

## Chapter NR 13

## CHIPPEWA TREATY RIGHTS PARTICIPANTS

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Note: Chapter NR 13 was created as an emergency rule effective 8-4-89; emerg. cr. NR 13.10 to 13.196 and 13.50 to 13.57 effective 2-2-90.

## Subchapter I — General Provisions

Note: Chapter NR 13 is a direct result of the off-reservation treaty rights first recognized in *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 (7th Cir. 1983). This rule does not actually amend other state statutes. Rather, it represents the Department's interpretation of how these laws must be interpreted or limited in order to comply with the general limitations on state regulatory authority expressed in *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 1233 (W.D. Wis. 1987) and the specific limitations expressed in the regulatory phase of the Voigt litigation. (See e.g., *Lac Courte Oreilles v. State of Wisconsin*, 707 F. Supp. 1034 (W.D. Wis. 1989).)

Chapter NR 13 will serve 4 purposes:

1. It provides the federal court with the State's litigation position in the ongoing Chippewa off-reservation treaty rights litigation.

2. The rule provides the State with a set of regulations for those species on which the court has not yet ruled. The state has acknowledged that certain of the current state laws do not meet the aforementioned reasonableness standards for enforcement of Chippewa off-reservation treaty rights.

3. The rule provides a set of back-up regulations for those species on which the court has already ruled. In *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 226 (W.D. Wis. 1988) the court accepted the Chippewa Off-Reservation Code as the primary set of regulations applicable to off-reservation treaty rights. However, it allowed for enforcement of state law should the Chippewa fail to enact or enforce their code. It is expected that a similar pattern will prevail for all species covered by ch. NR 13.

4. Should the federal court rule in future trials that the Chippewa Off-Reservation Code does not preempt state law, ch. NR 13 will serve as the primary set of regulations for Chippewa off-reservation treaty rights.

Assuming that the federal court rules in the trials on deer, small game, furbearers and other species that the tribal off-reservation code is to be the primary method of regulating the off-reservation harvest, ch. NR 13 may eventually serve only as a backup set of regulations to be used in the event a tribe fails to enact or enforce the tribal code mandated by the court.

Chapter NR 13 is written to be a comprehensive set of regulations dealing with all aspects of the off-reservation treaty harvest. The first permanent rule enactment includes all introductory and general materials (including those for fishing and gathering) and specific rules for hunting and trapping. The specific rules for fishing and gathering will be added at a later date.

Note: This chapter contains a number of provisions for which modifications have been added to reflect limitations on the state's authority as a result of the litigation arising from *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 (7th Cir. 1983). The modifications are placed in this chapter rather than done as an actual change to the underlying statute or administrative code provision due to the applicability of the *Voigt* decision to only enrolled members of the Chippewa bands and the need for a single document summarizing all regulations dealing with off-reservation treaty rights.

**NR 13.01 Purpose and applicability.** (1) **PURPOSE.** This chapter is intended to regulate the off-reservation treaty rights of treaty rights participants recognized by *Lac Courte Oreilles Band v. Voigt*, 700 F. 2d 341 (7th Cir. 1983) to the extent permissible under *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 1233 (W.D. Wis. 1987).

(2) **APPLICABILITY.** (a) *Treaty rights participants.* This chapter is intended to apply to treaty rights participants when hunting, fishing, spearing, trapping or gathering in areas of the ceded territory subject to the treaty rights recognized in *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 (7th Cir. 1983).

(b) *Walleye and muskellunge.* Regulations pertaining to walleye and muskellunge are applicable to treaty rights participants only upon a failure of that member's band to comply with the order of the court in *Lac Courte Oreilles Band of Lake Superior Chippewa v. Wisconsin*, 707 F. Supp. 1034 (W.D. Wis. 1989).

(c) *Wild rice.* Regulations pertaining to wild rice are applicable to treaty rights participants only upon a failure of that member's band to comply with the wild rice regulatory phase consent decree signed by District Judge Barbara B. Crabb on November 1, 1989.

(d) *General.* Where applicable, provisions of this chapter dealing with sharing or checking of gear, possession, transactions and transfer apply to any person.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

**NR 13.02 Definitions.** In addition to definitions established in ss. NR 10.001, 12.001, 19.001 and 20.015, the following definitions apply to this chapter.

(1) "Ceded territory" means the territory in Wisconsin ceded by the Chippewa Indians to the United States in the Treaty of 1837, 7 Stat. 536, and in the Treaty of 1842, 7 Stat. 591. A map of the ceded territory is found in the appendix to *United States v. Bouchard*, 464 F. Supp. 1316 (W.D. Wis. 1978).

(2) "Department" means the department of natural resources.

(3) "Enrolled Chippewa tribal member" means an individual listed on the official roll of one of the Chippewa bands entitled to exercise off-reservation treaty rights under *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 (7th Cir. 1983).

(4) "Gill net" means any net set to capture fish by entanglement rather than entrapment.

(5) "Ice fishing" means taking, capturing or killing fish or fishing for any variety of fish at any time through an artificial hole in the ice.

(6) "Management unit", "hunting zone" and "management zone" mean those management units established for deer in s. NR 10.28, black

bear hunting zones established in s. NR 10.30 and Canada goose management zones established in s. NR 10.31.

(7) "Public lands" means land currently held in fee title by federal, state or local governments or lands held under the forest crop or managed forest land programs but only to the extent such lands are required to be open to public hunting and fishing.

(8) "Remaining tribal quota" means the difference between the tribal quota and the cumulative harvest of the particular species by all treaty rights participants using all harvest methods permissible under this chapter. The cumulative harvest includes all harvest to the date that the remaining tribal quota is calculated. If the cumulative harvest exceeds the tribal quota, the remaining tribal quota shall be zero.

(9) "Safe harvest" means a level of harvest meeting the guidelines of *Lac Courte Oreilles Band of Lake Superior Chippewa v. Wisconsin*, 707 F. Supp. 1034 (W.D. Wis. 1989) that incorporates an appropriate margin of safety, estimates of the population and acceptable exploitation rates which will reasonably prevent harvest of more than 35% of the population of adult walleyes and 27% of the population of adult muskellunge. The margin of safety shall assure that the true safe harvest is not exceeded in more than 1 of 40 cases. For waters where a population estimate has not been made, a regression model based upon population estimates from other waters shall be used. The margin of safety used depends upon the age of the population estimate and whether a regression model was used.

(10) "Snare" means a steel cable device in the form of a noose with a stop, lock and swivel which is set to capture an animal by the body, neck or foot.

(11) "Spear fishing" means taking or attempting to take a fish by means of a hand held spear or other similar device which is directed by the spearer to impale the target fish. Spearfishing may include the use of an artificial light.

(12) "Tribal quota" or "TQ" means the total number of a particular species which may be harvested annually from a given body of water, management unit, hunting zone or management zone by all treaty rights participants.

(13) "Treaty rights participant" means an enrolled Chippewa tribal member exercising off-reservation rights under *Lac Courte Oreilles Band v. Voigt*, 700 F. 2d 341 (7th Cir. 1983).

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

**NR 13.03 Identification.** A treaty rights participant shall be issued a photo identification card by his or her band and shall carry the card on his or her person when exercising treaty rights. Treaty rights participants shall display their photo identification card upon request by state or local law enforcement personnel, state biologists or state, federal or local property managers. A treaty rights participant is not required to have a state hunting, fishing, trapping or ricing license.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

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**NR 13.04 Restrictions and department authority.** (1) DEPARTMENT AUTHORITY. The following statutory and administrative code provisions are unaffected by *Lac Courte Oreilles v. Voigt*, 700 F. 2d 341 (7th Cir. 1983):

(a) *Statutory provisions.* 1. Sections 23.09 and 23.11 Powers of the department.

2. Section 23.10 Conservation wardens.

3. Section 23.115 Designation of trails, etc.

4. Section 23.15 Sale of state owned lands under the jurisdiction of the department of natural resources.

5. Section 23.27 Natural areas; definitions; importance; inventory; acquisition; sales.

6. Section 23.28 State natural areas; designated state natural areas.

7. Section 23.29 Wisconsin natural areas heritage program.

8. Section 23.30 Outdoor recreation program.

9. Section 23.305 Leasing of department land for recreational purposes.

10. Section 23.31 Recreation resources facilities.

11. Section 23.32 Wetlands mapping.

12. Section 26.07 Money, how disposed of.

13. Section 26.08 Leases and licenses.

14. Section 26.22 Sales, etc.

15. Section 26.30 Forest insects and diseases; department jurisdiction; procedure.

16. Ch. 28 Public forests.

17. Section 29.02 Title to wild animals.

18. Section 29.03 Public nuisances (modified by s. NR 13.05 (4)).

19. Section 29.06 Sale of confiscated game and apparatus.

20. Section 29.08 Interstate comity.

21. Section 29.085 Department to regulate hunting and fishing in interstate waters.

22. Section 29.09 Hunting, trapping and fishing; licenses and other approvals; issuance. (applicable only when a license or approval is required)

23. Section 29.092 (2) (n) Hunter education and firearm safety; instruction fee; certificate of accomplishment.

24. Section 29.092 (5) (a) Guide license.

25. Section 29.092 (6) Trapping and fur dealer licenses and taxidermist permits.

26. Section 29.092 (7) (h) Wholesale fish dealer license.

27. Section 29.092 (8) (c) through (f) Relating to private fish hatchery fees.

28. Section 29.092 (9) Bird and game farms, related activities and wildlife in captivity; licenses, tag; permits.

29. Section 29.092 (10) Scientific collector permit.

30. Section 29.092 (13) Fees for duplicate approvals (applicable only when a license or approval is required).

31. Section 29.092 (15) Issuing fee (applicable only when a license or approval is required).

32. Section 29.093 Fish and wildlife; effective periods; restrictions (applicable only when a license or approval is required).

33. Section 29.137 (2) (a) Relating to the definition of bait.

34. Section 29.137 (5) Relating to department rule authority for taking, handling, and storing of bait.

35. Section 29.137 (7) Relating to issuance of permits for taking bait.

36. Section 29.137 (8) Relating to bait from private fish hatcheries.

37. Section 29.17 Scientific collector permit.

38. Section 29.174 Conservation of fish and game; powers of department.

39. Section 29.175 Nongame species.

40. Section 29.225 Hunter education and firearm safety programs; certificate of accomplishment.

41. Section 29.24 Hunting and trapping by landowners.

42. Section 29.255 Training of hunting dogs and rules for dog trials.

43. Section 29.283 (1) Relating to rules for ice fishing shanties.

44. Section 29.336 Description of nets; use of.

45. Section 29.42 (3) Mounted collections.

46. Section 29.49 (1) (b) Relating to permits to serve game to guests.

47. Section 29.50 Propagation privileged.

48. Section 29.51 (1) State fish hatcheries.

49. Section 29.51 (2) Transplantation of fish.

50. Section 29.54 (1) Relating to state propagation of wild mammals and birds.

51. Section 29.544 (1) and (2) Relating to title to wild rice and powers of the department.

52. Section 29.55 Wild animals for parks.

53. Section 29.555 Public hunting and fishing grounds.

54. Section 29.579 Domestic fur-bearing animal farms.

55. Section 29.59 Removal of wild animals.
  56. Section 29.598 Wildlife damage abatement programs; wildlife damage claim program.
  57. Section 29.605 Giving away of predatory animals to public zoos.
  58. Section 29.62 Removal of injurious rough fish.
  59. Section 29.623 Control of detrimental fish.
  60. Section 29.625 Permit to take rough fish.
- (b) *Administrative code provisions.* 1. Ch. NR 1 Natural resources board policies.
2. s. NR 10.03 (1) and (2) Relating to birds causing depredation.
  3. s. NR 10.102 (1) Bear quotas.
  4. s. NR 10.104 (1) Relating to the management of the deer herd.
  5. s. NR 10.104 (7) Deer harvest quotas.
  6. s. NR 10.117 Deer season modification.
  7. s. NR 10.28 Deer management units.
  8. s. NR 10.29 Wild turkey hunting zones.
  9. s. NR 10.30 Black bear hunting zones.
  10. ch. NR 12 Wildlife damage and nuisance control.
  11. s. NR 19.01 Approval deadlines (applicable only when an approval is required).
  12. s. NR 19.03 Control of muskrats on cranberry marshes.
  13. s. NR 19.07 Shooting preserves.
  14. s. NR 19.11 (1) through (4) Relating to scientific collector permits.
  15. ss. NR 19.75-19.83 Relating to the wildlife damage abatement and claims program.
  16. s. NR 20.03 (1) (intro) Relating to open and closed seasons, size and bag limits and measurements.
  17. s. NR 20.03 (4) Relating to special regulations for toxicant-treated waters.
  18. s. NR 20.04 (3) Special waters-lakes.
  19. s. NR 20.07 (3) Relating to taking rough fish by hand.
  20. s. NR 20.07 (4) Relating to taking certain fish by spear in designated waters.
  21. s. NR 20.14 Department permitted to take fish.
  22. s. NR 20.15 Control of detrimental fish.

(2) **RESTRICTIONS UNRELATED TO TREATY RIGHTS.** The following statutory and administrative code provisions are unaffected by *Lac Courte Register*, February, 1990, No. 410

*Oreilles Band v. Voigt*, 700 F. 2d 341 (7th Cir. 1983) and are not intended to be modified, except as expressly provided, by any provision of this chapter:

- (a) *Statutory provisions.*
1. Section 23.33 All-terrain vehicles.
  2. Section 23.40 Environmental impact statement.
  3. Section 26.12 (5) Relating to setting fires - intensive protection areas.
  4. Section 26.14 Forest fires, law enforcement, police power of wardens, compensation, penalties, civil liability.
  5. Section 26.19 Destruction of forest protection equipment or notices.
  6. Section 26.21 Civil liability for forest fires.
  7. Ch. 27 Public parks and places of recreation. (modified by s. NR 13.05 (9)).
  8. Section 29.288 Throwing refuse in waters; abandoning automobiles, boats or other vehicles.
  9. Section 29.29 (3) Deleterious substances.
  10. Section 29.64 Resisting conservation warden.
  11. Section 29.641 False impersonation of warden.
  12. Section 29.642 Incorrect information.
  13. Section 29.643 Changing approval.
  14. Section 29.644 Breaking seals of department.
  15. Section 29.645 Larceny of game.
  16. Ch. 30 Navigable waters, harbors and navigation.
  17. Ch. 31 Regulation of dams and bridges affecting navigable waters.
  18. Section 167.26 Leaving unguarded ice holes.
  19. Section 167.31 Safe use and transportation of firearms and bows.
  20. Chs. 340 to 349 Relating to laws regulating motor vehicles.
  21. Ch. 350 Snowmobiles.
  22. Chs. 939 to 948 Relating to laws regulating crimes.
- (b) *Administrative code provisions.*
1. Ch. NR 5 Boat regulations and registration.
  2. Ch. NR 6 Snowmobile standards certification.
  3. Ch. NR 30 Forest fire control.
  4. ss. NR 45.01 through 45.03, 45.04 (1) (b) through 45.08 and 45.10 to the end. Relating to miscellaneous regulations on state lands (modified by s. NR 13.05 (9)).

(3) **ENFORCEMENT IMPLEMENTATION.** The following statutory provisions are directly related to and required for the enforcement of this chapter and shall be applicable to treaty rights participants:

(a) Section 23.50 to 23.90 Relating to procedures used in forfeiture actions.

(b) Section 23.99 Parties to a violation.

(c) Section 26.01 Definition.

(d) Section 26.06 (1) Relating to enforcement of timber laws.

(e) Section 26.98 General penalty.

(f) Section 26.99 Parties to a violation.

(g) Section 29.01 General definitions.

(h) Section 29.05 Police powers; searches; seizures.

(i) Section 29.07 Assistance of police officers.

(j) Section 29.65 Civil actions for damages caused by law violations.

(k) Section 29.99 General penalty provisions.

(l) Section 29.995 Penalties; repeaters.

(m) Section 29.996 Parties to a violation.

(n) Section 29.997 Natural resources assessments.

(o) Section 29.998 Natural resources restitution payments.

(4) **GENERAL RESTRICTIONS.** Subject to the modifications and exceptions in s. NR 13.04 (5), the following provisions shall be applicable to treaty rights participants:

(a) *Statutory provisions.* 1. Section 23.095 Malicious waste of natural resources.

2. Section 29.134 Fur dealers regulated (modified by s. NR 13.05 (11) (a)).

3. Section 29.135 Wholesale fish dealer license (modified by s. NR 13.05 (11) (a)).

4. Section 29.136 Taxidermists (modified by s. NR 13.05 (11) (a)).

5. Section 29.137 (9) Relating to molesting bait traps.

6. Section 29.165 Guide licenses.

7. Section 29.39 Possession during close season or in excess of bag limit (modified by s. NR 13.05 (1)).

8. Section 29.395 Game, possession in open season.

9. Section 29.415 Endangered and threatened species protected.

10. Section 29.42 (1) Approval necessary (modified by s. NR 13.05 (4)).

11. Section 29.42 (2) Nests and eggs.

12. Section 29.425 Possession and sale of live game animals and fur-bearing animals.

13. Section 29.427 Possession, sale, release and destruction of live skunks.

14. Section 29.43 (1), (4) & (5) Relating to transportation during the close season (modified by s. NR 13.05 (2)).

15. Section 29.44 Interstate transportation of game (modified by s. NR 13.05 (1) and (2)).

16. Section 29.47 Transportation of fish.

17. Section 29.475 Wildlife on Indian reservations protected (modified by s. NR 13.05 (3) and (6)).

18. Section 29.48 Sale of game or fish (modified by s. NR 13.05 (11)).

19. Section 29.49 Serving of game to guests (modified by s. NR 13.05 (11)).

20. Section 29.513 Permit for private management.

21. Section 29.515 Trespass to state fish hatchery.

22. Section 29.52 Private fish hatcheries.

23. Section 29.535 Introducing fish and game.

24. Section 29.56 Game or wildlife refuge.

25. Section 29.57 Wildlife refuges.

26. Section 29.572 Game farms; license.

27. Section 29.573 Pheasant and quail farms; department control; shooting license.

28. Section 29.574 Game bird and animal farms.

29. Section 29.575 Fur animal farms.

30. Section 29.578 Deer farms; venison serving permits.

31. Section 29.585 Wildlife exhibit licenses.

32. Section 29.586 Humane, adequate and sanitary care of wild animals.

33. Section 29.60 Use of poison and explosives; pole traps.

(b) *Administrative code provisions.* 1. ch. NR 16 Game farms and exhibits.

2. ch. NR 17 Dog trials and training.

3. s. NR 19.05 Release and importation of fish and wildlife.

4. s. NR 19.07 Shooting preserves.

5. s. NR 19.11 (5) Permit usage.

6. s. NR 19.12 Tagging the carcasses of wild animals, birds and fish taken on Indian reservations (modified by s. NR 13.05 (3) and (6)).

7. s. NR 19.13 Disposition of deer accidentally killed by a motor vehicle.

8. s. NR 19.25 Wild animal protection.

9. s. NR 19.28 Taxidermy.

10. ch. NR 27 Endangered and threatened species.

(5) **ADDITIONAL GENERAL RESTRICTIONS.** (a) *Equipment use.* Treaty rights participants may not share fishing, trapping, hunting or spearing gear with nontribal members and may not permit nontribal members to tend their gear.

(b) *Assisting.* No person other than treaty rights participants may assist with or otherwise tend the fishing, trapping, hunting or spearing gear of treaty rights participants.

(c) *Tag and permit use.* Tags and permits issued or authorized by the department for use by treaty rights participants may not be transferred to or possessed by nontreaty rights participants unless specifically authorized by this chapter.

(d) *Off-reservation land.* Treaty rights participants may not hunt on the following public lands:

1. Campgrounds, beaches and picnic areas;
2. School forests, landfills and gravel pits where deer hunting is prohibited and where notice of the prohibition is clearly posted;
3. Land within incorporated areas except at the time and in the manner that hunting is allowed by the appropriate unit of government;
4. Any state park except those parks where deer gun or archery is permitted, subject to the provisions of s. NR 13.38.
5. Any other public land on which hunting or shooting is prohibited for public safety purposes.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

**NR 13.05 Exceptions and modifications to s. NR 13.04.** (1) **SEASONS AND BAG LIMITS.** Whenever a regulatory provision incorporated by this chapter in s. NR 13.04 refers to a season, possession limit or bag limit, the season, possession limit or bag limit of this chapter supersedes any other administrative code.

(2) **TRANSPORTATION.** The transportation restrictions in s. 29.43 (1), Stats., shall apply only to fresh fish. In s. 29.44, Stats., a tribal identification card may be substituted for a license.

(3) **CLOSED SEASONS.** For the purpose of s. 29.475, Stats., and s. NR 19.12, the state's general closed season is applicable to the removal of fish and game from the reservation on which it has been harvested.

(4) **SUBSTITUTED PROVISIONS.** (a) *Public nuisances.* Section 29.03, Stats., is applicable only to the extent the articles are possessed or used in violation of this chapter.

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(b) *Approval necessary.* The restrictions of s. 29.42 (1), Stats., are not applicable to treaty rights participants with appropriate tribal identification.

(5) PROSECUTIONS. The department may, at its discretion or by agreement with the bands, refer prosecutions of treaty rights participants to the appropriate tribal court. If this is done, tribal penalties shall apply.

(6) TAGGING. (a) *Tagging abbreviations.* Whenever any provision of this chapter requires that an item be tagged (except when the tag is furnished by the department), the tag shall include the name, address and tribal affiliation of the treaty rights participant. Members of the Chippewa bands shall use the following initials to indicate tribal affiliation:

1. Bad River - "BR";
2. Keweenaw Bay - "KB";
3. Lac Courte Oreilles - "LCO";
4. Lac du Flambeau - "LDF";
5. Mille Lacs - "MLC";
6. Mole Lake - "ML";
7. Red Cliff - "RC"; and
8. St. Croix - "SC".

(b) *Tagging game animals.* In addition to the provisions of s. 29.475, Stats., and s. NR 19.12, the following species shall at all times be tagged prior to removal from the reservation:

1. Bear
2. Bobcat
3. Deer
4. Fisher
5. Otter
6. Sturgeon

(7) TRIBAL GOVERNMENT PARTICIPATION. The department may enter into agreements with the Chippewa bands to establish procedures for the issuance of tags and permits and the registration of animals by the bands, provided:

(a) The department determines that the tribal procedures would be in substantial compliance with this chapter;

(b) The bands agree to record all necessary information as requested by the department; and

(c) The bands agree that all information recorded under par. (b) shall be available to the department upon request.

(8) INCIDENTAL OR ILLEGAL TAKE. Any animal taken in violation of this chapter may be turned over to the appropriate Chippewa band. The

animal may not be returned to the violator, his or her immediate family or other members of the hunting party.

(9) **ADMISSION FEES.** Admission fees to department properties are not required of treaty rights participants who are solely involved in hunting, fishing or gathering activities authorized by this chapter.

(10) **COSTS.** The department may not charge a fee for issuance of written permission under this chapter. All other charges for approvals, including campground fees, shall be applicable to the treaty rights participant.

(11) **COMMERCIALIZATION.** (a) *Intra-tribal transactions.* The requirements of ss. 29.134, 29.135, 29.136, 29.48 and 29.49, Stats., are not applicable to legally taken fish and game so long as the transactions involve only treaty rights participants.

(b) *Transactions involving nontreaty rights participants.* Treaty rights participants may sell or barter fish and game otherwise subject to s. 29.48 or 29.49, Stats., only under the following conditions:

1. All treaty rights participants selling or bartering fish and game shall have a license authorizing sale issued by their respective band. Written records of all individuals who are licensed to sell or barter shall be made available to the department upon request.

2. All treaty rights participants involved in sale or barter shall keep records of all transactions subject to the following requirements:

a. The records shall be kept on forms provided by the department.

b. The records shall be open to inspection by the department at the place they are retained.

c. Inspection may take place between 8 a.m. and 8 p.m. or whenever the business is open.

d. The records shall be subject to inspection by state and local health officials.

3. All sellers or barterers shall provide buyers with a bill containing the name of the treaty rights participant and buyer, the date, amount and type of fish or game and the treaty rights participant's tribal sale or barter license number.

4. The bill shall be a 4-part form furnished by the department. Copies shall be given to the buyer, band and department. The treaty rights participant's copy of the form shall be a record open to inspection.

5. All carcasses or part thereof shall be tagged, stamped or labeled by the seller or barterer prior to sale or barter indicating the band origin. Whole fish shall be tagged with tags furnished by the department. Fish tags shall remain with the fish until it is consumed, smoked or fileted. Smoked or fileted fish shall be stamped or labeled in the manner provided for smoked lake trout by s. NR 25.16 (2).

6. Packaged meat shall be labeled as "Chippewa".

7. Treaty rights participants serving fish or game to nontribal member shall obtain a tribal serving permit and maintain records indicating the Register, February, 1990, No. 410

source of the fish or game, any tags used on the animal and the ultimate disposition. These records shall be open to the department inspection.

8. Live fish and fish eggs may not be sold or bartered except as allowed by s. 29.48, Stats.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

### Subchapter III - Hunting and Trapping

**NR 13.30 Restrictions.** Subject to the modifications and exceptions in ss. NR 13.32 (1) and (2) the following provisions are applicable to treaty rights participants engaged in hunting or trapping:

(1) **STATUTORY PROVISIONS.** (a) Section 29.101 Lead shot shell restrictions.

(b) Section 29.104 (4) (b) Relating to crossbow permits.

(c) Section 29.107 Special deer hunting permits. (modified by s. NR 13.38)

(d) Section 29.1085 Bear harvest permits. (modified by s. NR 13.44)

(e) Section 29.109 (2) Authorization. (modified by s. NR 13.44)

(f) Section 29.125 Reports of hunters.

(g) Section 29.13 (1) (d) Tags. (modified by s. NR 13.32)

(h) Section 29.13 (2) Relating to marking of shipments.

(i) Section 29.13 (3) Relating to reporting.

(j) Section 29.13 (5) Relating to molesting of traps.

(k) Section 29.22 General restrictions on hunting (modified by s. NR 13.32).

(l) Section 29.221 Duties on accidental shooting.

(m) Section 29.222 Hunting accident; failure to report.

(n) Section 29.226 Requirement for certificate of accomplishment to obtain hunting approval for certain persons born on or after January 1, 1973.

(o) Section 29.227 Restrictions on hunting and use of firearms by persons under 16 years of age.

(p) Sections 29.23 Hunting with aid of airplane prohibited.

(q) Section 29.245 Shining animals.

(r) Section 29.256 Taking homing pigeons.

(s) Section 29.27 Regulation of waterfowl blinds.

(t) Section 29.29 (1) and (2) Relating to noxious substances and poison bait.

(u) Section 29.40 Possession of deer, heads & skins. (s. 29.40 (2) modified by s. NR 13.32)

(v) Section 29.405 Group deer hunting. (s. 29.405 (1) (b) modified by s. NR 13.32)

(w) Section 29.41 Skins of fur-bearing animals.

(x) Section 29.45 (2), (4) and (5) Relating to transportation of game birds.

(2) *Administrative code provisions.* (a) s. NR 10.01 Open and closed seasons. (modified by ss. NR 13.32 to 13.44)

(b) s. NR 10.02 Protected wild animals. (modified by s. NR 13.36)

(c) s. NR 10.03 Birds causing depredation.

1. s. NR 10.03 (3) Inspection of premises.

2. s. NR 10.03 (4) Disposition.

(d) s. NR 10.04 Unprotected wild animals.

(e) s. NR 10.05 (1) General hunting.

(f) s. NR 10.06 Hunting hours.

1. s. NR 10.06 (1) General hunting.

2. s. NR 10.06 (2) Hunting zones.

3. s. NR 10.06 (3) Big game and small game hunting.

(g) s. NR 10.07 General hunting.

1. s. NR 10.07 (1) (a) Aircraft.

2. s. NR 10.07 (1) (b) 1. Relating to prohibited devices.

3. s. NR 10.07 (1) (d) Molesting.

4. s. NR 10.07 (1) (f) Retrieval.

5. s. NR 10.07 (1) (g) and (h) Relating to baiting and salt. (modified by s. NR 13.42)

6. s. NR 10.07 (1) (i) Dog use.

(h) s. NR 10.08 (1), (2) and (4) Relating to opening day limits, daily bag and field possession limit.

(i) s. NR 10.09 Guns, ammunition and other devices.

1. s. NR 10.09 (1) (a) 1. Slugs or balls.

2. s. NR 10.09 (1) (a) 2. Size.

3. s. NR 10.09 (1) (a) 3. Game bird hunting.

4. s. NR 10.09 (1) (b) Incendiary shells.

5. s. NR 10.09 (1) (c) Guns and devices. (modified by s. NR 13.40)

6. s. NR 10.09 (2) Special one-day restriction.

7. s. NR 10.09 (3) Bows and arrows restriction.

8. s. NR 10.10 (1) (b) Dogs. (modified by s. NR 13.44)