

ORDINANCE #02/92
AMENDED
FOND DU LAC CEDED TERRITORY CONSERVATION CODE

Approved by Resolution #1043/92 of the Fond du Lac Reservation Business Committee on March 9, 1992.

Amended by Resolution #1071/92 of the Fond du Lac Reservation Business Committee on March 17, 1992

Amended by Ordinance #05/92 adopted by Resolution #1245/92 of the Fond du Lac Reservation Business Committee on September 11, 1992.

Amended by Ordinance #01/93 adopted by Resolution #1010/93 of the Fond du Lac Reservation Business Committee on January 12, 1993.

Amended by Ordinance #01/93 adopted by Resolution #1010/93 of the Fond du Lac Reservation Business Committee on March 25, 1993.

Amended by Ordinance #06/94 adopted by Resolution #1151/94 of the Fond du Lac Reservation Business Committee on April 25, 1994.

Amended by Ordinance #14/94 adopted by Resolution #1287/94 of the Fond du Lac Reservation Business Committee on August 12, 1994.

Amended by Ordinance #01/97 adopted by Resolution #1060/97 of the Fond du Lac Reservation Business Committee on March 13, 1997.

Amended by Resolution #1309/00 of the Fond du Lac Reservation Business Committee on September 21, 2000.

Amended by Resolution #1338/03 of the Fond du Lac Reservation Business Committee on December 18, 2003.

Amended by Resolution #1097/08 of the Fond du Lac Reservation Business Committee on April 3, 2008.

Amended by Resolution #1396/09 of the Fond du Lac Reservation Business Committee on September 24, 2009.

Amended by Resolution #1206/11 of the Fond du Lac Reservation Business Committee on June 28, 2011.

Amended by Resolution #1193/12 of the Fond du Lac Reservation Business Committee on June 6, 2012.

Amended by Resolution #1028/13 of the Fond du Lac Reservation Business Committee on January 16, 2013.

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**CEDED TERRITORY CONSERVATION CODE OF THE
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**

SECTION 101. INTRODUCTION AND AUTHORITY.

SUBDIVISION 1. AUTHORITY. The Fond du Lac Band of Lake Superior Chippewa, by and through the inherent powers and authorities of the lawfully elected governing body known as the Fond du Lac Reservation Business Committee, through the written laws of the Band and through the rights retained under the Treaty of September 30, 1854 between the Fond du Lac Band of Lake Superior Chippewa and the United States of America, does hereby authorize the following Ceded Territory Conservation Code, enacted pursuant to Resolution #1043/92, dated March 9, 1992, which shall govern hunting, fishing, trapping, and gathering in all parts of the Ceded Territory which falls within the jurisdiction of the Fond du Lac Reservation Business Committee.

SUBDIVISION 2. TITLE. The Laws set forth herein shall be known collectively as the Fond du Lac Ceded Territory Conservation Code ("FdLCTCC").

SUBDIVISION 3. PURPOSE. It shall be the purpose of this Code to:

- (A) Provide an orderly system for tribal control and regulation of hunting, fishing, gathering, trapping and resources management in the territory ceded by the Treaty of September 30, 1854, 10 Stat. 1109, and as further defined herein;
- (B) Provide a means to promote public health and safety and the conservation and management of fish, wildlife, natural resources and plant populations in the Ceded Territory through the regulation of Band Member harvesting activities; and
- (C) To the fullest extent possible, to promote and protect the rights of the Fond du Lac Band of Lake Superior Chippewa retained under the Treaty of September 30, 1854, 10 Stat. 1109.

SUBDIVISION 4. APPLICABILITY. This Code shall govern hunting, fishing, trapping, management and gathering of natural resources, subject to the provisions of this Code, by the Fond du Lac Band members within the Ceded Territory from the date of the Code's effective date.

SUBDIVISION 5. EFFECTIVE DATE. This Code shall be effective on the date that it is adopted by the Reservation Business Committee.

SUBDIVISION 6. INTERPRETATION. The provisions of this Code shall:

- (A) Be subject to interpretation by the Fond du Lac Tribal Court, with authority granted by the Fond du Lac Reservation Business Committee as per Section 103 Subd. 6(a).
- (B) Be applicable to Fond du Lac Band members who exercise, or attempt to exercise, the rights of hunting, fishing, trapping or gathering of resources in the Ceded Territory and who are subject to the jurisdiction of the Fond du Lac Tribal Court pursuant to this Code.
- (C) Be liberally construed in favor of the Fond du Lac Band.
- (D) Not be construed or deemed to be a limitation or repeal of any other tribal power or authority.

SUBDIVISION 7. REPEAL OF INCONSISTENT BAND ORDINANCES AND PRIOR CODES. All ordinances, prior Ceded Territory Codes and resolutions inconsistent with this Code are hereby repealed. To the extent that this Code imposes greater restrictions than those contained in any other Band Code or Law, the provisions of this code shall govern.

SUBDIVISION 8. AMENDMENTS. This Code may be subject to revision by the Fond du Lac Reservation Business Committee upon its own motion or upon recommendation by the Resource Management Division or the Ceded Territory Conservation Committee. Any amendment or revision shall be by resolution and shall be effective thirty (30) days after enactment of the resolution, unless specifically provided otherwise by Reservation Business Committee resolution.

SUBDIVISION 9. PARTIAL INVALIDITY AND SEVERABILITY.

- (A) If any clause, sentence, paragraph, or part of this Code, which shall be known as the Fond du Lac Ceded Territory Conservation Code, shall, for any reason, be adjudicated by any Court of competent jurisdiction, to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.
- (B) Any provision or act not addressed in this Code shall not be interpreted to mean that the Fond du Lac Reservation Business Committee waives its jurisdiction over the provision or act.

SECTION 102. RESOURCE MANAGEMENT DIVISION AND CEDED TERRITORY
CONSERVATION COMMITTEE

SUBDIVISION 1. RESOURCE MANAGEMENT DIVISION: CREATION, DUTIES AND
RESPONSIBILITIES.

The Fond du Lac Band of Lake Superior Chippewa, by and through the Reservation Business Committee, hereby creates and establishes a Resource Management Division which shall perform all duties and responsibilities under the authority delegated to it by the Reservation Business Committee, including but not limited to the implementation of this Code and advising the Reservation Business Committee on the management, preservation and protection of the fish, game, wild rice, woodland resources, and all natural resources of the Ceded Territory of the Fond du Lac Band of Lake Superior Chippewa.

SUBDIVISION 2. CEDED TERRITORY CONSERVATION COMMITTEE: CREATION,
DUTIES AND RESPONSIBILITIES.

The Fond du Lac Band of Lake Superior Chippewa, by and through the Reservation Business Committee, hereby creates and establishes a Ceded Territory Conservation Committee which shall be charged with advising the Resource Management Division and the Reservation Business Committee of Band members' interests and concerns with regard to the exercise of the 1854 Treaty rights and the management, preservation and the protection of the fish, game, wild rice, woodland resources, and all natural resources of the Ceded Territory of the Fond du Lac Band of Lake Superior Chippewa.

SECTION 103. GENERAL PROVISIONS

SUBDIVISION 1. BAND MEMBER LICENSES, PERMITS AND TAGS.

- (A) Fond du Lac Ceded Territory Licenses may only be issued to, and possessed by, enrolled members of the Fond du Lac Band of Lake Superior Chippewa.
- (B) Permits shall be required, in addition to the Ceded Territory License for certain hunting, fishing, trapping and gathering activities pursuant to this Code.
- (C) Pursuant to this Code, current season issue tags shall also be required for certain activities, in addition to the Ceded Territory License and/or Permit.
- (D) All Band members must carry, on their person, a Ceded Territory License at all times while hunting, fishing, trapping and gathering, or while transporting wild game or plants in the Ceded Territory. Band members are required to show such identification to any conservation officer, or other authorized officer, upon request. Failure to comply is a violation.
- (E) To use, or to allow another person to use a Ceded Territory License, permit, or tag of another person, whether or not such person would qualify to receive a License or permit, is prohibited.
- (F) It shall be fraud or misrepresentation to give false information in the procurement or use of any Ceded Territory License or Permit.

SUBDIVISION 2. CEDED TERRITORY CONSERVATION OFFICERS.

- (A) The Fond du Lac Reservation Business Committee shall empower Ceded Territory Conservation Officers to enforce the terms of this Code.
- (B) Official Conservation Officers of the Fond du Lac Band are empowered to enter, open and search any motor vehicle or trailer attached thereto, where there is reason to believe game, fish, wild rice, or forest products unlawfully taken, or possessed, may be found.
- (C) Conservation Officers have the authority to seize and impound property when they have reasonable suspicion to believe that such property has been taken or used in the unlawful taking or transporting of fish, game, wild rice, or forest products in the Ceded Territory. Officers

shall prepare an inventory of items seized and furnish a copy to the violator.

- (D) It is a violation to refuse to display the proper Ceded Territory License or Permit upon the request of a Fond du Lac Ceded Territory Conservation Officer, or other authorized uniformed official.

SUBDIVISION 3. TRANSPORTING. Any Band member who hunts, fishes, traps or gathers within the Ceded Territory, and who transports such animals or plants out of the Ceded Territory, must have in their possession a valid Ceded Territory License and Permit, if one is required.

SUBDIVISION 4. PROTECTED, UNPROTECTED, THREATENED, ENDANGERED AND CULTURALLY SIGNIFICANT SPECIES.

- (A) "Protected species" shall include all species of fish and wildlife except those defined as "unprotected species." Protected species may be taken only as authorized by this Code.
- (B) (1) "Unprotected species" shall include English (house) sparrows, European starlings, rock doves (common pigeons), monk parakeets, ground squirrels, woodchucks, porcupines, weasel (except least weasel), coyote (brush wolf), striped skunk and all other fish and wildlife species for which no closed season or other restriction is imposed by this Code, excluding restrictions in the use of artificial lights, poison, or motor vehicles.

(2) There is no open season on any species of bird except for those birds specifically identified in this subdivision, and those for which open seasons are established by the Reservation Business Committee pursuant to this Code.

(3) Nothing in this Code shall be construed to prohibit or regulate a member's harvest of any unprotected species as defined in this section, except that (a) unprotected species may not be taken with the aid of artificial lights or by poison, and (b) poison may be used to control rodents around dwellings or other buildings.
- (C) (1) "Threatened, endangered or culturally significant species" shall include those species of fish, wildlife and plants which are at risk of extinction or which have cultural value significant enough to warrant specific protection and which therefore have been designated as threatened or endangered or culturally significant on a

list prepared by the Resources Management Division and approved by the Reservation Business Committee.

(2) No member shall take, transport, possess or sell any threatened or endangered species or any part of a threatened or endangered or culturally significant species except when:

a. The member has received a permit from the Reservation Business Committee and, where applicable, the federal government to do so; or

b. It is necessary to prevent injury to human life; or

c. The tanned, mounted or processed skins, furs, feathers or other parts of the species were lawfully acquired before January 16, 2013 or before the species was listed as protected, or before the specimen was brought into the 1854 Ceded Territory.

(3) The Reservation Business Committee may issue permits to take a Threatened or Endangered or Culturally Significant Species only upon a determination that the permitted act will not be detrimental to the species, or the species was lawfully acquired before January 16, 2013, or before the species was listed as protected, or the permitted act would enhance the recovery of the species, or the permitted act would prevent injury to persons or property (provided other options had been considered and rejected as unrealistic), or that the social and economic benefits of the permitted act outweigh the harm caused by it (provided other options had been considered and rejected as unrealistic).

SUBDIVISION 5. PROHIBITED ACTS. In addition to the prohibitions contained in the other section of this Code, the following shall be considered violations of the Ceded Territory Conservation Code:

(A) It shall be unlawful for a Band member to possess a silencer for any firearm.

(B) Using prohibited means or equipment in the taking or attempted taking of fish, game, wild rice or forest resources in the Ceded Territory.

(C) Use of electronic communication systems as prohibited by Federal law.

- (D) No use of any flying craft shall be permitted for hunting or spotting unless specifically permitted in this Code.
- (E) No Band member shall do any type of hunting or operating a motor boat while under the influence of alcohol, as measured by a blood-alcohol concentration of equal to or greater than 0.08%, or a controlled substance.
- (F) No Band member shall operate or ride in a watercraft unless there is a sufficient number of readily available personal flotation devices (PFD) on board.
- (G) The number of persons on any watercraft shall not exceed that watercraft's maximum capacity.
- (H) Wanton destruction or waste of fish, game, wild rice or forest resources in the Ceded Territory is prohibited.
- (I) No Band Member shall molest, disturb, or appropriate any wild animal, or the carcass, or parts thereof which has been lawfully reduced to possession by another without the permission of the rightful possessor.
- (J) Hunting, fishing, trapping or gathering by Band members is prohibited in State-designated areas such as: State Parks, forest campgrounds, wildlife management areas, scientific and natural areas, waysides, game refuges, designated trout streams or stream trout lakes, experimental lakes or aquatic management areas. If hunting, fishing, trapping or gathering is permitted in any such areas by the State, then Band members shall be permitted to do so, but only in accordance with this Code and any special seasons and regulations as may be established by the Reservation Business Committee for such activity.

In full recognition of the fact that the Fond du Lac Band has the right to hunt, fish, trap and gather in all parts of the Ceded Territory where the treaty right has not been clearly abrogated, the Band has decided that certain rights shall not be exercised at this time and reserves the right to exercise these rights at a future date.

- (K) Fishing, hunting, trapping or ricing outside of seasons set by the Reservation Business Committee.
- (L) Exceeding established limits.
- (M) Except as permitted, no person shall have a firearm, archery bow or crossbow in a motor vehicle unless it is unloaded. Firearms (other than handguns) may be

transported unloaded and uncased in a motor vehicle, including ATVs, while traveling to or from hunting or target shooting except that firearms must be both unloaded and cased on school grounds, or within the boundaries of a city with a population of more than 2500, or within any other area where discharge has been prohibited. A handgun or pistol may only be transported under a valid permit to carry the handgun or pistol.

- (N) Except as otherwise expressly permitted by this Code, no Band member may throw or cast the rays of any artificial light for the purpose of spotting and locating any big game or small game while possessing, either individually or as one of a group, a firearm, bow, or other implement that could be used to kill big or small game. The exceptions to this are:
 - (1) A firearm that is unloaded, cased and in the closed trunk of a motor vehicle.
 - (2) A bow or crossbow that is completely encased or unstrung and in the trunk of a motor vehicle.
 - (3) If the motor vehicle does not have a trunk, the firearm or bow must be in the rearmost part of the motor vehicle.
- (O) The use of any motor vehicle to intentionally kill, pursue or harass any wild animal is prohibited.
- (P) It shall be a violation to intentionally destroy or attempt to destroy any evidence seized or confiscated by the arresting officer, or to intentionally destroy, conceal or alter any evidence about to be seized.
- (Q) It shall be an offense for anyone under oath to intentionally give false testimony in any case before the Fond du Lac Tribal Court.
- (R) The taking of road kill is permissible where the animal has been examined by a Fond du Lac Conservation Officer or other authorized officer, to verify that the kill was accidental and the individual receives a collector's permit from the Fond du Lac Resource Management Division.
- (S) **[Reserved]**
- (T) No Band member shall transport any big game belonging to another person unless that person is accompanying or that game has been registered pursuant to this Code.

(U) Trespass Prohibition:

- (1) No Band member shall enter upon the agricultural lands of another with the intent of hunting, fishing or gathering, unless and until the permission of the owner, occupant or lessee is obtained.
- (2) During the open season for that particular game, a hunter on foot may retrieve wounded game from agricultural land that is not posted without permission of the land owner. If, however, the hunter has been notified orally by the landowner not to enter upon the land, the hunter may not enter the land to retrieve the wounded game. The hunter may only enter posted land after receiving permission from the landowner to do so. The hunter must leave the land immediately after retrieving the wounded game.
- (3) No Band member shall enter upon any land that is not his own, regardless of whether or not it is agricultural land, with intent to take any wild animals, after being notified not to do so, either by the owner, occupant or lessee, or by a sign.
- (4) No Band member shall enter or leave lands of another, or pass from one portion of another person's land through a closed gate without returning the gate to its original position, nor shall any Band member destroy, cut or tear down any fence, building, grain, crops, live trees or any sign, nor molest, wound or kill any domestic animal.

(V) Harvest Rights Non-Delegable. The harvest rights reserved under this Code are vested exclusively in the Fond du Lac Band and its enrolled membership, and cannot be delegated, transferred or assigned. No Band member shall employ the assistance of any person in the exercise of harvest rights under this Code unless that person is authorized under applicable law to engage in such activity.

(W) Hunting While Intoxicated.

- (1) No member shall hunt with a firearm, bow and arrow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such

weapon, or while a member has a blood alcohol concentration of 0.08 grams or more of alcohol per 100 milliliters of a person's blood or 0.08 grams or more of alcohol per 210 liters of a person's breath.

- (2) A member hunting with a firearm, bow and arrow, or crossbow shall take or submit to a blood or breath test to determine the amount (if any) of intoxicant or controlled substance present if:
 - (a) the member has been lawfully issued a citation for violating Section 103, Subdivision 5(W);
 - (b) the member has been involved while hunting in an accident resulting in property damage, personal injury, or death;
 - (c) the member has refused to take a preliminary screening breath test; or
 - (d) a preliminary screening breath test was administered and indicated an alcohol concentration of 0.08 grams or more.
- (3) If a member refuses to take a test required under Section 103, Subdivision 5(W), the Band shall impose a civil penalty of \$500 and prohibit the member from hunting for one year.
- (X) (1) No Band member shall possess, import, purchase, sell, propagate, transport, or introduce an aquatic invasive species as defined in section (X) (2), except:
 - (a) under a permit issued by the Resource Management Division for the purposes of disposal, control, research, or education;
 - (b) when being transported to the Resource Management Division's offices or another destination as the Resource Management Division may direct, in a sealed container for the purposes of identifying the species or reporting the presence of the species;

- (c) when a specimen has been lawfully acquired and is dead, or in the case of a plant, is secured in a sealed container;
 - (d) when being removed from watercraft and equipment, or caught while fishing and immediately destroyed or returned to the water from which they came; or
 - (e) when the aquatic invasive species has been designated by the Band as "regulated" but not "prohibited," provided, however that no species designated as a "regulated invasive species" may be introduced into any natural setting such as public waters.
- (2) Aquatic invasive species includes the following species:
- (a) Aquatic plants: Eurasian milfoil, purple loosestrife.
 - (b) Fish: Grass carp, rudd, round and tubenose goby, ruffe, sea lamprey, white perch, common carp, Asian carps (bighead, black, grass and silver carps) and goldfish.
 - (c) Invertebrates: rusty crayfish, zebra mussel, Quagga mussel, New Zealand mudsnail, Chinese mystery snail, faucet snail and spiny water flea.
 - (d) Pathogens: Viral Hemorrhagic Septicemia (VHS).
 - (e) Any other species that is designated as an aquatic invasive species by the Resource Management Division.

SUBDIVISION 6. TRIBAL COURT.

- (A) The Fond du Lac Reservation Business Committee shall establish a Tribal Court in which it vests the authority to adjudicate all matters arising under this Ceded Territory Conservation Code.
- (B) Persons who are enrolled members of the Fond du Lac Band of Lake Superior Chippewa and who are charged with

violations under this Code shall be subject to the jurisdiction of the Fond du Lac Tribal Court.

- (C) The Chief Judge, or an Associate Judge, of the Fond du Lac Tribal Court shall have the authority to issue warrants for search and seizure of the premises and property of any person under the jurisdiction of said Court. No warrant or order for search and seizure shall be issued except upon a duly signed and written complaint based upon reliable information and belief and charging the individual of some offense against the Code.

SUBDIVISION 7. PENALTIES.

- (A) Any person adjudged to have violated any provision of this Code shall be subject to the assessment by the Court of a penalty of not more than five hundred dollars (\$500.00) or, at the discretion of the Court, be sentenced to serve a period of community services.
- (B) Any fish, game, wild rice or furs, taken, or other items used to aid in a violation of this Code, shall be subject to forfeiture. Any such items may be returned upon such conditions as the Court deems appropriate, but in no event shall the items be returned prior to payment of a penalty assessed by the Court.
- (C) The Court may also, in its discretion, and in addition to the above penalties, invoke any other equitable remedies, including, but not limited to, reasonable Court costs; the withholding of Court-ordered fines from salaries derived from the Reservation upon due notice to the Fond du Lac Payroll Department; withholding of Court-ordered fines from winnings derived from gaming at a Reservation-controlled gaming establishment upon due notice to the Fond du Lac gaming facility or; Court-ordering the revocation or withholding of licenses, permits, tags and motor vehicle license plates, upon due notice to the Fond du Lac Registrar or Resource Management Division.
- (D) The Court shall prescribe and initiate procedures for the sale of any property ordered forfeited.
- (E) Any individual charged with violating this Code has the option of paying the assessed penalty, as enumerated in the Schedule of Fines, or appearing before the Court.
 - (1) Should the violator elect to pay the assessed fine without Court appearance, Court Costs will be waived.

- (2) Those who elect to pay the fine without Court appearance must make full payment to the Clerk of Courts prior to the scheduled Court appearance.
 - (3) A waiver, admitting guilt and waiving the right to appear before the Court, must be signed and filed with the Clerk of Courts prior to payment of the fine.
- (F) Court Costs may be assessed at the Court's discretion but shall not exceed fifty dollars (\$50).

SECTION 104. DEFINITIONS. As used in this Code, the following terms shall have the meanings given to them in this Section.

SUBDIVISION 1.

"Accomplice" shall mean any person who shall advise, hire, counsel or conspire with another to commit a violation, and shall be liable as if he committed the violation.

SUBDIVISION 2.

"Agricultural Lands" shall mean lands containing plowed fields, standing crops or residue, or lands with a maintained fence for the purpose of enclosing domestic livestock.

SUBDIVISION 3.

"Arrow" shall include both fishing arrows and hunting arrows and the standards for each shall be established in a public posting by the Resource Management Division.

SUBDIVISION 4.

"Attended Line" shall mean a line used for taking fish that is within sight of the Band Member taking the fish.

SUBDIVISION 5.

"Band Member" shall mean a person who is an enrolled member of the Fond du Lac Band of Lake Superior Chippewa Indians.

SUBDIVISION 6.

"Big Game" shall mean deer, bear and moose.

SUBDIVISION 6a.

"Biological Monitoring Team" shall mean a person or persons duly authorized by the Reservation Business Committee or the Resource Management Division to monitor Band member harvest activities in the 1854 Ceded Territory.

SUBDIVISION 7.

"Blaze Orange" means the clothing worn during certain specified seasons and shall include the camouflaged pattern of at least 50% blaze orange within each square foot.

SUBDIVISION 8.

"Bow" shall mean any hunting instrument designed for the purpose of propelling arrows which is drawn and held by and through the efforts of the person releasing. When used for the purpose of fishing, the arrows must be attached to the bow with a tethered line, and bowfishing points (arrowheads) must have barbs.

SUBDIVISION 9.

"Ceded Territory" shall mean that territory ceded to the United States by the Lake Superior and Mississippi Chippewa as described in Article 1 of the Treaty of September 30, 1854 (10 Stat. 1109.)

SUBDIVISION 10.

"Commercial Use" or "Commercial Harvest" shall mean the hunting, trapping or fishing of big game, small game, fish, and/or migratory birds or the gathering of wild plants for the purpose of barter or sale of the fur, hide, feathers, or any part of the animals, game, migratory birds, fish, or wild plant. Commercial use shall not include: (a) any barter, sale or exchange between Band members of any natural resource for direct and personal use by Band members or their families as food, medicine, shelter, fuel, clothing, tools, or religious or cultural items; or (b) the making or selling of handicraft items, where "handicraft items" means items produced, decorated or fashioned in the exercise of traditional Indian handicrafts such as carving, weaving, beading, drawing or painting, without the use of mass copying devices; which uses shall be referred to as "non-commercial use" or "personal use."

SUBDIVISION 11.

"Conservation Officer" shall mean an officer, as defined by the Fond du Lac Reservation Business Committee or other officers, who are empowered by the Fond du Lac Reservation Business Committee to enforce the provisions of the Fond du Lac Conservation Code.

SUBDIVISION 12.

"Crossbow" shall mean any device using a bow which once drawn, is held solely by means other than the effort of the person releasing.

SUBDIVISION 12a.

"Cub" shall mean all bear that were born that particular year.

SUBDIVISION 13.

"Daily Bag Limit" shall mean a continuous twenty-four (24) hour period consistent with the nature of the harvest activity involved.

SUBDIVISION 14.

"Dip Net" shall mean a piece of netting suspended from a round or square frame.

SUBDIVISION 15.

[Reserved]

SUBDIVISION 16.

"Disabled or Handicapped" shall mean a person with a permanent or temporary physical impairment, established by medical evidence and verified by a licensed physician.

SUBDIVISION 17.

"Fawn" shall mean all deer that were born that particular year.

SUBDIVISION 18.

"Firearm" shall mean a device that, through a mechanical release by the operator, ignites a confined powder charge that propels a projectile or projectiles through and out of a metal tube for the purpose of taking game.

SUBDIVISION 19.

"Firearm Safety Certificate" shall mean a valid certificate issued by a duly authorized Band or State Program.

SUBDIVISION 20.

"Fishing" shall mean the taking of fish by hook and line or by bow and arrow.

SUBDIVISION 21.

"Fish Trap" shall mean a device constructed of netting or wire mesh that employs a frame and/or wings or leads that direct fish movement into and through a funnel of netting at the trap's opening, wherein the fish are trapped by their own movement. "Fish Trap" shall also include "minnow trap" which is a device having an opening in the throat of the trap not larger than 1½ inches in

diameter, that may be constructed using either netting or wire mesh. "Fish trap" shall also include "box trap" which is a device made of wire mesh or fencing which may or may not include wings or leads but which does have a funnel where the fish are trapped by their own movement.

SUBDIVISION 22.

"Fond du Lac Reservation" shall mean all lands and waters within the exterior boundaries of the Fond du Lac Reservation.

SUBDIVISION 22a.

"Freshly Taken" shall mean fish or game harvested on that day.

SUBDIVISION 23.

"Furbearers" shall mean badger, beaver, bobcat, fisher, gray fox, marten, mink, muskrat, opossum, otter, raccoon, red fox, cottontail rabbit, and snowshoe hare.

SUBDIVISION 23a.

"Fyke net" shall mean any net that fulfills the definition of "Fish-trap".

SUBDIVISION 24.

"Game Fish" shall mean all trout and salmon species, crappie, largemouth bass, smallmouth bass, muskellunge, northern pike, sauger, any sturgeon species, all sunfish species, rock bass, all catfish species, walleye, and yellow perch. "Game fish" includes hybrids of game fish.

SUBDIVISION 25.

"Gill Net" shall mean any net set to take fish by entanglement rather than entrapment.

SUBDIVISION 26.

"Guardian" shall mean a legal guardian, or any person eighteen (18) years of age or older, who is authorized by the parent or legal guardian to supervise the person under the age of sixteen (16).

SUBDIVISION 27.

"Hunting Party" shall mean any group of two or more Ceded Territory License-holding hunters, all of whom are afield hunting together at the same time, for the purpose of taking game.

SUBDIVISION 27a.

"Infested waters" shall mean lakes, streams, or rivers identified by the Resource Management Division as either (1) containing a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent this; or (2) is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species as defined in Section 103, Subdivision 5(X)(2).

SUBDIVISION 28.

"License" shall mean the Ceded Territory License issued to eligible Fond du Lac Band members by the Fond du Lac Reservation Business Committee and which contains the following information:

- (A) Name and signature of Band Member.
- (B) Band Member's date of birth.
- (C) Color photograph of the Band Member.

SUBDIVISION 28a.

"Live Bait" shall mean all species of fish defined as minnows in Section 104, Subdivision 31, and shall mean leeches, frogs, earthworms, nightcrawlers, and all crayfish species except rusty crayfish, but shall not mean game fish as defined in Section 104, Subdivision 24, smelt, except as defined in Section 105, Subdivision 16(C), or invasive species as defined in Section 103, Subdivision 5(X).

SUBDIVISION 29.

"Loaded Firearm" shall mean the presence of any ammunition within a gun.

SUBDIVISION 30.

"Migratory Birds" mean any kind described in the Migratory Bird Act, 16 U.S.C. Section 703 et seq., or at 50 CFR, Part 10. This includes crows, doves, cranes, woodcock, sora rail, Virginia rail, Wilson's or jacksnipe, coot, gallinule, and waterfowl. "Waterfowl" includes any duck or goose.

SUBDIVISION 31.

"Minnows", shall mean all members of the minnow family (cyprinidae), all members of the sucker family (catostomidae) which are not over 12 inches in length, and mudminnows, bullheads, tullibee, herring, and whitefish, if they are not over seven (7) inches in length, but shall not mean carp, goldfish, burbot, bowfin, all lamprey sp., alewife, river ruffe, round goby, and game fishes (unless indicated otherwise), or any species defined as an invasive species under Section 103, Subdivision 5(X).

SUBDIVISION 32.

"Motorboat" shall mean any boat equipped with propulsion machinery, whether or not the machinery is the principal source of its propulsion.

SUBDIVISION 33.

"Motor Vehicle" shall mean any self-propelled vehicle and any vehicle, whether operated from a highway, railroad track, on the ground, in the water, or in the air, or anything attached thereto.

SUBDIVISION 34.

"Netting" shall mean taking fish by seine, trap, gill net, hoop net, cast net or hand-held dip net.

SUBDIVISION 35.

"Non-Game Fish" shall mean buffalo fish, burbot, bullheads, carp, dogfish (bowfin), quillback, sheephead (freshwater drum), all sucker and redhorse species, tullibee, whitefish and other fish not defined as Game Fish.

SUBDIVISION 36.

"Non-Motorized Boat" shall mean a boat that is not a motorboat but that is designed and constructed to be used as a boat for transportation of a person or persons on water. This term includes, but is not limited to, any canoe, rowboat, raft, and dinghy that is not a motorboat.

SUBDIVISION 37.

"Open Water" shall mean water that is free of ice.

SUBDIVISION 38.

"Personal Flotation Device or PFD" shall mean a Coast Guard approved Type I, II, III, or IV personal flotation device

SUBDIVISION 39.

"Prohibited Means of Taking" includes, but is not limited to, poison arrows, poisoned bait, illegal firearms, wild rice harvesting machines, set guns, swivel guns and fully automatic firearms, and silencers for any firearm.

SUBDIVISION 40.

"Public Roadway" shall mean a road and the right-of-way thereof, which is regularly maintained for public use, and shall include banks, ditches and shoulders.

SUBDIVISION 41.

"Reservation Business Committee" shall mean the duly constituted governing body of the Fond du Lac Band of Lake Superior Chippewa.

SUBDIVISION 42.

"Seine" shall mean a net of mesh with floats at the top and weights at the bottom, such that is hangs vertically in the water and which is drawn through the water to capture fish by encircling them rather than entangling them.

SUBDIVISION 43.

"Significant Part" shall mean a portion of flesh from a big game animal weighing more than ten (10) pounds.

SUBDIVISION 44.

"Small Game" shall mean snowshoe hare, cottontail rabbit, red squirrel, gray squirrel, fox squirrel, ruffed grouse, spruce grouse, sharptail grouse, badger, beaver, bobcat, fisher, gray fox, marten, mink, muskrat, opossum, otter, raccoon, red fox, and wild turkey.

SUBDIVISION 45.

"Snagging" shall mean taking a fish, with a hook and line, by hooking a fish in a place other than the mouth.

SUBDIVISION 46.

"Snare" shall mean the taking, or attempted taking, of any wild animal by means of setting or operating any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture, or take, a wild animal or animals.

SUBDIVISION 47.

"Spear" shall mean a pole tipped with a minimum of three (3) barbed tines that are a minimum of 4 ½ inches long with each tine having a barb extending perpendicular, which is greater than or equal to 1/8 of an inch in length.

SUBDIVISION 48.

"Spearing" shall mean the taking of fish by the use of a spear.

SUBDIVISION 49.

"Special Permit" shall mean the permit required, in addition to the Ceded Territory License, for the taking, or attempted taking, or activities pursuant to this Code.

SUBDIVISION 50.

"Tags" shall mean a locking device intended to mark wild game and which is assigned and distributed by the Fond du Lac Resource Management Division.

SUBDIVISION 51.

"Take" or "Taking" shall mean pursuing, shooting, killing, capturing, trapping, snaring, spearing and netting wild animals, and all lesser acts such as disturbing, harrying, worrying or placing, setting, drawing, or using any net, trap or other device used to take wild animals, and includes every attempt to take and every act of assistance to any person in taking or attempting to take wild animals.

SUBDIVISION 52.

"Trap" shall mean the taking, or attempted taking, of any wild animal by means of setting or operating any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture, or take, a wild animal or animals.

SUBDIVISION 53.

"Trot Line" shall mean a line with multiple lines and hooks attached to it, not to exceed 100 feet in length. Each trot line shall be considered one attended or unattended line.

SUBDIVISION 54.

"Unattended Line" shall mean a line used for taking fish that is not within the sight of the Band Member who set the line.

SUBDIVISION 55.

"Under the Influence" shall mean any amount of alcohol or drugs that in any way alters the users reaction time or ability to react. "Under the influence" of alcohol includes having a blood alcohol content equal to or greater than 0.08%.

SUBDIVISION 56.

[Reserved]

SUBDIVISION 57.

"Valid Ceded Territory Card or License" shall mean photo license issued by the Fond du Lac Reservation Committee to Band members.

SUBDIVISION 58.

"Watercraft" shall mean any description of watercraft used, or capable of being used, as a means of transportation on water.

SUBDIVISION 59.

"Wild Rice" shall mean that crop which grows naturally, or as a result of reseeding in natural lakes and waters, including lakes resulting from flood control structures in the Ceded Territory.

SUBDIVISION 60.

"Wildlife" shall mean all species of crayfish, mammals, birds, reptiles and amphibians.

SECTION 105. FISH AND AQUATIC RESOURCES.

SUBDIVISION 1. CEDED TERRITORY LICENSE AND PERMIT.

Every Band Member who takes fish in the Ceded Territory shall have in their possession a valid Ceded Territory License, and if required, a valid Permit.

SUBDIVISION 2. ANGLING - OPEN WATER.

- (A) The taking of fish in the Ceded Territory with attended lines shall not exceed eight (8) lines per Band Member.
- (B) The accidental snagging of any fish, while angling in open water, shall be a legal means of taking fish. The taking of fish by use of a snagline, snaggpole, or a cluster of fish hooks shall not be permitted.
- (C) The taking of fish with a bow and arrow shall be a legal means of harvesting fish provided that the equipment used meets with standards set in Section 104, Subdivision 8.
- (D) Bow and arrow fishing of game fish is prohibited from March 15 to June 1 except when done pursuant to a valid Spearing permit as provided in Section 105, subdivision 4(H).
- (E) Band members fishing on a state designated stream trout lake shall not possess or use live bait as defined in Section 104, Subdivision 28a, except the use of nightcrawlers and earthworms is permitted. If minnows are to be used by the Band member, only dried or pickled (brined) minnows are allowed.
- (F) No Band member shall use as live bait while fishing pursuant to this code any game fish as described in Section 104, Subdivision 24, or any species other than live bait as defined in Section 104, Subdivision 28a.
- (G) No Band member shall release unused live bait either in the water or on the shore adjacent to the water. Unused live bait is to be deposited in the garbage.

SUBDIVISION 3. ANGLING - ICE.

- (A) The taking of fish in the Ceded Territory with attended lines shall not exceed eight (8) lines per Band Member.
- (B) The location of each unattended line shall be reasonably marked with an object with a height of at least one foot

above the snow line so as to be visible to any vehicular traffic.

- (C) Holes for angling through the ice shall not exceed 12 inches in diameter.
- (D) Fish houses and portable shelters which includes dark houses placed on ice, must be plainly marked with the Band Member's Ceded Territory License Number.
- (E) Fish houses must be removed from the ice not later than March 15, unless an earlier date is established by the Reservation Business Committee, except that portable shelters may be used thereafter, but must be removed from the ice daily.
- (F) The accidental snagging of any fish while angling through the ice shall be a legal means of taking fish. The taking of fish by use of a snagline, snagpole, or a cluster of fish hooks shall not be permitted.
- (G) Band members ice fishing on a state designated stream trout lake shall not possess or use live bait as defined in Section 104, Subdivision 28a, except the use of nightcrawlers and earthworms is permitted. If minnows are to be used by the Band member, only dried or pickled (brined) minnows are allowed.
- (H) No Band member shall use as live bait while fishing pursuant to this code any game fish as described in Section 104, Subdivision 24, or any species other than live bait as defined in Section 104, Subdivision 28a.
- (I) No Band member shall release unused minnows or leeches in the water. Minnows and leeches may be disposed of on top of the ice at a minimum distance of 5 (five) feet from any hole or open water.

SUBDIVISION 4. SPEAR - OPEN WATER - GAME FISH. Spearing of game fish shall be by Permit in addition to the Band Member's Ceded Territory License.

- (A) The Permit for spearing shall indicate the Band Member's Name, signature, current address, Ceded Territory License Number, the waters on which the spearing will occur, the landing that will be used by the Band, the date(s) that the permit is valid, the daily bag limit for walleye and other game fish, and such other terms and conditions as may be required.

- (B) Except while ice fishing, no Band Member shall use or possess any spear while harvesting gamefish on any body of water unless the Band Member possesses a valid permit for the use of the spear. No Band Member shall possess any fish harvesting devices, other than a spear, while engaged in spearing.
- (C) Band Members shall not take fish with a spear that does not meet the requirements of Sec. 104, Subd. 47 except that a Band Member may use a spear with barbed tines which are smaller than otherwise required when fishing exclusively for panfish.
- (D) The use of artificial lights while spearing game fish is permitted.
- (E) No Band member shall cut, clip, or otherwise alter the size of any fish before the fish is counted by a Biological Monitoring Team. This provision does not apply to fish whose length has been altered as an incidental result of the act of spearing, as a result of natural causes, or as a part of a biological survey or assessment.
- (F) Band members participating in spearing activities will be required to use a specific landing on each lake for each night of spearing as designated on the Permit by the Reservation Business Committee by recommendation from the Resource Management Division.
- (G) After every evening of spearing, each Band member will be required to check in at the boat landing with the Biological Monitoring Team, and allow Ceded Territory biologists and technicians to register their catch.
- (H) Band members may use a bow and arrow as described in Section 104, Subdivision 8, for the taking of game fish with a valid Spearing Permit prior to June 1, and such will not be a violation of Section 105, Subdivision 2(D).

SUBDIVISION 5. SPEARING - OPEN WATERS - NON-GAME FISH.

- (A) The spearing of non-game fish will not require a Permit.
- (B) Band members with a valid Ceded Territory License may spear non-game fish in any open water in the Ceded Territory, unless otherwise prohibited.
- (C) The use of artificial light is permitted.

- (D) Band members shall not take fish with a spear that does not meet the requirements of Section 104, Subdivision 47.
- (E) Band members may use bow and arrow as described in Section 104, Subdivision 8 to take non-game fish.

SUBDIVISION 6. SPEARING - ICE - NON-GAME AND GAME FISH.

- (A) The spearing of fish through the ice will not require a Permit.
- (B) Band members with a valid Ceded Territory License may spear fish through the ice.
- (C) Band members shall not take fish with a spear that does not meet requirements of Sec. 104, Subd. 47.
- (D) Fish houses and portable shelters must be plainly marked with either (1) the Band Member's Name, current address, and Ceded Territory License Number, or (2) or the Band Member's valid driver's license number.
- (E) Fish houses must be removed from the ice not later than March 15, unless an earlier date is established by the Reservation Business Committee, except that portable shelters may be used thereafter, but must be removed from the ice daily.
- (F) The use of tip-ups or angling for fish around or within the same fish house used for spearing is permitted.
- (G) The use of artificial lights is permitted for the taking of fish through the ice.
- (H) Spearing holes shall not exceed 24 inches by 36 inches.
- (I) When the fish house is moved, open spearing holes shall be clearly marked with an object, at least one foot above the snow line, in order to be visible to other fishermen.

SUBDIVISION 7. FISH TRAPS - DIP NETS - SEINES.

- (A) The taking of game fish with a fish trap, dip net or seine shall be by Permit in addition to a valid Ceded Territory License.
- (B) The Permit will show the Band Member's Name, signature, current address, Ceded Territory License Number, the waters on which the permit is valid, the date(s) on which the permit is valid, the daily bag limit, and other such terms and conditions as may be required.

- (C) When placed in a stream or river, fish traps shall not be large enough to block more than 50% of the stream or river channel, nor shall they be set in a manner that the wings or leads effectively block more than 50% of the stream or river channel. Each trap must bear the Band Member's name, and Ceded Territory License Number shown legibly on a waterproof tag.
- (D) A Band member with a valid fish trap permit shall check his/her traps one (1) time during each continuous 24 hour period in which the fish trap is set, or more frequently as water temperatures may require so as to avoid death and spoilage of any fish taken in the trap.
- (E) Fish traps shall not be set in Lake Superior within 100 feet of the mouth of any stream or river.
- (F) A dip net shall not exceed 36 inches in diameter.
- (G) A seine's mesh shall be no larger than 2 (two) inches when stretched.
- (H) No Band member shall set a fish trap within 50 feet in any direction of another person's fish trap.

SUBDIVISION 8. GILL NETS.

- (A) The taking of fish by gill net in the Ceded Territory shall be by Permit in addition to a valid Ceded Territory License. No Band Member may use or possess a gill net on any body of water unless the Band Members possess a Permit for the gill net.
- (B) The Permit will show the Band Member's Name, signature, current address, Ceded Territory License Number, the waters on which the permit is valid, the date(s) on which the permit is valid and such other terms and conditions as may be required.
- (C) Specifications on terms and conditions of gill net permits for fishing in Lake Superior, shall be established by the Reservation Business Committee prior to the Reservation Business Committee authorizing gill net fishing on Lake Superior.
- (D) All gill nets used to take fish must bear some form of identification, e.g. Ceded Territory License Number, or other number, which will be recorded on the Permit and will be on record with the Fond du Lac Resource Management Division. Tags shall be readily visible.

- (E) No Band Member shall fish with any gill net unless the gill net is marked in the following manner:
- (i) (1) Each gill net shall be marked with two flags, jugs, buoys, or other clearly visible float equal to or larger than a one gallon milk jug, one on each end of the net;
- (2) If flags are used, each flag pole shall be two feet or more above the water and have a diameter of $2 \frac{1}{2}$ inches or less, and each flag shall be white and 10 inches square or larger;
- (3) Each net shall have securely attached to it the tag referred to in Section 105, Subdivision 8(D).
- (ii) Each gill net must be checked at least twice every 24 hour period.
- (F) Each gill net used for taking fish on any inland waters shall not exceed 100 feet in total length and 4 feet in depth unless otherwise authorized in the Permit, and shall have a mesh size no larger than $1 \frac{3}{4}$ inches from knot to knot ($3 \frac{1}{2}$ inches stretched).
- (G) No Band member shall set a gill net in open water with a topline within 3 (three) feet of the water's surface unless the gill net is buoyed at 100 foot intervals.
- (H) No Band member shall set any gill net in an unsafe manner which shall unreasonably expose boaters and other users of the lake to a foreseeable risk of imminent bodily harm or property damage, or contrary to such other restrictions as the Resource Management Division or the Reservation Business Committee may require.
- (I) No Band member shall remove a gill net from a body of water without first removing from the gill net and returning all crayfish to the water or killing all crayfish entangled in the gill net.
- (J) No Band member shall cut, clip, or otherwise alter the size of any fish before the fish is counted by a Biological Monitoring Team. This provision does not apply to fish whose length has been altered as an incidental result of the act of removing the fish from the gill net, as a result of natural causes, or as a part of a biological survey or assessment.
- (K) Band members participating in gill netting activities will be required to use a specific landing on each lake

for each night of gill netting as designated on the Permit by the Reservation Business Committee by recommendation from the Resource Management Division.

- (L) Band members may only lift and check their net in the presence of a Fond du Lac Conservation Officer at the designated landing, and each Band member will be required to check in at the boat landing with the Biological Monitoring Team, and allow biologists and technicians to register their catch. The only exception to this will be that Band members will not be required to lift nets in the presence of Conservation Officers when participating in fall whitefish and tullibee netting (months of October and November), which will be specified in the Permit.
- (M) When participating in fall netting for whitefish and tullibee, no portion of the gill net may be set in water deeper than 15 feet.
- (N) When participating in fall netting for whitefish and tullibee, Band members will be required to provide the Fond du Lac Resource Management Division with advance notice to inform Division staff of the dates, times, and locations of netting activities.
- (O) No member shall fish by the use of a gill net contrary to the terms and conditions of any gill netting permit which has been issued to him or her.

SUBDIVISION 9. COMMERCIAL HARVEST OF GAME FISH, WHITEFISH, TULLIBEE AND HERRING OVER 7 INCHES IN LENGTH AND TURTLES.

- (A) Upon a determination that the harvestable surplus of a species of game fish, or whitefish, tullibee or herring over 7 inches in length, or turtles in a given lake or river is sufficient to support a commercial harvest and that there is a sufficient interest on the part of Band members, the Reservation Business Committee may authorize the issuance of commercial harvesting permits. Authorization for any such commercial harvest shall be done pursuant to Band procedures that ensure conservation of the resource.
- (B) No Band member shall engage in the commercial harvest of game fish, whitefish, tullibee or herring over 7 inches in length, or turtles without a commercial harvesting permit.
- (C) Band members engaging in commercial harvest shall be subject to all subdivisions of this Code.

- (D) The Band Member will submit a report monthly throughout the fishing or turtle harvesting season as long as commercial harvest activities continue detailing the numbers (pounds) of each species harvested during each trip, the harvest gear used, the date of each fishing trip, and the locations (e.g. lake, river, stream) where collection attempts were made.

SUBDIVISION 10. DAILY LIMITS AND POSSESSION.

- (A) Taking fish in the Ceded Territory by angling, spearing, trapping, gill net, dip net or seine will be limited to the daily limits and possession regulations established annually by the Reservation Business Committee and, where the activity is done pursuant to a permit, subject to the daily limits set out in the permit.
- (B) While in the field, no Band Member may possess or transport more than his daily limit of freshly taken fish.

SUBDIVISION 11. LIVE BAIT GATHERING.

- (A) A Band Member may take and possess no more than 400 minnows, 400 leeches, 200 frogs, or 200 crayfish for their own personal use.
- (B) The Band Member may use any net, as described in Section 104, Subdivisions 14, 21, 23a and 42.
- (C) The Band Member may use any trap as described in Section 104, Subdivision 21 to take minnows, leeches, or crayfish.
- (D) The live bait trap must bear the name, and Ceded Territory License Number of the Band Member shown legibly on a waterproof tag.
- (E) The Band Member must handle, transport or hold the live bait in a manner that will reasonably ensure that they are kept alive and healthy and will not cause waste and wanton destruction of the natural resource.
- (F) The Band Member shall return promptly any unharmed game fish incidentally taken in the live bait net or trap.
- (G) No Band member shall collect any live bait from Lake Superior or its tributaries or streams up to the first barrier, except as provided by Section 105, Subdivision 19(A).

- (H) No Band member shall release unused live bait either in the water or on the shore unless they are released into the same waters from which they were collected.
- (I) No Band member shall remove or destroy vegetation, logs, rocks, or other habitat features while collecting live bait.
- (J) No Band member shall set a live bait trap, string of live bait traps, or trap net, including the wings or leads, such that the traps extend more than one half the width of any stream or river, nor can they be set within 50 feet in any direction of another person's live bait trap, or trap net.
- (K) Bandmembers are required to check live bait traps at least once every 48 hours, or more frequently as temperatures necessitate to prevent the loss of trapped live bait.
- (L) A Commercial Permit is required, in addition to the Band Member's Ceded Territory License, for the taking and possession of more than 400 minnows, or 400 leeches, or 200 frogs, or 200 crayfish.
- (M) The Commercial Permit shall show the Band Member's Name, current address, signature, Ceded Territory License Number, the waters on which the Permit is valid, the date(s) the Permit is valid, the limit, and such other terms and conditions as may be required.
- (N) The Band Member may sell to any person, the live bait lawfully taken pursuant to this Code.
- (O) The Band Member harvesting live bait under a Commercial Permit pursuant to subdivision 11(L) will submit to the Resource Management Division monthly reports detailing the numbers (pounds) of live bait collected during each trip, the species collected (if possible), the date of each collection trip and the locations (e.g. lake, river, stream, swamp) where collection attempts were made.

SUBDIVISION 12. SALE OF FISH. A Band Member may sell up to the daily bag limit of fish to any person, either whole or filleted, that have been lawfully harvested pursuant to this Code. Selling fish in excess of the daily bag limit for any species will require a commercial harvest permit as described in Subdivision 9.

SUBDIVISION 13. TRANSPORTATION OF FISH.

- (A) A Band Member shall transport fish, whether whole or filleted, in such a manner that the species and number may be verified by a minimum of a one-inch patch of skin and scales left intact from a portion of the body other than the belly. The exceptions are bullhead, sunfish, and crappie, which may be completely filleted and skinned.
- (B) A Band Member shall not transport freshly taken fish as defined in Section 104, Subdivision 22a, exceeding the daily limit.
- (C) Band members shall have in their possession their Ceded Territory License and any required Permit and tags while transporting fish.

SUBDIVISION 14. TROT LINES AND SET OR BANK POLES - ICE AND OPEN WATER ANGLING.

- (A) The taking of fish in the Ceded Territory with unattended lines shall not exceed 12 (twelve) lines per Band member.
- (B) Each unattended line must bear the name, and permit number of the Band Member shown legibly on a waterproof tag.
- (C) Setlines or set or bank poles shall not be equipped with stainless steel hooks.
- (D) A set or bank pole may not be equipped with more than one line.
- (E) Each unattended line shall be securely anchored so as not to be dislodged by a hooked fish.
- (F) Each unattended line shall be checked at least once every twenty-four (24) hour period.

SUBDIVISION 15. HARVEST OF SPAWN AND INTRODUCTION OF FISH.

- (A) Band members may not import, transport, or stock in any waters live fish eggs, immature or adult fish of any species, mussels, turtles, or crayfish.
- (B) No Band member shall harvest the spawn of any fish except where contained within the carcass of a fish that is legally harvested pursuant to this code.

SUBDIVISION 16. SMELT AND LAKE HERRING.

- (A) A Band member may take smelt and lake herring from Lake Superior and the river and stream tributaries of Lake Superior using dip nets, seines, or trap nets without any permit other than the Ceded Territory License.
- (B) No Band member shall transport live smelt or lake herring.
- (C) Smelt and lake herring may be used as bait only within Lake Superior but not in any inland waters and provided they have been gutted, de-headed, or salted and preserved.

SUBDIVISION 17. TURTLES.

- (A) A Band member may take up to 10 snapping or painted (mud) turtles per year for non-commercial personal use without any permit other than the Tribal License.
- (B) No Band member shall take, possess, or transport turtles intended for commercial sale without a turtle permit issued by the Resource Management Division pursuant to Section 105, Subdivision 9. Commercial turtle permits shall contain provisions regarding the quantity and size of the turtle that may be harvested, and any other terms or conditions necessary to conservation of the resource.
- (C) It shall be unlawful to possess live or any part of Blanding's or wood turtles.

SUBDIVISION 18. GENERAL RESTRICTIONS.

- (A) The use of explosives, firearms, chemicals (not including fish scents), or electricity for taking fish is unlawful, provided, however, that these restrictions shall not apply to the Resource Management Division where the activity is required in the interests of scientific study, resource management, public health, welfare or safety.
- (B) Applying chemicals or cutting to control vegetation in any public waters is prohibited.
- (C) Depositing fish entrails or fish parts into public waters or onto lake or stream shores is prohibited, with the exception of Lake Superior and in the Boundary Waters Canoe Area Wilderness in waters greater than 50 feet in depth. Fish entrails and parts must be buried or placed in garbage cans or dumpsters.

- (D) Depositing garbage, rubbish, poisonous substances, or chemicals harmful to aquatic life into public waters, onto public ice, or onto public lands is unlawful.
- (E) Marking or tagging fish and releasing them without a permit from the Reservation Business Committee issued to implement a government-authorized scientific study, is unlawful.
- (F) Driving a motorboat through a posted fish spawning area or sanctuary is unlawful. The exception is for Band members who are landowners or lessees adjacent to the area may use the shortest and most direct route doing the least damage to the posted area when traveling to and from their property, provided they operate their motor at the slowest possible speed.
- (G) Dragging boat anchors or other weights with a motor-propelled boat through aquatic vegetation is unlawful.
- (H) It shall be unlawful for Band members to transport aquatic plants, except duckweed, cattails cut above the waterline and wild rice, over a road when in or on a boat or trailer.
- (I) Failing to remove all visible aquatic plants from any boat or trailer before leaving the water access and before entering onto any road is unlawful.

SUBDIVISION 19. INFESTED WATERS.

- (A) No Band member shall take any fish, crayfish, leeches, or frog for purposes of use as bait from any water designated by the Resource Management Division as infested waters, as defined in Section 104, subdivision 27a, except that live bait may be collected from infested waters provided the bait is used only within the infested waters in which they were collected and only on the same day collected. Live bait collected from infested waters shall not be transported from the infested waters, and must be released or destroyed prior to the Band member leaving the waters.
- (B) Following use in any infested waters, no Band member shall fail to:
 - (1) dry for a minimum of 10 (ten) days or freeze for a minimum of 2 (two) days before use in any other waters any net or associated piece of equipment, including traps, buoys, anchors, stakes, or line, provided however, that any net, trap, buoy, anchor, stake or line that has

been used in waters infested with spiny water fleas or zebra mussels, shall be tagged to indicate that they are for use in either spiny water flea or zebra mussel infested waters and shall not be used in any other waters.

(2) remove all aquatic vegetation from nets or associated equipment when they are removed from infested waters.

(3) Notify the Resource Management Division when removing nets from infested waters and before resetting those same nets in any other waters.

(C) No Band member shall use water from infested waters to transport fish without a permit from the Resource Management Division and no Band member shall transport water from infested waters for any other purpose.

(D) No Band member leaving any waters shall fail to drain all water-related equipment including bait containers, livewells, and bilges by removing the drain plug before transporting the watercraft and associated equipment from the water access site or riparian property, and drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells must be removed or opened while transporting water-related equipment.

(E) Emergency response vehicles and equipment may be transported on a public road with the drain plug or other similar device replaced only after all water has been drained from the equipment upon leaving the water body.

SUBDIVISION 20. REPORTING AND MONITORING. A Band member's failure to complete and return any catch reports required by the Conservation Code may result in denial of future permits.

SECTION 106. SMALL GAME AND FURBEARER HUNTING AND TRAPPING

SUBDIVISION 1. CEDED TERRITORY LICENSE AND PERMIT. Every Band Member who takes, or attempts to take, small game or furbearers within the Ceded Territory, shall have in their possession a valid Ceded Territory License, and if required, a valid Permit.

SUBDIVISION 2. AGE AND FIREARMS SAFETY REQUIREMENTS. In addition to the requirements of Subd. 1 of this Section, Band members:

- (A) born on or after January 1, 1980, must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags.
- (B) Band members under fourteen (14) years of age must remain within voice and visual contact of a licensed parent or guardian at all times.
- (C) Band members under age 12 may hunt small game and furbearers without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging an animal.

SUBDIVISION 3. SEASON, DAILY AND POSSESSION LIMITS.

- (A) Small game and furbearer season, daily bag and possession limits shall be designated annually by the Fond du Lac Reservation Business Committee and posted publicly at least fourteen (14) days prior to the season opening.
- (B) A member of a small game or furbearer hunting or trapping party may take more than their daily bag limit, but the total number of small games or furbearers taken and possessed by the party may not exceed the combined limits of the number of persons in the party.
- (C) No Band Member may possess more than the daily bag limit of freshly taken small game or furbearers.
- (D) No Band Member may possess more than a season's limit of small game or furbearers that have been processed and prepared for sale or for personal use.
- (E) All members of a hunting party shall be licensed hunters and carry any special permits, if required.

SUBDIVISION 4. TIME. The taking of small game or furbearers with firearms shall be from one-half hour before sunrise to one-half hour after sunset, except raccoon, which may be taken between sunset and sunrise with certain limitations.

SUBDIVISION 5. PERMISSIBLE MEANS OF TAKING.

Band members may use any permissible means to take small game, including the use of dogs, except that wild turkeys may only be taken with:

- (A) A shotgun 20 gauge or larger or muzzle-loading shotgun 12 gauge or larger and shot size no. 4 or smaller in diameter except steel shot may be no. 2 or smaller in diameter. Duplex shot cannot exceed size no. 4 in diameter except duplex steel shot cannot exceed no. 2 in diameter.
- (B) A bow and arrow - Bows must have minimum 30 lb. draw weight. Arrowheads must be sharp and of barbless design, have at least 2 cutting surfaces and a diameter of at least 7/8s inch, or must be of a blunthead design. Expandable or mechanical broadheads may be used if they meet these requirements and: 1) are at least 7/8 inch in width at or after impact, and 2) are of a barbless design and function in a barbless manner.
- (C) A crossbow - Crossbows must be fired from the shoulder, have a minimum 100 lb. draw weight, a stock of not less than 30 inches in length, a working safety and uses arrow or bolts of not less than 14 inches with a broadhead.

SUBDIVISION 6. BLAZE ORANGE. Any Band Member who hunts small game shall wear blaze orange from the waist up, including cap or hat except when hunting raccoons one-half hour after sunset and one-half hour before sunrise, or coyotes and fox. Band members hunting coyotes or fox or engaged in trapping any small game or furbearer are not required to wear blaze orange except during any State firearms deer season during which time Band members hunting coyote or fox or engaged in trapping any small game or furbearer shall wear blaze orange.

SUBDIVISION 7. SALE OF SMALL GAME AND FURBEARERS.

- (A) Band members may sell to any person, the whole carcass, hide, claws, talons, tails and all plumage, including wings of any small game or furbearer lawfully taken pursuant to this Code, unless otherwise required to submit them to the Resource Management Division for biological study.

- (B) In the event that the Small Game or furbearer is a gift or sold, the person receiving the Small Game or furbearer shall retain a statement from the Band members making the gift or sale. The statement shall include date of gift or sale, Ceded Territory License Number, tag number, if applicable, address and signature of the Band Member.

SUBDIVISION 8. GENERAL SMALL GAME AND FURBEARER PROHIBITIONS.

- (A) It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any small game or furbearer from two hours after sunset until sunrise. Band members shall not use an artificial light to take any small game or furbearer at any time, except raccoon which may be taken at any time using an artificial light, with the following limitations:
 - (1) The Band Member must be on foot.
 - (2) The raccoon must be treed or put at bay by dog.
- (B) Band members shall not disturb the hole, nest or den of any small game or furbearer while taking or attempting to take any small game or furbearer except where permitted for beaver or muskrat.
- (C) There shall be no hunting within 500 feet of any public campground or picnic area, during the season within which it is open for public use, or within 500 feet of any occupied dwelling.
- (D) In addition to any other prohibited means, a wild turkey may not be taken with the aid of recorded calls or sounds or electronically amplified imitations of wild turkey calls or sounds. Live decoys or dogs may not be used in the taking of any wild turkey.

SUBDIVISION 9. ANIMALS CAUSING DAMAGE. Notwithstanding any other provision of this code, a Band Member may take striped skunk, crow, mink, squirrel, rabbit, hare, raccoon, fox, muskrat, coyote, badger or beaver on land owned or occupied by the member where the animal is causing damage to personal property. The member may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this section with artificial lights during the open season. A member that kills mink, raccoon, badger, fox, muskrat, or beaver under this section must notify the Band's Resource Management Division within 24 hours after the animal is killed.

SUBDIVISION 10. EQUIPMENT IDENTIFICATION. A Band member may not set a trap or snare unless the permittee's name and Ceded Territory License number is stamped or engraved on a metal tag at least 5/8 inch by 2 inches in size on the trap. Tags are not required for snares used exclusively for capturing cottontail rabbits or snowshoe hares.

SUBDIVISION 11. SMALL GAME AND FURBEARER REGISTRATION. The separated pelt of each bobcat, fisher, marten and otter must be presented by the person taking it, to the Resource Management Division for registration before the pelt is sold but, in no event more than 3 business days after the season closes. A registration tag will be attached to each pelt. If required for biological study, the whole carcass or any part of the carcass of any furbearer must be surrendered to the Resource Management Division. A locked carcass tag must be placed on a wild turkey immediately after harvest. Wild turkeys must be registered by 4:30 P.M. of the third working day following harvest.

SUBDIVISION 12. TRAP PLACEMENT AND SIZE RESTRICTIONS. A Band member may not set, place, or operate:

- (A) Any foot or leghold trap with a jaw opening greater than 8.75 inches;
- (B) Any body-gripping or conibear-type trap with a jaw opening greater than 7.5 inches, except as a waterset (a waterset is defined as any body-gripping trap or snare set so that the trap jaws or the snare loop are at least half-submerged in water) or;
- (C) Any body-gripping or conibear-type trap with a jaw opening greater than 6.5 inches in or within 3 feet of a culvert, unless as a waterset.
- (D) Any body-gripping or conibear-type trap with a jaw opening greater than 6.5 inches in the road right-of-way, within 500 feet of a building occupied by human or livestock without written permission unless the trap jaws or snare loop are at least half-submerged in water.

SUBDIVISION 13. TRAP SETTING AND TENDING.

- (A) A Band member may set or tend traps any time of the day or night.
- (B) A Band member on foot may use an artificial light to set or tend traps. However, that person may not possess or use a bow and arrow or a firearm other than a handgun of .22 caliber while using the light in the field.

- (C) Any live trap capable of capturing an animal and not capable of drowning the animal must be checked at least once each second calendar day. There are no trap check requirements for traps capable of drowning the animal, body-gripping or conibear-type traps, or traps set under the ice. When the trap is tended, any animal captured must be removed.

SUBDIVISION 14. TRAP TAMPERING.

- (A) No Band member may remove or tamper with a trap legally set to take small game, furbearing or unprotected species without authorization by the trapper or the owner or lessee of the land where the trap is located.
- (B) A trapper may authorize, in writing, an agent who possesses all necessary licenses to tend traps set by the trapper, including resetting the trap at the same set. The agent may remove trapped animals.

SUBDIVISION 15. GENERAL TRAPPING RESTRICTIONS.

- (A) No trap, either set or unset, may be placed or staked before the opening of any trapping season.
- (B) No Band member may leave any trap placed for a protected wild animal in place, either set or unset, after the close of the applicable trapping season.
- (C) No Band member may disturb, injure, or destroy any muskrat house or den, except that traps may be set at natural entrances to muskrat burrows and openings may be made in muskrat houses for trapping if all material removed is wetted and used to plug the opening.
- (D) **[Reserved]**
- (E) No Band member may disturb, injure, or destroy any beaver house, dam, burrow, or den except where beaver activity threatens personal property.
- (F) No Band member may set a trap inside any beaver house or upon the outside of any beaver house above the waterline.
- (G) Mink may not be taken by digging or with the aid of dogs.
- (H) No Band member may set or maintain any leghold trap within 20 feet of bait located in such a way that it may be seen by soaring birds. Bait is any animal or animal

parts, including live or dead fish, except that small pieces of fur and feathers may be used for flagging.

- (I) No Band member may place a leghold trap on a pole, post, tree stump, or other perch more than 3 feet above the ground, or level of the surrounding snow.

SUBDIVISION 16. SNARES. Snares may be used by trappers for taking all species of small game or furbearers. The use of snares is subject to the following specific regulations and all other general trapping regulations not inconsistent with these snaring restrictions.

SUBDIVISION 17. GENERAL RESTRICTIONS AND USE OF SNARES.

- (A) The diameter of the snare loop may not exceed 12 inches.
- (B) Snare cable or wire may not have a diameter exceeding 1/8 inch.
- (C) No Band member may set, place, or operate a snare in a culvert unless the snare loop is at least half submerged.
- (D) Snares may not be set in well-defined deer trails.
- (E) Snares may not be used with spring poles or other devices that wholly or partly lift from the ground an animal caught in the snare.
- (F) No snare may be set in such a way that the top of the loop is more than 24 inches above the first surface beneath the bottom of the snare loop.
- (G) All snares not capable of drowning the captured animal must be tended at least once every second calendar day.
- (H) No snare set for a protected animal may be left in place after the applicable trapping season has closed.

SECTION 107. DEER.

SUBDIVISION 1. CEDED TERRITORY LICENSE AND TAGS. Every Band Member who takes, or attempts to take, either individually or in a hunting party, deer within the Ceded Territory, shall have in their possession a valid Ceded Territory License and properly issued carcass tags.

SUBDIVISION 2. PARTY HUNTING. Party Hunting by Ceded Territory License holding Members is permissible. Any member of a party may kill a legal deer for any other member of the party who has an unused tag. Any member of a party may tag a legal deer killed by any other member of the party. The number of deer taken by the party shall not exceed the number of tags held by the party.

SUBDIVISION 3. AGE AND FIREARMS SAFETY REQUIREMENTS. In addition to the requirements of Subd. 1 of this Section, Band members:

- (A) born on or after January 1, 1980, must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags.
- (B) Band members under fourteen (14) years of age must remain within voice and visual contact of a licensed parent or guardian at all times.
- (C) Band members ages 10 or 11 may hunt deer without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging an animal. Band members age 9 or younger may not hunt deer.

SUBDIVISION 4. HUNTING FOR SENIOR CITIZENS OR DISABLED. Any Band Member over the age of 55, or who is handicapped or disabled as defined by this Code, and who has a valid Ceded Territory License, may have another licensed Band Member shoot a deer for them. This assignment of hunting privilege is limited to deer only and the Resource Management Division must receive written notice at the time the deer tag is assigned. The written notice must state that the designated hunter holds a valid Ceded Territory License, Card Number, the designated hunter's name, the senior citizen or disabled person's name, and the tag number assigned.

SUBDIVISION 5. DEER TAGS.

- (A) Carcass tags will be issued for each deer and will have a corresponding number which will be recorded by the Resource Management Division.
- (B) The deer must have the proper locked tag affixed around the leg bone, leg bone tendon, antler or through the ear so that the tag cannot be removed without breaking the lock.
- (C) The tag must be affixed at the time the deer is brought to any dwelling, camp, or other abode, or before being placed on any motor vehicle.
- (D) The Band Member shall retain the registration tag that makes the taking legal, so long as any significant part of the deer is in their possession.

SUBDIVISION 6. SALE OF DEER.

- (A) Band members may sell to any person, the head, hide, antlers, hooves, bones or teeth of any deer lawfully taken and registered pursuant to this Code.
- (B) The sale of deer meat by any Band Member is prohibited without a commercial harvest permit authorized by the Reservation Business Committee pursuant to Section 111 of this Code.

SUBDIVISION 7. ESTABLISHMENT OF SEASON.

- (A) Except as provided herein, the establishment of any seasons for the taking of deer shall be by the written order of the Fond du Lac Reservation Business Committee.
- (B) The written Order shall be publicly posted a minimum of fourteen (14) days before the opening of deer season.
- (C) In the event of an extended season, the Order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

SUBDIVISION 8. HOURS FOR HUNTING. The taking of deer shall be permitted from one-half hour before sunrise to one-half hour after sunset.

SUBDIVISION 9. BLAZE ORANGE. Any Band member who hunts deer during the firearms season shall wear blaze orange from the waist up, including cap or hat. An exception is made for archery hunters who are not required to wear blaze orange while in a blind or stand

provided, however, that archery hunters shall wear blaze orange even while in a blind or stand during any state firearms season for deer.

SUBDIVISION 10. REGISTERING DEER. The Resource Management Division will establish and maintain registration procedures for the purpose of recording and preserving the following information: sex of the animal taken, management unit from where the deer was taken, and any other relevant information necessary for conservation enforcement or population management. Deer must be registered no later than 4:30 P.M. of the third working day after the deer has been taken.

SUBDIVISION 11. PROHIBITED ACTS.

- (A) There shall be no hunting within 500 feet of any public campground or picnic area, during the season within which it is open for public use, or within 500 feet of any occupied dwelling.
- (B) Firearms, bows or crossbows shall not be discharged down, from or across any public roadway.
- (C) It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any deer from two hours after sunset until sunrise.
- (D) Set guns, swivel guns, snares, artificial lights, fully automatic firearms, or dogs shall not be used for the taking, or attempted taking, of deer.
- (E) It shall be unlawful to use any flying craft for the purpose of taking any deer.
- (F) A Band member may not discharge a firearm or arrow from any roadway or right of way at any big game animal or a decoy of any big game animal.
- (G) During closed hunting hours and seasons it shall be unlawful to discharge a firearm or arrow at any decoy.

SUBDIVISION 12. FIREARMS PERMITTED.

- (A) Handguns, rifles, shotguns and all projectiles used therein shall have center fire ignition and be at least .220 caliber.
- (B) All firearms shall be loaded only with ammunition containing single projectiles.

- (C) All projectiles shall be of a soft point or expanding bullet type.
- (D) Muzzle loaded black powder rifles are legal for taking big game. Minimum muzzle size shall be .45 caliber smooth bore or .40 caliber rifle bore.

SUBDIVISION 13. BOW AND ARROW HUNTING.

- (A) Hunting deer with the use of a Bow and Arrow or crossbow shall be permissible provided that the provisions addressing such equipment and other conditions of this Code are complied with.
- (B) Bows must have a pull of no less than 30 pounds at, or before, full draw.
- (C) Arrow heads for big game hunting must be made of a barbless design. All arrow heads used for big game hunting must be kept sharp and have at least two (2) cutting edges with a diameter of at least 7/8 of an inch. Expandable or mechanical broadheads may be used to take big game if they meet these requirements and: 1) are at least 7/8 inch in width and no more than 2 inches in width at or after impact; and 2) are of a barbless design and function in a barbless manner.
- (D) Crossbows must be fired from the shoulder, have a minimum draw weight of 100 pounds, a stock of not less than 30 inches in length, a working safety and uses arrows or bolts of not less than 14 inches with a broadhead.

SECTION 108. MIGRATORY BIRDS

SUBDIVISION 1. CEDED TERRITORY LICENSE. Every Band Member, 16 years of age or older who takes, or attempts to take migratory birds in the Ceded Territory, shall have in their possession a valid Ceded Territory License.

SUBDIVISION 2. AGE REQUIREMENT AND AND FIREARMS SAFETY REQUIREMENTS. In addition to the requirements of Subd. 1 of this Section, Band members:

- (A) born on or after January 1, 1980 must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags.
- (B) Band members fourteen (14) years of age must remain in voice and visual contact of a licensed parent or guardian at all times.
- (C) Band members under age 12 may hunt migratory birds without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth age 12 or under. The youth will use the parent or guardian's tag(s) when tagging an animal.

SUBDIVISION 3. SEASON, DAILY AND POSSESSION LIMITS. The seasons, hours, daily bag and possession limits for migratory birds shall be designated annually by the Fond du Lac Reservation Business Committee, and shall be publicly posted a minimum of fourteen (14) days prior to the opening of the season.

SUBDIVISION 4. HOURS FOR HUNTING. Shooting hours for migratory birds is one-half before sunrise to one-half hour after sunset.

SUBDIVISION 5. FIREARMS. It is unlawful to take geese, ducks, mergansers, coots, moorhens, or sandhill cranes with lead shot or while having any lead shot in possession.

SUBDIVISION 6. WATERCRAFT.

- (A) Watercraft used to take migratory birds may be drifting, beached, moored, resting at anchor or propelled by paddle, oars or pole. Watercraft with motors or sails may be used in the above described manner so long as the motor is shut off and any sails furled before taking.

- (B) Band members may not transport any firearm in any watercraft being propelled by a motor or sail unless the firearm is unloaded and contained in a case.
- (C) No Band member shall operate or ride in a watercraft unless there is a sufficient number of readily available personal flotation devices (PFD) on board.

SUBDIVISION 7. POSSESSION OF MIGRATORY BIRDS.

- (A) No Band Member may possess more than the daily bag or aggregate bag limit of freshly taken migratory birds.
- (B) Band members may possess any number of migratory birds that have been cleaned and processed.

SUBDIVISION 8. PERMISSIBLE MEANS OF TAKING. Band members may use any permissible means to take migratory birds, including the use of dogs.

SUBDIVISION 9. PROHIBITED MEANS OF HARVEST. Migratory birds may not be taken by use of any trap, snare, net, explosive, stupefying substance, pistol, punt gun, shotgun larger than 10 gauge, or shotgun capable of holding more than five shells; nor taken from any sink box; nor by rallying or driving or chasing birds with any motorized conveyance or sail boat to put them in range of hunters; nor by use of aid of any live decoys, or records or tapes of migratory bird calls or sounds or electronically amplified imitations of bird calls; nor by the aid of baiting (which shall mean placing feed such as corn, wheat, salt or other feed to constitute a lure or enticement) or on or over any area that has been baited. An area shall be deemed "baited" if the bait has been removed from the area within the last 10 days. Electronic calls or sounds may be used for crow hunting.

SUBDIVISION 10. TAGGING.

- (A) If the birds are left in the possession of anyone other than the hunter, the birds must be tagged with information showing the hunter's signature, address, total number of birds involved by species, and the dates the birds were killed.
- (B) If the birds are to be shipped, the package must be marked on the outside with the name and address of the person sending the birds, the name and address of the person to whom sent, and the number of birds by species contained in the package.
- (C) No Band member shall completely field dress a migratory bird (except doves). The head or one fully feathered

wing must remain on the bird while it is transported from the field to the hunter's home.

SUBDIVISION 11. SALE OF MIGRATORY BIRDS.

- (A) No member shall sell the meat or whole carcass of any migratory bird to a non-Band member.
- (B) Band members may use the feathers of any migratory bird lawfully harvested under this Code for personal non-commercial use, and for the making and commercial sale of handicraft items. Band members may also commercially sell the feathers of migratory waterfowl (ducks, geese, brant and swans) lawfully harvested pursuant to this Code for the making of fishing flies, bed pillows and mattresses and similar items.

SUBDIVISION 12. BLAZE ORANGE. Band members hunting migratory birds are not required to wear blaze orange except when going to or from a blind during any State firearms season for deer.

SECTION 109. MOOSE

SUBDIVISION 1. CEDED TERRITORY LICENSE AND PERMIT. Every Band Member who takes, or attempts to take, either individually or in a hunting party, moose within the Ceded Territory, shall have in their possession a valid Ceded Territory License and a valid Permit. All members of the hunting party will have their names on each Permit.

SUBDIVISION 2. MOOSE HUNTING PARTY.

- (A) Permits for Moose Hunting will be issued to hunting parties comprised of qualified Band members.
- (B) Requirements for moose hunting parties shall be established by the Fond du Lac Reservation Business Committee and shall be publicly posted at least fourteen (14) days prior to the acceptance of applications for Permits for Moose Hunting.
- (C) The Resource Management Division shall accept applications and issue Permits consistent with the rules established by the Fond du Lac Reservation Business Committee.
- (D) Available permits shall designate a specific moose zone for which the permit is valid.

SUBDIVISION 3. AGE AND FIREARMS SAFETY REQUIREMENTS. In addition to the requirements of Subd. 1 of this Section, Band members:

- (A) born on or after January 1, 1980 must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags.
- (B) Band members under fourteen (14) years of age must remain in voice and visual contact of a licensed parent or guardian at all times.
- (C) Band members ages 10 or 11 may hunt moose without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging an animal. Band members age 9 and under may not hunt moose.

SUBDIVISION 4. SPECIAL TAG REQUIRED.

- (A) One or more tags will be issued with each special moose hunting party permit. The tag or tags will correspond to the number of the party permit issued and will be recorded by the Resource Management Division.
- (B) The moose must have the proper locked tag affixed around the leg bone, leg bone tendon, antler, or through the ear so that the tag cannot be removed without breaking the lock. The tag must be affixed at the time the moose is brought to any dwelling, camp, or other abode, or before being placed on any motor vehicle.
- (C) Each hunting party member shall retain the special moose hunting permit so long as any significant part of the moose is in their possession.

SUBDIVISION 5. ORDER AND TIMELY PUBLIC NOTICE OF SEASON.

- (A) Except as provided herein, the establishment of moose season shall be by the written Order of the Reservation Business Committee.
- (B) The written Order shall be publicly posted a minimum of fourteen (14) days before applications for moose permits will be accepted.
- (C) In the event of an extended season, the Order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

SUBDIVISION 6. TIME PERMITTED TO HUNT. The taking of moose shall be permitted only from one-half hour before sunrise to one-half hour after sunset.

SUBDIVISION 7. FIREARMS PERMITTED.

- (A) All rifles and all projectiles used therein shall be at least .25 caliber and have center fire ignition. Shotguns must be 20 gauge or larger and handguns must be .44 magnum caliber or larger for taking moose.
- (B) All firearms shall be loaded only with ammunition containing single projectiles of a soft point or expanding bullet type.
- (C) Muzzle loaded black powder rifles are legal for taking big game. Minimum muzzle size shall be .45 caliber smooth bore or .40 caliber rifle bore.

SUBDIVISION 8. BOW AND ARROW HUNTING.

- (A) Hunting moose with the use of a Bow and Arrow or crossbow shall be permissible provided that the provisions addressing such equipment and other conditions of this Code are complied with.
- (B) Bows must have a pull of no less than 30 pounds at, or before, full draw.
- (C) Arrow heads for big game hunting must be made of a barbless design. All arrow heads used for big game hunting must be kept sharp and have at least two (2) cutting edges with a diameter of at least 7/8 of an inch. Expandable or mechanical broadheads may be used to take big game if they meet these requirements and: 1) are at least 7/8 inch in width and no more than 2 inches in width at or after impact; and 2) are of a barbless design and function in a barbless manner.
- (D) Crossbows must be fired from the shoulder, have a minimum draw weight of 100 pounds, a stock of not less than 30 inches in length, a working safety and uses arrows or bolts of not less than 14 inches with a broadhead.

SUBDIVISION 9. BLAZE ORANGE. Any Band member who hunts moose shall wear blaze orange from the waist up, including cap or hat. An exception is made for archery hunters who are not required to wear blaze orange while in a blind or stand provided, however, that archery hunters shall wear blaze orange even while in a blind or stand during any state firearms season for deer.

SUBDIVISION 10. SALE OF MOOSE.

- (A) Band members may sell to any person, the head, hide, antlers, hooves, bones or teeth of any moose lawfully taken and registered pursuant to this Code.
- (B) The sale of moose meat by Band members is prohibited without a commercial harvest permit authorized by the Reservation Business Committee pursuant to Section 111 of this Code.

SUBDIVISION 11. PROHIBITED ACTS.

- (A) There shall be no hunting within 500 feet of any public campground, or picnic area during the season within which it is open for public use, or within 500 feet of any occupied dwelling.

- (B) Firearms, bows or crossbows shall not be discharged down, from or across any public roadway.
- (C) Bait, Set guns, swivel guns, snares, fully automatic firearms, or dogs shall not be used for the taking, or attempted taking, of moose.
- (D) It shall be unlawful to use any flying craft for the purpose of taking any moose.
- (E) It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any moose from two hours after sunset until sunrise.
- (F) It shall be unlawful to hunt moose outside of the zone for which a permit is issued.

SUBDIVISION 12. REGISTERING MOOSE. The Resource Management Division will establish and maintain registration stations for the purpose of recording and preserving the following information: sex and age (adult or calf) of the animal; management unit from where the moose was taken, and any other relevant information. If the locked tag is affixed through the ear or around the antler, only the head need be presented at time of registration. Moose must be registered no later than 4:30 P.M. of the third working day after the moose has been taken.

SECTION 110. BEAR.

SUBDIVISION 1. CEDED TERRITORY LICENSE AND TAGS. Every Band Member who takes, or attempts to take, either individually or in a hunting party, bear within the Ceded Territory, shall have in their possession a valid Ceded Territory License and properly issued carcass tags.

SUBDIVISION 2. PARTY HUNTING. Party hunting by Ceded Territory License holding Members is permissible. Any member of a party may kill a legal bear for any other member of the party who has an unused tag. Any member of a party may tag a legal bear killed by any other member of the party. The number of bear taken by the party shall not exceed the number of tags held by the party.

SUBDIVISION 3. AGE AND FIREARMS SAFETY REQUIREMENTS. In addition to the requirements of Subd. 1 of this Section, Band members:

- (A) born on or after January 1, 1980 must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags.
- (B) Band members Under fourteen (14) years of age must remain in voice and visual contact of a licensed parent or guardian at all times.
- (C) Band members ages 10 or 11 may hunt bear without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging an animal. Band members age 9 and under may not hunt bear.

SUBDIVISION 4. HUNTING FOR SENIOR CITIZENS OR DISABLED. Any Band Member over the age of 55, or who is handicapped or disabled as defined by this Code, and who has a valid Ceded Territory License, may have another licensed Band Member shoot a bear for them. This assignment of hunting privilege is limited to bear only and the Resource Management Division must receive written notice at the time the bear tag is assigned. The written notice must state that the designated hunter holds a valid Ceded Territory License, Card Number, the designated hunter's name, the senior citizen or disabled person's name, and the tag number assigned.

SUBDIVISION 5. BEAR TAGS.

- (A) Tags will be issued for each bear and will have a corresponding number which will be recorded by the Resource Management Division.
- (B) The bear must have the proper locked tag affixed around the leg bone, leg bone tendon or breast bone so that the tag cannot be removed without breaking the lock.
- (C) The tag must be affixed at the time the bear is brought to any dwelling, camp, or other abode, or before being placed on any motor vehicle.
- (D) The Band Member shall retain the registration tag that makes the taking legal, so long as any significant part of the bear is in their possession.

SUBDIVISION 6. SALE OF BEAR.

- (A) Band members may sell to any person, the head, bones, hide, claws or teeth of any bear lawfully taken and registered pursuant to this Code.
- (B) The sale of bear meat or internal organs by any Band Member is prohibited without a commercial harvest permit authorized by the Reservation Business Committee pursuant to Section 111 of this Code.
- (C) Bear paws may not be sold unless attached to the hide.

SUBDIVISION 7. ESTABLISHMENT OF SEASON.

- (A) Except as provided herein, the establishment of any seasons for the taking of bear shall be by the written Order of the Fond du Lac Reservation Business Committee.
- (B) The written Order shall be publicly posted a minimum of fourteen (14) days before the opening of bear season.
- (C) In the event of an extended season, the Order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

SUBDIVISION 8. HOURS FOR HUNTING. The taking of bear shall be permitted from one-half hour before sunrise to one-half hour after sunset.

SUBDIVISION 9. REGISTERING BEAR. The Resource Management Division will establish and maintain registration stations for the purpose of recording and preserving the following information: sex

and age of the animal, management unit from where the bear was taken, and any other relevant information. The head and hide must be presented for registration. Bear must be registered no later than 4:30 P.M. of the third working day after the bear has been taken.

SUBDIVISION 10. BLAZE ORANGE. Any Band member who hunts bear during the Band's firearm seasons for deer or moose shall wear blaze orange from the waist up, including cap or hat. An exception is made for archery hunters who are not required to wear blaze orange while in a blind or stand provided, however, that archery hunters shall wear blaze orange even while in a blind or stand during any state firearms season for deer.

SUBDIVISION 11. PROHIBITED ACTS.

- (A) There shall be no hunting within 500 feet of any public campground, during the season within which it is open for public use, or within 500 feet of any occupied dwelling.
- (B) Firearms, bows or crossbows shall not be discharged down, from or across any public roadway.
- (C) It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any bear from two hours after sunset until sunrise.
- (D) Set guns, swivel guns, fully automatic firearms, traps, and snares shall not be used for the taking, or attempted taking, of bear.
- (E) It shall be unlawful to use any flying craft for the purpose of taking any bear.
- (F) No bear cubs or sows with cubs may be taken.
- (G) No bears shall be disturbed while in their dens.
- (H) Band members shall not take bear at any dump or sanitary landfill.

SUBDIVISION 12. FIREARMS PERMITTED.

- (A) All rifles, shotguns and handguns and all projectiles used therein for bear shall have center fire ignition and be at least .220 caliber.
- (B) All firearms shall be loaded only with ammunition containing single projectiles of a soft point or expanding bullet type.

- (C) All projectiles shall be of a soft point or expanding bullet type.
- (D) Muzzle loaded black powder rifles are legal for taking big game. Minimum muzzle size shall be .45 caliber smooth bore or .40 caliber rifle bore.

SUBDIVISION 13. BOW AND ARROW HUNTING.

- (A) Hunting bear with the use of a Bow and Arrow or crossbow shall be permissible provided that the provisions addressing such equipment and other conditions of this Code are complied with.
- (B) Bows must have a pull of no less than 30 pounds at, or before, full draw.
- (C) Arrow heads for big game hunting must be made of a barbless design. All arrow heads used for big game hunting must be kept sharp and have at least two (2) cutting edges with a diameter of at least 7/8 of an inch. Expandable or mechanical broadheads may be used to take big game if they meet these requirements and: 1) are at least 7/8 inch in width and no more than 2 inches in width at or after impact; and 2) are of a barbless design and function in a barbless manner.
- (D) Crossbows must be fired from the shoulder, have a minimum draw weight of 100 pounds, a stock of not less than 30 inches in length, a working safety and uses arrows or bolts of not less than 14 inches with a broadhead.

SUBDIVISION 14. USE OF BAIT. A Band Member may not place bait to take bear except during an open season for bear or 14 days prior to an open season. A tag bearing the name of the hunter, Band Affiliation and Ceded Territory License Number must be displayed at each site where bait is placed. To attract bear, a Band member may not bait within a half mile of any landfill or dump and shall not use a bait which:

- (A) Comprises a carcass from any game fish, migratory bird, small game or big game species or any mammal if such carcass contains more than 25 percent of that mammal's intact carcass;
- (B) Constitutes solid waste containing bottles, cans, plastic, paper or metals; or
- (C) Consists of materials which are not readily biodegradable.

SECTION 111. COMMERCIAL HARVEST PERMITS

SUBDIVISION 1. AUTHORIZATION OF COMMERCIAL HARVEST PERMITS FOR MIGRATORY BIRDS, DEER, BEAR OR MOOSE.

Upon a determination that the harvestable surplus of a given species of migratory bird, deer, bear or moose is sufficient to support a commercial harvest and that there is a sufficient interest on the part of Band members to commercially harvest such species for purposes of the sale of the meat, the Reservation Business Committee may authorize the commercial harvest of such species. Authorization for any such commercial harvest shall be done pursuant to Band procedures that ensure conservation of the resource, and interests of public health and safety.

SECTION 112. GATHERING.

SUBDIVISION 1. GENERAL PROVISIONS.

- (A) CEDED TERRITORY IDENTIFICATION. Every Band Member who engages in wild plant gathering activities within the Ceded Territory, shall have in their possession a valid Ceded Territory License. Band members shall not need a special permit for gathering except for gathering activities described in Section 112, Subdivision 1(C), 3(E) (2) and Subdivision 6.
- (B) Except as otherwise stated in this Section 112 of the Code, Band members may gather wild plants for personal non-commercial use (as defined in Section 104 Subdivision 10) year round.
- (C) Location of Gathering Activities. As provided by Section 103, Subdivision 5(J) of this Code, Band members may not gather wild plants from within any State-designated area in which such activity is generally prohibited. Band members may not engage in gathering activities within any similar federally-designated areas if the gathering activity is generally prohibited within the designated area. Band members, however, may engage in gathering activities within such areas upon receipt of a special permit issued by the Fond du Lac Resource Management Division for such activity. Special permits for gathering in such designated areas shall only be available if there is a cooperative agreement between the Band and the land managers for the public lands where the proposed activity is to occur and which expressly authorizes such activity.
- (D) Band members engaged in gathering shall remove from public lands, roads, and ditches all trash, litter, and unused vegetation resulting from the Band member's gathering activities.
- (E) Prohibition of Wanton Destruction. It shall constitute a violation of this Code for any Band Member to commit wanton destruction while engaging in gathering activities under this Section.

SUBDIVISION 2. WILD RICE.

- (A) ESTABLISHMENT OF RICING SEASON. Unless posted closed, wild rice stands on public waters are open to harvest when the rice is ripe. The harvest of green rice is prohibited. Ricing hours shall be 9:00 A.M. to sunset daily.

(B) ALLOWABLE WILD RICE HARVESTING METHODS.

- (1) Only canoes or rice boats shall be used by Band members harvesting with smooth, rounded cedar sticks not more than 30 inches in length.
- (2) No Band Member may harvest or gather wild rice by the use of any boat longer than 18 feet or wider than 38 inches, or with modification of the gunwale designed to capture rice outside of the boat, or by the use of any boat propelled by other than the muscular power using only a push pole or canoe paddle. Push poles must be forked at the end.
- (3) No motor propelled boat shall be permitted on rice beds during the growing and harvesting seasons.
- (4) The use of any machine or mechanical harvest device is prohibited.
- (5) Wild rice growth, harvest monitoring, seed collection, seeding, and research is allowed by authorized staff of the Fond du Lac Resource Management Division.

SUBDIVISION 3. GATHERING TIMBER PRODUCTS.

(A) BIRCH BARK

- (1) Band members may gather birch bark from live trees between the 1st Saturday of June through the 4th Sunday of July. Band members may gather birch bark from dead or downed trees year round.
- (2) Birch bark gathering should not occur within 50 feet of lakes, campsites, roads, or officially designated and maintained trails.
- (3) Birch bark should peel off easily and the inner bark should be left undamaged.
- (4) Band members may gather birch bark for personal non-commercial use including use in crafts as defined in Section 104 subdivision 10 of the Code. Band members who wish to gather birch bark for commercial use must obtain a commercial wild plant gathering permit under Section 112, subdivision 6 of this Code.

(B) TREE SAP

- (1) Band members may gather tree sap from live trees between the during the months of February, March and April.
- (2) The taps should not exceed 7/16 in diameter and 2-21/2 inches in depth. Micro spiles are preferred.
- (3) Tapped trees must be at least 12 inches in diameter. Trees 12-20 inches in diameter may have 1 tap. Trees 21-27 inches in diameter may have two taps. Three taps are allowed for trees greater than 27 inches in diameter. Tree diameters shall be measured at four and one-half feet above the ground.
- (4) Band members may gather tree sap for personal non-commercial use as defined in Section 104 subdivision 10 of the Code. Band members who wish to gather tree sap for commercial use must obtain a commercial wild plant gathering permit under Section 112, subdivision 6 of this Code.

(C) FIREWOOD

- (1) Band members may gather firewood year round for personal use as defined by Section 104, Subdivision 10 of this Code.
- (2) Band members may not gather firewood in active logging areas.
- (3) Band member may not fell any live tree in order to obtain firewood.
- (4) Firewood gathered under this Code may not be sold. Band members who wish to gather firewood for commercial use as defined by Section 104 subdivision 10 of the Code must obtain a commercial wild plant gathering permit under Section 112, subdivision 6 of this Code.

(D) CONIFER BOUGHS

- (1) Band members may harvest conifer boughs from October 1 through December 31.
- (2) Boughs must be harvested from the bottom half of the tree, leaving a portion of each pruned branch

for regeneration. Harvested branches should have ends no larger in diameter than 1/4" to 3/8" at the location of the cuts.

- (3) Boughs must be harvested from trees that are greater than 7 feet high and located a minimum of 50 feet from roads, rivers, lakes, or officially designated and maintained trails.
- (4) Band members may harvest a total of one (1) ton of boughs when in possession of their valid Ceded Territory License. Band members who wish to gather more than one ton of boughs must obtain a commercial wild plant gathering permit under Section 112, subdivision 6 of this Code.

(E) HARVEST OF LIVE TREES

- (1) Band members may harvest live trees less than three inches in diameter, gather salvage timber (dead standing or downed timber) for small temporary structures such as hunting blinds, fish houses, or trapping shacks, that are used in the exercise of treaty rights. The building of permanent structures is prohibited on state land. No cutting of live trees or building of permanent or semi-permanent structures is permitted within the Boundary Waters Canoe Area Wilderness.
- (2) Band members may only harvest live trees greater than five inches in diameter for use in the construction of permanent structures for personal use upon receipt of a special permit issued by the Fond du Lac Resource Management Division. Special permits for this gathering activity shall only be available for this gathering activity if there is a cooperative agreement between the Band and the land managers for the public lands where the proposed activity is to occur and which expressly authorizes such activity.

SUBDIVISION 4. GINSENG.

- (A) Band members may gather ginseng from September 1 - December 31.
- (B) Band members may not gather ginseng plants unless the plant has at least three (3) prongs with five (5) leaflets each.

- (C) After harvesting ginseng, all seeds must be removed from the plant and replanted in the area that the ginseng was gathered. Seeds must be planted at a depth of 1/2" in the soil and covered with surface litter.
- (D) Band members may gather ginseng for personal non-commercial use as defined in Section 104 subdivision 10 of this Code. Ginseng gathered under this Code may not be sold. Band members who wish to gather ginseng for commercial use must obtain a commercial wild plant gathering permit under Section 112, subdivision 6 of this Code.

SUBDIVISION 5. PRINCESS PINE.

- (A) Band members may gather princess pine from September 1 - December 31.
- (B) Band members may only gather the aerial portion of princess pine plants. To harvest, the stem should be cut or clipped at ground level so as not to disturb the roots/below ground part of the plant. An exception is made and Band members may gather the roots of princess pine for religious, ceremonial or medicinal purposes.
- (C) Band members may gather princess pine for personal non-commercial use as defined in Section 104 subdivision 10 of the Code. Band members who wish to gather princess pine for commercial use must obtain a commercial wild plant gathering permit under Section 112, subdivision 6 of this Code.

SUBDIVISION 6. COMMERCIAL HARVEST OF WILD PLANTS.

- (A) A Band member gathering any wild plant for commercial use, as defined in Section 104, Subdivision 10 of this Code, shall have a commercial wild plant gathering permit issued by the Resource Management Division. A commercial wild plant gathering permit shall not be required for commercial gathering of wild rice. A commercial wild plant gathering permit shall not be available for the commercial harvest of any tree or timber product unless there is a cooperative agreement between the Band and the land managers for the public lands where the proposed activity is to occur and which expressly authorizes such activity.

(B) A commercial wild plant gathering permit shall:

- (1) Identify the permittee or permittees, including the name, address, tribal affiliation, and tribal identification number of all members authorized by the permit; and
- (2) Identify the name, amount and general location of the plants to be gathered; and
- (3) Require all members authorized by the permit to possess a duplicate copy of the permit while engaged in the gathering activity.

(C) A commercial wild plant gathering permit may:

- (1) Establish limits on the quantity of the plants which may be gathered.
- (2) In addition to the other area restrictions provided in this Code, limit gathering to a specific area or areas.
- (3) Define or limit the methods which may be employed to gather the plants.
- (4) Establish such other conditions or requirements deemed necessary or appropriate by the Fond du Lac Resources Management Division.

SECTION 113. BOATING SAFETY REGULATIONS

SUBDIVISION 1. CLASSIFICATION OF MOTORBOATS.

For the purposes of Subdivisions 2, 3, and 4 motorboats are divided on the basis of their length into 4 classes as follows:

- (1) Class A - those less than 16 feet.
- (2) Class B - those 16 feet or over but less than 26 feet.
- (3) Class C - those 26 feet or over but less than 40 feet.
- (4) Class D - those 40 feet or over.

SUBDIVISION 2. LIGHTING EQUIPMENT.

- (1) When lights required; prohibited lights. Except as provided in Subdivision 3:
 - (A) No Band Member shall operate any motorboat at any time from sunset to sunrise unless such motorboat carries the lighting equipment required by this Subdivision and unless such equipment is lighted when and as required by this Subdivision.
 - (B) No owner shall give permission for the operation of a motorboat at any time from sunset to sunrise unless such motorboat is equipped as required by this Subdivision.
- (2) Lights for motorboats of classes A and 1. All motorboats of classes A and 1 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:
 - (A) One lamp aft showing a bright white light all around the horizon.
 - (B) One combined lamp in the fore part of the motorboat and lower than the white light aft, showing green to starboard and red to port and so fixed that each side of the combined lamp throws a light from directly ahead to 2 points abaft from beam on its retrospective side.
- (3) Lights for motorboats of classes 2 and 3. All motorboats of classes 2 and 3 when under way at any time from sunset to sunrise shall carry and have lighted the following lamps:

- (A) One lamp in the fore part of the boat as near the stern as practicable, so constructed as to show an unbroken bright white light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light from directly ahead to 2 points abaft the beam on either side.
 - (B) One lamp aft showing a bright white light all around the horizon and higher than the white light forward.
 - (C) On the starboard side, one lamp showing a green light, and on the port side, one lamp showing a red light, both fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow. Each such side lamp shall be so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and shall be fixed as to throw the light from directly ahead to 2 point abaft the beam on its respective side.
- (4) Sailboats without motors and rowboats. Every boat propelled by muscular power and every sailboat not equipped with a motor, when under way at any time from sunset to sunrise, shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.
 - (5) Performance specifications for lamps. Every white light prescribed by this subdivision shall be of such character as to be visible at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored light prescribed by this Subdivision shall be of such character as to be visible at a distance of at least one mile on a dark night with clear atmosphere.
 - (6) Optional lighting requirements. Any boat may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, 1948, Federal Act of October 11, 1951, (33 USC 143-147d) as amended, in lieu of the lights required by Subds. (2) and (3).

SUBDIVISION 3. EXCEPTION FOR MOTORBOAT OPERATED FOR SPEARING PURPOSES. The lighting requirements of Subdivisions 2 shall not apply to a member operating or using a motorboat while fishing with a spear provided that the member is using a light in the front part of the boat as part of such fishing and is operating the boat at slow-no-wake speed.

SUBDIVISION 4. OTHER EQUIPMENT.

- (1) Battery cover. No member shall operate any motorboat equipped with a storage battery in the waters of the Ceded Territory unless the battery is:
 - (A) Provided with suitable supports and secured against shifting with the motion of the boat; and
 - (B) Equipped with a nonconductive shielding means to prevent accidental shorting of battery terminals.
- (2) Personal Flotation Devices (PFD).
 - (A) No member shall operate or use a boat which is:
 - (i) Less than 16 feet in length or a canoe or kayak unless at least one PFD of Type I, II, III, or IV PFD or their equivalents listed in Figure 1 (below) is on board for each person;
 - (ii) 16 feet or more in length, except a canoe or kayak, unless at least one PFD of Type I, II, III PFD or their equivalents listed in Figure 1 (below) is on board for each person; or
 - (iii) 16 feet or more in length, except a canoe or kayak, unless at least one Type IV PFD or its equivalent listed in Figure 1 (below) is on board in addition to the PFD's required in this Subsection 2(i) and (ii) above.
 - (B) No member shall operate of use a boat unless each Type I, II, III or IV PFD required by Subsection (2) (A) is readily accessible or unless each Type IV PFD required by Subsection (2)(A) is immediately available.
 - (C) No member shall operate or use a boat unless each PFD device required by this Subsection is in serviceable condition.
 - (D) Figure 1 below lists devices that are equivalent to personal flotation devices.

FIGURE 1

<u>Devices Marked</u>	<u>Are Equivalent To</u>
160.002 Life Preserver Flotation Device	Performance Type I Personal
106.003 Life Preserver Flotation Device	Performance Type I Personal
106.004 Life Preserver Flotation Device	Performance Type I Personal
106.005 Life Preserver Flotation Device	Performance Type I Personal
106.009 Ring Life Buoy Flotation Device	Performance Type IV Personal
106.047 Buoyant Vest Flotation Device	Performance Type II Personal
106.048 Buoyant Cushion Flotation Device	Performance Type IV Personal
106.049 Buoyant Cushion Flotation Device	Performance Type IV Personal
106.050 Ring Life Buoy Flotation Device	Performance Type IV Personal
106.052 Buoyant Vest Flotation Device	Performance Type II Personal
106.053 Work Vest Flotation Device	Performance Type V Personal
106.055 Life Preserver Flotation Device	Performance Type I Personal
106.060 Buoyant Vest Flotation Device	Performance Type II Personal

SUBDIVISION 5. MOTORBOAT PROHIBITION.

On lakes 50 acres or less having public access, no member shall operate a motorboat in excess of slow-no-wake speed, except when such lakes serve as thoroughfares between 2 or more navigable lakes.

SUBDIVISION 6. TRAFFIC RULES.

Meeting; overtaking; right of way. No member operating a boat shall fail to comply with the following traffic rules, except when deviation there from is necessary to comply with federal pilot rules while operating on the navigable waters of the United States:

- (1) When 2 motorboats are approaching each other "head and head", or so nearly as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left side.
- (2) When 2 motorboats are approaching each other obliquely or at right angles, the boat which has the other on its right shall yield the right of way to the other. "Right" means from dead ahead, clockwise to 2 points abaft the starboard beam.
- (3) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right of way to the other boat.
- (4) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right of way to the boat being overtaken, notwithstanding any other rule in this Section to the contrary.
- (5) A boat granted the right of way by this Section shall maintain its course and speed, unless to do so would probably result in collision.

SUBDIVISION 7. SPEED RESTRICTION.

- (1) Speed to be reasonable and prudent. No member shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

- (2) Fixed limits. In addition to complying with Subd. (1), no member shall operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.

SUBDIVISION 8. PROHIBITED OPERATION.

- (1) Negligent operation. No member shall operate or use any boat upon the waters of the Ceded Territory in a careless, negligent or reckless manner so as to endanger his or her life, property or person or the life, property or person of another.

- (2) Operation by incapacitated person or minor.

(A) No member in charge or control of a boat shall authorize or knowingly permit the boat to be operated by any person who by reason of physical or mental disability is incapable of operating such boat under the prevailing circumstances.

(B) No member under the age of 10 years shall operate a motorboat. Members at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Members at least 12 and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian, or a person at least 18 years of age designated by a parent or guardian, or in possession of a certificate issued upon the successful completion of a tribal boating safety program or similar program conducted by another jurisdiction. Violations of this paragraph done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian.

- (3) Creating hazardous wake or wash.

(A) No member shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.

(B) An operator of a motorboat is liable for any damage caused to the person or property of another by wake or wash from such motorboat unless the negligence of such other person was the primary cause of the damage.

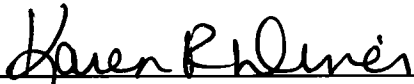
- (4) Operating in circular course. No member shall operate a motorboat repeatedly in a circuitous course around any other boat, or around any person who is swimming, if such circuitous course is within 200 feet of such boat or swimmer; nor shall any boat operate or approach closer than 100 feet to any skin diver's flag or any swimmer unless the boat is part of the skin diving operation or is accompanying the swimmer, or unless physical conditions make compliance impossible.
- (5) Overloading. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions.
- (6) Molesting or destroying aids to navigation and regulatory markers. No unauthorized member shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters.

SUBDIVISION 9. INTOXICATED BOATING.

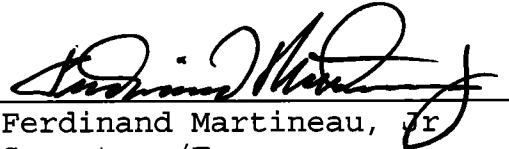
- (1) Operating while under the influence of an intoxicant. No member shall engage in the operation of a motorboat while under the influence of an intoxicant to a degree which renders him or her incapable of safe motorboat operation.
- (2) Operation with alcohol concentration at or above specified levels. No member shall engage in the operation of a motorboat while the person has a blood alcohol concentration of 0.08% or more by weight of alcohol in his or her blood. No member shall engage in the operation of a motorboat while the person has 0.1 grams or more of alcohol in 210 liters of his or her breath.
- (3) Related charges. A member may be charged with and a prosecutor may proceed upon a complaint based upon a violation of Subds. (1) or (2) or both for acts arising out of the same incident or occurrence. If the member charged with violating both Subds. (1) and (2), the offenses shall be joined. If the person is found guilty of both Subds. (1) and (2) for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing. Subsections (1) and (2) each require proof of a fact for conviction which the other does not require.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/92, was duly presented and adopted by Resolution #1043/92 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 9, 1992, on the Fond du Lac Reservation; and subsequently amended as follows: by Resolution #1071/92 on March 17, 1992; by Ordinance #05/92 adopted by Resolution #1245/92 on September 11, 1992; by Ordinance #01/93 adopted by Resolution #1010/93 on January 12, 1993; by Ordinance #01/93 Amended adopted by Resolution #1010/93 Amended on March 23, 1993; by Ordinance #06/94 adopted by Resolution #1151/94 on April 25, 1994; by Ordinance #14/94 adopted by Resolution #1287/94 on August 12, 1994; by Ordinance #01/97 adopted by Resolution #1060/97 on March 13, 1997; by Resolution #1309/00 on September 21, 2000; by Resolution #1338/03 on December 18, 2003; by Resolution #1097/08 on April 3, 2008; by Resolution #1396/09 on September 24, 2009; by Resolution #1206/11 of the Fond du Lac Reservation Business Committee on June 28, 2011; by Resolution #1193/12 of the Fond du Lac Reservation Business Committee on June 6, 2012; and by Resolution #1028/13 on January 16, 2013.

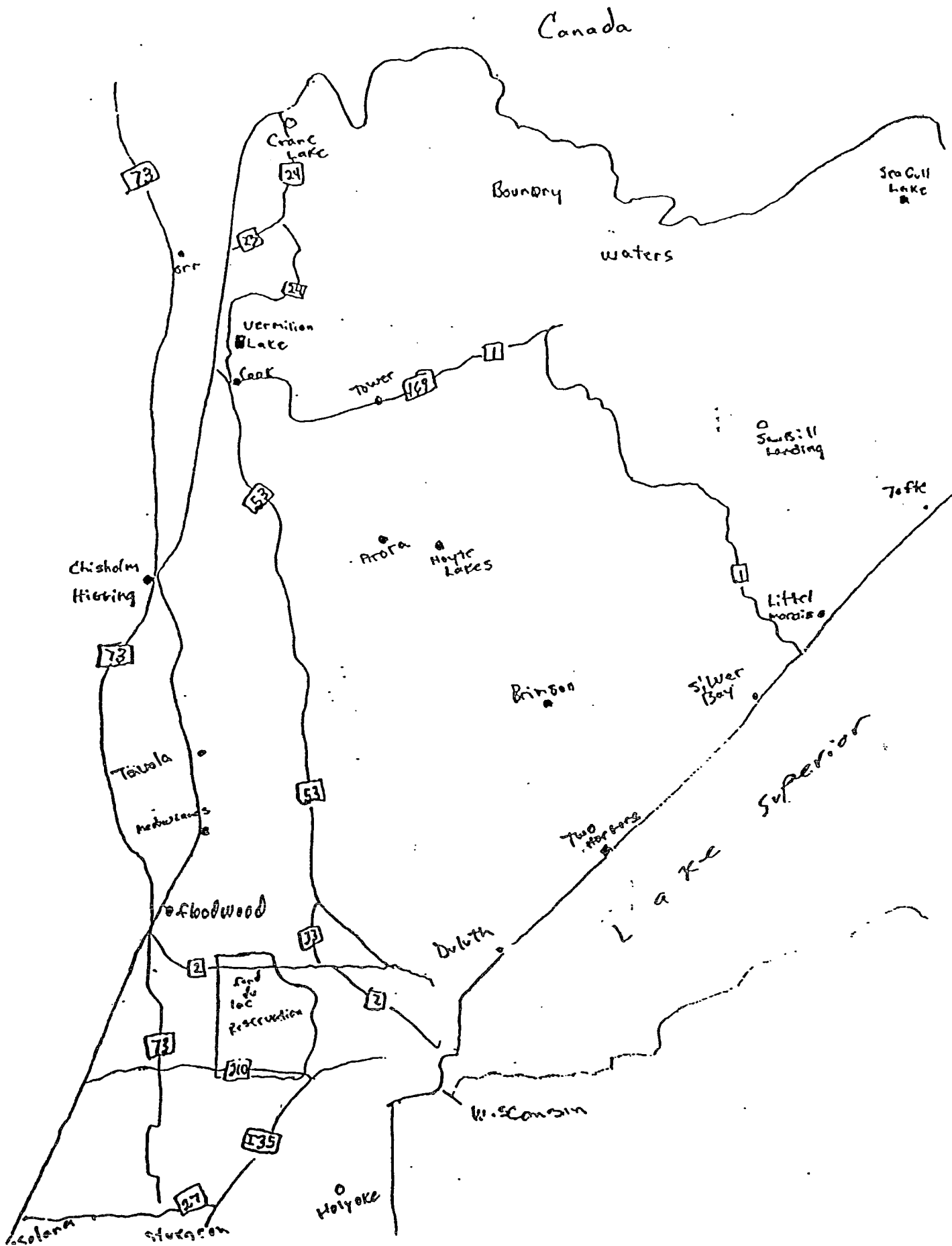


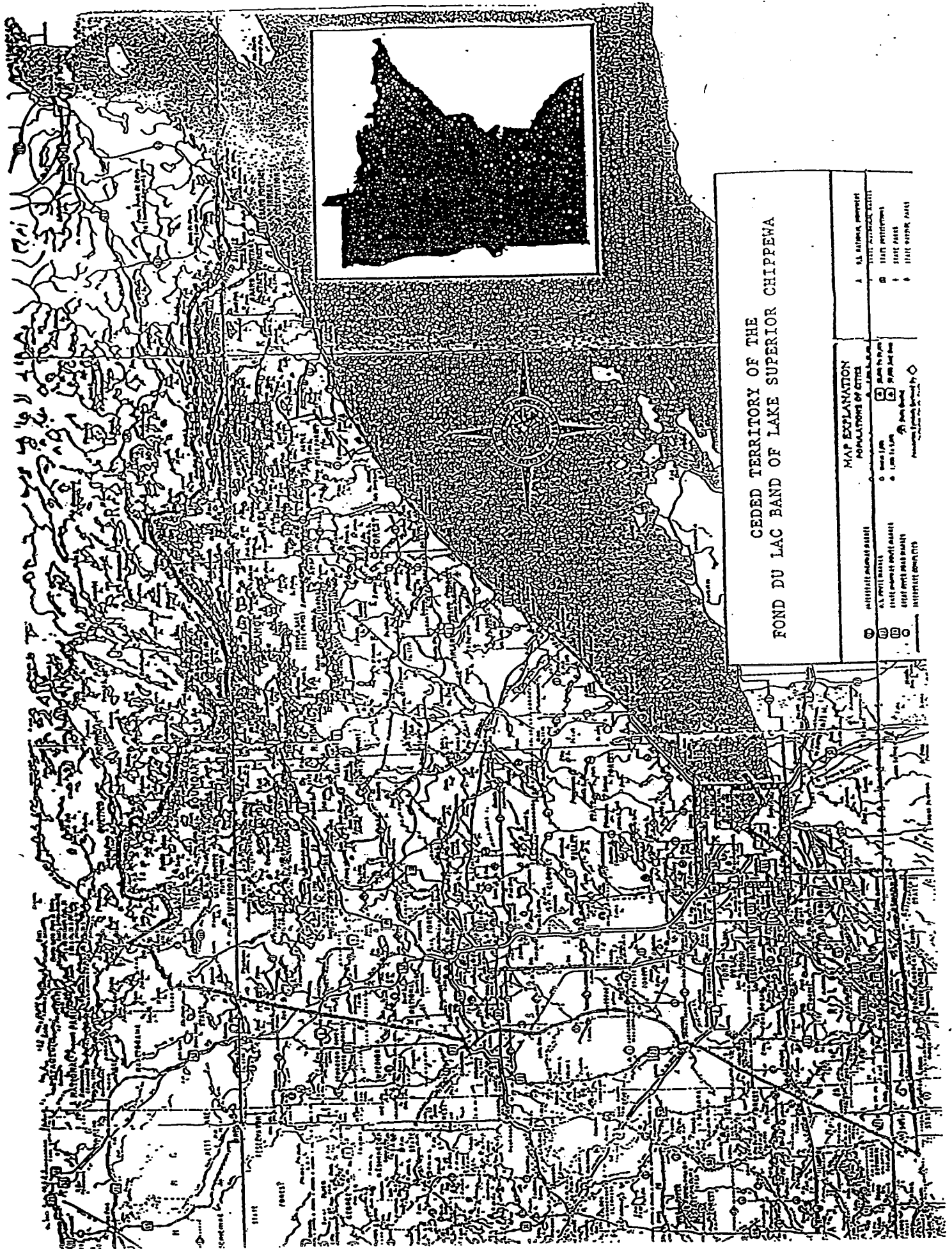
Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer

Land du Lac ceded Territory
1854 treaty area





CEDED TERRITORY OF THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

MAP EXPLANATION	
<ul style="list-style-type: none"> 1. All railroad, unimproved 2. All unimproved 3. All improved 4. All other 	<ul style="list-style-type: none"> 1. All railroad, unimproved 2. All unimproved 3. All improved 4. All other

Fond Du Lac Reservation Business Committee

65 University Road,
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION #1043/92



The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the perpetual home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation as well as over those property interests retained by the Fond du Lac Band within the territories ceded under the Treaty of 1854; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of Self-Government; and


WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be in furtherance of the self-government of the Fond du Lac Band to develop a Ceded Territory Conservation Code which shall govern the hunting, fishing and gathering activities of Band members upon the territories ceded under the Treaty of 1854; and

WHEREAS, the Fond du Lac Reservation Business Committee has created, and relied upon the recommendations of, a Ceded Territory Conservation Committee in its development of the aforementioned Ceded Territory Conservation Code;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt, as the Law of the Fond du Lac Band, the Fond du Lac Ceded Territory Conservation Code, pursuant to FDL Ordinance #02/92, which shall govern the hunting, fishing and gathering activities of Band members in the territories ceded to the United States under the Treaty of September 30, 1854, to become effective this day, and does also hereby repeal all prior inconsistent codes and ordinances.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 5 for, 0 against, with a quorum of 5 being present at a SPECIAL Meeting of the Fond du Lac Reservation Business Committee held on MARCH 9, 1992 in Cloquet, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Jr., Sec./Treas.,

Fond Du Lac Reservation Business Committee

85 University Road,
Toquett, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



Chairman
Robert B. Peacock

Secretary/Treasurer
Peter J. DeLoe

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
Herman Wise

Dist. III Councilman
George Dupuis

Executive Director
L. Jean Mulder

RESOLUTION #1071/92

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the perpetual home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation as well as over those property interests retained by the Fond du Lac Band within the territories ceded under the Treaty of 1854; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of Self-Government; and

WHEREAS, the Fond du Lac Reservation Business Committee determined it to be in furtherance of the self-government of the Fond du Lac Band to develop a Ceded Territory Conservation Code which shall govern the hunting, fishing and gathering activities of Band members upon the territories ceded under the Treaty of 1854; and

WHEREAS, the Fond du Lac Reservation Business Committee, by FDL Resolution #1043/92, adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ordinance #02/92; and

WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend the Ceded Territory Conservation Code to provide for the regulation of the gathering activities of Band members in the Ceded Territory; and

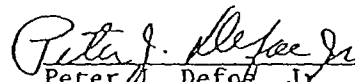
WHEREAS, the provisions governing the regulation of gathering activities in the Ceded Territory shall be added at Section 112, and shall be entitled "Gathering," and the present Section 112, entitled "Boating Safety Regulations," shall be renumbered as Section 113;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby amend Ordinance #02/92, the Fond du Lac Ceded Territory Conservation Code, to include provisions governing gathering activities by adding those provisions at Section 112, to be entitled "Gathering," and renumbering "Boating Safety Regulations" as Section 113, to become effective this 17th day of March, 1992.

FDL Resolution #1071/92
Page 2-of-2

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 17, 1992 in Cloquet, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Jr., Sec./Treas.

Fond Du Lac Reservation Business Committee

University Road,
Cloquet, MN 55720
(218) 879-4593
(218) 879-4146



Chairman
Robert B. Peacock
Secretary/Treasurer
Peter J. Defoe

Councilman
Norm Rabideaux

Councilman
Norm Wise

Councilman
George Dupuis

Executive Director
Jean Mulder

RESOLUTION #1245/92

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the perpetual home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of Self-Government; and

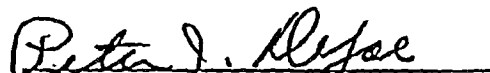
WHEREAS, the Fond du Lac Reservation Business Committee, by FDL Resolution #1043/92, adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ordinance #02/92; and

WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be in furtherance of the self-government of the Fond du Lac Band to amend certain provisions of FDL Ordinance #02/92, which shall govern the hunting, fishing and gathering activities of Band members upon the territories ceded under the Treaty of 1854;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #05/92, amending Fond du Lac Ordinance #02/92, entitled the "Ceded Territory Conservation Code," which shall govern the hunting, fishing and gathering activities of Band members in the territories ceded to the United States under the Treaty of September 30, 1854, to become effective this day.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on September 11, 1992 in Cloquet, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec/Treas.

Fond du Lac Reservation Business Committee

University Road,
Cloquet, MN 55720
Phone (218) 879-4593
(218) 879-4146

RESOLUTION #1010/93



The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the perpetual home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of Self-Government; and


WHEREAS, the Fond du Lac Reservation Business Committee, pursuant to FDL Resolution #1043/92, adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ordinance #02/92; and

WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be in furtherance of the self-government of the Fond du Lac Band to amend certain provisions of FDL Ordinance #02/92, which shall govern the hunting, fishing and gathering activities of Band members upon the territories ceded under the Treaty of 1854;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #01/93, amending Fond du Lac Ordinance #02/92, entitled the "Ceded Territory Conservation Code," which shall govern the hunting, fishing and gathering activities of Band members in the territories ceded to the United States under the Treaty of September 30, 1854, to become effective this day.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on January 12, 1993 in Cloquet, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec./Treas.

Fond du Lac Reservation Business Committee

15 University Road,
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION #1010/93, AMENDED



The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

Chairman
Robert B. Peacock

Secretary/Treasurer
Peter J. Defoe

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
Herman Wise

Dist. III Councilman
George Dupuis

Executive Director
L. Jean Mulder

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the perpetual home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of Self-Government; and

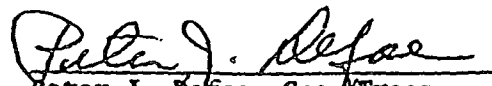
WHEREAS, the Fond du Lac Reservation Business Committee, pursuant to FDL Resolution #1043/92, adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ordinance #02/92; and

WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be in furtherance of the self-government of the Fond du Lac Band to amend certain provisions of FDL Ordinance #02/92, which shall govern the hunting, fishing and gathering activities of Band members upon the territories ceded under the Treaty of 1854;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #01/93, Amended, amending Fond du Lac Ordinance #02/92, entitled the "Ceded Territory Conservation Code," which shall govern the hunting, fishing and gathering activities of Band members in the territories ceded to the United States under the Treaty of September 30, 1854, to become effective this day.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, with a quorum of 5 being present at a SPECIAL Meeting of the Fond du Lac Reservation Business Committee held on March 25, 1993 in Cloquet, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec. / Treas.

Fond du Lac Reservation Business Committee

105 University Road,
Cloquet, MN. 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION # 1151/94



Chairman
Robert B. Peacock

Secretary/Treasurer
Peter J. Defoe

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
Daryold Blacketter

Dist. III Councilman
George Dupuis

Executive Director
Jean Mulder

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation, as well as over those usufructuary interests retained by the Fond du Lac Band pursuant to the Treaty of 1854; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

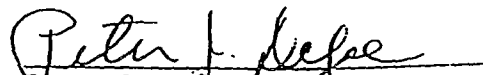
WHEREAS, the Fond du Lac Reservation Business Committee, pursuant to FDL Resolution #1043/92, adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ordinance #02/92; and

WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be in furtherance of the self-government of the Fond du Lac Band to amend certain provisions of FDL Ordinance #02/92, which shall govern the hunting, fishing and gathering activities of Band members upon the territories ceded under the Treaty of 1854; and

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #06/94, amending the Fond du Lac Ceded Territory Conservation Code, FDL Ordinance #02/92, as amended, which shall govern the hunting, fishing and gathering activities of Band members in the territories ceded to the United States under the Treaty of 1854, to become effective this day, and does hereby direct that said amendments be fully incorporated into FDL Ordinance #02/92, as amended.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on April 25, 1994 in Duluth, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Secy/Treas.

Fond du Lac Reservation

Business Committee

105 University Road,
Cloquet, MN. 55720
Phone (218) 879-4593
Fax (218) 879-4146



Treasurer
Robert B. Peacock

Secretary/Treasurer
Peter J. Defoe

Dist. 1 Councilman
Clifford Rabalais

Dist. 2 Councilman
David Blackmer

Dist. 3 Councilman
George Dupuy

Executive Director
Jean Mulder

RESOLUTION #1287/94

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, does hereby enact the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation, as well as over those usufructuary interests retained by the Fond du Lac Band pursuant to the Treaty of 1854; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self-government; and

WHEREAS, the Reservation Business Committee has determined it to be in furtherance of the self-government of the Fond du Lac Band to regulate the harvest of moose by Band members in the 1854 ceded territory through the establishment of a system of hunt zones with limits on the number of hunting permits which shall be issued to members for each hunt zone; and

WHEREAS, the foregoing measures require that the Fond du Lac Ceded Territory Conservation Code be amended to provide for the issuance of zone-specific permits for moose hunting in the 1854 ceded territory, and to provide for a prohibition against hunting moose outside of the assigned zone;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #14/94, amending Fond du Lac Ordinance #02/92, entitled the "Ceded Territory Conservation Code," which shall govern the activities of Band members in the territories ceded to the United States under the Treaty of September 30, 1854, to become effective this day.

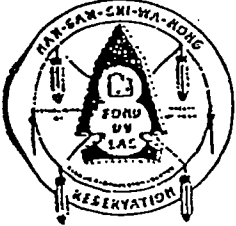
We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on August 12, 1994 in Duluth, Minnesota.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec./Treas.

Fond du Lac Reservation Business Committee

105 University Road,
Cloquet, MN. 55720
Phone (218) 879-4593
Fax (218) 879-4146



Chairman
Robert B. Peacock

Secretary/Treasurer
Peter J. Defoe

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
Daryold Blacketter

Dist. III Councilman
George Dupuis

Executive Director
I. Jean Mulder

RESOLUTION # 1060/97

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92 by Resolution #1043/92, for the purpose of regulating the taking of fish, game, wild rice, and natural and woodland resources within the territory ceded under the Treaty of 1854; and


WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend the Fond du Lac Ceded Territory Conservation Code as follows:

The phrase "Ceded Territory Identification Card" shall be changed to read "Ceded Territory License" throughout the entire Code.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #0197 amending the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, for the purpose of changing the phrase "Ceded Territory Identification Card" to "Ceded Territory License" throughout the entire Code, and hereby directs said change to be incorporated into the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, as amended.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on 13 March, 1997 on the Fond du Lac Reservation.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec. Treas.

Fond du Lac Reservation

Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION # 1309/00



Chairman
Robert B. Peacock

Secretary/Treasurer
Peter J. Defoe

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
V.R. "Butch" Martineau

Dist. III Councilman
George Dupuis

Executive Director
I. Jean Mulder

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92 by Resolution #1043/92, for the purpose of regulating the taking of fish, game, wild rice, and natural and woodland resources within the territory ceded under the Treaty of 1854; and

WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend Section 103 Subdivision 7(B) of the Fond du Lac Ceded Territory Conservation Code as follows:

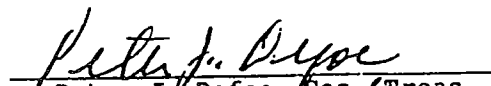
~~(B) In addition, at the Court's discretion, any fish, game, wild rice or furs, taken, or other items used to aid in a violation of this Code shall be subject to forfeiture. may be seized and impounded by Order of the Court. Any such items may be returned upon payment of penalty assessed, or may be ordered forfeited. such conditions as the Court deems appropriate, but in no event shall items be returned prior to payment of a penalty assessed by the Court.~~

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the aforementioned amendment to the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, to become effective this day, and hereby directs that said amendment be incorporated into the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Regular Meeting of the Fond du Lac Reservation Business Committee held on Sept. 21, 2000, on the Fond du Lac Reservation.


Robert B. Peacock, Chairman


Peter J. Defoe, Sec./Treas.

Fond du Lac Reservation

Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION #

1338/03

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:



Chairman
Robert B. Peacock

Secretary/Treasurer
Kevin R. Dupuis, Sr.

Dist. I Councilman
Clifton Rabideaux

Dist. II Councilman
V.R. "Butch" Martineau

Dist. III Councilman
Lavern Shotley

Executive Director
I. Jean Mulder

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92 by Resolution #1043/92, for the purpose of regulating the taking of fish, game, wild rice, and natural and woodland resources within the territory ceded under the Treaty of 1854; and

WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend the Fond du Lac Ceded Territory Code, FDL Ord. #02/92, Section 103 Subdivision 5 by adding a new subsection (W), as follows:

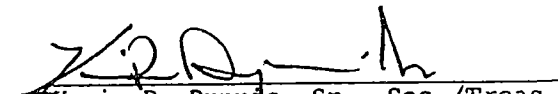
(W) Harvest Rights Non-Delegable. The harvest rights reserved under this Code are vested exclusively in the Fond du Lac Band and its enrolled membership, and cannot be delegated, transferred or assigned. No Band member shall employ the assistance of any person in the exercise of harvest rights under this Code unless that person is authorized under applicable law to engage in such activity.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the foregoing amendment to the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, to become effective this day, and hereby directs that said amendment be incorporated into the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 13 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on December 18 2003, on the Fond du Lac Reservation.


Robert B. Peacock, Chairman


Kevin R. Dupuis, Sr., Sec./Treas.

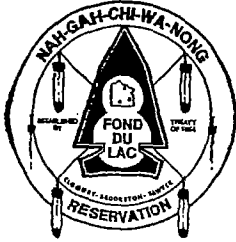
Fond du Lac Reservation

Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION # 1097/08

AMENDING FOND DU LAC ORDINANCE #02/92, THE FOND DU LAC 1854 CEDED TERRITORY CONSERVATION CODE



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Councilman
Eugene Reynolds

Dist. II Councilperson
Sandra M. Shabiash

Dist. III Councilman
Roger "Bouda" Smith, Sr.

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee enacted the 1854 Ceded Territory Conservation Code, FDL Ordinance #02/92, in order regulate the harvest activities of Fond du Lac Band members as reserved under the Treaty of LaPointe, 10 Stat. 1109; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to amend the 1854 Ceded Territory Conservation Code in order to regulate the harvest of wild turkeys;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee hereby adopt the following amendments to the Fond du Lac 1854 Ceded Territory Conservation Code:

SECTION 106. SMALL GAME

SUBDIVISION 5. PERMISSIBLE MEANS OF TAKING

Band members may use any permissible means to take small game, including the use of dogs, except that wild turkeys may only be taken with:

(A) A shotgun 20 gauge or larger or muzzle-loading shotgun 12 gauge or larger and shot size no.4 or smaller in diameter except steel shot may be no. 2 or smaller in diameter. Duplex shot cannot exceed size no.4 in diameter except duplex steel shot cannot exceed no. 2 in diameter.

(B) A bow and arrow - Bows must have a minimum 40 lb. draw weight. Arrowheads must have at least 2 cutting surfaces and a diameter of at least 7/8s inch.

(C) A crossbow - Crossbows must be fired from the shoulder, have a minimum 100 lb. draw weight, a stock of not less than 30 inches in length, a working safety and uses arrows or bolts of not less than 14 inches with a broadhead.

SUBDIVISION 7. PROHIBITIONS

(D) In addition to any other prohibited means, a wild turkey may not be taken with the aid of recorded calls or sounds or electronically amplified imitations of wild turkey calls or sounds. Live decoys or dogs may not be used in the taking of any wild turkey.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on April 3, 2008 on the Fond du Lac Reservation.

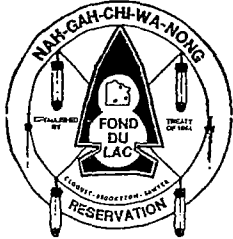
Karen R. Diver
Karen R. Diver,
Chairwoman

Ferdinand Martineau Jr.
Ferdinand Martineau Jr.,
Secretary/Treasurer

12R040208

Fond du Lac Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Councilman
Wally Dupuis

Dist. II Councilperson
Sandra M. Shabiash

Dist. III Councilperson
Mary S. Northrup

RESOLUTION #1396/09

AMENDING FOND DU LAC ORDINANCE #02/92, THE FOND DU LAC CEDED TERRITORY CONSERVATION CODE

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92 by Resolution #1043/92, for the purpose of regulating the taking of fish, game, wild rice, and natural and woodland resources within the territory ceded under the Treaty of 1854; and

WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend the Fond du Lac Ceded Territory Code, FDL Ord. #02/92, as follows:

Section 103(5) (M): Except as permitted, no person shall have a firearm, archery bow or crossbow in a motor vehicle unless it is unloaded. Having a loaded or uncased firearm in any motor vehicle. No person shall have a firearm in a motor vehicle unless that firearm is both unloaded and cased in such a manner that it is fully enclosed and secured by a tie, snap, zipper or other fastener.

Remove Section 103(5) (S): No person shall transport any bow unless that bow is either unstrung in a case expressly made for that purpose or in the closed trunk of a vehicle.

Renumber Sections 103(5) (T-W)

Add new Section 103(5) (W) :

(W) Hunting While Intoxicated.

- (1) No member shall hunt with a firearm, bow and arrow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such weapon, or while a member has a blood alcohol concentration of 0.08 grams or more of alcohol per 100 milliliters of a person's blood or 0.08 grams or more of alcohol per 210 liters of a person's breath.
- (2) A member hunting with a firearm, bow and arrow, or crossbow shall take or submit to a blood or breath test to determine the amount (if any) of intoxicant or controlled substance present if:
 - (a) the member has been lawfully issued a citation for violating section 3.18(1);
 - (b) the member has been involved while hunting in an accident resulting in property damage, personal injury, or death;
 - (c) the member has refused to take a preliminary screening breath test; or
 - (d) a preliminary screening breath test was administered and indicated an alcohol concentration of 0.08 grams or more.
- (3) If a member refuses to take a test required under section 3.18(2), the Band shall impose a civil penalty of \$500 and prohibit the member from hunting for one year.

SECTION 106(2): AGE REQUIREMENT AND LIABILITY. In addition to the requirements of Subd. 1 of this Section, Band Members:

- (A) ~~under the age of sixteen (16) years of age shall born on or after January 1, 1980, must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags. on their person.~~
- (B) Band Members under the age of fourteen (14) years of age shall ~~must~~ be accompanied by a licensed parent or guardian who shall be responsible and liable for the action of that minor.
- (C) Band Members ages 10 or 11 may hunt without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging an animal.

Section 108(3): MINOR AND LIABILITY OF GUARDIAN. In addition to the requirements of Subd. 1 of this Section, Band Members:

- (A) under the age of sixteen (16) years of age shall born on or after January 1, 1980, must have a valid firearm safety certificate (or equivalent), a previous hunting license or evidence of successfully completing a hunter safety course to obtain a license or carcass tags. on their person.
- (B) Band Members under the age of fourteen (14) years of age shall must be accompanied by a licensed parent or guardian who shall be responsible and liable for the action of that minor.
- (C) No one under the age of 12 may hunt deer. Band Members ages 10 or 11 may hunt without a firearms safety certificate provided they are under the direct supervision and immediate reach of a licensed parent or guardian at all times. They must complete an Application for Youth Identification Card and receive a Fond du Lac Hunting-Fishing-Gathering Identification Card identifying them as a youth under age 12. The youth will use the parent or guardian's tag(s) when tagging an animal.

Section 108(10)(C): It shall be unlawful to throw or cast the rays of any artificial light for the purpose of spotting or locating any deer between the hours of 10:00 p.m. and from two hours after sunset until sunrise.


Section 108(11)(A: Handguns, rifles, shotguns and all projectiles used therein shall be at least .224 of an inch in diameter have center fire ignition and be at least .220 of an inch in diameter.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the foregoing amendments to the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, to become effective this day, and hereby directs that said amendments be incorporated into the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on September 24, 2009, on the Fond du Lac Reservation.


Karen R. Diver
Chairwoman

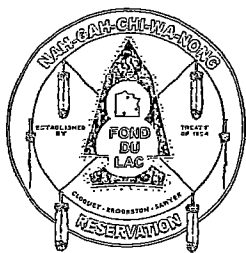

Ferdinand Martineau, Jr.
Secretary/Treasurer

Fond du Lac Band of Lake Superior Chippewa

Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION # 1206/11



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally Dupuis

Dist. II Representative
Sandra M. Shabiash

Dist. III Representative
Mary S. Northrup

Executive Director,
Tribal Programs
Chuck Walt

AMENDING FOND DU LAC ORDINANCE #02/92, THE FOND DU LAC CEDED TERRITORY CONSERVATION CODE

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92 by Resolution #1043/92; for the purpose of regulating the taking of fish, game, wild rice, and natural and woodland resources within the territory ceded under the Treaty of 1854; and

WHEREAS, the Reservation Business Committee has determined it to be in the best interests of the Fond du Lac Band to amend the Fond du Lac Ceded Territory Code, FDL Ord. #02/92, as follows:

Section 108(9): REGISTERING DEER. The Conservation Department Resource Management Division will establish and maintain registration ~~stations~~ procedures for the purpose of recording and preserving the following information: sex and age ~~(adult or fawn)~~ of the animal taken, management unit from where the deer was taken, and any other relevant information necessary for conversation enforcement or population management. ~~the Ceded Territory License Number and tag numbers of the person taking the deer. If the locked tag is affixed through the car or around the antler, only the head need be presented at time of registration.~~ Deer must be registered no later than 4:30 P.M. of the third working day after the deer has been taken.

RESOLUTION #


Page 2

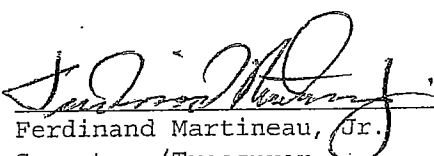
1206/11

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the foregoing amendments to the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92, to become effective this day, and hereby directs that said amendments be incorporated into the Fond du Lac Ceded Territory Conservation Code, FDL Ord. #02/92.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on June 28, 2011, on the Fond du Lac Reservation.


Karen R. Diver
Chairwoman


Ferdinand Martineau, Jr.
Secretary/Treasurer

LAWS:92-02 12R.2011.06.21

Fond du Lac Band of Lake Superior Chippewa

Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

Resolution #1193/12



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally Dupuis

Dist. II Representative
Sandra M. Shabiash

Dist. III Representative
Mary S. Northrup

Executive Director,
Tribal Programs
Chuck Walt

AMENDING THE FOND DU LAC (1854) CEDED TERRITORY CONSERVATION CODE, FDL ORDINANCE #02/92

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people, who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq.; the common law of the United States; and as recognized by the United Nations Declaration on the Rights of Indigenous Peoples of September 13, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management over the Band's affairs; and

WHEREAS, on March 9, 1992, the Reservation Business Committee enacted FDL Ordinance #02/92, entitled "Fond du Lac Ceded Territory Conservation Code", to govern resource management in the territory ceded by the Treaty of September 30, 1854, 10 Stat. 1109; and

WHEREAS, the Reservation Business Committee has determined that it is in the best interests of the Fond du Lac Band to address the spread of aquatic invasive species by amending the Ordinance as follows:

SECTION 103. GENERAL PROVISIONS

...

SUBDIVISION 5. PROHIBITED ACTS. In addition to the prohibitions contained in the other section of this Code, the following shall be considered violations of the Ceded Territory Conservation Code:

...

(X) (1) No Band member shall possess, import, purchase, sell, propagate, transport, or introduce an

invasive species as defined in section (X)(2), except:

- (a) under a permit issued by the Resource Management Division for the purpose of disposal, control, research, or education;
- (b) when being transported to the Resource Management Division's offices or another destination as the Resource Management Division may direct, in a sealed container for the purposes of identifying the species or reporting the presence of the species;
- (c) when a specimen has been lawfully acquired and is dead, or in the case of a plant, is secured in a sealed container;
- (d) when being removed from watercraft and equipment, or caught while fishing and immediately destroyed or returned to the water from which they came; or
- (e) when the invasive species has been designated by the Band as "regulated" but not "prohibited," provided, however that no species designated as a "regulated invasive species" may be introduced into any natural setting such as public waters.

(2) "Invasive species" includes the following species:

- (a) Aquatic plants: Eurasian milfoil, purple loosestrife.
- (b) Fish: Grass carp, rudd, round and tubenose goby, ruffe, sea lamprey, white perch, common carp, Asian carps (bighead, black, grass and silver carps) and goldfish.
- (c) Invertebrates: rusty crayfish, zebra mussel, Quagga mussel, New Zealand mudsnail, Chinese mystery snail, and spiny water flea.
- (d) Pathogens: Viral Hemorrhagic Septicemia (VHS).

- (e) Any other species that is designated as an invasive species by the Resource Management Division.

SECTION 104. DEFINITIONS. As used in this Code, the following terms shall have the meanings given to them in this Section.

. . . .

SUBDIVISION 27a.

"Infested waters" shall mean lakes, streams, or rivers identified by the Resource Management Division as either (1) containing a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent this; or (2) is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species as defined in Section 103, Subdivision 5(X) (2).

. . . .

SECTION 105. FISH AND AQUATIC RESOURCES.

. . . .

SUBDIVISION 15. [RESERVED]

[Reserved]

SUBDIVISION 16. [RESERVED]

[Reserved]

SUBDIVISION 17. [RESERVED]

[Reserved]

SUBDIVISION 18. GENERAL RESTRICTIONS

(A) [Reserved]

(B) [Reserved]

(C) [Reserved]

(D) [Reserved]

(E) [Reserved]

(F) [Reserved]

(G) [Reserved]

(H) It shall be unlawful for Band members to transport Eurasian or northern watermilfoil, or purple loosestrife over a public road.

(I) Failing to remove all visible aquatic plants from the exterior of any boat or trailer before leaving the water access and before entering onto any public road is unlawful.

SUBDIVISION 19. INFESTED WATERS.

(A) No Band members shall take any fish, crayfish, leeches, or frog for purposes of use of bait from any water designated by the Resource Management Division as infested waters, as defined in Section 104, subdivision 27a, except that live bait may be collected from infested waters provided the bait is used only within the infested waters in which they were collected and only on the same day collected. Live bait collected from infested waters shall not be transported from the infested waters, and must be released or destroyed prior to the Band member leaving the waters.

(B) Following use in any infested waters, no Band member shall fail to:

(1) dry for a minimum of 10 (ten) days or freeze for a minimum of 2 (two) days before use in any other waters any net or associated piece of equipment, including traps, buoys, anchors, stakes, or line, provided however, that any net, trap, bouy, anchor, stake or line that has been used in waters infested with spiny water fleas, shall not be used in any other waters.

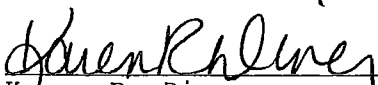
(2) remove all aquatic vegetation from nets or associated equipment when they are removed from infested waters.

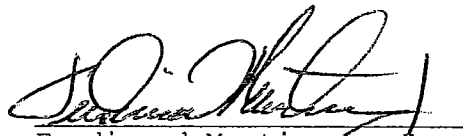
- (3) Notify the Resource Management Division when removing nets from infested waters and before resetting those same nets in any other waters.
- (C) No Band member shall use water from infested waters to transport fish without a permit from the Resource Management Division and no Band member shall transport water from infested waters for any other purpose.
- (D) No Band member leaving infested waters shall fail to drain bait containers, livewells, and bilges by removing the drain plug before transporting the watercraft and associated equipment over public roads.
- (E) No Band member shall enter an area of limited infestation of Eurasian milfoil marked or delineated by the Division of Resource Management of the Minnesota Department of Natural Resources except:
 - (1) in emergency situations where property or human life is endangered;
 - (2) by enforcement, emergency, resource management, and other Band government personnel or their agents when performing official duties;
 - (3) for the purpose of access via the shortest and most direct route through a marked or delineated area by owners or lessees of land adjacent to such area who do not have other water access available.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the above amendments to the Fond du Lac Ceded Territory Conservation Code, to become effective immediately, and further directs said amendments be incorporated into FDL Ordinance #02/92 with appropriate updates to the index.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on June 6, 2012 on the Fond du Lac Reservation.

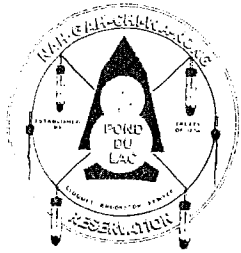

Karen R. Diver,
Chairwoman


Ferdinand Martineau, Jr.,
Secretary/Treasurer

Fond du Lac Band of Lake Superior Chippewa

Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally Dupuis

Dist. II Representative
Sandra M. Shabiash

Dist. III Representative
Kevin R. Dupuis Sr.

Executive Director,
Tribal Programs
Chuck Walt

Executive Director,
Enterprises
Michael Himango

Resolution # 1028/13

Amending Fond du Lac Ordinance #02/92, The Fond du Lac (1854) Ceded Territory Conservation Code

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. §461 et seq., the common law of the United States; and as recognized by the United States Declaration on the Rights of Indigenous Peoples of September 13, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management of the Band's affairs; and

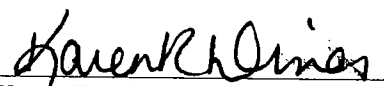
WHEREAS, by Resolution # 1043/92 on March 9, 1992, the Fond du Lac Reservation Business Committees, in furtherance of the self-governance of the Fond du Lac Band, adopted Fond du Lac Ordinance #02/92, the Fond du Lac (1854) Ceded Territory Conservation Code, to govern Fond du Lac's hunting, fishing and gathering activities in the territories ceded under the Treaty of 1854 and has amended that Code from time-to-time; and


WHEREAS, the Band has determined that a number of additional amendments should be made to the 1854 Ceded Territory Conservation Code to enhance Band member harvest opportunities and improve administration of the Code which amendments are shown by the attached redlined copy of the Code; and

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the amendments to the Band's 1854 Ceded Territory Conservation Code as shown by the attached redlined version of the Code, with new provisions shown by underline and deleted provisions shown by strikeout.

Certification

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on January 16, 2013, on the Fond du Lac Reservation.


Karen R. Diver
Chairwoman


Ferdinand Martineau, Jr.
Secretary/Treasurer