

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O.Box 39 • Odanah, Wisconsin 54861

Resolution No. 9-19-17-885

Approving Technical Changes to the Trapping Code

WHEREAS, the Bad River Band of Lake Superior Tribe of Chippewa Indians is a federally recognized Indian tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. Sec. 476; and

WHEREAS, the Natural Resources Department, with approval by motion on September 19th, 2017, distributed the proposed changes to Chapter 304 – Trapping Code for a thirty (30) day comment period; and

WHEREAS, the Tribal Council finds the approval of the technical changes attached hereto as Exhibit "A" to be in the best interest of the Tribe;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby:

1. Approves the technical changes to the Trapping Code as presented at this meeting and attached hereto as Exhibit "A."
2. Directs the Natural Resources Department to implement those procedures designed by the Chapter 304 Code to protect the environment and general safety of the public on the Bad River Reservation.

Certification

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of seven members, of whom 6 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 19 day of September, 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members, 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.


RaeAnne Maday, Secretary
Bad River Tribal Council

CHAPTER 304 - TRAPPING ORDINANCECode

Section 304.1 - Purpose

It is the purpose and intent of this ordinance to regulate the taking of fur bearers on the Bad River Reservation. The Tribe believes it is important to provide an opportunity for its trappers to take such animals as are necessary for cultural or economic purposes while still protecting the integrity of the species. The Tribe also believes it is important to provide for a system which protects its members from harassment and interference by non-Indians.

Section 304.2 - Jurisdiction

Any violation of this ordinance shall be referred to the Bad River Tribal Court.

Section 304.3 - Sale of Fur

Any furs, either trapped or shot by a Bad River Tribal member on reservation, which shall be sold to an authorized fur dealer or individual shall be tagged with the Bad River registration tag.

Section 304.4 – Identification of Traps

You must attach to each trap and/or cable restraint a metal tag that is stamped or engraved with your Bad River tribal identification number.

Section 304.5 – Trapping Protected Species

No open trapping season for endangered, threatened, or protected species. These include any animal listed on the Federal, Tribal, and State lists. Check with BRNRD for the most current list. If a protected species is trapped incidentally it must be immediately released. If killed, it must be surrendered as soon as possible to BRNRD. Traps should be set to reduce incidental take and trapper is responsible for what is trapped. It is illegal to take, transport, possess, process, or sell any endangered, threatened, or protected species.

Section 304.6 – Trapping Near a Residence

Traps must be clearly identifiable for pet and human safety concerns when trapping within 100 yards of a residence or public road. When trapping on private land written permission must be obtained from the land owner. Traps must be a minimum of 50 yards from a dwelling unless nuisance trapping and/or written permission is obtained.

Section 304.7 – Trapping and Snaring Methods/Restrictions

- a. Tending Traps – You can set or tend traps or snares any time of the day or night. All dry and water sets must be checked and animals removed once within a twenty four (24) hour period. Drowning sets and under ice sets must be checked once every seventy-two (72) hours.
- b. Prohibited Trapping Methods – Nets, pitfalls, springpoles, deadfalls, and similar devices are prohibited, unless prior approval is received from BRNRD and BR Warden is aware of the locations of these traps since they pose a threat to human safety. Poisonous or stupefying substances or devices cannot be used.
- c. Location/Other Restrictions:
 - A trap, cable restraint, or snare other than a commercially manufactured enclosed trigger trap closer than 15' from any beaver dam, unless nuisance trapping for beavers.

Section 304.8 – Tampering with Another's Equipment/Stealing

It is illegal to tamper with the traps or snares set by another person. It is also illegal to remove game from a trap or snare without consent of the owner. If something appears questionable contact a BRNRD Conservation Warden.

Section 304.4- Limitation of Tags

~~Such tribal trapper/hunter who traps or kills certain tribally designated protected species shall be limited to either one or two tags depending on the species. These species shall be established by the Bad River Conservation Department. Additional tags may be distributed if the individual meets the requirements set forth by the Conservation Department. The Tribe designates bobcat and fisher as protected species for 1986-87.~~

Section 304.5-2- Prohibitions

No member shall tag or sell any fur pursuant to this system which was not trapped/killed by a tribal member on the reservation. This shall not be construed to prohibit members from trapping/killing game off reservation pursuant to an off reservation system. In reference to Section 330.5, no member shall assist, encourage, or accompany any non-Indian trapping on trust land within the exterior boundaries of the Bad River Reservation.

Section 304.6-10- Penalty

(a) A violation of sections 304.3 and 304.43-304.11 shall result in a minimum forfeiture of no less than \$50.00 up to a maximum of \$5,000.00.

~~(b) A violation of section 304.5 shall result in a forfeiture of no less than \$100.00.~~

(eb) Community service may be assessed in addition to the penalties set forth in (b) or in lieu of the penalties assessed in (a).

(dc) Tags for any species including fish may be withheld upon failure to pay the set forfeiture or with flagrant or multiple violations, tags will be withheld.

Exhibit A

Technical Changes to Chapter 304 – Trapping Code

Revised from Second Public Comment Period from 12/28/16 - 01/26/2017

Section 304.4 – Permit and Identification Requirements

Trapping Registration and Band ID's You must annually register as a trapper with the Bad River Natural Resources Department (BRNRD). The BRNRD will issue you a trapping ID number. The number provided will remain with that individual but must still contact the BRNRD annual to notify that they will be trapping.

Section 304.5 – Identification of Traps

You must attach to each trap and/or cable restraint a metal tag that is stamped or engraved with your Bad River ~~Trapper Registration Number~~ Tribal Identification Number.

Section 304.6 – Trapping Protected Species

No open trapping season for endangered, threatened, or protected species. These include any animal listed on the Federal, Tribal, and State lists. Check with BRNRD for the most current list. If a protected species is trapped incidentally it must be immediately released. If killed, it must be surrendered as soon as possible to BRNRD. Traps should be set to reduce incidental take and trapper is responsible for what is trapped. It is illegal to take, transport, possess, process, or sell any endangered, threatened, or protected species.

Section 304.7 – Tagging

~~All species trapped on Reservation that will be transported off Reservation must be tagged by BRNRD with a transportation tag. Otter and bobcat must also receive a CITES tag from GLIFWC.~~

Section 304.8 – Trapping Near a Residence

Traps must be clearly identifiable ~~for pet and human safety concerns~~ when trapping on public land within 100 yards of a residence or public road. When trapping on private land written permission must be obtained from the land owner. Traps must be a minimum of 50 yards from a dwelling unless nuisance trapping and/or written permission is obtained.

Section 304.9 – Trapping and Snaring Methods/Restrictions

- ~~a. Bait – Any bait set out must also have a metal identification tag indicating your Bad River Trapper Registration Number on the tree nearest the baits, at eye level, and directly facing the bait.~~
- ~~b. a. Tending Traps – You can set or tend traps or snares any time of the day or night. All dry and water sets must be checked and animals removed once within a twenty four hour period. Drowning sets and under ice sets must be checked once every 72 hours.~~
- ~~c. Size/Location Restrictions –~~
 - ~~• On or adjacent to waters, you may use only a snare, steel jawed trap, or live trap capable of taking one animal in a single setting.~~
 - ~~• Killer or conibear traps larger than 7" x 7" must be at least half submerged in water.~~
 - ~~• Steel jawed traps cannot have a spread width of more than 8".~~
 - ~~• Killer or conibear traps larger than 6" x 6" or 6" in diameter cannot be placed within 100 yards of an occupied building without the owner's consent, within 3' of any wire mesh-type fence, or within 3' of a road culvert unless completely submerged in water.~~
 - ~~• Steel jawed traps with teeth must be set as water sets.~~
- ~~d. Prohibited Trapping Methods – Nets, pitfalls, springpoles, deadfalls, and similar devices are prohibited, unless prior approval is received from BRNRD and BR Warden is aware of the locations of these traps since they pose a threat to human safety. Poisonous or stupefying substances or devices cannot be used. Pole traps and any other elevated traps used to capture~~

birds on a perch more than 3' above ground are also prohibited.

e. Additional Snaring Restrictions—

- A snare must be anchored so that it cannot be dragged and it cannot be spring activated.
- A snare cannot suspend an animal unless it is attached to a drowning mechanism.
- A snare wire cannot be larger than 1/8 inches in diameter.
- Braided picture wires without locks or swivels can be used to snare rabbits or hares. Otherwise, a snare must have a mechanical lock to prevent the loop size from becoming smaller than 2.5" or must have a break-away lock and must have a swivel device on the anchor end.
- Upland snares must be set with a loop size 10" or smaller in diameter.

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f. Location/Other Restrictions:

- Both upland and water set snares must be removed by March 31.
- Upland snares cannot be set on a well-defined deer trail.
- The bottom loop of an upland snare cannot be more than 6" above ground or, if there is snow, more than 6" above the adjoining trail.
- A trap, cable restraint, or snare other than a commercially manufactured enclosed trigger trap closer than 15' from any beaver dam, unless nuisance trapping for beavers.

Comment [LH1]: Too many different species of wildlife use dams for travel. This needs to stay. There are other ways to trap that would reduce incidental catch.

Section 304.10 – Tampering with Another's Equipment/Stealing

It is illegal to tamper with the traps or snares set by another person. It is also illegal to remove game from a trap or snare without consent of the owner. If something appears questionable contact a BRNRD Conservation Warden.

Section 304.11 - Prohibitions

No member shall tag or sell any fur pursuant to this system which was not trapped/killed by a tribal member on the reservation. This shall not be construed to prohibit members from trapping/killing game off reservation pursuant to an off reservation system. In reference to Section 330.5, no member shall assist, encourage, or accompany any non-Indian trapping on trust land within the exterior boundaries of the Bad River Reservation.

Section 304.12 - Penalty

(a) A violation of sections 304.3-304.11 shall result in a minimum forfeiture of no less than \$50.00 up to a maximum of \$5,000.00.