KEWEENAW BAY INDIAN COMMUNITY
TRIBAL CODE OF LAW

TITLE TEN
HUNTING, FISHING, TRAPPING AND GATHERING

Revised by the Keweenaw Bay Tribal Council
at Special Council sessions conducted on March 31st, April 1st, April 3rd,
April 28th, and September 8th of the year 2003.

Keweenaw Bay Indian Community
Hunting, Fishing, Trapping and Gathering Code
Ordinance 2004-001

Introduced by Council Member Warren C. Swartz, Jr.

The Keweenaw Bay Indian Community has enacted this ordinance for the purpose of preserving and protecting hunting, fishing, trapping and gathering rights, which were reserved by the Community in the Treaty of La Pointe, Wisconsin with the Chippewa on September 30, 1854, (10 Stat. 1109), for future generations of tribal members.

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KEWEENAW BAY INDIAN COMMUNITY TRIBAL CODE
HUNTING, FISHING, TRAPPING, AND GATHERING

NOTICES

1. Fishing on Private Lakes.
Tribal members who desire to fish in lakes where riparian ownership is totally private must procure the written permission from a landowner to access the lake.
History: Formerly 10.511 (c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

2. Exercising Treaty Rights Outside of Home Territory.
Tribal members who wish to exercise hunting, fishing, trapping or gathering treaty-rights outside of the home territory of the Keweenaw Bay Indian Community, but within the territory ceded by the Lake Superior Bands of Chippewa in the Treaty of 1842, must obtain any required approval to exercise their treaty right from the tribe who has jurisdiction over the territory the tribal member desires to use and shall be subject to the laws of that tribe. Besides the Keweenaw Bay Indian Community, the ancestors to the signatory tribes of the Treaty of 1842 are the: Red Cliff Band of Lake Superior Chippewa, Lac Courte Oreilles Band, Bad River Band, Lac du Flambeau Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community Mole Lake Band, St. Croix Tribe, and the Lac View Desert Band. Please contact the appropriate tribe for permits and information regarding hunting, fishing, trapping or gathering within their home territory.
History: Formerly 10.503, 10.503 (a) and 10.806 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

3. Hunting on Posted Land Within Home Territory.
The State of Michigan has taken the legal position that tribal members' right to fish, hunt, trap and gather under the Treaty of 1842 does not extend to privately owned land outside of the boundaries of the L'Anse Reservation and Ontonagon Reservation. The Community supports the right of tribal members to fish, hunt, trap and gather on all land within the ceded territory, according to each tribes laws, that are open to the public for fishing, hunting, trapping and gathering, but not including farmland, fenced land, or private land that is posted.

History: Formerly 10.503 (c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

4. Permits for Plant Gathering in Home Territory.

Contact the Ottawa National Forest offices for maps and information for plant gathering within the exterior boundaries of the Ottawa National Forest. An on-reservation permit is required from the Bureau of Indian Affairs (BIA) Agency Forester for firewood cutting, clearing of residential or recreational leases, fence posts, maple sap collection, or miscellaneous cuttings for education, religious, or ceremonial use within the exterior boundaries of the L'Anse Reservation and Ontonagon Reservation. The permits will be issued by the BIA Agency Forester in accordance with the requirements set forth in the Community's Forest Management Plan. Contact the BIA Agency Forester, for information, maps and free use permits for on-reservation lands.

History: Formerly 10.806 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

5. Migratory Birds in Home Territory.

The taking of migratory birds shall be governed by federal regulations approved annually.

History: Formerly 10.514 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

6. Forestry Management Plan, Bureau of Indian Affairs.

Copies of the Forest Management Plan are available at the BIA Agency Foresters Office.

History: Formerly 10.804 (h) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

7. Fisheries Management Plan; Keweenaw Bay Natural Resources Department.

Copies of the Fisheries Management Plan are available at the Keweenaw Bay Natural Resources Department.

History: Formerly Title 10, Chapter 7 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

KEWEENAW BAY INDIAN COMMUNITY TRIBAL CODE
HUNTING, FISHING, TRAPPING, AND GATHERING

Chapter 1

Definitions and General Provisions

§10.101 Definitions.
As used in this Title the following words and phrases shall have the following meanings:

1. "Ceded territory" means land and waters ceded to the United States by the Treaty of 1842 and the Treaty of 1854.
2. "Commercial taking" or "commercial purposes" means the taking of fish species or game for barter or sale.
3. "Community" means the Keweenaw Bay Indian Community.
4. "Council" means the Keweenaw Bay Indian Community Tribal Council.
5. "Court" means the Keweenaw Bay Indian Community Tribal Court.
6. "Endangered or threatened species" means any fish, animal or wild plant species designated as rare, endangered or threatened, or of cultural significance by Tribal or federal law, or within Endangered and Threatened Wildlife and Plants, published by the United States Fish and Wildlife Service in August, 1993, (50 CFR 17.11 &17.12) as amended.
7. "Enforcement Officer" means (1) any enforcement agent of the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service and any other person authorized by the Secretary to enforce the provisions of 25 CFR Part 256, Subpart A; (2) Law Enforcement Officers of the Keweenaw Bay Indian Community; (3) Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Conservation Officers; and (4) any other person deputized by the Keweenaw Bay Tribal Council to enforce these regulations.
8. "Farmland" means any land that appears to be a field used for farming or has been cultivated for farming.
9. "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not

exceeding .177 caliber by means of a spring, air or gas.
10. "Free use permits" means permits issued by the BIA for specific gathering.
11. "Game" means big game, small game, game birds and fur bearing animals.
12. "Home territory" means all lands and waters within the Upper Peninsula of the State of Michigan which lie West of a line described as commencing at the mouth of the Chocolay River in Marquette County, thence following the course of the Chocolay River to its source; thence Southerly to the big island of the Escanaba River, AND lying North of a line commencing at the big island of the Escanaba River; thence Westerly to the junction of the Brule and Menominee Rivers, Michigan; excluding Gogebic County, Iron County and that part of Ontonagon County which lies west of the mouth of the Ontonagon River; and all waters and islands of Lake Superior described in the Treaty of 1842 that lie within the State of Michigan.
13. "Indian" means a person who is an enrolled member of a federally recognized Indian tribe, or a person eligible for enrollment in a federally recognized Indian tribe.
14. "KBNRD" means the Keweenaw Bay Natural Resources Department.
15. "L'Anse Reservation" means the area of land described in the Treaty of 1854 as the permanent homeland of L'Anse and Lac Vieux Desert Bands of Lake Superior Chippewa.
16. "License" means a hunting, fishing, trapping, commercial fishing, subsistence fishing, bait fishing license or all tags and permits issued and regulated by the Community pertaining to all hunting, fishing, trapping and gathering activities.
17. "Licensing Clerk" means the person designated by the Community to issue hunting, fishing, and trapping licenses and gathering permits.
18. "Non-commercial use" means the taking of fish species or game for non-commercial purposes.
19. "Ontonagon Reservation" means the area of land as referred to in the Treaty of 1854.
20. "Permit" means a license.
21. "Person" shall include all Indian individuals, co-partnerships, associations or corporations; the singular shall include the plural; and

the masculine gender shall include the feminine.

22. "Posted land" means land that is designated with visible signs indicating that entry upon such land is restricted, not limited to signs marked "no trespassing" or "private".

23. "Protected animals" means the bald eagle, golden eagle, timber wolf, moose, spruce hen, sharp tail grouse, trumpeter swan, grayling, caribou, swan, wolf and elk.

24. "Season" means time period where hunting or trapping is permitted for a specific species of animal as prescribed herein.

25. "Signatory tribe" means a tribe that is ancestor to a signatory of the Treaty of 1842, including the Keweenaw Bay Indian Community, Red Cliff Band of Lake Superior Chippewa, Lac Courte Oreilles Band, Bad River Band, Lac du Flambeau Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community Mole Lake Band, St. Croix Tribe, and the Lac View Desert Band.

26. "Tag" means a tag issued by the Licensing Clerk pursuant to this ordinance.

27. "Take" or "taken" means to kill an animal while hunting or trapping.

28. "Treaty of 1827" means the 1827 Treaty between the Chippewa, Menominee, and Winnebago and the United States.

29. "Treaty of 1842" means the 1842 Treaty between the Lake Superior Bands of Chippewa and the United States.

30. "Treaty of 1854" means the 1854 Treaty between the Lake Superior Bands of Chippewa and the United States.

31. "Tribal lands" means land held in trust by the federal government for the Community or fee land owned by the Community.

32. "Tribal member" means an enrolled member of the Keweenaw Bay Indian Community.

33. "Tribe" means the Keweenaw Bay Indian Community.

34. "United States" means the United States of America.

35. "Wild animals" means all creatures, not human or domestic, wild by nature, and includes quadrupeds, mammals, birds, fish species, amphibians, reptiles, crustaceans and mollusks.

History: Formerly 10.101, 10.301, 10.402, 10.501, 10.505, 10.512, 10.803 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.102. Purpose of the Regulations.
The purpose of these regulations is to preserve, protect and conserve the natural resources on and in the lands and waters ceded by the Community in the Treaty of 1842 for the continuing use, benefit, and enjoyment of tribal members and such other persons that are entitled by the Treaty of 1842 to utilize such resources.
History: Formerly 10.501 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.103. Effect of Law; Other Tribal Laws.
A. These regulations shall have the same effect as a law of the Community and a violation of any such regulation shall be a punishable as a criminal misdemeanor or a civil offense as hereinafter stated. All laws of the Community, as set forth in the Tribal Code, have the same force and effect while hunting, fishing, trapping or gathering in the home territory. The Council may adopt, modify and amend any regulation regarding hunting, fishing, trapping and gathering from time to time.
B. In addition to any punishment provided for herein, upon the conviction of any offense described herein, any person so convicted may have any hunting, fishing, trapping or gathering equipment or paraphernalia in his possession at the time of the offense confiscated by an Enforcement Officer. Equipment or paraphernalia may be returned to convicted individual after serving the sentence for the conviction at the discretion of the Court. At the discretion of the Court, fishing, hunting, trapping or gathering privileges of any person so convicted may be temporarily suspended for a period not to exceed one (1) year or permanently revoked.
History: Formerly 10.104 & 10.205 (k) & 10.205 (l) &
10.308 (j) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.104. Jurisdiction.
For purposes of enforcing these hunting, fishing, trapping and gathering regulations, the territorial jurisdiction of the Court shall encompass all such traditional lands and waters that are collectively referred to herein as the "home territory".
History: Formerly 10.503 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.105. Scope and Application of Laws.
These regulations apply to all Indian persons who fish, hunt, trap and gather within the L'Anse Reservation and Ontonagon Reservation and lands held in trust by the United States for the Community, including all Indian persons who are members of the signatory tribes to the Treaty of 1842 and are exercising reserved usufructuary rights within the home territory.
History: Formerly 10.502 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.106. Enforcement.
Any Enforcement Officer may enforce these regulations.
History: Formerly 10.503 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.107. Knowledge of Regulation Presumed.
Any person engaged in hunting, fishing, trapping, or gathering within home territory is presumed to know that these regulation apply to that person and it shall not be a defense, in any judicial proceedings resulting from an alleged violation of these regulations, to claim a lack of awareness or understanding of these regulations.
History: Formerly 10.105 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.108. License and Permit Fees.
The Council shall set and collect such fees as it may deem to be appropriate as a pre-condition to the issuance of any license or permit for hunting, fishing, trapping and gathering.
History: Formerly 10.103 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.109. License Availability.
No hunting, fishing, trapping or gathering license or permit shall be issued to any person who is not a member of a federally recognized Indian tribe.

§10.110. On- Reservation Visitor Permits.
A. The Community may issue a visitors permit to hunt, fish, trap or gather within the boundaries of the L'Anse Reservation and Ontonagon

Reservation to a member of another federally recognized Indian tribe whose tribal hunting, fishing, trapping and gathering laws provide the same privilege requested to the members of the Community within their Reservation.
B. A visitors permit may be obtained by applying to the Licensing Clerk and shall be subject to the approval of the President of the Council.
History: Formerly 10.513 (k) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.111. Home Territory Visitor Permits.
A. The Community may issue a license to hunt, fish, trap or gather within the home territory to a visitor who is a member of a signatory tribe whose Tribe's hunting, fishing, trapping and gathering laws provide the same privileges to the members of the Community in the "home territory" of the visitors Tribe.
B. A license for a member of another signatory tribe may be obtained by applying to the Licensing Clerk and shall be subject to the approval of the President of the Council.

§10.112. Exemptions from Rules and Regulations.
Upon a finding by the Council that special circumstances exist which warrant an exemption from any of these regulations, whether or not herein contained, the Council may exempt a specific person from compliance with such regulations. No exemption shall be valid unless duly adopted by the Council and maintained in the possession of the person to whom the exemption applies, before said action occurs. Permits issued under this provision shall be effective for a period not to exceed one (1) year. A person granted an exemption under this provision may re-apply to the Council for another permit upon expiration of any permit the person may hold.
History: History: Formerly 10.201 (e) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.113. Severability.
In the event that any provision of this title or the application thereof is held invalid by a court of competent jurisdiction the remaining provisions of this title, and other applications of such provision, shall not be affected thereby.

References.

1. The Treaty of Butte Des Morts, on the Fox River, Michigan Territory with the Chippewa, Menominee, and Winnebego on August 11, 1827. (7 Stat. 303).
2. The Treaty of La Pointe, Wisconsin Territory with the Chippewa of the Mississippi and Lake Superior, October 4, 1842. (7 Stat. 591).
3. The Treaty of La Pointe, Wisconsin with the Chippewa on September 30, 1854. (10 Stat. 1109).
4. Endangered and Threatened Wildlife and Plants, published by the United States Fish and Wildlife Service in August, 1993, (50 CFR 17.11 &17.12) as revised.
5. "Numbering of Certain Vessels", 33 Code of Federal Regulations 173.
6. Criminal Offenses and Penalties, Title 3 of the Keweenaw Bay Tribal Code.
7. Michigan Department of Natural Resource Regulations pertaining to Craig Lake State Park.
8. 2003 Keweenaw Bay Indian Community Forest Management Plan, Bureau of Indian Affairs Agency Foresters Office, Baraga, Michigan.
9. 2000 Keweenaw Bay Indian Community Fisheries Management Plan, Keweenaw Bay Department of Natural Resources, L'Anse, Michigan.

Chapter Two

Commercial and Subsistence Fishing

§10.201. Definitions.
As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires a different meaning:

1. "Assessment fishing activities" means scientific studies performed by Keweenaw Bay Natural Resources Department to evaluate the status of fisheries.
2. "Application" means a commercial fishing license application and all necessary forms.
3. "Bait fish species" means rainbow smelt, lake herring, burbot, minnow, sucker and chub species.
4. "Big boat" means a vessel that is greater than twenty-seven (27) feet in length from bow to stern.
5. "Big boat license" means a commercial fishing license issued by the Council to operate a big boat in off-reservation commercial waters.
6. "Breakwall" means a manmade barrier which breaks the force of waves, as before a harbor.
7. "Bridle" means the line on an impoundment net that keeps the float or top line attached to the bottom line.
8. "Catch reports" means the monthly paper reports filed to the KBNRD that document commercial fishermen activities.
9. "Commercial bait fishing" means to fish for the purpose of taking or catching bait fish species for sale, barter or exchange.
10. "Commercial fishing" means to fish for the purpose of taking any fish species for a commercial purpose. Including all related activities which occur in or on the water, or immediately adjacent to the water's edge and in the process of loading or unloading fish species, nets, or related gear, in or from a boat or vehicle.
11. "Commercial fish species" means herring, lake trout, ciscos, chubs, alewives, lake whitefish, menominee whitefish, rainbow smelt, salmon, minnows and suckers.
12. "Commercial fishing license" means a license issued by the Council to fish for commercial fish species and allows the holder to fish and sell, barter, transport, or cause to transport, or deliver or

receive for transportation, or package any commercial fish species or commercial fish species parts, or have in his possession or under his control for commercial purposes any commercial fish species.

13. "Commercial bait license" means a commercial fishing license issued by the Council to fish on/off reservation waters for bait fish species for commercial purposes.

14. "Commercial purposes" means sale, barter, or exchange for profit.

15. "Depth" means the depth of water.

16. "Director" means the Director of the KBNRD.

17. "Effort" means the length of net or number of traps including number of nights fished.

18. "Emergency situation" means hospitalization, a death in the family, or other sudden need to leave the L'Anse Reservation.

19. "Fish" or "Fishing" means to catch, take or kill, or attempt to catch, take or kill any fish species for barter or sale, including all related activities which occur in or on the water, or immediately adjacent to the water's edge and in the process of loading or unloading fish species, nets, or related gear, in or from a boat or vehicle.

20. "Gill net" means gear designed to capture fish species by means of entanglement. A "gang of nets" is more than one gill net tied in a series. This gear shall be composed of a buoy and float, anchors, and gill net(s).

21. "Health hazard" means an act of a person while commercial fishing that may endanger the health of another.

22. "Hearts" means that aspect of an impoundment net that serves as a temporary staging area of the net before the fish is trapped in the pot.

23. "Helpers card" means an identification card with photograph issued by the Licensing Clerk to Indian persons assisting or employed by a commercial fisherman or assisting a subsistence fisherman.

24. "Impaired" means damaged, weakened or diminished mental or physical capabilities.

25. "Impoundment gear" means gear designed to capture fish species by means of deflection and to retain them in a live condition (e.g. trap, pound, fyke, hoop nets). This gear shall be composed of a lead, wings, and hearts attached to a lifting pot.

26. "Incidental catch" means those non-targeted fish caught.
27. "King anchor" means the main anchor used for impoundment gear.
28. "Lead" means either the bottom line of a gill net or the part of impoundment net which directs fish towards the entrance of the trap.
29. "Lean lake trout" means the subspecies of lake trout managed in Lake Superior that tends to have a leaner body formation as compared to a fat lake trout that has a lesser market value.
30. "Lean lake trout tags" means the plastic tags allotted to commercial fishermen for permanent tagging of each lean lake trout before commercial sale.
31. "Management Zone 5" means that area of Lake Superior used by management agencies that is roughly, in an abstract form, defined by the west boundary as being just east of the Huron Islands to the east boundary of the Chocolay River in Marquette county, Michigan.
32. "Marking tag" means a tag used to mark a net or associated lines.
33. "Metal bands" means a circular, numbered band that is attached to a net for identification purposes.
34. "Nets" means gill nets or impoundment gear.
35. "Net marker" means a device used to mark a net in the water.
36. "Off-reservation commercial waters" means that part of Lake Superior lying outside of those waters defined in "on-reservation commercial waters" within home territory.
37. "On-reservation commercial waters" means that part of Keweenaw Bay, Lake Superior, lying between the following described North and South boundary lines: (1) The North boundary is an imaginary line approximately drawn between a point on the West shoreline of Keweenaw Bay which is due East of the intersection of the Beartown Road and US 41 in Baraga Township and Pequaming Point in L'Anse Township, more particularly described as beginning at the meander corner between Township 52 North, Range 33 West, Section 34 and Township 51 North, Range 33 West, Section 3; thence East across Keweenaw Bay to the meander corner, also being the point of termination of described line, between Township 52 North, Range 32 West, Section 32 and Township 51 North, Range 32 West, Section 5. (2) The South boundary is an imaginary line approximately drawn between a point on the West shoreline of

Keweenaw Bay which is East of the Southerly intersection of Superior Avenue and US 41 in the Village of Baraga, Baraga Township and a point on the East shoreline of Keweenaw Bay which is due West of the intersection of Eastern Avenue and Main Street in the Village of L'Anse, L'Anse Township, more particularly described as beginning at the meander corner between Township 51 North, Range 33 West, Section 33 and Township 50 North, Range 34 West, Section 1; thence East to the meander corner, also being the point of termination of described line, between Township 51 North, Range 33 West, Section 35 and Township 50 North, Range 33 West, Section 5.

38. "Overall length" means the minimum distance between the extreme outside end of the bow and the stern considering the nearest whole number of feet.

39. "Pollution" means to make physically impure or unclean.

40. "Pot" means an enclosed framework of net mesh for catching fish and that part of the impoundment gear lifted to removed caught fish.

41. "Ring" means a device used on an impoundment net to connect the back of the pot to the headline.

42. "Small boat" means a vessel that is less than twenty-seven (27) feet in length from bow to stern.

43. "Small boat license" means a commercial fishing license issued by the Council to operate a small boat in on or off-reservation commercial waters.

44. "Staff buoy" means a device used to mark a net consisting of a metal or wood vertical staff surrounded by a foam-like substance that keeps it visible above the water's edge.

45. "Statistical grid" means a grid, approximately 10 miles x 10 miles, as indicated on standard U.S. Lake Survey Charts, (USEOP: 1973-761-578) and commonly used by governmental agencies in reporting fishing statistics.

46. "Stretched mesh size" means the width of a net twine when stretched to its maximum length so that opposing sides of the opening touch each other.

47. "Subsistence fishing license" means a temporary license issued by the Council to fish for fish species with a gill net or impoundment gear for a non-commercial purpose, not for profit.

48. "Subsistence fisherman" means person who fishes for non-commercial purpose by means of a gill net or impoundment gear.

49. "Subsistence fishing" means fishing with a gill net or impoundment gear for non-commercial purpose not for barter or sale.
50. "Target fishing" means fishing which has the effect of catching or taking a specific species or several specific fish species.
51. "Trot-line" means a type of fishing gear that consists of a main fishing line that is stretched out and has a series of fishing lines that are hooked and baited off of the main fishing line.
52. "Vessel" means a boat or other vessel intended to be used on navigable waters.
History: Formerly 10.402, 10.409 (e), 10.414, & 10.415 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.202. Assessment Fishing Activities.
These regulations do not restrict assessment fishing activities by GLIFWC, employees of the Community under the supervision of the KBNRD or other entities authorized by the Council. Further, these regulations do not restrict stock assessment activities by a commercial fishermen with authorization from the Council.
History: Formerly 10.412 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.203. Commercial Fishing License.
Any person who shall engage in commercial fishing with a gill net or impoundment gear within the home territory without first obtaining a current and valid commercial fishing license issued by the Community shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days and a maximum fine of $1,500.00 or both.
History: Formerly 10.205 (a) & 10.404 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations, as amended on (date).

§10.204. Commercial Fishing License; Application.
A. Any tribal member or member of a signatory tribe who wishes to engage in commercial fishing within the home territory may apply to the Council for a commercial fishing license.
B. An application may be obtained and submitted to the Licensing Clerk on oath when required and on a form provided by the first Monday in the

month of February of each year.
C. The fee for a commercial fishing license shall be based upon the type of fishing proposed and on the size of the boat being used. The fee for a commercial fishing license for a person who is not a tribal member shall be 5 times the equivalent fee charged to a tribal member.
D. The application shall state the name and residence of the applicant, the manner in which he or she proposes to fish, the name or number of the vessel, and the overall length of the vessel. The application shall also include proof that the vessel the applicant will be using for commercial fishing purposes has passed a safety inspection by a certified tribal official or Coast Guard officer, certification of completion of the Hazard Analysis and Critical Control Point (HACCP) management training offered by the United States Food and Drug Association and a completed security background check form to check for outstanding conservation fines only.
E. The Licensing Clerk shall review the application and determine whether or not the application and supporting documentation are sufficient within seven (7) days of the application deadline.
F. The Licensing Clerk shall submit the complete application to the Director of the KBNRD who shall present the application to the Council along with the recommendation of the KBNRD for licensing within thirty (30) days after receiving the application.
G. The Council shall review the application and recommendation of the KBNRD for licensing and shall make a determination of approval or disapproval within seven (7) days after receipt of the application from the KBNRD.

§10.205. Commercial Fishing License Restrictions.
A. Any person who shall apply for a commercial fishing license shall not be eligible for the license if the person has any outstanding fines from the Court for fishing violations.
B. Any person who holds a commercial fishing license shall not be issued a subsistence fishing license.
C. Only one vessel shall be used for each commercial fishing license.
History: Formerly 10.404 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.206. Approval of a Commercial Fishing License.

When a determination is made by the Council to approve the application, the Council shall send notice of approval along with the application and all other supporting documentation to the Licensing Clerk. The Licensing Clerk shall notify a commercial fisherman that their application has been approved within five (5) days. An applicant has forty-five (45) days to pick up the commercial license.
History: Formerly 10.404 (a) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations, as amended on (date).

§10.207. Denial of Application For Commercial Fishing License.
A. When a determination is made by the Council to deny the application, the Council shall send notice of such denial by certified mail to the applicant within five (5) days of the denial.
B. A letter of denial shall include;
1. A statement informing the person that their application has been denied and the reasons why;
2. The remedial action required to comply with the applicable standards, if any;
3. A statement that the applicant may seek a formal hearing concerning the denial of the application before the Council within thirty (30) days of the date of the letter of denial.

§10.208. Identification.
Any person who shall engage in commercial or subsistence fishing within the home territory who shall fail to have in their possession a valid and current license therefore or who shall fail to make the license available for inspection by any Enforcement Officer upon the request of the Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $ 1,000.00 or both.
History: Formerly 10.205 (h) and 10.404 (g) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.209. Employees, Agents, Assistants and Helpers.
Any person who shall help a commercial or subsistence fisherman who shall not have in their possession at all times a valid enrollment card with photograph from a federally recognized Indian tribe or a helpers card issued by the Licensing Clerk and who shall not make such identification

available for inspection by any Enforcement Officer upon the request of the Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.205 (h)(m) & 10.404 (c)(g) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.210. License Misrepresentation.
Any person who shall use fraud or misrepresentation in procuring a commercial or subsistence fishing license shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.205 (i) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.211. Sale of Fish Species at Retail Locations.
Any person who shall sell fish species for profit retail without first obtaining a business license from the Community or fails to comply with the applicable provisions of the FDA Food Code and HAACP management training regulations to that person's operation for the sale of fish species at retail shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.404 (a) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.212. Allowing or Making Use of Another's License.
Any person who shall allow another person or make use of another persons commercial or subsistence fishing license shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days and a maximum fine of $ 1,500.00 or both.
History: Formerly 10.205 (b)(c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.213 to 10.216]

§10.217. Wanton Waste of Fish Species.

Any person who shall wantonly destroy or waste any fish species caught with a net shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,500.00 or both.
History: Formerly 10.205(d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.218. Fish Species Remains Disposal.
Any person who shall dispose of fish species remains in a manner which causes a health hazard or constitutes pollution to either land or water shall be guilty of a civil offense.
History: Formerly 10.405 (c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.219. Protected Fish Species.
Any person who shall fish, possess, transport, catch, kill or aid or assist another in the same, any fish species defined as a protected animal by tribal law or an endangered species by federal law shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.205(e) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.220. Prohibited Methods of Catching Fish Species.
Any person who shall fish any fish species by the use of explosives, drugs, poisons, lime, medicated bait, or other deleterious substances, or by springs or cables or by any other prohibited means shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.201 (b) & 10.205 (f) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.221. Inspection of Fish and Gear.
Any person who shall use a net to fish and shall not allow the inspection of fish species or gear in one's possession upon the demand of a Enforcement Officer shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of $1,500.00 or both.

History: Formerly 10.205 (j)(m) & 10.405 (d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.222. Net Lifting; Presence Required.
Any person who shall hold a commercial or subsistence fishing license issued by the Community and who shall not be present when their nets are placed in and removed from the water shall be guilty of a civil offense.
History: Formerly 10.404(d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.223. Lost Nets.
All lost nets which are lost during commercial or subsistence fishing shall be reported by the owner thereof to a Enforcement Officer or the KBNRD within eight (8) hours after discovery that the net has been lost. It is the responsibility of the owner to make every reasonable effort to locate and remove their lost net, and in no case shall the owner set additional net within forty-eight (48) hours after discovery that the net has been lost unless the lost net is first located and removed from the water. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.405 (b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.224. Emergency "Net Lifting."
If a person is unable to lift their nets due to an emergency situation, the person may seek permission from the KBNRD or the President of the Council to have another commercial or subsistence fisherman to lift the nets. This permission shall be granted on a day-to-day basis to assure the fishery resources of the Community is not wasted. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.415 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.225. Fishing With Nets While Impaired.
Any person who shall fish with a net while impaired due to the consumption of alcohol or controlled substances shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.

History: Formerly 10.205(g) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.226. Nets in Lake Superior Only.

Any person who shall commercial fish or subsistence fish with a gill net or impoundment gear outside of the waters of Lake Superior within home territory shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.

History: Formerly 10.410 (d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.227 to 10.229]

§10.230. Area Restrictions on Gill Nets.

Any person who shall use a Gill Net:

1. Within one-fourth (1/4) mile from other nets for off-reservation commercial waters;
2. Closer than three hundred thirty (330) feet from shore line of Lake Superior;
3. Within one-fourth (1/4) mile from the mouth of any river, stream or tributary of an inland lake; or
4. Within two hundred (200) feet of another net for on-reservation commercial waters,

shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.

History: Formerly 10.407(a) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.231. Area Restriction; Keweenaw Bay.

Any person who shall fish with a net without the permission of the Council at the head of Keweenaw Bay, south of an imaginary line created by the land points of Wadaga Road and Eastern Avenue, shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.

History: Formerly 10.407 (b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.232. Gill Net Identification.

A. All gill nets utilized by any person shall have a clearly marked and visible net marker on one end and a clearly marked and visible staff buoy and flag on the other end. The net marker and staff buoy shall be permanently and legibly identified with the license number of the fisherman who set the gill net, and clearly marked with the initials "KB".

B. Any person using a gill net shall place metal bands attached to the float line in at least two locations on each gill get, within ten (10) feet of the beginning and end of each gill net. Metal bands will be supplied by the Licensing Clerk to all persons using gill nets on an as needed basis. The fisherman shall mark each metal band provided with "KB" and the enrollment number of the fisherman. Other marking methods maybe used in conjunction with the metal bands.

C. All gill nets set in off-reservation commercial waters during the time period from January 31st to March 31st shall be anchored with hook anchors and buoyed with at least one cedar pole or equivalent gear, to reduce the amount of gill nets that are set and lost due to shifting ice floes.

D. Any person who shall violate the provisions of this section shall be guilty of a civil offense.

History: Formerly 10.205 (m) & 10.408 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.233. Gill Net Restrictions.

A. Any person shall use gill nets with a stretched mesh size of:

1. Four and a half (4 1/2) inches or greater for lake trout, siscowet trout, salmon and whitefish;
2. Two and three-eighths (2 3/8) to three (3) inch for herring, menominees, and chubs; and
3. One (1) to one and a half (1 1/2) inches for rainbow smelt, except as otherwise restricted.

B. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.

History: Formerly 10.205 (m) & 10.409 (a)(b)(d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.234 to 10.240]

§10.241. Impoundment Gear Identification.

A. All impoundment gear utilized by any person shall be marked with a staff buoy on the pot at least four (4) feet exposed above the surface of the water that has a visible flag affixed at the top of the staff bearing the enrollment number of the fisherman who set the net and clearly marked with the initials "KB". In addition, the king anchor and inside end of the lead shall both be marked with a visible float not less than one gallon in size and shall also be permanently and legibly identified with the enrollment number and initials "KB".

B. Any person who shall use impoundment gear shall place one (1) marking tag on the bridle near the ring. The marking tags shall be supplied by the Licensing Clerk to all persons using impoundment gear. The fisherman shall mark each marking tag with "KB" and the enrollment number of the fisherman.

C. Any person who shall violate the provisions of this section shall be guilty of a civil offense.

History: Formerly 10.205 (m) & 10.408 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.242. Impoundment Gear Restrictions.

A. A person shall use impoundment gear with a pot that has a stretched mesh size of:

1. Four and a half (4 1/2) inches or greater for lake whitefish and lake trout; or
2. Two and three-eighths (2 3/8) to three (3) inches for herring, chubs and menominees;

B. The minimum mesh size in the top of the hearts of the impoundment net shall be twelve (12) inches or greater to reduce the mortality to loons.

C. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.

History: Formerly 10.205(m) & 10.409(c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations, as amended on (date).

[Reserved 10.243 to 10.250]

§10.251. Small Boat; Effort.

Any commercial fisherman with a small boat license who shall set more than:

1. One thousand two hundred fifty-five (1,255) feet of Gill Net at one time in on-reservation commercial waters;
2. Two (2) impoundment nets at one time in on-reservation commercial waters;
3. Four thousand (4,000) feet of Gill Net at one time in off-reservation commercial waters;
4. Four (4) impoundment nets at one time in off-reservation commercial waters,

shall be guilty of a civil offense, unless otherwise specified on the license or by special provision authorized in writing by the Council.
History: Formerly 10.205(m) & 10.409(f)(1)(2) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.252. Big Boat; Effort.
Any commercial fisherman with a big boat license who shall set more than twelve thousand (12,000) feet of gill net at one time or twelve (12) impoundment nets at one time shall be guilty of a civil offense, unless otherwise specified on the license or by special provision authorized in writing by the Council.
History: Formerly 10.205(m)& 10.409(f)(3)(4) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.253. Commercial Fishing; Catch Reporting and Sampling.
A. All commercial fishermen shall be required to submit monthly catch reports by the 15th of the following month to the KBNRD. Commercial fishermen are required to report in the catch report for each day of fishing:

1. The location of net on a statistical grid;
2. Length of gill nets lifted;
3. Mesh size of gill nets lifted;
4. Depth at which nets were set;
5. Poundage of each fish species caught and sold; and
6. Names and identification number of individuals fishing with the licensee.

B. All commercial fishing catch shall be subject to monthly biological

sampling by KBNRD to obtain information required for conservation and management purposes. If such sampling impairs or destroys the market value of fish species sampled, the reasonable value of the loss shall be reimbursed by the agency conducting the sampling.
History: Formerly 10.405(a)(e) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.254. Failure to Submit Monthly Catch Report.
A commercial fisherman who shall fail to submit a monthly catch report shall be guilty of a civil offense and in addition shall have their license suspended for:

1. Fifteen (15) days following the first offense;
2. Thirty (30) days following the second such offense in a twelve (12) month period;
3. Sixty (60) days following the third such offense in a twelve (12) month period; and
4. Up to one year for subsequent offenses.

History: Formerly 10.205 (m)(n) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.255. Misrepresentation of Species Poundage; Small Boat.
Any commercial fisherman who holds a small boat license and who shall misrepresent species poundage on a catch report shall be guilty of a civil offense. The penalties for this civil offense shall be as follows:

1. On-reservation commercial waters:
   a. One dollar ($1.00) for each pound under-reported up to one hundred (100) pounds.
   b. Not less than one-hundred dollars ($100) and not more than one-thousand dollars ($1000) for under reporting in excess of one hundred (100) pounds.
   c. The fines in subsection 1.(a) and 1.(b) above shall be doubled if an individual is found to be in violation for under-reporting three (3) times in any twelve (12) month period.
2. Off-reservation commercial waters:
   a. One dollar ($1.00) for each pound under-reported up to two-hundred fifty (250) pounds.
   b. Not less than two-hundred fifty dollars ($250) and not more than two-thousand five-hundred dollars ($2500) for under-

reporting in excess of two-hundred fifty (250) pounds.

c. The fines in subsection 2.(a) and 2.(b) above shall be doubled if an individual is found to be in violation for under-reporting three (3) times in any twelve (12) month period.

History: Formerly 10.205 (m)(o)(1)(2) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.256. Misrepresentation of Species Poundage; Big Boat.

Any commercial fisherman who holds a big boat license who shall misrepresent species poundage on a catch report shall be guilty of a civil offense. The penalties for this civil offense shall be as follows:

1. One dollar ($1.00) for each pound under-reported up to five hundred (500) pounds.
2. Not less than five-hundred dollars ($500) and not more than five-thousand ($5000) for under-reporting in excess of five-hundred (500) pounds.
3. The fines in subsection 1. and 2. shall be doubled if an individual is found to be in violation for under-reporting three (3) times in any twelve (12) month period.

History: Formerly 10.205 (m)(o)(3) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.257. Excessive Misrepresentation of Species Poundage; License Suspension.

Commercial fisherman found to have misrepresented species poundage on their monthly catch reports more than three (3) times in any twelve (12) month period shall have their license suspended for a period of not less than thirty (30) days and not more than one (1) year.

History: Formerly 10.205 (m)(p) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.258. Commercial Fishing Season Restrictions.

A. Management Zone 5 near Big Bay and Marquette shall be closed to commercial fishing for whitefish and lean lake trout from 11:59 p.m. October 31st to 11:59 p.m. November 27th of each year.

B. Except as indicated in Management Zone 5, all off-reservation commercial fishing for whitefish and lean lake trout shall be closed between

11:59 p.m., October 31st to 11:59 p.m., November 27th of each year.
C. Commercial fishing shall be prohibited within a one-half (½) mile radius of a river or stream mouth from 12:00 a.m., April 15th to 11:59 p.m., May 14th; and 12:00 a.m., October 15th to 11:59 p.m., November 14th of each year.
D. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.406 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.259. Legal Sizes of Commercial Fish Species.
A. A commercial fisherman shall not take, possess or sell any lake trout or lake whitefish of a length less than seventeen (17) inches, commercial fishing size restrictions for other fish species shall be established as necessary by the Council from time to time.
B. Commercial fishing for lake sturgeon shall be prohibited, however, incidental catch of two (2) lake sturgeon per license year is allowed provided the lake sturgeon is fifty (50) inches or greater in total length. All lake sturgeon taken by a commercial fisherman shall be registered and tagged with the Licensing Clerk.
C. Commercial fisherman may take undersize lake trout and restricted fish species, except lake sturgeon, for non-commercial use.
D. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.205 (m)& 10.410 (b)(e) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.260. Tagging of Lean Lake Trout.
All lean lake trout caught for a commercial purpose by a commercial fisherman shall be tagged with lean lake trout tags prior to removal from boat or frozen surface of Lake Superior and in any event prior to transportation from the water's edge. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.205 (m) & 10.410 (c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.261. Lost Lean Lake Trout Tags.

All lost lake trout tags shall be reported to a Enforcement Officer or the KBNRD within eight (8) hours of the discovery of the loss. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.405 (b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.262. Lean Lake Trout Catch; Exceeding Tags Allocated.
Any person who shall take or possess lean lake trout in excess of lean lake trout tags allocated by the KBNRD shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.205 (m) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.263. Sale of Prohibited Fish Species; Incidental Catch.
All fish species that are caught during commercial fishing and are not permitted to be taken by a commercial fisherman, if alive, shall be returned to the waters of Lake Superior, and if dead, shall not be sold commercially, but shall be used solely for the personal consumption of the fisherman's family or his helpers. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.205 (m) & 10.410 (a)(d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.264 to 10.275]

§10.276. Commercial Bait Fishing License.
A. Any person who wishes to commercial fish for bait fish species only shall obtain a commercial bait fishing license. A commercial bait fishing may be obtained from the Licensing Clerk, upon approval of the President of the Council, such license shall be valid for a period of one (1) year.
B. Commercial bait fishing activities shall be restricted to on-reservation commercial waters with the use of a small boat.
C. A commercial fisherman with a small boat license shall not be issued a commercial bait fishing license.
D. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.413 (1)(6) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.277. Subsistence Fishing License.

A. A subsistence fishing license may be obtained from the Licensing Clerk, with the approval of the President, by persons who wish to fish for non-commercial purposes with a gill net or impoundment gear. A subsistence fishing license shall only be valid for a period of seven (7) days from the date of issuance and shall not be available to licensed commercial fisherman.

B. Any person who shall engage in subsistence fishing with a gill net or impoundment gear within the home territory without first obtaining a current and valid subsistence fishing license issued by the Community shall be guilty of a civil offense.

History: Formerly 10.201(c), 10.404(b)f) & 10.411(c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.278. Subsistence Fishing; Gear.

A person shall use gill nets, impoundment gear, trot-lines, and any other gear approved for subsistence fishing by the Council. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.201(c)(d) & 10.411(a) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.279. Subsistence Fishing; Commercial Fishing Regulations Apply.

Unless specifically authorized by the Council in writing, commercial fishing regulations and standards apply to fishing with a gill net or impoundment gear for a non-commercial purpose.

History: Formerly 10.201 (c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.280. Subsistence and Commercial Bait Fishing Effort.

Any subsistence or commercial bait fisherman who shall:

1. Set more than six hundred (600) feet of gill nets at any one time, or
2. Set more than one (1) impoundment net at one time,

Shall be guilty of a Class D misdemeanor, punishable by a maximum period

of incarceration of 45 days and a maximum fine of $1,000.00 or both.
History: Formerly 10.201 (d), 10.413 (5) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; amended on (date).

Chapter Three

Commercial Fishing Vessels

§10.301. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires a different meaning:

1. "Coast guard" means the United States Coast Guard.
2. "Commercial fishing" means to catch, take or kill, or attempt to catch, take or kill any commercial fish species for commercial purposes such as sale, exchange or barter, including all related activities which occur in or on the water, or immediately adjacent to the water's edge and in the process of loading or unloading fish species, nets, or related gear, in or from a boat or vehicle.
3. "Good working condition" means good working order and ready for immediate use and must have been inspected, cleaned, repaired and/or tested in accordance with manufacturer guidelines and U.S. Coast Guard rules.
4. "Operate" means to navigate or otherwise use a vessel on the water.
5. "Owner" means any person, other than a lien holder, who shall hold title to a vessel. The term "owner" includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or a performance of an obligation but the term excludes a lessee under a lease not intended as a security.
6. "Placard" means a metal card or plaque with instructions or which identifies something.
7. "Vessel" means a boat or other vessel intended to be used on navigable waters.

History: Formerly 10.601 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.302. Commercial Fishing Vessel; Equipment Requirements.

All vessels used for commercial fishing in the waters of home territory shall at all times carry the following equipment in good working condition:

1. Navigational Lights.

Navigational lights that are affixed to the vessel of the type and location on the vessel as specified in the Coast Guard navigation rules. All navigational lights must be illuminated between sunset and sunrise and during other periods of reduced visibility such as rain, fog or haze.

2. Visual Distress Signals.

   a. A distress signal kit, Coast Guard approval series 160-066-8-0, which contains three (3) hand flares, a dye marker, and one (1) distress flag, which is orange-colored canvas with a black square and circle; and

   b. A water-proof flashlight, which produces a beam of light which can be seen by the naked eye from a distance of one (1) mile.

3. Personal Flotation Devices (PFD).

   a. An orange-colored ring life buoy at least twenty-four (24) inches in size, or a buoyant boat cushion, Coast Guard approved Type IV PFD, with at least 60 (sixty) feet of line attached. Each buoy shall be marked with "KB" and the enrollment number of the license holder; and

   b. One (1) life jacket or vest, Coast Guard approved Type I or Type II PFD, for each person on the vessel, which has attached thereto a Coast Guard approved light. Each PFD shall be marked with "KB" and the enrollment number of the license holder; and

4. Emergency Positioning Indicating Radio Beacon (EPIRB).

   An emergency positioning indicating radio beacon (EPIRB) 406 MHz Category I, that is licensed by the Federal Communication Commission, if the vessel will be operating beyond three (3) miles from the coastline. The EPIRB shall be tested at least once every month and registered with the National Oceanic and Atmospheric Administration.

5. Survival Suit.

   One survival or immersion suit, Coast Guard approved, for each person on the vessel.

6. Ventilation System.

   If the vessel is carrying or using an inflammable or toxic fluid in any enclosure within the vessel, and if the vessel is not entirely

open to the natural air, an efficient ventilation system in good working condition, which shall be capable of removing gasses on a continuous basis from the vessel.

History: Formerly 10.601 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.303. Additional Equipment Requirements for Vessels 20 Feet in Length or Longer.

In addition to other requirements, any commercial fishing vessel which is twenty (20) feet or more in length shall also carry the following equipment, in good working condition:

1. Fire extinguisher.
   One (1) B-II or two (2) B-I hand portable fire extinguishers.
2. Radio.
   A VHF marine radio, with a current FCC SSL license, capable of transmitting an audible distress signal five (5) miles from the boat.
3. Horn or Whistle.
   A horn or whistle which shall produce a sound of sufficient volume to ensure audibility to the naked ear within one (1) mile of the boat.
4. Placards.
   Injury, Pollution and Garbage Placards as prescribed by the Coast Guard shall be visibly displayed upon entrance of deputized officers into each vessel.

History: Formerly 10.602 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.304. Additional Equipment Requirements for Vessels 40 Feet in Length or Longer.

In addition to other requirements, any commercial fishing vessel which is forty (40) feet or more in length shall carry the following equipment, in good working condition:

1. Machinery Space Fire Extinguisher.
   Three (3) B-1 OR one (1) B-1 and one B-2 hand portable fire extinguisher mounted in a bracket in the machinery space area of the vessel

2. Coast Guard Documentation.
   Coast guard approved documentation must be carried at all times.
3. Numbering.
   Except for certain vessels exempted by the Coast Guard, self-propelled vessels of less than 5 tons must be numbered (33 CFR 173).
4. Buoyant Apparatus.
   Coast Guard approved floatation device that is designed to support a specific number of persons in the water, as specified by Coast Guard regulations.

History: Formerly 10.603 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.305 to 10.309]

§10.310. Enforcement by Coast Guard.

Coast Guard personnel are authorized to enforce the provisions of this Chapter on any person licensed by the Community and to cite violations to the Court.

History: Formerly 10.604 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date)

§10.311. Safety Boardings.

A. All commercial fishing vessels shall be inspected annually by a certified Enforcement Officer or Coast Guard officer prior to undertaking any fishing activity. Each vessel shall be checked for compliance with the required safety equipment required by this Chapter and shall display a proof of annual inspection decal affixed to the vessel's outer hull. During an inspection a person may request an exemption from the Enforcement Officer or Coast Guard for any required buoyant apparatus, immersion/survival suit or other Coast Guard requirement. If the exemption is issued by the Coast Guard, then the written exemption certificate must be carried on the vessel at all times. Any vessel not having required safety equipment shall be given seven (7) days to meet the requirements prior to the issuance of citations for violation of the provisions of this section.

B. The civil remedial penalty for each violation shall not be more than

twenty-five dollars ($25) for the first offense, fifty dollars ($50) for the second offense, and one hundred dollars ($100) for the third offense.
C. No vessel which has been found to violate this section may be utilized for commercial fishing until its owner provides documentation to the Court that the violation has been remedied through the acquisition of and installation on the vessel, if required, of equipment for which the violation was adjudicated.
History: Formerly 10.605 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.312. Operation of Unnumbered Commercial Fishing Vessels Prohibited.

A. Every commercial fishing vessel operated on the waters of the home territory, shall have been issued a commercial fishing vessel registration certificate by the Community and shall have permanently set forth on each side of the bow of the vessel "KB" and the enrollment number of its owner, in letters and numerals not less than three inches in height. No person shall operate or give permission for the operation of any commercial fishing vessel on such waters unless the vessel shall conform with the provisions of this Chapter, applicable federal law, or a federally approved numbering system of another jurisdiction and unless:

1. The registration certificate assigning such number shall be in full force and effect; and
2. The identifying number set forth in such certificate shall be displayed on each side of the bow of the commercial fishing vessel in a manner comparable to the manner provided above.

Any person who shall violate the provisions of this section shall be guilty of a civil offense.

§10.313. Reckless or Negligent Operation of a Commercial Fishing Vessel.

Any person who shall operate any commercial fishing vessel in a reckless or negligent manner so as to endanger the life, limb or property of any person or who shall operate a commercial fishing vessel while intoxicated or under the influence of any controlled substance shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of $1,500.00 or both.

§10.314. Collisions, Accidents and Casualties.

A. It shall be the duty of the operator of any commercial fishing vessel involved in a collision, accident, or other casualty, to the extent possible without placing his own vessel and crew in danger, to render to other persons affected by such collision, accident, or casualty such assistance as may be possible and necessary in order to minimize any danger to them resulting from the collision, accident or other casualty.

B. The operator of any commercial fishing vessel involved in a collision, accident, or other casualty shall provide his name, address, and identification of his vessel in writing to any person injured, or to any person whose property has been damaged, as a result thereof.

C. In the case of a collision, accident, or other casualty involving a commercial fishing vessel which results in death, personal injury, or damage to property in excess of $100.00, the operator shall make a report of the incident to the Coast Guard or the Keweenaw Bay Tribal Police forthwith.

D. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

§10.315. Full Liability.

The owner of a commercial fishing vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of the provisions of the Tribal Code, or consists of neglect in observing such ordinary care and such standards of operation as the rules of the common law shall require provided, however, that such liability shall not attach if the vessel is being operated at the time of the negligent act without the consent of the owner, unless the vessel is under the control of his spouse, or a member of his immediate family. Nothing contained herein shall be construed to relieve any other person from any liability which the person would otherwise have as a matter of law.

Chapter Four

Fishing

§10.401. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires a different meaning:

1. "Bait fish" or "bait fishing" means to engage in fishing solely for the purpose of catching bait fish species for a non-commercial purpose by use of a minnow trap, dip net or seine.
2. "Bait fish species" means rainbow smelt, lake herring, burbot, minnow, sucker and chub species.
3. "Commercial fishing license" means a license issued by the Council to fish for commercial species that allows the holder to capture, take, catch, kill, sell, barter, or transport or cause to transport or deliver or receive for transportation any package or parcel containing a fish species or fish species parts, or have in his possession or under his control for the purposes of sale or barter any commercial fish species.
4. "Dam" means a barrier to obstruct the flow of water, especially one of earth or masonry, built across a stream or river.
5. "Dip net" means a hand net without walls that is lifted vertically.
6. "Fish species" means vertebrate organisms that live in an aquatic environment.
7. "Fish" or "fishing" means to catch, take or kill, or attempt to catch, take or kill any fish species for a non-commercial purpose, including all related activities which occur in or on the water, or immediately adjacent to the water's edge and in the process of loading or unloading fish species, nets, or related gear, in or from a boat or vehicle.
8. "Game fish species" means lake trout, brook trout, brown trout, rainbow trout, steelhead, splake, coho, chinook, pink or atlantic salmon, largemouth bass, smallmouth bass, walleye, sauger, northern pike, muskellunge, tiger muskellunge, lake sturgeon, bluegill, sunfish, crappie, rock bass, yellow perch, white bass, lake whitefish, menominee whitefish, catfish species, rainbow smelt, herring and chubs.
9. "Gill net" means gear designed to capture fish species by means

of entanglement. A "gang of nets" is more than one gill net tied in a series. This gear shall be composed of a buoy and float, anchors, and gill net(s).

10. "Hook" means a single, double or treble pointed hook. A hook, single, double or treble pointed, attached to a manufactured artificial bait shall be counted as one hook.
11. "License year" means a period of one year beginning May 1st and ending April 30th of the subsequent year.
12. "Minnow trap" means impoundment gear used for taking minnows for bait that does not exceed eighteen (18) inches in length, with an opening for the entrance of fish that does not exceed one (1) inch in diameter.
13. "Pier" means a structure built to extend from land out over water, used as a landing place for ships or boats.
14. "Protected fish species" means fish species that are protected by the Community, generally, these species have low population numbers.
15. "Seine" means a net with sinkers on one edge and floats on the other that hangs vertically in the water and is used to enclose fish when its ends are pulled or drawn together.
16. "Streams" means tributaries of a lake, creeks, or rivers.
17. "Subsistence fishing license" means a license issued by the Council to fish for fish species for a non-commercial purpose and not sale.

History: Formerly 10.505 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.402. Fishing License.

Any person who shall engage in fishing within the home territory without a current and valid fishing license issued by the Community shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.102 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.403. Identification.

Any person who shall be engaged in fishing within home territory who shall fail to have in their possession a valid and current fishing license and who

shall fail to make the license available for inspection by any Enforcement Officer upon the request of the Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.205(g) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.404. License Misrepresentation.
Any person who shall use fraud or misrepresentation in procuring a fishing license shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.205 (h) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.405. Allowing or Making Use of Another Tribal Fishing License.
Any person who shall allow another person to use his or her fishing license or who shall make use of another persons fishing license shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.205 (a)(b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.406. Sale of Game Fish Species.
A. Any person who shall catch a game fish species for a non-commercial purpose and shall sell the game fish species caught within the home territory without having been issued a current and valid commercial fishing license shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
B. This prohibition contained in this section shall not preclude the incidental non-commercial sale of fish spawn.
History: Formerly 10.205(f) & 10.404(a) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.407 to 10.409]

§10.410. Fishing Seasons.

A. During the dates designated in this section, a person may fish for the following fish species in the waters of the home territory:

1. Largemouth and smallmouth bass, sauger, muskellunge, tiger muskellunge, northern pike: all waters are open 12:00 a.m., May 15th to 11:59 p.m. March 31st, and closed thereafter, or
2. Lake sturgeon:
    a. Inland Lakes - No closed season;
    b. Streams -
        Open 12:00 a.m., August 1st to 11:59 p.m., April 30th; and
        Closed 12:00 a.m., May 1st to 11:59 p.m., May 31st;
    c. Lake Superior -
        Open 12:00 a.m., July 1st to 11:59 p.m., April 30th; and
        Closed 12:00 a.m., May 1st to 11:59 p.m., June 30th.

B. A person may fish all other game fish species in the waters of home territory at any time.

C. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.506 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.411. Protected Fish Species.

Any person who shall fish, possess, transport, or aid, assist, or abet in the same, any fish species defined as a protected animal by tribal law or an endangered species by federal law shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.205(d) & 10.506 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.412. Special Fishing Provisions; Pricket Dam; Craig Lake.

A. Any person who shall fish any fish species in the Sturgeon River from the Prickett Dam spillway to one-half (½) mile downstream between 12:00 a.m., April 1st to 11:59 p.m., June 30th shall be guilty of a Class D misdemeanor,

punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both. This provision represent the Community's approval of the State of Michigan's regulation to protect the unique trophy fishery which exists at these areas, and does not imply any authority over an Indian person by the State of Michigan when such person is exercising a treaty right.

B. Any person who shall violate a provision contained in State of Michigan law or the Michigan Department of Natural Resources regulations pertaining to seasons, size limits, take and possession limits, methods of taking, and authorized gear and bait pertaining to the Craig Lake State Park shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.204 & 10.511(a)(b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.413. Restricted Lakes and Streams; Parent Lake.

Any person who shall spear fish in Parent Lake, located in Baraga County, from 12:00 a.m., April 1st to 11:59 p.m., May 31st shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.511(c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended (date).

§10.414. Fishing On Experimental Lakes Prohibited.

Any person who shall fish in any inland lake which shall be designated as an experimental lake by the Community or the United States for any purpose whatsoever shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.204 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.415 to 10.420]

§10.421. Legal Sizes of Fish Species.

A. A person shall not fish or possess any of the following:

1. Any trout or salmon of a length less than 10 inches when taken from Lake Superior or inland lakes or 7 inches when taken from streams, or
2. Lake sturgeon of a length less than 50 inches on all waters.

B. A person may fish or possess all sizes of all other game fish species.

C. Any person who shall fish or possess any fish species of a length less than described above shall be guilty of a civil offense.

History: Formerly 10.205 (m) and 10.507 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.422. Creel Limits.

A. A person shall not in a single day fish or have in their possession at any time more than the number of fish species stated below:

1. Lake trout and splake: ten (10) species in combination.
2. Brook trout: ten (10) species.
3. Rainbow trout, steelhead and brown trout: six (6) per species.
4. Largemouth bass, smallmouth bass, walleye, sauger, northern pike: five (5) per species.
5. Walleye during the special spring walleye season (12:00a.m., April 15th to 11:59 p.m., May 14th): ten (10) species.
6. Muskellunge and tiger muskellunge: one (1) per species.

B. A person shall not in a single license year fish or possess at any time more than two (2) lake sturgeon over 50 inches. All lake sturgeon must be registered and tagged by the Licensing Clerk.

C. A person may fish or have in their possession at any time any number of all other game fish species.

D. Any person who shall violate the provisions of this section shall be guilty of a civil offense.

History: Formerly 10.205 (e)& 10.508 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.423. Walleye; Spring Spearing Season; Creel; Possession Limit.

A. There shall be a special spring walleye spearing season which opens 12:00 a.m., April 15th and closes 11:59 p.m., May 14th.

B. The creel limit for walleye during the special spring walleye spearing season shall be ten (10) per species.
C. A person who shall spear walleye between sunset and sunrise during the special spring walleye season may possess twenty (20) walleye after midnight (12:00 a.m.), provided that the person does not exceed the walleye creel limit of ten (10) per species before midnight (12:00 a.m.). Any walleye taken after midnight (12:00 a.m.) shall count toward that day's creel limit of ten (10) per species.
D. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.509 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.424. Isle Royale; Possession Limit.
On Isle Royale National Park, possession limit is equal to the creel limit multiplied by the number of days spent on Isle Royale for any consecutive number of days. A National Park Service visitor permit is needed for confirmation. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.509 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.425. Wanton Waste of Fish Species.
Any person who shall wantonly destroy or waste fish species shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.205(c) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.426 to 10.429]

§10.430. Gear and Method Restrictions.
A. At any given point in time, a person may only use the following gear or any combination thereof, provided that all gear must be under the immediate control of the person and the person does not exceed the permitted maximum for each type of gear specified:

1. Three (3) fishing poles;
2. Two (2) spears;

3. Six (6) tip-ups;
4. Two (2) hand-lines;
5. One (1) Bow with arrows;
6. One (1) Cast net;
7. One (1) Trotline on Lake Superior only not to exceed 360 feet with baited hooks.

B. A dip net may be used, in combination with any of the above gear, to fish for rainbow smelt.

C. Protective shelters left on the ice overnight shall be permanently identified with "KB" and the enrollment number of the person in black letters three inches high on one exterior wall. Fish traps must be identified with "KB" and the tribal members enrollment number. Trotlines must be identified with "KB" and the tribal members enrollment number at both ends of the line.

D. A person may snag game fish species with a hook.

E. A person may spear game fish species at night while using an artificial light.

F. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.510(a)(b)(c)(e)(f)(g) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.431. Gear; Bait Fishing a Non-Commercial Purpose.

A. Any person who shall bait fish for a non-commercial purpose may use seines, dip nets and minnow traps provided that the seines and minnow traps are permanently identified with "KB" and the enrollment number of the person.

B. Gill nets may be used while bait fishing for non-commercial purpose provided that a subsistence fishing license has been obtained as provided in this title.

C. Any person who shall violate the provisions of this section shall be guilty of a civil offense.

History: Formerly 10.413 & 10.510(c)(d) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.432. Prohibited Methods of Fishing.
Any person who shall fish any fish species by the use of an explosive substance, drugs, poisons, lime, medicated bait or combination of substances that have a tendency to kill or stupefy fish species, or by springs or cables or by any other prohibited means shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.201 (b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.433. Inspection of Fish and Gear.
Any person who shall not allow the inspection of fish species or gear in one's possession by a Enforcement Officer upon the demand of a Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.205(i) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

Chapter Five

Hunting and Trapping

§10.501. Definitions.
As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires a different meaning:

1. "Big game" means bear and deer.
2. "Bow" means a device such as a longbow, recurve bow, or compound bow that is hand drawn and hand held at full draw without the aid of any mechanical device or triggering device.
3. "Cross-bow" means a device consisting of a bow fixed transversely on a stock having a trigger mechanism to release the bowstring, and often incorporating or accompanied by a mechanism for bending the bow.
4. "Elder" means a person who is sixty-five (65) years of age or older.
5. "Firearm" means a device from which a projectile may be propelled by using explosives, gas, or air as a means of propulsion.
6. "Flesh" means the soft tissue of a game animal excluding pelts and furs.
7. "Fur bearing animal" includes otter, fisher, marten, mink, weasel, muskrat, beaver, opossum, badger, raccoon, fox, coyote, bobcat, and skunk.
8. "Game" means big game, small game, game birds, and fur bearing animals.
10. "Game birds" means migratory game birds and upland game birds.
11. "Handicapped" or "disabled" means a medical infirmity that precludes a person from engaging in normal hunting activities.
12. "Hunt" and "hunting" means to take, trap, hunt, shoot, kill, purse, or have in possession, or attempt to take, trap, hunt, shoot, kill, or pursue an animal by the use of a weapon.
13. "Hunting and trapping license" means a license issued by the Community to authorize a person to hunt and trap within home territory.
14. "Licensed adult" means a person eighteen years of age or older who possesses a current and valid hunting or trapping license from a competent jurisdiction.

15. "Migratory game bird" means all bird species that migrate and are classified as migratory game birds by the United States Fish and Wildlife, including but not limited to duck species, geese species, mergansers, coots, sora, rail, woodcock, snipe and doves.
16. "Small game" means rabbit species, squirrel species, and raccoon.
17. "Trap" and "trapping" means to capture, trap, snare, and net fur bearing animals by use of a trap or other device used to take fur bearing animals, including every attempt to take and every act of assistance to any person in taking or attempting to take a fur bearing animal by means of entrapment.
18. "Upland game bird" means all bird species that do not migrate such as ruffed grouse (partridge) pheasant and quail.
19. "Wild animal" means all creatures, not human or domestic, wild by nature, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

History: Formerly 10.101, 10.512 and 10.301 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.502. Hunting and Trapping License.

Any person who shall engage in hunting and trapping within the home territory without a current and valid hunting and trapping license issued by the Community
shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.504 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.503. Hunting and Trapping License; Minors.

A. Any person under the age of eighteen (18) years must submit proof to the Licensing Clerk that the person has passed a recognized Hunter's Safety Course before a hunting and trapping license will be issued.
B. Any person under the age of fifteen (15) years shall be issued a free hunting and trapping license.
C. Any person under the age of fourteen (14) years shall be supervised by a licensed adult while hunting big game but shall be allowed to hunt small game without supervision.

D. Any person under the age of twelve (12) years shall not hunt or trap within the home territory.
E. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.102(a)(b) & 10.517 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.504. Identification.
Any person who shall be engaged in hunting or trapping within home territory who shall fail to have in their possession a valid and current hunting or trapping license and appropriate tag or who shall fail to make the license or tag available for inspection by any Enforcement Officer upon the request of the Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.102 (a), 10.504, 10.513(n) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.505. Hunting Permits for Community and Ceremonial Activities.
Hunting permits may be issued by the President to tribal members for ceremonial or Community events upon request. Hunting permits for Community and ceremonial activities shall only be effective for a period not to exceed three (3) days.
History: Formerly 10.518 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.506. Stationary Vehicle Permit.
Any person who shall hunt from a stationary vehicle without a Stationary Vehicle Permit shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000 or both.
History: Formerly 10.520 & 10.521 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.507. Stationary Vehicle and Special Assistant Permit Application and Issuance.

A. An elder, handicapped or disabled person may obtain a Stationary Vehicle Permit or Special Assistant Permit by applying to the Licensing Clerk. Each applicant shall:

1. Identify which type of permit they are requesting;
2. Submit proof they have obtained a valid tribal hunting license;
3. As applicable, submit proof of age or submit medical documentation establishing the person has a medical infirmity that precludes the person from engaging in normal hunting activities; and
4. As applicable, identify and submit proof of a valid tribal hunting license possessed by the tribal member who the applicant has designated to be authorized to fill the deer tags of the elder, handicapped or disabled persons.

B. Every stationary vehicle permit and special assistant permit issued by the Licensing Clerk, shall be subject to the approval of the President.

History: Formerly 10.520 & 10.521 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.508. Stationary Vehicle Permit; Restrictions.

A. Any person who is authorized to hunt from a stationary vehicle shall not:

1. Hunt from a vehicle that is located on a public road or highway; or
2. Discharge a firearm or other hunting device across or parallel to the roadway.

B. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.520 & 10.521 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.509. Special Assistant Permit; Requirements and Restrictions.

A. Any tribal member authorized to fill the deer tags of a tribal member who has been issued a Special Assistant Permit shall:

1. Only fill the tags of one (1) person with a valid Special Assistant Permit per season, and
2. Within forty-eight (48) hours of a kill,

a. Register the animal with the Licensing Clerk or an Enforcement Officer, and

b. Permit the physical inspection of the animal by the Licensing Clerk or an Enforcement Office, prior to processing the animal.

B. Any elder, handicapped or disabled person who obtains a Special Assistant Permit shall sign and file with the Licensing Clerk a form verifying receipt of the deer from the tribal member within thirty (30) days after the date the deer was taken.

C. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.520 & 10.521 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.510. License Misrepresentation.

Any person who shall use fraud or misrepresentation in procuring a hunting and trapping license, Stationary Vehicle Permit or Special Assistant Permit shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of $2,000.00 or both.

History: Formerly 10.308 (h) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.511. Allowing or Making Use of Another Tribal Hunting or Trapping License.

Any person who shall allow another person to use his or her hunting or trapping license or who shall make use of another persons hunting or trapping license shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.308 (a)(b)of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.512. Possession or Transportation of Game.

Any person who shall possess or transport game, furs, or hides, or axillary parts thereof who does not have a valid and current hunting and trapping license in his or her possession shall be guilty of a civil infraction.

History: Formerly 10.102 (a) and 10.303 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.513 to 10.525]

§10.526. L'Anse Reservation and Ontonagon Reservation Bear Hunting; Limitation.

Any person who is not a member of the Community shall not hunt a bear within the boundaries of the L'Anse Reservation. A violation of the provision of this section shall constitute a Class A misdemeanor, punishable by a maximum period of incarceration of 365 days or a maximum fine of $5,000.00 or both.

§10.527. Inspection of Game.

Any person who shall not allow the inspection of any game, hides, pelts, or fur in the person's possession upon the demand of a Enforcement Officer shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days an a maximum fine of $1,500.00 or both.
History: Formerly 10.308 (i) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.528. Sale of Game.

A. Any person who shall engage in the barter or sale of the flesh of any game shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
B. This section shall not be construed to include those animals defined as a "fur bearing animal" which are trapped under the provisions of this title.
History: Formerly 10.302 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.529. Wanton Waste of Game.

Any person who shall wantonly maim, destroy or waste game shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.308 (c) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.530. Animals Fleeing From Fire.

Any person who shall set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild animals or who shall take or attempt to take a wild animal driven out of a marshland or land which is on

fire shall be guilty of a Class A misdemeanor, punishable by a maximum period of incarceration of 365 days or a maximum fine of $5,000.00 or both.
History: Formerly 10.513 (d) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.531. Endangered Species and Protected Animals.
Any person who shall hunt or trap an endangered or threatened species or a protected animal shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days an a maximum fine of $1,500.00 or both.
History: Formerly 10.308 (d), 10.513 (j) and 10.519 (d) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.532 to 10.545]

§10.546. Prohibited Methods of Taking Game.
A. Any person who shall:
1. Take game by the use of explosives, drugs, poisons, lime, medicated bait, or other deleterious substances; or
2. Make use of a pit, pitfall, dead-fall, cage, net, baited hook, or similar device, or a drug, poison, chemical, smoke, gas, explosive, electrical device or mechanical device, except for traps, for the purpose of injuring, capturing, or taking game.

shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of $1,500.00 or both.
B. For the purpose of this provision, a mechanical device shall not be construed to mean a firearm, slingshot, bow and arrow, or crossbow.
History: Formerly 10.304 (a) and 10.513 (b) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.547. Prohibited Hunting Gear.
Any person who shall:
1. Utilize recorded animal calls for hunting wild turkey or waterfowl; or
2. Live decoys,

shall be guilty of a civil offense.

History: Formerly 10.513 (o) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.548. Hunting and Trapping; Prohibited Areas.
Any person who shall hunt or trap any wild animal within a recreation area, public campground, public beach, picnic area, or safety zone, without the specific written permission of the owner, shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.513(g) and (h) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.549. Hunting or Trapping While Under the Influence of Alcohol.
A. Any person who shall hunt or trap while that persons physical condition is impaired due to the influence of alcohol or a controlled substance shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of $1,500.00 or both.
B. For the purposes of this section impaired physical condition by alcohol shall be deemed to have occurred if the person's blood contains in excess of 0.07% or more by weight of alcohol.
History: Formerly 10.308 (f) & 10.513 (s) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.550. Possession or Transportation of a Firearm, Bow or Cross-bow.
Any person who shall possess or transport afield a firearm, bow and cross-bow during the big game season who does not have a valid and current hunting and trapping license and a valid tag in his or her possession shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.102 (a) and 10.513(n) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.551 to 10.560]

§10.561. Hunting Season.

A. During the following designated dates a person with a hunting and trapping license may hunt the following animal species in the home territory:

1. Wild Turkey:
   Spring season - 12:00 a.m., April 1st to 11:59 p.m., May 31st.
   Fall season - 12:00 a.m., September 1st to 11:59 p.m., December 31st.
2. Deer: 12:00 a.m., September 1st to 11:59 p.m., December 31st.
3. Bear: 12:00 a.m., September 1st to 11:59 p.m., December 31st.
4. Small game: 12:00 a.m., September 1st to 11:59 p.m., March 31st.
5. Upland game birds: 12:00 a.m., September 1st to 11:59 p.m., March 31st.
6. Migratory game birds: Refer to the Code of Federal Regulations.

B. Any person who take any of the animal species described above before or after the applicable hunting seasons specified above shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.514(a) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.562. Hunting; Game Limits.

The taking of any of the following species shall be limited as follows:

1. Deer: During the deer hunting season four (4) deer of either sex may be taken with a firearm, bow and arrow or crossbow, unless otherwise authorized by the Council. Visitors who are hunting on the L'Anse Reservation and Ontonagon Reservation with a visitors permit may take only one (1) deer of either sex with a firearm, bow and arrow or crossbow.
2. Bear: During the bear hunting season only one (1) bear may be taken by a licensed person. The taking of bear on the L'Anse Reservation and Ontonagon Reservation shall be limited to tribal members only.
3. Wild Turkey: During the wild turkey hunting season, only two (2) wild turkeys may be taken.
4. Small Game: During the small game hunting season, the taking of small game shall be limited to five (5) of each species per day and no

licensee shall possess or transport more than ten (10) of each species at any one time.

5. Upland Game Birds: During the upland game bird hunting season, the taking of small game shall be limited to five (5) of each species per day and no licensee shall possess or transport more than ten (10) of each species at any one time.

6. Migratory Game Birds: Refer to the Code of Federal Regulations.

7. Other Game: There are no hunting game limits for any other wild animals.

E. Any person who shall violate the provisions of this section shall be guilty of a Class C misdemeanor, punishable by a maximum penalty of 90 days in jail or a maximum fine of $1,500.00 or both.

History: Formerly 10.308 (e) and 10.515 (a)(b)(c)(g) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.563. Hunting; Issuance of Tags.

A. Two (2) deer tags will be issued by the Licensing Clerk at the time a hunting and trapping license is purchased. A person may purchase two additional deer tags at a fee set by the Council, if the first two (2) deer tags have been utilized and registered as required.

B. Upon request by a person holding a hunting and trapping license, a bear tag will be issued by the Licensing Clerk.

C. Upon request by a person holding a hunting and trapping license, a wild turkey tag will be issued by the Licensing Clerk.

§10.564. Hunting; Tagging and Registration.

A. All deer, bear and wild turkeys taken shall be affixed with a tag provided by the Licensing Clerk when the animal is taken. Tags must be securely attached to the gambrel or ankle of the animal immediately upon the taking of the animal and prior to transportation from the area of the taking. Transportation of the deer, bear or wild turkey shall be restricted to only the tribal member who takes the deer, bear, or wild turkey and who was issued the tag affixed to the animal. All deer, bear and wild turkey taken shall be registered with the Licensing Clerk or an Enforcement Officer within seven (7) days of the taking.

B. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.516 (a)(c)(d) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.565. Blaze Orange During Daylight Hours.

A. All persons hunting deer, bear and upland game birds shall wear in an easily visible manner, a vest, jacket or cap of the highly visible color commonly referred to as hunters orange or flourescent blaze orange between September 1st and January 1st during daylight hours.

B. All persons engaged in hunting or trapping between November 15th and December 1st shall wear in an easily visible manner, a vest, jacket or cap of the highly visible color commonly referred to as hunters orange or flourescent blaze orange.

C. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.517(a) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.566. Hunting; Weapon Restrictions.

A. Any person who shall while hunting:

1. Have in the person's possession or use an apparatus known as a silencer; or
2. Have in the person's possession or in an area frequented by wild animals a semi-automatic, auto-loading shotgun or rifle, other than .22 caliber rimfire, capable of holding more than ten (10) shells at one (1) time in the magazine and barrel combined; or
3. Use a cartridge containing a tracer bullet or cartridge containing an explosive bullet; or
4. Hunt big game with a firearm capable of firing a rim-fire cartridge; or
5. Utilize a fully automatic firearm,

Shall be guilty of a Class C misdemeanor, punishable by a maximum penalty of 90 days in jail or a maximum fine of $1,500.00 or both.

B. Any person who shall hunt with a bow having a draw weight less than forty-five (45) pounds or a crossbow with a draw weight less than one hundred (100) pounds shall be guilty of a civil offense.

History: Formerly 10.513 (a)(c)(p) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.567. Hunting; Gear.

A. A person may:

1. Use an artificial light during the deer hunting season (12:00 a.m., September 1st to 11:59 p.m., December 31st.), outside of a safety zone; or

2. Use a manufactured hunting blind provided that the hunting blind shall be permanently identified with "KB" and enrollment number of the tribal member and clearly visible on all sides.

B. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.513 (l)(m) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.568. Hunting; Methods.

A person may:

1. Use bait when hunting for deer; or

2. Hunt from a raised platform scaffold, portable raised platform, or tree.

History: Formerly 10.513 (b)(e) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.569. Hunting With Dogs.

A. Any person who shall while hunting:

1. Use more than six (6) hunting dogs afield; or

2. Use dogs to hunt deer or wild turkey,

shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1.000.00 or both.

B. Any person who utilizes hunting dogs, afield is required to have each dog:

1. Vaccinated against rabies; and

2. Identified with a collar and a tag that is marked with the enrollment number of the tribal member utilizing the dog,

a violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.513 (f) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.570 to 10.5100]

§10.5101. Trapping Seasons.

A. During the following designated dates a person with a hunting and trapping license may trap the following animal species in home territory:

1. Mink and Muskrat: 12:00 a.m., October 1st to 11:59 p.m., May 15th.
2. Bobcat: 12:00 a.m., October 1st to 11:59 p.m., March 31st.
3. Beaver and Otter: 12:00 a.m., October 15th to 11:59 a.m., May 15th.
4. Marten: 12:00 a.m., December 1st to 11:59 p.m., December 31st.
5. Fisher: 12:00 a.m., December 1st to 11:59 p.m., January 15th.
6. Other fur bearing animals: All other fur bearing animals not listed may be taken by trap between 12:00 a.m., September 1st to 11:59 p.m., March 31st.

B. Any person who shall take any of the animal species described above before or after the applicable trapping season specified above shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

History: Formerly 10.514 (a) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.5102. Trapping Limits of Fur Bearing Animal.

A. The taking of any of the following species shall be limited as follows:

1. Otter: During the otter trapping season only five (5) otter may be taken.
2. Marten: During the marten trapping season only five (5) marten may be taken.
3. Fisher: During the fisher trapping season only ten (10) fisher may be taken.
4. Bobcat: During the bobcat trapping season only five (5) bobcat may be taken.
5. Racoon: During the fur bearing animal season only five (5) racoon may be taken.
6. Other fur bearing animals: No limit.

B. Except as provided above, no other animals may be trapped.

C. Any person who shall discover a trapped animal in his or her trap which exceeds the season limits or is an endangered species or protected animal shall immediately notify the Keweenaw Bay Natural Resource Department or an Enforcement Officer of the details concerning the trapped animal.

C. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.515 (d)(e)(f)(h) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.5103. Traps and Hides; Registration.
A. All traps set, shall be permanently and clearly marked with "KB" and the tribal enrollment number of the person setting the traps.
B. All fur-bearing animals, and hides and furs thereof shall be registered with the Licensing Clerk and tagged with a fur-bearing animal tag within five (5) days after the animal has been harvested.
C. Fur bearing animal tags shall be clearly marked with "KB" and the tribal enrollment number of the person to whom the fur bearing animal and hides and furs thereof shall belong.
D. A fur bearing animal tag must be attached to each pelt. A person shall not remove a tag until the pelt is processed or tanned, nor shall a person possess or transport a raw fisher, marten, bobcat or otter hide more than five (5) days after the animal was harvested without a fur bearing animal tag attached.
E. A violation of the provisions of this section shall constitute a civil offense.
History: Formerly 10.305 and 10.516(b) of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.5104. Possession, Sale and Transportation of Hides, Pelts, and Furs.
Any person who shall have been issued a current and valid hunting and trapping license may possess, sell or transport any hides, pelts of furs. A violation of the provisions of this section shall constitute a civil offense.
History: Formerly 10.306 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.5105. Shipping Hides, Pelts or Fur.
A. Any person who shall have been issued a current and valid hunting and trapping license, who wishes to ship hides, pelts, or fur by common carrier or by any other method where the actual possession thereof during transportation shall not be with the person possessing a hunting and trapping license, shall:

1. Securely wrap or pack the hides, pelts or fur; and
2. Clearly print on the outside of each shipping package:
    a. the name of the trapper (shipper),
    b. the address of the trapper (shipper),
    c. "KB" and the enrollment number of the trapper (shipper), and
    d. the number and variety of hides, pelts or furs contained in the package.

B. Any bill of lading or receipt from any common carrier or other shipping company who shall transport hides, pelts, or furs, for the trapper (shipper) shall specify the same information concerning the trapper (shipper) as shall be set forth on the shipping package.

C. A violation of the provisions of this section shall constitute a civil offense.

History: Formerly 10.307 of the May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

Chapter Six

Plant Gathering

§10.601. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires a different meaning:

1. "Active timber sale area" is generally indicated by logging equipment, stacked wood, or trees cut into eight (8) -foot lengths. It is the tribal member's responsibility to be certain about an active timber sale area. Any uncertainty in determining the existence of an "active timber sale area" should be resolved by contacting the local National Forest Service District office or BIA Agency Forester.
2. "BIA" means Bureau of Indian Affairs.
3. "Campground" means a parcel or tract of land under the control of a person in which sites are offered for use by the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for recreational units.
4. "Commercial harvesting" means the products of timber and plant harvesting that are traded, sold, or exchanged for goods, money, or services.
5. "Gathering permit" means a permit issued by the Community allowing non-members to gather medicinal plants.
6. "Gathering" means the harvesting of wild plants by a person.
7. "Medicinal plant gathering" means the harvesting of wild plants used for traditional or medicinal purposes.
8. "Membership card" means documentation from a federally recognized Indian tribe that identifies a person as being an enrolled member of such tribe.
9. "Permit" means any permit issued by the Council or the Bureau of Indian Affairs.
10. "Princess pine" means Lycopodium obscurum, L. dendroidium, L. Hickeyi.
11. "Prohibited areas" means National Forest Research Natural Areas, campgrounds and administrative sites of the Ottawa National Forest, and safety zones on the L'Anse Reservation and Ontonagon Reservation.
12. "Safety zone" means any area within one hundred fifty (150)

yards of any occupied dwelling house, residence, or any other building, cabin, camp, or cottage or any barn or other building used in connection therewith.

13. "Wild plants" means any undomesticated species, or part thereof, of the plant kingdom occurring in the natural ecosystem, but excludes threatened and endangered plant species protected and defined by Federal law, or described in the Endangered and Threatened Wildlife and Plants, published by the United States Fish and Wildlife Service in August, 1993, (50 CFR 17.11 &17.12) as revised.

14. "Wild Rice Chief" means the person designated by the Council to determine when the wild rice is to be harvested.

History: Formerly 10.803 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.602. Wild Plant Gathering.

Members of a signatory tribe may gather wild plants within the home territory subject to the restrictions and regulations contained in this Chapter. Indians who are not a member of a signatory tribe shall not gather any wild plant within the home territory.

§10.603. License and Identification.

Any tribal member engaged in gathering any wild plant within the home territory shall have in their possession at all times a valid membership card issued by the Community and shall at all times make the membership card available for inspection by any Enforcement Officer upon the request of the Enforcement Officer. Any tribal member who shall violate the provisions of this section shall be guilty of a civil offense.

History: Formerly 10.504 & 10.802; as amended on (date).

§10.604. L'Anse Reservation and Ontonagon Reservation; BIA Gathering Permit.

In addition to a valid license or permit issued by the Community, an On-reservation Free-use Timber Cutting Permit issued by the BIA Agency Forester shall be required for firewood cutting, clearing of residential or recreational leases, fence posts, maple sap collection, or miscellaneous cutting for educational, religious, or ceremonial use by groups authorized by the Council within the exterior boundaries of the L'Anse Reservation and

Ontonagon Reservation. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.804 (a)(b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.605. Ottawa Nation Forest; U.S. Forest Service Gathering Permit.

In addition to a valid license or permit issued by the Community, a permit issued by the U.S. Forest Service shall be required to engage in the gathering of any wild plant or tree within the exterior boundaries of the Ottawa National Forest. Any person who shall violate the provisions of this section shall be guilty of a civil offense.
History: Formerly 10.804 (f) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.606. Gathering License or Permit Misrepresentation.

Any person who shall use fraud or misrepresentation in procuring a license or permit shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

§10.607. Allowing or Making Use of Another's Gathering License or Permit.

Any person who shall allow another person or make use of another persons gathering license or permit shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

[Reserved 10.608 to 10.614]

§10.615. Gathering in Campgrounds Prohibited.

Any person who shall gather any wild plant species, including but not limited to, conifer boughs, princess pine, ginseng, maple sap, wild rice, or Christmas trees in any campgrounds within home territory shall be guilty of a civil offense.
History: Formerly 10.804(b)(c)(d)(e)(f) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.616. Firewood.

Any person who, for a non-commercial use, shall:

1. Cut any live tree for firewood, unless the tree is included within a National Forest "firewood sale", or as otherwise permitted by the Community and the U.S. Forest Service; or
2. Cut any standing dead tree within fifty (50) feet from the cleared edge of any road open to automobile traffic and any standing dead tree within one hundred (100) feet of any pond, lake, stream, or river or any standing dead tree greater than sixteen inches (16") in diameter; or
3. Gather any firewood, on the L'Anse Reservation and Ontonagon Reservation, within an active timber sale area without the permission of the BIA Agency Forester; or
4. Use any commercial heavy equipment, farm tractor, rubber tired skidder, or similar vehicle for gathering firewood; or
5. Gather firewood in any campground except for personal use while camping;

Shall be guilty of a civil offense.

History: Formerly 10.804(c)of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.617. Conifer Bough; Prohibitions.

Any person who shall cut down a tree for the purpose of gathering conifer boughs or who shall cut boughs from the upper half of a tree shall be guilty of a civil offense.

History: Formerly 10.804(b) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.618. Ginseng; Season Restrictions.

Tribal members may gather ginseng from 12:00 a.m., September 1st to 11:59 p.m., October 31st of each year within the home territory. Any person who shall gather ginseng from 12:00 a.m., November 1st to 11:59 p.m., August 31st within home territory shall be guilty of a civil offense.

History: Formerly 10.804(e) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.619. Maple Sap and Sugar-bushes.

A. Any person who shall collect maple sap on tribal land without a free use permit issued by the BIA for a designated tribal sugar-bush or some other approved location in the Ottawa National Forest shall be guilty of a civil offense.

B. The gathering of maple sap and establishment of sugar-bushes is permitted by the issuance of a permit by the BIA Agency Forester or Ottawa National Forest.

History: Formerly 10.804(f) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.620. Wild Rice; Harvest.

A. The harvest of wild rice seed shall be determined by the Wild Rice Chief annually at designated sites in August of each year.

B. Any person who shall harvest wild rice at site not designated or before it is determined harvestable by the Wild Rice Chief shall be guilty of a civil offense.

History: Formerly 10.804(g) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.621. Christmas Trees.

A. Tribal members residing on the L'Anse Reservation and Ontonagon Reservation may cut without permit, one Christmas tree per household per year.

B. Any person who shall cut more than one tree without a permit shall be guilty of a civil offense.

History: Formerly 10.804(h) of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

[Reserved 10.622 to 10.630]

§10.631. Inspection of Plants.

Any person who shall fail to allow the inspection of plants in one's possession upon the demand of a Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

§10.632. Commercial Harvesting.
A person may engage in the commercial harvesting of any wild plant or tree within home territory on tribal land with authorization from the Council. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.
History: Formerly 10.802 of May 2002 Fishing, Hunting, Trapping and Gathering Regulations; as amended on (date).

§10.633. Endangered Plant Species.
Any person who shall take, harvest, harm, damage or destroy a plant defined as a threatened or endangered plant species shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of $1,000.00 or both.

§10.634. Wanton Waste of Wild Plant Species.
Any person who shall wantonly destroy or waste wild plant species gathered within home territory shall be guilty of a civil offense.