

8-1-89
#1114

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAC COURTE OREILLES BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS, et al.,
Plaintiffs,

-vs-

Case No. 74-C-313-C

STATE OF WISCONSIN, et al.,
Defendants.

PLAINTIFFS' STATEMENT OF CONTESTED ISSUES

Pursuant to this court's scheduling order of June 19, 1989, plaintiffs submit the following statement of the contested issues of law which will be tried to the court during the deer regulatory phase trial beginning August 7, 1989.

This document could not be submitted until plaintiffs were apprised of the statement of contested issues filed by counsel for the state-defendants on July 31, 1989.

These issues are:

1. Whether as a matter of law plaintiffs' members may harvest no more than 50 per cent of the antlerless deer quota from any deer management unit.
2. Whether as a matter of law plaintiffs' members opportunity to harvest deer may be restricted by a formula derived from the percentage of public lands in each deer management unit, thereby impairing harvest opportunity.
3. Whether as a matter of law plaintiffs' members may be precluded from harvesting albino deer.



4. Whether as a matter of law and fact plaintiffs' members may be precluded from harvesting deer by any method prior to Labor Day in September.

5. Whether as a matter of law and fact plaintiffs' members may be prohibited from harvesting deer by any method on the day preceding the opening of Wisconsin's deer gun season.

6. Whether as a matter of law and fact plaintiffs' members may be prohibited from hunting deer at night when such method is permitted under state law for non-Indians for other species.

7. Whether as a matter of law plaintiffs' members may hunt on land which is privately owned with the owner's permission to do so.

RESPECTFULLY SUBMITTED,

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Chippewa Indians

Dated: *August 1, 1989*

By:

Kathryn L. Tierney
Kathryn L. Tierney

CERTIFICATE OF SERVICE

Kathryn L. Tierney, counsel of record for plaintiff Lac du Flambeau Band, hereby certifies that, on Aug. 1, 1989, she caused to be mailed a copy of the Plaintiffs' statement of contested issues, to all counsel of record by first class mail with adequate first class postage prepaid, and addressed to:

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