

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O. BOX 39 Odanah, Wisconsin 54861

RESOLUTION NO. 2-4-98-114

WHEREAS, pursuant to Article VI, Section I (t) of the Bad River Tribal Constitution, the Tribal Council has the authority to regulate the activities of both Tribal members and non-members within the exterior boundaries of the Bad River Indian Reservation in order to protect the Tribe's natural resources; and

WHEREAS, the wild rice supported by the Kakagon Sloughs and other sloughs within the Bad River Indian Reservation constitutes an essential natural resource of the Bad River Band of Lake Superior Tribe of Chippewa Indians, and has traditionally been and continues to be harvested by tribal members for sustenance; and

WHEREAS, the fisheries resources of the Bad River Reservation constitute essential natural resources of the Bad River Band, which have traditionally been and continue to be harvested by tribal members for sustenance; and

WHEREAS, due to the tremendous value of wild rice and the fisheries to the Tribe and its members, activities which threaten the continued viability of the wild rice beds or the fishery would have a direct, adverse effect on the economic security, the health and welfare, and the cultural identity of the Tribe; and

WHEREAS, boating traffic creates disturbances, or wakes, in the waters supporting emergent wild rice, and such disturbances severely inhibit the ability of wild rice to grow; and

WHEREAS, the use of bait not indigenous to Lake Superior endangers the ecosystems of the sloughs located within the exterior boundaries of the reservation, as the use of such bait could lead to the introduction of exotic species, which could in turn have a severe detrimental effect on the spawning grounds necessary to support the fisheries,

NOW THEREFORE, BE IT RESOLVED that the attached ordinance entitled The Bad River Sloughs Protection Ordinance is hereby adopted.

CHAPTER 327
THE BAD RIVER BAND SLOUGHS PROTECTION ORDINANCE

327.1 Title. This ordinance shall be known as “The Bad River Band Sloughs Protection Ordinance”

327.2 Authority. This ordinance is enacted pursuant to Article VI, Section 1(t) of the Bad River Tribal Constitution.

327.3 Effective Date. This ordinance shall be effective as of the date on which it is adopted by the Bad River Tribal Council, and shall remain in effect unless and until superseded by future ordinance(s).

327.4 Definitions:

(a) “Bad River NRD” means the Natural Resources Department of the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

(b) “Boat” or “vessel” means every description of watercraft used or capable of being used as a means of transportation on water, including but not limited to motorboats, canoes, jet-skis, seaplanes, and fishing rafts.

(c) “Fishing” means any activity the purpose or effect of which is to capture, kill or take fish. The term “fishing” includes but is not limited to activities involving the use of a hook and line, net, or spear.

(d) “Growing Season” means the period between the time that submergent vegetation begins to grow and the time in which it ceases to grow (generally May 15 through September 15, unless otherwise determined by the Bad River NRD).

(e) “Motorboat” means any boat or vessel equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion. The term specifically includes, but is not limited to, watercraft such as jet skis, seaplanes, and similar craft.

(f) “Person” means any natural or legal person, both members of the Bad River Band of Lake Superior Chippewa Indians and non-members.

(g) “Reservation” means all areas within the exterior boundaries of the Bad River Indian Reservation.

(h) “Respondent” means any person accused of violating the prohibitions described below.

(i) “Riparian Zone” means any area within the Kakagon Sloughs and Bad River wetland complex lying within the exterior boundaries of the Reservation.

(e) **Restriction on Bait.** No person shall engage in any fishing activity unless the bait used in such activity is of a species indigenous to the Lake Superior basin.

327.7 Enforcement. Enforcement of the prohibitions set forth above shall be performed exclusively by wardens of the Bad River NRD.

327.8 Jurisdiction. The Bad River Tribal Court shall have exclusive jurisdiction over any alleged violation of this ordinance.

327.9 Penalties.

(a) The penalties for violations of any provision of this ordinance shall be as follows:

- (1) a civil forfeiture not to exceed \$500.00;
- (2) performance of community service, as determined by the Tribal Court;

~~(3) both (1) and (2) above.~~

(b) Any boat or other equipment used in violation of this chapter may be seized by the Conservation Department and ordered forfeited.

(c) Neither the imposition of a penalty as provided for above, nor satisfaction of the terms of such penalty, shall constitute a waiver or release from any additional civil or criminal liabilities, including but not limited to liability for damages to natural resources.