

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 2011-06: FIREARMS, BOWS & CROSSBOWS IN VEHICLES

I. QUESTIONS & ANSWERS REGARDING COMMISSION ORDER 2011-06 WHICH ESTABLISHES AMENDMENTS TO THE TRIBES' GENERAL RESTRICTIONS ON HUNTING FOR THE WISCONSIN PORTION OF THE 1837 AND 1842 CEDED TERRITORY.

Question 1: Do firearms still have to be in a case before they are placed in or on a motorized vehicle, including ATVs, UTVs, snowmobiles and farm implements?

Answer: No. Effective the date of this order, rifles, shotguns and muzzleloaders, no longer have to be in a case in order to place them in or on a vehicle, or to transport them unloaded in or on a vehicle.

Question 2: Do firearms still have to be unloaded before they can be placed in or on a motorized vehicle, including ATVs, UTVs, snowmobiles and farm implements?

Answer: If the firearm is a loaded rifle, shotgun or muzzleloader, it can only be placed on the top or exterior of a vehicle which is stationary. It is important to be aware that it remains illegal to place a loaded rifle, shotgun or muzzleloader inside any motorized vehicle or to actually load any rifle, shotgun, or muzzleloader while the firearm or tribal member loading the firearm is still inside the vehicle. All long guns must be outside of a motorized vehicle before a tribal member may load these firearms. A loaded firearm can be set down on the top or exterior of a stationary vehicle, but it must be unloaded before the firearm is placed inside or transported in or on the vehicle.

Question 3: Is there anytime when a tribal member is allowed to actually load a firearm when they are still in or on a motorized vehicle?

Answer: Yes. Tribal members who hold a Disabled Hunters Permit are still allowed to load a firearm and hunt from a stationary motorized vehicle.

Question 4: Now that it is legal to place a loaded uncased firearm on a vehicle, is it also legal for a tribal member to be sitting on the exterior of the vehicle holding the loaded uncased firearm.

Answer: Yes, provided the vehicle remains stationary.

Question 5: Since the law has changed to allow a tribal member to possess a loaded uncased firearm when they are sitting on the exterior of a stationary motorized vehicle, does this mean a tribal member can hunt and shoot from their parked and stationary motorized vehicle?

Answer: No. Except for the pre-existing exemption for tribal members possessing a Disabled Hunters Permit, it is still illegal to discharge a firearm in or from a motorized vehicle. The Tribal Off-Reservation Conservation Code provisions regulating hunting and discharge of a firearm in or from a vehicle and within 50 feet of the center of a roadway have not changed.

Question 6: Can I use my truck or car as a shooting platform to rest my firearm on when sighting in my firearm or shooting at a deer?

Answer: No. It is not legal to discharge a firearm in or from a vehicle.

Question 7: In the past it was only legal to lean an unloaded firearm against a vehicle. Is this still true?

Answer: No. Now that it is legal to place a loaded firearm on a vehicle, this means it is also legal to lean a loaded firearm against a vehicle. Caution should be taken as vehicles can easily be jarred when a tribal member opens or closes a door, or gets in or out of a vehicle, which might cause the firearm to fall to the ground. If loaded, this could lead to an accidental discharge.

Question 8: Must the vehicles engine be turned off in order to place or possess a loaded firearm on the exterior or against a vehicle?

Answer: No. It is legal to have the motor/engine running, as long as the vehicle is not put in motion.

Question 9: Since firearms generally no longer have to be placed in a case when in or on a vehicle, can a tribal member roll up their firearm in a blanket, towel or sleeping bag to protect it from getting damaged if they do not have a firearm case?

Answer: Yes, however you need to place a firearm which is hidden from view in a location where it will not be within reach of a tribal member while it is concealed in this manner.

Question 10: Are there any situations or locations where a tribal member is still required to have their firearm unloaded and enclosed within a case?

Answer: Yes. With some exceptions, firearms possessed within 1,000 ft of a school grounds (K-12) must be unloaded and either cased or locked in a firearm rack on a motor vehicle. Also with some exceptions, firearms possessed or being transported in a state park, state fish hatchery and tribally designated wildlife refuge must be unloaded and cased. Therefore, visitors to a state park will need to be sure to have their firearms unloaded and cased before entering the park property. In areas of a state parks which are open to tribal hunting, a tribal member may uncase and load their firearm for the purpose of hunting after removing it from their vehicle at the location they will be hunting.

Question 11: Are there any circumstances where a tribal member would have to still

case their bow or crossbow?

Answer: Yes. With some exceptions, bows and crossbows must be unstrung or enclosed in a carrying case while in any state park, fish hatchery, or within 100 yards of any state campground, picnic area or other special use area designated by posted notice. A crossbow, if left in a cocked position, must also be unloaded and encased before it may be placed in or on a motorized vehicle.

Question 12: In the past, it was not legal to possess or transport a loaded firearm in a motor boat with the motor running. Has this changed?

Answer: No. All rifles, shotguns or muzzleloaders, must be unloaded whenever the boats motor is running.

Question 13: In the past, when a tribal member wanted to hunt from a hay wagon or a hunting blind built on a trailer frame, these devices had to have the wheels removed and put up on blocks so they would not be considered a vehicle. Is this still true?

Answer: No. A new exception has been created to allow tribal hunters who are lawfully hunting, to load and discharge a firearm, bow or crossbow from a stationary non-motorized vehicle that is not attached to a motor vehicle.

Question 14: What must I do before I place or transport my crossbow in or on a vehicle?

Answer: The arrow/bolt must be removed from the crossbow and:

1. The crossbow may not be cocked, OR
2. If left cocked, the crossbow must be enclosed within a carrying case before it is placed, possessed or transported in or on any motorized.

Question 15: I use a motor boat to get to the area where I normally archery hunt for deer. Do I still need to unstring my bow or put it in a carrying case?

Answer: No. However, you may not have an arrow nocked when the boats motor is running, unless the bow is being used for Bowfishing.

Question 16: Can a tribal member possess a loaded uncased firearm in a horse drawn cart, carriage or wagon?

Answer: When the horse drawn device is in motion, firearms may be uncased, but may not be loaded unless the firearm is a handgun.

Question 17: Can a tribal member shoot a firearm from a horse drawn cart, carriage or wagon?

Answer: Only when stationary and for the purpose of hunting, as it would be considered a

non-motorized vehicle.

Question 19: When is a firearm considered unloaded?

Answer: "Unloaded" means:

1. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
2. In the case of a cap lock muzzle-loading firearm, having the cap removed.
3. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
4. In the case of an electronic ignition muzzle-loading firearm, having the battery removed and disconnected from

II. WHAT HAS & HAS NOT CHANGED:

A. Vehicles:

1. Bows and Crossbows:

- i. **New** - It will be legal to possess and transport uncased bows and crossbows, however, bows may not have an arrow nocked and a crossbow may not be cocked unless it is unloaded and cased.

2. Firearms:

- i. **New** - It will be legal to possess long guns such as rifles, shotguns and muzzleloaders in or on a vehicle in the following manner:
 - a. When a vehicle is in motion, long guns can be uncased in or on the vehicle, but must still be unloaded.
 - b. When a vehicle which is stationary, long guns can be uncased when placed in or on the vehicle, and can remain loaded when placed on top or against the exterior of the vehicle.
 - c. A stationary vehicle can have the motor running. "Stationary" means not moving, regardless of whether the motor is running.
- ii. It remains illegal to place a loaded firearm inside any vehicle, or to load or discharge a firearm in or from any moving or a stationary motorized vehicle. The exemption for certain disabled hunters with proper permits remains the same (no change).

B. Non-motorized Vehicles:

1. Bows, Crossbows, and Firearms:

- i. **New** - When lawfully hunting, it will be legal to load, possess when loaded, and discharge firearms (including handguns), bows and crossbows from a stationary nonmotorized vehicle that is not attached to a motor vehicle. This addresses the issue of hunting from hay wagons, blinds on wheels or utility trailers, so they no longer need to be put up on blocks or have the wheels removed.

C. Motor Boats:

1. Bows and Crossbows:

- i. **New** - It will be legal to possess and transport uncased bows and crossbows, **however**, bows may not have an arrow nocked and a crossbow may not be cocked unless it is unloaded and cased.
- ii. The exception for shooting rough fish from a motor boat with the motor running remains in place (no change).

2. Firearms:

- i. **No Change** - It was already legal to possess uncased firearms in boat with the motor running, moving or stationary.
- ii. **No Change** - It was already legal to load and discharge a firearm from a boat without the motor running.
- iii. **No Change** - It remains illegal to load a firearm or discharge any firearm from a boat with the motor running.

D. Aircraft (commercial & non-commercial):

1. Bows, Crossbows, and Firearms:

- i. **No Change** -

III. COMPARISON OF TRIBAL CODES WITHIN THE PORTIONS OF THE CEDED TERRITORIES LOCATED WITHIN THE STATES OF MICHIGAN, MINNESOTA, AND WISCONSIN.

A. Minnesota 1837 Ceded Territory Conservation Code

- 1. The MN37 CT Conservation Code allows for the transportation of uncased firearms in the same manner as provided in Commission Order 2011-06 with the following distinction:

- i. A person may transport an unloaded, uncased firearm, excluding a handgun, in a motor vehicle in the Minnesota 1837 Ceded Territory while lawfully hunting; or traveling to or from a site the person intends to hunt lawfully that day; or has hunted lawfully that day, unless: (a) within Anoka County; (b) within an area where a government subdivision has prohibited the discharge of a firearm; (c) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more; (d) on school grounds; or (e) otherwise restricted pursuant to section 3.15 of the MN37 CT Conservation Code [Shining Animals] or section 3.29 of the MN37 CT Conservation Code [Special Use Areas].

B. Michigan 1842 Ceded Territory Conservation Code

1. The MI42 CT Conservation Code allows for the transportation of uncased firearms in the same manner as provided in Commission Order 2011-06 pursuant to this change.
 - i. Note: Michigan State Law allows for the transportation of a firearm in a vehicle that is unloaded and is one or more of the following: (a) Taken down; (b) Enclosed in a case; (c) Carried in the trunk of the vehicle; or (d) Inaccessible from the interior of the vehicle