



RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

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RED CLIFF LEGAL DEPARTMENT

NOTICE

TO RED CLIFF COMMUNITY MEMBERS:

YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING CHANGES IN THE RED CLIFF CODE OF LAWS IS BEING PROPOSED TO THE RED CLIFF TRIBAL COUNCIL BY THE RED CLIFF LEGAL DEPARTMENT:

PERTAINING TO CHAPTER 7 -- COMMERCIAL FISHING REGULATIONS

ADDITIONS ARE INDICATED AS **BOLD** AND *ITALICIZED* DELETIONS ARE INDICATED BY ~~STRIKETHROUGH~~

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7.1 SECTION 1: DEFINITIONS

AMEND sec. 7.1.1 as follows:

7.1.1 "Actively fish" shall mean a ***Big Boat commercial License and Permit holder licensee*** that ~~sets or~~ lifts nets and reports harvest a minimum of ~~five (5)~~ ***fifteen (15)*** fishing days ~~before July 15 each per fishing year season on a Red Cliff licensed boat. their vessel, or a Small Boat commercial License and Permit holder that sets or lifts nets and reports harvest a minimum of five (5) fishing days before July 15 each fishing year. Days spent on the ice either lifting or setting nets shall count towards the minimum day requirement in this section.~~

7.2 SECTION 2: GENERAL PROVISIONS

7.2.1 COMMERCIAL FISHING LICENSES

AMEND sec. 7.2.1(b) as follows:

- (b) Every member who fishes for commercial purposes on the Reservation or on the Lake Superior shall have in his/her possession a valid Tribal commercial fishing License Identification card. This card must be obtained by filing an application with the Red Cliff

Fisheries Department. The application shall contain information as to the date the application was filed, the type(s) of Permit applied for, the applicant's vessel that the applicant will use while fishing under the License, and such other information as required by the Fisheries Department. ***The requirements of this section shall not extend to deckhands and other employees working on a vessel (or on the ice) where the tribal member commercial fishing License and Permit holder is fishing their allocated footage (see subs. (e) below).***

ADD subsections 7.2.1 (e), (f), and (g):

- (e) The tribal fisherman that is issued the Big Boat commercial gillnet Permit must be present at least sixty percent (60%) of the time fishing activity is conducted under their Permit. If the Big Boat commercial gillnet Permit holder is not present during fishing activity, at least one member of the crew must be a Red Cliff tribal member. For purposes of this section, fishing activity includes but is not necessarily limited to setting and lifting fishing gear. With respect to ice fishing, the licensee must set and lift their own nets. Permit holders unable to meet these requirements due to a medical emergency or for other just cause may petition the Tribal Council for a hardship exemption. Permit holders granted a hardship exemption shall not be subject to the requirements of this section. Time spent on the ice either lifting or setting nets shall count towards the percentage requirement in this section.***
- (f) Small Boat commercial gillnet Permit holders that fail to Actively Fish their allocation of footage in a Fishing Year shall be ineligible for a Small Boat commercial gillnet Permit for the following Fishing Year.***
- (g) Big Boat commercial gillnet Permit holders that fail to Actively Fish their allocation of footage in two consecutive Fishing Years shall be ineligible for a Big Boat commercial gillnet Permit in the following Fishing Year.***

AMEND sec. 7.2.3 as follows:

7.2.3 ~~BIG LARGE BOAT LICENSE~~ COMMERCIAL GILLNET PERMIT

- (c) Transfer and Forfeiture of Licenses Prohibited. A tribal member may transfer his/her commercial fishing license in connection with the sale of his/her vessel to another tribal member upon approval of the Fishing Committee. A licensee who sells his/her vessel to a non-tribal member and who does not transfer his license to another vessel meeting the requirements of (b) shall forfeit his/her commercial fishing license, and it shall be available to other applicants under (d) of this section. Licenses and corresponding Permits issued pursuant to this Chapter 7 are non-transferrable, except to immediate family members. License and Permit holders that seek to use a different vessel than the one named in their application shall submit an amended application listing the newly acquired vessel that meets the requirements of sec. 7.2.3(b).***

- (d) Waiting List. The Red Cliff Fisheries Department shall maintain a waiting list, based upon date of application for open ~~commercial fishing license~~ **Big Boat commercial gillnet Permits** which have been forfeited ~~under (d) or otherwise.~~ **To maintain a position on the waiting list, applicants must reapply annually, no later than the License application deadline (September 15) of each year.** Open license **Permits** shall be issued **made available** to those at the top of the waiting list (applications dated first in time being given first priority), provided the applicant meets all other requirements of this Chapter within thirty (30) days, **except that this provision does not apply to legacy transfers under (c) above.** The Fishing Committee, upon approval of the Tribal Council may extend the thirty-day period mentioned in this section on a case-by-case basis.

ADD new sec. 7.2.7 as follows (renumber remaining sections as appropriate):

7.2.7 TRAP NET BOAT PERMIT

- (a) **Required Equipment.** **A commercial trap net License and Permit holder must own and operate a trap net vessel with a minimum length of thirty (30) feet and weight of five or more tons that meets all of the following criteria:**

- (1) **The vessel must float in the water;**
- (2) **The vessel is equipped with a powered net lifter that operates via hydraulic or external power and is capable of lifting a trap net of the design used to target Lake Whitefish in the Great Lakes.**
- (3) **The licensee must be able to demonstrate that the vessel remains in operable condition even if the vessel is not currently being used to harvest, with a running motor capable of moving the vessel in both forward and reverse gear.**

The Red Cliff Fishing Committee shall have the authority to waive the requirements of this section for a period not to exceed six (6) months in order to allow a licensee to obtain compliance with this section (a). An applicant receiving a waiver under this subsection must comply with section (a) prior to conducting commercial fishing operations. No applications shall be considered by Tribal Council until the Tribal Wardens have verified that the eligibility criteria set forth in this section are met.

- (b) **Transfer and Forfeiture of License.** **Trap net permits are non-transferable.**
- (c) **Annual Inspection.** **The Tribal Wardens shall inspect all applicant vessels to ensure that the requirements of this section are met promptly, but no later than the annual application deadline (September 15).**

7.4 SECTION 4: MESH SIZE

ADD section 7.4.2

- 7.4.2 *Gill nets must be greater than 4 1/4 inch stretch measure (large mesh) or between 2 3/8 and 3 inch stretch measure (small mesh) except as specified in 7.14.15 (e).*

7.5 SECTION 5: FISHING SEASONS AND PERIODS

AMEND sec. 7.5.2 as follows:

- 7.5.2 During the closed season no ~~commercial licensee~~ *Big Boat or Small Boat commercial gillnet Permit holder* shall take or retain any whitefish or lean lake trout, except during the October Whitefish Season. *This restriction shall not apply to home use Permits.*

AMEND sec. 7.5.3 as follows:

- 7.5.3 To insure the lean lake trout quota established in Section 7.9.1 is not exceeded, *large mesh* fishing effort, measured in terms of feet of net set, shall be limited *in waters less than 55 fathoms*. Prior to the start of each Fishing Year, the Fisheries Department shall give notice of a meeting at which each licensee shall receive their allocation of net footage for the upcoming Fishing Year. The setting of any net in excess of the amount allocated to each licensee at the annual meeting referenced in this section shall be a prosecutable offense.

AMEND sec. 7.5.4 as follows:

- 7.5.4 *Transfers Prohibited. Tags and effort allocations must be fished by the commercial licensee they are issued to except as otherwise provided in this section. After July 15 Big Boat Commercial License and Permit holders may transfer unused tags and efforts to another Big Boat Commercial License and Permit holder; Small Boat Commercial License and Permit holders shall be ineligible to transfer tags and footage to another Big Boat Licensee and Permit holder.* ~~Individual fishing effort allocations may not be transferred, except by writings signed by transferor and transferee, verified and dated by signature of the fisheries biologist or authorized designee filed with the fisheries biologist. No such transfer or claim of such transfer shall be a defense to a prosecution for exceeding fishing efforts, where the written transfer was filed and verified after the date of the alleged offense. Nothing in this section shall be deemed to prohibit a commercial gillnet Permit holder from fishing their tags and effort on another commercial gillnet Permit holder's vessel. The transfer of tags and effort for value is strictly prohibited.~~

7.8 SECTION 8: TAGGING

AMEND sec. 7.8.2 as follows:

7.8.2 HOME USE TAGS. ~~Lake trout, Fish which a licensee does not choose to sell *shall*, may be tagged with white home use lake trout tags if a portion of the home use quota is allocated to commercial licensees for the fishing year in which the fish are taken. Fish tagged with home use tags may be consumed by the licensee and his *their* family or given to the Tribe and used for charitable purposes. *Commercial licensees are prohibited from using home use tags for Lake Trout.*~~

7.10 SECTION 10: PROHIBITED SALES

DELETE sec. 7.10.2 and remove subsection numbering

~~7.10.2 A licensee may sell prohibited species to a member of a federally recognized tribe provided that the fish is tagged with a miscellaneous tag. (01/13/14)~~

7.11 SECTION 11: REPORTING REQUIREMENTS

AMEND sec. 7.11.1 as follows:

7.11.1 All commercial fishers *Permit holders* shall file reports on the first and fifteenth of the *each* month *with the Red Cliff Fisheries Department. Each Permit holder shall file their own reports, which shall not be combined with that of another Permit holder. Reports shall be filed regardless of whether or not any fish were caught or any fishing was done. commercial Permit holders have engaged in fishing activity. If a Permit holder no longer plans to engage in fishing activity for a period or Fishing Year, they shall so indicate in their final report.*

AMEND sec. 17.18.11 as follows:

7.18.11 ~~Each Trap Net Permit holder will be given a big boat allocation of lake trout tags. Each licensee holding a Trap Net Permit shall set aside no less than twenty (20) lake trout tags per net fished to account for lake trout bycatch mortality. This section shall not apply to the Provisional Tribal License and Permit since this is already addressed in sec. 7.2.6.~~

7.19 SECTION 19: MICHIGAN FISHING REGULATIONS

ADD new section 7.19.2. Renumber remaining sections as appropriate:

7.19.2 *All of the restrictions present in RCCL sec. 17.18 (Trap Net Regulations) shall apply in the Michigan Waters of Lake Superior except sec. 7.18.2.*

AMEND sec. 7.19.7 as follows:

7.19.78 TAGGING. All lean lake trout taken and retained shall be tagged with tags

furnished or authorized by the Red Cliff Band. Every licensee shall affix tags promptly after the fish are dressed. No fish shall be tagged with tags for any management unit except the unit the fish were taken from. Unused tags must be returned within 15 days of the close of the Fishing season *Year*.

AMEND sec. 7.19.8 as follows:

7.19.89 CATCH REPORTS. Catch reports shall be submitted on forms prescribed by the Red Cliff Fisheries Department. ~~Reports are due on the 15th day of the following month being reported~~ and shall be submitted to the Red Cliff Fisheries Department *in accordance with the requirements of sec. 7.11.1.*

PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED. PLEASE DROP YOUR COMMENTS AT THE TRIBAL ADMINISTRATION BUILDING, OR FORWARD THEM DIRECTLY TO THE TRIBAL COUNCIL. THIS PROPOSAL WILL BE VOTED UPON ON **MONDAY FEBRUARY 3RD, 2025** AT THE REGULAR MEETING OF THE RED CLIFF TRIBAL COUNCIL. IF THE COUNCIL ENACTS THIS CODE CHANGE, THE CODE CHANGE SHALL BECOME EFFECTIVE ON: **upon enactment.**

DATED: December 19th, 2024