BAY MILLS INDIAN COMMUNITY
CONSERVATION CODE

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CONSERVATION CODE

Bay Mills Indian Community

CHAPTER I GENERAL PROVISIONS

11.01 **Definitions.** As used in this ordinance, the following terms shall have the meanings given to them in this section:

a. "Conservation Committee" shall mean a nine (9) member committee constituted as set forth in Section 12.01 which shall have authority and responsibility for regulation of all matters pertaining to hunting, trapping and fishing.

b. "Bay Mills Indian Community" shall mean all territory within the original confines of the Bay Mills Reservation purchased under the Act of June 19, 1860 (12 Stat. 58), and to such other land within or without said boundary line as may be added thereto.

c. "Executive Council" shall be the duly constituted Executive Council of the Bay Mills Indian Community.

d. "Special Permit" shall mean a card issued by the Conservation Committee exempting the recipient from one or more of the regulations contained herein, upon a finding by the Committee that granting the exemption will not endanger the resource.

e. "Ceded Territory" shall mean the land and water ceded by the Treaty of March 28, 1836 (7 Stat. 491), generally described as: "Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty of Chicago of the 29th of August 1821, thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Saganaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of *Gitchy Seebing*, or Chocolate river, thence south to the mouth of said river and up its channel to the head of the *Skonawba* river of Green Bay, thence down the south bank of said river to its mouth, thence in a direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the point of beginning, at the cape aforesaid, comprehending all the lands and islands within these limits, not hereinafter reserved."

f. "Exclusive Territory" shall mean the lands of the Bay Mills Reservation and the waters of Lake Superior specifically reserved for fishing by members of the Bay Mills Indian Community in Article 3 of the Treaty of March 28, 1836 (7 Stat. 491).

g. "Authorized Enforcement Personnel" shall mean:

(1) Federal enforcement agents, Tribal conservation enforcement officers, and officers of the Great Lakes Indian Fish and Wildlife Commission, for purposes of enforcing the provisions of this Code on the Bay Mills Reservation.

(2) For purposes of enforcing the provisions of this Code in the Ceded Territory, federal enforcement agents, Tribal conservation enforcement officers, officers of the Great Lakes Indian Fish and Wildlife Commission, and conservation enforcement officers of a Tribe with whom the Bay Mills Indian Community has entered into a cooperative enforcement agreement.

(3) For purposes of enforcing the provisions of the 2000 Consent Decree for the 1836 Treaty ceded waters of Lakes Superior, Huron and Michigan, federal enforcement agents, Tribal conservation enforcement officers, officers of the Great Lakes Indian Fish and Wildlife Commission, and those persons identified in the Fishing Regulations of the Chippewa-Ottawa Resource Authority.

h. "Member" shall mean those persons listed on the Current Membership Roll as provided in Article III, Section 4 of the Constitution and Bylaws of the Bay Mills Indian Community, as amended.

i. "Tribal Identification Card" shall mean the color picture identification card issued by the Bay Mills Indian Community to each member aged 12 and older.

j. "Inland Article 13 Rights" shall mean the right to hunt, and the other usual privileges of occupancy, secured by Article 13 of the Treaty of March 28, 1836 (7 Stat. 491), in the Ceded Territory. Subject to the provisions of this Code and implementing regulations, Inland Article 13 Rights include the right to hunt, fish and trap natural resources without limitation as to species (including non-native and artificially propagated species) targeted for harvest, the season or method of harvest, or the use of the resource harvested. The right to gather natural resources is also subject to the provisions of the Off-Reservation National Forest Gathering Code and the State Land Utilization Code, and their implementing regulations, as amended.

12.01 **Composition of Conservation Committee.** The Conservation Committee shall consist of nine persons, who are members of, and elected by, the members of the Community.

12.02 **Powers of Conservation Committee.** The Conservation Committee shall perform all duties and responsibilities and exercise authority delegated to it by the General Tribal Council by this ordinance, including but not limited to:

a. Issuance of Fishing Identification Licenses, Commercial Fishing Licenses, Hunting Identification Licenses, Special Permits, or any other license or permit authorized by these regulations.

b. Setting of seasons where none are specifically provided, closing or shortening seasons when necessary for the preservation of the resource, or extending or opening seasons when it is determined that it will not harm the resource.

c. Setting limits on the manner or amount of taking any fish or game when necessary for the conservation of the resource, and altering limits specifically provided by these regulations.

d. Reviewing on an annual basis or more frequently the numbers of each type of Permit or License outstanding, with particular emphasis on an Commercial Licenses or Special Permits which may be outstanding, to determine whether or not it is in the best interests of conservation to continue such permits.

e. Keeping and maintaining an up-to-date and accurate list of all persons to whom each type of permit has been issued.

f. Establishing regulations concerning methods of harvesting natural resources.

g. Developing such information as the Committee may determine appropriate concerning member harvest of natural resources, including the imposition of reporting requirements for permit and license holders.

12.03

a. **Election of Committee Members.** The members of the Conservation Committee shall be elected by a majority vote of the members of the Bay Mills Indian Community and shall serve a four-year term, the first term commencing November, 1977. Until such time as an election shall be held, the voting members of the Conservation Committee shall be appointed by the Executive Council. In the event that a vacancy shall occur in the membership of the Committee, the Executive Council shall appoint a member of the Community to fill such vacancy upon the recommendation of the Conservation Committee and such appointed member shall serve for the remainder of the term. Commencing with November, 1977, five members of that Committee shall be elected for a four-year term, and four members shall be elected for a two-year term. After that election, all terms shall be for four years. All elections shall be conducted by the Election Committee in accordance with the provisions of the Election Ordinance.

b. **Removal from Committee.** In the event that a charge of bias, malfeasance or failure to attend to the duties of the Committee is brought against a member of the Conservation Committee, such charge shall be investigated by the Executive Council. If it shall find the charges to be based on fact for which the Committee member has no valid excuse, the Executive Council shall remove the member from the Committee and shall fill the vacancy so created pursuant to the above subsection.

c. **Failure to Attend Meetings.** If any member shall fail to attend three (3) consecutive regularly scheduled meetings of the Conservation Committee, that member shall automatically be removed from the Committee, and his seat shall be declared vacant and shall be filled by the Executive Council pursuant to subsection (a).

d. **Qualifications for Committee Membership.** Any member of the Bay Mills Indian Community is eligible for election to the Conservation Committee who has attained the age of 18 years by the date of the election. Judges of the Tribal Court or of the Chippewa-Ottawa Conservation Court, tribal, state and federal conservation wardens, and members of the Executive Council shall not serve as members of the Conservation Committee.

13.01 **Powers of Tribal Court to Limit Licenses.** Any license or permit authorized by this Code may be suspended or revoked by the Tribal Court upon a finding of a violation of any of the following regulations:

a. Allowing any other person to make use of the license, regardless of whether or not such person would qualify to receive such a license.

b. Taking, assisting in taking, possessing or transporting any game prohibited in Section 33.02(b) or any game or fish which have been determined rare or endangered by the Conservation Committee.

c. Wanton destruction or waste of the game or fish of any area to which this Code pertains.

d. Exceeding established limits, using prohibited means or equipment, or fishing, hunting or trapping outside of established seasons.

e. Fraud in the procurement of any license or the alteration or attempted alteration of any license.

f. Carrying a firearm in any vehicle, including snowmobile, unless it is unloaded in both chamber and magazine and contained in a gun case or broken down or unless unloaded in both chamber and magazine and contained in the trunk of the car with the trunk lid closed.

g. Hunting from a snowmobile or chasing game with a snowmobile.

h. Hunting of game animals with artificial lights.

i. Refusal to display the proper permit or license upon request of any member of the Conservation Committee or authorized law enforcement personnel.

j. Any other violation of the regulations contained in this ordinance.

13.02 **Civil Cause of Action for Member Violations.** Any violation of the regulations contained in this Code or of the regulations established by the Conservation Committee regarding season limit, bag limit or restriction on method or manner of taking game or fish shall be a civil matter tried before the Tribal Court under such procedures as are described in the Tribal Code of the Bay Mills Indian Community.

14.01 **Applicability to Non-Members.** The provisions of this Section shall apply to all non-members and non-Indians who fish, hunt or trap within the Exclusive Territory, as defined in Section 11.01(f).

a. **Money Penalty.** The Conservation Committee may bring a civil action in the name of the Bay Mills Indian Community for the recovery of damages against any non-member person, firm or corporation for killing, wounding, catching, taking, trapping or attempting to kill, wound, catch, take, trap or having in possession any of the following named protected fish, small game, big game, or fur-bearing animals, or any part thereof, and the sum assessed for damages for each animal or fish shall not be less than the amount hereinafter stated in this Section:

(1) Any moose, elk, timber wolf, or any other animal listed in the current edition of *Rare and Endangered Fish and Wildlife of the United States* $500

(2) Any deer or bear $350

(3) Any beaver, mink, bobcat, fisher, marten, or otter $100

(4) Any raccoon $100

(5) Any rabbit, muskrat or squirrel $ 30

(6) Any ruffed grouse or other small game as defined in Section 31.01(g) and not mentioned herein $ 50

(7) Any migratory bird as defined in Section 31.01(e) $ 50

(8) Any muskellunge, sturgeon, lake trout or other fish listed in the current

edition of *Rare and Endangered Fish and Wildlife of the United States* $100

(9) Any brook trout, brown trout, grayling, northern pike, rainbow trout, walleye, whitefish, smallmouth bass or Menominee whitefish $ 50

(10) Any herring, cisco, chub, alewife, smelt, or other fish not mentioned herein $ 30

14.02 **Institution of Civil Action against Non-Member.** Any person who is aware of or witnesses a violation of Section 14.01 shall report such to an authorized enforcement officer. The Officer shall immediately notify the alleged violator in writing of the infraction charged and request his appearance at a hearing to be held within ten (10) days of the notice. At the hearing, the alleged violator shall have the opportunity to respond to the charges. -The Tribal Court shall make a determination of liability pursuant to the Tribal Court Code, and shall assess damages pursuant to Section 14.01.

14.03 **Default Judgment.** Failure of an alleged violator to appear or give good cause why he or she cannot appear at the hearing shall result in the entry of a default judgment against him or her.

14.04 **Enforcement of Judgment by Federal Court.** Any judgment entered pursuant to Sections 14.02 and 14.03 shall be reviewable and enforceable in the United States District Court for the Western District of Michigan.

14.05 **Disposition of Money Paid.** Any damages recovered from a non-member violator shall be paid into Community funds.

14.06 **Seizure and Disposition of Animals and Plants.** All animals, plants, and parts thereof which are taken, possessed, sold, purchased, offered for sale or purchase, or transported, delivered, received, carried, shipped, exported or imported contrary to this Code shall be subject to seizure and shall be forfeited to the Tribal Court.

14.07 **Seizure and Disposition of Equipment.** All traps, nets, firearms, bows, traps, snares, lines and other equipment, vessels, snowmobiles, vehicles and other means of transportation used to aid in the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivery, receiving, carrying, shipping, exporting or importing any animal, plant or parts thereof in violation of this Code shall be subject to seizure and may be forfeited to the Tribal Court.

14.08 **Powers of Authorized Enforcement Personnel.** Any officer defined in sec. 11.01(g) may:

a. Detain for inspection and inspect any package, crate, box or other container, including its contents and all accompanying documents or tags, at reasonable times.

b. Arrest without warrant any member committing in his or her presence or view a violation of sec. 14.09 of this Code.

c. Execute any process for enforcement of the provisions of this Code.

d. Search any place reasonably related to member harvest activity, with or without a warrant, as authorized by state law.

e. Seize, with or without a warrant, any article which may be subject to forfeiture under sec. 14.06 or 14.07 of this Code, or which may be required as evidence of a violation of this Code, if the violation occurs in his or her presence; provided, however, that any such articles seized shall be delivered within 48 hours of the time of seizure into the custody of the Tribal Court.

1409. **Criminal Provisions.**. It shall be a criminal offense for any member to commit any of the following acts:

a. Assault, resist, oppose, impede, intimidate, bribe, attempt to bribe, or interfere with an law enforcement officer engaged in enforcing the provisions of this Code.

b. Violate any license or permit suspension or revocation ordered by the Tribal Court pursuant to sec. 13.01 of this Code or Chapter XII of the Tribal Code.

15.01 **Lands and Waters subject to Inland Article 13 Right Exercise.** A member may exercise Inland Article 13 Rights on the following types of land and water:

a. **Public lands and waters that are open to the public for the particular activity**, including public waters accessible through public rights-of-way and public road crossings, ot otherwise accessible by permission granted by the owner or authorized lessee (example: hunting). Tribal regulations embodied in this Code and implementing regulations apply to member harvesting activities.

b. **State, County, and Municipal Parks, State Wildlife Refuges, Formally Designated State Wildlife Research Areas and Formally Designated State Fisheries Research Areas.** Any member engaged in harvesting activity in any such area shall do so in conformance with the area's specific regulations.

c. **Lands and waters owned by the Tribe, a member, or a member's spouse.** When the member has permission of the owner to engage in harvesting activities, the activities are subject to this Code.

d. **Commercial Forest Act (CFA) lands and waters.** Lands and waters enrolled in the Michigan Commercial Forest program (MCL § 324.51101, et seq., and as it may from time to time be amended) are available for member hunting, fishing and trapping under the following restrictions:

(1) On CFA Lands owned by one owner totaling less than 1,000 acres in aggregate, permission must be obtained from the CFA owner in order to hunt or fish pursuant to this Code and its regulations. In the absence of such permission, a member may only hunt, fish or trap on the property during State seasons and using State approved harvesting methods.

(2) On CFA Lands owned by one owner totaling 1,000 acres or more, a member may hunt, fish and trap pursuant to this Code and its regulations.

(3) An owner of any CFA land, regardless of size, may limit access to the CFA land on which active timber harvesting operations are being conducted, and such limit applies to member hunting, trapping and fishing activities.

(4) A member shall not use a snowmobile, all-terrain vehicle, or other motor vehicle on CFA land if such use is prohibited by State law.

e. **Lands and waters owned by Non-Members.** A member may hunt, fish, trap or gather on property owned by a non-member under the following requirements:

(1) The member shall possess written evidence of permission from the landowner or authorized lessee, or possess the name and telephone number of the landowner or authorized lessee from whom permission was obtained, and produce this information when requested to do so by authorized Enforcement Personnel. No such evidence is required when the member is on lands and waters open to the public for hunting, fishing and trapping under the Michigan Recreational Trespass Act, MCL § 324.73101 et seq., and as it may be hereafter amended.

(2) Hunting and trapping on property owned by a non-member is limited to the seasons and methods specified in Michigan law.

(3) Permission to fish does not include placement of impoundment nets on privately owned bottom lands, if so doing violates Michigan common law rights of the private bottom land owner.

15.02 **Penalties for Violating Open Lands and Waters Restrictions**. A member who engages in any harvesting activity without obtaining the required authorization(s) of this section shall be considered to be engaged in an activity in a closed area, and subject to the penalties for that conduct prescribed in Chapter XII of the Tribal Code.

16.01 **Waste of Natural Resources.** No member shall unreasonably waste, injure or destroy, or impair natural resources while engaging in the exercise of treaty rights regulated by this Code. Violation of this section shall subject the member to the penalties prescribed in Chapter XII of the Tribal Code.

16.02 **Littering.** Any member who unlawfully deposits garbage, rubbish, or other litter upon any lands or waters, including the ice thereon, within the Ceded Territory is guilty of littering and is subject to the penalties prescribed in Chapter XII of the Tribal Code.

CHAPTER II FISHING REGULATIONS FOR GREAT LAKES AND CONNECTING WATERS

21.01 **Definitions.** As used in this Code, the following terms shall have the meanings given to them in this Section:

a. "Fishing Identification Permit" shall mean a card issued by the Conservation Committee to a member of the Bay Mills Indian Community which permit authorizes him to fish in accordance with the provisions of this Code.

b. "Commercial Fishing Permit" shall mean a card issued by the Conservation Committee to a member of the Bay Mills Indian Community under the provisions of Section 24.01 of this Code.

c. "Commercial purposes" shall mean the taking of fish for barter or sale.

d. "Personal use" shall mean the taking of fish for any purpose other than commercial purposes.

e. "Rough fish" shall include carp, bullheads, perch, suckers, burbot and coho.

22.01 **Tribal Permit Exclusive.** No member of the Bay Mills Indian Community shall be required to purchase or possess a Michigan Fishing License when fishing within the Ceded Territory or Exclusive Territory or when possessing or transporting fish, lawfully taken within the Ceded Territory or Exclusive Territory, anywhere within the State of Michigan, provided that he or she has in his/her possession a valid Fishing Identification Permit.

22.02 **Tribal Permit Required.** Every member of the Bay Mills Indian Community who takes fish within the Ceded Territory or Exclusive Territory shall have in his/her possession a proper Fishing Identification Permit. This permit must be in possession in order to take, transport, or possess fish within the Ceded Territory or Exclusive Territory and to possess or transport fish lawfully taken within the Ceded Territory or Exclusive Territory anywhere within the State of Michigan.

22.03 **Permit Fees.** Fees may be charged by the Conservation Committee for issuance of the permits required by Sections 22.02 and 24.01.

23.01 **Applicable Regulations.** All rules and regulations pertaining to taking, possession or transportation of fish shall be as adopted in this Code, subject to amendment on an annual basis by the Conservation Committee.

23.02 **Harvesting Restrictions.** There shall be no limitation on the taking of rough fish for personal use. The following regulations are hereby imposed on the taking for personal use of these fish: brook trout, brown trout, crappie, grayling, lake trout, muskellunge, northern pike, rainbow trout, rock bass, smallmouth bass, splake, sturgeon, sunfish, walleye, steelhead, atlantic salmon and whitefish:

a. No fish may be taken by means of explosives, drugs, poisons, lime, medicated bait, or other deleterious substance.

b. Seines, traps, and gillnets may be used, with a Special Permit from the Conservation Committee.

23.03 **Seasons for Fish Harvest.** Seasons for the taking of the various fish species specified in Section
23.02 shall be as determined by the Conservation Committee.

23.04 **Fish Protected from Harvest.** There shall be no taking of any species of game fish determined rare or endangered by the Fish and Wildlife Service and listed in the current edition of *Rare and Endangered Fish and Wildlife in the United States*.

24.01 **Commercial Fishing Regulations.** Fish species designated in subsection (a) of this Section may be taken for commercial purposes from Lake Superior, Lake Michigan and Lake Huron by holders of both a Fishing Identification Permit and a Commercial Fishing Permit issued by the Conservation Committee, upon its determination that the commercial fishing will not harm the resource. The Committee shall determine the size, type, and number of nets to be used in Lake Superior, Lake Michigan and Lake Huron.

a. Herring, lake trout, ciscoes, chubs, alewives, whitefish, Menominee whitefish, smelt, splake, sturgeon and rough fish may be taken from Lake Superior, Lake Michigan and Lake Huron for commercial purposes.

b. No fish may be taken from Lake Superior, Lake Michigan or Lake Huron by means outlawed in Section 23.02(a).

c. Seasons shall be as determined by the Conservation Committee.

d. The Conservation Committee shall issue Commercial Fishing Permits annually.

e. The Conservation Committee shall determine regulations governing the time of fishing, identification of nets, and other regulations necessary to ensure orderly and safe commercial fishing.

24.02 **Transportation of Fish by Commercial Permittees.** All persons operating under a Commercial Fishing Permit shall be subject to the following regulations regarding the transportation of fish:

a. All fish taken under a valid Commercial Fishing Permit may be possessed in any quantity, bought, sold or transported during any open season and for seven (7) days thereafter. Such fish may be frozen or cured during open season, and when so processed, may be transported, bought and/or sold at any time.

b. When shipping fish taken under a Fishing Identification Permit and Commercial Fishing Permit, the parcel must be plainly marked on the outside stating the name, address and permit numbers of the shipper and the kind and number of fish contained in the package. The waybill or receipt issued by any common carrier or shipper shall specify the number and species of fish so shipped.

25.01 **Fishing Vessel Equipment Requirements.** In order to protect members engaged in commercial fishing pursuant to the rights reserved by the Tribe in its Treaty ceding waters of the Great Lakes to the United States [Treaty of March 28, 1836 (7 Stat. 491)] from potential death, personal injury and property damage which are risks of said activity, any vessel used for commercial fishing purposes in the ceded waters and owned and operated by a tribal member shall carry the following equipment:

a. **Lights.** Affixed to the vessel shall be an all-around light and a bow-placed dual light which has a red beam on the port side and a green beam on the starboard side, each of which are of sufficient intensity to be visible at a minimum range of two (2) miles.

b. **Visual distress signals.** The vessel shall carry:

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

(2) a water-proof flashlight.

c. **Personal floatation devices.** The vessel shall carry:

(1) a ring life buoy at least 20 inches in size, or a buoyant boat cushion (Coast Guard approved Type IV PFD), with 60 feet of line attached; and

(2) 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.

d. **Survival craft.** Any vessel which carries four (4) or more persons shall contain a buoyant apparatus, or shall, when underway, maintain an auxiliary fishing craft which is an integral and necessary element of the vessels normal fishing operation, each of which is capable of carrying all persons on board the vessel.

25.02 **Additional Equipment Requirements for Vessels 26 Feet in Length or Larger.** Any commercial fishing vessel which is 26 feet or more in length shall also carry the following equipment:

a. **Fire extinguisher.** One (1) B-II or two (2) B-I hand portable fire extinguishers.

b. **Radio or electronic device.** An electronic device capable of contacting other vessels or law enforcement agencies for emergency purposes.

c. **Horn or whistle.** A foghorn or whistle of sufficient volume to ensure audibility within one (1) nautical mile of the vessel.

d. **Ring life buoy.** A ring life buoy at least 24 inches in size, with 60 feet of line attached in place of the smaller ring life buoy required in sec. 25.01(c)(1).

25.03 **Additional Equipment Requirements for Vessels 40 Feet in Length or Larger.** Any commercial fishing vessel which is 40 feet or more in length shall carry the following equipment, in addition to those requirements contained in sec. 25.01 and 25.02:

a. **Machinery space fire extinguisher.** One (1) B-I or B-II hand portable fire extinguisher mounted in a bracket in the machinery space area of the vessel.

b. **Lights.** A white light shall be affixed to the mast of the vessel, as well as a red-beamed side light on the port side and a green-beamed side light on the starboard side of the vessel. All lights shall be visible at a minimum range of two (2) miles.

25.04 **Dockside Inspection.** Any vessel utilized for commercial fishing activities shall be inspected by enforcement personnel at dockside every two (2) years. Proof of inspection shall be demonstrated by the affixing by enforcement personnel to the vessel's outer hull a Coast Guard-approved decal.

25.05 **Enforcement by U.S. Coast Guard.** United States Coast Guard personnel are authorized to enforce the provisions of sec. 25 of this Code against members of the Tribe and to cite violations to the Chippewa-Ottawa Conservation Court.

25.06 **Penalties for Violation.**

a. **Termination of voyage.** A vessel which does not carry any one of the required safety equipment items listed in sec. 25.01 may, at the discretion of the enforcement officer, be directed to shore and no person may thereafter operate the vessel for any other purpose but to attain landing.

b. **Civil remedial penalties.** The owner of a vessel shall be cited for any violation of this section, and may be subject to a civil remedial money penalty for each violation of not more than $250.

c. **Vessel use restriction.** No vessel may be utilized for commercial fishing which has been found to violate this section until its owner provides documentation to the Court that the violation has been remedied through the acquisition of the lacking equipment.

26.01 **Operation of Fishing Vessel under Influence Prohibited.** No member shall operate a fishing vessel on the waters of the Ceded Territory if either of the following applies:

a. The member is under the influence of intoxicating liquor or a controlled substance, or a combination thereof.

b. The member has an alcohol content of 0.10 grams or more per 210 liters of breath.

26.02 **Operation of Fishing Vessel while Visibly Impaired Prohibited.** No member shall operate a fishing vessel on the waters of the Ceded Territory when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination thereof, the member's ability to operate is visibly impaired.

26.03 **Operation of Fishing Vessel under the Influence by Member under 21 Years of Age.** A member who is less than 21 years of age shall not operate a fishing vessel on the waters of the Ceded Territory if the member has any bodily alcohol content. "Any bodily alcohol content" means either of the following:

a. An alcohol content of not less than 0.02 grams or more than 0.07 grams per 210 liters of breath.

b. Any presence of alcohol within the member's body resulting from the consumption of intoxicating liquor.

26.04 **Penalties for Violation.** The penalty provisions of Section 819 of the Motor Vehicle Code of the Bay Mills Indian Community shall apply to a member cited for violation of secs. 26.01--26.03; provided, however, that subsequent offense penalties shall apply only to violations of the above sections of this Code.

26.05 **Arrest.** A law enforcement officer may arrest a member without a warrant when the officer has reasonable cause to believe the member was the operator of a fishing vessel at the time it was involved in an accident and that the member was operating the vessel in violation of sec. 26.01, 26.02, or 26.03 of this Code.

26.06 **Preliminary Chemical Breath Analysis.** A law enforcement officer who has reasonable cause to believe that a member was operating a fishing vessel on the waters of the Ceded Territory and that by the consumption of intoxicating liquor, the member's ability to operate a vessel may have been affected, or who has reasonable cause to believe that a member under the age of 21 was operating a fishing vessel while having any bodily alcohol content, may require the member to submit to a preliminary chemical breath analysis. The results of such analysis may be used as the basis to issue a citation for violation of sec. 26.01, 26.02, or 26.03 of this Code.

26.07 **Refusal to Submit to Preliminary Breath Analysis.** A member who refuses to submit to a preliminary chemical breath analysis upon the request of an officer shall be subject to a civil remedial forfeiture action, with a maximum fine if found to have violated this section of $100.00.

CHAPTER III HUNTING AND TRAPPING REGULATIONS

31.01 **Definitions.** As used in this Code, the following terms shall have the meanings given to them in this Section:

a. "Hunting Identification Permit" shall mean a card issued by the Conservation Committee to a member of the Bay Mills Indian Community, which permit authorizes him or her to hunt and trap in accordance with the provisions of this Code.

b. "Big game" shall mean deer, bear, elk and moose.

c. "Commercial taking" shall mean the taking of big game, small game or furbearing animals for the purpose of barter or sale of furs, pelts, hides or the flesh of such animals.

d. "Furbearing animals" shall mean the following species for which there may be a trapping season: beaver, mink, muskrat, otter, raccoon, bobcat, coyote, red fox, gray fox, fisher, marten, badger, snowshoe hare, cottontail rabbit.

e. "Migratory birds" shall have the meaning set forth in the regulations promulgated pursuant to the Migratory Bird Treaty Act at 50 C.F.R. Part 20.

f. "Motor vehicles" shall mean self-propelled motor driven vehicles.

g. "Small game" shall mean the following species for which there may be a hunting season: beaver, bobcat, coyote, raccoon, red fox, gray fox, bobwhite quail, cottontail rabbit, Hungarian partridge, ring-necked pheasant, red squirrel, gray squirrel, fox squirrel, ruffed grouse, sharp-tailed grouse, snowshoe hare, and wild turkey.

32.01 **Hunting Permit Required.** Every member of the Bay Mills Indian Community who takes game within the Ceded Territory shall have in his/her possession a proper Hunting Identification Permit. This permit must be in possession at all times when carrying firearms within the Ceded Territory when shooting, trapping, or taking small game, big game or furbearing animals within the Ceded Territory, or when possessing or transporting any place in the State of Michigan any small game, big game or furbearing animals lawfully taken within the Ceded Territory or Reservation.

32.02 **Tribal Permit Exclusive.** No member of the Bay Mills Indian Community shall be required to purchase or possess a Michigan big game, small game, or trapping license when hunting or trapping within the Ceded Territory or Exclusive Territory, or when possessing or transporting any small game, big game, or furbearing animal lawfully taken within the Ceded Territory or Exclusive Territory, anywhere within the State of Michigan, provided that he/she has in his/her possession a valid Hunting Identification Permit.

32.03 **Permit Fees.** Fees may be charged by the Conservation Committee for issuance of the permit required by Section 32.01.

33.01 **Applicable Regulations.** All rules and regulations pertaining to taking, possession or transportation of small game, big game, and furbearing animals shall be adopted in this Code, subject to amendment on an annual basis by the Conservation Committee.

33.02 **Species Subject to Harvest.** The following species are subject to regulation of harvest:

a. **Species which may be taken with permit.** Possession of a valid Permit shall be required for the taking, possession or transportation of bear, beaver, white-tailed deer, elk, moose, cottontail rabbit, mink, muskrat, river otter, marten, ruffed grouse, sharptailed grouse, ring-necked pheasant, wild turkey, bobwhite quail, gray, red, and fox squirrel, raccoon, bobcat, coyote, red fox, gray fox, snowshoe hare, badger, fisher, Hungarian partridge, and all birds protected by federal law. The Conservation Committee shall establish the nature and content of the Permit required for the authorized harvest of each species.

b. **Prohibited species.** There shall be no taking, possession or transportation whatsoever of bald eagle, golden eagle, timber wolf, moose or any species listed as threatened or endangered under Michigan law; provided, that the Tribe may authorize the harvest of threatened or endangered plants by a member for medicinal, ceremonial or subsistence purposes.

c. **Eagle part possession authorized.** There shall be no penalty for the possession of an eagle, eagle wings, feathers, claws and other parts for religious and ceremonial use.

d. **Permit not required for certain species.** No permit or permits shall be required for the taking, possession or transportation of any small game, big game or furbearing animal which is not listed in Section 33.02(a) or (b).

33.03 **Animal Harassment.** There shall be no hunting, harassment, or molesting of any animal from moving motor vehicles, including snowmobiles, or from a moving motorboat or aircraft.

33.04 **Hunting near Residences.** There shall be no hunting within 150 yards of any public campground during the season within which it is open for public use and any barn or other building used in a farm operation, or within 150 yards of any occupied dwelling; provided, that such activity may occur with the consent of the owner or authorized lessee.

33.05 **Hunting near Roadways.** There shall be no firing down or across any public road.

33.06 **Hunting under Influence.** No member shall hunt with a firearm, bow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such weapon.

33.07 **Artificial Light.** No member shall use an artificial light for shining wild animals while hunting or in possession of a firearm, bow and arrow or crossbow. It is not a violation of this section to utilize an artificial light during open season for the following species: at the point of kill for the purpose of taking raccoon when treed; when hunting on foot with dogs for opossum and fox; and when using a game or predator call to take fox.

33.08 **Pitfalls.** No member shall place, operate or attend a pitfall or other similar contrivance for the purpose of catching, or which might catch, take, or ensnare wild animals.

33.09 **Decoys.** No member shall employ any live animal as a decoy in order to lure a wild animal within killing or capture range.

33.10 **Weapon Restrictions.**

a. **Firearms.** In addition to the firearm restrictions for deer [sec. 36.03(a)] and bear [sec. 37.07], no member shall use or have in possession while in an area frequented by animals a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six (6) shells at one time in the magazine and barrel combined, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

b. **Bows.** No member shall use or have in possession while hunting any arrow with a field or practice tip.

33.11 **Prohibited Firearms and Ammunition.** No member shall hunt using a fully automatic firearm, or tracer or incendiary shells or cartridges, excluding a distress flare.

33.12 **Hunting from Vehicles and Snowmobiles.** No member shall carry a firearm in any vehicle, including a snowmobile, unless it is unloaded in both chamber and magazine and contained in a gun case or broken down or unless unloaded in both chamber and magazine and contained in the trunk of the car with the trunk lid closed.

33.13 **Shotgun Zone.** No member shall hunt with any firearm other than a shotgun in that portion of the 1836 Ceded Territory which is within the Michigan Shotgun Zone. The Zone lies south of the following boundaries: Starting at a point on the Lake Michigan shoreline directly west of M-46, then easterly to M-46, then easterly along M-46 to US-131 at Cedar Springs, southerly on US-131 to M-57, easterly on M-57 to Montcalm Road on the Kent-Montcalm county line, southerly on Montcalm Road and the Kent-Ionia county line to M-44, easterly on M-44 to M-66, northerly on M-66 to M-57, easterly on M-57 to M-52 near Chesaning, northerly on M-52 to M-46, easterly on M-46 to M-47, northerly on M-47 to US-10 west of Bay City, easterly on US-10 to I-75, northerly on I-75 and US-23 to Beaver Road (about 1 mile north of Kawkawlin), easterly to Saginaw Bay, north 50 degrees east to the International Boundary.

33.14 **Hunting Age Restrictions.**

a. No member under 10 years of age may hunt.

b. A member 10 years of age or older, but under the age of 12, may hunt with archery gear for any species and with a firearm for small game species, only.

c. No member 10 years of age or older but under the age of 14 may hunt unless accompanied by a parent, guardian, or other adult member designated by the parent or guardian.

33.15 **Hunter Safety Course Required.** No member under the age of 18 years may hunt unless s/he has been issued a certificate of accomplishment under a tribal, state or provincial hunter education and firearm safety course.

33.16 **Hunter Orange Required.** No member shall hunt with a firearm during the established daylight shooting hours, unless the member wears a cap, hat, vest, jacket or rain gear of the highly visible color commonly referred to as hunter orange. Hunter orange includes blaze orange, flame orange, and camouflage that is not less than 50% hunter orange. The garments made up of hunter orange shall be the hunter's outermost garment and shall be visible from all sides of the hunter. This section shall not apply to a member engaged in the taking of deer or bear with a bow or the taking of waterfowl, crow, or turkey.

33.17 **Hunting Hours.** Except for hunting coyote, raccoon, opossum, fox , and unprotected species, during their respective open seasons, the hours during which any animal may be hunted are one-half hour before sunrise to one-half hour after sunset for each day during the respective open season for each species.

33.18 **Non-Member Assistance.** A member may be assisted in hunting activities by the member's spouse, parent, grandparent, child, grandchild, or sibling; provided, that the member is physically present during the activity; and provided further, that such non-member assistance does not include use of a firearm or bow.

33.19 **Commercial Harvest Restrictions.** No member shall sell, offer to sell, or exchange for anything of value any animal or bird, or any part thereof, harvested in the 1836 Ceded Territory, except as authorized by this Code or other tribal law:

a. The fur, hide, pelt, plumage or skin of any animal lawfully taken may be sold or offered for sale by the member licensed to harvest the animal.

b. The carcass and parts of fur-bearing animals lawfully taken may be sold.

c. The antlers of deer and elk and the skull of black bear lawfully taken may be sold. The teeth, claws, flesh, bones or internal organs of any animal other than a fur-bearing animal shall not be sold.

d. Parts of harvested animals may be utilized by members in the production of handicrafts offered for sale.

e. Plants and plant products, such as wild berries, mushrooms, nuts and fruits, may be sold or used in producing salable commodities.

f. Members may participate in barter and exchange of animals and birds, and parts thereof, lawfully harvested in the 1836 Ceded Territory, with any member of any 1836 Treaty Tribe; provided that any item so acquired shall not be sold.

34.01 **Small Game Rules and Regulations.** No member shall hunt or trap small game off-Reservation in the ceded territory during closed season, which begins and ends in accordance with the hunting hours prescribed in Section 33.16.

34.02 **Registration of Otter, Fisher, Marten and Bobcat.** A member killing an otter, fisher, marten or bobcat by any method under this Code shall notify the Conservation Department of the killing no later than seven (7) days after killing, if the animal was hunted, or after retrieval, if the animal was trapped. The member shall present the animal for registration within the specified time period, and the following procedure shall be followed:

a. Upon registering an otter, fisher, marten or bobcat under this section, the registering official shall affix a registration tag and shall duly record in an

appropriate manner all information required to be provided by the member at the time of registration.

b. A member registering an otter, fisher, marten or bobcat shall provide the registering official with the following information: the sex of the animal taken, the township and county where the animal was taken, the date when the animal was taken, the tribal identification number of the member taking the animal, and any other information requested by the official.

c. Registration shall be effected by presenting the whole carcass of the otter or bobcat to the Conservation Enforcement Department official, or in the alternative, by providing the whole skin to the official.

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

e. Registration of an otter, fisher, marten or bobcat may be done in the field, provided that the registering official transmits all information recorded to the Conservation Enforcement Department office.

f. No member shall fail to transfer the carcass, excluding the skin, of any otter, fisher, marten or bobcat to the Conservation Department when requested to do so, unless the carcass was delivered to a licensed fur buyer.

34.03 **Small Game Seasons.** The seasons and bag limits for hunting small game shall be established by the Conservation Committee.

35.01 **Migratory Birds.** The taking of migratory birds shall be subject to the provisions of the Migratory Bird Treaty Act, 16 U.S.C. secs. 703 to 711, and regulations promulgated pursuant thereto set forth at 50 C.F.R. Part 20, and published annually in the *Federal Register*.

36.01 **Deer Season.** The season for taking deer shall be from the day after Labor Day though the Sunday of the first full weekend in January, subject to the method restrictions in sec. 36.02 and 36.03.

36.02 **Bow restrictions for Deer Hunting.**

a. **Method Restrictions.** It shall be unlawful to hunt deer with any poisoned arrow or arrow with explosive tip. No member shall hunt deer with a bow having a pull of less than 30 pounds or using an arrow that does not have a broadhead, or with a crossbow unless it is fired from the shoulder, with a minimum draw weight of 100 pounds and a stock of not less than 30 continuing inches in length, with a working safety and using arrows or bolts of not less than 14 inches with a broadhead.

b. **Bow Season.** The deer season for bow and crossbow shall be from the day after Labor Day through the Sunday of the first full weekend in January.

36.03 **Firearm Restrictions for Deer Hunting.**

a. **Method Restrictions.** It shall be unlawful to take deer with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less one and three- fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided that shells containing buckshot and cartridges of 22 magnum caliber or larger may be used, regardless of length.

b. **Firearm Deer Season.** In the Ceded Territory, the firearm season for deer shall be from the day after Labor Day through October 31, and from November 15 through the Sunday of the first full weekend in January. Within the Bay Mills Indian Community, the firearm season for deer shall be from the day after Labor Day through the Sunday of the first full weekend in January.

36.04 **Traps Prohibited.** It shall be unlawful to take deer with the aid of any trap, snare, setgun, or swivel gun, or with the aid of dogs.

36.05 **Bait Restrictions for Deer.** No member shall place food materials for deer to attract, lure, or entice the animal as an aid in hunting in Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego and Presque Isle Counties.

36.06 **Deer Harvest Permit Required.** A current Deer Harvest Permit must be in the possession of a tribal member when engaged in deer hunting.

36.07 **Deer Carcass Tag Required; Affixation to Carcass.**

a. No member shall hunt deer without possessing a valid carcass tag issued by the Conservation Enforcement Department. No more than two (2) carcass tags shall

be issued at one time to a member; provided, that a member may make a written request for issuance of up to five (5) carcass tags at one time, which shall be granted by the Conservation Enforcement Department when the member provides reasonable grounds for the request. There exists no maximum number of tags that a member may be issued in one deer hunting season; however, the Department shall not issue additional carcass tags to any member who has not reported as required in sec. 36.08 of this Code.

b. A deer shall not be moved or field dressed before affixing to it a valid carcass tag.

36.08 **Deer Harvest Reporting.** Each member to whom carcass tags have been issued shall report to the Conservation Enforcement Department the following information:

a. Type of deer taken;

b. County where deer taken;

c. Date when deer taken.

The Conservation Enforcement Department shall not issue additional carcass tags to a member who has not reported the information required by this subsection.

36.09 **Deer Special Use Permit.** The Conservation Committee may issue a Special Use Permit to a member to take deer during the closed season upon receipt of a written request from the member specifying the grounds for the request. The grounds for issuance include religious or ceremonial use, personal/family hardship, and traditional feasts or celebrations. The request shall be filed with the Conservation Enforcement Department and if approved by the Committee, the Department shall issue the Special Use Permit and the required number of carcass tags.

37.01 **Bear Season.** The season for taking bear shall be September 10 through October 26.

37.02 **Prohibited Methods for Bear Hunting.** It shall be unlawful to hunt bear with the aid of any snare, setgun, or swivel gun, or to take bear with the use of drugs, medicated bait, poison, or other deleterious substances.

37.03 **General Restrictions.** The restrictions on the manner of taking deer, set forth in Sections 36.02(a) and 36.03(a) shall apply to the taking of bear.

37.04 **Denned Bear.** It shall be unlawful to take or molest any bear in its den.

37.05 **Cubs.** It shall be unlawful to shoot, shoot at, or kill any cub or any adult bear accompanied by a cub or cubs. "Cub" means a bear less than one (1) year of age.

37.06 **Bait.** All bait must be placed on the ground, and shall not contain any plastic, wood product, paper, glass or metal. No bait container shall be left within 100 yards of a bait site, and no bait shall be contained in metal, plastic, wood, glass, fabric, cloth, or paper at a bait site.

37.07 **Firearm Restrictions.** It shall be unlawful to take bear with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than one and three-fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided that shells containing buckshot and cartridges of 22 magnum caliber or larger may be used, regardless of length.

37.08 **Nuisance Bears.** Nothing in this section shall prohibit the taking of any bear within the exclusive territory of the Bay Mills Indian Community which poses an immediate threat to human safety, to livestock, or to personal property.

37.09 **Bear Harvest Permit Required.** A current Bear Harvest Permit, which includes the authorized bear management unit for which hunting is permitted, must be in the possession of a tribal member when engaged in bear hunting.

37.10 **Bear Special Use Permit.** The Conservation Committee may annually issue a maximum of two (2) Special Use Permits to take bear for ceremonial/ medicinal purposes, upon receipt of a written request from a member for such a permit. The request shall be filed with the Conservation Enforcement Department and, if approved by the Committee, the Department shall issue the Special Use Permit.

38.01 **Elk Season.** The open season for taking elk shall consist of Hunt Periods, which will be established for each calendar year by regulation of the Conservation Committee.

38.02 **Elk Management Units.** No member shall engage in hunting for elk outside the areas designated by the Conservation Committee for the conduct of a specific Hunt Period.

38.03 **Elk Harvest Permit Required.** No member shall hunt elk without possessing a valid Elk Harvest Permit issued by the Tribe, which shall include the management unit(s) for which hunting is authorized.

38.04 **Harvest Permit Conditions.** Any member issued an Elk Harvest Permit must comply with any and all conditions contained in the Permit including, but not limited to, restrictions on the type of firearm, ammunition and hunting hours.

38.05 **Elk Hunt Orientation Required.** Each member issued an Elk Harvest Permit shall attend an orientation or training session before the scheduled hunt. Failure to attend the session shall result in the immediate cancellation by the Tribe of the Elk Harvest Permit.

38.06 **Biological and Harvest Data Reporting Requirements.** Each member issued an Elk Harvest Permit shall comply with the data collection requirements identified during the orientation session. Failure to comply with the data collection requirements is a violation of this Code, and shall result in disqualification of any member found guilty of such violation for the issuance of any special harvest permit for wildlife for a period of up to five (5) years.

38.07 **Bait Restrictions for Elk.** No member shall place food materials for elk to attract, lure or entice the animal as an aid in hunting.

39.01 **Trapping Seasons.** The season for the trapping of fur bearing animals shall be established by the Conservation Committee.

39.02 **Trap and Snare Identification.** Traps and snares shall bear the member's Tribal Identification Number stmped or engraved on a metal tag affixed to each trap or snare, as well as the initials "BMIC" on each tag.

39.03 **Shipment.** When shipping furs taken under a Hunting Identification Permit, the parcel must be plainly marked on the outside stating the name, address, and permit number of the shipper and the number and kind of skins contained in the package. The waybill or receipt issued by any common carrier to a shipper shall specify the number and species of furs so shipped.

39.04 **Personal Use.** Hides or pelts adapted to personal use need not carry the permit number of the taker once the adaptation is completed.

39.05 **Trapping Regulations.** The following restrictions apply to member trapping activities:

a. No trap or snare shall be set out except during open season.

b. No sight-exposed bait visible from above consisting of feathers, animal flesh, fur, hide or entrails, shall be employed within 25 feet of a trap or snare.

c. Each dry land set and snare shall be checked at least once every other day, and all animals caught therein shall be removed.

d. No killer or body-gripping trap larger than 7"x7" shall be set, placed or operated except as a water set at least half submerged in water.

e. No steel-jawed trap with a spread width of more than 8 inches shall be set, placed or operated.

f. No steel-jawed trap with teeth shall be set, placed or operated.

g. No body-gripping type trap larger than a model 220 trap shall be set, placed, or operated in any of the following locations:

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

(2) Within 3 feet of any woven or welded wire mesh type fence; and

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

h. No trap shall be set on a beaver dam or lodge unless the trap is fully submerged below the water.

i. No member shall molest or break open the house, hole, nest, burrow, or den of a badger, beaver, mink, muskrat or raccoon, whether or not occupied.

39.06 **Snaring Regulations.** The following restrictions apply to member snaring activities, in addition to those contained in Section 39.05(a)-(c), above:

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

b. Any snare, other than a rabbit snare, must be tagged with the snarer's tribal identification number.

c. No snare may be spring activated.

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

e. All snares must be removed no later than March 31.

f. Except for snares for rabbit and hare, any snare must have a swivel device on the anchor end.

g. Except for snares for rabbit and hare, any snare or cable wire may not have a diameter exceeding 1/8 inch.

h. No upland snare shall be set on a well- defined deer trail.

i. No upland snare shall be set such that the bottom of the loop is more than 6" above the ground or, when the ground is snow covered, more than 6" above the level of the adjoining trail.

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

k. Braided picture wire snares without locks or swivels may be used for the purpose of snaring rabbits or hares.

39.07 **Non-Member Assistance.** A member may be assisted in trapping activities by the member's spouse, parent, grandparent, child, grandchild or sibling; provided, that the member is physically present during the activity; and provided further, that such non-member assistance does not include the setting or placement of traps or snares.

CHAPTER IV INLAND FISHING REGULATIONS

41.01 **Definitions.** The following terms, whenever used in this Chapter, shall be construed to mean as follows:

a. "Aquaculture" means commercial husbandry of aquaculture species, including, but not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting or marketing of aquaculture products under an appropriate permit or registration.

b. "Aquaculture species" means aquatic animal organisms including, but not limited to, fish, crustaceans, mollusks, reptiles or amphibians reared or cultured under controlled conditions in an aquaculture facility.

c. Lake system" means an inland lake and its tributaries.

d. "Lakes" means lakes of any size, including natural and artificial lakes and drowned river mouths.

e. "Private waters" means a non-navigable lake with no public access or a non-navigable stream segment on a parcel or parcels of private property.

f. "Streams" means all rivers, streams, creeks and flowages.

g. "Walleye Lake System" means any Lake System known to have a walleye population maintained either by natural reproduction or stocking of cultured fish.

h. "Walleye Spawning Season" means March 15 to the Friday before the last Saturday in April in Walleye Lake Systems in the Lower Peninsula and April 1 to May 14 in Walleye Lake Systems in the Upper Peninsula.

i. "Waters" means inland lakes and streams.

41.02 **Fishing License Required.** No member may engage in fishing activity in inland lakes and streams without having in possession at all times a valid and current Tribal License. Unless otherwise specified in this Chapter, the required License consist of the member's valid color picture identification card issued by the Tribe.

41.03 **Prohibited Activities.** No member shall:

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

b. Drive or harass fish into nets.

c. Use firearms to take or attempt to take fish.

d. Use gill nets, trap nets, seines or gorge to take fish, except as allowed by Sections 42.02, 42.03, and 42.04.

e. Use a snag hook to take or attempt to take fish.

f. Unreasonably waste, injure or destroy fish resources.

g. Harass or impede another fisherman or boater.

h. Take fish for the sole purpose of collecting eggs (spawn).

i. Possess any fish not hooked in the mouth while fishing with hook and line.

j. Sell flesh of fish from inland waters.

k. Sell bait fish without a Permit issued by the Tribe.

l. Fish within one hundred (100) feet of electrical lamprey control devices while in operation.

m. Fish within one hundred (100) feet of the lamprey control barrier on the Betsie River.

n. Fish in Rock River (Alger County) from dam to lower foot bridge downstream from M-28 (T47N, R21W, Sec. 15) April 1 - June 30.

o. Fish within three hundred (300) feet of a State salmon and/or steelhead egg collection weir while in operation.

41.04 **Catch and Release Lakes.** No tribal member shall take fish except with hook and line and shall release each fish caught after capture in the following lakes, and subject to the restrictions noted for each body of water:

a. Jones Lake (Crawford County) -- open season June 1 - September 30; artificial lures only; possession of live bait prohibited

b. Wakeley Lake (Crawford County) -- open season June 15 - August 31; artificial lures only; possession of live bait prohibited

c. North Blue Lake (Montmorency County)
South Blue Lake (Montmorency County)
Robarge [Pike] Lake (Montmorency County) -- open season last Saturday in April - September 30; artificial lures only

41.05 **Non-Member Assistance.** A member may be assisted in fishing activities by the member's spouse, parent, grandparent, child, grandchild or sibling; provided that the member is physically present, and provided further, that such non-member assistance does not include the use of a spear or other gear to harvest fish.

41.06 **Commercial Harvest Restrictions.** No member shall sell, offer to sell, or exchange for anything of value any fish or part thereof, harvested in the 1836 Ceded Territory except as authorized by this Code:

a. Parts of fish may be utilized by members in the production of handicrafts which are offered for sale.

b. Members may participate in barter and exchange of fish and parts thereof, lawfully harvested in the 1836 Ceded Territory, with any member of an 1836 Treaty Tribe; provided that any such item shall not be sold.

c. Fish taken from a particular body of water of a species which the State seeks to eradicate therefrom, may be sold; provided that the harvest of the fish is made pursuant to a permit issued by the Tribe, and that the sale is conducted as required in the permit.

42.01 **Hook and Line Regulations.** Member use of hook and line to harvest fish is lawful, subject to the following requirements:

a. A maximum of four (4) lines per member, with no more than four (4) hooks per line, is permitted during open water seasons.

b. Members may fish through the ice with a maximum of seven (7) lines, with no more than four (4) hooks per line.

c. Tip-ups may be utilized for fishing through the ice, provided that the member using them affixes his name to each, and is present while the tip-ups are deployed.

d. Unless expressly authorized by the Tribe, hook and line fishing is prohibited from September 6 through October 15 in the southern end of Manistee Lake at the confluence of the Lake with the Little Manistee River. The closed area is defined by a line extending from a squared red post located 100 feet southeast of the launch ramp at the MDNR Public Access Site on the east shore, extending southwesterly to a squared red post on the west shore located near the southern end of the Packaging Corporation of America plant.

42.02 **Gill Net Restrictions.** No member shall utilize a gill net to harvest fish in Inland Waters, unless such use is authorized by the Tribe on a body of water in which all fish are to be eradicated.

42.03 **Seine Regulations.** The following restrictions apply to the use of a seine by a tribal member:

a. **Size.** No member shall use a seine which is more than thirty (30) feet in length and/or more than four (4) feet in depth; such a seine is termed a long seine.

b. **Composition.** No member shall use a long seine constructed of monofilament which is greater than one and one-half (1.5) inches stretch mesh in size.

c. **Stream use.** No member shall utilize a long seine in a stream. A short seine may be used in streams, subject to the restriction contained in subsec. f, below.

d. **Purse seine.** No member shall utilize a purse seine to harvest fish of any species.

e. **Bait fish.** No member shall utilize a long seine to harvest minnows and other bait fish.

f. **Short seine.** No member shall utilize a short seine to take minnows from trout streams or from Big Glen Lake or any of its tributaries for one-half mile above their mouths. A short seine is less than twelve (12) feet in length and no more than four (4) feet in depth.

42.04 **Fyke and Trap Net Regulations.** The following restrictions apply to the use of impoundment nets by a tribal member:

a. **Permit required.** No member may utilize a fyke or trap net without a valid Impoundment Net Permit issued by the Tribe, which shall specify the time period for which the net use is authorized, the bag limit(s) for member harvest, and the water body on which setting is authorized.

b. **Stream use prohibited.** No member may utilize an impoundment net in a stream.

c. **Burbot exception.** A member may harvest burbot on AuTrain River (Alger County) from AuTrain Lake to the mouth from December 15 to the end of February; provided that an Impoundment Net Permit has been issued for that activity.

d. **Size and composition.** Any impoundment net must:

(1) Be constructed of material other than monofilament;

(2) Have mesh size not more than three (3) inch stretch mesh;

(3) Have a pot not more than eight (8) feet in length by five (5) feet in width or six (6) feet in height; and

(4) Have leads in excess of one hundred fifty (150) feet in length.

e. **Net marking.** Each fyke or trap net shall be marked with, at minimum, a one-gallon-sized buoy displaying the member's Tribal License Number, at the end of each lead, the pot, and at the end of any wings.

42.05 **Spears.** A tribal member may utilize a spear to harvest fish from inland waters, subject to species, season and bag limit restrictions contained in this Code, except for:

a. **Stream closures.** The following tributaries to Lake Superior are closed to spearing:

(1) Chocolay River;

(2) Mosquito River;

(3) Big Two Hearted River;

(4) Little Two Hearted River;

(5) Anna River from its mouth upstream to the railroad crossing by Wagner Falls in Section 14, Township 46 North, Range 19 West.

b. **Lake closures.** The following lakes are closed to spearing:

(1) Twin Lake #1 (Cheboygan County);

(2) Sand Lake #2 (Grand Traverse County);

(3) Deer Lake, Moon Lake, Sid Lake (Leelenau County);

(4) Keyhole Lake [East], S. Kidney Lake [T45N, R26W, Sec 28], Pauls Lake [North], Pauls Lake [South], Rockingchair Lake [North], Rockingchair Lake [South], Stawberry Lake (Marquette County); and

(5) Dutch Fred Lake, Ned's Lake, Twilight Lake (Schoolcraft County).

c. **Area closures.** Spearing is prohibited in the southern end of Manistee Lake in the vicinity of the Little Manistee River. The closed area is described in Section 42.01(d) of this Code.

43.01 **Baitfish Regulations.** A tribal member may harvest minnows for personal use, only, by hook and line, short seine, dip net and minnow trap; provided that the member has a valid tribal identification card in possession while engaged in harvesting activities.

43.02 **Pike and Muskellunge Regulations.** A tribal member may harvest northern pike and muskellunge, subject to the following restrictions:

a. **Spears.** The following lakes are closed to spearing of muskellunge and northern pike, except that northern pike may be speared on waters marked with (*) from January 1 through the end of February:

Alpena County -- Fletcher Floodwaters
Cheboygan County -- Cornwall Impoundment
Chippewa County -- Caribou Lake
Clare County -- Budd Lake
Delta County -- * Dana Lake
Kent County -- Campau Lake
Murray Lake
Makinac County -- Brevoort Lake
Marquette County -- Fish Lake
Montmorency County Fletcher Floodwaters
West Twin Lakes
Muskegon County -- Mona Lake
Otsego County -- Big Bear Lake
Otsego Lake
Ottawa County -- Lake Macatawa
Schoolcraft County Big Bass Lake
Grassy Lake
McKeever Lake

b. **Closed waters.** No member shall take or possess northern pike from April 15 to May 15 in the Potagannising River (Chippewa County) below the Potagannising Dam downstream to Maxton Road.

c. **Size limits.** No member shall take or possess a fish less than the following in size:

(1) Muskellunge and tiger muskellunge -- thirty-eight (38) inches

(2) Northern pike -- None

d. **Bag limits.** No member shall take more than the following number:

(1) Muskellunge and tiger muskellunge -- two (2) per day

(2) Northern pike -- ten (10) per day

43.03 **Walleye Regulations.** A tribal member may harvest walleye, subject to the following restrictions:

a. **Seasons.** Unless specified otherwise in this Code, tribal members may harvest walleye with hook and line, spear or bow with a valid tribal identification card, during the following periods:

(1) Upper Peninsula -- May 15 through April 1

(2) Lower Peninsula -- Last Saturday in April through March 15

(3) Great Lakes tributaries -- open all year

b. **Permit required.** No member may harvest walleye without a valid Walleye Harvest Permit issued by the Tribe when:

(1) Using hook and line, spear or bow from April 1 through May 14 in the Upper Peninsula (walleye spawning season);

(2) Using hook and line, spear or bow from March 15 through last Friday in April in the Lower Peninsula (walleye spawning season); and

(3) Using impoundment net or seine at any time of year.

c. **Permit contents.** Each Walleye Harvest Permit shall specify the number of walleye available for harvest by the member, the method of authorized harvest, the date(s) for which the Permit is valid and the body of water upon which the member may take walleye.

d. **Size limit.** No member shall harvest a walleye less than fourteen (14) inches in size; provided that a member shall retain a speared walleye less than the minimum size, and such walleye shall be included in the daily bag limit without penalty to the fisher for so doing.

e. **Bag limit.** No member shall harvest in excess of:

(1) The number specified in the Walleye Harvest Permit;

(2) The number specified in the Bay de Noc Walleye Harvest Permit; or

(3) During open season, ten (10) walleye per day

f. **Bay de Noc Tributary regulations.** No member shall harvest walleye in any tributary stream to Bay de Noc in Lake Michigan except as provided in this section:

(1) Except for the streams identified in subsec. (2) below, no member may take

walleye except by hook and line from May 15 through the end of February.

(2) A member may harvest walleye by hook and line or spear between March 15 and May 15 on the following streams:

(A) Big Bay de Noc tributaries -- Sturgeon River (Delta County)

(B) Little Bay de Noc Tributaries -- Escanaba River (Delta County)
Days River (Delta County)
Rapid River (Delta County)

(3) Bay de Noc Walleye Harvest Permit is required for a member taking walleye pursuant to subsec. (2), above, and containing the following restrictions:

(A) Harvest shall not exceed a daily bag limit of more than ten (10) walleye;

(B) Harvest of walleye of less than fourteen (14) inches is prohibited; provided that the member must retain a speared walleye less than the minimum size and such walleye shall be included in the daily bag limit without penalty to the fisher for so doing;

(C) Harvest method is specified as hook and line or spear, but not both.

(D) The time period for which the permit is valid and the location of the harvesting activity shall be specified on the permit.

(E) No more than one Bay de Noc Walleye Harvest Permit shall be issued to any member for any day.

43.04 **Sturgeon.** There shall be no fishing for lake sturgeon except in Otsego Lake (Otsego County), and in such other bodies of water that are opened for sturgeon harvest by regulations of the Conservation Committee. No member may harvest sturgeon without a Sturgeon Harvest Permit which specifies the body of water on which fishing may take place. Only one (1) sturgeon may be harvested annually by any method.

43.05 **Salmon.** Tribal members may harvest salmon with hook and line, bow and arrow, spear, and dip net, subject to the following restrictions:

a. **Spearing restrictions.** All salmon species may be harvested with a spear, except that Atlantic salmon may not be speared in the Torch Lake watershed (Antrim County).

b. **Little Manistee River.** Chinook salmon may be harvested in the Little Manistee River from its mouth at the confluence with Manistee Lake upstream to three hundred (300) feet downstream from the Little Manistee River Weir, with spears, bows, dip nets or hands from September 1 through November 14. A tribal member fishing during this time period shall have in possession a valid Little Manistee River Salmon Harvest Permit.

c. **Size Limit.** The minimum size for salmon of any species shall be as follows:

(1) Lakes -- ten (10) inches;

(2) Streams -- eight (8) inches.

d. **Bag Limit.** No member shall harvest more than five (5) each of Coho, Atlantic, Humpback/Pink and Chinook salmon per day.

43.06 **Trout Regulations.** Tribal members may harvest brook trout, brown trout, rainbow trout or steelhead, splake and lake trout, subject to the following restrictions:

a. **Size Limits.** Unless otherwise specified in this Chapter, the minimum size for any species of trout taken or possessed by a tribal member shall be as follows:

(1) Lakes -- ten (10) inches;

(2) Streams -- eight (8) inches.

b. **Bag Limits.** No member shall harvest more than five (5) per species per day.

c. **Steelhead.** A tribal member harvesting steelhead shall comply with the following restrictions in the water bodies designated:

(1) Little Manistee River. No steelhead may be harvested with spear or bow in the Little Manistee River from the mouth of the River to its confluence with Manistee Lake upstream to three hundred (300) feet downstream from the Little Manistee River Weir.

(2) Upper Peninsula Restricted Streams. No member shall harvest steelhead in the streams identified in this section, except as authorized herein:

(A) Hook and line fishing may be conducted from the last Saturday in April through April 1.

(B) Spearing may be conducted from April 1 through April 15; provided, that the member has in possession a valid Steelhead Spearing Harvest Permit which identifies the stream on which spearing may occur.

(C) Any steelhead harvested shall be at least sixteen (16) inches in length; provided that a member shall retain a speared steelhead less than the minimum size and it shall be included in the daily bag limit without penalty to the fisher for so doing.

(D) No more than three (3) steelhead may be harvested per day.

(E) The streams subject to this subsection are:

(i) Black River mainstem and tributaries upstream of the confluence of Peter Creek (Mackinac County)

(ii) Pine River -- north branch and its tributaries upstream of Hwy 40 bridge; mainstem and its tributaries upstream of the confluence with north branch of Pine River (Mackinac and Chippewa Counties)

(iii) Carp River -- north branch and its tributaries; south branch and its tributaries (Mackinac County)

(iv) Sucker River--mainstem and its tributaries upstream of Seney Road Bridge (Alger County)

(3) Lower Peninsula Restricted Streams. No member shall harvest steelhead in the streams identified in this section, except as authorized herein:

(A) Hook and line fishing may be conducted from last Saturday in April through March 15.

(B) Spearing may be conducted from April 1 through April 15; provided, that the member has in possession a valid Steelhead Spearing Permit which identifies the stream on which spearing may occur.

(C) Any steelhead harvested shall be at least sixteen (16) inches in length; provided that a member shall retain a speared steelhead less than the minimum size and it shall be included in the daily bag limit without penalty to the fisher for so doing.

(D) No more than three (3) steelhead may be harvested per day.

(E) The streams subject to this subsection are:

(i) Cedar Creek and its tributaries upstream from River Road (Muskegon and Newaygo Counties)

(ii) Bigelow Creek and its tributaries in Muskegon River watershed(Muskegon and Newaygo Counties)

(iii) Skeel Creek and its tributaries (Oceana and Muskegon Counties)

(iv) White River--north branch above Arthur Road (Oceana and Muskegon Counties)

(v) Baldwin River and its tributaries (Lake and Newaygo Counties)

(vi) Pere Marquette River tributaries north of M-37 in Pere Marquette watershed (Lake and Newaygo Counties)

(vii) Little Manistee River mainstem from Spencer's Bridge upstream, including all tributaries (Lake County)

(viii)Bear Creek--above County Road 600, mainstem and tributaries in Manistee River watershed (Manistee County)

(ix) Dair Creek and its tributaries in Betsie River watershed (Benzie and Manistee Counties)

(x) Little Betsie River and its tributaries in Betsie River watershed (Benzie and Manistee Counties)

(xi) Platte River mainstem from upper Stat-owned hatchery weir downstream to Platte Lake (Benzie County)

(xii) Jordan River mainstem and all tributaries above Graves Crossing (Antrim County)

(xiii)Little Ocqueoc River and its tributaries in Ocqueoc River watershed (Presque Isle County)

(xiv) Silver Creek and its tributaries in Ocqueoc River watershed (Presque Isle County)

(xv) Pigeon River mainstem and its tributaries upstream of Webb Road (Otsego County)

(xvi) Sturgeon River mainstem upstream of Afton Road [aka Webb or Wolverine Road] (Cheboygan and Otsego Counties)

(xvii) Sturgeon River west branch and its tributaries (Cheboygan and Otsego Counties)

d. **Brown and Brook Trout.** No tribal member shall take or possess brown or brook trout from a stream identified in Table 2 [attached] during the following time periods:

(1) October 1 through November 15 in the Upper Peninsula; and

(2) October 15 through November 30 in the Lower Peninsula.

43.07 **General Size Limits.** The following size limits apply for the species which do not have a size limit specified elsewhere in this Chapter:

a. **Bass.** No member shall take or possess a largemouth or small mouth bass which is less than twelve (12) inches in length.

b. **No Minimum.** No minimum size is required for bluegill, sunfish, crappie, lake whitefish, Menominee, perch, catfish species, sucker, and any other species not otherwise regulated by this Chapter.

43.08 **General Bag Limits.** The following bag limits apply for those species for which a bag limit is not otherwise specified in this Chapter:

a. **Bass, Walleye and Sauger.** No member shall take more than ten (10) per day of largemouth bass, small mouth bass, walleye (not subject to Walleye Spawning Season) and sauger.

b. **Panfish.** No member shall take more than fifty (50) per day of bluegill, sunfish, crappie, and lake whitefish.

c. **Yellow Perch.** No member shall take more than one hundred (100) per day of yellow perch.

d. **Field Bag Limit.** No member shall possess in the field more than twice the daily bag limit for any species of fish.

44.01 **Class D Lake Regulations.** In addition to the restriction on spearing contained in sec. 42.05(b), tribal member fishing is limited to hook and line fishing on the following lakes, and subject to the season, gear and harvest limits specified:

a. **Class D. Lakes.**

(1) Twin Lake #1 (Cheboygan County);

(2) Sand Lake #2 (Grand Traverse County);

(3) Deer Lake, Moon Lake, Sid Lake (Leelenau County);

(4) Keyhole Lake [East], S. Kidney Lake [T45N, R26W, Sec 28], Pauls Lake [North], Pauls Lake [South], Rockingchair Lake [North], Rockingchair Lake [South], Strawberry Lake (Marquette County); and

(5) Dutch Fred Lake, Ned's Lake, Twilight Lake (Schoolcraft County).

b. **Open Season.** Tribal members may use hook and line to harvest fish from the last Saturday in April to September 30.

c. **Bait and Lures.** Only artificial lures may be used, and possession or use of live bait, dead or preserved bait, organic or processed food, or scented material on the water or on shore is prohibited.

d. **Size Limits.** The minimum size for all species of trout and Atlantic salmon is fifteen (15) inches. The minimum size for Coho, Chinook and Pink salmon is ten (10) inches.

e. **Bag Limit.** No member shall possess more than one (1) trout or salmon of any species per day.

44.02 **Type 5 Trout Stream Regulations.** No tribal member shall harvest fish on any of the streams identified in this section, except as authorized herein:

a. **Type 5 Streams.**

(1) Crawford County -- **AuSable Mainstream**, from Burtons landing to Wakely Bridge; **Manistee River** from M-72 downstream to CCC bridge; **North Branch AuSable River** from Sheep Ranch downstream to confluence with Mainstream; **South Branch AuSable River** from Lower High Banks downstream to confluence with Mainstream;

(2) Kalkaska County -- **Manistee River** from M-72 downstream to CCC bridge;

(3) Lake County -- **Little Manistee River** from Spencer's Bridge (T19N, R13W, Sec. 5) downstream to Johnson's Bridge (T20N, R14W, Sec. 24).

b. **Seasons.** Fishing may be conducted for any species all year; provided, however, that brown trout, brook trout and Atlantic salmon may only be possessed from the last Saturday in April through September 30.

c. **Tackle.** Only artificial flies may be used as lures. Any other lure or use of bait is prohibited. No member shall possess live, dead or preserved bait, organic or processed food, or scented materials in any stream or on the banks thereof.

d. **Size Limits.** No member shall harvest a fish which is less than the minimum size prescribed below:

(1) Brook trout, Coho salmon, Chinook salmon and Pink salmon -- ten (10) inches;

(2) Brown trout, rainbow trout (steelhead), splake and Atlantic salmon -- fifteen (15) inches;

(3) Lake trout -- twenty-four (24) inches.

e. **Bag Limits.** No member shall harvest more than two (2) per species per day of lake trout, rainbow trout, splake, brook trout, brown trout and salmon (all varieties).

44.03 **Type 6 Trout Stream Regulations.** No tribal member shall harvest fish on any of the streams identified in this section, except as authorized herein:

a. **Type 6 Streams.** The Escanaba River from Boney Falls Dam downstream to mouth of Silver Creek (T40N R23W, Sec. 11) is a Type 6 Trout Stream.

b. **Seasons.** Fishing may be conducted for any species all year; provided, however, that brown trout, brook trout and Atlantic salmon may only be possessed from the last Saturday in April through September 30.

c. **Tackle.** Only artificial lures may be used to take fish. No member shall possess live, dead or preserved bait, organic or processed food or scented materials in any stream or on the banks thereof.

d. **Size Limits.** No member shall take a fish which is less than the minimum size prescribed below:

(1) Brook trout, splake, Coho salmon, Chinook salmon, Pink salmon -- ten (10) inches

(2) Brown trout, rainbow trout (steelhead) -- twelve (12) inches

(3) Atlantic salmon -- fifteen (15) inches

(4) Lake trout -- twenty-four (24) inches

e. **Bag Limits.** No member shall harvest more than two (2) per species per day of lake trout, rainbow trout, splake, brook trout, brown trout and salmon (all varieties).

44.04 **Type 7 Trout Stream Regulations.** No Tribal member shall fish on any of the streams identified in this section, except as authorized herein:

a. **Type 7 Streams.**

(1) Crawford County -- **South Branch AuSable River** from Chase Bridge downstream to Lower High Banks;

(2) Lake County -- **Pere Marquette River** from M-37 downstream to Gleason's Landing (T17N, R13W, Sec. 18).

b. **Seasons.** Fishing may be conducted for any species all year.

c. **Tackle.** Only artificial flies may be used to take fish. The use of any other lure or bait is prohibited. No member shall possess live, dead or preserved bait, organic or processed food or scented materials in any stream or on the banks thereof.

d. **Catch and Release Required.** Possession after capture of any lake trout, rainbow trout, splake, brook trout, brown trout or salmon (all varieties) is prohibited.

45.01 **Harvest Reporting Required.** Any member who is issued a Harvest Permit to take any species of fish must complete and submit to the Tribe's Conservation Law Enforcement Department a harvest report on the form provided by the Department.

45.02 **Reporting Deadline.** Unless a shorter time period is specified in the Harvest Permit, the member shall submit the report within seven (7) days of the harvest date. Failure to submit the report in the requisite time period is a violation of this Code, and, in addition to any penalties imposed by the Tribal Court upon conviction, shall immediately result in the member's ineligibility for any other fish Harvest Permit for a period of not less than 60 days.

CHAPTER V WILD RICE HARVESTING REGULATIONS

51.01 **Permit Required.** No member shall harvest or gather wild rice pursuant to this Code without possessing a valid wild rice harvesting permit issued by the Tribe's Conservation Law Enforcement Department. No wild rice harvest permit is required of helpers of a permittee who participate only in shore operations.

51.02 **Wild Rice Beds Subject to Harvest.** Wild rice growing within the Exclusive Territory of the Bay Mills Indian Community, as defined in section 11.01(f) of this Code, or within the Ceded Territory, as defined in section 11.01(e) of this Code, may be harvested subject to the provisions of this Chapter. Wild rice on lands and waters subject to Inland Article 13 Rights may only be harvested in areas specified in section 15.01 of this Code.

51.03 **Season for Wild Rice Harvest.** There is no closed season for the harvest of wild rice on any body of water, unless a particular body is subject to a closed season established by the Conservation Committee.

51.04 **Allowable Wild Rice Harvesting Methods.**

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

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

51.05 **Allowable Use of Boat to Harvest Wild Rice.** No member may harvest or gather any wild rice by the use of any boat longer than 17 feet or wider than 38 inches, or with any modification of the gunwale designed to capture rice outside of the boat. The use of any boat propelled by other than muscular power is prohibited. Only a push pole or canoe paddle may be used to propel the boat while it is in a rice bed.

51.06 **Harvest Hours.** No member shall harvest or gather wild rice between sunset and the following 9:00 o'clock a.m. Eastern Time.

51.07 **Harvest Monitoring.** No member shall refuse to cooperate with wild rice harvest monitoring conducted by the Tribe, Great Lakes Fish and Wildlife Commission, or any other entity acting on behalf of the Tribe or with the Tribe's written knowledge and consent.

51.08 **Sale of Wild Rice.**

a. Members are authorized to sell wild rice legally harvested pursuant to this Code.

b. Members are not authorized to sell wild rice harvested on State lands and/or waters, but may utilize such rice for personal, medicinal or cultural purposes.

51.09 **Non-member Assistance.** A member may be assisted in wild rice harvesting activities by the member's spouse, parent, grandparent, child, grandchild, or sibling; provided that the member is physically present during the activity.

51.10 **Harvest by Authorized Officials.** Nothing contained in this Chapter shall prohibit or preclude the Tribe's harvest managers, or Biological Services Division staff of the Great Lakes Indian Fish and Wildlife Commission, or their designees, from harvesting or gathering wild rice for scientific purposes or otherwise within the performance of their duties.