

# Treaty Gathering and Wild Rice Harvest Regulation Summary 1837 and 1842 Ceded Territories of Michigan, Wisconsin and Minnesota



## **Treaty Gathering Regulations for:**

National Forests: Chequamegon-Nicolet, Hiawatha,  
Huron-Manistee and Ottawa

Wisconsin: Select State Lands within the 1837/1842  
Ceded Territory

Minnesota: State Lands within the 1837 Ceded Territory

Michigan: State Lands within the 1842 Ceded Territory

Apostle Islands National Lakeshore



## **BE ADVISED:**

- This summarizes various Tribal rules for treaty gathering in the 1837, and 1842 Ceded Territories of Michigan, Minnesota and Wisconsin.
- It does not state your Tribe's entire ordinance. You are responsible for knowing your Tribe's regulations, which could be more restrictive.
- Check with your Tribe or GLIFWC if you have questions.

## **INTRODUCTION**

The rules summarized in this booklet are the minimum rules that apply to Tribal members gathering miscellaneous forest products. Wild plants and miscellaneous forest products include (but are not limited to):

- Conifer Boughs
- Birch bark and other bark
- Princess pine
- Sheet Moss
- Lodgepoles
- Firewood
- Ginseng
- Maple Sap/Sugarbushes
- Other Wild Plants

Tribal members may gather miscellaneous forest products on the aforementioned public lands. For the most part, there are few rules that apply to the gathering of miscellaneous forest products, however, your Tribe may have imposed additional restrictions or requirements, you should check with your Tribe's conservation department for their full ordinance.

If you have questions regarding the property on which you wish to gather, and whether or not it is open to Tribal treaty gathering, contact your Tribe's conservation department or GLIFWC. WWW.GLIFWC.ORG

**These rules do not apply to treaty gathering activities on county forests or private lands**

## TABLE OF CONTENTS

### **A. General Information on Off-Reservation**

<b>Gathering Codes</b> .....	7
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### **B. General Gathering Regulations** ..... 7

1. <u>Permit and Identification Requirements</u> .....	7
2. <u>Harvest Monitoring</u> .....	12
3. <u>General Harvest Restrictions</u> .....	13
a) Conifer Boughs .....	13
b) Princess Pine.....	14
c) Sheet Moss.....	14
d) Lodgepoles.....	14
e) Bark.....	14
f) Ginseng.....	14
g) Maple Syrup/Sugarbushes .....	15
h) Firewood.....	15
i) Commercial Logging Prohibited .....	17
j) Harvest of Live Trees; National Forest Harvest of Live Trees; Salvage Trees for Sale, for Construction or Ceremonial Purposes.....	17
k) Unsustainable Harvest Activity .....	18
4. <u>Harvest location Restrictions</u> .....	18
a) National Forests .....	19
b) Apostle Islands National Lakeshore .....	19
c) Select Wisconsin 1837/1842 Ceded Territory Properties .....	20
d) Minnesota 1837 Ceded Territory .....	22
e) Campgrounds .....	22
f) Public Safety .....	23
5. <u>Timber Sale Contract Areas</u> .....	23
6. <u>Harvest of Certain “Marked” Trees</u> .....	24
7. <u>Harvest of Prohibited Forest Products</u> .....	24

a) Threatened or Endangered Plant Species.....	24
b) Tribal Species of Concern.....	24
8. <u>Assistance by Non-Tribal Gatherers</u> .....	25
<b>C. Other Rules that Apply While Exercising Treaty Gathering</b>	
<b>Rig A. General Information on Off-Reservation</b>	
<b>Gathering Codes.....</b>	<b>25</b>
<b>D. Wild Rice Harvest Regulations .....</b>	<b>26</b>
<b>E. Enforcement.....</b>	<b>27</b>
1. Wardens.....	27
2. Tribal Court.....	28
3. Penalties .....	28
4. Civil Damages.....	28
5. Parties to a Violation.....	28
6. Enforcement of Federal Law .....	28
<b>F. Gathering Definitions.....</b>	<b>28</b>

## **A. General Information on Off-Reservation Gathering Codes**

There are some general principles about this Off-Reservation Treaty Gathering and Wild Rice Harvest regulation booklet you should know:

1. It applies to the gathering of miscellaneous forest products (bark, sap, boughs, lodge poles, firewood), ginseng and wild rice.

2. The provisions of the tribal off-reservation conservation code that generally govern treaty rights exercise still apply. The National Forest Gathering Code and the Apostle Island National Lakeshore Gathering Code set specific additional requirements that apply to treaty rights activities in the four National Forests and the Apostles Islands National Lakeshore.

3. It does not apply to what is commonly referred to as “commercial logging.” There is one simple rule: **you may not sell all or part of any tree as bolts, pulpwood or lumber products as part of your treaty rights harvest.**

4. Check with your Tribe before using any skidder or similar vehicle in your harvest activities, such as for firewood.

5. A glossary of terms is provided at the end of this booklet for referencing specific terms like ‘miscellaneous forest products’ or ‘gathering products’.

## **B. General Gathering Regulations**

### **1. Permit and Identification Requirements:**

#### **a. Gathering Permits and Tribal ID’s:**

**You must possess a valid tribal off-reservation harvesting permit for firewood, lodgepoles, ginseng, bark and balsam boughs on all properties and a valid wild rice harvest permit for all waters.** These are issued by your tribal conservation department

and you must carry a valid tribal identification card while gathering. Off-reservation sugarbush require a specialized permit; contact your conservation office or GLIFWC. For all other miscellaneous forest products:

- **National Forests:**

A general gathering permit is required.

- **Apostle Islands National Lakeshore:**

A general gathering permit is required.

- **Select State of Wisconsin 1837/1842 Ceded Territory Properties:**

No permit is required for the gathering of any wild plants or gathering products on select State of Wisconsin 1837/1842 ceded territory properties, however a general gathering may be obtained.

- **Michigan 1842 Ceded Territory Properties:**

No permit is required for the gathering of any wild plants, or gathering products on Michigan 1842 ceded territory properties, however a general gathering permit may be obtained.

- **Minnesota 1837 Ceded Territory Properties**

Your Tribe must consult with the land manager of the property where the gathering will take place

- i) General Gathering for Subsistence Uses:

You are not required to obtain a permit to gather wild plants, or gathering products for subsistence uses on properties within the Minnesota 1837 ceded territory, however a general gathering permit may be obtained.

- ii) General Gathering for Non-Subsistence Uses:

A general gathering permit valid for gathering within Minnesota 1837 ceded territory for non-subsistence uses is



required.

**-Requirements for Your Permit:**

- o The gathering permit will identify all members authorized to gather wild plants by the permit, including the name, address and Band identification number of the members
- o The gathering permits will identify the amount and general location of the plants, or plant parts to be gathered.
- o You must possess an official copy of the permit while engaged in the gathering activity

**-Conditions of your permit:**

- o The gathering permit may establish limits on the quantity of the plants which may be gathered
- o The gathering permit may define the specific area or areas where the gathering may occur.
- o The gathering permit may define or limit the methods which may be employed to gather the plants.
- o The gathering permit may define other conditions imposed by your Tribe

**b. Small and Large Scale Gathering Permits:**

You may not harvest or gather non-timber forest products or ginseng on National Forests and select State of Wisconsin 1837/1842 ceded territory properties without possessing a valid small or large scale gathering permit issued by the tribal conservation department as follows:

**• Small Scale Harvest Activity:**

A tribal member may harvest non-timber forest products on select State of Wisconsin 1837/1842 ceded territory properties and National Forests while possessing a valid small scale harvest activity gathering permit up to the following limits:

- i) Bark; Twenty (20) Trees
- ii) Boughs; Five (5) Tons
- iii) Firewood; Ten (10) Cords
- iv) Lodgepoles; Sixty (60) Trees

- **Large Scale Harvest Activity:**

You may harvest non-timber forest products on select State of Wisconsin 1837/1842 ceded territory properties and National Forests while possessing a valid large scale harvest permit above the limits established for small scale harvest activity as follows:

- i) You may not gather non-timber forest products on a large scale without a valid large scale gathering permit for a designated area.
- ii) “Designated Area” means a specific site identified and established by the tribal conservation department, in consultation with and the approval of the land manager. Approval may not be unreasonable withheld for which a species harvestable surplus had been determined and for which the appropriate number of large scale harvest permits are available for the area.
- iii) The tribal conservation department may issue you a large scale harvest permit based upon the determined species harvestable surplus, and may impose terms and conditions as deemed necessary or appropriate.
- iv) You may not fail to comply with the terms and conditions of a large scale harvest permit.

- **Large Scale Harvest Activity Closed within the Apostle Islands National Lakeshore.** You may not gather non-timber forest products on a large scale, above the limited established for small scale harvest activity, within the Apostle Islands National Lakeshore.

c. **Sugarbushes:** You may not harvest or gather maple sap on any properties without possessing a valid designated tribal sugarbush permit issued by the tribal conservation department.

d. **Ginseng:** You may not harvest or gather ginseng on any properties without possessing a valid ginseng gathering permit issued by the tribal conservation department.

e. **Additional Permits:** There are a few additional permits from your Tribe that you might need (these requirements are discussed in more detail in specific sections later in the booklet):

- **Timber Sale Contract Area Permit:**

For certain gathering activities in areas where commercial loggers have been awarded timber sale contracts on National Forests.

- **Firewood Gathering:**

Gathering firewood with the use of a tractor or skidder on National Forests and select State of Wisconsin properties requires a special agreement.

- **Harvest of Timber for cultural and domestic, non-commercial purposes:**

For cutting down timber or gathering salvage timber on National Forests for cultural or domestic, non-commercial purposes the Tribal Timber Harvest Framework Agreement must be followed. Note: This does not apply to smaller structures such as hunting blinds, fish houses, or sugarbush shacks that are used in the exercise of treaty rights.

- **Vehicle Permits:**

For use in tribal vehicle permit areas as follows:

- i) National Forests: Vehicles parked in designated fee sites on the Chequamegon-Nicolet National Forest must have a hanging review mirror pass.

These areas and the rules that you must follow there are laid out in GLIFWC's Tribal Wilderness, Tribal Research Natural Areas and Tribal Vehicle Permit Areas on National Forests. Review mirror hanging permits and this document are available at your tribal conservation department.

ii) Apostle Islands National Lakeshore: Vehicles parked at Meyers Beach must provide the following information on the fee envelope:

- Your Name
- Your Address
- Your Tribal Affiliation
- Your Enrollment Number

f. **Display of Documents:** You must display permits and identification documents to any tribal, state, local or federal law enforcement officer upon request.

g. **Helpers:** No gathering permit is required of helpers of a permittee who participate only in the collection of the resource once it has been reduced to possession of a permittee.

i. **Other Terms and Conditions:** Please be aware that your tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including additions biological monitoring requirements.

## 2. **Harvest Monitoring/Records of Commercial Transactions:**

Your Tribe and GLIFWC may be requesting harvest data regarding gathering. You must provide the requested information. In addition, you must maintain a record anytime you sell ginseng harvested from any properties. Your tribal conservation department should have the necessary form to use and you must return the form to the conservation department at least once each year. You do not need

to keep records of any other commercial transaction resulting from wild plant gathering activities.

### **3. General Harvest Restrictions:**

**Minnesota 1837 Ceded Territory Properties.** You may gather conifer boughs, birch bark and lodgepoles in Minnesota 1837 Ceded Territory with a permit issued by your tribal conservation department as follows:

Requirements:

1. The gathering permit will identify all members authorized to gather, including the name, address and band identification number of the members.
2. The permit will identify the amount and general location of the resource you wish to gather.
3. You must possess an official copy of the permit while engaged in the treaty gathering activities.

Conditions:

1. The permit may establish limited on the quantity which may be gathered.
2. The permit may define the specific area or areas where the gathering may occur.
3. The permit may define or limit the methods which may be used to gather.
4. The permit may establish other conditions or requirements deemed necessary or appropriate by your Tribe.
5. Your Tribe must consult with the land manager of the property where the gathering will take place prior to issuing you a permit.

#### **a. Conifer Boughs (MN, MI and WI):**

Generally, you may not:

- i) Cut down or kill a tree for the purpose of gathering

conifer boughs;

- ii) Remove boughs from the upper half of the tree;
- iii) Gather for the subsequent sale of Northern White Cedar or Hemlock boughs.

**b. Princess Pine (MN, MI and WI):** You may not gather any Lycopodium species except by cutting the vertical above ground stems.

**c. Sheet Moss (MN, MI and WI):** You may not harvest sheet moss except by harvesting no more than fifty percent (50%) of a species in any particular harvest area, including leaving the edges of the patch.

**d. Lodgepoles (MN, MI and WI):** You may not harvest lodgepoles except by harvesting no more than fifty percent (50%) of a species in any particular harvest area, unless the location is a specifically designated harvest area chosen by your tribal conservation department.

**e. Bark (MN MI and WI):** You may typically gather bark from up to twenty (20) trees at any given time. If you desire to harvest from more than twenty trees, contact your tribal conservation department to determine if you need a “large scale” gathering permit.

**f. Ginseng:**

i. **WI and MI** You may gather ginseng only from September 1 through October 31. There are few exceptions to this general rule.

ii. **MN** You may gather ginseng on Minnesota 1837 ceded territory properties from September 1 through December 31.

iii. Additional restrictions are as follows (MN, MI and WI)

1. You may not sell, purchase, or possess any green roots of wild ginseng, except from September 1 through December 31.
2. You may not harvest, dig, or disturb any wild ginseng plant unless the plant has at least three prongs (leaves) with five leaflets each.
3. Immediately after you dig or remove any wild ginseng plant, you must remove all of the seeds from the plant's berries and plant them in the area where you dig the plant. Seeds must be planted by removing surface litter, planting each seed at a depth of one-half inch in the underlying soil, and replacing the surface litter over the planting site.

**g. Maple Sap/Sugarbushes (MN, MI and WI):** You need a special permit to gather maple sap in what is called a “designated tribal sugarbush” or other similar location approved by your Tribe. A tribal sugarbush will have a site management plan that will set forth the rules you must follow.

**h. Firewood (MN MI and WI):** You may generally only gather dead and down trees for firewood use. There are a few exceptions to this general rule. Additional opportunities and additional restrictions are as follows:

- **Standing Dead Trees:**
  - i) You may not cut any standing dead tree on National Forests except those standing dead trees within 100 feet of any road or designated use area.
  - ii) You may not gather any dead tree or portion of a dead tree where any portion of the dead tree is located below the ordinary high water mark on select State of Wisconsin

properties.

iii) You may not cut down standing dead trees on the National Forest within 200 feet of a pond, lake, stream or river.

- **Live Trees, Salvage Timber or Tribal Firewood Stands:**

i) You may not cut any live tree for firewood unless your tribe has issued you a special permit to do so. Here are some circumstances that you may receive a harvest permit to cut live trees for firewood:

- a. Pursuant to the Tribal/Forest Service MOU Tribal Timber Harvest Framework Agreement for cultural or domestic, non-commercial purposes.
- b. A National Forest “firewood sale”
- c. Located within a designated area for firewood gathering pursuant to a large scale harvest permit
- d. A sugarbush permit allows you to do so.

- **Use of Tractors or Skidders:**

i) You may not use a farm tractor, rubber tired skidder, or similar vehicle for gathering firewood without a special permit from your Tribe.

- **Apostle Islands National Lakeshore Firewood Transport Rules:**

i) Only dead and downed trees that are gathered from within the Lakeshore may be used for firewood in the Lakeshore

ii) No firewood may be brought from the mainland onto the Islands to help prevent the unintentional spread of emerald ash borer and other harmful diseases and pests that



could harm the Lakeshore's forests.

i. **Commercial Logging Prohibited:** Commercial logging is not allowed by the tribal code. You may not sell all or part of any tree, or any product derived from its wood as bolts, pulpwood or lumber.

j. **Harvest of Live Trees – Generally:** Only live trees of 5 inches or smaller in diameter at breast height (dbh) may be harvested and used for purposes of constructing a lodge or otherwise used directly in the exercise of reserved tribal hunting, fishing, trapping or gathering rights.

• **National Forest Harvest of Live Trees and Salvage Trees for Sale or for Ceremonial or Domestic, Non-commercial Purposes:**

i) Harvest for Sale as “Lumber” or Similar Wood Products:

-You may not cut down any live tree or gather any salvage timber for the purposes of selling all or part of it, or any product derived from its wood as bolts, pulpwood or lumber.

ii) Harvest for Ceremonial or Domestic, Non-commercial Purposes:

-There is no harvest of live trees or salvage timber for the ceremonial or domestic, non-commercial purposes unless your Tribe and the Forest Service make special arrangements as called for in the Tribal Timber Harvest Framework Agreement. If and when those arrangements are made, you will need a special harvest permit to cut live trees or gather salvage timber for this purpose

-You may harvest live trees or gather salvage timber for smaller structures such as hunting blinds, fish houses or sugarbush shacks that are used in the exercise of treaty

rights. It is your responsibility to verify that your intended construction use it legal. If in doubt, contact your tribal conservation department or GLIFWC.

iii) Definition of Salvage Timber:

- All properties will notify your Tribe when it will harvest trees that have been blown down or damaged by natural disasters. This commonly is known as a salvage logging operation. “Salvage timber” is any tree (whether it is alive, dead, down or standing) that has a diameter at breast height larger than 5 inches in a designated salvage logging area.
- On National Forests, once the Forest Service has decided to enter into a salvage logging operation, the downed or damaged trees are treated like live trees for the purposes of treaty rights gathering.
- On all State properties, once the land manager has designated an area as salvage, you may not harvest downed or damaged trees within this area without a special permit from your tribe.

**k. Unsustainable Harvest Activity:** Member compliance with the tribal harvest guidelines shall be considered sustainable harvest activity, otherwise no member shall harvest any miscellaneous forest product in such a manner so as to impair the future viability and continued success of the miscellaneous forest product on the landscape or ecosystem from which the member is harvesting, as conditioned by the type of miscellaneous forest product, and must take reasonable precautions to prevent unsustainable harvest activity.

**4. Harvest Location Restrictions:**

Each property may have particular areas that are closed or where special rules apply. It is your responsibility to verify that your intended harvest location is legal. If in doubt, contact your tribal conservation department or GLIFWC.

**a. National Forests:**

Your Tribe has designated areas of the National Forest where special rules apply. Maps showing these areas can be obtained from your tribal registration station or from GLIFWC. Where a vehicle permit is required, a hanging review mirror permit is available from your Tribe at no cost.

- **WILDERNESS AREAS, RESEARCH NATURAL AREAS AND SPECIAL USE AREAS:**

These areas and the rules you must follow there are laid out in GLIFWC's Tribal Wilderness, Tribal Research Natural Areas and Tribal Vehicle Permit Areas on National Forests. This document is available from you tribal conservation department or from GLIFWC.

- **ADMINISTRATIVE AREAS:**

You may not gather where the Forest Service has an office or other building. If you are in doubt about an area, contact your tribal conservation department or GLIFWC.

**b. Apostle Islands National Lakeshore:**

Your Tribe has designated areas of the Apostle Islands National Lakeshore where special rules apply. Maps showing these areas can be obtained from your tribal registration station or from GLIFWC.

- **CLOSED AREAS:** You may not gather on what are known as "use and occupancy" lands (i.e. parcels on Bear and Rocky Islands subject to use rights under a life estate or some other arrangement) without the lessee's consent.
- **"NO ENTRY" RESTRICTIONS ON GULL AND EAGLE ISLANDS:**

From May 15 through September 30, you may not enter onto any part of Gull or Eagle Islands.

- GATHERING BY ROADWAYS, DOCKS OR CAMPSITES:

You may not gather bark, conifer boughs or live trees within 100 yards of Meyers Road, docks or campsites.

c. **Select Wisconsin 1837/1842 Ceded Territory Properties:**

Your tribe has designated areas on selected State of Wisconsin properties where special rules apply. The areas and rules that you must follow on these select State of Wisconsin properties are laid out in GLIFWC's Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Tribal Designated Use, Tribal Research and Management Areas and Tribal Closed Areas, Version 1: [November 2010]. This document is available from your tribal conservation department or from GLIFWC.

- TRIBAL DESIGNATED USE AREAS, TRIBAL NATURAL AREAS AND TRIBAL LONG-TERM RESEARCH AREAS:

You may gather wild plants and gathering products from Tribally designated Research Natural Areas on National Forests. You must contact your tribal conservation department if you need to make an exception to this rule. In addition:

- i) You may not gather bark, conifer boughs, or lodgepoles within 100 feet of any of these areas.
- ii) You may not gather wild plants within 25 feet of any of these areas.
- iii) It is your responsibility to be certain about the locations and boundaries of these areas. Any uncertainty should be resolved by contacting your Tribal Conservation department, GLIFWC or the land manager.

- **TRIBAL RESEARCH AND MANAGEMENT AREAS – TRIBAL WILD RESOURCE MANAGEMENT AREA on State of Wisconsin Properties:**  
You may not use a motorized vehicle, motorized equipment or mechanical transport within a tribal wild resources management area. You must contact your tribal conservation department if you need to make an exception to this rule.
- **TRIBAL RESEARCH AND MANAGEMENT AREAS – TRIBAL NATIVE COMMUNITY MANAGEMENT AREA on Wisconsin State Properties:**  
You may not gather firewood within a tribal native community management area. You must contact your tribal conservation department if you need to make an exception to this rule. In addition:
  - i) You may not gather firewood on or within any tribal native community management area.
  - ii) You may not gather firewood within 25 feet of any tribal native community management area.
- **CLOSED GATHERING AREAS:**  
You may not gather within a closed gathering area. You must contact your tribal conservation department if you need to make an exception to this rule. In addition:
  - i) You may not gather bark, conifer boughs or lodgepoles within 100 feet from any pond, lake, stream or river.
- **GATHERING BY ROADS on Wisconsin State Properties:**  
You may not gather within a closed gathering area. You must contact your tribal conservation department if you need to make an exception to this rule. In addition:
  - i) You may not gather bark, conifer boughs or lodgepoles within 100 feet from any Class A road.

- ii) You may not gather bark, conifer boughs or lodgepoles within 50 feet from any Class B road.
- iii) There is no distance limit pertaining to the gathering of bark, conifer boughs or lodgepoles from any Class C road.
- **PROPERTIES WITH ENTRY RESTRICTION AREAS:**  
You may not enter or gather within the following areas when entry is restricted (you must contact your tribal conservation department if you need to make an exception to this rule):
  - i) Big Bay State Park Tribal Closed Area: Closed Year Round
  - ii) Copper Falls State Park Tribal Closed Area: Closed Year Round
  - iii) Crex Meadows Wildlife Area Tribal Closed Area: Closed Seasonally - September 1 through December 31.
  - iv) Powell Marsh Wildlife Area Tribal Closed Area: Closed Seasonally – September 1 through December 31.

**d. Minnesota 1837 Ceded Territory:**

You may not engage in the gathering of non-subsistence miscellaneous forest products on a particular property in the Minnesota 1837 ceded territory if:

- The land manager has notified the Mille Lacs Commissioner of Natural Resources that:
  - i) The particular gathering activity is contrary to the general plant management plan of the property, or
  - ii) The particular property is closed to gathering under general plant management plan of the property.
- The Mille Lacs Commissioner of Natural Resources has not received a letter of approval from the property manager.

**e. Campgrounds:**

You may not gather within a developed campground on all

properties. Again, if you are in doubt about whether you are in a developed campground, contact your tribal conservation department or GLIFWC. In addition:

- **CAMPGROUNDS ON THE APOSTLE ISLANDS NATIONAL LAKESHORE:**  
You may not gather bark, conifer boughs or live trees within 100 yards of any campsite on the Apostle Islands National Lakeshore.
- **CAMPGROUNDS ON SELECT STATE OF WISCONSIN PROPERTIES:**
  - i) You may not gather bark, conifer boughs or lodgepoles within 100 feet of any campgrounds on select State of Wisconsin properties.
  - ii) You may not gather wild plants within 25 feet of any campground on select State of Wisconsin properties.

**f. Public Safety:**

While gathering on all properties you must make sure that you do not impair or obstruct developed recreational trails or designated use areas and any miscellaneous forest product gathered that may impede or impair the use of those trails or areas must be removed immediately.

**5. Timber Sale Contract Areas:**

Where the Forest Service or a State property has offered a timber sale and a logging contract has been entered into:

**a.** You may not cut or gather any tree or tree part that is part of a timber sale. Sometimes these trees are marked with paint. It is your responsibility to be certain about trees that are subject to a valid logging contract. If you are in doubt about a logging contract or timber sale contract area, contact your tribal conservation department or GLIFWC.

b. Unless you have a special permit, you may not do any of the following in a “timber sale contract area”:

- Cut down any live tree
- Remove the bark of any live tree
- Trim or remove the branches or other parts, except cones, of any tree that had been cut down by another person.

**6. Harvest of Certain “Marked” Trees:**

You may not cut down, remove, alter or deface any tree with markings including (but not limited to):

a. Paint marking that designates the boundaries of a payment unit within a Timber Contract Sale Area

b. Paint marking that indicates boundaries between public land and other ownerships

c. Paint marking that may designate a witness tree at a legal corner

d. Paint marking that may indicate a tree being used to collect cones or seeds from nursery stock.

**7. Harvest of Certain Miscellaneous Forest Products Prohibited :**

a. **Endangered or Threatened Plant species:**

You may not gather any endangered or threated plant species, as defined by your Tribe.

b. **Select State of Wisconsin Properties Tribal Species of Special Concern:**

Your Tribe has designated certain species of special concern on select State of Wisconsin properties, which may not be gathered without special permission by your Tribe. These species are laid out in GLIFWC’s Tribal Gathering on Public Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Tribal



Species of Special Concern, Version 1: [May 2010]. This document is available from your tribal conservation department or GLIFWC.

#### **8. Assistance by Non-Members:**

You may gather with a non-member who is complying with the law that applies to him or her. In addition, anyone from your immediate family (grandparents, parents, spouses, children, brothers, sisters, etc.) may assist you as long as you are present when the assistance is given.

#### **C. Other Rules That Apply While Exercising Treaty Reserved Gathering Rights:**

##### **1. When you are exercising ceded territory treaty reserved gathering rights the following rules apply:**

**a.** You may not interfere with a Forest Service, Park Service or State official (including threatening, resisting, intimidating, interfering with or giving false or fraudulent information and failing to stop your vehicle when directed to do so).

**b.** No disorderly conduct.

**c.** You may not carelessly or intentionally cause an uncontrolled fire. This may include:

- Leaving a campfire without completely extinguishing it
- Allowing a fire to escape from control
- Building a campfire without clearing the area immediately around it to prevent its escape

**d.** You may not violate any requirement of a fire ban, or enter into an area that has been closed because of a fire ban.

**e.** You may not damage or remove any property belonging to the United States or any of the State governments, or enter any building or area that is not open to the public.

**f.** You must dispose of all garbage by either removing it from the area or by placing it in the proper receptacles.

**g.** You must not operate any vehicle off any public road in an unsafe manner, or in a way that unreasonably disturbs the land, wildlife or vegetation.

**h.** You may not possess or store food or refuse in any way that is a violation of posted instructions.

**i.** In a “developed recreation site” or “designated use area” (and area that has been improved or developed for public recreation, including campground) the following is prohibited:

- Building a fire outside of a fire ring that has been provided or outside of a stove, grill or fireplace
- Cleaning, bathing or washing anything (including animals or food) at a water source not provided for that purpose
- Using fireworks
- Failing to use provided toilet facilities

## **D. Wild Rice Harvesting Regulations**

**a.** Wisconsin and Michigan Wild Rice Waters

**i.** A tribal wild rice harvesting permit is required for off-reservation wild rice harvest. You must carry your permit with you when ricing off-reservation.

**ii.** You must use smooth, rounded, cedar rods or sticks no longer than 38 inches to harvest wild rice.

**iii.** Boats can be no longer than 17 feet, or wider than 38 inches.

The gunwales of the boat cannot be modified to capture rice outside of the boat. Boats can only be propelled with a push pole or paddles.

- iv. Wild Rice can only be harvested between the hours of 10:00 am and sunset on all public rice waters.
- v. No ricing is allowed on the off-reservation lakes listed on the GLIFWC web site except for the days they have been named open by the tribal ricing authority. The dates that a regulated lake is open for harvesting will be posted at the access points to the lake.

**b. Minnesota Wild Rice Waters**

- i. A tribal wild rice harvesting permit is required for off-reservation ricing. You must carry your permit with you when ricing off-reservation.
- ii. You must use smooth, rounded, cedar rods or sticks no longer than 32 inches and which are held and operated by hand.
- iii. Boats can be no longer than 17 feet, or wider than 38 inches. The gunwales of the boat cannot be modified to capture rice outside of the boat. Boats can only be propelled with a push pole or paddles.
- iv. Wild rice can only be harvested between the hours of 9:00 am and sunset on all public waters.
- v. No member shall harvest wild rice in any body of water except during the time(s) as such body of water is posted open by the Mille Lacs Wild Rice Authority. Posting will be done on the shores of and at places of access to the wild rice waters.

**E. Enforcement:**

**1. Wardens:**

Tribal and GLIFWC wardens are empowered to enforce your Tribe's Off-Reservation Gathering Codes. They may seize evidence

of alleged violations and may issue citations. State wardens

**2. Tribal Court:**

Alleged violations will be prosecuted in your Tribe's court under tribal law

**3. Penalties:**

The tribal court will set the fines for violations up to a maximum of \$5,000. The court may also revoke or suspend the exercise of your ceded territory rights, order you to forfeit any property used in committing the violation, order you to pay a natural resources assessment up to 75% of the fine, and impose court costs. Penalties may be enhanced for repeat offenders. The court may also order community service.

**4. Civil Damages:**

In addition to other penalties, the tribal court may also order payment of damages

**5. Parties to a Violation:**

If you aided, abetted, assisted or in any way were involved with another member who committed a violation, you may be charged with the same violation.

**6. Enforcement of Federal Law:**

You should be aware that the Forest Service or Park Service may initiate a federal enforcement action in limited circumstances where your conduct causes severe injury, significant damage or is particularly egregious. The Forest Service or Park Service must first consult with your Tribe.

**F. Gathering Definitions:**

**1. Bark:**

The tough outer covering of the stems and roots of trees, shrubs and other woody plants. This includes all tissues outside the vascular cambium.

**2. Bough:**

Any branch of a tree less than 2 inches in diameter

**3. Designated Tribal Sugarbush:**

A specific site identified and established by the tribal conservation department, in consultation with the land manager according to Section 12.04(5), of this ordinance, for which a site management plan has been developed and for which a sugarbush site permit has been issued.

**4. Designated Use Area:**

A specific site designated and maintained by the land manager for any activity or use as part of the operation and management of public land, and includes, but is not limited to offices, buildings, campgrounds, mowed areas, picnic areas, public beaches, parking lots, trails, access and maintenance roads.

**5. Firewood:**

Any dead tree or part thereof, either standing or downed which is harvested for and to be used as fuel.

**6. Gathering Products:**

All products of miscellaneous forest products other than non-timber forest products such as: branchlets, roots, berries, fruits, nuts and seeds, ginseng and threatened and endangered species.

**7. Ginseng:**

The roots, seeds or other parts of wild American Ginseng (*Panax quinquefolium* or *Panax quinquefolius*).

**8. Land Manager:**

Any owner or other entity responsible for the management of any public land.

**9. Lodgepole:**

Any tree that is less than 5 inches DBH (diameter at breast height).

**10. Miscellaneous Forest Products:**

Any undomesticated species, or part thereof, of the plant and fungi kingdoms occurring in both forested and non-forested natural ecosystems including: non-timber forest products, wild plants, gathering products and includes threatened or endangered plant species, but for the purposes of this ordinance excludes wild rice.

**11. Non-Timber Forest Products:**

Any of the following miscellaneous forest products: bark, boughs, firewood, lodgepoles and sap as further defined in this section.

**12. Public Lands:**

Those lands managed by the Federal government, State government, County government or those enrolled in State Forest tax programs.

**13. Sap:**

The watery fluid that circulated through a tree or plant, carrying food and other substances to the various tissues.

**14. Shrub:**

A woody perennial plant usually branched several times at or near the base giving it a bushy appearance, and is usually less than 5 meters tall.

**15. Timber:**

Any tree that is not a lodgepole.

**16. Tree:**

A woody, perennial plant with a single trunk that is typically unbranched at or near the base, and is usually greater than five meters tall.

**17. Wild Plant:**

Miscellaneous forest products that are not trees, such as herbaceous plants and shrubs.



