

**1842 MICHIGAN CEDED TERRITORY
OFF-RESERVATION TREATY HUNTING AND TRAPPING ORDINANCE**

1. **Activities Covered.** Without prejudice to any future rights, claims or defenses with respect to these treaty rights, this ordinance shall apply to the off-reservation tribal hunting and trapping rights reserved in the Treaty of 1842.
2. **Where it Applies.** This ordinance shall govern the exercise of treaty-reserved off-reservation hunting and trapping rights applicable to all of the lands and waters located in the State of Michigan, ceded by the tribes to the United States of America in the Treaty of 1842, 7 *Stat.* 591.
3. **Purpose.** It is the purpose of this ordinance to:
 - a. Provide an orderly and effective system for tribal control and regulation of treaty-reserved hunting and trapping activities applicable to the 1842 Michigan Ceded Territory;
 - b. Supplement the Tribal *Voigt* [*Lac Courte Oreilles v. State of Wisconsin*] Off-Reservation Conservation Code for the purposes of regulating the exercise of treaty-reserved off-reservation hunting and trapping rights applicable to the 1842 Michigan Ceded Territory;
4. **Applicable Codes/Law.** Existing tribal Off-Reservation Conservation Codes (tribal codes), and associated permit and registration systems, that apply to the Wisconsin 1837/1842 ceded territories under the *Voigt* [*Lac Courte Oreilles v. State of Wisconsin*] case will as appropriate govern tribal hunting and trapping in the 1842 Michigan Ceded Territory as those regulations must be implemented or modified to comply with this ordinance.
5. **Hunting and Trapping.** Hunting and trapping in the 1842 Michigan Ceded Territory shall be subject to the following:
 - a. **Season Dates.** The season dates shall comply with the existing tribal Off-Reservation Conservation Codes (tribal codes).
 - b. **Hours.** Hunting and trapping hours shall comply with the existing tribal Off-Reservation Conservation Codes (tribal codes).
 - c. **Methods.** Hunting and trapping methods shall comply with the existing tribal Off-Reservation Conservation Codes (tribal codes).
 - d. **Permits and Carcass Tags.** The tribes will not make any declarations for the 1842 Michigan Ceded Territory and will not be subject to a bag limit, however:

- i. Tribal members must carry their tribal identification card and/or harvest permit.
 - ii. For deer hunting, tribal members shall receive an antlerless deer permit and carcass tags from a tribal registration station in compliance with the requirements of the existing tribal Off-Reservation Conservation Codes (tribal codes). (*ex: Some Tribes issue tribal members 4 deer carcass tags*). Antlerless deer permits shall be clearly marked MI42 and be correspondingly sliced, slit or otherwise crossed out, to show that the harvest has occurred in the 1842 Michigan Ceded Territory.
 - iii. For bear hunting, tribal members shall receive a harvest permit and carcass tag from a tribal registration station in compliance with the requirements of the existing tribal Off-Reservation Conservation Codes (tribal codes). (*ex: Some Tribes issue tribal members one bear carcass tag.*)
 - iv. For small game hunting, tribal members shall receive a small game hunting harvest permit for all species and a carcass tag for fisher, otter, bobcat, and turkey from a tribal registration station in compliance with the requirements of the existing tribal Off-Reservation Conservation Codes (tribal codes).
 - v. For small game trapping, tribal members shall receive a small game trapping harvest permit for all species and a carcass tag for fisher, otter, and bobcat from a tribal registration station in compliance with the requirements of the existing tribal Off-Reservation Conservation Codes (tribal codes).
- e. **Registration.** Registration is required for all deer, bear, fisher, otter, bobcat, and turkey harvest which shall include the location of harvest in compliance with the existing tribal Off-Reservation Conservation Codes (tribal codes).
- f. **Locations.** Tribal Members shall engage in harvest activity on lands and waters open for hunting and trapping by operation of Michigan law.

Note: Tribal migratory bird hunting within the 1842 Michigan Ceded Territory is governed by the U.S. Fish and Wildlife Service Final Rule establishing federal regulations in response to the Tribe's proposal pursuant to the Service's guidelines described in the June 4, 1985, Federal Register (50 FR 23467).

Note: Tribal gathering within the 1842 Michigan Ceded Territory is governed by the National Forest Gathering Tribal Codes and Tribal - USFS MOU.