

**NOTTAWASEPPI HURON BAND OF THE
POTAWATOMI**

**HUNTING AND TRAPPING CODE
Resolution No. 10-22-09-01 93596.9**



TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS

SEC.101. TITLE 1
SEC.102. PURPOSES 1
SEC.103. SEVERABILITY..... 1
SEC.104. EFFECTIVE DATE 1
SEC.105. INTERPRETATION 1
SEC.106. NON-LIABILITY; SOVEREIGN IMMUNITY PRESERVED 1

ARTICLE II DEFINITIONS

SEC.201. DEFINITIONS..... 2

ARTICLE III HUNTING AND TRAPPING REGULATIONS

SEC. 301. ADOPTION OF 2009 MICHIGAN HUNTING AND TRAPPING GUIDE..... 3
SEC. 302. LICENSE AND PERMIT REQUIRED 4
SEC. 303. REGULATIONS APPLICABLE TO HUNTING/TRAPPING ON TRIBAL LANDS 5
SEC. 304. DESIGNATION OF HUNTING UNITS ON TRIBAL LANDS 5
SEC.305. REVOCATION OF HUNTING AND TRAPPING PRIVILEGES 6
SEC.306. PROHIBITED CONDUCT; VIOLATIONS 7
SEC.307. ENFORCEMENT AND PENALTIES..... 9

ARTICLE 1. GENERAL PROVISIONS

SEC. 101. TITLE. THE TITLE OF THIS CODE SHALL BE THE NHBP HUNTING AND TRAPPING.

SEC. 102. PURPOSE. THE PURPOSE OF THIS CODE IS TO:

- A. REGULATE THE HARVESTING OF WILDLIFE AND VEGETATION ON THE TRIBE'S RESERVATION LANDS TO ENSURE THAT HUNTING IS CONDUCTED IN WAYS THAT ARE SAFE FOR THOSE PERSONS HUNTING AND THAT WILDLIFE AND VEGETATION POPULATIONS ARE MANAGED AT SUSTAINABLE LEVELS.
- B. INITIATE A PERMIT SYSTEM TO BE ADMINISTERED BY THE ENVIRONMENTAL DEPARTMENT OF THE TRIBE TO REGULATE HUNTER NUMBERS ON ALL TRIBAL PROPERTIES TO MINIMIZE USER CONFLICTS.
- C. PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE TRIBE, ITS CITIZENS AND VISITORS TO THE TRIBE'S RESERVATION.
- D. PROTECT AND REINFORCE TRADITIONAL LIFESTYLES AND CULTURE BY PROTECTING THE NATURAL ENVIRONMENT OF TRIBAL LAND, ITS FORESTS, WILDLIFE, AND NATURAL RESOURCES.

SEC. 103. SEVERABILITY. IF ANY PROVISION OF THIS CODE IS FOUND TO BE UNCONSTITUTIONAL OR UNLAWFUL BY THE COURTS OF THE TRIBE OR THE FEDERAL COURTS, SUCH PROVISION(S) SHALL BE STRUCK AND THE REMAINDER OF THIS CODE SHALL CONTINUE IN FULL FORCE AND EFFECT.

SEC. 104. EFFECTIVE DATE. THIS CODE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ENACTMENT BY RESOLUTION OF THE TRIBAL COUNCIL.

SEC. 105. INTERPRETATION. IN ITS INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS CODE SHALL BE HELD TO BE MINIMUM REQUIREMENTS AND SHALL BE LIBERALLY CONSTRUED IN FAVOR OF THE TRIBE AND SHALL NOT BE DEEMED AS A LIMITATION UPON OR REPEAL OF ANY OTHER TRIBAL POWER OR AUTHORITY.

SEC. 106. NON-LIABILITY; SOVEREIGN IMMUNITY PRESERVED. THE TRIBE DECLARES THAT THERE IS NO LIABILITY ON THE PART OF THE TRIBE, ITS AGENCIES, AGENTS OR EMPLOYEES FOR ANY DAMAGES WHICH MAY OCCUR AS A RESULT OF ANY PERSON'S RELIANCE UPON THIS CODE OR ANY ACTION TAKEN BY THE ENVIRONMENTAL DEPARTMENT OR OTHER OFFICIALS, EMPLOYEES OR AGENTS OF THE TRIBE IN THE ADMINISTRATION OF THIS CODE. THE TRIBE BY THE ADOPTION OF THIS CODE DOES NOT WAIVE ITS SOVEREIGN IMMUNITY IN ANY RESPECT.

ARTICLE 2. DEFINITIONS

SEC. 201. DEFINITIONS

- A. *BIG GAME*— WHITETAIL DEER, BLACK BEAR, WILD TURKEY, AND MOOSE.
- B. *BOW* - A WEAPON CONSTRUCTED FROM WOOD, PLASTIC, METAL, OR OTHER MATERIAL WITH A CORD CONNECTING THE TWO ENDS WHEN BENT OR STRUNG, AND BY MEANS OF WHICH AN ARROW IS PROPELLED WHEN DRAWN AND RELEASED BY HAND.
- C. *CASED OR ENCASED*- STORAGE OF A FIREARM OR BOW IN ANY DEVICE OR CASE MADE TO CONTAIN A FIREARM OR BOW SO THAT NO PORTION IS EXPOSED.
- D. *CROSSBOW*- A DEVICE USING A BOW THAT, ONCE DRAWN, IS HELD SOLELY BY MEANS OTHER THAN THE EFFORT OF THE PERSON FIRING IT.
- E. *DISABLED TRIBAL HUNTER*- A PERSON WHO HAS BEEN DIAGNOSED BY A CERTIFIED PHYSICIAN TO BE PERMANENTLY PHYSICALLY DISABLED.
- F. *ENDANGERED SPECIES* - ANY SPECIES OF WILDLIFE OR PLANT DESIGNATED AS RARE, THREATENED, OR ENDANGERED BY THE ENVIRONMENTAL DEPARTMENT, OR THE UNITED STATES DEPARTMENT OF THE INTERIOR PURSUANT TO 50 C.F.R. PART 17.
- G. *ENFORCEMENT OFFICER* - ANY TRIBAL ENFORCEMENT OFFICER AUTHORIZED BY TRIBAL LAW TO ENFORCE TRIBAL CONSERVATION REGULATIONS, OR FEDERAL ENFORCEMENT AGENTS, INCLUDING SPECIAL AGENTS OF THE U.S. FISH AND WILDLIFE SERVICE, OR OTHER PERSONS DEPUTIZED BY THE TRIBAL COUNCIL TO ENFORCE THESE REGULATIONS.
- H. *ENVIRONMENTAL DEPARTMENT*— THE ENVIRONMENTAL DEPARTMENT OF THE TRIBE, OR ITS SUCCESSOR.
- I. *FEE LANDS* – TRIBAL LANDS IN WHICH THE LEGAL TITLE IS HELD BY THE TRIBE AND WHICH HAVE NOT BEEN TRANSFERRED TO THE UNITED STATES TO HOLD LEGAL TITLE IN TRUST FOR THE TRIBE.
- J. *FIREARM* - A WEAPON FROM WHICH DANGEROUS PROJECTILES MAY BE PROPELLED BY USE OF EXPLOSIVES, GAS, OR AIR AS A MEANS OF PROPULSION.

- K. FURBEARER* - FUR BEARING ANIMALS INCLUDING COYOTE, RED FOX, GRAY FOX, BOBCAT, BEAVER, OTTER, MUSKRAT, MINK, WEASEL, SKUNK, RACCOON, BADGER, AND OPOSSUM.
- L. MIGRATORY BIRDS* - THOSE BIRDS INCLUDED IN THE TERMS OF THE CONVENTION BETWEEN THE UNITED STATES AND ANY OTHER COUNTRY FOR THE PROTECTION OF MIGRATORY BIRDS AND FOR WHICH OPEN SEASONS ARE PRESCRIBED IN THESE REGULATIONS, INCLUDING DUCKS, GEESE, SWANS, DOVES, PIGEONS, RAILS, COOTS, GALLINULES, WOODCOCK AND SNIPE.
- M. PHYSICIAN* - A PERSON DULY LICENSED BY ANY STATE IN THE UNITED STATES TO PRACTICE MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY.
- N. RESERVATION OR TRUST LANDS* – THOSE LANDS THE LEGAL TITLE TO WHICH IS HELD IN TRUST FOR THE TRIBE BY THE UNITED STATES.
- O. SAFETY ZONE* - ANY AREA WITHIN 150 YARDS (450 FEET) OF ANY OCCUPIED COMMERCIAL STRUCTURE, PUBLIC STRUCTURE, DWELLING HOUSE, RESIDENCE CABIN, CAMP, COTTAGE, BARN, OR OTHER BUILDING USED IN CONNECTION THEREWITH.
- P. SMALL GAME* - RUFFED GROUSE (PARTRIDGE), RING-NECK PHEASANT, COTTONTAIL RABBIT, GRAY SQUIRREL, BLACK SQUIRREL, FOX SQUIRREL, RED SQUIRREL, QUAIL, WOODCHUCK, AND CROW.
- Q. THREATENED SPECIES* - A SPECIES AT RISK OF BECOMING ENDANGERED AS DETERMINED BY OFFICIAL ACTION OF THE ENVIRONMENTAL DEPARTMENT OR BY THE UNITED STATES DEPARTMENT OF INTERIOR.
- R. TRANSPORT OR TRANSPORTATION* - CARRYING OR MOVING BY ANY VEHICLE OR VESSEL, CAUSING TO BE CARRIED OR MOVED OR ATTEMPTING TO DO SO, OR ACCEPTING OR RECEIVING WILD ANIMALS, PLANTS, OR FISH OR ANY PARTS THEREOF.
- S. TRIBE* - THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI.
- T. TRIBAL COURT* - THE TRIBAL JUDICIARY ESTABLISHED UNDER ARTICLE X OF THE CONSTITUTION OF THE NOTTAWASEPPI HURON BAND OF THE POTAWATOMI, OR ANY SUCCESSOR PROVISION.
- U. TRIBAL HUNTING PERMIT* – A PERMIT ISSUED UNDER SECTION 302 OF THIS CODE, WHICH AUTHORIZES A PERSON OR PERSONS TO ENGAGE IN HUNTING OR TRAPPING ACTIVITIES ON TRIBAL LANDS.

- V. *TRIBAL MEMBERS* - A PERSON ENROLLED IN THE TRIBE PURSUANT TO THE CONSTITUTION AND LAWS OF THE TRIBE GOVERNING CITIZENSHIP AND ENROLLMENT.
- W. *WILD ANIMALS* - ALL CREATURES, NOT HUMAN, WILD BY NATURE, ENDOWED WITH SENSATION, AND POWER OF VOLUNTARY MOTION, WHICH INCLUDES QUADRUPEDS, MAMMALS, BIRDS, FISH, AMPHIBIANS, REPTILES, CRUSTACEANS, INSECTS, AND MOLLUSKS.

ARTICLE III. HUNTING AND TRAPPING REGULATIONS

SEC. 301. ADOPTION OF 2009 MICHIGAN HUNTING AND TRAPPING GUIDE

- A. *APPLICATION TO HUNTING AND TRAPPING ON RESERVATION OR TRUST LANDS.* EXCEPT AS IT RELATES TO LICENSING REQUIREMENTS OR AS OTHERWISE EXPRESSLY PROVIDED IN THIS CODE, THE REGULATIONS CONTAINED IN THE 2009 MICHIGAN HUNTING AND TRAPPING GUIDE ARE HEREBY INCORPORATED BY REFERENCE AS IF FULLY SET FORTH HEREIN AND ALL HUNTING AND TRAPPING ACTIVITIES CONDUCTED ON RESERVATION OR TRUST LANDS SHALL BE UNDERTAKEN IN CONFORMITY WITH THOSE REGULATIONS.
- B. *APPLICATION TO HUNTING AND TRAPPING ON TRIBAL FEE LANDS.* EXCEPT AS IT RELATES TO THE REQUIREMENTS FOR OBTAINING A TRIBAL HUNTING PERMIT, ALL HUNTING AND TRAPPING ACTIVITIES CONDUCTED ON TRIBAL FEE LANDS ARE SUBJECT TO THE REGULATORY JURISDICTION OF THE STATE OF MICHIGAN AND MUST BE CONDUCTED IN CONFORMITY WITH THE 2009 MICHIGAN HUNTING AND TRAPPING GUIDE.

SEC. 302. LICENSES AND PERMITS REQUIRED

- A. ANY PERSON HUNTING ON ANY TRIBAL LANDS (FEE OR TRUST) SHALL BE REQUIRED TO HAVE IN HIS/HER POSSESSION A TRIBAL HUNTING PERMIT ISSUED BY THE ENVIRONMENTAL DEPARTMENT WHICH AUTHORIZES THAT PERSON, OR MINOR CHILDREN OF THAT PERSON, TO HUNT ON THE HUNTING UNIT. EACH HUNTING PERMIT ISSUED BY THE ENVIRONMENTAL DEPARTMENT SHALL INCLUDE THE FOLLOWING INFORMATION:
 - 1. NAME AND TRIBAL I.D. NUMBER OF EACH HUNTER(S);
 - 2. HUNTING UNIT UPON WHICH SUCH HUNTER IS GRANTED ACCESS;
AND

3. THE DAY(S) OR DATES ON WHICH THE HUNTER IS GRANTED ACCESS TO THE HUNTING UNIT.
 4. DESIGNATION OF THE BIG GAME AND/OR SMALL GAME BEING HUNTED AND/OR THE FURBEARERS BEING TRAPPED
- B. IN ADDITION TO THE TRIBAL HUNTING PERMIT DESCRIBED IN PART A OF THIS SECTION, ANY PERSON HUNTING ON FEE LANDS OWNED BY THE TRIBE SHALL BE REQUIRED TO HAVE IN HIS/HER POSSESSION A VALID MICHIGAN HUNTING LICENSE AND ANY OTHER PERMIT(S) THAT MAY BE REQUIRED BY MICHIGAN LAW.
- C. *WHO CAN REQUEST A TRIBAL HUNTING PERMIT? ONLY TRIBAL MEMBERS, SPOUSES OF TRIBAL MEMBERS AND PERSONS RESIDING ON TRIBAL LANDS ARE ELIGIBLE TO REQUEST/RECEIVE A TRIBAL HUNTING PERMIT. THE TRIBAL COUNCIL MAY, BY MAJORITY VOTE, APPROVE TRIBAL HUNTING PERMITS FOR THE FOLLOWING PERSONS:*
1. MEMBERS OF OTHER FEDERALLY-RECOGNIZED INDIAN TRIBES WHO HAVE A SOCIAL OR POLITICAL RELATIONSHIP TO THE PINE CREEK RESERVATION COMMUNITY; AND
 2. EMPLOYEES OF THE TRIBE.
- D. *RULES.* THE ENVIRONMENTAL DEPARTMENT SHALL, WITHIN 30 DAYS FOLLOWING ADOPTION OF THIS CODE, ISSUE SUCH RULES AS MAY BE NECESSARY TO IMPLEMENT THE TRIBAL HUNTING PERMITS AUTHORIZED BY THIS CODE. THOSE RULES SHALL BE APPROVED BY TRIBAL COUNCIL BY MEANS OF MAJORITY VOTE.

SEC. 303. REGULATIONS APPLICABLE TO HUNTING/TRAPPING ON TRIBAL LANDS

- A. ANIMAL CARCASSES ARE NOT TO BE LEFT ON TRIBAL LANDS. FAILURE TO PROPERLY DISPOSE OF ANIMAL CARCASSES CAN RESULT IN PERMANENT REVOCATION OF HUNTING PRIVILEGES.
- B. *BLINDS AND TREE-STANDS*
1. THE REGULATIONS APPLICABLE TO THE PLACEMENT OF TREE-STANDS, BLINDS AND PLATFORMS ON PUBLIC LANDS CONTAINED IN THE 2009 MICHIGAN HUNTING AND TRAPPING GUIDE SHALL APPLY TO ALL TRIBAL LANDS.
 2. PORTABLE BLINDS CAN BE PUT IN PLACE IN SEPTEMBER BEFORE THE 20TH. THE OWNER'S NAME, ADDRESS AND PHONE NUMBER MUST BE FIXED TO THE BLIND IN AN EASILY OBSERVABLE LOCATION. ALL PORTABLE BLINDS MUST BE REMOVED FROM

TRIBAL LANDS BY JANUARY 20TH OF THE FOLLOWING YEAR OR THEY BECOME PROPERTY OF THE TRIBE.

- 3 ANY PERSON WISHING TO PLACE A BLIND OR PLATFORM ON TRIBAL LANDS MUST FIRST OBTAIN WRITTEN AUTHORIZATION FROM THE ENVIRONMENTAL DEPARTMENT. UNREGISTERED/UNLABELED BLIND OR PLATFORMS MAY BE REMOVED AT THE DIRECTION OF THE ENVIRONMENTAL DEPARTMENT. REMOVAL COSTS TO BE CHARGED TO THE OWNER IF THEIR IDENTITY CAN BECOME KNOWN.

SEC. 304. DESIGNATION OF HUNTING UNITS ON TRIBAL LANDS.

- A. THE "HUNTING UNITS" OR AREAS WHERE HUNTING IS ALLOWED ON TRIBAL PROPERTY ARE DESCRIBED AS FOLLOWS:
 1. UNIT ONE- PINE CREEK RESERVATION PROPERTY LOCATED WEST OF THE INDIAN CREEK DRAIN;
 2. UNIT TWO- PINE CREEK RESERVATION PROPERTY LOCATED IN THE NORTHEAST CORNER OF THE RESERVATION BORDERED BY PINE CREEK TO THE EAST, 1 1/2 MILE ROAD ON THE WEST AND THE CEMETERY TO THE SOUTH;
 3. UNIT THREE- PINE CREEK RESERVATION PROPERTY IN THE SOUTHEAST CORNER OF THE RESERVATION BORDERED BY PINE CREEK ON THE EAST, 1 1/2 MILE ROAD ON THE WEST, AND THE CEMETERY TO THE NORTH;
 4. UNIT FOUR- "Q" DRIVE PROPERTY NORTH OF "Q" DRIVE SOUTH INCLUDING THE FARM FIELD AND WOOD LOT ACCESSIBLE VIA THE ROAD ACROSS THE WETLANDS. THIS UNIT IS ALSO KNOWN AS THE WETLAND RESERVE PROGRAM PROPERTY;
 5. UNIT FIVE - PROPERTY ON THE SOUTH SIDE OF "Q" DRIVE SOUTH.
 6. UNIT SIX - PROPERTY NORTH OF "T" DRIVE SOUTH, WHICH IS ALSO ADJACENT TO THE PINE CREEK RESERVATION.
 7. UNIT SEVEN - PROPERTY SOUTH OF "T" DRIVE SOUTH WHICH IS NORTH OF SNYDER DRAIN.,
 8. UNIT EIGHT - PROPERTY SOUTH OF "T" DRIVE SOUTH WHICH IS SOUTH OF SNYDER DRAIN.
- C. THE ENVIRONMENTAL DEPARTMENT MAY CLOSE ANY UNIT (OR PORTION THEREOF) TO HUNTING AND/OR TRAPPING ACTIVITIES ON PARTICULAR DAYS OF THE WEEK OR FOR THE ENTIRE SEASON IF NECESSARY TO

PROTECT CONTRACTORS PERFORMING WORK ON THAT UNIT OR AS MAY BE NECESSARY TO ESTABLISH A SAFETY ZONE AROUND ANY OTHER AUTHORIZED USERS IN THAT UNIT.

- D. THERE CAN BE NO MORE THAN 4 HUNTERS HUNTING ON ANY UNIT AT ANY TIME. THE PERMITS SHALL BE ISSUED ON A FIRST COME FIRST SERVE BASIS NOT TO PRECEDE THE OPENING DAY FOR ANY PARTICULAR SEASON BY 60 DAYS.

SEC. 305. REVOCATION OF HUNTING AND TRAPPING PRIVILEGES. FORFEITURE OR REVOCATION OF HUNTING AND TRAPPING PRIVILEGES ON TRIBAL PROPERTY CAN HAPPEN WITH OR WITHOUT NOTICE AND BE EFFECTIVE IMMEDIATELY AT THE DISCRETION OF THE ENVIRONMENTAL DEPARTMENT IF ANY OF THE FOLLOWING OCCUR:

- A. ANY ALCOHOL OR ILLEGAL DRUGS ARE FOUND IN ANY MOTOR VEHICLE THAT IS USED FOR THE TRANSPORTATION OF ANY PERSON HUNTING OR GATHERING PURSUANT TO THIS ORDINANCE;
- B. ANY PERSON, WHILE HUNTING OR GATHERING IS UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS;
- C. ANY PERSON IS DESTROYING ANY TRIBAL PROPERTY OR LITTERING ON TRIBAL PROPERTY; OR
- D. ANY PERSON WHILE HUNTING OR GATHERING BEHAVES IN ANY NEGLIGENT, RECKLESS OR UNSAFE MANNER SO AS TO ENDANGER THEMSELVES, OTHER HUNTERS, THE GENERAL PUBLIC, TRIBAL MEMBERS, TRIBAL EMPLOYEES, PERSONS LIVING ON TRIBAL PROPERTY OR OTHER PERSONS HUNTING, FISHING, TRAPPING OR GATHERING.

ANY PERSON WHOSE HUNTING OR TRAPPING PRIVILEGES HAVE BEEN REVOKED SHALL HAVE THE RIGHT TO APPEAL THE ACTION TO THE ENVIRONMENTAL DEPARTMENT BY FILING AN ACTION IN THE TRIBAL COURTS. THE INDIVIDUAL SEEKING REINSTATEMENT OF HIS/HER HUNTING OR TRAPPING PRIVILEGES SHALL HAVE THE BURDEN OF DEMONSTRATING, WITH A PREPONDERANCE OF THE EVIDENCE THAT THE DECISION OF THE ENVIRONMENTAL DEPARTMENT WAS WITHOUT CAUSE OR BASIS IN FACT.

SEC. 306. PROHIBITED CONDUCT; VIOLATIONS. ANY PERSON WHO COMMITS A VIOLATION OF ANY OF THE FOLLOWING PROVISIONS MAY BE CITED FOR A CIVIL INFRACTION IF SUCH VIOLATION OCCURS ON RESERVATION OR TRUST LANDS.

- A. IT SHALL BE UNLAWFUL TO TRANSPORT ANY WEAPON IN ANY VEHICLE IN THE SAME AREA OR COMPARTMENT USED BY PASSENGERS IN THAT VEHICLE. WHILE TRANSPORTING ANY FIREARM, RIFLE, PISTOL, OR SHOTGUN IN ANY MOTOR VEHICLE, THE WEAPON SHALL NOT BE LOADED. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION, AND THE

VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.

- B. IT SHALL BE UNLAWFUL TO HUNT OR DISCHARGE ANY FIREARM WITHIN 150 YARDS OF ANY HOME, OFFICE, OR ANY PROPERTY USED BY THE PUBLIC OR THE TRIBE FOR PUBLIC GATHERING UNLESS SUCH ACTIVITY IS PERFORMED WHILE PARTICIPATING IN AN ORGANIZED EVENT. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION, AND THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.
- C. IT SHALL BE UNLAWFUL TO USE A BOW AND DISCHARGE ARROWS WITHIN 150 YARDS OF ANY HOME, OFFICE, OR ANY PROPERTY USED BY THE PUBLIC OR THE TRIBE FOR PUBLIC GATHERING UNLESS SUCH ACTIVITY IS PERFORMED WHILE PARTICIPATING IN AN ORGANIZED EVENT. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION, AND THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.
- D. IT SHALL BE UNLAWFUL TO HUNT OR TRAP ON TRIBAL PROPERTY WITHOUT HAVING POSSESSION OF A VALID TRIBAL HUNTING PERMIT FOR THE HUNTING UNIT, GAME AND DATE(S) IN QUESTION. VIOLATION OF THIS PROVISION SHALL BE A CLASS B INFRACTION.
- E. IT SHALL BE UNLAWFUL TO SPOTLIGHT OR SHINE OR USE ELECTRONIC OR RECORDED CALLS IN HUNTING OR TAKING OF ANY WILD ANIMAL OR BIRD. VIOLATION OF THIS PROVISION SHALL BE A CLASS B INFRACTION.
- F. IT IS UNLAWFUL TO SHOOT INTO ANY SQUIRREL'S NEST. VIOLATION OF THIS PROVISION SHALL BE A CLASS B INFRACTION.
- G. IT SHALL BE UNLAWFUL TO CUT WOOD OR TIMBER ON TRIBAL PROPERTY WITHOUT A SPECIFIC PERMIT. A TRIBAL HUNTING PERMIT AND/OR PERMIT TO INSTALL A TREE-STAND, BLIND OR PLATFORM IS NOT A PERMIT THAT ALLOWS FOR TIMBER CUTTING OR HARVESTING. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION, AND THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.
- H. IT SHALL BE UNLAWFUL TO ENGAGE IN ANY HUNTING OR GATHERING WITHOUT FIRST OBTAINING A TRIBAL HUNTING PERMIT OR OTHER LICENSE REQUIRED UNDER THIS CODE. VIOLATION OF THIS PROVISION SHALL BE A CLASS B INFRACTION.
- I. IT SHALL BE UNLAWFUL TO USE OR ALLOW ANOTHER PERSON TO MAKE USE OF A TRIBAL HUNTING PERMIT NOT HIS/HER OWN. VIOLATION OF THIS PROVISION SHALL BE A CLASS B INFRACTION, AND SHALL RESULT IN A LOSS OF HARVEST PRIVILEGES FOR AT LEAST 60 DAYS.

- J. IT SHALL BE UNLAWFUL TO ENGAGE IN WANTON DESTRUCTION OR WASTE OF FISH, GAME, REPTILES OR AMPHIBIANS. VIOLATION OF THIS PROVISION SHALL BE A CLASS D INFRACTION, AND THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.
- K. IT SHALL BE UNLAWFUL TO TAKE, POSSESS, TRANSPORT, AID, ASSIST, OR ABET THE SAME, OF ANY GAME PROTECTED BY ENVIRONMENTAL DEPARTMENT OR FEDERAL LAW. VIOLATION OF THIS PROVISION SHALL BE A CLASS E INFRACTION.
- L. IT SHALL BE UNLAWFUL TO EXCEED ESTABLISHED LIMITS, OR USE PROHIBITED MEANS OF TAKING FISH, REPTILES OR AMPHIBIANS. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION, AND THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.
- M. IT SHALL BE UNLAWFUL TO HUNT WITH A DANGEROUS WEAPON, WHILE IMPAIRED (DEFINED AS BEING 0.08 BLOOD ALCOHOL LEVEL OR GREATER) DUE TO THE CONSUMPTION OF ALCOHOL OR IMPAIRED BY CONTROLLED SUBSTANCES. VIOLATION OF THIS PROVISION SHALL BE A CLASS D INFRACTION, AND THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.
- N. IT SHALL BE UNLAWFUL TO REFUSE TO PRODUCE A TRIBAL HUNTING PERMIT OR HUNTING/TRAPPING LICENSE, OR OTHER IDENTIFICATION UPON THE REQUEST OF AN ENFORCEMENT OFFICER. VIOLATION OF THIS PROVISION SHALL BE A CLASS B INFRACTION.
- O. IT SHALL BE UNLAWFUL TO ENGAGE IN FRAUD OR PERJURY IN PROCURING A TRIBAL HUNTING PERMIT. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION AND SHALL RESULT IN THE LOSS OF HARVEST PRIVILEGES FOR AT LEAST 60 DAYS.
- P. IT SHALL BE UNLAWFUL TO REFUSE TO ALLOW INSPECTION OF ANY GAME, FISH, REPTILES, AMPHIBIANS, HIDES, PELTS, OR FURS IN POSSESSION UPON REQUEST OF AN ENFORCEMENT OFFICER. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION.
- Q. IT SHALL BE UNLAWFUL TO HARASS OR INTERFERE WITH ANY LEGAL LICENSED PERSON FISHING, HUNTING OR TRAPPING. VIOLATION OF THIS PROVISION SHALL BE A CLASS C INFRACTION.
- R. IT SHALL BE UNLAWFUL TO EXCEED ESTABLISHED LIMITS, OR PROHIBITED MEANS OF TAKING GAME, FISH, REPTILES OR AMPHIBIANS OR VIOLATE ANY OTHER TERMS OR CONDITIONS CONTAINED IN ANY SPECIAL USE PERMIT. VIOLATION OF THESE PROVISIONS SHALL BE A CLASS C INFRACTION, AND

THE VIOLATOR MAY BE REQUIRED TO PAY RESTITUTION TO THE TRIBAL COMMUNITY.

- S. ANY TRIBAL MEMBER INTENTIONALLY SHOOTING, TRAPPING, OR ATTEMPTING TO TRAP, OR TO HARM IN ANY WAY, ANY THREATENED OR ENDANGERED SPECIES MAY BE HELD BY A PUBLIC SAFETY OFFICER UNTIL TAKEN INTO CUSTODY BY FEDERAL OFFICIALS FOR VIOLATION OF FEDERAL LAW.

SEC. 307. ENFORCEMENT AND PENALTIES

- A. THE PROVISIONS OF THIS CODE SHALL BE ENFORCED BY ALL TRIBAL LAW ENFORCEMENT OFFICERS FOR VIOLATIONS OCCURRING ON RESERVATION OR TRUST LANDS. THIS CODE MAY ALSO BE ENFORCED BY ANY LAW ENFORCEMENT OFFICER EMPOWERED BY THE STATE OF MICHIGAN TO ISSUE CITATIONS FOR VIOLATION OF MICHIGAN HUNTING AND TRAPPING LAWS, IF SUCH OFFICER HAS BEEN AUTHORIZED TO CARRY OUT LAW ENFORCEMENT POWERS ON THE RESERVATION UNDER APPLICABLE TRIBAL LAWS OR MUTUAL AID/DEPUTATION AGREEMENTS TO WHICH THE TRIBE IS A PARTY.
- B. IN ADDITION TO THE CIVIL PENALTIES AUTHORIZED BY THIS CODE, ANY LICENSES OR PERMITS AUTHORIZED BY THIS CODE MAY BE SUSPENDED OR REVOKED BY THE TRIBE.
- C. ANY VIOLATION OF THE REGULATIONS CONTAINED IN THIS CODE WHICH OCCURS ON RESERVATION OR TRUST LANDS SHALL BE TRIED BEFORE THE TRIBAL COURT AND UNDER SUCH PROCEDURES AS ARE PRESCRIBED BY THE TRIBAL COURT.
- D. THE FOLLOWING FINES SHALL APPLY TO THE CIVIL INFRACTIONS IN THIS CODE:

CLASS OF INFRACTION	FINE
CLASS A	\$50
CLASS B	\$100
CLASS C	\$250
CLASS D	\$500
CLASS E	\$1000
- E. IN ADDITION TO ANY PENALTY IMPOSED BY THE TRIBAL COURT, THE COURT UPON CONVICTION MAY ORDER RESTITUTION TO THE TRIBAL COMMUNITY FOR DAMAGE DONE TO TRIBAL COMMUNITY RESOURCES.

- F. IN ADDITION TO ANY CIVIL PENALTIES, THE TRIBAL COURT MAY ORDER PAYMENT OF COURT FEES AND COSTS IN THE AMOUNT DETERMINED BY THE TRIBAL COURT.