

**POKAGON BAND OF POTAWATOMI INDIANS  
HUNTING AND GATHERING  
RULES AND REGULATIONS**

# Table of Contents

## Chapter 1

<b>General Provisions</b> .....	4
Section 1.01 Authority.....	4
Section 1.02 Purpose.....	4
Section 1.03 Scope.....	4
Section 1.04 Construction.....	4
Section 1.05 Severability.....	5
Section 1.06 Effective Date.....	5
Section 1.07 Definitions.....	5

## Chapter 2

<b>Incorporation of State Law</b> .....	6
Section 2.01 State of Michigan.....	6
Section 2.02 State of Indiana.....	7

## Chapter 3

<b>Maps</b> .....	7
Section 3.01 Hunting Units.....	7
Section 3.02 Gathering Units.....	7
Section 3.03 Trust Land.....	7
Section 3.04 Fee Land.....	7

## Chapter 4

<b>Specific Hunting Rules and Regulations</b> .....	8
Section 4.01 Possession of License.....	8
Section 4.02 Possession of Enrollment Card.....	8
Section 4.03 Possession of Kill Tag.....	8
Section 4.04 Proximity to Buildings.....	9
Section 4.05 Tree Stands.....	9
Section 4.06 Ground Blinds.....	9
Section 4.07 Deer Bag Limit.....	10
Section 4.08 Albino Deer.....	11
Section 4.09 Turtles.....	11
Section 4.10 Trail Use.....	11
Section 4.11 Parking Areas.....	12
Section 4.12 Rifles.....	12
Section 4.13 Obstructing or Interfering.....	12

## Chapter 5

<b>Specific Boating Rules and Regulations</b> .....	13
Section 5.01 Boat Motors.....	13
Section 5.02 Gas Tank Removal.....	13
Section 5.03 Personal Flotation Device.....	13

Section 5.04 Lighting .....	14
Section 5.05 Aquatic Organisms.....	14
Section 5.06 Compliance .....	15
<b>Chapter 6</b>	
<b>Specific Gathering Rules and Regulations .....</b>	<b>15</b>
Section 6.01 Wild Plants.....	15
Section 6.02 Minerals .....	15
Section 6.03 Sugar Bush.....	16
Section 6.04 Boughs .....	17
Section 6.05 Ash, Basswood, Ironwood, and Northern Hackberry .....	17
Section 6.06 Burls .....	19
Section 6.07 Firewood .....	20
Section 6.08 Hunter Orange While Gathering.....	21
<b>Chapter 7</b>	
<b>Prohibited and Restricted Species.....</b>	<b>21</b>
Section 7.01 Possession .....	21
Section 7.02 Introduction.....	21
<b>History.....</b>	<b>22</b>

## **CHAPTER 1 GENERAL PROVISIONS**

### **Section 1.01 Authority**

The Tribal Council enacts these Rules and Regulations pursuant to Article 1, Section 2; Article III, Sections 1 and 2; and Article IX, Subsections 2(a) and 2(i) of the Constitution and the duties of the Tribal Council under Article IX, Subsections 1(a), 1(c) and 1(d) of the Constitution.

### **Section 1.02 Purpose**

The Department developed and recommended these Rules and Regulations pursuant to Subsection 2.01(b) and Section 2.02 of the Code.

### **Section 1.03 Scope**

Consistent with Section 1.05 of the Code, to the fullest extent permitted under Federal Law, all persons engaged in Natural Resource Activities within Trust Land or Fee Land shall be subject to these Rules and Regulations.

### **Section 1.04 Construction**

(a) Consistent with subsection 1.06(c) of the Code, these Rules and Regulations, to the extent reasonable, shall be read and interpreted in a manner consistent with the Code; provided that in the event of any inconsistency, the Code shall control.

(b) Consistent with subsection 1.06(d) of the Code, these Rules and Regulations, to the extent reasonable, shall be read and interpreted in a manner consistent with any Emergency Rules and Regulations, Closure Orders and Protection Orders; provided that in the event of any inconsistency, the Emergency Rules and Regulations, Closure Orders and Protection Orders shall control.

(c) These Rules and Regulations shall be liberally construed in favor of the Band and are not intended to limit or repeal any Band power, authority, right or immunity, including without limitation, any possessed by the Police Department or any Band Enforcement Officer.

(d) Nothing in these Rules and Regulations is intended to, nor shall waive any rights of the Band of any nature whatsoever reserved under any treaty or provided for under Federal Law.

(e) Nothing in these Rules and Regulations is intended to, nor shall grant, expand or confirm in any way whatsoever, the jurisdiction of any State, rather all State Law prohibitions, limitations and requirements which are made applicable under these Rules and Regulations, are extended solely as a matter of Band Law.

(f) Nothing in these Rules and Regulations is intended to, nor shall serve as a concession or admission of any nature whatsoever regarding the jurisdiction of any State or any burden arising from compliance with any State Law.

(g) Nothing in these Rules and Regulations is intended to, nor shall limit any rights, powers, duties or privileges granted to the Tribal Council under the Constitution or by law.

### **Section 1.05 Severability**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of these Rules and Regulations, which shall continue in full force.

### **Section 1.06 Effective Date**

Consistent with subsection 2.02(d) of the Code, except as otherwise determined by Tribal Council, these Rules and Regulations shall become effective on the date of enactment by Tribal Council.

### **Section 1.07 Definitions**

In addition to the Capitalized terms set forth below, the Capitalized terms in these Rules and Regulations shall have the same meaning as the capitalized terms set forth in Section 1.10 of the Code.

(a) “Albino Deer” a deer that is predominantly (more than 50%) white.

(b) “Antlered Deer” means a male deer.

(c) “Antlerless Deer” means a female deer.

(d) “Boat” means any vessel, boat, canoe, kayak, or any other type of watercraft.

(e) “Burl” means a rounded outgrowth of a tree.

(f) “Code” means the Pokagon Band Hunting and Gathering Code.

(g) “Domestic Crop” means any plant of any nature whatsoever grown for agricultural purposes.

(h) “Genetically Engineered” shall have the same meaning as set forth in NREPA, Part 413 Transgenic and Nonnative Organisms, as amended, codified at MCL 324.41301 *et. seq.*

(i) “Ground Blind” means a structure, enclosure, or any material, whether natural or manufactured, which is placed on the ground to elevate or otherwise assist in concealing or disguising the user or occupant for the purpose of Hunting, excluding Tree Stands.

(j) "Hunter Orange" means the highly visible color commonly referred to as hunter orange (such as blaze orange, flame orange, and fluorescent blaze orange) and includes camouflage that is not less than fifty percent (50%) Hunter Orange.

(k) “Introduce” shall have the same meaning as set forth in NREPA, Part 413 Transgenic and Nonnative Organisms, as amended, codified at MCL 324.41301 *et. seq.*

(l) “NREPA” means the Natural Resources and Environmental Protection Act (“NREPA”), Act 451 of 1994, codified at MCL 324.101 *et. seq.*

(m)“Prohibited Species” shall have the same meaning as set forth in NREPA, Part 413 Transgenic and Nonnative Organisms, as amended, codified at MCL 324.41301 *et. seq.*

(n) “Restricted Species” shall have the same meaning as set forth in NREPA, Part 413 Transgenic and Nonnative Organisms, as amended, codified at MCL 324.41301 *et. seq.*

(o) “Tree Stand” means any scaffold, raised platform, tree stand, steps, or any other device to assist in climbing a tree to be used or occupied in connection with Hunting.

## **CHAPTER 2 INCORPORATION OF STATE LAW**

### **Section 2.01 State of Michigan**

(a) Subject to the limitations of the Code and these Rules and Regulations, the Band hereby adopts as the Rules and Regulations governing Natural Resource Activities within Fee Land within the State of Michigan, the substantive provisions of Michigan Law, including without limitation, all prohibitions, limitations, and requirements relating to when, where and how Natural Resource Activities may lawfully be conducted, as set forth in the NREPA and the related Wildlife Conservation Orders. The above includes, without limitation, Michigan Law relating to Open Seasons for Hunting and Fishing, the hours for Hunting and Fishing, the methods of Hunting and Fishing, and the bag limits for Hunting and Fishing.

(b) Subject to the limitations of the Code and these Rules and Regulations, the Band hereby adopts as the Rules and Regulations governing Natural Resource Activities within Trust Land within the State of Michigan, the substantive provisions of Michigan Law, including without limitation, all prohibitions, limitations, and requirements relating to when, where and how Natural Resource Activities may lawfully be conducted, as set forth in the NREPA and the related Wildlife Conservation Orders. The above includes, without limitation, Michigan Law relating to Open Seasons for Hunting and Fishing, the hours for Hunting and Fishing, the methods of Hunting and Fishing, and the bag limits for Hunting and Fishing.

## **Section 2.02 State of Indiana**

(a) Subject to the limitations of the Code and these Rules and Regulations, the Band hereby adopts as the Rules and Regulations governing Natural Resource Activities within Fee Land within the State of Indiana, the substantive provisions of Indiana Law, including without limitation, all prohibitions, limitations, and requirements relating to when, where and how Natural Resource Activities may lawfully be conducted, as set forth in Indiana Code, Title 14, Article 22 and the related rules and regulations. The above includes, without limitation, Indiana Law relating to Open Seasons for Hunting and Fishing, the hours for Hunting and Fishing, the methods of Hunting and Fishing, and the bag limits for Hunting and Fishing.

(b) Subject to the limitations of the Code and these Rules and Regulations, the Band hereby adopts as the Rules and Regulations governing Natural Resource Activities within Trust Land within the State of Indiana, the substantive provisions of Indiana Law, including without limitation, all prohibitions, limitations, and requirements relating to when, where and how Natural Resource Activities may lawfully be conducted, as set forth in Indiana Code, Title 14, Article 22 and the related rules and regulations. The above includes, without limitation, Indiana Law relating to Open Seasons for Hunting and Fishing, the hours for Hunting and Fishing, the methods of Hunting and Fishing, and the bag limits for Hunting and Fishing.

## **CHAPTER 3 MAPS**

### **Section 3.01 Hunting Units**

These Rules and Regulations establish the areas depicted in Appendix A as Hunting Units.

### **Section 3.02 Gathering Units**

These Rules and Regulations establish the areas depicted in Appendix B as Gathering Units.

### **Section 3.03 Trust Land**

Trust Land is depicted in Appendix C.

### **Section 3.04 Fee Land**

Fee Land is depicted in Appendix D.

**CHAPTER 4**  
**SPECIFIC HUNTING RULES AND REGULATIONS**

**Section 4.01 Possession of License**

(a) A person shall Possess, and exhibit upon demand of an Enforcement Officer, all required Licenses while engaging in Natural Resource Activities or Possessing or Transporting a Hunting Device, Trap or Fishing Device in an area frequented by Wild Animals or Fish within Trust Land or Fee Land.

(b) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$1,000.00.

**Section 4.02 Possession of Enrollment Card**

(a) A Citizen shall Possess, and exhibit upon demand of an Enforcement Officer, the Citizen's Band enrollment card while engaging in Natural Resource Activities or Possessing or Transporting a Hunting Device, Trap or Fishing Device in an area frequented by Wild Animals or Fish within Trust Land or Fee Land.

(b) A Non-Citizen Spouse, who is Indian, shall Possess, and exhibit upon demand of an Enforcement Officer, the Non-Citizen Spouse's tribal enrollment card while engaging in Gathering within Trust Land.

(c) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

**Section 4.03 Possession of Kill Tag**

(a) When Hunting under the authority of a Deer Hunting License or Wild Turkey License within Trust Land or Fee Land, a person shall Possess and exhibit upon demand of an Enforcement Officer, an unused kill tag which was issued to the Citizen or Non-Citizen Spouse by the Department.

(b) A person who kills a deer or wild turkey within Trust Land or Fee Land shall immediately validate and attach the kill tag in accordance with Applicable Law.

(c) A person shall not Possess or Transport a deer or a wild turkey within Trust Land or Fee Land without a validated kill tag attached in accordance with Applicable Law.

(d) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$1,000.00.



#### **Section 4.04 Proximity to Buildings**

(a) A person shall not Hunt or discharge a Firearm within one hundred fifty (150) yards of an occupied building, dwelling, house, residence, cabin, barn, or any other building, or any ceremonial ground, camp ground, play area or any Band gathering place.

(b) A person shall not discharge a Bow or Cross Bow within one hundred fifty (150) yards of an occupied building, dwelling, house, residence, cabin, barn or any other building, or any ceremonial grounds, camp ground, play area, or any Band gathering place.

(c) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$1,000.00.

#### **Section 4.05 Tree Stands**

(a) A person shall not place a Tree Stand in a tree within Trust Land or Fee Land earlier than September 1<sup>st</sup> of each year and shall remove each Tree Stand by May 1<sup>st</sup> of each year.

(b) A person shall not place more than four (4) Tree Stands within Trust Land and Fee Land at any time.

(c) A person who places a Tree Stand in a tree within Trust Land or Fee Land shall not have the exclusive right to use the Tree Stand or to hunt in the area surrounding the Tree Stand, provided that any person who did not place a Tree Stand must relinquish use of the Tree Stand upon request from the person who placed the Tree Stand.

(d) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$1,000.00.

#### **Section 4.06 Ground Blinds**

(a) A person shall not place or construct more than four (4) Ground Blinds within Trust Land and Fee Land at any time.

(b) A person who places or constructs a Ground Blind within Trust Land or Fee Land shall not have the exclusive right to use the Ground Blind or to hunt in the area surrounding the Ground Blind, provided that any person who did not place or construct the Ground Blind must relinquish use of the Ground Blind upon request from the person who placed or constructed the Ground Blind.

(c) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$1,000.00.

## Section 4.07 Deer Bag Limit

(a) The season limit for deer hunting by a Citizen or Non-Citizen Spouse within Hunting Units within Trust Land shall be three (3) deer per Deer Hunting License, consisting of:

- (1) One (1) Antlered Deer; and
- (2) Two (2) Antlerless Deer.

(b) With each Deer Hunting License, the Department will issue:

- (1) One (1) Antlered Deer tag; and
- (2) Two (2) Antlerless Deer tags.

(c) Notwithstanding Subsection 4.07(b) above, to be eligible to receive the deer tags, Citizens and Non-Citizen Spouses to whom the Department issued any deer tag for the immediately prior deer hunting season, must have filed with the Department an annual deer harvest report for the immediately prior hunting season by March 31<sup>st</sup> of the current year, provided that Citizens or Non-Citizens who did not timely file an annual deer harvest report shall be eligible to receive the deer tags if they file the report and, beginning in 2020, pay an administrative fee of \$50.00.

(d) The season limit for deer Hunting by a Citizen or Non-Citizen Spouse within Hunting Units within Fee Land located within the State of Michigan shall be the season limit under Subsection 4.07(a) above, except that the season limit under Michigan Law shall control if more restrictive than the season limit under Subsection 4.07(a) above.

(e) The season limit for deer Hunting by a Citizen or Non-Citizen Spouse within Hunting Units within Fee Land located within the State of Indiana shall be the season limit under Subsection 4.07(a) above, except that the season limit under Indiana Law shall control if more restrictive than the season limit under Subsection 4.07(a) above.

(f) The season limit for deer Hunting by a Citizen or Non-Citizen Spouse within Hunting Units within all Trust Land and Fee Land combined shall not exceed the limit set forth in Subsection 4.07(a) above, provided that this limitation shall not apply to deer Hunting authorized under a Traditional Use Permit.

(g) A Citizen or Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section, other than Subsection 4.07(c) above, shall be liable for a civil fine of not less than \$400.00 or more than \$2,000.00.

(h) The penalties for Non-Citizens engaging in Hunting within Trust Land or Fee Land are set forth in the Code, including without limitation Section 3.02 of the Code.

#### **Section 4.08 Albino Deer**

(a) A person shall not Hunt an Albino Deer within Trust Land or Fee Land.

(b) A person, within the jurisdiction of the Band, who violates this Section shall be liable for a civil fine of not less than \$1,000.00 or more than \$4,000.00.

#### **Section 4.09 Turtles**

(a) A person shall not Hunt any turtle with more than six (6) traps within Trust Land and Fee Land at any time.

(b) All turtle traps shall contain the name and phone number of the licensee.

(c) A person who traps, kills or otherwise takes a turtle shall file with the Department a report, on a form required by the Department, not later than the fifteen (15<sup>th</sup>) day of the following month.

(d) To be eligible to receive a Turtle Hunting License, Citizens and Non-Citizen Spouses to whom the Department issued a Turtle Hunting License for the immediately prior year, must have filed with the Department an annual turtle harvest report for the immediately prior year by March 31<sup>st</sup> of the current year, provided that Citizens or Non-Citizens who did not timely file an annual turtle harvest report shall be eligible to receive a Turtle Hunting License if they file the report and, beginning in 2020, pay an administrative fee of \$50.00.

(e) A person who, within the jurisdiction of the Band, violates Subsection 4.09(a) above shall be liable for a civil fine of not less than \$100.00 or more than \$1,000.00.

(f) A person who, within the jurisdiction of the Band, violates Subsection 4.09(b) or 4.09(c) above shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

#### **Section 4.10 Trail Use**

(a) During any deer season or turkey season, a person shall not operate any Vehicle on any trail located within any Trust Land or Fee Land, except between the hours of 11:00 a.m. and 2:00 p.m., provided that this prohibition shall not apply to a Citizen or Non-Citizen Spouse with a Disabled Hunter Permit or ORV Use Permit engaged in a hunting related activity.

(b) A person shall operate a Vehicle within any Trust Land or Fee Land only on existing trails designated for such Vehicle use, provided that a Citizen or Non-Citizen Spouse with an ORV Use Permit may operate an ORV off existing trails in accordance with Section 8.05 of the Code.

(c) A person, within the jurisdiction of the Band, who violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

### **Section 4.11 Parking Areas**

(a) The Department shall designate Vehicle parking areas for each Hunting Unit and Gathering Unit and make all such designations available to Citizens and Non-Citizen Spouses.

(b) A person shall not park any Vehicle within any Hunting Unit or Gathering Unit, except within a designated Vehicle parking area, provided that this prohibition shall not apply to a Citizen or Non-Citizen Spouse with a Disabled Hunter Permit or ORV Use Permit engaged in a hunting related activity.

(c) A person, within the jurisdiction of the Band, who violates this Section shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

### **Section 4.12 Rifles**

(a) A person shall not use a rifle to Hunt deer on any Trust Land or Fee Land located within the State of Indiana.

(b) Subsection 4.12(a) shall not prohibit a person from using a handgun to Hunt deer on any Trust Land or Fee Land located within the State of Indiana to the extent such use is permitted under Indiana Law.

(c) A person, within the jurisdiction of the Band, who violates this Section shall be subject to the penalties set forth in Chapter 10 of the Code.

### **Section 4.13 Obstructing or Interfering**

(a) A person shall not obstruct or interfere with the lawful taking of a Wild Animal by another person by intentionally or knowingly doing any of the following:

(1) Driving or disturbing any Wild Animal to hinder, disrupt or prevent a lawful taking of a Wild Animal;

(2) Blocking, impeding or harassing another person who is engaged in the process of lawfully taking a Wild Animal;

(3) Using any natural or artificial visual, aural, olfactory, gustatory or physical stimulus to affect Wild Animal behavior to hinder, disrupt, or prevent the lawful taking of a Wild Animal;

(4) Using any unmanned vehicle or device to affect Wild Animal behavior to hinder, disrupt or prevent the lawful taking of a Wild Animal;

(5) Erecting barriers to deny ingress or egress to Hunting Zones or any area within a Hunting Zone;

(6) Stepping into or obstructing the line of fire of an individual who is engaged in the process of lawfully taking a Wild Animal to hinder, disrupt or prevent the lawful taking of a Wild Animal;

(7) Affecting the condition or placement of any property intended for use in the lawful taking of a Wild Animal to impair the usefulness of the property or prevent the use of the property; or

(8) Engaging in any other act or behavior to hinder, disrupt or prevent the lawful taking of a Wild Animal by another person.

(b) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$500.00 or more than \$1,000.00.

(c) A person who, within the jurisdiction of the Band, violates this Section a second or subsequent time shall be liable for a civil fine of not less than \$1,000.00 or more than \$2,500.00.

## **CHAPTER 5 SPECIFIC BOATING RULES AND REGULATIONS**

### **Section 5.01 Boat Motors**

(a) A person shall not operate on Gage Lake, Rodgers Lake or Sassafras Lake within Trust Land or Fee Land any type of gas motor on any Boat.

(b) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not more than \$200.00.

### **Section 5.02 Gas Tank Removal**

(a) Unless a gas tank or container is permanently affixed to a Boat, a person shall remove from the Boat any tank or container before operating the Boat on Gage Lake, Rodgers Lake or Sassafras Lake within Trust Land or Fee Land.

(b) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not more than \$200.00.

### **Section 5.03 Personal Flotation Device**

(a) A person shall not operate a Boat within Trust Land or Fee Land unless the Boat has on board one type I, II, III, or IV coast guard approved personal flotation device in good and serviceable condition for each person on board. The devices shall be readily available and not encased in plastic bags or other containers.

(b) A person shall not operate a Boat within Trust Land or Fee Land unless each person on board the Boat who is less than six (6) years of age is wearing a type I or type II coast guard approved personal flotation device in good and serviceable condition.

(c) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not more than \$100.00.

#### **Section 5.04 Lighting**

(a) If underway between sunset and sunrise within Trust Land or Fee Land a Boat shall be equipped with a lantern showing a white light which shall be readily available and shall be exhibited to a Boat approaching from any direction in sufficient time to prevent collision.

(b) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not more than \$100.00.

#### **Section 5.05 Aquatic Organisms**

(a) A person shall not launch from Trust Land or Fee Land any Boat if the Boat or Boat trailer has any aquatic plant or Aquatic Species attached or present.

(b) A person shall not launch from Trust Land or Fee Land any Boat that has any water from any other body of water in the Boat, including without limitation, any livewell or bilge.

(c) A person shall drain from any boat, including without limitation, any livewell or bilge, any water when removing any boat from any body of water located within or adjacent to Trust Land or Fee Land.

(d) A person shall not release any unused or unwanted bait into Trust Land or Fee Land, rather all unused or unwanted bait shall be disposed of in a refuse container.

(e) The owner or operator of any Boat or Boat trailer within Trust Land or Fee Land shall obey any order from a Band Enforcement Officer directing such person to remove any aquatic plants or Aquatic Species or water from the Boat or Boat trailer.

(f) A person who, within the jurisdiction of the Band, violates Subsection 5.05(a), 5.05(b), 5.05(c) or 5.05(d) of these Rules and Regulations shall be liable for a civil fine of not less than \$100.00.

(g) A person who, within the jurisdiction of the Band, violates Subsection 5.05(e) of these Rules and Regulations shall be liable for a civil fine of not less than \$250.00.

## **Section 5.06 Compliance**

Any operation of a Boat within Trust Land or Fee Land shall also be in accordance with all licensing and use requirements and restrictions imposed under Applicable Law.

## **CHAPTER 6 SPECIFIC GATHERING RULES AND REGULATIONS**

### **Section 6.01 Wild Plants**

(a) A licensee under a Wild Plant Gathering License may Gather up to five (5) gallons of Wild Plants each day from Trust Land and Fee Land combined, or such lesser amount as set forth in any Emergency Rules and Regulations, provided that licensee shall not Gather under such License: (1) Any tree, unless in accordance with Section 6.07 of these Rules and Regulations; or (2) Any Domestic Crop; and shall not Gather under any Band License any Wild Plants or Minerals with a fair market value in excess of \$5,000.00 during any calendar year.

(b) This Section 6.01 shall not authorize Gathering of any Wild Plant or Minerals for which another License (including any tag) is required under the Code, including without limitation, Gathering of sap, boughs, ash, basswood, ironwood, northern hackberry and burls; rather any Citizen or Non-Citizen Spouse who seeks to engage in such Gathering must obtain the required license specified under Section 6.01 of the Code.

(c) A Citizen who, within the jurisdiction of the Band, violates this Section within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(d) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates this Section within Trust Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(e) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section within Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(f) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(g) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band, are set forth in Subsection 3.02(j) of the Code.

### **Section 6.02 Minerals**

(a) A licensee under a Mineral Gathering License may Gather up to five (5) gallons of Minerals each day from Trust Land and Fee Land combined, or such lesser amount as set forth in any Emergency Rules and Regulations.

(b) A Citizen who, within the jurisdiction of the Band, violates this Section within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(c) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates this Section within Trust Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(d) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section within Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(e) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(f) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band, are set forth in Subsection 3.02(j) of the Code.

### **Section 6.03 Sugar Bush**

(a) A licensee shall not place a container on a tree within Trust Land or Fee Land to collect sap without first printing the person's name and Sugar Bush License number on the bucket. The printing shall be made with a permanent, non-erasable marker or paint and shall be legible.

(b) A licensee shall not cause a tree within Trust Land or Fee Land to have more than two (2) taps at the same time.

(c) A licensee under a Sugar Bush License shall ensure that any fire within Trust Land or Fee Land is safe at all times, including without limitation:

- (1) Selecting a location away from trees, overhead branches, bushes, grass or logs;
- (2) Digging a shallow fire pit or placing a fire pan in a non-grassy area;
- (3) Circling the pit with rocks or using a metal fire ring;
- (4) Clearing a five (5) foot area around the pit down to the soil;
- (5) Keeping a bucket of water and shovel nearby;
- (6) Properly storing flammable items, including extra wood, away from the fire pit;
- (7) Properly discarding any flammable items, including matches; and
- (8) Attending and monitoring the fire at all times.



(d) A Citizen who, within the jurisdiction of the Band, violates this Section within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(e) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates this Section within Trust Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(f) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section within Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(g) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(h) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band, are set forth in Subsection 3.02(j) of the Code.

#### **Section 6.04 Boughs**

(a) A licensee under a Bough License may Gather up to two (2) cubic yards of boughs from Trust Land and Fee Land combined, each day, or such lesser amount as set forth in any Emergency Rules and Regulations.

(b) A Citizen who, within the jurisdiction of the Band, violates this Section within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(c) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates this Section within Trust Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(d) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section within Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(e) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(f) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band, are set forth in Subsection 3.02(j) of the Code.

#### **Section 6.05 Ash, Basswood, Ironwood, and Northern Hackberry**

(a) A licensee under an Ash, Basswood, Ironwood, and Northern Hackberry License may Gather up to one (1) ash tree, one (1) basswood tree, one (1) ironwood tree, and one (1) northern hackberry tree from Trust Land and Fee Land combined during the applicable calendar year, or such lesser amount as set forth in any Emergency Rules and Regulations, provided that this

Subsection shall not prohibit a Citizen from Gathering on behalf of an Elder or Disabled Person in accordance with Applicable Law, including without limitation, Subsection 3.03(a)(5) of the Code.

(b) A person shall not cut an ash tree, basswood tree, ironwood tree or northern hackberry tree within Trust Land or Fee Land without possessing an unused stump tag issued to the Citizen or Non-Citizen Spouse by the Department, or in the case of a Citizen who Gathers under Subsection 3.03(a)(5) of the Code, without possessing an unused stump tag issued to the Elder or Disabled Person.

(c) The Department shall charge a deposit of \$25.00 for issuance of each stump tag, which shall be refunded when the Citizen or Non-Citizen Spouse makes the report required under Subsection 6.05(f) below or, if no trees were Gathered, returns all stump tags to the Department, whichever occurs earlier.

(d) Immediately after cutting an ash tree, basswood tree, ironwood tree or northern hackberry tree within Trust Land or Fee Land, the licensee, or in the case of Gathering under Subsection 3.03(a)(5) of the Code, the Citizen who Gathered on behalf of an Elder or Disabled Person, shall secure to the stump the proper unused stump tag.

(e) Upon demand by a Band Enforcement Officer, a person while Gathering any ash tree, basswood tree, ironwood tree or northern hackberry tree shall exhibit the proper unused stump tag issued to such person, provided that a Citizen who is Gathering on behalf of an Elder or Disabled Person shall exhibit the proper unused stump tag issued to the Elder or Disabled Person.

(f) A Citizen or Non-Citizen Spouse, who Gathers any ash tree, basswood tree, ironwood tree or northern hackberry tree within Trust Land or Fee Land, shall contact the Department and report the location of the tree within fourteen (14) days of such Gathering. In this regard, a Citizen who Gathers on behalf of an Elder or Disabled Person shall make such report.

(g) To be eligible to receive an Ash, Basswood, Ironwood and Northern Hackberry License, Citizens and Non-Citizen Spouses to whom the Department issued an Ash, Basswood, Ironwood and Northern Hackberry License, for the immediately prior year, must have filed with the Department an annual ash, basswood, ironwood and northern hackberry harvest report for the immediately prior year by March 31<sup>st</sup> of the current year, provided that Citizens or Non-Citizens who did not timely file such an annual ash, basswood, ironwood and northern hackberry report shall be eligible to receive an Ash, Basswood, Ironwood and Northern Hackberry License if they file the report and, beginning in 2020, pay an administrative fee of \$50.00.

(h) This Section shall not apply to Gathering of ironwood saplings for a traditional use, provided the Citizen or Non-Citizen Spouse has a Wild Plant Gathering License. Any Gathering of ironwood saplings for a traditional use under the Wild Plant Gathering License shall not be subject to the limitation on quantity stated in Subsection 6.01(a) above. A Citizen or Non-Citizen Spouse shall only Gather the quantity of ironwood saplings which is necessary for the traditional use.

(i) A Citizen, while Gathering on behalf of an Elder or Disabled Person, shall possess and exhibit upon demand by a Band Enforcement Officer:

(1) The Citizen's Band enrollment card;

(2) The Ash, Basswood, Ironwood and Northern Hackberry License issued to the Citizen by the Department;

(3) The Ash, Basswood, Ironwood and Northern Hackberry License issued to the Elder or Disabled Person by the Department;

(4) A copy of the signed authorization form required under Subsection 3.03(a)(5)(B) of the Code; and

(5) A proper unused stump tag issued to the Elder or Disabled Person.

(j) A Citizen who, within the jurisdiction of the Band, violates Subsection 6.05(a) or 6.05(b) within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00, or violates Subsection 6.05(d) or 6.05(i) within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$50.00 or more than \$250.00, notwithstanding any other provision of these Rules and Regulations.

(k) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates Subsection 6.06(a) or 6.05(b) within Trust Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00, or violates Subsection 6.05(d) or 6.05(e) within Trust Land, shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

(l) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates Subsection 6.05(a) or 6.05(b) within Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00, or violates Subsection 6.05(d) or 6.05(e) within Fee Land, shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

(m) A Citizen or Non-Citizen Spouse who, within the jurisdiction of the Band, violates Subsection 6.05(e) shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

(n) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(o) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band within Trust Land or Fee Land, are set forth in Subsection 3.02(j) of the Code.

## **Section 6.06 Burls**

(a) The Department will issue a licensee under a valid Wild Plant Gathering License one or more burl tags upon request.

(b) A person shall not cut or remove a burl from a living tree within Trust Land or Fee Land without Possessing an unused burl tag issued to the licensee by the Department.

(c) The Department shall charge a deposit of \$25.00 for issuance of each burl tag, which shall be refunded when the Citizen or Non-Citizen Spouse makes the report required under Subsection 6.06(d) below or, if no burl was Gathered, returns the unused burl tag to the Department, whichever occurs earlier.

(d) Immediately after cutting or removing a burl from a living tree within Trust Land or Fee Land, a licensee shall secure a burl tag to the trunk of the living tree and, within fourteen (14) calendar days of cutting or removing a burl from a living tree, shall contact the Department and report the location of the tree.

(e) A Citizen who, within the jurisdiction of the Band, violates this Section within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

(f) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates this Section within Trust Land, shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

(g) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section within Fee Land, shall be liable for a civil fine of not less than \$50.00 or more than \$250.00.

(h) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(i) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band within Trust Land or Fee Land, are set forth in Subsection 3.02(j) of the Code.

## **Section 6.07 Firewood**

(a) A licensee under a Firewood Use Permit may Gather up to five (5) cords of firewood from Trust Land and Fee Land combined, during the applicable calendar year, or such lesser amount as set forth in any Emergency Rules and Regulations.

(b) A Citizen who, within the jurisdiction of the Band, violates this Section within Trust Land or Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(c) A Non-Citizen Spouse, who is Indian, and who, within the jurisdiction of the Band, violates this Section within Trust Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(d) A Non-Citizen Spouse who, within the jurisdiction of the Band, violates this Section within Fee Land, shall be liable for a civil fine of not less than \$100.00 or more than \$500.00.

(e) The penalties for a Non-Citizen Spouse, who is non-Indian, engaging in Gathering, within the jurisdiction of the Band within Trust Land, are set forth in Subsection 3.02(i) of the Code.

(f) The penalties for Non-Citizens engaging in Gathering, within the jurisdiction of the Band within Trust Land or Fee Land, are set forth in Subsection 3.02(j) of the Code.

### **Section 6.08 Hunter Orange While Gathering**

(a) A person shall not Gather within Trust Land or Fee Land during the established daylight shooting hours from August 15 through April 30 unless the person wears a cap, hat, vest, jacket, or rain gear of Hunter Orange. Garments that are Hunter Orange shall be the outermost garment and shall be visible from all sides of the person.

(b) The failure of a person to comply with this Section is not evidence of contributory negligence in a civil action for injury to the person or for the person's wrongful death.

(c) A person who, within the jurisdiction of the Band, violates this Section shall be liable for a civil fine of not less than \$50.00 or more than \$500.00.

## **CHAPTER 7 PROHIBITED AND RESTRICTED SPECIES**

### **Section 7.01 Possession**

(a) A person shall not knowingly possess a live organism within Trust Land or Fee Land if the organism is a Prohibited Species or Restricted Species, unless the person Possesses all authorizations required under Applicable Law, including without limitation, a License from the Department authorizing such Possession.

(b) A person who, within the jurisdiction of the Band, violates Subsection 7.01(a) of these Rules and Regulations shall be liable for a civil fine of not less than \$1,000.00 or more than \$5,000.00.

### **Section 7.02 Introduction**

(a) A person shall not Introduce a Prohibited Species, a Restricted Species, or a Genetically Engineered or nonnative aquatic plant, Aquatic Animal, bird or mammal within Trust Land or Fee Land unless the person Possesses all authorizations required under Applicable Law, including without limitation, a License from the Department authorizing such Introduction.

(b) A person who, within the jurisdiction of the Band, violates Subsection 7.02(a) of these Rules and Regulations shall be liable for a civil fine of not less than \$2,000.00 or more than \$5,000.00.

---

### **LEGISLATIVE HISTORY**

Pokagon Band Hunting and Gathering Rules and Regulations, adopted February 16, 2015 by Res. No. 15-02-16-03; amended July 25, 2016 by Res. No. 16-07-25-02; amended June 27, 2019 by Res. No. 19-06-27-02; amended November 5, 2019 by Res. No. 19-11-05-01.