with a rifle or a shotgun loaded with a single ball or slug or shot larger than no. BB.

(2) A member may hunt ruffed grouse with a .22 caliber rim-fire rifle.

(2) No member shall hunt otter with a firearm except a .223 or smaller caliber firearm.

CHAPTER 9 - FISH HARVESTING REGULATIONS

9.01 Definitions.

For the purpose of this chapter, the following terms shall be construed as follows:

(1) "**Dip Net**" means a piece of netting suspended from a round or square frame not exceeding 8 feet in diameter or 8 feet in width and 8 feet in length.

(2) "**Fyke Net**" or "**Trap Net**" means a device constructed of netting which may employ a frame, wings or wings and leads, and which directs the movement of fish through a funnel of netting into inner hearts or built-in forebays wherein the fish are trapped by their own movement.

(3) "**Gillnet**" means any net set to capture fish by entanglement rather than entrapment.

(4) "**Hook and Line**" means a rod and reel or similar device including a tip up and hand held lines, and includes trolling.

(5) "**Ice Fishing**" means fishing through an artificial hole in the ice.

(6) "**Net**" means any dip net, fyke net, gill net or seine and when used as a verb means to fish with any of these nets.

(7) "**Open Water Fishing**" means all fishing other than fishing through an artificial hole in the ice.

(8) "**Seine**" means a net of mesh no larger than 2" stretch measure, 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.

(9) "**Spear**" means a pole tipped with a minimum of three barbed tines which are a minimum of 3" long and each tine having a barb extending perpendicular which is greater than 1/8 inch; and when used as a verb, means reducing or attempting to reduce to possession fish by means of a hand held spear or other similar device which is directed by the spearer for the purpose of impaling the target fish, and may include the use of artificial light. When used as a verb, spear shall also mean snagging for the purpose of this ordinance.

(10) "**Set or Bank Pole**" means a pole used for fishing from the banks of lakes or rivers in compliance with the provisions of Section [9.09](#) [Setlines and Set or Bank Poles Regulated].

(11) "**Setline**" means a line used for fishing in compliance with the provisions of Section [9.09](#) [Setlines and Set or Bank Poles Regulated].

(12) "**Snagging**" means attempting to take or reduce a fish to possession by hooking a fish in a place other than the mouth by the use of a hook and line or any other device which is not

a net or spear.

(13) **"Troll"** means to fish from a motor-driven boat when the motor is running, from any boat in tow of a motor-driven boat when the motor is running, or from a sailboat when in motion.

(14) **"Unattended"** means beyond visual contact with the aid of a magnifying device for a period of more than 1/2 hour.

9.02 Open and Closed Season.

A closed season is hereby established for fishing except for the open seasons specified in this chapter.

9.03 Number of Fish Available for Harvest.

The number of any species of fish (tribal quota) which shall be available for harvest pursuant to this ordinance for each twelve month period from April 1 through March 31 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory.

9.04 Fishing Permits.

(1) No member shall fish pursuant to this ordinance without possessing a valid fishing permit.

(2) No member shall fish with the use of a spear, except while ice fishing, or net pursuant to this ordinance without possessing a spearing or netting permit bearing the member's tribal identification number and valid for the date on which and the location in which the member is spearing or netting.

9.05 Seasons, Methods, Bag Limits, and Size Limits.

(1) No member shall take, catch, kill or fish for any species of fish in excess of the bag limit, by means other than those enumerated, during other than the open season, below the minimum size limit, above the maximum size limit or in locations other than those established by this section.

(2) For the purposes of bag limits, "day" shall mean a continuous 24 hour period consistent with the nature of the harvest activity involved.

(3) Except as provided in subsection (4), below, the following table hereby establishes the open season, permissible methods, daily bag limits and size limits for the enumerated species of fish in the identified locations:

Kind of Fish and Locality	Methods Permitted	Open Season (dates are inclusive)	Bag Limit	Maximum or Minimum Size Limits
(a) Large Mouth & Small Mouth Bass				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	10 per person/day	None
(ii) All waters	Open water spearing subject to Section 9.06 , and snagging	Year Around	10 per person/day	None
(iii) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	None	None
(iv) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	10 per person/day	None
(v) 1000 acre or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	10 per person/day	None
(b) Walleye				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	None	None
(ii) All waters	Open water spearing subject to Section 9.06 , and snagging	Year Around	Established by permit issued pursuant to Section 9.06	Maximum of 20" except each fisher may take one fish 20-24" and one fish any size per permit
(iii) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	Established by permit issued pursuant to Section 9.07	Identifiable males only prior to May 1. Maximum of 20" thereafter

(iv) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	None	None
(v) 1000 acre or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	Established by permits issued pursuant to Section 9.08	None

(c) Northern Pike				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	None	None
(ii) All waters	Open water spearing subject to Section 9.06 , and snagging	Year Around	10 per person/day Established by permit subject to Section 9.05(4)	None
(iii) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	10 per person/day Established by permit subject to Section 9.05(4)	None
(iv) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	10 per person/day Established by permit subject to Section 9.05(4)	None
(v) 1000 acre or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1	10 per person/day Established by permit subject to Section 9.05(4)	None
(d) Rock, or Lake or Shovelnose Sturgeon				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	June 1 to March 1 (except as provided in Section 9.26)	1 per person/year All methods (except as provided in Section 9.26)	45" minimum size limit (except as provided in Section 9.26)

(ii) All waters	Open water spearing and snagging subject to Section 9.06 and spearing while ice fishing	June 1 to March 1 (except that 1 sturgeon per lake may be taken by all tribes during spring spearing and except as provided in Section 9.26)	1 per person/year All methods (except as provided in Section 9.26)	45" minimum size limit (except as provided in Section 9.26)
(iii) All waters	Setline, set or bank pole subject to Section 9.09	June 1 to March 1 (except as provided in Section 9.26)	1 per person/year All methods (except as provided in Section 9.26)	45" minimum size limit (except as provided in Section 9.26)
(iv) All waters	All nets (except gillnets) subject to Section 9.07	June 1 to March 1 (except as provided in Section 9.26)	1 per person/year All methods (except as provided in Section 9.26)	45" minimum size limit (except as provided in Section 9.26)
(v) 1000 acre or larger lakes	Gillnets subject to Section 9.08	June 1 to March 1 (except as provided in Section 9.26)	1 per person/year All methods (except as provided in Section 9.26)	45" minimum size limit (except as provided in Section 9.26)

(e) Muskellunge				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	None	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32"
(ii) All waters	Open water spearing subject to Section 9.06 ; and snagging	Year Around	Established by permits issued pursuant to Section 9.06	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32"

(iii) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	None	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32"
(iv) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	Established by permits issued pursuant to Section 9.07	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32"
(v) 1000 acre or larger waters	Gillnets subject to Section 9.08	June 1 to March 1	Established by permits issued pursuant to Section 9.08	First fish may be of any size; thereafter, at least ½ of a catch must be at least 32"
(f) Trout and Salmon (except Lake Trout)				
(i) Lake Superior tributaries	Hook & line	Established in Section 9.25	10 per person/day in aggregate of which only 2 may be rainbow	Established in Section 9.25
(ii) All other waters except spring ponds	Hook & line	January 1 to September 30	5 per person/day in aggregate	None
(iii) Spring ponds	Hook & line	First Saturday in May to September	5 per person/day in aggregate	None
(g) Lake Trout				
All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing), open water spearing and snagging subject to Section 9.06	Year Around	2 per person/day	26" minimum size limit

(h) White Bass, Rock Bass, Bluegill, Crappie, Pumpkinseed, Catfish, Yellow Perch, Yellow Bass, Cisco				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing), open water spearing and snagging subject to Section 9.06 ; setline, set or bank pole subject to Section 9.09 ; all nets (excluding gillnets) subject to Section 9.07	Year Around	None	None
(ii) 1000 acre or larger lakes	Gillnets subject to Section 9.08	Year Around	None	None
(i) Cisco and Whitefish				
(i) All waters less than 1000 acres	Hook & line; ice fishing (including spearing when ice fishing); open water spearing and snagging subject to Section 9.06 ; setline, set or bank pole subject to Section 9.09 ; all nets (excluding gillnets) subject to Section 9.07	Year Around	None; exception: Trout Lake (Vilas County) bag limits for open water spearing and netting established by permits issued pursuant to Section 9.06 and 9.07, respectively	None

(ii) 1000 acre or larger lakes, except Trout Lake	Hook & line; ice fishing (including spearing when ice fishing); open water spearing and snagging subject to Section 9.06; setline, set or bank pole subject to Section 9.09; all nets (excluding gillnets) subject to Section 9.07; gillnets subject to Section 9.08	Year Around	None; exception: Trout Lake (Vilas County) bag limits for gillnetting shall be established by permits issued pursuant to Section <u>9.08</u>	None
(iii) Trout Lake (Vilas County)	Hook & line; ice fishing (including spearing when ice fishing); open water spearing and snagging subject to Section 9.06; setline, set or bank pole subject to Section 9.09; all nets (excluding gillnets) subject to Section 9.07; gillnets subject to Section 9.08	Year Around	None for hook and line, ice fishing (including ice spearing); bag limits for open water spearing, snagging, and netting as determined by the Tribal Conservation Department to prevent exceeding the annual tribal quota of 0.5 fish/acre.	None

(j) Rough Fish				
(i) All waters	All methods not otherwise specifically prohibited by this ordinance except gillnetting	Year Around	None	None
(ii) 1000 acre or larger lakes	Gillnets subject to Section <u>9.08</u>	Year Around	None	None

(k) Paddlefish or Spoonbill Catfish				
All waters –	No Open Season			

(4) (a) The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to implement the provisions of Section B.1.h. of the Stipulation for Fish Species Other Than Walleye and Muskellunge [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in Lac Courte Oreilles Band, et. al., v. State of Wisconsin, et. al., Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding the implementation of a quota management system for the following species for open water spearing and netting: Largemouth and Smallmouth Bass; Northern Pike; White Bass; Channel Catfish; Cisco; Bullhead (all species, singularly or in aggregate); Rock Bass; Pumpkinseed; Bluegill; Crappie (in aggregate); and Yellow Perch.

(b) When the requirements necessary to trigger a quota management system for a particular species are met under the Stipulation:

(i) Tribal harvest by open water spearing and netting of that species on the water body shall cease for the remainder of the fishing year;

(ii) The quota management system required by the Stipulation for that water body and other water bodies as identified in the Stipulation shall be implemented; and

(iii) The tribal conservation department shall issue open water spearing and netting permits in compliance with the requirements of the Stipulation while the quota management system remains in place. Such permits shall establish the daily bag limits applicable to the species which have been subjected to the quota management system.

(c) Tribal conservation departments shall issue permits for open water spearing and netting for the harvest of largemouth bass, smallmouth bass and northern pike in particular bodies of water. The permits shall identify the bag limit which shall be set to avoid exceeding the quota triggering level for a particular body of water unless a quota has been set for that water body pursuant to subsections (a) and (b) above, or unless the Tribes and the State of Wisconsin have agreed to a different quota triggering level. The standard quota triggering levels are:

(i) Largemouth bass: 0.020 fish/acre or 5 fish per lake (whichever is greater);

(ii) Smallmouth bass: 0.007 fish/acre or 5 fish per lake and 30 fish per designated river or stream segment (whichever is greater); and

(iii) Northern pike: 0.013 fish/acre or 5 fish per lake (whichever is greater).

9.06 Spearing Regulated.

(1) Except while ice fishing, no member shall use or possess any spear on any body of water unless the member possesses a valid permit authorizing the use of a spear on that body of water.

(2) The tribal conservation department may issue an open water spearing permit to a member provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day for walleye, muskellunge and sturgeon spearing and for no more than 3 consecutive days for the spearing of all other species;

(c) The permit establishes the respective daily bag limits for walleye and muskellunge which may be less than but shall not exceed the remaining respective tribal quotas for walleye and muskellunge in the designated body of water;

(d) The respective number of walleye or muskellunge spearing permits which may be issued at any one time shall not exceed the tribal quota of walleye or muskellunge divided by the respective daily bag limit;

(e) The permit designates the body of water for which the permit is valid;

(f) [Open];

(g) The permit requires the member's signature; and

(h) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(3) No member shall fish by the use of a spear contrary to the terms and conditions of any spearing permit which has been issued to him or her.

(4) No member shall fish with the use of a spear which does not meet the requirements of Section [9.01](#)(9) [Spear Defined], except that a member may spear panfish with the use of a spear with barbed tines that are smaller than otherwise required.

(5) Except while ice fishing or setting gillnets or fyke nets, no member shall possess any fish harvesting devices other than a spear while engaged in spearing.

(6) No member shall share spearing equipment with any person who is not a member of a signatory tribe as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

(7) The tribal conservation department shall not issue a permit for spearing a particular

species of fish in a particular body of water under this section if no tribal quota for that species remains available in that body of water.

(8) The tribal conservation department shall not issue a **spring** spearing permit under this section for a particular body of water unless a biological monitoring team will be present at that body of water to monitor the spearing harvest, except as described in **the most current version of the tribal administrative document, entitled *Tribal Alternative Monitoring of Open Water Spearing on Certain Lakes in the Wisconsin portion of the 1837 and 1842 Ceded Territories* following comprehensive tribal document as it may be amended from time to time, and is said document being** hereby adopted and incorporated in this ordinance as if fully set forth therein and no member shall fail to comply with the closures and other restrictions established by this document. ~~Version 1: [November 2010].~~ **No member shall fail to comply with the closures and other restrictions established by this document.**

~~*Tribal Alternative Monitoring of Walleye Harvest on Certain Lakes in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2010].*~~

(9) The tribal conservation department may issue an open water spearing permit to a member for a designated stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize spearing only on a **river or** stream segment listed in the ~~*Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [October 2010]*~~ document as available for open water spearing;

~~(b) No designated stream segment shall be speared for a particular species for more than two days in a fishing year; [open]~~

(c) No spearing shall be authorized in any **Tribal fish refuge, as established in the Tribal Fish Refuges Commission document**, located within the designated **river or** stream segment;

(d) The permit requires the use of designated landings, **or specified river access points**, for ingress to and egress from the designated **river or** stream segment;

(e) Spearing in a designated **river or** steam segment may take place from a boat or while wading;

(f) **The number of fish available for harvesting within designated river or stream segments shall be set forth on a permit issued by the Tribal Conservation Department consistent with** ~~imposes~~ the following ~~bag limits~~ **harvest quotas** for the species indicated:

(i) Sturgeon – ~~One~~ **Two** per ~~day~~ **year** per designated **river or** stream segment (all ~~boats~~ **Tribes collectively for both spearing and allowable nets**)

(ii) Muskellunge – ~~Four~~ **Eight** per ~~day~~ **year** per designated **river or** stream

segment (all ~~boats~~ Tribes collectively for both spearing and allowable nets)

(iii) Walleye – ~~Sixty~~ One hundred twenty per ~~day~~ year per designated river or stream segment (all ~~boats~~ Tribes collectively for both spearing and allowable nets)

(iv) Smallmouth bass – Thirty per year per designated river or stream segment or as established by the tribal conservation department within trigger levels identified in the *Stipulation for Fish Species Other Than Walleye and Muskellunge*, Section (B)(1)(h) (all Tribes collectively for both spearing and allowable nets).

(v) Other fish species – No harvest quotas for fish species with open seasons as listed in Sec. 9.05(3), except from Stream Segment 31, no more than one hundred twenty fish which are walleye, sauger and walleye-sauger hybrids may be harvested (all Tribes collectively for both spearing and allowable nets).

(g) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements in addition to those contained in Section 9.06(8) appropriate to the level of harvest activity on a designated river or stream segment.

(10) For the purpose of this section, “designated stream segment” means a section of stream or river that has a discrete in-stream population of a particular species as opposed to an “adjacent spawning stream segment,” which means a section of a tributary stream or river that has a discrete fish population of a lake which moves into a tributary stream or river to spawn.

(11) The tribal conservation department may issue an open water spearing permit to a member for an adjacent spawning stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize spearing only on an adjacent spawning stream segment listed in the comprehensive tribal document entitled: *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories; Version 1: [October 2010].*

(b) The Tribes' designated "lake" declaration (quota) for a fishing year will be deemed to apply to both the "lake" and to the "adjacent spawning stream segment" as defined in Section 9.06(11)(a).

(c) The regulations that apply to spearing in the "lake" shall also apply to spearing in the “adjacent spawning stream segment;” as defined in Section 9.06(10).

(d) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements in addition to those contained in Section 9.06(8) appropriate to the level of harvest activity on an adjacent spawning stream segment as defined in Section 9.06(10).

9.07 Dip Nets, Fyke Nets and Seines Regulated.

(1) Except while netting for minnows pursuant to Section [9.19](#)(2) [Bait Dealers Regulated], no member shall use or possess any dip net, fyke net or seine on any body of water unless the member possesses a valid permit authorizing the use of a dip net, fyke net or seine on that body of water.

(2) The tribal conservation department may issue a dip netting, fyke netting or seining permit, provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day for walleye, muskellunge, and sturgeon netting, and for no more than 3 consecutive days for the netting of all other species;

(c) The permit establishes the respective daily bag limit for walleye and muskellunge which may be less than but shall not exceed the respective tribal quota for walleye and muskellunge remaining in the designated body of water;

(d) The respective number of walleye and muskellunge netting permits issued under this section shall not exceed the remaining tribal quota for walleye or muskellunge divided by the respective daily bag limit;

(e) Netting for all species with dip nets, fyke nets or seines is limited to one body of water for the duration of the permit;

(f) No netting permit issued pursuant to this section and no gillnetting permit issued pursuant to Section [9.08](#) [Gillnets Regulated] shall be simultaneously valid for any body of water;

(g) ~~The permit shall require that all nets authorized comply with the marking requirements of Section [9.08](#)(9) [Gillnets Regulated: Markings] and the safety requirements of Section [9.08](#)(10) and (11) [Gillnets Regulated: Location].~~ Each fyke net shall have securely attached to it a metal or plastic tag, which shall be stamped or engraved with the member's tribal fishing identification number, or if a member is issued a group netting permit, a metal or plastic tag which is stamped or engraved with the tribal fishing identification number of one member in the group netting party. Additionally, each fyke net shall have attached securely to its "pot end" one marker buoy, visible from shore, and/or one anchor flag extending 3' (three feet) above the surface of the water and bearing a 10 sq. inch flag of a visible color.

(h) The permit requires the member's signature;

(i) Permits issued pursuant to Section [9.19](#) [Bait Dealers Regulated] shall be

governed by the provisions of that section; and

(j) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(3) No member shall fish by the use of a dip net, fyke net or seine contrary to the terms and conditions of any netting permit which has been issued to him or her.

(4) No member shall fish with the use of a dip net, fyke net or seine which does not meet the requirements of Section [9.01](#)(1) [Dip Net Defined], Section [9.01](#)(2) [Fyke Net Defined], or Section [9.01](#)(8) [Seine Defined].

(5) No member shall possess any fish harvesting device other than a dip net, fyke net or seine while engaged in netting under this section, except that a member may simultaneously possess other types of fishing harvesting devices in the following circumstances:

(a) While netting for minnows pursuant to 9.19; or

(b) While setting fyke nets, a member may also be in possession of spears pursuant to Section [9.06](#) or devices for open water hook and line fishing, snagging and/or set lines pursuant to Section [9.09](#).

(6) No member shall share netting equipment authorized under this section with any person who is not a member of a signatory tribe, except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

(7) The tribal conservation department shall not issue a permit for netting a particular species of fish on a particular body of water under this section if no tribal quota for that species remains available in that body of water.

(8) The tribal conservation department may issue a netting permit, for the use of a dip net, fyke net or seine, to a member for a designated river or stream segment, as identified in Section [9.06](#)(10), provided:

(a) The permit shall authorize netting only on a river or stream segment listed in the *[Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories](#)* document as available for netting, other than gillnetting;

(b) No netting shall be authorized in any Tribal fish refuge, as established in the *[Tribal Fish Refuges](#)* Commission document, located within the designated river or stream segment;

(c) The permit requires the use of designated landings, or specified river access points, for ingress to and egress from the designated river or stream segment;

(d) The number of fish available for harvesting within designated river or stream segments shall be set forth on a permit issued by the Tribal Conservation Department consistent with the following harvest quotas for the species indicated:

(i) Sturgeon – Two per year per designated river or stream segment (all Tribes collectively for both spearing and allowable nets)

(ii) Muskellunge – Eight per year per designated river or stream segment (all Tribes collectively for both spearing and allowable nets)

(iii) Walleye – One hundred twenty per year per designated river or stream segment (all Tribes collectively for both spearing and allowable nets)

(iv) Smallmouth bass – Thirty per year per designated river or stream segment or as established by the tribal conservation department within trigger levels identified in the *Stipulation for Fish Species Other Than Walleye and Muskellunge*, Section (B)(1)(h) (all Tribes collectively for both spearing and allowable nets)

(v) Other fish species – no harvest quotas for fish species with open seasons as listed in Sec. 9.05(3), except from Stream Segment 31, no more than one-hundred twenty fish which are walleye, sauger and walleye-sauger hybrids may be harvested (all Tribes collectively for both spearing and allowable nets).

(e) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate to the level of harvest activity on a designated river or stream segment.

(9) The tribal conservation department may issue a netting permit, for the use of a fyke net, dip net or seine, to a member for an adjacent spawning stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize netting (other than gillnetting) only on an adjacent spawning stream segment listed in the comprehensive tribal document entitled: *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories.*

(b) The Tribes' designated "lake" declaration (quota) for a fishing year will be deemed to apply to both the "lake" and to the "adjacent spawning stream segment" as defined in Section 9.06(10).

(c) The regulations that apply to netting in the "lake" shall also apply to netting in the "adjacent spawning stream segment;" as defined in Section 9.06(10).

(d) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate to the level of harvest activity on an

adjacent spawning stream segment as defined in Section 9.06(10).

(10) The tribal conservation department may issue group fyke netting, dip netting or seining permits under following conditions:

(a) Up to four (4) members of a group or party may be issued a group netting permit, for the use of a fyke net, dip net or seine, at any one time, and each member shall be required to carry a copy of the group netting permit, listing their name, when engaging in activities authorized by the permit;

(b) At least one of the members identified on a group netting permit must be present to set, lift and/or check the net as required by the tribal conservation department;

(c) All group members identified on the group netting permit are equally responsible for complying with the provisions of this section;

(d) Except for a group member that terminates their association with the group permit prior to its expiration, all group members identified on the group netting permit shall be equally subject to a citation if the violation occurs while the members are listed on the same group netting permit;

(e) No group member listed on a group fyke netting permit may terminate their association with the group permit unless (1) the metal or plastic tag attached to the fyke net, as required by Section 9.07(2)(g), bears the tribal identification number of a group member who has not terminated their association with the group fyke netting permit; (2) prior to the group fyke netting permit's expiration, has provided notice to the other members of listed on the group fyke netting permit their intention to terminate association; and (3) the member has returned their permit to the tribal conservation department or to a Commission warden;

(f) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.

9.08 Gillnets Regulated.

(1) No member shall use or possess any gillnet on any body of water unless the member possesses a valid permit authorizing the use of a gillnet on that body of water.

(2) The tribal conservation department may issue a gillnetting permit for any lake open to gillnetting, except for the southern basin of Trout Lake (Vilas County) so long as the lake trout harvest by state anglers is prohibited on that water body, provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day for any species;

(c) The permit establishes the respective daily bag limits for walleye and muskellunge which may be less than but shall not exceed the respective tribal quota for walleye and muskellunge remaining in that lake;

(d) Except as provided in subs. (14), any number of permits may be issued at any one time for any lake but the total length in feet of all gillnets authorized for all permits on any one lake shall not exceed the number of walleye remaining available for harvest in that lake multiplied by 10;

(e) Gillnetting for all species is limited to one body of water for the duration of the permit;

(f) No gillnetting permit issued pursuant to this section and netting permit issued pursuant to Section [9.07](#) [Dip Nets, Fyke Nets and Seines Regulated] shall be simultaneously valid for any body of water;

(g) The permit requires the member's signature;

(h) Except as provided in subs. (14), the permit establishes the maximum length in feet and the mesh size of the gillnet which is authorized as determined from the spring walleye population average length and the following chart:

<u>Spring Length</u> <u>(Stretched)</u>	<u>Maximum Allowable</u> <u>Mesh Size</u>
13.5"	2.5"
13.5 - 16.49"	3.0"
No Length Data (NR Model)	3.0"
No Length Data (ST and NR2/ REM Model)	3.5"
16.5 - 18.49"	3.5"
18.5 - 20.49"	4.0"
20.5" and under	4.5"

(i) (i) For lakes with no current length data (which otherwise would not be open to gillnetting), the allowable gillnet mesh size will be 3.0 inch for lakes with walleye recruitment codes used in the NR model, and 3.5 inch for lakes with recruitment codes used in the ST and NR2/REM models.

(ii) For all lakes with an allowable gillnet mesh size of 3.0 inches, 4.0 inches, and 4.5 inches (including lakes with no current data as described in section A above), 3.5 inch mesh nets may also be used. However, for lakes with an allowable mesh size of 3.0 inches the following will apply whenever 3.5 inch mesh nets are used:

1) If an adult population estimate is conducted during spring of the year that gillnetting takes place, no reduction to the remaining walleye

quota will occur. The Inland Fisheries Technical Working Group (TWG) will continue to evaluate the effects of using 3.5 inch mesh on the number of walleye 20 inches and larger in these lakes.

2) If an adult walleye population estimate is not conducted during spring of the year that gillnetting takes place, the remaining walleye quota will be reduced by twenty four percent (24%). This reduction would on average, keep harvest the harvest of walleye 20 inches and larger the same as what it would have been using 3.0 inch mesh gillnets

(iii) No other mesh size may be used on lakes with an allowable mesh size of 2.5 inches.

(iv) In determining the spring average length of walleye, data gathered by the use of any appropriate gear, such as fyke nets, electro-shocking or spearing, may be utilized provided that an accurate assessment of walleye size can be accomplished.

(j) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(3) No member shall fish by the use of a gillnet contrary to the terms and conditions of any gillnetting permit which has been issued to him or her.

(4) No member shall fish with the use of a gillnet which does not meet the requirements of Section [9.01](#)(3) [Gillnet Defined].

(5) No member shall possess any fish harvesting device other than a gillnet while engaged in gillnetting under this section, except that a member may possess spears pursuant to Section [9.06](#) or devices for open water hook and line fishing, snagging and/or set lines while setting gillnets.

(6) No member shall share gillnetting equipment authorized under this section with any person who is not a member of a signatory tribe, except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Member].

(7) Where the annual tribal quota for any fish species as established pursuant to Section [9.03](#) [Number of Fish Available for Harvest] has been taken on a body of water by any method or combination of methods:

(a) No gillnetting under this section may take place on that body of water until the following fishing year; and

(b) The tribal conservation department shall not issue permits for gillnetting on that particular body of water for the remainder of the fishing year.

(8) In imposing appropriate mesh size restrictions on a gillnet permit, the tribal conservation department shall consult with the Commission's Biological Services Division and any size restriction shall take into account the length distribution of the adult fish population in the lake to be fished.

(9) No member shall fish with any gillnet unless the gillnet is marked in compliance with the following provisions:

(a) Each gillnet shall be marked with two flags on the inside of the net and one flag on the outside;

(b) Each flag pole shall be three feet or more above the water and have a diameter of two-and-one-half inches or less;

(c) Each flag shall be white and ten inches square or larger; and

(d) Each pole shall have attached securely to it an identification tag issued by the tribal conservation department showing the member's tribal affiliation and tribal identification number.

(10) No member shall set a gillnet in open water with a topline within 3 feet of the water's surface unless the gillnet is buoyed at 500 foot intervals.

(11) No member shall set any gillnet in a manner in which any part of the net is in less than ten feet of water, or in an unsafe manner which shall unreasonably expose boaters and other users of the lake to a foreseeable risk of imminent bodily harm or property damage, or contrary to such other restrictions as the tribal conservation department may require.

(12) No member shall remove a gillnet from a lake without first removing from the gillnet and returning all crayfish to the water or killing all crayfish entangled in the gillnet.

(13) No member shall fail to lift any gillnet at least two times in each continuous 24 hour period during which the net is set, or more frequently as water temperatures may require so as to avoid the spoilage of any fish taken by the net.

(14) Notwithstanding the provisions of subs. (2)(d) and (2)(h), the tribal conservation department may issue a permit for gillnetting ciscos (tulibeas) **and whitefish** on such terms and conditions as it deems necessary or appropriate, provided that at a minimum all other provisions of this section shall otherwise apply to cisco **and whitefish** gillnetting permits.

9.09 Setlines and Set or Bank Poles Regulated.

(1) No member shall fish with or set any setline or set or bank pole except in accordance with the following provisions:

(a) A maximum of 20 set or bank poles and 1 setline may be used in no more than 3 bodies of water at any one time.

(b) Setlines shall be marked at one end by a white flag ten inches square or larger held by a pole three feet or more above the surface of the water or bank; the pole shall not be more than two-and-one-half inches in diameter and, if a buoy is used to hold the pole, it shall be round or ovate in shape and have a diameter of fifteen inches or less; the pole shall not be placed in the main channel of any navigable waterway;

(c) Each set or bank pole and each setline shall have attached securely to it an identification tag issued by the Tribe showing the member's tribal affiliation and tribal identification number.

(d) Setlines or set or bank poles shall not be equipped with stainless steel hooks.

(e) A set or bank pole may not be equipped with more than one line which shall not have more than 2 hooks.

(f) A setline shall not have more than 10 hooks.

(g) Each set or bank pole and setline shall be lifted and the catch removed at least once each day following the day it was set.

(h) Set or bank poles and setlines may only be set, attended or lifted from one hour before sunrise to one-half hour past sunset.

(i) The tribal conservation department may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(2) No member shall fish with any set or bank pole or setline which does not meet the requirements of Section [9.01](#)(10) [Set or Bank Pole Defined] or Section [9.01](#)(11) [Setline Defined].

(3) No member shall possess any fish harvesting device other than a set or bank pole or setline while setting, lifting or attending a set or bank pole or setline, except that a member may simultaneously possess a set line or bank pole while setting fyke nets pursuant to Section [9.07](#) or setting gillnets pursuant to Section [9.08](#).

(4) No member shall share any set or bank pole or setline with any person who is not a member of a signatory tribe, except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

9.10 Designated Landings May Be Required.

(1) In issuing spearing or netting permit pursuant to Sections [9.06](#) [Spearing Regulated],

[9.07](#) [Dip Nets, Fyke Nets and Seines Regulated] or [9.08](#) [Gillnets Regulated], the tribal conservation department may require permittees to use only designated landings for entering upon and exiting from a body of water.

(2) When so required, no member shall enter upon or exit from a body of water except at such landings designated by the tribal conservation department pursuant to subs. (1).

(3) Notwithstanding the provisions of subs. (1) and (2), a member may exit from a body of water at a location other than a designated landing when necessitated by weather conditions, considerations of personal safety or other appropriate circumstances.

9.11 Reporting and Monitoring.

(1) No member shall fail to complete catch reports in the manner required by the tribal conservation department or the Commission's Biological Services Division or to otherwise fail to comply with any catch monitoring requirements imposed by either of those agencies with respect to any fishing method authorized by this chapter.

(2) The tribal conservation department shall issue no further permits under this chapter to any member who has failed to complete and return any creel census questionnaire or other catch report required by subs. (1).

(3) In the event that a member fails to report or return a census questionnaire, the tribal conservation department or the Commission's Biological Services Division, shall count the total number of fish allowed by that member's permit against the tribal quota/harvest until such report or census questionnaire is completed and returned in compliance with this section.

9.12 Open Water Hook & Line Fishing Regulated.

Except as provided in Section [9.09](#) [Setlines and Set or Bank Poles Regulated], no member shall:

(1) Engage in open water fishing by the use of hook and line with more than six lines with a maximum of two hooks or lures per line; or

(2) Engage in open water fishing by the use of any unattended hook and line.

(3) Nothing in this ordinance shall be construed to prohibit any member from trolling on any body of water while engaged in open water fishing by the use of hook and line.

9.13 Ice Fishing Regulated.

(1) No member shall ice fish by the use of hook and line through a hole larger than 12 inches in diameter.

(2) No member shall ice fish by the use of a spear through a hole larger than 24 inches by

36 inches.

(3) No member shall ice fish with unattended lines except in compliance with the following provisions:

(a) All unattended lines shall have attached a single iron hook with a maximum 1/2 inch point to shank gape;

(b) All unattended lines shall be of biodegradable material and shall be securely anchored so as not to be dislodged by a hooked fish;

(c) All unattended lines shall be tagged with a valid identification tag obtained from the tribe indicating the member's tribal affiliation and tribal identification number;

(d) Any member fishing with unattended lines shall, prior to doing so, inform the tribal conservation department of his or her name, address, phone number and lakes upon which the member intends to fish with unattended lines;

(e) Each unattended line shall be checked at least once every 24 hours unless severe weather conditions render it impractical to do so;

(f) No more than a total of 30 attended or unattended lines shall be used in no more than 3 lakes at any one time; and

(g) All poles used for unattended lines shall be marked so as to be visible to vehicular traffic, and all openings more than twelve inches in diameter or across shall be marked in a manner which identifies them as a hazard when unused.

(4) No member shall ice fish within an ice fishing house or other enclosure, unless the enclosure is equipped with a latch which will permit the door to be readily opened from the outside at all times while the house is occupied.

(5) No member shall place, maintain or use a house or other enclosure for ice fishing on any body of water unless the owner's name and address is clearly displayed on the outside of the house.

(6) No member shall fail to remove an ice fishing house or other enclosure from any body of water on or before March 15 except that portable shelters may be used while ice fishing after that date provided the portable shelter is removed daily from the ice.

(7) No member shall share any ice fishing gear, including any spear, with any person who is not a member of a signatory tribe, except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

9.14 Possession Limit.

(1) (a) Except as provided in subs. (3) and (4), no member shall have in his or her possession any number of fresh fish of any species greater than double the daily bag limit of that species.

(b) For the purposes of this section, "**fresh**" means unspoiled and never frozen once removed from a body of water.

(2) Except as provided in subs. (3) and (4), no member shall possess more than one daily bag limit of any species of fish while on any body of water or while fishing unless all fish in excess of the daily bag limit have been tagged in accordance with Section [3.10](#) [Bag Limits; Possession Limits] as having been harvested on-reservation.

(3) The possession limits of this section shall not apply to fresh walleye lawfully taken pursuant to permits issued under Sections [9.06](#) [Spearing Regulated], [9.07](#) [Dip Nets, Fyke Nets and Seines Regulated] or [9.08](#) [Gillnets Regulated] when such walleye have been monitored and counted as the permittee leaves a body of water while on that body of water unless all walleye in excess of the daily bag limit have been tagged in accordance with Section [3.10](#) [Bag Limits; Possession Limits] as having been harvested on-reservation.

(4) The possession limits established by this section shall not apply to fresh fish tagged for sale pursuant to Section [9.21](#) [Sale of Game Fish Regulated].

9.15 Sturgeon Tagging Required.

(1) No member shall fail to register with the tribal conservation department any sturgeon harvested pursuant to this ordinance prior to 5:00 p.m. of the third working day following the harvest.

(2) Upon registering a sturgeon, the registering official shall firmly affix a registration tag to the carcass.

9.16 Incidental Take by Gillnet.

(1) No member shall retain possession of any species of fish taken in excess of the daily bag limit by the use of a gillnet authorized by Section [9.08](#) [Gillnets Regulated] and no member shall fail to either:

(a) Return to the water any such fish which appears capable of surviving; or

(b) Transfer possession of such fish as soon as practicable to the tribal conservation department or to a person authorized to enforce this ordinance.

(2) Any such fish transferred pursuant to subs. (1)(b) shall be disposed of by the tribe for charitable purposes but shall not be returned to the member or his or her immediate family.

9.17 Live Bait Restrictions.

(1) No member shall use as live bait while fishing pursuant to this ordinance: carp, goldfish, redhorse, fresh water drum, burbot, bowfin, garfish, buffalo fish, lamprey, alewife, gizzard shad, smelt, goldeye, mooneye, carpsucker, quillback, and crayfish.

(2) (i) No member shall use as bait or possess or release any minnow or other fish except trout on any waters or shores of the following bodies of water which have been chemically treated for management purposes:

<u>County</u>	<u>Water</u>
Barron	Little Granite Lake
Burnett	Banach Lake
Forest	Bug Lake
	Valley Lake
	Logger Lake
Langlade	McGee Lake
	Pence Lake
	Townline Lake
Lincoln	Ament Lake
	Moraine Lake
	Tahoe Lake
Oneida	Little Bass Lake (T39N 7E S15)
	Hawk Lake (T38N R7E S22)
Polk	Clarey Lake (a/k/a Twin Lake)
	Pickerel Lake (a/k/a Crescent Lake)
Price	Newman Springs
	Patterson Lake
Taylor	Spruce Lake
Vilas	Shannon Lake (a/k/a Anderson Lake)
	Pauto Lake
	Fallison Lake
	Firefly Lake
	Mielke Lake (a/k/a Otto Mielke)
	Emerald Lake
	Little John Jr. Lake
	Bluegill Lake
	Wildwood Lake
	Nebish Lake
	Washburn

(ii) The Commission's Biological Services Director is hereby authorized to add or delete bodies of water from the list contained in subsection (i) provided that the Tribe is consulted prior to an addition or deletion.

9.18 Fishing in Certain Locations Prohibited or Restricted.

(1) No member shall fish at any time within 50 yards of a tribal, Commission or Wisconsin Department of Natural Resources assessment net or its leads.

(2) No member shall fail to comply with the closures and other restrictions with respect to fish refuges and fish management experimental bodies of water established pursuant to Section [3.27](#) [Tribal Administrative Documents Established].

9.19 Bait Dealers Regulated.

(1) No member shall set, use or operate any net or other device for taking, catching or killing minnows except as provided by this section.

(2) Any member may take or possess less than 1200 minnows by the use of any net authorized by Section [9.07](#) [Dip Nets, Fyke Nets and Seines] without a permit provided that while netting for minnows:

(a) No member shall remove or destroy vegetation, logs or habitat features;

(b) No member shall handle, transport or hold minnows except in a manner which will reasonably ensure the minnows will be kept alive and healthy; and

(c) No member shall fail to promptly return unharmed to the water all minnows not kept and all game fish caught by a net.

(3) No member shall take or possess more than 1200 minnows at any time unless the member possesses a permit issued pursuant to subs. (4).

(4) The tribal conservation department may issue a permit to a member authorizing the taking or possession at any time of more than 1200 minnows on the following terms and conditions:

(a) A permit shall include the member's name, address, tribal affiliation and tribal identification number;

(b) A permit shall specify the waters where the permit is valid and the number of nets or other devices which may be utilized at any time;

(c) A permit shall describe the nets or other devices authorized;

(d) A permit may be valid for no more than 12 months from the date of issuance;

(e) A permit shall require the member to transport, handle and hold minnows in a manner which will reasonably ensure the minnows will be kept alive and healthy;

(f) A permit shall require all minnows not kept and all game fish caught by the nets or other devices to be promptly returned unharmed to the water;

(g) A permit shall prohibit the removal or destruction of vegetation, logs and other habitat features; and

(h) The tribal conservation department may impose such other terms and conditions as it deems appropriate or necessary, including biological monitoring requirements appropriate to the level of harvest activity on any body of water.

(5) No member shall take or attempt to take minnows contrary to the terms and conditions of any permit issued under subs. (4).

(6) Nothing in this ordinance shall be construed to prohibit a member from selling to any person minnows lawfully taken pursuant to this section.

(7) No member shall sell aquatic insects taken from off-reservation waters.

(8) No member shall sell any bait fish except shiners and smelt taken from Lake Superior tributary streams.

9.20 Sale of Game Fish.

(1) (a) The provisions of this section and Section [9.21](#) [Sale of Game Fish Regulated] shall not take effect until such time as the tribe's governing body specifically declares them to be effective by an enabling resolution.

(b) No member shall sell any game fish prior to the effective date as declared by the tribe's governing body pursuant to subs. (1)(a).

(2) At such time as the provisions of this section are declared effective pursuant to subs. (1)(a), no member shall sell to any person any game fish or part thereof lawfully harvested pursuant to this ordinance, except in accordance with the provisions of Section [9.21](#) [Sale of Game Fish Regulated] and in accordance with the terms and conditions of the enabling resolution of the Tribe's governing body.

(3) Nothing in this ordinance shall be construed to prohibit any member from selling to any person any fish lawfully harvested pursuant to this ordinance which is not a game fish.

9.21 Sale of Game Fish Regulated.

(1) The purpose of this section is to establish the regulations governing the sale of game fish pursuant to Section 9.21(2).

(2) The tribal conservation department may issue sequentially numbered tags which authorize a member to sell a game fish lawfully harvested pursuant to this ordinance on the following conditions:

(a) Each whole game fish sold must be tagged prior to being sold; or

(b) If filleted prior to sale, all fillets from a game fish must be tagged together or otherwise packaged together with one tag prior to sale.

(3) No member shall sell a game fish or any part thereof pursuant to Section [9.20\(2\)](#) [Sale of Game Fish] unless such game fish or parts thereof have been properly tagged in accordance with subs. (2).

9.22 Harvest of Spawn and Introduction of Fish Regulated.

(1) No member shall stock, introduce, place, transfer or otherwise release any fish or any spawn of any fish into any body of water, except for returning or releasing a fish into a body of water from which it came.

(2) (a) Except in accordance with the provisions of subs. (2)(b), no member shall harvest the spawn of any fish unless the carcass of the fish is legally harvested pursuant to this ordinance.

(b) (i) The tribal conservation department may issue a permit to a member for harvesting only the spawn of any fish without harvesting the carcass of the fish upon such terms and conditions as it deems necessary or appropriate.

(ii) No member shall fail to comply with the terms and conditions of any permit issued pursuant to this section.

(3) Nothing in this section shall preclude the Tribe, tribal conservation department or the Commission's Biological Services Division, or their employees or agents, from stocking fish in any body of water pursuant to a management plan.

9.23 Authorization for Closure.

The Commission's Biological Services Director, or his or her designee, is hereby delegated the authority to close any body of water to fishing for any species subject to a tribal quota by the use of a spear or net prior to the season's closing date for that species, provided none of the tribal quota for that species remains in that body of water.

9.24 Compliance with Permits Issued by Other Tribes.

No member shall fish pursuant to a spearing or netting permit issued by another signatory tribe in a manner which violates the provisions of that Tribe's law governing the activity authorized by the permit.

9.25 Lake Superior Tributary Regulations.

The following seasons and size limits are hereby established for the identified Lake

Superior Tributaries:

(1) Generally. Lake Superior tributary streams except the Brule River and its tributaries:

- (a) Season: First Saturday in May at 5:00 a.m. to September 30
- (b) Minimum Size Limit (inches): 6

(2) Brule River. The Brule River and its tributaries:

- (a) Season: First Saturday in May at 5:00 a.m. to September 30
- (b) Minimum Size Limit (inches): Brook Trout 8; Brown Trout 10; Rainbow Trout 12; Salmon 12

(3) Special Early and Extended Seasons.

(a) Generally.

(i) The special early and extended open seasons for trout and salmon set forth in this subsection shall apply to the tributary streams identified by county in subsection (ii):

- 1) Season: Saturday nearest April 1 to the day before the first Saturday in May and October 1 to November 15
- 2) Minimum Size Limits (inches):10

(ii) Tributaries:

1) Ashland County: Off-reservation portion of the Bad River to Copper Falls; Potato River from its mouth upstream to Guerney Falls; Off-reservation portion of the White River upstream to the White River Dam; Brunsweller and Marengo Rivers upstream to Hwy. 13.

2) Bayfield County: Cranberry River from its mouth upstream to the Lenawee Road; north fork Fish Creek from its mouth upstream to the junction with Pine Creek; Flag River from its mouth upstream to the junction with the east fork of the Flag River; Iron River from its mouth upstream to Orienta Dam; Sioux River from its mouth upstream to Big Rock Falls; Siskowitt River from its mouth upstream to second bridge.

3) Douglas County: Amnicon River from its mouth upstream to Amnicon Falls; Middle River from its mouth upstream to U.S. Hwy. 2; Nemadji river from its mouth upstream to Great Northern Railroad Bridge; Black River from its mouth upstream to Big Manitou Falls; Poplar River

from its mouth upstream to U.S. Hwy. 2; St. Louis River from its mouth upstream to the Wisconsin-Minnesota State line.

4) Iron County. Graveyard Creek from its mouth upstream to U.S. Hwy. 2; Oronto Creek from its mouth upstream to its source; Parker Creek from its mouth upstream to its source.

(b) Brule River Special Early and Extended Seasons. The following restrictions shall apply to the special early and extended open seasons on the Brule River from its mouth upstream to the U.S. Hwy. 2 bridge crossing:

(i) Seasons and Size Limits.

1) Season: Saturday nearest April 1 to the day before the first Saturday in May and October 1 to November 15

2) Minimum Size Limit (inches): Brook Trout 8; Brown Trout 10; Rainbow Trout 12; Salmon 12

(ii) Special Restrictions. During the special early and extended seasons on the Brule River as provided in subsection (i), fishing is prohibited one-half hour after sunset to one-half hour before sunrise except when lawfully fishing for smelt.

9.26 Special Sturgeon Regulations.

(1) The regulations set forth in this Section shall supersede the season and size restrictions provided by Section 9.05(3)(d) [Seasons, Methods, Bag Limits and Size Limits: Rock or Lake Sturgeon].

(2) On lakes with adequate population estimates for sturgeon which are subject to a quota management system in accordance with the provisions of Section B.1.i. of the *Stipulation for fish species* *Fish Species Other than Walleye and Muskellunge* referenced in Section 9.05(4) [Seasons, Methods, Bag Limits and Size Limits: Other Fish], there shall be no minimum size limit or seasonal restrictions, **however there shall be a daily bag limit of three (3) fish.** ~~and~~ The tribal conservation department may issue permits authorizing harvest by tribal members **on these lakes, notwithstanding the limitation in Section 9.05(d) on harvesting one sturgeon per person, per year,** accordingly provided total tribal harvest on such lakes is limited to a quota consistent with the *Stipulation*.

(3) **Within designated river and stream segments listed and described in the administrative document, *Designated Tribal River and Stream Segments in the Wisconsin Portion of the 1837 and 1842 Ceded Territories*, no more than two sturgeon per year (all Tribes collectively) shall be harvested per river or stream segment, and the bag limit of one sturgeon per person, per year does not apply to sturgeon harvested within designated river and stream segments. The bag limit of one sturgeon per person, per year, shall apply to the harvest of**

sturgeon within adjacent spawning stream segments except for those adjacent spawning stream segments connected to lakes with adequate population estimates, as described in Section 9.26(2) above.

9.27 Alteration of Fish Size Prohibited.

While open-water spearing or netting, no person shall cut, clip, or otherwise alter the size of any fish before the fish is counted by a biological monitoring team. This provision does not apply to fish whose length has been altered as an incidental result of the act of spearing or netting, as a result of natural causes, or as part of a biological survey or assessment.

CHAPTER 10 - MIGRATORY BIRD HARVESTING REGULATIONS

10.01 Definitions.

For the purposes of this chapter, the following terms shall be construed as follows:

(1) "**Bag Limits**" mean:

(a) "**Aggregate bag limit**" means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the member in predetermined or unpredetermined quantities to satisfy a maximum take limit.

(b) "**Daily bag limit**" means the maximum number of migratory birds of a single species or combination (aggregate) of species permitted to be taken by one member in any one day during the open season.

(c) "**Aggregate daily bag limit**" means the maximum number of migratory birds permitted to be taken by one member in any one day during the open season when such member hunts for more than one species for which a combined daily bag limit is prescribed for any one species.

(d) "**Possession limit**" means the maximum number of migratory birds of a single species or a combination of species permitted to be possessed by any one member when lawfully taken in the ceded territory.

(2) "**Migratory Bird**" means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in [50 CFR Section 10.13](#), or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part of any part, nest or egg thereof.

(3) "**Migratory Bird Preservation Facility**" means:

(a) Any person who, at his residence or place of business and for hire or other consideration; or

(b) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(c) Any hunting club which, in the normal course of operations: receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

(4) "**Personal abode**" means a member's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel, or

rooming house used during a hunting, pleasure or business trip.

(5) "**Take**" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect.

(6) "**Waterfowl**" means any migratory bird of the family anatidae, including ducks, geese, coots, rails, gallinules, brant, and mergansers.

10.02 Closed Season.

(1) A closed season is hereby established for the hunting of migratory birds except for the open seasons specified in Section [10.03](#) [Seasons and Annual Harvest Regulations].

(2) Except as otherwise expressly provided by this ordinance, no member shall take any migratory bird off-reservation during the closed season for that animal.

10.03 Seasons and Annual Harvest Regulations.

(1) Upon publication in the Federal Register of the U.S. Fish and Wildlife Service Final Rule establishing federal regulations in response to the Tribe's proposal pursuant to the Service's Interim Guidelines described in the June 4, 1985, Federal Register ([50 FR 23467](#)), all such regulations as to season, daily bag and possession limits, and other conditions, shall be and hereby are incorporated into this ordinance, as if fully set forth in their entirety herein, and shall constitute tribal regulations governing member off-reservation migratory bird hunting for the seasons so established.

(2) No member shall take or possess migratory birds or otherwise engage in any activity contrary to the federal regulations incorporated into this ordinance pursuant to this section on a season-by-season basis.

(3) Any violation of such annual federal migratory bird regulations incorporated herein shall be deemed a violation of this ordinance, and shall be subject to the jurisdiction of the tribal court pursuant to the provisions of this ordinance.

10.04 Daily Bag Limits and Possession Limits.

(1) No member shall take any migratory bird in any one day in excess of the daily bag limit for that species or in excess of the aggregate daily bag limit, whichever applies, as established by this chapter.

(2) No member shall possess migratory birds taken off-reservation in excess of the possession limits for that species established by this chapter.

(3) When a daily bag limit or aggregate daily bag limit is established in terms of "points", the daily bag limit or aggregate daily bag limit, whichever applies, is reached when the point value established by this chapter of the last migratory bird taken during that day reaches or

exceeds the maximum number of points allowed for that day.

(4) For purposes of enforcing bag and possession limits under this chapter, all migratory birds in a member's possession or custody on ceded lands will be considered to have been taken on those lands, unless tagged by a tribal, Commission or state conservation warden as taken on reservation. No migratory bird falling on reservation lands will be counted as part of a bag or possession limit.

10.05 Methods.

(1) Unless expressly modified by a U.S. Fish and Wildlife Service Final Rule incorporated into this ordinance pursuant to Section [10.03](#)(1) [Seasons and Annual Harvest Regulations], migratory birds for which open seasons are prescribed may be taken by any method except those prohibited in this section.

(2) No member shall take migratory birds:

(a) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by any means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: Provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this section for any member to take migratory waterfowl in an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(h) By the aid of baiting, or on or over any baited area. As used in this subsection, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked or unshucked corn, wheat, other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this section shall prohibit:

(i) the taking of all migratory birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(ii) the taking of all migratory birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: Provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown;

(i) While possessing shotshells loaded with shot other than steel shot or such shot approved as non-toxic by the Director of the U.S. Fish and Wildlife Service, provided that this restriction applies only to the taking of ducks, geese (including brant), swans and coots and any species that make up aggregate bag limits during concurrent seasons with the former;

(j) With shot larger than size T; or

(k) By the use or aid of any motor driven land, water, or air conveyance, or any sailboat, used for the purpose of or resulting in the concentrating, stirring up, driving, or rallying any migratory bird.

10.06 Shooting Hours.

No member shall take migratory birds except during the lawful hunting hours established by the U.S. Fish and Wildlife Service Final Rule incorporated into this ordinance pursuant to Section [10.03](#)(1) [Seasons and Annual Harvest Regulations].

10.07 Wanton Waste of Migratory Birds.

No member shall kill or cripple any migratory bird pursuant to this chapter without making a reasonable effort to retrieve the bird, and retain it in his or her actual custody, at the place where taken or between that place and any of the following places:

- (1) The member's automobile or principle means of land transportation;
- (2) The member's personal abode or temporary or transient place of lodging;
- (3) A migratory bird preservation facility as defined by Section [10.01](#)(2) of this ordinance;
- (4) A post office; or
- (5) A common carrier facility.

10.08 Decoys.

No member shall take any migratory bird with decoys which are:

- (1) Placed beyond 200 feet from the location in which the member is located;
- (2) Placed in the water prior to one hour before opening of shooting hour; or
- (3) Left in the water more than 20 minutes after the close of shooting hours.

10.09 Structures.

No member shall hunt migratory birds from any publicly owned pier, dam, dock, breakwater, or similar man-made structure where the prohibition of such hunting is clearly posted.

10.10 Duck Blinds.

(1) No member shall establish a permanent duck blind on state property, including the bed of any navigable lake, prior to 7 days before the migratory bird season or leave it established beyond 7 days after the close of the season.

(2) No member shall leave on state property during the season any blind unless such blind permanently bears the name (in lettering one-inch square or larger) of the member who constructed the blind.

10.11 Possession Regulated.

(1) Prohibited if taken in violation of sections 10.05-10.10. No member shall at any time, by any means, or in any manner, possess or have in custody any migratory bird or part thereof, taken in violation of any portion of Sections [10.05-10.10](#) [Methods; Shooting Hours; Wanton Waste of Migratory Birds; Decoys; Structures; Duck Blinds] of this ordinance.

(2) During closed season. No member shall possess any freshly killed migratory bird taken off of the reservation during the closed season.

(3) Possession limit. No member shall possess more migratory birds taken in the ceded territory than the possession limit or the aggregate possession limit, whichever applies. This section applies only to transportation. Possession limits for the purposes of this subsection do not include birds which are cleaned, dressed, and at the member's primary residence.

(4) Opening day of a season. No member on the opening day of the season shall possess any migratory bird freshly killed off of the reservation in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

(5) Field possession limit. No member shall possess, have in custody, or transport more than the daily bag limit, or aggregate daily bag limit, whichever applies, of migratory birds, tagged or not tagged, at or between the place where taken and any of the following places:

- (a) The member's automobile or principle means of land transportation;
- (b) The member's personal abode or temporary or transient place of lodging;
- (c) A migratory bird preservation facility as defined in Section [10.01\(3\)](#) of this ordinance;
- (d) A post office; or
- (e) A common carrier facility.

(6) Tagging requirements. No member shall put or leave any migratory bird at any place (other than his or her personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such bird has a tag attached, signed by the member, stating his or her address **or tribal hunting identification number and the initials “__” indicating membership in the tribe**, the total number and species of birds, and the date such birds were killed. Migratory birds being transported in any vehicle as the personal baggage of the processor shall not be considered as being in storage or temporary storage.

(7) Custody of birds of another. No member shall receive or have in custody any migratory bird belonging to another person unless such bird has been tagged as required by subs. (6).

(8) Possession of live birds. Every migratory bird wounded by hunting and reduced to

possession by the hunter shall be immediately killed and become part of the daily bag limit. No member shall at any time, or by any means, possess or transport live migratory game birds taken pursuant to this ordinance.

(9) Termination of possession. Subject to all other requirements of this chapter, the possession of any migratory bird taken by any member shall be deemed to have ceased when such bird has been delivered by him or her to another person as a gift; or have been delivered by him or her to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the member.

(10) Gift of migratory bird. No member shall receive, possess, or give to another, any freshly killed migratory birds as a gift, except at the personal abode of the donor or donee, unless such birds have a tag attached, signed by the member who took the birds, stating such member's address **or tribal hunting identification number and the initials “__” indicating membership in the tribe**, the total number and species of birds and the date such birds were taken.

10.12 Transportation Regulated.

(1) Prohibited if taken in violation of sections 10.05-10.10. No member shall at any time, by any means, or in any manner, transport any migratory bird of part thereof, taken in violation of any provision of Section 10.05-10.10 [Methods; Shooting Hours; Wanton Waste of Migratory Birds; Decoys; Structures; Duck Blinds] of this ordinance.

(2) Transportation of birds of another. No member shall transport any migratory bird belonging to another person unless such bird is tagged as required by Section 10.11(6) [Possession Regulated: Tagging Requirements] of this ordinance.

(3) Species identification requirement. No member shall transport within the United States any migratory birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or at a migratory bird preservation facility as defined in Section 10.01(3) [Definitions: Migratory Bird Preservation Facility].

(4) Marking package or container. No member shall transport by the Postal Service or a common carrier migratory birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

10.13 Exportation Regulated.

(1) Prohibited if taken in violation of sections 10.05-10.10. No member shall at any time, by any means, or in any manner, export or cause to be exported, any migratory bird or part thereof, taken in violation of any provision of Sections 10.05-10.10 [Methods; Shooting Hours;

Wanton Waste of Migratory Birds; Decoys; Structures; Duck Blinds] of this ordinance.

(2) Species identification requirement. No member shall export migratory birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

(3) Marking package or container. No member shall export migratory birds via the Postal Service or common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

10.14 Permit Required.

No member shall hunt migratory birds pursuant to this ordinance without possessing a valid migratory bird hunting permit issued by the Tribe.

10.15 Closed Areas.

No member shall fail to comply with the closures and other restrictions with respect to wildlife refuges and closed areas as established pursuant to Section [3.27](#) [Tribal Administrative Documents Established] of this ordinance.

10.16 Authorization for Emergency Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close or temporarily suspend any season in any particular locale to tribal off-reservation migratory bird hunting provided:

(1) That a continuation of the season would impact significantly the migratory bird resource; and

(2) In the case of a temporary suspension, notice is provided to members of the date and time when the season may be resumed.

10.17 Enforcement by U.S. Fish and Wildlife Service Personnel.

Any Memorandum of Agreement or other such document by which the Tribe and the U.S. Fish and Wildlife Service establish the conditions upon which the Service's personnel may enforce the provisions of this ordinance is hereby incorporated into this ordinance as if set forth in its entirety herein.

10.18 Assistance by Non-Members.

No person who is not a member or a member of another signatory tribe shall assist a member in the hunting of migratory birds pursuant to this ordinance except as provided in Section [3.30](#) [Permissible Conduct/Assistance by Non-Members].

10.19 Sale of Migratory Birds Parts Regulated.

(1) No member shall sell the meat of any migratory bird taken in the ceded territory.

(2) Nothing in this ordinance shall be construed to prohibit a member from selling the feathers of migratory waterfowl (ducks, geese, brant and swans) lawfully harvested pursuant to this ordinance for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses except that:

(a) No member shall purchase or sell, or offer to purchase or sell, for millinery or ornamental use the feathers of migratory birds taken in the ceded territory; and

(b) No member shall purchase or sell, or offer to purchase or sell, mounted specimens of migratory birds taken in the ceded territory.

10.20 Hunting on Certain Public Lands Prohibited.

No member shall hunt on any of the following lands except as noted:

(1) Designated public campgrounds, public beaches and public picnic areas.

(2) School forests, public landfills and public gravel pits where migratory bird hunting is prohibited and where notice of the prohibition is clearly posted.

(3) Public lands within incorporated areas except for those lands which are designated for migratory bird hunting.

(4) All state parks.

10.21 Hunting on Certain Private Lands Prohibited.

No member shall hunt migratory birds on any privately-owned land except those lands which, pursuant to Chapter 77.16, Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

CHAPTER 15 - ELK HARVESTING REGULATIONS

15.01 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

(1) “Antlerless Elk” means an elk not having at least one antler that is six (6) inches, or greater than six (6) inches, in length.

(2) “Bow” shall have the meaning provided in Section 6.01(3).

(3) “Bull Elk” means an elk having one or more antlers that are six (6) inches, or greater than six (6) inches, in length.

(4) “Crossbow” shall have the meaning provided in Section 6.01(4).

(5) “Firearm” shall have the meaning provided in Section 6.01(5).

15.02 Open and Closed Season.

(1) A closed season is hereby established for the hunting of elk except for the regular season specified in Section 15.07.

(2) Except as otherwise expressly provided by this ordinance, no member shall hunt elk off-reservation in the ceded territory during the closed season.

15.03 Number of Elk Available for Harvest.

(1) The number of elk (tribal quota) which shall be available for harvest in each elk management zone pursuant to this ordinance for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the *Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory* and the *Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest) Harvest Levels*.

(2) No member shall hunt elk in any elk management zone in which no tribal quota has been made available pursuant to subs. (1) or which has been closed to further elk hunting pursuant to Section 15.19.

15.04 Elk Management Zones.

Elk Management Zones as set forth in the Commission’s document entitled *Tribal Management Units and Zones in the 1837 and 1842 Ceded Territories* that is incorporated into this ordinance pursuant to Section 3.27 are hereby established.

15.05 Elk Hunting Permits/Tags.

(1) No member shall hunt elk pursuant to this chapter without possessing a valid antlerless elk hunting permit or a valid bull elk hunting permit approved by the Tribe. Such a permit may be the member's tribal identification card required by Section 3.02(2).

(2) (a) No member shall hunt elk without possessing a valid carcass tag, except as provided in Section 15.11 [Group Elk Hunting].

(b) The tribal conservation department shall issue no more than one (1) carcass tag to a member, at one time.

(3) (a) No member shall hunt antlerless elk without a valid antlerless elk hunting permit bearing the number of the member's carcass tag and valid for the date on which the member is hunting, except as provided in Section 15.11 [Group Elk Hunting].

(b) No member shall hunt bull elk without a valid bull elk hunting permit bearing the number of the member's carcass tag and valid for the date on which the member is hunting, except as provided in Section 15.11 [Group Elk Hunting].

(4) No antlerless elk hunting permits or bull elk hunting permits shall be considered valid for any elk management unit, or portion of any elk management unit:

(a) which is shown to be closed on the permit; or

(b) which has been deactivated by the tribe's permitting system.

(5) No member shall move or field dress an elk before affixing to it a valid carcass tag.

(6) Except as otherwise provided in this ordinance, antlerless elk permits or bull elk permits shall be valid for the open season specified in Section 15.07.

(7) The number, and intertribal distribution, of antlerless elk permits or bull elk permits, which may be issued at any one time for an elk management zone during the open season shall be determined in accordance with the procedures and methods approved pursuant to the *Chippewa Intertribal Agreement Concerning Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory*, and the *Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest)*.

15.06 Elk Registration.

(1) A member who has killed an elk pursuant to this ordinance, whose carcass tag has been placed on the elk, shall register the elk by presenting it to a tribal registration station no later than 5:00 p.m. of the next calendar day after the killing. For the purpose of this ordinance, a tribal registration station may include Wisconsin Department of Natural Resources field stations, or offices as may be designated from time to time, by the Tribe.

(2) Upon registering an elk pursuant to this section, the registering official shall affix a registration tag to the carcass, duly record, in an appropriate manner, all information required to be provided by the member at the time of registration and deactivate the elk hunting permit associated with the carcass tag.

(3) A member registering an elk shall provide the registering official with the following information: whether the elk taken is a bull or antlerless elk, the management zone where the elk was taken, the date when the elk was taken, the tribal identification number of the member taking the elk and any other relevant information requested by the registering official. A member registering an elk shall also provide the Tribal Conservation Department, or its designee, with access to the carcass, or parts of the carcass, for any required biological testing.

(4) No member shall register an elk except by presenting the whole carcass, either whole or quartered, to the registering official or, in the alternative, by presenting the head and at least 6 inches of the neck, measured from base of the skull, provided the carcass tag is firmly affixed to the head or any part thereof.

(5) No person shall provide information to the registering official which the person knows, or has reason to know, is false or misleading.

(6) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register elk in the field, provided such warden transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.

15.07 Elk Seasons; Specific Regulations.

All dates given in this section are inclusive.

(1) Closed Season. No member shall hunt elk from the first Monday following New Year's Day to Labor Day.

(2) Regular Season.

(a) An annual regular firearm, bow and crossbow season is hereby established beginning on the day after Labor Day and ending on the first Sunday following New Year's Day or as otherwise provided by a GLIFWC Commission Order (when the Tribes have established an elk hunting season through the issuance of a Commission Order and declaration of a tribal quota).

(b) Unless otherwise provided by a GLIFWC Commission Order, no member shall:

(i) Fail to comply with the provisions of Section 3.21(2) [Blaze Orange/Pink Required]; or

(ii) Fail to comply with any of the restrictions or requirements generally applicable to elk hunting pursuant to this ordinance.

(3) Emergency Closure. Nothing in this section shall be construed to authorize elk hunting or the opening of an elk hunting season contrary to an Emergency Closure Order issued pursuant to Section 3.31 [Emergency Closure].

15.08 Permissible Methods.

No member shall hunt elk except by the use of any firearm, bow or crossbow, the use of which is not prohibited by this ordinance.

15.09 Firearms Restrictions.

No member shall hunt elk with any firearm the use of which is prohibited pursuant to Section 6.09 for hunting deer, or while possessing more than one handgun, or with the use of buckshot.

15.10 Bow/Crossbow Restrictions.

No member shall hunt elk with a bow or crossbow not in compliance with the provisions of Section 6.10.

15.11 Group Elk Hunting.

(1) As used in this section:

(a) "**Contact**" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "**Group elk hunting party**" means 2 or more members lawfully hunting elk in a group under this ordinance.

(2) Any member of a group elk hunting party may kill an elk for another member of the group elk hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the member who kills the elk is in contact with the person for whom the elk is killed.

(b) The member for whom the elk is killed possesses a current unused elk carcass tag.

(3) A member who kills an elk under subs. (2) shall ensure that a member of his or her group elk hunting party without delay attaches an elk carcass tag to the carcass prior to moving or field dressing it. No member who kills an elk while group hunting shall leave the elk unattended until after it is properly tagged.

15.12 Hunting Hours.

(1) No member shall hunt elk except during the following hours (dates and times are inclusive and all times refer to Central Standard Time and should be adjusted one hour as necessary to account for Daylight Savings Time):

(a) The day after Labor Day - close of the elk “regular season”: One-half hour before sunrise to 20 minutes after sunset or as otherwise provided by a GLIFWC Commission Order.

(2) Lawful elk hunting hours shall be determined in accordance with the *Tribal Hunting Hours Zone/Table* attached to this ordinance after Chapter 15.

15.13 Hunting on Certain Public Lands Prohibited.

No member shall hunt elk on any of the following public lands except as noted:

(1) Designated public campgrounds, public beaches and public picnic areas.

(2) School forests, public landfills and public gravel pits, where hunting is prohibited, and where notice of the prohibition is clearly posted.

(3) Public land within incorporated areas, except for those lands which are designated for bow and gun hunting.

(4) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as elk hunting is permitted in those areas.

(5) All state parks, except as described in the following comprehensive tribal document as it may be amended from time to time, and is hereby adopted and incorporated in this ordinance as if fully set forth herein, and no member shall fail to comply with the closures and other restrictions established in this document:

Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories.

15.14 Hunting on Certain Private Lands Prohibited.

No member shall hunt elk on any privately-owned land except those lands which, pursuant to Chapter 77.03 and 77.83(2), Wis. Stats., have been designated as Forest Croplands or Open Managed Forest Lands.

15.15 Sale of Elk and Elk Parts.

(1) Head, Skin and Hooves. Nothing in this ordinance shall be construed to prohibit any member from selling to any person the head, including antlers and teeth, skin,

and hooves, when severed from the rest of the carcass, of any elk lawfully killed pursuant to this ordinance.

(2) Meat. No member shall sell the meat of any elk killed pursuant to this ordinance, except in accordance with the provisions of Sections 15.16 and 15.17.

15.16 Sale of Elk Meat to Members.

(1) Purpose. The purpose of this section is to regulate the sale of elk meat to members of signatory tribes where subsequent sale or resale of the meat to non-members is prohibited. Nothing in this ordinance shall be construed to limit the number of elk, or parts thereof, which may be sold to such members pursuant to this section.

(2) Sale to Members. Any member who has lawfully harvested and registered an elk pursuant to this ordinance may sell the carcass, or any part thereof, of the elk to any other member provided no member who receives a carcass or any part thereof pursuant to this subsection or pursuant to subsection (3) shall sell the carcass or part thereof to any person who is not a member of a signatory tribe.

(3) Sale to Members of Other Tribes. Any member who has lawfully harvested and registered an elk pursuant to this ordinance may sell the carcass, or any part thereof, of the elk to a member of a signatory tribe provided that such other tribe prohibits its member who receives a carcass or any part thereof pursuant to this subsection from selling the carcass or part thereof to any person who is not a member of a signatory tribe.

(4) General Permit/Registration Provisions Unaffected. The provisions of Section 15.05 [Elk Hunting Permits/Tags], including the requirements of Paragraph 5 of the *Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest) Harvest Levels*, and of Section 15.06 [Elk Registration] are not affected by the provisions of this Section.

15.17 Commercial Harvest Established and Regulated.

(1) Purpose. The purpose of this section is to establish the regulations governing the harvest and registration of elk, the meat of which may be sold pursuant to this ordinance when subsequent sale or resale of the meat to non-members is contemplated.

(2) Effective Date.

(a) The provisions of this section shall not take effect until such time as the tribe's governing body specifically declares them effective by an enabling resolution.

(b) No member shall sell any elk meat pursuant to this section prior to the effective date as declared by the tribe's governing body in accordance with subs. (a).

(3) Commercial Harvest Generally. A member who, between July 1 and June 30, has lawfully harvested elk pursuant to this ordinance may register those elk for commercial purposes and may sell to any person only the whole or quartered carcasses (except for the heads, skins and hooves) of any of those elk, provided the member:

(a) complies with the commercial harvest provisions of this Section;

(b) complies with the terms and conditions of the enabling resolution of the tribe's governing body enacted pursuant to subs. (2)(a); and

(c) otherwise complies with the provisions of this ordinance applicable to elk hunting.

(4) Elk Commercial Harvest.

(a) A member may register pursuant to this subsection an elk lawfully harvested in any tribal elk management zone.

(b) When registering an elk under this subsection, a member shall present the entire elk carcass, whole or quartered for registration, and no registering official shall register an elk under this subsection unless the entire carcass, whole or quartered, is presented for registration.

(c) A member may register an elk under this subsection at any tribal registration station, or with any person authorized to register elk in the field, at which time the registering official shall affix a commercial harvest registration tag to the carcass.

(d) This subsection is not intended to limit a member's ability to otherwise register an elk under the provisions of Section 15.06 [General Elk Registration Provisions] for noncommercial purposes, but only shall serve to condition the harvest and limit the number of elk which the member may register under this subsection.

(e) Except as modified by the provisions of this subsection, the provisions of Section 15.05 [Elk Hunting Permits/Tags], including the requirements of Paragraph 5 of the *Voigt Intertribal Task Force Protocol Noodamashkoozwe (Elk Harvest) Levels*, pursuant to that Agreement, and of Section 15.06 [Elk Registration], shall apply to members desiring to register antlered elk under this subsection.

(5) Transfer of Entire Carcass Required. No member who has harvested and registered any antlered or antlerless elk pursuant to this section shall sell the elk without transferring the entire carcass, whole or quartered, except for the head, skin and hooves, the registration tag and such accompanying documents as the Tribe may require be transferred to the person to whom the elk is sold.

15.18 Shining Prohibited.

(1) Until such time as a tribal antlerless elk season has been established, no member shall hunt elk while shining as defined in Section 3.14.

(2) Upon the establishment of a tribal antlerless elk season, the tribal conservation department may issue permits that authorize hunting elk at night up to a maximum shooting distance of one-hundred (100) yards, by shining within an established safe zone of fire from a stationary position, between one hour after sunset and one hour before sunrise, provided that no such permit shall be effective beginning the night before the middle deer season established pursuant to Section 6.07(3) of this ordinance until the night of the day following the middle deer season, except:

(a) No member 10 years of age or older but under 16 years of age may hunt under this section unless at all times while hunting, the person is a mentored hunter who meets the requirements of Section 3.17(3) of this ordinance.

A member occupying a night hunting location outside of nighttime hunting hours may not: possess a loaded firearm, have a bolt in a crossbow, or possess a bow with a nocked arrow from the close of “daytime” hunting hours pursuant to Section 15.12 of this ordinance until the opening of “nighttime” hunting hours (one hour after sunset) and from the close of “nighttime” hunting hours (one hour before sunrise) to the opening of “daytime” hunting hours pursuant to Section 15.12 of this ordinance.

(3) No member shall hunt elk at night while shining within an established safe zone of fire from a stationary position under this section unless in possession of a signed and certified shooting plan, a tribal identification card, and a permit issued pursuant to subs. (2). Any member hunting and shining elk under this section shall be subject to all terms and conditions in this section and in the permit issued pursuant to subs. (2) as otherwise conditioned by the tribal conservation department, as well as all other provisions of this ordinance regulating hunting, unless expressly provided otherwise in this section.

(4) No member hunting elk at night while shining within an established safe zone of fire from a stationary position under this section shall:

(a) hunt elk between one hour after sunset and one hour before sunrise except with a light, which may include but is not limited to high-powered lights held by hand, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow. Unless the member arrives at the specified location during daylight hours, the member must shine the established safe zone of fire and adequate backstop area prior to hunting in order to properly evaluate the contents of the night hunting location;

(b) shine elk between one hour after sunset and one hour before sunrise except within an established safe zone of fire from a stationary position, or to trail a wounded animal;

(c) discharge a firearm, bow and arrow or crossbow between one hour after sunset and one hour before sunrise except within an established safe zone of fire, in the direction detailed on the member's shooting plan, from a stationary position, at an elk located within the "safe zone of fire;"

(d) hunt and shine elk between one hour after sunset and one hour before sunrise from the first Monday following New Years Day to October 31;

(e) use a firearm, bow and arrow or crossbow unless the member has received a marksmanship proficiency certificate for the particular method to be utilized;

(f) use a projectile other than one with a soft point or which is an expanding bullet type;

(g) shoot at running elk unless mitigating circumstances exist.

(5) A member hunting elk at night while shining within an established safe zone of fire from a stationary position under this section may but is not required to:

(a) hunt and shine elk between one hour after sunset and one hour before sunrise with the aid of electronic or other calling techniques or hunt over bait as otherwise authorized by this ordinance;

(b) hunt and shine elk between one hour after sunset and one hour before sunrise with the use of an infrared, night vision, or thermal imaging equipment; provided the equipment shall not be used as a sighting device and shall not be mounted on a firearm, bow or crossbow;

(c) hunt and shine elk between one hour after sunset and one hour before sunrise with the use of a telescopic site;

(d) hunt and shine elk between one hour after sunset and one hour before sunrise with the use of a spotter in order to have an additional set of eyes to see the target and the designated backstop as well as to prevent tunnel vision; provided, that the spotter shall not possess a firearm or otherwise be engaged in the shooting aspect of hunting; and provided further that the tribal conservation department may impose other such terms and conditions as it deems necessary or appropriate to ensure safety while hunting and shining elk with the use of a spotter.

(6) Before issuing a permit pursuant to subs. (1), the tribal conservation department shall ensure the receipt of a signed and certified shooting plan valid from November 1 to the close of the season as follows:

(a) a member intending to hunt elk at night while shining within an established safe zone of fire from a stationary position under this section up to a maximum distance of one-hundred (100) yards shall submit a "preapproved

shooting plan” to the tribal registration station prior to receiving a permit pursuant to subs. (1). The member must visit the area detailed in the shooting plan at least once during daytime hours from the day after Labor Day to the close of the elk season and the shooting plan shall clearly mark the “safe zone of fire,” the member’s stationary position, the adequate backstop present within one-hundred twenty-five (125) yards from the stationary position, the direction of intended fire, and the following locations within a quarter-mile:

(i) an area including the grounds of a school plus 1,000 feet in all directions;

(ii) school forest, public landfill, or public gravel pits where hunting is prohibited and where notice of the prohibition is clearly posted;

(iii) road;

(iv) residence, building or dwelling;

(v) designated public campgrounds, public beaches, or public picnic areas;

(vi) lake or waterbody;

(vii) ATV trail, snowmobile trail, or other designated trails (such as hiking, biking or cross country ski trail);

(viii) open area;

(ix) private property;

(x) all closed portions of state parks as described in the *Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories* document;

(xi) another tribal shooting plan area;

(xii) any other area as determined by the tribal conservation department.

Member shooting plans that do not include the locations specified in this section within the clearly marked “safe zone of fire” and “direction of intended fire” shall be considered compliant shooting plans, otherwise no member shall mark a “safe zone of fire” with any of the locations specified in this section within a quarter-mile in the “direction of intended fire” on a shooting plan without an adequate backstop present between the marked “safe zone of fire” and the specified location. Members must take reasonable precautions to prevent against the establishment of a non-compliant shooting plan. At a maximum only two shooting plans may be approved

per forty (40) acre parcel or every two-hundred twenty (220) yards. Only one shooting plan shall be approved for a specified location, at a time. The member that submitted the shooting plan, or the tribal conservation department, may rescind the approval of a shooting plan, and thereby subsequently approve the shooting plan of another member for the specified location.

(b) A member intending to hunt elk at night while shining within an established safe zone of fire from an elevated stationary position (a minimum of ten feet off the ground) under this section up to a maximum distance of fifty (50) yards shall submit a shooting plan (which does not need to be preapproved) to the tribal registration station prior to receiving a permit pursuant to subs. (2). The member must visit the area detailed in the shooting plan during daytime hours from the day after Labor Day to the close of the elk hunting season and the shooting plan shall clearly mark the “safe zone of fire,” the member’s elevated stationary position, the adequate backstop present within one-hundred twenty-five (125) yards from the stationary elevated position, the direction of intended fire, and the locations within a quarter-mile pursuant to subs. (6)(a).

(c) A member possessing a valid disabled hunter permit pursuant to Section 3.32 of this ordinance, intending to hunt elk at night while shining within an established safe zone of fire from a stationary position under this section shall submit a “preapproved shooting plan” to the tribal registration station prior to receiving a permit pursuant to subs. (2). The shooting plan shall clearly mark the “safe zone of fire,” the member’s stationary position, the adequate backstop present, the direction of intended fire, and if hunting from a roadway, the shooting plan shall detail the stretch of road and surrounding locations within a quarter-mile pursuant to subs. (6)(a), provided:

(i) The tribal conservation department shall only issue a member possessing a valid disabled hunter permit, one valid permit pursuant to subs. (2) at a time;

(d) No member hunting deer at night while shining within an established safe zone of fire from a stationary position under this section shall discharge a firearm, bow and arrow, crossbow except as identified within the shooting plan as follows:

(i) from the member’s marked stationary position;

(ii) from within the “safe zone of fire” with an adequate backstop present;

(iii) in the direction of intended fire.

(e) When submitting a shooting plan, no member shall provide false or misleading information or otherwise fail to complete a shooting plan in the manner required by the tribal conservation department. The tribal conservation department

shall issue no further permits under this section for the remainder of the season, to any member who has provided false or misleading information or otherwise failed to complete a shooting plan in the manner required by this section and the tribal conservation department.

(7) A member hunting elk at night under this section may pursue and take an elk wounded by the member while shooting within an established safe zone of fire from a stationary position, provided that a light may be used to trail the wounded animal as well as at the point of kill for the purpose of accurately identifying the elk and safely aiming the weapon in the direction of intended fire as identified within the plan and killing the wounded elk when the wounded animal is within the safe zone of fire designated on the member's shooting plan. The wounded elk may not be dispatched with a firearm, bow and arrow, or crossbow prior to one-half hour before sunrise when the wounded animal is located outside the safe zone of fire designated on the member's shooting plan, however the member may dispatch the wounded animal by means other than a firearm, bow and arrow, or crossbow (such as with a knife).

(8) A permit may be only issued to members pursuant to subs. (2) who have completed an advanced hunter safety/marksmanship training course and received a marksmanship proficiency certificate from the tribe, as follows:

(a) The tribal conservation department shall issue firearms marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of a NRA certified target at 100 yards. Firearms allowable for certification are those firearms otherwise allowable for elk hunting pursuant to section 15.09 of this ordinance.

(b) The tribal conservation department shall issue bow/crossbow marksmanship proficiency certificates once the qualification shoot is completed during nighttime hours with a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of an NRA certified target at 30 yards. Bows/crossbows allowable for certification are those bows/crossbows otherwise allowable for elk hunting pursuant to Section 15.10 of this ordinance.

(9) Once a permit pursuant to subs. (2) has been certified, the tribal conservation department shall provide for the advance notification of appropriate federal, state and local officials, as those officials request notification, by providing a list of the tribal hunting identification numbers of authorized members and copies of preapproved shooting plans which contain sufficient detail to determine the hunting location.

15.19 Authorization for Closure.

The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to close any elk management zone, or portion of an elk management zone, to elk hunting prior to the season's closing date, provided there is no tribal quota

remaining in that zone, or when it appears imminent that more than the tribal quota for that zone will be harvested prior to the expiration of the next permit period.

15.20 Removal and Retention of Tags.

(1) No member who kills an elk pursuant to this ordinance shall remove a carcass tag or registration tag from that elk until such time as the carcass is butchered.

(2) No member who kills an elk pursuant to this ordinance shall dispose of the registration tag until the meat is consumed.

(3) Any person who receives any meat from a member as a gift or pursuant to Section 15.16 [Sale to Members] from a member who retains a registration tag under this section is not required to possess a registration tag.

15.21 Assistance by Non-Members.

(1) Conduct which is not expressly prohibited, restricted or otherwise regulated by this ordinance shall be deemed permissible.

(2) Except as provided in subs. (3) or as otherwise provided herein, nothing in this ordinance shall be construed to prohibit a member from hunting elk with any other person who is not a member of the Band, provided that such other person possesses a license or permit, or is otherwise not prohibited from engaging in the activity involved and complies with applicable laws.

(3) No person who is not a member or a member of another signatory tribe shall assist a member in the hunting of elk pursuant to this ordinance except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members].



**Tribal Hunting Hours in the 1837 and 1842 Ceded
Territories of Wisconsin and Minnesota**

**Great Lakes Indian Fish & Wildlife
Commission**

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August 2019

Off-Reservation Conservation Code (Red-Lined Version)

Appendix A

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Tribal Hunting Hours
August 2019

Hunting hours for big game and small game are provided below for the 1837 and 1842 ceded territories in Wisconsin (Table 1) and the 1837 ceded territory in Minnesota (Table 2). The listed times are all relative to local sunrise and sunset times. Local sunrise and sunset times can be determined using apps such as *WEATHERBUG* or *SUN SURVEYOR LITE* on a mobile device, or websites such as google.com or sunrise-sunset.org. Hunting hours for migratory birds are published annually in the federal register, and posted on GLIFWC's website (glifwc.org).

Table 1. Hunting hours for the 1837 and 1842 ceded territories in Wisconsin.

SPECIES	SHOOTING HOURS	
	START	END
Bear	½ hour before sunrise	20 minutes after sunset
Deer		
Elk		
Bobcat		
Beaver		
Bobwhite Quail		
Hungarian Partridge		
Pheasant		
Ruffed Grouse		
Sharp-tailed Grouse		
Turkey		
Coyote		
Cottontail Rabbit		
Raccoon		
Red Fox		
Gray Fox		
Red, Gray, Fox Squirrel		
Snowshoe Hare		
Unprotected Species	1 hour after sunset	1 hour before sunrise
Night Hunting Deer		

Tribal Hunting Hours
August 2019**Table 2.** Hunting hours for the 1837 ceded territory in Minnesota.

SPECIES	SHOOTING HOURS	
	START	END
Bear	½ hour before sunrise	½ hour after sunset
Deer		
Badger		
Bobcat		
Beaver		
Bobwhite Quail		
Coyote		
Cottontail Rabbit		
Hungarian Partridge		
Mink		
Muskrat		
Pheasant		
Red, Gray, Fox Squirrel		
Ruffed Grouse		
Sharp-tailed Grouse		
Snowshoe Hare		
Turkey		
Raccoon	24 hours per day*	
Red Fox		
Gray Fox	*During Minnesota regular firearm deer season: ½ hour before sunrise – ½ hour after sunset	
Unprotected Species		
Night Hunting Deer	½ hour after sunset	½ hour before sunrise
Night Hunting Bear		