



**LAC COURTE OREILLES BAND
OF LAKE SUPERIOR CHIPPEWA
INDIANS OF WISCONSIN**

TRIBAL CODE OF LAW

**TITLE VI
CONSERVATION**

TITLE VI – CHAPTER 1
RESERVATION / TRIBAL LAND CONSERVATION CODE
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

Preamble

Hunting, fishing and gathering has always been central to the Ojibwe way of life. As such, it is important that this ordinance fulfills two equally important goals. First, it must preserve *gidizhitwaawininaan* (our traditions and customs). Second, it must regulate the modern realities of hunting, fishing and gathering that our ancestors did not have to contemplate, such as ensuring Tribal members' safety from gunfire in residential areas. In order to ensure that this ordinance is interpreted in the spirit of *gidizhitwaawininaan*, statements of tradition and custom are placed throughout this ordinance. It is hoped that these statements will help to both preserve our past and provide guidance and education for our future.

Gidizhitwaawininaan¹

Gii-kiiyosewag gidaanakoobijiganinaanig da-zhaabwiiwaad. Wiiyaas ogii-miijinaawaan. Okanan gii-inaabadadoon da-aabajichiganikeng. Owayaanaiwaan dash gii-inaabadoon da-biizikiiganikeng.²

Geget giiyose a'aw anishinaabe da-zhaabwiid. Mii ezhichiged. Mii-wenji-gichi-apiitenimaad akina bemaadizinijin a'aw Anishinaabe.³

Gidibaajimoninaanin gidoondinaamin gidizhitwaawininaan ge-izhi-giiyoseyang. Mii niizh onow dibaajimonan.⁴

Nitam dibaajimaa a'aw gimaamaanaan gaa-pi-izhi-dagoshing omaa akiing miinawaa gaa-izhi-bimaaji'igod awiisiinyan. Miinawaa ogii-kikinoo'amawaawaan da-apiitenimaad. Miinawaa dibaajimaawag ongow anishinaabe miinawaa anishinaabekwe nitam gaa-izhi-inaakonamowaad ge-izhi-giiyosenid anishinaaben niigaan.⁵

¹ Tradition and Custom

² Hunting provided the means for our ancestors' survival. The meat provided us with food, the bones with tools, and the hides with clothing.

³ But hunting is more than just a functional activity for the Ojibwe people; it is a way of life, which is marked by great respect and appreciation for all life.

⁴ Our stories illustrate our values surrounding hunting. Included here are two stories.

⁵ First is the story of Mother Earth's fall to Earth and how the animals saved her and taught her to respect them. Second is the story of the first Indian man and woman and how we chose hunting for our way of life.

Gii-kagwejimaad gimaamaanaan da-wiindigemigod a'aw Waabanag ogii-wiindamawaan ge-izhi-biminizha'aminid odinaakonigan. Gaawiin wiika oada-ganawaabandanziin yo'ow gidakiiminaang.⁶

Oada-gwiinawendaan yo'ow aki bi-inaabid ge-pi-izhi-giiwed. Ogii-nakomaan iniw Waabanang ge-izhi-bi-inaabisig. Mii gaa-izhi-aanjigozid a'aw gimaamaanaan iwidi negweyaabiwigiwaaming giizhigong wiijidaamaad iniw Waabanang, Giizisoon, Dibiki-giizisoon igaye.⁷

Giizhigong eyaawaad gii-gibishkwaande'onike a'aw Waabanang aabajitood mayaajigingin miinawaa chi-asiniin da-bi-inaabisinid owidi gidakiiminaang.⁸

Aabiding gii-pezhigo iwidi giizhigong a'aw gimaamaanaan gaa-izhi-naading omaangaanibaajiganaatig wii-o-naajimiiijimed. Ogii-asiginaanan mayaajigingin jiiigishkwaandem gbishkwaande'oning. Gaawiin gii-ayaangwaamizisiin gaa-izhi-bagone'ang gibishkwaande'on gaa-izhi-dapaabandang yo'ow gidakiiminaang.⁹

Gii-mawi a'aw gigitiziiminaan gaa-onji-gwiinawendang yo'ow aki. Ogii-noondaagoon onow waajidaamaad naazikaagod onzaam ogii-shawenimigoon. Gikendang gaa-pi-inakamigak a'aw Waabanang ogii-inaan iniw gimaamaanaan: "Geget gizhawenimin miinawaa bimiwijigeyan, booch da-banininaan wii-kiiweyan." Mii-gaa-izhichiged.¹⁰

Gii-niisaashid gii-ondademo inenindizod da-aapijishing. Ogii-noondaagoon waabiziig miinawaa nikag gaa-izhi-bagamisenid gimaamaanaan eyaad giizhigong.¹¹

Gii-pagami-ayaa opikwaanining bineshiinyan gaa-izhi-giiweyoomigod owidi akiing.¹²

Ogii-naazikaagoon iniw waawaashkeshiinyan gii-tagoshing gaa-inigood: "Gii-wiindamaage a'aw gizhe-manidoo niigaan ge-pi-izhaanid anishinaaben miinawaa da-

⁶ When the Morning Star asked Mother Earth to be his wife and live with him in the sky world, he cautioned her that she must follow one rule: she must never look down on the earth.

⁷ If she did, she would become homesick and have to be returned to earth. Mother Earth promised to not look at the earth and went to live with Morning Star, the Sun and the Moon in their rainbow wigwam in the sky world.

⁸ When they got to the sky world, Morning Star covered the doorway to the earth with a large stone and plants around the doorway to help Mother Earth keep her promise to him.

⁹ One day, when Mother Earth was left alone in the sky world, she got her digging stick and went to look for food. She wandered to where the doorway to the earth was and began to gather plants. Mother Earth was not careful in her digging though and dug up so many plants that she saw through to the earth.

¹⁰ As Morning Star warned, she became homesick and began to cry. The Sun, Moon and Morning Star heard her cries and rushed to her, as they loved her. When Morning Star discovered what had happened, he said: "Even though I love you and you are carrying my child, I must drop you back to Earth." And so he did.

¹¹ As Mother Earth fell through the sky down to earth, she yelled and cried in fear for she knew she could not survive. The swans and geese on earth heard her cries and flew to her in the sky.

¹² Mother Earth landed softly on their back, and they took her safely down to earth.

miinangidwaa nimbimaadiziwininaanin. Gaawiin wiika gidaa-nishiwinaajitoosiin giwiiyaasinaan gemaa go zazaagiziyan. Gidaa-ashange da-miigwechiwi'iyang miinawaa gizhe-manidoo.¹³

Izhichigeyan onow wiindamoonaan giga-minose miinawaa da-mino-doodawaa anishinaabe. Da-wiiyaasikaa.” Mii nitam Anishinaabe gaa-pi-gikendang iniw inaakoniganan ge-izhi-giyyosed.¹⁴

Ogii-ozhi'aan anishinaaben nitam a'aw Gizhe-manidoo aabajitood opigemagini iniw anishinaabekwen nitam. Gii-ayaawag gaye wiinawaa makwa miinawaa waawaashkeshiinh. Opwaagan, asemaa, mitwaab, miinawaa bikwak ogii-atawaawaan.¹⁵

Ogii-aabaji'aan miigisan gaa-izhi-boodaanaad iniw anishinaaben miinawaa anishinaabekwen da-maadakamigadinig obimaadiziwiniwaan. Gii-kaazowag ongow manidoog dabwaa-goshkozinid da-gosaasiwaawaad (is this right conjugation?). Gii-koshkozid a'aw anishinaabe ogii-kagwejitoon omitigwaab. Geget ogii-minwendaan.¹⁶

Ogii-wiindamawaan anishinaaben a'aw Gizhe-manidoo: “Gii-mamooyan mitigwaab gidaa-aabajitoon niigaan. Mii-ge-izhi-bimaadiziyan.” Gaawiin anishinaabe odaa-miigiwesiinan giiosewin miinawaa giigoonyikewin. Onow gii-ina'oonigonaan a'aw Manidoo.¹⁷

¹³ When Mother Earth landed, the deer came to her and said: “The Great Spirit said one day that there would be Indian people, and we were to give our lives to them. In return, you must have a feast to give thanks when you take our life to thank the Great Spirit for creating us and the deer spirit for giving his life up for you. You must never waste meat or take more than you need.

¹⁴ If you do these things, you will have good luck and all the Indian people will benefit, as you will have meat in abundance.” This is how the rules of hunting were first established for the Indian people.

¹⁵ When the Great Spirit created the first Indian man from the ribs of the first Indian woman, the deer and bear spirits were present. They placed next to the man a pipe, tobacco and a bow and arrow.

¹⁶ The Great Spirit then took a miigis shell and blew the breath of life into the Indian man and woman. Before the Indian man and woman awoke, the Great Spirit, the Bear Spirit and the Deer Spirit hid, so as to not frighten the Indian man and woman.

¹⁷ When the man awoke, he took the bow and arrow, tested it, and he liked it. The Great Spirit spoke into the man's mind: “Because you picked up the bow and arrow; that is the life style that you have chosen.” This is why our hunting and fishing rights could not be traded away in treaties; they are god given rights.

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SUBCHAPTER 1.1 - GENERAL PROVISIONS

§ 1.101 Title.

This ordinance shall be known as the Reservation / Tribal Land Conservation Code of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

§ 1.102 Authority.

This ordinance is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. In the implementation of this inherent sovereign authority, Article V, § 1(p) of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians empowers the Tribal Governing Board to “regulate, by enactment of ordinances, the activities of hunting, fishing, ricing, trapping or boating by members and non-members of all lands and waters described in Article I, Section 1, including the power to impose license fees or taxes upon members and non-members for such activities.”

§ 1.103 Purpose.

It is the purpose of this ordinance to:

(1) Provide an orderly system for tribal control and regulation of hunting, fishing, trapping and gathering on Lac Courte Oreilles Reservation lands pursuant to the Treaty of 1854, 10 Stat. 1109 as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe; and

(2) Provide a means to promote public health and safety and the conservation and management of fish, wildlife and plant populations on Lac Courte Oreilles Reservation lands as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe through the regulation of member harvesting activities occurring there.

§ 1.104 Territorial Applicability.

This ordinance shall govern the hunting, fishing, trapping and gathering activities of resources subject to the provisions of this ordinance by members and non-members within Lac Courte Oreilles Reservation lands as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

§ 1.105 Effective Date.

Except as otherwise provided in specific sections, the provisions of this ordinance shall be effective on the date adopted by the Tribal Governing Board.

§ 1.106 Interpretation.

The provisions of this ordinance:

- (1) Shall be interpreted and applied as minimum requirements applicable to the exercise of hunting, fishing, trapping and gathering activities of resources subject to this ordinance;
- (2) Shall be liberally construed in favor of the Tribe;
- (3) Shall not be deemed a limitation or repeal of any other tribal power or authority.

§ 1.107 Severability and Non-Liability.

If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this ordinance.

§ 1.108 Repeal of Inconsistent Tribal Ordinances.

All ordinances and resolutions inconsistent with this ordinance are hereby repealed. To the extent that this ordinance imposes greater restrictions than those contained in any other tribal law, code, ordinance or regulation, the provisions of this ordinance shall govern.

§ 1.109 Religious or Ceremonial Use of Natural Resources.

(1) Nothing in this ordinance shall prohibit the use of any resource otherwise subject to the provisions of this ordinance which is harvested, taken or otherwise obtained within Lac Courte Oreilles Reservation lands as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe for religious or ceremonial purposes in accordance with the traditions and customs of the Tribe and with the consent of the Tribal Governing Board, or its designee.

(2) In reviewing and taking action on any request for religious or ceremonial harvest, the Tribal Governing Board, or its designee, shall take into account the biological impact of the harvest.

(3) No member shall fail to comply with the terms and conditions of a permit issued pursuant to this section. Permits may be issued for funerals, feasts, weddings, and any other occasion deemed appropriate by the Tribal Governing Board. The requesting member may use the services of another member to hunt an animal for them, in which case both the requesting member and the assisting person must be named on the permit.

§ 1.110 Extreme Need.

Upon a showing of extreme need, the Tribal Governing Board may issue a permit for the harvest of resources subject to the provisions of this ordinance during the closed season. The requesting member may use the services of another member to harvest the necessary resource for them, in which case both the requesting member and the assisting person must be named on the permit.

§ 1.111 Natural Resources of Spiritual Significance.

No member or non-member shall take, attempt to take, kill, hunt sell, purchase, pursue, shoot at, disturb, or destroy any of the following animals: black whitetail deer, albino whitetail deer, dwarf deer, or any other wild animal or miscellaneous forest product of spiritual significance as designated by the Tribal Governing Board.

§ 1.112 Dignitary Permit.

The Tribal Governing Board may issue visiting dignitaries a permit to harvest natural resource within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

SUBCHAPTER 1.2 – DEFINITIONS

§ 1.201 General Definitions.

Any term not defined in this Section shall be given its ordinary meaning. The following terms, wherever used in this ordinance, shall be construed to apply as follows, except where the context indicates otherwise:

(1) “**Adequate Backstop**” means a condition upon which a hunter should know that their discharged bullets will fall harmless.

(2) “**Bark**” means the tough outer covering of the woody stems and roots of trees, shrubs, and other woody plants. It includes all tissues outside the vascular cambium.

(3) “**Big Game**” means whitetail deer, bear, elk and moose.

(4) “**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 steel jawed trap.

(5) “**Bough**” means any branch of a tree less than 2 inches in diameter.

(6) “**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.

(7) “**Branch**” means any woody stem or branchlet that grows or extends from a tree.

(8) “**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.

(9) “**Citizen**” means an enrolled member of the Lac Courte Oreilles Lake Superior Band of Chippewa Indians.

(10) “**Collect**” means to acquire, or otherwise obtain or attempt to collect, acquire, or otherwise obtain possession by means other than “take” as defined in § 1.201 (74) of this ordinance, of any migratory bird, feathers, or parts thereof within the ceded territory for religious, ceremonial, and cultural purposes in accordance with the traditions and customs of the Tribe.

(11) “**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. Entrance to the device is

gained by one or more one-way entrances with overall dimensions of the trap no to exceed 6" (six inches) in width, 6" (six inches) in height and 36" (thirty-six inches) in length.

(12) **“Commercial Harvesting”** means any harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold, but shall not include harvesting of natural resources for subsistence uses.

(13) **“Control temporarily”** means to possess a small game animal for a limited period of time for one of the following purposes:

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

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

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

(14) **“Crossbow”** means a device using a bow that, once drawn, is held solely by means other than the effort of the person firing it.

(15) **“Designated Trap Line”** means a specific site identified and established by the tribal conservation department, for which a trap line site permit has been issued.

(16) **“Designated Fuelwood Harvesting Area” or “Woodlot Area”** means an area of reservation land which has been designated, marked, posted and approved by the Tribal Governing Board for fuelwood harvesting.

(17) **“Designated Sugarbush Area”** means a specific site identified and established by the tribal conservation department according to § 1.1204 (10) of this ordinance, for which a site management plan has been developed and for which a sugarbush site permit has been issued.

(18) **“Designated Timber Contract Area”** means a defined location which has been delineated by the land manager for the purposes of a timber sale offering and for which a valid timber sale contract has been executed.

(19) **“Designated Use Area”** means a specific site designated and maintained by the land manager for any activity or use as part of the operation and management of reservation land, and includes, but is not limited to offices, buildings, campgrounds, mowed areas, picnic areas, public beaches, parking lots, trails, access and maintenance roads.

(20) **“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.

(21) **“Dry Land Set” or “Upland Snare”** means any trap or snare that is set or staked in such a manner as to prevent the trapped animal from reaching water that is not frozen or is not set in a manner capable of drowning the captured animal.

(22) **“Enclosed Trigger Trap”** means any trap with a pull-activated trigger, inside an enclosure, and recessed 1¼ inches or more, from an opening that is no greater than 1¼ inches in diameter.

(23) **“Endangered Species”** means any wild animal, wild rice, or miscellaneous forest product designated as rare or endangered by the Tribal Governing Board, or the United States Department of the Interior pursuant to 50 CFR §§ 17.11 and 17.12.

(24) **“Firearm”** means rifle, shotgun, handgun or other type of gun.

(25) **“Firewood” or “Fuelwood”** means any dead tree or part thereof, either standing or downed, which is harvested for and is to be used as fuel.

(26) **“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.

(27) **“Furbearer”** means fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat mink, weasel, skunk, raccoon, badger, fisher, lynx and opossum.

(28) **“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.

(29) **“Game”** means small game and big game.

(30) **“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.

(31) **“Gathering”** means to take or acquire or attempt to take or acquire possession of any miscellaneous forest product or any part thereof.

(32) **“Gathering Products”** means all products of miscellaneous forest products other than non-timber forest products such as: branchlets, roots, berries, fruits, nuts, and seeds.

(33) **“Gillnet”** means any net set to capture fish by entanglement rather than entrapment.

(34) **“Ginseng”** means the roots, seeds or other parts of wild American ginseng (Panax quinquefolium or Panax quinquefolius).

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

(36) **“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.

(37) **“Ice Fishing”** means fishing through an artificial hole in the ice.

(38) **“Land Manager” or “Tribal Forestry Manager”** means any owner or the entity responsible for the management of any reservation land.

(39) **“Live Trap”** means a trap that is not used as a water set or in conjunction with a steel 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.

(40) **“Lodgepoles”** means any tree that is less than 5 inches DBH (diameter at breast height).

(41) **“Migratory Bird”** means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in 50 CFR § 10.13, or which is a mutation or a hybrid of any such species, including any feather, 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 feather, part, nest or egg thereof.

(42) **“Migratory Bird 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 or duly authorized non-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 or duly authorized non-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 or duly authorized non-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 or duly authorized non-member when lawfully taken within Lac Courte Oreilles Reservation lands as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

(43) **"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.

(44) **“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 § 1.201 (48) of this ordinance; wild plants as defined in § 1.201 (93) of this ordinance; gathering products as defined in § 1.201 (32) of this ordinance; and endangered or threatened plant species as defined in § 1.201 (23), but for the purposes of this ordinance excludes wild rice and timber.

(45) **“Motor Vehicle”** means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air.

(46) **“Muzzleloader”** means a black powder rifle, a black powder shotgun, or a black powder handgun which receives a black powder or a commercially black powder substitute charge through a muzzle.

(47) **“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.

(48) **“Non-Timber Forest Products”** means any of the following miscellaneous forest products: bark, boughs, firewood, lodgepoles, and sap as further defined in this section.

(49) **“Open Water Fishing”** means all fishing other than fishing through an artificial hole in the ice.

(50) **“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.

(51) **“Possess”** means to own, restrain, keep in captivity or transport a small game animal.

(52) **“Possession”** means having killed, harvested, or otherwise obtained or acquired any wild animal, wild rice, or miscellaneous forest product subject to the provisions of this ordinance.

(53) **“Pursuit”** means to follow in an effort to overtake or capture or to proceed along the course of.

(54) **“Protected”** when used in reference to any wild animal, wild rice, or miscellaneous forest product means that the hunting, fishing, trapping or gathering of such animal, wild rice, or miscellaneous forest product is expressly prohibited except as authorized or regulated by this ordinance.

(55) **“Regulations”** means any conservation regulation contained within this ordinance.

(56) **“Reservation” or “Reservation Lands”** means those lands, including the beds of any streams and flowages, located within the exterior boundaries of the Lac Courte Oreilles Reservation lands as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe but for the purpose of this ordinance does not pertain to allotted, heirship, or governmental lands, except as follows:

(a) This ordinance does apply to an individual allottee or heir harvesting on their allotment or heirship “reservation” lands, and;

(b) This ordinance does apply to all Members and duly authorized non-members harvesting on allottee, heirship or governmental “reservation” lands with the express written authorization to access such lands by the landowner.

(57) **“Restraining Snare”** means while trapping to use a wire noose used for restraining furbearing animals which does not allow the device or trapped animal to reach unfrozen water.

(58) **“Roadways”** means any governmental roadway where vehicular traffic is not restricted and the roadway is routinely used by the general public.

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

(60) **“Safety Zone”** means an area within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp, cottage, barn, or other building used in connection therewith.

(61) **“Sap”** means the watery fluid that circulates through a tree or plant, carrying food and other substances to the various tissues.

(62) **“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.

(63) **“Set or Bank Pole”** means a pole used for fishing from the banks of lakes or rivers in compliance with the provisions of § 1.909 of this ordinance [Setlines and Set or Bank Poles Regulated].

(64) **“Setline”** means a line used for fishing in compliance with the provisions of § 1.909 of this ordinance [Setlines and Set or Bank Poles Regulated].

(65) **“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 search for, illuminate or locate wild animals.

(66) **“Shrub”** means a woody perennial plant usually branched several times at or near the base giving it a bushy appearance, and is usually less than five meters tall.

(67) **“Small Game”** means ruffed grouse (partridge), ring-neck pheasant, cottontail rabbit, showshoe hare, gray squirrel, black squirrel, red squirrel, quail, woodchuck, porcupine, sharp tail grouse, turkey, crow and unprotected species.

(68) **“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.

(69) **“Spear”** means a pole tipped with barbed tines which are a minimum of 3” long and each tine having a barb extending perpendicular which is greater than 1/8 inch. When used as a verb, spear shall also mean 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. Spearing includes the use of an artificial light and also mean snagging for the purpose of this ordinance.

(70) **“Species of Special Concern”** means any wild plant which is contained on the tribal species of special concern list.

(71) **“Subsistence Uses”** shall mean the use of natural resources for direct personal or family consumption by members as food, medicine, shelter, fuel, clothing, tools or transportation; for the making or selling of handicraft articles; or for barter. For purposes of this section, the term:

(a) **“family”** means all persons related by blood, wenh’enh, doodem, marriage, or adoption, or any person living within the household on a permanent basis;

(b) **“handicraft articles”** means articles produced, decorated or fashioned in the exercise of traditional Indian handicrafts such as carving, weaving, beading, drawing or painting, without the use of mass copying devices; and

(c) **“barter”** means the sale or exchange of natural resources or parts thereof for subsistence uses.

(72) **“Snare”** means while trapping to use a noose used for catching furbearing animals.

(73) **“Steel Jawed Trap”** means a trap, constructed of metal, designed to catch an animal by the foot, but does not include enclosed trigger traps or body gripping traps.

(74) **“Take”** means to pursue, hunt, shoot, wound, kill, trap, or capture, or attempt to pursue, hunt, shoot, wound, kill, trap, or capture, any migratory bird, but for the purposes of this ordinance excludes “collect” as defined in § 1.201 (10) of this ordinance.

(75) **“Timber”** means any tree that is not a lodgepole, as defined in § 1.201 (40) of this ordinance.

(76) **“Tree”** means a woody, perennial plant with a single trunk that is typically unbranched at or near the base, and is usually greater than five meters tall.

(77) **“Trap”** means any leg hold, box or snaring device designed to physically hold an animal at a singular location. When used as a noun, “trap” includes a body-gripping trap, colony trap, enclosed trigger trap, live trap, or steel jawed trap. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein.

(78) **“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.

(79) **“Tribe”** means the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(80) **“Tribal Conservation Department” or “Department”** means the conservation department of the Tribe.

(81) **“Tribal Court”** means the court of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(82) **“Tribal Governing Board”** means the Tribal Governing Board of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(83) **“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.

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

(85) **“Unprotected”** when used in reference to any wild animal or miscellaneous forest product not otherwise regulated by this ordinance, means that the hunting, fishing, trapping or gathering of such animal or miscellaneous forest product is not expressly prohibited by this ordinance.

(86) **“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 § 1.201 (85).

(87) **“Wasting”** means the disregard or waste of any edible portion of the animal.

(88) **“Water Set”** means any trap or snare which is set or staked in such a manner as to permit the trap, snare or trapped animal to reach water that is not frozen or is set in a manner capable of drowning the captured animal.

(89) **“Waterfowl”** means any migratory bird of the family anatidae, including ducks, geese, coots, rails, gallinules, brant, and mergansers.

(90) **“Weapon”** means a firearm, bow, compound bow or muzzleloader.

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

(92) **“Wildlife”** means all varieties of wild animals or birds.

(93) **“Wild Plant”** means miscellaneous forest products that are not trees, such as herbaceous plants and shrubs.

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

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

SUBCHAPTER 1.3 – GENERAL

§ 1.301 Title to Wild Animals, Wild Rice, and Miscellaneous Forest Products.

(1) The legal title to, and the custody and protection of, all miscellaneous forest products, wild rice, and wild animals within the reservation is vested in the Tribe for the purposes of regulating members' use, disposition and conservation thereof.

(2) The legal title to any such miscellaneous forest product, wild rice, 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 miscellaneous forest product, wild rice, 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 miscellaneous forest product, wild rice, or wild animal, 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 miscellaneous forest product, wild rice, or wild animal, 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.

§ 1.302 Location of Right.

Members and duly authorized non-members may engage in hunting, fishing, trapping, and gathering on lands and inland waters within the exterior boundaries of the Lac Courte Oreilles Reservation as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe pursuant to such additional requirements contained within this ordinance. Members desiring to harvest resources on non-member fee land must have permission from the non-member owner of the land in order to harvest resources on the land.

§ 1.303 Permits and Identification.

(1) No non-members may partake in hunting, fishing, trapping or gathering on the reservation, unless otherwise permitted by the Tribal Governing Board.

(2) No member or duly authorized non-member shall engage in the exercise of hunting, fishing, trapping or gathering activities regulated by this ordinance without a validly issued tribal 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. Such a permit may be the member's tribal identification card required by subs. (3).

(3) No member shall engage in the exercise of hunting, fishing, trapping or gathering activities regulated by this ordinance except while carrying a valid color picture identification card issued by the Tribe.

(4) The tribal conservation department is authorized to issue 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.

(5) No member or duly authorized non-member shall refuse to display his or her identification documents or any other document or permit required by this ordinance to any tribal conservation warden or tribal law enforcement officer upon request by such warden or officer. The Tribal Governing Board has the discretion to allow other state, local or federal law enforcement officers the authority to enforce this ordinance on the reservation.

(6) No member or duly authorized non-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 a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(7) The tribal conservation department may issue individual tribal member hunting, trapping, fishing and/or gathering identification numbers as part of a reservation-wide automated system for issuing permits.

§ 1.304 Waste of Natural Resources.

No member or non-member shall unreasonably waste, injure or destroy, or impair natural resources while engaging in the exercise of hunting, fishing, trapping or gathering activities regulated by this ordinance.

§ 1.305 Larceny of Natural Resources.

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

§ 1.306 Use of Poison and Explosives.

(1) No member or non-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 or non-member shall place in any 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 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 or non-member shall use, set, lay or prepare in any 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 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 or non-member while harvesting any resource on the reservation is prima facie evidence of a violation of this section.

(4) 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.

§ 1.307 Throwing Away Refuse; Abandoning Automobiles, Boats or Other Vehicles.

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

§ 1.308 Scientific Investigation.

(1) The tribal conservation department or its designated agents may conduct investigations of wild animals, wild rice, and miscellaneous forest products 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, wild rice, and miscellaneous forest products to perpetuate themselves.

(2) The tribal conservation department or its designated agents may for scientific purposes engage in or authorize others to engage in the harvest of protected wild animals, wild rice, or miscellaneous forest products by the use of methods, at times or at locations not authorized by this ordinance on such terms and conditions as it deems appropriate.

§ 1.309 Seasons.

No member or duly authorized non-member shall engage in the harvest of resources regulated by this ordinance, except during the respective seasons established pursuant to this ordinance.

§ 1.310 Possession of Miscellaneous Forest Products, Wild Rice or Wild Animals During Closed Season.

No member or non-member shall have in his or her possession or under his or her control at any time any miscellaneous forest product, wild rice or wild animal, or the carcass or any part thereof, showing that the same has been taken on the reservation during the closed season for such miscellaneous forest product, wild rice or animal, except as otherwise authorized by this ordinance.

§ 1.311 Bag Limits; Possession Limits.

There shall be no limits on the harvest of resources regulated by this ordinance during the open season, except the Tribal Governing Board reserves the right to impose limits that the tribal conservation department determines is the best interest of the Tribe to do so.

§ 1.312 Transportation of Game Off-Reservation.

(1) No member or non-member shall transport game off -reservation without a transportation tag, which can be obtained from the tribal conservation department.

(2) Notwithstanding the foregoing, no transportation tag is needed if game is transported between the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe. However, the member or duly authorized non-member must travel directly to the other parcel when a transportation tag has not been obtained.

§ 1.313 Sharing of Permits and Tags.

Except as otherwise provided in this ordinance, no member or duly authorized non-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 or permit issued by the Tribe pursuant to this ordinance.

§ 1.314 Harvesting with Another's Permit Prohibited.

Except as otherwise provided in this ordinance, no member or duly authorized non-member shall hunt, fish, trap or gather any wild animal, wild rice, or miscellaneous forest product while in possession of any permit issued to another.

§ 1.315 Artificial Light or Shining Wild Animals.

(1) The use of artificial light for hunting is permitted, provided it is not within a safety zone as defined in § 1.201 (60) of this ordinance. Member and duly authorized non-member compliance with the use of a safe zone of fire as defined in § 1.201 (59) of this ordinance and an adequate backstop as defined in § 1.201 (1) of this ordinance shall be considered safe hunting, otherwise no member or duly authorized non-member shall hunt and shine wild animals in such a manner so as to put human lives in danger, and a member or duly authorized non-member must take reasonable precautions to refrain from hunting dangerously.

(2) Except as provided in § 1.329 (3) of this ordinance, if an unpermitted non-member accompanies a member hunting, the unpermitted non-member may be an onlooker only and not physically participate in any aspect of hunting, such as driving the car, holding the light or

shooting the animal. Notwithstanding the foregoing, an unpermitted non-Tribal member may assist in any way after the kill.

§ 1.316 Duties on Accidental Shooting.

Any member or duly authorized non-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.

§ 1.317 Failure to Report Hunting Accident.

Every member or duly authorized non-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.

§ 1.318 Hunting While Intoxicated.

No member or duly authorized non-member shall possess or 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.

§ 1.319 Resisting Conservation Wardens.

No member or duly authorized non-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.

§ 1.320 False Impersonation of Warden.

No member or duly authorized non-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.

§ 1.321 General Restrictions on Hunting.

(1) Harvesting in Restricted Areas. No member or duly authorized non-member shall:

(a) Hunt within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp, cottage, barn, or other building

used in connection therewith. "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.

(b) Hunt or trap within any other area designated by the Tribal Governing Board, where the notice of the prohibition of hunting or trapping is clearly posted;

(2) Color of Clothing. It is strongly recommended that a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange, or fluorescent blaze orange is worn when hunting in groups and during the 9-day state deer gun hunting season.

(3) Safe Use of Firearms and Bows.

(a) Caliber Limitations. No member or duly authorized non-member shall:

(i) Hunt big game with a firearm except with the use of a center fire firearm of .22 caliber or larger, a muzzleloader of .40 caliber or larger, or shotgun using slug or buckshot.

(ii) Hunt wild turkey with a firearm except with the use of a shotgun or muzzle loading shotgun using number four (#4) shot or smaller, or a rim fire firearm of .17 caliber or larger including all center fire firearms.

(iii) Hunt furbearers with a firearm except with the use of a rim fire firearm of .17 caliber or larger including all center fire firearms.

(b) Archery Limitations.

(i) No member or duly authorized non-member shall hunt big game with a bow and arrow except with the use of a broad head with a cutting surface of at least one inch (1") diameter.

(ii) There is no limitation on the use of cross bows or the hunting of small game with the use of a bow and arrow.

(c) Firing a Weapon.

(i) No member or non-member shall discharge or fire a weapon within a safety zone as defined in § 1.201 (60) of this ordinance.

(ii) No member or non-member shall hunt within a state road right of way if the adjoining land is private land, except with the land owner's permission.

(d) Automatic Firearms.

(i) No member or non-member shall use any fully automatic firearms in the hunting, pursuing or killing of game.

(ii) No member or non-member shall possess any fully automatic firearms in an area frequented by game during any big game season.

(e) Silencers.

No member or non-member shall use a device or apparatus known as a silencer.

(4) Restrictions on Use of Bait.

(a) No member or duly authorized non-member shall use bait to hunt unless such bait is confined to an area containing no more than ten (10) gallons of bait material.

(b) No member or duly authorized non-member shall place, use or hunt over bait containing or contained within metal, plastic, glass, wood or nondegradable materials, except a member may hunt over bait contained within such containers as long as the member occupies the bait site.

(c) No member or duly authorized non-member shall use drugs or poisons bait.

(d) This section shall not prohibit hunting over salt as bait.

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

§ 1.322 Hunting with Aircraft Prohibited.

No member or non-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.

§ 1.323 Pivot Guns and Similar Devices Prohibited.

No member or non-member shall place, operate or attend, spread, or set any net (except as authorized for fishing pursuant to Subchapter 1.9), 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.

§ 1.324 Harassment and Tampering with Equipment of Another Prohibited.

(1) No member or non-member shall harass, impede, or interfere with any hunter, fisherman, trapper, or gatherer.

(2) No member or non-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.

§ 1.325 Endangered and Threatened Species Protected.

Except as otherwise permitted by law, no member or non-member shall take, kill, hunt, pursue, shoot at, disturb, destroy, transport, possess, process, purchase or sell any endangered and threatened species as defined in § 1.201 (23) of this ordinance.

§ 1.326 Commercial Harvest Restricted.

No member or duly authorized non-member shall sell meat from wild animals harvested pursuant to this ordinance except for subsistence uses as defined in § 1.201 (71) of this ordinance.

§ 1.327 Unprotected Species.

Except as otherwise expressly provided, nothing in this ordinance shall be construed to prohibit or regulate the harvest of any unprotected species, as defined in § 1.201 (85).

§ 1.328 Protected Species.

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

§ 1.329 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 non-member, provided that such non-member possesses a duly authorized permit issued by the Tribal Governing Board and complies with the provisions of this ordinance governing such activity.

(3) (a) No member shall allow any non-member to assist, and no such non-member shall assist, in the activities authorized by this ordinance except in accordance with the provisions of this subsection, or the provisions as provided in subs. (2), above.

(b) Except as provided in subs. (2), those persons who may assist a member shall be limited to the member's spouse, forebears, children, grandchildren, siblings, *niiyawenh'enh*¹⁸ (tribal namesake), *nindoodem*¹⁹ (tribal clan member), and *bami'aagan*²⁰ (tribal customary adoption relative).

¹⁸ *Niiyaweh'enh* – refers to *niiyaw* (body) which carries the critical meaning of the word for namesake. When someone gave a name, the name giver gave part of his or her spirit essence and put it into the body of the name recipient, making them spiritually related for life. The name giver then functioned more like a godparent in Christian tradition, as a spiritually connected family member blessed with the same dream or vision that informed the given name. The term *niiyaweh'enh* is used reciprocally and is shortened in some communities to just *we'enh*, but still retaining the cultural and spiritual value. Sources for information on naming include: Anton Treuer, *The Assassination of Hole in the Day*, (St. Paul: Minnesota Historical Society Press, 2010), pg. 13; Edward Benton-Benai, *The Mishomis Book: The Voice of the Ojibway*, (Hayward, WI: Indian Country Communications, Inc., 1988), Chapter 2, Original Man Walks the Earth, pgs. 5-9; Basil Johnston, *Ojibway Heritage*, (Lincoln, NE: University of Nebraska Press, 1990), Chapter 11, Ceremonies, Songs and Dances (Life Commemorations), pgs. 141-148; Basil Johnston, *Ojibway Ceremonies*, (Lincoln, NE: University of Nebraska Press, 1990), “The Naming Ceremony: Wauweendaussowin,” pgs. 11-30; Frances Densmore, *Chippewa Customs*, Washington: Bulletin, Bureau of American Ethnology, 1929), “The Naming of a Child,” pgs. 52-58; Amik Larry Smallwood, *Ojibwe Names are Spirit Names*, (Onamia, MN: Mille Lacs Band of Ojibwe, 2009), pgs. 1-2.

¹⁹ *Doodem* – refers to *ode'* (heart) and *doodoosh* (from where one gets their sustenance) which establishes the word for clan. Ojibwe stories commonly acknowledge animals as teachers and guides to Original Man, or Anishinaabe. They taught him many valuable lessons as he became acquainted with his environment. They showed him various plants for use as food, medicine, in ceremonies and for utilitarian purposes. They showed him how to hunt and fish and most important of all, they provided themselves to Anishinaabe for food, clothing, and shelter. The Ojibwe at one time were not relating to *aki*, the earth in a way that properly accounted for these pre-existing relationships. They had created great imbalance and the Earth was flooded. When the Earth was created anew, the animals stood up for the people, they vouched for the Ojibwe and said they would teach them how to relate to creation. The animals created a relationship with the Ojibwe and took responsibility for their actions. This is one of the origin stories of the *doodem* (clan) system. This system uses various animals as symbols for the clans. The animals' characteristics provide an identity and define roles and responsibilities for members of each *doodem*. The *Doodem* becomes another form of family for Ojibwe people. *Doodem* identity is passed through the father. Members of the same *doodem*, no matter how many miles apart, were one's brothers and sisters and were expected to extend hospitality, food and lodging to each other. Since Ojibwe people belong to a tribe (band) and to the Ojibwe Nation, *doodem* relationships help unite the various Ojibwe tribes as one nation. Sources for information on clans include: Edward Benton-Benai, *The Mishomis Book: The Voice of the Ojibway*, (Hayward, WI: Indian Country Communications, Inc., 1988), Chapter 10, The Clan System, pgs. 74-78; Ruth Landes, *Ojibwa Sociology*, (NY: Columbia University Contributions to Anthropology, 1969), Chapter 2, “Gens Organization,” pgs. 31-52; William W. Warren, *History of the Ojibway People*, (St. Paul, MN: Minnesota Historical Society Press, 1984), Chapter 2, “Totemic Division of the Ojibways,” pgs. 41-53; Basil Johnston, *Ojibway Heritage*, (Lincoln, NE: University of Nebraska Press, 1990), Chapter 5, “Man's World,” pgs. 59-79; James Dumont, *Anishinaabe Izhichigewin*, (1999), Chapter 1, Part Four “The Anishinaabe Clan System as a Model of Governance,” pgs. 27-36, Chapter 1, Part Five, “Anishinaabe Principles of Leadership and Managing Change,” pgs. 36-42; Heidi Bohaker, “Reading Anishinaabe Identities: Meaning and Metaphor in Nindoodem Pictographs,” *Ethnohistory*, vol. 57, no. 1 (Winter 2010): 11-33; Heidi Bohaker, “Nindoodemag: The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600-1701,” *William and Mary Quarterly*, vol. 63, no. 1 (January 2006): 23-49.

²⁰ *Bami'aagaan* – refers to *bami'* (provide for, nurture, look after, support, adopt) which establishes the word for the adopted one. Customary adoption is a traditional tribal practice recognized by the community and tribe which acknowledges a person as having established a permanent kinship relationship such as parent/child, brother/sister, or grandparent/grandchild, with someone other than the person's blood relative. It is the fundamental belief of the Ojibwe that the people of the communities are the sacred responsibility of the Tribe. This is because one of the basic inherent sovereign rights of the Tribe is the right to make decisions regarding the best interests of their communities including who should provide for the care, nourishment and support of their members. This provision is intended to acknowledge these safe, stable, nurturing, and permanent relationships established pursuant to tribal customary

(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 shining, acting as a driver and using a light to shine.

(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 miscellaneous forest products, which does not include wild rice and timber, all activities except the actual cutting or uprooting of the miscellaneous forest product, or the removal of miscellaneous forest product parts from miscellaneous forest products 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.

§ 1.330 Emergency Closures.

practices regarding the tribe’s members in order to provide for the protection of their people and way of life. The principles that guide decisions pertaining to *bami’aagan* are: protection of the member’s well-being and welfare and their sense of belonging; preservation of the member’s identity as a tribal member and member of an extended family and clan; as well as the preservation of the culture, religion, language, values, clan system and relationships of the Tribe. Sources for information on traditional kinship responsibilities and customary adoption include: White Earth Band of Ojibwe, *Title 4(a) Customary Adoption Code*; Ruth Landes, *Ojibwa Sociology*, (NY: Columbia University Contributions to Anthropology, 1969), Chapter 2, “Kinship Organization,” pgs. 5-30; Heidi Kiiwetinipinesiik Stark, “Marked by Fire: Anishinaabe Articulations of Nationhood in Treaty Making with the United States and Canada,” *American Indian Quarterly*, vol. 36, no. 2, pp. 119-149.

(1) Notwithstanding any other provisions of this ordinance, the Director of the tribal conservation department 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 Tribe's harvest goals 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 Tribal Governing Board 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 members of the Tribe by the best and swiftest practicable method.

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

§ 1.331 Portable Raised Platforms or Stands Regulated.

A member or duly authorized non-member may hunt from a platform or stand, subject to the following provisions:

(1) Portable tree hunting stands and blinds may be used provided they are removed completely from the property no later than ten days after the end of the deer season except an owner of sole-heirship property may keep permanent tree stands on their property.

(2) Unoccupied tree stands shall be affixed with the user's tribal identification number or tribal hunting identification number, attached to the stand in a manner so it is clearly visible to a person standing on the ground.

(3) No member or duly authorized non-member shall use a spike-ladder system when setting up a platform or stand.

(4) No member or duly authorized non-member shall use nails to secure the platform or stand to the tree or otherwise cause damage to a tree(s) by the placement or erection of a platform or stand or by any other manner while climbing or hunting from a tree. Careful pruning of limbs less than 1 inch in diameter on a tree in which a tree stand is used shall not be considered causing damage to the tree.

(5) No member or duly authorized non-member shall prohibit any person from using a stand that is not occupied and being used by the member or duly authorized non-member, except that the member or duly authorized non-member retains the authority to remove and relocate their stand at any time. No member or duly authorized non-member shall prevent the owner of a

stand from removing their stand. A stand placed on tribal lands does not reserve that location for the exclusive use of the member or duly authorized non-member whom placed the stand.

(6) No member or duly authorized non-member shall relocate a stand that was lawfully placed by another.

(7) Any stand which is untagged shall be immediately seized and confiscated, and the owner shall be subject to citation for a violation of the provisions of subs. (2).

SUBCHAPTER 1.4 – ENFORCEMENT

§ 1.401 Hearings in Tribal Court.

Jurisdiction over all matters arising under this ordinance shall be with the tribal court which shall adjudicate in accordance with the Tribal Court Code all questions, complaints and alleged violations involving the provisions of this ordinance.

§ 1.402 Enforcement by Conservation Wardens.

Any provision of this ordinance may be enforced by wardens of the tribal conservation department or officers of the tribal law enforcement department. Said tribal law enforcement officers are hereby deputized by the Tribe as tribal conservation wardens for the purpose of enforcing this ordinance.

§ 1.403 Enforcement by Other Law Enforcement Officers.

The Tribal Governing Board has the discretion to allow other state, local or federal law enforcement officers the authority to enforce the provisions of this ordinance and to institute proceedings in the tribal court by use of citation forms of the tribal conservation department or to refer the matter to appropriate tribal wardens or the tribal prosecutor for further investigation or action.

§ 1.404 Search and Seizure; When Authorized.

Any person authorized to enforce the provisions of this ordinance may conduct a search of an object, place or person whose conduct is regulated by the provisions of this ordinance, and seize things when the search is made:

- (1) With consent;
- (2) Pursuant to valid search warrant;
- (3) With the authority and within the scope of a right of lawful inspection as provided in § 1.405;
- (4) Incident to the issuance of a lawfully issued citation under this ordinance; or
- (5) As otherwise authorized by law or by the provisions of this ordinance.

§ 1.405 Investigations.

- (1) Any person authorized to enforce the provisions of this ordinance may:

(a) Investigate complaints regarding natural resource harvest violations within the Lac Courte Oreilles Reservation lands as well as off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

(b) Subject to subsection (2), conduct routine inspections of a tribal natural resources harvesting permit or a member's tribal identification card required by § 1.303 (3) of this ordinance;

(c) Execute and serve warrants and other process issued by the tribal court in accordance with applicable law;

(d) Stop and board any boat and stop any automobile or other vehicle if the person reasonably suspects there is a violation or breach of this ordinance;

(e) With or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband miscellaneous forest product, wild rice, or wild animal, or carcasses or part thereof, may be contained therein;

(f) May seize and hold subject to the order of the tribal court any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in tribal court or any property otherwise authorized to be seized by the provisions of this ordinance. Upon confiscation, the tribal conservation department must give the person suspected of violating this ordinance a receipt and a copy of the tribal conservation department's retention policies for confiscated property;

(g) Issue or refuse to issue permits for hunting, fishing, trapping and gathering in accordance with this ordinance;

(h) Exercise reasonable discretion and judgment in enforcing and applying any provision of this ordinance.

(2) The inspections authorized by subsection (1)(b) shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

§ 1.406 Issuance of Citations.

Any person authorized to enforce this ordinance may issue a citation when any violation of this ordinance occurs in the presence of the enforcement authority or the enforcement authority investigating a report of a violation of this ordinance finds probable cause to believe that a violation has occurred, provided:

(1) The citation is issued on a form approved by the Tribal Governing Board or tribal court to any person whose conduct is regulated by the provisions of this ordinance upon reasonable belief that such person has violated or breached a provision of this ordinance; and

(2) The citation states the nature of the violation, the location of the violation, the date and time of the violation (or the date and time when the violation was discovered) and the section(s) of this ordinance that were violated;

(3) The citation states the date of the initial hearing before the tribal court which shall be no sooner than ten (10) days after the service of the notice;

(4) The citation states the amount of the fine which may be paid by the violator to the tribal court in order to avoid the initial hearing;

(5) The citation states that the failure to pay the amount of the fine or appear before the tribal court on the date set for hearing, shall result in entry of a default judgment and an award of relief in accordance with this ordinance.

§ 1.407 Harvest Related Data or Information.

Any person authorized to enforce this ordinance are hereby empowered to request and receive from the tribal conservation department or a tribal harvest registration station information regarding permit issuance and any other necessary harvest related data or information.

§ 1.408 Penalties.

(1) If the tribal court finds that any member or duly authorized non-member who, for himself or herself, or by his or her agent, servant or employee, or who as an agent, servant or employee of another, violates this ordinance, the member or non-member shall be liable as follows:

(a) For all violations for which no other amount is specified, a civil remedial forfeiture of not more than \$5,000.00;

(b) For any violation, attendance of cultural education classes;

(c) For any violation, a revocation or suspension of off-reservation hunting, fishing, trapping or gathering privileges for a period of time within the discretion of the court;

(d) For any violation, a civil remedial forfeiture of any property, including boats, motors, vehicles, hunting or fishing equipment, or other property, used in the commission of the violation of this ordinance;

(e) For all violations, the court may order a natural resources assessment not to exceed 75% of the amount of the civil remedial forfeiture; and

(f) For all violations, appropriate court costs within the discretion of the court.

(2) Any member or duly authorized non-member who fails to pay any fine assessed by the tribal court within thirty (30) days after the fine has been assessed and who fails to make other arrangements regarding payment of the fine, shall owe, in addition to the fine imposed, \$10.00 for each thirty (30) Day period that the fine is overdue.

§ 1.409 Enhancement of Forfeiture and Penalties.

Upon conviction of any member or duly authorized non-member for a violation of this ordinance when such person has been convicted of a previous violation of this ordinance within a period of one year, the court may enhance any civil remedial forfeiture or other penalty as the court deems appropriate.

§ 1.410 Civil Damages.

In addition to any other penalty allowed by this ordinance, the tribal court may award to the Tribe or, in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of, damages against any person unlawfully killing, wounding, catching, taking, trapping, or having unlawfully in possession any of the following named protected miscellaneous forest products, wild rice, wild animals, or any part thereof, and the sum assessed for damages for each miscellaneous forest product, wild rice, or wild animal, shall not be less than the amount stated in this section:

- (1) Any endangered and threatened species protected under this ordinance, \$875.00.
- (2) Any fisher, prairie chicken or sand hill crane, \$262.50.
- (3) Any deer, moose, elk or bear, \$75.00.
- (4) Any bobcat, cougar, fox, beaver or otter, \$87.50.
- (5) Any coyote, raccoon or mink, \$43.75.
- (6) Any sharptail grouse, ruffed grouse, spruce grouse, wild duck, coot, wild goose or brant, \$26.25.
- (7) Any pheasant, Hungarian partridge, bobwhite, quail, rail, Wilson's snipe, woodcock or shorebird, or protected song bird or harmless bird, \$17.50.
- (8) Any muskrat, rabbit or squirrel, \$8.75.

(9) Any muskellunge or rock or lake sturgeon, \$43.75.

(10) Any largemouth or smallmouth bass, \$26.25.

(11) Any brook, rainbow, brown, or steelhead trout, \$26.25.

(12) Any walleye, northern pike, or any other game fish not mentioned in pars. (9) to (11), \$8.75.

(13) Any wild animal, wild rice, or miscellaneous forest product not mentioned in pars. (2) to (8), \$17.50.

§ 1.411 Seized Wild Animals Wild Rice, and Miscellaneous Forest Products.

No wild animal, wild rice, or miscellaneous forest product seized pursuant to this ordinance shall be returned to a convicted violator, his or her immediate family, or other member of the hunting, fishing, trapping or gathering party.

§ 1.412 Schedule of Money Penalties; No Contest.

The Tribal Court, in consultation with the Tribal Governing Board, may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this ordinance has occurred, or a plea of no contest, which may be done either in person or in writing. This schedule shall not bind the Court as to forfeitures assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty.

§ 1.413 Collection of Money Penalties.

Enforcement of the money penalties imposed pursuant to this ordinance may be had through the collection of penalties from funds of the violator held by the Tribe, through the imposition of community service work requirements in lieu of money payment, through debt collection mechanisms of the courts of other jurisdictions, or through any other method authorized by law.

§ 1.414 Parties to a Violation.

(1) Whoever is concerned in the commission of a violation of this ordinance shall be deemed a principal and may be charged with the violation although he or she did not directly commit it and although the member or non-member who directly committed it has not been convicted of the violation.

(2) A member or duly authorized non-member is concerned in the commission of the violation if the member or duly authorized non-member:

(a) Directly commits the violation;

(b) Aids or abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it, or advises, hires, or counsels or otherwise procures another to commit it.

§ 1.415 Harvesting After Revocation or Suspension.

No member or duly authorized non-member whose hunting, fishing, trapping or gathering privileges have been revoked or suspended pursuant to § 1.408 (1)(iii) of this ordinance, shall assist, hunt, fish, trap or gather any miscellaneous forest product, wild rice, or wild animal, the harvest of which is regulated by this ordinance, during such revocation or suspension.

§ 1.416 Interference with Department.

No member or non-member shall knowingly interfere with or hinder or restrict wardens of the tribal conservation department or officers of the tribal law enforcement department or any other law enforcement department or agency from which the tribal conservation department has sought assistance, in the exercise of authority or performance of duties under this ordinance.

SUBCHAPTER 1.5 – WILD RICE HARVESTING REGULATIONS

§ 1.501 Manoomin Gakinoo'amaagewin.²¹

Miinawaa gaye o gaa-izhi-wiindamawind aw anishinaabe o`apii dabwaa-dagoshing aw gaa-waabishkiwed. Niizhwaaso gii-tagoshinoog ezhi-manidoowaadiziwaad gii-wiindamawindwaa anishinaabe aaniin keyaa ewiiyan ezhi-wii-ezhiwebak ingoding wii-tagoshin waayaabishkiwed. Mii iwidi gii-wiindamawindwaa ya`o waa-tibaadidamaan. Gaawiin gii-ozhimosiiwag anishinaabeg. Ogii-maamiginaawaan gakina izhi-miinindwaa midenid, midewinid ayaabajitood owe ge gimishomisinaan dewe`igan, zhiishiigwanan, midewayaanan gakina gegoo ayaabajichigaadeg midewind anishinaabe. Mii gaa-izhi-ombinigaadeg mii dash gaa-izhi-maajaawaad imaa keyaa gii-pi-onaawinidiwaad idash dabwa-bi-maajaawaad dash aw manoomini-anishinaabe, manoomini-anishinaabe noongom ezhi-gikenimind mii agiwaa gii-miinaawag yo`oh manoomin, manidoo-manoomin ezhinikaadeg omaa manidowaadad gii-wiindamawaan anishinaabe iw wapii odi keyaa ningaabii`anong ezhaayan. Baanimaa dagoshinan iwidi badakideg, agoondeg agoondeg iiwo manidoo-manoomin. Mii imaa, mii imaa ajiwaa dakikendameg gaye giinawaa gidandishinaabe-akiimiwaa gaa-ayaamagak. Mii gaa izhi-wiindamawindwaa. Wiinitamiwaa dash agiw manoominini-anishinaabeg, mii o gaa-pi-dakonamowaad. Mashkimod igo dibishkoo mashkimod izhi-gikendamang.²²

Wiigwaas idash i`ii miinawaa nagamonan, manidoo-nagamonan miinawaa gaye awiia bineshiinh manoominkeshiiyen ezhinikaazod. Mii ya`aw, mii ya`aw oada naasaab gaa gaa-pazigwaa imaa gaa-pagizigwa`od i`iw apii gii-pamid gii-pi-maajaawaad manidoog. Manidoo-manoomin gii-pi-nanda-waabandamowaad. Mii dash geyaabi ezhi-gikendamang. Manidoo-wiisiniwin, manidoo ogii-pagidinaan i`iw manoomin onjidaa anishinaabe, onjidaa giinawind ezhi-objiwemoyang ezhi-boodawaadamiig gaye miinawaa manoom miinawaa odaawaag miinawaa manoominiig miinawaa gaye giinawaa ozhaawaanii ezhinikaazowaad. Miinawaa gaye wiinawaa gaa-kikapoo gaa-izhinkaazowaad anishinaabeg. Mii`yenh mii gaa-izhi-miinindwaa yo manidoo...manidoo-wiisiniwin ezhi-manidoowaadak i`iw manoomin. Mii imaa wenzikaamagak gaawiin bakaan, gaawiin bakaan gaye gidaa-mikanziimin i`iw mii iw i`iw manoomin gaa-izhi-miinind Anishinaabe. Mii dash i`yo gaa-izhi-wiindawind Anishinaa weweni ganawendaman yi`o manoomin miinawaa naasaab gaye giin ezhi-ganawenimigoyan. Gaawiin wiikaa da-maadaasinon i`iw manoomin giishpin weweni weweni ganawendaman. Weweni gaye asemaakeyan dabwa-booziyan jiimaaning. Weweni awiia da-ganoonaad manidoon yi`ow manidoo ezhi-manidoowaadizid imaa nibiikaang. Mii ya`aw ge-noonind dabwaa dabwaa-booziid

²¹ Wild Rice Teaching by Bawdwaywidun (Eddie Benton) from Dibaajimowinan: Anishinaabe Stories of Culture and Respect, Great Lakes Indian Fish and Wildlife Commission, Odanah, WI: July 2013.

²² As the Anishinaabe was told before the white man arrived. There were seven spirits that came to tell the Anishinaabe about what was going to happen with the coming of the white man. These are the teachings that were given that I am going to talk about. The Anishinaabe did not walk away from it. They gathered all the mide teachings, the objects they used such as our grandfather drum, our rattles, mide items and all that is used for the midewiwin. They lifted their sacred items and they all left from there together before the Menominee Indians left, the ones that are known as such they were given the rice, the sacred rice that is called the anishinaabe was told to travel towards the west. As you arrive where it stands, where it lays in the water that sacred rice. This is where you will know the land that is for the Indian will be. This is what they were told. The Menominee where the first to bring the rice (to us...). It was in a sack, as we know of it.

awiiya omaa jiimaaning. Da-wii-maaminigaadeg i`iw manoomin weweni weweni pane da-manaajitooyan kina gegoo. Mii gaa-izhi-wiindamaagoyang. Pane da-mikwendamind, gegoo wiikaa wanenimaaken aw manidoo.²³

Aw manidoo gaa-pagidendang yo omaa akiing da-biijikaamigak manoomin. Mii dash iw wenji-asemaakeyang geyaabi bimiwidoodyang yo`o midewaajimon. Geyaabi da-gikendamang, gaawiin eta go da-mikwendamang da-gikendamang gaawiin naasaab i`iw debinaak, gaawiin debinaak da-minikwendamang, da-gikendamang mii ezhi-wiindamaagoyang. Mii dash a`aw asemaa giishpin asemaa weweni aabaji` aabaji`ang i`iw dabwaa-mamooyang yi`iw manoomin. Mii imaa wiindamawigeyang ezhi-miigwechiwitaagoziyang geyaabi o ezhi-manidoowaadak manoomin da-miigwechiwitaagoziwin. Mii omaa ge gii-wiindamaagemin weweni wii-kanawendamang weweni wii-izhitooyang gaawiin gidaa-manaajitoosiimin, gaawiin gidaswewebitoosiimin. Gaawiin gaye giwebinanziimin weweni giga-ganawendaamin da-wiisinyang da-ashamang a`aw giniijaanisiminaang, da-ashamang gaye a`aw bekaaded anishinaabe.²⁴

Weweni idash ezhi-wiindamaageyaan nimisiwendaan iwidi keyaa niigaan da-gikendamang anishinaabe yo, yo gaa-miinind gaa-miinigoyang da-ganawendamang ezhi-manidoowaadak yo`o, yo`o wiisiniwin. Geget...geget gi-mino-ayaamin gi-mino-bimaadizimin gikendamang ano giigidowinan gaa-izhi-miinigoyang gaye`ii midewaajimon. Weweni dash nimisawendaan geget weweni da-noondang y`ow ezhi-naajimoyaan gaye niin. Gaawiin anishaa ni-izhichigesii. Miinawaa gaawiin, gaawiin ninagowenimaasii awiiya niin. Weweni nimiinaa ya`o ezhi-dibaajimoyaan kina oshkinaj-anishinaabe. O niijaanis miinawaa ongow anishinaabeg owid keyaa niigaan waa-ondaadizijig. Miigwech yi`o taagozi dash ishkwaaaj niin dibaajimoyaan.²⁵

²³ Then in birch bark and the songs, spirit songs and the wild rice bird that is called. That wild rice bird, that same one that flew up with the spirits as they were leaving. As they come and check it out, looked at it. And this is how we still know it. This sacred food, the spirit put it here for the Indian, for the Ojibwe, for the Potawatomie and the Odawa and the Menominee and the Shawnee that are called. And also the Kickapoo Indians that are called as such. This is spirit food that was given by the spirit. This is where it came from, you will not find anywhere else, that which was given to the Anishinaabe. The Anishinaabe was told to take care of the rice and the rice will take care of you. The rice will never disappear as long as you take great care of it. And also offer your tobacco before you get into a canoe. Someone will speak to the spirit...that spirit that is in the water. This is the one that you speak to before you get into the canoe. As we proceed to pick rice...you shall respect all things. This is what we were told. Always remember the spirit, never forget the spirit.

²⁴ The creator is the one that put this rice to be growing here on earth. That is why we offer tobacco so that we carry on these sacred teachings. To know these teachings, not only to think about it but to know it, not any ole way, not to think about them in any ole way, but to really know the teachings, this is what we were told. That is why tobacco is used before the rice is picked. This where we give our thanks for the sacredness of the rice, as we give thanks. This where we give our thanks to take care of and to make it we are not doing enough to take care of it, we don't give enough voice to it. We do not waste any of it, we take great care of it so that we can feed our children, so that we can feed the ones that are hungry.

²⁵ As I give these teachings, I want this to be carried on so that the Anishinaabe will know this that was given as we take care of the sacredness of the food. We lead a good life when we remember the sacred teachings that we were given. I wish my teaching to be carried on to those that hear this. I do not do this for nothing. And I am not trying to step over the boundaries of other's teachings. I give my teachings with respect to all the young people. And the future generation. I give thanks whenever I finish a teaching.

§ 1.502 Tribal Wild Rice Authority.

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

(2) Definition. As used in this subchapter, “Tribal Wild Rice Authority” shall mean the individuals named by the Tribal Governing Board to act in the manner of the traditional Rice Chiefs for the purposes of implementing the provisions of this subchapter 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 of wild rice growing within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe by posting notice of the open dates on the shores of and at places of access to such waters and/or at the tribal conservation department; and

(b) For conservation purposes, establish a closed season for the harvesting of wild rice on any body of water within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

(4) Sufficient Notice of Opening Dates. If the Tribal Wild Rice Authority designates the open and closed dates for harvesting of wild rice growing within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe, the posting of an open date for harvesting wild rice pursuant to subs. (3) shall be deemed sufficient notice of such opening date and no other publication thereof is required.

(5) Consultation Required. 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 Tribal Governing Board and the tribal conservation department..

§ 1.503 Permit Required.

No member or duly authorized non-member shall harvest or gather wild rice pursuant to this subchapter without possessing a valid wild rice harvesting permit approved by the Tribal Governing Board which may incorporate such other terms and conditions as the tribal conservation department deems necessary or appropriate. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance. No wild rice harvest permit is required of helpers of a permittee who participate only in shore operations.

§ 1.504 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.

§ 1.505 Allowable Methods.

(a) No member or duly authorized non-member shall harvest or gather wild rice by the use of any method other than smooth, rounded cedar rods or sticks which are held and operated by hand.

(b) No member or duly authorized non-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, except by special permit issued by the Tribal Governing Board.

§ 1.506 Boats.

Except as otherwise authorized by the Tribal Governing Board, no member or duly authorized non-member may harvest or gather any wild rice by the use of any boat longer than 18 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.

§ 1.507 Open Season.

(1) There is no closed season for the harvest of wild rice on any body of water on the reservation as defined in § 1.201 (56) of this ordinance except for the following:

(a) Any other body of water for which the Tribal Wild Rice Authority has established a closed season pursuant to § 1.502 (3) of this ordinance.

(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 § 1.303 (3)(a) of this ordinance.

§ 1.508 Hours.

No member shall harvest or gather wild rice on any body of water on the reservation as defined in § 1.201 (56) of this ordinance between sunset and the following 9:00 a.m., Central Time.

§ 1.509 Harvest Monitoring.

No member shall refuse to cooperate with wild rice harvest monitoring activities conducted by the tribal conservation department.

§ 1.510 Harvest by Authorized Officials.

Nothing in this subchapter shall prohibit or preclude the tribal conservation department or their designees from harvesting or gathering wild rice for scientific purposes or otherwise within the performance of their duties.

§ 1.511 Assistance by Non-Members.

No person who is not a member or a duly authorized non-member shall assist a member in the gathering of wild rice pursuant to this ordinance except as provided § 1.329 of this ordinance.

SUBCHAPTER 1.6 – BIG GAME HARVESTING REGULATIONS

§ 1.601 Awesiinyag Mellidojib Gidizhitwaawininaan.²⁶

Ingoding gii-taawag aanind anishinaabe iwidi Manoominikaang. Gaawiin gegoo ogii-misawndanziinaawaan. Ogii-mamoonawaan eta waa-aabajitoowaad miinawaa gii-ashangewag (wiikongewag) da-miigwechiwi'iwewaad.²⁷

Baanimaa ogii-ani-wanendaanaawaan odizhitwaawiniwaan. Gaawiin geyaabi gii-paatayinosiwwag giigoonyag. Gaawiin dash geyaabi gii-minoginzinoonan ogitigaaniwaan. Gii-ani-maajaawag waawaashkeshiinyag. Gii-ani-gawanaandam Anishinaabe.²⁸

Bezhiig anishinaabe ogii-naanaagadawendaan gaa-izhi-maazhiseg. Ogii-kikenimaan ezhi-maajaawaad gaagaagiin miinawaa aandegwan. Ogii-ineminaan iniw waawaashkeshiinyan izhi-biminizha'aawaad. Gii-ani-kii'igoshimo gaye wiin gaa-izhi-biminizha'aad iniw bineshiinyan Giiwedining akeyaa.²⁹

Eshkam gii-shaagwiwwii biminizha'iwed. Gegapii gii-wanendamaa. Ojiihaagwan dash geyaabi giiwedining akeyaa gii-izhaawan ganawenimigod gidoodeminaanig. Gii-tagoshin noopiming gii-tazhi-maawanji'idinid bineshiinyan.³⁰

Ogii-kagwejimaan, "Aaniin gaa-onji-makamiyaang waawaashkeshiinyag? Nindapenimonodawaanaanig da-wiisiniyaang miinawaa da-biizikiiganikeyaang." Ogii-nakwetaagoon: "Gaawiin ningii-izhichigesimin. Gaye niinawind nindapenimonodawaanaanig da-bimaadiziyaang. Ningii-piminizha'aanaanig gii-maajaawaad. Gii-nishiwanaajichigem. Gidaa-gaagiizomaawaag. Giga-bagidinigoo da-nazikawadwaa."³¹

Niigaan gii-izhaa ani-waabamaad waawaashkeshiinyan gitigaaning. Gii-ani-mawi naazikawaad iniw ogimaawi-waawaashkeshiinyan. Gii-wiindamaage a'aw waawaashkeshiinh gaa-onji-maajaawaad gii-mino-doodaagosinig anishinaaben. Geget ogii-andodamawaan iniw Ogimaawi-waawaashkeshiinyan da-azhe-giiwenid.³²

²⁶ Big Game Tradition and Custom

²⁷ There once was an Indian village by a wild rice lake that did not want for anything. The people there only took what they needed and always had feasts to give thanks.

²⁸ As time went on, though, the people began to forget their traditions. Soon, the fish were not as abundant and their gardens were not as fruitful. Then, the deer disappeared, and the people began to starve.

²⁹ A man sat down and began to think about what went wrong. He saw that the ravens and crows were leaving and thought that they were leading the deer away. So, the man began to fast and follow the ravens and crows north.

³⁰ The further he traveled, his body got weaker. Finally, he fell over and lost consciousness, but his soul continued the journey northward, with the clan spirits watching over it. He came across a forest where the ravens and crows had gathered.

³¹ He asked them, "Why did you take the deer from us? We rely on them for our food and clothing." The ravens replied: "No, it was not us. We rely on the deer for our lives, so we followed the deer when they left. You were wasteful. You owe the deer people an apology, so we will let you through."

³² The man continued on and came upon deer in a field. He approached the Boss Deer and began to cry. The Boss Deer told him that it was man's fault that the deer had left. The man begged the Boss Deer to come back to his people.

Ogii-wiindamawaan ge-izhi-azhe-giiwed da-gikinoo'amawaad wiijanishinaaben da-gwayako-bimaadizinid. Ogii-apiitenimaawaan iniw anishinaaben epiichi-bagidinamawaad wiijanishinaabeni. Gii-tebwetaadiwag inaakonigewaad da-azhe-giiwewaad. Yo'ow izhichiged, gii-azhe-giiwewan owi yawing ojichaagwanan. Zhayegwa gii-pi-azhe-giiwewan waawaashkeshiinyan gii-koshkozid.³³

Gaa-ako-inakamigak ani-maajaawag waawaashkeshiinyag endaso-gikinoonowining anishkwaa-agoojinid aniw Manoominike-giizis(oon) da-dazhimaawaad iniw gaayosenijin gaa-manaaji'igowaajin miinawaa gaa-manaaji'igosiwaanijin. Gaa-manaaji'aajig apane oga-mikawaawaan waawaashkeshiinyan miinawaa da-minosewag.³⁴

§ 1.602 Open and Closed Season.

(1) A closed season is hereby established for the hunting of deer except for the open season specified in § 1.606 of this ordinance.

(2) Except as otherwise expressly provided by this ordinance, no member or duly authorized non-member shall hunt deer within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe during the closed season.

§ 1.603 Number of Deer Available for Harvest.

There shall be no limits on the harvest of deer during the open season, except the Tribal Governing Board reserves the right to impose limits that the tribal conservation department determines is in the best interest of the Tribe to do so.

§ 1.604 Deer Hunting Permits.

No member or duly authorized non-member shall hunt deer pursuant to this subchapter without possessing a valid deer hunting permit approved by the Tribal Governing Board which may incorporate such other terms and conditions as the tribal conservation department deems necessary or appropriate. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

§ 1.605 Deer Harvest Information.

(1) No member or duly authorized non-member who has killed a deer pursuant to this ordinance, shall fail or refuse to provide a harvest report, data, or such other relevant harvest

³³ He promised to go back to his people and teach them to correct their ways. The deer were so moved by the man's sacrifice for his people, they agreed to come back. With this promise, the man's soul returned to his body and when he awoke, the deer had come back.

³⁴ From then on though, the deer will disappear every year at the end of August in order to discuss which Indian hunters have respected their ways and which have not. Those who have will always find deer and prosper.

information, as may be requested by a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(2) No member or duly authorized non-member shall provide information to a tribal conservation warden, tribal law enforcement officer or the tribal conservation department which the member or duly authorized non-member knows, or has reason to know, is false or misleading.

§ 1.606 Deer Seasons; Specific Regulations.

Upon the determination of the tribal conservation department and the corresponding approval of the Tribal Governing Board, the deer hunting season may be changed if it is in the best interest of the Tribe to do so. All dates given in this section are inclusive:

(1) Closed Season for Deer Hunting. Except as provided in subs. (3), no member or duly authorized non-member shall hunt deer from the first Monday following New Year's Day to the first Sunday following July 4th.

(2) Open Season. The firearm, bow and crossbow deer hunting season begins on the first Monday following July 4th and ending on the first Sunday following New Year's Day or as otherwise provided by Tribal Governing Board.

(3) Permit Only Season. No member or duly authorized non-member shall hunt deer from June 1st through the first Sunday following July 4th without a permit. Permits will only be issued for yearlings and bucks upon a showing of extreme need pursuant to § 1.110 of this ordinance.

(4) Tradition and Custom. Notwithstanding any other provision of this section, nothing in this section shall be construed to infringe upon the issuance of a permit according to the traditions and custom of the Tribe pursuant to § 1.109 of this ordinance.

(5) Emergency Closure. Notwithstanding any other provision of this section, 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 § 1.330 of this ordinance.

§ 1.607 Permissible Methods.

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

§ 1.608 Firearms Restrictions.

No member or duly authorized non-member shall hunt deer by the use of any firearm, except as authorized pursuant to § 1.321 (3)(a) of this ordinance.

§ 1.609 Bow/Crossbow Restrictions.

No member or duly authorized non-member shall hunt deer by the use of any bow or crossbow, except as authorized pursuant to § 1.321 (3)(b) of this ordinance.

§ 1.610 Group Deer Hunting.

Pursuant to § 1.329 of this ordinance, no member or duly authorized non-member shall hunt deer as a member of a group deer hunting when a member of the party is an unauthorized non-member.

§ 1.611 Hunting Hours.

There shall be no limits on deer hunting hours during the open season, except the Tribal Governing Board reserves the right to impose limits or site specific hunting hours that the tribal conservation department determines is the best interest of the Tribe to do so.

§ 1.612 Transportation.

Except when a deer is being transported between the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe, no member or duly authorized non-member shall transport deer off-reservation without a transportation tag pursuant to § 1.312 of this ordinance.

§ 1.613 Hunting within Restricted Tribal Areas Prohibited.

Pursuant to § 1.321 (1) of this ordinance, no member or duly authorized non-member shall hunt deer within restricted areas.

§ 1.614 Hunting on Non-Member Fee Lands Prohibited.

Pursuant to § 1.302 of this ordinance, no member or duly authorized non-member shall hunt deer on any non-member fee land except where the non-member land owner has consented to tribal hunting.

§ 1.615 Sale of Deer and Deer Parts.

(1) Head, Skin and Hooves. Nothing in this ordinance shall be construed to prohibit any member or duly authorized non-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. Pursuant to § 1.326 of this ordinance, no member or duly authorized non-member shall sell meat from deer harvested pursuant to this ordinance except for subsistence uses as defined in § 1.201 (71) of this ordinance.

§ 1.616 Deer Shining / Night Hunting.

Pursuant to § 1.315 of this ordinance, the use of artificial light for deer hunting is permitted, provided it is not within a safety zone as defined in § 1.201 (60) of this ordinance. Member and duly authorized non-member compliance with the use of a safe zone of fire as defined in § 1.201 (59) of this ordinance and an adequate backstop as defined in § 1.201 (1) of this ordinance shall be considered safe hunting, otherwise no member or duly authorized non-member shall hunt and shine deer in such a manner so as to put human lives in danger, and a member or duly authorized non-member must take reasonable precautions to refrain from hunting dangerously.

§ 1.617 Authorization for Closure.

Pursuant to § 1.330 of this ordinance, the Director of the tribal conservation department is thereby delegated the authority to close any area to deer hunting prior to the season's closing date, generally or with respect to a particular location, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the Tribe's harvest goals or may otherwise cause biological harm to the tribal deer population.

§ 1.618 Prohibited Animals.

No member or non-member shall hunt elk, moose, or cougars within the exterior boundaries of the Lac Courte Oreilles Reservation or the off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe. Pursuant to § 1.702 of this ordinance, there shall be no general hunting of bears.

§ 1.619 Trapping Big Game Prohibited.

No member or non-member shall trap or snare big game animals within the exterior boundaries of the Lac Courte Oreilles Reservation or the off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

§ 1.620 Use of Dogs in Hunting Big Game.

(1) No member or non-member shall hunt deer, elk or moose with the use of dogs within the exterior boundaries of the Lac Courte Oreilles Reservation or the off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

(2) A member or duly authorized non-member may use leashed dogs to track wounded game.

(3) A member or duly authorized non-member may shoot a wild-dog that is chasing a deer.

§ 1.621 Assistance by Non-Members.

No person who is not a member or a duly authorized non-member shall assist a member in the hunting of deer pursuant to this ordinance except as provided § 1.329 of this ordinance.

SUBCHAPTER 1.7 – BEAR HARVESTING REGULATIONS

§ 1.701 Makwag Gidizhitwaawininaan.³⁵

Chi-apiitenimaawag makwag. Wiinetawaa awesiinyag izhi-niizhoogaadegaabawiwag anishinaabeng.³⁶

Makwa oganawendaanan gidakiiminaan, jiihayaki, miinawaa anishinaaben. Odaa-bagidinigoon awiia wii-nisaad makwan aniw makwa wedoodeminiin. Nisaad gii-ashangeng da-apiitenimaawaad a'aw makwa miinawaa makwa wedoodemijig.³⁷

Gii-aabidizi a'aw makwa akina. Gaawiin gegoo ogii-nishiwanaajitoonaawaan: miijim aawan owiiaas, owiinowin miinawaa odoonagizhiin gii-inaabadadoon da-mashkiikiikeng miinawaa da-omoodayikeng, miinawaa makozidan gii-inaabadadoon midewigaaning.³⁸

Makwa wedoodemijig wiinetawaa gii-pagidinaawag da-aabajitoowaad makwa owiiaawini wiiyaas aawanzinook. Oshtigwaanigegan gii-achigaade makomiikanaang Waabanong inaasamising. Inendaagwad yo'ow keyaa wii-izhi-oshki-bimaadizid a'aw makwa.³⁹

§ 1.702 General Bear Hunting Prohibited.

(1) No member or duly authorized non-member shall hunt bears within the exterior boundaries of the Lac Courte Oreilles Reservation or the off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe, except upon a showing of extreme need pursuant to § 1.110 of this ordinance.

(2) Notwithstanding any other provision of this section, nothing in this section shall be construed to infringe upon the issuance of permit according to the traditions and custom of the Tribe pursuant to § 1.109 of this ordinance.

³⁵ Bears Tradition and Custom

³⁶ Bears are given great respect, as they are the only animal who can stand on two feet, similar to humans.

³⁷ The bear is the protector of the Earth, Tribe and Burial Grounds. Before taking a bear's life, permission was requested from the Bear Clan. After a bear was killed, a feast was held in honor of the bear and the Bear Clan.

³⁸ All parts of the bear were used and nothing was wasted: meat for food, fat and entrails for medicine and water containers, and bear paws were used for the fourth degree member of the medicine lodge.

³⁹ However, only Bear Clan members were allowed to use the non-meat part of the bear. The bear's skull was placed on a bear trail, facing west. It is believed that the bear would then be reborn.

SUBCHAPTER 1.8 – SMALL GAME HARVESTING REGULATIONS

§ 1.801 Awesiensag Gidizhitwaawininaan.⁴⁰

Da-ashange anishinaabe nitam nisaad waawaashkeshiinyan. Miinawaa da-ashange nitam nisaad awesiinh egaasaanijin.⁴¹

Bakaan inaabidizi endaso-awesiinh miinawaa bakaan dibaajimaawag. Waaboozoowayaan gii-inaabadadoon da-aanziyaanikeng. Da-nandagaagwe eta wenda-manezid anishinaabe. Amik gii-wiindamaage ge-inakamigizid giishpin nisigod. Nibiikaang da-apagijigaadewan okanan wii-izhi-aanikie-ozhichigaazod amik.⁴²

Da-batayiinowag amikwag yo'ow izhichigenid anishinaaben.⁴³

§ 1.802 Open and Closed Season.

A closed season is hereby established for the hunting and trapping of small game except for the open season specified in § 1.807 of this ordinance.

§ 1.803 Hunting/Trapping During Closed Season Prohibited.

Except as otherwise expressly provided by this ordinance, no member or duly authorized non-member shall hunt or trap small game within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe during the closed season.

§ 1.804 Number of Small Game Available for Harvest.

There shall be no limits on the harvest of small game during the open season, except the Tribal Governing Board reserves the right to impose limits that the tribal conservation department determines is in the best interest of the Tribe to do so.

§ 1.805 Small Game Harvest Permits.

No member or duly authorized non-member shall hunt or trap small game pursuant to this subchapter without possessing a valid small game harvest permit approved by the Tribal Governing Board which may incorporate such other terms and conditions as the tribal

⁴⁰ Small Game Tradition and Custom

⁴¹ As with big game, a first kill feast was the tradition when hunting small game. Each animal had its own use and stories.

⁴² For example, rabbit skins were used to make diapers. Porcupines could only be hunted if there was extreme need. The beaver requested that when their lives were taken, their bones were to be thrown back in the water, where they will turn into another beaver.

⁴³ By following this request, there would always be an abundance of beaver.

conservation department deems necessary or appropriate. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

§ 1.806 Small Game Harvest Information.

(1) No member or duly authorized non-member who has harvested small game pursuant to this ordinance, shall fail or refuse to provide a harvest report, data, or such other relevant harvest information, as may be requested by a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(2) No member or duly authorized non-member shall provide information to a tribal conservation warden, tribal law enforcement officer or the tribal conservation department which the member or duly authorized non-member knows, or has reason to know, is false or misleading.

§ 1.807 Small Game Seasons; Specific Regulations.

Upon the determination of the tribal conservation department and the corresponding approval of the Tribal Governing Board, the small game harvest season may be changed if it is in the best interest of the Tribe to do so. All dates given in this section are inclusive:

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

(2) For the purposes of small game trapping, the season for all species shall commence on October 1 at 12:00 a.m. and closes on April 30 at 11:59 p.m.

(3) For the purposes of small game hunting, the season for all species shall be year around.

(a) Notwithstanding, the tribal conservation department may restrict the hunting of otter in any way it deems necessary at any time. Restrictions may include but are not limited to specifying the seasons in which hunting is permitted, specifying the gender of an animal to be killed, specifying the number of animals that may be killed, or specifying the location where harvest is permitted.

(4) Notwithstanding any other provision of this section, nothing in this section shall be construed to infringe upon the issuance of a permit according to the traditions and custom of the Tribe pursuant to § 1.109 of this ordinance.

(5) Notwithstanding any other provision of this section, nothing in this section shall be construed to authorize small game harvest or the opening of a small game harvest season contrary to an Emergency Closure Order issued pursuant to § 1.330 of this ordinance.

§ 1.808 Small Game Harvest Hours.

There shall be no limits on small game harvest hours during the open season, except the Tribal Governing Board reserves the right to impose limits or site specific harvest hours that the tribal conservation department determines is in the best interest of the Tribe to do so.

§ 1.809 Small Game Harvest within Restricted Tribal Areas Prohibited.

Pursuant to § 1.321 (1) of this ordinance, no member or duly authorized non-member shall hunt or trap small game within restricted areas.

§ 1.810 Hunting and Trapping on Non-Member Fee Lands Prohibited.

Pursuant to § 1.302 of this ordinance, no member or duly authorized non-member shall hunt or trap small game on any non-member fee land except where the non-member land owner has consented to tribal hunting.

§ 1.811 Small Game Harvesting Prohibited.

(1) No member or non-member shall molest or break open the house, lodge hole, nest, burrow, or den of a badger, beaver, mink, or raccoon, whether occupied or not.

(2) No member or non-member shall set a trap on a beaver dam or lodge unless the trap is fully submerged under water.

(3) No member or non-member shall harvest pine martens or wolves within the exterior boundaries of the Lac Courte Oreilles Reservation or the off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe, except upon a showing of extreme need pursuant to § 1.110 of this ordinance.

(4) Notwithstanding any other provision of this section, nothing in this section shall be construed to infringe upon the issuance of permit according to the traditions and custom of the Tribe pursuant to § 1.109 of this ordinance.

§ 1.812 Artificial Light or Shining Small Game.

Pursuant to § 1.315 of this ordinance, the use of artificial light for small game hunting is permitted, provided it is not within a safety zone as defined in § 1.201 (60) of this ordinance. Member and duly authorized non-member compliance with the use of a safe zone of fire as defined in § 1.201 (59) of this ordinance and an adequate backstop as defined in § 1.201 (1) of this ordinance shall be considered safe hunting, otherwise no member or duly authorized non-member shall hunt and shine small game in such a manner so as to put human lives in danger, and a member or duly authorized non-member must take reasonable precautions to refrain from hunting dangerously.

§ 1.813 Identification of Traps Required.

(1) No member or duly authorized non-member shall trap pursuant to this ordinance without affixing to each trap or snare the user's tribal identification number or tribal trapping identification number.

(2) Any trap or snare which is un-affixed with the user's tribal identification number or tribal trapping identification number, except snares set in accordance with § 1.818 (1)(m) of this ordinance, shall be immediately seized and confiscated, and the owner or member using or attending the un-affixed trap shall be subject to citation for a violation of the provisions of subs. (1).

§ 1.814 Trap Lines Site Permit Required.

(1) No member or duly authorized non-member shall harvest upon a trap line without a trap line site permit valid for a designated trap line or for such other location as established by the tribal conservation department.

(2) The tribal conservation department may issue a trap line site permit to one or more members or duly authorized non-members and may impose such terms and conditions as it deems necessary or appropriate.

(3) No member or duly authorized non-member shall fail to comply with the terms and conditions of a trap line site permit.

§ 1.815 Incidental Take.

Any member or duly authorized non-member incidentally taking any animal by trapping except for the open season for that animal shall release the animal if possible. If the animal is not capable of being released, the member or duly authorized non-member must report the incident to the tribal conservation department within 72 hours. The department may require the animal to be turned in within 72 hours after the report is made after which the department may dispose of the animal for charitable or governmental purposes or return the animal to the member or duly authorized non-member at its discretion.

§ 1.816 Transportation.

Except when small game is being transported between the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe, no member or duly authorized non-member shall transport small game off-reservation without a transportation tag pursuant to § 1.312 of this ordinance.

§ 1.817 Specific Trapping Regulations.

No member or duly authorized non-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 live bait or otherwise place bait that is readily accessible to raptors
- (4) Use water sets except during the open season.

(5) Fail to check all trap, snare, or restraining snare sets and to remove all animals therein at least once every 3-days, except sets placed for weasels consisting of body gripping traps placed entirely in enclosures, with no opening larger than $1 \frac{3}{8}$ 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) Set, place, or operate any trap other than a body-gripping or conibear type trap, enclosed trigger trap, snare, restraining snare, steel-jawed trap, or live-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 not placed within three feet of any culvert.
- (b) The colony trap and set does not utilize bait.
- (c) 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.

(7) 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 on dry land or frozen water unless it is four feet (4') or more above ground or placed in a box or similar container with openings restricted to 8" x 8" or less as measured from the maximum outside points of the effective width and height of the container.

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

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

(10) 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 8" 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.

§ 1.818 Specific Snaring and Restraining Snare Regulations.

(1) No member or duly authorized non-member shall trap small game 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 accordance with § 1.814 (1) of this ordinance.

(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 2 ½ 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 or, 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 and duly authorized non-members may use braided picture wire snares without locks or swivels for the purpose of snaring rabbits or hares.

(2) No member or duly authorized non-member shall trap small game 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 – April 30.

(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 restraint cable loop less than 6 inches or greater than 12 inches above the first surface. The measurement to 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) 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.

§ 1.819

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; or

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

(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 or duly authorized non-member shall possess, or sell or otherwise transfer to any person, any live small game animal and any member or duly authorized non-member who takes any small game animal shall kill the animal when it is taken or shall immediately release the animal.

(3) A member or duly authorized non-member may control temporarily a live small game animal for one of the purposes described in subs. (1)(a), but not for the purpose of selling the live animal.

§ 1.820 Shipment of Furs.

No member or duly authorized non-member shall send or ship any fur from an animal harvested pursuant to this subchapter 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.

§ 1.821 Sale of Small Game Authorized.

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.

§ 1.822 Authorization for Closure.

Pursuant to § 1.330 of this ordinance, the Director of the tribal conservation department is thereby delegated the authority to close any area to the harvesting of any small game species prior to the season's closing date, generally or with respect to a particular location, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in

a harvest exceeding the Tribe's harvest goals or may otherwise cause biological harm to the population of any small game species.

§ 1.823 Sharing of Equipment/Assisting Tribal Member.

No member or duly authorized non-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 except as provided in § 1.329 of this ordinance.

§ 1.824 Wild Turkey Hunting Regulations.

(1) Permit Required. No member or duly authorized non-member shall hunt wild turkeys without possessing a valid small game harvest permit approved by the Tribal Governing Board issued pursuant to the provisions of this subchapter. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) Season. No member or duly authorized non-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: April 1 to May 31.

(3) Number of Wild Turkeys Available for Harvest. There shall be no limits on the harvest of wild turkeys during the open season, except the Tribal Governing Board reserves the right to impose limits that the tribal conservation department determines is in the best interest of the Tribe to do so.

(4) Bag Limit. None

(5) Methods of Turkey Harvest. No member or duly authorized non-member shall hunt wild turkeys:

(a) By any means other than a .22 caliber rifle, shotgun or muzzle-loading shotgun fired from the shoulder, or a bow and arrow or a crossbow.

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

(6) Wild Turkey Harvest Information.

(a) No member or duly authorized non-member who has harvested wild turkeys pursuant to this ordinance, shall fail or refuse to provide a harvest report, data, or such other relevant harvest information, as may be requested by a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(b) No member or duly authorized non-member shall provide information to a tribal conservation warden, tribal law enforcement officer or the tribal conservation department which the member or duly authorized non-member knows, or has reason to know, is false or misleading.

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

(8) Authorization for Closure. Pursuant to § 1.330 of this ordinance, the Director of the tribal conservation department is thereby delegated the authority to close any area to the harvesting of wild turkeys prior to the season's closing date, generally or with respect to a particular location, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the Tribe's harvest goals or may otherwise cause biological harm to the tribal wild turkey population.

§ 1.825 Small Game Hunting Caliber Restrictions.

(a) No member shall hunt any bobwhite quail, hungarian partridge, pheasant, ruffed grouse or sharp-tailed grouse with a rifle (other than a .22 caliber rifle) or a shotgun loaded with a single ball or slug or shot larger than no. BB.

(b) A member may hunt otter, fisher, marten, mink, and muskrat with any firearm .223 caliber or less.

§ 1.826 Use of Dogs in Hunting Small Game Permitted.

A member or duly authorized non-member may hunt small game with the use of dogs.

SUBCHAPTER 1.9 – FISH HARVESTING REGULATIONS

§ 1.901 Giigoonhyag Gidizhitwaawininaan.⁴⁴

O dash azhigwa gaa-niibiing, dabwa-niibiing mii azhigwa gii-maajaad aw mikwam, mii apii minawaa gii-paa-bazhiba'igewaad imaa zaaga'iganing gii-pagida'waawag, gii-pagida'waawaag gaye. Miinawaa gaa-ondinaawaad niibowa ini giigohnyan gii-pagida'waawaad. Miiwidi igo Misi-zaaga'iganing mii iwidi wenjida aaniish naa chi-zaaga'igan iw gii-pagida'waawaad weweni gii ogii-ozhi'aawaan iniw odasabiiwaan Nashke a'aw Misi-zaaga'iganing anishinabe apane ikido, "Gego daangishinziin imaa gidasab imaa mitakamig, manaaji' aw asab." Mii apane wenji—agoonaawaad weweni miinawaa ge naadasabiiwaad mii go wewiib igo imaa makakong gii-asaawaad iniw odasabiiwaan miinawaa ogiigoonhyimiwan wii-paam-odaabaanaasiwaan imaa mitakamigong iniw odasabiiwaan. Noongon dash wiin go Anishinaabe bakaan wenjibaad mii go imaa baam-odaabaanaad akina ingoji imaa miikanaang miinawaa mitakamig iniw odasabiin, baa-o-baapinodawaad iniw odasabiin inow. Mii ge imaa ge-ondinamaang ani-wiisiniyaang o'ow gii-pagidawaawaad.⁴⁵

§ 1.902 Open and Closed Season.

A closed season is hereby established for fishing except for the open seasons specified in § 1.907 of this ordinance.

§ 1.903 Number of Fish Available for Harvest.

There shall be no limits on the harvest of fish during the open season, except the Tribal Governing Board reserves the right to impose limits that the tribal conservation department determines is in the best interest of the Tribe to do so.

§ 1.904 Fishing Permits.

No member or duly authorized non-member shall fish pursuant to this subchapter without possessing a valid fishing permit approved by the Tribal Governing Board which may incorporate such other terms and conditions as the tribal conservation department deems necessary or appropriate. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

⁴⁴ Fish Tradition and Custom, Excerpt from Mii-Gaa-onji-bapiba'iwed Anishinaabe Mewinzha by Amik (Larry Smallwood) from Dibaajimowinan: Anishinaabe Stories of Culture and Respect, Great Lakes Indian Fish and Wildlife Commission, Odanah, WI: July 2013.

⁴⁵ And then in the summertime, before the summer, when the ice would leave, tha'ts when they would go out spearing again on the lake, and they sets nets also. They got a lot of fish from netting. Over in Mille Lacs Lake, over there that is an especially big lake where they set nets. They made their nets carefully. See, the Mille Lacs Anishinaabe always say, "You don't let your net touch the bare ground; treat your net with respect." That's why they always hung up their nets carefully and checked their nets right away, put their nets in a box and also their fish so that they wouldn't drag them on the bare ground. As for today, you see Anishinaabe from different places dragging their nets around on the road and the bare ground, going around disrespecting their nets. It is from there that we get our food rom setting nets.

§ 1.905 Seasons, Methods, Bag Limits, and Size Limits; Specific Regulations.

Upon the determination of the tribal conservation department and the corresponding approval of the Tribal Governing Board, the fishing season may be changed if it is in the best interest of the Tribe to do so. All dates given in this section are inclusive:

(1) Annual fishing seasons for the time period provided in subs. (2), are hereby established.

(2) For the purposes of fishing, the season for all species shall be year around.

(a) Notwithstanding, the tribal conservation department may restrict the fishing of any species in any way it deems necessary at any time. Restrictions may include but are not limited to specifying the open season in which fishing is permitted, specifying the permissible methods by which fishing is permitted, specifying the size limit of a fish that may be harvested, specifying the daily bag limit of fish that may be harvested, or specifying the location where fish harvest may be permitted.

(3) Notwithstanding any other provision of this section, nothing in this section shall be construed to infringe upon the issuance of a permit according to the traditions and custom of the Tribe pursuant to § 1.109 of this ordinance.

(4) Notwithstanding any other provision of this section, nothing in this section shall be construed to authorize small game harvest or the opening of a small game harvest season contrary to an Emergency Closure Order issued pursuant to § 1.330 of this ordinance.

§ 1.906 Spearing Regulated.

(1) No member or duly authorized non-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. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) The Tribal Governing Board reserves the right to impose limits on open water spearing provided that the tribal conservation department determines is in the best interest of the Tribe to do so, including but not limited to the following:

(a) The establishment of limitations on the open season that exists for walleye, muskellunge, or any other species;

(b) The establishment of limitations on permit duration for the spearing of walleye, muskellunge, or any other species;

(c) The establishment of respective individual harvest limits or daily bag limits for walleye, muskellunge, or any other species for any designated body of water;

(d) The establishment of limitations on the respective number of spearing permits which may be issued at any one time for walleye, muskellunge, or any other species for any designated body of water.

(3) No member or duly authorized non-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 or duly authorized non-member shall fish with the use of a spear which does not meet the requirements of required by § 1.201 (69) of this ordinance [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) No member or duly authorized non-member shall share spearing equipment with any person who is not a member as provided in § 1.329 of this ordinance [Permissible Conduct/Assistance by Non-Members].

§ 1.907 Dip Nets, Fyke Nets and Seines Regulated.

(1) 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. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) The Tribal Governing Board reserves the right to impose limits on dip netting, fyke netting or seining provided that the tribal conservation department determines that it is in the best interest of the Tribe to do so, including but not limited to the following:

(a) The establishment of limitations on the open season that exists for walleye, muskellunge, or any other species;

(b) The establishment of limitations on permit duration for the dip netting, fyke netting or seining of walleye, muskellunge, or any other species;

(c) The establishment of respective individual harvest limits or daily bag limits for walleye, muskellunge, or any other species for any designated body of water;

(d) The establishment of limitations on the respective number of dip netting, fyke netting or seining permits which may be issued at any one time for walleye, muskellunge, or any other species for any designated body of water.

(3) No member or duly authorized non-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 or duly authorized non-member shall fish with the use of a dip net, fyke net or seine which does not meet the requirements of § 1.201 (20) of this ordinance [Dip Net Defined], § 1.201 (28) of this ordinance [Fyke Net Defined], or § 1.201 (62) of this ordinance [Seine Defined].

(5) No member or duly authorized non-member shall share netting equipment with any person who is not a member as provided in § 1.329 of this ordinance [Permissible Conduct/Assistance by Non-Members].

(6) No member or duly authorized non-member shall fish with an unattended dip net, fyke net or seine unless the net is marked with an identification tag issued by the tribal conservation department showing the user's tribal identification number or tribal fishing identification number securely attached to the net.

§ 1.908 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. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) The Tribal Governing Board reserves the right to impose limits on gillnetting provided that the tribal conservation department determines is in the best interest of the Tribe to do so, including but not limited to the following:

(a) The establishment of limitations on the open season that exists for walleye, muskellunge, or any other species;

(b) The establishment of limitations on permit duration for the gillnetting of walleye, muskellunge, or any other species;

(c) The establishment of respective individual harvest limits or daily bag limits for walleye, muskellunge, or any other species for any designated body of water;

(d) The establishment of limitations on the respective number of gillnetting permits which may be issued at any one time for walleye, muskellunge, or any other species for any designated body of water.

(4) No member or duly authorized non-member shall fish with the use of a gillnet which does not meet the maximum length, depth and bar size of a gillnet as follows:

DATE	MAXIMUM ALLOWABLE LENGTH	MAXIMUM DEPTH	BAR SIZE RANGE
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Year Around 100 feet 4 feet 1.50 - 1.75 inches

(3) No member or duly authorized non-member shall fish by the use of a gillnet contrary to the terms and conditions of any netting permit which has been issued to him or her.

(4) No member or duly authorized non-member shall fish with the use of a gillnet which does not meet the requirements of § 1.201 (33) of this ordinance [Gillnet Defined].

(5) No member or duly authorized non-member shall share gillnetting equipment with any person who is not a member as provided in § 1.329 of this ordinance [Permissible Conduct/Assistance by Non-Members].

(6) No member or duly authorized non-member shall fish with any gillnet unless the gillnet is marked in compliance with the following provisions:

(a) Each gillnet shall be marked with marked with flagged buoys or floats on each end.

(b) An identification tag issued by the tribal conservation department showing the user's tribal identification number or tribal fishing identification number securely attached to the topline or floatline on each net.

(7) No member or duly authorized non-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 100 foot intervals.

(8) No member or duly authorized non-member shall set any gillnet in a manner 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 Governing Board may require.

(9) No member or duly authorized non-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.

(10) No member or duly authorized non-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.

§ 1.909 Setlines and Set or Bank Poles Regulated.

(1) No member or duly authorized non-member shall use or possess any setline or set or bank pole on any body of water unless the member possesses a valid permit authorizing the use of a setline or set or bank pole on that body of water. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) The Tribal Governing Board reserves the right to impose additional limits on the use or possession of setlines or set or bank poles provided that the tribal conservation department determines is in the best interest of the Tribe to do so. No member or duly authorized non-member shall fish with or set any setline or set or bank pole except in accordance with the following provisions:

(a) A maximum of 50 set or bank poles and 5 setlines may be used in no more than 3 bodies of water at any one time.

(b) Each set or bank pole and each setline shall have attached securely to it an identification tag issued by the tribal conservation department showing the user's tribal identification number or tribal fishing identification number.

(c) Setlines or set or bank poles shall not be equipped with stainless steel hooks.

(d) A set or bank pole may not be equipped with more than one line which shall not have more than 2 hooks.

(e) A setline shall not have more than 10 hooks.

(f) 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.

(g) The Tribal Governing Board 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 or duly authorized non-member shall fish by the use of any set or bank pole or setline contrary to the terms and conditions of any netting permit which has been issued to him or her.

(4) No member or duly authorized non-member shall fish with the use of set or bank pole or setline which does not meet the requirements of § 1.201 (63) of this ordinance [Set or Bank Pole Defined], or § 1.201 (64) of this ordinance [Setline Defined].

(5) No member or duly authorized non-member shall share any set or bank pole or setline with any person who is not a member as provided in § 1.329 of this ordinance [Permissible Conduct/Assistance by Non-Members].

§ 1.910 Designated Landings May Be Required.

(1) In issuing spearing or netting permit pursuant to §§ 1.906, 1.907 or 1.908 of this ordinance, 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 or duly authorized non-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 or duly authorized non-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.

§ 1.911 Reporting and Monitoring.

(1) No member or duly authorized non-member who has harvested fish pursuant to this ordinance, shall fail or refuse to provide any catch monitoring report, data, or such other relevant harvest information, as may be requested by a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(2) No member or duly authorized non-member shall provide information to a tribal conservation warden, tribal law enforcement officer or the tribal conservation department which the member or duly authorized non-member knows, or has reason to know, is false or misleading.

§ 1.912 Open Water Hook & Line Fishing Regulated.

(1) Except as provided in § 1.909 of this ordinance [Setlines and Set or Bank Poles Regulated], no member or duly authorized non-member shall:

(a) Engage in open water fishing by the use of hook and line with more than twelve (12) lines with a maximum of two hooks or lures per line; or

(b) Engage in open water fishing by use of any unattended hook and line which is physically unattended for a period of more than an one hour, unless the unattended hook and lines are attached to a dock.

(2) Any member or duly authorized non-member engaged in open water fishing by use of any unattended hook and line shall attach to such line an identification tag showing the user's tribal identification number or tribal fishing identification number issued by the tribal conservation department.

(3) Nothing in this ordinance shall be construed to prohibit any member or duly authorized non-member from trolling on any body of water while engaged in open water fishing by the use of hook and line.

§ 1.913 Ice Fishing Regulated.

(1) No member or duly authorized non-member shall ice fish by the use of hook and line through a hole larger than 12 inches in diameter.

(2) No member or duly authorized non-member shall ice fish by the use of a spear through a hole larger than 24 inches by 36 inches.

(3) No member or duly authorized non-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 or have attached a treble hook;

(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 an identification tag showing the user's tribal identification number or tribal fishing identification number issued by the tribal conservation department.

(d) Each unattended line shall be checked at least once every 24 hours unless severe weather conditions render it impractical to do so;

(e) No more than a total of 50 attended or unattended lines shall be used in no more than 3 lakes at any one time; and

(f) 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 or duly authorized non-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 or duly authorized non-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 or tribal identification number or tribal fishing identification number is clearly displayed on the outside of the house. Fishing shelters that are removed from the ice daily or when not occupied or otherwise in use are exempt from this requirement.

(6) No member or duly authorized non-member shall fail to remove an ice fishing house or other enclosure from any body of water on or before March 15 or as otherwise determined by the tribal conservation department 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 or duly authorized non-member shall share any ice fishing gear, including any spear, with any person who is not a member as provided in § 1.329 of this ordinance [Permissible Conduct/Assistance by Non-Members].

§ 1.914 Incidental Take by Net or Fish Trap.

(1) Any member or duly authorized non-member incidentally taking any fish by the use of a net or fish trap shall either:

(a) Return to the water any such fish which appears capable of surviving;

(b) Retain possession of such fish; or

(c) Transfer as soon as practicable possession of such fish to the tribal conservation department or to a person authorized to enforce this ordinance.

(2) Any such fish transferred pursuant to subs. (1)(c) shall be disposed of by the tribe for charitable or governmental purposes.

§ 1.915 Live Bait Restrictions.

No member or duly authorized non-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, crayfish or other non-native or exotic species designated by the tribal conservation department.

§ 1.916 Fishing in Certain Locations Prohibited or Restricted.

(1) No member or duly authorized non-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 or duly authorized non-member shall fail to comply with the closures and other restrictions as established pursuant to § 1.330 of this ordinance [Emergency Closures].

§ 1.917 Bait Dealers Regulated.

(1) No member shall set, use or operate any net, trap or other device for taking, catching or killing minnows on any body of water unless the member possesses a valid permit authorizing the use of a net, trap or other device for taking, catching or killing minnows on that body of water. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) While netting for minnows by the use of any net authorized by § 1.907 of this ordinance [Dip Nets, Fyke Nets and Seines] or other device, except a trap pursuant to subs (3), no member or duly authorized non-member shall:

- (a) Remove or destroy vegetation, logs or habitat features;
 - (b) Handle, transport or hold minnows except in a manner which will reasonably ensure the minnows will be kept alive and healthy; and
 - (c) Fail to promptly return unharmed to the water all minnows not kept.
- (3) While trapping for minnows by the use of any trap no member or duly authorized non-member shall:
- (a) Remove or destroy vegetation, logs or habitat features;
 - (b) Handle, transport or hold minnows except in a manner which will reasonably ensure the minnows will be kept alive and healthy;
 - (c) Fail to promptly return unharmed to the water all minnows not kept.
 - (d) Set, use or operate minnow traps unless an identification tag showing the user's tribal identification number or tribal fishing identification number issued by the tribal conservation department is securely attached;
 - (e) Set, use or operate minnow traps unless they are raised and the minnows are removed from them at least once every 48 hours from all waters;
- (3) The Tribal Governing Board reserves the right to impose limits on the use of any net, trap or other device for taking, catching or killing minnows provided that the tribal conservation department determines is in the best interest of the Tribe to do so.
- (4) 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) Nothing in this ordinance shall be construed to prohibit a member from selling to any person minnows lawfully taken pursuant to this section.

§ 1.918 Sale of Game Fish Regulated.

Pursuant to § 1.326 of this ordinance, no member or duly authorized non-member shall sell meat from any game fish harvested pursuant to this ordinance except for subsistence uses as defined in § 1.201 (71) of this ordinance.

§ 1.919 Harvest of Spawn and Introduction of Fish Regulated.

(1) No member or duly authorized non-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 or duly authorized non-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.

§ 1.920 Authorization for Closure.

Pursuant to § 1.330 of this ordinance, the Director of the tribal conservation department is thereby delegated the authority to close any body of water to fishing for any species, generally or with respect to a particular location, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the Tribe's harvest goals or may otherwise cause biological harm to the tribal fish population.

SUBCHAPTER 1.10 – MIGRATORY BIRD HARVESTING REGULATIONS

§ 1.1001 Bimisemagak Gidizhitwaawininaan.⁴⁶

Binesiwiwag migiziwag. Animiikaa miinaawaa waasamoowin odinaabishkamawaawaan. Manidoog odooshkaabewisimiwaan aawiwan. Obimoomaawaan Anishinaaben begosenjigenid. Giganawenigoonaanig migizigwanag. Odinaabishkamawaan migiziwan miinawaa gidizhitwaawininaan ongow migizigwanag.⁴⁷

§ 1.1002 Open and Closed Season.

(1) For the purposes of migratory bird harvesting, the season for all species shall be year around.

(a) Notwithstanding, the Tribal Governing Board reserves the right to establish a closed season for the hunting of migratory birds in any way it deems necessary at any time.

(2) Except as otherwise expressly provided by this ordinance, no member or duly authorized non-member shall take any migratory bird within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe during an established closed season.

§ 1.1003 Number of Migratory Birds Available for Harvest.

(1) There shall be no limits on the harvest of migratory birds.

(a) Notwithstanding, the Tribal Governing Board reserves the right to restrict the harvest of migratory birds in any way it deems necessary at any time. Restrictions may include but are not limited to specifying species specific daily bag limits and/or aggregate daily bag limits, specifying possession limits, or specifying the location where harvest is permitted.

§ 1.1004 Daily Bag Limits and Possession Limits.

(1) No member or duly authorized non-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, whenever such limits apply as established by the Tribal Governing Board.

(2) No member or duly authorized non-member shall possess migratory birds taken within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands

⁴⁶ Migratory Bird Tradition and Custom.

⁴⁷ Eagles are a smaller version of the Thunderbirds, which represent thunder and lightning. They are spiritual messengers, who carry prayers on their back up to the Great Spirit. Eagle feathers, which represent the Eagle spirit and the Indian way of life, are for protection.

under the jurisdiction and purview of the Lac Courte Oreilles Tribe in excess of the possession limits for that species, whenever such limits apply as established by the Tribal Governing Board.

(3) For purposes of enforcing bag and possession limits under this subchapter, all migratory birds in a member's possession or custody within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe will be considered to have been taken on those lands, unless tagged by a tribal, Commission or state conservation warden as taken off-reservation in the ceded territory. No migratory bird falling on ceded territory lands will be counted as part of an on-reservation bag or possession limit.

§ 1.1005 Migratory Bird Harvesting Permits.

No member or duly authorized non-member shall harvest migratory birds pursuant to this subchapter without possessing a valid migratory bird harvesting permit approved by the Tribal Governing Board which may incorporate such other terms and conditions as the tribal conservation department deems necessary or appropriate. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

§ 1.1006 Migratory Bird Harvest Information.

(1) No member or duly authorized non-member who has harvested a migratory bird pursuant to this ordinance, shall fail or refuse to provide a harvest report, data, or such other relevant harvest information, as may be requested by a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(2) No member or duly authorized non-member shall provide information to a tribal conservation warden, tribal law enforcement officer or the tribal conservation department which the member or duly authorized non-member knows, or has reason to know, is false or misleading.

§ 1.1007 Methods.

(1) No member or duly authorized non-member shall take migratory birds:

(a) With a rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(b) From or by any 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;

(c) From or by any means, aid, or use of an aircraft of any kind;

(d) 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, crippled or captured birds; however, crippled or captured birds may not be shot from such craft under power;

(e) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this section for any person 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 ten (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;

§ 1.1008 Shooting Hours.

There shall be no limits on migratory bird hunting hours during the open season, except the Tribal Governing Board reserves the right to impose limits or site specific hunting hours that the tribal conservation department determines is the best interest of the Tribe to do so.

§ 1.1009 Migratory Bird Shining / Night Hunting.

Pursuant to § 1.315 of this ordinance, the use of artificial light for migratory bird hunting is permitted, provided it is not within a safety zone as defined in § 1.201 (60) of this ordinance. Member and duly authorized non-member compliance with the use of a safe zone of fire as defined in § 1.201 (59) of this ordinance and an adequate backstop as defined in § 1.201 (1) of this ordinance shall be considered safe hunting, otherwise no member or duly authorized non-member shall hunt and shine migratory birds in such a manner so as to put human lives in danger, and a member or duly authorized non-member must take reasonable precautions to refrain from hunting dangerously.

§ 1.1010 Hunting within Restricted Tribal Areas Prohibited.

Pursuant to § 1.321 (1) of this ordinance, no member or duly authorized non-member shall hunt migratory birds within restricted areas.

§ 1.1011 Hunting on Non-Member Fee Lands Prohibited.

Pursuant to § 1.302 of this ordinance, no member or duly authorized non-member shall hunt migratory birds on any non-member fee land except where the non-member land owner has consented to tribal hunting.

§ 1.1012 Wanton Waste of Migratory Birds.

No member or duly authorized non-member shall kill or cripple any migratory bird pursuant to this subchapter 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 or duly authorized non-member's automobile or principle means of land transportation;
- (2) The member or duly authorized non-member's personal abode or temporary or transient place of lodging;
- (3) A migratory bird preservation facility as defined § 1.201 (43) of this ordinance;
- (4) A post office; or
- (5) A common carrier facility.

§ 1.1013 Structures.

No member or duly authorized non-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.

§ 1.1014 Migratory Bird Blinds Regulated.

A member or duly authorized non-member may hunt from a migratory bird blind, subject to the following provisions:

(1) No member or duly authorized non-member shall leave any migratory bird blind unoccupied unless such blind is affixed with the user's tribal identification number or tribal hunting identification number, attached to the blind in a manner so it is clearly visible to a person.

(2) No member or duly authorized non-member shall prohibit any person from using a migratory bird blind that is not occupied and being used by the member or duly authorized non-member, except that the member or duly authorized non-member retains the authority to remove and relocate their migratory bird blind at any time. No member or duly authorized non-member shall prevent the owner of a migratory bird blind from removing their blind. A blind placed on tribal lands does not reserve that location for the exclusive use of the member or duly authorized non-member whom placed the blind.

(3) No member or duly authorized non-member shall relocate a migratory bird blind that was lawfully placed by another.

(4) Any unoccupied migratory bird blind which is untagged shall be immediately seized and confiscated, and the owner shall be subject to citation for a violation of the provisions of subs. (2).

§ 1.1015 Nests and Eggs.

(1) No member or duly authorized non-member shall harvest, take, needlessly destroy or possess the nest or eggs of any wild bird for which a closed season is established by this ordinance unless the member or duly authorized non-member possesses a valid permit issued by the Tribal Governing Board which authorizes the activity in question.

(2) In issuing a permit pursuant to this section, the Tribal Governing Board may impose such conditions and requirements as it deems appropriate or necessary.

§ 1.1016 Possession Regulated.

(1) Prohibited if taken in violation of §§ 1.1007 - 1.1014. No member or duly authorized non-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 §§ 1.1007 - 1.1014 of this ordinance.

(2) During closed season. No member or duly authorized non-member shall possess any freshly killed migratory bird taken within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe during an established closed season, unless tagged by a tribal, Commission or state conservation warden as taken off-reservation in the ceded territory.

(3) Possession limit. No member or duly authorized non-member shall possess more migratory birds taken within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe than the possession limit or the aggregate possession limit, whenever established. 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 or duly authorized non-member's primary residence.

(4) Opening day of a season. No member or duly authorized non-member on the opening day of the season shall possess any migratory bird freshly killed within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe in excess of an established daily bag limit, or aggregate daily bag limit, whichever applies.

(5) Field possession limit. No member or duly authorized non-member shall possess, have in custody, or transport within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe more than an established daily bag limit, or aggregate daily bag limit, whichever applies, of migratory birds, at or between the place where taken and any of the following places:

(a) The member or duly authorized non-member's automobile or principle means of land transportation;

(b) The member or duly authorized non-member's personal abode or temporary or transient place of lodging;

(c) A migratory bird preservation facility as defined in § 1.201 (43) of this ordinance;

(d) A post office; or

(e) A common carrier facility.

(6) Tagging requirements. No member or duly authorized non-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 or duly authorized non-member, stating his or her address or tribal hunting identification number, the total number and species of birds, and the date such birds were killed, except in accordance with § 1.1022 [Traditional and Cultural Use Permits /Registration] of this ordinance. 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 or duly authorized non-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 an established daily bag limit. No member or duly authorized non-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 subchapter, the possession of any migratory bird taken by any member or duly authorized non-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 or duly authorized non-member.

(10) Gift of migratory bird. No member or duly authorized non-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 or duly authorized non-member who took the birds, stating such member or duly authorized non-

member's address or tribal hunting identification number, the total number and species of birds and the date such birds were taken.

§ 1.1017 Transportation Regulated.

(1) Prohibited if taken in violation of §§ 1.1007 - 1.1014. No member or duly authorized non-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 §§ 1.1007 - 1.1014 of this ordinance.

(2) Transportation of birds of another. No member or duly authorized non-member shall transport any migratory bird belonging to another person unless such bird is tagged as required by § 1.1015 (6) of this ordinance.

(3) Species identification requirement. No member or duly authorized non-member shall transport within the United States any migratory birds, except doves and band-tailed pigeons (*Columba fasciata*) or in accordance with § 1.1022 [Traditional and Cultural Use Permits/Registration] of this ordinance, 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 § 1.201 (43) of this ordinance.

(4) Marking package or container. No member or duly authorized non-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.

(5) Except when a migratory bird is being transported between the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe, no member or duly authorized non-member shall transport migratory birds off-reservation without a transportation tag pursuant to § 1.312 of this ordinance.

§ 1.1018 Exportation Regulated.

(1) Prohibited if taken in violation of §§ 1.1007 - 1.1014. No member or duly authorized non-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 §§ 1.1007 - 1.1014 of this ordinance.

(2) Species identification requirement. No member or duly authorized non-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 or duly authorized non-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.

§ 1.1019 Authorization for Closure.

Pursuant to § 1.330 of this ordinance, the Director of the tribal conservation department is thereby delegated the authority to close any area to migratory bird harvesting prior to the season's closing date, generally or with respect to a particular location, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the Tribe's harvest goals or may otherwise cause biological harm to the tribal migratory bird population.

§ 1.1020 Assistance by Non-Members.

No person who is not a member or a duly authorized non-member shall assist a member in the harvesting of migratory birds pursuant to this ordinance except as provided § 1.329 of this ordinance.

§ 1.1021 Sale of Migratory Birds Parts Regulated.

(1) Pursuant to § 1.326 of this ordinance, no member or duly authorized non-member shall sell meat from any migratory bird harvested pursuant to this ordinance except for subsistence uses as defined in § 1.201 (55) of this ordinance.

(2) A member or duly authorized non-member may use the feathers of migratory birds (except eagles) lawfully harvested or collected under this ordinance for subsistence uses, including the making and selling of handicraft articles as defined § 1.201 (71)(b) of this ordinance subject to the following:

(a) No member or duly authorized non-member shall transfer the feathers of migratory birds lawfully harvested or gathered under this ordinance for subsistence uses, unless a copy of the permit authorizing possession of the migratory bird, feathers or parts thereof is transferred with the migratory bird with the following signed statement written on the permit:

(i) The following migratory bird (description of migratory bird species and whether bird, feathers, or parts) was transferred to (name of recipient) for subsistence uses on (date).

(3) Nothing in this ordinance shall be construed to prohibit a member or duly authorized non-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 or duly authorized non-member shall purchase or sell, or offer to purchase or sell, for millinery or ornamental use the feathers of migratory birds taken within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe (except as provided in subs. (2)); and

(b) No member or duly authorized non-member shall purchase or sell, or offer to purchase or sell, mounted specimens of migratory birds taken within the exterior boundaries of the Lac Courte Oreilles Reservation and off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

§ 1.1022 Prohibited Take of Raptors, Eagles, or Other Protected Species.

No member or non-member shall take, as defined § 1.201 (74) of this ordinance, any raptor, golden or bald eagle, owl, falcon or other protected migratory birds species, as defined § 1.328 of this ordinance, or its nest or eggs thereof within the exterior boundaries of the Lac Courte Oreilles Reservation or the off-reservation lands under the jurisdiction and purview of the Lac Courte Oreilles Tribe.

§ 1.1023 Traditional and Cultural Use Permits/Registration.

(1) Tribal Identification Card as Migratory Bird Gathering Permit Authorized. No member or duly authorized non-member shall collect, as defined § 1.201 (10) of this ordinance, any migratory bird without possessing a valid migratory bird collecting permit approved by the Tribe. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) Traditional and Cultural Use Registration. A member or duly authorized non-member collecting a migratory bird pursuant to this ordinance shall register the migratory bird with the tribal registration station no later than 5:00 p.m. of the third working day after the migratory bird was collected, provided as follows:

(a) No member or duly authorized non-member shall fail to present the migratory bird carcass, feathers or parts of any collected migratory bird to the tribal conservation department when requested.

(3) Traditional and Cultural Use Registration Information. A member or duly authorized non-member registering a migratory bird shall provide the registering official with the following information: the species of the migratory bird collected, the location where the migratory bird was collected, the date when the migratory bird was collected, the user's tribal identification number or tribal hunting identification number, and any other relevant information requested by the registering official.

(4) False or Misleading Information Prohibited. No member or duly authorized non-member shall provide information to the registering official which the member knows, or has reason to know, is false or misleading.

(5) Registration by Tribal Conservation Warden or Officers Authorized. Any wardens of the tribal conservation department or officers of the tribal law enforcement department authorized pursuant to § 1.402 of this ordinance to enforce the provisions of this ordinance are authorized to register collected migratory birds in the field provided such warden or officer transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (2), above.

(6) Traditional and Cultural Use Permit. Upon registration, the Tribal Governing Board or the tribal conservation department shall provide the member or duly authorized non-member with a traditional and cultural use permit authorizing possession of the migratory bird, feathers or parts thereof for religious, ceremonial, and cultural purposes in accordance with the traditions and customs of the Tribe.

(7) Temporary Possession by a Custodian. No member or duly authorized non-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 a copy of the permit authorizing possession of the migratory bird, feathers or parts thereof is in the possession of the temporary custodian with the following signed statement written on the permit:

(a) The following migratory bird (description of migratory bird species and whether bird, feathers, or parts) was provided to (name of recipient) as a temporary custodian on (date).

(8) Termination of Possession. Subject to all other requirements of this chapter, the possession of any migratory bird collected by any member or duly authorized non-member shall be deemed to have ceased when such bird has been given to the Tribe, Commission or has been delivered by him or her to another person as a gift.

(9) Gift of Migratory Bird. No member or duly authorized non-member shall receive, possess, or give to another, any collected migratory birds as a gift, unless a copy of the permit authorizing possession of the migratory bird, feathers or parts thereof is transferred with the migratory bird with the following signed statement written on the permit:

(a) The following migratory bird (description of migratory bird species and whether bird, feathers, or parts) was gifted to (name of recipient) on (date).

(10) Failure to Comply with Permit Terms and Conditions. No member or duly authorized non-member shall fail to comply with the terms and conditions of a permit issued pursuant to this section.

SUBCHAPTER 1.11 – TIMBER HARVESTING REGULATIONS

§ 1.1101 Background and Purpose.

It is the policy of the Tribal Governing Board to allow members to bid exclusively on timber sales involving approximately 250 acres of trust land. Since the adoption of this policy, members have raised concerns about the potential of abuse of this benefit if a member bid on a sale in name only and if awarded, would not be significantly involved in other aspects of the timber sale.

The purpose of this ordinance is to deter and eliminate members from bidding on sales in name only. It is in the best interest of members to be directly involved in timber sales so that they benefit the most financially from timber sales.

MEMBERS FRONTING FOR NON-INDIAN PERSONS OR COMPANIES OR NON-LCO TRIBAL MEMBERS FOR THE PURPOSE OF OBTAINING A TIMBER SALE CONTRACT WILL NOT BE TOLERATED. THE LCO TRIBAL MEMBER MUST HAVE SUBSTANTIAL CONTROL OF THE OPERATION.

This ordinance supersedes, rescinds and takes precedence over any and all previous Timber Harvesting Policies that address member timber sales which may have been adopted by tribal entities, agencies, committees or by the Tribal Governing Board.

This ordinance shall remain in effect until reviewed and/or revised at the discretion of the Tribal Governing Board.

§ 1.1102 Coverage and Scope.

(1) This ordinance applies to all member/BIA Timber Sales, except for emergency situations.

(2) Certain federal laws, including 25 CFR § 163 (entitled “General Forestry Regulations”), may supersede or contain provisions that are inconsistent with this ordinance. If the federal law/contract/grant provisions are mandatory, those provisions shall control and the remaining portions of this ordinance shall be adhered to.

(3) This ordinance does not prohibit the Tribe from retracting any invitation for bids.

§ 1.1103 Procedure.

(1) When a member is interested in bidding on a timber sale, they must first come into the tribal forestry department and sign the Timber Harvesting Policy acknowledgement statement.

(2) This statement will be explained to them by a representative in the tribal forestry department or the BIA forestry office.

(3) The acknowledgement statement must be signed by the member for every timber sales they are awarded.

(4) The member needs to show that the money used for their performance bond and advance stumpage is in fact their money.

(5) If a member bids on a timber sale on behalf of a company, the member must show proof that they own 50% of more of the company.

§ 1.1104 Enforcement.

(1) If a violation of this ordinance is reported or suspected, the tribal forestry department must investigate and report to the Tribal Governing Board.

(2) The Tribal Governing Board must decide whether or not to request suspension or revocation of a timber sale contract pursuant to the contract terms, specifically Standard Provisions 2.6 and 2.7.

(3) More than one violation of this ordinance may result in an individual being barred from bidding on member timber sales.

(4) Any Timber Contract that is entered into by the Tribe and a member shall be amended to reflect the adoption of this ordinance.

§ 1.1105 Compliance.

The tribal forestry department and the Tribal Governing Board are bound by this ordinance and shall fully comply with all its terms. The tribal forestry department shall not take any action to avoid being subject to and enforce this ordinance.

§ 1.1106 Effective Date/Severability.

(1) The provisions of this ordinance shall take effect after the Tribal Governing Board, by Resolution, adopts this ordinance and the Bureau of Indian Affairs revises the Timber Contract that shall apply to tribal member timber sales to include the following:

The purchaser is required to comply with the Lac Courte Oreilles Timber Harvesting Policy during the life of this contract. If during the life of this contract it is determined by the Lac Courte Oreilles Tribe that the Purchaser is not in compliance, the superintendent may suspend operations until there is satisfactory compliance. Continued failure to comply may result in revocation of the contract as per Standard Provision 2.6. The Purchaser shall be liable for all damages from the breach of contracting as per Standard Provision 2.7.

(2) If any provision of this ordinance is ruled illegal by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain unaffected.

§ 1.1107 Right of Appeal.

If the tribal forestry department deems a member ineligible for a timber sale because it would not be in compliance with this ordinance, that member may appeal the decision to the Tribal Governing Board. It must take an action by the Tribal Governing Board to override the decision of the tribal forestry department.

SUBCHAPTER 1.12 – MISCELLANEOUS FOREST PRODUCT HARVESTING REGULATIONS

§ 1.1201 Mitigoog Gidizhitwaawininaan.⁴⁸

A'awe aya'aa zhingobiiwaatik, sesegaandag gaay-izhinikaaazot...Aya'ii tagiin omaa akawe niwii-tazhindaan. Ogowe mitigoog gaa-waabamangwaa omaa noopiming gakina Anishinaabewinikaazowag ogowe mitigoog. Gakina wiinzowag, gakina ogii-wiinaa' awe Nanabosh omaa gii-ozhitoot iy aki. Mii giin ge-izhinikaazoyin, mii iye gaa-inaad. Mii dash owe gaa-onji-wiindamaawagwaa-ko awiiyag. Aapiji gichi-apiitendaagwat owe wiinzowin awiiaa gii ayaat. Mii iwe ge-giinawind gaa-onji-Anishinaabewinikaazoyang. Gigii-miinigonaaan awe. Manidoo gigii-miinigonaaan inowen wiinzowinan gaa-bimiwidamaageyang. Mii dash owe gaa onji-gichi-apiitendaakogin. Mii omaa ge-onji-mino-bimaadizid awiiaa weweni kanawendang awiiaa owe wiinzowin. Mii niin, mii niin ako gaa-izhit awe nookomisiban. Nashke naanaagadawenimadwaa igiwe mitigook gakina. Anishinaabewinikaazowag. Mii dash ge-giin gaa-onji-anishinaabewinikaazoyan mii, mii iye gaa-izhit aw nookomisban.⁴⁹

Mii dash iwe gaa-izhichiget owe Nanabozhoo, gakina ogii-wiinaa' iwe mitigoo'. Mii awe zesegaandag gaa-inind. Niibiyo gegoo inaadizi awe zesegaandag. Miidog igo gaye wiin gaa izhi-gagwejimind "Aaniin giin waa-izhichigeyan wii'wiji' at awe, Anishinaabe gaa-wii tagoshing. "Oh niibiyo go gegoo ninga-inaabaji'ig" gii-ikido "booshke go ingoding oga mashkikikaagenan inowe, owe nimitigom, owe ge shingop. "Spruce" iidog izhinikaazo, zhaaganaashiiwag wemitigoozhiwag ezhinikaanaawaat. Iwe wiin igo geniin ingii-izhi-kikendaan gii.. aazhaa gaa-inaabaji'ag owe zesegaandag. Owe gii-nisind aa mooz. Owe dash eyii, onagish omaa biinjaya'ii gaa-ayaag aa mooz. Mii awe gaa-aabachi'ag sesegaandag ingii-ondaabiishaan i'i. Ingii-aabooda'aan iw onagish. Mii dash omaa ga-izhi-odaabiishamaan ingii-pootawe. Miish dash omaa gaa-izhi-asag aa zesegaandag. Miish dash ogidaandag ga-izhi-odaabiishamaan owe aya'ii mooz onagish. Aapiji minopogwad inakeya'ii gii-izhichigeng.⁵⁰

⁴⁸ Mitigoog Teaching by Ogimaawigwanebiik (Nancy Jones) from Dibaajimowinan: Anishinaabe Stories of Culture and Respect, Great Lakes Indian Fish and Wildlife Commission, Odanah, WI: July 2013.

⁴⁹ *Now this tree with needles, the one called white spruce – oops! I just remembered. First I need to talk about this. All these trees we see in the bush have Indian names. Nanabosh gave them all Indian names when he made the earth. And that is why, that is what I tell them, people. It is very sacred when someone has a spirit name. That is why we were given Anishinaabe names. The spirit gave these to us. The spirit gave us these names so that we can carry them in a sacred manner. That is why they were so sacred, highly honored. That is why. That is how one receives good life when they take care of or honor their name. This is what my late grandmother told to me. If you think about those trees, they all have spirit names. That is why you have a spirit name. This is what my grandmother told me.*

⁵⁰ *This is what Nanabozhoo did; he gave all trees names. That is the white spruce that was named. There are a lot of uses for the white spruce. So he (the tree) was asked (by Nanabush), "How are you going to help the Anishinaabe when they get here?" "Oh there is a lot they can use me for," he said. "They might even make medicine out of me; they can use my tree-ness and my needles." "Spruce" apparently is what he is called in the English, when one here to use the English language that is what the white people (French) call them. And I have this one teaching, one of the ways I use the white spruce -when the moose is killed. And this, a certain intestine part of the moose has inside of him, that is what I used. That white spruce, I shrink it (using heat and smoke). I turned it inside out, that certain part of the intestine. And then I heated up the intestine. I made a fire. And then I put that spruce there. Then on top of that smoky spruce I put that moose intestine to shrink. Does it ever taste good when you do it this way. (Cultural*

Mii awe bezhik miinawaa. Giizhikaandak, cedar tree, mii awe iidog aw bezhig gakagwejimind. “Aaniin giin waa-izhi-wiiji’at aw Anishinaabe?” odinaan Nanabosh. “Oh niibowa go gegoo inga-izhi-wiiji’aa” ikido iinzan. Nashke owe gii-ayaat, kii-odabinoojiimit a’a, kii odabinoojiimiyaat. “Niin, onowen nimitigooman oga-aabaji’aan ji-ozhitood owe tikinaagan” gii ikido. “Aapiji dash inga-zhawenimaa aw abinoojiinh. Inga-miinaa ge onowe bawaajiganan minik omaa ge-agwaakwapizod omaa tikinaaganing. Da-bawaajige ge. Aapiji ge oda-minoginiwan onowe opikwan ono sa go ezhi-okaanit apichi oda-minoginiwan owe giishpin aabaji’ind awe akikaandag giishkaandag. Niibiyo sach igo ge gegoo indaa-aan inga-miinag ogowe, ge-onji mashkikiimiyaat onowen, onowen nimitig ezhi-mitigowiyaan. Oshke na awe gii-chiimaanikeng mii owe bezhig ge-ni-aabajitoowaat onowen owe giishka’ gii-ozhi’aad awiia. Booch ge naa ge apakwaanawon owe gii-ozhitoowaat awiia awe waa-dazhi-giizhoozit awiia gii-biboong”. Mii owe a giishkanagek mii iniwen oga-pakweyaat. Miinawaa ogowe a’aag mitigoog oga-ozhitoonaawaan gegoo boosh ke naa iniwe bawa’iganaakoon gii-ikidong. Mii omaa ge onji. "Niibiwa go gegoo inga-izhi-wiiji’aa aw Anishinaabe aaniishinaa inga-zhawenimaa geniin".⁵¹

Mii sa miinawaa owe akikaandag, oh geniin igo. Okikaandag enind Jack Pine maawiin izhinkaazo awe. “Geniin igo awe indaa-wiiji’aa aw Anishinaabe. Geniin igo indaayaan owe mashkiki ge-aabajitoowaad ogowe Anishinaabe.” Baamaa oga-ni-gikendaanaawaa. Aaniin owe ge-naabajitoowaad ge-naabaji’aawaat iniwe owe okiikaandag. Aya’iin igo gegoo bezhig indaa-dibaadodaan. Nashke ogowe a’aag binewag gaa-aya’aag, mishkodese gaa-inindwaa. Mii onowen [akikaandagoog] gii-amoowaat ogowe mishkodese. Mii dash omaa gaa-onji-tebinaad owe anishinaabe wii-amwaat inowen mishkodese gii-ikidong. Aapiji waangawizi aw mishkodese. Anishinaa mii iwe geniin enendamaan ge-zhi-wiichitwaayaan. Mii go bizaan igo ge-izhi-michi-naabigo’onaawaa owe mishkodese gegoo wiin baabiiginamowaat. “Mii dash owe geniin ge-izhi-wiichi’ag awe aw Anishinaabe.”⁵²

point. The moose is pleased when all of his parts are eaten. Every part of the moose has a special gift for the woman who is the life giver.)

⁵¹ *And then there is the next one. The cedar tree, that was another one that was asked, “How will you help the Anishinaabe?” Nanabosh asked. “Oh there are a lot of ways I can help the Anishinaabe,” he said. “When somebody has a child, when a couple has a child, they will use my wood to make the cradle board,” he said. “I will give him all the love that I have to offer to the child. I shall bestow many visions onto him for the duration that he is in the cradle board. And he shall dream too. The child will have healthy bones, have a straight spine, strong and straight bones just be totally healthy if one uses the cedar. I have many uses that I can give them, when they want to make medicine from my being a tree. When someone is making a canoe, that is one use that will be used to make the strips of cedar on the bottom when someone makes it. They can make a cedar bark covering for their shelter when they want to stay warm during the winter”. That is the one, the cedar bark, that will be utilized for a roof covering. And also these trees they will make other things like rice knockers, how it was said. This is where it will come from. “There are many ways I can help the Anishinaabe. I shall care for them too.”*

⁵² *Next I will talk about the jackpine. I will also help. That whom they call the jack pine, perhaps is what he is called. “Oh me too, I could help out the Anishinaabe. Me too! I have medicine that the Anishinaabe could use.” They will learn more about it (as the world grows.) There is something, one thing, I would like to tell about. For instance these certain partridges the ones called spruce hens. It is these [jackpine] boughs that these spruce hens eat. That is where the Anishinaabe looked for them to go get when he wanted to eat the spruce hen, it is said. The spruce hen is very tame. “And that is the way I will try to help the Anishinaabe.” They are easy to snare the spruce hen whenever they use a snare (on a long stick.) “That is the way that I shall help the Anishinaabe.” (Cultural note: The jack pine instructed the spruce hen to make himself available to the Anishinaabe. The spruce hen is not dumb. The jack pine promised Nenabosh that he would help the Anishinaabe, and this is how he is keeping his promise.)*

Ininaandag iidog omaa gii-pi-tagoshin. Mii iitog owe balsam tree gaa-inind. Oh geniin, niibiyo gegoo inga-wiiji'aa. Nashke owe gii-ozhiget aw Anishinaabe. Mii onowen ge-apishamod onowen owe ninzhingobiim mii owe gaa-izhi-apishimod. Nashke-ch ge onowen gaa-ayaagin owe gaa-izhinaagoziyaan owe ii Giishpin baashka'ang awe owe gegoo gii-pikobiit awe mitig. Mii omaa oga-ondinaan omaa gegoo ini mashkiki. Mashkiki omaa oga-ondinaan baamaa ogikendaan aaniin ge-ni-aabajitoot awe mashkiki. Kegoo go owe wenji-izhinaagoziyaan. Owe gii-babiikobiit owe mitik. Niibiyo go gegoo da-inaabadizi. Mii sa iniwen aapiji oga-apishimonikenaawaaa booshke ge aanind oga-aabaji'aawaan owe ezhi-mashkikiwaabooket awiia. Bijiinag oga-ni-gikendaanaawaa da-ani-bawaajigewag ogowe Anishinaabeg waa-tagoshinowaad.⁵³

Mii awe miinawaa bezhig. Biisaandago-shingwaak mii iidog igo awe a white pine, gaa-inind. Gaawin igo aapiji awe gegoo ingii-noondanzii aaniin enaabadizid awe. Aapiji dash a, aapiji dash minokwane awe gii-manisaanind awiia iniwen biisaandago-shingwaakwan.⁵⁴

Mii awe miinawaa, mii go bezhigon ge awe gii-mashkikiwit awe mitik. Gakina go ogowe mitigoog gaa-badakizowaat gakina mashkikiwaatigoog igi. Miish sa eta go ji bijiinag awiiyag gegoo gii-ani-gikendang aaniin ge-ni-aabaji'aad aaniin ini mitigoon ge-ni-aabaji'aat. Mii iye niin ko gaa-igowaan ge-waawiindamaagowaan gegoo. Baamaa giga-kikendaan. Nashke ge owe shingwaak gaa-inind. Mii go bezhig ge owe, ngii-waabamaa ko owe. Omisimiiwaat iniwen obiisaga'owaawaan ogo, ogiishgiboonaawaan. Ingii-ayaamin ako gii-odaminwaagemin gii-abinojiiwiyaang owe. Ingii-maaminopinaanaan ogowe a'aag, ingii-aagimesikemin. Mii iye gaa-izhichigeyang. Aagimesag omaa tibishkoo go gii-odaminot aw abinoojiinh.⁵⁵

Mii awe miinawaa bezhig iidog gaa-ikidod, ge-niin nigoo nimbim-miitooon i'i mashkiki. Baamaa oga-kikendaan aa Anishinaabe gii-ikidogwen. Miinawaa awe wiigwaasaatik, mii owe ge miinawaa bezhik niibiyo gegoo, inaabadizi awe. Niibiyo aapiji gegoo omaa onji-ozhichigaate. Shke omaa, wiin igo geniin eko de-bi-kikendamaan ingii-kanawaabamaa owe gaa-oosiiyaan. Aagima' omaa ogii-onji-ozhi'aa' ogii-waaginaan iniwen wiigwaasaatigoon. Miinawaa odaabaanaakwan ogii-ozhi'aaan. Miinawaa owe ezhi-onagekod, wiigwaasaatik niibiyo omaa gegoo gii-onji-izhichigaatewan. Miinawaa ge piskitenaaganan gii-ikidong. Miinawaa onowen

⁵³ Then next the balsam tree arrived. It is the balsam tree which is called this way. "Oh me too, I shall help in many ways. For instance, when the Anishinaabe makes camp. They will use my boughs as a floor when they need something to lie on. And for instance these things, the way that I look, (my pitch) it is. If someone pokes at the lumpy pitch, the blister part of that tree, from there they will get medicine. The medicine they will get from here, and they know later on how to use this medicine. There is a reason why I look like this, when the tree has all this sticky pitch. There are many uses for this (pitch.) They will use this for flooring, and others will use this when they make medicine. They will have dreams as to how to use it, those Anishinaabeg when they arrive."

⁵⁴ And there is another one, the next one. The white pine, the one they call white pine, is what they named it. I did not hear of many uses for this tree. However, it burns very well when used as firewood this pine tree.

⁵⁵ And then the next one, he is like the others, too. He, too, is medicinal. All the trees that grow there, they are all medicinal trees. It is only – someone will come to know how – how a person would utilize this tree, how it be would used. This is what I was told when I was being instructed in something. You will live and learn about it. Now look at this [red] pine. It is the same this one, when I used to see that tree. When they used to split it up in little pieces (with an ax), and they would saw it up. We used to make play things out of it when we were children. We would bend the needles to make little snowshoes – little snow shoes just like when a child is at play. That is what we did.

aya'ii ezhi-apakwet aw Anishinaabe. Gaawiin nimijimendanzii ezhinikaatek (wiigwaasabak). Gii-maawandoogwaadeg i'i wiigwaas . Mii iye oda-apakwaanid mewinzha, Geyaabi sa go aapi gii-apakawed awiyya. Mii awe aa birch tree gaa-inind.⁵⁶

Miinawaa awe a'a azaadi. Poplar tree maawiin izhinikaazo. Mii go ge awe iidog aapiji gaa-pi-dibaajimot. "Niibiyo ge niin gegoo indayaan ge-izhi-wiiji'ag aa Anishinaabe." "Nashke awe gaa-izhinaagozit awe nimitik." Aanind ge ogowe ga-babiiwizhe'iwaat mitigoonsag. Mii omaa ge-ondinamowaad owe ge omashkikiimowaat ogowe Anishinaabeg. Owe chi go ge-niin ezhi-minjimendamaan gii-abinoojiiwiyaan. Ingii-ozibinikaanaanaan ako owe ozaadi ga-inind. Ingii-bishagaakwawaanaan. Miich imaa gaa-ondinimaan. Aapichi onzaam gii-minopogwad awe. Oziban izhinikaate. Dibishko gegaa go, gegaa go ziinzibaakwat izhipogwat iye. Mii dash iye gaa-noojitooyaang gaa-izhi-ishpi-niibing igo. Aapiji niin, aapiji ningii-minopitaamin mii sa go gaa-ikidod awe nookomisiban. "Kinoojimoo'idiz iye gii-miijiman owe oziban, mashkikii gaa-miijiyaa" ingii-ig ako. Howah sa ingii-minotawaa. Mii go apane noopiming gii-pabaa-ayaawaan geniin, babaa-ozibanikeyaan. Niibiyo gegoo enaabadizi a'a azaadi.⁵⁷

Miinawaa awe maanazaadi. Gaawiin igo aapiji gegoo awe ingii-noondanzii, enaabidizit. Owe dash wiin ago ko gaa-izhi-noondawagwaa ogowe kichi-anishinaabeg. Nashke iwe gii-ani-ziigwang, Gakina awiyya obii'toon owe ji-ayaag, jibwaa baabagoshkaag owe wiigwaas gegoo gii-ozhichigaadeg omaa wiigwaasing. Mii dash ako gaa-izhit a'a bezhig a'a ingii-onoshe'inan mindimooye-iban, aazha gii-maajaa. Owe gidaa-naanaagadawaabamaa maanizaadi. Aapii kiizhibagizit a maanizaadi, mii omaa ji-kikendaman. Mii ji-baabagoshkaag i'i, ji- baabagoshkaag i'i wiigwaas mii o'apii ge-ando-waabandaman giizhibagizit a'a maanizadi aapii mamaangibagizi etino'o. Aspen I guess that's the name of it, mii ezhi-zhaaganaashiiwinikaazod.⁵⁸

⁵⁶ Then another one spoke up. "Me too! I carry medicine. Later on the Anishinaabeg will know how to use me," the tree said. And now that white birch tree, he, too, has many uses. This is where a variety of things are made from. For example, as far back as I can remember, I would watch my late father. He would make snowshoes by bending that birch tree. He also made a toboggan. And when he used the bark, he made many things with it. Also the folding birch bark basket, it was said. Also when the Anishinaabe needed something for roofing. I do not remember what it is called (wiigwaasabak), wWhen they sew the birch bark (pieces) together. That is what one would use for roofing material long ago, even nowadays whenever one wants to make a roof. That is the birch tree that I am talking about.

⁵⁷ And now for the poplar tree. Poplar tree is probably the name of it. And he too spoke up. "I too have many gifts to help the Anishinaabe." For example when the way that my tree looks and even the smaller trees, this is where the Anishinaabe will get medicine from when they make medicine." I also remember back when I was a child. We would eat the sap from the bark from the poplar tree. We would peel the bark of the tree. This is where we would get it from. Boy, did it ever taste good that one! It was called thick sap. It almost taste like sugar. That is what we use to go after, later on into the summer. I, we, really liked the taste of it and this is what my late grandmother told me. "You are medicating yourselves when you eat that sap. That is medicine that you are eating" is what she use to tell me. I really liked what she said to me. I would hang out in the woods eating the sap of the tree. There are many uses for that poplar tree.

⁵⁸ And then there is the big tooth aspen. I don't remember hearing any uses for this one. I do remember hearing something from the old time Anishinaabe. It was when spring was approaching. Everyone would wait for the birch bark to be ready to be peeled so they could make their things out of birch bark. There was this one lady, my aunt, that is now deceased, that told me this. You should study the big tooth aspen. When the aspen has finished growing leaves, this is how you will know. That is when the bark is ready; that is when you will go and look it when the aspen is finished growing leaves, this tree really has big leaves. I can't say the name of it – big tooth, something.

Wiigobiiwaatik, mii owe miinawaa a'a bezhig. A'awe minawaa aa, wiigobiiwaatik gaa-inind, wiigop maayiin igo izhinikaazo aw mitik mii owe basswood enind. Miinawaa awe bezhig aapiji gichi-aabadat owe wiigop gii-baabagonind a'awe wiigobiiwaatik. Apane go geniin awe noongom indizhichige. Nashke-ch dash ge awe gii-ayaat gikiizhibaabagonind giikii... ginii-biitobiigibinind. Ingii-naanaagajitooon noongom niibinong ini mitigoon, betinaa sa onzaam naaganooon ini mitigoon. Aapiji nanaagaakododewan gii-baategin. Mii dash omaa gaa-onji-ozhitoowaan eyii bawaa'iganaakoon. Wiingenaa ozaam, naanganooon wiinge ge zhooshkwaakwatoon. Kaa memwech gegoo ingii-izhikotanziinan. Mii eta go michipikotamaan aapiji naangane a'a mitik. Niibiyo maawiin igo gegoo inaadadizi iidog a'aw mashkikiwaatik. Gakina mashkikiwaatigoog ogowe aya'aag gaa-tazhimigwaa mitigoog. Mii owe a'a basswood gaa-inind.⁵⁹

Miinawaa awe adoop, tabaskobaang omaa ayaad aw adoop. Mii go ge iye niibiyo gegoo inaadadad. Bezhig aazha ingii-wiindamaagoban awiia; ji ayaabajitowaan owe gii-ayaat, gegoo gii-izhi-ayaat aw abinoojiinh. Gii-biigozhaandizot, kaawiin dash wiin igo owe indaa-dibaajimosii aaniin awe ezhichigaateg. Aanishinaa gigootaazimigoomin owe onjigo weweni gegoo ji-izhichigeyan jibwaa ozhitooyan owe mashkiki. Mii niin ako gaa-igoowaan. Akawe weweni gagwejim awiia owe dash ke gaa-izhichigeng gegoo gii-bagidinigaadeg asemaa, Nashke ge omaa aanind owiia wiisiniwin odabagidinaanaawaa owe jibwaa giishka'ang owe mitik. Mii awe miinawaa bezhig gechii-inaabadak aaniin ezhinikaazot... (what's it's name...) speckled alder. Speckled alder iidog izhinikaazo. He'enh... Mii owe miinawaa a'a mii niin ako owe gaa-igoowaan owe webinige-giizis gaa-izhinikaazod. Awegwen giinawaa. A'aa niin ingii-ayaabaji'aa ko awe aya'aa andego-giizis gaa-inind. Mii owe mii kwa apii gaa-bi-izhi-kino'amaawangwaa ge gaa-pi-ombigi'aawasoyaan (ombigi'aawaso watch children grow). Ge niin sa go gaa-izhi-gikino'amaagowaan. Webinige-giizis awe, mii apii ge-aabajitooyan awe adoopiiwaatik. Aapiji go owe gaa-biigijiisagowang. Mii dash awe ge-apagidamowat awe... a'awe giizis kii-tibikak gaa-agoojiing. Mii dash omaa wiindamowat awe aaniin wegonen dinowa webinaman "Niwebinige." Maagizhaa ingoding awiia, adaakoziwin owebinaan awiia ingoding maagizhaa ge onishkaadendamowin owebinaan maagizhaa ge gegoo, gegoo owe gaa-migoshkaasikaagod. Mii omaa mii wiindamowat a'a giizis ji odaapinamawig ji-maajiidood "gaawiin geyaabi owe niwii-babaamendanziin" ingoding ako gii-ikidod awiia. Aapiji go awe gaa-biigajiisagowid mii niin gaa-igoowaan. Mii awe ge-apagidamowat awe dibikigiizis gaa-agoojing, mii dash omaa ji-maajiidood owe gidaakoziwin maagizhaa ge gimaanendamowin. Mii iye...mii iwe ni-bezhig gaa-izhi-noondamaan ako enaadadizit awe adoop gaa-inind.⁶⁰

⁵⁹ *The basswood, that is yet another one. And then this one called basswood, wiigop, is also what it is called this tree called basswood And this one is very – there are many uses for the basswood when one peels the bark of the tree. I still do this today. After you peel the top bark, then you peel the layers off in strips. (After I peeled the bark), I studied the sticks from this tree this summer, and I learned that it was very light. It was very light when it got dried. And so I made my rice knockers out of them. They are very light and smooth. I did not even need to carve it. I only had to sharpen it at one end; the wood is very light. There are probably many other uses for this medicine tree that is called basswood (in English).*

⁶⁰ *And there is the speckled alder. It grows in lower brush area that alder. That too has many uses. Someone once told me this – to use this tree when something is wrong with a child, when the child suffers from a diaper rash, but I would not go into detail how it is used. (I am not at liberty to discuss how this is done.) There are special protocols before someone does things like making medicine. This is what I was told. Seek out someone's advice when you do something in a sacred manner, especially when tobacco is offered. Some offer food before cutting down a tree. This*

Miskwaa-biimak, miskwaa-biimak... red willow. Miinawaa awe, bezhig gichi-mashkikiwaatig. Mii iidog gaa-ikidogobanen awe miskwaa-biimag “Aapiji niibiyo gegoo inga-inaabaji’ig owe a’a Anishinaabe omaa waa-tagoshing Bijiinag sago, da-ani-gikendamoo, omaa ge maagizhaa gegoo oga-ani-bawaadaanaawaan.” Minik igo idash wiin igo ge-niin ezhi-gikendamaan awe miskwaa-biimagoons indaabaji’aa gii-ozhitoowaan onowe wiigwaasi-naaganensan. Mii awe egwa’ag imaa ge-onji-siito’ayaag owe wiigwaasi-naagan. Mii sa go ge nooshkaachinaagan owe gegoo gii-ozhitood owe gii... manoomin gaa-izhi-nooshkaachigaateg. Mii awe ko aabajiag [miskwaabiimagoons] apiji miinwaagishkaa gegoo gii.. Aapiji, minwaagishkaag gii-aabadizid.⁶¹

Bagaanimizhiig, hazel nut. Mii go ge awe bezhig a’a... mii maawiin igo gakina ayaawaad mashkikiwaatigo-iwaat igiwe. Aya’ii dash ko geniin bezhig nindizhi-gikendaan gaa-inaabaji’ag owe sago abinoojiiwiyaan. Bagaanag omaa gii-nitaa-wigiwag gii-ani-tagwaagig. Babiikwaadaminagiziwig igiwe bagaanag, hazel nut iidog izhinikaazo zhaaganaashiiwinikaazod. Mii dash iko igiwe gaa-maawanji’angidwaa gii-abinoojiiwiyaang mii dash gaa-izhi-amowangidwaa mii go bizaan igo mii sa eta baasa’angidwaa. Mii omaa gaa-onji-wiisiniyaang babaa-ando-bagaanyaang. Mii awe miinawaa bezhig niibiyo gegoo inaabadizi awe, niibiyo aazha gegoo o’apii nindizhi-noondam enaabaji’aawaad ogiwe gaa-nanaandawi’iwewaad awiiyag. Niibiyo gegoo inaabadizi. Mii owe gaa-onji-izhinikaazod bagaanimizh, bagaanag omaa nitaawigiwag.⁶²

one too has its special use. Speckled elder is what it is called. This is what I was also told about this moon that is called throw-sickness-away-moon. You may have a different name for it. As for me I use the moon that is named the crows-return-moon, (March). That is it how I taught my children as I watched them grow. This is the way I was taught, too. The-throw-away-sickness-moon one, that is when you will use the speckled alder tree. Choose one that is old and almost falling apart. That is the one that you use to throw with, at the moon that is up in the sky. This is when you tell her (the moon) what you are throwing away. “I am throwing it away.” Sometimes perhaps someone will throw away their sickness, or they could throw away their anger and anything that is plaguing you. This is what they tell the moon, to take the sickness away, “I do not want it to bother me anymore” is what someone will sometimes say. Use the wood that is almost falling apart, that is what I was told. That is what one would throw to the moon, the moon that at night (in the heavens). It is then that your sickness or your sorrow is taken from you. So that is what one use that I heard how it is used, this one called the speckled alder.

⁶¹ *Red willow. This is yet another one, a great medicine tree. Apparently the red willow said, “The Anishinaabe that are going to arrive will have many uses for me. They will come to know or perhaps they will come to dream of how to use these things.” And then again as for me I, too, know about this one. This red willow I use when I make little birch bark baskets. I use them to sew on the trimmings, so that it can secure/reinforce around the birch bark basket, also when one makes a winnowing basket or when wild rice is winnowed. That is the part I use, the willow part. It bends/curves nicely. It bends/curves very well when one uses it. Also that one, they are all like that... they are all medicine trees, the whole lot of them.*

⁶² *Then there is one thing that I know of – the way that I use it when I was a child. This tree had hazelnuts growing on them. They are round/ball-like nuts. Probably hazel nut is what they are called in English. We use to gather them when we were children, and we ate them by breaking open the shell. This is how we got our food, how we ate by going around collecting hazelnuts. There is a lot of ways that you can use that. I’ve heard of many ways of how the medicine people use this tree. They use it in a lot of ways. That is why it is called hazelnut tree because hazelnuts grow on there.*

Bawa'iminaanagazh, mii go awe bezhigwan ge-wiin. Niibiyo omaa gegoo agooodeni omaa ezhi-nitaawiging. Ingii-ig ako nookomisiban ji-moozhaginamaan iniwen bawa'iminaan gaa-izhinikaadegin. Gegoo dash go ogii-ozhitoonan, ogii-gabaatoonan. "Nashke owe minikwen" indig. Mii dog omaa... mii iidog owe omashkikiwaaboom gaawiin-shk ke ingii-gagwejimaasii aaniin enwaadang iwe. Anishinaa ingii-manaazimaa aapiji nookomisiban. Mii go gegoo wiindamawid mii iye gaa- mii go iye gaa-ani-izhichigeyaan.⁶³

Miinawaa awe a'a asasaweminaganzh izhinikaazo. Mii go ge awe, aapiji niibiyo gegoo omaa nitaawiginoon asasaweminan. Niibiyo go ge-niin aazha gegoo nin-bi-inaabajitooon iwe. Aabiding ingii-ozhitoon eya'ii baashkiminsigan ingii-baashkimsisaanan iniwen asasaweminan. Aapiji...aapiji mino-pogwadoon eya'ii. Mii owe ge bezhig gichi-mashkikiwaatig.⁶⁴

Gaagaagiwaandag. Mii miinawaa a'a bezhig, zhingobiiwaatig...aya'iing... Ingoji gii-zhooshkwanaabikaag mii iidinong naagozid. Mii maawiin iye juniper gaa-izhinikaanaad wemitigoozhi. Mii go awe niibiyo gegoo... niibiyo gegoo inaabadizi. Niibiyo gakina...niibiyo gegoo inaabadiziwag ogowe mitigoog gaa-waabamangwaa.⁶⁵

Opwaaganaatig. Mii awe miinawaa bezhig. Miziwe aapiji nitaawigi a'a dinowa. Eya'ii omaa ingii-miijimin ako gii-abinoojiiwiyaang onowen gaa-nitaawigingin omaa e'iing. Aapiji minopogwadoon. Amanji igo ezhinikaategwen owe, indigo miskominensan ezhinaagokin. Sumac iidog odizhinikaanaawaan wemitigoozhiwag. Mii dash omaa wenji-ozhi'aawaad...wenji-ozhichigaadeg okij. Okijiiwaatig a'a opwaagan awiia gii-ozhi'aad.⁶⁶

Anishinaa gigikendaamin owe ezhichigeyang. Gaa wiikaa awiia anishaa odaa-giishka'waasiin ini mitigoon. Onjida igo gegoo wii-... ji-inaabadizid awe mitig. Mii go ge-niin gaa-onji'igowaan. Gego wiin anishaa go giishka'waakwen (giishkigawaakwen) igi mitigoog. Gego eta go wii-inaabaji'ad wii-mashkikikaageyan gemaa ge owe gegoo okij awiia gii-ozhitood. Gemaa-ch ge awe a'a adoopiiwaatig. Aanawi gii-biigijiisagowid aw mitig ge...Weweni...weweni gidaa-izhi'aa gegoo. Weweni ge gidaa-gagiizomaa aaniin wiin wenji-giishkiga'wad a'aw mitig. Mii iye niin ako gaa-izhi-wiindamaagowaan. Awiiya go ogowe. Awiiya igiwe mitigoog ingoji gii-waabamad badakizod aw mitig. Awiiya owe gaa-niibawid.

⁶³ *Pin cherry. This too is another one with medicine. There are a lot of berries growing on it. My grandmother used to tell me to gather up the berries. She used to make something out of it. She made it into tea. "Here take a drink of this," she said to me. This must be her medicine water; however, I did not ask her what it was for. I had a lot of respect for my grandmother, and whatever she told me, that is what I did.*

⁶⁴ *And then there is the choke cherry tree. That tree has choke cherries growing on it. I have a lot of uses for that tree. Once I made choke cherry jelly with those choke cherries. That jam tastes really good. That tree is also a great medicine tree.*

⁶⁵ *Juniper. This is another one of the needled trees. Wherever it is a smooth rocky area is where this can be seen. This is what the white man calls juniper. Again this one has many good uses also. All the trees that we see have many uses for them.*

⁶⁶ *Sumac (pipe stem tree). And then there is this another one. This one grows all over the place. As children we would eat the things that grew on this tree. They taste really good. I am not sure what they are called, They look like little red berries. I think the white-man calls it sumac. This is where the pipe stem is made from. When someone makes a pipe, this is where the stem is made from.*

Wiinzowin ge odayaan. Mii dash wenji-manaaji'ad. Gaawiin anishaa gigiishkiga'waasii. Mii niin ako iye gaa-izhi-waawiindamaagowaan gidaa-manaajitoon gegoo.⁶⁷

§ 1.1202 Purpose.

The purpose of this chapter is to regulate the harvest of miscellaneous forest products, or any parts thereof, which are not regulated pursuant to subchapter 5 [Wild Rice Harvesting Regulations] and subchapter 11 [Timber Harvesting Regulations].

§ 1.1203 Miscellaneous Forest Product Harvesting Permits.

(1) Wild Plant and Gathering Product Gathering Permits. No member or duly authorized non-member shall gather any wild plant as defined in § 1.201 (93) of this ordinance, or gathering product as defined in § 1.201 (32) of this ordinance on reservation land as defined in § 1.201 (56) of this ordinance pursuant to this subchapter without possessing a valid gathering permit approved by the Tribal Governing Board which may incorporate such other terms and conditions as the tribal conservation department deems necessary or appropriate. Such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance.

(2) Non-Timber Forest Product and Ginseng Gathering Permits.

(a) No member or duly authorized non-member shall harvest or gather non-timber forest products as defined in § 1.201 (48) of this ordinance, and ginseng as defined in § 1.201 (34) of this ordinance, pursuant to this ordinance without possessing a valid gathering permit issued by the tribal conservation department, such a permit may be the member's tribal identification card required by § 1.303 (3) of this ordinance, as follows:

(i) Small Scale Harvest Activity. For small scale activity, a member or duly authorized non-member may harvest non-timber forest products while possessing a valid gathering permit up to the following limits:

- | | |
|--------------|-------------------|
| 1) Bark; | Twenty (20) Trees |
| 2) Boughs; | Five (5) Tons |
| 3) Firewood; | Ten (10) Cords |

⁶⁷ *We know what to do when we are doing these things. No one should cut down a tree for no reason. Only if one has a purpose for it. That is what I was told not to do. Do not cut down a tree without a purpose. Only if you have a reason to use it like making medicine or if one were to make a pipe stem. It is the same as when you use the alder. Even though the tree is rotten or falling or... You should do something for the tree. You should also honor the tree and tell it why you are cutting it down. This is what I was always told. They are someone. (They are people. They are alive.) All the trees that you see standing, all of them are someone. That is someone that is standing. It also has a name. That is why you show respect to it. You do not cut it down for no reason. This is what I was told; you should have respect for all things.*

4) Lodgepoles; Seventy-Five (75) Lodgepoles

(ii) Large Scale Harvest Activity. For large scale activity, a member or duly authorized non-member may harvest non-timber forest products while possessing a valid large scale harvest activity gathering permit above the limits established for small scale harvest activity as follows:

1) No member or duly authorized non-member shall gather non-timber forest products on a large scale without a valid large scale harvest activity gathering permit valid for a designated area established by the tribal conservation department.

2) “Designated Area” means a specific site identified and established by the tribal conservation department, for which a species harvestable surplus has been determined and for which the appropriate number of large scale harvest activity permits are available for the designated area.

3) The tribal conservation department may issue a large scale harvest activity permit to one or more member or duly authorized non-member based upon the determined species harvestable surplus and may impose such terms and conditions as it deems necessary or appropriate.

4) No member or duly authorized non-member shall fail to comply with the terms and conditions of a large scale harvest activity permit.

(b) No gathering permit is required of helper(s) of a permittee who participate only in the collection of the resource once it has been reduced to possession of a permittee.

(c) 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 § 1.1207 of this ordinance.

§ 1.1204 Miscellaneous Forest Product Harvesting Restrictions.

(1) Conifer Boughs. No member or duly authorized non-member shall harvest conifer boughs on reservations lands as defined in § 1.201 (56) of this ordinance except as follows:

(a) Cut down or kill a tree for the purpose of gathering conifer boughs;

(b) Remove boughs from the upper half of a tree; or

(c) Gather for subsequent sale northern white cedar, hemlock boughs, birch branches, or birch poles.

(2) Princess Pine. No member or duly authorized non-member shall gather any *Lycopodium* species on reservations lands as defined in § 1.201 (56) of this ordinance except by cutting the vertical above ground stems.

(3) Sheet Moss. No member or duly authorized non-member shall harvest sheet moss on reservations lands as defined in § 1.201 (56) of this ordinance except by harvesting no more than fifty percent (50%) of a species in any particular harvest area, including leaving the edges of the patch.

(4) Lodgepoles. No member or duly authorized non-member shall harvest lodgepoles on reservations lands as defined in § 1.201 (56) of this ordinance except by harvesting no more than fifty percent (50%) of a species in any particular harvest area, unless the location is a designated area as defined in § 1.1203 (2)(a)(ii)(2) of this ordinance.

(5) Red Willow or Redosier Dogwood. No member or duly authorized non-member shall harvest red willow or redosier dogwood (*cornus stolonifera*) on reservations lands as defined in § 1.201 (56) of this ordinance except by harvesting no more than fifty percent (50%) of a species in any particular harvest area, unless the location is a designated area as defined in § 1.1203 (2)(a)(ii)(2) of this ordinance.

(6) Birch Branches. No member or duly authorized non-member shall harvest any birch branches, branchlets or stems four (4) inches and less in diameter on reservations lands as defined in § 1.201 (56) of this ordinance.

(7) Birch Tree. No member or duly authorized non-member shall harvest any birch tree (*betula papyrifera*) or sapling five (5) inches in diameter or less on reservations lands as defined in § 1.201 (56) of this ordinance.

(8) Firewood / Fuelwood. No member or duly authorized non-member shall harvest (cut) any fuelwood on reservations lands as defined in § 1.201 (56) of this ordinance except as follows:

(a) Only harvest fuelwood within a designated fuelwood harvesting areas as defined in § 1.201 (16) of this ordinance, which means an area of reservation land which has been designated, marked, posted and approved by the Tribal Governing Board for fuelwood harvesting, as follows:

(iii) A Member that resides outside of the Lac Courte Oreilles service area and non-members may be issued permits upon a written request to the Tribal Governing Board. Such written request shall indicate who will be engaged in the cutting, whom will benefit from the cutting, and the timeframe that such cutting is requested. No members that reside outside of the Lac Courte Oreilles service area

and non-members shall harvest within a designated fuelwood harvesting area until a permit has been issued. Such a permit must be in the possession of the permittee while he/she is cutting fuelwood.

(ii) Fuelwood harvesting areas including; species, diameter, condition of tree limitations, and any other restriction, requirement or limitation shall be designated and approved by the Tribal Governing Board upon consultation, as necessary, with the forest manager and/or forester.

(iii) Before harvesting commences in a fuelwood harvesting areas, the area shall be posted and the boundaries clearly marked. The posting of an approved harvesting area may include, but is not limited to:

1) Posting a sign clearly indicating “Designated Fuelwood Harvesting Area” or “Woodlot Area”.

2) Posting a copy of § 1.1204 (8) of this ordinance.

3) Posting a copy of any limitations, restrictions, or requirements approved by the Tribal Governing Board for the area and days and hours the fuelwood harvesting area or woodlot area will be open.

4) Posting a legal description and/or map of the land.

5) Posting a notice of violations for unauthorized entry and/or use.

(b) Harvest fuelwood in a fuelwood harvesting area for their personal use with a Standing Dead/Blow Down permit or punch card issued by the tribal conservation department.

(c) Harvest fuelwood in compliance with all rules, policies and guidelines pertaining to the gathering of fuelwood as approved by the Tribal Governing Board.

(d) Only cut a live tree for firewood purpose as authorized by the Tribal Governing Board or the tribal conservation department.

(e) Only cut a standing dead tree within twenty (20) feet of any road or designated use area as authorized by the Tribal Governing Board or the tribal conservation department.

(f) Only gather a dead tree or portion of a dead tree where any portion of the dead tree is located below the ordinary high water mark as authorized by the Tribal Governing Board or the tribal conservation department.

(g) Only use a farm tractor, rubber tired skidder, or similar vehicle for gathering firewood with the written permission of the Tribal Governing Board or the tribal conservation department after consulting with and approval of the land manager, which approval may not be unreasonably withheld.

(h) Only sell, trade, barter or engage in any other transaction involving fuelwood from reservation lands as authorized by the Tribal Governing Board or the tribal conservation department.

(i) Only harvest fuelwood in a safe, orderly manner with regard to others and access roads to the cutting areas.

(9) Ginseng. No member or duly authorized non-member shall harvest ginseng on reservations lands as defined in § 1.201 (56) of this ordinance except as follows:

(a) Gather ginseng from November 1 through August 31;

(b) Harvest wild ginseng unless all seeds from the harvested plants are planted in the vicinity of the parent plants in a manner which will encourage their germination and growth. Wild ginseng seeds may not be sold or transported away from the parent plant except by express written permission from the tribal conservation department;

(c) Harvest wild ginseng unless the plant possess three (3) or more true leaves and flowering/fruit stalks. The entire stalk, minus the mature fruits, shall be kept with the plant until they are taken to the member's personal abode as defined in § 1.201 (50) of this ordinance.

(d) Harvest ginseng except by harvesting no more than twenty-five percent (25%) of a species in any particular harvest area.

(10) Maple Sap/Sugarbushes.

(a) No member or duly authorized non-member shall gather maple sap without a sugarbush site permit valid for a designated sugarbush area or for such other location established by the tribal conservation department in consultation with and approval of the land manager, which approval may not be unreasonably withheld.

(b) "Designated Sugarbush Area" as defined in § 1.201 (17) of this ordinance means a specific site identified and established by the tribal conservation department for which a site management plan has been developed and for which a sugarbush site permit has been issued.

(c) The tribal conservation department may issue a sugarbush site permit to one or more members and duly authorized non-members and may impose such terms and conditions as it deems necessary or appropriate.

(d) No member or duly authorized non-member shall fail to comply with the terms and conditions of a sugarbush site permit.

(11) Unsustainable Harvest Activity. Member and duly authorized non-member compliance with tribal harvest guidelines (bmp) shall be considered sustainable harvest activity, otherwise no member or duly authorized non-member shall harvest any miscellaneous forest product in such a manner so as to impair the future viability and continued success of the miscellaneous forest product on the landscape or ecosystem from which the member or duly authorized non-member is harvesting, as conditioned by the type of miscellaneous forest product, and must take reasonable precautions to prevent unsustainable harvest activity.

§ 1.1205 Timber Harvesting Prohibition.

(1) Except as specified in subchapter 11 [Timber Harvesting Regulations] of this ordinance, no member or duly authorized non-member shall under authority of this ordinance cut down any live tree for any purposes or gather any salvage tree for the purposes of selling or causing to be sold all or part of it, or any product derived from it, as bolts, posts, logs, biomass, pulpwood, lumber, or other commercial timber resource.

(2) Except as specified in subchapter 11 [Timber Harvesting Regulations] of this ordinance, no member or duly authorized non-member shall sell or cause to be sold under authority of this ordinance all or part of any tree, or any product derived from it, as bolts, posts, logs, biomass, pulpwood, lumber, or other commercial timber resource.

§ 1.1206 Harvest of Certain Miscellaneous Forest Products Prohibited.

(1) Endangered or Threatened Plant Species. No member or duly authorized non-member shall gather any endangered or threatened plant species, as defined in Section 2.01(23), of this ordinance.

(2) Tribal Species of Special Concern. No member or duly authorized non-member shall fail to comply with any species of special concern closures or other restrictions as established by the Tribal Governing Board.

§ 1.1207 Harvest Monitoring.

(1) No member or duly authorized non-member who has gathered a miscellaneous forest product pursuant to this ordinance shall fail or refuse to provide a harvest report, data, or such other relevant harvest information, as may be requested by a tribal conservation warden, tribal law enforcement officer or the tribal conservation department.

(2) No member or duly authorized non-member shall provide information to a tribal conservation warden, tribal law enforcement officer or the tribal conservation department which

the member or duly authorized non-member knows, or has reason to know, is false or misleading.

§ 1.1208 Emergency Closures.

Pursuant to § 1.330 of this ordinance, the Director of the tribal conservation department is thereby delegated the authority to close any area to gathering generally or with respect to a particular location, whenever in his or her professional opinion and judgment the continuation of the harvest is likely to result in a harvest exceeding the Tribe's harvest goals or may otherwise cause biological harm to the species involved.

§ 1.1209 Harvest Location Restrictions.

(1) Public Safety. No member or duly authorized non-member engaged in the gathering of miscellaneous forest products pursuant to this subchapter shall impair or obstruct developed recreational trails or designated use areas and any miscellaneous forest product subject to the gathering which may impede or impair the use of those trails or areas shall be removed immediately.

(2) Designated Use Areas. No member or duly authorized non-member may gather miscellaneous forest products within a *Designated Use Area* as established by the Tribal Governing Board, as follows;

(a) No member or duly authorized non-member shall gather miscellaneous forest products under authority of this ordinance on or within any designated use area except as authorized by the Tribal Governing Board or the tribal conservation department.

(b) No member or duly authorized non-member shall gather bark, conifer boughs, or lodgepoles within 100 feet of any designated use area except as authorized by the Tribal Governing Board or the tribal conservation department.

(c) No member or duly authorized non-member shall gather wild plants within 25 feet of any designated use area except as authorized by the Tribal Governing Board or the tribal conservation department.

(d) It is the member's or duly authorized non-member's responsibility to be certain about a designated use area. Any uncertainty should be resolved by contacting the tribal conservation department.

(3) Tribal Research and Management Areas - Tribal Natural Areas. No member or duly authorized non-member may gather miscellaneous forest products within *Tribal Research and Management Areas - Tribal Natural Areas* as established by the Tribal Governing Board, as follows;

(a) No member or duly authorized non-member shall gather miscellaneous forest products under authority of this ordinance on or within any tribal research and management areas - tribal natural areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(b) No member or duly authorized non-member shall gather bark, conifer boughs, or lodgepoles within 100 feet of any tribal research and management areas - tribal natural areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(c) No member or duly authorized non-member shall gather wild plants within 25 feet of any tribal research and management areas - tribal natural areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(d) It is the member's or duly authorized non-member's responsibility to be certain about a tribal research and management areas - tribal natural areas. Any uncertainty should be resolved by contacting the Tribal conservation department.

(4) Tribal Research and Management Areas - Tribal Wild Resource Management Area. No member or duly authorized non-member may use a motorized vehicles, motorized equipment, or mechanical transport within a *tribal wild resource management area* as established by the Tribal Governing Board except as otherwise authorized by the Tribal Governing Board or the tribal conservation department.

(5) Tribal Research and Management Areas - Tribal Long-Term Research Area. No member or duly authorized non-member may gather miscellaneous forest products within a *tribal long-term research area* as established by the Tribal Governing Board, as follows;

(a) No member or duly authorized non-member shall gather miscellaneous forest products under authority of this ordinance on or within any tribal long-term research areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(b) No member or duly authorized non-member shall gather bark, conifer boughs, or lodgepoles within 100 feet of any tribal long-term research areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(c) No member or duly authorized non-member shall gather wild plants within 25 feet of any tribal long-term research areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(6) Tribal Research and Management Areas - Tribal Native Community Management Area. No member or duly authorized non-member may gather firewood within a *tribal native community management area* as established by the Tribal Governing Board, as follows;

(a) No member or duly authorized non-member shall gather firewood under authority of this ordinance on or within any tribal native community management areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(b) No member or duly authorized non-member shall gather firewood within 25 feet of any tribal native community management areas except as authorized by the Tribal Governing Board or the tribal conservation department.

(7) Closed Gathering Areas. No member or duly authorized non-member may gather miscellaneous forest products within a *Tribal Closed Area* as established by the Tribal Governing Board, except as otherwise authorized by the Tribal Governing Board or the tribal conservation department.

(8) Entry Restriction Areas. No member or duly authorized non-member shall enter a *Tribal Entry Restriction Area* as established by the Tribal Governing Board, except as otherwise authorized by the Tribal Governing Board or the tribal conservation department.

(9) Lands Open to Tribal Gathering. No member or duly authorized non-member shall gather miscellaneous forest products under authority of this ordinance except on reservations lands as defined in § 1.201 (56) of this ordinance.

§ 1.1210 Harvest of Miscellaneous Forest Products Subject to a Timber Contract or Located within a Timber Contract Area.

(1) No member or duly authorized non-member shall gather any miscellaneous forest product under authority of this ordinance without a permit issued pursuant to subs. (3) that is subject to the harvest rights of another in a valid timber contract. Sometimes these trees are marked with paint. However, it is the member's or duly authorized non-member's responsibility to be certain about trees that are subject to a valid timber contract. Any uncertainty should be resolved by contacting the tribal forestry department, the BIA forestry office, or the tribal conservation department.

(2) For the purposes of this ordinance, a Designated Timber Contract Area means a defined location which has been delineated by the land manager for the purposes of a timber sale offering and for which a valid timber sale contract has been executed. Typically, a Designated Timber Contract Area is marked with paint on trees around the perimeter of the Area. It is the member's responsibility to be certain about an open Timber Sale Contract Area. Any uncertainty should be resolved by contacting the tribal forestry department, the BIA forestry office, or the tribal conservation department.

(3) (a) The tribal conservation department, after consultation with the tribal forestry department or BIA forestry office, is authorized to issue permits under this section on such terms and conditions as it deems necessary and appropriate.

(b) No member shall fail to comply with the terms and conditions of a permit issued pursuant to this section.

§ 1.1211 Harvest of Certain Marked Trees or Lodgepoles Prohibited.

(1) Paint Markings. No member shall cut down any tree that has been designated with any paint markings including but not limited to: paint marking that designates the boundaries of a Designated Timber Contract Area, as defined in § 1.201 (18) of this ordinance; paint marking that indicates boundaries between tribal land and other ownerships, or may designate a witness tree at a legal corner; or paint markings that may indicate a tree being used to collect cones or seeds for nursery stock.

§ 1.1212 Sale of Miscellaneous Forest Products Authorized.

Nothing contained in this ordinance shall be construed to prohibit members from selling any miscellaneous forest product, or any part thereof, lawfully harvested pursuant to this subchapter.

§ 1.1213 Assistance by Non-Tribal Member.

No person who is not a member or a duly authorized non-member shall assist a member in the gathering of any miscellaneous forest product, or part thereof, pursuant to this ordinance except as provided § 1.329 of this ordinance.