

CHAPTER 303 - HARVESTING OF WILD RICE

Section 303.1 - Findings

The Tribal Council finds that the lands now comprising the Bad River Reservation were traditional hunting, fishing, and gathering grounds for the ancestors of the Tribe; that these lands were selected as a Reservation because of their wealth of fish, game, and wild rice; that wild rice has been a nutritional staple for members of the Tribe for generations beyond memory; that wild rice continues to provide a substantial portion of the protein and other nutritional needs of the Tribe's members; that the annual harvest of wild rice is a traditional event of long-standing cultural importance; that high unemployment and cash-poor local economy indicate that wild rice will remain critical as a food source for the Tribe's members; that one predictable source of cash income for the Tribe's members is the sale of wild rice to non-residents of the reservation; and that effective regulation of both member and non-member harvesting of wild rice is essential for the preservation of wild rice in amounts sufficient to supply the economic, nutritional, and cultural needs of the Tribe's members.

Section 303.2 - Definitions

- (a) "Conservation Department" means the Conservation Department of the Tribe.
- (b) "Member" means any person who is enrolled or is eligible for enrollment in the Tribe, or who is recognized as a member of the Tribe by the Tribal Council.
- (c) "Non-member" means any person who does not come within the definition of member.
- (d) "Reservation" means the Bad River Reservation.
- (e) "Tribal Council" means the Tribal Council of the Tribe.
- (f) "Tribe" means the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation.

Section 303.3 - Ricing Prescribed

No person shall engage in any ricing activity within the boundaries of the reservation except during such times and except within such areas as the Conservation Department shall declare to be open to ricing.

Section 303.4 - Licensing

No person shall rice who does not have in his or her possession a valid license issued to him or her by the Conservation Department, or who does not have or is not eligible to receive a membership or enrollment card of the Tribe.

Section 303.5 - Notice and Posting

(a) The Conservation Department shall monitor the ripening of wild rice within the reservation and shall give notice 24 hours before opening the first area of the season. Thereafter no notice need be given before opening additional areas.

(b) The Conservation Department shall post signs indicating the limits of open areas.

Section 303.6 - Mechanization Prohibited

No person shall use any mechanical means to harvest wild rice, nor shall any person operate any boat motor or engine within the rice fields.

Section 303.7 - Forfeitures

(a) Any person violating Sections 303.3, 303.4, or 303.6 of this chapter for the first time shall be subject to a forfeiture of not more than \$150.00.

(b) Any person violating Sections 303.3, 303.4, or 303.6 of this chapter who has been previously found to have violated either Sections 303.3, 303.4, or 303.6 of this chapter or who is subsequently found to have previously violated either Section 303.3, 303.4, or 303.6 of this chapter shall be subject to a forfeiture of not more than \$250.00.

Ch 303: Harvesting of Wild Rice

Section 303.8 - Seizure and Forfeiture

(a) Any rice harvested in violation of this chapter may be seized by the Conservation Department and ordered forfeited.

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

HARVESTING OF WILD RICE - ENACTED BY RESOLUTION NO. 9-2-81-12/Amended by Res. #10-7-81-26

- (f) To manage all economic affairs and enterprises of the Band in accordance with the terms of the charter which may be issued to the Band by the Secretary of the Interior.
- (g) To appropriate for public purposes of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin available Tribal Council funds, and subject to review by the Secretary of the Interior, any other available tribal funds.
- (h) To levy taxes upon members of the Band and/or their property and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members of their property located within the Reservation; PROVIDED, however, that any such assessment upon members of the Band shall have the approval of a majority of the voters of the Band at a special election at which at least thirty (30) percent of the eligible voters of the Band shall vote.
- (i) to purchase lands of members of the Band for public purposes, under condemnation proceedings in courts of competent jurisdiction.
- (j) To regulate by enactment of ordinances the conduct of business within the exterior boundaries of the Bad River Reservation including the power to impose taxes and license fees upon members and non-members during business within the Bad River Reservation.
- (k) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Bad River Reservation, subject to review by the Secretary of the Interior.
- (l) To regulate the manner of making nominations and holding elections for Tribal officers.
- (m) To adopt resolutions regulating the procedure of the Tribal Council itself and of other Tribal agencies and Tribal officials.
- (n) To encourage and foster the arts, crafts, traditions, culture, wildlife, and natural resources of the Bad River Band of Lake Superior Tribe of Chippewa Indians of Wisconsin.
1. By banning the taking of fish by any means during the spawning season from the waters of the Kakagon Sloughs and River, 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.
 2. To establish a closed season on deer so as to prevent the taking of does while they are carrying their unborn young -- ban to include members and non-members.
 3. To empower the Tribal Council to regulate ricing as to the days and time of day to harvest wild rice, so as to ensure a full growing season. The Tribal Council will act on the recommendation of the Tribal game wardens as to when to post the time and date to rice on Kakagon, Sandcut, Wood Creek, and Bear Trap Creek. Regulations will apply to members and non-members.