

MENOMINEE INDIAN TRIBE OF WISCONSIN



MITW GATHERING REGULATIONS

2019-2021

The following rules and regulations have been developed by the Menominee Conservation Commission with approval by the Menominee Tribal Legislature in accordance with Menominee Constitution and By-Laws, Chapter 287 of the Menominee Code (Menominee Conservation Code).

Tribal Rules

These rules will govern Tribal Members and Permittees (qualified descendants and spouses) as defined herein.

Permittees are prohibited from gathering or assisting with gathering plants for medicinal uses

Definitions

Tribal Member - When used with respect to the Tribe, means an individual enrolled in the Tribe.

Tribe - The Menominee Indian Tribe of Wisconsin, a federally recognized Indian Tribe as provided by the Menominee Restoration Act, Act Dec. 22, 1973, Pub. Law 93-197, 87 Stat. 770, which appears generally as 25 U.S.C. § 903 et seq.

Qualified Descendant - An individual biologically descended from an enrolled Tribal Member possessing at least 1/8 degree Menominee blood and who appears on the Menominee Indian Tribe's descendent register per Ordinance No. 09-18.

Editor's Note: See Ch. [46](#), Descendant Register.

Spouse - Any male or female lawfully married to a Menominee Tribal Member. Upon death of Tribal Member spouse, Spousal privileges of non-Tribal Member Spouse shall cease (Chapter 287, 287-5 Definitions, Menominee Conservation Code)

Permittees – Any male or female qualified under the definitions for spouse and descendant listed above.

Personal Consumption - for use by the individual in a way that will not be considered commercial use i.e. a product may not be gathered and then sold at a farmers market

Commercial Use - engaging in buying, selling, bartering, or exchanging, for goods, services, or money, the natural resources of the Tribe which result from hunting, fishing, trapping or gathering. (Conservation Code, section 287-5)

Gathering - To take or acquire or attempt to take or acquire possession of any wild plants or part thereof. (Conservation Code, section 287-5)

Medicinal Use – Traditionally, oral knowledge of and the use of medicinal plants were customarily passed on to only those Menominee Family Members that showed an aptitude for such knowledge. (Definition developed in cooperation with and approval from the Menominee Language and Culture Commission)

Regulation of Gathering

Gathering of plants for food or medicinal uses shall be permitted so long as such gathering is done for personal consumption. The only exception will be ginseng for which a separate regulation booklet has been developed. Currently ginseng is limited to Tribal Members only.

Any Permittees gathering must have in possession their tribally issued ID that allows for gathering of foods on tribal lands.

Permittees must have their Tribal access card in their possession while gathering.

Enrolled Tribal Members

Gathering of ginseng is addressed in separate regulations

Commercial use of any natural resources is strictly prohibited.

Only Tribal Members and the Permittees accompanying the Tribal Members will be allowed to gather within the Menominee Reservation.

Permittees

Permittees are prohibited from gathering or assisting with gathering plants for medicinal uses

Plant Species Eligible for Gathering

Blackberries

Raspberries

Blueberries

Maple Syrup (not technically a plant but it must be listed here as a plant product)

Permittees must be accompanied by an enrolled Tribal Member while undertaking gathering activity.

Commercial use of any natural resources is strictly prohibited.

Threatened and Endangered Plants

Any plants listed on the Federally Threatened and Endangered Species list and including Menominee species listed in MITW Chapter 287 and accompanying regulations.

Educational materials will be available at the Menominee Conservation Department regarding plant ecology and protection.

Penalties

All penalties will be in conjunction with the Menominee Conservation Code Chapter 287-9