

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-02

Wisconsin 1837 and 1842 Ceded Territory Tribal Trapping Regulations

This Commission Order establishes amendments to the Tribes' trapping regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §8.18 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters. The Wisconsin Legislature recently amended its rules pertaining to trapping regulations. These changes in State law are less restrictive than the current tribal regulations. As a result, this Order is being presented as a way to provide the tribes with more harvest opportunities in a manner that is the least restrictive possible.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Colony Trap Regulations. Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following parameters for the Tribal use of traps shall apply:

Subd. 1: Colony Trap Definition. A colony trap is defined as an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap no to exceed 6" (six inches) in width, 6" (six inches) in height and 36" (thirty-six inches) in length.

Subd. 2: Trapping, Snaring and Restraining Snaring Only During the Open Season. A member may only set out traps, snares, or restraining snares during the open season.

Subd. 3: Trapping with the Use of Bait. A member may not use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of any trap, snares, or restraining snares.

Subd. 4: Trap, Snare and Restraining Snare Check Requirement. A member must check all dry land sets, snares, or restraining snares at least once each day and remove all captured animals.

Subd. 5: Trapping with the Use of Colony Traps. A member may trap with the use of body-gripping or conibear type trap, enclosed trigger trap, snare, restraining snares, steel-jawed trap, live-trap capable of capturing only one animal in a single setting for the purpose of taking furbearing animals, or a colony trap except for muskrat as follows, except incidentally harvested mink may be retained from a lawfully set colony trap: (a) The trap is set entirely underwater at all times; (b) The trap is not placed within three feet of any culvert; (c) The trap and set does not utilize bait; (d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

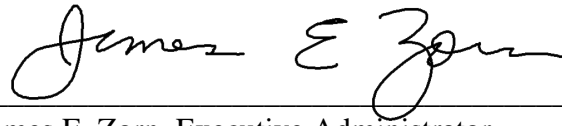
Subd. 6: Body Grip Trap Size Restrictions. A member may not trap with the use of a body gripping or conibear type trap larger than 7.5" x 7.5" as measured from the maximum outside points of the effective width and height of the jaws of the trap unless the set is at least half submerged in water

Subd. 7: Body Grip Trap Location Restrictions. A member may not trap with the use of a body gripping or conibear type trap larger than 7.5" x 7.5" as measured from the maximum outside points of the effective width and height of the jaws of the trap or 7.5" in diameter in the following locations: (a) Within 3 feet of any federal, state or county road right-of-way culvert unless completely submerged in water; (b) Within 3 feet of any woven or welded wire mesh type fence; (c) Within 100 yards of any building devoted to human occupancy without the owner's consent.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal trapping regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 6th day of October, 2011.

Commission Order 2011-02
October 6, 2011
Page 3

A handwritten signature in black ink, reading "James E. Zorn". The signature is written in a cursive style with a large, looping "Z" at the end.

James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Trapping Regulations

Model Code revision regarding tribal trapping regulations [§8.18 (Specific Trapping Regulations)] are (deletions shown by ~~strikeout~~ and additions by **redline**):

8.02 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

[Subsections (1) - (2) unchanged]

(3) **“Colony Trap” means while trapping to use an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap no to exceed 6" (six inches) in width, 6" (six inches) in height and 36" (thirty-six inches) in length.**

(4) ~~(3)~~ “Crossbow” shall have the meaning prescribed in Section 6.01(3).

(5) ~~(4)~~ “Firearm” shall have the meaning prescribed in Section 6.01(4).

(6) ~~(5)~~ “Hunt” or “Hunting” shall have the meaning prescribed in Section 2.01(8) but shall not include trapping for the purposes of this chapter.

(7) ~~(6)~~ “Trap”, in addition to the meaning prescribed in Section 2.01(14), means to trap or snare, including the use of a restraining snare.

(8) ~~(7)~~ “Unprotected Species” means:

- (a) Opossum, skunk, weasel, woodchuck;
- (b) Starlings, English sparrows, coturnix quail, chukar partridge and rock doves;
- (c) All other unprotected species as defined in Section 2.01(17).

8.18 Specific Trapping Regulations.

No member shall:

(1) Set out traps, ~~or snares,~~ **or restraining snares** except during the open season.

[Subsection (2) unchanged]

(3) Use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of **any trap, or snares, or restraining snares.**

[Subsection (4) unchanged]

(5) Fail to check all dry land sets, ~~and snares~~, or **restraining snares** and to remove all animals therein at least once each day.

[Subsection (6) unchanged]

(7) Set, place, ~~possess or operate on or adjacent to waters~~ any trap other than a **body-gripping or conibear type trap, enclosed trigger trap, snare, restraining snares, or steel-jawed trap**, or live-trap capable of capturing only one animal in a single setting for the purpose of taking furbearing animals, **or a colony trap except for muskrat as follows, except incidentally harvested mink may be retained from a lawfully set colony trap:**

(a) The colony trap is set entirely underwater at all times.

(b) The colony trap is not placed within three feet of any culvert.

(c) The colony trap and set does not utilize bait.

(d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

(8) Set, place or operate except as a water set at least half submerged in water any **body-gripping** ~~killer~~ or **conibear type** trap larger than **7.5" 7" x 7.5" 7"** as measured from the maximum outside points of the effective width and height of the jaws of the trap.

[Subsections (9) - (10) unchanged]

(11) Set, place or operate any **body-gripping** ~~killer~~ or **conibear type** trap ~~of the conibear type~~ greater than **7.5" 6" x 7.5" 6"** as measured from the maximum outside points of the effective width and height of the jaws of the trap or **7.5" 6"** in diameter in the following locations:

(a) Within 3 feet of any federal, state or county road right-of-way culvert unless completely submerged in water.

(b) Within 3 feet of any woven or welded wire mesh type fence.

(c) Within 100 yards of any building devoted to human occupancy without the owner's consent.