

# TREATY TRAPPING REGULATION SUMMARY

## 1837 and 1842 Ceded Territories of Minnesota, and Wisconsin.



**Minnesota 1837 Ceded Territory:** Bad River, Fond du Lac, Lac Courte Oreilles, Lac du Flambeau, Mille Lacs, Red Cliff, Sokaogon (Mole Lake), and St. Croix.

**Wisconsin 1837 and 1842 Ceded Territories:** Bad River, Lac Courte Oreilles, Lac du Flambeau, Lac Vieux Desert, Mille Lacs, Red Cliff, Sokaogon (Mole Lake), and St. Croix.



## **BE ADVISED:**

1. This is a summary of your Band's rules that apply to trapping in the 1837 and 1842 Ceded Territories of Minnesota and Wisconsin. It does not state your Band's entire ordinance.
2. It is your responsibility to know what your Band's regulations are. Your Band may have enacted more restrictive rules.
3. This summarizes your Band's rules that will be enforced into your Band's tribal court. It does not summarize state or federal criminal laws relating to the use or possession of firearms that may be enforced in state or federal courts.
4. Check with your Band or GLIFWC if you have questions. Phone numbers are on the inside of this booklet's front cover.

## **INTRODUCTION**

This booklet summarizes the following Band ceded territory trapping regulations:

Minnesota 1837 Ceded Territory: Bad River, Fond du Lac, Lac Courte Oreilles, Lac du Flambeau, Mille Lacs, Red Cliff, Sokaogon (Mole Lake), and St. Croix.

Wisconsin 1837 and 1842 Ceded Territories: Bad River, Lac Courte Oreilles, Lac du Flambeau, Lac Vieux Desert, Mille Lacs, Red Cliff, Sokaogon (Mole Lake), and St. Croix.

Generally, the rules are the same for trapping taking place in either State. However, there are some differences, and requirements that apply to a specific ceded territory are pointed out where necessary

In addition, this booklet sets forth the basic rules contained in model codes approved in court cases and generally adopted into Band ceded territory conservation codes. **HOWEVER, YOUR BAND MAY HAVE IMPOSED ADDITIONAL RESTRICTIONS OR REQUIREMENTS, OR MAY HAVE SPECIAL RULES THAT YOU SHOULD KNOW ABOUT.** If you have a question about this, check with your Band's conservation department or contact GLIFWC.

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## **A. TRAPPING AND SNARING REGULATIONS**

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

a. Trapping Permits and Band ID's. You must possess a valid trapping permit issued by your Band's conservation department and a valid Band identification card while trapping.

b. Display of Documents. You must display permits and identification documents to any Band, state, local or federal law enforcement officer upon request.

c. Sharing of Permits/Tags. It is illegal to share, give, or sell, barter or trade, or to offer to share, give, or sell, any permit or tag. It is also illegal to trap with a permit or tag issued to another person.

**2. Identification of Traps**. You must attach to each trap or snare a metal tag that is stamped or engraved with your name and address, and the initials of your Band: Mille Lacs — MLB; Fond du Lac — FDL; Bad River — BR; Lac Courte Oreilles — LCO; Lac du Flambeau — LDF; Lac Vieux Desert - LVD; Mole Lake — ML; Red Cliff — RC; and St. Croix — SC. You may use your Trapper Identification number found on your trapping permit instead of your name and address.

**3. Open Season Dates**. Generally, the same species can be trapped during the same season in both the, Minnesota and Wisconsin portions of the ceded territories. However, there are differences.

a. Minnesota 1837 Ceded Territory:

1) October 1 through March 31 open trapping season for:

Badger; Bobcat; Beaver; Bobwhite Quail; Cottontail Rabbit; Fisher; Hungarian Partridge; Marten; Mink;

Muskrat; Otter; Pheasant (males only); Raccoon; Red Fox; Gray Fox; Red, Gray and Fox Squirrel; Snowshoe Hare; and Unprotected Species (such as opossums, coyotes (brush wolves), skunks, weasels, woodchucks, gophers, porcupines, starlings, English sparrows, common pigeons, coturnix quail, chukar partridge, monk parakeet and rock doves).

2) No open trapping season for:

Lynx, female pheasants, ruffed grouse, or sharp-tailed grouse.

b. Wisconsin 1837 and 1842 Ceded Territories:

1) October 1 through March 31 open trapping season for:

Bobcat; Bobwhite Quail; Coyote; Cottontail Rabbit; Hungarian Partridge; Mink; Muskrat; Pheasant; Raccoon; Red Fox; Gray Fox; Red, Gray and Fox Squirrel; Sharp-tailed Grouse (1 per day bag limit); Snowshoe Hare; and Unprotected Species (such as opossums, skunks, weasels, woodchucks, gophers, porcupines, starlings, English sparrows, common pigeons, coturnix quail, chukar partridge, and rock doves). Marten is open in Michigan only.

2) Fisher season - October 15 through March 31 open trapping season for: fisher

3) Otter and beaver season – October 1 through April 30.

3) No open trapping season for: Badger or lynx.

4. **Otter, Bobcat, Fisher and Marten Quotas/Fisher Management Zones/Daily Bag Limits.**

a. Otter, Fisher, Bobcat, and Marten Quotas/Management

Zones. In some years, the Bands establish otter, bobcat and fisher quotas for both Minnesota and Wisconsin, and a marten quota for Minnesota. Otter, fisher and marten quotas apply only to trapping since hunting for these species is prohibited. Bobcat quotas apply to both hunting and trapping. In most years tribal harvest will fall below the established threshold and thus no quota will be established. Information about the thresholds or quotas is available from your Band's conservation department or registration station, or from GLIFWC.

b. Fisher Management Zones. Band fisher management zones vary by state:

- Minnesota 1837 Ceded Territory: The ceded territory lies within one fisher management zone. If there is a Band fisher quota, it will apply to the entire Minnesota 1837 ceded territory.
- Wisconsin 1837 and 1842 Ceded Territories: The ceded territories cover all or part of fisher management zones. A Band quota generally is established for each zone. A map of the zones is available from your Band's conservation department or registration station, or from GLIFWC.

c. Daily Bag Limits. There is a bag limit of 1 sharp-tailed grouse per day in the Wisconsin 1837 and 1842 ceded territories. Otherwise, there is no limit on the number of animals you may take by trapping each day. However, the number of otters, fishers and bobcats is limited to the number of carcass tags you have.

5. Incidental Take/Harvest Beyond a Quota. Any animal that is trapped outside of an open season, or that is trapped after the quota for that species has been reached, must be immediately released if it has been live trapped or, if killed, must be surrendered as soon as



possible to the Band conservation department.

## **6. Otter, Bobcat, Fisher and Marten Carcass Tags/Registration.**

a. Carcass Tags. You must obtain carcass tags for these species before you trap, and must immediately affix the carcass tag to the animal upon harvesting it:

- Minnesota 1837 Ceded Territory: Otter, bobcat, fisher and marten.
- Wisconsin 1837/1842 Ceded Territory: Otter, bobcat, and fisher. (Trapping for marten is not allowed.)

b. Registration. You must register otter, bobcat, fisher, and marten by 5:00 p.m. of the third working day (Monday - Friday, excluding holidays) at a Band registration station or in the field with a Band or GLIFWC warden. You may present the entire carcass or just the whole skin with the carcass tag attached. You must provide certain information, such as date and location of kill, and your Band ID number.

If requested by the Band or GLIFWC, you must provide the animal's carcass (without the skin) for scientific research purposes.

c. CITES Tags. You should obtain a CITES tag before selling the fur of any otter or bobcat. Contact a GLIFWC warden to obtain a CITES tag.

## **7. Where You May Trap.**

a. Public Lands. You may trap on most public lands, but no trapping is allowed in the following:

- Designated public campgrounds, public beaches, public picnic areas, and public water access sites.
- Public land within incorporated areas except, for the

Minnesota 1837 ceded territory, where trapping is otherwise permitted for state trappers under Minnesota state law.

- All public parks, game refuges,, scientific and natural areas, and wildlife management areas. Trapping is allowed in some of these areas under special conditions and, in some cases, a special permit is required. Your Band conservation department or GLIFWC can provide additional information about trapping in these areas.

b. Private Lands. Generally, you may not set traps on private lands under your Band's ceded territory conservation code. The one exception is in the Minnesota 1837 ceded territory where you may trap on private lands that are enrolled in Minnesota's tree growth tax program. Note: If you set traps on private land without the owner's consent State trespassing laws could be enforced against you.

c. Closed Areas. Some areas may be closed to trapping by a Band emergency closure order. Emergency closures will be publicized by your Band and by GLIFWC. In addition, where harvest of an animal is governed by a quota, trapping may be closed in the applicable management zone when the quota is reached. Management zone closures will be publicized by your Band and by GLIFWC. However, it is your ultimate responsibility to know whether an area is open before trapping there.

**8. Trapping and Snaring Methods/Restrictions.** Trapping and snaring are subject to these conditions:

a. Placement During Open Season. Traps and snares can only be placed during the open season. Water sets can only be used during the open season for beaver, muskrat or otter.

b. Bait/Scent. Bait or scent can be used during the open season only. You cannot use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25

feet of a trap or snare. The general rules governing the use of bait also apply. You cannot use bait contained in metal, plastic, glass, wood or non-degradable materials, and bait cannot contain honey. Also:

Minnesota 1837 Ceded Territory: Bait cannot contain uncured swine products, and bait or liquid scent cannot be placed within 150 yards of any public campsite.

Wisconsin 1837 and 1842 Ceded Territories: Bait or liquid scent cannot be placed within 150 yards of any public trail, road, or campsite. In addition, if you use meat for bait, you must place a metal identification tag indicating your Band affiliation and identification number on the tree nearest the baits, at eye level, and directly facing the bait.

c. Tending Traps. You can set or tend traps or snares any time of the day or night. The rules for checking traps and snares, and for removing animals are:

Minnesota 1837 Ceded Territory: Dry land sets and water sets not capable of drowning an animal must be checked and all animals removed at least once each day. Except for traps set under the ice, water sets capable of drowning an animal must be checked and all animals removed at least once each 3rd day.

Wisconsin 1837 and 1842 Ceded Territories: Dry land sets must be checked and all animals removed at least once each day. There is no required time period for checking water sets.

d. Size/Location Restrictions.

- 1) Rules that are the same in both the Minnesota and Wisconsin ceded territories:

You may place traps or snares on the ice, but you cannot use

an artificial house or den (or place a trap or snare in one) on the ice.

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 body-grip 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 inches.

Killer or body-grip 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 feet of any wire mesh-type fence, or within 3 feet of a road culvert unless completely submerged in water.

## 2) Rules that apply to particular ceded territories:

### Minnesota 1837 Ceded Territory:

Steel-jawed traps with teeth must be set or staked so that the trapped animal can reach water.

If you disturb or make an opening in a muskrat house, you must replace the material removed prevent freezing inside the house.

You may not damage a beaver house or dam, and you may not set a trap inside of a beaver house or above the water line on the outside of a beaver house.

### Wisconsin 1837 and 1842 Ceded Territories: Steel-jawed traps with teeth must be set as water sets.

e. Prohibited Trapping Methods. Nets, pitfalls, springpoles, deadfalls, and similar devices are prohibited. 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 feet above the ground also are prohibited.

**9. Additional Snaring Restrictions.** Snaring is also subject to the following conditions:

a. Snare Types/Sizes:

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 wire snares 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\_ inches and must have a swivel device on the anchor end.

Upland snares must be set with a loop size 10" or smaller in diameter.

b. 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 the ground or, if there is snow, more than 6" above the adjoining trail.

c. Restraining Snares:

Restraining snares may only be used for fox, coyote and bobcat.

Snares must be set so the bottom of the loop is at least 6 inches above the ground or snow, and cannot exceed 12

inches above the surface.

No restraining snare may be staked in a manner that allows the restraint device to reach any part of a fence or rooted woody vegetation.

The cable cannot exceed 7 feet.

The restraining snare must include a breakaway device rated at 285 pounds or less.

The restraining snare must include a relaxing washer lock.

Cable locks must be included which prevent the snare from opening more than 38 inches and closing more than 8 inches.

**10. Live Animals.** Generally, trapped animals must be immediately killed or released. You may temporarily control a live animal in very limited circumstances. Check with your Band's conservation department or GLIFWC if you have questions.

**11. Shipment of Furs.** When you ship furs, you must mark the outside of the package showing your name and address, and the number and kinds of hides that are inside.

**12. Waste.** Waste of natural resources is prohibited.

**13. Tampering with Another's Equipment/Stealing Game.** 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 the consent of the owner.

**14. Resisting Conservation Wardens.** It is illegal to resist or obstruct any law enforcement officer authorized to enforce your Band's ordinance.

**15. Threatened and Endangered Species.** It is illegal to take, transport, possess, process or sell any endangered and threatened species. A Band Threatened and Endangered Species List is

available from your Band conservation department or GLIFWC.

**16. Protected Species.** It is illegal to trap any of the following species: wolverine, flying squirrel, timber wolf, lynx, cougar, elk, moose, homing pigeon or any wild bird (except where bird trapping is specifically allowed and regulated).

**17. Trapping with Non-Members.** You may trap or be in the woods with non-members as long as that non-member is legally trapping under Minnesota or Wisconsin state laws or otherwise is not violating state laws. However, group trapping between members and non-members is not allowed. In addition, the only non-members who may assist you while trapping are those in your immediate family, including grandparents, parents, children, spouses and siblings. If you are present, assistance may be rendered in all trapping activities except in the setting or placing of traps or snares. It is not illegal for non-members to help you with an animal that you have already reduced to your possession.

**18. Giving Away or Selling Game.** You may give away or sell to any person any animal (or animal part) that you legally trap under your Band's ordinance. Special record keeping requirements must be met, and CITES tags should be obtained before selling the furs of otters and bobcats for the purpose of exportation to another country. It is your responsibility to know what you may legally sell and to comply with certain record keeping requirements. Please contact your Band's conservation department or GLIFWC if you have questions.

a. **Gift Receipts.** In the Minnesota 1837 ceded territory, except for gifts within a household, you must give a receipt to the recipient that contains your name and address, the name and address of the recipient, the date of transfer, a description of the item(s) given, including species and number, and the permit number under which

the animal was taken or, if you acquired it other than by taking, a description of how you acquired the animal. The recipient must retain the receipt as long as he or she has the item(s) transferred. It is recommended that you follow this same procedure for gifts, particularly to non-members, of animals (or their parts) that have been trapped in the Wisconsin 1837 and 1842 ceded territories.

b. **Sales.** Except for the sale of furs, you must keep a record of each transaction. In the Minnesota 1837 ceded territory, you do not need to keep a record of sales for subsistence uses, which include consumption by your family, making or selling of handicraft items, and barter between Band members.

When a written record is required, it must be made within 24 hours of the transaction on forms that you can get from your Band's conservation department indicating the amount and type of resource involved in the transaction, the parties to the transaction, and the date of the transaction. You must forward these records monthly to your Band's conservation department.

## **B. ENFORCEMENT**

1. **Wardens.** Band, GLIFWC, State DNR wardens are empowered to enforce your Band's ceded territory conservation code. They may seize evidence of alleged violations, including animals and traps, and may issue citations.

2. **Tribal Court.** Alleged violations will be prosecuted in your Band's court under tribal law.

3. **Penalties.** The Band court may set the fines for violations up to a maximum of \$5,000.00. The court also may revoke or suspend your trapping 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 order community service.

4. **Civil Damages.** In addition to other penalties, the Band court also may order payment of damages to the Band for the value of the resources taken illegally.

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 as if you committed it yourself.

6. **Harvesting After Revocation or Suspension.** It is illegal to trap while your ceded territory privileges have been revoked or suspended by the Band's court.





