

Telephone:
715/682-4212
715/682-9200

BAD RIVER
LAW OFFICE

Mashkisibi Center

BAD RIVER TRIBAL COUNCIL

Bad River Community Center, Route 2, via Ashland, WI 54806

RESOLUTION NO. 9-2-81-12

WHEREAS the Tribal Council of the Bad River Band of the Lake Superior Tribe of Chippewa Indians recognizes its inherent sovereign right and responsibility to regulate the natural resources of the Bad River Reservation for the use and benefit of the Tribe's membership; and

WHEREAS the Tribe reserved its regulatory rights in the 1854 Treaty entered into with the United States; and

WHEREAS no act of the United States has deprived the Tribe of its reserved regulatory rights; and

WHEREAS Tribal regulation of the natural resources of the Reservation is vital to the political integrity and economic security of the Bad River Tribe; and

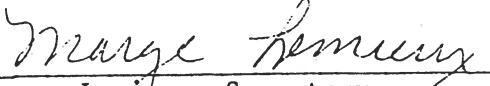
NOW, THEREFORE, BE IT RESOLVED that the Tribal Council rescinds Resolutions 9-5-79-9, 12-3-80-141, and 7-1-81-192; and

BE IT FURTHER RESOLVED that the Tribal Council enacts the attached Chapters 301, 302, and 303 of the Bad River Ordinances; and

BE IT FURTHER RESOLVED that Chapter 301, 302, and 303 shall be posted at the Tribal Center, Conservation Department, and the St. Mary's School Building, and shall be published once in the Ashland Daily Press, and that said Chapters shall be effective the day following publication.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Chippewa Indians of Wisconsin, hereby certify that the Tribal Council is composed of 7 members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened and held on 2nd day of Sept., 1981; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 6 members; 0 against; 0 abstaining, and that the said resolution has not been rescinded or amended.


Marge Lemieux, Secretary
Bad River Tribal Council

CHAPTER 301 - HUNTING OF DEER

Section 301.1 - Findings

The Tribal Council finds that the lands now comprising the Bad River Reservation were traditional hunting grounds for the ancestors of the Tribe; that these lands were selected as a Reservation because of their wealth of fish, game, and wild rice; that deer have been a nutritional staple for members of the Tribe for generations beyond memory; that deer continue to provide a substantial portion of the protein and other nutritional needs of the Tribe's members; that high unemployment and a cash-poor local economy indicate that deer will remain critical as a food source for the Tribe's members; that pressure on the deer population by non-member sport hunting reduces the availability of deer as a food source for members; that non-member flaunting of tribal conservation laws has contributed to a decline in the reservation deer population; and that effective regulation of both member and non-member hunting of deer is essential for the preservation of the species in numbers sufficient to supply the economic and nutritional needs of the Tribe's members.

Section 301.2 - Definitions

(a) Conservation Department means the Conservation Department of the Tribe.

(b) Member means any person who is enrolled or is eligible for enrollment in the Tribe, or who is recognized as a member of the Tribe by the Tribal Council.

(c) Non-member means any person who does not come within the definition of member.

(d) Reservation means the Bad River Reservation.

(e) Tribal Council means the Tribal Council of the Tribe.

(f) Tribe means the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation.

Section 301.3 - Hunting Proscribed

(a) No person shall hunt or take any deer within the reservation except during the open season.

(b) No person shall hunt or take any deer within the reservation in excess of the limit allowed.

(5) Place, operate, or attend, spread, or set any net, pitfall, spring gun, pivot gun, or any other contrivance for the purpose of catching or which might catch or take deer.

(6) Take or attempt to take any deer with the aid of any explosives.

(7) Train dogs by pursuing deer.

(8) Fail to make every reasonable effort to retrieve all deer crippled or killed.

Section 301.7 - Licensing

No person shall hunt or take deer who does not have in his or her possession a valid license issued to him or her by the Conservation Department, or who does not have or is not eligible to receive a membership or enrollment card of the Tribe.

Section 302.8 - Forfeitures

(a) The following civil remedial forfeitures may be assessed against any person for a breach of the provisions of this chapter.

(1) For breach of any provision of Section 301.3, a forfeiture not greater than \$100.00

(2) For breach of Section 301.5, a forfeiture not greater than \$100.00.

(3) For breach of any provision of Section 301.6, a forfeiture not greater than \$100.00.

(4) For breach of Section 301.7, a forfeiture not greater than \$100.00.

(b) The following civil remedial forfeitures may be assessed against any person for a breach of the provisions of the chapter, and against whom a breach of the same provision is found to have occurred at least once before:

(1) For breach of any provision of Section 301.3, a forfeiture not greater than \$500.00.

(2) For breach of Section 301.5, a forfeiture not greater than \$500.00.

(3) For breach of any provision of Section 301.6, a forfeiture not greater than \$500.00.

(4) For breach of Section 301.7, a forfeiture not greater than \$500.00.

Section 301.9 - Seizure and Forfeiture

(a) Any deer taken in violation of this chapter may be seized by

CHAPTER 302 - TAKING OF WALLEYE

Section 302.1 - Findings

The Tribal Council finds that the lands now comprising the Bad River Reservation were traditional hunting and fishing grounds for the ancestors of the Tribe; that these lands were selected as a Reservation because of their wealth of fish, game, and wild rice; that walleye have been a nutritional staple for members of the Tribe for generations beyond memory; that walleye continue to provide a substantial portion of the protein and other nutritional needs of the Tribe's members; that high unemployment and a cash-poor local economy indicate that walleye will remain critical as a food source for the Tribe's members; that pressure on the walleye population by non-member sport fishing reduces the availability of walleye as a food source for members; that the stocking activities of the Tribe's fish hatchery have contributed significantly over the last several years to the reservation walleye population; that non-member flaunting of tribal conservation laws has contributed to a decline in the reservation walleye population; and that effective regulation of both member and non-member taking of walleye is essential for the preservation of the species in numbers sufficient to supply the economic and nutritional needs of the Tribe's members.

Section 302.2 - Definitions

(a) Conservation Department means the Conservation Department of the Tribe.

(b) Member means any person who is enrolled or is eligible for enrollment in the Tribe, or who is recognized as a member of the Tribe by the Tribal Council.

(c) Non-member means any person who does not come within the definition of member.

(d) Reservation means the Bad River Reservation.

(e) To fish means to use a hook and line, net, spear, or any other means to catch and take fish.

(f) Tribal Council means the Tribal Council of the Tribe.

(g) Tribe means the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation.

Section 302.3 - Fishing Proscribed

(a) No person shall fish for or take any walleye within the reservation except during the open season.

(b) No person shall fish for or take any walleye within the reservation in excess of the limit allowed.

(b) Any equipment used in violation of this chapter may be seized by the Conservation Department and ordered forfeited.

Section 302.9 - Severability

Should any section of this chapter be held to exceed the regulatory authority if the Tribe the remainder hereof shall not be affected thereby.

Section 303.5 - Notice and Posting

(a) The Conservation Department shall monitor the ripening of wild rice within the reservation and shall give notice 24 hours before opening the first area of the season. Thereafter no notice need be given before opening additional areas.

(b) The Conservation Department shall post signs indicating the limits of open areas.

Section 303.6 - Mechanization Prohibited

No person shall use any mechanical means to harvest wild rice, nor shall any person operate any boat motor or engine within the rice fields.

Section 303.7 - Forfeitures

(a) Any person violating Sections 303.3, 303.4, or 303.6 of this chapter for the first time shall be subject to a forfeiture of not more than \$150.

(b) Any person violating Sections 303.3, 303.4 or 303.6 of this chapter who has been previously found to have violated either Sections 303.3, 303.4 or 303.6 of this chapter or who is subsequently found to have previously violated either Sections 303.3, 303.4 or 303.6 of this chapter shall be subject to a forfeiture of not more than \$250.

Section 303.8 - Seizure and Forfeiture

(a) Any rice harvested in violation of this chapter may be seized by the Conservation Department and ordered forfeited.

(b) Any equipment used in violation of this chapter may be seized by the Conservation Department and ordered forfeited.