

# GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



## • MEMBER TRIBES •

### MICHIGAN

Bay Mills Community  
Keweenaw Bay Community  
Lac Vieux Desert Band

### WISCONSIN

Bad River Band  
Lac Courte Oreilles Band  
Lac du Flambeau Band

### MINNESOTA

Fond du Lac Band  
Mille Lacs Band

Red Cliff Band  
St. Croix Chippewa  
Sokaogon Chippewa

November 9, 2012

Ms. Cathy Stepp, Secretary  
Wisconsin Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921

Re: ***Lac Courte Oreilles Indians v. State of Wisconsin*** – Proposed Tribal Night  
Hunting Regulations/Commission Order 2012-05

Dear Secretary Stepp,

I have received your letter of October 30, 2012 in which the Department objects to the Tribes' proposed Commission Order 2012-05, promulgated pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes and established in the Stipulation for Technical, Management and Other Updates: Second Amendment of Stipulations Incorporated into Final Judgment. As I previously expressed, this proposed Commission Order was drafted to be, and is, consistent with the recent enactment of 2011 Wisconsin Act 169, which changed state hunting hours for wolves and provided for the use of a light at the point of kill.

Attached please find a revised proposed Commission Order 2012-05 which has been updated following our discussion at the October 22, 2012 meeting, your recent letter, and conversations among our respective staffs. Please note that for 2012, the Order will be effective on November 26, 2012. The revised proposed Commission Order: 1) requires all members to have in possession a copy of their "signed and certified" shooting plan for the location to be hunted; 2) specifies that all members must visit their proposed harvest site during daytime hours; 3) includes a definition for the safe zone of fire; 4) includes a presumption against shooting towards specifically detailed areas such as toward a campground, lake, or road; 5) specifies that a member may not hunt within 1,000 feet of a school; 6) includes a provision closing tribal night hunting the night before the State nine-day gun season; and 7) includes a thirty minute hunting closure between tribal daytime hunting hours and tribal nighttime hunting hours. The Tribes have also updated their advanced hunter safety training to incorporate safety issues specifically related to shooting at night. The Tribes propose to include these additional safety requirements in order to maximize the safety of both tribal and state citizens.

I have carefully considered the other arguments you raise in your October 30, 2012 letter and do not consider them to provide a reasonable basis on which to object to the Tribes' proposal. The Department is obligated to consider the proposal solely within the conservation, public health and public safety parameters of applicable precedent establishing the nature and

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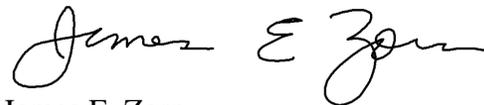
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extent of the particular rights involved, and to respond accordingly. The Department has not raised any biological concerns about the proposed Commission Order. Similarly, the Department has not raised any safety concerns that do not already exist for state citizens hunting wolves at night under state law. In fact, the proposed Commission Order's safety precautions go well beyond the state law requirements for wolf hunting at night.

As I stated earlier, your letter of October 30, 2012 indicates the Department's objection to the issuance of the proposed Commission Order; if for any reason we have misinterpreted the Department's position or if its position has changed in any way, please advise as soon as possible. As always, please don't hesitate to contact me at any time.

Sincerely,

A handwritten signature in black ink that reads "James E. Zorn". The signature is written in a cursive style with a large, stylized "Z" and "O".

James E. Zorn  
Executive Administrator

Enclosure

cc: *Lac Courte Oreilles* Case Chairs and Representatives  
*Lac Courte Oreilles* Case Tribal Attorneys  
Ann McCammon Soltis, Director, Division of Intergovernmental Affairs  
Kekek Jason Stark, Attorney/Policy Analyst, Division of Intergovernmental Affairs