

**CHAPTER 10 - GENERAL FISHING, HUNTING, TRAPPING, AND GATHERING  
REGULATIONS**

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## **CHAPTER 10 - GENERAL FISHING, HUNTING, TRAPPING, AND GATHERING REGULATIONS**

### **10.1            SECTION 1: PROJECT CONTROL**

- 10.1.1        No research, fact-finding, demonstration or pilot project affecting, or potentially affecting the fish resources of the Reservation shall be conducted without authorization by the Tribal Council.
- 10.1.2        No research, fact gathering, demonstrations or pilot project affecting, or potentially affecting the wildlife or the hunting or trapping thereof, shall be carried on within the exterior boundaries of the Reservation without authorization by the Tribal Council.

### **10.2            SECTION 2: CLOSURES**

- 10.2.1        No issuance of a license nor any of the provisions of this Code shall be construed to limit the power of the Tribal Council to close the Reservation or treaty protected waters of Lake Superior, or any portions of either area, for fishing, hunting, or trapping in the interests of conservation, to either members or non-members.
- 10.2.2        Nor shall any such issuance or provisions be construed to limit the power of the Conservation Commission to issue emergency closure orders.

### **10.3            SECTION 3: HOOK AND LINE FISHING ON LAKE SUPERIOR** **(6-02-03F)**

#### **10.3.1        Authority and Purpose:**

- a)            This ordinance is enacted pursuant to Article VI, section p of the Red Cliff Constitution.
- b)            The purpose of this ordinance is to govern hook and line fishing on the waters of Lake Superior.

#### **10.3.2        General Provisions:**

- a)            No tribal member shall fish the waters of Lake Superior, pursuant to this ordinance, without possessing their tribal identification card.  
                  “Hook and line fishing” means fishing with a rod and reel or similar device such as a hand held line, and includes trolling.
- b)            No person may use more than thirty (30) attended or unattended lines while hook and line fishing on Lake Superior.

- c) No person may fish in a refuge, as described later in this section, or other area closed by order of the Red Cliff Tribal Council.
- d) No member may take the catch of a non-member while actively fishing.

10.3.3 **Unattended Lines:**

- a) All unattended lines shall have attached a single iron hook with a maximum ½ inch point to shank gape.
- b) All unattended lines shall be securely anchored so as not to be dislodged by a hooked fish.
- c) All unattended lines shall be tagged by the fisherperson with a tag that states Red Cliff, and the fisherperson's tribal identification number.
- d) Each unattended line shall be checked at least once every 24 hours unless severe weather conditions render it impractical to do so.

10.3.4 **Ice Fishing:**

- a) No person shall ice fish by the use of hook and line through a hole larger than 12 inches in diameter.
- b) No person shall place, maintain or use a house or other enclosure for ice fishing, and leave said ice fishing enclosure unattended for more than 12 hours, unless the owner's name and address is clearly displayed on the outside of the house.
- c) No member shall fail to remove an ice fishing house or other enclosure on or before March 15, except that portable shelters may be used while ice fishing after that date provided the portable shelter is not unattended while on the ice.

10.3.5 **Live Bait Restrictions:**

The following species may not be used as live bait: crayfish, carp, goldfish, redhorse, freshwater drum, burbot, bowfin, garfish, buffalofish, hamprey, alewife, gizzard shad, smelt, goldeye, mooneye, carpsucker, and quillback.

10.3.6 **Refuges:**

- a) Gull Island Refuge is defined as all waters bounded by a line from the southern most point of Outer Island in a straight line and southerly direction on the Gull Island light and then south to the northern most point of Michigan Island proceeding in a southerly direction following the

shoreline of Michigan Island to the Michigan Island light, thence southerly towards the center of the Bad River in Ashland County to latitude 46 40', thence due east to the Michigan state line; thence northerly along the state line to a point due east of the southerly tip of Outer Island; from that point due west to the southern most point of Outer Island, the place of beginning excluding those waters within two miles of Outer Island. **Except where the lake bottom lies at a depth of 35 fathoms (210) feet or more, hook and line fishing is allowed.**

- b) Devils Island Refuge is defined as all waters wherein the bottom lies at a depth of less than 35 fathoms northerly from a line beginning two miles north of the Outer Island light and extending westerly to the north end of North Twin Island, thence along the shoreline to south end of North Twin Island, thence southwesterly to the north end of South Twin Island thence northerly to the north end of Rocky Island, thence along the north shoreline to the northwest point of Rocky Island, thence northwesterly to the south end of Devil's Island, thence along the shoreline to the north end of Devil's Island, thence westerly to a point 2.5 statute miles north of the York Island shoal bell buoy.
- c) An area of fifty (50) feet in diameter from the outlet pipe of the Ashland power plant is a refuge **from March 1 to May 15**. The location of this refuge is on Chequamegon Bay in an area known as the "Hot Pond".

10.3.7 **Seasons, Size Limits, and Bag Limits:**

- a) Walleye, northern pike, white bass, rock bass, bluegill, crappie, pumpkinseed, bullheads, yellow bass, catfish, cisco, whitefish, rough fish, largemouth and smallmouth bass, muskellunge, trout, and salmon.  

Season:	year round
Bag Limit:	none
Size Limit:	none
- b) Sturgeon  

Season:	year round
Bag Limit:	one per person per day
Size Limit:	none
- c) The Red Cliff Tribal Council may issue an emergency order(s) that restricts the season, bag limit, and/or the size limit.

10.3.8 Enforcement of this Chapter 10, Section 4 shall be as allowed in Chapter 4, Section 28 and Chapter 7, Section 7.10.2 of this Red Cliff Code of Laws.

10.3.9 Penalties. The monetary penalty for violating the provisions of this Chapter 10, Section 4 shall not exceed \$5,000 per incident. The Court may impose such other penalty it deems just and proper including but not limited to community service hours, suspension of the privilege to fish the waters of Lake Superior and/or confiscate any gear used in committing the violation.

**10.4 SECTION 4: WASTE OF NATURAL RESOURCES**

10.4.1 No member shall unreasonably waste, injure, destroy, or impair natural resources while engaging in the exercise of on-reservation hunting, fishing, trapping, or gathering rights or in the disposition of any animal or plant taken in such exercise, whether such disposition is on-reservation or off-reservation, and whether such waste, injury, destruction or impairment is accomplished by act or by omission in violation of any hunting, fishing, trapping, or gathering ordinance of the Red Cliff Code of Laws.

**10.4.2 Parties to a Violation:**

Whoever is concerned in the commission of any violation of Chapter 10 shall be deemed a principal and may be charged with party to a violation pursuant to Chapter 39 Section 39.3 Parties to a Violation of the Red Cliff Code of Laws although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

**10.4.3 Penalties:**

The monetary penalty for waste of natural resources shall not exceed \$5,000 per incident. The Court may impose such other penalty it deems just and proper including but not limited to community service hours, suspension of privilege to hunt, fish and gather both on and off the Reservation and/or confiscate any gear used in committing the violation.