

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA
TRIBAL CODE
CHAPTER 26
OFF-RESERVATION CONSERVATION CODE**

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**OFF-RESERVATION NATIONAL FOREST GATHERING CODE
OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA
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**PART III
OFF-RESERVATION CONSERVATION CODE FOR THE 1837 MINNESOTA
CEDED TERRITORY**

**PART IV
OFF-RESERVATION CONSERVATION CODE FOR THE 1842 MICHIGAN
CEDED TERRITORY OFF-RESERVATION TREATY HUNTING AND
TRAPPING ORDINANCE**

APPENDIX B: Tribal Self-Regulation Agreement, Memorandum of Understanding

HISTORY NOTE:

Current Ordinance.

Resolution No. 371(88). Chapters I, II, III, IV and IX approved and placed for referendum October 10, 1988, Enacted by referendum October 13, 1988, effective immediately.

Amendments.

Amendments to a large number of sections, necessitated by the federal court ruling of March 3, 1989, and subsequent hearing March 28, 1989, were adopted April 10, 1989, Resolution No. 124(89).

Chapter VI: Deer Hunting, was adopted June 12, 1989, Resolutions No. 188(89), enacted by referendum July 6, 1989. It has not yet taken effect and is not included in the text at this time because it is the subject of a pending federal court decision.

Chapter V (Wild Rice) Adopted by Stipulation, Order signed by Judge Barbara Crabb November 1, 1989.

Chapter VI (Deer Hunting) enacted, Order signed by Judge Barbara Crabb May 9, 1990.

Chapters VII (Bear), VIII (Small Game), X (Migratory Birds), XI (Timber), and XII (Miscellaneous Plants) were all rejected by referendum vote November 30, 1989.

Chapter IX amended April 9, 1990, Resolution 96(90).

Chapters VII (Bear Harvesting) and VIII (Small Game Harvesting) were adopted August 27, 1990, Resolution No. 236(90), enacted by referendum August 30, 1990.

Chapter III Disabled Hunters Permits, amended, September 13, 1993, Resolution No. 295(93).

Part II Off-Reservation National Forest Gathering Ordinance to due to expire August 31, 1997. Enacted, September 26-27, 1996, Resolution 385(96).

Part II Off-Reservation National Forest Gathering Code of the Lac du Flambeau Band of Lake Superior Chippewa Indians. Enacted August 24, 1998. Resolution 420(98). Appendix B (Tribal Self-Regulation Agreement) *[Memorandum of Understanding] Regarding the Recognition and Implementation of Tribal Ceded Territory Rights Guaranteed by the Treaties of 1836, 1837 and 1842 on National Forest Lands, August 24, 1998.*

Chapter 26.606(1) amended November 8, 1999, Resolution No. 611(99) three-day deer registration deadline.

Chapter 26.605(2)(b) amended November 15, 2004, Resolution No. 311(04) issue no more than four (4) carcass tags at one time.

Part III, Off Reservation Conservation Code for the 1837 Minnesota Ceded Territory enacted, subject of the membership voting by referendum; April 7, 1997, Resolution No. 130(97). Certification of election results yes-62 no-34, dated 4/18/97.

Chapter 26.607(1) and Chapter 26.607(2)(a) temporarily changes the Deer Season regulations, Resolution No. 276(07).

Part IV, Off Reservation Conservation Code for the 1842 Michigan Ceded Territory. Enacted October 8, 2007. Resolution 211(07).

Regulations.

Gillnet regulations pursuant to Sec. 26.908(2) adopted June 12, 1989, Resolution No. 189(89); June 19, 1989, Resolution No. 206(89). Gillnetting banned October 6, 1989, Resolution No 353A(89).

Prior Ordinances.

There have been numerous interim ordinances since the 1983 Voigt decision, including the following:

1983 Deer hunting: Adopted November 7, 1983, Resolution No. 302(83); approved by referendum November 8, 1983. Adopted pursuant to referendum authority November 14, 1983, Resolution No. 316(83). Amended December 12, 1983, Resolution No. 358(83).

1984 Ice fishing; Approved January 30, 1984, Resolution No. 54(84); enacted by referendum February 2, 1984.

1984 Gillnet ban: Adopted June 18, 1984, Resolution No. 206(84).

1984 Open water fishing: Adopted by referendum July 12, 1984.

1984 Deer hunting: Adopted by referendum vote September 12, 1984.

1984-1985 Trapping: Adopted by referendum November 15, 1984.

1984-1985 Ice fishing: Adopted by referendum December 19, 1984.

1984-1985 Small game: Adopted by referendum December 19, 1984.

1985 Spring spearing: Adopted April 15, 1985, Resolution No. 111(85), enacted by referendum April 18, 1985.

1985 Ricing: Adopted August 19, 1985, Resolution No. 294(85), enacted by referendum August 29, 1985.

1985 Migratory birds: Adopted August 19, 1985, Resolution No. 294(85), enacted by referendum August 29, 1985.

1985 Deer hunting: Adopted September 16, 1985, Resolution No. 328(85), enacted by referendum September 19, 1985. Amended October 7, 1985, Resolution No. 359(85); December 16, 1985, Resolution No. 466(85).

1985 Small game hunting: Adopted September 30, 1985, Resolution No. 354(85), enacted by referendum October 9, 1985.

1985-1986 Trapping: Adopted October 21, 1985, Resolution No. 321(85), enacted by referendum October 30, 1985.

1985-1986 Ice fishing: Adopted October 21, 1985, Resolution No. 321(85), enacted by referendum October 30, 1985.

Authority for Tribal Council to approve interim agreements in substantial conformity with previous agreements put out for referendum October 21, 1985, Resolution No. 321(85), approved by referendum October 30, 1985.

1986 Open water spring fishing: Adopted April 7, 1986, Resolution No. 114(86).

1986 Hook and line fishing: Adopted May 19, 1986, Resolution No. 180(86), enacted by referendum May 30, 1986.

1986 Ricing: Adopted August 11, 1986, Resolution No. 290(86).

1986 Deer hunting: Adopted August 25, 1986, Resolution No. 323(86), enacted by referendum September 4, 1986.

1986 Bear hunting: Adopted August 25, 1986, Resolution No. 323(86), enacted by referendum September 4, 1986.

1986 Small game: Adopted September 8, 1986, Resolution No. 328(86).

1986 Trapping: Adopted November 3, 1986, Resolution No. 388(86), enacted by referendum November 13, 1986.

1986-1987 Ice fishing: Adopted November 24, 1986, Resolution No. 426(86), enacted by referendum December 4, 1986.

1987 Spring spearing: Adopted March 30, 1987, Resolution No. 89(87), enacted by referendum April 2, 1987.

1987 Ricing: Adopted August 3, 1987, Resolution No. 256(87), enacted by referendum August 14, 1987.

1987 Deer hunting: Adopted September 15, 1987, Resolution No. 295(87), enacted by referendum September 17, 1987.

1987 Bear hunting: Adopted September 21, 1987, Resolution No. 302(87).

1987 Migratory bird hunting: Adopted September 21, 1987, Resolution No. 302(87).

1987 Small game hunting: Adopted September 21, 1987, Resolution No. 302(87).

1987 Trapping: Adopted October 19, 1987, Resolution No. 351(87).

1987-1988 Ice fishing: Approved January 4, 1988, Resolution No. 5(88), enacted by referendum January 7, 1988.

1988 Spring fishing: Adopted April 11, 1988, Resolution No. 115(88). Amended April 18, 1988, Resolution No. 125(88).

1988 Summer and fall open water fishing: Adopted June 13, 1988, Resolution No. 183(88).

Timber Moratorium: Adopted June 20, 1988, Resolution No. 211(88).

1988 Ricing: Adopted August 1, 1988, Resolution No. 260(88).

1988 Deer hunting: Adopted August 31, 1988, Resolution No. 305(88).

1988 Bear hunting: Adopted September 6, 1988, Resolution No. 320(88).

1988 Migratory bird hunting: Adopted September 16, 1988, Resolution No. 339(88).

1988 Small game hunting: Adopted September 16, 1988, Resolution No. 340(88).

1988-1989 Trapping: Adopted November 23, 1988, Resolution No. 395(88), enacted by referendum November 23, 1988.

1988-1989 Ice fishing: Adopted December 12, 1988, Resolution No. 443(88). Ban on sale of fish imposed by referendum December 15, 1988.

1989 Ricing: Adopted August 14, 1989, Resolution No. 269(89).

1989 Deer hunting: Adopted August 28, 1989, Resolution No. 293(89).

1989 Bear hunting: Adopted August 28, 1989, Resolution No. 294(89).

1989-1990 Small game hunting: Adopted October 16, 1989, Resolution No. 357(89).

1989 Migratory bird hunting: Adopted October 16, 1989, Resolution No. 358(89).

1996-97 Off-Reservation National Forest Gathering Ordinance (Part II): Adopted September 26-27, 1996.

Cases.

The off-reservation treaty rights litigation is Lac Courte Oreilles Band v. Wisconsin, W.D. Wis. No. 74-C-313. Significant reported decisions having impact on tribal regulations include:

Lac Courte Oreilles Band v. Voigt, 700 F.2d 341 (7th Cir. 1983). Affirms existence of treaty right.

Lac Courte Oreilles Band v. Wisconsin, 653 F. Supp. 1420 (W.D. Wis. 1987).
"Doyle decision" defining the rights.

Lac Courte Oreilles Band v. Wisconsin, 668 F. Supp. 1233 (W.D. Wis. 1987).
Tribal self-regulation preempts stat regulation.

Lac Courte Oreilles Band v. Wisconsin, 686 F. Supp. 226 (W.D. Wis. 1988).
"Moderate living" decision.