

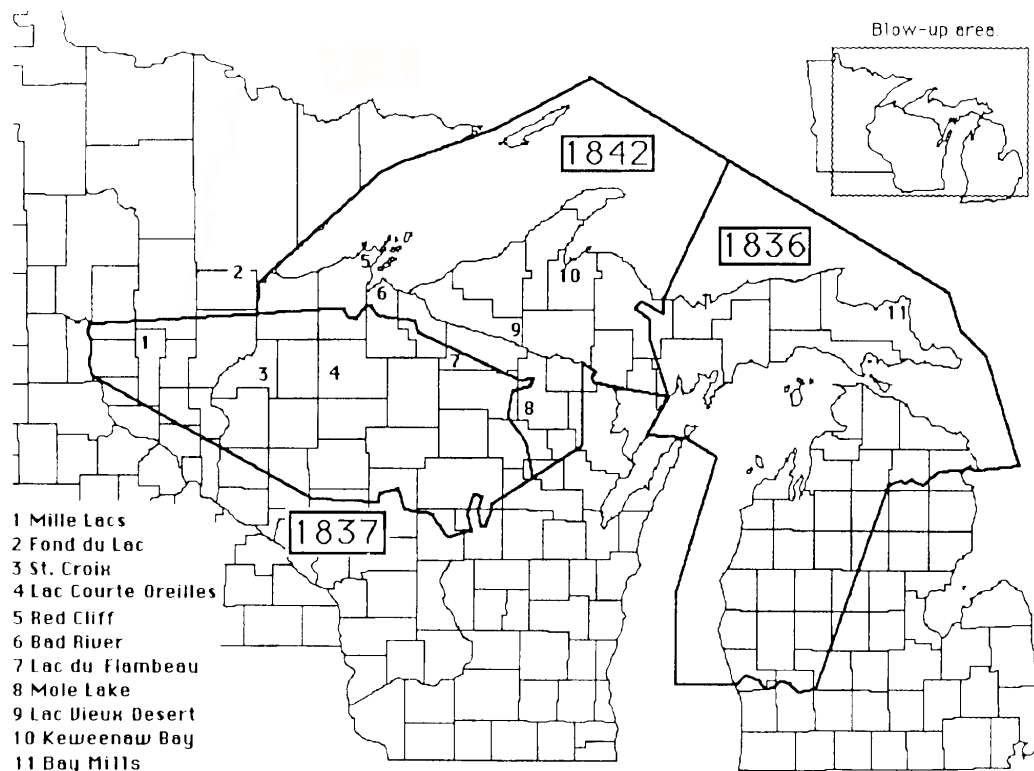
2011 OFF-RESERVATION MIGRATORY BIRD HUNTING REGULATIONS: FINAL

THE FEDERAL REGISTER ANNOUNCEMENT PUBLISHING THE REGULATIONS APPROVED BY THE U.S. FISH AND WILDLIFE SERVICE FOR THE FALL 2011 OFF-RESERVATION SEASON WAS PUBLISHED SEPTEMBER 1. THE FOLLOWING REGULATIONS ARE NOW FINAL.

ADDITIONAL TRIBAL REGULATIONS:

The rules summarized in this handout are the minimum rules applicable to tribal member off-reservation migratory bird hunting in the 1836, 1837 and 1842 treaty areas. They are not a complete statement of law. Your tribe may have imposed additional restrictions or requirements. Check with your tribal conservation department to determine if additional regulations apply to your off-reservation migratory bird hunting activities, or if you wish to see your tribe's ordinance.

NEW FOR 2011: Changes for 2011 include: 1) Shooting hours have been extended to 30 minutes after sunset; 2) The species restrictions on Black Ducks, Pintails and Canvasbacks has been raised from 5 to 9 in the 1842 and 1837 ceded territories; 3) The possession limit has been eliminated; 4) From September 1-14, only Canada geese can be hunted, but electronic calls can be used during this period; and 5) Unattended decoys can be used in Michigan.



REGULATIONS

1836, 1837 and 1842 TREATY AREAS:

SEASON DATES:

DUCKS, MERGANSERS, COOT, GALLINULE, SORA & VIRGINIA RAILS & COMMON SNIPE:
Sept. 15 - Dec. 31

CANADA GEESE: Sept. 1 - Dec. 31. In addition, any portion of the ceded territory which is open to state-licensed hunters for goose hunting after December 1 shall also be opened concurrently for tribal members.

OTHER (Snow, Blue and White-fronted) GEESE: Sept. 15 – Dec. 31. In addition, any portion of the ceded territory which is open to state-licensed hunters for goose hunting after December 1 shall also be opened concurrently for tribal members.

WOODCOCK: Sept. 6 - Dec. 1

DAILY BAG LIMITS:

DUCKS: 30, including no more than 9 black ducks, 9 pintails and 9 canvasbacks in the 1837 and 1842 ceded territory, and no more than 5 black ducks, 5 pintails and 5 canvasbacks in the 1836 ceded territory.

MERGANSERS: 10 (all species in aggregate)

COOTS & GALLINULE (Common Moorhens): 20, singly or in the aggregate

CANADA GEESE & OTHER GEESE: 20 in the aggregate

WOODCOCK: 10

SORA & VIRGINIA RAILS: 20, singly or in the aggregate.

COMMON SNIPE: 16

1837 and 1842 TREATY AREAS MOURNING DOVE SEASON: (There is no dove hunting in the 1836 Treaty Area.)

SEASON DATES: Sept. 1 – Nov. 9

DAILY BAG LIMIT: 15

POSSESSION LIMIT

There is no possession limit.

BIRDS SHOT ON-RESERVATION

Birds shot off-reservation but which fall on-reservation do not count towards your bag or possession limit; birds shot on-reservation but which fall off-reservation do count. If you want to transport a bird taken on-reservation, have it tagged by your conservation department.

SHOOTING HOURS

One-half hour before sunrise to 30 minutes after sunset.

TRIBAL ID / PERMITS

a) No member shall hunt off-reservation except while carrying a valid picture identification card issued by the tribe, or other form of identification approved by the tribe for hunting activities, **and** an Off-reservation Natural Resources Harvesting Permit validated for migratory bird hunting (available at your tribal conservation office).

b) No member shall refuse to display his or her identification documents upon request of any tribal, state, federal or local law enforcement officer.

METHODS

Migratory birds on which open seasons are prescribed may be taken by any method except those prohibited in this section. No member shall take migratory birds:

a) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, machine gun, fish hook, poison, drug, explosive or stupefying substance:

- b) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;
- c) From or by any means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;
- d) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: Provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;
- e) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;
- f) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitation of bird calls or sounds; **except that electronic calls can be used from September 1-September 14, when the only season that is open is the Canada goose season.**
- g) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. However, nothing in this paragraph prohibits:
- (1) the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over the following lands or areas that are not otherwise baited areas--
- (i) Standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;
- (ii) From a blind or other place of concealment camouflaged with natural vegetation;
- (iii) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or
- (iv) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.
- (2) The taking of any migratory game bird, except waterfowl, coots and cranes, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

NOTE: For the purposes of the baiting regulation, the words below are defined as follows:

“Normal agricultural planting, harvesting, or post-harvest manipulation” means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

“Normal agricultural operation” means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

“Normal soil stabilization practice” means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

“Baited area” means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for

ten days following the complete removal of all such salt, grain, or other feed.

“*Baiting*” means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

“*Manipulation*” means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

“*Natural vegetation*” means any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation.

h) While possessing shotshells loaded with shot other than steel shot or such shot approved as non-toxic by the director of the U.S. Fish and Wildlife Service;

i) While possessing or having in control any shotshells loaded with a single plug or ball except during the open season for deer, or any shotshells containing shot larger than no. BB, except during the open seasons provided by this agreement, when non-toxic shot no larger than size T may be used for hunting migratory game birds. Except as provided by this paragraph, no member shall hunt any game bird with a rifle or shotgun loaded with a single ball or slug larger than no. BB;

j) By using a boat or motor vehicle to stir up or rally birds.

WANTON WASTE OF MIGRATORY BIRDS

No member shall kill or cripple any migratory bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility as defined by sec. 201 of the ordinance; or (d) a post office; or (e) a common carrier facility.

DECOYS AND BLINDS

Wisconsin:

No member shall take migratory birds with decoys which are:

- a) Placed beyond 200 feet from the cover in which the hunter is located;
- b) Placed in water prior to one hour before the opening of hunting time; or
- c) Left in the water more than 20 minutes after the close of hunting time.

No member shall establish a permanent duck blind on state property including the bed of any navigable lake prior to 7 days before the waterfowl season or leave it beyond 7 days after the close of the waterfowl season. Any blind left on state property during the season must permanently bear the name (in lettering one-inch square or larger) of the person who constructed the blind.

Michigan:

a) You may not erect a hunting blind on any public water without affixing to the exterior, in waterproof letters, not less than 3 inches high, the name and address of the person who placed it there. Any unoccupied blind on Lake Superior may be used by the first person to occupy it each day;

b) You may not leave any hunting blind or part thereof anchored or affixed to the bottom lands of any public waters within the state of Michigan more than 15 days after the close of the waterfowl hunting season.

Minnesota:

Tribal members hunting in Minnesota will comply with tribal codes that contain provisions ensuring that duck blinds and decoys will not pose navigational or safety hazards. See your local conservation department for details.

JUMP SHOOTING

It is legal to hunt by boats, which are not under motor power, or moving as a result of motor power, from streams. On larger bodies of water the hunter must keep a portion of the boat in natural vegetation. Skirting the edges of rivers and lakes in this manner is considered legal.

STRUCTURES

No member shall hunt migratory birds from any publicly owned pier, dam, dock, breakwater, or similar man-made structure, where the prohibition of such hunting is clearly posted.

POSSESSION

a) Prohibited if unlawfully taken. No member shall, at any time, by any means or by any manner, possess or have in custody any migratory bird or part thereof, taken in violation of the methods restrictions.

b) During closed season. No member shall possess any freshly killed migratory birds during the closed season.

c) Tagging requirement. No member shall put or leave any migratory birds at any place (other than his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation or storage (including temporary storage), or for the purposes of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory birds being transported in any vehicle as the personal baggage of the processor shall not be considered as being in storage or temporary storage.

d) Custody of birds of another. No member shall receive or have in custody any migratory birds belonging to another person unless such birds are tagged as required by paragraph f of this section.

e) Possession of live birds. Every migratory bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become part of the daily limit. No member shall, at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

f) Termination of possession. Subject to all other requirements of this part, the possession of all migratory birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift, or have been delivered by him to a post office, a common carrier, or a migratory preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

g) Gift of migratory birds. No member shall receive, possess, or give to another, any freshly killed migratory birds as a gift except at the personal abodes of the donor or donee, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were taken.

TRANSPORTATION

a) Prohibited if unlawfully taken. No member shall, at any time, by any means, or in any manner, transport any migratory bird or part thereof, taken in violation of the methods restrictions.

b) Transportation of the birds of another. No member shall transport migratory birds belonging to another person unless such birds are tagged as required by Sec. (f) of the possession rules.

c) Species identification requirement. No member shall transport within the United States any migratory birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head and one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the processor or a migratory bird preservation facility.

d) Marking package or container. No member shall transport by the Postal Service or common carrier migratory birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds contained clearly and conspicuously marked on the outside thereof.

EXPORTATION

a) Prohibited if unlawfully taken. No member shall, at any time, by any means, or in any manner, export, or cause to be exported, any migratory bird or part thereof, taken in violation of the methods restrictions.

b) Species identification requirement. No member shall export migratory birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

c) Marking package or container. No member shall export migratory birds via the Postal Service or common carrier unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds contained clearly and conspicuously marked on the outside thereof.

PRIVATE LANDS

Hunting is prohibited on all private lands, except Forest Crop lands and Managed Forest lands in Wisconsin and Tree Growth Tax Lands in Minnesota.

WILDLIFE REFUGES AND CLOSED AREAS

All members shall comply with the closures and other restrictions found in the document "Tribal Wildlife Refuges and Closed Areas" for Wisconsin and the Commissioner's Order re: Special Use Areas for Minnesota. These documents are available from GLIFWC or your tribal conservation department. Generally, tribal and state closed and restricted areas are the same.

COOPERATION

No tribal member shall fail to cooperate with and provide information to employees of the tribe, GLIFWC, the U.S. Fish and Wildlife Service and the State DNRs who are conducting surveys or enforcing this ordinance.

PENALTIES

Your tribal court will hear all cases arising under your tribe's migratory bird ordinance. Tribal courts may assess you a forfeiture of up to \$500 per violation and may order a suspension of off-reservation migratory bird hunting privileges for a period of time set by the court.

The state may prosecute you for violation of state criminal law.

Have a safe and successful hunt!