

## **CHAPTER 7 - COMMERCIAL FISHING REGULATIONS RESTRICTIONS**

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## CHAPTER 7 - COMMERCIAL FISHING REGULATIONS

### 7.1 SECTION 1: DEFINITIONS

- 7.1.1 **“Actively fish”** shall mean a big boat licensee that lifts nets and reports harvest a minimum of five fishing days per fishing season on a Red Cliff licensed boat. (1/23/2018) (8/3/2020)
- 7.1.2 A **“Big Boat”** means a Coast Guard documented vessel with a weight of five or more tons equipped with a powered net lifter meeting the criteria set forth in sec. 7.2.3(b). (3/04/2024)
- 7.1.3 **“Bycatch”** shall mean any fish that is unintentionally captured. (10/19/2021).
- 7.1.4 **“Cisco”** shall mean the fish species Coregonus artedi, also known as Lake Herring. (10/19/2021)
- 7.1.5 **“Cisco targeted gear”** shall mean gillnets less than 4¼ inch stretch measure or other fishing gear as determined by the Red Cliff Fisheries Department. (10/19/2021)
- 7.1.6 **“Designated Operator”** means the Red Cliff tribal member appointed by the Red Cliff Tribal Council to operate the Provisional Tribal License issued to the Red Cliff Fish Company. (3/04/24)
- 7.1.7 A **“fishing day”** shall mean any day on which a licensee fishes large mesh gill nets.
- 7.1.8 A **“fishing week”** shall mean any week in which a licensee lifts large mesh gill nets.
- 7.1.9 A **“fishing season”** shall mean the period of time during which it is lawful to harvest a given species of fish. (11/20/18)
- 7.1.10 **“Fishing Year”** means the period that begins on November 28 of one year and extends through and including November 27 of the following year. (3/04/24)
- 7.1.11 **“License”** shall mean permission granted by the Red Cliff Tribal Council to fish pursuant to this Chapter 7. Licenses are issued by the Fisheries Department in accordance with the requirements of this Chapter. (3/04/24)

- 7.1.10 **“Non-Cisco targeted gear”** shall mean gill nets greater than or equal to 4¼ inch stretch measure, trap nets, or other fishing gear as determined by the Red Cliff Fisheries Department. (10/19/2021)
- 7.1.13 **“Permit”** means the designation or designations given on a commercial fishing License authorizing specific harvest methods indicated in sec. 7.2.1(d). (3/04/24)
- 7.1.14 **“Provisional Tribal License and Permit”** means the License and Permit issued by the Tribe to the Red Cliff Fish Company. (3/04/24)
- 7.1.15 **“Small Boat”** means a commercial gillnet fishing vessel that meets the requirements of sec. 7.2.4. (3/04/24)
- 7.1.16 A **“State Commercial License Holder”** shall mean an individual who holds a commercial fishing license issued by a state government or state government agency. (12/29/2019)
- 7.1.17 **“Targeted catch”** shall mean any fish that is intentionally captured. (10/19/2021)
- 7.1.18 **“Target fishing”** shall mean fishing activity conducted with the intent to capture particular fish or fishes. (10/19/2021)
- 7.1.19 **“Trap Net”** or **“Entrapment Gear”** means fishing gear designed to capture fish that enter an enclosed area through one or more funnel- or V-shaped openings that hinder escape after entrance. (3/04/24)

**7.2 SECTION 2: GENERAL PROVISIONS**

Members of the Red Cliff Band may fish for commercial purposes on the Red Cliff Reservation and on Lake Superior subject to the following restrictions:

**7.2.1 COMMERCIAL FISHING LICENSE (6/07/99)**

- (a) The Tribal Council shall issue Licenses at its discretion to eligible tribal members, upon application. Licenses shall be issued in advance of each upcoming Fishing Year (November 28). Licenses shall indicate which of the harvest methods set forth in (d) below are permitted. (3/04/24)
- (b) Every member who fishes for commercial purposes on the Reservation or on the Lake Superior shall have in his/her possession a valid Tribal Commercial Fishing License Identification card. This card must be obtained by filing an application with the Red Cliff Fisheries Department.

The application shall contain information as to the date the application was filed, the type(s) of permit applied for, the applicant's vessel that the applicant will use while fishing under the license, and such other information as required by the Fisheries Department. **(6/07/99) (11/20/18) (3/04/24)**

- (c) No member shall hold more than one Big Boat commercial gillnet fishing Permit at any time. Big Boat commercial gillnet and Small Boat commercial gillnet Permit holders may also hold a Provisional (Tribal) Permit. **(6/07/99) (3/04/24)**
- (d) Fishing Licenses. Tribal fishing Licenses can include the following Permit designations, which shall be specified on the License issued to each applicant:
  - (1) Big Boat Commercial Gillnet;
  - (2) Small Boat Commercial Gillnet;
  - (3) Trap Net;
  - (4) Provisional (Tribal); and
  - (5) Home Use. Home use licenses shall be valid for three years from the date of issuance. **(3/04/24)**

7.2.2 A Commercial Fishing License and Permit shall be valid for the duration of one Fishing Year, which extends from November 28 of each year through and including November 27 of the following year. No Commercial Fishing License and Permit shall be valid during any Fishing Year other than the Fishing Year for which the license and Permit was issued. The deadline to apply for a Commercial Fishing License and Permit for each Fishing Year will be September 15 prior to the beginning of the Fishing Year. No Commercial Fishing License and Permit applications will be accepted after this date. If the deadline falls on a weekend or holiday it shall be extended to the following business day. **(3/04/24)**

7.2.3 **LARGE BOAT LICENSE (6-7-99)**

- (a) Number of Large Boat Licenses. No more than 14 large boat licenses shall be in effect at any one time. Of the large boat licenses in effect no more than ten shall be licensed to fish the Wisconsin waters of Lake Superior. **(6/07/99)**
- (b) Required Equipment. A commercial gillnet License and Permit holder must own, operate, and actively fish a Coast Guard documented vessel with a weight of five or more tons that meets all of the following criteria:

- (1) The vessel must float in the water;
- (2) The vessel is equipped with a powered net lifter that operates via hydraulic or external power and is capable of lifting a gillnet;
- (3) The licensee must be able to demonstrate that the documented vessel remains in operable condition even if the vessel is not currently being used to harvest, with a running motor capable of moving the vessel in both forward and reverse gear. **(6/07/99) (1/23/2018) (8/3/2020) (3/04/24)**

The Red Cliff Fishing Committee shall have the authority to waive the requirements of this section for a period not to exceed six (6) months in order to allow a licensee to obtain compliance with subsection (b). An applicant receiving a waiver under this subsection must comply with section (b) prior to conducting commercial fishing operations. No applications shall be considered by Tribal Council until the Tribal Wardens have verified that the eligibility criteria set forth in this section are met. **(5/2/2011) (3/04/24)**

- (c) Transfer and Forfeiture of License. A tribal member may transfer his/her commercial fishing license in connection with the sale of his/her vessel to another tribal member upon approval of the Fishing Committee. A licensee who sells his/her vessel to a non-tribal member and who does not transfer his license to another vessel meeting the requirements of (b) shall forfeit his/her commercial fishing license, and it shall be available to other applicants under (d) of this section. **(6/07/99) (11/20/18)**
- (d) Waiting List. The Red Cliff Fisheries Department shall maintain a waiting list, based upon date of application for open commercial fishing license, which have been forfeited under (d) or otherwise. Open license shall be issued to those at the top of the waiting list (applications dated first in time being given first priority), provided the applicant meets all other requirements of this Chapter within thirty (30) days. The Fishing Committee, upon approval of the Tribal Council may, extend the thirty-day period mentioned in this section on a case by case basis. **(6/07/99)**
- (e) Grandfather Clause. The requirements of (b) of this section shall not apply to licensees holding valid licenses on the effective date of this section or those prospective licensees that already have an application on file with the Fisheries Department on the effective date of this section. License RC 21 is exempt from the requirement of this section; this exemption is non-transferable and shall expire November 27, 2033. **(6/07/99) (3/04/24)**

- (f) Annual Inspection. The Tribal Wardens shall inspect all applicant vessels to ensure that the requirements of this section are met promptly, but no later than the annual application deadline (September 15). **(3/04/24)**

7.2.4

**SMALL BOAT LICENSECOMMERCIAL GILLNET PERMIT**

- (a) A small boat commercial gillnet Permit holder must (a) be 18 years of age on or before the first day of the fishing year for which the small boat commercial license and Permit is sought; (b) own a boat 14 feet in length or larger, registered in the licensee's name; and (c) own seven (7) or more gill nets with a mesh size of 4 1/4 inch or larger, and with a combined length of 1200 feet or more. **(6/07/99) (3/04/24)**
- (b) Prior to issuing a small boat commercial gillnet Permit, the Red Cliff Fisheries Department or the Red Cliff Wardens shall ensure that each small boat license and Permit applicant meets the criteria for a small boat license. **(6/07/99) (3/04/24)**

7.2.5

If a member gives up his/her Big or Small Boat Commercial gillnet Permit and obtains a Home Use Permit, s/he shall not be eligible to obtain another Big or Small Boat commercial gillnet Permit for one year. No member shall possess both a Big or Small Boat commercial gillnet Permit and a Home Use Fishing Permit. **(11/20/18) (3/04/24)**

7.2.6

**PROVISIONAL TRIBAL LICENSE AND PERMIT.** To support the Tribe's Red Cliff Fish Company operation, the Tribe shall issue an annual License and Permit to the Red Cliff Fish Company, to be operated by a Designated Operator, so long as the Red Cliff Fish Company is in existence and subject to the terms and provisions of this Chapter. The Provisional Tribal License and Permit shall only authorize use of Entrapment Gear and shall be otherwise operated in accordance with the requirements of this Chapter. The Tribe shall set aside two hundred (200) lake trout tags from its annual quota from WI-2 to account for bycatch lake trout mortality from the Provisional Tribal License and Permit operation and an additional one hundred (100) tags for assessments in WI-1. The Designated Operator shall be a Red Cliff Tribal member and shall be responsible for ensuring compliance with this Chapter 7. The requirements of Secs. 7.2.3(a), 7.2.9 and 7.18.11 shall not apply to the Provisional Tribal License and Permit issued under this section. The Designated Operator, while fishing under the Provisional Tribal License and Permit, shall not be required to individually comply with sec. 7.2.3(b). The provisional Tribal License and Permit may not be transferred. **(3/04/24)**

7.2.7 **WISCONSIN AND MICHIGAN WATERS; ELECTION.** At the time of applying for a large boat license, the potential licensee shall elect to fish in either Wisconsin or Michigan waters of Lake Superior, and appropriate tags shall issue. Thereafter, licensees shall not be permitted to transfer between Wisconsin and Michigan waters.

7.2.8 Commercially licensed boats may not fish home use nets unless authorized by the tribal biologist or his designee in advance. If such home use nets are fished by a Big Boat or Small Boat commercial gillnet Permit holder, they must be labeled as home use and contain the same information as required for commercial nets. In no instance may a Big Boat or Small Boat commercial gillnet Permit holder fish both commercial and home use nets at the same time. **(3/04/24)**

7.2.9 If a Big Boat or Small Boat commercial gillnet fishing License and Permit holder fails to Actively Fish their allocated footage by July 15 of a fishing year, their license shall be suspended for the remainder of the fishing year and their footage and tags shall be turned over to the Red Cliff Fisheries Department for redistribution. A Small Boat commercial gillnet fishing License and Permit holder may apply to the Tribal Council for a waiver of this requirement for cause; applications for such a waiver must be submitted on or before July 1 to be considered. Whether or not to grant an exemption shall be in the Tribal Council's sole discretion. **(6-7-99) (3/04/24)**

7.2.10 Fees for a commercial fishing license and Permit are as follows:

Big Boat	\$300.00 annually
Small Boat	\$100.00 annually

All fees set forth in this section are subject to amendment by Tribal Council. If fees are not paid by December 15 of a fishing year, or a licensee fails to pick up their tags by December 15 of a fishing year, the licensee shall forfeit their License for that fishing year and tags shall be redistributed by the Fisheries Department equally to other Big Boat or Small Boat licensees, as the case may be. **(6-7-99) (3/04/24)**

### **7.3 SECTION 3: MINIMUM SIZE LIMITS**

7.3.1 Whitefish, less than 17 inches in length may not be sold. Dead undersize fish may be consumed by the licensee and his family or may be given to the Tribe and used for charitable purposes. **(8/22/17) (1/23/2018)**



**7.4**            **SECTION 4: MESH SIZE**

7.4.1            From October 1 through and including November 27, no commercial licensee shall set gill nets with a mesh size of 4 1/4 inches and greater, at depths less than 35 fathoms except during the October whitefish season. **(11/20/18)**

**7.5**            **SECTION 5: FISHING SEASONS AND PERIODS (11/20/18)**

7.5.1            The fishing season for lean lake trout and whitefish shall open on November 28 and close September 30 of the subsequent year. There will be three fishing periods and one closed period. **(11/20/18)**

(a)            Period one will be from November 28 to March 31. **(11/20/18)**

(b)            Period two will be from April 1 to May 31. **(11/20/18)**

(c)            Period three will be from June 1 to September 30. **(11/20/18)**

(d)            The closed season will be from October 1 through November 27.

7.5.2            During the closed season no commercial licensee shall take or retain any whitefish or lean lake trout, except during the October Whitefish Season. **(11/20/18)**

7.5.3            To insure the lean lake trout quota established in Section 7.9.1 is not exceeded, fishing effort, measured in terms of feet of net set, shall be limited. Prior to the start of each Fishing Year, the Fisheries Department shall give notice of a meeting at which each licensee shall receive their allocation of net footage for the upcoming Fishing Year. The setting of any net in excess of the amount allocated to each licensee at the annual meeting referenced in this section shall be a prosecutable offense. **(01-13-14)**

7.5.4            Individual fishing effort allocations may not be transferred, except by writings signed by transferor and transferee, verified and dated by signature of the fisheries biologist or authorized designee filed with the fisheries biologist. No such transfer or claim of such transfer shall be a defense to a prosecution for exceeding fishing efforts, where the written transfer was filed and verified after the date of the alleged offense. **(1/23/2018)**

7.5.5            The October Whitefish Season for big boat licenses shall begin on October 3 and end on October 24, when all nets must be removed from the water. Tribal big boat licenses may set up to 6,000 feet of suspended set gillnets, bottom set gillnets

or legged gillnets with a minimum 4 7/16” stretch measure in total. Each gillnet shall be lifted a minimum of once every 48 hours. Gillnets shall only be set in those areas of WI-2 that are greater than eight (8) fathoms but less than twenty three (23) fathoms in depth and which are designated as non-exclusion zones in the October Whitefish Fishery Zones and Spawning Sites map. All lake trout incidentally caught must be tagged and retained. A licensed big boat fisher cannot participate in the fishery if they do not possess lake trout tags. **(11/20/18)**  
**(9/20/22)**

## **7.6**            **SECTION 6: LIFTS**

7.6.1            To insure the integrity of the CPE/lean lake trout quota system, each gill net set by a commercial licensee shall be lifted a minimum of:

- (a)        once every 72 hours (3 days) in open water less than 96 feet (16 fathoms) deep; or
- (b)        once every 120 hours (5 days) in open water 96 to 210 feet (16 to 35 fathoms) deep; or
- (c)        once every 240 hours (10 days) in open water more than 210 feet (35 fathoms) deep; or
- (d)        once every 120 hours (5 days) in commercial ice fishing as applicable.

This restriction shall not apply where inclement weather or similar dangers prevent timely tagging of the fish. In such cases the burden is on the fisher to show that inclement weather or similar dangers prevented timely tagging of the fish. Failure to use available means of notifying tribal wardens in advance shall constitute prima-facie evidence that the failure to tag was not due to inclement weather or similar dangers.

## **7.7**            **SECTION 7: NET MARKING**

7.7.1            Each gang of nets shall be marked with a buoy on each end. Each buoy must be a minimum of 60 inches above the water line. The inside buoy shall have 2 flags and the outside buoy shall have 1 flag. Buoys shall be red and white and shall bear the Commercial Fishing License number. Upon the upper end of the staff each flag shall be a minimum of 5 in. x 10 in. **(8/6/2012)** **(11/20/18)**

7.7.2            All gill nets with a mesh size of 4 1/4 inches and greater, shall include an informational tag on the outside buoy line ten feet below the water's surface or on a tag placed in a secure pocket of the outside buoy flag. Each tag shall state the

date on which the gill net was set, the license number and grid to be fished, and the length of the gang of nets. Tags will be provided, upon request, by the Red Cliff Fisheries Department. It shall be a defense to this section that footage indicated is within ten percent of actual net footage. **(6/2/14) (11/20/18)**

7.7.3 Ice buoys may be used when necessitated by lake conditions. Ice buoys shall be a minimum of 12 feet. At least 2 feet of any ice buoy shall be above water line with the license number of the commercial fisher visible. The top foot of the above water portion of any ice buoy shall be marked with a high visibility color. **(11/20/18)**

7.7.4 Additional gill net marking requirements. The first five floats on each end of every net fished shall be legibly marked with the commercial fishing license number to whom it belongs. All nets shall be properly marked in this manner prior to them being placed on board any vessel in preparation for fishing. **(11/20/18)**

## **7.8 SECTION 8: TAGGING**

### **7.8.1 LEAN LAKE TROUT.**

- (a) All lean lake trout taken shall be tagged with tags furnished or authorized by the Red Cliff Band, except as provided in (b).
- (b) Live lean lake trout taken during seasons one (1) and two (2) must be returned to the water. For purposes of this section, "live" means any lean lake trout reasonably expected to survive. No lean lake trout may be returned to the water in season three (3) or in the October whitefish season. **(11/20/18)**
- (c) Commercial lean lake trout tags shall be valid only during the fishing year for which they were issued, except that properly tagged fish held for market reasons shall be recognized as legal if sold before the end of the year immediately following the fishing year the tags were issued.
- (d) Every licensee shall affix tags, promptly after the fish are dressed, or, in the case of fish taken on the ice, before the fish are transported, unless tagging is prevented by an extreme case of adverse weather or bodily injury. In such cases, the licensee shall immediately notify the Red Cliff Conservation Department, which shall take custody of the untagged lean lake trout pending tagging. The licensee shall bear the burden to prove that inclement weather or similar dangers prevented the timely tagging of the fish. Failure to use available means of notifying tribal wardens in

advance, or the fact that the fish were not dressed, shall constitute prima facie evidence that failure to tag was not due to inclement weather. **(8/6/2012)**

- (e) Unused lake trout tags shall be returned to the Fisheries Department within 15 days of the close of the fishing season. **(6/2/14)**

7.8.2 HOME USE TAGS. Lake trout, which a licensee does not choose to sell, may be tagged with white home use lake trout tags if a portion of the home use quota is allocated to commercial licensees for the fishing year in which the fish are taken. Fish tagged with Home Use tags may be consumed by the licensee and his family or given to the Tribe and used for charitable purposes.

7.8.3 MISCELLANEOUS TAGS. All walleye harvested must be affixed with a miscellaneous tag. **(01/13/14)**

7.8.4 MICHIGAN FISH. No licensee shall dock or bring to shore in Wisconsin lake trout harvested in Michigan unless such fish are tagged in conformity with Red Cliff tribal law. Regardless of whether or not the fish are tagged, no licensee shall dock or bring to shore in Wisconsin a combined catch of lake trout taken from both Wisconsin and Michigan. No licensee shall, while lake trout taken from Michigan are aboard, lift nets in Wisconsin. No licensee who has in his possession or aboard his vessel tags for Michigan lake trout, shall fish in the Saxon Harbor Area as defined in sec. 7.14.10. **(11/17/15)**

7.8.5 WI-1 FISH. Lean lake trout catch in WI-1 shall be affixed with a tag from that management unit. Mixed catch may not be brought ashore from WI-1 while fishing the management unit. **(11/20/18)**

7.8.6 It is not a defense to a violation of sec. 7.5.3 that a licensee has lean lake trout tags remaining.

## **7.9 SECTION 9: LEAN LAKE TROUT QUOTA**

7.9.1 A quota shall govern the harvest of lean lake trout during any Fishing Season. At the start of each Fishing Year, the quota shall be determined by the Red Cliff Fisheries Department, subject to ratification by the Tribal Council. Quotas shall be as specified in the Tri-party Lake Superior Management Agreement. In the absence of a negotiated three-party agreement, the quota shall be specified by the Red Cliff Tribal Council in coordination with the Red Cliff Fisheries Department. The quota shall be enforced by means of the tagging provisions in Section 7.8 of these regulations and subject to the effort limitations contained in sec. 7.5.3 of these regulations for Wisconsin waters. **(01-13-14) (3/04/24)**

7.9.2 After deducting and setting aside a portion of the quota to cover home use consumption, the Fisheries Department shall allocate a portion of the quota in the form of tags and an allocation of net effort to each tribal member possessing a valid Big Boat Commercial gillnet Fishing License and Permit at the start of the Fishing Season, reserving a portion of the quota not to exceed 33% collectively for all Small boat commercial gillnet permit holders and not to exceed 2.5% for each individual Small boat commercial gillnet Permit holder. Total effort expressed in terms of footage of net fished shall operate as a limitation of the lean lake trout quota under this section nine. Small Boat Commercial License and Permit Holders and the Provisional Tribal License shall also receive a quota and tag allocation. (3/04/24)

## **7.10 SECTION 10: PROHIBITED SALES**

7.10.1 No licensee shall sell to a non-Indian any of the following species: brown trout, brook trout, rainbow trout; splake; coho salmon; chinook salmon; atlantic salmon; lake sturgeon; small mouth bass; perch; northern pike; or pan fish, that is, bluegill, sunfish, rock bass, crappie, and yellow perch.

7.10.2 A licensee may sell prohibited species to a member of a federally recognized tribe provided that the fish is tagged with a miscellaneous tag. (01/13/14)

## **7.11 SECTION 11: REPORTING REQUIREMENTS**

7.11.1 All commercial fishers shall file reports on the first and fifteenth of the month. (6/2/14) (11/20/18) (4/29/19)

(a) The reports shall contain the following information: records of catch by day, effort by gang, and location by grid, the number of pounds of each type of fish taken, the type and amount of fishing gear employed, the length of time (set date and lift date) each unit was fished without being lifted, and other such data the Red Cliff Fisheries Department may require. (6/2/14)

(b) Reports are due no later than the third working day, following the reporting period. Reports shall be filed regardless of whether or not any fish were caught or any fishing was done.

(c) Commercial fishers shall report lost nets when lost during the course of fishing. Fishers shall report to the wardens the location and depth of the set, length of the gang, date, and any effort to retrieve the lost net. (6/2/14) (11/20/18)

- (d) Commercial fishermen shall complete a Fish Disposition Report on forms supplied by the Red Cliff Fisheries Department. The report shall contain the following information: disposition of all catch by day, to whom the fish was acquired by or sold to, the amount of weight in pounds, the species of fish and its condition at the time of the transaction. This shall include all transactions, including multiple transactions to the same person or retailer on the same day. This shall also include any fish sold directly to consumers and any fish retained by commercial fishermen for sale in their own retail business. The reports shall follow due date requirements stated RCCL 7.11.1 and may be included as an insert to catch reports defined in sub. (a). (4/29/19)

7.11.2 Fishers must maintain an onboard daily log as required by the Fisheries Department, to be completed each day prior to docking. (11/20/18)

**7.12 SECTION 12: INSPECTIONS AND SEARCHES**

7.12.1 INSPECTIONS. Licensees shall allow Tribal Conservation Law Enforcement Officers to inspect nets, vessels, and vehicles used in the fishing operation, to inspect any fish taken and retained by a licensee, and to inspect daily logs defined in 7.11.2 at any reasonable time and place. (11/20/18)

7.12.2 STOPS AND SEARCHES.

- (a) On the Water. Licensees shall stop their vessel upon being hailed by tribal or state wardens acting under the authorization of this ordinance and the agreement between the Tribe and the State of Wisconsin. State wardens are authorized to request a stop for the purpose of (1) obtaining the identification of persons apparently engaged in fishing activities and previously unknown to the wardens; and (2) searching the vessel where the warden has probable cause to believe that an offense under this chapter has occurred that day or is occurring on Lake Superior and that evidence of the offense will be found on board. (11/20/18)

Notwithstanding that a state warden has stopped a vessel on probable cause, said warden may not board and conduct a search of the vessel unless and until:

- (1) He/she has informed the licensee of the nature of the offense and has probable cause for believing that it has occurred; and (11/20/18)
- (2) The licensee expressly consents to the search; or

- (3) The warden attempts in good faith to contact tribal wardens for at least 1/2 hour without success; or
  - (4) Tribal authorities cannot reach the scene within 1 1/2 hours of receiving notice of the request to search; or
  - (5) Tribal authorities fail to reach the place of docking within 1/2 hour of the licensee's arrival.
- (b) On the Ice. Acting under the authority of this ordinance and the agreement between the Tribe and the State of Wisconsin, licensees shall allow state wardens to conduct a search on the ice, where the warden:
- (1) Has probable cause to believe that an offense under this chapter has occurred and evidence of the offense will be found amongst the licensee's effects on the ice; and
  - (2) The warden informs the licensee of the nature of the offense and his probable cause for believing that it has occurred; and
  - (3) State authorities are unable to contact tribal authorities to conduct the search.
- (c) Vehicle Search. Acting under the authority of this ordinance and the agreement between the Tribe and the State of Wisconsin, licensees shall allow state wardens, to conduct a search of a vehicle where the warden:
- (1) Has probable cause to believe that an offense under this chapter has occurred and evidence of the offense will be found in the vehicle off the reservation; and **(11/20/18)**
  - (2) The warden informs the licensee of the nature of the offense and his probable cause for believing that it has occurred; and
  - (3) State authorities are unable to contact tribal authorities to conduct the search.
- (d) Unauthorized Stop and Search. No evidence acquired as a result of a stop or search by state wardens other than as expressly authorized above, may be admitted in evidence in any prosecution under this chapter. Where the initial stop is not authorized the fact that the licensee consents to a subsequent search shall not be deemed to waive or cure the defect.

7.12.3 **JOINT PATROLS.**

Where a tribal warden on joint patrol shall decide to board a tribal boat, inspect or seize a tribal catch or take similar law enforcement action involving tribal members, state wardens, acting under the direction of the tribal warden, shall be authorized to participate in conducting boarding, inspection, seizure or other action, and it shall not be an objection to a subsequent citation or prosecution that state wardens so participated.

7.12.4 The Red Cliff Band of Lake Superior Chippewa hereby authorize tribal wardens from the Bad River Band of Lake Superior Chippewa to enforce its ordinances pertaining to fishing in the Wisconsin waters of Lake Superior and to cite alleged violations thereof into the Red Cliff Tribal Court. This section does not authorize Great Lakes Indian Fish and Wildlife Commission (GLIFWC) wardens or Wisconsin Department of Natural Resources (WDNR) wardens to independently cite alleged violations of this Code into the Red Cliff Tribal Court, regardless of any cross-deputization agreement that may apply to the Bad River Band.

7.12.5 **SEIZURES.** Tribal authorities are authorized to seize fishing gear set in violation of these regulations, to seize contraband fish, or to seize evidence of a violation. State authorities are authorized to seize fishing gear set in areas closed pursuant to sec. 7.13 or sec. 7.14, or to seize evidence pursuant to a search authorized by sec. 7.12.2. Licensees shall not interfere with or resist such seizures. Fishing gear shall be returned to the licensee if the licensee stipulates to ownership and physical description to the satisfaction of the tribal prosecutor. All other items seized shall be held by the Tribe pending disposition by the court pursuant to sec. 7.17.

**7.13 SECTION 13: CLOSED AREAS**

7.13.1 Except as provided in sec. 7.13.4 and 7.13.5 below, it shall be unlawful to fish in the Gull Island Refuge, as described in sec. 7.13.2; or in the Devils Island Refuge, as described in sec. 7.13.3. **(12-3-07C) (11/20/18)**

7.13.2 Gull Island Refuge is defined as all waters bounded by a line from the Gull Island light south to the northernmost point of Michigan Island and then proceeding in a southerly direction following the shoreline of Michigan Island to the Michigan Island light, thence southerly towards the center of the mouth of the Bad River in Ashland County to latitude 46°40'00"N, thence due east to the Michigan state line; thence northerly along the state line to latitude 46°59'18"N from that point due west to longitude 90°26'30"W and thence due south to the Gull Island light the place of beginning. **(11/20/18)**



7.13.3 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 the 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 Devils Island, thence along the shoreline to the north end of Devils Island, thence westerly to a point 2.5 Statute miles north of the York Island Shoal bell buoy.

7.13.4 Commercial Fishing is allowed in that area of the Devils Island Refuge described in sec. 7.13.3, south of a line running northwesterly from the northern tip of Devils Island from June 1st to September 30th (Period 3). **(11/17/15)**

7.13.5 The following area is set aside solely for boats not equipped with mechanical gill net lifters from June 1 to September 30: Within grid 1410 and 1411, to a maximum depth of 110 feet, an area southwest of a line between a point at latitude 46°45'02"N longitude 90°34'37"W and a point at latitude 46°40'00"N longitude 90°28'57"W. **(11/20/18)**

**17.14 SECTION 14: RESTRICTED SPORT FISHING AREAS & RESERVATION SHORELINE AREAS (11/20/18)**

7.14.1 Except as provided in sec. 7.14.15 below, it is unlawful to fish using a net in the areas described in sec. 7.14.2 through sec. 7.14.14. **(11/17/15) (11/20/18)**

7.14.2 Minnesota - Iron River. All waters from a line extending due north from the mouth of the Iron River, westerly to the Wisconsin-Minnesota state line where the bottom lies at a depth of less than 35 fathoms. **(11/20/18)**

7.14.3 Iron River - Cranberry River. All waters from a line extending due north from the mouth of the Iron River, easterly to a line extending due north from the mouth of the Cranberry River at Herbster where the bottom lies at a depth of less than 12 fathoms. **(11/20/18)**

7.14.4 Cranberry River - Bark Point. All waters from a line extending due north from the mouth of the Cranberry River at Herbster, easterly to the Bark Point - Roman Point line wherein the bottom lies at a depth of less than 12 fathoms. **(11/20/18)**

7.14.5 Bark Bay. All waters of Bark Bay bounded by the shoreline and a line extending from Roman Point to Bark Point. **(11/17/15) (11/20/18)**

- 7.14.6 Siskiwit Bay. All waters of Siskiwit Bay bounded by the shoreline and a line extending from Roman Point to Squaw Point.
- 7.14.7 Van Tassells Point. The area from the eastern most tip of Houghton Pt. northerly along the shore to the entry to the City of Bayfield's Marina, then easterly to Pt. Defroid on Madeline Island, then southerly along the western end of the Island to the tip of Grants Pt., then southerly to Chequamegon Pt., on the western tip of Long Island. Hence southwest to the eastern most tip on Houghton Pt. **(8/6/2012) (11/20/18)**
- 7.14.8 Chequamegon Bay. All waters of Chequamegon Bay bounded by the shoreline and a line extending from the easterly most tip of Houghton Point, Bayfield County, to the Chequamegon Point light on the western tip of Long Island, Ashland County. **(11/20/18)**
- 7.14.9 Sand Cut. All waters bounded by a line beginning at the Chequamegon Point light on the western end of Long Island extending northeasterly to the southernmost point of Madeline Island, thence due east 2.5 miles to 46°45'11"N 90°44'5"W, thence due south 1 mile to 46°44'22"N 90°44'5"W, thence due east to 46°44'22"N 90°36'06"W, thence due north to 46°45'11"N 90°36'06"W, thence due east to the western boundary of Gull Island Refuge, thence southerly along the refuge boundary to latitude 46°40'00"N, thence due west to the mainland shoreline, thence northwesterly along the shoreline to the place of beginning, except within one and one-half mile of the mainland shoreline in Ashland County. **(01-13-14) (11/17/15) (11/20/18)**
- 7.14.10 Saxon Harbor. All waters bounded by a line beginning at the mouth of Graveyard Creek extending due north to the southern boundary of the Gull Island Refuge, thence due east to the Wisconsin-Michigan State line, thence southwesterly along the Wisconsin-Michigan State line to the mouth of the Montreal River, thence westerly along the mainland shoreline to the place of beginning. **(11/17/15) (11/20/18)**
- 7.14.11 Outer Island. Those waters less than 35 fathoms lying north of the latitude 46°59'18"N refuge line in grids 1212, 1312, and east of longitude 90°25'00"W and south of latitude 47°05'00"N in grids 1311 and 1211. **(11/20/18)**
- 7.14.12 Red Cliff Shoreline. Within ½ mile of shore on the westernmost boundary 46°55'8"N 90°59'37"W, extending along the 22.6 mile reservation shoreline to the southernmost boundary 46°50'45"N 90°47'17"W. **(11/20/18)**
- 7.14.13 Bad River Shoreline. Between the shoreline and a boundary of which begins at

46°43'54"N 90°48'27"W, and thence heads in a line northeast to 46°44'16"N 90°48'07"W (along the eastern boundary of Van Tassells Restricted Area), thence easterly to 46°43'27"N 90°45'52"W at a distance of ½ mile from the shoreline. From that point eastward, the area continues at a distance of 1 ½ miles from the shoreline, all the way to the eastern boundary of the Bad River Reservation. In order to accommodate a ¾ mile safe zone of passage within the Sand Cut Restricted Area, the far northwestern corner of the 1 ½ mile-wide portion of Bad River Shoreline Area is bounded by an arc between the points 46°43'54"N 90°45'26"W and 46°43'51"N 90°44'37"W. **(11/20/18)**

7.14.14 Madeline Island Reservation Shoreline. Starting at the westernmost corner of the Trust parcel, extending due north 1 ½ mile to 46°52'56"N 90°35'22"W and continuing along a 1 ½ mile countour of the island to a maximum easterly boundary of 46°50'56"N 90°32'15"W then circling southwest at a maximum southerly boundary of 46°49'27"N 90°34'26"W then due north to the island. **(11/20/18)**

7.14.15 The following fisheries are open to net fishing subject to the restrictions described: **(11/17/15)**

- a.) Minnesota - Iron River. From November 15 through December 31, in waters greater than 15 fathoms, between the mouth of the Brule River and the mouth of the Iron River, using nets of mesh size no greater than 3-inch stretch measure. **(11/20/18)**
- b.) Iron River to Bark Point. From one mile east of the mouth of Iron River to one mile west of Bark Point entrapment nets are allowed during periods 2 and 3. Lake trout less than 25 inches may be retained. Entrapment pots must be a minimum of one half mile apart. Float nets (minimum of 2 fathoms off the bottom) of no greater than 3 inch stretch measure shall be allowed from the mouth of Iron River to Bark Point from October 15 – December 31. **(11/20/18)**
- c.) Restricted areas west of Bark Point and east of a point one mile west of Port Wing, Red Cliff fishers may harvest 5,000 pounds round weight of walleye annually. Bad River fishers may harvest up to 50% of this amount through August 30 of each year. Red Cliff fishers will fish its 50% and any remainder of the 50% allowed to Bad River fishers, up to 5,000 pounds total, after August 30. Walleye harvest must adhere to tagging requirements for walleye in 7.8.3. In addition, fishers must declare their intention of fishing exclusively in the restricted area. Mixed catch may not be brought ashore from outside the restricted area while fishing

walleye. Fishers must call wardens daily to report approximate weight of walleye harvested. **(6/2/14) (11/17/15) (11/20/18)**

- d.) Bark Bay. Open from April 1 through May 31 for gill net fishing. Entrapment nets only may be used in period 3. **(8/6/2012) (11/17/15) (11/20/18)**
- e.) Van Tassels.
  - 1. Entrapment gear may be fished June 1st to August 15th for whitefish only. **(8/6/2012) (11/17/15)**
  - 2. Smelt pound nets will be allowed by permit in this area from iceout to May 15th. Gill nets of not greater than 1¾ inch stretch measure may be fished in this area, for smelt and herring under the ice but must be at least a half mile from the mouths of any trout streams. **(8/6/2012) (11/17/15) (11/20/18)**
  - 3. Lake herring float nets are allowed. **(11/20/18)**
  - 4. Large mesh gill nets (4¼ minimum size stretch measure) will be allowed north of latitude 46°45'00"N, minimum of 19 fathoms during Period 1 (November 28 – March 31). **(8/6/2012) (11/17/15) (11/20/18)**
- f.) Sand Cut Area. Waters starting at 46°45'11"N 90°44'5"W thence due south 1 mile to 46°44'22"N 90°44'5"W thence due east to 46°44'22"N 90°36'06"W, thence due north to 46°45'11"N 90°36'06"W thence due west to the starting coordinates of 46°45'11"N 90°44'5"W shall be closed to entrapment gear. **(11/20/18)**
- g.) Saxon Harbor. From November 15 through December 15, for the taking of herring, using nets no less than 2 1/2 inch stretch measure and no greater than 3 inch stretch measure, at depths 14 fathoms and greater. **(11/17/15) (11/20/18)**
- h.) By Permit. Nets may be fished under permit issued by the Red Cliff Fisheries Department for the taking of rough or detrimental fish only, except long-nosed sucker. **(11/17/15)**
- i.) Red Cliff Shoreline. Open to gillnets only. **(11/20/18)**
- j.) Madeline Island Reservation Shoreline. Open to gillnets only. **(11/20/18)**

- k.) Bad River Shoreline. During periods 1, 2 & 3 the area is closed to commercial harvest by Red Cliff license holders. **(11/20/18)**

**7.15**            **SECTION 15: ADDITIONAL CLOSURES AND RESTRICTIONS**

- 7.15.1           MANDATORY WITHDRAWAL. It shall be unlawful to fail or refuse to withdraw from any area declared closed by the Red Cliff Band.
- 7.15.2           ADDITIONAL RESTRICTIONS. It shall be unlawful to fail or refuse to comply with such additional fishing restrictions as may from time to time be enacted by the Tribe.
- 7.15.3           NOTIFICATION. In the event that the Tribe closes an area not enumerated in sec. 7.13, or sec. 7.14, or imposes restrictions not enumerated in this Chapter 7, the Tribe shall be entitled to rely on telephone numbers and addresses on file with the Fisheries Department in notifying licensees.

Notice of a closure or restriction, shall be deemed to have been given when a postage-paid letter is deposited in the mail addressed to the licensee and describing the tribal action, regardless of whether or not the licensee receives the notice.

- 7.15.4           Additional closures or restrictions shall be effective upon declaration by the Tribe and upon notification as provided in sec. 7.15.3, and no publication otherwise required in sec. 27.2.1 shall be required.
- 7.15.5           Nets may not be placed or operated within ½ mile of a designated trout stream. **(11/20/18)**
- 7.15.6           It shall be unlawful to set fishing gear within ¼ mile from other fishing gear with the following limitations:
- (a)       Applies to parallel fishing gear only;
  - (b)       Open water conditions only;
  - (c)       Adjacent licensees may, by mutual consent, maintain a shorter interval between their respective nets. **(8/6/2012)**
- 7.15.7           At no time shall a State Commercial License Holder participate in the setting or lifting of a Red Cliff License Holder's fishing gear. **(12/29/2019)**

7.15.8 At no time shall a Red Cliff License Holder set or lift any commercial fishing gear from a vessel owned and/or operated by a State Commercial License Holder. **(12/29/2019)**

**7.16 SECTION 16: BIOLOGICAL SAMPLING**

7.16.1 All catch is subject to reasonable biological sampling by the Tribal Fisheries Biologist or authorized representatives. Notwithstanding the provisions of any other section of these rules, assessment fishing is permitted at any time and location with the written permission of and under the supervision of the Tribal Fisheries Biologist or joint Tribal/State Fisheries assessment teams. **(01/13/14)**

7.16.2 If inspection or sampling requires taking legally harvested fish or impairs their market value, the fishermen shall be reimbursed the reasonable value of the loss.

7.16.3 Licensees must respond to a monitoring request by Fisheries staff or authorized representatives. Failing to respond to a request for monitoring for biological sampling is prohibited. Three (3) documented attempts by Fisheries staff/authorized representatives to contact a licensee without a response shall constitute prima facie evidence of Interference with Biological Sampling. It is the responsibility of the license holder to notify the Fisheries Department of their current and preferred contact information and to notify the Fisheries Department within one (1) business day if there are any changes to the preferred contact method. **(8/22/17)**

7.16.4 Obstructing, misleading or otherwise providing false information to fisheries staff or an authorized representative in conjunction with the requirements of this section while said staff is in performance of official duties is prohibited. **(8/22/17)**

**7.17 SECTION 17: PENALTIES**

7.17.1 **FAILURE TO ACCURATELY REPORT EFFORT.** In addition to all other penalties permitted by this sec. 7.17, a licensee who underreports effort is subject to a forfeiture of \$200 plus \$.25 per foot of unreported net. **(6/2/14)**

7.17.2 **FAILURE TO ALLOW INSPECTION, SEARCH, IDENTIFICATION STOP, OR INTERFERING WITH BIOLOGICAL SAMPLING.** In addition to all other penalties permitted by this sec. 7.17, a licensee who fails to allow an inspection, search or identification stop described in sec. 7.12, or interferes with biological sampling as described in 7.16.1 is subject to license suspension upon conviction. Upon a second conviction of such offense the court shall impose a license

suspension for not less than 30 fishing days, in addition to all other penalties permitted by sec. 7.17. **(07/19/16)**

7.17.3 **FAILURE TO COMPLY WITH CLOSURE OR OTHER RESTRICTIONS.** In addition to all other penalties permitted by this sec. 7.17, a licensee who fails or refuses to withdraw from a closed area, or to comply with restrictions, within 24 hours after the notice prescribed in sec.7.15.3 is given shall be subject to a forfeiture of \$5,000 for each violation. Each day the licensee fails to withdraw or to comply shall constitute a separate violation.

7.17.4 **DISPOSITION OF CONTRABAND.** In addition to all other penalties permitted by this sec. 7.17, fish determined by a court to be contraband shall not be returned to the defendant, his/her agents or immediate family members, but the court may order that the fish be used for charitable purposes, or that the fish be sold and the proceeds paid to the Tribe. **(11/20/18)**

7.17.5 A person convicted of violating any provision of this Chapter 7 shall be subject to any of the following civil penalties, or any combination of them:

- (a) A civil forfeiture not to exceed \$5,000 per violation. (Deposit permitted in accordance with the schedule at sec. 7.17.8),
- (b) Suspension of license, or
- (c) Revocation of license.

7.17.6 Aggravated or repeated violations of this Chapter 7 shall be grounds for revocation of a Commercial Fishing License for one year.

7.17.7 Failure to pay forfeiture or to perform other conditions imposed by a court within 30 days of the conviction, or such other deadline as imposed by the court, shall be grounds for suspension of the license until the forfeiture is paid or the conditions of sentence are satisfied.

7.17.8 **DEPOSIT SCHEDULE**

<u>Section</u>	<u>Description</u>	<u>Deposit Permitted</u>
7.2.1(a)	Fishing without a license (1/23/2018)	600
7.2.1(a)	fishing without a license ID card in possession (1/23/2018)	50

7.2.8	Fishing Commercial/Home Use Nets	300
7.3.1	Minimum size limits (1/23/2018)	100
7.4	Mesh size 1/23/2018)	600
7.5.2	Fishing during closed Season (1/23/2018)	600 +catch value
7.5.3	Fishing in excess of Effort Limitations 1/23/2018	200 + \$0.25 per foot
7.6	Lifts <b>(07/17/07) (1/23/2018)</b>	
	Less than 2 days	200
	>2 days, <6 days	400
	>6 days	800
7.7.1	Net Marking 1/23/2018	
	Height, flagging or buoy color	100 per
	No License number	200
	Missing inside or outside buoy	300
	No buoy	1,000
7.7.2	Effort Tags (1/23/2018)	
	No tag	200
	Missing or incorrect date, license Number, grid, or net length	50 per
7.7.3	Ice Buoy <b>(11/20/18)</b>	
	Height, flagging or buoy color	100 per
	No license number	200
	No buoy	1,000
7.7.4	Improperly marked or failure to mark floats <b>(11/20/18)</b>	200
7.8.1(a)	Tagging - Lake Trout (1/23/2018)	400
7.8.1(b)	Failure to return live lake trout (1/23/2018)	400
7.8.1(c)	Tags only valid during season issued 1/23/2018	400



7.8.1(d)	Timely Tagging (1/23/2018)	400
7.8.1(e)	Failure to return unused tags (1/23/2018)	400 + license suspended
7.8.2	Tagging - Home Use (1/23/2018)	400
7.8.3	Miscellaneous Tags (1/23/2018)	400
7.8.4	Michigan Fish 1/23/2018 MI fish to WI, combined catch or Lift Net in WI with MI fish	500
7.10	Prohibited sales	200
7.10.2	Fail to tag prohibited species (1/23/2018)	200
7.11.1(a)	Required Information (1/23/2018)	100
7.11.1(a)	Underreporting effort (1/23/2018)	200 +0.25 per foot
7.11.1(a)	Underreporting catch (1/23/2018)	100 +value of unreported catch
7.11.1(b)	Due Date (1/23/2018) <15 days overdue >15 days, <30 days >30 days	100 200 500 +license suspension
7.11.1(c)	Failure to report lost nets (1/23/2018)	500
7.11.2	Failure to keep log (11/20/18) Failure to produce log for inspection Inaccurate or missed log entry	300 300 50
7.12.1	Failure to Allow inspection (1/23/2018)	1,000

		+license suspension
7.12.2	Failure to allow search or ID stop (1/23/2018) (a, b, & c)	1,000 +license suspension
7.12.2(c)	Vehicle Search	200
7.13.1	Fishing in refuge (1/23/2018)	600 + catch value
7.14	Restricted Area (1/23/2018)	600 + catch value
7.15.1	Mandatory Withdrawal (1/23/2018)	600
7.15.2	Additional Restrictions (1/23/2018)	600
7.15.5	Fishing non-lifter area with lifter (1/23/2018)	600
7.15.6	Violate ¼ Mile Rule (1/23/2018)	500
7.17.2	Interfere w/biological sampling (1/23/2018)	1,000 +license suspension
7.18.1	Max 9 Trap Nets (1/23/2018) (3/04/24)	500 Per net
7.18.2	Depth	250
7.18.4	Lifting Times (1/23/2018)	
	< 2 days	300
	>2 days, < 5 days	400
	>5 days overdue	600
7.18.5	Setting within 1/4 mile of other nets	250
7.18.6	Location Report (1/23/2018)	200

7.18.7	Remove nets during closed season (1/23/2018)	500 +100 per day
7.18.8	Dead Trout must be kept and tagged	200
7.18.9	Location and Catch Report (1/23/2018)	200
7.8.10	Identification (1/23/2018)	200
7.18.12	Small boat - 2 nets per license (1/23/2018)	500 per net
7.18.13	Setting nets – April to September	300
7.18.13	Pot mesh size 4.5” min (1/23/2018)	1,000 +catch value
7.18.14	Setting nets from boat Nov. to March (1/23/2018)	500 +100 per day
7.18.15	Trap net near Trout Stream (1/23/2018)	500
7.19.3(a)	Fishing without a license (1/23/2018)	600
7.19.3(a)	Fishing without a license ID card In your possession (1/23/2018)	50
7.19.4(a)	Retain lean trout Nov. 7 thru Nov. 27 (1/23/2018)	600 +catch value
7.19.4(b)	October target fishing (1/23/2018)	600 +catch value
7.19.5	Fishing during Restricted Season (1/23/2018)	600 +catch value

7.19.6(a)	Net Restrictions mesh size (1/23/2018)	600
7.19.6(b)	Mesh length (1/23/2018)	200 +0.25 per foot over
7.19.6(c)	Setting ¼ mile from other nets (1/23/2018)	500
7.19.6(e)	Depth (3/04/24)	250
7.19.7	Tagging (1/23/2018)	400
7.19.7	Fail to return unused tags (1/23/2018)	400 + License suspension
7.19.8	Catch Reports (1/23/2018)	
	< 15 days overdue	100
	> 15 days, < 30 days	200
	> 30 days overdue	500
		+ License suspension
7.19.9	Net Marking (1/23/2018)	
	Height, flagging or buoy color	
	Violation	100 per
	No license number	200
	Missing inside or outside	500
	No buoys	1000
7.19.11	Fail to allow inspections (1/23/2018)	1,000 +license suspension
7.19.13	Fishing in Closed Areas (1/23/2018)	600 +catch value
7.19.14	Fishing in Closures near Streams (1/23/2018)	600 +catch value
7.19.15(a)	Prohibited Sales <b>(8/6/2012) (1/23/2018)</b>	200 +catch value
7.19.16	Black River Harbor (1/4/16)	250
7.20	Prohibited docking @ RC fishing dock (1/23/2018)	250

**7.18**                    **SECTION 18: TRAP NET REGULATIONS**

- 7.18.1                    A maximum of 9 trap nets can be set per trap net permit. **(3/04/24)**
- 7.18.2                    Trap nets must not be set deeper than 15 fathoms (90 feet). If during monitoring a disproportionate number of undersize fish are killed from lifting in deep water the fishermen will have to reset in shallower water. **(11/20/18)**
- 7.18.3                    Within 24 hours of setting any portion of the net, the net must be fully set and begin actively fishing. **(11/20/18)**
- 7.18.4                    Each trap net shall be lifted a minimum of once every 168 hours (7 days)
- 7.18.5                    Trap nets may not be set within 1/4 mile of any other entrapping nets or gillnets. **(11/20/18)**
- 7.18.6                    Locations of trap net sets shall be provided to the Red Cliff Fisheries Department within 48 hours after setting.
- 7.18.7                    Trap nets shall be removed from the water or shall have the holding pot portion rendered inoperable during the closed seasons for lake trout and whitefish (Oct. 1 - Nov. 27). All webbing must be removed within 3 days after the season ends. **(11/20/18)**
- 7.18.8                    All dead lake trout must be kept and tagged.
- 7.18.9                    The location and catch of each species of fish (in pounds) from trap nets shall be reported for each net lifted each day.
- 7.18.10                    Buoys or entrapment gear shall bear the commercial License and Permit holder's identification number. Entrapment Gear fished under the Provisional Tribal License and Permit issued to the Red Cliff Fish Company shall be marked RCFC. Effective October 1, 2024, each trap net shall be marked with and maintain the following: two flags, one above the other, on a single staff attached to the inside or shallow lead end of the net; one flag on a staff attached to the pot or lifting buoy; one flag on a staff attached to the anchor at the outward end of the king line; and one high visibility float attached to the anchor at the outward end of each net wing. All floats and all flags except the flag attached to the king line anchor shall be of a highly visible color, such as the color commonly referred to as hunter orange or blaze orange. The flag attached to the king line anchor shall be a dark color other than orange. License numbers shall be marked or attached to the pot (lifting) buoy. **(3/04/24)**

- 7.18.11 Each Trap Net Permit holder will be given a big boat allocation of lake trout tags. Each licensee holding a Trap Net Permit shall set aside no less than twenty (20) lake trout tags per net fished to account for lake trout bycatch mortality. This section shall not apply to the Provisional Tribal License and Permit since this is already addressed in sec. 7.2.6. **(3/04/24)**
- 7.18.12 Small boat fishermen shall be allowed to set two (2) entrapment nets per license. **(6/07/99)**
- 7.18.13 The pot mesh size for Entrapment Gear shall be a minimum of 4 ½ inch stretch measure. Nets may not be placed or operated during the months of April through September if the mesh covering the top of hearts of the nets is less than fourteen (14) inch stretch. **(3/04/24)**
- 7.18.14 Nets may not be placed or operated from a boat or watercraft November 28 through March 31.
- 7.18.15 Nets may not be placed or operated within 1/2 mile of a designated trout stream. **(11/20/18)**

**7.19 SECTION 19: MICHIGAN FISHING REGULATIONS**

- 7.19.1 The following regulations are applicable to commercial fishing in the Michigan waters of Lake Superior. These regulations are enacted pursuant to sec. 7.15.4 of the Red Cliff Code of Laws, and are immediately effective upon notification as provided in sec. 7.15.3. These regulations are in effect until repealed. References to Chapter 7 refer to Chapter 7 of the Red Cliff Code of Laws.
- 7.19.2 FISHING YEAR.
  - (a) The Fishing Year begins on November 27 and ends on November 26. **(5/03/99)**
  - (b) Fishers are allowed to fish chubs, herring and siscowets in water 35 fathoms or deeper all year. **(12/03/07) (11/20/18)**
- 7.19.3 LICENSE.
  - (a) Every fisher shall have in possession the license required by sec. 7.2.1. The license is valid for one Fishing Year only, and only if the licensee has been expressly authorized by the Red Cliff Band to fish in Michigan waters.

- (b) No more than four (4) large boats shall be licensed to fish the Michigan waters of Lake Superior. **(12/03/07)**

7.19.4 CLOSED SEASON.

- (a) No licensee shall take and retain any lean lake trout or whitefish from November 7 thru November 27. **(01/13/14)**
- (b) During the month of October, target fishing for lake trout is prohibited in all areas except the Keweenaw Bay small boat non-quota area. Possession of a catch in which lean lake trout comprise more than 40% of the total number of lean lake trout and whitefish shall constitute target fishing. **(12/03/07)**

7.19.5 RESTRICTED SEASON **(12/03/07)**. Each licensee shall refrain from commercial fishing in management unit MI-4 for an entire month either in June, July or August every fishing year. Each licensee shall select their month by informing the Red Cliff Fisheries Department on or before May 31 of each fishing year of their selection.

7.19.6 NET RESTRICTIONS.

- (a) No licensee shall set nets with a mesh size smaller than 4 1/2 inches stretch measure targeting lake trout, whitefish, salmon or siscowet trout. Mesh sizes of 2 3/8 to 3 inch shall be legal gear for herring, menominees and chubs. **(5/03/99)**
- (b) Each big boat licensee shall be only allowed to set 12,000 ft. of large mesh gill nets (4½ inch and larger) with a 5% variance in all waters less than 35 fathoms. In all waters over 35 fathoms licensees shall be only allowed to set 20,000 ft. of large mesh gill net. **(12/03/07)**
- (c) It shall be unlawful to set fishing gear within ¼ mile from other fishing gear with the following limitations:
  - 1) Applies to parallel fishing gear only;
  - 2) Open water conditions only;
  - 3) Adjacent licensees may, by mutual consent, maintain a shorter interval between their respective nets. **(8/6/2012)**

- (d) Trap nets not be set within ½ mile of any other entrapping nets, except that adjacent tribal licenses may, by mutual consent, maintain a shorter interval between their respective nets, provided that said interval is at least ¼ mile and the ½ mile interval is maintained with any adjacent non- tribal net. **(8/06/12)**
- (e) Trap nets shall not be set deeper than 25 fathoms (150 feet). If during monitoring by the Fisheries Department a disproportionate number of undersize fish are killed from lifting in deep water the licensee may be required to reset in shallower water. Failure to comply with directives from the Fisheries Department shall constitute a violation of this section. **(3/04/24)**

7.19.7 TAGGING. All lean lake trout taken and retained shall be tagged with tags furnished or authorized by the Red Cliff Band. Every licensee shall affix tags promptly after the fish are dressed. No fish shall be tagged with tags for any management unit except the unit the fish were taken from. Unused tags must be returned within 15 days of the close of the fishing season. **(6/02/14)**

7.19.8 CATCH REPORTS. Catch reports shall be submitted on forms prescribed by the Red Cliff Fisheries Department. Reports are due on the 15th day of the following month being reported and shall be submitted to the Red Cliff Fisheries Department. **(5/03/99)**

7.19.9 MARKING. Nets shall be marked as stated in this chapter section 7.7 **(5/03/99)**

7.19.10 QUOTA.

- (a) A quota enforced by the tagging provisions of sec. 7.19.7 shall govern the harvest of lean lake trout. The quota shall be set by the Red Cliff Tribal Council and shall be implemented by the issuance of a limited quantity of tags. **(5/03/99)**
- (b) The quota for MI-1 will be left open for assessment fishing only. **(12/03/07)**

7.19.11 INSPECTIONS. Licensees shall allow Red Cliff Wardens and any other law enforcement officer who also has been cross deputized as a Red Cliff Warden for the specific purpose of enforcing commercial fishing regulations, to inspect nets, vessels, and vehicles used in the fishing operation, and to inspect any fish taken and retained by a licensee at any reasonable time and place. License holders shall inform Red Cliff Wardens of their port of call at the start of the fishing season, and prior to any change in port of call. **(8/6/2012) (8/22/17)**



7.19.12 The following provisions of Chapter 7 of the Red Cliff Code of Laws are hereby incorporated by reference and made a part of these Michigan Fishing Regulations:

- (a) sec. 7.2.1 Commercial Fishing License
- (b) sec 7.8 Tagging, except 7.8.1(b) and 7.8.5 **(01/13/14) (11/20/18)**
- (c) sec. 7.15 Additional Closures and Restrictions, except 7.15.5 **(11/20/18)**
- (d) sec. 7.16 Biological Sampling
- (e) sec. 7.17 Penalties

7.19.13 **CLOSED AREAS.**

- (a) Grids 1511, 1512, and 1413 shall be closed from Memorial Day to November 28 for lean lake trout and whitefish.
- (b) All areas south of the line between East Entry and Point Abbaye shall be closed.
- (c) The following areas are closed to all fishing during the month of October and November: **(01/13/14)**
  - 1. Copper Harbor: no fishing within a two-mile radius of the navigation light at Copper Harbor.
  - 2. Buffalo Reef: no fishing within a two-mile radius of Loran C coordinate 8920-s-31856.4, 8920-y-466687.9.
  - 3. Traverse Island: no fishing within a two- mile radius of the Island.
  - 4. Huron Islands: no fishing within a two-mile radius of any of the islands which constitute the Huron Islands.
  - 5. Union Bay: no fishing in less than 50 feet of water within a two mile radius.
  - 6. Eagle River Shoals: no fishing in less than 25 feet of water within a two-mile radius.

7. Big Bay Reef: no fishing in less than 25 feet of water within a two mile radius. **(12/03/07)**
8. Management Unit MI-2. **(6/02/14)**

7.19.14 CLOSURES NEAR STREAMS. Commercial fishing will be closed from April 15 through May 15 and from October 15 through November 15 of each year within a ½ mile radius of the mouth of the following rivers and streams:

- (a) Unit MI-2 – Montreal River, Black River, Presque Isle River, Little Carp River, Big Carp River, Big Iron River, Ontonagon River, Firesteel River.
- (b) Unit MI-3 – West Sleeping River, East Sleeping River, Misery River, Elm River, Graveret River.
- (c) Unit MI-4 – Tobacco River, Traverse River, Falls River, Silver River, Slate River, Ravine River, Huron River, Little Huron River.
- (d) Unit MI-5 – Salmon Trout River, Little Iron River, Big Garlic River, Little Garlic River, Harlow Creek, Dead River, Carp River, Chocolay River. **(12/03/07)**

7.19.15 PROHIBITED SALES.

- (a) There will be no commercial sale of the following fish:
  1. Rainbow Trout
  2. Brook Trout
  3. Brown Trout
  4. Sturgeon
- (b) Whitefish under 17 inches may not be sold. **(12/03/07)**

7.19.16 DOCKING AT BLACK RIVER HARBOR. The following provisions will regulate how MI licensed boats dock at Black River Harbor in management unit MI-2. **(1/04/16)**

- (a) Boats must have a minimum of 3 fenders with a minimum size each of 10” x 26” between the boat and the dock when moored at the dock.
- (b) Boats must have a minimum of 4 tie-downs with rope a minimum of 1” thick when moored at the dock.

- (c) No garbage or debris may be left at the Black River Harbor or Campground.
- (d) It is the responsibility of the license holder to ensure their boat is properly secured if left over winter. Damages to Forest Service property that could have been avoided under (d) will be the responsibility of the license holder.

**7.20            SECTION 20: COMMERCIAL FISHERMEN’S DOCK (01/13/14)**

- 7.20.1            The Fishing Committee will regulate the use of the dock, access to and from the dock, and maintenance and improvements to the dock through the management and enforcement authority of the Treaty Natural Resource Division.
- 7.20.2            The dock is for the exclusive use of licensed Red Cliff fishing boats.
- 7.20.3            Docking of boats is prohibited on the north and east side of the dock except for loading and unloading only.
- 7.20.4            Any boat that is unauthorized to dock shall be issued a citation for trespassing under section 23.4 of RCCL.
  - (a)      Each day of trespass shall be considered a separate violation.
  - (b)      Repeated violations may result in removal of the boat in violation at the owner’s expense.
- 7.20.5            The Fishing Committee shall declare the slips available for docking at the beginning of each fishing season.
  - (a)      Boat slips will be assigned at the discretion of the Fishing Committee.
  - (b)      Only Red Cliff licensed fishing boats may utilize the dock. This includes transient use for loading and unloading.
  - (c)      Commercial fishermen that are currently assigned a slip and paid the docking fee for the previous fishing season will have the option to renew their lease without competition.
  - (d)      The Fisheries Department shall maintain a waiting list for dock slips and collect the annual docking fee for lease of a slip.

- (e) All boats docked at a slip must be operational and actively fishing. Any inoperable boats or boats not actively fishing will not be eligible for lease renewal or the waiting list.
- (f) Docking fees shall be determined by the Fishing Committee and must be paid by December 1 of the fishing season.
- (g) A boat slip is assigned to one boat regardless of how many boats a commercial fishermen owns. A boat slip lease is non-transferable and applies to a specific vessel.
- (h) All commercial fishermen who lease a boat slip must sign the Boat Slip Lease and Liability Waiver form prior to using the boat slip. All commercial fishermen leasing a boat slip or using the dock for loading or unloading are responsible for any damages to the dock from their boat. The Fishing Committee is not responsible for any loss or damage to a commercial fishermen's boat.
- (i) If any rules are violated by a commercial fisherman leasing a boat slip, the Fishing Committee has the discretion to revoke the boat slip lease. Boats that remain after revocation of their lease shall subject the boat owner to trespassing fines and removal.

7.20.6 Red Cliff Wardens shall enforce the provisions of this section. Wardens may act to enforce this section through the request of the Fishing Committee while in quorum, or through direct observation of a violation occurring.

**7.21 SECTION 21: CISCO QUOTA**

7.21.1 A tribal quota shall govern the harvest of Cisco in the Wisconsin Waters of Lake Superior. Prior to the start of the calendar year, the tribal quota shall be determined by the Red Cliff Fisheries Department as set out in the three-party Lake Superior Fishing Agreement. **(10/19/2021)**

7.21.2 The tribal quota for Cisco shall be distributed to licensees on an annual and seasonal basis via nontransferable individual quotas (hereafter individual quotas). Individual quotas shall be distributed during two seasons. Season 1 shall be from January 1<sup>st</sup> to October 15<sup>th</sup>, and season 2 shall be from October 21<sup>st</sup> to December 31<sup>st</sup>. All season 1 individual quotas shall expire at 11:59 PM October 15<sup>th</sup>, and all season 2 individual quotas shall expire at 11:59 PM December 31<sup>st</sup>. At the start of each season, individual quotas will be distributed by the Red Cliff Fisheries Department in the amount of no more than 15,000 round pounds per licensee per

day during season 1 and in the amount of no more than 15,000 round pounds per Big Boat per day during season 2. **(10/19/2021)**

- 7.21.3 Individual quotas must be registered by a small or big boat commercial licensee to be considered valid. Individual quotas will be available on a first-come, first served basis at a self-service location designated by the Red Cliff Fisheries Department. To register an individual quota, the applicant must legibly complete all fields (e.g., the date of application, printed applicant name, applicant license number, the vessel the quota will be fished from, and applicant signature) and deposit the completed application at the designated self-service location. Registration must be completed at the self-service location. Unregistered individual quotas shall not be removed from the self-service location. **(10/19/2021)**
- 7.21.4 Individual quotas can be returned to the Red Cliff Fisheries Department at any time. Licensees that registered for an individual quota but fail to fish any portion of the individual quota shall return the individual quota to the Red Cliff Fisheries Department. **(10/19/2021)**
- 7.21.5 During season 1, licensees shall not register more than one individual quota per license per day. At least 2/3rds of the individual quota registered to a license must be harvested before more individual quota can be registered for that license. No more than two individual quotas with unharvested allocation remaining shall be registered to any license at any time. **(10/19/2021)**
- 7.21.6 During season 2, licensees shall not register more than one individual quota per Big Boat per day. At least 2/3rds of the individual quota registered to a Big Boat must be harvested before more individual quota can be registered for that Big Boat. No more than two individual quotas with unharvested allocation remaining shall be registered to any Big Boat at any time. **(10/19/2021)**
- 7.21.7 Fishing with Cisco targeted gear shall be considered target fishing for Cisco. All Cisco captured while target fishing for Cisco shall be considered targeted catch. Fishing with non-Cisco targeted gear shall not be considered target fishing for Cisco. All Cisco captured while not target fishing for Cisco shall be considered bycatch. Licensees shall not target fish for Cisco without possession of an individual quota. Individual quota is not required when target fishing for fish other than Cisco. Cisco captured as bycatch may be harvested without possessing individual quota. **(10/19/2021)**
- 7.21.8 Exceeding an individual quota while target fishing for Cisco shall constitute a violation of this Code. **(10/19/2021)**