

TRIBAL CODE

CHAPTER 20

CONSERVATION CODE-MEMBERS

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HISTORY NOTE:

Current Ordinance:

Ch.I, II, III and IX approved by the Tribal Council May 14, 1985,  
Resolution No. 138(85).

Ch. IV approved by the Tribal Council May 4, 1985, Resolution No. 137(85).  
Code put out for referendum approved May 14, 1985, Resolution No. 140(85).  
Code approved and enacted by referendum vote May 29, 1985.

Approved by the Secretary Of The Interior July 17, 1985.

Amendments:

Amendment No 1. (Sec. 20.202) approved May 16, 1985, Resolution No. 329(85), approved and enacted by referendum vote September 20, 1985, approved by the Secretary Of The Interior November 1, 1985.

Amendment No, 2 (Sec. 20.209), approved September 30, 1985, Resolution No. 357(85), approved and enacted by referendum vote October 10, 1985. Secretarial approval of amendments waived February 9, 1987.

Amendment No. 3, new Sec. 20.907 regulating Waste of Natural Resources adopted by Poll Vote, Resolution No. 77(07) on April 3, 2007. This resolution also renumbered sections 907 as 908, 908 as 909, 909 as 910, 910 as 911 and 911 as 912.

Regulations:

Resolution No. 402(86), adopted November 10, 1986, regulates gill net mesh size.

Resolution No. 164(93), adopted May 24, 1993, regulates the taking of fish from reservation waters; and, need to further protect fish species within said reservation waters, which will preserve harvest opportunities for future generations.

Resolution No. 90(94), resolves that Fence, Big Crawling Stone, Pokegama and Flambeau lakes shall be closed to non-band member fisherman during closed period while hatchery nets are on the water, and that any violations shall be subject to prosecution in tribal court.

Resolution No. 63(00), close hunting on reservation for turkeys until it has been determined by the Natural Resource Department that a self-sustaining population has been established; violation is Class C Forfeiture as per Chapter 20.907.

Prior Actions:

Regulations of members was approved August 19, 1975, Resolution No. 88(75), for referendum October 7, 1975. No further action was taken.

Referendum on gill netting approved August 20, 1984, Resolution No. 275(84), amended by Resolution 282(84), adopted August 27, 1984. This referendum was not held. Instead, the Code was developed.

Resolution No. 34(85), adopted January 28, 1985, put eagle harvest out for referendum.

A referendum was held March 22, 1985. The prohibition on eagle harvest was approved, but Chapters I, II, III, and IX were rejected.

A revised code was approved on March 25, 1985, Resolution No. 96(85), and again on April 1, 1985, Resolution No. 101(85).

A referendum on three issues: gill netting of game fish, gill netting of rough fish, and killing of eagles, was held April 18, 1985. The first two were rejected; the latter approved. This led to the development of the code which eventually passes referendum.

Cases:

Lac du Flambeau Band v. One 200-250 Foot Small Mesh Gill net, Lac du Flambeau Tribal Court Appeal No. 86-01, decision filed August 8, 1988, upheld the validity of the code and the Tribal Council's power to regulate as authorized by Sec. 20.902(1).

TRIBAL CODE

CHAPTER 20

CONSERVATION CODE: MEMBERS

CHAPTER I: GENERAL PROVISIONS

20.101 Purpose.

The purpose of this Code is to provide for the conservation and management of fish, game, lakes, streams and other natural resources of the Tribe's reservation for the present and future use and enjoyment of tribal members and such other users as the Tribe shall permit.

20.102 Authority.

This Code is enacted pursuant to Article VI, Section 1(a), (w), and (x) of the Tribe's Constitution.

20.103 Effective Date.

This Code shall take effect on the day following the approval of this Code by tribal referendum.

20.104 Abrogation and Greater Restrictions.

Where this Code imposes greater restrictions than those contained in other tribal codes, ordinances, or resolutions, the provisions of this Code shall govern.

20.105 Interpretation.

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed as a limitation on or repeal of any other tribal power of authority,

20.106 Severability and Non-liability.

If any section, provision, or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code will not be affected thereby. The Tribe declares there is no liability on the part of the Tribe, its agencies, or employees, for damages, that may occur as a result of reliance upon or conformance with this ordinance. The Tribe, by the adoption of this Code, does not waive sovereign immunity in any respect.

#### 20.107 Applicability.

This code shall apply to activities undertaken upon the Tribe's reservation. It shall apply only to members unless a provision expressly provides to the contrary; provided that Chapter IX shall apply to all persons who violate this Code.

(2) "Fyke Net or Trap Net." A net system designed to capture fish live in a box or bag section which is then lifted for obtaining the fish found therein.

(3) "Home Use." A use of fish harvested by allowable methods for personal use other than for commercial sale.

#### 20.108 Definitions.

As used in this Code:

(1) "Fishing" means taking, capturing, killing or fishing for fish of any variety in any manner. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing."

(2) "Member" means a person enrolled in the Tribe.

(3) "Reservation" means the geographical area within the external boundaries of the Lac du Flambeau Reservation, as surveyed and provided pursuant to Article 2, Clause 3d of the Treaty of September 30, 1854, 10 Stat. 1109.

(4) "Tribal Court" means the Lac du Flambeau Tribal Court.

(5) "Tribe" means the Lac du Flambeau Band of Lake Superior Chippewa Indians.

(6) "Home Use" means the use of fish harvested by allowable methods of personal use other than for commercial sale.

(7) "Immediate Family" means the member's spouse, forebears, children, grandchildren and siblings. "Forebears" includes only parents and grandparents. "Sibling" includes persons who have one or both parents in common.

#### 20.109 Implied Consent.

Entry upon land or waters of the reservation by nonmembers for the purpose of engaging in any of the activities regulated by this Code without the permission of the Tribe is prohibited. Such permission when given is expressly conditioned upon

the consent of the person whose entry has been permitted to the jurisdiction of the Tribe for purposes of enforcing this Code. Any person who enters the reservation for the purpose of engaging in any of the activities regulated by this Code shall be deemed to have given consent to the jurisdiction of the Tribe for purposes of enforcing this Code.

#### 20.110 Ceremonial Harvest.

Notwithstanding any other provision of this Code, the Tribal Council may authorize the issuance of a special permit for the harvest of fish for use at a feast or other ceremonial occasion, upon such terms and conditions as the Tribal Council shall deem appropriate.

### CHAPTER II: NETTING OF FISH.

#### 20.201 Definitions.

For purposes of this Chapter, the following terms shall have the meaning ascribed below:

(1) “Gill net.” A single net suspended in the water in a stationary position which is designed to capture fish through the entanglement by the gill portion of the fish in the net.

(2) “Fyke Net or Trap Net.” A net system designed to capture fish live in a box or bag section which is then lifted for obtaining the fish found therein.

(3) “Home Use.” The use of fish harvested by allowable methods for personal use other than for commercial sale.

#### 20.202 Permitted Gillnetting.

A gill net may be used by tribal members only for the taking of ciscos and whitefish (tullibees). A gill net may also be used for the taking of fish by the Tribal Fisheries Program in connection with its necessary research activities. No other use of a gill net is authorized. Unauthorized use of a gill net shall constitute a Class A forfeiture.

#### 20.203 Sale of Prohibited Species.

No member may at any time sell, purchase, offer to sell or purchase, or have in possession or under control for the purpose of sale any of the following prohibited fish species taken from the waters of the reservation by netting:

(1) Sturgeon;



- (2) Muskellunge, including Tiger and Silver Muskellunge;
- (3) Walleye;
- (4) Northern Pike;
- (5) Bass, including Large and Small Mouth;
- (6) Trout, including Brown, Rainbow, Lake, and Brook; and
- (7) Yellow Perch.

The violations of this provision shall constitute a Class A forfeiture.

#### 20.204 Netting Permit Requirement.

All nets set in reservation waters shall be pursuant to a permit issued by the Tribal Fisheries Program. Each permit shall be valid for one year from the date of issuance and shall be required for any member who sets, lifts, or tends nets subject to this Chapter. Failure to obtain a permit prior to engaging in netting activities shall constitute a Class A forfeiture.

#### 20.205 Permit Contents.

Each permit shall contain the name(s) and address(es) of the tribal member(s) to whom said permit is issued and the tribal identification number of said member(s). Said permit shall also contain the names of any and all members who are authorized to assist said permit holder in the netting activity. The permit may be amended during its term at the request of the permittee at the offices of the Tribal Fisheries Program through the inclusion of additional bodies of water on which netting is authorized.

#### 20.206 Net Marking Requirement.

Each net shall be marked at each end with a plastic jug of not less than ½ gallon in volume, and gill nets shall be additionally marked with said jugs at 100 foot intervals along the entire length of the net. Each net shall also have affixed the member's tribal identification number. Members legally using the netting equipment of another member must affix to said equipment the present user tribal identification number. Failure to comply with this requirement constitutes a Class C forfeiture.

#### 20.207 Monitoring of Netting Activities.

The netting activities of members may be monitored by conservation enforcement personnel and the Tribal Fisheries Program. Failure to cooperate with such monitoring efforts is a violation of 20.903 of this Code.

20.208 Closure of Waters to Netting.

The Tribal Council may, by resolution, close to netting activities any reservation body of water, upon recommendation of the Tribal Fisheries Program managers. Such resolution shall conform to the provisions of 20.902 of this Code.

20.209 Regulations of Netting.

The Tribal Council shall have the authority by resolution to regulate net mesh sizes, amount of equipment to be used, incidental catch, types of nets, season, catch limits, and similar conditions governing the netting of fish; provided that any such regulations shall be subject to the provisions of 20.902(1) hereof.

20.210 Sharing Equipment Prohibited.

(1) No member shall share netting equipment authorized under this section with any person who is not a member or a member of another Lake Superior Chippewa Band, except that a person who is a member of the netter's immediate family may assist in the placing or lifting of any net, provided that the netter is physically present during the activity.

(2) The violation of this regulation shall be punishable as a Class C forfeiture.

(3) This regulation is subject to referendum by petition in accordance with section 20.902(1) of the Tribal Code.

CHAPTER III: PRIVATE FISH HATCHERIES

20.301 Purpose.

The purpose of this Chapter is to provide the Tribe with adequate protection of its fishery resource through the regulation of private and commercial fish operations which, through their activities, utilize the fishery resources of the reservation for financial gain. It is the further purpose of this Chapter to ensure conservation of the fishery resources for continuous utilization by all user groups, and to provide a mechanism for reimbursement to the Tribe for the value of the fishery resource utilized and/or remove from reservation waters by the activities of private, commercial fish hatcheries.

20.302 Definitions.

(1) "Fish Spawning." The practice of live trapping and handling any species of fish for the express purpose of removing eggs and milt in an attempt to artificially propagate said fish species.

(2) "Fish Hatching." The practice of holding and handling fish eggs with the express purpose of incubating and hatching them to secure small live fish, called "fry."

(3) "Fish Culture." The practice of holding and handling fish fry with the express purpose of growing them into larger fish.

(4) "Private" or "Commercial" Operations. The undertaking of any or all of the above-described activities for profit by any person or entity other than the Tribe.

(5) "Tribal Fisheries Program." Tribally-sponsored program that conducts research, spawning, hatching, culture, marketing, and management of its tribal fisheries resource.

(6) "Tribal Fisheries Resource." Any plant or animal organism that inhabits the lakes, rivers, or streams of the reservation and is an integral part of the overall ecological requirements for maintaining optimum fish populations.

#### 20.303 Permitting Required.

Any private fisheries operation involving any of the activities described in 20.302(1) and (3) above, must obtain an annual permit for such activities from the Tribal Fisheries Program and shall pay a fee for such operation as set forth by the Tribal Council at the time the permit is issued.

#### 20.304 Contents of Application for Permit.

Any person or entity wishing to conduct a private fisheries operation, as such is defined in 20.302(1) through (3) above, shall apply in writing on a form provided for such purpose by the Tribal Fisheries Program, and shall submit a fee in accordance with the established and approved fee schedule adopted by the Tribal Council for this purpose. Said application shall include, at minimum, the following information:

(1) The name and address of all persons holding an ownership interest in the fishery operation;

(2) The specific location of the fishery operation facility, including the mailing address;

(3) The exact description of the fishery operation, including the type of activity, the number of employees, and the type of equipment to be used; and

(4) The location, by specific lake, river and/or stream, within which the fishery activities are to be conducted.

#### 20.305 Contents of Permit.

Each permit for fishery operations issued under the above Sections shall describe in detail the following:

(1) The name and address of the permittee;

(2) The type of fishery operation which is authorized by the permit;

(3) The bodies of water upon which said authorized activities may be conducted;

(4) The complete description of the intended method of compliance with existing conservation regulations of the Tribe and other applicable regulatory entities.

#### 20.306 Harvest and Sale of Certain Species Prohibited.

No private fishery operation shall be authorized to harvest for resale any adults of the following species of fish:

(1) Walleye;

(2) Muskellunge, including Tiger and Silver Muskellunge;

(3) Northern Pike;

(4) Bass, including Large Mouth and Small Mouth Bass;

(5) Trout, including Brown, Brook, Rainbow, and Lake Trout;

(6) Panfish, including Crappies, Yellow Perch, Bluegill, Rock Bass, Pumpkinseed; and

(7) Sturgeon.

#### 20.307 Restrictions on Private Fishery Operations.

(1) Fish spawning in Nets. No fish taken for the specific purpose of spawning, as such is defined in 20.302(1) above, shall be removed from the lake of capture. Therefore, no fish shall be held in a hatchery holding tank.

(2) Fish Research Activities. No private fishery operation shall conduct fish research activities unless specifically authorized to do so in the applicable permit or in subsequent written authorization from the Tribal Fisheries Program.

(3) Gill Net Use Restrictions. No private fishery operation shall utilize gill nets for harvesting fish for spawning purposes.

(4) Incidental Loss of Fish. Any fish species identified in Section 20.306 above, which dies as a result of private fishery operation activities shall be turned over on the day of capture to the Tribal Fisheries Program or to tribal conservation wardens. Said fish shall thereafter be distributed to tribal programs. Violation of this Section shall be a Class C forfeiture.

(5) Use of Tribal Land. No person shall utilize tribal land for the purposes of obtaining ingress or egress to a body of water within the exterior boundaries of the Lac du Flambeau Reservation unless such person shall have a valid permit issued under 20.305 of this Chapter.

#### 20.308 Monitoring of Fisheries Operations.

All private fisheries operational activities, whether conducted on the waters of the reservation, or on land, shall be open to reasonable monitoring by tribal conservation enforcement personnel and the Tribal Fisheries Program personnel. Failure to comply with any reasonable request of monitoring personnel is subject to a Class A forfeiture.

#### 20.309 Return of Production to Reservation Waters Required.

Any permittee who removes fish eggs from any body of water on the reservation shall return to said body of water the equivalent of ten percent (10%) of the eggs in live fry of the species removed.

#### 20.310 Reporting Requirements.

All permittees shall provide, on a quarterly basis, information concerning the fishery operation on the form provided for said purpose by the Tribal Fisheries Program. Failure to do report shall constitute a Class B forfeiture penalty, and shall cause the immediate suspension of all activities authorized by the Tribal permit; such suspension shall continue unless and until the permittee furnishes the required information. In addition, failure to report in a timely fashion shall be grounds for refusal to renew a private fishery operation permit.

20.311 Reports Concerning Fish Clipped and/or Tagged.

Any permittee shall report immediately the capture of any fish which bears a numbered tag or has been fin clipped, which indicates that said fish is a part of a research project. Such reports shall be made to the Tribal Fisheries Program and shall indicate the number of the tag or the location of the clipped fin(s) and the species from which it was obtained.

20.312 Penalty.

The violations of any provision of this Chapter for which a penalty is not otherwise specified shall be a Class A forfeiture.

CHAPTER IV: EAGLE PROTECTION

20.401 Purpose.

It is the purpose of this Chapter to protect all eagle species found within the territory subject to the jurisdiction of the Lac du Flambeau Band, along with their nesting grounds and habitat, by precluding all activities which impair or impede the Tribe's program to protect and enhance the eagle population.

20.402 Taking of Eagles Prohibited.

No tribal member shall take, by any method, a bald or American eagle, or a golden eagle. A violation of this Section shall constitute a Class A forfeiture, and shall in addition subject the violator hereof to the suspension of all hunting privileges for a period of not less than one (1) year.

20.403 Injuring of Eagles Prohibited.

Any tribal member who causes the injury of any bald eagle, through the use of any hunting method, whether knowingly or with gross disregard for the consequences of his/her act, shall have committed a Class A forfeiture violation, and shall in addition be subject to suspension of all hunting privileges for a period of not less than six (6) months.

20.404 Disturbing Nesting Sites Prohibited.

No tribal member shall impair or destroy the nest or eggs of any species of eagle, nor shall any member engage in any activity which may unreasonably disturb the nesting by any eagle species. Violation of this Section shall constitute a Class B forfeiture.

20.405 Possession of Eagles; Restrictions.

From and after the effective date of this Chapter, no tribal member shall possess any bald or golden eagle, whether alive or dead or any part, nest, or egg of such eagle species, without a permit therefor issued by the Secretary Of The Interior under the provision of 16 U.S.C. s. 668a, or a permit therefore issued by the Lac du Flambeau Band with the knowledge and/or concurrence of the Secretary. Violation of this Section shall constitute a Class B forfeiture, and shall in addition be punishable through the confiscation of any eagle part possessed in violation of this Section.

#### 20.406 Religious Uses Protected.

Any tribal member who possesses any eagle species or part thereof, or any nest or egg of said species for religious and/or ceremonial purposes shall not act in violation of this Chapter, provided, that such possession is validated through the permit system described above, or such possession is of an eagle or part taken lawfully prior to June 8, 1940.

#### 20.407 Information of Eagle Status on Reservation.

All bald and golden eagles on the reservation of the Lac du Flambeau Band, and any all parts thereof, are the property of the Tribe held in trust for its members, and if any eagle carcass or part be found or discovered on the Reservation, such shall be reported to and recorded by the Tribe's Fish and Game Department.

### CHAPTER V: SPEARING OF FISH

#### 20.501 Definitions.

(1) "Spear" means a pole tipped with a minimum of three barbed tines which are a minimum of 4 ½ inches long and each time having a barb extending perpendicular which is greater than 1/8 inch, and when used as a verb means reducing or attempting to reduce to possession fish by means of a hand held spear or other similar device which is directed by the spearer for the purpose of impaling the target fish, and may include the use of artificial light. When used as a verb, spear shall also mean snagging for the purpose of this Code.

#### 20.502 Sharing Equipment Prohibited.

(1) No member shall share spearing equipment with any person who is not a member or a member of another Lake Superior Chippewa Band except that a person who is a member of the spearer's immediate family may assist in the operation of a boat, provided that the spearer is present in that boat.

(2) The violation of this regulation shall be punishable as a Class C forfeiture.

(3) This regulation is subject to referendum by petition in accordance with section 20.902(1) of the Tribal Code.

## CHAPTER IX: ENFORCEMENT AND PENALTIES

### 20.901 Conservation Wardens.

(1) Any person deputized by the Tribe as a conservation warden may enforce the provisions of this Code. In addition, Wisconsin conservation wardens and deputy conservation wardens are hereby empowered to enforce the provisions of this Code and may institute proceedings in Tribal Court by use of the Wisconsin Department of Natural Resources citation form set forth in Wis. Stat. s. 23.054 and by following the procedure for issuance of a state citation.

(2) Any person authorized to enforce this Code may execute and serve warrants and other process issued by the Tribal Court in the same manner as any law enforcement officer of the State of Wisconsin may serve and execute such state warrants and other process under state law.

(3) Any person authorized to enforce this Code may stop and board any automobile or other vehicle, if the person reasonably suspects there is a violation or breach of this Code. Any person authorized to enforce this Code may, with or without a warrant, open, enter, and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, and packages, and other receptacles contained therein, where the person has probable cause to believe that fish taken or held in violation of this Code are contained therein.

(4) Any person authorized to enforce this Code may issue a citation to any person upon reasonable belief that such person has breached a provision of this Code and may seize and hold any property needed as evidence or any property authorized to be seized pursuant to the civil remedial forfeiture provisions of this Code.

### 20.902 Emergency and Seasonal Rulemaking.

(1) The Tribal Council shall have the authority by resolution to set and adjust seasons, bag limits, size limits and similar conditions governing the taking of fish as granted elsewhere in this Code; provided, that any such regulation affecting members shall be submitted to referendum for approval upon the petition of twenty-five (25) members eligible to vote in tribal election. The violation of any regulations so promulgated shall be a Class C forfeiture.

(2) In addition, the Tribal Council shall have the authority to promulgate by resolution emergency regulations for a period not to exceed ninety (90) days upon recommendation of the Tribal Fisheries Program managers that there exists a



resource emergency. Such regulation shall expire at the end of ninety (90) days unless approved by the membership by referendum or adopted by the Tribal Council pursuant to its authority granted in subsection (1) hereof. The violations of any regulation so promulgated shall be a Class A forfeiture.

20.903 Resisting Conservation Warden.

Any person who assaults or obstructs any conservation warden in the performance of duty shall be liable for a Class A forfeiture.

20.904 Tribal Tags, Seals, and Equipment.

Any person who breaks, removes, or interferes with any equipment of the Tribe or any seal or tag attached to any fish, article, or other thing by the Tribe or Tribal Fish and Game Department, or who meddles or interferes with any fish, article, or other thing with such seal or tag attached, or unattached, shall be liable for a Class B forfeiture.

20.905 Nonmember Use Restrictions.

(1) No member shall lend, sell, or give to any nonmember any seal, tag, or permit issued by Tribe pursuant to this Code, nor shall any member authorize the utilization of his equipment or gear by any nonmember except as set out in subsection 2.

(2) (a) No member shall allow any person who is not a member of a signatory tribe to assist and no such person shall assist, in the permitted on-reservation activities of members except in accordance with the provisions of this subsection and as provided in subsection 26.330.

(b) A member may be assisted by a non-member in accordance with this subsection if the non-member is a part of the member's immediate family.

(c) A member may be assisted by a non-member in accordance with this subsection only if the member is physically present during the activity which constitutes assistance.

(d) Non-member "assistance" pursuant to this subsection shall be limited to the following activities:

- (i) Operation of a boat during spearing;
- (ii) Placing or lifting a net, set pole, bank pole or set line;

(iii) Setting or lifting of unattended lines during ice fishing;

(iv) In hunting, all activities except the actual use of a firearm, bow and arrow or crossbow to kill an animal;

(v) In trapping and snaring all activities except the setting or placement of traps and snares;

(vi) In harvesting wild rice, all activities;

(vii) In harvesting clams, crayfish, turtles and species the harvest of which are not prohibited or otherwise regulated by this ordinance, all activities except the actual use of a device to kill an animal of the specific act which reduces an animal to possession.

(e) Nothing in this Code shall be construed to prohibit a member from hunting, fishing, trapping, or gathering with any other person who is not a member or a member of another Lake Superior Chippewa Band, provided such other person possesses a valid license or is otherwise not prohibited from engaging in the activity involved and complies with the laws of the State of Wisconsin governing such activity.

(3) The violation of this regulation shall be punishable as a Class C forfeiture.

(4) This regulation is subject to referendum by petition in accordance with section 20.902(1) of the Tribal Code.

#### 20.906 Larceny Of Harvest.

Any person who shall, without permission of the owner, molest, disturb, or appropriate any fish which has been lawfully reduced to possession of another shall be liable for a Class B forfeiture.

#### 20.907 Waste of Natural Resources

No member shall unreasonably waste, injure, destroy or impair any wild plant, animal, or fish while engaging in the exercise of Treaty rights on the reservation, and/or unreasonably waste any wild plant, animal or fish that has been harvested as the result of a member exercising these Treaty rights. Violation of this section shall be a class B forfeiture.

#### 20.908 Classification of Forfeiture.

(1) Civil remedial money penalties, referred to in this Code as forfeitures, are classified and carry penalties, as follows:

- (a) Class A forfeiture, not less than \$250 nor more than \$500.
- (b) Class B forfeiture, not less than \$100 nor more than \$500.
- (c) Class C forfeiture, not less than \$20 nor more than \$250.

(2) When any person is found guilty of a violation and such person has been convicted of a previous violation of this Code within a period of one year, the forfeiture penalties shall be enhanced as follows:

- (a) For a Class C forfeiture, not less than \$100 nor more than \$500.
- (b) For a Class B forfeiture, not less than \$250 nor more than \$500.
- (c) For a Class A forfeiture, \$500.
- (d) For a third violation within a period of one year, \$500 and mandatory revocation of all harvest privileges under this Code for minimum period of one year.

20.909 Penalties.

Any person, who for himself, or herself, or by his or her agent, servant or employee or another, violates this Code, shall be liable as follows:

(1) For a civil remedial money penalty in an amount to be determined by the class of forfeiture of the offense.

(2) For a civil remedial forfeiture of any property, including boats, motors, vehicles, fishing equipment, or other property, used in the commission of the violation of this Code.

(3) In addition to any other penalty for violation of this Code, the Tribal Court may revoke or suspend any or all privileges or licenses granted under or regulated by this Code for a period of up to three years.

(4) Court costs of \$10 shall be assessed against any person found to have violated this Code.

20.910 Parties to a Violation.

(1) Whoever is concerned in the commission of a violation of this Code is a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of a violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires, or counsels, or otherwise procures another to commit it.

#### 20.911 Civil Damages.

In addition to an action to impose penalties, the Tribe may bring a civil action for recovery of damages against any person unlawfully killing, wounding, catching, taking, trapping, harvesting, or having unlawfully in possession any fish. The damages assessed shall not be less than the amount set forth in Wis. Stat. s. 29.65 and may include damage to the environment or habitat. Any damages recovered under this Section shall be credited to the budget of the Tribe's Fish and Game Department.

#### 20.912 Enforcement Procedures.

Jurisdiction is hereby conferred upon the Tribal Court over matter related to this Code. Forfeiture proceedings shall be conducted in accordance with Chapter IV of the Tribal Court Code; provided, that citations issued thereunder may be served by ordinary mail. Chapter V of the Tribal Court Code is hereby repealed in its entirety.