

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #02/14

APOSTLE ISLANDS NATIONAL LAKESHORE CONSERVATION CODE

Adopted by Resolution #1113/14 of the Fond du Lac Reservation
Business Committee on April 2, 2014.

TABLE OF CONTENTS

CHAPTER 1	INTRODUCTION AND AUTHORITY	1
CHAPTER 2	DEFINITIONS	5
CHAPTER 3	GENERAL REGULATIONS	8
CHAPTER 4	ENFORCEMENT	13
CHAPTER 5	SPECIFIC HARVEST REGULATIONS	17
CHAPTER 6	CAMPING REGULATIONS	21
CHAPTER 7	DOCKING REGULATIONS	24
CHAPTER 8	PARKING REGULATIONS	25
CHAPTER 9	EFFECTIVE DATE, AMENDMENTS, SEVERABILITY	26
	CERTIFICATION	26

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**CHAPTER 1
INTRODUCTION AND AUTHORITY**

Section 1.01 Title.

This Ordinance shall be known as the Apostle Islands National Lakeshore Conservation Code.

Section 1.02 Authority.

This Ordinance is enacted by the Fond du Lac Reservation Business Committee pursuant to the inherent sovereign authority of the Fond du Lac Band of Lake Superior Chippewa, as reserved under the Treaty of LaPointe, 10 Stat. 1109, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476; Article VI of the Revised Constitution of the Minnesota Chippewa Tribe; and under the common law of the United States.

Section 1.03 Purpose.

It is the purpose of this ordinance to:

- (1) Provide an orderly and effective system for tribal control and regulation of treaty-reserved hunting, trapping and gathering activities applicable to the Apostle Islands National Lakeshore.
- (2) Supplement the Wisconsin 1837 and 1842 Ceded Territories Conservation Code for the purposes of regulating the exercise of treaty-reserved off-reservation hunting, trapping and gathering rights applicable to the Apostle Islands National Lakeshore.
- (3) Implement the provisions of the General Agreement Comprising Tribal - National Park Service Relations Regarding the Apostle Islands National Lakeshore as may be amended from time to time, which has been ratified by the Tribe and which is incorporated by reference herein as if set forth in its entirety.

Section 1.04 Territorial Applicability.

This Ordinance shall govern the exercise of treaty-reserved off-reservation hunting, trapping and gathering rights applicable to the entire mainland and island portions contained within the Apostle Islands National Lakeshore (Lakeshore), except:

- (1) These conditions do not apply to any part of the Lakeshore's mainland portion that is located within the boundaries of the Bad River and Red Cliff Indian Reservations;
- (2) These conditions do not apply to any part of Chequamegon Point (also known as Long Island);
- (3) These conditions do not apply to any part of Madeline Island (which is not part of the Lakeshore).

Section 1.05 Interpretation.

The provisions of this ordinance:

- (1) Shall be interpreted and applied as minimum requirements governing the exercise of treaty-reserved hunting trapping and gathering rights applicable to the Apostle Islands National Lakeshore;
- (2) Shall be liberally construed in favor of the Band;
- (3) Shall be construed consistent with the purposes and provisions of the General Agreement Comprising Tribal - National Park Service Relations Regarding the Apostle Islands National Lakeshore as may be amended from time to time, which has been ratified by the Band and which is incorporated by reference herein as if set forth in its entirety; and
- (4) Shall not be deemed a limitation or repeal of any other tribal power or authority.

Section 1.06 Relationship to Tribal Off-Reservation Conservation Code and other Tribal Ordinances.

- (1) The Band's Wisconsin 1837 and 1842 Ceded Territories Conservation Code, and associated permit and registration systems, will govern tribal hunting, trapping, gathering, and camping on the Islands as those regulations must be implemented or modified to comply with this agreement.
- (2) (a) This ordinance is not intended to repeal or replace any provision of the Band's 1837 and 1842 Ceded Territories Conservation Code. It is intended to supplement that

Code for the purposes of authorizing or governing the exercise of treaty-reserved hunting, trapping and gathering rights applicable to the Apostle Islands National Lakeshore. It is not intended to apply to the exercise of any other treaty-reserved ceded territory right that is authorized or governed by the Band's 1837 and 1842 Ceded Territories Conservation Code.

- (b) Unless otherwise specifically indicated in this ordinance, it is the intent of this ordinance that the provisions of the Band's 1837 and 1842 Ceded Territories Conservation Code that generally govern the conduct of tribal members exercising treaty rights applicable in the ceded territory shall apply to tribal members exercising treaty-reserved off-reservation hunting, trapping, and gathering rights applicable to the Apostle Islands National Lakeshore pursuant to this ordinance. Such provisions of the Band's 1837 and 1842 Ceded Territories Conservation Code are hereby declared, and shall be construed, to govern tribal members engaged in the exercise of treaty-reserved hunting, trapping and gathering rights applicable to the Apostle Islands National Lakeshore.

Section 1.07 Religious or Ceremonial Use of Natural Resources.

- (1) Nothing in this ordinance shall prohibit the harvest or use of natural resources in a manner otherwise prohibited by this ordinance which is harvested, taken or otherwise obtained in the Apostle Islands National Lakeshore for religious or ceremonial purposes in accordance with the traditions and customs of the Band and with the consent of the Reservation Business Committee, or its designee.
- (2) In reviewing and taking action on any request for religious or ceremonial harvest, the Reservation Business Committee, or its designee, shall take into account the biological impact of the harvest, shall ensure that the harvest takes place in a manner that does not cause biological harm, and shall consult with the Lakeshore, as outlined in General Agreement Section V.F.1.
- (3) No member shall fail to comply with the terms and conditions of any permit issued pursuant to this section or to otherwise comply with the requirements imposed by the Band regarding religious or ceremonial harvest within the Apostle Islands National Lakeshore.

Section 1.08 Reservation of Rights.

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall

be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the powers of the Fond du Lac Band. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2
DEFINITIONS

Section 2.01 **Definitions.**

- (1) Except for specific terms defined in subsection (2), terms in this Ordinance shall have the same definition as provided in the Wisconsin 1837 and 1842 Ceded Territories Conservation Code, FDL Ord. #01/12.

- (2) The following terms, wherever used in this Ordinance, shall be construed as follows:
 - (a) **"Apostle Islands National Lakeshore"** means the entire mainland and island portions contained within the Apostle Islands National Lakeshore (Lakeshore), except: (i) These conditions do not apply to any part of the Lakeshore's mainland portion that is located within the boundaries of the Bad River or Red Cliff Indian Reservations; (ii) These conditions do not apply to any part of Chequamegon Point (known to the National Park Service as Long Island); (iii) These conditions do not apply to any part of Madeline Island (which is not part of the Lakeshore).

 - (b) **"Band"** means the Fond du Lac Band of Lake Superior Chippewa.

 - (c) **"Bark"** means the tough outer covering of the woody stems and roots of trees, shrubs, and other woody plants. It includes all tissues outside the vascular cambium.

 - (d) **"Bough"** means any branch of a tree less than 2" (two inches) in diameter.

 - (e) **"Ceded Territory"** means those off-reservation lands ceded by the Band or another signatory tribe to the United States of America in the Treaty of 1842, 7 Stat. 591.

 - (f) **"Designated tribal sugarbush"** means a specific site identified and established by the tribal conservation department, in consultation with the Lakeshore, for which a site management plan has been developed and for which a sugarbush site permit has been issued.

 - (g) **"Designated Use Area"** means a specific site designated and maintained by the Lakeshore for any activity or use as part of the operation and management of of the Lakeshore, and includes, but is not limited to light

houses, buildings, campgrounds, mowed areas, picnic areas, public beaches, parking lots, trails, access and maintenance roads.

- (h) **"Firewood"** means any dead tree or part thereof, either standing or downed, which is harvested for and is to be used as fuel.
- (i) **"Gather"** or **"gathering"** means to take or acquire or attempt to take or acquire possession of any wild plant, or part thereof.
- (j) **"Gathering Products"** means all products of miscellaneous forest products other than non-timber forest products such as: branchlets, roots, berries, fruits, nuts, and seeds.
- (k) **"Harvest Activities"** or **"Harvesting"** means hunting, fishing, trapping, or gathering.
- (l) **"Lodgepoles"** means any tree that is less than 5 inches DBH (diameter at breast height).
- (m) **"Lakeshore"** means the Apostle Islands National Lakeshore, National Park Service, United States Department of Interior.
- (n) **"Miscellaneous Forest Products"** means any wild plant including: non-timber forest products, wild plants that are not trees such as herbaceous plants and shrubs, gathering products, endangered or threatened plant species, and species of special concern, but for the purposes of this ordinance excludes timber.
- (o) **"Non-Timber Forest Products"** means any of the following miscellaneous forest products: bark, boughs, firewood, lodgepoles, and sap as further defined in this section.
- (p) **"Sap"** means the watery fluid that circulates through a tree or plant, carrying food and other substances to the various tissues.
- (q) **"Shrub"** means a woody perennial plant usually branched several times at or near the base giving it a bushy appearance, and is usually less than five meters tall.
- (r) **"Signatory Tribe"** means an Indian Tribe which is a signatory to the Treaty of 1842, 7 Stat. 591, or such tribe's successor in interest.

- (s) **"Species of Special Concern"** means any wild plant which is contained on the tribal species of special concern list.
- (t) **"Timber"** means any tree that is not a lodgepole as defined in Section 2.01(2)(1) of this ordinance, or is not firewood as defined in Section 2.01(2)(h) of this ordinance.
- (u) **"Tribal Court"** means the Fond du Lac Band of Lake Superior Chippewa Tribal Court.
- (v) **"Tree"** means a woody, perennial plant with a single trunk that is typically unbranched at or near the base, and is usually greater than five meters tall.
- (W) **"Wild Plant"** means any undomesticated species, or part thereof, of the plant and fungi kingdoms occurring in both forested and non-forested natural ecosystem, but for the purposes of this ordinance excludes wild rice.

CHAPTER 3
GENERAL REGULATIONS

Section 3.01 Regulatory Authority.

- (1) The Band asserts legal authority to regulate the exercise of the Band's treaty-reserved ceded territory hunting, trapping and gathering rights applicable to tribal deer hunting, bear hunting, migratory bird hunting, small game hunting and trapping, wild plant gathering, and camping under rights reserved in the Treaty of 1842 in the Apostle Islands National Lakeshore, located within the ceded territory.
- (2) Any person authorized to enforce this ordinance may seize forthwith wherever found:
 - (a) Any harvested resource taken or reduced to possession in violation of this ordinance;
 - (b) Any harvested resource lawfully taken or reduced to possession under this ordinance, upon violation of any provision of this ordinance relating to the possession, use, giving, sale, barter or transportation of such wild plant resource.

Section 3.02 Permits and Identification -- General.

- (1) No member shall engage in harvest activities in the Apostle Islands National Lakeshore without possessing a valid off-reservation harvesting permit approved by the Band, which may be the member's tribal identification card required by Subsection (2), or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question.
- (2) No member shall engage in harvest activities in the Apostle Islands National Lakeshore except while carrying a valid picture identification card issued by the Band, or other form of identification approved by the Band for such harvest activities.
- (3) No member shall refuse to display his or her identification documents upon request of any tribal, Great Lakes Indian Fish and Wildlife Commission, federal, state, or local law enforcement officer.
- (4) No member shall fail to comply with the terms, conditions and location restrictions of a permit issued pursuant to this ordinance.

- (5) The tribal conservation department is authorized to issue to members permits required by this ordinance and to impose such terms, conditions and location restrictions in those permits as it deems necessary or appropriate. Except as otherwise required by this ordinance, the form of such permits shall be left to the discretion of the tribal conservation department, provided such form shall require the name, address and member's tribal identification number.
- (6) The tribal conservation department may issue such harvesting permits to members of a signatory tribe, provided such other tribe has enacted an ordinance governing harvest activities in the Apostle Islands National Lakeshore that is at least as restrictive as this ordinance.

Section 3.03 Harvest Monitoring.

- (1) Generally. No member to whom any permit has been issued under this ordinance shall fail or refuse to provide harvest information when requested by the tribal conservation department, any person authorized to enforce this ordinance, or the Great Lakes Indian Fish and Wildlife Commission.

Section 3.04 Emergency Closures.

- (1) Notwithstanding any other provision of this ordinance, the Director of the Biological Services Division of the Great Lakes Indian Fish and Wildlife Commission or the tribal conservation department may order the closure of any harvest activity in the Apostle Islands National Lakeshore generally or with respect to a particular location, whenever the continuation of the harvest is likely to cause biological harm to the species involved.
 - (a) Should either tribal or Lakeshore biologists believe that continuing tribal harvest of a particular species within the Lakeshore is likely to cause biological harm, they will consult for the purposes of invoking the emergency closure authority vested in the Great Lakes Indian Fish and Wildlife Commission's Biological Services Director (BSD) by the tribal codes.
 - (b) Every reasonable effort shall be made to consult with and obtain approval of the Band prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.
- (2) An emergency closure shall become effective immediately upon issuance or at such time or date as the closure order may

direct. Such closure shall be communicated to the Band by the best and swiftest practical method.

- (3) No member shall violate the terms, conditions or restriction of an emergency closure order issued pursuant to this section.

Section 3.05 Harvest and Other Location Restrictions.

- (1) Tribal Wilderness, Research Natural Areas, and Special Use Areas Established. The following Great Lakes Indian Fish and Wildlife Commission document, as it may be amended from time to time, is hereby adopted and incorporated in this ordinance as if fully set forth herein, and no member shall fail to comply with the closures and other restrictions established by this document:

Tribal Wilderness, Tribal Designated Use, Tribal Research and Management Areas, and Tribal Closed Areas in the Apostle Islands National Lakeshore Agreement, Version 1.4: [July 2013].

- (2) Public Safety. No member engaged in the gathering of miscellaneous forest products pursuant to this ordinance shall impair or obstruct developed recreational trails or designated use areas and any miscellaneous forest product subject to the gathering which may impede or impair the use of those trails or areas shall be removed immediately.
- (3) Closed Areas. No member may gather miscellaneous forest products within *Tribal Closed Areas*, unless permitted by the tribal conservation department in consultation with and approval of the Lakeshore as follows:
 - (a) No member shall hunt, trap, gather or camp on closed areas (e.g. "use and occupancy" land parcels within the Lakeshore subject to use rights under a life estate or some other arrangement) without the lessee's consent. A map showing these areas is available to tribal members.
 - (b) No member shall enter onto any part of Gull and Eagle Islands during the period of May 15 through September 30.
 - (c) It is the member's responsibility to be certain about a *Tribal Closed Areas*. Any uncertainty should be resolved by contacting the Tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or the Lakeshore.
- (4) Designated Use Areas. No member may engage in the following harvest activities within *Tribal Designated Uses Areas*, unless

established by the tribal conservation department in consultation with and approval of the Lakeshore;

- (a) No member shall discharge a weapon or possess a loaded weapon within 100 yards of any building, dock on an island, or a campsite, except with the permission of the building's owner or lessee's consent. (A map showing buildings, docks, and campsites is available to tribal members.)
- (b) No member shall gather bark, conifer boughs, or live trees within 100 yards of Meyers Road, docks, or campsites. (A map showing docks and campsites is available to tribal members.)
- (c) No member shall camp in the areas which are closed to camping within the Lakeshore, as follows:
 - (i) Areas excluded from designated camping zones (identified on maps of camping zones that are available when making reservation) and areas posted as closed to protect bird nesting sites or other sensitive resources;
 - (ii) In view of any designated trail;
 - (iii) Within 1/4 mile of any building, or individual or group campsite;
 - (iv) Within 100 feet of a flowing stream;
 - (v) On "Use and occupancy" lands (i.e. parcels on Bear, Rocky, and Sand Islands subject to use rights under a life estate or some other arrangement) without the lessee's consent;
 - (vi) On any part of Eagle and Gull Islands.
- (d) No member shall use portable grills or stoves on docks or the topside areas of boats tied to docks within the Lakeshore.
- (e) No member shall swim within 100 feet of public docks or from vessels secured to docks within the Lakeshore.
- (f) It is the member's responsibility to be certain about a *Tribal Designated Uses Areas*. Any uncertainty should be resolved by contacting the tribal conservation department, Great Lakes Indian Fish and Wildlife Commission, or the Lakeshore.

- (5) Tribal Research and Management Areas - Tribal Natural Areas. No member may gather the following miscellaneous forest products within the following *Tribal Research and Management Areas - Tribal Natural Areas*, unless established by the tribal conservation department in consultation with and approval of the Lakeshore, as follows;
- (a) No member shall gather firewood, lodgepoles or boughs with the Maritime Forest Tribal Natural Area.
 - (b) No member shall gather firewood or lodgepoles with the Sandscapes Tribal Natural Area.
 - (c) It is the member's responsibility to be certain about a *Tribal Research and Management Areas - Tribal Natural Areas*. Any uncertainty should be resolved by contacting the Tribal conservation department, Great Lakes Indian Fish and Wildlife Commission or the Lakeshore.
- (6) Restrictions on Using Bait While Hunting. No member shall use bait for hunting purposes except for materials naturally occurring on the Lakeshore.
- (7) Transportation of Firewood from the Mainland to the Islands. No member shall bring firewood from the mainland onto the Islands or move firewood from any Island to another Island or to the mainland.

Section 3.06 Permissible Conduct/Assistance by Non-Members.

- (1) Conduct which is not expressly prohibited, restricted or otherwise regulated by this ordinance shall be deemed permissible.
- (2) Except as provided in subs.(3) or as otherwise provided herein, nothing in this ordinance shall be construed to prohibit a member from engaging in harvest activities in the Apostle Islands National Lakeshore with any other person who is not a member of the Band, provided that such other person possesses a license or permit, or is otherwise not prohibited from engaging in the activity involved and complies with applicable laws.
- (3) No member shall allow any person who is not a member to assist, and no such person shall assist, in the activities authorized by this ordinance except that persons of the member's immediate family, including but not limited to grandparents, parents, spouses, siblings, wenh'enh, and doodem may assist the member provided the member is present when the assistance is rendered.

CHAPTER 4
ENFORCEMENT

Section 4.01 Enforcement by Deputized Conservation Wardens and Issuance of Citations.

- (1) Any provision of this ordinance may be enforced by Band conservation wardens or by conservation wardens of the Great Lakes Indian Fish and Wildlife Commission. Said Commission wardens are hereby deputized by the Band as Band conservation wardens for the purposes of enforcing this ordinance.
- (2) Such Band and Commission wardens may issue a citation on a form approved by the Band or the Tribal Court to any person whose conduct is regulated by the provisions of this Ordinance upon reasonable belief that such person has violated or breached a provision of this Ordinance.

Section 4.02 Search and Seizure; When Authorized.

Band and Great Lakes Indian Fish and Wildlife Commission conservation wardens, and properly identified Forest Service law enforcement officers are empowered to:

- (1) Conduct a search of an object, place or person whose conduct is regulated by the provisions of this ordinance, and may seize things when the search is made:
 - (a) with consent;
 - (b) pursuant to a valid search warrant;
 - (c) with the authority and within the scope of a right of lawful inspection as provided in this section;
 - (d) incident to the issuance of a lawfully issued citation under this ordinance; or
 - (e) as otherwise authorized by law or by the provisions of this ordinance;
- (2) Conduct routine inspections, in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities, of vessels, boats, wagons, trailers, automobiles, snowmobiles, off-highway vehicles, containers, packages, and other receptacles contained therein, utilized by a person in a harvest activity authorized by this ordinance and of record of commercial

transactions required under this ordinance with have not yet been forwarded to the tribal conservation department;

- (3) Execute and serve warrants and other process issued by the Tribal Court in accordance with applicable law;
- (4) Stop any automobile or other vehicle as part of a lawful inspection authorized by this section or if the person reasonably suspects there is a violation or breach of this ordinance;
- (5) With or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobile, vehicles, snowmobiles, off-highway vehicles, and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband wild plants, may be contained or pursuant to a lawful inspection authorized by this section; and
- (6) Seize and hold subject to the order of the Tribal Court any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in Tribal Court or any property otherwise authorized to be seized by the provisions of this ordinance.

Section 4.03 Seized Items.

Any harvest species which is seized in connection with cases referred to Tribal Court for prosecution shall be turned over to the Band. No seized harvest species shall be returned by the Tribal Court or Band officials to a convicted violator, his or her immediate family or other member of the gathering party.

Section 4.04 Penalties.

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

- (1) For any violation, a civil remedial forfeiture of not more than \$5000.00;
- (2) For any violation, a revocation or suspension of the Apostle Islands National Lakeshore treaty reserved hunting, trapping and gathering privileges for a period of time within the discretion of the court;
- (3) For any violation, the court may order a natural resources assessment not to exceed 75% of the amount of the civil remedial forfeiture; and

- (4) For any violation, appropriate court costs within the discretion of the court.

Section 4.05 Civil Damages.

- (1) In addition to any other penalty allowed by this Ordinance, the Tribal Court may award to the Band or, in addition to an action to impose penalties, the Band may bring a civil action for recovery of, damages against any person unlawfully killing, wounding, catching, taking, trapping or having unlawfully in possession any of the following named protected wild plant or wild animal taken from the Apostle Islands National Lakeshore.
- (2) Where the National Park Service or another person or entity has sustained damages as a result of unlawful harvest, the court may, with the consent of the Band, award all or part of any civil damages obtained pursuant to this section to the National Park Service or to such person or entity designated by the Lakeshore.

Section 4.06 Enhancement of Forfeiture and Penalties.

Upon conviction of any member for a violation of this Ordinance when such person has been convicted of a previous violation of this ordinance within a period of one year, the court may enhance any civil remedial forfeiture or other penalty as the court deems appropriate.

Section 4.07 Collection of Money Penalties.

Enforcement of the money penalties imposed pursuant to this Ordinance may be had through the collection of penalties from funds of the violator held by the Band, through the imposition of community service work requirements in lieu of money payment, through debt collection mechanisms of the courts of other jurisdictions, or through any other method authorized by law.

Section 4.08 Parties to a Violation.

- (1) Whoever is concerned in the commission of a violation of this Ordinance shall be deemed 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 the violation if the person:
 - (a) Directly commits the violation;

- (b) Aids or 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.

Section 4.09 Harvesting After Revocation or Suspension.

No person whose Apostle Islands National Lakeshore treaty reserved hunting, trapping and gathering privileges have been revoked or suspended pursuant to Section 4.04(2), shall harvest any species in the Apostle Islands National Lakeshore, the harvest of which is regulated by this ordinance, during such revocation or suspension.

Section 4.10 Schedule of Money Penalties; No Contest.

The Reservation Business Committee may adopt a schedule of forfeitures to be imposed by the court upon the receipt of an admission that a violation of this ordinance has occurred, or a plea of not contest, which may be done either in person or in writing. This schedule shall not bind the court as to forfeitures assessed by the court after adjudicating a violation where the defendant has entered a plea of not guilty.

Section 4.11 Hearings in Tribal Court.

The Tribal Court shall adjudicate all matters arising under this ordinance pursuant to the provisions of the Civil Code of the Fond du Lac Band of Lake Superior Chippewa, FDL Ordinance #04/92.

Section 4.12 Members of Other Tribes, Tribal Court Adjudications.

The Tribal Court is authorized to adjudicate alleged violations by any member of a signatory tribe of any Apostle Islands National Lakeshore Conservation Code of that tribe provided:

- (1) The relevant provisions of such ordinance are in essential conformance with the parallel provisions of this Ordinance; and
- (2) The other tribe has authorized the adjudication.

CHAPTER 5
SPECIFIC HARVEST REGULATIONS

Section 5.01 Deer Hunting.

Hunting within the Apostle Islands National Lakeshore of antlerless deer as covered by the Wisconsin 1837 and 1842 Ceded Territories Conservation Code that applies to the portion of the 1842 ceded territory located in Wisconsin is subject to the following additional regulations:

- (1) Registration Information. A member registering a deer pursuant to the Wisconsin 1837 and 1842 Ceded Territories Conservation Code shall provide the registering official with any harvest data information developed by tribal and Lakeshore biologists, such as the particular island of harvest.

Section 5.02 Bear Hunting.

Hunting within the Apostle Islands National Lakeshore of bear as covered by the Wisconsin 1837 and 1842 Ceded Territories Conservation Code is subject to the following additional regulations:

- (1) Registration Information. A member registering a bear pursuant to the Wisconsin 1837 and 1842 Ceded Territories Conservation Code shall provide the registering official with any harvest data information developed by Tribal and Lakeshore biologists, such as a hair sample.

Section 5.03 Small Game Hunting and Trapping.

Hunting and trapping within the Apostle Islands National Lakeshore of small game species as covered by the Wisconsin 1837 and 1842 Ceded Territories Conservation Code is subject to the following additional regulations:

- (1) Hunting Season Date Restrictions. Specific small game hunting seasons as amended from the tribal Off-Reservation Conservation Code are:
 - (ii) Beaver Day after Labor Day - May 14
 - (iv) Coyote Day after Labor Day - May 14
 - (v) Cottontail Rabbit Day after Labor Day - May 14
 - (xiv) Red, Gray and Fox Squirrel Day after Labor Day - May 14

(xvii) Snowshoe Hare Day after Labor Day - May 14

(xviii) Unprotected Species Day after Labor Day - May 14

Section 5.04 Migratory Bird Hunting.

Hunting within the Apostle Islands National Lakeshore of migratory birds as covered by the Wisconsin 1837 and 1842 Ceded Territories Conservation Code is subject to the following additional regulations:

- (1) **Hunting Season Date Restrictions.** Upon publication in the Federal Register of the U.S. Fish and Wildlife Service Final Rule establishing federal regulations in response to the tribes' proposal pursuant to the Service's interim guidelines described in the June 4, 1985, Federal Register (50 FR 23467): all such regulations as to season dates shall be amended for migratory bird hunting within the Apostle Islands National Lakeshore as follows:
 - (a) The migratory bird season shall remain closed until the day after Labor Day.

Section 5.05 Wild Plant Gathering.

Gathering within the Apostle Islands National Lakeshore of wild plants is subject to the following regulations:

- (1) **Gathering Permit.** No member shall gather any wild plants within the Apostle Islands National Lakeshore without possessing a valid gathering permit approved by the Band, as follows:
 - (a) **Generally.** Except as provided in subs. (b) [Non-Timber Forest Products and Ginseng Gathering Permits], no member shall gather any miscellaneous forest products without possessing a valid general gathering permit issued by the tribal conservation department while harvesting off-reservation in the Lakeshore.
 - (b) **Non-Timber Forest Product and Ginseng Gathering Permits.**
 - (i) No member shall harvest or gather non-timber forest products or ginseng pursuant to this Ordinance without possessing a valid gathering permit issued by the tribal conservation department as follows:
 - 1) **Small Scale Harvest Activity.** For small scale activity, a Band member may harvest the following non-timber forest products while

- (8) Ginseng. No member shall gather ginseng from November 1 through August 31.
- (9) Maple Sap/Sugarbushes.
- (a) No member shall gather maple sap within the Apostle Islands National Lakeshore without a tribal sugarbush permit issued by the Band only after consulting with the Lakeshore.
 - (b) No member shall fail to comply with the terms and conditions of a sugarbush permit as deemed necessary or appropriate by the tribal conservation department.
- (10) Harvest of Live Trees.
- (a) No member shall cut down any live tree, except: only live trees of a diameter of no more than 3 inches diameter at breast height (dbh) may be harvested and used for the purposes of constructing a lodge or directly in the exercise of reserved tribal hunting, fishing, trapping or gathering rights.
- (11) Unsustainable Harvest Activity. Member compliance with tribal harvest guidelines (BMPs) shall be considered sustainable harvest activity, otherwise no member shall harvest any miscellaneous forest product in such a manner so as to impair the future viability and continued success of the miscellaneous forest product on the landscape or ecosystem from which the member is harvesting, as conditioned by the type of miscellaneous forest product, and must take reasonable precautions to prevent unsustainable harvest activity.

CHAPTER 6
CAMPING REGULATIONS

Section 6.01 Camping within the Apostle Islands National Lakeshore.

To enhance the opportunity to exercise treaty-retained rights within the Apostle Islands National Lakeshore, no-fee tribal camping may take place on the Islands subject to the following regulations:

- (1) No member shall camp within the Apostle Islands National Lakeshore without possessing a valid reservation with the Apostle Islands National Lakeshore's Visitor Center in Bayfield, Wisconsin. Reservations depend on campsite availability and may be made on a first-come, first-served basis in advance or on the first day of camping either by telephone or in person. If obtaining the reservation by phone, a copy of the tribal ID may be faxed (715-779-3049) or emailed to the park or the ID may be presented when picking up the permit. Reservations are subject to the following regulations:
 - (a) No reservation is valid for more than 14 consecutive days of camping;
 - (b) Campsite check-in and check-out time is 3 p.m.;
 - (c) Quiet hours are in place from 10 p.m. to 6 a.m.;
 - (d) Reservations are non-transferable. The name appearing on the Reservation Form is the individual that will be held responsible should anyone in the party fail to comply with applicable camping rules;
 - (e) Band members must comply with any other condition that their Band, or the Park Service in consultation with their Band, sets forth in the Reservation Form.
- (2) No member shall use a campfire within the Apostle Islands National Lakeshore except when in compliance with the following regulations:
 - (a) Campfires must be built in fire rings or in grills where provided;
 - (b) Only dead, fallen wood may be used for campfires;

- (c) The cutting of standing (living or dead) trees is prohibited.
 - (d) Campfires are not allowed at Julian Bay beach on Stockton Island, on Raspberry Island beaches; and on beaches adjacent to campsites where fire receptacles are provided.
 - (e) Open fires are prohibited during times of high fire danger.
- (3) No member shall camp within the Apostle Islands National Lakeshore without locating their tent on a tent pad; where provided.
 - (4) No member shall camp within the Apostle Islands National Lakeshore without abiding by the following regulations related to the proper disposal of garbage:
 - (a) All refuse must be carried out of the Lakeshore.
 - (b) No member shall dispose of garbage in toilets.
 - (c) No member shall bury garbage.
 - (d) No member shall throw any garbage in Lake Superior.
 - (5) No member shall camp within the Apostle Islands National Lakeshore without abiding by the following regulations related to bear-resistant food storage:
 - (a) Where bear-resistant storage lockers are provided, all food must be locked up between meals or when not attended.
 - (b) Where bear-resistant storage lockers are not provided, all food and garbage must be hung from a tree at least 12 feet above the ground and 6 feet from the trunk of the tree.
 - (6) No member shall have a pet within the Apostle Islands National Lakeshore without abiding by the following regulations:
 - (a) Pets must be leashed with a leash no longer than 6 feet in length and attended at all times.
 - (7) No member shall use or possess fireworks within the Apostle Islands National Lakeshore.

- (8) No member shall swim within 100 feet of public docks or from vessels secured to docks within the Apostle Islands National Lakeshore.
- (9) No member shall camp in the following areas which are closed to camping within the Apostle Islands National Lakeshore:
 - (a) Areas excluded from designated camping zones (identified on maps of camping zones that are available when making reservation) and areas posted as closed to protect bird nesting sites or other sensitive resources;
 - (b) In view of any designated trail;
 - (c) Within 1/4 mile of any designated campsite, building, or historic structure;
 - (d) Within 100 feet of a flowing stream;
 - (e) "Use and occupancy" lands (i.e. parcels on Bear, Rocky, and Sand Islands subject to use rights under a life estate or some other arrangement) without the lessee's consent; and
 - (f) All of Eagle, Gull, and North Twin islands.

CHAPTER 7
DOCKING REGULATIONS

Section 7.01 Docking within the Apostle Islands National Lakeshore.

To enhance the opportunity to exercise treaty-retained rights within the Lakeshore, no-fee tribal docking may take place on the Lakeshore docks subject to the following conditions:

- (1) No member shall use the Lakeshore docks between the hours of 6 p.m. and 6 a.m. without providing the following information on an available fee envelope:
 - (a) Member's Name;
 - (b) Member's Address;
 - (c) Member's Tribal Affiliation;
 - (d) Member's Enrollment Number.

- (2) No member shall use portable grills or stoves on docks or the topside areas of boats tied to docks within the Apostle Islands National Lakeshore.

CHAPTER 8
PARKING REGULATIONS

Section 8.01 Parking within the Apostle Islands National Lakeshore

To enhance the opportunity to exercise treaty-retained rights within the Lakeshore, no-fee tribal parking may take place at Meyers Beach subject to the following conditions:

- (1) No member shall park at Meyers Beach without providing the following information on an available fee envelope:
 - (a) Member's Name;
 - (b) Member's Address;
 - (c) Member's Tribal Affiliation;
 - (d) Member's Enrollment Number.

CHAPTER 9
EFFECTIVE DATE, AMENDMENTS, SEVERABILITY

Section 9.01 Effective Date.

The provisions of this Ordinance shall become effective on the date of adoption by the Reservation Business Committee.

Section 9.02 Amendments.


The Reservation Business Committee may amend this Ordinance by resolution as it deems necessary to protect the public health, safety, and welfare of the Fond du Lac Reservation.

Section 9.03 Severability and Non-Liability.

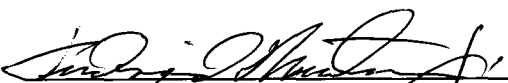
If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The Band further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this Ordinance.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/14 was duly presented and adopted by Resolution #1113/14 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 2, 2014, on the Fond du Lac Reservation.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer

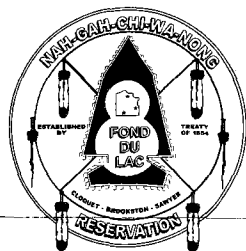
Fond du Lac Band of Lake Superior Chippewa

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

Reservation Business Committee

Resolution #1113/14

ENACTING FOND DU LAC ORDINANCE #02/14, APOSTLE ISLANDS NATIONAL LAKESHORE 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:

Chairwoman
Karen R. Diver

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

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally Dupuis

Dist. II Representative
David R. Tiessen, Jr.

Dist. III Representative
Kevin R. Dupuis, Sr.

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

Executive Director,
Tribal Programs
Chuck Walt

Executive Director,
Enterprises
Michael Himango

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa is a signatory or successor to the Treaty of 1842, 7 Stat. 591; and

WHEREAS, the Reservation Business Committee deems it appropriate to provide an orderly system of tribal control and regulation of off-reservation hunting, trapping, gathering and camping activities in the Apostle Islands National Lakeshore which is located in the 1842 Ceded Territory; and


WHEREAS, the Reservation Business Committee further deems it appropriate to utilize its existing Wisconsin 1837 and 1842 Ceded Territories Conservation Code to provide conservation and management for off-reservation treaty hunting, trapping and gathering in the Apostle Islands National Lakeshore through the regulation of member hunting, trapping and gathering that occurs there; and

WHEREAS, the Reservation Business Committee has reviewed the proposed Apostle Islands National Lakeshore Conservation Code, which supplements the Band's Wisconsin 1837 and 1842 Ceded Territories Conservation Code, and has determined that adoption would be in the best interests of the Band;

NOW THEREFORE BE IT RESOLVED, that the Reservation Business Committee hereby enacts Fond du Lac Ordinance #02/14, entitled "Apostle Islands National Lakeshore Conservation Code", which shall be effective immediately.

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 Special Meeting of the Fond du Lac Reservation Business Committee held on April 2, 2014, on the Fond du Lac Reservation.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary/Treasurer