

WAGANAKISING ODAWAK STATUTE 2001- 05
Natural Resources Regulations
for the Little Traverse Bay Bands of Odawa Indians' Reservation

PREAMBLE

The Little Traverse Bay Bands of Odawa Indians adopt these Regulations as an exercise of their inherent sovereign right to regulate their members within the territory reserved by the Treaty of Washington of March 28, 1836 and confirmed by the Treaty of Detroit of July 31, 1855. These Regulations enable the tribe to regulate, preserve, and conserve the resources of its reservation, to promote public safety within the lands and waters reserved by that Treaty, and to govern the wise use of the resources of the reservation by its members, with the intent that such resources will continue to flourish within the reservation for the perpetual use and enjoyment of the members of the Tribe. These regulations apply on all lands and waters within the boundaries of our reservation. These Regulations repeal and replace the Natural Resources Regulations for the Little Traverse Bay Bands of Odawa Indians' Reservation enacted July 27, 1997, being Waganakising Odawak Statute 1997015.

SECTION I. DEFINITIONS

- 1.01 Amphibians and Reptiles* – Including but not limited to frogs, toads, salamanders, turtles, lizards and snakes.
- 1.02 Baitfish* - Non-game fish used for catching other fish.
- 1.03 Big game* - Whitetail deer, black bear, wild turkey, and elk.
- 1.04 Bow* - A weapon constructed from wood, plastic, metal, or other material with a cord connecting the two ends when bent or strung, and by means of which an arrow is propelled when drawn and released by hand.
- 1.05 Cased or encased* - Storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.
- 1.06 Commercial Purposes* - The harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold.
- 1.07 Conservation Officer* - Any Tribal Conservation or Law Enforcement officer authorized by Tribal law to enforce Tribal conservation regulations, or federal enforcement agents, including Special Agents of the U.S. Fish and Wildlife Service.
- 1.08 Conservation regulations* - These regulations and any other LTBB regulations governing any aspect of hunting, trapping, fishing and gathering within the reservation and lands

ceded by the Treaty of Washington of March 28, 1836.

- 1.09 *Crossbow* - A device using a bow which, once drawn, is held solely by means other than the effort of the person firing it.
- 1.10 *Disabled Tribal Hunter* - A person who is receiving disability benefits and/or has been issued a handicap sticker or a person who has been diagnosed by a certified Medical Physician to be physically disabled.
- 1.11 *Endangered Species* - Any species of wild animal or plant designated as threatened, rare or endangered by official action of the Tribal Council or by the United States Department of the Interior pursuant to 50 C.F.R. Part 17.
- 1.12 *Family* - Means all persons related to the fourth degree by blood, marriage, or adoption, or any person living within the household on a permanent basis.
- 1.13 *Federally Recognized Indian Tribe which has granted reciprocal rights* - A federally Recognized Indian tribe, band or community which has agreed in writing and so communicated with the LTBB Natural Resources Department that Tribal Members from the participating tribes with reciprocal rights may be permitted to hunt, trap, fish or gather within the territorial jurisdiction of such tribe, band or community.
- 1.14 *Firearm* - A weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion.
- 1.15 *Fur bearer* - Fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat, mink, weasel, skunk, raccoon, badger and opossum.
- 1.16 *Game* - Small game and big game.
- 1.17 *Game Fish* - Brook trout, lake trout, splake, brown trout, rainbow (steelhead) trout, coho salmon, chinook salmon, Atlantic salmon, largemouth bass, small mouth bass, rock bass, walleye, sauger, northern pike, muskellunge, tiger muskellunge, sturgeon, bluegill, sunfish, crappie, perch, lake whitefish, and round whitefish (menominee), and any other species of fish now or in the future present within reservation boundaries which may be taken for food or sport.
- 1.18 *Migratory Birds* - Those birds included in the terms of the convention between the United States and any other country for the protection of migratory birds and for which open seasons are prescribed in these Regulations, including ducks, geese, swans, doves, pigeons, rails, coots, gallinules, woodcock and snipe.

- 1.19 *Personal use* - The use of natural resources by Tribal Members for food, medicine, shelter, fuel, clothing, tools, transportation; handicraft items or traditional artwork, including the commercial sale of such items; or for barter. For purposes of this section, the term:
- A. "Traditional artwork" means articles produced, decorated or fashioned in the exercise of traditional Indian carving, weaving, quillwork, basketry, beading, pottery, drawing, painting or other art forms, without the use of mass copying devices; and,
 - B. "Barter" means the exchange of natural resources or parts thereof for personal uses between Tribal Members or between a Tribal Member and a member of another federally recognized Indian tribe which has granted reciprocal rights
- 1.20 *Physician* – A person licensed by the State to practice medicine or osteopathic medicine and surgery under Article 15 of the public health code, 1978 PA 368.
- 1.21 *Regulations* - These Regulations including any subsequent amendments to these Regulations.
- 1.22 *Related to the Fourth Degree* - Children, grandchildren, great-grandchildren, great-great-grandchildren, parents, grandparents, great-grandparents, great-great-grandparents, siblings, aunts and uncles, nieces and nephews, grandnieces and grandnephews, great-aunts and great-uncles, first cousin.
- 1.23 *Safety Zone* - Any 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.
- 1.24 *Slingshot* - A "Y" shaped device with an elastic strip at the prong, or one strip of stretchable material, with a pocket on one end, used for projecting stones or other objects.
- 1.25 *Small game* - Ruffed grouse (partridge), woodcock, mourning dove, ring-neck pheasant, cottontail rabbit, snowshoe hare, gray squirrel, black squirrel, fox squirrel, red squirrel, quail, woodchuck, porcupine, sharp tail grouse and crow.
- 1.26 *Territory* - All lands and waters described in Article I Third and Article I Fourth of the Treaty of Detroit of July 31, 1855, 11 Stat. 621, and, in addition thereto, all lands and waters acquired by the United States of America in trust for the Tribe pursuant to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians

Act of September 21, 1994, 108 Stat. 2156.

- 1.27 *Threatened Species* - A species at risk of becoming endangered as determined by official action of the Tribal Council or by the United States Department of the Interior.
- 1.28 *Transport or Transportation* - Carrying or moving by any vehicle or vessel, or on foot, of fish, game, fur-bearers, migratory birds, reptiles, amphibians or plants or parts thereof or causing to be carried or moved or attempting to carry or move fish, game, fur-bearers, migratory birds, reptiles, amphibians or plants.
- 1.29 *Tribe* - The Waganakising Odawa, also known as the Little Traverse Bay Bands of Odawa Indians.
- 1.30 *Tribal Court* - The Court of the LTBB Tribe.
- 1.31 *Tribal license* - A gathering, hunting, trapping, or fishing license issued by the Tribe to a Tribal Member, which license is valid and current.
- 1.32 *Tribal Member* - Enrolled member of the Little Traverse Bay Bands (LTBB) Tribe.
- 1.33 *Wild animals* - All creatures, not human, wild by nature, endowed with sensation, and power of voluntary motion, which includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, insects, and mollusks.

SECTION II. TERRITORIAL JURISDICTION

- 2.01 These Regulations shall govern all hunting, fishing, trapping and gathering activities of Tribal Members on lands and waters within the reservation boundaries.
- 2.02 Tribal Members are authorized, subject to the limitations and pursuant to these Regulations, to hunt, trap, fish and gather within the reservation boundaries, only on the following lands and waters:
 - A. Lands and waters open to public hunting, trapping, fishing and gathering.
 - B. Tribal lands which are open to hunting, trapping, fishing and gathering by Tribal members; and
 - C. Private lands including without limitation lands held by non-Tribal members, land held in fee by Tribal Members, lands held by Tribal Members subject to restrictions on alienation and lands held by the United States in trust for Tribal Members, but only with permission from the owner, occupant or lessee.

D. The forty acre parcel on Osborne Road containing Ceremonial Grounds is designated as a No Hunting Zone

SECTION III. HUNTING LICENSES

- 3.01 *Previous Licenses* - Any Tribal Member who applies for a Tribal license to hunt any small game, big game, or fur bearer shall either produce a previous Tribal license to hunt or trap from a tribe or other lawful issuing agent within the State of Michigan or have successfully passed a recognized Hunters Safety Course.
- 3.02 *Licenses* - Any Tribal Member twelve (12) years of age or older, who hunts small game or traps within the reservation boundaries, while having under his/her control or immediate possession any firearm, subject to the provisions of section 3.05, bow and arrow, slingshot, trapping apparatus, or any other device capable of killing or restraining fur bearers or game, shall have in his/her possession a valid and current Tribal license.
- A. *Age Limits for Hunting Licenses* - No Tribal Member less than twelve (12) years of age shall be allowed to possess a Tribal license to hunt. A Tribal Member under (12) years of age may be issued a License to trap upon application signed by a parent or guardian provided that the member under twelve (12) may not be authorized or allowed to have a firearm in his/her possession while trapping.
- B. *Age Limits for Fishing, Reptiles and Amphibians and Gathering Licenses* - No Tribal Member under sixteen (16) years of age shall be required to possess a Tribal license to fish, take reptiles or amphibians, or gather vegetation for personal use or use by his immediate family; however, those persons shall be required to follow these Regulations and all other applicable Tribal regulations.
- C. *Disabled Tribal Hunter*- The LTBB Natural Resources Commission shall issue a DTH license and a visible tag identifying the DTH to any persons determined to have such status under the definition at ***. The DTH tag shall be placed on the vehicle where it is visible, for example, on the windshield or the front dashboard of the vehicle.
- 3.03 *Adult Accompaniment* - Any Tribal Member under sixteen (16) years, while hunting with a firearm shall be accompanied by an adult who shall have in his/her possession a valid Tribal or State License.

3.04 *Hunting with a Firearm* - A Tribal Member shall be at least fourteen (14) years of age to hunt big game with a firearm.

3.05 *Harvest Tags* - In addition to the Tribal license required by this section, a Tribal Member may be required to obtain annual harvest tags in order to hunt or trap certain species. Harvest tags shall be completely filled out and affixed to the animal when transporting the game.

A. Annual harvest tags shall be obtained from the Tribe in order to hunt deer, bear, bobcat or wild turkey.

A. Annual harvest tags shall be obtained from the Tribe in order to trap otter, badger or bobcat.

B. Tribal Hunters with special needs may obtain a special need permit and tags for their immediate subsistence hunting needs. The Program Manager may issue a temporary special needs permit until the details can be discussed at a regularly scheduled LTBB NRC meeting. The Tribal Hunter shall have a valid tribal license and request the special needs permit and tags in person. The special needs permit will be for one (1) deer either sex. A tribal member with a special needs permit may use the services of an enrolled LTBB tribal hunter for the special needs permit for subsistence hunting. The criteria for a special needs permit include, but are not limited to, being out of food, a death or birth in the immediate family, or a family hardship.

3.06 In addition to the Tribal License required by this section, Tribal members may also be required to obtain and submit completed harvest reports for the harvest of certain species of fish with a spear or bowfishing equipment.

A. Harvest reports must be obtained from and submitted to the Natural Resources Department in order to spear or bowfish for walleye, northern pike, muskellunge, or trout (including steelhead).

B. Harvest reports shall indicate the body of water where the harvest is taking place, date of harvest, and the number harvested for each species.

C. Harvest reports shall be submitted within seven (7) days of harvest date.

3.07 The Natural Resources Commission may also issue Special Licenses to members of a federally recognized Indian tribes of the Treaty of 1836 which have granted reciprocal rights. The Special

License and tags must be acquired at the LTBB NRC office and the tribal hunter with reciprocal rights must follow the Reservation Regulations set by the LTBB NRC for the LTBB Reservation. The visiting tribal hunter will inform the LTBB Natural Resources Department of the approximate location and the day(s) the tribal hunter will be hunting on the LTBB Reservation. Animals harvested under the authority of another tribe or jurisdiction shall be counted toward the totals allowed under these Regulations. The LTBB Natural Resources Department has the authority to contact the reciprocating tribe to inquire about cumulative bag limits. Anyone issued a hunting license Hunting, trapping, fishing or gathering by such persons shall be limited to those lands and waters listed in Section 2.02 and may be further limited by specific license restriction.

SECTION IV. HUNTING AND TRAPPING; GENERAL PROVISIONS

- 4.01 *Sale of Game* - It shall be unlawful for any Tribal Member to engage in the sale of game.
- 4.02 *Transportation* - Fur bearers, big game, or small game lawfully taken by licensed Tribal Members may be transported *within* or outside of the reservation boundaries provided that the member shall have a valid Tribal license in possession. Big game must be tagged with a harvest tag whenever it is being transported.
- 4.03 *Shooting hours* - Shooting hours are one half hour before sunrise to one half-hour after sunset excluding waterfowl. (See section 3.01 Section 3 Migratory Birds). Fox, raccoon and coyote may be hunted after sunset with use of dogs, or game call and artificial lights.
- 4.04 *Pursuit with Vehicles* - It shall be unlawful to hunt or pursue any fur bearer, small game, migratory birds, or big game with automobile, motorcycle, ORV, airplane, snowmobile, motorboat, or any other motorized or wind powered vehicle or boat, except as provided in Section 4.15
- 4.05 *Harmful Substances* - No fur bearer, migratory birds, small game, or big game may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other harmful substances.
- 4.06 *Trapping Big Game* - It shall be unlawful to trap or snare big game.
- 4.07 *Shooting Fur Bearers* - It shall be unlawful to shoot or discharge a firearm at fur bearers, small, or big game while they are in the water.
- 4.08 *Traps* - Traps used for harvesting fur bearers, snowshoe hare or cottontail rabbit shall be leghold, box type, or body gripping (conibear) type or locking type snare. It shall be unlawful to use snares except for beaver, otter, or muskrat. The snares shall be attended within forty-eight (48) hours.
- 4.09 *Trap Markings* - All traps set shall be clearly marked with the Tribal license number and the name

of the person who set the trap. All traps shall be attended within forty-eight (48) hours

- 4.10 *Marking of Hides* – The bobcat, otter and badger and the hides, pelts and furs thereof, shall be clearly tagged with the date harvested, place of harvest and the Tribal license number within seventy-two (72) hours of being taken.
- 4.11 *Barter of Hides* - It shall be lawful for Tribal Members to possess, use for barter, or to transport hides, furs or pelts of fur bearers, big game or small game lawfully taken, including the sale of beaver, raccoon and muskrat flesh.
- 4.12 *Shipping of Hides* - All hides, furs or pelts of bobcat, badger, or otter either shot or trapped shall be presented to a Tribal Conservation Officer for inspection and registration before they are shipped by common carrier, transported outside the reservation boundaries or offered for sale or barter.
- 4.13 *Federal Laws on Hides* - All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any fur bearer shall apply to the identification, sale or transportation under these Federal Regulations. All shipments of raw hides or furs must be plainly marked on the outside of the package as to the contents. If you wish to export bobcat, otter or bear hides from the United States, you need a federal permit. For details, contact the LTBB NRC @231-439-3856.
- 4.14 *Transportation of Firearms, Bows and Crossbows, and Muzzleloaders-*
- A. A member may not transport a firearm in a motor vehicle unless the firearm is (1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed (2) unloaded and in the closed trunk of a motor vehicle; or (3) a handgun carried in compliance with statewide handgun regulations.
- B. A member may not transport an archery bow or crossbow in a motor vehicle unless the bow is (1) unstrung (2) completely contained in a case; or (3) in the closed trunk of a motor vehicle.
- C. A member may not transport a muzzleloader rifle in a motor vehicle unless the muzzleloader is (1) unloaded (cap removed) (2) completely contained in a gun case and inaccessible to the occupants or (3) in the closed trunk of a motor vehicle.
- 4.15 *Discharging Firearms, Bows and Arrows and Muzzleloaders*
- A. Restrictions related to highways. (1) A member may not discharge a firearm or an arrow from a bow or crossbow on, over, or across an improved public highway. A member may not

discharge a firearm, bow, or crossbow within the right-of-way of an improved highway. The Commission may by order extend the application of this subsection to the taking of migratory waterfowl in designated locations. (2) A member may not discharge a firearm, bow, or crossbow on, over, across or within the right-of-way of an improved public highway at a decoy of a big game animal that has been set out by a Band, State or Commission law enforcement officer.

B. Restrictions related to motor vehicles. A member may not take a wild animal with a firearm, bow or crossbow from a motor vehicle except that a member may do so from a stationary vehicle which is parked off of and more than 66 feet from the center of an improved two lane highway, and 122 feet from the center of a four lane highway, or as permitted in subsection 4.15(C), or 6.03(C) 18.

C. Hunting from a vehicle by a disabled hunter. The LTBB NRC may issue a Disabled Tribal Hunter license to discharge a firearm, bow or crossbow from a stationary motor vehicle within a roadway other than a state or federal highway to a member who is temporarily or permanently physically unable to walk with out crutches, braces, or other mechanical support, or who has a physical disability which substantially limits the person's ability to walk. The holder of such a permit must shoot away from and not across the roadway.

4.16 *Live Animals for Trapping* - It shall be lawful to possess, in a humane way during trapping season, one live coyote and two live fox for the purpose of collecting urine and droppings for trapping; provided, that at least one member of the immediate family must have a valid Tribal trapping license.

4.17 *Seasons and Bag Limits* - The seasons and bag/harvest limits for taking small game, big game, fur bearers, migratory birds and turkeys, and for hunting and trapping of fur bearers shall be as determined by Tribal regulations.

SECTION V. HUNTING RESTRICTIONS

5.01 *Automatic Weapons* - No Tribal Member shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals, any semi-automatic shotgun or rifle, capable of holding more than six (6) shells in both the chamber or magazine combined, other than .22 caliber rim fire for use for small game only, or use cartridges containing either tracer or exploding bullets. Fully automatic firearms are illegal. All shotguns used for migratory birds (including woodcock) must be plugged so the total capacity of the shotgun does not exceed three shells.

5.02 *Silencers* - No Tribal Member shall use, or be in possession of, a device or apparatus known as a silencer.

- 5.03 *Hunting from Platforms* - Tribal Members may hunt deer, small game, fur bearers or bear from a tree or portable raised platform.
- 5.04 *Restrictions* - Unless otherwise specified in these Regulations or by special Tribal Regulations set by the LTBB NRC, no Tribal Member shall make use of artificial light, cage, net, trap, pit, pitfall, deadfall, snare, drug, poison, chemical, fire, smoke, gas, explosive, or mechanical device other than firearm or bow and arrow for the purpose of harvesting or killing big game or small game.
- 5.05 *Salt and Bait* - It shall be unlawful to use salt or bait to hunt deer.
- 5.06 *Firearms Limitations* - Any firearm used in hunting big game other than wild turkey must be a center fire rifle of .223 caliber or larger, muzzle loader of .40 caliber or larger, or shotgun using slug or buckshot.
- 5.07 *Limitations on Turkeys* - Wild turkey may be hunted with a bow and arrow, shotgun or muzzle loading shotgun using number four (#4) shot or smaller.
- 5.08 *Bow and Arrow Hunting* - Bow and arrow may be used to hunt both big game and small game, provided that a broad head with a cutting surface of at least one inch (1") diameter may be used to hunt big game including wild turkey.
- 5.09 *Crossbow* - Disabled Tribal Hunters may use a crossbow to hunt both big game and small game. The crossbow must be registered with the LTBB Natural Resources Department.
- 5.10 *Hunting with Dogs* - It shall be unlawful to hunt deer or wild turkey with dogs.
- 5.11 *Seasons* - It shall be unlawful to hunt on any lands during daylight hunting hours from and including September 1 through April 1 unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting migratory birds, crow, wild turkey, predators, nor to bow hunters, except during firearm deer season.

SECTION VI. MIGRATORY BIRD REGULATIONS

- 6.01 *License* - Any Tribal Member twelve (12) years of age or older who hunts migratory birds within the reservation boundaries shall have in possession a valid Tribal license.
- 6.02 *Age Restriction* - No Tribal Member under twelve (12) years of age shall be allowed to hunt migratory birds.
- 6.03 *Offenses.*

- A. In addition to the violation of any of the provisions herein contained, or any other hunting regulation enacted now or in the future by the Tribal Council, the acts or omissions described in Subsection C below shall constitute misdemeanors. An Enforcement Officer may arrest any person(s) committing an offense and may seize or confiscate any migratory birds, firearm, bows, vessels, vehicles, and any associated paraphernalia used in hunting at the scene of the offense.
- B. In addition to any punishment provided for upon the conviction of any misdemeanor, or any other offense described herein, or upon conviction for the violation of any regulation with respect to hunting migratory birds now enacted or in the future enacted by the Tribal Council, any person so convicted may have any hunting equipment or paraphernalia that was seized at the scene of the offense permanently confiscated also, the above said person(s) is/are subject to fines and incarceration as imposed by the Tribal Court.
- C. It shall be unlawful to:
1. Engage in any migratory bird hunting without first obtaining a Tribal license.
 2. Use or allow another person to make use of a Tribal license not his/her own.
 3. Engage in wanton destruction of migratory birds.
 4. Fail to make a reasonable effort to recover dead or wounded migratory birds.
 5. Take, possess, transport, or assist in the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law.
 6. Exceed established limits or use prohibited means of taking migratory birds.
 7. Hunt while visibly impaired due to the consumption of alcohol or controlled substances.
 8. Refuse to produce a Tribal license or other identification upon request of a Conservation Officer.
 9. Use fraud or perjury in procuring a Tribal license.
 10. Fail to allow the inspection of any migratory bird or bird part in possession upon demand of a Conservation Officer.
 11. Harass or interfere with any legally licensed hunter.

12. Shoot, attempt to shoot or harm in any way any Endangered Species.
13. Take migratory game birds by any other means other than shotgun or shotguns with shells longer than three and one half inches (3.5”).
14. Take migratory birds with a shotgun of any description greater than ten (10) gauge and capable of holding more than three (3) shells, unless it is plugged with a one (1) piece filler which is incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
15. Use or be in possession of any shot other than steel, to take migratory birds; provided, however, that it shall be legal to hunt woodcock with lead shot rather than steel.
16. Hunt migratory birds from or by means or use of a sink box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.
17. Use any rim fire, center fire, or muzzle loading rifle to take migratory birds.
18. Pursue migratory birds from a motor boat, or any other craft having a motor attached, or by means of any motorized land or air conveyance.
19. Use any land, water or air conveyance to drive, concentrate or disperse migratory birds.
20. Use or attempt to use bait, or hunt migratory birds on or near a baited area, provided, however, that it shall be legal to hunt migratory game birds in agricultural fields.
21. Violate any additional Federal law addressed in 50 C.F.R. Part 20 dealing with hunting migratory birds.

6.04 *Biological Monitoring of Harvest* - It shall be the duty of the Biologist and Conservation Officers working with Federal officials to monitor and sample the Tribal harvest of migratory birds through game bag checks, patrols and mail surveys. The harvest of all species shall be reported to the U.S. Fish and Wildlife Service to permit evaluation of the impacts of the Tribal harvest.

6.05 *Seasons and Bag Limits* - The season and bag limits for the taking of migratory birds shall be subject to the provisions of the Migratory Bird Treaty Act, 16 U.S.C. Sections 703 to 711, and regulations promulgated pursuant thereto set forth at 50 C.F.R. Part 20.

SECTION VII. GATHERING VEGETATION AND NATURAL GROWTH

Tribal members, who gather and use vegetation and minerals for the construction of traditional crafts, handicraft articles, medicines, and food, are subject to the following regulations:

- 7.01 *Gathering* - It shall be lawful for Tribal Members to gather and use vegetation and natural growth for the construction of traditional artwork, handicraft articles, medicine and food, subject to the following regulations.
- 7.02 *Private Land* - Permission must be obtained from a private landowner prior to gathering vegetation and natural growth on such land.
- 7.03 *Gathering Permit* - A Tribal Member must acquire an Inland Hunting/Fishing/Trapping and Gathering License in order to gather vegetation and natural growth; provided, however, that no permit will be required to gather fruit, fungi and nuts, and provided further that no permit will be required to harvest vegetation or natural growth in season if such vegetation or natural growth is intended for religious or ceremonial purposes or for consumption by tribal members.
- A. Vegetation or natural growth which is intended for religious or ceremonial purposes or for consumption by tribal members may be harvested out of season but only with a valid Special Gathering Permit.
 - B. At the time of application for the Special Gathering Permit, the Tribal Member shall specify what type or types of vegetation or natural growth which it is intended will be harvested and the location of the harvest.
- 7.04 *Biological Restrictions* - In reviewing and taking action on a request for a Special Gathering Permit, the biological impact of the harvest shall be taken into account. Such terms and conditions as may be necessary to protect the resource and to ensure compliance with applicable law shall be affixed to the Special Gathering Permit. The Natural Resources Commission may limit the quantity of particular types of vegetation taken under a Special Gathering Permit based on scarcity of the resource, heavy demand or other biological reasons
- 7.05 *Endangered Species* - It shall be unlawful to gather, collect, or be in possession of any vegetation or natural growth which constitute Endangered Species or parts of any threatened or endangered species. A tribal member may request a Special Gathering Permit to possess such items only to be issued through the LTBB Natural Resource Department.
- 7.06 *Sweetgrass* - Sweetgrass shall not be sold within reservation boundaries unless it has been incorporated into traditional artwork.

SECTION VIII. SUBSISTENCE AND SPORT FISHING

8.01 *Fishing License* - Any Tribal Member sixteen (16) years of age or older who fishes within reservation boundaries shall have in his/her possession a Tribal license. No license is required for a Tribal Member less than sixteen (16) years of age, but all provisions of these Regulations shall apply.

8.02 *Methods and Gear Restrictions.*

- A. The use of poles, reels, tip-ups and hand lines is lawful for use while fishing.
- B. Seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet are legal for smelt on inland lakes.
- C. Bait fish may be taken by trap seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet.
- D. Individual hook and line fishing is limited to four (4) lines per person with two (2) lures per line; except that there will be no limit on the number of hooks per line for smelt on designated smelt lakes. Ice fishing is limited to eight (8) tip ups and one- (1) pole or hand lines, per licensee.
- E. Fixed ice shanties must have the owner's name, address and number of the Tribal license permanently affixed on all sides with letters at least three inches (3") high Shanties must be removed prior to the ice becoming unsafe but no later than March 15.

Fishing with a dipnet is permitted on any lake, stream and river subject to the following: seasons, size and creel limits and other restrictions imposed by the LTBB NRC.

Fishing with a spear or bowfishing for walleye, northern pike, muskellunge and trout (including steelhead) is permitted on designated lakes, streams and rivers, and shall be subject to seasons, size and creel limits identified in Section 4.

- F. Fishing with a spear or bowfishing is permitted on all lakes, streams and rivers for all species not listed in 8.02 G above.

8.03 *Restrictions* - It shall be unlawful to:

- A. Use explosives, drugs, poisons, lime medicated bait or other deleterious substances to take or attempt to take fish.

- B. Drive or harass fish into nets.
- C. Use firearms to take or attempt to take fish.
- D. Use gill nets, trap nets, seines or gorge to take fish, except as allowed for bait fish under Section 8.02(C) [WOS 4.308(B)(3) and smelt under Section 8.02(B) [WOS 4.308(B)(2)].
- E. Use a weighted trebles hook or weight attached after the treble hook to take or attempt to take fish.

Wanton destruction or waste of fish.

Take fish for the sole purpose of egg (spawn) collection.

- H. Take any species of game fish determined to be threatened or endangered by the United States Fish and Wildlife Service or the LTBB NRC.

8.04 *Seasons and Creel Limits for Fish Harvest* - The seasons and creel limits for the taking of the various fish species specified in Section 4 shall be as determined by Tribal regulations.

SECTION IX. AMPHIBIANS AND REPTILES

- 9.01 *General Regulations: Amphibians and Reptiles* may not be shot with firearms (including spring, air, or gas propelled) or bow and arrow. The following shall not be taken or possessed except as authorized by the Little Traverse Bay Bands (LTBB) Natural Resources Commission (NRC). All amphibians and reptiles protected under Part 365 (Endangered Species Act) of 1994 P.A. 451.
- 9.02 *Amphibians* - Amphibians may be taken from and including the last Saturday in May through November 15 with no size limit. Not more than fifty (50) of each species may be taken per day and not more than one hundred (100) of any species may be in possession at any given time.
- 9.03 *Reptiles* - No snapping turtles or soft-shelled turtles may be taken at any time during the year without a Special Use Permit. Snapping turtles and soft-shelled turtles may be taken throughout the year with a Special Use Permit provided that no commercial harvest is allowed. No snapping turtle less than twelve inches (12) of carapace (shell measured from head to tail) may be taken even with a Special Use Permit.
- 9.04 *Equipment* - Taking of amphibians and reptiles may be done by hand, trap, dip nets, seines and hook and line. Frogs may be speared but not while using artificial light.

9.05 *Personal Use* - Taking of amphibians and reptiles shall be for personal use only. No reptiles or amphibians or parts thereof may be harvested for commercial purposes within the reservation boundaries.

SECTION X BIOLOGICAL ASSESSMENT AND MONITORING.

10.01 *Biological Assessment* - To conduct biological assessment, habitat evaluation, or other biological study, upon authorization by the LTBB Natural Resources Department Program Manager with the advise of the LTBB NRC, may require that fur bearers, small game, big game, migratory birds, fish, reptiles, amphibians, vegetation and natural growth, or the habitats of any of them, within the reservation boundaries shall be subject to reasonable biological assessment. A Tribal Member conducting such assessment shall, nevertheless, have a valid Tribal license in his/her possession at all times while conducting such assessment. The purpose of such assessment is to ensure the preservation and proper long range management of these species and their environs, and to make modifications or changes to the existing or any future regulations or as necessary to foster such preservation and management.

10.02 *Monitoring* - It shall be the duty of the tribal biologist and biological staff of the LTBB NRC to monitor all take of game, fish, fur bearers, migratory birds, reptiles, amphibians and plants. Monitoring practices include the receipt of catch reports, through game bag checks, patrols, jawbone retrieval and mail surveys as appropriate.

SECTION XI. SPECIAL USE PERMITS AND SPECIAL LICENSE.

11.01 Nothing in these Regulations shall prohibit the harvest or use of any Natural Resources by Tribal members for religious or ceremonial purposes or for consumption by Tribal members except as provided in paragraph 11.02 and 11.03.

11.02 No Tribal member shall harvest out of season a natural resource for religious or ceremonial purposes or for consumption by Tribal members without a Special Use Permit from the LTBB Natural Resources Commission. It shall be a violation to fail to comply with the terms and conditions of any such Special Use Permit.

11.03 In reviewing and taking action on a request for any Special Use Permit, the LTBB Natural Resources Commission shall take into account the biological impact of the harvest to include such terms and conditions as may be necessary to protect the resource and shall ensure compliance with all applicable law.

11.04 *Special Use Permit* - A Special Use Permit may be issued by the Natural Resources Commission authorizing use of a firearm or hunting accessory not listed in Section 5 of these Regulations.

11.05 *Special License* - A Special License to hunt, trap, fish or gather may be issued to a person who is a member of a federally recognized Indian tribe of the Treaty of 1836 which has granted reciprocal rights.

A. All provisions of these Regulations shall apply to a person with a Special License, and such person shall be classified a Tribal Member for the purposes of application of these Regulations.

By application for a Special License, a person shall be deemed to have submitted to the full and complete jurisdiction of the Tribal Court.

11.06 *Provision for immediate action*- In cases where a Special Use Permit or a Special License is requested prior to a regularly scheduled LTBB NRC meeting the NRC Program Director can issue a temporary permit until the Commissioners can approve and/or authorize the permit or license at the next regularly scheduled meeting.

SECTION XII POSSESSION AND USE FOR RELIGIOUS PURPOSES.

12.01 No animal shall be taken, or plant or mineral gathered, by any Tribal member for any purpose except as allowed for in these Regulations or by the Special Use Permit issued by the Tribe under these Regulations.

12.02 *Possession for Religious Purposes* - Nothing in these Regulations shall be construed to prohibit the possession or use of any species of plant or animal for religious purposes with appropriate permit issued by the Natural Resources Commission. The Natural Resources Commission may issue a special permit or letter stating how the animal or plant will be used for traditional, religious or ceremonial purposes.

12.03 *Disposal of Edible Resources* - Any big game or small game obtained by a Tribal Conservation Officer under these regulations and which is obtained in edible condition shall be properly stored at the LTBB Natural Resource Department to maintain the edible state of the found/confiscated game. The LTBB Natural Resources Department shall authorize the distribution of the edible game. The LTBB Program Director or a LTBB Natural Resources designated staff member will determine if the game is edible.

SECTION XIII. OFFENSES.

- 13.01 *Misdemeanors* - A violation of any of the provisions herein contained, or any other fishing, hunting, trapping or gathering regulation now or in the future enacted by the Tribe, constitute misdemeanors. In addition, a Tribal Conservation Officer authorized by the Tribe may arrest any person(s) committing the offense and may seize or confiscate any fish, reptiles, amphibians, game, migratory birds, fur bearers, hides, vehicles, vessels, firearms, bows, traps, nets, lines, and any associated paraphernalia used in fishing, hunting, trapping or gathering, to be turned over to the Tribal Court of the offender.
- 13.02 *Additional Penalties* - In addition to any punishment provided for upon the conviction for violations of any provisions of these Regulations, or of the violation of any regulation now or in the future enacted with respect to fishing, hunting, trapping or gathering activities by the Tribe, any person so convicted may have any fishing, hunting, trapping or gathering equipment or paraphernalia in his possession at the scene of the offense permanently confiscated, and shall be subject to fines and incarceration as imposed by the Tribal Court.
- 13.03 *Member Responsibility* - It shall be no defense in any criminal or civil prosecution under these Regulations, pertaining to hunting, fishing, trapping, or gathering, for a Tribal Member to claim a lack of awareness or understanding of law or regulations.
- 13.04 *Offenses* - It shall be unlawful to:
- A. Engage in any fishing, hunting or trapping without first obtaining a Tribal license.
 - B. Use or allow another person to make use of a Tribal license not his/her own.
 - C. Take, possess or transport, or aid, assist or abet the same, of any game, fish, reptiles, amphibians, fur bearers, migratory birds or plants protected by Tribal or Federal law.
 - D. Exceed established limits, or use prohibited means of taking game, fish, reptiles, or amphibians.
 - E. Hunt, fish or trap while visibly impaired due to the consumption of alcohol or controlled substances.
 - F. Refuse to produce a Tribal license, Special Use Permit or other identification upon the request of a Tribal Conservation Officer.
 - G. Engage in fraud or perjury in procuring a Tribal license.

- H. Refuse to allow inspection of any game, fish, migratory birds, reptiles, amphibians, hides, pelts, or furs in possession upon request of a Tribal Conservation Officer.
- I. To wontonly harass or interfere with any legally licensed person fishing, hunting, trapping or gathering.
- J. Engage in any fishing, hunting, trapping or gathering of plants without first obtaining a Special Use Permit when required under these or Future Regulations.
- K. Exceed established limits, or prohibited means of taking game, fish, reptiles, amphibians and plants or violate any other terms or conditions contained in any Special Use Permit.
- L. Assault, resist, oppose, impede, threaten, bribe, and attempt to bribe, or interfere with a Conservation Officer engaged in enforcing these rules.

13.05 Endangered Species - Any Tribal Member shooting, attempting to shoot, trapping, or attempting to trap, or to harm in any way, any Endangered Species will be held by Tribal Conservation Officers until taken into custody by Federal officials for violation of Federal law.

SECTION XIV HUNTING SEASONS

14.01 Small Game - September 1 through April 1. Crows no closed season.

14.02 Deer

- A. Archery - October 1 through January (3).
- B. Firearm - November 15 through December 3 provided that the Tribe may issue antlerless special permits for November 13-14 and an extended season for antlerless deer only shall run from December 19 through January 3.
- C. Muzzleloader - December (4) through December 18.

14.03 Bear - No open season under Tribal regulations.

14.04 Wild Turkey

- A. Fall Season - October 1 through November 14.

B. Spring Season - April (15) through May 31.

14.05 *Elk* - No open season under Tribal Regulations.

14.06 *Fur bearers*

A. Hunting

1. Bobcat and mink- October 25 through March 15. See special instructions for preparing Furbearers for Registration.

2. Gray fox, red fox, raccoon and coyote - October 1 through March 15.

B. Trapping

1. Beaver and otter - November 1 through April 16.

2. Muskrat, mink and bobcat - November 1 through March 1.

SECTION XV BAG LIMITS

15.01 *Small Game* - A limit of five (5) of each species per day and a possession in transport limit of no more than two (2) days' limit per licensee.

A. The limit of rabbit, squirrel and grouse is five (5) species per day and a possession limit of no more than two- (2) days' limit per licensee.

B. Crow- No limit

15.02 *Big Game*

A. Deer - A limit of five (5) deer per tribal hunter per season, two (2) bucks with 3-inch antlers or three does. The tribal hunter can harvest the deer with a bow and arrow, rifle or muzzleloader. Provided that no more than two (2) permits shall be issued at any one time and subsequent permits are issued only upon receipt of filled harvest tags.

B. Bear - No open season under Tribal Regulations

C. Wild Turkey - Two (2) birds of either sex per fall season; two-(2) adult male(s) with visible beard(s) per spring season.

D. *Trapping*

1. Otter, badger and bobcat - two (2) species per season. All other species have no bag limit.
2. Accidentally trapped non-target protected species such as lynx, gray wolf, fisher or marten, etc. are unlawful to possess. All live animals shall be released if possible. The trapping of all other such animals shall be reported immediately to a Conservation Officer, and the procedures set forth in Section 12.03 of the Natural Resources Regulations shall apply.

SECTION XVI MIGRATORY BIRDS

16.01 Shooting Hours - From one half (½) hour before sunrise until sunset.

16.02 Ducks

- A. Season Dates: Open September 20, close January 20, 2001.
- B. Daily Bag Limits: 10 ducks, including no more than 5 mallards (only 2 of which may be hens), 2 black ducks, 2 redheads, 2 wood ducks, 1 pintail, 1 hooded merganser, and 1 canvasback.

16.03 Geese

- A. Season Dates: Open September 1, close November 30, 2000, then open January 1, 2001, close February 8, 2001.
- B. Daily Bag Limits: Five geese.

16.04 Rails, Snipe, and Woodcock

- A. Season Dates: Open September 1, close November 14, 2000.
- B. Daily Bag Limit: Five rails, five snipe, and five woodcock.

16.05 General: Possession limits are twice the daily bag limits.

SECTION XVII SUBSISTENCE AND SPORT FISHING

17.01 Seasons

- A. Trout and salmon, except as otherwise stated in these Regulations
 - 1. Inland Lakes - No closed season.
 - 2. Streams and rivers - No closed season.

- B. Largemouth bass, small mouth bass, sauger, walleye northern pike, muskellunge, and tiger muskellunge.
 - 1. Inland Lakes and Streams-No closed season.

- C. Bluegill, sunfish, crappie, rock bass, perch, lake whitefish, menominee, catfish, and other species not listed - No closed season

- D. Sturgeon - No open season.

17.02 Size Limits

- A. Trout and salmon
 - 1. Inland Lakes - Ten inch (10") minimum.
 - 2. Streams: Eight-inch (8") minimum.

- B. Largemouth and small mouth bass - Twelve inch (12") minimum.

- C. Northern pike - Twenty-inch (20") minimum.

- D. Muskellunge and tiger muskellunge - forty-two inch (42") minimum.

- E. Walleye - Fourteen inch (14") minimum

- F. Bluegill, sunfish, crappie, lake whitefish, menominee, perch, catfish species, and other species not listed - No minimum size.

17.03 Creel Limits

- A. Lake trout, rainbow trout, splake, brook trout and brown trout - Five (5) per species per day with a maximum of ten (10) in combination.
- B. Brook trout, brown trout, rainbow trout in streams - a maximum of ten (10) in any combination. No more than three (3) of the total may be over sixteen inches (16") long.
- C. Coho and Chinook salmon - Five (5) per species per day.
- D. Muskellunge and tiger muskellunge - One (1) per day.
- E. Largemouth bass, small mouth bass, walleye and sauger - Ten (10) per day.
- F. Bluegill, sunfish, crappie, lake whitefish, and yellow perch - Fifty (50) per day.
- G. Northern Pike- Five (5) per day
- H. Rainbow smelt, suckers, carp, menominee, minnows and others not listed above: No limit.

SECTION XVIII. ENFORCEMENT, FINES AND PENALTIES

18.01 *Violations of Natural Resources Regulations* - The Tribal Court shall hear charges against a Tribal Member. If there is more than one (1) violation, each violation shall be heard separately.

18.02 *Citation and Notification of a violation* - A Tribal Conservation Officer shall issue a citation of a violation of these regulations to an alleged violator at the time the officer becomes aware of a violation.

- A. The Tribal Conservation Officer shall proceed to the location of the alleged violation.
- B. The Tribal Conservation Officer shall identify him/herself, his/her title and badge number.
- C. The Tribal Conservation Officer shall investigate the alleged violation(s) and give the alleged violator the citation. The Tribal Conservation Officer shall retain a copy of same. The citation shall include:
 - 1. the violation.

2. the location description.
3. the penalties.
4. the date, time and place of hearing.

D. Citations shall be processed through the office of the Tribal Prosecutor in accordance with the rules of procedure of the Tribal Court.

18.03 Suspension or Revocation of Licenses - Any licenses or permits authorized by these Regulations may be suspended or revoked by the Tribe. A missed Catch Report authorizes' license suspension or revocation.

18.04 Penalties - The following are the minimum penalties for the first offense for a Tribal Member found guilty of killing, wounding, catching, taking or trapping, or attempting to catch, take, or trap, or possessing any of the following named protected fish, game, migratory bird, reptile, amphibian or fur bearers, or any parts thereof in violation of any of the provisions of this code:

- A. Any Endangered Species or any species determined to be rare, threatened or endangered by the Tribe or the United States - \$1,000.00
- B. Any elk or bear - \$500.00
- C. Any deer or wild turkey - \$250.00
- D. Any beaver, mink, otter, badger or bobcat - \$100.00
- E. Any rabbit, muskrat, squirrel or raccoon - \$30.00
- F. Any ruffed grouse, woodcock, morning dove, quail or sharp tail grouse - \$30.00
- G. Any migratory bird - \$50.00
- H. Any sturgeon, muskellunge, or tiger muskellunge - \$100.00
- I. Any lake trout, brown trout, rainbow trout, brook trout, large mouth bass, small mouth bass, walleye, northern pike, whitefish or menominee whitefish - \$50.00
- J. Any fish or game animal not named - \$25.00

18.05 Repeat offenders may be fined up to \$5,000.00 and/or incarcerated for up to one (1) year and/or lose hunting, trapping or fishing privileges, at the discretion of the Tribal Court.

XIX. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect.

SECTION XX. EFFECTIVE DATE

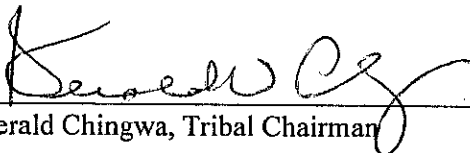
This Statute shall take effect immediately upon enactment.

Certification


As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on March 18, 2001 at which a quorum was present, by a vote of 4 in favor, 0 opposed, and 1 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	_____	_____	<u>X</u>	_____
Gerald Chingwa	<u>X</u>	_____	_____	_____
Janet Shomin	<u>X</u>	_____	_____	_____
Susan Wysocki	<u>X</u>	_____	_____	_____
Alice Yellowbank	<u>X</u>	_____	_____	_____

Date: 3-21-01



Gerald Chingwa, Tribal Chairman



Susan Wysocki, Tribal Secretary