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Mashkisibi Center

BAD RIVER TRIBAL COUNCIL

Bad River Community Center, Route 2, via Ashland, WI 54806

RESOLUTION NO. 1-2-80-34



ORDINANCE PROHIBITING FISHING BY MEANS OF GILL NETS AND HOOK AND LINE BY MEMBERS AND NON-MEMBERS

I. PREAMBLE

WHEREAS, it is deemed desirable by the Tribal Council of the Bad River Band of Lake Superior Chippewa Indians to promote the conservation of the natural resources of the reservation for future generations of Bad River Indians by prohibiting hunting, fishing, trapping and ricing by non-members of the Band on all lands and waters within the Bad River Reservation and;

WHEREAS, Article VI, Section I, Subsection N Q T V X of the Constitution and By-Laws of the Bad River Band of Lake Superior Chippewa Indians, as amended provides that among the powers of the Tribal Council, is the power to regulate by enactment of ordinances, the activities of hunting, fishing, ricing and trapping by members and non-members within the exterior boundaries of the reservation.

NOW, THEREFORE, BE IT RESOLVED, that the following provisions relating to fishing within the boundaries of the Bad River Reservation be hereby adopted as a Tribal Ordinance effective January 2, 1980.

ARTICLE I. PROHIBITING OF FISHING

Section 1. By banning the taking of fish by any means during the spawning season from the waters of the Kakagon Sloughs, Wood Creek and Bear Trap Creek, by members and non-members except for the fish needed by the Fish Hatchery located on the Bad River Reservation and other lawfully authorized personnel in the performance of their duties, i.e., U.S. Fish and Wildlife Service.

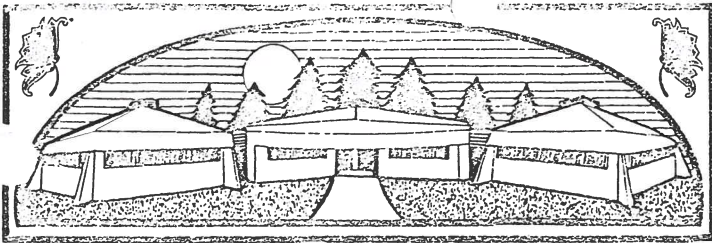
ARTICLE II. POSTING

The exterior boundaries of the Bad River Reservation and any acquired lands outside of the Reservation shall be posted as to the closure set forth in Article I.

ARTICLE III. PENALTIES

Section 2. Any individual who violates this ordinance and does so for the first time shall be punished by a fine of not more than one hundred dollars (\$100.00).

Section 3. An individual who violates this ordinance, who has previously been found guilty of violating this same ordinance, shall be punished by a fine of up to but not more than two hundred fifty dollars (\$250.00).



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ARTICLE IV. RIGHT TO TRIAL

Any person accused of violating this ordinance shall be entitled to a trial in the Bad River Tribal Court.

ARTICLE V. GAME WARDENS

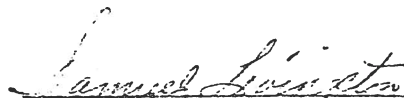
This ordinance shall be enforced by Tribal Game Wardens to be appointed by the Tribal Council.

ARTICLE VI. SEIZURE

Game Wardens and other appointed officials are hereby authorized to seize and impound weapons, fishing, trapping, and ricing gear and other implements used in such activities as evidence together with any such fish, game or rice as found in the possession of a person violating this ordinance in order to utilize such in connection with prosecution.

ARTICLE VII. FORFEITURE

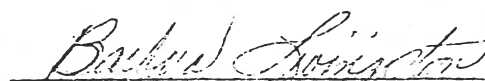
The Court may order all impounded weapons, gear, implements and fish, and rice forfeited, as to any individual who does not appear in court at the time required.



Samuel Livingston, Chairman

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Tribal Council hereby certify that the Tribal Council is composed of 7 members, of whom 5 being present constituted a quorum at a meeting thereof duly called, convened, and held on this 2nd day of January, 1980, and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 4 for and 0 against, and that said resolution has not been rescinded or amended in any way.



Secretary, Bad River Tribal Council