

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; CATHY STEPP;
KURT THIEDE; and TIM LAWHERN,

Defendants.

AFFIDAVIT IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

STATE OF WISCONSIN)
) SS
COUNTY OF ASHLAND)

The affiant, THOMAS KROEPLIN, being first duly sworn, upon oath deposes and states
as follows:

1. My name is Thomas Kroeplin, and I reside at 10721 Hwy 70 W, Minocqua,
Wisconsin, 54548. I am currently employed as a Conservation Enforcement Warden
for the Great Lakes Indian Fish and Wildlife Commission (“Commission” or
“GLIFWC”), located in Odanah, Wisconsin. I have been employed in that position
for the past five years. My duties are to assist GLIFWC’s member tribes in the
development and implementation of the tribal system for regulating deer hunting in

- the ceded territories, including the enforcement of the tribes' off-reservation treaty conservation codes and assistance in monitoring tribal deer hunting activities within the ceded territories.
2. Prior to my employment with the Commission, I was a conservation law Enforcement Warden with the Wisconsin Department of Natural Resources ("WI DNR") for 26 years. During my early years as a WI DNR Conservation Law Enforcement Warden, I was stationed in Adams County and later transferred to Oneida/Vilas County.
 3. As a conservation law enforcement warden with the WI DNR, I participated in the DNR's chronic wasting disease ("CWD") nighttime deer eradication hunt, which entailed sharpshooting (hunting) deer at night.
 4. During my years as a WI DNR conservation law enforcement warden, I came in contact with many hunters hunting with guns while using lights at the point of kill. Most of these hunters were raccoon hunters using dogs, but sometimes these hunters were coyote and bobcat hunters using calling techniques. The problem with most of the hunters I contacted in this capacity is that they did not know their location or their surroundings at the time I contacted them. I recall a specific incident in which a group of hunters shot a raccoon with a rifle right next to a house. These hunters had no idea that there was a house in the vicinity and that it lay in the direction of the bullet they had fired.
 5. I believe that there are a number of attributes of Commission Order 2012-05 that will enable tribal members hunting at night to avoid these types of safety issues. I have also reviewed the state's requirements for state hunters hunting wolves at night.

Unfortunately, based on my experience, I am not confident that the state's current wolf hunting requirements will prevent similar problems.

- a. Training and Proficiency. Tribal members are required to attend training in advanced hunter safety and to receive a firearms proficiency rating of 70 percent before they are eligible to receive a night hunting permit. No such training or proficiency rating is required of state wolf hunters who choose to hunt at night.
- b. Shooting Plans. Tribal members must visit the area they intend to hunt during the day, identify hazards, file a shooting plan, and only hunt within their "safe zone of fire." There are no similar restrictions in state law that would require hunters to hunt in a pre-defined area that they have visited during the day.

6. I believe that the general public has been notified that state night wolf hunters (hunters without training, proficiency ratings or a pre-selected shooting plan) may be found in the woods today and in coming months. In my opinion, to the extent the state is satisfied with the precautions taken for this night hunt, it has nothing to fear from the advent of tribally regulated night deer hunters (hunters with training, proficiency ratings and a pre-selected shooting plan).

7. Based on my knowledge and experience, I believe that Commission Order 2012-05, addresses legitimate safety concerns while regulating the Plaintiff Tribes' night hunting in a manner more restrictive, but fully consistent with the standards governing the present night hunting offered to state hunters as well as the standards that governed the CWD nighttime deer eradication hunt.

Further affiant sayeth not, dated this 26th day of November 2012.

/s/ Thomas Kroeplin
Thomas Kroeplin

Subscribed and sworn before me
this 27th day of November 2012.

/s/ Ann McCammon Soltis
Notary Public, State of Wisconsin
My Commission: is permanent