

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

LAC COURTE OREILLES BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS;
RED CLIFF BAND OF LAKE SUPERIOR
CHIPPEWA INDIANS; SOKAOGON CHIPPEWA
INDIAN COMMUNITY;
MOLE LAKE BAND OF WISCONSIN;
ST. CROIX CHIPPEWA INDIANS OF
WISCONSIN; BAD RIVER BAND OF THE
LAKE SUPERIOR CHIPPEWA INDIANS;
and LAC DU FLAMBEAU BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS,

Plaintiffs,

v.

Case No. 74-C-313-C

STATE OF WISCONSIN,
WISCONSIN NATURAL RESOURCES BOARD,
CARROLL D. BESADNY,
JAMES T. ADDIS,
and GEORGE MEYER,

Defendants.

STIPULATION FOR TECHNICAL, MANAGEMENT, AND OTHER UPDATES:
FIRST AMENDMENT OF STIPULATIONS INCORPORATED
INTO FINAL JUDGMENT

The Amended Judgment entered by the Court on June 13, 2001, authorized the parties, by mutual agreement, to modify the stipulations which the Court had incorporated into the final judgment, published as *Lac Courte Oreilles Indians v. State of Wis.*, 775 F. Supp. 321 (W.D.Wis. 1991), and there referred to as docket numbers 330, 911, 912, 913, 914, 1167, 1222, 1271, 1289, 1568, 1607, and Joint Exhibit P-54 from the 12/85 Trial. In accordance with the Amended

Judgment, the parties therefore desiring to establish technical, management, and other updates, hereby stipulate to amend their prior stipulations, referred to as docket numbers 914, 1167, 1289, 1568, 1607, and Joint Exhibit P-54 from the 12/85 Trial in the following respects.

**Stipulation as to the Boundaries of the Territory Ceded, etc.
(Joint Exhibit P-54 from 12/85 Trial)**

I. CEDED TERRITORY SOUTHERN BOUNDARY MAPS

- A. The parties agree that the Tribes will develop a comprehensive document entitled *Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0, August 2008* (attached in Appendix C), that will set forth digitized county-by-county maps that replicate the southern ceded territory boundary consistent with the county maps attached as *Exhibits A-H* to the *Stipulation as to the Boundaries of the Territory Ceded by the Treaties of 1837 and 1842*, which was *Joint Exhibit 54* submitted during the December 1985 trial as specifically approved in the Court's judgment from that trial (R. 452).
- B. The parties agree that the Tribes will add the *Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0, August 2008* document to § 2.01 (attached in Appendix A) of the Model Code.
- C. The parties agree that the *Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0, August 2008* document shall be used for the purposes of defining the scope of the injunction against the enforcement of state laws. It does not change the actual boundary that is defined in each treaty.

**Stipulation in regard to the Tribal Harvest of Fisher, Furbearers and Small Game
(Docket Number 1289)**

II. FURBEARER/TRAPPING ISSUES: BEAVER AND OTTER SEASONS,
FISHER ZONES, AND SNARES

- A. The parties agree that the Tribes will amend *Section C.5.h.ii.* of the *Stipulation for Fisher, Furbearers and Small Game* by extending both the tribal beaver and otter trapping seasons through April 30. The tribal otter and beaver trapping seasons would thus be from October 1 through April 30, provided:
1. The otter trapping season would close should the tribal quota be reached.
 2. Either the tribal otter or beaver trapping season shall automatically revert, parallel to the State should the State shorten its otter or beaver seasons back to the previous closing date of March 31, subject to:
 - a. The Tribes may invoke a challenge to the reverted closing date if the reversion is for reasons other than biological concern.
 3. The Tribes amend § 8.09 (attached in Appendix A) of the Model Code to implement these otter and beaver trapping season amendments.
- B. The parties agree that the Tribes will adopt the new and reconfigured State Fisher Management Zones, as well as develop an administrative mechanism that would set forth the tribal management units/zones for all species.
1. The Model Code amendments to capture this change for Fisher Management Zones are set forth along with the changes for other species in Section VII of this amended stipulation.
- C. The parties agree that the Tribes will amend § 8.19 (attached in Appendix A) of the Model Code to implement the following restrictions pertaining to snares:

1. The Model Code would require either a mechanical "stop device" that prevents the snare loop from closing to less than 2-½ inches or a break-away mechanical lock to minimize capture of deer, yet it would not be necessary to have both.

**Stipulation and Consent Decree in regard to the Tribal Harvest of
Miscellaneous Species and Other Regulatory Matters
(Docket Number 1607, subpart (2))**

III. WILD TURKEYS: QUOTAS/BAG LIMITS AND WILD TURKEY
MANAGEMENT ZONES

- A. The parties agree that the intertribal protocol shall be updated (attached in Appendix B), amending *Section C.1. of the Stipulation for Miscellaneous Species and Regulatory Matters* to establish the following:
 1. There shall be no limit on the number of wild turkeys available for tribal harvest unless a wild turkey harvest threshold has been reached. Tribal members would be regulated by a daily bag limit of three birds, registration would still be required (within three working days of harvest), and there would be no need for carcass tags even if a quota would be triggered because registration would be required for any wild turkey harvest. There would be no in-season harvest closure unless a quota had been triggered and actually declared and there will be no hunting of wild turkeys in those areas which have been closed to wild turkey hunting. Immediately following the Turkey Committee's June meeting, when final fall and preliminary spring turkey permit levels are established for the

state, the tribes will compare the harvest registered in the previous year's seasons to the established permit levels. For those units and those seasons where the observed harvest exceeds the levels shown in the table below, the tribes will make a declaration for the upcoming fall and spring seasons by August 15, two weeks earlier than the current August 31 declaration date.

SPRING SEASONS		FALL SEASONS	
State Permit Levels	Threshold Level	State Permit Levels	Threshold Level
300 or less	10 *	300 or less	8
301-600	15	301-600	12
600-1000	20	600-1000	16
1000+	2% of the permit level	1000+	1.6% of the permit level

* This threshold level in regard to the State Park Hunting Zones is subject to permit restrictions outlined in § 8.11 of the Model Code.

a. The Tribes will amend § 8.26 (attached in Appendix A) of the Model Code to implement the above mentioned restrictions.

2. The Tribes will abide by the following restrictions regarding wild turkey hunting in state parks which will be incorporated and amended in Model Code § 8.26 (attached in Appendix A) which identifies the management units and zones that are opened to harvesting, and Model Code § 8.11 (attached in Appendix A) as a noted exception to the prohibition on hunting in state parks that are included in the *Tribal Management Units*

and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories document, pursuant to § 3.27 [Wild Animal Refuges and Management Units/Zones Established] and are opened for hunting, provided:

- a. The tribal season length would be the same as the state;
- b. The tribes would adopt the same weapon restrictions as the state;
- c. The tribes would adopt the same open/closed areas within the parks as the state;
- d. The tribes would make annual declarations of no more than 50% of the allowed hunters;
- e. There would be no restriction on the type of the wild turkey that tribal members could harvest (either sex hunt); and
- f. The process for determining the maximum allowable hunters from which the tribes could declare would be agreed upon between the parties.

Stipulation on Enforcement and Tribal Court Issues in regard to the Tribal Harvest of Walleye and Muskellunge (Docket Number 914); Stipulation in regard to the Tribal Harvest of the White-tailed Deer (Docket Number 1167); Stipulation in regard to the Tribal Harvest of Fisher, Furbearers and Small Game (Docket Number 1289); Stipulation and Consent Decree in regard to the Tribal Harvest of Black Bear, Migratory Birds and Wild Plants (Docket Number 1607, subpart (1)); Stipulation and Consent Decree in regard to the Tribal Harvest of Miscellaneous Species and Other Regulatory Matters (Docket Number 1607, subpart (2))

IV. REGISTRATION DEADLINES

- A. The parties agree that the Tribes will amend §§ 6.06, 7.08, 8.08, 8.26, 9.15 (attached in Appendix A) of the Model Code implementing a change to provide for a tribal registration deadline for all species to be three working days after harvest rather than the one working day provided in the original Model Code.

V. TECHNICAL UPDATES AND AMENDMENTS

- A. The parties agree that the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Executive Administrator may issue a Commission Order, thereby amending the pertinent portion of the Parties' stipulation(s), referred to as docket numbers 914, 1167, 1289, and 1607, reflecting new circumstances, changes, or liberalizations in State law applicable to non-members of the plaintiff Tribes pertaining to the following: hunting hours, season length, new places to hunt (*i.e.*, state parks), or caliber restrictions.

- 1. Basis Standard:

- a. The stipulations which the Court incorporated into the final judgment provide for the basis regulation standard;

- 2. Technical Amendments:

- a. The GLIFWC Executive Administrator may, without consultation with the State, issue a Commission Order to provide tribal members more treaty harvest opportunities in line with opportunities provided under State law to non-members of the plaintiff Tribes, subject to the parameters of the final judgment;

3. Mechanism for Amendment:
 - a. A Commission Order can be administered detailing the technical amendment to be updated in the tribal off-reservation conservation code;
4. Consultation:
 - a. The Tribes agree that they will inform the State of the issuance of a Commission Order;
 - b. In the event that the State disputes whether a particular Commission Order involves a "technical amendment" authorized by this stipulation, it shall promptly notify the Commission of its dispute and thereafter the parties shall attempt in the first instance to resolve the dispute by informal consultation in an effort to reach a consensus on the matter. No party, however, waives any right to make, or to challenge in Court, any order or technical amendment, or to challenge a refusal to consent to any such order or technical amendment;
5. Voluntary Amendment:
 - a. Each Tribe may implement the Commission Order as it deems appropriate, subject to its own ratification principles;
6. Mandatory Reversion:
 - a. Each Tribe must revert its implementation of any such order or technical amendment simultaneously with the State if the State's regulations revert toward the basis regulation standard, subject to:

- (1) The Tribes may invoke a challenge to the reverted closing date if the reversion is for reasons other than biological concern, in which case the formal stipulation review process should be followed.
- (2) The dispute resolution process and the reservation of legal rights described in paragraph V.A.4.b, above, shall also apply to any disputes the parties may have with respect to the subject of mandatory reversion.

B. The parties agree that the Tribes will amend § 3.33 (attached in Appendix A) of the Model Code regarding this conditional technical update amendment.

Stipulation in regard to the Tribal Harvest of the White-tailed Deer (Docket Number 1167); Stipulation in regard to the Tribal Harvest of Fisher, Furbearers and Small Game (Docket Number 1289); Stipulation and Consent Decree in regard to the Tribal Harvest of Black Bear, Migratory Birds and Wild Plants (Docket Number 1607, subpart (1)); Stipulation and Consent Decree in regard to the Tribal Harvest of Miscellaneous Species and Other Regulatory Matters (Docket Number 1607, subpart (2))

VI. DISABLED HUNTERS PERMITS

A. The parties agree that the Tribes will amend § 3.32 (attached in Appendix A) of the Model Code pertaining to disabled hunters permits by implementing an amendment correcting the technical drafting error that causes confusion regarding the possession of a loaded or uncased weapon in a moving vehicle by a disabled hunter.

- B. The parties agree that the Tribes will amend § 3.21(3) (attached in Appendix A) of the Model Code implementing a similar technical revision dealing with the possession and transportation of firearms/bows in moving vehicles. The current provision seems to imply that a disabled hunter may transport loaded/uncased firearms in a moving vehicle. The provision will be clarified to reiterate that a tribal member possessing a disabled hunter permit can only have a loaded/uncased firearm in a stationary vehicle according to the provisions of that permit as clarified in § 3.32 of the Model Code.

VII. TRIBAL MANAGEMENT UNITS AND ZONES

- A. The parties agree that the Tribes will develop a comprehensive tribal management unit/zone document for all of the relevant species entitled *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* (attached in Appendix C), that will set forth the tribal management units/zones for all species consistent with the *Voigt* case and stipulation requirements. This will provide the Tribes with an administrative mechanism that will eliminate the need for exhaustive lists of units/zones in the tribal codes that would have to be amended for each minor change, such as if two deer units would be combined into one unit or if a new turkey zone is created.
- B. The parties agree that the Tribes will amend §§ 3.27, 6.03, 7.04, 8.05, and 8.26 (attached in Appendix A) of the Model Code implementing the *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* document as follows:

1. The *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* document will be added to § 3.27 [Wild Animal Refuges and Management Units/Zones Established] of the Model Code.
2. The *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* document will replace specific management units listed in § 6.03 [Number of Antlerless Deer Available for Harvest] of the Model Code.
3. The *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* document will replace specific management units listed in § 7.04 [Bear Management Zones] of the Model Code.
4. The *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* document will replace specific management units listed in § 8.05 [Fisher Management Zones] of the Model Code.
5. The *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008* document will replace specific management units listed in § 8.26(5) [Wild Turkey Management Zones] of the Model Code.

**Stipulation and Consent Decree in regard to the Tribal Harvest of
Fish Species Other than Walleye and Muskellunge
(Docket Number 1568)**

VIII. GILLNETTING UPON THE SOUTHERN BASIN OF TROUT LAKE
(VILAS COUNTY)

- A. The parties agree that the Tribes will amend § 9.08 (attached in Appendix A) of the Model Code thereby amending a drafting error in the Model Code and conforming the language of the Model Code with the language of *Section B.1.e* of the *Stipulation for Fish Species other than Walleye and Muskellunge* which identifies: The use of gillnets on the southern basin of Trout Lake (Vilas County) shall be prohibited so long as the lake trout harvest by state anglers is prohibited on that water body.

**Stipulation in regard to the Tribal Harvest of the White-tailed Deer
(Docket Number 1167)**

IX. DEER HUNTING IN STATE PARKS

- A. The parties agree that the Tribes will abide by the following restrictions regarding deer hunting in state parks:
1. The following restrictions shall apply to Brunet Island and Council Grounds State Parks:
 - a. The tribal season length would be the same as the state;
 - b. The tribes would adopt the same weapon restrictions as the state;
 - c. The tribes would adopt the same open/closed areas within the parks as the state;

- d. The tribes would make annual declarations of no more than 50% of the allowed hunters;
 - e. There would be no limit on the number or type of deer that tribal members could harvest (either sex hunt);
 - f. State park stickers would not be required; and
 - g. The process for determining the maximum allowable hunters from which the tribes could declare would be integrated into the annual deer quota setting process that currently takes place.
 - h. The following are the specifics for Brunet Island and Council Grounds State Parks under this section:
 - (1) Brunet Island (Tribal Deer Management Unit 23A) –
This would be a sixteen-day muzzleloader only season beginning with the "regular" state nine-day firearm season plus the seven days thereafter and a late bow season until the close of the deer "regular season."
 - (2) Council Grounds (Tribal Deer Management Unit 52A) –
This would be a nine-day shotgun season during the regular state firearm season, a sixteen-day muzzleloader season (state gun season plus state muzzleloader season), and a late bow season until the close of the deer "regular season."
2. The following restrictions shall apply to Governor Thompson State Park:
- a. The Park shall be opened to tribal harvesters under the same parameters as the other non-permit requirement state parks;

- b. The existing state park harvest dates are extended to conform to the state harvest seasons.
 - c. The following are the specifics for Governor Thompson State Park under this section:
 - (1) Governor Thompson (Included in Tribal Deer Management Unit 49A) -- This would commence with the "middle season" until the close of the deer "regular season."
 - 3. The following restrictions shall apply to Big Bay State Park (Included in Tribal Deer Management Unit 78):
 - a. The tribes agreed to close a part of Big Bay State Park on Madeline Island to deer hunting. No member shall hunt in the area posted as "closed to hunting" that is commonly known as the "point area" of Big Bay State Park which lies east of a line that corresponds with Haines Road, and that begins at the intersection of Haines Road and Hagen Road and extends in a northerly direction to the Lake Superior Shore.
- B. The parties agree that the Tribes will amend § 6.14 (attached in Appendix A) of the Model Code to implement these restrictions regarding the three new state parks and to properly incorporate the previous agreement regarding the closed area of Big Bay State Park.
- C. The parties agree that the Tribes will amend the Voigt Intertribal Task Force deer declaration protocol (attached in Appendix B) to address the need for declaring the number of tribal hunters for these three new state parks.

- D. The parties agree that the Tribes will amend the Commission's *Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories* and *Tribal Wildlife Refuges and Closed Areas* documents that are provided for in § 3.27 of the Model Code as necessary for the closed areas in Brunet Island State Park and Council Grounds State Park. This amendment will also properly incorporate the closed area within Big Bay State Park.

X. HUNTING HOURS

- A. The parties agree to amend *Section B.3.1* of the *Stipulation for the Deer Trial* to establish the following:
1. The Tribes will amend § 6.12 (attached in Appendix A) of the Model Code pertaining to hunting hours for deer by implementing an amendment changing the closure for general hunting hours to twenty minutes after sunset (they currently end at fifteen minutes after sunset) to parallel a similar change in state law that has been liberalized since the Model Code was first adopted.
- B. The parties agree that the Tribes will amend § 8.10 (attached in Appendix A) of the Model Code pertaining to hunting hours for small game by implementing an amendment changing the closure for general hunting hours to twenty minutes after sunset (they currently end at fifteen minutes after sunset) to parallel a similar change in state law that has been liberalized since the Model Code was first adopted.
- C. The parties agree that the Tribes will amend § 8.10 (attached in Appendix A) of the Model Code implementing a similar technical revision dealing with wild

turkeys for the spring season by implementing an amendment changing the closure for general hunting hours to sunset (they currently end at 5:00 p.m.) to parallel a similar change in state law that has been liberalized since the Model Code was first adopted.

- D. The parties agree that hunting hour amendments shall automatically revert, parallel to the State should the State shorten its hunting hours back to the previous closing time of fifteen minutes after sunset for deer as defined in § 6.12, and the previous closing time of fifteen minutes after sunset for small game as defined in § 8.10(a) and (b), subject to:

1. The Tribes may invoke a challenge to the reverted closing date if the reversion is for reasons other than biological concern.

- E. Note: No Model Code changes are necessary for bear hunting hours because § 7.15 provides that bear hunting hours are the same as deer hunting hours. Similarly, no changes are necessary for migratory birds because those hours are tied to the annual proposals submitted to the USFWS.

XI. TRIBAL DEER SEASON EXTENSION

- A. The parties agree that the Tribes will amend § 6.07 (attached in Appendix A) of the Model Code thereby extending the tribal deer season in line with the state deer season so that the tribal season may always be opened as long as the state deer season, subject to the following:

1. The tribal deer season shall automatically revert, parallel to the State should the State shorten its deer season back to the previous closing date of December 31, subject to:

- a. The Tribes may invoke a challenge to the reverted closing date if the reversion is for reasons other than biological concern.

XII. DEER CARCASS TAGS

- A. The parties agree that the Tribes will amend § 6.05 (attached in Appendix A) of the Model Code thereby amending a technical change that most Tribes have previously implemented providing for the issuance of up to four deer carcass tags at one time rather than the two deer carcass tag requirement provided originally.

XIII. DEER PERMIT PERIODS

- A. The parties agree that the Tribes will amend § 6.05 (attached in Appendix A) of the Model Code by lengthening the time that antlerless deer permits are valid, hereby establishing three distinct permit periods:

1. Day after Labor Day to November 15;
2. November 16 to December 1; and
3. December 2 to close of the deer "regular season."

XIV. CROSSBOW RESTRICTIONS

- A. The parties agree to amend *Section C.3.d* of the *Stipulation for the Deer Trial* and § 6.10 (attached in Appendix A) of the Model Code to make a technical correction to the crossbow restrictions. Compound bows now come equipped with draw-lock type mechanisms which by definition places these compound bows in the crossbow section, adding heightened technical restrictions. This Model Code amendment essentially removes these draw-lock equipped compound bows from the crossbow restrictions in § 6.09(2) and places them back in the bow restriction in § 6.09(1) of the Model Code to parallel the similar change in state law.

Stipulation on Enforcement and Tribal Court Issues in regard to the Tribal Harvest of Walleye and Muskellunge (Docket Number 914); Stipulation in regard to the Tribal Harvest of the White-tailed Deer (Docket Number 1167); Stipulation in regard to the Tribal Harvest of Fisher, Furbearers and Small Game (Docket Number 1289); Stipulation and Consent Decree in regard to the Tribal Harvest of Black Bear, Migratory Birds and Wild Plants (Docket Number 1607, subpart (1)); Stipulation and Consent Decree in regard to the Tribal Harvest of Miscellaneous Species and Other Regulatory Matters (Docket Number 1607, subpart (2)); Stipulation and Consent Decree in regard to the Tribal Harvest of Fish Species Other than Walleye and Muskellunge (Docket Number 1568)

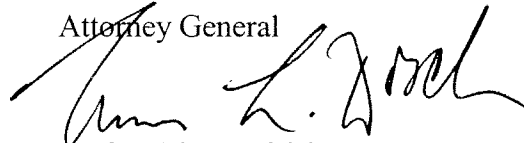
XV. INTOXICATION RESTRICTIONS

- A. The parties agree that the Tribes will amend §§ 3.18 and 14.10 (attached in Appendix A) of the Model Code by changing the intoxication restrictions in the tribal off-reservation model code to parallel the similar change in state law. The change in the intoxication restrictions is one of technicality. The blood/breath alcohol concentration (BAC) of 0.1 has been reduced to 0.08. Since the model code was adopted, scientific studies have indicated that judgment and attentiveness are compromised when a person's BAC is at or above 0.08.

Dated this 5th day of March 2009.

J.B. VAN HOLLEN

Attorney General

A handwritten signature in black ink, appearing to read "Thomas L. Dosch", written over the printed name.

THOMAS L. DOSCH

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Dated this 12TH day of SEPTEMBER, 2008

A handwritten signature in black ink, reading "Andrew Adams III". The signature is written in a cursive style with a prominent "A" and "D".

Andrew Adams III

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Dated this 8 day of Oct, 2008.



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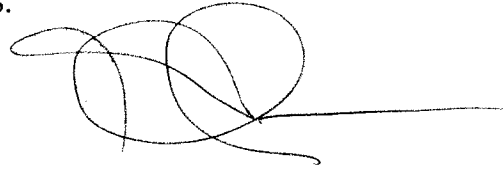
Dated this 5TH day of SEPT., 2008.



CAROL J. BROWN ~~BIERMEIER~~
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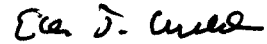
Dated this 8th day of September, 2008.

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Dated this 29th day of August, 2008.



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Dated this 4th day of Sept, 2008.

A handwritten signature in black ink, appearing to read 'M. Rosenberg', written in a cursive style.

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Appendix A

Amended Provisions of the Model Off-Reservation Code

The Model Code amendments are (deletions shown by ~~strikeout~~ and additions by redline):

2.01 General Definitions. The following terms, wherever used in this ordinance, shall be construed to apply as follows:

[Subsection (1) unchanged]

(2) "**Ceded territory**" means all lands and waters located in the State of Wisconsin, except Lake Superior, ceded by the Tribe to the United States of America in the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591. For the purposes of this ordinance, the southern boundary of this territory is set forth in the Commission's Document entitled Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0, August 2008, as it may be amended from time to time, which is hereby adopted and incorporated as if fully set forth herein.

[Subsections (3) - (21) unchanged]

3.18 Hunting While Intoxicated. No member shall hunt with a firearm, bow and arrow or crossbow while under the influence of an intoxicant or controlled substance to a degree that the member is incapable of safely using such weapon, or while a member has a blood alcohol concentration of ~~0.1% or more by weight of alcohol in the member's blood~~ 0.08 grams of alcohol per 100 milliliters of a person's blood or ~~0.1 grams or more of alcohol in 200 liters of that person's breath~~ 0.08 grams of alcohol per 210 liters of a person's breath.

3.21 General Restrictions on Hunting.

[Subsections (1) [Hunting in Restricted Areas] and (2) [Color of Clothing] unchanged]

(3) Safe Use and Transportation of Firearms and Bows.

(a) Definitions. For the purpose of this ordinance, the following terms shall be construed to apply as follows:

(i) "**Encased**" means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, strapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

(ii) "**Highway**" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of any elementary or high school supported by public taxation and institutions under the jurisdiction of a county board of supervisors, but does not include private roads or driveways as defined below.

(iii) "**Motorboat**" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion and shall be distinguished from a "**Non-**

motorized boat" which means a boat that is not a motorboat but that is designed and constructed to be used as a boat for transportation of a person or persons on water. The term, "non-motorized boat" includes, but is not limited to any canoe, sailboat, inflatable boat or similar device, row boat, raft and dinghy which is not a motorboat.

(iv) **"Private Road or Driveway"** is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than elementary and high schools supported by public taxation and institutions under the jurisdiction of a county board of supervisors.

(v) **"Roadway"** means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(vi) **"Unloaded"** means having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

(vii) **"Vehicle"** means every device in, upon or by which any person or property is or may be drawn upon a highway, except railroad trains, and includes a snowmobile as defined below.

(viii) **"Snowmobile"** means any engine driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of 4 horsepower or less and operated only on private property.

(b) Prohibitions; Motorboats and Vehicles; Highways and Roadways.

(i) Except as provided in subs. (c), no member shall place, possess, or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or enclosed in a carrying case.

(ii) Except as provided in subs. (c), no member shall place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(iii) Except as provided in subs. (c), no member shall load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(iv) Except as provided in subs. (c), no member shall discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

(v) Except as provided in subs. (c), no member shall hunt while possessing a loaded firearm or strung bow or crossbow within 50 feet of roadway's center.

(c) Exceptions.

(i) Subsections (b) (i), (ii), (iii) and (iv) shall not apply to any person authorized by Section 4.02 to enforce the provisions of this ordinance who, in the line of duty places, possesses, transports, loads or discharges a firearm in, on or from a vehicle or motorboat or discharges a firearm from or across a highway or within 50 feet of the center of a highway.

(ii) Subsection (b)(ii) shall not prohibit a member from leaning an unloaded firearm

against a vehicle.

(iii) Subsections (b)(ii) and (iii) shall not apply to a member in or on a stationary vehicle which is parked off a highway and parked more than 50 feet from the center of the roadway.

(iv) Subsections (b)(iv) and (v) shall not apply to a member who is lawfully hunting small game with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.

(v) Subsections (b)(ii), (iii), (iv) and (v) shall not apply to a member who ~~possesses a valid is hunting with a~~ disabled hunters permit issued pursuant to Section 3.32 of this ordinance and who is hunting in or on a stationary vehicle in accordance with the provisions of that permit.

[Subsection (4) [Restrictions on Use of Bait] unchanged]

3.27 Wild Animal Refuges and Management Units/Zones Established.

(1) The following Commission documents, as they may be amended from time to time, are hereby adopted and incorporated as if fully set forth herein:

(a) Tribal Fish Refuges Version 1: November 15, 1985;

(b) Tribal Wildlife Refuges and Closed Areas (Version 2: July, 1989); and

(c) Tribal Fish Management Experiments; and

(d) Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories Version 1.2: August 2008.

(2) No member shall fail to comply with the closures and other restrictions established by the documents adopted by subs. (1).

3.32 Disabled Hunters Permits.

[Subsections (1) - (4) unchanged]

(5) A Disabled Hunters Permit shall authorize the holder of the permit to hunt from a stationary vehicle and to load and discharge a firearm or shoot ~~a the bolt-bow or crossbow arrow~~ within 50 feet of the center of a roadway provided:

(a) The roadway is part of a county highway, a town highway or any other highway that is not part of a street or of a state trunk or federal highway;

(b) The holder of the permit is not hunting to fill the permit or tag of another person;

(c) The vehicle bears special registration "handicapped" or "disabled" plates issued by the tribe, a state or other governmental entity, or displays a sign provided by the Tribal Conservation Department on which "disabled" is conspicuously written; and

(d) The holder of the permit discharges the firearm or shoots ~~a the bolt-bow or crossbow arrow~~ away from and not across or parallel to the roadway; and

(e) ~~The holder of a permit shall not otherwise, possess or transport a firearm, bow or crossbow in or on a moving vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.~~

[Subsections (6) - (9) unchanged]

3.33 Technical Updates.

(1) ~~The Tribal Conservation Department is authorized to amend from time to time, this~~
~~Off-Reservation Conservation Code under the following circumstances:~~

(a) Basis Standard: The Voigt Final Order Stipulations and Model Code as entered into between the tribal and state parties to Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al., Case No. 74-C-313 (United States District Court, Western District of Wisconsin) provide for the basis regulation standard;

(b) Technical Amendments: The Great Lakes Indian Fish and Wildlife Commission Executive Administrator may, without consultation with the State, issue a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters subject to the Voigt Stipulations and Case parameters;

(c) Mechanism for Amendment: A Commission Order can be administered detailing the technical amendment to be updated in the tribal off-reservation conservation code;

(d) Consultation: The Tribes agree that they will inform the State of the issuance of a Commission Order.

(e) Voluntary Amendment: Each Tribe may voluntarily implement the Commission Order as they find appropriate, subject to their own ratification principles.

(f) Mandatory Reversion: Each Tribe must mandatorily revert simultaneously with the State as if and when State regulations revert toward the basis regulation standard. If the Tribes dispute the basis for the State's reversion, they may object, in which case the formal stipulation review process should be followed.

(2) This section does not diminish the ability of either party to propose formal stipulation amendments and the process for achieving these amendments.

6.03 Number of Antlerless Deer Available for Harvest.

(1) The number of antlerless deer which shall be available for harvest in each deer management unit pursuant to this ordinance for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory. For the purposes of this ordinance, this number shall be termed the tribal quota.

(2) No member shall hunt antlerless deer in any deer management unit in which no tribal quota has been made available pursuant to subs. (1) or which has been closed to further antlerless deer hunting pursuant to Section 6.21.

(3) Deer Management Units as set forth in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this ordinance pursuant to Section 3.27 are hereby established.

6.05 Deer Hunting Permits/Tags.

[Subsection (1) unchanged]

(2) (a) No member shall hunt deer without possessing a valid carcass tag, except as provided in Section 6.12 [Group Deer Hunting].

(b) The tribal conservation department shall issue no more than ~~two (2)~~ **four (4)** carcass tags at one time to a member except as authorized in Section 6.19 [Level 2 Commercial Harvest].

[Subsections (3) - (6) unchanged]

(7) (a) Except as otherwise provided in this ordinance, antlerless deer permits shall be valid for ~~three distinct permit periods: no longer than 14 successive days of an open season~~

during such time periods as the Commission's Biological Services Division shall establish:

- (i) Day after Labor Day to November 15;
- (ii) November 16 to December 1; and
- (iii) December 2 to close of the deer "regular season."

(b) The tribal conservation department shall not issue an antlerless deer permit prior to the first day of the permit period for which the permit will be valid, except:

(i) a permit may be issued no more than 7 days prior to the regular deer season established pursuant to Section 6.07; and

(ii) a permit may be issued no more than 24 hours prior to the start of the middle deer season established pursuant to Section 6.07.

[Subsection (8) unchanged]

6.06 Deer Registration.

(1) A member who has killed a deer pursuant to this ordinance, or, in the instance of group hunting [Section 6.12], whose carcass tag has been placed on the deer, shall register the deer by presenting it to a tribal registration station no later than 5:00 p.m. of the ~~first~~ **third** working day after the killing. For the purpose of this ordinance, a tribal registration station may include Wisconsin Department of Natural Resources field stations or offices as may be designated from time to time by the Tribe.

[Subsections (2) - (7) unchanged]

6.07 Deer Seasons; Specific Regulations. All dates given in this section are inclusive.

(1) Closed Season. No member shall hunt deer from ~~January 1~~ **the first Monday following New Years Day** to Labor Day.

(2) Regular Season.

(a) An annual regular firearm, bow and crossbow season is hereby established beginning on the day after Labor Day and ending on ~~December 31~~ **the first Sunday following New Years Day or as otherwise provided by a GLIFWC Commission Order, except:**

(i) For Metropolitan Herd Control Units in the ceded territory, the annual regular firearm, bow and crossbow season is hereby extended to the last day in January or as otherwise provided by a GLIFWC Commission Order.

(b) The regular deer season shall close at the end of hunting hours on the Friday preceding the Thanksgiving day holiday and shall remain closed for the duration of the middle season established below at which time it shall reopen.

[Subsections (3) - (4) unchanged]

6.10 Bow/Crossbow Restrictions. No member shall hunt deer:

(1) With a bow having a pull of less than 30 pounds or using an arrow that does not have a broadhead; or

(2) With a crossbow unless the crossbow:

(a) is fired from the shoulder;

(b) has a minimum draw weight of 100 pounds, **except;**

(i) compound bows equipped with a draw-lock type mechanism that holds the bow at full draw are exempt from the 100 pound draw requirement (30 pound minimum still applies [section

6.10(1)).

- (c) has a stock of not less than 30 continuing inches in length;
- (d) has a working safety; and
- (e) is used with arrows or bolts of not less than 14 inches with a broadhead.

6.12 Hunting Hours.

(1) No member shall hunt deer except during the following hours (dates and times are inclusive and all times refer to Central Standard Time and should be adjusted one hour as necessary to account for Daylight Savings Time):

July 1- ~~close of the deer "regular season; December 31~~ One-half hour before sunrise to ~~one-quarter hour~~ 20 minutes after sunset ~~[Table attached after Chapter 14]~~ or as otherwise provided by a GLIFWC Commission Order.

(2) Lawful deer hunting hours shall be determined in accordance with the Tribal Hunting Hours Zone/Table attached to this ordinance after Chapter 14.

6.14 Hunting on Certain Public Lands Prohibited. No member shall hunt deer on any of the following public lands except as noted:

- (1) Designated public campgrounds, public beaches, and public picnic areas.
- (2) School forests, public landfills and public gravel pits where deer hunting is prohibited and where notice of the prohibition is clearly posted.
- (3) Public land within incorporated areas except for those lands:
 - (a) which are designated for bow and gun deer hunting; or
 - (b) which are designated for bow deer hunting.
- (4) (a) All state parks except the following in accordance with the provisions of subs.

(4)(b):

- (i) Big Bay State Park;
- (ii) Interstate State Park; and
- (iii) Tuscobia-Park Falls State Trail;
- (iv) Brunet Island State Park;
- (v) Council Grounds State Park; and
- (vi) Governor Thompson State Park.

(b)(i) For Interstate State Park and Tuscobia-Park Falls State Trail, an open deer hunting season for firearms, bows and crossbows is hereby established from the Saturday preceding the Thanksgiving day holiday through ~~December 31~~ the close of the deer "regular season."

(ii) For Big Bay State Park, ~~an open deer hunting season is hereby established for bows and crossbows from October 15 through December 31 and for firearms from the fourth Saturday preceding the Thanksgiving day holiday through December 31~~ the following open deer hunting seasons and closed areas are hereby established:

1) Bow and Crossbow Season: From October 15 through the close of the deer "regular season."

2) Firearms Season: From the fourth Saturday preceding the Thanksgiving day holiday through the close of the deer "regular season."

3) Closed Area: No member shall hunt in the area posted as "closed to hunting" that is commonly known as the "point area" of Big Bay State Park which lies east of a line that

corresponds with Haines Road, and that begins at the intersection of Haines Road and Hagen Road and extends in a northerly direction to the Lake Superior Shore.

(iii) For Brunet Island State Park, an open deer hunting season is hereby established as follows:

1) Muzzleloader Season (No Open Season for other Firearms) – Commencing on the Saturday preceding the Thanksgiving day holiday and remaining open for 16 consecutive days thereafter.

2) Bow and Crossbow Season – Commencing on the Saturday preceding the Thanksgiving day holiday and remaining open through ~~December 31~~ the close of the deer “regular season.”

3) Brunet Island State Park Deer Hunting Permit Required in accordance with the provisions of subs. (4)(b)(v).

(iv) For Council Grounds State Park, an open deer hunting season is hereby established as follows:

1) Shotgun Season – Commencing on the Saturday preceding the Thanksgiving day holiday and remaining open for 9 consecutive days thereafter;

2) Muzzleloader Season [No Open Season for other Firearms besides shotgun as outlined in 4(b)(iv)(1)] – Commencing on the Saturday preceding the Thanksgiving day holiday and remaining open for 16 consecutive days thereafter; and

3) Bow and Crossbow Season – Commencing on the Saturday preceding the Thanksgiving day holiday and remaining open through ~~December 31~~ the close of the deer “regular season.”

4) Council Grounds State Park Deer Hunting Permit Required in accordance with the provisions of subs. (4)(b)(v).

(v) For Brunet Island State Park and Council Grounds State Park, the following requirements are hereby established:

1) Permit Required – In addition to all other permits required, no member shall hunt deer in either Brunet Island State Park or Council Grounds State Park without possessing a permit valid for the particular Park in question. The permit may be issued no more than 14 days preceding the opening of the deer hunting season in these State Parks, and shall be valid from the Saturday prior to the Thanksgiving day holiday or from the date of issue, whichever is later, through the close of the deer “regular season.” A member who harvests an antlerless deer in either of these State Parks must slit or punch the antlerless deer permit in the appropriate management unit to indicate the particular Park where the deer was taken.

2) Number of Permits Available – The number of permits which may be issued for Brunet Island State Park and Council Grounds State Park for each twelve month period commencing July 1 and ending June 30 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory and the Voigt Intertribal Task Force Protocol Waawaashkeshikewin (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was originally adopted on May 26, 1989, pursuant to that Agreement.

3) Permit Conditions – Unless otherwise specifically provided in these specific rules for these two State Parks, or unless otherwise specifically provided by the tribal conservation department, deer hunting in these State Parks shall be subject to the same deer hunting permit,

carcass tag, and registration requirements otherwise imposed by this ordinance.

(vi) For Governor Thompson State Park, an open deer hunting season is hereby established as follows:

1) Gun Season – Commencing on the Saturday preceding the Thanksgiving day holiday and remaining open until the Sunday thereafter.

(5) All wildlife refuges and closed areas as established pursuant to Section 3.27, except as deer hunting is permitted in those areas.

7.04 Bear Management Zones. Bear Management Zones as set forth in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this ordinance pursuant to Section 3.27 are hereby established encompassing the listed deer management units are hereby established as follows:

~~—— (1) Zone A: Deer Management Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22 (portion north of US Highway 8), 24, 25, 26, 28, 29a, 29b, 30, 31, and 32.~~

~~—— (2) Zone B: Deer Management Units 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 49, 50 and 52.~~

~~—— (3) Zone C: Deer Management Units 21, 22 (portion south of US Highway 8), 22a, 23, 27, 33, 46, 47, 48, 57, 57a, 57b, 57c, 58, 59a, 59b, 60, and 62a.~~

7.08 Bear Registration.

(1) A member who has killed a bear pursuant to this ordinance, or, in the instance of group hunting [Section 6.12], whose carcass tag has been placed on the bear, shall register the bear by presenting it to a tribal registration station no later than 5:00 p.m. of the first third working day after the killing.

[Subsections (2) - (6 unchanged)]

8.05 Fisher Management Zones.

(1) Fisher Management Zones as set forth in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this ordinance pursuant to Section 3.27 are hereby established comprised of specific deer management units are hereby established as follows:

~~—— (a) Zone A -- Deer Management Units 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17 and 22.~~

~~—— (b) Zone B -- Deer Management Units 6, 7, 13, 14, 18, 19, 20, 23, 24, 25, 26, 28, 29A and 30.~~

~~—— (c) Zone C -- Deer Management Units 29B, 31, 32, 33, 34, 35, 36, 37 and 52.~~

~~—— (d) Zone D -- Deer Management Units 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49A, 49B and 50.~~

(2) No member shall hunt or trap fisher except in the management zones established by this section.

8.08 Otter, Bobcat and Fisher Registration.

(1)(a) A member killing a fisher pursuant to this ordinance shall register the animal by presenting it to a tribal registration station no later than 5:00 p.m. of the first third working day

after killing if the animal was hunted or after retrieval if the animal was trapped.

(b) A member killing an otter or bobcat pursuant to this ordinance shall notify a tribal registration station of the killing no later than 5:00 p.m. of the first third working day after killing if the animal was hunted or after retrieval if the animal was trapped. The member shall present the animal for registration on the date and at the location specified by the registering official.

[Subsections (2) - (7) unchanged]

8.09 Small Game Seasons; Specific Regulations.

[Subsection (1) unchanged]

(2)(a) For the purposes of small game trapping, seasons begin at 6:00 a.m. of the opening date and end at 11:59 p.m. of the closing date.

(b) The small game trapping season for all species, except for otter, and fisher, and beaver, listed in subs. 3(b) shall commence on October 1 and closes on March 31, the otter and fisher trapping season commences on November 1 and closes on March 31, the otter trapping season commences on October 1 and closes on April 30, and the beaver trapping season commences on October 1 and closes on April 30.

[Subsections (3) - (4) unchanged]

8.10 Hunting Hours.

[Subsection (1) unchanged]

(2) Lawful small game hunting hours during open seasons are provided as follows:

(a) From September 1 through March 31, for all small game animals except coyote, fox, raccoon, snowshoe hare, wild turkeys and unprotected species one-half hour before sunrise to 15 minutes after sunset [table attached after Chapter 14] or as otherwise provided by a GLIFWC Commission Order.

(b) From April 1 through August 31, for all small game species except for wild turkeys, 24 hours per day, except for wild turkeys when hunting shall be one-half hour before sunrise to 15 minutes after sunset [table attached after Chapter 14] or as otherwise provided by a GLIFWC Commission Order.

(c) For coyote, fox, raccoon, snowshoe hare and unprotected species, 24 hours per day, or as otherwise provided by a GLIFWC Commission Order except during the middle deer season established pursuant to Section 6.07(3) when hunting hours shall be the same for small game and deer hunting.

(d) For wild turkeys, hunting hours are:

(i) Fall Season (established in Section 8.26(2)(a)) – one-half hour before sunrise to 20 minutes after sunset; or as otherwise provided by a GLIFWC Commission Order and

(ii) Spring Season (established in Section 8.26(2)(b)) – one-half hour before sunrise to 5:00 p.m. sunset or as otherwise provided by a GLIFWC Commission Order.

(3) Lawful small game hunting hours shall be determined in accordance with the Tribal Hunting Hours Zone/Table attached to this ordinance after Chapter 14.

8.11 Hunting and Trapping on Certain Public Lands Prohibited. No member shall hunt or trap small game on any of the following lands except as noted:

(1) Designated public campgrounds, public beaches and public picnic areas.

(2) School forests, public landfills and public gravel pits where small game hunting is prohibited and where notice of the prohibition is clearly posted.

(3) Public lands within incorporated areas except for those lands which are designated for small game hunting or trapping.

(4) All state parks except for those state parks that are included in the Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories document, pursuant to section 3.27 [Wild Animal Refuges and Management Units / Zones Established] and are opened for hunting or trapping.

(a) For Interstate State Park, the following requirements are hereby established:

(i) Permit Required – In addition to all other permits required, no member shall hunt deer in Interstate State Park without possessing a permit valid for the particular Park in question. The permit may be issued no more than 14 days preceding the opening of the spring wild turkey hunting season in this State Park, and shall be limited to the time period, indicated on the permit.

(ii) Number of Permits Available – The number of permits which may be issued for Interstate State Park shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory and the Voigt Intertribal Task Force Protocol Mizisekewin (Wild Turkey Harvest) Levels and State Park Hunter Density Levels, which was originally adopted on May 26, 1989, pursuant to that Agreement.

(iii) Permit Conditions – Unless otherwise specifically provided in these specific rules for this State Park, or unless otherwise specifically provided by the tribal conservation department, wild turkey hunting in this State Park shall be subject to the same wild turkey hunting permit and registration requirements otherwise imposed by this ordinance.

8.19 Specific Snaring Regulations. No member shall trap small game by the use of a snare except in compliance with the following provisions:

(1) Any snare must be anchored so that it may not be dragged.

(2) Any snare must be tagged as in Section 8.17(1).

(3) No snare may be spring activated.

(4) Any snare must be set in a manner which prevents an animal from being suspended unless it is attached to a drowning mechanism.

(5) Any upland snare must be removed no later than March 31.

(6) Any water set snare must be removed no later than March 31.

(7) Except as provided in subs. (13), any snare must have either a mechanical ~~lock~~ stop device which will prevent the snare loop size from becoming smaller than 2½ inches or a break-away mechanical lock.

(8) Except as provided in subs. (13), any snare must have a swivel device on the anchor end.

(9) Except as provided in subs. (13), any snare or cable wire may not have a diameter exceeding 1/8 inch.

(10) No upland snare shall be set on a well defined deer trail.

(11) No upland snare shall be set such that the bottom of the loop is more than 6" above the ground or, when the ground is snow covered, more than 6" above the level of the adjoining trail.

- (12) No upland snare shall be set with a loop size greater than 10" in diameter.
- (13) Members may use braided picture wire snares without locks or swivels for the purpose of snaring rabbits or hares.

8.26 Wild Turkey Hunting Regulations.

(1)(a) ~~Permit Required.~~ No member shall hunt wild turkeys without possessing a valid small game hunting permit issued pursuant to the provisions of this chapter.

(b) ~~Tags for Turkey Management Zones.~~ No member shall hunt wild turkeys in any wild turkey management zone without possessing a carcass tag valid for the zone in which the turkey is killed.

(2) Season. No member shall harvest any wild turkeys except during the open season which shall be as follows (all dates are inclusive):

(a) Fall Season: Day after Labor Day to December 31.

(b) Spring Season: Wednesday nearest April 13 for forty (40) consecutive days.

(b)(i) For State Park Hunting Zones, the spring season will be limited to the first three periods, which will open on the Wednesday nearest April 13 for nineteen (19) consecutive days.

(3) Number of Wild Turkeys Available for Harvest. (a) Unless a wild turkey quota system is triggered by the provisions of subs. 3(b) of this Section, there shall be no limit on the number of wild turkeys available for harvest under this ordinance.

(b) The Commission's Biological Services Director, or his or her designate, is hereby delegated the authority to implement the provisions of *Section III.A.1 of the Stipulation for Technical, Management and other Updates* [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding the implementation of a quota management system for wild turkeys.

(c) When a tribal wild turkey quota is required in a particular wild turkey management zone, the number of wild turkeys (tribal quota) which shall be available for harvest in each wild turkey management zone pursuant to this ordinance for each twelve month period commencing September 1 and ending August 31 shall be limited to the number established pursuant to the Chippewa Intertribal Agreement Governing Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory.

(b) (d) When a tribal wild turkey quota is required, no member shall hunt wild turkeys in any wild turkey management zone in which no tribal quota has been made available pursuant to subs. (1) or which has been closed to further wild turkey hunting pursuant to subs. (9).

(4) Bag Limit. (a) Within a wild turkey management zone, no member shall harvest any wild turkey in excess of the number of valid carcass tags issued to him or her pursuant to subs. (1)(b) for that zone.

(b) In all areas outside of wild turkey management zones, no member shall harvest more than + 3 wild turkeys per day.

(5) Wild Turkey Management Zones.

(a) Tribal wild turkey management zones contiguous with those portions of the State of Wisconsin's wild turkey management zones 20, 21, 22, 32, 36, 37, and 38 which are located within the ceded territory are hereby adopted for the purposes of this ordinance. These zones shall be referred to as tribal wild turkey management zones 20, 21, 22, 32, 36, 37, and 38.

—(b) The Commission's Biological Services Division Director, or his or her designee, is hereby delegated the authority to implement the provisions of *Sections VII.A and VII.B.5 of the Stipulation for Technical, Management and other Updates* [hereafter referred to in this Section as "Stipulation"] entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) regarding ~~a turkey quota management system and is authorized to establish additional~~ tribal turkey management zones within the ceded territory consistent with the Stipulation's requirements.

(b) Such wild turkey management zones shall be included in the Commission's document entitled Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories that is incorporated into this ordinance pursuant to Section 3.27.

(6) Methods of Turkey Harvest. No member shall hunt wild turkeys:

(a) By any means other than a shotgun or muzzle-loading shotgun fired from the shoulder, or a bow and arrow or a crossbow.

(b) With the aid of recorded bird calls or sounds or electrically amplified imitations of bird calls or sounds.

(c) With the aid of dogs.

(d) With live decoys for the purposes of enticing wild turkeys.

(7) Registration Required. (a) A member killing a wild turkey pursuant to this ordinance shall present the carcass for registration to a tribal registration station no later than 5:00 p.m. of the ~~next~~ **third** working day following the killing.

(b) No member shall fail to inform the tribal registration station of the location, including the wild turkey management zone if applicable, where the animal was killed or to provide such other information as is required by the registering official.

(c) No person shall provide information to the registering official which the person knows, or has reason to know, is false or misleading.

(d) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register wild turkeys in the field provided such warden provides all registering information to a tribal registration station no later than 5:00 p.m. of the first working day after field registration.

[Subsections (8) - (9) unchanged]

9.08 Gillnets Regulated.

[Subsection (1) unchanged]

(2) The tribal conservation department may issue a gillnetting permit for any lake, except for the southern basin of Trout Lake (Vilas County) **so long as the lake trout harvest by state anglers is prohibited on that water body**, provided:

(a) An open season exists for the species to be fished;

(b) The permit shall be valid for no more than 1 day for any species;

(c) The permit establishes the respective daily bag limits for walleye and muskellunge which may be less than but shall not exceed the respective tribal quota for walleye and muskellunge remaining in that lake;

(d) Except as provided in subs. (14), any number of permits may be issued at any one time for any lake but the total length in feet of all gillnets authorized for all permits on any one

lake shall not exceed the number of walleye remaining available for harvest in that lake multiplied by 10;

(e) Gillnetting for all species is limited to one body of water for the duration of the permit;

(f) No gillnetting permit issued pursuant to this section, no spearing permit issued pursuant to Section 9.06 or netting permit issued pursuant to Section 9.07 shall be simultaneously valid for any body of water;

(g) The permit requires the member's signature;

(h) Except as provided in subs. (14), the permit establishes the maximum length in feet and the mesh size of the gillnet which is authorized as determined from the spring walleye population average length and the following chart:

Spring Length Maximum Allowable (stretched) Mesh Size

13.5" 2.5"

13.5 - 16.49" 3.0"

16.5 - 18.49" 3.5"

18.5 - 20.49" 4.0"

20.5" and under 4.5"

(i) No gillnetting shall be authorized for any body of water unless the spring average length of walleye has been determined that year for that body of water. In determining the spring average length of walleye, data gathered by the use of any appropriate gear, such as fyke nets, electro-shocking or spearing, may be utilized provided that an accurate assessment of walleye size can be accomplished.

(j) The tribal conservation department or the Commission may impose such other terms and conditions as it deems appropriate or necessary, including such biological monitoring requirements appropriate to the level of harvest activity on any body of water.

[Subsections (3) - (14) unchanged]

9.15 Sturgeon Tagging Required.

(1) No member shall fail to register with the tribal conservation department any sturgeon harvested pursuant to this ordinance prior to 5:00 p.m. of the ~~next~~ **third** working day following the harvest.

(2) Upon registering a sturgeon, the registering official shall firmly affix a registration tag to the carcass.

14.10 Intoxicated Boating.

(1) Operating while under the influence of an intoxicant. No member shall engage in the operation of a motorboat while under the influence of an intoxicant to a degree which renders him or her incapable of safe motorboat operation.

(2) Operation with alcohol concentrations at or above specified levels. No member shall engage in the operation of a motorboat while the person has a blood alcohol concentration of ~~0.1% or more by weight of alcohol in his or her blood~~ **0.08 grams of alcohol per 100 milliliters of a person's blood**. No member shall engage in the operation of a motorboat while the person has ~~0.1 grams or more of alcohol in 210 liters of his or her breath~~ **0.08 grams of alcohol per 210 liters of a person's breath**.

(3) Related charges. A member may be charged with and a prosecutor may proceed upon a complaint based upon a violation of subs. (1) or (2) or both for acts arising out of the same incident or occurrence. If the member is charged with violating both subs. (1) and (2), the offenses shall be joined. If the person is found guilty of both subs. (1) and (2) for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing. Subsections (1) and (2) each require proof of a fact for conviction which the other does not require.

Appendix B

Amendments to Voigt Intertribal Task Force Protocols

Amended Voigt Intertribal Task Force deer declaration protocols (deletions shown by ~~strikeout~~ and additions by redline):

ADOPTED 5/26/89 (as amended -/-/-)

VOIGT INTERTRIBAL TASK FORCE PROTOCOL WAAWAASHKESHIKEWIN (ANTLERLESS DEER HARVEST) LEVELS AND STATE PARK HUNTER DENSITY LEVELS

Pursuant to and as an implementation of the Chippewa Intertribal Agreement Governing the Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, the Voigt Intertribal Task Force Committee (hereinafter termed "Task Force") of the Great Lakes Indian Fish and Wildlife Commission (hereinafter termed "GLIFWC") hereby adopts and enacts the following system for deer management and regulations:

1. Biological Services Designation of Harvest Quotas. The Task Force hereby authorizes and designates the Biological Services Division (hereinafter termed "BSD") of GLIFWC to provide to the several bands, no later than May first of each year, the total number of antlerless deer available for harvest in each deer management unit located in the ceded territory. The number shall be based upon the joint assessment of BSD and Department of Natural Resources wildlife biologists of the need to attain population goals through increasing or decreasing antlerless deer harvest.

1a. Designation of Hunter Density Levels for Certain State Parks. The Task Force hereby authorizes and designates the BSD to provide to the several bands, no later than May first of each year, the total number of hunters to be allowed in Brunet Island State Park, Council Grounds State Park, or other State Parks as required for the upcoming deer seasons. The number shall be based upon the joint assessment of BSD, GLIFWC's Chief Conservation Warden, and the Department of Natural Resources wildlife biologists and hunter safety experts of the need to attain deer population goals for these parks and to ensure hunter safety.

2. Task Force Determination of Harvest Levels and State Park Hunter Density Levels. No later than the following June first, the Task Force shall convene a meeting to establish the Bands' antlerless deer harvest quotas for the coming deer hunting season for each deer management unit, in consultation with the BSD. The total number of antlerless deer to be subject to tribal harvest shall not exceed the number available in the BSD designation of May first for any deer management unit. At the same time, the Task Force shall establish the Bands' hunter density limitations for Brunet Island State Park, Council Grounds State Park, or other State Parks as required. The total number of hunters from the several Bands for each Park shall not exceed the number available in the BSD

designation of May first for the particular Park in question.

3. Task Force Final Declaration of Antlerless Deer Harvest Quotas, and Deer Seasons, and State Park Hunter Density Levels. At the conclusion of their meeting(s), but in no event later than June 15th, the Task Force shall file and publish its Final Declaration of Antlerless Deer Harvest Quotas and State Park Hunter Density Levels for the upcoming deer season.; Harvest quotas which shall be described by deer management unit and hunter density levels shall be described by each state park to which they apply. The Declaration shall be certified by the BSD Wildlife Section Leader and the Director as in compliance with the management plan for deer previously approved by the Task Force and its member tribes, as well as in compliance with any other applicable plans or agreements.

4. Effect of Final Declaration. The Final Declaration shall conclusively establish the number of antlerless deer subject to tribal harvest in each deer management unit and of Band hunters in each relevant state park during the upcoming deer season, and shall be immediately transmitted to the Wisconsin Department of Natural Resources by the BSD for its use in permitting antlerless deer harvest and hunting in relevant state parks by State-licensed hunters.

5. Methods for Determining Number of Antlerless Deer Permits Which may be Issued. The number of antlerless deer permits, including any commercial harvest antlerless deer permits, which may be issued at any one time for a deer management unit during the time period for which an antlerless deer permit is valid shall be determined in accordance with the provisions set forth below.

5.01. For the purpose of this protocol, the "**remaining antlerless deer harvest**" for any management unit means the tribal quota for that unit minus the sum of the antlerless deer harvest in that unit as of the end of the previous antlerless deer permit period and the number of level 2 commercial permits authorized for that unit during the current antlerless deer permit period.

5.02. When the remaining antlerless deer harvest for a unit is more than 25% of the tribal quota, there shall be no limit on the number of antlerless deer permits which may be issued for that unit for an antlerless permit period.

5.03. When the remaining antlerless deer harvest for a unit is 25% or less of the tribal quota, the number of permits which may be issued for an antlerless permit period shall be determined in accordance with the following formula:

$$\text{No. of Permits} = \frac{\text{Remaining Antlerless Deer Harvest}}{\text{Hunter Success Rate}}$$

5.04. The hunter success rate for a management unit shall be the success rate average from the most recent three (3) previous seasons or an average of fewer seasons when a three (3) year average is not available. For a unit without an adequate history of hunter success, the average success rates of similar units may be applied to estimate an anticipated success rate. The Commission's Biological Services Division is authorized to determine the hunter success rate for any deer management unit.

5.05. When the remaining antlerless deer harvest for a management unit is 25% or less of the tribal quota, and when the several Bands otherwise fail to agree, the Director, or his or her designate, of the BSD shall be authorized to calculate the number of antlerless deer permits available for issuance in that unit by each Band so as to ensure that the total number of antlerless permits issued by all Bands does not exceed the maximum number which may be issued for that unit. Such calculation shall be based upon the current season's proportionate harvest of each Band to date in that unit.

ADOPTED--10/06/94 (as amended --/--)

**VOIGT INTERTRIBAL TASK FORCE PROTOCOL
MIZISEKEWIN (WILD TURKEY HARVEST) LEVELS
AND
STATE PARK HUNTER DENSITY LEVELS**

Pursuant to and as an implementation of the Chippewa Intertribal Agreement Governing the Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, the Voigt Intertribal Task Force Committee (hereinafter termed "Task Force") of the Great Lakes Indian Fish and Wildlife Commission (hereinafter termed "GLIFWC") hereby adopts and enacts the following system for wild turkey management and regulations:

1. **Biological Services Designation of Wild Turkey Harvest Quotas.** The Task Force hereby authorizes and designates the Biological Services Division (hereinafter termed "BSD") of GLIFWC to provide to the several bands, no later than June 20 30 of each year, the total number of wild turkeys available for harvest in each wild turkey management zone located in the ceded territory. The number shall be based upon the joint assessment of BSD and Department of Natural Resources wildlife biologists of the need to attain population goals through increasing or decreasing wild turkey harvest.

1a. **Designation of Hunter Density Levels for Certain State Parks.** The Task Force hereby authorizes and designates the BSD to provide to the several bands, no later than June 30 of each year, the total number of hunters to be allowed in Interstate State Park, or other State Parks as required for the upcoming deer seasons. The number shall be based upon the joint assessment of BSD, GLIFWC's Chief Conservation Warden, and the Department of Natural Resources wildlife biologists and hunter safety experts of the need to attain turkey population goals for these parks and to ensure hunter safety.

2. **Task Force Determination of Harvest Levels and State Park Hunter Density Levels.** No later than the following August +5 10, the Task Force shall convene a meeting to establish the Bands' wild turkey harvest quotas for the coming wild turkey hunting seasons, in consultation with the BSD, ~~should any tribal quota be required by the applicable law referenced in paragraph 4.01, below.~~ The wild Wild turkey harvest quotas shall be established for each wild turkey season and management zone that requires a tribal quota and ~~the~~ the total number of wild turkeys to be subject to tribal harvest in such a zone shall not exceed the number available in the BSD designation for ~~wild turkey management~~ that zone. At the same time, the Task Force shall

establish the Bands' hunter density limitations for Interstate State Park, or other State Parks as required. The total number of hunters from the several Bands for each Park shall not exceed the number available in the BSD designation of June 30 for the particular Park in question.

3. **Task Force Final Declaration of Harvest Quotas.** ~~When necessary at~~ ~~At~~ the conclusion of its meeting(s), but in no event later than August 31 ~~15~~, the Task Force shall file and publish its Declaration of Wild Turkey Harvest Quotas for the upcoming seasons. The Declaration shall describe the wild turkey harvest quota by wild turkey ~~season and~~ management zone. The Declaration shall be certified by the BSD Director and Wildlife Section Leader as in compliance with any management plan for wild turkey previously approved by the Task Force and its member tribes.

3.01 **Amendment of Declaration Prior to Spring Hunting Season.** From time to time, tribal and state biologists may determine after the fall wild turkey hunting season that additional wild turkeys are available for harvest during the spring season in some or all wild turkey management zones. Should this occur, the Task Force may modify its Wild Turkey Declarations no later than January 15.

4. **Effect of Declarations.** ~~When required, the~~ ~~The~~ Declaration and any Amended Declaration shall conclusively establish the number of wild turkeys subject to tribal harvest in each wild turkey management zone ~~to which the Declaration applies~~ during the upcoming wild turkey seasons, and shall be immediately transmitted to the Wisconsin Department of Natural Resources by the BSD for its use in permitting wild turkey harvest by State-licensed hunters.

4.01 **Declarations Must Comply with Applicable Law.** The Declaration and any Amended Declaration shall comply with the provisions of ~~Sections III.A of the Stipulation for Technical, Management and other Updates~~ entered into between the tribal and state parties in *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin) ~~which updated Section C 1 of the Stipulation for Miscellaneous Species and Regulatory Matters~~ entered into between the tribal and state parties to *Lac Courte Oreilles Band, et al. v. State of Wisconsin, et al.*, Case No. 74-C-313 (United States District Court, Western District of Wisconsin).

Appendix C

Amendments to Commission Documents

Attached are the following Commission Documents that are detailed in this stipulation Amendment:

- Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2, August 2008;
- Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0, August 2008;