

# 1854 TREATY AUTHORITY



## CEDED TERRITORY CONSERVATION CODE

Final Version  
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## Table of Contents

I.	Introduction	03
II.	Definitions	05
III.	General Provisions	17
IV.	Big Game Deer	32
V.	Big Game Bear	36
VI.	Big Game Moose	41
VII.	Small Game Hunting	45
VIII.	Trapping/Snaring	47
VIX.	Waterfowl	51
X.	Fishing	54

**REVISED EDITION APPROVED ON MAY 5, 2012**

# **CEDED TERRITORY CONSERVATION CODE OF THE 1854 TREATY AUTHORITY**

## **SECTION I - INTRODUCTION**

### **1. TITLE**

This Ordinance shall be known as the 1854 Treaty Authority Ceded Territory Conservation Code.

### **2. AUTHORITY**

This Ordinance is enacted pursuant to Article III, Section 3.2 of the Constitution and Bylaws of the 1854 Treaty Authority.

### **3. PURPOSE**

It is the purpose of this Ordinance to:

- A. Provide an orderly system for 1854 Treaty Authority control and regulation of hunting, fishing, trapping and gathering of resources for subsistence use in the territory ceded by the Treaty of September 30, 1854, 10 Stat. 1109 as further defined herein;
- B. Provide a means to promote public health and safety and the conservation and management of fish, wildlife and plant populations in the Ceded Territory through the regulation of Band Member harvesting activities.

### **4. TERRITORIAL APPLICABILITY**

This Ordinance shall govern the Ceded Territory's "hunting, fishing, trapping and gathering activities of resources for subsistence use," subject to the provisions of this Ordinance by Band Members within the Ceded Territory.

### **5. EFFECTIVE DATE**

This Ordinance shall be effective on the date adopted by the 1854 Treaty Authority.

**6. INTERPRETATION**

The provisions of this Ordinance:

Shall be interpreted and applied as minimum requirements applicable to the exercise of hunting, fishing, trapping and gathering activities subject to this Ordinance;

Shall be construed consistent with the purposes and provisions of the Memorandum of Agreement, as amended, adopted by the State and the Fond du Lac, Grand Portage and Bois Forte Bands of Lake Superior Chippewa and entered as a Consent Judgment in the United States District Court, District of Minnesota, Fourth Division by Order dated June 8, 1988; and Shall not be deemed a limitation or repeal of any other tribal power or authority.

**7. SEVERABILITY AND NON-LIABILITY**

If any section, provision, or portion of this Ordinance is adjudicated unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The 1854 Treaty Authority 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.

**8. REPEAL OF INCONSISTENT BAND ORDINANCES**

All prior ordinances and resolutions inconsistent with this Ordinance are hereby repealed. To the extent that this Ordinance imposes greater restrictions than those contained in any other Band Ordinance, the provisions of this Ordinance shall govern.

## **SECTION II - DEFINITIONS**

As used in this code, the following terms shall have the meaning given to them in this section:

### **SUBDIVISION 1. AGRICULTURAL LANDS**

“AGRICULTURAL LANDS” shall mean land that is 1) plowed or tilled; 2) has standing crops or crop residue; 3) is within a maintained fence for enclosing domestic livestock; 4) is planted to native or introduced grassland or hay land; or 5) is planted to short-rotation woody crops (hybrid poplar and other woody plants that are harvested for their fiber within 15 years of planting).

### **SUBDIVISION 2. ANGLING**

“ANGLING” shall mean taking fish with a hook and line. An angler is a person who takes fish by angling.

### **SUBDIVISION 3. ASSESSMENT NETTING CONTRACTS**

“ASSESSMENT NETTING CONTRACTS” shall mean the contracts signed between the State and private persons under which the private person is obligated to net lake trout according to prescribed conditions in certain areas of Lake Superior, to report the resulting catch to the State to assist its Fishery Management Program, and under which the private person is entitled to sell lake trout according to the terms of the contract.

### **SUBDIVISION 4. ATTENDED LINE**

“ATTENDED LINE” Shall mean a line used for taking fish that is within sight of the band member who set the line.

### **SUBDIVISION 5. BAND**

“BAND” Shall refer to the BOIS FORTE BAND OF LAKE SUPERIOR CHIPPEWA and/or the GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA.

### **SUBDIVISION 6. BAND MEMBER**

“BAND MEMBER” Shall mean a person who is duly enrolled in the Minnesota Chippewa Tribe and duly enrolled as a member of either the BOIS FORTE or GRAND PORTAGE BANDS of the Lake Superior Chippewa.

### **SUBDIVISION 7. BIG GAME**

“BIG GAME” Shall mean deer, moose, elk, bear, antelope, and caribou.

### **SUBDIVISION 8. BOIS FORTE CODE FOR NON-COMMERCIAL NETTING**

"BOIS FORTE CODE FOR NON-COMMERCIAL NETTING" Shall mean a code enacted by the Bois Forte Band regulating non-commercial netting of game fish in the waters adjacent to the Vermilion Reservation. The Bois Forte Code for Non-Commercial Netting shall incorporate by reference the 1854 Treaty Authority Ceded Territory Conservation Code.

**SUBDIVISION 9. BOIS FORTE RESERVATION**

"BOIS FORTE RESERVATION" Shall mean the area reserved for the Bois Forte Band by Article 3, 1st paragraph of the 1866 Treaty. The Bois Forte Reservation includes the Deer Creek, Nett Lake and Vermilion Reservations; as those areas have been or might be altered by Acts of the United States Congress, authorized officials of the United States Government, or the United States Courts.

**SUBDIVISION 10. BOW**

"BOW" Shall mean a hunting instrument designed for the purpose of propelling arrows, which is drawn and held by and through the efforts of a person releasing.

**SUBDIVISION 11. CEDED TERRITORY**

"CEDED TERRITORY" Shall mean the area described in Article 1 of the 1854 Treaty, the boundaries of which are set forth in the Memorandum of Agreement between the State of Minnesota and the Grand Portage, Bois Forte and Fond du Lac Bands and incorporated into the Consent Judgment and Order issued on June 8, 1988 by the United States District Court for the District of Minnesota. Ceded Territory does not include lands or waters, public and private, within the exterior boundaries of the Grand Portage Reservation, the Bois Forte Reservation or the Fond du Lac Reservation.

**SUBDIVISION 12. COMMERCIAL PURPOSES**

"COMMERCIAL PURPOSES" Shall mean for purposes of sale or barter.

**SUBDIVISION 13. CONSERVATION OFFICER**

"CONSERVATION OFFICER" Shall mean an officer authorized by the 1854 Treaty Authority to enforce this code.

**SUBDIVISION 14. CONSERVATION DEPARTMENT**

"CONSERVATION DEPARTMENT" Shall mean the 1854 Treaty Authority Conservation Enforcement Division charged with the enforcement of this code.

**SUBDIVISION 15. CUB**

"CUB" Shall mean all bear that were born that particular year.

**SUBDIVISION 16. DAILY BAG LIMIT**

“Daily Bag Limit” shall mean the number of a species taken in one calendar day.

**SUBDIVISION 17. FAWN**

“FAWN” Shall mean all deer that were born that particular year.

**SUBDIVISION 18. FIREARM**

“FIREARM” Shall mean a device that, through a mechanical release by the operator, ignites a confined powder charge that propels a projectile or projectiles through and out a metal tube.

**SUBDIVISION 19. FIREARM SAFETY CERTIFICATE**

“FIREARM SAFETY CERTIFICATE” Shall mean a valid certificate issued by a duly authorized band or state program.

**SUBDIVISION 20. FISH AND WILDLIFE**

“FISH AND WILDLIFE” or “FISH OR WILDLIFE” Shall mean all living creatures; not human, wild by nature and endowed with sensation and power of voluntary motion which includes mammals, birds, fish, amphibians, reptiles, crustaceans, mollusks, invertebrates. Fish and wildlife also includes plants.

**SUBDIVISION 21. FRESHLY TAKEN**

“FRESHLY TAKEN” Shall mean fish, small game, or game birds harvested on the particular day.

**SUBDIVISION 22. FURBEARING ANIMALS**

“FURBEARING ANIMALS” Shall mean mammals that are protected wild animals, except big game.

**SUBDIVISION 23. GAME**

“GAME” Shall mean big game and small game.

**SUBDIVISION 24. GAME BIRDS**

“GAME BIRDS” Shall mean migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bob-white quail, turkeys, coots, gallinules, sora and Virginia rails, Mourning Dove, American woodcock, and common snipe.

**SUBDIVISION 25. GAME FISH**

“GAME FISH” Shall mean walleye; sauger; yellow perch; channel catfish; flathead catfish; members of the pike family: Esocidae, including muskellunge and northern pike; members of the sunfish family: Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie; members of the temperate bass family: Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily: Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout and splake; members of the paddlefish family: Polyodontidae; members of the sturgeon family: Acipenseridae, including lake sturgeon and shovelnose sturgeon. Game fish includes hybrids of game fish.

**SUBDIVISION 26. GATHERING**

“GATHERING” Shall mean the taking or harvest of plants or parts of plants.

**SUBDIVISION 27. GILL NET**

“GILL NET” Shall mean any net set to take fish by entanglement rather than entrapment.

**SUBDIVISION 28. GRAND PORTAGE CODE**

“GRAND PORTAGE CODE” Shall mean a Conservation Code enacted by the Grand Portage Band regulating fishing in the Grand Portage Zone. The Grand Portage Code shall incorporate by reference the 1854 Treaty Authority Ceded Territory Conservation Code.

**SUBDIVISION 29. GRAND PORTAGE RESERVATION**

“GRAND PORTAGE RESERVATION” Shall mean the area reserved for the Grand Portage Band by Article 2, paragraph 5 of the 1854 Treaty, as that area has been or might be altered by Acts of the United States Congress, authorized officials of the United States Government or the United States Courts.

**SUBDIVISION 30. GRAND PORTAGE ZONE**

“GRAND PORTAGE ZONE” Shall mean the area in the Minnesota waters of Lake Superior bounded by a line as follows: beginning at the mouth of the Reservation River, thence due south to the Minnesota boundary in Lake Superior, thence northeastward along such Minnesota boundary to the Canadian boundary in Lake Superior, thence westward along such Canadian boundary to the shore of Lake Superior, thence southwestward along the shore of Lake Superior to the point of beginning.

**SUBDIVISION 31. GUARDIAN**

“GUARDIAN” Shall mean a legal guardian, or person eighteen (18) years of age or older, who is authorized by the parent or legal guardian to supervise the person under the age of sixteen (16).



**SUBDIVISION 32. HUNT, FISH OR TRAP, OR HUNTING, FISHING OR TRAPPING**

“HUNT, FISH, OR TRAP, OR HUNTING, FISHING, OR TRAPPING” Shall mean taking by any means any game birds, small game animals, migratory waterfowl, big game, or furbearing animal.

**SUBDIVISION 33. HUNTING PARTY**

"HUNTING PARTY" Shall mean any group of two or more Ceded Territory identification card-holding hunters, all of whom are afield hunting together at the same time, for the purpose of taking game.

**SUBDIVISION 34. IDENTIFICATION CARD**

"IDENTIFICATION CARD" Shall mean the Ceded Territory identification card issued to eligible Bois Forte and/or Grand Portage Enrolled Band Members by the 1854 Treaty Authority that contains the following information.

- (A) Name of Band Member.
- (B) Band Members date of birth.
- (C) Color photograph of the Band Member.
- (D) Band Affiliation

**SUBDIVISION 35. IMPROVED PUBLIC HIGHWAY**

"IMPROVED PUBIC HIGHWAY" shall mean any road regularly maintained for travel by passenger vehicles.

**SUBDIVISION 36. LEGALLY POSTED SIGN**

“LEGALLY POSTED SIGN” shall mean signs that:

- (A) state “no trespassing” or similar terms;
- (B) display letters at least two inches high;
- (C) are either;
  - 1. signed by the owner, occupant, lessee, or authorized manager; or
  - 2. include the legible name and telephone number of the owner, occupant, lessee, or authorized manager;
- (D) and either
  - 3. are at intervals of 1,000 feet or less along the boundary of the area, or in a wooded area where boundary lines are not clear, at intervals of 500 feet or less; or
  - 4. mark the primary corners of each parcel of land and access roads and trails at the

point of entrance to each parcel of land except that corners only accessible through agricultural land need not be posted.

**SUBDIVISION 37. LOADED FIREARM**

“LOADED FIREARM” Shall mean the presence of any ammunition within a firearm.

**SUBDIVISION 38. MIGRATORY WATERFOWL**

“MIGRATORY WATERFOWL” shall mean brant, ducks, geese, tundra swans, trumpeter swans, and whooper swans.

**SUBDIVISION 39. MINNOWS OR BAIT**

“MINNOWS” shall mean members of the minnow family, Cyprinidae, except carp and goldfish; members of the mudminnow family, Umbridae; members of the sucker family, Catostomidae, not over 12 inches in length; bullheads, ciscoes, lake whitefish, goldeyes and mooneyes, not over 7 inches in length; and leeches.

**SUBDIVISION 40. MOTORBOAT**

“MOTORBOAT” Shall mean any watercraft equipped with propulsion machinery, whether or not the machinery is the principal source of its propulsion.

**SUBDIVISION 41. MOTOR VEHICLE**

“MOTOR VEHICLE” Shall mean a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water or in the air.

**SUBDIVISION 42. NETTING**

“NETTING” Shall mean taking fish by seine, trap, gill net, hoop net, cast net or hand held dip net.

**SUBDIVISION 43. NON-MOTORIZED BOAT**

“NON-MOTORIZED BOAT” Shall mean a boat that is not a motorboat but that is designed and constructed to be used as a boat for transportation of a person or persons on water. This term includes but is not limited to, any canoe, rowboat, raft and dinghy that is not a motorboat.

**SUBDIVISION 44. NORTH SHORE STREAMS**

“NORTH SHORE STREAMS” Shall mean those rivers and streams in the Ceded Territory that flow directly into Lake Superior.

**SUBDIVISION 45. OPEN SEASON**

“OPEN SEASON” Shall mean the period when a specified protected wild animal may be taken by legal means.

**SUBDIVISION 46. PARTY HUNTING**

“PARTY HUNTING” shall mean any group of two or more duly licensed Band Members who are all afield; hunting together at the same time.

**SUBDIVISION 47. PERSONAL FLOTATION DEVICE or PFD**

“PERSONAL FLOTATION DEVICE or PFD” Shall mean a coast guard approved type I, II, III, or V personal flotation device.

**SUBDIVISION 48. PROHIBITED MEANS**

“PROHIBITED MEANS” shall mean the taking of fish and wildlife by, including, but not limited to poison arrows, illegal firearms, wild rice harvest machines, set gun, swivel gun, and fully automatic rifles, silencers for rifles, shotguns or pistols.

**SUBDIVISION 49. PLANTS**

“PLANTS” Shall include all parts thereof.

**SUBDIVISION 50. POSSESSION**

“POSSESSION” Shall mean both actual and constructive possession and control of the things referred to.

**SUBDIVISION 51. PREDATOR**

“PREDATOR” Shall mean a timber wolf, coyote, fox, lynx, or bobcat.

**SUBDIVISION 52. PROTECTED BIRDS**

“PROTECTED BIRDS” Shall mean all birds except unprotected birds.

**SUBDIVISION 53. PROTECTED WILD ANIMALS**

“PROTECTED WILD ANIMALS” Shall mean the following wild animals: big game; small game; game fish; rough fish; minnows; leeches; alewives; ciscoes; chubs; lake whitefish; the subfamily Coregoninae; rainbow smelt; frogs; turtles; clams; mussels; timber wolf, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison or motor vehicles.

**SUBDIVISION 54. PUBLIC ACCESS**

“PUBLIC ACCESS” Shall mean an access that is publicly owned and accessible to public without charge.

**SUBDIVISION 55. PUBLIC WATERS**

“PUBLIC WATERS” Shall mean public waters and wetlands as defined by Minnesota Stat. Sec. 105.37, Subds. 14 and 15 (1986) and subsequent amendments.

**SUBDIVISION 56. RIGHT OF WAY**

"RIGHT OF WAY" shall mean the travel lanes (including any turn-out lanes) of an improved public highway.

**SUBDIVISION 57. ROUGH FISH**

“ROUGH FISH” Shall mean carp, buffalo, sucker, sheepshead, bowfin, burbot, cisco, gar, goldeye and bullhead.

**SUBDIVISION 58. SALE**

“SALE” Shall mean an exchange for consideration and includes barter, offer to sell and possession with intent to sell.

**SUBDIVISION 59. SEASON LIMIT**

“SEASON LIMIT” shall mean the number of a species taken during the established season.

**SUBDIVISION 60. SEINE**

“SEINE” Shall mean a net of mesh with floats at the top and weights at bottom, such that it hangs vertically in the water and which is drawn through the water to capture fish by encircling them rather than entangling them.

**SUBDIVISION 61. SHINING**

“SHINING” Shall mean casting the rays of a spotlight, headlight, or other artificial light onto a highway, or into a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons, or tending traps, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

This subdivision does not apply to:

- A) A firearm that is unloaded, cased, and in the closed trunk\* of a motor vehicle; or

B) A bow that is completely encased or unstrung and in the trunk\* of a motor vehicle.

\*If the motor vehicle does not have a trunk, the firearm or bow must be in the rearmost portion of the vehicle.

**SUBDIVISION 62. SMALL GAME**

“SMALL GAME” Shall mean game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, red and gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

**SUBDIVISION 63. SNAGGING**

“SNAGGING” Shall mean taking a fish, with a hook and line, by hooking a fish in a place other than the mouth.

**SUBDIVISION 64. SNARE**

“SNARE” Shall mean the taking of any wild animals by means of setting or operating any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture, or take, a wild animal.

**SUBDIVISION 65. SPEAR**

“SPEAR” Shall mean a pole tipped with a minimum of three (3) barbed tines that are a minimum of 42 inches long with each tine having a barb extending perpendicular, which is greater than 1/8" inch in length.

**SUBDIVISION 66. SPEARING**

“SPEARING” Shall mean the taking of fish by the use of a spear.

**SUBDIVISION 67. SPECIAL PERMIT**

“SPECIAL PERMIT” Shall mean a permit required, in addition to the 1854 Ceded Territory identification card, for the taking, or activities pursuant to this code.

**SUBDIVISION 68. STATE**

“STATE” Shall mean the State of Minnesota.

**SUBDIVISION 69. SUBSISTENCE USE**

“SUBSISTENCE USE” Shall mean the taking of fish, game, plants or fur bearing animals for subsistence use or for any purpose other than commercial purposes.

#### **SUBDIVISION 70. SUNFISH**

“SUNFISH” Shall mean bluegills, pumpkinseed, green sunfish, orange spotted sunfish, longear sunfish, and warmouth. “Sunfish” includes hybrids of sunfish.

#### **SUBDIVISION 71. TAKING**

“TAKING” Shall mean pursuing, shooting, killing, capturing, trapping, snaring, angling, spearing, or netting wild animals, or placing, setting, drawing, or using a net, trap, or other device to take wild animals. Taking includes attempting to take wild animals, and assisting another person in taking wild animals.

#### **SUBDIVISION 72. TAGS**

“TAGS” Shall mean a locking device or self adhesive device intended to mark wild game and which is assigned and distributed by the 1854 Treaty Authority Resource Management Division, 1854 Conservation Enforcement Division, or duly authorized registration station.

#### **SUBDIVISION 73. TRANSPORT, TRANSPORTATION**

“TRANSPORT and/or TRANSPORTATION” Shall mean causing or attempting to cause wild animals to be carried or moved by a device and includes accepting or receiving wild animals for transportation or shipment.

#### **SUBDIVISION 74. TRAP**

“TRAP” Shall mean the taking of any wild animal by means of setting or operating any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture, or take, a wild animal or animals.

#### **SUBDIVISION 75. TRAPPING PERMIT**

“TRAPPING PERMIT” Shall mean an Identification card issued by the 1854 Treaty Authority to enrolled Bois Forte or Grand Portage Band Members to trap in accordance with the provisions of this code.

#### **SUBDIVISION 76. TROT LINE**

“TROT LINE” Shall mean a line with multiple line and hooks attached to it. Each trot line shall be considered one attended or unattended line.

#### **SUBDIVISION 77. UNDRESSED BIRD**

“UNDRESSED BIRD” Shall mean:

a bird, excluding migratory waterfowl, with feet and feathered head intact; or

a migratory waterfowl with a fully feathered wing attached.

**SUBDIVISION 78. UNDRESSED FISH**

“UNDRESSED FISH” Shall mean fish with heads, tail, fins and skin intact, whether entrails, gills or scales are removed or not.

**SUBDIVISION 79. UNLOADED**

“UNLOADED” Shall mean with reference to a firearm, without ammunition in the barrel and magazine, if the magazine is in the firearm. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in a pan. A muzzle loading firearm with percussion ignition is unloaded if it does not have a percussion cap on a nipple.

**SUBDIVISION 80. UNCASED FIREARM OR BOWS**

"UNCASED FIREARM OR BOW" A firearm or bow shall be considered uncased unless the person follows the following rules for transporting a firearm or bow in a motor vehicle.

**FIREARM:**

Unloaded and in a gun case expressly made to contain a firearm, and the case fully enclosing the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

Unloaded and in the closed trunk of a motor vehicle, or box of a truck, or;

A handgun carried in compliance with Minn Law 624.714 and Minn Law 624.715

**BOW:**

Unstrung; completely contained in a case; or in the closed trunk of a motor vehicle, or box of a truck.

**SUBDIVISION 81. UNPROTECTED BIRDS**

“UNPROTECTED BIRD” Shall mean house sparrows, starlings, common pigeons, chukar partridge, quail other than bob-white quail, mute swans, and monk parakeets.

**SUBDIVISION 82. UNPROTECTED GAME**

“UNPROTECTED GAME” Shall mean weasels, coyotes (brush wolf), gophers, porcupines, striped skunks and all other mammals for which no closed season or other protection is accorded.

**SUBDIVISION 83. WATERCRAFT**

“WATERCRAFT” Shall mean any description of a flotation device used, or capable of being

used, as a means of transportation on water.

**SUBDIVISION 84. WILD RICE**

“WILD RICE” Shall mean that crop which grows naturally, or as a result of reseeding in natural lakes and waters, including lakes resulting from water control structures in the Ceded Territory.

**SUBDIVISION 85. WILD ANIMALS**

“WILD ANIMALS” Shall mean all living creatures; not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

**SUBDIVISION 86. WANTON WASTE**

“WANTON WASTE” Shall mean unless expressly allowed, a person may not wantonly waste or destroy a usable part of a protected wild animal, small game, big game animals, and fish or plants.

**SUBDIVISION 87. 1854 TREATY AUTHORITY CEDED TERRITORY  
CONSERVATION CODE**

“1854 TREATY AUTHORITY CEDED TERRITORY CONSERVATION CODE” Shall mean a Conservation Code jointly enacted by the Grand Portage Band and Bois Forte Band regulating hunting, fishing, trapping and gathering in the Ceded Territory and Lake Superior.

The 1854 Treaty Authority Ceded Territory Conservation Code shall incorporate by reference the Grand Portage Code, the Bois Forte Code for Non-Commercial Netting, and the 1854 Treaty Authority Code for Treaty Gathering.



## **SECTION III - GENERAL PROVISIONS**

### **SUBDIVISION 1. 1854 AUTHORITY IDENTIFICATION CARDS, SPECIAL PERMITS, AND TAGS**

- (A) All Band Members must carry on their persons a color photograph Ceded Territory identification card at all times while taking, possessing or transporting wild animals, or plants. Band Members are required to show such identification card to any Peace officer upon request. Failure to comply is a violation.
- (B) 1854 Ceded Territory identification cards may only be issued to, and possessed by, enrolled members of the Bois Forte or Grand Portage Bands.
- (C) Special Permits may be required, in addition to the Ceded Territory identification card, for certain hunting, fishing, trapping and gathering activities pursuant to this code.
- (D) 1854 Treaty Authority officials shall notify Band Members of the time and location of the taking of color photographs for Ceded Territory identification purposes.

### **SUBDIVISION 2. HUNTING AND FISHING IN DESIGNATED STATE AREAS**

If the State prohibits hunting and/or fishing in a State Park, Forest Campground, Wildlife Management Area, Scientific and Natural Area, Wayside, Game Refuge, Designated Trout Stream, Stream-Trout Lake or Experimental Lake; then hunting and/or fishing by Band Members in such area also is prohibited. If hunting and/or fishing is permitted in any such area under State Law or Regulation, then Band Members shall be permitted to hunt and/or fish in such area in accordance with the 1854 Treaty Authority Code.

### **SUBDIVISION 3. FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES**

Band Members will comply with the prohibitions applicable under the Federal Endangered Species Act of 1973, as amended, to federally listed endangered and threatened species when hunting or fishing in the Ceded Territory or Lake Superior.

### **SUBDIVISION 4. WANTON WASTE AND LITTERING**

No Band Member shall unnecessarily waste, injure, destroy or impair wild animals or other natural resources while engaging in the exercise of 1854 Ceded Territory rights regulated by this Code.

No Band Member shall leave or discard cans, bottles, paper refuse or other waste or debris on private or public property.

### **SUBDIVISION 5. TRANSPORTING**

Any Band Member who hunts, fishes, traps or gathers within the Ceded Territory and/or who transports such animals or plants out of the Ceded Territory must have in their possession a valid Ceded Territory identification card and special permit and/or tag, if such permit and/or tag is required.

#### **SUBDIVISION 6. FISH AND WILDLIFE TAKEN ON RESERVATIONS**

Fish and wildlife taken on Grand Portage, and/or Bois Forte Reservations shall be tagged with tags provided by the respective Bands or otherwise positively identified if transported or possessed off the reservation. Off-reservation sale of fish and wildlife taken on these reservations shall be limited to such species and subject to such conditions as apply in either the Bois Forte and/or Grand Portage Conservation Codes.

#### **SUBDIVISION 7. PROHIBITED ACTS**

IN ADDITION TO THE PROHIBITIONS CONTAINED IN THE OTHER SECTIONS OF THIS CODE, THE FOLLOWING SHALL BE CONSIDERED VIOLATIONS OF THE CEDED TERRITORY CONSERVATION CODE:

- (A) To use, or to allow another person to use a Ceded Territory identification card, special permit, or tag, whether or not such person would qualify to receive an identification card or special permit, is prohibited.
- (B) It shall be fraud or misrepresentation to give false information in the procurement or use of any Ceded Territory identification card or special permit.
- (C) Possessing or allowing another person to possess a Ceded Territory identification card, tag, license and/or special permit of another person, whether or not such person would qualify to receive such license or special permit, unless otherwise stated in the Ordinance;
- (D) It shall be unlawful for a person to possess a silencer for any rifle, shotgun or pistol while taking game.
- (E) Wanton destruction or waste of fish, game, wild rice or forest resources in the 1854 Ceded Territory;
- (F) Exceeding established limits.
- (G) Using walkie talkies, cell phones, or other radio equipment to take big game or small game.
- (H) No use of any flying craft shall be permitted for hunting or spotting game.
- (I) Fishing, hunting, trapping or ricing outside of seasons established by the 1854 Treaty Authority, or without a valid permit or license as required by the 1854 Treaty Authority;

- (J) Possession of any fish, game or plants without proper identification;
- (K) Fraud or misrepresentation in the procurement of any permit or identification;
- (L) Refusal to display the proper permit and/or 1854 Ceded Territory identification card upon the request of any authorized Peace officer.
- (M) Intentionally destroying or attempting to destroy any evidence seized or confiscated by the arresting officer or intentionally destroying any evidence about to be seized;
- (N) For anyone under oath to intentionally give false testimony in any case before 1854 Treaty Authority Court.
- (O) No person shall willfully fail or refuse to comply with any lawful order or direction of any officer who has been authorized to administer or enforce the provisions of this Code. No person shall obstruct the efforts of any officer who is lawfully engaged in the administration or enforcement of this Code.
- (P) The number of persons on any watercraft shall not exceed the watercraft's maximum capacity.
- (Q) No person shall operate or ride in a watercraft unless there is sufficient number of readily available personal flotation devices (PFD) onboard that fit each person.
- (R) No band member shall molest, disturb, or appropriate any wild animal, or carcass, or parts thereof which have been lawfully reduced to possession by another without the permission of the rightful possessor.
- (S) Using prohibited means or equipment in the taking of fish, game, wild rice or forest resources in the 1854 Ceded Territory.
- (T) The use of any motor vehicle for the taking of any big game, small game or waterfowl except as provided in subdivision 13 of this section.
- (U) 1. A person may not transport an uncased shotgun or rifle in a motor vehicle:
  - (a) Within an area where the discharge of a firearm has been prohibited by a governmental entity with jurisdiction;
  - (b) Within the boundaries of a city with a population of 2,500 or more;
  - (c) On school grounds; or
  - (d) When engaged in shining as defined in Section II, subdivision 61 of this code.

2. A person may not transport an uncased handgun or pistol without a valid permit to carry.
  3. A person may transport an unloaded, uncased shotgun or rifle in a motor vehicle while:
    - (a) At a shooting range with permission;
    - (b) Lawfully hunting on public or private land; or
    - (c) Travelling to or from a site where the person intends to hunt that day or has hunted that day.
- (V) A person may not transport a bow in a motor vehicle if the bow is armed with an arrow.
- (W) The taking of road kill, (except moose) is permissible after receiving permission by a Minnesota Law Enforcement Officer. The animal must be examined by an 1854 Treaty Authority Conservation Officer or other authorized law enforcement officer, to verify that the kill was accidental and that the individual receives a special permit from such officer before processing.
- (X) No person may discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway (including but not limited to federal, state, county, and township roadways) at a big game animal or a decoy of a big game animal that has been set out by a licensed peace officer.
- (Y) No person shall transport any big game belonging to another person unless that person is accompanying or that game has been properly tagged pursuant to this code.
- (Z) Gifting of fish and game to non-Band members is prohibited

#### **SUBDIVISION 8. TRESSPASS PROHIBITION**

No person shall enter upon the agricultural lands of another with the intent of hunting, fishing, or gathering, unless and until the permission of the owner, occupant, or lessee is obtained.

During the open season for that particular game, a hunter on foot may retrieve wounded game from agricultural land that is not posted without permission of the landowner. If however, the hunter has been notified orally by the landowner not to enter upon the land, the hunter may not enter the land to retrieve the wounded game. The hunter may only enter posted land after receiving permission from the landowner to do so. The hunter must leave the land immediately after retrieving the wounded game.

No person shall enter upon any land that is not his/her own regardless of whether or not it is agricultural land, with intent to take any big game animals, small game animals, or waterfowl,

after being notified not to do so, either by the owner, occupant, or lessee, or by a legally posted sign.

No person shall enter or leave lands of another, or pass from one portion of another person's land through a closed gate without returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building, grain, crops, live trees or any sign, or molest, wound or kill any domestic animal.

A person on foot may, without permission, enter private land without a firearm to retrieve a hunting dog. After retrieving the dog, the person must immediately leave the premises. This exception does not authorize the taking of the wild animal.

#### **SUBDIVISION 9. TRANSPORTATION OF FISH AND WILDLIFE - PERMIT REQUIRED**

Any Band Member who takes game, fish, hides or furs within the Ceded Territory and desires to transport such game, fish, hides or furs out of the Ceded Territory must have in his/her possession a valid Ceded Territory identification card and a valid permit and/or tag if required.

#### **SUBDIVISION 10. POSSESSION OF FISH AND WILDLIFE**

No Band Member while in the Ceded Territory shall have in his/her possession or under his/her control any fish or wildlife in excess of the bag or possession limits, established by this Code except that fish and wildlife harvested on-reservation, if properly tagged or identified in a manner determined sufficient by the 1854 Treaty Authority as having been harvested on-reservation shall not be subject to the bag, possession or size limits established by the code. The possession of or control of fish and wildlife not so identified and tagged as part of an on-reservation harvest shall be rebuttably presumed to be part of the applicable Ceded Territory bag or possession limit.

#### **SUBDIVISION 11. PUBLIC SAFETY RESTRICTIONS**

The setting of any trap, pit, deadfall or snare capable of taking big game is prohibited.

The placing of set guns and the use of poison for the taking of any wild animal is prohibited.

#### **SUBDIVISION 12. AGE**

- (A) Except as provided in this subdivision, a person under the age of sixteen may not possess a firearm, unless accompanied by a parent or guardian.
- (B) A person under the age of 16 may possess a firearm without being accompanied by a parent or guardian:
  - 1. on land owned by, or occupied as the principal residence of, the person or person's parent or guardian;

2. while participating in an organized target shooting program with adult supervision;
  3. while the person is participating in a firearm safety program or traveling to and from class; or
  4. if the person is age 14 or 15 and has a firearm safety certificate.
- (C) A law enforcement officer shall seize a firearm when found in the possession of an underage person who is not accompanied by a parent/guardian or used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the 1854 Treaty Authority Conservation Officer in charge of the area where the seizure was made. A firearm seized under this section must be returned to the person from whom it was seized when the underage person presents a firearms safety certificate within 90 days to the conservation officer, unless ordered by court of law following a judgment of a violation.

### **SUBDIVISION 13. SHOOTING FROM MOTOR VEHICLE**

(A) Disability Permit to Hunt from a Standing Motor Vehicle

Permits to take a wild animal with a firearm or bow and arrow from a stationary motor vehicle may be issued to a Band member with a valid 1854 Ceded Territory Identification Card and proper permits who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must:

1. be unable to step from a motor vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device, or
2. be unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

The permanent disability must be verified in writing by a licensed physician or chiropractor. In addition to providing the medical evidence of permanent disability, the applicant must possess a valid disability parking certificate or license plates.

Permit applications are available by contacting the 1854 Treaty Authority Office.

(B) Disability Permit to Take Big Game and/or Small Game with a Crossbow.

A person may not hunt with a crossbow or possess a crossbow outdoors or in a motor vehicle during the open season for any game unless the crossbow is unstrung and in a case, or in the closed trunk of a motor vehicle, except for disabled persons with a valid crossbow permit.

A person may not hunt big game or small game with a crossbow, except by special

permit issued to hunters unable to hunt by archery because of a temporary or permanent disability. This disability must be verified in writing by a licensed physician or chiropractor.

Permit applications are available by contacting the 1854 Treaty Authority Office.

**SUBDIVISION 14. HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE**

- (A) A Band Member may not take protected wild animals with a firearm or by archery:
  - (1) while under the influence of alcohol.
  - (2) while under the influence of a controlled substance as defined in Minn. Law 152.01 subdivision 4.
  - (3) while under the influence of a combination of any two or more of the elements in clauses (1) alcohol and (2) controlled substance;
  - (4) When the band member's alcohol concentration is 0.08 or more;
  - (5) When knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance under Minn. Laws and that affects the nervous system, brain, or muscles of a person so as to substantially impair the persons' ability to operate firearm or bow and arrow.
- (B) A person who takes big game animals, small game animals, or waterfowl in the 1854 Ceded Territory is required to take or submit to a test of person's blood, breath or urine or combination of tests for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under this code.
- (C) The taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of the code and when the person has been placed under arrest for violation of the code.
- (D) The 1854 Treaty Authority Executive Director shall upon being advised of a test refusal for person's blood, breath, or urine or failing to submit to the field sobriety screening tests as requested by the arresting officer, impose and send a certified letter to the person that their hunting privileges are suspended for one year and upon receiving a certification report by the arresting officer that the probable cause existed to believe the person had been under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the Clerk of Court shall impose a civil penalty of \$500.00 and shall prohibit the person from hunting for one year.
- (E) A person may appeal to 1854 Treaty Authority Court for judicial review asking the court

to review this civil action by providing evidence to the judge that it is not a violation. The judge then can rule on the civil violation and the one year suspension of hunting privileges.

- F) A person who hunts during the period the person is prohibited from hunting shall be in violation of this code.

#### **SUBDIVISION 15. SALE OF MEAT OF FURBEARING ANIMALS**

- (A) Band Members may sell to Band Members or non band-members the meat of furbearing animals during the open season for the animal.
- (B) During the closed season for a furbearing animal, Band Members may sell the meat of the animal only to Band Members.

#### **SUBDIVISION 16. INCIDENTAL TAKE**

Any animal incidentally taken by a 1854 Ceded Territory card holder before or after the open season or in excess of the legal limit therefore shall be surrendered to a 1854 Treaty Authority Conservation officer for education and/or elderly nutrition program, provided that any income derived from the 1854 Treaty Authority's sale of such animal or its parts shall not accrue to the benefit of any individual.

#### **SUBDIVISION 17. TRADITIONAL USE PERMIT**

A "Traditional Use Permit" may be issued for special gathering purposes. A person desiring to receive a Traditional Use Permit must submit an application. The application will then be submitted to the respective Tribal Council for approval. Upon approval the respective Tribal Council will inform the 1854 Treaty Authority to issue the permit.

#### **SUBDIVISION 18. EMERGENCY REGULATIONS**

The 1854 Treaty Authority may close or further restrict any open seasons, if deemed necessary, to protect the natural resources of the Ceded Territory.

#### **SUBDIVISION 19. CEDED TERRITORY CONSERVATION OFFICERS**

- (A) The 1854 Treaty Authority may empower Ceded Territory Conservation Officers, the Bands, and the State to enforce the terms of this code.
- (B) ENFORCEMENT
  1. Authorized State Conservation Officers shall have the power to arrest and charge Band Members for violations of the 1854 Treaty Authority Code.
  2. Authorized 1854 Treaty Authority Conservation Officers shall have the power to



arrest and charge non-Band Members for violations of State Game and Fish Laws.

3. Any provision of this Code may be enforced by 1854 Treaty Authority Conservation Officers or by officers of each of the Two Bands. Said Band Conservation Officers are hereby deputized by the 1854 Treaty Authority as Conservation Officers for the purpose of enforcing this Code.
  4. Unless specifically provided by tribal ordinance, 1854 Treaty Authority Conservation Officers enforcement activities shall be confined to off-reservation areas except:
    - (a) When the Conservation Officer is in hot pursuit of a suspected violator who flees onto a reservation or otherwise out of the Ceded Territory; or
    - (b) At the request of the Band prosecutor.
- (C) It is a violation to refuse to display the proper Ceded Territory identification card or special permit upon the request of an 1854 Treaty Authority Conservation Officer, or other authorized law enforcement officer.

(D) INVESTIGATIONS AND CITATIONS

1. Any person authorized to execute the provisions of this Code may to the extent permitted by law:
  - a. Conduct inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages and other receptacles contained therein, utilized by a Band Member in a harvest activity authorized by this code.
  - b. Execute and serve warrants and other process issued by the 1854 Treaty Authority Court in accordance with applicable law.
  - c. Stop and board any boat and stop any automobile or other vehicle if the person reasonably suspects there is a violation of this code by the occupants thereof.
  - d. Open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband or illegally taken or possessed wild plants or wild animals, or carcasses or parts thereof, may be contained.
  - e. Issue a citation on a form approved by the 1854 Treaty Authority to any Band Member upon reasonable belief that such member has violated a provision of this code.

- f. May seize and hold subject to the order of the 1854 Treaty Authority Court any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in the 1854 Treaty Authority Court or any property otherwise authorized to be seized by the provisions of this code.
- g. The inspections shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

**(E) ENFORCEMENT BY MN DEPARTMENT OF NATURAL RESOURCES  
CONSERVATION OFFICERS**

Conservation Officers of the Minnesota Department of Natural Resources are hereby empowered to enforce the provisions of this code and to institute proceedings in the 1854 Treaty Authority or Band Courts by use of citation forms of that department or to refer the matter to the appropriate 1854 Treaty Authority Officer or the Band Prosecutor for further investigation or action.

**(F) SEARCH AND SEIZURE - WHEN AUTHORIZED**

Any person authorized to enforce the provisions of this Code may conduct a search of a Band Member, object or place and seize things when the search is made:

- 1. With consent;
- 2. Pursuant to a valid search warrant;
- 3. With the authority and within the scope of a right of lawful inspection as provided in this Conservation Code.
- 4. Incident to the issuance of a lawfully issued citation under this Code; or
- 5. As otherwise authorized by law or by the provisions of this Code.

**SUBDIVISION 20. HEARINGS IN 1854 TREATY AUTHORITY COURT**

Jurisdiction over all matters arising under the 1854 Treaty Authority Ceded Territory Conservation Code shall be with the 1854 Treaty Authority Court, which shall adjudicate in accordance with the 1854 Treaty Authority Ceded Territory Conservation Code and other applicable laws and case laws, all questions, complaints and alleged violations involving the provisions of this Code.

**SUBDIVISION 21. 1854 TREATY AUTHORITY COURT**

- (A) The 1854 Authority Executive Director and/or the 1854 Treaty Authority Board may hire a licensed practicing attorney for the purpose of being the prosecutor of all matters under this code.
- (B) Persons who are enrolled members of the Bois Forte and/or Grand Portage Bands of Lake Superior Chippewa and who are charged with violation under this code shall be subject to the jurisdiction of the 1854 Treaty Authority Court.

(C) PENALTIES

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

1. For all violations for which no other amount is specified, a civil remedial forfeiture of not more than \$5,000.00.
2. For any violation, a revocation or suspension of off-reservation hunting, fishing or gathering privileges for a period of time within the discretion of the Court.
3. For any violation, a civil remedial forfeiture of any property, including boats, motors, vehicles, hunting or fishing equipment, or other property, used in the commission of the violation of this Code.
4. For all violations, the Court may order a natural resource assessment not to exceed 75% of the amount of the civil remedial forfeiture.
5. For all violations, appropriate Court costs within the discretion of the Court.

(D) ENHANCEMENT OF FORFEITURE AND PENALTIES

Upon conviction of any Band Member for a violation of this Code when such person has been convicted of a previous violation of this Code within a period of one (1) year, the Court may enhance any civil remedial forfeiture or other penalty as the Court deems appropriate.

(E) CIVIL DAMAGES

In addition to any other penalty allowed by this Code, the 1854 Treaty Authority Court may award to the 1854 Treaty Authority or; in addition to an action to impose penalties; the 1854 Treaty Authority 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 plants, wild animals or any part thereof; and the sum assessed for damages for each wild plant or wild animal shall not be less than the amount stated in this Section:

1. Any endangered and threatened species protected under this Code, \$ 875.00
2. Moose \$1,000.00

- 3. Deer \$ 400.00
- 4. Bear \$ 400.00
- 5. Reserved
- 6. Reserved
- 7. Reserved
- 8. Reserved
- 9. Reserved
- 10. Reserved

(F) SEIZED WILD ANIMALS AND WILD PLANTS

No wild animal or wild plant seized pursuant to this Code shall be returned to a convicted violator, his/her immediate family or other Band Member of the hunting, fishing or gathering party.

(G) SCHEDULE OF MONEY PENALTIES: NO CONTEST

The 1854 Treaty Authority Board may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this Code occurred, or a plea of no 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 had entered a plea of not guilty.

(H) ACCOMPLICE TO A VIOLATION

- 1. Whoever is involved in the commission of a violation of this Code shall be deemed an accomplice and may be charged with the violation although he/she did not directly commit such violation and although the person who directly committed such violation has not been convicted of the violation.
- 2. A person is deemed an accomplice in the commission of the violation if the person:
  - a. Directly commits the violation;
  - b. Aids or assists or abets by encouraging, supporting, or approving the wrongdoing of the commission of such violation; 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.

(I) HARVESTING AFTER REVOCATION OR SUSPENSION

No member whose Ceded Territory hunting, fishing or gathering privileges have been revoked or suspended pursuant to the 1854 Treaty Authority Ceded Territory Conservation Code, shall hunt, fish, trap or gather in the Ceded Territory any wild plant, big game animals, small game animals,

waterfowl or the harvest of which is regulated by this Code shall during such period of revocation or suspension not be allowed hunting, fishing or trapping.

(J) COLLECTION OF MONEY PENALTIES

1. Unpaid fines, forfeitures, court costs, natural resource assessments, civil damages or other monetary penalties imposed by the 1854 Treaty Authority Court in accordance with the provisions of this Code shall, upon certification by the Court, constitute a legal obligation owed to the 1854 Treaty Authority and may be collected in the same manner as any other legal obligation including the use of the debt collection mechanisms of the Courts of other jurisdictions, or through any other method authorized by law.
2. Upon a showing of financial inability or hardship, the 1854 Treaty Authority Court may, in its discretion, order payment of any lawfully imposed fine, forfeiture, court cost, natural resource assessment or other monetary penalty to be made through the performance of community service work requirements in lieu of money payments. The performance of such community service work shall be credited at the rate to be determined by the court.

(K) CONTEMPT OF COURT

1. **POLICY:** The inherent authority of the 1854 Treaty Authority Court to conduct its proceedings in an orderly and judicious manner and to secure the enforcement of its lawful judgments, orders, subpoenas, summons or other process through the powers of civil contempt are hereby recognized and authorized.
2. **CONTEMPT OF COURT**
  - a. Direct contempt are those occurring in the immediate view and presence of the Court, and arise from one or more of the following acts:
    - (1) Disorderly, contemptuous or insolent behavior toward the judge while holding Court, tending to interrupt the due course of a trial or other proceedings.
    - (2) A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the business of the Court.
  - b. Constructive contempt are those not committed in the immediate presence of the Court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:
    - (1) Deceit or abuse of the process or proceedings of the Court by a party to an action or special proceedings.

- (2) Disobedience of any lawful judgment, order, summons or process of the Court.
- (3) Any other unlawful interference with the process or proceedings of the Court.
- (4) Disobedience of a subpoena duly served or refusing to be sworn or answer as a witness.
- (5) Failure or refusal to pay, without lawful excuse, any fine, forfeiture, costs or penalty assessed by the Court to the provisions of the 1854 Treaty Authority Ceded Territory Conservation Code.

- c. The maximum punishment which the Court may impose for a particular act of constructive contempt shall be thirty (30) days incarceration or a fine not exceeding \$500.00, or both and/or may make such order thereupon as the case may require.

3. The Court shall have the authority to punish a contempt by fine or imprisonment or both.

(L). DIRECT CONTEMPT

A direct contempt may be punished summarily, for which an order shall be made reciting the facts as occurring in the immediate view and presence of the Court, and adjudging the person proceeded against to be guilty of a contempt, and that the person be punished as therein specified.

1. The maximum punishment which the Court may impose for a particular act of direct contempt shall be five (5) days incarceration or a fine not exceeding \$250.00, or both.

(M). CONSTRUCTIVE CONTEMPT

In cases of constructive contempt, an affidavit of the facts constituting the contempt shall be presented to the Court, who may either issue a warrant of arrest to bring the person charged to answer or, without a previous arrest, upon notice, or upon an order to show cause, which may be served in a similar manner and by any person duly authorized by the 1854 Treaty Authority Ceded Territory Conservation Code to serve and issue citations, summons, subpoenas or other notices.

1. A person so arrested shall be brought before the Court for hearing or, in lieu therefore, may post bail in an amount set by the Court and sufficient to satisfy the person's appearance before the Court at a subsequent hearing.
2. When a person so arrested or in response to notice, an order to show cause or otherwise, has been brought into Court, the Court shall investigate the charge by

examining the person and the witnesses for and against the person, for which an adjournment may be had from time to time, if necessary.

3. The Court, if satisfied by clear and convincing evidence that the alleged contempt has occurred, may commit the person to be incarcerated, impose a fine, or both.

(N) SPECIAL POWERS

If not already provided for, and otherwise authorized by, the provisions of the 1854 Treaty Authority Ceded Territory Conservation Code, Conservation Officers of the 1854 Treaty Authority are hereby empowered and authorized to do any act reasonably necessary as may be ordered by the 1854 Treaty Authority Court to carry out and enforce its orders as provided herein.

**SUBDIVISION 22. AMENDMENT PROCEDURES**

Any duly enrolled 1854 Treaty Authority Band Member and/or 1854 Treaty Authority Board Member may request a change to the 1854 Treaty Authority Ceded Territory Conservation Code. Such procedures will be established by the 1854 Treaty Authority Board.

## **SECTION IV BIG GAME DEER**

### **SUBDIVISION 1. CEDED TERRITORY IDENTIFICATION CARD AND TAGS**

Every 1854 Ceded Territory card holder who takes either individually or in a hunting party, deer within the Ceded Territory, shall have in their possession a valid Ceded Territory Identification card, 1854 Treaty Authority Deer Hunting License, and properly issued carcass tags.

### **SUBDIVISION 2. PARTY HUNTING**

Party Hunting-Band Members with Band Members

Party Hunting by Ceded Territory Identification Card holding members is permissible. Any member of a party may kill a legal deer for any other member of the party who has an unused tag. Any member of a party may tag a legal deer killed by any other member of the party. The number of deer taken by the party shall not exceed the number of tags held by the party.

Under no circumstances may a band member loan, borrow, or give Ceded Territory deer permits and/or carcass tags to non-band members.

### **SUBDIVISION 3. MINOR AND LIABILITY OF GUARDIAN**

In addition to the requirements of subdivision 1 of this section, Band members under the age of sixteen (16) years of age must have a valid firearm safety certificate on their person when hunting. Band Members under fourteen (14) years of age must be accompanied by a parent or legal guardian who shall be responsible and liable for the action of that minor, No one under the age of twelve (12) may hunt deer, except a band member age ten (10) or eleven (11) may take deer without a firearms safety certificate if they are under direct supervision and within immediate reach of a parent or guardian.

### **SUBDIVISION 4. HUNTING FOR SENIOR CITIZENS OR DISABLED**

Any 1854 Ceded Territory card holder over the age of 55, or who is handicapped or disabled as defined by this code, may designate an eligible band member to shoot a deer for them.

Please contact the 1854 Treaty Authority for a designated hunter application.

### **SUBDIVISION 5. DEER TAGS**

- (A) A deer license and required tags will be issued to each eligible Band Member upon request and will have corresponding numbers which will be recorded by a conservation officer, duly authorized 1854 Treaty Authority big game deer registration station official, or the 1854 Treaty Authority Resource Management Division.
- (B) The deer must have the proper deer tag affixed around the leg bone, leg bone tendon,



antler, or through the ear so the tag cannot be removed without breaking, tearing, cutting, or otherwise destroying and invalidating the tag.

- (C) The tag may be affixed after getting the animal out of the woods, but must be affixed before being placed in a motor vehicle (other than an ATV), or before being placed and/or hung in any dwelling, camp, or other abode.

#### **SUBDIVISION 6. SALE OF DEER**

- (A) An 1854 Ceded Territory card holder may sell to any person any inedible parts of any deer lawfully taken and registered pursuant to this code.
- (B) The sale of deer meat by any 1854 Ceded Territory card holder is prohibited.

#### **SUBDIVISION 7. ESTABLISHMENT OF SEASON**

- (A) Except as provided herein, the establishment of any seasons for the taking of deer shall be by written order of the 1854 Treaty Authority Executive Director.
- (B) The written Order shall be publicly posted a minimum of fourteen (14) days before the opening of deer season.
- (C) In the event of an extended season, the Order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

#### **SUBDIVISION 8. NO COMMERCIAL HARVEST**

No person shall take big game in the Ceded Territory for commercial purposes.

#### **SUBDIVISION 9. BLAZE ORANGE REQUIREMENTS**

Any person who takes deer during firearms season shall wear blaze orange or camouflaged orange pattern with at least 50% blaze orange from the waist up, including cap or hat.

#### **SUBDIVISION 10. USE OF BAIT**

An 1854 Ceded Territory Card holder may only use one five (5) gallon pail of bait at any one location they are hunting. All bait must be biodegradable.

#### **SUBDIVISION 11. HOURS FOR HUNTING**

The taking of deer shall be permitted from one-half hour before sunrise to one-half hour after sunset

#### **SUBDIVISION 12. REGISTERING DEER**

The 1854 Treaty Authority Resource Management Division will establish and maintain registration stations for the purpose of recording and preserving the following information: sex and age (adult or fawn) of the animal; management unit from where the deer was taken, method, date, the Ceded Territory identification card number and the license tag number of the person taking the deer. **If the deer tag is affixed through the ear, or around the antler, only the head need be presented at the time of registration.** Deer must be registered no later than 4:30 p.m. of the (3rd) working day after the season is closed and before being processed, either privately or commercially.

### **SUBDIVISION 13. METHODS OF TAKING**

Big game deer shall be taken only by means of firearm, bow and arrow, or crossbow.

### **SUBDIVISION 14. LEGAL FIREARMS (INCLUDES HANDGUNS)**

- A. It is at least .220 caliber and has center fire ignition;
- B. It is loaded only with single projectile ammunition;
- C. The projectile used has a soft point or is an expanding bullet type;
- D. The muzzleloader (long gun or handgun) used cannot be loaded at the breech (muzzleloading revolvers are not legal for taking big game);
- E. The smooth-bore muzzleloader used is at least .45 caliber and
- F. The rifled muzzleloader used is at least .40 caliber;
- G. Muzzleloaders with scopes are legal during the regular firearms deer seasons.

### **SUBDIVISION 15. BOW AND ARROW RESTRICTIONS**

- (A) Hunting deer with the use of a Bow and Arrow shall be permissible provided provisions addressing such equipment and other conditions of this code are complied with.
- (B) Bows must have pull of no less than 40 pounds at, or before, full draw.
- (C) Arrowheads for big game hunting must be made of an all steel barbless design. All arrow heads used for big game hunting must be kept sharp and have at least two (2) cutting edges with a diameter of at least 7/8" of an inch.

### **SUBDIVISION 16. CROSSBOWS**

A person may hunt with a crossbow during the regular firearms deer seasons. At other times, a person may not hunt with a crossbow or possess a crossbow in a motor vehicle unless the crossbow is not armed with a bolt or arrow. Disabled persons with a valid permit may also hunt

with crossbows pursuant to Section III, Subdivision 13 (B).

#### **SUBDIVISION 17. BAG LIMIT**

The number and sex of deer to be taken will be established at the time season dates are set for that year.

#### **SUBDIVISION: 18. PROHIBITED ACTS**

- (A) There shall be no hunting within 500 feet of any public campground, during the season within which it is open for public use, or within 500 feet of any occupied or unoccupied dwelling, and any building housing livestock animals without written permission.
- (B) No person may discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway (including but not limited to federal, state, county, and township roadways) at a big game animal or a decoy of a big game animal that has been set out by a licensed peace officer.
- (C) Taking big game by shining is prohibited as defined in Section II, Subdivision 61 of this Code.
- (D) Set guns, swivel guns, snares, artificial lights, fully automatic rifles, or dogs shall not be used for the taking of deer.
- (E) It shall be unlawful to use any flying craft or aircraft for the purpose of taking any deer.
- (F) During closed hunting hours and seasons it shall be unlawful to discharge a firearm or arrow at any animal decoy placed out by law enforcement officer.

## **SECTION V. BIG GAME BEAR**

### **SUBDIVISION 1. CEDED TERRITORY IDENTIFICATION CARD AND TAGS**

Every 1854 Ceded Territory card holder who takes either individually or in a hunting party, bear within the Ceded Territory shall have in their possession a valid Ceded Territory identification card and properly issued bear permit and carcass tags.

### **SUBDIVISION 2. PARTY HUNTING**

Party Hunting-Band Member with Band Member

Party Hunting by Ceded Territory Identification Card holding members is permissible. Any member of a party may kill a legal bear for any other member of the party who has an unused tag. Any member of a party may tag a legal bear killed by any other member of the party. The number of bear taken by the party shall not exceed the number of tags held by the party.

Under no circumstances may a Band Member loan, borrow, or give Ceded Territory bear permits and/or carcass tag to non-band members.

### **SUBDIVISION 3. MINOR AND LIABILITY OF GUARDIAN**

In addition to the requirements of subdivision 1 of this section, Band Members under the age of sixteen (16) years of age must have a valid firearm safety certificate on their person when hunting. Band Members under fourteen (14) years of age must be accompanied by a parent or legal guardian who shall be responsible and liable for the action of that minor, No one under the age of twelve (12) may hunt bear, except a band member age ten (10) or eleven (11) may take bear without a firearms safety certificate if they are under direct supervision and within immediate reach of a parent or guardian.

### **SUBDIVISION 4. HUNTING FOR SENIOR CITIZENS OR DISABLED**

Any 1854 Ceded Territory card holder over the age of 55, or who is handicapped or disabled as defined by this code, may designate an eligible band member to shoot a bear for them.

Please contact the 1854 Treaty Authority for a designated hunter application.

### **SUBDIVISION 5. BEAR TAGS**

- (A) A bear permit and carcass tag will be issued to each eligible band member upon request. Each bear permit and carcass tag will have a corresponding number which will be recorded by a conservation officer, duly authorized 1854 Treaty Authority big game registration station official, or 1854 Treaty Authority Resource Management Division.
- (B) The bear must have the proper bear tag affixed around the breast bone, leg bone, leg bone

tendon, or through the ear so the tag cannot be removed without breaking, tearing, cutting or otherwise destroying and invalidating the tag.

- (C) The tag may be affixed after getting the animal out of the woods, but must be affixed before being placed in a motor vehicle (other than an ATV), or before being placed and/or hung in any dwelling, camp, or other abode.
- (D) The 1854 Ceded Territory Card holder shall retain the registration tag that makes the taking of bear legal, so long as any significant part of the Bear is in their possession.

#### **SUBDIVISION 6. SALE OF BEAR**

- (A) An 1854 Ceded Territory card holder may sell to any person any inedible parts of any bear lawfully taken and registered pursuant to this code, except the gall bladder, and paws unless they are attached to the pelt.
- (B) The sale of any bear meat by any 1854 Ceded Territory card holder is prohibited.

#### **SUBDIVISION 7. ESTABLISHMENT OF SEASON/SPECIAL REGULATIONS/BAITING**

- (A) Except as provided herein, the establishment of any seasons and special regulations for the taking and baiting of Bear shall be by written order of the 1854 Treaty Authority Executive Director.
- (B) The written Order shall be publicly posted a minimum of fourteen (14) days before the opening of baiting season.
- (C) In the event of an extended season, the Order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

#### **SUBDIVISION 8. NO COMMERCIAL HARVEST**

No person shall take big game in the Ceded Territory for commercial purposes.

#### **SUBDIVISION 9. USE OF BAIT**

Regulations regarding bait stations will be established at the time season dates are set for the year. A tag or sign must be displayed at each site, displaying the band member's name, permit number and address, where the bait is placed and the site must be registered with the 1854 Treaty Authority Conservation Department. To attract Bear, a person may not bait within a half mile of a landfill or dump and the following materials may not be used as bait for bear:

- (A) A carcass from a mammal containing more than 25% percent of the intact carcass;
- (B) Meat from mammals that contain bones;

- (C) Bones of mammals
- (D) Solid waste containing bottles, cans, plastic, paper or metals;
- (E) Materials that are not readily biodegradable.
- (F) Any part of a swine, except cured pork.

**SUBDIVISION 10. HOURS FOR HUNTING**

The taking of bear shall be permitted from one-half hour before sunrise to one-half hour after sunset.

**SUBDIVISION 11. REGISTERING BEAR**

The 1854 Treaty Authority Resource Management Division will establish and maintain registration stations for the purpose of recording and preserving the following information: sex and age of the animal, harvest date, method, and management unit from where the bear was taken, the Ceded Territory identification card number and the permit number and carcass tag of the person taking the bear. If the bear carcass tag is affixed through the ear, only the head need be presented at the time of registration. Bear must be registered no later than forty-eight (48) hours after taking and before being processed, either privately or commercially.

**SUBDIVISION 12. METHODS OF TAKING**

Big game bear shall be taken only by means of firearm, bow and arrow, or crossbow.

**SUBDIVISION 13. LEGAL FIREARMS (INCLUDES HANDGUNS)**

- A. It is at least .220 caliber and has center fire ignition;
- B. It is loaded only with single projectile ammunition;
- C. The projectile used has a soft point or is an expanding bullet type;
- D. The muzzleloader (long gun or handgun) used cannot be loaded at the breech (muzzleloading revolvers are not legal for taking big game);
- E. The smooth-bore muzzleloader used is at least .45 caliber and
- F. The rifled muzzleloader used is at least .40 caliber;
- G. Muzzleloaders with scopes are legal during the regular firearms bear seasons.

#### **SUBDIVISION 14. BOW AND ARROW RESTRICTIONS**

- (A) Hunting Bear with the use of a Bow and Arrow shall be permissible provided provisions addressing such equipment and other conditions of this code are complied with.
- (B) Bows must have a draw weight of no less than 40 pounds at, or before, full draw.
- (C) Arrow heads for big game hunting must be made of an all steel barbless design. All arrow heads used for big game hunting must be kept sharp and have at least two (2) cutting edges with a diameter of at least 7/8" of an inch.

#### **SUBDIVISION 15. CROSSBOWS**

A person may hunt with a crossbow during the regular bear season. At other times, a person may not hunt with a crossbow or possess a crossbow in a motor vehicle unless the crossbow is not armed with a bolt or arrow. Disabled persons with a valid permit may also hunt with crossbows pursuant to Section III, Subdivision 13 (B).

#### **SUBDIVISION: 16. BAG LIMIT**

- (A) There shall be no more than (1) bear of either sex taken per permit issued to 1854 Ceded Territory card holder. No bear cubs, or sow with cubs, or white bears may be taken.
- (B) If first bear permit is filled, a Band Member may reapply for any remaining bear permits.

#### **SUBDIVISION: 17. PROHIBITED ACTS**

- (A) There shall be no hunting within 500 feet of any public campground, during the season within which it is open for public use, or within 500 feet of any occupied or unoccupied dwelling, and any building housing livestock animals without written permission.
- (B) No person may discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway (including but not limited to federal, state, county, and township roadways) at a big game animal or a decoy of a big game animal that has been set out by a licensed peace officer.
- (C) Taking big game by shining is prohibited as defined in Section II, Subdivision 61 of this code.
- (D) Set guns, swivel guns, snares, artificial lights, fully automatic rifles, or dogs shall not be used for the taking of Bear.
- (E) It shall be unlawful to use any flying craft or aircraft for the purpose of locating or taking bear.
- (F) During closed hunting hours and seasons it shall be unlawful to discharge a firearm or

arrow at any animal decoy placed by a law enforcement officer.

- (G) No bears shall be disturbed while in their dens.
- (H) No 1854 Ceded Territory card holder shall take bear within 500 feet of any dump or sanitary landfill areas.
- (I) No 1854 Ceded Territory card holder may possess any unused bear tags at the end of season. Any unused bear tags must be returned to an 1854 Treaty Authority Conservation Officer and/or 1854 Treaty Authority office within thirty (30) days of the closing of Bear season.



## **SECTION VI BIG GAME MOOSE**

### **SUBDIVISION 1. CEDED TERRITORY IDENTIFICATION CARD AND TAGS**

Every 1854 Ceded Territory card holder who takes either individually or in a hunting party, moose within the Ceded Territory shall have in their possession a valid Ceded Territory identification card and properly issued permit and carcass tag.

### **SUBDIVISION 2. MOOSE HUNTING PARTY**

Permits for moose hunting will be issued to hunting parties comprised of qualified 1854 Ceded Territory card holders each year there is a moose Hunt.

Requirements for moose hunting parties shall be established by the 1854 Treaty Authority Executive Director and shall be publicly posted at least fourteen (14) days prior to acceptance of applications for permits for moose hunting.

A moose hunting party is defined as a minimum of three (3) up to four (4) eligible ceded territory card holders all who are assigned to the moose hunting permit and in the field together.

### **SUBDIVISION 3. MINOR AND LIABILITY OF GUARDIAN**

In addition to the requirements of subd.1 of this section, Band Members under sixteen (16) years of age must have a valid firearm safety certificate on their person when hunting. Band Members under fourteen (14) years of age must be accompanied by a parent or legal guardian who shall be responsible and liable for the action of that minor. No one under the age of twelve (12) may hunt moose, except a band member age ten (10) or eleven (11) may take moose without a firearms safety certificate if they are under direct supervision and within immediate reach of a parent or guardian.

### **SUBDIVISION 4. HUNTING FOR SENIOR CITIZENS OR DISABLED**

Any 1854 Ceded Territory Card holder over the age of 55, or who is handicapped or disabled as defined by this code, may pick up moose meat at the Duluth 1854 Treaty Authority Office one time each month if it is available.

Band members desiring to obtain meat in this manner must fill out a request form which is available at the Duluth 1854 Treaty Authority Office. This form must be on file with the 1854 Treaty Authority office before moose meat will be disbursed.

NOTE: If you are a senior citizen or disabled as defined by this code and current member of a moose hunting party, you are not eligible to receive moose meat for the year that you are a party member

### **SUBDIVISION 5. MOOSE PERMIT**

- (A) One (1) carcass tag will be issued for each moose party permit and will have a corresponding number that will be recorded by an 1854 Conservation Officer, and the 1854 Treaty Authority Resource Management Division.
- (B) The moose must have the proper carcass tag affixed around the leg bone, leg bone tendon, antler or through the ear so the tag cannot be removed without breaking, tearing, cutting or otherwise destroying and invalidating the tag.
- (C) The tag may be affixed after getting the animal out of the woods, but must be affixed before being placed in a motor vehicle (except ATV), or before being placed and/or hung in any dwelling, camp, or other abode.
- (D) The 1854 Ceded Territory moose party permit holder shall retain a copy of the special moose party permit that makes the taking of moose legal, so long as any significant part of the moose is in their possession.

**SUBDIVISION 6. SALE OF MOOSE**

- (A) An 1854 Ceded Territory card holder may sell to any person any inedible parts of any moose lawfully taken and registered pursuant to this code.
- (B) The sale of moose meat by any 1854 Ceded Territory card holder is prohibited.

**SUBDIVISION 7. ESTABLISHMENT OF SEASON**

- (A) Except as provided herein, the establishment of any seasons for the taking of moose shall be by written order of the 1854 Treaty Authority Executive Director.
- (B) The written Order shall be publicly posted a minimum of fourteen (14) days before the taking of Application for moose hunting permit.
- (C) In the event of an extended season, the order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

**SUBDIVISION 8. NO COMMERCIAL HARVEST**

No person shall take big game in the Ceded Territory for commercial purposes.

**SUBDIVISION 9. HOURS FOR HUNTING**

The taking of moose shall be permitted from one-half hour before sunrise to one-half hour after sunset.

**SUBDIVISION 10. BLAZE ORANGE REQUIREMENTS**

Any person who hunts moose shall wear blaze orange or camouflaged orange pattern with at least 50% blaze orange from the waist up, including cap or hat.

#### **SUBDIVISION 11. REGISTERING MOOSE**

The 1854 Treaty Authority Resource Management Division will establish and maintain registration stations for the purpose of recording and preserving the following information: sex and age (adult or calf) of the animal, date, method, and management unit from where the moose was taken, the Ceded Territory identification card number and the tag number of the person taking the moose. If the moose tag is affixed through the ear, or around the antler, only the head need be presented at the time of registration. Moose must be registered no later than forty-eight (48) hours after the season is closed and before being processed, either privately or commercially.

#### **SUBDIVISION 12. METHODS OF TAKING**

Big game moose shall be taken only by means of firearm, bow and arrow, or crossbow.

#### **SUBDIVISION 13. FIREARM RESTRICTIONS**

- (A) Handguns, rifles, shotguns and all projectiles used therein shall be at least .23 of an inch in caliber.
- (B) Rifles chambering a commercially manufactured .23 caliber or larger cartridge shall produce a minimum muzzle energy of 1,000 foot pounds.
- (C) All firearms shall be loaded only with ammunition containing single projectiles. Buckshot or fine shot is not legal.
- (D) All projectiles shall be of a soft point or expanding bullet type.
- (E) Muzzle loading black-powder rifles are legal for taking big game during both regular and special muzzleloader seasons.
- (F) It is unlawful to take big game with a .30 caliber M-1 carbine cartridge or a .22 Hornet.
- (G) It is suggested not to use handguns for taking or hunting of moose.
- (H) Handguns of .22 caliber may be carried during big game season, but are not allowed for shooting moose.

#### **SUBDIVISION 14. BOW AND ARROW RESTRICTIONS**

- (A) Hunting Moose with the use of a Bow and Arrow shall be permissible provided provisions addressing such equipment and other conditions of this code are complied with.

- (B) Bows must have pull of no less than 40 pounds at, or before, full draw.
- (C) Arrow heads for big game hunting must be made of an all steel barbless design. All arrow heads used for big game hunting must be kept sharp and have at least two (2) cutting edges with a diameter of at least 7/8" of an inch.

#### **SUBDIVISION 15. CROSSBOWS**

A person may hunt with a crossbow during the regular moose season. At other times, a person may not hunt with a crossbow or possess a crossbow in a motor vehicle unless the crossbow is not armed with a bolt or arrow. Disabled persons with a valid permit may also hunt with crossbows pursuant to Section III, Subdivision 13 (B).

#### **SUBDIVISION 16. BAG LIMIT**

There shall be no more than one (1) moose taken per moose permit issued to 1854 Ceded Territory moose hunting party holders.

#### **SUBDIVISION 17. PROHIBITED ACTS**

- (A) There shall be no hunting within 500 feet of any public campground, during the season within which it is open for public use, or within 500 feet of any occupied or unoccupied dwelling, and any building housing livestock animals without written permission.
- (B) No person may discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway (including but not limited to federal, state, county, and township roadways) at a big game animal or a decoy of a big game animal that has been set out by a licensed peace officer.
- (C) The taking of big game by shining is prohibited as defined in Section II, Subdivision 61 of this code.
- (D) Set guns, swivel guns, snares, artificial lights, fully automatic rifles, or dogs shall not be used for taking of moose.
- (E) It shall be unlawful to use any flying craft or aircraft for the purpose of locating, or taking any moose.
- (F) During closed hunting hours and seasons it shall be unlawful to discharge a firearm or arrow at any animal decoy placed out by a law enforcement officer.
- (G) No Band member shall permit a non-Band member or a Band member who does not possess a permit required by Subdivision 5 of this section to assist or participate in taking a moose. See Section II, subdivision 71 for the definition of "taking."

## **SECTION VII - SMALL GAME HUNTING**

### **SUBDIVISION 1. CEDED TERRITORY IDENTIFICATION CARDS AND PERMITS**

Every band member who takes small game within the Ceded Territory, shall have in their possession a valid Ceded Territory identification card, and if required, a valid permit.

### **SUBDIVISION 2. AGE REQUIREMENT AND LIABILITY**

Band Members under the age of sixteen (16) years shall have a valid firearm safety certificate on their person. Band members under the age fourteen (14) shall be accompanied by a parent or guardian who shall be responsible and liable for the action of the minor.

Youth age twelve (12) and under may hunt small game without a firearms safety certificate, if accompanied by a parent or guardian.

### **SUBDIVISION 3. SEASON, DAILY AND POSSESSION LIMITS**

- (A) Small game season, daily bag limits and possession limits shall be designated annually by the 1854 Treaty Authority Executive Director and posted publicly at least fourteen (14) days prior to the season opening.
- (B) A band member may possess any number of small game that has been processed and prepared for personal use.

### **SUBDIVISION 4. HUNTING HOURS**

The taking of small game shall be from one-half hour before sunrise to sunset, except raccoon, which may be taken between sunset and sunrise with certain limitations.

### **SUBDIVISION 5. PERMISSIBLE MEANS OF TAKING**

Band Members may use any permissible means to take small game, including the use of dogs.

### **SUBDIVISION 6. SALE OF SMALL GAME**

- (A) Band members may sell to any person, the hide, claws, talons, tails and all plumage, including wings of any small game lawfully taken pursuant to this code.
- (B) Band Members may not sell to any person the whole carcass of any small game lawfully taken pursuant to this code.

### **SUBDIVISION 7. PROHIBITIONS**

- (A) Band Members shall not use artificial light to take any small game animal, except

raccoon, with the following limitations:

- (1) THE BAND MEMBER MUST BE ON FOOT.
  - (2) THE RACCOON MUST BE TREED OR PUT AT BAY BY DOG.
- (B) Band Members shall not disturb the hole, nest, or den of any small game animal while taking or attempting to take any small game animal.
- (C) You may not take small game unless a visible portion of at least one article of clothing above the waist is blaze orange, except when hunting wild turkeys, raccoons, predators, when hunting by falconry, or while trapping.

#### **SUBDIVISION 8. NO COMMERCIAL HARVEST**

No person shall take small game in the Ceded Territory for commercial purposes, except that furbearing animals may be trapped for commercial purposes in accordance with this Code.

#### **SUBDIVISION 9. FURS**

The pelts of furbearing animals taken by hunting shall be subject to the same registration, tagging and transportation restrictions that would apply if those animals were taken by trapping pursuant to this Code.

#### **SUBDIVISION 10. WEAPONS**

Small game may be taken by the use of firearms or bows and arrows. Rifles and handguns of any caliber and shotguns of any gauge may be used, except that persons hunting raccoon by firearm at night with the aid of artificial lights shall use only rifles or pistols of .22 rimfire caliber or shotguns with fine shot.

## **SECTION VIII - TRAPPING OR SNARING FUR-BEARING ANIMALS**

### **SUBDIVISION 1. CEDED TERRITORY IDENTIFICATION CARDS AND PERMITS**

Every Band member who takes game by means of trapping or snaring fur-bearing animals within the Ceded Territory shall have in their possession a valid Ceded Territory identification card, and all valid permits and tags if required by this code.

### **SUBDIVISION 2. SEASON, DAILY AND POSSESSION LIMITS**

Seasons, daily bag and possession limits shall be designated annually by the 1854 Treaty Authority Executive Director at least fourteen (14) days prior to the season opening.

### **SUBDIVISION 3. SALE OF GAME**

Band members may sell to any person, the pelt, claws, tails, and teeth of any furbearing animal lawfully taken pursuant to this code. A band member may also sell to any person the whole carcass of any furbearing animal lawfully taken and registered pursuant to this section.

### **SUBDIVISION 4. EQUIPMENT IDENTIFICATION**

A person may not set a trap or snare unless the permittees' name and Ceded Territory identification card number is stamped or engraved on a metal tag at least 5/8" inch by 2" inch in size on the trap or snare. Tags are not required for snares used exclusively for capturing cottontail rabbits, snowshoe hares, or jackrabbit.

### **SUBDIVISION 5. FURBEARING REGISTRATION**

The separated pelt of each bobcat, fisher, marten and otter must be presented by the person taking it, to an authorized 1854 Treaty Authority registration station for registration before the pelt is sold but, in no event more than three (3) business days after the seasons closes. A registration tag will be attached to each pelt.

The 1854 Treaty Authority Resource Management Division may be conducting or participating in biological studies, which may require submission of certain carcasses, in whole or in part. You may be requested to submit such carcasses.

### **SUBDIVISION 6. TRAP PLACEMENT AND SIZE RESTRICTIONS**

A PERSON MAY NOT SET, PLACE OR OPERATE:

- (A) Any foot or leghold trap with a jaw opening greater than 8.75" inches;
- (B) Any body-gripping or conibear-type trap with a jaw opening greater than 7.51" inches, except as a waterset (waterset is defined as any body-gripping trap or snare set so that the trap jaws or snare loop are at least half submerged in water) or;

- (C) Any body-gripping or conibear-type trap with a jaw opening greater than 6.5" inches in or within (3) three feet of a culvert, unless as a waterset;

**SUBDIVISION 7. TRAP SETTING AND TENDING**

- (A) A person may set or tend traps any time of day or night.
- (B) A person on foot may use an artificial light to set or tend traps. However, that person may not possess or use a bow and arrow or firearm other than a handgun of .22 or .25 caliber while using the light in the field.
- (C) Any trap capable of capturing a protected animal and not capable of drowning the animal must be tended at least once each calendar day, except for body gripping or conibear type traps. Any trap capable of drowning the captured animal and any body gripping or conibear type trap must be tended at least once each third calendar day, except for traps set under the ice. A trap may not be left untended for more than three consecutive days (for example, a trap set or tended on Saturday would have to be tended again by Tuesday). When a trap is tended, any captured animal must be removed.

**SUBDIVISION 8. TRAP TAMPERING**

- (A) No person may remove or tamper with a trap legally set to take furbearing animals or unprotected species without the written authorization of the trapper or the owner or lessee of the land where the trap is located.
- (B) A trapper may authorize, in writing, another licensed Band Member who possesses all necessary licenses to tend traps set by the trapper, including resetting the trap at the same set. The agent must remove trapped animals.

**SUBDIVISION 9. GENERAL TRAPPING RESTRICTIONS**

- (A) No trap, either set or unset, may be placed or staked before the opening of any trapping season.
- (B) No person may leave any trap placed for a protected wild animal in place, either set or unset, after the close of the applicable trapping season.
- (C) No person may disturb, injure, or destroy any muskrat house or den, except that traps may be set at natural entrances to muskrat burrows and openings may be made in a muskrat house for trapping if all material removed is wetted and used to plug the opening.
- (D) All bobcats, fishers, martens, and otter must be registered prior to selling.
- (E) No person may disturb, injure or destroy any beaver house, dam, burrow, or den.



- (F) No person may set a trap inside any beaver house.
- (G) Mink may not be taken by digging or with the aid of dogs.
- (H) No person may set or maintain any leghold trap within 20' feet of bait located in such a way that it may be seen by soaring birds. Bait is any animal or animal parts including live or dead fish, except that small pieces of fur and feathers may be used for flagging.
- (I) No person may place a leghold trap on a pole, post, tree stump, or other perch more than three (3) feet above the ground, or level of surrounding snow.
- (J) All otter, bobcat, fisher and marten taken shall be registered at 1854 Treaty Authority Registration Stations. The 1854 Treaty Authority will establish registration days for such purposes. Trappers must keep a record of the date of harvest, county of harvest, and sex of each animal harvested. This information must be provided to the registering official at the time of registration, otherwise they may be cited.
- (K) If a violation of an ordinance adopted pursuant to this Code is indicated at the time of registration, the fur of the animal will be seized and a citation to 1854 Treaty Authority Court will be issued.
- (L) Otter, bobcat, fisher and marten taken incidentally before or after the season or in excess of the legal limits therefore shall be registered as provided by this Section and disposed of pursuant to this Code.
- (M) **POSSESSION OF GREEN SKINS**
  - (1) Band members may possess the green skin of a furbearing animal for up to ten (10) days after the close of the open season for that animal.
  - (2) Band members may possess the green skin of a furbearing animal after the tenth (10) day following the close of an open season for the animal provided the animal has been properly registered and a registration tag is affixed to the animal.
  - (3) No band member may affix his/her tag to an animal trapped by another.

#### **SUBDIVISION 10. PURCHASE OF FURS**

Applications for 1854 Treaty Authority fur dealers license must be submitted to the 1854 Treaty Authority's office and then approved by the 1854 Treaty Authority Board. No 1854 Treaty Authority member shall purchase furs from a non-member except with an 1854 Treaty Authority fur dealers license.

#### **SUBDIVISION 11. SHIPMENT OF FURS**

Band members shall mark all fur shipments, showing the number and kinds of hides in the shipment and the name and address of the shipper and of the consignee.

#### **SUBDIVISION 12. SNARES**

Snares may be used by trappers for taking all species of protected wild mammals that may be taken by the use of traps. The use of snares is subject to the following specific regulations and all other general restrictions.

#### **SUBDIVISION 13. GENERAL RESTRICTION AND USE OF SNARES**

- (A) The diameter of a snare loop may not exceed 10" inches.
- (B) Snare cable or wire may not have a diameter exceeding 1/8" inch.
- (C) No person may set, place, or operate a snare in a culvert unless the snare loop is at least half submerged.
- (D) Snares may not be set in well-defined deer trails.
- (E) Snares may not be used with a spring pole or other devices that wholly or partly lift from the ground an animal caught in the snare.
- (F) No snare may be set in such a way that the top of the loop is more the 16" inches above the ground or, when the ground is snow-covered, more the 16" inches above the level of the adjoining trails.
- (G) All snares not capable of drowning the captured animal must be tended at least once every second calendar day.
- (H) No snare set for protected animal may be left in place after the applicable trapping season has closed.

## **SECTION IX - WATERFOWL**

### **SUBDIVISION 1. WATERFOWL REGULATIONS**

Band members will comply with all basic Federal Migratory Bird Hunting Regulations in 50 CFR, Part 20, regarding shooting hours and the manner of taking. Special regulations established by the 1854 Treaty Authority Code also apply.

### **SUBDIVISION 2. SPECIAL PERMITS/REGULATIONS**

It is not necessary for band members to possess a Federal or State Migratory Hunting and Conservation Stamp (duck stamps). Waterfowl may be taken by Band Members in accordance with Federal Regulations or such other restrictions as may be mutually agreed upon between Federal authorities and the 1854 Treaty Authority, which are hereby incorporated herein by reference. In addition, the following restrictions shall apply:

### **SUBDIVISION 3. CEDED TERRITORY IDENTIFICATION CARDS**

Every Band Member who takes migratory birds in the Ceded Territory shall have in their possession a valid Ceded territory identification card.

### **SUBDIVISION 4. AGE REQUIREMENT AND LIABILITY**

Band Members under the age of sixteen (16) years of age must have a valid firearms safety certificate on their person. Band Members under fourteen (14) years of age must be accompanied by a parent or guardian, over the age of eighteen (18), who shall be responsible and liable for the actions of the minor.

### **SUBDIVISION 5. SEASONS, DAILY AND POSSESSION LIMITS, AND SPECIAL REGULATIONS**

The seasons, hours, daily bag, possession limits, and special regulations for migratory birds shall be designated annually by the 1854 Treaty Authority Executive Director and shall be publicly posted a minimum of fourteen (14) days prior to opening of season.

### **SUBDIVISION 6. NO COMMERCIAL HARVEST**

No person shall take waterfowl in the Ceded Territory for commercial purposes or to sell such waterfowl.

### **SUBDIVISION 7. GAME REFUGES AND STATE PARKS**

Except as specifically authorized, none of the provisions of this code shall be construed as modifying or superseding any order establishing game refuges within the State nor as permitting the taking of any wild animals within such refuges or within State Parks.

## **SUBDIVISION 8. STEEL SHOT REGULATIONS**

On all lands and waters within the boundaries of the 1854 Ceded Territory it is unlawful to take geese, ducks, mergansers, coots or moorhens (gallinules) with lead shot or while having any lead shot in possession. Only shot made of steel or such non-toxic material as may be approved by the Director of the U.S. Fish and Wildlife Service may be used.

## **SUBDIVISION 9. BLINDS AND DECOYS ON PUBLIC LANDS AND PUBLIC WATERS**

### **A. BLINDS DEEMED PUBLIC**

When not in use, any blind located on public land or in public waters is deemed public and not the exclusive property of the person or persons who constructed it. Such blinds are open to use by the public on a first come first served basis. Any use of threat or force against another to gain possession of any such blind shall be unlawful.

### **B. ERECTING BLINDS AND PLACING DECOYS**

A person may not erect a blind or place decoys in public waters or on public land more than one (1) hour before the open season. During the open season, a person may not place decoys in public waters or on public lands more than one (1) hour before lawful shooting hours.

### **C. DECOYS**

No person shall place or leave decoys on public lands or public waters except during the period from one (1) hour before legal shooting hours until two (2) hours after the close of legal shooting hours each day.

## **SUBDIVISION 10. TRANSPORTATION OF MIGRATORY GAME BIRDS AND WATERFOWL**

At all times until delivery to the taker's residence or a commercial processing facility, migratory game birds must be transported with a fully feathered wing and fully feathered head attached to each game bird.

## **SUBDIVISION 11. LIVE ANIMALS**

All animals taken pursuant to this code must be killed before being removed from the site where taken.

## **SUBDIVISION 12. DISCHARGE OF FIREARMS BEFORE SHOOTING HOURS IS PROHIBITED**

Persons who are afield intending to take migratory waterfowl shall not load or discharge any firearm lawful for the taking of migratory waterfowl before legal shooting hours.

### **SUBDIVISION 13. WATERCRAFT RESTRICTIONS**

- A. Migratory waterfowl may be taken from a floating watercraft if the craft is drifting, beached, moored, resting at anchor or is being propelled by paddle, oars or pole.
- B. Migratory waterfowl may be taken from a watercraft propelled by motor or sails only if the watercraft has stopped and the motor is shut off and the sails are furled.
- C. A person may not transport any firearm in a boat or other watercraft being propelled by a motor or sail, unless such firearm is unloaded and contained in a case.
- D. No person shall operate or ride in a watercraft unless there is sufficient number of readily available personnel flotation devices (PFD) on board.
- E. A band member may not take migratory waterfowl in open water unless that person is within a natural growth of vegetation sufficient to partially conceal the person or boat.

### **SUBDIVISION 14. BAITING**

A person may not take migratory game birds by the aid of baiting (placing feed such as corn to lure). Hunters should be aware that a baited area is considered to be baited for ten (10) days after the removal of the bait, and it is not necessary for the hunter to know an area is baited to be in violation.

### **SUBDIVISION 15. POSSESSION OF MIGRATORY BIRDS**

- (A) No Band member may possess more than the daily bag or aggregate bag limit of freshly taken migratory birds.
- (B) Band Members may possess any number of migratory birds that have been cleaned and processed.

### **SUBDIVISION 16. PERMISSIBLE MEANS OF TAKING**

Band Members may use any permissible means to take migratory birds, including the use of dogs.

### **SUBDIVISION 17. EMERGENCY CLOSURES**

The 1854 Treaty Authority Executive Director may close or temporarily suspend any season established under this Code.

## **SECTION X - FISH**

### **SUBDIVISION 1. GRAND PORTAGE CODE**

The Grand Portage Code is hereby incorporated into the 1854 Treaty Authority Ceded Territory Conservation Code by reference. All commercial fishing in the Grand Portage Zone shall be subject to the provisions of the Grand Portage Code. All fishing, both commercial and non-commercial, in Grand Portage Bay shall be subject to the provisions of the Grand Portage Code.

### **SUBDIVISION 2. BOIS FORTE CODE FOR NON-COMMERCIAL NETTING**

The Bois Forte Code for Non-Commercial Netting is hereby incorporated into the 1854 Treaty Authority Ceded Territory Conservation Code by reference. All non-commercial netting of game fish in the waters adjacent to the Vermilion Reservation shall be subject to the provisions of the Bois Forte Code for Non-Commercial Netting.

### **SUBDIVISION 3. CEDED TERRITORY IDENTIFICATION CARD AND PERMIT**

Every ceded territory card holder who takes fish in the ceded territory shall have in their possession a valid ceded territory identification card, and if required, a valid permit.

### **SUBDIVISION 4. NOTICE OF SEASONS, LIMITS AND PERMITS**

- (A) Except as provided herein, the establishment of any seasons for the taking of fish shall be by written order of the 1854 Treaty Authority Executive Director. This order shall contain the Ceded Territory season, daily bag limits, possession limits if any, and any special permits if required.
- (B) The written order shall be publicly posted a minimum of fourteen (14) days before the opening of fishing season. In the event of an extended season, the order shall be posted publicly a minimum of ten (10) days prior to the initial closing of the season.

### **SUBDIVISION 5. SPECIAL FISHING PERMITS**

- (A) When the 1854 Treaty Authority Executive Director determines that special fishing permits should be issued, the specific named waters, times, dates and bag limits shall be publicly posted a minimum of fourteen (14) days prior to the issuance of permits.
- (B) A Band member participating in netting activity under this code shall, upon request by an 1854 Treaty Authority staff member or authorized agent, supply the following information including, but not limited to:
  - species and number harvested
  - length, weight, sex and age data

## **SUBDIVISION 6. SNAGGING**

Snagging shall be allowed as long as the bag limits are adhered to. Snagging is prohibited during the spring spawning season and is also prohibited on North Shore streams at all times

## **SUBDIVISION 7. ANGLING - OPEN WATER**

- (A) While angling in open water, each Band Member may use no more than two (2) lines in inland lakes and six (6) lines on Lake Superior with a maximum of two (2) hooks per line.
- (B) While angling in open water, all lines must be attended. Attended means within sight of lines.

## **SUBDIVISION 8. ANGLING - ICE**

### **(A) NUMBER OF LINES**

While ice fishing, each Band member may use no more than four (4) lines (attended, unattended, or both) at any one time and only two (2) lines on designated trout waters.

### **(B) UNATTENDED LINES**

1. All unattended line shall be securely anchored so as not to be dislodged by a hooked fish.
2. Prior to fishing with unattended lines, band members shall inform the 1854 Treaty Authority of his/her name, address, phone number, and of the lakes upon which the band member intends to utilize unattended lines. Band members shall notify the 1854 Treaty Authority if additional lakes are to be fished with unattended lines.
3. A Band Member may not set out an unattended line unless the Band Member's name and Ceded Territory identification number is stamped or engraved on a metal tag at least 5/8" inch by 2" inch in size and attached to the line.
4. The location of each unattended line shall be reasonably marked with an object of a height at least one (1) foot above the snow line so as to be visible to vehicular traffic.
5. Each unattended line must be checked at least once every 24 hours.

### **(C) ICE HOLE SIZES**

Holes for ice fishing (angling and unattended lines) may not exceed twelve (12) inches in diameter.

(D) ICE SHELTERS

All shelters, which include dark houses and fish houses, placed on the ice on 1854 Ceded Territory waters must have (a) the complete name and the Band Member's identification number plainly and legibly printed on the outside in letters and figures at least two (2) inches in height. In addition:

1. All ice fishing shelters shall be removed from the ice on or before March 15 on all waters. Portable shelters may be used after the removal date, but shall be removed from the ice when not in use.
2. No Band Member may erect a dark house, fish house or shelter within ten (10) feet of an existing dark house, fish house or shelter.
3. Shelters left on the ice overnight need to have at least two (2) square inches of reflective material on each side of the house.

**SUBDIVISION 9. SPEARING OPEN WATERS - NON GAME FISH**

- (A) The spearing of non game fish will not require a special permit.
- (B) 1854 Treaty Authority ceded territory card holders may spear non game fish in any open water in the ceded territory unless otherwise prohibited.

**SUBDIVISION 10. SPEARING ICE - ROUGH FISH, CATFISH, LAKE WHITEFISH, AND NORTHERN PIKE**

- (A) The spearing of fish through the ice will not require a special permit.
- (B) 1854 Ceded Territory card holders shall not take fish with a spear that does not meet the requirements of section II, subdivision 65.
- (C) 1854 Ceded Territory card holders may spear through the ice with a valid identification card in their possession.
- (D) The use of tip ups and angling for fish around or within the same fish house used for spearing is prohibited.
- (E) The use of artificial light in the taking of fish through the ice is prohibited.
- (F) Spearing holes shall not exceed 24" inches by 36" inches.
  - (1) When the fish house is moved, open spearing holes shall be clearly marked with an object, at least one (1) foot above the snowline, in order to be visible to other fisherman.



### **SUBDIVISION 11. ARCHERY FISHING**

- (A) Rough fish may be taken by bow and arrow from July 1 through December 31, from sunrise to sunset.
- (B) Only hand-drawn longbows (including compound bows) are legal.
- (C) Arrows may only have one point, which must be barbed, and must be attached by a line to a bow.

### **SUBDIVISION 12. COMMERCIAL HARVEST**

- (A) There shall be no taking of game fish in Lake Superior outside the Grand Portage Zone for commercial purposes.
- (B) There shall be no taking of game fish in inland waters for commercial purposes.
- (C) Commercial taking of non-game fish, including whitefish, shall be allowed only in designated lakes and under rules prescribed by the 1854 Treaty Authority. Game fish species incidentally taken in connection with commercial fishing may not be sold.
- (D) Commercial fishing will require a special permit in addition to a valid ceded territory identification card.

### **SUBDIVISION 13. GAME FISH - NETTING**

The use of nets for the taking of game fish is prohibited except where provided for in the Code.

### **SUBDIVISION 14. WHITEFISH NETTING**

- (A) SEASONS - Taking of whitefish shall be allowed only in designated lakes and seasons prescribed by the 1854 Treaty Authority.

- (B) PERMITS REQUIRED

The use of nets for the taking of whitefish shall not require a special permit issued by the 1854 Treaty Authority. A valid 1854 Ceded Territory identification card must be in possession.

- (C) NET RESTRICTIONS

- (1) MARKING - All nets shall have a metal or plastic tag, bearing in the English language the Band Member's name, address, and Ceded Territory identification card number attached to one end of the float line near the first float. Tag must be a minimum of 2-1/2" inches (two and one half) by 5/8" inch.

One end of the net must have a pole, stake, or buoy projecting at least two feet above the surface of the water or ice.

- (2) **SETTING/TENDING** - Nets must be set and lifted by a valid 1854 Identification Card holder only.

Nets must be tended every 24 hours.

Nets may not be set after sunset or raised before sunrise.

Any part of the net may not be set in any water deeper than six (6) feet, measured from the lake bottom to the top surface of the water or ice.

A net may not be set within 50' feet of another net.

No band member shall use more than 200' feet of net at any one time.

- (3) **MESH SIZE** - Each net used for taking fish shall not have a mesh size smaller than 1-3/4" inches (one and three quarter) and no larger than 2-1/4" inches (two and one quarter) stretch mesh.

(D) **INCIDENTAL TAKE**

- (1) **GAME FISH** - game fish incidentally taken during whitefish netting shall not be bought, sold, or discarded.

- (2) **ROUGH FISH** - rough fish incidentally taken during whitefish netting shall not be returned to the water and shall not be left on the banks of any water.

**SUBDIVISION 15. DIP NETS/SEINES**

(A) **SMELT**

Dip nets may be used for taking smelt. Minnow seines not more than 25' feet long or four (4) feet deep may be used to take smelt in the St. Louis River and in Lake Superior when more than 100' feet from the mouth of any stream.

(B) **ROUGH FISH - DIP NETS/SEINES**

1. Rough Fish may be taken by means of hand held dip nets having a diameter not exceeding 24" inches.
2. Rough Fish may NOT be taken by dip netting in any designated trout stream or lake, posted spawning area, or any water where spawning, trapping, or hatchery operations are being carried on.

3. Rough fish may not be taken by use of seines.

#### **SUBDIVISION 16 BAIT FISHING, MINNOWS, AND/OR LEECHES PERSONAL USE**

- (A) The minnow or leech traps must bear the name and ceded territory card number of the band member on a metal tag no less than 5/8" inch by 2" inches and no thinner than 30 gauge.
- (B) The 1854 Ceded Territory card holder must handle, transport, or hold the minnows or leeches in a manner that will reasonably ensure that they are kept alive and healthy and will not cause waste and wanton destruction of the natural resource.
- (C) The 1854 ceded territory card holder shall return promptly any unharmed game fish incidentally taken in the minnow/leech net or trap.
- (D) The 1854 Ceded Territory Card Holder may take any amount of minnows or leeches for personal use, but collection for commercial use requires a permit from the 1854 Treaty Authority Resource Management Division.
- (E) Minnows may not be harvested from infested waters, either for personal or commercial use. A list of infested waters is available from the 1854 Treaty Authority.

#### **SUBDIVISION 17. SALE OF FISH**

No 1854 ceded territory card holder shall sell any game fish to any person, either whole or filleted.

#### **SUBDIVISION 18. TRANSPORTATION OF FISH**

- (A) An 1854 Ceded territory card holder shall transport, whether whole or filleted, in such a manner that the species and number may be verified by a one (1) square inch patch of skin and/or scale.
- (B) An 1854 Ceded territory card holder shall not transport freshly caught fish exceeding the daily limit.
- (C) An 1854 Ceded territory card holder shall have in their possession their ceded territory identification card and required special permits and tags while transporting fish.

#### **SUBDIVISION 19. SPECIAL RULES AND REGULATIONS**

- (A) Angling hours on Lake Superior tributaries below the posted boundaries are from one hour before sunrise to one after sunset, exceptions are the St., Louis River (St. Louis and Carlton County).

- (B) Anglers are restricted to a single hook only, no treble hooks, on Lake Superior tributary streams and rivers up to the Minnesota posted boundaries. Exceptions are the St. Louis River (St. Louis and Carlton Counties).
- (C) It is illegal for anglers to transport live fish, including in live well of trailered boat.
- (D) The using of whole game fish, Goldfish, or Carp for bait is unlawful under this code, except smelt and Cisco.
- (E) Possessing or using live minnows on Minnesota designated trout streams, and stream trout lakes is unlawful under this code. Only dried, frozen, or pickled (brined) minnows are allowed.
- (F) The use of explosives, firearms, chemicals, (not including fish scents), or electricity for taking fish is unlawful under this code.
- (G) Depositing garbage, rubbish, poisonous substances, or chemicals harmful to aquatic life into public waters, onto public ice, or onto public lands is unlawful under this code.
- (H) Importing live minnows into Minnesota for use as bait is unlawful under this code.
- (I) Some ponds and lakes are licensed for private aquaculture use. If you trespass to gain access to these waters for fishing, you may be in violation of this fishing code, and you may be charged in addition to trespassing laws.
- (J) Rough fish may not be taken by spear, harpoon, archery, casting net, fish traps, or dip net in a Minnesota designated trout lake or stream.
- (K) Speared rough fish may not be returned to the water nor shall speared fish of any kind be left on the banks or in the water of any lake or stream.
- (L) The snapping turtle possession limit is three (3). Minimum size limit is 10" inches measured side to side across the shell at midpoint.
- (M) Turtles may be taken by angling, bow and arrow, spearing, turtle hooks and hand.
- (N) An 1854 ceded territory card holder and their band enrolled children under the age of sixteen (16) may take, possess, and transport turtles for personal use only.
- (O) Blanding Turtles and Wood Turtles are threatened species and may not be taken or possessed.
- (P) Fish in cold storage do not count towards a possession limit if within your home or abode.
- (Q) A person who stores fish for another must plainly mark the package, in ink with the

name, address, and 1854 ceded territory card number of the owner of the fish on the package.

- (R) Experimental and special fishing regulations which differ from normal 1854 Ceded Territory fishing code will be used to manage a specific lake or stream in a special way. These regulations help the 1854 Treaty Authority improve fishing quality, protect unique fisheries, provide additional fishing opportunities, or protect threatened species. The 1854 Treaty Authority Executive Director will post any special regulations 14 days before that season will open at the Treaty Authority main office, on the 1854 Treaty Authority webpage, and mail notices to each of the RTC councils.
- (S) It is a violation of this code to introduce any prohibited species into the waters in the Ceded Territory. Introduce is defined as “to place, release, or allow the escape of a non-native species into a free-living state.

**SUBDIVISION 20. NEW SPECIAL REGULATION(S) AS NEEDED**

- (A) The 1854 Treaty Authority Executive Director may adopt special regulations as needed at anytime to protect the natural resources in the 1854 ceded territory.
- (B) These regulations will be posted fourteen (14) days before the effective date of the new regulation is to take effect.
- (C) The 1854 Treaty Authority Executive Director will post any special regulations at the Treaty Authority main office, on the 1854 Treaty Authority webpage, and mail/fax notices to each of the RTC offices.