

**PROPOSED ORDINANCE 2022-001
TO AMEND TITLE 10 OF THE
KEWEENAW BAY INDIAN COMMUNITY
TRIBAL CODE**

Councilperson, Doreen Blaker moves to introduce the Proposed Ordinance.

An ordinance of the Keweenaw Bay Indian Community adopted under the authority of the Constitution and By-Laws of the Keweenaw Bay Indian Community for the purpose of amending Title 10 of the Tribal Code.

CHAPTER 10.5 – HUNTING AND TRAPPING

§10.501 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires a different meaning:

- A. “Big game” means large animals that are hunted (i.e. bear and deer).
- B. “Bow” means a device such as a longbow, recurve bow, or compound bow that is hand drawn and hand held at full draw.
- C. “Cross-bow” means a device consisting of a bow fixed transversely on a stock having a trigger mechanism to release the bowstring, and often incorporating or accompanied by a mechanism for bending the bow.
- D. “Elder” means a person who is sixty-five (65) years of age or older.
- E. “Firearm” means a device from which a projectile may be propelled by using explosives, gas, or air as a means of propulsion.
- F. “Flesh” means the soft tissue of a game animal excluding pelts and furs.
- G. “Fur bearing animal” includes otter, fisher, marten, mink, weasel, ermine, muskrat, beaver, opossum, badger, raccoon, fox, coyote, bobcat, woodchuck, and skunk.
- H. “Game” means big game, small game, game birds, and furbearing animals; does not include protected animals (see definition below).
- I. “Game birds” means migratory game birds and upland game birds.
- J. “Handicapped” or “disabled” means a medical infirmity that precludes a person from engaging in normal activities.
- K. “Hunt” and “hunting” means to take, trap, hunt, shoot, kill, pursue, or have in possession, or attempt to take, trap, hunt, shoot, kill, or pursue an animal by the use of a weapon.
- L. “Hunting and trapping license” means a license issued by the Community to authorize a person to hunt and trap within home territory.
- M. “Licensed adult” means a person eighteen years of age or older who possesses a current and valid hunting or trapping license.
- N. “Migratory game bird” means all bird species that migrate and are classified as migratory game birds by the United States Fish and Wildlife, including, but not limited to duck species, geese species, mergansers, coots, sora, rail, woodcock, snipe, and doves.

- O. "Protected animals" means species on the endangered or threatened species list of the Keweenaw Bay Indian Community, State of Michigan, or federal government
- P. "Safety zone" means any area within one hundred fifty (150) yards of any occupied building, dwelling, house, residence or cabin, or any barn or other building used in connection with a farm operation; hunting and trapping are prohibited within safety zones.
- Q. "Small game" means rabbit, snowshoe hare, and squirrel species.
- R. "Trap" and "trapping" means to capture, trap, snare, and net fur bearing animals by use of a trap or other device used to take fur bearing animals or small game, including every attempt to take and every act of assistance to any person in taking or attempting to take a fur-bearing animal or small game by means of entrapment.
- S. "Upland game bird" means all bird species that do not migrate such as ruffed grouse (partridge), pheasant, and quail.
- T. "Wild animal" means all creatures, not human or domestic, wild by nature, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

§10.502 Hunting and Trapping License.

Any person who shall engage in hunting and trapping within the home territory without a current and valid hunting and trapping license issued by the Community shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.503 Hunting and Trapping License; Minors.

- A. Any person under the age of eighteen (18) years must submit proof to the Licensing Clerk that the person has passed a recognized Hunter's Safety Course before a hunting and trapping license will be issued.
- B. Any person under the age of eleven (11) years must be supervised by a licensed adult while hunting big game, but are allowed to hunt small game without supervision.
- C. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum fine of \$1,000.00 or both.

§10.504 Identification.

Any person who shall be engaged in hunting or trapping within home territory who shall fail to have in their possession a valid and current hunting or trapping license and appropriate tag or who shall fail to make the license or tag available for inspection by any Enforcement Officer upon the request of the Enforcement Officer shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.505 Hunting Permits for Community and Ceremonial Activities.

The President may issue hunting permits to tribal members for ceremonial or Community events upon request. Hunting permits for Community and ceremonial activities shall only be effective for a period not to exceed three (3) days.

§10.506 Stationary Vehicle Permit.

Any person who shall hunt from a stationary vehicle without a Stationary Vehicle Permit shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.507 Stationary Vehicle and Special Assistant Permit Application and Issuance.

- A. An elder, handicapped or disabled person may obtain a Stationary Vehicle Permit or Special Assistant Permit by applying to the Licensing Clerk. Each applicant shall:
 - 1. Identify which type of permit they are requesting;
 - 2. Submit proof they have obtained a valid tribal hunting license;
 - 3. As applicable, submit proof of age or submit medical documentation establishing the person has a medical infirmity that precludes the person from engaging in normal hunting activities; and
 - 4. As applicable, identify and submit proof of a valid tribal hunting license possessed by the tribal member who the applicant has designated to be authorized to fill the deer tags of the elder, handicapped, or disabled person.
- B. Every stationary vehicle permit and special assistant permit issued by the Licensing Clerk shall be subject to the approval of the President.

§10.508 Stationary Vehicle Permit; Restrictions.

- A. Any person who is authorized to hunt from a stationary vehicle shall not:
 - 1. Hunt from a vehicle that is located on a public road or highway; or
 - 2. Discharge a firearm or other hunting device across or parallel to the roadway.
- B. Any person who shall violate the provisions of this section shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.509 Special Assistant Permit; Requirements and Restrictions.

- A. Any tribal member authorized to fill the deer tags of a tribal member who has been issued a Special Assistant Permit shall:
 - 1. Only fill the tags of one (1) person with a valid Special Assistant Permit per season, and
 - 2. Within forty-eight (48) hours of a kill,
 - a) Register the animal with the Licensing Clerk or an Enforcement Officer, and
 - b) Permit the physical inspection of the animal by the Licensing Clerk or an Enforcement Office, prior to processing the animal.
- B. Any elder, handicapped or disabled person who obtains a Special Assistant Permit shall sign and file with the Licensing Clerk a form verifying receipt of the deer from the tribal member within thirty (30) days after the date the deer was taken.
- C. A violation of the provisions of this section shall constitute a civil offense.

§10.510 License Misrepresentation.

Any person who shall use fraud or misrepresentation in procuring a hunting and trapping license, Stationary Vehicle Permit or Special Assistant Permit shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of \$2,000.00 or both.

§10.511 Allowing or Making use of another Tribal Hunting or Trapping License.

Any person who shall allow another person to use his or her hunting or trapping license or who shall make use of another person's hunting or trapping license shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.512 Possession or Transportation of Game.

Any person who shall possess or transport game, furs, or hides, or axillary parts thereof who does not have a valid and current hunting and trapping license in his or her possession or does not have the proper tags affixed to the game, furs, or hides, or axillary parts thereof shall be guilty of a civil infraction.

§10.513 [Reserved]

§10.514 [Reserved]

§10.515 [Reserved]

§10.516 [Reserved]

§10.517 [Reserved]

§10.518 [Reserved]

§10.519 [Reserved]

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§10.522 [Reserved]

§10.523 [Reserved]

§10.524 [Reserved]

§10.525 [Reserved]

§10.526 L'Anse Reservation and Ontonagon Reservation Bear Hunting Limitation.

Any person who is not a member of the Community shall not hunt a bear within the boundaries of the L'Anse Reservation. A violation of the provisions of this section shall constitute a Class A misdemeanor, punishable by a maximum period of incarceration of 365 days or a maximum fine of \$5,000.00 or both.

§10.527 Inspection of Game.

Any person who shall not allow the inspection of any game, hides, pelts, or fur in the person's possession upon the demand of an Enforcement Officer shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days and a maximum fine of \$1,500.00 or both.

§10.528 Sale of Game.

- A. Any person who shall engage in the barter or sale of the flesh of any game shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.
- B. This section shall not be construed to include those animals defined as a "fur bearing animal" which are trapped under the provisions of this title.

§10.529 Wanton Waste of Game.

Any person who shall wantonly maim, destroy or waste game shall be guilty of a Class D misdemeanor, punishable by a maximum of 45 days or a maximum fine of \$1,000.00 or both.

§10.530 Animals Fleeing from Fire.

Any person who shall set afire or assist in setting a fire a marshland or other lands for the purpose of driving out wild animals or who shall take or attempt to take a wild animal driven out of a marshland or land which is on fire shall be guilty of a Class A misdemeanor, punishable by a maximum period of incarceration of 365 days or a maximum fine of \$5,000.00 or both.

§10.531 Endangered Species and Protected Animals.

Any person who shall hunt, trap or take an endangered or threatened species or a protected animal shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of \$1,500.00 or both.

- A. Any impact on animals or wildlife, that are located on the endangered or threatened species list of the Keweenaw Bay Indian Community, State of Michigan, or federal government will also be subject to this section.

§10.532 Nursing Female Bear and Cubs.

Any person who shall hunt or trap a nursing female bear or bear cub(s) shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of \$1,500.00 or both.

§10.533 [Reserved]

§10.534 [Reserved]

§10.535 [Reserved]

§10.536 [Reserved]

§10.537 [Reserved]

§10.538 [Reserved]

§10.539 [Reserved]

§10.540 [Reserved]

§10.541 [Reserved]

§10.542[Reserved]

§10.543 [Reserved]

§10.544 [Reserved]

§10.545 [Reserved]

§10.546 Prohibited Methods of Taking Game.

A. Any person who shall:

1. Take game by the use of explosives, drugs, poisons, lime, medicated bait, or other deleterious substances; or
2. Make use of a pit, pitfall, dead-fall, cage, net, baited hook, or similar device, or a drug, poison, chemical, smoke, gas, explosive, electrical device, or mechanical device, except for traps, for the purpose of injuring, capturing, or taking game.

Shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of \$1,500.00 or both.

B. For the purpose of this provision, a mechanical device shall not be construed to mean a firearm, slingshot, bow and arrow, or crossbow.

§10.547 Prohibited Hunting Gear.

A. Any person who shall utilize:

1. recorded animal calls for hunting wild turkey or waterfowl; or
2. Live decoys;

Shall be guilty of a civil offense.

§10.548 Hunting and Trapping; Prohibited Areas.

Any person who shall hunt or trap any wild animal within a recreation area, public campground, public beach, picnic area, or safety zone, without obtaining the written permission of the owner, renter or occupant of the property, shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.549 Hunting or Trapping while under the Influence of Alcohol.

Any person who shall hunt or trap while impaired or intoxicated to any degree whatsoever shall be guilty of a Class C misdemeanor, punishable by a maximum period of incarceration of 90 days or a maximum fine of \$1,500.00 or both.

§10.550 Possession or Transportation of a Firearm, Bow, or Crossbow.

- A. Any person who shall possess or transport afield a firearm, bow and crossbow during the big game season who does not have a valid and current hunting and trapping license and a valid tag in his or her possession shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.
- B. Possession or Transportation of a firearm must be in accordance with the provisions of Title 3 of the Tribal Code.

§10.551 [Reserved]

§10.552 [Reserved]

§10.553 [Reserved]

§10.554 [Reserved]

§10.555 [Reserved]

§10.556 [Reserved]

§10.557 [Reserved]

§10.558 [Reserved]

§10.559 [Reserved]

§10.560 [Reserved]

§10.561 Hunting Season.

- A. During the following designated dates a person with a hunting and trapping license may hunt the following animal species in the home territory:
 - 1. Wild Turkey:
 - a) Spring season (male only) – 12:00 a.m., April 1st to 11:59 p.m., May 31st
 - b) Fall season – 12:00 a.m., September 1st to 11:59 p.m., December 31st.
 - 2. Deer: 12:00 a.m., September 15th to 11:59 p.m., January 15th.
 - 3. Bear: 12:00 a.m., September 1st to 11:59 p.m., December 31st.
 - 4. Upland game birds: 12:00 a.m., September 1st to 11:59 p.m., March 31st.
 - 5. Migratory game birds: [Refer to the Code of Federal Regulations; these regulations apply on and off Reservation.](#)
- B. Any person who take any of the animal species described above before or after the applicable hunting seasons specified above before Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

§10.562 Hunting; Game Limits.

The taking of any of the following species shall be limited as follows:

- A. Deer: During the deer-hunting season, four (4) deer of either sex may be taken with a firearm, bow and arrow, or crossbow, unless otherwise authorized by the Council. Visitors who are hunting on the L'Anse Reservation and Ontonagon Reservation with a visitors permit may take only one (1) deer of either sex with a firearm, bow and arrow, or crossbow.
- B. Bear: during the bear-hunting season, a licensed person may take only one (1) bear. The taking of bear on the L'Anse Reservation and Ontonagon Reservation shall be limited to tribal members only.
- C. Wild Turkey: During the wild turkey hunting season, only two (2) wild turkeys may be taken. Please refer to 10.561A for details.
- D. Small Game: During the small game hunting season, the taking of small game shall be limited to five (5) of each species per day and no licensee shall possess or transport more than ten (10) of each species at any one time.
- E. Upland Game Birds: During the upland game bird hunting season, the taking of upland game birds shall be limited to five (5) of each species per day and no licensee shall possess or transport more than ten (10) of each species at any one time.
- F. Migratory Game Birds: [Refer to the Code of Federal Regulations](#). These regulations apply on and off Reservation.
- G. Other Game: There is no hunting season for any furbearer species, with the exception of coyote and raccoon. There are no hunting game limits for these two species.

Any person who shall violate the provisions of this section shall be guilty of a Class C misdemeanor, punishable by a maximum penalty of 90 days in jail or a maximum fine of \$1,500.00 or both.

§10.563 Hunting; Issuance of Tags.

- A. The Licensing Clerk will issue two (2) deer tags at the time a hunting and trapping license is purchased. A person may obtain two additional deer tags if the first two (2) deer tags have been utilized and registered as required.
- B. Upon request by a person holding a hunting and trapping license, the Licensing Clerk will issue a bear tag.
- C. Upon request by a person holding a hunting and trapping license, the Licensing Clerk will issue a spring or fall season wild turkey tag.

§10.564 Hunting; Tagging and Registration.

- A. All deer, bear, and wild turkeys taken shall be affixed with a tag provided by the Licensing Clerk when the animal is taken. Taken must be securely attached to the gambrel or ankle of the animal immediately upon the taking of the animal and prior to the transportation from the area of the taking. Transportation of the deer, bear, or wild turkey shall be restricted to only the tribal member who takes the deer, bear, or wild turkey and who was issued the tag affixed to the animal. All deer, bear, and wild turkey taken shall be registered with the Licensing Clerk or an Enforcement Officer within seven (7) days of the taking.
- B. A violation of the provisions of this section shall constitute a civil offense.

§10.565 Blaze Orange during Daylight Hours.

- A. All persons hunting deer, bear, and upland game birds shall wear in an easily visible manner, a vest, jacket, or cap of the highly visible color commonly referred to as hunter orange or fluorescent blaze orange between September 1st and January 15th during daylight hours.
- B. All persons engaged in hunting or trapping between November 15th and December 1st shall wear in an easily visible manner, a vest, jacket, or cap of the highly visible color commonly referred to as hunter's orange or fluorescent blaze orange. If using a blind, all persons engaged in hunting must wear hunter's orange or fluorescent blaze orange to and from the blind, but may remove their gear when inside the blind.
- C. A violation of the provisions of this section shall constitute a civil offense.

§10.566 Hunting; Weapon Restrictions.

- A. Any person who shall while hunting:
 - 1. Have in the person's possession or use an apparatus known as a silencer; or
 - 2. Have in the person's possession or in an area frequented by wild animals a semi-automatic, auto-loading shotgun or rifle, other than .22 caliber rim-fire, capable of holding more than ten (10) shells at one (1) time in the magazine and barrel combined; or
 - 3. Use a cartridge containing a tracer bullet or cartridge containing an explosive bullet; or
 - 4. Hunt big game with a firearm capable of firing a rim-fire cartridge; or
 - 5. Utilize a fully automatic firearm.

Shall be guilty of a Class C misdemeanor, punishable by a maximum penalty of 90 days in jail or a maximum fine of \$1,500.00 or both.

- B. Any person who shall hunt with a bow having a draw weight less than forty-five (45) pounds or a crossbow with a draw weight less than one hundred (100) pounds shall be guilty of a civil offense.

§10.567 Hunting; Gear.

- A. A person may:
 - 1. Use an artificial light during the deer hunting season (12:00 a.m., September 15th to 11:59 p.m., January 15th), outside of a safety zone; or
 - 2. Use a manufactured hunting blind if the hunting blind shall be permanently identified with "KB" and enrollment number of the tribal member and clearly visible on all sides.
- B. A violation of the provisions of this section shall constitute a civil offense.

§10.568 Hunting; Methods.

A person may:

- A. Use bait when hunting for deer or bear; or
- B. Hunt from a raised platform scaffold, portable raised platform, or tree.

§10.569 Hunting with Dogs.

- A. Any person who shall while hunting:

1. Use more than six (6) hunting dogs afield; or
2. Use dogs to hunt deer or wild turkey,

Shall be guilty of a Class D misdemeanor, punishable by a maximum period of incarceration of 45 days or a maximum fine of \$1,000.00 or both.

B. Any person who utilizes hunting dogs afield is required to have each dog:

1. Vaccinated against rabies; and
2. Identified with a collar and a tag that is marked with the enrollment number of the tribal member utilizing the dog.

A violation of the provisions of this section shall constitute a civil offense.

§10.570 Incidental Tags

§10.571 [Reserved]

§10.572 [Reserved]

§10.573 [Reserved]

§10.574 [Reserved]

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§10.576 [Reserved]

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§10.581 [Reserved]

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§10.599 [Reserved]

§10.5100 [Reserved]

§10.5101 Trapping Seasons.

- A. During the following designated dates a person with a hunting and trapping license may trap the following animal species in home territory:
 - 1. Mink and Muskrat: 12:00 a.m., October 1st to 11:59 p.m., May 15th.
 - 2. Bobcat: 12:00 a.m., October 1st to 11:59 p.m., March 31st.
 - 3. Beaver and Otter: 12:00 a.m., October 15th to 11:59 p.m., May 15th.
 - 4. Marten: 12:00 a.m., December 1st to 11:59 p.m., January 15th.
 - 5. Fisher: 12:00 a.m., December 1st to 11:59 p.m., January 15th.
 - 6. Small game: 12:00 a.m., September 1st to 11:59 p.m., March 31st.
 - 7. Other fur bearing animals: All other fur bearing animals not listed may be taken by trap between 12:00 a.m., September 1st to 11:59 p.m., March 31st.
- B. Any person who shall take any of the animal species described above before or after the applicable trapping season specified above shall be guilty of a Class D misdemeanor, punishable by a maximum fine of \$1,000.00 or both.

§10.5102 Trapping Limits of Fur Bearing Animal.

- A. The taking of any of the following species shall be limited as follows:
 - 1. Otter: During the otter trapping season only five (5) otter may be taken.
 - 2. Marten: During the marten trapping season only five (5) marten may be taken.
 - 3. Fisher: During the fisher trapping season only ten (10) fisher may be taken.
 - 4. Bobcat: During the bobcat trapping season only five (5) bobcat may be taken.

5. Small game: During the small game trapping season, the taking of small game shall be limited to five (5) of each species per day and no licensee shall possess or transport more than ten (10) of each species at any one time.
 6. Other fur bearing animals: No limit.
- B. Except as provided above, no other animals may be trapped.
 - C. Any person who shall discover a trapped animal in his or her trap, which exceeds the season limits or is an endangered species or protected animal, shall immediately notify the Keweenaw Bay Natural Resource Department or an Enforcement Officer of the details concerning the trapped animal.
 - D. Any person who shall violate the provisions of this section shall be guilty of a civil offense.

§10.5103 Traps and Hides; Registration.

- A. All traps set shall be permanently and clearly marked with "KB" and the tribal enrollment number of the person setting the traps.
- B. All furbearing animals, and hides and furs thereof, shall be registered with the Licensing Clerk and tagged with a furbearing animal tag within five (5) days after the animal has been harvested.
- C. Fur bearing animal tags shall be clearly marked with "KB" and the tribal enrollment number of the person to whom the fur bearing animal and hides and furs thereof shall belong.
- D. A fur bearing animal tag must be attached to each pelt. A person shall not remove a tag until the pelt is processed or tanned, nor shall a person possess or transport a raw fisher, marten, bobcat, or otter hide more than five (5) days after the animal was harvested without a fur bearing animal tag attached.
- E. Violation of the provisions of this section shall constitute a civil offense.

§10.5014 Possession, Sale and Transportation of Hides, Pelts, and Furs.

Any person who shall have been issued a current and valid hunting and trapping license may possess, sell or transport any hides, pelts of furs. A violation of the provisions of this section shall constitute a civil offense.

§10.5015 Shipping Hides, Pelts, or Fur.

- A. Any person who shall have been issued a current and valid hunting and trapping license, who wishes to ship hides, pelts, or fur by common carrier or by any other method where the actual possession thereof during transportation shall not be with the person possessing a hunting and trapping license, shall:
 1. Securely wrap or pack the hides, pelts, or fur; and
 2. Clearly print on the outside of each shipping package:
 - a) The name of the trapper (shipper),
 - b) The address of the trapper (shipper),
 - c) "KB" and the enrollment number of the trapper (shipper), and
 - d) The number and variety of hides, pelts, or furs contained in the package.
- B. Any bill of lading or receipt from any common carrier or other shipping company who shall transport hides, pelts, or furs, for the trapper (shipper) shall specify the same

information concerning the trapper (shipper) as shall be set forth on the shipping package.

C. A violation of the provisions of this section shall constitute a civil offense.

This ordinance shall have immediate effect as of the date of its adoption.

Motion by Doreen G. Blaker

Seconded by Don Messer

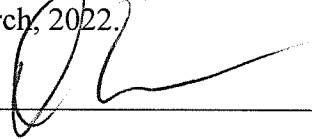
Ayes 9 Nays 0

Abstained 0

Not Present 2

Adopted X (yes) _____ (no) Date: 03/30/2022

CERTIFIED by the Secretary of the Keweenaw Bay Indian Community, this 30th day of March, 2022.



SIGNED by the President of the Keweenaw Bay Indian Community, this 30th day of March, 2022.

