CHIPPEWA OTTAWA RESOURCE AUTHORITY

COMMERCIAL, SUBSISTENCE, AND RECREATIONAL

FISHING REGULATIONS

FOR THE 1836 TREATY CEDED WATERS

OF LAKES SUPERIOR, HURON, AND MICHIGAN

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CHIPPEWA OTTAWA RESOURCE AUTHORITY COMMERCIAL, SUBSISTENCE, AND RECREATIONAL FISHING REGULATIONS FOR THE 1836 TREATY CEDED WATERS OF LAKES SUPERIOR, HURON, AND MICHIGAN

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PART ONE: GENERAL MATTERS

SECTION I. PURPOSE.

These Regulations are adopted to govern the commercial, subsistence, and recreational fishing activities of members of the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians in exercising the Great Lakes fishing rights reserved by the Tribes in the Treaty of March 28, 1836. These Regulations are intended to ensure conservation of the fishery resource for future generations of the Tribes and to ensure safe fishing practices.

SECTION II. SCOPE AND APPLICATION.

These Regulations apply to the commercial, subsistence, and recreational fishing activities of all enrolled members of the Tribes in the 1836 Treaty waters and are in compliance with and implement the Consent Decree and the Management Plan.

SECTION III. DEFINITIONS.

The following terms have the meanings indicated:

(a) "1836 Treaty waters" means all waters of Lake Huron, Lake Michigan, Lake Superior, and connecting waters, which are within the area ceded in Article First of the Treaty of March 28, 1836, 7 Stat. 491.

(b) "Abandoned nets" means:

(1) nets which are not marked and cannot be identified and are tagged by an enforcement officer as such; or

(2) nets which have not been utilized or tended by the fisher for 14 days.

(c) "Active fishing boat" means a boat which is used for fishing at least once in any 14-day period (weather permitting) and which is observed at an access site either unloading fish or leaving the site to engage in fishing.

(d) "Break wall" means a man-made barrier that breaks the force of waves, as before a harbor.

(e) "BSD" means Biological Services Division, which is the biological staff of CORA.

(f) "Commercial fishing" means a fishing activity engaged in for the purpose of sale of fish or parts of fish.

(g) "Consent Decree" means the Consent Decree entered in United States v. Michigan, W.D. Mich. Case No. 2:73 CV 26 on August 8, 2000, including any future modifications made by the Court.

(h) "CORA" means the Chippewa Ottawa Resource Authority, an organization formed by the Tribes which has been delegated certain management and regulatory authority, including the authority to promulgate these Regulations.

(i) "Director" means the Director of the BSD.

(j) "Enforcement Officer" means:

(1) any conservation officer or game warden of a Tribe; or

(2) any conservation officer of the Michigan Department of Natural Resources; or

(3) any enforcement agent of the Bureau of Indian Affairs or the United States Fish and Wildlife Service authorized to enforce the provisions of Title 25, Code of Federal Regulations, Part 249; or

(4) any person authorized by a Tribe's ordinance to enforce these Regulations, including enforcement officers of the Great Lakes Indian Fish and Wildlife Commission if authorized by ordinance of a Tribe; or

(5) any other person authorized by CORA to enforce these Regulations.

(k) "Fishing" or "fishing activity" means fishing for, catching, or taking any species of fish, or attempting to fish for, catch, or take any species of fish from 1836 Treaty waters, including all related activities which occur in or on the water or ice, until such time as the vessel or vehicle is moored, tied up, or grounded.

(l) "Gill net" means a wall of webbing held vertically in the water by weights and floats, and designed to capture fish by means of entanglement.

(m) "GLRC" means the Great Lakes Resources Committee, the committee of CORA charged with promulgating these Regulations and making other management decisions concerning Tribal fishing in the 1836 Treaty waters.

(n) "Grid" means a geographical unit based on ten (10) minutes of latitude by ten (10) minutes of longitude and commonly used by Tribal, State, provincial, and federal governments for reporting fishery statistics. For the purpose of these Regulations, the area of a grid shall

include only those portions of a grid that are within the boundaries of the State of Michigan and the 1836 Treaty waters.

(o) "Impoundment net" means a net designed to capture fish by deflection and to retain them in a live condition until removed (e.g., trap, pound, fyke, or hoop nets, etc.).

(p) "Large mesh gill net" means a gill net having a diagonal stretch mesh measurement of four and one-half (4.5) inches or greater.

(q) "Legged gill net" is a gill net modified to fish suspended above the lake bottom by the addition of legs not less than three (3) feet in length.

(r) "Management Plan" means the Management Plan for the 1836 Treaty Great Lakes Waters adopted by the Tribes and attached to the Consent Decree as Appendix B, including any future changes adopted in accordance with the Management Plan and the Consent Decree.

(s) "Maps" means the attached maps of 1836 Treaty waters which depict various types of zones, management units, refuges, and other areas defined in these Regulations.

(t) "Mile" means statute mile.

(u) "Pier" means a permanent man-made structure built for use by the public extending from land out over the water.

(v) "Recreational fishing" means fishing activity conducted in accordance with Section XVII of these Regulations.

(w) "Regulations" or "these Regulations" means the provisions of this document, including any subsequent modifications or amendments and, for jurisdiction and enforcement purposes, any Tribal regulations adopted in accordance with Section XXIV and any order of the Director issued under Section XXV.

(x) "Round weight" means the total weight in pounds of fish prior to any form of processing, dressing, or eviscerating, and includes the weight of the head, entrails, and skin.

(y) "Seine" means a net used to enclose fish when its ends are pulled together and are drawn to shore or to a vessel.

(z) "Small mesh gill net" means a gill net having a diagonal stretch mesh measurement of two and one-half (2.5) through three (3.0) inches; provided that a gill net used to harvest smelt shall have a diagonal stretch measurement of one (1.0) through one and one-half (1.5) inches.

(aa) "Subsistence fishing" means a Treaty fishing activity solely to provide fish for

personal or family consumption and not for sale or exchange, but does not include recreational fishing.

(bb) "Trap net" means an impoundment net consisting of a lead, heart, tunnel, and pot or crib, the webbing of which is held on the lake bottom by leads and upright in the water by floats and held in place by anchors.

(cc) "Tribes" (or individually, "Tribe") means the five (5) Tribes who are members of CORA: the Bay Mills Indian Community ("Bay Mills"), Grand Traverse Band of Ottawa and Chippewa Indians ("Grand Traverse"), Little River Band of Ottawa Indians ("Little River"), Little Traverse Bay Bands of Odawa Indians ("Little Traverse"), and Sault Ste. Marie Tribe of Chippewa Indians ("Sault Tribe").

(dd) "Unattended nets" means nets which have been tagged by an enforcement officer as such for at least four (4) days, except when fishing through the ice, which the fisher refuses to tend upon reasonable notice from an enforcement officer, or nets which contain decayed fish.

PART TWO: ZONES

SECTION IV. COMMERCIAL FISHING ZONES.

Subject to the provisions of these Regulations, including its closures and restrictions, the following waters are open to Tribal commercial fishing by members of one or more of the Tribes:

(a) The tribal zones described in Section V.

(b) The intertribal zones described in Section VI.

(c) The trap net zones described in Section VII.

SECTION V. TRIBAL ZONES.

(a) General Provisions. Tribal zones are established as provided in this Section. Except as may otherwise be provided in the Consent Decree or the Management Plan, and subject to these Regulations, each Tribe, within all or any portion of its tribal zone, may prohibit commercial fishing or subsistence fishing by fishers from other Tribes, or allow commercial or subsistence fishing by members of other Tribes by issuance of permits to such fishers. Permits may impose restrictions on commercial fishing in the Tribe's tribal zone by fishers from other Tribes that are in addition to or more restrictive than those contained in these Regulations. The following fishing activities are prohibited in tribal zones:

(1) Fishing in the tribal zone of a Tribe when such activity has been prohibited by that Tribe.

(2) Fishing in the tribal zone of a Tribe without a permit from that Tribe when such permit is required.

(3) Fishing in the tribal zone of a Tribe in violation of any permit condition or regulation imposed by that Tribe.

(b) Little Traverse Tribal Zone.

(1) Description: Lake Michigan grids 517 through 519, the southeast quarter (SE¼) of grid 314, and the south half (S½) of grid 415.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Commercial fishing in grid 518 shall be:

(A) Open to trap net fishing year round;

(B) Closed to large mesh gill net fishing except as follows:

a. From October 1 through April 30 west of a line running from Townline Road on the south to the Stuttsmanville Road tower on the north; and

b. From May 1 through September 30 west of a line from Nine Mile Point on the south to Seven Mile Point on the north.

(ii) Large mesh gill net operations in the south half (S½) and northeast quarter (NE¼) of grid 517 and that portion of grid 518 in which large mesh gill net commercial fishing is permitted shall not exceed 12,000 feet of large mesh gill net in the water at any time.

(iii) Fishing for yellow perch in the portion of grid 518 described in Section XIV(a)(4) is permitted subject to the provisions of Section XIV.

(c) Grand Traverse Tribal Zone.

(1) Description: Lake Michigan grids 615, 616, 712 through 716, 812 through 816, 911 through 916, 1011, and the south half (S½) of grid 614.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Trap net operations. This zone is open to trap net operations year round except for grids 915 and 916.

(ii) Large mesh gill net operations:

(A) Grids 615, 616, 715, 716, the south half (S½) of grid 614, and the northern portion of grids 815 and 816 extending one (1) mile south from their northern boundary shall be open year round to large mesh gill net fishing.

(B) Grids 712 and 713 shall be open to large mesh gill net fishing from the day after Labor Day through June 15.

(C) Grid 714 shall be open to large mesh gill net fishing from the day after Labor Day through April 30.

(D) In grids 712, 713, and 714, large mesh gill nets shall be set at depths of thirty (30) feet or deeper from January 1 through April 30 and from the day after Labor Day through September 30, except when fishing for salmon pursuant to Section XII(b).

(E) In addition to the provisions of sub. (D), above, in grids 712 and 713, large mesh gill nets shall be set at depths of fifty (50) feet or less from May 1 through June 15.

(iii) Small mesh gill net operations:

(A) This zone shall be open to small mesh gill net fishing for chubs year round, except that grids 915, 916, and the portion of grids 815 and 816 south of a line one (1) mile south of their northern boundary are closed to all small mesh gill net fishing.

(B) Grids 615, 712, 713, 714, 715 [except for that portion described in Section XIII(a)(1)(i)], 716, and the south half (S½) of grids 614 and 616 shall be open year round to small mesh gill net fishing for yellow perch and walleye.

(d) Little River Tribal Zone.

(1) Description: Lake Michigan grids 1107 through 1111, 1207 through 1211, 1306 through 1310, and 1406 through 1410.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Trap Net Operations. This zone and that portion of the Lake Michigan Southern Development Zone [see Section VI(c)] which is within Whitefish management unit WFM-07 shall be open to up to four (4) Tribal trap net operations, not exceeding twelve (12) nets each. Trap net fishing by any Tribal fisher not authorized to fish by Little River in such waters is prohibited.

(ii) Small Mesh Gill Net Operations. This zone and that Portion of the Lake Michigan Southern Development Zone [see Section VI(c)] which is within whitefish management unit WFM-07 shall be open to fishing up to four (4) Tribal small mesh gill net operations, not exceeding 24,000 feet of net each. Small mesh gill net fishing by any Tribal fisher not authorized to fish by Little River in such waters is prohibited.

(iii) Commercial fishing with large mesh gill nets is prohibited in this zone.

(e) Bay Mills Small Boat Zone.

(1) Description: Those portions of Lake Huron grids 505 and 506 which lie South of a line from Hammond Bay Harbor buoy to the northeast corner of grid 506.

(2) Regulations. Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Commercial fishing shall be restricted to October 1 through December 31, and subject to a spawning closure as described in Section IX(g).

(ii) Effort shall be limited to no more than ten (10) small boats (twenty six [26] feet or less) fishing a maximum of 6,000 feet of large mesh gill net per boat. This limitation includes any boat used for assessment purposes. Fishing by any Tribal fisher not authorized to fish by Bay Mills is prohibited.

(iii) A legged gill net may be set in water in excess of seventy-five (75) feet in depth, and all other nets must be set in water seventy-five (75) feet deep or less. Assessment fishing may be conducted pursuant to the terms of the assessment permit.

(iv) All live lake trout shall be released.

(v) Commercial fishing by Sault Tribe fishers is prohibited in this zone.

(f) Sault Tribe Tribal Zone.

(1) Description: Those portions of Lake Huron within one (1) mile from shore and delineated by the following landmarks:

(i) St. Martin's Bay zone - from Rabbit Back Point north and east to Brulee Point.

(ii) Cordwood Point zone - from Cordwood Point south to a point on half (0.5) mile north of the Hammond Bay harbor light.

(2) Regulations. Subject to the provisions of these Regulations, the following regulations apply in this zone:

(i) The waters described in sub. (1), above, shall be the Sault Tribe Tribal Zone only during the salmon seasons set forth in Section XII(c)(2). At all other times, these waters shall be part of the Northern Lake Huron Inter-Tribal Fishing Zone. See Section VI(d).

(ii) Other restrictions applicable to this zone are set forth in Section XII(c).

(iii) Commercial fishing for salmon by Bay Mills fishers is prohibited in the portion of this zone described in sub. (1)(ii), above.

SECTION VI. INTERTRIBAL ZONES.

(a) Northern Lake Michigan Inter-Tribal Fishing Zone.

(1) Description: Lake Michigan grids 115 through 118, 211 through 220, 310 through 320, 409 through 419, 509 through 516, 613, and the north half (N½) of 614, except for the southeast quarter (SE¼) of grid 314 and the south half (S½) of grid 415.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) This zone shall be open to fishers from all Tribes.

(ii) Fishers from Bay Mills, Little River, and Sault Tribe shall be limited to four hundred (400) pounds round weight of lake trout per vessel per day caught within the following grids: Lake Michigan grids 315, 316, 317, 318, 417, 418, 419, and the north half (N½) of grids 313, 314, and 415.

(iii) Each Tribal trap net operation shall be limited to twelve (12) trap nets in the water at any one time within the following grids: 313, 314, 315, 316, 317, 318, 319, 320, 413, 414, 415, 416, 417, 418, and 419.

(b) Lake Michigan Northern Development Zone.

(1) Description: Lake Michigan grids 610 through 612, 709 through 711, 808

through 811, 908 through 910, and 1008 through 1010.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Grids 711, 811, 910, and 1010 shall be open to Grand Traverse trap net operations targeting whitefish; provided, that the aggregate net effort shall not exceed twelve (12) nets in the water at any one time.

(ii) Except as provided in sub. (i), above, tribal commercial fishing in this zone shall be limited to a permit fishery targeting bloater chubs.

(iii) Tribal commercial fishing for all other species is prohibited.

(c) Lake Michigan Southern Development Zone.

(1) Description: All 1836 Treaty waters of Lake Michigan south of the northern boundary of the 1500 tier of grids.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Trap Net Operations. The portion of this zone that is within whitefish management unit WFM-08 shall be open to two (2) Tribal trap net operations, not to exceed twelve (12) nets for each operation. Trap net fishing by any Tribal fisher not authorized to fish by Little River in such waters is prohibited.

(ii) Small Mesh Gill Net Operations: The portion of this zone that is within whitefish management unit WFM-08 shall be open to one (1) Tribal operation not exceeding 24,000 feet of net. Small mesh gill net fishing by any Tribal fisher not authorized to fish by Little River in such waters is prohibited.

(iii) Commercial fishing with large mesh gill nets is prohibited in this zone.

(iv) This zone shall be managed and regulated in the same manner as the Little River Tribal Zone in accordance with Section V(a).

(d) Northern Lake Huron Inter-Tribal Fishing Zone.

(1) Description: Lake Huron grids 202, 207 through 209, 301 through 309, 401 through 410, 504, and those portions of grids 505 and 506 which lie north of a line from Hammond Bay Harbor buoy to the northeast corner of grid 506, except for those portions of grids 303 and 304 closed to all commercial fishing as described in Section VIII(e).

(2) Regulations: Subject to the provisions of these Regulations, the following regulations shall apply in this zone:

(i) Except as provided in sub. (iii), below, this zone shall be open to fishers from all Tribes.

(ii) The area described in Section VIII(f) shall be closed to commercial fishing beginning the Friday before Memorial Day through Labor Day.

(iii) The following restrictions apply to large mesh gill net operations in that portion of Lake Huron grids 505 and 506 that lies north of the line described in sub. (1), above:

(A) Effort shall be restricted to a maximum of 8,500 feet of net per vessel; and

(B) Fishing shall be limited to depths of seventy-five (75) feet or deeper from the Friday before Memorial Day through Labor Day.

(e) Lake Superior Inter-Tribal Fishing Zone.

(1) Description: All Lake Superior water east of the western edge of grids 934, 1034, 1134, 1234, 1334, 1434, 1534, and 1634.

(2) This zone shall be open to fishers from all Tribes subject to the provisions of these Regulations.

SECTION VII. TRAP NET ZONES.

(a) Bay de Noc Trap Net Zone.

(1) Description: Lake Michigan grids 306, 308, 309, 406 through 408, and 506 through 508.

(2) Regulations: Subject to the provisions of these Regulations, the following regulations apply in this zone:

(i) All Tribal commercial and subsistence fishing is prohibited west of a line extending from the mouth of the Escanaba River in Delta County due east to the center of the shipping channel, thence due south to the Michigan-Wisconsin border.

(ii) Except as provided in sub. (v), below, Tribal commercial fishing by any method other than trap nets is prohibited.

(iii) Each trap net operation may set no more than fifteen (15) trap nets

at any one time.

(iv) Little Traverse may locate one (1) trap net operation within this zone, and the remainder of the trap net operations shall be Sault Tribe fishers. Commercial fishing with trap nets by fishers from any other Tribe, or by fishers from Little Traverse or Sault Tribe who have not been authorized to fish in this zone by their Tribe, is prohibited.

(v) Notwithstanding the above, fishing for yellow perch in the portion of grid 508 described in Section XIV(a)(2) is open to all Tribes in accordance with Section XIV.

(b) Southern Lake Huron Trap Net Zone.

(1) Description: Lake Huron grids 507 through 512, 606 through 611, 709, and those portions of grids 612, 613, 710, 711, and 810 which are north of a line from the mouth of the Thunder Bay River in a straight line northeast through the northeast corner of grid 711 to the international border.

(2) Regulations: Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Except as provided in sub. (v), below, Tribal commercial fishing by any method other than trap nets shall be prohibited.

(ii) Trap net fishing in this zone shall be open only to Bay Mills and Sault Tribe trap net fishers by permit. Trap net fishing by fishers from Grand Traverse, Little River, and Little Traverse is prohibited. The permits shall be allocated equally between Bay Mills and Sault Tribe. If a Tribe has insufficient fishers interested in the permits allocated to it, the excess permits shall be made available for issuance by the other Tribe.

(iii) A total of four (4) trap net operations shall be authorized for this zone. Trap net fishing by fishers from Bay Mills and Sault Tribe who have not been authorized by their Tribe to fish in this zone is prohibited.

(iv) Each trap net operation may set no more than twelve (12) trap nets at any one time within the zone.

(v) Fishing for chubs with small mesh gill nets or small mesh trap nets shall be authorized only by permit issued by CORA. Such permits shall be available to fishers from any Tribe.

(vi) Bay Mills and Sault Tribe may authorize the Tribal fishers permitted to fish with trap nets in this zone to obtain permits from the State to fish with trap nets in those waters within the State of Michigan south of the southern

boundary of this zone and north of a line from the tip of North Point on Thunder Bay in a straight line northeast parallel to the southern boundary of this zone to the international border. The aggregate net effort allowed by all such permits shall not exceed sixteen (16) nets.

(c) Western Lake Superior Trap Net Zone.

(1) Description: All 1836 Treaty waters west of the western edge of grids 934, 1034, 1134, 1234, 1334, 1434, 1534, and 1634.

(2) Tribal commercial fishing by any method other than trap nets is prohibited.

SECTION VIII. CLOSED OR LIMITED FISHING ZONES.

Except as otherwise provided in this section, Tribal commercial fishing is prohibited in the following areas:

(a) The St. Mary's River, east of a line extending from Point Aux Pins, Ontario, to Brush Point, Michigan, downstream to the Detour - Drummond Island ferry docks, including all of Potagannissing Bay from Hay Point (Drummond Island) west to Cherry Island and north to the international boundary.

(b) Lake Michigan grid 519 in Little Traverse Bay.

(c) Lake Michigan grids 915 and 916 in Grand Traverse Bay.

(d) Those portions of Lake Michigan grid 306 that lie within 1836 Treaty waters and north of a line from the mouth of the Ford River to Peninsula Point.

(e) Those portions of Lake Huron grids 303 and 304 described as follows: The Les Cheneaux channels, or entrances thereto, or waters adjacent thereto within a line drawn as follows: beginning at the southernmost point of land on the westerly side of McKay Bay; then southerly in a straight line to the northernmost point of Boot Island; then along the eastern shore of Boot Island to its southernmost point; then along the south shoreline of Boot Island to its westernmost point; then westerly in a straight line to the southernmost point of Government Island; then along the shoreline of Government Island to the point at which the distance between said island and LaSalle Island is the least, then westerly in a straight line to LaSalle Island; then along the eastern and southern shoreline of LaSalle Island to the point at which the distance between said island and Little LaSalle Island is the least; then westerly in a straight line to Little LaSalle Island; then westerly along the southern shoreline of Little LaSalle Island to its westernmost point; then westerly in a straight line to the eastern shore of Marquette Island; then along the southwestern shore of Marquette Island to Coats Point; then northwesterly to the southernmost part of Brulee Point, except that trap net fishing targeting whitefish shall be permitted in that portion of Lake Huron grid 303 within the area encompassed by a line from Coats Point on Marquette Island along the western shore of said island to Cube Point; then due

west to the shore of Brulee Point; then southeasterly along said shore to the southern tip of Brulee Point; then southeasterly to Coats Point on Marquette Island.

(f) For the period from the Friday before Memorial Day through Labor Day only, those portions of Lake Huron grids 304 and 305 north of a line beginning at the southerly point of land on the easterly side of Dudley Bay (Cadogan Point); then running southwesterly in a straight line to the southeasterly end of Beaver Tail Point; then running westerly in a straight line to the southeasterly end of Whitefish Point in Mackinac County.

(g) Any area within one hundred (100) yards of any break wall or pier; provided, that this prohibition shall not apply to salmon fishing authorized by these Regulations.

(h) Any area within three-tenths (0.3) mile radius of the mouth of the following streams; provided, that this prohibition shall not apply to salmon fishing authorized by these Regulations:

(1) Lake Superior.

(i) Marquette County: Chocolay River and Sand River;

(ii) Alger County: Laughing Whitefish River, Autrain River, Anna River, Mosquito River, Seven Mile Creek, and Hurricane River;

(iii) Luce County: Blind Sucker River, Big Two Hearted River, and Little Two Hearted River; and

(iv) Chippewa County: Tahquamenon River and Pendills Creek.

(2) Lake Huron.

(i) Mackinac County: Nunns Creek, Pine River, and Carp River;

(ii) Cheboygan County: Cheboygan River;

(iii) Presque Isle County: Ocqueoc River, Swan River, and Grand Lake Outlet;

(iv) Alpena County: Thunder Bay River.

(3) Lake Michigan.

(i) Delta County: Escanaba River, Days River, Tacoosh River, Rapid River, Whitefish River, Ogontz River, Sturgeon River, Big Fishdam River, and Little Fishdam River;

(ii) Schoolcraft County: Thompson Creek, Manistique River, and

Milakokia River;

(iii) Mackinac County: Crow River, Millecoquins River, Black River, Paquin Creek, Cut River, and Brevort River;

(iv) Emmet County: Carp Lake River and Bear River;

(v) Charlevoix County: Pine River;

(vi) Antrim County: Elk River;

(vii) Grand Traverse County: Boardman River;

(viii) Leelanau County: Leland River;

(ix) Benzie County: Platte River and Betsie River;

(x) Manistee County: Arcadia Lake Outlet, Portage Lake Outlet, and Manistee River;

(xi) Mason County: Pere Marquette River;

(xii) Oceana County: Pentwater Lake Outlet, Silver Creek, and Stoney Creek;

(xiii) Muskegon County: White River and Muskegon River; and

(xiv) Ottawa County: Grand River.

(i) The following provisions for harbor closures shall apply:

(1) The area within one-half (0.5) mile of the break walls at the Hammond Bay Harbor of Refuge; provided, that in that portion of this closure that lies within the Bay Mills Small Boat Zone described in Section V(e)(1), the closure shall be reduced to three-tenths (0.3) mile during any period in which fishing in that zone is restricted to depths of seventy-five (75) feet or less.

(2) The area within two (2) miles of the break walls at Rogers City.

PART THREE: GEAR

SECTION IX. GEAR RESTRICTIONS.

(a) The following are the only types of gear which shall be permitted for commercial fishing activity:

(1) Large mesh gill nets;

(2) Small mesh gill nets;

(3) Impoundment nets;

(4) Seines; and

(5) Hooks.

(b) Trap nets shall have a four and one-half (4.5) inch (stretch) minimum pot mesh size, except:

(1) Trap nets of four and one-quarter (4.25) inches pot mesh size or greater may be used if they were used within 1836 Treaty waters prior to May 31, 2000.

(2) Small mesh trap nets having a two and one-half (2.5) to three (3.0) inch (stretch) pot mesh size may be used for fishing for yellow perch, chubs, or other appropriate species as authorized by GLRC.

(3) Small mesh trap nets having a one (1.0) to one and one-half (1.5) inch (stretch) pot mesh size may be used solely for fishing smelt.

(c) All nets shall be clearly marked at each end with a buoy on the surface, showing the license number of the owner. Commencing in 2002, nets shall be marked as follows:

(1) All gill nets set in depths greater than fifteen (15) feet shall have a staff buoy at each end with at least four (4) feet exposed above the surface of the water with a red or orange flag no less than twelve (12) inches by twelve (12) inches bearing the license number of the fisher and affixed to the top of the staff. Ice poles, painted red or orange on the top and bearing the license number of the fisher, may be used between November 1 and May 31 in Lake Superior waters, and between November 1 and April 30 in all other 1836 Treaty waters.

(2) Any gill net or portion of a gill net set in water less than fifteen (15) feet deep shall have: a red or orange float not less than one (1) gallon in size, or a red or orange PVC float that is at least six (6) inches by fourteen (14) inches in size, on each end that is in water less than fifteen (15) feet deep. The floats at the ends of the net shall bear the license number of the fisher. In addition, each such net shall also have either:

(i) An additional float of the size described above spaced every three hundred (300) feet or less along the length of the net that is in water less than fifteen (15) feet; or

(ii) Standard commercially available fluorescent orange floats at least one and one-half (1.5) inches by four (4) inches in size along the corkline not less

than every twelve (12) feet in water less than fifteen (15) feet.

(3) All trap nets must be marked with a staff buoy on the pot with at least four (4) feet exposed above the surface of the water with a red or orange flag no less than twelve (12) inches by twelve (12) inches bearing the license number of the fisher and affixed to the top of the staff. Ice poles, painted red or orange on the top and bearing the license number of the fisher, may be used between November 1 and May 31 in Lake Superior waters, and between November 1 and April 30 in all other 1836 Treaty waters. From May 1 to November 7, the king anchor and inside end of the lead shall also be marked with a red or orange float not less than one (1) gallon in size.

(4) All trap nets used for fishing from September 1 through December 31 within ten (10) feet of the surface of the water shall have a staff buoy on the pot and at the terminating end of the lead, with at least four (4) feet exposed above the surface of the water with a red or orange flag no less than twelve (12) inches by twelve (12) inches bearing the license number of the fisher affixed to the top of the staff. Each net shall have placed at the king anchor and at the end of the wings a red or orange float not less than one (1) gallon in size, or a red or orange PVC float that is at least six (6) inches by fourteen (14) inches in size. Each trap net lead shall have attached along the top edge of the net fluorescent orange floats at least six (6) inches by fourteen (14) inches in size, which are evenly spaced along the length of the lead every 300 feet or less; provided, trap net fishers may request from their Tribe an exemption from this requirement for nets located in areas of strong current.

(5) All trap nets shall have identifier markers bearing the tribal fishers commercial fishing license number placed on the pot of each net where the lead ties to the pot effective March 1, 2007.

(d) No Tribal commercial fisher shall use large mesh gill nets with mesh greater than five and one-half (5.5) inches stretch measurement at any time in any 1836 Treaty waters except as follows:

(1) When fishing for salmon under these Regulations; or

(2) When fishing in Lake Superior Lake Trout Management Unit MI-8 using large mesh gill nets that were used in that area prior to May 31, 2000.

(e) The use of any gear, mesh size, or method of capturing fish for commercial purposes not authorized by subs. (a) through (d), above, is prohibited.

(f) Tribal commercial fishing gear shall not be set in a manner which completely blocks or entirely prevents the free passage of fish into and out of streams that flow into 1836 Treaty waters.

(g) All commercial fishing with impoundment nets and large mesh gill nets shall be

prohibited during the period from 12:00 noon November 6 through 12:00 noon November 29 to protect spawning lake trout and whitefish. Trap nets may remain in the water during this period, but trap net tunnels must be tied closed. During this period, fishing for or retention of whitefish or lake trout caught in any gear is prohibited.

(h) Commercial fishing with small mesh gill nets in six (6) fathoms of water or less shall be prohibited from 12:00 noon October 15 through 12:00 noon November 15.

(i) The use of small mesh gill nets in Lakes Huron and Michigan in waters between fifteen (15) fathoms and forty (40) fathoms is prohibited at all times.

(j) The trap net operations received by Little Traverse as described in section X.A.2.b. of the Consent Decree may also be used for fishing large mesh gill nets for salmon only and for fishing small mesh gill nets for all permitted species. Large mesh gill net fishing by these operations for any species other than salmon is prohibited.

(k) Possession of a firearm while engaged in fishing activity under these Regulations is prohibited.

(l) No tribal fisher shall have unattended nets in 1836 Treaty waters. Unattended and abandoned nets may be seized by an enforcement officer and forfeited; provided, that if the nets have been reported to the appropriate Tribe as vandalized or lost prior to seizure, the fisher shall be provided a reasonable opportunity to retrieve the nets.

(m) Floating buoy or staff lines on the surface of the water shall not exceed 5' (five feet) in length; provided fishers may request from their Tribe an exemption from this requirement for nets located in areas of strong current.

SECTION X. STATE-FUNDED TRAP NET CONVERSION OPERATIONS.

(a) Upon acceptance of a state-funded conversion trap net operation under section X.C. of the Consent Decree, use or possession on the water of large mesh gill nets by a converted Tribal fisher is prohibited, except as provided in sub. (c), below.

(b) Use or possession on the water of small mesh gill nets is prohibited on state-funded conversion trap net vessels, except for the taking of chubs and menominee.

(c) A Tribal fisher who converts to trap nets under section X.C. of the Consent Decree shall not thereafter resume the use of large mesh gill nets except as follows:

(1) Subject to Tribal approval, after two (2) years of use of the trap net operation, the fisher may exchange license and gear with another Tribal licensee who represents at least sixty percent (60%) of the average large mesh gill net effort of the converted fisher during the years 1997 through 1999.

(2) Subject to Tribal approval, a converted fisher may acquire a large mesh gill net operation and license if the fisher has sold his trap net operation and retired from the fishery for a period of two (2) years.

(d) A Tribal fisher who participates in the gill net conversion program under section X.C. of the Consent Decree may sell his or her trap net operation and transfer the fisher's captain's license as provided under current Tribal regulations. Anyone acquiring such a conversion trap net operation shall be subject to the same restrictions as the original conversion program participant.

(e) Any Sault Tribe fisher who converts to trap nets under the program described in Section X.C. of the Consent Decree and who moves his or her fishing operation to one of the trap net zones described in Section VII(a) or Section VII(b) is prohibited from fishing in the following area for a period of two years after his or her conversion: Lake Michigan grids 313, 314, 315, 316, 317, 318, 319, 320, 413, 414, 415, 416, 417, 418, and 419. Thereafter, the fisher may fish in this area only if GLRC authorizes the fisher to do so.

PART FOUR: SPECIES

SECTION XI. LAKE TROUT.

(a) Lake Trout Refuges.

(1) The following areas shall be lake trout refuges:

(i) In Lake Huron, grids 307 through 309, the north half (N½) of grid 407, and grids 408 through 410.

(ii) In Lake Michigan, two (2) locations:

(A) Grids 413, 414, 513, 514, 515, 516, and 613; the south half (S½) of grids 313, 314, and 415; the north half (N½) of grid 614; and the northwest quarter (NW¼) of grid 517.

(B) Grids 1606, 1607, 1706, 1707, 1806, 1807, 1906, and 1907.

(2) Commercial and subsistence fishing with gill nets is prohibited in any refuge.

(3) Commercial fishing with trap nets is permitted in any refuge, but retention of lake trout is prohibited.

(4) Retention of lake trout caught by commercial, subsistence, or recreational fishers in any lake trout refuge is prohibited.

(b) Retention of Lake Trout by Tribal Fishers.

(1) In trap net zones identified in Section VII retention of lake trout caught in trap nets is prohibited. All lake trout caught by such fishers shall be returned to the water whether dead or alive.

(2) All Tribal trap net fishers who have converted their operations to trap net operations at the expense of the State of Michigan, either as part of the gill net conversion program described in section X.C. of the Consent Decree or through any supplemental conversion program instituted while the Consent Decree is in effect, are prohibited from retaining lake trout. All lake trout caught by such fishers shall be returned to the water whether dead or alive.

(3) A lake trout bag limit not to exceed one hundred (100) pounds round weight per vessel per day shall apply to all other Tribal trap net fishers. No lake trout under seventeen (17) inches long shall be retained.

(4) All live lake trout less than seventeen (17) inches long caught by Tribal gill net fishers shall be released. No more than fifteen (15) pounds round weight per vessel per day of undersized lake trout shall be retained by Tribal gill net fishers. Undersized lake trout shall not be offered for sale.

(5) Fishers from Bay Mills, Little River, and Sault Tribe shall be limited to four hundred (400) pounds round weight of lake trout per vessel per day caught within the following grids: Lake Michigan grids 315, 316, 317, 318, 417, 418, 419, and the north half (N½) of grids 313, 314, and 415.

SECTION XII. SALMON.

Subject to the other provisions of these Regulations, salmon fishing is authorized as provided in this section.

(a) Little Traverse Salmon Fishery. A limited entry permit salmon fishery in Lake Michigan for Little Traverse fishers is authorized subject to the following restrictions:

(1) Salmon fishing by Little Traverse fishers shall be permitted within one (1) mile from shore from Seven Mile Point in grid 518 north to McGulpin Point in grid 320, from 12:00 a.m. August 1 through 6:00 p.m. October 15.

(2) Nets may be fished at the surface in this fishery from 12:00 a.m. September 10 through 6:00 p.m. October 15. At all other times during the salmon season in this salmon fishery, nets shall be set at least eight (8) feet below the surface.

(b) Grand Traverse Salmon Fishery. A salmon fishery in Lake Michigan for Grand Traverse fishers is authorized subject to the limitations of this subsection:

(1) Salmon fishing shall be permitted from 12:00 a.m. September 15

through 6:00 p.m. October 30 in grid 615, the south half (S½) of grid 614, and in that portion of grid 714 which is north of an east-west line commencing three-tenths (0.3) mile north of mouth of the Leland River.

(2) Salmon fishing shall be permitted from 12:00 a.m. the day after Labor Day through 6:00 p.m. October 30 in those portions of grids 715 and 815 within the boundaries of a line from the tip of Omena Point to buoy N"2" off Omena Point, then to buoy C"1" off Stony (Suttons) Point, and then due west to the intersection with the Leelanau Peninsula.

(c) Lake Huron Salmon Fishery. A salmon fishery in Lake Huron shall be authorized subject to Section V(f) and the limitations of this subsection:

(1) Fishing for salmon by the Tribal commercial fishers is limited to the Sault Tribe Tribal Zone described in Section V(f)(1).

(2) Salmon fishing shall be permitted from 12:00 a.m. August 1 through 6:00 p.m. October 15 in the St. Martin's Bay zone, and from 12:00 a.m. September 10 through 6:00 p.m. October 15 in the Cordwood Point zone.

(3) Nets may be fished at the surface at any time during the specified salmon seasons in the areas described in subs. (1) and (2), above.

(d) Except as provided in subs. (1), (2), and (3), above, commercial fishing for salmon is prohibited, except the for incidental harvest allowed in sub. (e), below.

(e) Retention of more than two hundred (200) pounds round weight per vessel per day of salmon caught as incidental catch in gill nets in waters and seasons not open to salmon fishing is prohibited.

(f) Retention of salmon caught in trap nets is prohibited. All salmon caught in trap nets must be returned to the water whether dead or alive.

(g) Net Marking. Salmon nets shall be marked in accordance with the following:

(1) Each gang of salmon nets shall be marked at each end with a staff buoy which extends a minimum of five (5) feet above the surface and which:

(i) is at least fifty percent (50%) reflective orange in color;

(ii) has affixed to the top one orange flag twelve (12) inches by twelve (12) inches in size; and

(iii) has affixed the license number of the fisher.

(2) Each gang of nets shall have attached along the top edge of the net orange PVC floats which are at least six (6) inches by fourteen (14) inches in size and which are evenly spaced along the length of the gang at intervals of not more than three hundred (300) feet of net.

(h) Salmon nets shall be set in a manner that permits reasonable ingress and egress by shoreline residents.

SECTION XIII. WALLEYE.

(a) Walleye Fishing Areas. Tribal commercial fishing for walleye is permitted in the following locations, subject to the restrictions in this section and the other provisions of these Regulations:

(1) Lake Michigan grids 116, 117, 118, 218, 219, 615, 712, 713, 714, 715, 716, and the south half (S½) of grids 614 and 616, subject to the following restrictions:

(i) The area in grid 715 north and west of a line from the tip of Northport Point in a direct line to R"2" Bell buoy off Northport Point, then due west to the shore, is closed to walleye fishing except from March 16 through April 23. Fishing for walleye during this period shall be limited to depths of twenty (20) feet or less using impoundment nets. All yellow perch shall be returned to the water dead or alive.

(ii) Small mesh gill nets shall be limited to two and three-quarters (2.75) to three (3.0) inch stretch measure in the north half (N½) of grid 715 outside of the area described in sub. (I), above.

(iii) Small mesh gill nets shall not be set in waters greater than ninety (90) feet deep in grids 712, 713, and 714.

(iv) Small mesh gill nets shall not be set in waters less than twenty (20) feet deep or greater than ninety (90) feet deep in grids 615 and 716, the south half (S½) of grids 614 and 616, and the portion of grid 715 outside the area described in sub. (I), above.

(v) Nets set for walleye in grids 712, 713, 714, 715, 716, 615, and the south half (S½) of grids 614 and 616 shall be no more than six (6) feet in height and shall be set with the lead line on the bottom of the lake.

(vi) Grids 615, 712, 713, 714, 715, 716, and the south half (S½) of grids 614 and 616 are within the Grand Traverse Tribal Zone and subject to additional restrictions applicable to that zone.

(2) Lake Huron grids 202, 301 through 306, and 401 through 403, except for those portions of grids 303 through 305 described in Section VIII(e) and seasonally as provided in Section VIII(f).

(3) Lake Superior grid 1646.

(b) Except as provided in sub. (a), above, and subs. (c) and (d), below, Tribal commercial fishing for walleye is prohibited.

(c) Possession of more than fifteen (15) pounds round weight of walleye per vessel per day caught in all 1836 Treaty waters not identified in sub. (a), above, is prohibited.

(d) Possession of more than fifteen (15) pounds round weight of walleye per vessel per day caught in the 1836 Treaty waters identified in sub. (a), above, during a closed season specified in this section is prohibited.

(e) In order to protect walleye spawning stocks, the following shall apply to Tribal commercial fishers in those waters in which walleye commercial fishing is permitted:

(1) Except as provided in sub. (A)(1)(i), above, in Lakes Michigan and Superior, fishing for walleye is prohibited during the period from 12:00 noon March 15 through 12:00 noon May 1.

(2) In Lake Huron, fishing for walleye is prohibited during the period from 12:00 noon March 15 through 12:00 noon May 15.

(f) Walleye less than fifteen (15) inches long caught in impoundment nets shall be returned to the water dead or alive. Possession of more than fifteen (15) pounds round weight of walleye less than fifteen (15) inches long captured in gill nets is prohibited. No undersized walleye shall be offered for sale.

(g) Retention of walleye caught in the trap net zones identified in Section VII is prohibited. All walleye caught in the trap net zones shall be returned to the water dead or alive.

SECTION XIV. YELLOW PERCH.

(a) Yellow Perch Fishing Areas. Subject to the other provisions of these Regulations and the restrictions contained in this section, the following waters are open to Tribal commercial fishing targeting yellow perch:

(1) Lake Michigan grids 116, 117, 118, 218, 219, 615, 712, 713, 714, 715, 716, and the south half (S½) of grids 614 and 616, subject to the following restrictions:

(i) The area in grid 715 north and west of a line from the tip of Northport Point in a direct line to R"2" Bell buoy off Northport Point, then due west to the shore, is closed to commercial fishing for yellow perch.

(ii) Small mesh gill nets shall be limited to two and three-quarters (2.75) to three (3.0) inch stretch measure in the north half (N½) of grid 715 outside of the area described in sub.(I), above.

(iii) Small mesh gill nets shall not be set in waters greater than ninety (90) feet deep in grids 712, 713, and 714.

(iv) Small mesh gill nets shall not be set in waters less than twenty (20) feet deep or greater than ninety (90) feet deep in grids 615 and 716, the south half (S½) of grids 614 and 616, and the portion of grid 715 outside the area described in sub. (I), above.

(v) Nets set for yellow perch in grids 712, 713, 714, 715, 716, 615, and the south half (S½) grids 614 and 616 shall be no more than six (6) feet in height and shall be set with the lead line on the bottom of the lake.

(vi) Grids 615, 712, 713, 714, 715, 716, and the south half (S½) of grids 614 and 616 are within the Grand Traverse Tribal Zone and subject to additional restrictions applicable to that zone.

(2) The northeast quarter (NE¼) of Lake Michigan grid 508, and a narrow strip of water along the eastern part of the northwest quarter (NW¼) of grid 508 near St. Martins Island and described as follows: commencing at the eastern shore of St. Martins Island at forty-five degrees thirty minutes (45□ 30') north latitude; then southward along the shore of St. Martins Island to its southernmost tip; then due south to the intersection of the Michigan-Wisconsin border; then southeastward to the intersection with the eighty-six degrees forty minutes (86□ 40') west longitude; then northward along said longitude to the intersection with forty-five degrees thirty minutes (45□ 30') north latitude; then westward along said latitude to the point of beginning.

(3) Lake Michigan grids 315 to 319 and that portion of grid 320 west of McGulpin Point except:

(i) St. James Harbor west of eighty-five degrees thirty minutes (85□ 30') west longitude; and

(ii) In grid 318, that part east of a line from the westernmost tip of Waugoshance Point to the southeast corner of the grid.

(4) The portions of Lake Michigan grids 418 and 518 described as follows: the area bounded by a line from the church spire at Middle Village southward to a line running from Townline Road on the south to the Stuttsmanville Road tower to the north; then south along that line a distance of three (3) miles; then along a line paralleling the shore and three (3) miles from the shore to a point due west of the church spire at Middle Village; then east to the shore. The portion of this area that is within grid 518 is within the Little Traverse Tribal Zone and is subject to additional restrictions applicable to that

zone. The portion of this area in grid 418 shall be open to fishers from other Tribes as determined by Little Traverse in its discretion.

(5) Lake Huron grids 202, 301 through 306, and 401 through 403, except for those portions of grids 303 through 305 closed to tribal commercial fishing under Section VIII(e) and seasonally as provided in Section VIII(f).

(6) Lake Superior grid 1646.

(b) Seasonal Closures. The following seasonal closures shall apply to Tribal commercial fishing for yellow perch:

(1) Except as provided in sub. (2), below, fishing for yellow perch is prohibited, during the period from 12:00 noon April 1 through 12:00 noon May 15 in those waters in which fishing for yellow perch is permitted.

(2) For the waters described in subs. (a)(3) and (4) above, fishing for yellow perch is prohibited during the period from 12:00 noon May 15 through 12:00 noon June 30.

(3) In Lake Michigan, the north half (N½) of the southwest quarter (SW¼) of grid 316 shall be closed to yellow perch fishing from May 15 through Labor Day;

(4) In grid 318 in Lake Michigan, the area east of a line from the westernmost tip of Waugoshance Island to the southeast corner of grid 318 shall be closed to yellow perch fishing from and including December 1 through March 31.

(c) Yellow perch fishing in the waters described in sub. (a)(3) and (4), above, shall be subject to the following restrictions:

(1) Yellow perch fishing shall be pursued in water depths between twenty (20) and ninety (90) feet.

(2) Nets set for yellow perch shall be no more than six (6) feet in height and shall be set with the lead line on the bottom of the lake.

(d) Except as provided in sub. (a), above, and subs. (e) and (f), below, commercial fishing for yellow perch is prohibited.

(e) Possession of more than fifteen (15) pounds round weight of yellow perch per vessel per day caught in all 1836 Treaty waters not identified in sub. (a), above, is prohibited.

(f) Possession of more than fifteen (15) pounds round weight of yellow perch per vessel per day caught in the 1836 Treaty waters identified in sub. (a), above, during a closed season specified in this section is prohibited.

(g) Yellow perch less than eight (8) inches long caught in impoundment nets shall be returned to the water dead or alive. Possession of more than fifteen (15) pounds round weight of yellow perch less than eight (8) inches long captured in gill nets is prohibited. No undersized yellow perch shall be offered for sale.

(h) Except as provided in sub. (a)(2), above, retention of yellow perch caught in the trap net zones identified in Section V is prohibited. All yellow perch caught in the trap net zones shall be returned to the water dead or alive.

SECTION XV. OTHER SPECIES.

(a) The commercial harvest of lake trout, salmon, walleye, yellow perch, whitefish, bloater chubs, menominee, lake herring, and any other species is authorized unless specifically prohibited in Section XVI.

(b) Whitefish. Whitefish less than seventeen (17) inches long shall be returned to the water immediately if alive. Possession of more than fifty (50) pounds round weight of undersized whitefish is prohibited. No undersized whitefish shall be offered for sale.

(c) Lake Herring. In order to protect lake herring spawning stocks, the following shall apply to Tribal commercial fishers during the period from 12:00 noon November 15 through 12:00 noon December 15:

(1) Fishing for lake herring is prohibited.

(2) Possession of more than four hundred (400) pounds round weight of lake herring is prohibited.

(d) Smelt. Tribal commercial and subsistence fishers may harvest smelt, provided that:

(1) Target fishing for smelt is limited to the period of March 1 through May 31; and

(2) Possession of any species other than smelt by a commercial fisher is prohibited when fishing with:

(i) small mesh gill net with a diagonal stretch measurement of one (1.0) through one and one-half (1.5) inches; or

(ii) trap net having a one (1.0) to one and one-half (1.5) inch (stretch) pot mesh size and

(3) No smelt net shall be set within three hundred (300) feet of the mouth of any stream which is not listed in Section VIII(h); and

(4) All other restrictions applicable to commercial (Part One through Four) and subsistence (Chapter XIX) fishers continue to apply to the harvest of smelt.

SECTION XVI. PROHIBITED SPECIES.

(a) The following fish species shall not be targeted for harvest or offered for sale or exchange when taken as bycatch during commercial fishing activities: muskellunge (except in Lake Michigan), splake, brown trout, brook trout, rainbow (steelhead) trout, Atlantic salmon, largemouth and smallmouth bass, and northern pike. Retention of such species when taken as bycatch during commercial trap net fishing is prohibited. Retention of more than twenty-five (25) pounds round weight per vessel per day of such species as bycatch during commercial gill net fishing is prohibited.

(b) The following fish species shall not be targeted for harvest or offered for sale or exchange when taken as a bycatch during commercial fishing, and any catch shall immediately be returned to the water if alive or, if not alive, shall be turned in to the BSD, Tribal biological staff, or the nearest Michigan Department of Natural Resources field office and shall not be retained in possession: lake sturgeon, muskellunge (Lake Michigan only), and any fish species listed as threatened or endangered under the Federal Endangered Species Act.

PART FIVE: NON-COMMERCIAL FISHING

SECTION XVII. RECREATIONAL FISHING.

Tribal members may engage in recreational fishing in the 1836 Treaty waters subject to the bag limits, seasons, size limits, closed areas, and gear and method restrictions applicable to recreational fishers licensed by the State of Michigan. Tribal members engaged in recreational fishing must have a Tribal membership identification card in their possession, but no further license is required.

SECTION XVIII. TRIBAL CHARTER BOAT OPERATIONS.

(a) Any Tribe which authorizes or conducts a charter boat operation shall adopt safety inspection standards for its charter operations substantially similar to those that exist under current State law for vessels carrying passengers for hire.

(b) Customers of Tribal charter operations who are not members of one of the Tribes shall be subject to applicable State law including, but not limited to, licensing requirements, rod limits, size and bag limits, daily possession limits, and seasons.

(c) Any Tribal charter boat operation shall report its charter boat harvest, including the number and weight of species caught by recreational fishers, and areas fished, to the State in accordance with provisions applicable to state-licensed charter boat operations.

SECTION XIX. SUBSISTENCE FISHING.

(a) The following are permitted gear for tribal subsistence fishing activity: impoundment gear, hooks, spears, bow and arrow, artificial lights, seines, dip nets, and a single large mesh or small mesh gill net as regulated in this section.

(b) Each gang of gill nets or impoundment nets used in subsistence fishing activity shall be marked at each end with an orange float equivalent to at least a one (1) gallon jug in size bearing the Tribal ID number of the subsistence fisher.

(c) Tribal fishers who engage in subsistence fishing shall obtain a subsistence fishing license issued by their Tribe, and shall abide by all provisions of these Regulations and applicable Tribal regulations governing subsistence fishing. In addition, no Tribal member shall engage in subsistence fishing with gill nets or impoundment nets without a Tribal permit which shall be limited both in duration and in the area where the fishing may occur. The Tribal member shall abide by the limitations contained in the permit.

(d) Subsistence fishers shall be limited to one hundred (100) pounds round weight aggregate catch of all species in possession.

(e) Subsistence fishers shall not sell or otherwise exchange for value any of the catch.

(f) Subsistence gill netting is limited to one (1) net of three hundred (300) feet or less per vessel per day, except that in the St. Mary's River, as described in Section VIII(a), a single gill net shall not exceed one hundred (100) feet in length. The tying together of single gill nets to form a gang of nets is prohibited.

(g) Subsistence fishing is authorized in all 1836 Treaty waters, except:

(1) Subsistence fishing with gill nets is prohibited in all lake trout refuges, and retention of lake trout taken with any gear in lake trout refuges is prohibited.

(2) Subsistence fishing gear shall not be set in a manner which completely blocks or entirely prevents the free passage of fish into and out of streams that flow into 1836 Treaty waters.

(3) There shall be no subsistence fishing with nets:

(i) Within one hundred (100) yards of any break wall or pier; or

(ii) Within a three-tenths (0.3) mile radius of the mouth of the streams listed in Section VIII(h).

(iii) In any tribal zone where fishing with all types of nets has been closed.

(h) Subsistence fishing with large mesh gill nets and impoundment nets is prohibited during the period from 12:00 noon November 6 through 12:00 noon November 29.

(i) In Little Bay de Noc, Lake Michigan, subsistence fishers shall not use gill nets or possess walleye beginning 12:00 a.m. March 1 through 6:00 p.m. May 15 in the waters of grid 306 north of an east-west line drawn through Saunders Point.

(j) In Big Bay de Noc, Lake Michigan, subsistence fishers shall not use gill nets or possess walleye beginning 12:00 a.m. March 1 through 6:00 p.m. May 15 in the waters of grids 308 and 309 north of a line from St. Vitals Point to the northernmost tip of Garden Bluff.

(k) Lake sturgeon, muskellunge (in Lake Michigan), and any species of fish listed as threatened or endangered under the Federal Endangered Species Act shall not be targeted for harvest, and any catch of such fish shall be returned to the water alive or, if not alive, shall be turned into the BSD or Tribal biological staff and shall not be retained in possession.

(l) All subsistence fishers who engage in any fishing activity under this section shall file catch reports with their Tribe as provided in Section XXII(b).

(m) No subsistence fisher shall set a gill net within fifty (50) feet of another gill net.

(n) In the City of Sault Ste. Marie's Kids Fishing Pond at Rotary Park Island, all fishing activity shall be in accordance with those regulations imposed by the City of Sault Ste. Marie and the State of Michigan.

PART SIX: LICENSES AND INFORMATION

SECTION XX. LICENSE AND REGISTRATION DEFINITIONS AND RESTRICTIONS.

(a) A commercial fishing captain license entitles the holder to operate a fishing boat and to participate fully in all commercial fishing activities, including the capture and sale of all species pursuant to these Regulations. It further entitles the holder to employ helpers in such activities. Fees for such licenses may be set by individual Tribes. The license shall be valid during the calendar year for which it is issued.

(b) A commercial fishing helper license entitles the holder to assist the holder of a commercial fishing captain license in commercial fishing activities. Fees for such licenses may be set by individual Tribes. The license shall be valid during the calendar year for which it is issued.

(c) A subsistence fishing license entitles the holder to engage in fishing activities for subsistence purposes. Fees for such licenses may be set by individual Tribes. The license shall be valid during the calendar year for which it is issued.

(d) A commercial fishing vessel registration is necessary in order for any vessel to be utilized for commercial fishing. Anyone with a valid commercial fishing captain license may operate a properly registered commercial fishing vessel. Fees for such licenses may be set by individual Tribes.

(e) A member of a Tribe who engages in recreational fishing shall not be required to have in his or her possession a fishing license but must have tribal identification in his or her possession at all times.

(f) No holder of a commercial fishing captain license, commercial fishing helper license, or commercial fishing vessel registration shall fish as an employee of or for shares with a person not licensed to exercise treaty fishing rights. This prohibition shall be liberally interpreted to prohibit a licensee from exercising treaty fishing rights for the benefit of non-Indians.

(g) Except as provided in Section VII(b)(2)(vi), no Tribe shall issue a commercial fishing captain license or a commercial fishing vessel registration to a person who also holds a license or permit of any kind issued by the State of Michigan for commercial fishing.

SECTION XXI. LICENSE REGULATIONS.

(a) No member of a Tribe sixteen (16) years of age or older may engage in fishing activity within 1836 Treaty waters without having in his or her possession at all times a commercial fishing captain license countersigned under 25 C.F.R. Part 249, a commercial fishing helper license countersigned under 25 C.F.R. Part 249, or a subsistence license issued in accordance with these regulations, or, if engaged in recreational fishing, a tribal identification.

(b) No member of a Tribe may allow a person who does not possess a valid fishing license as required by subsection (a) of this section to aid or assist him or her while engaged in any fishing activity authorized by this Code; provided, however, that a validly licensed member of a Tribe may employ the consulting technical expertise of a non-member by obtaining a permit therefore from GLRC, which permit may not extend for more than one calendar year and may not be renewed for more than one additional year. Such permit shall list the name and address of the consultant, the type of fishing operation to which consultation will be provided, and the name and size of the vessel on which consultation will be provided. No such permit may be issued under any of the following circumstances:

(1) The consultant has an ownership interest in the vessel which the member seeks to utilize; or

(2) The consultant has an ownership interest in the fishing gear which the member seeks to utilize; or

(3) The consultant's payment for services from the member is based on a percentage of the member's proceeds from fishing activity.

(c) The license, permit or identification required by subsections (a) and (b) of this section shall be shown to any Enforcement Officer who makes a request therefore.

(d) Each boat which is used by a member of the Tribes for fishing activity shall have affixed to it in a clearly visible manner the number of the commercial fishing vessel registration issued by a Tribe. Each snowmobile or off road vehicle which is used by a member of a Tribe for fishing activity shall have affixed to it in a clearly visible manner a valid Tribal or State of Michigan snowmobile or off road vehicle registration.

(e) Each boat which is used by a member of a Tribe for commercial fishing activity must have on board at all times at least one person with a valid commercial fishing captain license.

(f) No member of a Tribe may allow any person who does not possess a valid fishing license as required by subsection (a) of this section, or who does not possess a permit as required by subsection (b) of this section, to be on board a commercial fishing vessel while it is operating on 1836 Treaty waters; provided, however, that such person's presence may be authorized by the member's Tribe through the issuance of a written permit. Issuance of such authorization shall not be considered a permit to engage or assist in fishing activity. Such permit shall identify by name and address the authorized individual, specify the commercial fishing vessel upon which the individual may be a passenger and the purpose for his presence, and identify the dates for which such authorization is valid.

SECTION XXII. HARVEST REPORTING AND SAMPLING.

(a) Each person to whom a commercial fishing captain license has been issued shall file with his or her Tribe an accurate report of his or her harvest for each calendar month not later than the tenth (10th) day of the following month. The licensee who is in charge of the fishing vessel may file a single report listing the names and license numbers of all licensed fishers who worked on the vessel at any time during the previous month, as well as the information required in sub. (2), below.

(1) Harvest reports shall be filed with the designated office of the Tribe that has issued the license. A Tribe may designate the BSD as the recipient of its catch reports.

(2) The report shall be submitted on forms developed for that purpose by the BSD, and each report shall include, for each day of fishing activity:

(i) the kind of gear used, including mesh size and total length of net l ifted or number of impoundment nets lifted;

(ii) the depth and location of fishing activity by grid number;

(iii) the total pounds of each species landed;

(iv) whether the fish were sold round or dressed;

(v) the fisher's license number;

(vi) the date of the activity; and

(vii) any other information required.

(3) The holder of a commercial fishing captain license who does not fish during a month shall file a report of "no fishing."

(4) Catch reports filed by individual Tribal fishers are confidential and protected from disclosure. CORA shall not divulge the name of any reporting fisher or release a catch report except as required by an order from the appropriate Tribal court.

(5) Any licensee who has failed to file the required harvest report as specified in subsection (a), above, shall be subject to the following sanctions:

(i) Any harvest report which is not filed by the tenth day of the following month, shall constitute the basis for issuance of a citation to the licensee.

(ii) A verbal warning may be provided to the licensee for the first incident in which a report is not filed by the tenth day; provided, that the licensee is required to file the harvest report within five (5) working days thereafter, and provided further, that in the event that the licensee fails to file the report after receipt of the verbal warning, a citation shall be immediately issued.

(iii) Failure to file a harvest report shall constitute a civil violation punished by a fine of not less than:

(A) $100.00 for a commercial licensee.
(B) $50.00 for a subsistence license issued under Section XX(c).
(C) $25.00 for a subsistence license which is limited to use of hook and line fishing gear.

(iv) Payment of the fine shall not relieve the licensee of the requirement to file the harvest report. Failure to submit the report at the time of sentencing shall cause immediate suspension of the license by the Tribal Court, which shall remain in effect until such time as the licensee files the harvest report.

(b) Each person to whom a subsistence fishing license has been issued shall file with his or her Tribe an accurate report of his or her harvest for each calendar month not later than the tenth (10th) day of the following month.

(1) Subsistence harvest reports shall be filed with the designated office of the Tribe that has issued the license. A Tribe may designate the BSD as the recipient of its catch reports.

(2) The subsistence harvest report shall be submitted on forms developed for that purpose by the BSD, and each report shall include, for each day of fishing activity:

(i) the type and amount of gear used;

(ii) the location of fishing activity by grid number;

(iii) the total pounds round weight of each species landed;

(iv) the fisher's license number and, if nets were used, the fisher's permit number;

(v) the date of the activity; and

(vi) any other information required.

(3) The holder of a subsistence fishing license who does not fish during a month shall file a report of "no fishing."

(4) Catch reports filed by individual Tribal fishers are confidential and protected from disclosure. CORA shall not divulge the name of any reporting fisher or release a catch report except as required by an order from the appropriate Tribal court.

(c) Each tribally licensed commercial fisher shall issue a bill of sale to any retail outlet purchasing fish from such fisher. The bill of sale shall be on a form developed by the BSD for that purpose which shall contain the name of the Tribal fisher; the number and pounds, by species, of fish sold; the date of sale; and the signature of the fisher.

(d) Tribally licensed commercial fishers selling fish to any state- or Tribally-licensed fish wholesaler shall furnish the wholesaler with the name of the seller, the seller's address and license number, the date of the sale, and the signature of the fisher on the state or Tribal wholesale fish record of purchase.

(e) Any Tribally-licensed fish wholesaler shall furnish written reports of all purchases of fish on a form developed by the BSD for that purpose, indicating the name of the seller; the date; the seller's license number; the number and pounds of each species sold; and the price paid for each species. Tribally-licensed wholesale fish dealers shall require identification from each seller of fish. A Tribally-licensed wholesale fish dealer shall purchase fish only from a State or Tribally licensed commercial fisher, or other legal source of fish. A copy of the report shall be mailed by the Tribally-licensed fish wholesaler to CORA by the tenth (10th) day of the month following the month in which the transaction occurred.

(f) Any catch shall be subject to reasonable biological sampling by Tribal biologists or the BSD to obtain information required for conservation and management purposes. If such sampling impairs or destroys the market value of the sampled fish, a reasonable value for the loss shall be paid to the fisher.

SECTION XXIII. ASSESSMENT FISHING.

Notwithstanding the other provisions of these Regulations, assessment fishing may be conducted by Tribal commercial fishers under permit from CORA or the State of Michigan. Such assessment fishing by commercial fishers, except that conducted by the United States, shall be limited by the following, except as may be otherwise approved by the state, the federal government, and the Tribes:

(a) Tribal commercial fishers shall not be permitted to conduct assessment fisheries in areas otherwise closed to Tribal commercial fishing under Section VIII.

(b) If an assessment conducted by commercial fishers will harvest a species in an area where commercial fishing for that species is prohibited by these Regulations, or will use gill nets in an area where the commercial use of such gear is otherwise prohibited by these Regulations, the assessment shall be limited to a single operation using no more than 6,000 feet of large mesh gill net, small mesh gill net, or graded mesh gill net, as appropriate.

PART SEVEN: REGULATION AND ENFORCEMENT

SECTION XXIV. TRIBAL REGULATIONS.

(a) Each of the Tribes may promulgate regulations necessary to implement those portions of the Management Plan or Consent Decree which apply to that particular Tribe only, or which affect it in ways that are not reflected in the Tribal Code.

(b) Each of the Tribes may promulgate additional and different regulations governing its members which are more restrictive than the provisions of the Tribal Code, provided that the regulations comply with the Management Plan and Consent Decree and do not involve matters that require uniformity among the Tribes.

(c) The violation of any Tribal regulation adopted as provided in this section is prohibited.

SECTION XXV. ORDERS OF THE DIRECTOR.

(a) The Director shall issue emergency orders closing, curtailing, or otherwise restricting fishing activity by Tribal fishers when substantial harm to the resource is imminent and the need for immediate action is evident. Such an emergency order, unless rescinded by the Director, shall remain in effect until forty-five (45) days from the date of issuance or until GLRC has acted upon the matter, whichever shall first occur.

(b) The Director shall have the authority to close fishing by members of any Tribe, or to implement other regulations authorized by or consistent with the Consent Decree, Management Plan, and these Regulations necessary to prevent that Tribe or its fishers from violating the provisions of the Consent Decree, Management Plan, these Regulations, or decisions of GLRC or the Director made in accordance with the Management Plan.

(c) The violation of any order of the Director issued in accordance with this section is prohibited.

SECTION XXVI. JURISDICTION AND ENFORCEMENT.

(a) Jurisdiction to enforce these Regulations upon members of each Tribe is vested exclusively in the tribal court of that Tribe.

(b) Except for the provisions of Section XXVII, these Regulations are civil in nature. Violations may be punished by suspension or revocation of the fishing license or permit of the violator, assessment of a monetary penalty, forfeitures as set forth in subs. (c), (d), and (e), below, without the necessity of a separate forfeiture action, and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.

(c) Violations of the regulations listed below shall be major violations and shall be punished by license or permit suspension for not less than thirty (30) days, a fine of not less than $250.00, forfeiture of the catch, and such additional penalties as the tribal court may order:

(1) Commercial fishing for species listed in Section XVI;

(2) Commercial fishing for a fish species during the closed season for that species in the area of the fishing activity;

(3) Commercial fishing in an area closed to that activity as specified in Section VIII;

(4) Fishing with gear prohibited in lake trout refuges, or with gear prohibited during closed seasons, or with gear which is prohibited by subsequent amendment of these Regulations or by an emergency order of the Director; and

(5) Engaging in commercial fishing activity without first having obtained a valid commercial fishing captain license or commercial fishing helper license, as required by these Regulations.

(d) All fish, eggs, or parts of fish taken, possessed, sold, purchased, offered for sale or purchase, or transported, delivered, received, carried, shipped, exported, or imported contrary to these Regulations shall be subject to seizure and shall be forfeited to the appropriate tribal court.

(e) All traps, nets 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 fish, eggs, or parts of fish in violation of these Regulations shall be subject to seizure and may be forfeited by the appropriate tribal court.

(f) The Tribes shall accept and prosecute all alleged violations of these Regulations referred to them by enforcement officers.

(g) Any enforcement officer may:

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

(2) Arrest without warrant any person committing in his or her presence or view a violation of Section XXVII.

(3) Execute any process for enforcement of the provisions of these Regulations.

(4) Search any place reasonably related to fishing activity, with or without a warrant, as authorized by state law.

(5) Seize, with or without warrant, any article which may be subject to forfeiture under subs. (c), (d), and (e), above, or which may be required as evidence of a violation of these Regulations, if the violation occurs in his or her presence; provided, however, that any such articles seized shall be delivered within forty-eight (48) hours of the time of seizure into the custody of the tribal court of the Tribe which has licensed or permitted the fisher who has violated these Regulations.

SECTION XXVII. CRIMINAL PROVISIONS.

(a) It shall be a criminal offense for any person to commit any of the following acts:

(1) Assault, resist, oppose, impede, intimidate, bribe, attempt to bribe, or interfere with an enforcement officer engaged in enforcing these Regulations.

(2) Violate any license or permit suspension or revocation ordered by a tribal court under Section XXVI.

(3) Commit any contempt in the presence of the tribal court.

(4) Violate any court order.

(5) Damage or steal nets or equipment belonging to another fisher, or steal from another fisher's nets.

(6) Possess a firearm while engaging in any fishing activity under these Regulations.

(b) Criminal offenses shall be punishable by a fine not to exceed $5,000.00 or imprisonment not to exceed one year, or both. In addition, the forfeiture provisions of Section XXVI(d) and Section XXVI(f) shall apply to those convicted of criminal offenses.

PART EIGHT: ACCESS

SECTION XXVIII. USE OF ACCESS SITES.

(a) Fishers issued licenses or permits under these Regulations, including subsistence fishers, are authorized to use access sites which are subject to permits issued by agencies of the State of Michigan and the United States to the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA), predecessor to CORA, and sites acquired by COTFMA from private parties, as well as such sites as CORA may receive permits for or acquire. Sites may be used for putting boats into and pulling boats out of the water, for docking facilities, and for parking of vehicles.

(b) The following regulations apply to the use of such access sites, in addition to any restrictions or requirements that may be set forth in the applicable permit:

(1) All vehicles shall be parked in the designated parking areas only.

(2) Equipment, with the exception of boat trailers, shall not be left on site overnight.

(3) Sites shall be maintained in a neat and orderly fashion with all garbage and refuse disposed of properly.

(4) Littering is prohibited.

(5) Cleaning of fish or fish disposal is prohibited.

(6) Maintenance of equipment on site is prohibited.

(7) Damage to trees, signs, and improvements is prohibited.

(8) Overnight camping and overnight housing are prohibited.

(9) Only active fishing boats may be moored at an access site from April to December 31 of each year; provided that such requirement shall not apply during the closed season for whitefish.

(10) Unless specified otherwise in the access site permit, no boat shall be left

on the beach of the access site.

(c) Violations of this section are subject to the jurisdiction and enforcement provisions of Section XXVI and, in addition, may result in revocation or denial of permission to use access sites and an order of restitution for any damage caused.