

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;
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 OF DIANE L. MILLIGAN

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Diane L. Milligan, being first duly sworn on oath, deposes and says:

1. I am an attorney for defendant State of Wisconsin.
2. I make this affidavit on personal knowledge to present documents that are already in the court's record in this case and Great Lakes Indian Fish and Wildlife Commission documents that were provided to me by plaintiffs.

3. Attached to this affidavit as Exhibit A is a true and correct copy of excerpts from the trial transcript, Docket 1124, of James Zorn's testimony taken on August 9, 1989.

4. Attached to this affidavit as Exhibit B is a true and correct copy of the transcript of the deposition, Docket 1106, of Archie Mosay taken July 25th, 1989.

5. Attached to this affidavit as Exhibit C is a true and correct copy of Plaintiffs' Statement of Expert Witnesses, Docket 1048, dated June 23, 1989.

7. Attached to this affidavit as Exhibit D - M are true and correct copies of Great Lakes Indian Fish and Wildlife Commission Orders from September 2009 through November 2012 that I received from plaintiffs' counsel.

8. Attached to this affidavit as Exhibit N - II are true and correct copies of the Voight Task Force meeting minutes from January 2011 through October 2012, that I received from plaintiffs' counsel.

Dated this 7th day of December 2012.

/s/ Diane L. Milligan

DIANE L. MILLIGAN
Assistant Attorney General

Subscribed and sworn to before me
this 7th day of December 2012.

/s/ Deborah R. Thornton

Notary Public, State of Wisconsin
My commission expires: May 8, 2016

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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

Plaintiffs,

vs.

Civil Case 74-C-313-C

STATE OF WISCONSIN, et al.,

Madison, Wisconsin
August 9, 1989
9:02 a.m.

Defendants.

STENOGRAPHIC TRANSCRIPT OF TESTIMONY HELD DURING THE THIRD DAY
OF COURT TRIAL BEFORE THE HONORABLE BARBARA B. CRABB.

APPEARANCES:

For the Plaintiffs:

ATTORNEY KATHRYN TIERNEY
(Lac du Flambeau Band of Lake
Superior Chippewa Indians)

ATTORNEY MILTON ROSENBERG
(Red Cliff Band of Lake Superior
Chippewa Indians)

ATTORNEY TRACEY SCHWALBE
(Lac Courte Oreilles Band of Lake
Superior Chippewa Indians)

ATTORNEY EARL CHARLTON
(Sokaogon Chippewa Indian Community,
Mole Lake Band)

ATTORNEY HOWARD BICHLER
(St. Croix Chippewa Indians
of Wisconsin)

ATTORNEY DAVID SIEGLER
(Bad River Band of Lake Superior
Chippewa Indians)



1 APPEARANCES: (Continued.)

2 For Defendants: State of Wisconsin
 3 Department of Justice
 4 BY: JEFFREY GABRYSIAK
 LISA LEVIN
 THOMAS DOSCH
 5 Assistant Attorneys General
 Madison, WI 53703

6 * * * I N D E X * * *7 Witnesses for the Defendants:

8 <u>Name</u>	<u>Adverse</u>	<u>Direct</u>	<u>Voir Dire</u>	<u>Cross</u>
9 EUGENE F. DEFOE	8			
10 JAMES ZORN	21			
11 CHARLES CONNORS **				
12 WILLIAM GEORGE ENGFER		47	51	61 (Ms. Tierney) 85 (Mr. Siegler) 86 (Ms. Schwalbe) 90 (Mr. Bichler)

15 Witnesses for the Plaintiffs:

16 JAMES H. SCHLENDER		92		102
17 THOMAS BUSIÁHN		108		120

18 Exhibits for the Defendants:

19 <u>Number</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
20 550	Video of Shining	51	56
21 551	12/9/87 memo from Maynard Whitebird to James Zorn	30	32

22
23
24
25 ** Deposition excerpts read, beginning at Page 35.

*** INDEX *** (Continued.)

Exhibits for the Plaintiffs:

<u>Number</u>	<u>Description</u>	<u>Offered</u>	<u>Received</u>
101A	Intertribal Agreement Between Plaintiff Tribes	120	120
101B	Voigt Task Force Protocol, Antlerless Deer Harvest Levels	120	120
101C	Deer Management Plan	120	120
104	Vita of Thomas Busiahn	120	120
105	Vita of James H. Schlender	101	102
123	GLIFWC Constitution	101	102
124	GLIFWC Organizational Chart	102	102
125	Voigt Task Force Charter	102	102

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Reported by:

KATHLEEN BANKS
Official Court Reporter
United States District Court
120 North Henry Street, Room 120
Madison, WI 53703
1-608-255-3821

1 THE CLERK: This is the third day of the court trial
2 regarding white-tailed deer in Case 74-C-313, Lac Courte
3 Oreilles, et al., versus State of Wisconsin. May I have the
4 appearances, please.

5 MS. TIERNEY: Kathryn Tierney appearing on behalf of
6 the Lac du Flambeau Band.

7 MR. BICHLER: Howard Bichler appearing on behalf of the
8 St. Croix Chippewa Indians of Wisconsin.

9 MS. SCHWALBE: Tracey Schwalbe appearing on behalf of
10 the Lac Courte Oreilles Band.

11 MR. ROSENBERG: Milt Rosenberg on behalf of Red Cliff.

12 MR. SIEGLER: David Siegler appears for the Bad River
13 Band.

14 MR. CHARLTON: Earl A. Charlton for Mole Lake Band.

15 THE COURT: Thank you.

16 MR. DOSCH: Tom Dosch for the defendants.

17 MS. LEVIN: Lisa Levin for the defendants.

18 MR. GABRYSIAK: Jeff Gabrysiak for the defendants.

19 (Reporter's Note: Whereupon, testimony of Homer Moe
20 was held in open court, was previously transcribed, and is Court
21 Document #1127. Proceedings continued in open court at 10:30
a.m. as follows:)

22 THE CLERK: Be seated and come to order.

23 MR. GABRYSIAK: The State calls adversely the police
24 enforcement witness expert, Chuck Connors.

25 THE COURT: All right. Mr. Connors.

1 members in this Model Code, you didn't look to see if summer
2 hunting was allowed in any other state of this country; did you?

3 A Could I just ask a clarifying question? By "state" I assume
4 you mean by state law.

5 Q By the state governments.

6 A Right. No, I did not.

7 Q Before drafting the deer shining provisions in the Model
8 Code you didn't consult with any experts in hunter safety
9 either; did you?

10 A Was that on shining?

11 Q On shining.

12 A No, I did not.

13 Q Instead you relied simply on your assumption that deer
14 hunting by shining presented no dangers in addition to those
15 that the state tolerates for raccoon and fox and coyote hunting
16 at night; isn't that correct?

17 A I looked to the provisions of Chapter 29 that define shining
18 under state law, and I presumed that the safety involved in that
19 was equivalent to that involved with deer, yes.

20 Q Now, although you didn't consult any safety experts on the
21 safety aspects of deer shining and hunting by firearms before
22 you drafted that provision, you did receive some unsolicited
23 advice on the subject from the chief law enforcement officer at
24 GLIFWC; didn't you?

25 A Yes, that's correct.

1 Q And do you know who Maynard Whitebird is?

2 A Yes, I do.

3 Q In 1987 he was the chief law enforcement officer at GLIFWC;
4 wasn't he?

5 A Yes, he was.

6 Q He was Mr. Defoe's predecessor, one of Mr. Defoe's
7 predecessors.

8 A Yes.

9 Q He was the chief law enforcement officer before Mr. Connor;
10 is that correct?

11 A I think he directly preceded Mr. Connor, yes.

12 Q And Mr. Connor has been succeeded by Mr. Defoe?

13 A Yes.

14 Q I would like you to look at what is marked as Exhibit Number
15 551 in Volume III of the defendants' exhibits, and I would ask
16 if you recognize that document.

17 A The number again, please?

18 Q 551.

19 A Yes, I do.

20 Q And you received this document from Mr. -- I'm sorry. I
21 will give the Court an opportunity to find it.

22 THE COURT: Thank you, Mr. Dosch.

23 MR. DOSCH:

24 Q Now, you received this document; didn't you?

25 A Yes, I did.

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

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

Plaintiffs,

-vs-

STATE OF WISCONSIN; WISCONSIN
NATURAL RESOURCES BOARD;
CARROLL D. BESADNY; JAMES
HUNTOON; and GEORGE MEYER,

Defendants.

DEPOSITION of ARCHIE MOSAY, called as a witness in
the above-entitled matter. taken at the instance of the
Defendants, before Alis A. Piasecki, a Notary Public in and
for the State of Wisconsin, at the Great Lakes Indian Fish
and Wildlife Commission in the Town of Odanah, Wisconsin, on
the 25th day of July, 1989, commencing at 11:50 o'clock a.m.



Case Number
74-C-313-C

ALIS A. PIASECKI, CSR, RPR
Minocqua, Wisconsin 54548
(715) 356-3168



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APPEARANCES:

Kathryn L. Tierney, Attorney at Law, appeared on behalf of the Plaintiff Lac du Flambeau Band of Lake Superior Chippewa Indians.

Howard J. Bichler, Attorney at Law, appeared on behalf of the Plaintiff St. Croix Chippewa Indians of Wisconsin.

Tracey Schwalbe, Attorney at Law, appeared on behalf of the Plaintiff Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

David J. Siegler, Attorney at Law, appeared on behalf of the Plaintiff Bad River Band of the Lake Superior Chippewa Indians.

Jeffrey M. Gabrysiak, Thomas L. Dosch and Lisa Levin, Assistant Attorneys General, State of Wisconsin Department of Justice, appeared on behalf of the Defendants.

WHEREUPON, the following proceedings were held and testimony taken:

* * * * *

I N D E X

<u>EXAMINATION</u>	<u>PAGE</u>
By Mr. Gabrysiak	3-24
By Mr. Bichler	24-26
By Ms. Schwalbe	27-28
By Mr. Gabrysiak (further)	28-29

E X H I B I T S

(No Exhibits Marked)

1 ARCHIE MOSAY,

2 called as a witness in the above-entitled matter, first
3 having been duly sworn to testify to the truth, the whole
4 truth and nothing but the truth, on his oath, testified
5 as follows:

6 EXAMINATION BY MR. GABRYSIAK:

7 Q Mr. Mosay, what's your full name?

8 A My name is Archie Mosay.

9 Q Do you have a middle name?

10 A No, I haven't.

11 Q How do you spell your last name?

12 A M-o-s-a-y.

13 Q Do you know when you were born?

14 A 1908.

15 Q And what date do you know?

16 A August 30th.

17 Q Where do you live?

18 A Balsam Lake.

19 Q Do you have a mailing address?

20 A Yeah,

21 Q What's that?

22 A Archie Mosay, Box 463.

23 Q Now, this is called a deposition. Have you ever done
24 this before, testified?

25 A No.

Q Okay. Basically it just allows me to ask you some

ALIS A. PIASECKI, CSR, RPR
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1 questions. Okay?

2 A Uh-huh.

3 Q And you can answer the questions. Okay?

4 A Uh-huh.

5 Q And you got to answer by yes or no. You just can't shake
6 your head one way no or yes. You have got to say yes or
7 no. Okay?

8 A Uh-huh. If I can't answer the question, I will just say
9 no.

10 Q That's right. If you don't understand something, you
11 just say, "I don't understand it," too, and then I will
12 ask the question a little different.

13 A Yeah.

14 Q Okay?

15 A Yeah.

16 Q Are you retired now, sir?

17 A Yeah.

18 Q What did you do before you retired?

19 A Worked for the county highway for 34 years.

20 Q What county was that?

21 A Polk County.

22 Q What did you do for Polk County working for the highway
23 department or county?

24 A I drove every machinery, Cats, trucks.

25 Q Were you ever in the service?

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- 1 A No.
- 2 Q Army or anything like that?
- 3 A No. I was too young, first World War. I was too old,
4 and second Word War I had a family, and second World War
5 I had three girls.
- 6 Q Do you live on the reservation?
- 7 A No, I don't.
- 8 Q Have you ever lived on an Indian reservation?
- 9 A No, I never did.
- 10 Q Do you hold any tribal positions? You mentioned that you
11 were Chief.
- 12 A Yeah.
- 13 Q Of which tribe are you Chief of?
- 14 A Ojibway.
- 15 Q Is there a specific band of the Ojibways?
- 16 A Yes.
- 17 Q Which band?
- 18 A St. Croix.
- 19 Q How long have you been Chief?
- 20 A Since '71.
- 21 Q Do you get elected to that position?
- 22 A Yes, elected by my dad. My dad was Chief.
- 23 Q And he picks the next chief?
- 24 A Yeah.
- 25 Q Have you-- Have you selected a chief to become a chief

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1 after you are done being Chief?

2 A Yeah.

3 Q Who might that be?

4 A My oldest son.

5 Q Okay. Who is that?

6 A Dan D. Mosay.

7 Q When did your father die? Is your father still living?

8 A No. He died '72 .

9 Q And you have been Chief since 1972?

10 A Right.

11 Q You have been listed as a person who knows about the
12 religious and ceremonial--

13 A Yes.

14 Q --teachings of the Ojibway tribe.

15 A Yes.

16 Q And you have been asked by your--Mr. Bichler here and the
17 other tribal attorneys to testify in court?

18 A Yeah.

19 Q Do you understand what they are going to have you testify
20 about?

21 A About Indian culture I suppose, Indian rights.

22 Q And how that affects the harvesting of deer?

23 A Well, like I said, harvesting the deer over certain time
24 of the year, it's all right I suppose, but I will testify
25 that no hunting deer at nighttime or guns in the car. I

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1 don't think is right to do that.

2 Q Okay. I will ask you some questions about that a little
3 later. Okay? Let me ask you this. What allows you to
4 have knowledge about the ceremonial and religious
5 practices of the Ojibway? How did you learn about these
6 things?

7 A I learned by going to the medicine lodge.

8 Q Where would that be?

9 A Well, have in Big Round Lake twice a year.

10 Q Who is the teacher there that teaches you these things?

11 A Oh, there is a lot of elders teach, not only one, maybe,
12 oh, five of them.

13 Q Is it mostly through just what you hear from the elders,
14 or is there actually some books or pamphlets like that
15 you read?

16 A Don't use books. You put them things you are supposed to
17 know from the Indian people, put it in your mind.

18 Q Before I began asking questions you said some words in a
19 language which I didn't understand. What language was
20 that?

21 A That's Ojibway language.

22 Q This may sound like a stupid question, but is that a
23 written language or only a spoken language?

24 A Spoken language, not written.

25 Q So, you can't really learn a lot of these things from

1 books because it is only a spoken language--

2 A Yeah.

3 Q --as opposed to a written language; is that correct?

4 A Right.

5 Q You mentioned that you started to learn some of these
6 things from the elders?

7 A Yeah.

8 Q When did you first start your education about the
9 ceremonial and religious practices of the Ojibway people?

10 A When I was about 16 years old.

11 Q And you probably learn something new every day; would
12 that be correct?

13 A Yeah.

14 Q We all do; don't we? Now, what you know about the
15 Ojibway religious and ceremonial practices, would that
16 apply to other Indian bands, say like the Mole Lake or
17 the Lac du Flambeau Band or possibly the Red Cliff Bands?
18 What I am saying, do they have the same religious and
19 ceremonial practices?

20 A I don't think they have the same like Mole Lake people
21 because they are--they are Potawatomis, you know.
22 Flambeau, LCO, St. Croix, and I think that's about the
23 only ones I know that has the same kind of a--

24 Q Would you say that what you know about the religious--
25 excuse me. I will backtrack here a little bit. Would it

1 be your understanding that what you are taught regarding
2 the religious and ceremonial practices of your band is
3 pretty much the same thing as Lac du Flambeau?

4 A Yeah.

5 Q Red Cliff?

6 A Yeah.

7 Q Lac Courte Oreilles?

8 A Lac Courte Oreilles.

9 Q And you are St. Croix; right?

10 A Yeah.

11 Q But different than the Mole Lake?

12 A Yeah, different than Mole Lake.

13 Q Bad River. What about Bad River? Is it the same as the
14 Bad River or different than Bad River?

15 A It used to be years ago. I don't know about now. I
16 don't know anything about them now, used to be years ago.

17 Q But Mole Lake is a little different?

18 A Yeah. Mole Lake is a little different. Winnebagos is
19 different and--

20 Q How does the religious and ceremonial practices or
21 teachings of the Ojibway people relate to either the
22 hunting or the capture of deer?

23 A Well, like hunting deer, you know, the Indian people or
24 whatever they do in the ceremony, they have to have a
25 deer or wild rice or berries or hominy. corn, years and

1 years ago, and use hominy for different purposes in the
2 ceremony.

3 Q What is hominy? I don't understand that.

4 A Hominy. corn.

5 Q Corn?

6 A Yeah. You see hominy in the cans in the store. Indians,
7 they made their own hominy.

8 Q Is there any religious or ceremonial significance to the
9 act of taking the deer, the actual shooting it?

10 A Yeah.

11 Q What is that?

12 A Well, it's just like going to have a Big Drum Powwow or
13 like a person passes away, ceremonial burial, or a
14 namesake feast or wedding feast or different things, and
15 that's what they use. That's the only thing they had,
16 the Indian people, before the white people come. They
17 didn't have everything they got now.

18 Q Say you have a Big Drum celebration and the people of
19 your tribe want to get some deer to eat during the
20 celebration. Can you-- Assume all those things. Okay?

21 A Yeah.

22 Q Is there any religious teachings or ceremonial teachings
23 which say that a deer has to be taken, obtained, in a
24 special way, that is you must use a bow instead of a gun
25 or you must hunt during the day instead of the night?

- 1 A Yeah.
- 2 Q Are there any certain religious teachings that tell you
3 the method you must take the deer by?
- 4 A No, I don't think--
- 5 Q No?
- 6 A I don't think so. Not that I know of.
- 7 Q So, say you had that Big Drum ceremony. Okay?
- 8 A Yeah.
- 9 Q When does that take place?
- 10 A That takes place-- Maybe they have it twice a year, like
11 in the spring and the fall, maybe around in October or
12 September and October and things like that.
- 13 Q So--
- 14 A That's the best time to take a deer is in September after
15 the does feed their young or before the bucks runs or--
- 16 Q Say you for your tribe wanted to obtain a deer for the
17 fall Big Drum celebration. Okay?
- 18 A Yeah.
- 19 Q If there was a rule that said you couldn't-- Say there
20 was a state law that said you couldn't take that deer by
21 going out at night and shining the deer.
- 22 A Yeah.
- 23 Q Would that rule violate your--your religious teachings?
- 24 A Yeah.
- 25 Q How is that?

- 1 A You are not supposed to shoot at night.
- 2 Q So, my question was if there was-a rule that said you
3 could not go out and shoot at night--
- 4 A No.
- 5 Q --would that violate your--
- 6 A Yeah.
- 7 Q How is that?
- 8 A Well, that's religion, and other Indian people not
9 supposed to shoot at night.
- 10 Q So, it's your religion you are not supposed to shoot at
11 night?
- 12 A Right.
- 13 Q So, if the State had the same rule that you shouldn't
14 shoot at night, that would be okay with you; right?
- 15 A Right.
- 16 Q And it wouldn't be against your religion?
- 17 A Uhn-uhn.
- 18 Q That rule?
- 19 A No.
- 20 Q What about--
- 21 A The Indian people, they didn't do what the white people
22 are doing now. They don't do that years ago.
- 23 Q They didn't go out and shoot at night?
- 24 A Uhn-uhn.
- 25 Q And you shouldn't go out and shoot at night according to

1 your religion; right?

2 A Right.

3 Q And so if tribal members went out and shot at night they
4 would be violating the ceremonial and religious practices
5 of your religion; right?

6 A Right.

7 Q What about if a deer hunter for that same Big Drum
8 ceremony during the fall wanted to go out and shoot from
9 the road and the State had a law against that, going out
10 and shooting from a road or on a road? Would that
11 violate your religion?

12 A Yeah, that violate the Indian religion because you are
13 not supposed to shoot a deer from a car or on a road or--

14 Q So, what you are saying is that your religion says you
15 should not go out and shoot a deer from a road or a car?

16 A No.

17 Q So, if the State had that same law that said you should
18 not shoot from a road or a car, that would be the same
19 rule you have got; right?

20 A Right.

21 Q What are the other rules that you have got regarding deer
22 hunting in your religion other than just you shouldn't
23 shoot from a road or a car or you shouldn't shoot from
24 using a light? Are there other rules?

25 A Well, I would think years ago the Indian people didn't

1 shoot deer in the night or with a light, or like they
2 were asking me about how old a child, a boy, has to--how
3 old it has to be before he can go out hunting. Well, the
4 boys has to be certain age to go hunting.

5 Q According--

6 A They didn't go hunting 12 years old.

7 Q How old do they go?

8 A They go maybe 18, 19.

9 Q And not before?

10 A Not before. But now these DNR now, they sell to kids 12
11 years old to go hunting.

12 Q According to your religion is that wrong?

13 A That's wrong.

14 Q According to your teachings if the State--I will take all
15 that back. When you say hunting, what do you mean by
16 hunting, actually carrying the gun?

17 A Carrying the gun.

18 Q Would it be okay for a younger tribal member, say a
19 tribal member of 12 or 14, to walk along say with his dad
20 and who is carrying a gun and going hunting?

21 A Yeah, if he was over 12, not before.

22 Q You think he ought to be over 12?

23 A Yeah.

24 Q And that's because of what your religion tells you,
25 Archie?

- 1 A Yeah. I walked behind my dad all the time when I was
2 young when he was hunting, but I never carried a gun.
3 Same way my Grandma's brother, be my uncle, be the one
4 showed me how to hunt and to trap and fish and
5 everything. He showed me how to do--showed me how to
6 snare rabbits or--because that's all we lived on is
7 wildlife. We didn't have no bread like the Indian people
8 have now. never had no butter on the table or potatoes
9 or-- You use sweet potatoes would get out of the swamp
10 or-- That's all I lived on when I was here. I didn't
11 get to live in a tarpaper shack until I was 16 years old.
12 I lived in a tepee and wigwams at that time, and I wasn't
13 born by a doctor. I wasn't born in the hospital or-- I
14 was born by women they called midwives. That's the way I
15 was born. Maybe I was born in a tepee or wigwam. I
16 probably was born out in the brush someplace. It's hard
17 to tell where I was born. I can't remember that; but I
18 remember some of the things I did after I got to know
19 things, how it was going to be done, what should be done.
- 20 Q What makes it wrong under the Chippewa religion for a
21 young fellow say 15 or 16 to go--or-- Let me start all
22 over. What makes it wrong under the Ojibway religious
23 and ceremonial teachings for a person under the age of
24 say 18 or 19 to go out hunting by himself? What's wrong
25 with that?

ALIS A. PIASECKI, CSR, RPR
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1 A Well, there is kids are careless with guns.

2 Q And your religion tries to proteest kids; right?

3 A Right. Worse now than it used to be.

4 Q Why is it worse now do you think?

5 A Well, there is too many people. You know, take a hunter
6 goes--a young kid goes out in the woods, he doesn't know
7 what he is doing, if you see a little brush move
8 someplace, shoot a man or somebody.

9 Q There is a lot more people in this area now than there
10 was 50 years ago?

11 A Oh, yeah, God. I live 17 miles from Balsam Lake to St.
12 Croix Falls. We used to get our supplies in St. Croix
13 Falls, like from a place where the groceries that come on
14 the river boat. We used to walk there maybe a couple
15 times a month. There was only one farm between Balsam
16 Lake and St. Croix Falls, and that's 17 miles. The rest
17 was all woods. You just walk through the woods.

18 Q Let me ask you this, Archie. Understanding that there is
19 a need for the--your tribe to obtain deer on many
20 different ceremonial occasions--

21 A Yeah.

22 Q --is there any specific method that must be chosen,
23 because of the religion or the specific ceremony that the
24 method that must be chosen to take the deer, whether it
25 be a gun or a snare or a bow and arrow? Is there any

1 specific method you must choose when you need a deer for
2 a specific ceremony?

3 A Well, years ago when I was young there wasn't very many
4 guns, you know, have to shoot them with a bow and arrows.
5 That's only the way-- Like I said, my grandmother's
6 brother, all he ever used was a bow.

7 Q What I am asking you, Archie, is there any ceremony
8 whereby your religious teachings tell you that you must
9 take the deer with a bow and arrow as opposed to using a
10 gun or you must take the deer with a gun as opposed to
11 the bow and arrow or some other method?

12 A Well, supposed to take it with a bow and arrow, bow and
13 arrows or a snare or something.

14 Q For all the ceremonies?

15 A Uh-huh.

16 Q Is it okay to use a gun to take a deer for a ceremony
17 though?

18 A Now it is.

19 Q Now it is?

20 A They don't use-- Indians don't use bows anymore and
21 arrows.

22 Q Is there any tradition or religious teaching that tells
23 you that deer must be hunted at a certain time and can't
24 be hunted at other times?

25 A Yeah.

1 Q What's that?

2 A Well, like in--like in the spring of the year they don't
3 hunt--they don't hunt deer on account of, you know, the
4 does are feeding their young, or that's why they didn't
5 hunt. Only after they knew the young couldn't nurse
6 their mother, then they go out and hunt.

7 Q What months of the year don't you hunt deer for religious
8 or ceremonial purposes?

9 A About maybe--maybe May, June, July, August maybe. In
10 September you can start hunt.

11 Q You can start hunting in September, but you don't hunt
12 deer for ceremonial purposes say from May, June, July,
13 August: is that right?

14 A Yeah.

15 MR. BICHLER: Are you talking about both
16 sex or just one sex?

17

18 MR. GABRYSIAK: You can ask the witness
19 questions when I get done, okay, Howard?

20 MR. BICHLER: Okay.

21 MR. GABRYSIAK:

22 Q But I will ask you that question, okay, now that it's
23 been brought up? Does it matter about the sex of the
24 deer or just that you don't hunt deer during those
25 months?

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- 1 A That's right.
- 2 Q Doesn't matter what sex is it?
- 3 A Uhn-uhn.
- 4 Q So, you don't hunt deer during May, June, July or August;
- 5 right?
- 6 A Right.
- 7 Q For ceremonial/religious purposes; right?
- 8 A Yeah.
- 9 Q In terms of this road hunting, should a tribal member
- 10 ever shoot a deer from a car even though the car is
- 11 stopped according to your religious or ceremonial
- 12 teachings?
- 13 A Yeah. I have seen people shoot deer before the car stops.
- 14 Q Is that proper according to your religious or ceremonial
- 15 teachings?
- 16 A Yeah, it's proper.
- 17 Q I thought you said you shouldn't hunt deer from a car?
- 18 A I mean-- You mean shoot in the car, a deer from a car?
- 19 Q Yeah.
- 20 A Yeah, you are not supposed--you got to get off in a car,
- 21 off of the road before you shoot a deer.
- 22 Q You should hunt for it; right?
- 23 A Right.
- 24 Q That's part of the ceremony, is going off the road--
- 25 A Yeah.

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1 Q --and hunt for the deer, tracking it down; right?

2 A Right. You are not supposed to take a gun out through
3 the windows hunting and shoot a deer.

4 Q And the same thing for shining a light on the deer?

5 A Yeah.

6 Q You don't need to do that for religious or ceremonial
7 reasons because that's too easy; right?

8 A Too easy.

9 Q Unsafe?

10 A Unsafe. right.

11 Q What else about-- Let me go back. Are there any
12 specific areas of the state that have specific religious
13 or ceremonial reasons as to why tribal members should
14 hunt deer in that particular area?

15 A No. I don't think-- You can hunt deer anyplace.
16 Anyplace where you go you can hunt deer.

17 Q And there is no specific religious or ceremonial teaching
18 that tells you to hunt deer in a particular zone or
19 place?

20 A No.

21 Q What about hunting deer from boats?

22 A Boats?

23 Q Yeah. Is there any ceremonial or religious significance
24 to hunting deer from boats?

25 A Well, the Indian people used to hunt deer in boats in the

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1 daytime, but never hunt by boat in the nighttime. You
2 can go out before sunset and hunt from the boat or on the
3 lake or river or something.

4 MR. GABRYSIAK: Can we take a five minute
5 break?

6 (A BREAK WAS TAKEN)

7 MR. GABRYSIAK: Okay. Back on the record.

8 Q As Chief of the St. Croix tribe, what are your duties?
9 What do you do?

10 A Me?

11 Q Yeah.

12 A Oh, I just talk to the Indian people, different things
13 whenever they want me, like different ceremonies I talk
14 with them, pray for them, whatever they do. I am busy
15 all the time. I go different places like Maple Plain or
16 Round Lake or Hertel or Danbury or-- I am never home
17 during the day. I am gone all the time.

18 Q What type of ceremonies do you need deer for? What type
19 of ceremonies or occasions?

20 A Any kind of ceremony like Big Drum Powwow or weddings or
21 like ceremonial burials or--

22 Q What happens if somebody wants to get married in June and
23 they want a deer and you told me they shouldn't be taking
24 deer in June?

25 A You have to go without, something else.

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- 1 Q There is other types of food you can eat?
- 2 A Yeah.
- 3 Q Because your religious teachings say you shouldn't be
4 taking deer during that time?
- 5 A Right.
- 6 Q What about-- Let me take that back. Say I want to get
7 married and I want your involvement in my marriage. What
8 do I do? What's the process to get your approval for you
9 to get me married?
- 10 A You have to offer me some tobacco, and you have to offer
11 me some kind of a gift, pray for you, that you are going
12 to get married, you are going to use food.
- 13 Q Do I need your approval to do that?
- 14 A Yeah.
- 15 Q What happens if I have a young son and he is 12 years
16 old, no, let's make him ten years old, and he is a normal
17 ten year old boy size, I suppose four and a half feet,
18 five foot tall, and I want him to go hunting out by
19 himself, shoot a deer? What would I do if I wanted him
20 to do that?
- 21 A You are not supposed to let him go hunting if he is that
22 age.
- 23 Q And if I came to you and asked your permission, what
24 would you do?
- 25 A Tell you don't send him out there.

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1 Q And if I wasn't satisfied with your answer, could I take
2 him to somebody else and ask that person?

3 A He would be violating his religion.

4 Q Is there another person I could take him to that could
5 give me approval?

6 A Yeah, you could take him to another one. He would be
7 violating his religion, too.

8 Q That other person would be violating?

9 A Yeah, any do. The same thing if I tell you without
10 permission from the chief. If I tell you send him out to
11 hunting, I would be violating my religion.

12 Q Say the tribal council said okay, it's okay for that ten
13 year old boy to go out and hunt, said that was okay.
14 Would they be violating their religion?

15 A Yeah, everything, would be violating religion.

16 Q Same thing if I wanted my boy to go out and shoot deer
17 from a car and the tribal council said it was okay?
18 Would the tribal council be violating their religion?

19 A Yep.

20 Q And what about if I wanted my boy to go out and shoot
21 deer at night and the tribal council said it was okay for
22 that boy to go out and shoot deer at night? Would that
23 tribal council be violating its religion?

24 A Everything would be violating, whatever.

25 MR. BICHLER: The question states that the

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1 tribal council has a religion that's being violated?

2 MR. GABRYSIAK:

3 Q If they were members of the religion, they would be
4 violating that religion; right?

5 A Right.

6 MR. BICHLER: The distinction is it's not
7 the tribal council that has the religion.

8 MR. GABRYSIAK: Individual. I refer to
9 the tribal council as individuals.

10 Q What if I wanted my boy to go out and hunt deer during
11 the month of June or July, say July?

12 A Same as violating religion.

13 Q And the tribal council said it was okay to go out and
14 hunt deer during July, they would be violating their
15 religion; right?

16 A Right.

17 (PAUSE)

18 MR. GABRYSIAK: No further questions. Any
19 clarifiers?

20 MR. BICHLER: Clarifying questions.

21 EXAMINATION BY MR. BICHLER:

22 Q Archie can you hear me all right?

23 A Yeah.

24 Q Okay. You earlier stated that you thought one shouldn't
25 go out hunting alone unless he was around 18 years old;

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- 1 is that correct?
- 2 A Correct.
- 3 Q What if I came to you or you had a son--
- 4 A Yeah.
- 5 Q --at what age would you take him out hunting--
- 6 A Oh--
- 7 Q --with you?
- 8 A Oh, maybe 13 or 14.
- 9 Q Uh-huh, and that would be your judgment as a parent?
- 10 A Yeah.
- 11 Q And as a religious leader?
- 12 A Yeah.
- 13 Q Is that correct? But 18 years old is when you would let
- 14 him go out by himself?
- 15 A Right.
- 16 Q Could it be earlier than that?
- 17 A No.
- 18 Q What about does every--do all--excuse me. You said
- 19 before that you--that you had an understanding of the
- 20 Indian religion for several other Chippewa tribes; is
- 21 that correct?
- 22 A Yeah. Yeah.
- 23 Q Do each of those tribes have religious leaders--
- 24 A Yeah.
- 25 Q --that their people follow?

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1 A Yeah.

2 Q And their people would be accountable to those--

3 A Yeah.

4 Q --leaders?

5 A Yeah.

6 Q Would their beliefs differ at all from yours?

7 A No.

8 Q Okay, but they all have other religious leaders; is that
9 correct?

10 A Right.

11 Q Did I understand you to say before that if I needed-- If
12 I had a burial feast in June, would I be able to go out
13 and get a buck deer at that time in June?

14 A No.

15 Q If I needed t for a feast?

16 A No. Have to use something else, wild rice or--

17 MR. BICHLER: Okay. I guess I would ask
18 any of the other attorneys if they have clarifying
19 questions.

20 MR. GABRYSIAK: I hear none. I have a
21 couple clarifying questions seeing you have nothing.

22 MS. TIERNEY: Tracey?

23 MR. GABRYSIAK: I got all day, but I
24 didn't hear any. So--

25 MS. TIERNEY: Tracey, do you have any?

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1 MS. SCHWALBE: I do have a couple
2 questions.

3 EXAMINATION BY MS. SCHWALBE:

4 Q One I guess that comes to mind, if someone needs a deer
5 for a feast, say for a naming feast, and they got that
6 deer by shining, can they use that deer for the feast?

7 A You mean shining it?

8 Q Yeah.

9 A Yeah, they can use it.

10 Q Okay. Seeing, seeing-- Well, to follow up on that, if
11 an individual had gotten the same deer by shooting from a
12 car, could that deer be used for the feast?

13 A Yeah, it can be used.

14 Q There would be nothing religiously improper about that?

15 A No.

16 Q Okay.

17 A They have to--they have to use the deer. They can't
18 waste it.

19 Q Right. Now, does the deer used for a ceremony have to be
20 a freshly killed deer?

21 A Yeah.

22 Q Okay. Could it be frozen?

23 A No.

24 Q Could it be a deer that perhaps the DNR had confiscated
25 from some other hunter and had given you to use for the

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1 feast?

2 A No, can't use it.

3 Q Okay. How--

4 MS. SCHWALBE: Okay. That's all.

5 FURTHER EXAMINATION BY MR. GABRYSIAK:

6 Q Archie, you mentioned that it would be okay for you to
7 take your son hunting with you at say age 14 or 15 or 13
8 or 14; right?

9 A Yeah.

10 Q But you wouldn't let your son carry a gun; would you?

11 A Yeah. I carried a gun when I was 13.

12 Q Okay. 13 you could carry a gun?

13 A Yeah.

14 Q But he couldn't go out alone until he was 18, 19?

15 A Right.

16 Q And he shouldn't carry a gun before he is age 13; should
17 he?

18 A No.

19 Q And what about-- You said that it was against the
20 Ojibway/Chippewa Indians' religious and ceremonial
21 teachings to shine deer at night; right?

22 A Yeah.

23 Q Would you agree with me then you would have no need to
24 carry guns in the cars that are loaded either?

25 A No.

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1 Q And even though you can use a deer that may have been
2 killed through shining or by shooting on a road for a
3 religious ceremonial celebration, you shouldn't go out
4 and do that though; should you?

5 A No.

6 MR. GABRYSIAK: Anything else? I have
7 nothing else. Thank you, everyone.

8 (WHICH CONCLUDED THE DEPOSITION AT 12:40
9 O'CLOCK P.M.)

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25

1 STATE OF WISCONSIN)
2) SS
3 COUNTY OF VILAS)

4 I, Alis A. Piasecki, a Notary Public in and
5 for the State of Wisconsin, do hereby certify that there came
6 before me on the 25th day of July, 1989, at 11:50 o'clock
7 a.m. the following named person, to wit: Archie Mosay, who
8 was by me duly sworn to testify to the truth and nothing but
9 the truth of his knowledge touching and concerning the matter
10 in controversy in this cause; that he was thereupon examined
11 upon his oath and his examination reduced to writing by me;
12 and that the deposition is a true record of the testimony
13 given by the witness.

14 I further certify that I am neither attorney
15 or counsel for, nor related to or employed by, any of the
16 parties to the action in which this deposition is taken, and
17 further that I am not a relative or employee of any attorney
18 or counsel employed by the parties hereto or financially
19 interested in the action.

20 Dated at Arbor Vitae, Wisconsin, this 25th day
21 of July, 1989.



22 Alis A. Piasecki, Notary Public
23 State of Wisconsin
24 My commission expires 4/26/92
25

ALIS A. PIASECKI, CSR, RPR
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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

Plaintiff's

vs.

STATE OF WISCONSIN, et.al.,

Defendants,

PLAINTIFF'S STATEMENT OF EXPERT WITNESSES

NOW COME THE plaintiffs, by their attorneys and pursuant to the court's scheduling order of May 30, 1989, and disclose that the persons whose names, titles and addresses are set forth below may be called as expert witnesses for the August 7, 1989, trial on whitetailed deer.

Jonathan H. Gilbert
Wildlife Biologist and wildlife Section Leader
Great Lakes Indian Fish and Wildlife Commission
P.O. Box 9
Odanah, WI 54861

Raymond Anderson
Professor of Wildlife
College of Natural Resources
University of Wisconsin-Stevens Point
Stevens Point, Wisconsin 54481

Chuck Connor
Chief Warden
Great Lakes Indian Fish and Wildlife Commission
P.O. Box 9
Odanah Wisconsin 54861

Honorable Fred Ackley
Sokaogan Chippewa Tribal Court
Route 1
P.O. Box 366-B
Crandon, Wisconsin 54520



Archie Mosay
c/o St. Croix Tribal Center
P.O. Box 287
Hertel, Wisconsin 54845

Mr. James Schlender, Executive Director
Great Lakes Indian Fish and Wildlife Commission
P.O. Box 9
Odanah, Wisconsin 54861

Mr. Thomas Busiahn
Biological Services Director
Great Lakes Indian Fish and Wildlife Commission
P.O. Box 9
Odanah, Wisconsin 54861

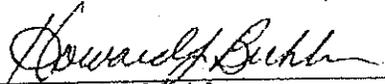
Mr. James Ruch, Director
Grand Canyon Trust
The Homestead
Route 4, Box 718
Flagstaff, Arizona 86001

Additionally, the plaintiffs disclose that they maybe calling one unidentified Great Lakes Indian Fish and Wildlife Commission Warden who will testify regarding enforcement and registration matters.

The plaintiffs also reserve the right to call any of the defendents witnesses and reserve the right to call rebuttal witnesses.

Dated this 23rd day of June 1989.

Respectfully submitted,


Howard J. Bichler
Attorney for plaintiff St. Croix
Chippewa Indians of Wisconsin
P.O. Box 287
Hertel, WI 54845
(715) 349-2195

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WISCONSIN

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Lac Courte Oreilles Band
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Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2009-01

Wisconsin 1837 and 1842 Ceded Territory Tribal Mentored Hunting

This Commission Order establishes the Tribes' mentored hunting regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §3.17 of each Tribe's Code subject to each Tribe's own ratification principles.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters. The Wisconsin Legislature recently passed the Mentored Hunting Bill, *2009 Wisconsin Act 39*. This change in State law expands hunting opportunities for hunters less than twelve years of age and for hunters that have not been issued a certificate of accomplishment from a hunter education and firearm safety course. Likewise, this Order is issued to expand hunting opportunities for tribal hunters less than twelve years of age and for tribal hunters that have not been issued a certificate of accomplishment from a tribal hunter education and firearm safety course.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Mentored Hunting Regulations. Starting in 2009, and for each year thereafter unless and until changed by a subsequent order or mandatory reversion is required, the following parameters for Tribal Mentored Hunting shall apply:

Subd. 1: Additional Exception to the Hunter Education Requirements and Restrictions on Hunting by Members. A member may hunt while possessing a firearm, bow and arrow or crossbow without having been issued a certificate of accomplishment from a tribal hunter education and firearm safety course when the member is hunting with a mentor who complies with the requirements as specified in this Order.



Subd. 2: Requirements for Acting as a Mentored Hunter. No member may hunt with a mentor unless all of the following requirements are met: (i) The mentored hunter must be at least 10 years of age; (ii) No member shall hunt without possessing a valid tribal off-reservation natural resources harvesting permit or such other permit as the Codes may require validated for the particular type of activity to be engaged in for the particular season in question; (iii) No member shall hunt without possessing a valid carcass tag, except as otherwise provided in the Codes; (iv) The mentored hunter may only hunt while within arms reach of a mentor; (v) The mentored hunter must follow all other restrictions as provided in the Codes; (vi) A 10 and 11 year old tribal member may only hunt under these mentorship requirements, even if they already completed hunter education.

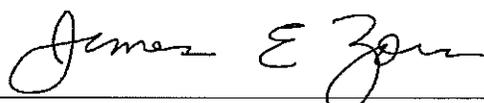
Subd. 3: Requirements for Acting as a Mentor. No adult may serve as a qualified mentor for a hunter unless all of the following requirements are met: (i) The adult must be a parent or guardian of the mentored hunter for whom he or she is serving as a mentor or is an adult member authorized by the parent or guardian to serve as a mentor; (ii) At all times while serving as mentor, the mentor must be in arm's reach of the person for whom he or she is serving as a mentor; (iii) If born on or after January 1, 1977 the mentor must have been issued a certificate of accomplishment under a tribal hunter education and firearm safety course, unless one of the exceptions as specified in the Codes applies; (iv) The mentor must possess a valid tribal off-reservation natural resources harvesting permit or such other license as required by law.

Subd. 4: Requirement for Both the Mentored Hunter and the Mentor. Only one firearm, bow, or crossbow can be possessed jointly between the mentored hunter and the mentor.

Sec. 3: Tribal Mentored Hunting Permits. Starting in 2009, and for each year thereafter unless and until changed by a subsequent order or mandatory reversion is required, the Tribal Conservation Department is authorized to issue permits marked "mentored hunting" to mentored tribal hunters.

Sec. 4: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal mentored hunting regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 10th day of September, 2009.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Mentored Hunting

Model Code revision regarding tribal mentored hunting [§3.17 (Hunter Education Requirements and Restrictions on Hunting by Members Under 16 years of Age)] are (deletions shown by ~~strikeout~~ and additions by redline):

3.17 Hunter Education Requirements and Restrictions on Hunting by Members Under 16 years of Age.

(1)(a) Certificate of Accomplishment Required. Except as provided in subs. (b), no member born on or after January 1, 1977 may hunt while possessing a firearm, bow and arrow or crossbow unless the member has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course.

(b) Exceptions. A member may hunt while possessing a firearm, bow and arrow or crossbow without having been issued a certificate of accomplishment from a tribal hunter education and firearm safety course when:

(i) the member has a certificate, license or other evidence indicating that he or she has completed a hunter safety course offered by another tribe, state or province and the course is substantially similar to the Tribe's hunter safety course; or

(ii) the member has successfully completed basic training in the U.S. Armed Forces, Reserves or National Guard; or

(iii) the member is hunting with a mentor who meets the requirements as specified in subs. (3) and complies with the requirements as specified in subs. (2).

(2) Additional Restrictions on Hunting by Members Under 14 Years of Age.

(a) Persons Under ~~12~~ 10 Years of Age. No member under ~~12~~ 10 years of age may hunt while possessing a firearm, bow and arrow or crossbow.

(b) Persons 10 to 12 Years of Age. No member 10 years of age or older but under 12 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless at all times while hunting, the person is a mentored hunter who meets the requirements as specified in subs. (3);

(c) Persons 12 to 14 Years of Age. No member 12 years of age or older but under 14 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless he or she is accompanied by a parent, guardian or other adult member designated by a parent or guardian.

(d)~~(c)~~ Persons 14 to 16 Years of Age. No member 14 years of age or older but under 16 years of age may hunt while possessing a firearm, bow and arrow or crossbow unless he or she:

(i) is accompanied by a parent, guardian or other adult member designated by a parent or guardian; or

(ii) has been issued a certificate of accomplishment under a tribal hunter education and firearm safety course or a similar certificate issued by another tribe, state or province;

(e)~~(d)~~ Parental Obligation. No parent, guardian or other member shall authorize or knowingly permit or encourage a child under 16 years of age to violate this section.

(3) Mentored Hunting Restrictions.

(a) Requirements for Acting as a Mentored Hunter. No member 10 years of age or older may hunt with a mentor unless all of the following requirements are met:

(i) No member shall hunt without possessing a valid tribal off-reservation natural resources harvesting permit or such other permit as this ordinance may require validated for the particular type of activity to be engaged in for the particular season in question;

(ii) No member shall hunt without possessing a valid carcass tag, except as otherwise provided in this ordinance.

(iii) The mentored hunter may only hunt while within arms reach of a mentor;

(iv) The mentored hunter must follow all other restrictions as provided in the ordinance;

(v) A 10 and 11 year old tribal member may only hunt under these mentorship requirements, even if they already completed hunter education.

(b) Requirements for Acting as a Mentor. No adult may serve as a qualified mentor for a hunter unless all of the following requirements are met:

(i) The adult must be parent or guardian of the mentored hunter for whom he or she is serving as a mentor or is an adult member authorized by the parent or guardian to serve as a mentor.

(ii) At all times while serving as mentor, the mentor must be in arm's reach of the person for whom he or she is serving as a mentor.

(iii) If born on or after January 1, 1977 the mentor must have been issued a certificate of accomplishment under a tribal hunter education and firearm safety course, unless one of the exceptions as specified in subs. (1) applies.

(iv) The mentor must possess a valid tribal off-reservation natural resources harvesting permit or such other license as required by law.

(c) Requirement for both the Mentored Hunter and the Mentor. Only one firearm, bow, or crossbow can be possessed jointly between the mentored hunter and the mentor.

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MINNESOTA

Fond du Lac Band
Mille Lacs Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2010-01

Wisconsin 1837 and 1842 Ceded Territory Tribal Restraining Snare Regulations

This Commission Order establishes the Tribes' restraining snare regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §8.19 of each Tribe's Code subject to each Tribe's own ratification principles.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters. The Wisconsin Legislature recently amended its rules pertaining to the use of restraining snares on land. This change in State law expands the regulations pertaining to the use of restraining snares for trappers. Likewise, this Order is issued to expand trapping opportunities for tribal trappers pertaining to the use of restraining snares.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Restraining Snare Regulations. Starting in 2010, and for each year thereafter unless and until changed by a subsequent order or mandatory reversion is required, the following parameters for the Tribal use of restraining snares shall apply:

Subd. 1: Small Game Species. A member may only trap by the use of a restraining snare for the following species: fox, coyote and bobcat .

Subd. 2: Closed Season. A member may only trap by the use of a restraining snare from October 1 – March 31.

Subd. 3: Staking a Restraint Snare. A member may only trap by the use of a restraining snare when the restraining snare is staked in a manner that prohibits the



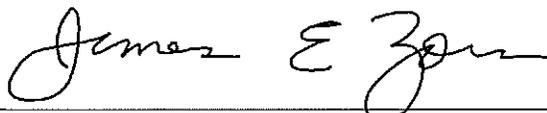
restraint device to reach any part of a fence, rooted woody vegetation greater than ½inch diameter, or any other immovable object or stake that could cause entanglement.

Subd. 4: Set Size of a Restraining Snare. A member may only trap by the use of a restraining snare when the restraining snare is set, placed or operated with the bottom of the loop less than 6 inches or greater than 12 inches above the first surface beneath the bottom of the set restraint snare loop, where the surface is ground, ice, crusted or packed snow or any other hard surface.

Subd. 5: Restraining Snare Noose Cable and Attachment Specifications. A member may only trap by the use of a restraining snare when the restraining snare is set, placed or operated in a manner so that the noose cable and noose attachments conform to the following specifications: (i) Cable length may not exceed 7 feet; (ii) Cable must be galvanized and include a swivel; (iii) It must be non-spring activated; (iv) Cable must be made of multiple strands of wire, with a diameter of 3/32 inch or larger; (v) Include a breakaway device or stop rated at 285 pounds or less; (vi) Include a relaxing reverse-bend washer lock with a minimum outside diameter of 1¼ inches; (vii) Include cable stops affixed to the cable to ensure that the portion of the cable, which makes up the noose loop, may not be longer than 38 inches when fully open, or less than 8 inches when fully closed.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal restraining snare regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 9th day of December, 2010.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Restraining Snare Regulations

Model Code revision regarding tribal restraining snare regulations [§8.02 (Definitions) and §8.19 (Specific Snaring and Restraining Snare Regulations)] are (deletions shown by ~~strikeout~~ and additions by redline):

8.02 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

- (1) “Bow” shall have the meaning prescribed in Section 6.01(2).
- (2) “Restraining Snare” means while trapping to use a wire noose used for restraining furbearing animals which does not allow the device or trapped animal to reach unfrozen water.
- (3) ~~(2)~~ “Crossbow” shall have the meaning prescribed in Section 6.01(3).
- (4) ~~(3)~~ “Firearm” shall have the meaning prescribed in Section 6.01(4).
- (5) ~~(4)~~ “Hunt” or “Hunting” shall have the meaning prescribed in Section 2.01(8) but shall not include trapping for the purposes of this chapter.
- (6) ~~(5)~~ “Trap”, in addition to the meaning prescribed in Section 2.01(14), means to trap or snare, including the use of a restraining snare.
- (7) ~~(6)~~ “Unprotected Species” means:
 - (a) Opossum, skunk, weasel, woodchuck;
 - (b) Starlings, English sparrows, coturnix quail, chukar partridge and rock doves;
 - (c) All other unprotected species as defined in Section 2.01(17).

8.19 Specific Snaring and Restraining Snare Regulations.

(1) No member shall trap small game by the use of a snare except in compliance with the following provisions:

- (a) ~~(1)~~ Any snare must be anchored so that it may not be dragged.
- (b) ~~(2)~~ Any snare must be tagged as in Section 8.17(1).
- (c) ~~(3)~~ No snare may be spring activated.

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

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

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

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

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

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

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

(k) ~~(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.

(l) ~~(12)~~ No upland snare shall be set with a loop size greater than 10" in diameter.

(m) ~~(13)~~ Members may use braided picture wire snares without locks or swivels for the purpose of snaring rabbits or hares.

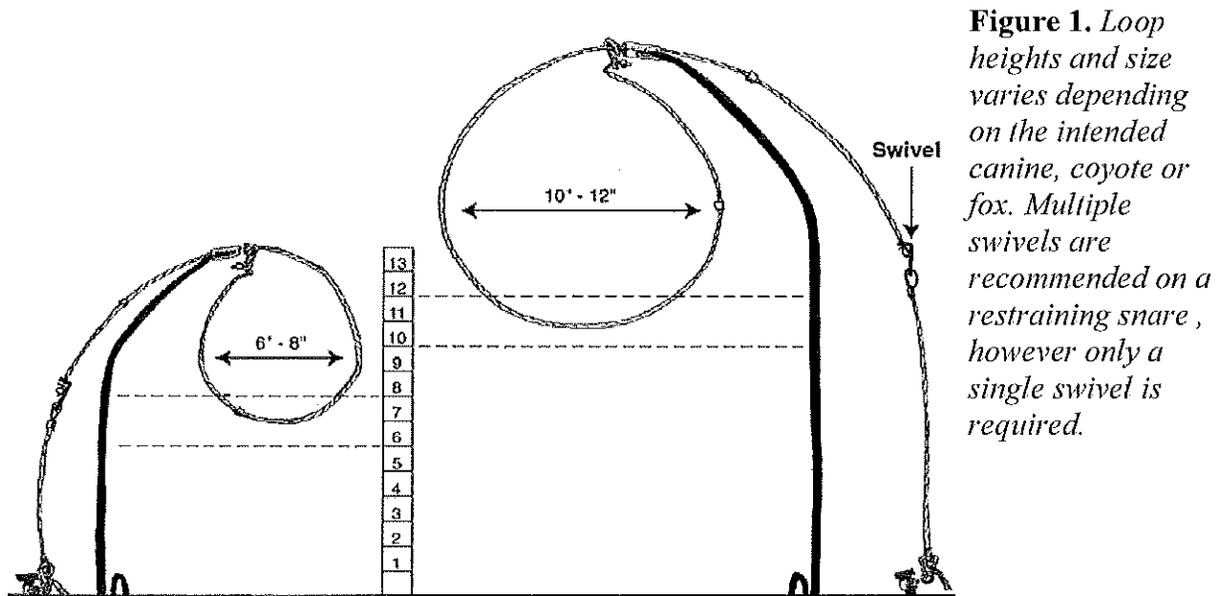
(2) No member shall trap small game by the use of a restraining snare except in compliance with the following provisions:

(a) No restraining snare may be set, placed or operated for any species other than fox, coyote, and bobcat.

(b) No restraining snare may be set out or placed, whether set or sprung, during the closed season. Restraining snares may only be used from October 1 – March 31 for bobcat, coyote and fox.

(c) No restraining snare may be staked in a manner that allows the restraint device to reach any part of a fence, rooted woody vegetation greater than ½inch diameter, or any other immovable object or stake that could cause entanglement.

(d) No restraining snare may be set, placed or operated with the bottom of the loop less than 6 inches or greater than 12 inches above the first surface beneath the bottom of the set restraint snare loop (see Figure 1), where the surface is ground, ice, crusted or packed snow or any other hard surface.



(e) No restraining snare may be set, place or operate any cable restraining unless the noose cable and noose attachments conform to the following specifications:

- (i) Cable length may not exceed 7 feet.
- (ii) Cable must be galvanized and include a swivel.
- (iii) It must be non-spring activated.
- (iv) Cable must be made of multiple strands of wire, with a diameter of 3/32 inch or larger.
- (v) Include a breakaway device or stop rated at 285 pounds or less.
- (vi) Include a relaxing reverse-bend washer lock with a minimum outside diameter of 1¼ inches.
- (vii) Include cable stops affixed to the cable to ensure that the portion of the cable, which makes up the noose loop, may not be longer than 38 inches when fully open, or less than 8 inches when fully closed (see Figure 2).

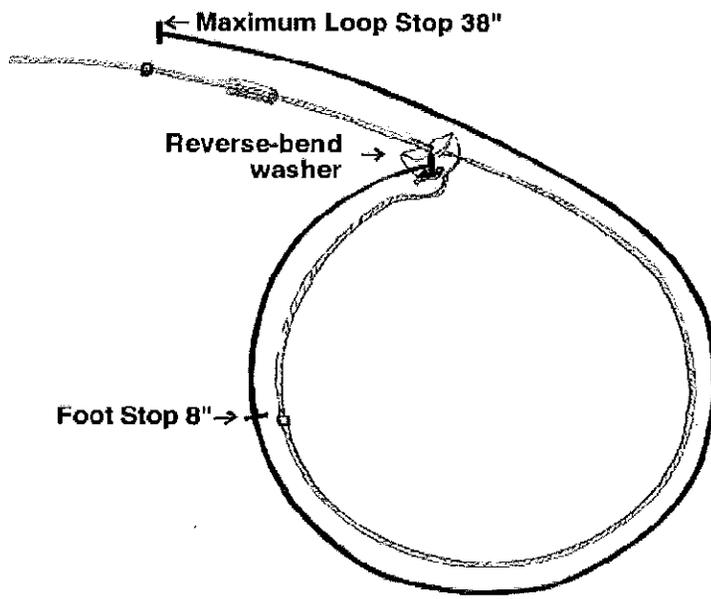


Figure 2. Maximum and minimum loop size is easily measured by circumference. The minimum loop stop is set at 8 inches and the maximum loop stop is set at 38 inches from the reverse-bend washer end of the cable. This results in a loop no smaller than 2½ inches in diameter nor larger than 12 inches in diameter.

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GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-01

Wisconsin 1837 and 1842 Ceded Territory Tribal Wild Turkey Hunting Regulations

This Commission Order establishes amendments to the Tribes' wild turkey hunting regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §8.26 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

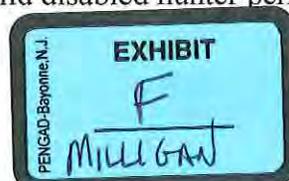
Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters. The Wisconsin Legislature recently amended its rules pertaining to wild turkey hunting regulations. These changes in State law are less restrictive than the current tribal regulations. As a result, this Order is being presented as a way to provide the tribes with more harvest opportunities in a manner that is the least restrictive possible.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Wild Turkey Hunting Regulations. Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following parameters for Tribal wild turkey hunting shall apply:

Subd. 1: Turkey Harvest with the Aid of Dogs. A member may hunt wild turkeys with the aid of dogs.

Subd. 2: Disabled Hunter Turkey Harvest with the Aid of Electronic Calls. A member in possession of a valid disabled hunter permit pursuant to Section 3.32 of the



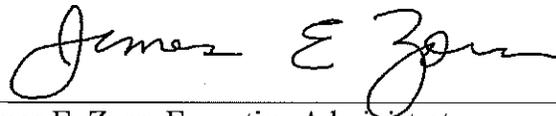
Code may hunt wild turkey with the aid of recorded bird calls or sounds or electrically amplified imitations of bird calls or sounds.

Subd. 3: Wild Turkey Hunting Season Extension. During the spring hunting season, a member may hunt wild turkeys from the Wednesday nearest April 13 for forty-two (42) consecutive days. 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 twenty-one (21) consecutive days.

Subd. 4: Wild Turkey Registration. A member killing a wild turkey pursuant to this ordinance shall register the wild turkey no later than 5:00 p.m. of the third working day following the killing

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal wild turkey hunting regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 6th day of October, 2011.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Wild Turkey Hunting Regulations

Model Code revision regarding tribal wild turkey hunting regulations [§8.26 (Wild Turkey Hunting Regulations)] are (deletions shown by ~~strikeout~~ and additions by redline):

8.26 Wild Turkey Hunting Regulations.

[Subsection (1) unchanged]

(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-two (42~~40~~) consecutive days.

(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 twenty-one ~~nineteen~~ (21~~19~~) consecutive days.

[Subsections (3) - (5) unchanged]

(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, except when a member possesses a valid disabled hunter permit pursuant to Section 3.32 of this ordinance.

(c) [Open]. ~~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 register the wild turkey ~~present the carcass for registration to a tribal registration station~~ no later than 5:00 p.m. of the 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]

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GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-02

Wisconsin 1837 and 1842 Ceded Territory Tribal Trapping Regulations

This Commission Order establishes amendments to the Tribes' trapping regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §8.18 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters. The Wisconsin Legislature recently amended its rules pertaining to trapping regulations. These changes in State law are less restrictive than the current tribal regulations. As a result, this Order is being presented as a way to provide the tribes with more harvest opportunities in a manner that is the least restrictive possible.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Colony Trap Regulations. Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following parameters for the Tribal use of traps shall apply:

Subd. 1: Colony Trap Definition. A colony trap is defined as an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap no to exceed 6" (six inches) in width, 6" (six inches) in height and 36" (thirty-six inches) in length.



Subd. 2: Trapping, Snaring and Restraining Snaring Only During the Open Season. A member may only set out traps, snares, or restraining snares during the open season.

Subd. 3: Trapping with the Use of Bait. A member may not use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of any trap, snares, or restraining snares.

Subd. 4: Trap, Snare and Restraining Snare Check Requirement. A member must check all dry land sets, snares, or restraining snares at least once each day and remove all captured animals.

Subd. 5: Trapping with the Use of Colony Traps. A member may trap with the use of body-gripping or conibear type trap, enclosed trigger trap, snare, restraining snares, steel-jawed trap, live-trap capable of capturing only one animal in a single setting for the purpose of taking furbearing animals, or a colony trap except for muskrat as follows, except incidentally harvested mink may be retained from a lawfully set colony trap: (a) The trap is set entirely underwater at all times; (b) The trap is not placed within three feet of any culvert; (c) The trap and set does not utilize bait; (d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

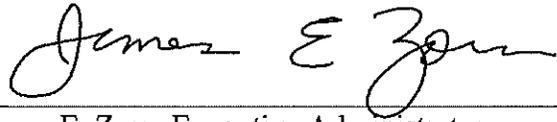
Subd. 6: Body Grip Trap Size Restrictions. A member may not trap with the use of a body gripping or conibear type trap larger than 7.5" x 7.5" as measured from the maximum outside points of the effective width and height of the jaws of the trap unless the set is at least half submerged in water

Subd. 7: Body Grip Trap Location Restrictions. A member may not trap with the use of a body gripping or conibear type trap larger than 7.5" x 7.5" as measured from the maximum outside points of the effective width and height of the jaws of the trap or 7.5" in diameter in the following locations: (a) Within 3 feet of any federal, state or county road right-of-way culvert unless completely submerged in water; (b) Within 3 feet of any woven or welded wire mesh type fence; (c) Within 100 yards of any building devoted to human occupancy without the owner's consent.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal trapping regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 6th day of October, 2011.

Commission Order 2011-02
October 6, 2011
Page 3

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

James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Trapping Regulations

Model Code revision regarding tribal trapping regulations [§8.18 (Specific Trapping Regulations)] are (deletions shown by ~~strikeout~~ and additions by redline):

8.02 Definitions.

For the purpose of this chapter, the following terms shall be construed to apply as follows:

[Subsections (1) - (2) unchanged]

(3) “Colony Trap” means while trapping to use an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap no to exceed 6" (six inches) in width, 6" (six inches) in height and 36" (thirty-six inches) in length.

(4) ~~(3)~~ “Crossbow” shall have the meaning prescribed in Section 6.01(3).

(5) ~~(4)~~ “Firearm” shall have the meaning prescribed in Section 6.01(4).

(6) ~~(5)~~ “Hunt” or “Hunting” shall have the meaning prescribed in Section 2.01(8) but shall not include trapping for the purposes of this chapter.

(7) ~~(6)~~ “Trap”, in addition to the meaning prescribed in Section 2.01(14), means to trap or snare, including the use of a restraining snare.

(8) ~~(7)~~ “Unprotected Species” means:

- (a) Opossum, skunk, weasel, woodchuck;
- (b) Starlings, English sparrows, coturnix quail, chukar partridge and rock doves;
- (c) All other unprotected species as defined in Section 2.01(17).

8.18 Specific Trapping Regulations.

No member shall:

(1) Set out traps, ~~or~~ snares, or restraining snares except during the open season.

[Subsection (2) unchanged]

(3) Use sight-exposed bait, visible from above, consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of any trap, ~~or~~ snares, or restraining snares.

[Subsection (4) unchanged]

(5) Fail to check all dry land sets, ~~and~~ snares, or restraining snares and to remove all animals therein at least once each day.

[Subsection (6) unchanged]

(7) Set, place, ~~possess or operate on or adjacent to waters~~ any trap other than a body-gripping or conibear type trap, enclosed trigger trap, snare, restraining snares, ~~or~~ steel-jawed trap, or live-trap capable of capturing only one animal in a single setting for the purpose of taking furbearing animals, or a colony trap except for muskrat as follows, except incidentally harvested mink may be retained from a lawfully set colony trap:

(a) The colony trap is set entirely underwater at all times.

(b) The colony trap is not placed within three feet of any culvert.

(c) The colony trap and set does not utilize bait.

(d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

(8) Set, place or operate except as a water set at least half submerged in water any body-gripping ~~killer~~ or conibear type trap larger than 7.5" ~~7"~~ x 7.5" ~~7"~~ as measured from the maximum outside points of the effective width and height of the jaws of the trap.

[Subsections (9) - (10) unchanged]

(11) Set, place or operate any body-gripping ~~killer~~ or conibear type trap ~~of the conibear type~~ greater than 7.5" ~~6"~~ x 7.5" ~~6"~~ as measured from the maximum outside points of the effective width and height of the jaws of the trap or 7.5" ~~6"~~ in diameter in the following locations:

(a) Within 3 feet of any federal, state or county road right-of-way culvert unless completely submerged in water.

(b) Within 3 feet of any woven or welded wire mesh type fence.

(c) Within 100 yards of any building devoted to human occupancy without the owner's consent.

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GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-03

Wisconsin 1837 and 1842 Ceded Territory Tribal Bear Harvesting Regulations

This Commission Order establishes amendments to the Tribes' bear harvesting regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

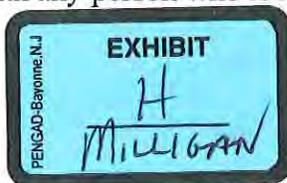
Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §7.14 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters. The Wisconsin Legislature recently amended its rules pertaining to bear harvesting regulations. These changes in State law are less restrictive than the current tribal regulations. As a result, this Order is being presented as a way to provide the tribes with more harvest opportunities in a manner that is the least restrictive possible.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Bear Harvesting Regulations. Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following parameters for Tribal bear harvesting shall apply:

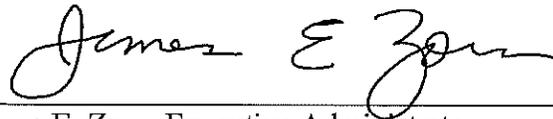
Subd. 1: Hunting with Non-Members. A member may hunt with any person who is not a member of the Tribe or of another signatory tribe during the State of Wisconsin bear hunting season if that person has a state Class A or Class B bear license or is exempt from the need for a class B bear license under Wisconsin state law, except a member may also hunt with any person who is not a member of the Tribe or of another



signatory tribe in accordance with the provisions of Section 3.30 [Permissible Conduct/Assistance by Non-Members].

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal trapping regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 6th day of October, 2011.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Bear Harvesting Regulations

Model Code revision regarding tribal bear harvesting regulations [§7.14 (Hunting with Non-Members)] are (deletions shown by ~~strikeout~~ and additions by redline):

7.14 Hunting with Non-Members.

Except as provided in Section 3.30 [Permissible Conduct/Assistance by Non-Members], no member may share with anyone who is not a member of a signatory tribe any tribal bear permit, carcass tag, gear, bait, or dogs, except that nothing in this ordinance shall be construed to prohibit a member from hunting with any person who is not a member of the Tribe or of another signatory tribe during the State of Wisconsin bear hunting season if that person has a state Class A or Class B bear license or is exempt from the need for a class B bear license under Wisconsin state law ~~and if an individual in the hunting party has a state bear harvest permit.~~

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GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-04

Wisconsin 1837 and 1842 Ceded Territory Tribal Deer Harvesting Regulations

This Commission Order establishes amendments to the Tribes' deer harvesting regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters pertaining to necessary miscellaneous fish and game related regulatory amendments of the Model Code.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §6.05, §6.13, §6.18, and §6.19 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters in the implementation of *Section XI.A. of the Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulation Incorporated into the Final Judgment* and as amended *Section B.13 and E.2 of the Stipulation for the Deer Trial* (Docket Number 1167). In this Stipulation the Parties agreed that there shall be no limit on the number of antlerless deer available for tribal harvest unless an antlerless deer harvest threshold has been reached in the previous year and a quota has been declared. As a result, this Order is being presented to correct for a technical clarification of the Model Code as a way to provide the tribes with harvest opportunities in a manner that is the least restrictive possible.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Deer Harvesting Regulations. Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following parameters for Tribal deer



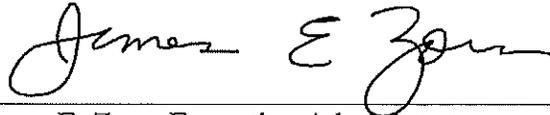
harvesting shall apply:

Subd. 1: Antlerless Deer Hunting Permits. A member may hunt antlerless deer without the need for possessing an antlerless deer permit except when necessary because an antlerless deer harvest threshold was reached in the previous year and a quota has been declared pursuant to Section 6.03 of the Model Code.

Subd. 2: Transportation. A member may only transport a deer in or on a motor driven vehicle prior to registration if the deer is carried in such manner that the tag attached to the deer cannot be handled or manipulated by any occupant of the vehicle.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal trapping regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 6th day of October, 2011.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Deer Harvesting Regulations

Model Code revision regarding tribal deer harvesting regulations [§6.05 (Deer Hunting Permits/Tags), §6.18 (Level 1 Commercial Harvest Established and Regulated), and §6.19 (Level 2 Commercial Harvest Established and Regulated)] are (deletions shown by ~~strikeout~~ and additions by redline):

6.05 Deer Hunting Permits/Tags.

[Subsections (1) - (2) unchanged]

(3) No antlerless deer permits are necessary, except when an antlerless deer harvest threshold was reached in the previous year and a quota has been declared pursuant to Section 6.03 of this ordinance.

(a) When necessary, ~~n~~No member shall hunt antlerless deer without a valid antlerless deer permit bearing the number of the member's carcass tag(s) and valid for the date on which the member is hunting, except as provided in Section 6.11 [Group Deer Hunting].

(b) When necessary, ~~n~~No member shall hunt antlerless deer pursuant to Section 6.18 [Level 1 Commercial Harvest] without possessing a valid level 1 commercial antlerless deer harvest permit indicating the level 1 antlerless deer harvest zone in which the member may hunt.

(4) When necessary, ~~n~~No antlerless deer permits shall be considered valid for any deer management unit:

(a) which is shown to be closed on the permit;

(b) for which the permit is marked as invalid;

(c) on which any deer management unit number has been slit, punched through or otherwise crossed out in any fashion; or

(d) with respect to a level 1 commercial harvest antlerless deer permit, which lies outside the level 1 commercial harvest zone in which the member is authorized to hunt.

[Subsection (5) unchanged]

(6) No member shall move or field dress an antlerless deer without making a slit or punch on the antlerless deer permit, when antlerless deer permits are necessary, through the number of the deer management unit in which the deer has been killed.

(7) (a) Except as otherwise provided in this ordinance, antlerless deer permits, when necessary, shall be valid for three distinct permit periods:

(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, when necessary, 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.

(8) When necessary, the number of antlerless deer permits, including commercial harvest antlerless permits issued pursuant to Section 6.18 [Level 1 Commercial Harvest] and Section 6.19 [Level 2 Commercial Harvest], which may be issued at any one time for a deer management unit during an antlerless deer permit period shall be determined in accordance with the procedures and methods approved pursuant to the Chippewa Intertribal Agreement Concerning Resource Management and Regulation of Off-Reservation Treaty Rights in the Ceded Territory, and the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, pursuant to that Agreement.

6.13 Transportation.

No member shall transport any deer in or on any motor driven vehicle prior to registration unless the deer is carried so that a portion of it is visible from a passing vehicle and in such manner that the tag attached to the deer cannot be handled or manipulated by any occupant of the vehicle.

6.18 Level 1 Commercial Harvest Established and Regulated.

[Subsections (1) - (4) unchanged]

(5) Antlerless Deer Level 1 Commercial Harvest.

(a) A member may register pursuant to this subsection a lawfully harvested antlerless deer provided the provisions of this subsection have been complied with.

(b) When registering an antlerless deer under this subsection, a member shall present the entire deer carcass for registration and no registering official shall register an antlerless deer under this subsection unless the entire carcass is presented for registration.

(c) A member desiring to register an antlerless deer under this subsection for level 1 commercial purposes must obtain a level 1 commercial antlerless deer permit, when necessary, in accordance with the provisions of Section 6.05 [Deer Hunting Permits/Tags] provided:

(i) The permit may be valid at any given time for only one of the following level 1 antlerless deer commercial harvest zones comprised of the deer management units specified:

Zone I: Units 1, 2, 3, 4, 5, 6, 7, 8, 28.

Zone II: Units 2, 4, 5, 6, 8, 9, 12, 13, 14, 17, 18, 19, 20, 23, 24.

Zone III: Units 14, 28, 29A, 29B, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 52.

Zone IV: Units 35, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50.

Zone V: Units 1, 2, 3, 4, 5, 6, 8, 78, 79.

Zone VI: Units 8, 9, 10, 11, 12, 15, 16, 17, 22.

Zone VII: Units 21, 22a, 25, 26, 27, 33, 57, 57a, 58, 59a, 59b, 62a; and

(ii) The permit is valid for those deer management units within the level 1 antlerless deer commercial harvest zone which are open to hunting antlerless deer.

(d) A member desiring to register an antlerless deer under this subsection for level 1 commercial purposes must register the antlerless deer within and prior to leaving the antlerless deer commercial harvest zone for which an antlerless permit is valid at a tribal registration station or with a person authorized to register deer in the field.

(e) Upon registration, the registering official shall affix a level 1 commercial harvest registration tag to the carcass.

(f) This subsection is not intended to limit a member's ability to otherwise register an antlerless deer under the provisions of Section 6.06 [General Deer Registration Provisions] for noncommercial purposes but only shall serve to condition the harvest and limit the number of deer which such member may register under this subsection.

(g) Except as modified by the provisions of this subsection, the provisions of Section 6.05 [Deer Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26,

1989 and amended on August 7, 2008 and October 7, 2010, and of Section 6.06 [Deer Registration] shall apply to members desiring to register an antlerless deer under this subsection.

[Subsection (6) unchanged]

6.19 Level 2 Commercial Harvest Established and Regulated.

[Subsections (1) - (3) unchanged]

(4) Level 2 Commercial Harvest Permit Application.

(a) Any member who possesses a valid deer hunting permit may apply on such forms as the Tribe may prescribe to the tribal conservation department for an additional permit authorizing the harvest of deer for level 2 commercial purposes on the terms and conditions prescribed by this section.

(b) Upon receipt of an application for a Level 2 Commercial Harvest Permit, the tribal conservation department shall inform the Tribe's governing body, or its designate pursuant to subs. (f), below, and the Commission's Biological Services Division of the application, the management unit in which the applicant seeks to hunt and such other relevant information as is included in the application.

(c) The Commission's Biological Services Division shall, when necessary, within 2 working days of the receipt of notice of the application, inform the tribal conservation department and the Tribe's governing body, or its designate pursuant to subs. (f), below, of the number of antlerless deer available for harvest pursuant to this ordinance in the management unit requested by the applicant and of the number of antlerless deer permits which may be issued for that unit in accordance with the provisions of Section 6.05(8) [Limitations on the Number of Antlerless Deer Permits].

(d) Within 3 working days of the receipt of this information, the Tribe's governing body, or its designate pursuant to subs. (f), below, in consultation with the tribal conservation department and the Commission's Conservation Enforcement Division, shall grant or deny the application, and shall notify the applicant as soon as practicable of its decision.

(e) The decision to grant or deny the application shall be exclusively within the discretion of the Tribe's governing body, or its designate pursuant to subs. (f), below, and a decision to grant the application may impose conditions required by the tribe upon a Level 2 Commercial Harvest Permit which are more restrictive than the conditions imposed by this section.

(f) The Tribe's governing body hereby designates _____
_____ to exercise its powers under this section. Any

decision by such designate under this section is subject to review by the Tribe's governing body upon request of the applicant.

(5) Terms and Conditions of a Level 2 Commercial Harvest Permit. A Level 2 Commercial Harvest Permit:

(a) subject to the provisions of Section 6.05(8) [Limitations on Number of Antlerless Deer Permits], may authorize a member or group of members to harvest any number of antlered deer and when necessary, no more than the number of antlerless deer which remain available for harvest from the tribal quota in any one deer management unit;

(b) shall restrict the member's hunting of deer pursuant to the permit to only one deer management unit at any given time;

(c) shall require the permittee to register all deer harvested pursuant to the permit at a tribal registration station located within the management unit for which the permit is valid or within an adjoining unit provided the deer is transported directly to a registration station in that adjoining unit on federal or state highways; and

(d) shall require that all members named on the permit possess an official copy of the permit and at least one valid carcass tag while hunting pursuant to the permit.

[Subsections (6) - (7) unchanged]

(8) General Tagging and Registration Requirements Unaffected. Except as modified by the provisions of this section, the provisions of Section 6.05 [Deer Hunting Permits/Tags], including the requirements of Paragraph 5 of the Voigt Intertribal Task Force Protocol Noodawaawaashkeshiwe (Antlerless Deer Harvest) Levels and State Park Hunter Density Levels, which was adopted on May 26, 1989 and amended on August 7, 2008 and October 7, 2010, and of Section 6.06 [Deer Registration] shall apply to members hunting pursuant to a Level 2 Commercial Harvest Permit.

[Subsection (9) unchanged]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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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

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2011-06

Wisconsin 1837 and 1842 Ceded Territory Tribal Safe Use and Transportation of Firearms and Bows Regulations

This Commission Order establishes amendments to the Tribes' general restrictions on hunting for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters relating to miscellaneous fish and game related regulatory amendments.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §3.21 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provided in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members more treaty harvest opportunities in line with state harvesters in the implementation of *Section V.A. of the Stipulation for Technical, Management and Other Updates: First Amendment of the Stipulation Incorporated into the Final Judgment* and *Section III.A. of the Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulation Incorporated into the Final Judgment* and as amended *Section E.8 of the Stipulation for Deer Trial* (Docket Number 1167). The Wisconsin Legislature recently amended its laws pertaining to the safe use and transportation of firearms and bows. These changes in State law are less restrictive than the current tribal regulations. As a result, this Order has been developed as a way to provide the tribes with more harvest opportunities in a manner that is the least restrictive possible consistent with legislative amendments.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: General Restrictions on Hunting. Starting in 2011, and for each year thereafter unless and until changed by a subsequent order, mandatory reversion is required, or the parties make permanent the provisions of this order, the following Tribal general hunting restrictions



shall apply:

Subd. 1: Definitions; Stationary. Stationary means not moving, regardless of whether the motor is running.

Subd. 2: Prohibitions; Motorboats. Except as otherwise provided in this ordinance, a member is prohibited from placing, possessing, or transporting a firearm, bow or crossbow in or on a motorboat with the motor running, unless one of the following applies: (a) The firearm is unloaded; (b) The bow does not have an arrow nocked; (c) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

Subd. 3: Prohibitions; Vehicles. Except as otherwise provided in this ordinance, a member is prohibited from placing, possessing, or transporting a firearm, bow or crossbow in or on a vehicle, unless one of the following applies: (a) The firearm is unloaded; (b) The bow does not have an arrow nocked; (c) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

Subd. 4: Prohibitions; Placing or Possessing a Firearm Within Certain Areas. The prohibitions as otherwise provided in this ordinance are stricter within 1,000 feet from the grounds of a school, within a state park, within a state fish hatchery, or within a tribally designated wildlife area. Within these areas, a member is prohibited from having in or on a vehicle, or in his or her possession, or under his or her control a firearm, bow or crossbow unless, in the case of a firearm, the firearm is unloaded and encased or locked in a firearm rack that is on a motor vehicle, or in the case of a bow or crossbow, the bow or crossbow is unstrung or is enclosed in a carrying case.

Subd. 5: Exceptions; Handguns. The prohibitions in this ordinance do not apply to a member otherwise authorized by law to place, possess, load, or transport a handgun.

Subd. 6: Exceptions; Placing or Possessing a Firearm in a Stationary Vehicle. The prohibitions in this ordinance do not apply to a member placing or possessing a firearm on a vehicle that is stationary.

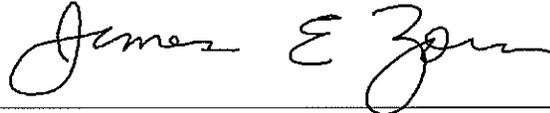
Subd. 7: Exceptions; Hunting from a Non-Motorized Stationary Vehicle. The prohibitions in this ordinance do not apply to a member legally hunting from a stationary non-motorized vehicle that is not attached to a motor vehicle.

Subd. 8: Exceptions; Hunting in State Park, State Fish Hatchery or Tribally Designated Wildlife Area. The prohibitions in this ordinance do not apply to a member legally hunting in a state park, state fish hatchery, or tribally designated wildlife area. Therein a tribal member may uncase and load their firearm for the purpose of hunting after removing it from their vehicle at the location they will be hunting.

Commission Order 2011-06
November 16, 2011
Page 3

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal general hunting restrictions or other measures that are more restrictive than what is provided in this Order.

Dated this 16th day of November, 2011.

A handwritten signature in black ink that reads "James E. Zorn". The signature is written in a cursive style with a large, looped initial "J".

James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal General Hunting Restrictions

Model Code revision regarding general hunting restrictions [§3.21 (General Restrictions on Hunting)] are (deletions shown by ~~strikeout~~ and additions by redline):

3.21 General Restrictions on Hunting.

[Subsections (1) - (2) 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.

(ix) **"Stationary"** means not moving, regardless of whether the motor is running.

(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.~~ one of the following applies:

1) The firearm is unloaded.

2) The bow does not have an arrow nocked.

3) The crossbow is not cocked or is unloaded and enclosed in a carrying case.

(ii) Except as provided in subs. (b)(vi) or 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.~~ one of the following applies:

1) The firearm is unloaded.

2) The bow does not have an arrow nocked.

3) The crossbow is not cocked or is unloaded and 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 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.

(vi) Except as provided in subs. (c), no member shall within 1,000 feet from the grounds of a school, or in a state park, state fish hatchery, or tribally designated wildlife area, have in or on a vehicle, or in his or her possession, or under his or her control a firearm, bow or crossbow, unless the firearm is unloaded and encased or locked in a firearm rack that is on a motor vehicle or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(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)(i), (ii) and (vi) shall not apply to a member otherwise authorized by law to place, possess, load, or transport a handgun.

(iii) ~~(ii)~~ Subsection (b)(ii) shall not prohibit a member from placing or possessing a firearm on ~~leaning an unloaded firearm against~~ a vehicle that is stationary.

(iv) ~~(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.

(v) Subsections (b)(ii) and (iii) shall not apply to a member legally hunting from a stationary non-motorized vehicle that is not attached to a motor vehicle.

(vi) ~~(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.

(vii) ~~(v)~~ Subsections (b)(ii), (iii), (iv) and (v) shall not apply to a member who possesses a valid 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.

(viii) Subsection (b)(vi) shall not apply to a member who possesses a valid hunting permit in areas of a state park, state fish hatchery, or tribally designated wildlife area which are open to tribal hunting, therein a tribal member may uncase and load their firearm for the purpose of hunting after removing it from their vehicle at the location they will be hunting.

[Subsection (4) unchanged]

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Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2012-01

Wisconsin 1837 and 1842 Ceded Territory Tribal Fish Harvesting Regulations

This Commission Order establishes amendments to the Tribes' fish harvesting regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities in line with state harvesters.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §9.03 of each Tribe's Code. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide tribal members with treaty harvest opportunities in the implementation of *Section III.A. of the Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulation Incorporated into the Final Judgment* and as amended *Section 3.h and 10.a of the Stipulation on Biological and Certain Remaining Issues* (Docket Number 911). In this Stipulation the Parties agreed that the number of any species of fish (tribal quota) which shall be available for harvest pursuant to this ordinance shall be for the twelve month period from April 1 through March 31 of the following year. As a result of the unusual weather conditions and to allow tribal member access to the current spring spawning run, this Order is being presented to establish a technical clarification of the Model Code as a way to provide the tribes with the opportunity to harvest fish pursuant to the number established for the 2012 annual fishing year if bodies of water are available for tribal harvest before April 1 in a manner that is consistent with previous early spring spearing seasons (2000 and 2010), consistent with §1.06 of the Tribes' Model Code, and is the least restrictive possible.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.



Commission Order 2012-01

March 22, 2012

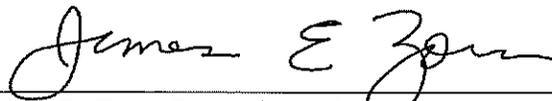
Page 2

Sec. 2: Tribal Fish Harvesting Regulations. Starting in 2012, and for this annual fishing season only, unless changed by a subsequent order, or the parties make permanent the provisions of this order, the following parameters for Tribal fish harvesting shall apply:

Subd. 1: Number of Fish Available for Harvest. The number of any species of fish (tribal quota) which shall be available for harvest to a member for the annual quota 2012 year will begin on March 22, 2012 and will end on March 31, 2013.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal fishing regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 22nd day of March, 2012.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

September 4, 2012

Memorandum

To: Julie Van Stappen, Apostle Islands National Lakeshore (for further distribution within the NPS)

From: Kekek Jason Stark, Policy Analyst

A handwritten signature in black ink, appearing to read 'KJS', is written over the name 'Kekek Jason Stark'.

Re: 2012-2013 Treaty Hunting, Trapping and Gathering Agreement – Commission Order 2012-03

Please find enclosed a copy of Commission Order 2012-03, that ratifies the Apostle Islands National Lakeshore 2012-2013 Off-Reservation Treaty Hunting, Trapping and Gathering Agreement. This Order imposes the terms of that Agreement as conditions of all off-reservation hunting, trapping and gathering permits issued to tribal members of the Bad River Band, Fond du Lac Band, Lac Courte Oreilles Band, Lac du Flambeau Band, Lac Vieux Desert Band, Sokaogon (Mole Lake) Band, St. Croix Band and Red Cliff Band pursuant to the tribes' Off-Reservation Conservation Code that applies to the portion of the 1842 ceded territory located in Wisconsin.

Please distribute the Order as appropriate within the Park Service. I will keep you informed when the tribal ratifications from the Mille Lacs Band and Keweenaw Bay Indian Community are received.

As always, please do not hesitate to contact me if you have questions or if I can be of assistance.

Enclosure

cc w/enc: Voigt Intertribal Task Force
James E. Zorn, Executive Administrator
Ann McCammon Soltis, Director, Division of Intergovernmental Affairs
Annie Thannum, Litigation Support Specialist / Secretary
Baaswewe Fred Maulson, Chief Warden, Conservation Enforcement Division
Neil Kmiecik, Director, Biological Services Division
Jonathan Gilbert, Wildlife Section Leader, Biological Services Division
Alexandra Wrobel, Forest Ecologist, Biological Services Division



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

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2012-03

Apostle Islands National Lakeshore 2012-2013 Off-Reservation Treaty Hunting, Trapping and Gathering Agreement

This Commission Order implements the terms of the Apostle Islands National Lakeshore 2012-2013 Off-Reservation Treaty Hunting, Trapping and Gathering Agreement as set forth in the attached VITF/APIS Workgroup Joint Final Draft as approved and recommended for implementation at the 08/02/12 Voigt Intertribal Task Force meeting pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order to provide tribal members more treaty harvest opportunities.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to supplement the Tribes' Code that applies to the 1842 ceded territory to provide conservation and management for off-reservation treaty hunting, trapping and gathering in the Apostle Islands National Lakeshore through the regulation of member hunting, trapping and gathering that occurs there. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide an orderly system of tribal control and regulation of off-reservation hunting, trapping, gathering and camping activities in the Apostle Islands National Lakeshore which is located in the 1842 ceded territory.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Apostle Islands National Lakeshore 2012-2013 Off-Reservation Treaty Hunting, Trapping and Gathering Agreement. For the specific purpose of regulating the hunting, trapping, gathering, and camping activities covered, this Order applies from September 4, 2012 (the day after Labor Day) through September 2, 2013 (Labor Day), unless changed by a

subsequent order or the parties make permanent the provisions of this order, and hereby the following parameters shall apply:

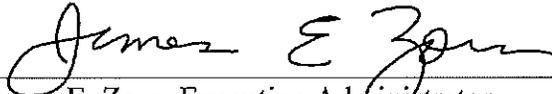
Subd. 1: Implementation of the Apostle Islands National Lakeshore 2012-2013 Off-Reservation Treaty Hunting, Trapping and Gathering Agreement as approved and recommended by the Voigt Intertribal Task Force on August 2, 2012;

Subd. 2: Imposes such regulations and other terms of that agreement as conditions of all off-reservation hunting, trapping and gathering permits issued to tribal members pursuant to such Tribes' Code; and

Subd. 3: Authorizes the Tribal Conservation Departments' and the Great Lakes Indian Fish and Wildlife Commission to take all necessary and appropriate steps to implement that agreement and to ensure that tribal members are able to enjoy its benefits.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish Apostle Islands National Lakeshore Off-Reservation Treaty Hunting, Trapping and Gathering regulations or other measures that are more restrictive than what is provided in this Order.

Dated this 1st day of September, 2012.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

APOSTLE ISLANDS NATIONAL LAKESHORE

2012-2013 OFF-RESERVATION TREATY HUNTING, TRAPPING AND GATHERING AGREEMENT

1. **Activities Covered.** This agreement applies to off-reservation tribal deer hunting, bear hunting, migratory bird hunting, small game hunting and trapping, wild plant gathering, camping, and fee-related issues under rights reserved in the Treaty of 1842.
2. **Where it Applies.** This agreement applies to all of the Islands contained within the Apostle Islands National Lakeshore (Lakeshore), except Chequamegon Point (known to the National Park Service as Long Island) which the tribes view as a matter between the Bad River Band and the National Park Service. This agreement also does not apply to Madeline Island which is not part of the Lakeshore.

In addition, these conditions do not apply to any part of the Lakeshore's mainland portion:

- That is located within the boundaries of the Red Cliff reservation; or
 - Where tribal off-reservation hunting and trapping is already covered by the tribal Off-Reservation Conservation Codes referenced in Paragraph 4, below.
3. **Duration of Agreement.** For the specific purpose of regulating the hunting, trapping, gathering, and camping activities covered, this agreement applies from September 4, 2012 (the day after Labor Day) through September 2, 2013 (Labor Day).

However, the intent of this agreement is to set the framework for a long-term agreement that would endure from year-to-year with the following elements:

- Tribal Off-Reservation Conservation Codes that incorporate the agreed-upon regulations governing tribal harvest activities within the Lakeshore;
 - Protocols for consultation on harvest management and regulatory issues that may arise from time to time as well as on biological and scientific issues related to the preservation and management of natural resources found in the Lakeshore; and
 - Protocols for exchanging biological and harvest information for research and monitoring purposes as well as for determining annual harvestable surpluses and harvest limits for quota species.
4. **Applicable Codes/Law.** Existing tribal Off-Reservation Conservation Codes (tribal Codes), and associated permit and registration systems, that apply to the Wisconsin 1837/1842 ceded territories under the *Voigt [Lac Courte Oreilles v. State of Wisconsin]* case will govern tribal hunting, trapping, gathering, and camping on the Islands as those regulations must be implemented or modified to comply with this agreement.

5. **Deer Hunting.** Deer hunting on the Islands will be subject to the following:
- a. **Deer Hunting Season Dates.** September 4 through the first Sunday following New Years Day or as otherwise provided by a GLIFWC Commission Order.
 - b. **Antlerless Deer Quotas.** The tribes will make a declaration for Deer Management Unit 79 under the Voigt Intertribal Task Force Protocol, Antlerless Deer Harvest Levels, as follows:
 - The tribes' 2012 antlerless deer quota will be 15 for the Islands; and
 - The Islands will be closed to further tribal antlerless deer hunting as provided in the Off-Reservation Conservation Codes if this quota is reached.

If this quota proves inadequate to meet tribal needs, the tribes and Park Service may consult about the possibility of a continued tribal antlerless deer harvest from some or all of the Islands consistent with the Service's deer population control objectives.
 - c. **Registration Information.** Tribal and Lakeshore biologists will develop a list of information that they would like collected upon registration of deer harvested from the Islands, such as the particular island of harvest.
6. **Bear Hunting on the Islands.** Bear hunting on the Islands will be subject to the following:
- a. **Hunting Season Dates.** September 4 through October 31, 2012.
 - b. **Bear Quotas.** The tribes will make a declaration for Bear Management Zone A, which includes the Islands, under the Voigt Intertribal Task Force Protocol, Bear Harvest Levels, and agree that they will:
 - Of their Zone A declaration, limit their 2012 harvest to 5 bears from the Islands;
 - Close further tribal bear hunting on all of the Islands if the total harvest limit is reached.
 - c. **Registration Information.** Tribal and Lakeshore biologists will develop a list of information that they would like collected at registration for bears, which may include a hair sample.
7. **Small Game Hunting and Trapping.** Hunting and trapping on the Islands of the small game species covered by the tribal Codes are subject to the following:

- a. **Hunting and Trapping Dates.** Season dates will be the same as provided in the tribal Codes, except there will be no hunting of any kind from May 15 through Labor Day.
- b. **Otter, Bobcat and Fisher Quotas.** The Lakeshore shall be notified of any tribal harvest of otters, bobcats or fishers from the Islands as soon as possible after registration as required by the tribal Codes. Tribal and Lakeshore biologists will then consult on such measures, if any that might be appropriate to limit further tribal harvest consistent with the Service's population objectives for the particular species involved. Such responsive measures may include invoking the emergency closure authority vested in the Great Lakes Indian Fish and Wildlife Commission's Biological Services Director (BSD) by the tribal Codes.

In addition, before issuing a permit under the tribal Codes for the ceremonial harvest of any of these species from the Islands, the tribes will take into account the biological impact of such harvest and will consult with the Lakeshore. The tribes agree not to issue additional ceremonial permits if further harvest would cause biological harm to the species involved.

- c. **Beaver Harvest.** The tribes will monitor tribal beaver harvest from the Islands through trapper interviews but registration of beaver will not be required. Should either tribal or Lakeshore biologists believe that continuing beaver harvest from the Islands is likely to cause biological harm, they will consult for the purposes of invoking the emergency closure authority vested in the Great Lakes Indian Fish and Wildlife Commission's Biological Services Director (BSD) by the tribal Codes.
8. **Migratory Bird Hunting.** The tribes' migratory bird hunting season on the Islands will not open until September 4 but otherwise will follow the regulations set forth in the tribal Codes.
9. **Wild Plant Gathering.** Tribal gathering of wild plants may take place for personal, family and community purposes within the Lakeshore provided:
- a. Tribal members must possess a tribal ceded territory gathering permit valid for the Apostle Islands National Lakeshore.
 - b. The tribes regulate wild plant gathering consistent with tribal regulations that govern the gathering of wild plants in National Forests, with the following specific provisions:
 - 1) The tribes will develop princess pine guidelines designed to prevent killing of the plant when harvest occurs and to promote the sustainability of the plants from which harvest has taken place.

- 2) No conifer tree may be cut down for the purpose of gathering boughs and no boughs may be removed from the upper half of a conifer tree.
 - 3) A special tribal permit will be required for gathering maple sap that may be issued only after consultation with the Lakeshore.
 - 4) The tribes will develop bark gathering guidelines on methods designed to preserve the tree from which bark is gathered.
 - 5) No standing tree, even if it is dead, may be gathered for use as firewood.
 - 6) Only live trees of a diameter no more than 3 inches diameter at breast height (dbh) may be harvested and used for the purposes of constructing a lodge or directly in the exercise of reserved tribal hunting, fishing, trapping or gathering rights.
 - 7) No gathering of bark, conifer boughs, or live trees within 100 yards of Meyers Road, docks, or campsites. A map showing docks and campsites will be developed and made available to tribal members.
10. **Closed Areas.** No tribal hunting, trapping, gathering, or camping will be permitted on “use and occupancy” lands (i.e. parcels on Bear and Rocky Islands subject to use rights under a life estate or some other arrangement) without the lessee’s consent. A map showing these parcels will be developed and available to tribal members.
 11. **Hunting by Buildings, Docks, or Campsites.** No discharge of weapons or possession of loaded weapons within 100 yards of any building, dock on an island, or a campsite, shall be permitted except with the permission of the building’s owner or lessee’s consent. A map showing buildings, docks, and campsites will be developed and available to tribal members.
 12. **“No Entry” Restrictions on Gull and Eagle Islands.** From May 15 through September 30, there will be no entry onto any part of Gull and Eagle Islands.
 13. **Restrictions on Using Bait While Hunting.** Only materials naturally occurring on the Islands may be used as bait for hunting purposes.
 14. **Emergency Harvest Closure.** Should either tribal or Lakeshore biologists believe that continuing tribal harvest of a particular species within the Lakeshore is likely to cause biological harm, they will consult for the purposes of invoking the emergency closure authority vested in the Great Lakes Indian Fish and Wildlife Commission’s Biological Services Director (BSD) by the tribal Codes.
 15. **Restrictions on Using Docks and Meyers Beach Parking Area.** To enhance the opportunity to exercise treaty-retained rights within the Lakeshore, no-fee tribal docking

may take place in the Lakeshore and no-fee parking may take place at Meyers Beach subject to the following conditions:

- a. No member shall use the Lakeshore docks between the hours of 6 pm and 6 am, or park at Meyers Beach without providing the following information on an available fee envelope:
 - 1) Members Name;
 - 2) Members Address;
 - 3) Members Tribal Affiliation;
 - 4) Members Enrollment Number.
- b. No member shall use portable grills or stoves on docks or the topside areas of boats tied to docks.

16. Camping on the Islands. To enhance the opportunity to exercise treaty-retained rights within the Lakeshore, no-fee tribal camping may take place on the Islands subject to the following conditions:

- a. A tribal member presenting a valid tribal ID will be eligible to make a camping reservation with the Apostle Islands National Lakeshore's Visitor Center in Bayfield, Wisconsin. Reservations may be made on a first-come, first-served basis in advance or on the first day of camping either by telephone or in person. Reservations will depend on campsite availability.
- b. Any reservation made months in advance must be confirmed with the Lakeshore's Visitor Center within 30 to 60 days prior to the intended departure date or the reservation will be cancelled.
- c. In making a reservation with the Park Service, a tribal ID holder must complete the forms and provide the information requested by the Park Service, including name, address, number in camping party, emergency contact information, point of entry for and method of accessing the Islands, desired camping itinerary, or other information relevant for public safety and emergency services purposes.
- d. On the first day of camping, the tribal member must go to the Lakeshore's Visitor Center to pick up a completed Reservation Form. Any reservation unclaimed by 4:30 p.m. on that first day will be cancelled unless the camper calls the Park Service to inform staff of late arrival or change in plans. Campers who anticipate a late arrival or who might otherwise arrive when the Visitor Center is closed should contact the Park Service in advance to make alternative arrangements. Once in the Lakeshore, a tribal member can only change their itinerary after consulting the National Park Service.

- e. Camping opportunities on the Islands range from developed sites near docks to minimal impact camping.
- f. Individual campsites accommodate 1-7 people, and group campsites accommodate 8-20 people. All groups must use group campsites.
- g. Camping is available outside of individual or group campsites on Basswood, Bear, Cat, Hermit, Ironwood, Long, Manitou, Michigan, Oak, Otter, Outer, Raspberry, Rocky, Sand, South Twin, and Stockton Islands where zones have been established. Maps identifying the location of designated camping zones will be available to tribal members. Only one camping party of a maximum of five campers and two tents will be allowed per zone per night.
- h. The following areas are closed to camping:
 - 1) Areas excluded from designated camping zones (identified on maps of camping zones) and areas posted as closed to protect bird nesting sites or other sensitive resources.
 - 2) In view of any designated trail.
 - 3) Within 1/4 mile of any designated campsite, building, or historic structure.
 - 4) Within 100 feet of a flowing stream.
 - 5) "Use and occupancy" lands (i.e. parcels on Bear, Rocky, and Sand Islands subject to use rights under a life estate or some other arrangement) without the lessee's consent.
 - 6) All of Eagle, Gull, and North Twin islands.
- i. Tribal camping permits will be subject to the following terms and conditions:
 - 1) No more than 14 consecutive days of camping.
 - 2) Campsite check-in and check-out time is 3 p.m.
 - 3) Reservations are non-transferable. The name appearing on the Reservation Form is the individual that will be held responsible should anyone in the party fail to comply with applicable camping rules.
 - 4) Campfires must be built in fire rings or in grills where provided. Only dead, fallen wood may be used for campfires. Cutting of standing (living or dead) trees is prohibited. Campfires are not allowed at Julian Bay beach on Stockton Island, on Raspberry Island beaches; and on beaches

adjacent to campsites where fire receptacles are provided. Open fires will be prohibited during times of high fire danger.

- 5) Quiet hours are in place from 10 p.m. to 6 a.m.
 - 6) All tents must be located on a tent pad where they are provided.
 - 7) All refuse must be carried out of the Lakeshore. No disposal of garbage in toilets, no burying of garbage and no throwing of garbage in Lake Superior.
 - 8) Where bear-resistant storage lockers are provided, all food must be locked up between meals or when not attended. In other areas, all food and garbage must be hung from a tree at least 12 feet above the ground and 6 feet from the trunk of the tree. Cookware and dishes should be cleaned as soon as possible after meal preparation.
 - 9) Pets must be leashed and attended at all times. The leash may not be longer than 6 feet.
 - 10) Using or possessing fireworks is prohibited.
 - 11) Swimming is not allowed within 100 feet of public docks or from vessels secured to docks.
 - 12) Tribal members must comply with any other condition that their Tribe, or the Park Service in consultation with their Tribe, sets forth in the Reservation Form.
17. **Transportation of Firewood from the Mainland to the Islands.** Because of concerns about the unintentional spread of the emerald ash borer and other harmful diseases and pests, tribal members may not bring firewood from the mainland onto the Islands.
18. **Enforcement.** The tribes may enforce violations of the tribal Codes and the provisions of this agreement in their tribal courts. National Park Service officers will cooperate with tribal and Great Lakes Indian Fish and Wildlife Commission officers, and will use existing Federal authority to gather information/evidence that might be relevant to a violation of a tribal code.
19. **Park Service Regional Office Approval.** This agreement must be approved by the National Park Service Regional Office in Omaha, Nebraska, and the Lakeshore Superintendent will recommend such approval.
20. **Reservation of Rights/Claims/Defenses.** The fact that any Tribe or the National Park Service is or may have been a party to this agreement shall not be construed as a waiver

of any rights, claims or defenses that any of those entities may have under any treaty between the United States and a Tribe, or under other applicable law of the United States.

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GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2012-04

Wisconsin 1837 and 1842 Ceded Territory Tribal Deer Transportation Regulations from within a Tribally Designated CWD Area

This Commission Order establishes amendments to the Tribes' deer harvesting regulations for the Wisconsin portion of the 1837 and 1842 ceded territory pursuant to the authority granted by §3.33 of the Tribes' Off-Reservation Conservation Codes, which provides for the issuance of a Commission Order for matters pertaining to necessary miscellaneous fish and game related regulatory amendments of the Model Code.

Sec. 1: Authority and Applicability; Terms Used and Definitions.

Subd. 1: This Order is issued in accordance with the provisions of the Tribes' Off-Reservation Conservation Codes (hereinafter "Code" or "Codes") that codify the provisions of §3.33 of the Tribes' Model Code and authorizes each Tribal Conservation Department to amend §3.27, §6.06, §6.24, and §6.25 of each Tribe's Code. This Order is also issued in the implementation of §3.31 of the Tribes' Code which authorizes the Director of the Biological Services Division of the Commission to restrict harvest activities as deemed necessary to prevent against biological harm to the species involved. Upon the issuance of this Order, unless a Tribe chooses to adopt more restrictive measures, the regulations established herein shall be the Tribe's regulations as provide in each Tribe's Code.

Subd. 2: This Order is issued to establish culturally appropriate regulations to provide an orderly system of tribal control and regulation of off-reservation deer transportation within the 1837 and 1842 ceded territories. This Order is being presented in response to the recent Chronic Wasting Disease discovery in the 1837 ceded territory.

Subd. 3: Terms used in the Codes shall be given the meaning set forth in the Codes when used in this Order.

Sec. 2: Tribal Deer Harvesting Regulations. Starting in 2012, and to be effective for the period of one year from the date of promulgation, the following parameters for Tribal deer transportation shall apply:

Subd. 1: Tribal Administrative Document Established. The *Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded*



Territories, Version 1: [November 2012] comprehensive tribal document as it may be amended from time to time is hereby adopted and incorporated in the Code as if fully set forth therein. No member shall fail to comply with the closures and other restrictions established by this document.

Subd. 2: Tribally Designated CWD Area Established. *The Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012]* shall establish Off-Reservation Treaty Waawaashkeshikewin Unit 15 as a tribally designated CWD Area.

Subd. 3: Deer Registration. *The Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012]* shall establish that a member who kills a deer in Off-Reservation Treaty Waawaashkeshikewin Unit 15, must: (1) register the deer at the Lac Courte Oreilles (LCO Conservation Department), St Croix (Hertel, Danbury, Round Lake), or the Mille Lacs (Lake Lena Community Center) tribal registration stations no later than 5:00 p.m. of the third working day after the killing; and (2) transfer the head of a deer killed in Off-Reservation Treaty Waawaashkeshikewin Unit 15 to the tribal conservation department or the Commission's Biological Services Division for CWD testing.

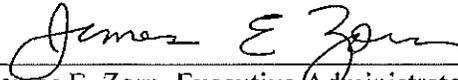
Subd. 4: Transportation within and adjacent to a CWD Area. *The Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012]* shall establish that a member who kills a deer within Off-Reservation Treaty Waawaashkeshikewin Unit 15 may only transport the carcass within Unit 15 and/or in the adjacent Off-Reservation Treaty Waawaashkeshikewin Units of 10, 11, 12, 16, 17, 22, Minnesota Tribal Deer Permit Area 159, and Lac Courte Oreilles, St Croix, and the Mille Lacs-District III tribal lands.

Subd. 5: Transportation outside a CWD Area. A member may transport a deer harvested within Off-Reservation Treaty Waawaashkeshikewin Unit 15 outside of the area described in Subd. 4, only as follows: Meat that is boned out or that is cut and wrapped;

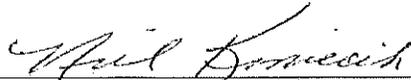
Subd. 6: Disposal of a Carcass from a CWD Area. *The Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012]* shall establish that a member who kills a deer within Off-Reservation Treaty Waawaashkeshikewin Unit 15 must dispose of the carcass as required by the Tribal Conservation Department of the Tribe which registers the deer (Note: pursuant to section 6.06(1) of this ordinance, a deer killed in Unit 15 may only be registered at the Lac Courte Oreilles (LCO Conservation Department), St Croix (Hertel, Danbury, Round Lake), or the Mille Lacs (Lake Lena Community Center) tribal registration stations.

Sec. 3: Reservation of Each Tribe's Authority. Nothing in this order is intended to, or shall be construed to, limit the authority of each Tribe to establish tribal deer transportation regulations or other measures that are more restrictive than provided in this Order.

Dated this 16th day of November, 2012.



James E. Zorn, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission



Neil Kmiecik, Biological Services Director
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendment – Tribal Deer Harvesting Regulations

Model Code revision regarding tribal deer harvesting regulations [§6.06 (Deer Registration), §6.24 (Transportation from a CWD Area), and §6.25 (Disposal of a Carcass from a CWD Area)] are (deletions shown by ~~strikeout~~ and additions by redline):

3.27 Tribal Administrative Documents 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);
- (c) Tribal Fish Management Experiments;
- (d) Tribal Management Units and Zones in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1.2: August 2008;
- (e) Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 4.0: August 2008.
- (f) Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Tribal Species of Special Concern, Version 1: [May 2010];
- (g) Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Tribal Designated Use, Tribal Research and Management Areas, and Tribal Closed Areas, Version 1: [May 2010];
- (h) Tribal Gathering on State Lands within the Portion of the Ceded Territory Located in the State of Wisconsin – Public Lands Open to Tribal Gathering, Version 1: [May 2010];
- (i) Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [January 2010];
- (j) Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [January 2010]; and
- (k) Tribal Alternative Monitoring of Walleye Harvest on Certain Lakes in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [January 2010], and

(1) Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012].

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

* * * * *

6.06 Deer Registration.

(1) A member who has killed a deer pursuant to this ordinance, or, in the instance of group hunting [Section 6.11], 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 third working day after the killing, except as described in the following comprehensive tribal document. The document described below may be amended from time to time, and is hereby adopted and incorporated in this ordinance as if fully set forth herein. No member shall fail to comply with the closures and other restrictions established by this document:

Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012].

~~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.~~

(2) Upon registering a deer pursuant to this section, the registering official shall affix a registration tag and duly record in an appropriate manner all information required to be provided by the member at the time of registration killing.

(3) When antlerless deer permits are necessary, a member registering an antlerless deer shall surrender his or her antlerless deer permit upon registration of the deer.

(4) A member registering a deer shall provide the registering official with the following information: the type of deer (antlered or antlerless) taken, the management unit and county where the deer was taken, the date when the deer was taken, the tribal identification number of the member taking the deer and any other relevant information requested by the registering official.

(5) No member shall register a deer except by presenting the whole carcass to the registering official or, in the alternative, by presenting the head of a carcass (except as provided in Sections 6.18 and 6.19 [Registration of Deer for Commercial Purposes]) provided the carcass tag is firmly affixed to the head or any part thereof.

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

(7) Any tribal or Commission warden authorized pursuant to Section 4.02 to enforce the provisions of this ordinance is authorized to register deer in the field provided such warden transmits all registering information to a tribal registration station no later than the registration deadline established by subs. (1), above.

* * * * *

Section 6.24 Transportation from a CWD Area.

(1) No member shall transport the carcass of any deer killed within a tribally designated CWD Area except as described in the following comprehensive tribal document. That document may be amended from time to time, and is hereby adopted and incorporated in this ordinance as if fully set forth herein. No member shall fail to comply with the closures and other restrictions established by this document:

Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012].

* * * * *

Section 6.25 Disposal of a Carcass from a CWD Area.

(1) No member shall dispose of the carcass of any deer killed within a tribally designated CWD Area except as described in the following comprehensive tribal document. That document may be amended from time to time, and is hereby adopted and incorporated in this ordinance as if fully set forth herein. No member shall fail to comply with the closures and other restrictions established by this document:

Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012].

Tribal Administrative Documents Amendment – Tribal Disease Management Areas

The following provisions of the *Tribal Disease Management Areas within the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [November 2012]* shall be established as follows:

Tribally Designated CWD Areas.

(1) The following tribally designated CWD Area is hereby established:

(a) Off-Reservation Treaty Waawaashkeshikewin Unit 15

Deer Registration.

(1) No member shall fail to register a deer killed within a tribally designated CWD Area except as follows:

(a) when the deer is killed in Off-Reservation Treaty Waawaashkeshikewin Unit 15, the deer may only be registered at the Lac Courte Oreilles (LCO Conservation Department), St Croix (Hertel, Danbury, Round Lake), or the Mille Lacs (Lake Lena Community Center) tribal registration stations no later than 5:00 p.m. of the third working day after the killing.

(2) No member shall fail to transfer the head of a deer killed in Off-Reservation Treaty Waawaashkeshikewin Unit 15 to the tribal conservation department or the Commission's Biological Services Division for CWD testing.

Transportation from a CWD Area.

(1) No member shall transport the carcass of any deer killed within a tribally designated CWD Area except as follows:

(a) The carcass of any deer killed within Off-Reservation Treaty Waawaashkeshikewin Unit 15 may be transported within Unit 15 and the adjacent Off-Reservation Treaty Waawaashkeshikewin Units of 10, 11, 12, 16, 17, 22, Minnesota Tribal Deer Permit Area 159, and Lac Courte Oreilles, St Croix, or the Mille Lacs-District III tribal lands.

(2) Except as provided in subs. (1), no member shall transport the carcass of any deer killed within a tribally designated CWD Area outside of that area, except for the following: Meat that is boned out or that is cut and wrapped;

Disposal of a Carcass from a CWD Area.

(1) No member shall dispose of any carcass of a deer killed within a tribally designated CWD Area except as follows:

(a) The carcass of any deer killed within Off-Reservation Treaty Waawaashkeshikewin Unit 15 must be disposed of in a licensed land fill.

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
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force January 6, 2011 – 9:00 a.m. Lac du Flambeau, WI Minutes

Opening Song: GLIFWC Drum

Opening Prayer: Joe Rose, Sr.

1. Call to Order

The Chairman called the meeting to order at 9:10 am.

2. Roll Call

Bad River – Joe Rose, Sr.

Keweenaw Bay – Absent

LCO – Mic Isham

LDF – Scott Smith, Tom Maulson, Karl Theobald (arrived at 10:10)

LVD - Giiwe Martin, Don Klingman

Mille Lacs – Curt Kalk

Mole Lake – Chris McGeshick

Red Cliff – Leo LaFernier, Mark Duffy

St. Croix – Carmen Butler, Jeff Butler

Others Present: Frank Mitchell, Terry “Fred” Allen Jr., Kelly Applegate, Lynna Gurnoe, Brad Kalk, Jason Schlender, Buck Martin, Stewart Eagleman, James Zorn, Ann McCammon Soltis, Kekek Jason Stark, Neil Kmiecik, Joe Dan Rose, Alexandra Wrobel, Jonathan Gilbert, Julie Ante, Gerald DePerry, Annie Thannum, Jim Thannum, Fred Maulson, Jim St. Arnold.

3. Approval of Agenda

Motion by LCO to approve agenda; second by Mole Lake.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion by LVD to approve minutes; second by Red Cliff.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

5. Election of Officers

LCO nominated Tom Maulson as Chairman; Mole Lake seconded the nomination.



Red Cliff made a motion to keep the same officers and close the nominations. Giiwe Martin declined, due to uncertainties created by a change in the LVD council. As a result of her declination, Red Cliff withdrew the motion.

LVD nominated Mic Isham for Vice-Chairman; LDF seconded the nomination.

Mole Lake made a motion to close the nominations. Tom Maulson will remain Chairman of the Voigt Task Force. Mic Isham will replace Giiwe Martin as Vice-Chair.

Curt Kalk introduced his brother Brad Kalk to the Voigt Task Force. Brad will be the new Commissioner of Natural Resources for Mille Lacs and will also be a Voigt representative. Brad is an avid trapper as well as a hunter and fisherman. The Task Force welcomed Brad and introduced themselves.

6. WDNR Division of Forestry

A. Introduction to Tom Duke, WDNR Regional Forestry Leader – Information – Jonathan Gilbert

Jonathan introduced Tom Duke. Tom thanked the Task Force for allowing him to attend the meeting and stated that he looks forward to a productive ongoing relationship and continued consultation with the Task Force and its member tribes.

B. Strategic Direction – Information – Alexandra Wrobel
Visitor: Rebecca Gass, WDNR Forestry Division

Alexandra introduced Rebecca Gass. Rebecca thanked the Task Force for allowing her to attend the meeting, and to get opinions from the Task Force regarding the Statewide Forestry Management Plan. The plan will look at the health of the forests. The state developed its strategy in conjunction with a number of partners.

The Chairman had a question regarding limited access to state land caused by gated roads. The tribes are interested in maximizing harvest opportunities, including in these areas. Tom asked for the Division of Forestry's help the tribes in this regard.

Red Cliff had a question regarding whether forest crop land is under state management and also about management of county land. Tom Duke, DNR clarified that the forest crop program is administered by the state and county forests are administered by counties. Private landowners always retain the right to make decisions on their land but work with the state under the forest crop program.

LCO questioned the lack of reference to tribes and treaty rights at the beginning of the plan. Jonathan Gilbert stated that these are the sorts of comments that will be provided on the document. Rebecca Gass stated that the tribal liaisons have been directed to contact individual tribes; Tom Maulson suggested that tribal leadership be contacted in addition to staff.

Rebecca Gass and Tom Duke discussed the management plan. The plan will also serve as the division's work plan – it will guide the state's work for the next 5-10 years. The state's goal is to begin implementation of the plan in July or August.

LCO stated that more time was needed for the tribes to review the document. Staff indicated that draft comments would be provided to Task Force for action at its February meeting. Comments are due on February 4.

7. USFS MOU

A. Meeting Minutes – Action – Kekek Jason Stark

Jason requested approval of the MOU /GLIFWC annual meeting minutes. Draft minutes were provided at the December meeting, very few changes have been made.

LCO made a motion to approve the minutes; second by LDF.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

8. GLIFWC Revised Strategic Plan – Discussion – Jim Zorn

Jim Zorn gave a brief update of the revised strategic plan. Jim explained that the plan needs to be brought before the Board of Commissioners at its January meeting and will be brought to the Lakes Committee in mid-January. LCO thought that the plan well represented the outcomes of the planning meeting last October.

LCO also requested that GLIFWC hold an open house on January 25th at the LCO Community College, immediately after the Commissioners Meeting.

9. WI Fish Declaration Process – Information – Joe Dan Rose

Joe Dan gave a brief recap of the fish declaration process for Wisconsin. Important dates for the tribes to remember are:

January 15: GLIFWC forwards to tribes the safe harvest numbers
February 15: Tribes' initial declarations due
March 15: Tribes' final declarations submitted to the state

The chairman stated that there were lots of things that need to be looked at, such as lengths, and lakes where there is no tribal access. Joe Dan Rose stated that GLIFWC and the state meet twice a year at TWG meetings, and that is where such items are discussed. The chairman inquired if all the tribal representatives can get information such as state creel surveys.

Discussion followed about several issues related to implementation and the process for declarations:

- Jim Zorn explained the process for non-Voigt plaintiff tribes to come to Wisconsin to harvest in the spring. Under the Voigt case, only the 6 Wisconsin tribes can open lakes in

Wisconsin, so requests need to be worked out with one of the Wisconsin tribes, usually they will declare a lake open and allow one of the non-plaintiff tribes access.

- with regard to who allows or prohibits fishing on particular lakes, each tribe decides whether it wishes to allow its members to fish on a particular lake on a particular night. GLIFWC enforces that tribe's decision with respect to the members of that tribe.

There were questions as to whether an overage type plan could be developed for spearing so that tribes could carry over unharvested quotas. Jim Zorn explained that quotas are calculated based on the previous year's estimated population, it would be difficult biologically to try and apply such a plan to save an underharvest of fish until the following year. Jim Zorn and Joe Dan Rose stated that the tribes can propose an overage plan, but if the state doesn't agree, then the tribes' only option would be to try to convince a federal judge of the need.

10. MN 1837 Ceded Territories – Information – Joe Dan Rose

A. Fisheries Committee Meeting Notice

Joe Dan explained that the January 20, 2011 meeting of the MN1837 Ceded territory Fisheries Committee will be held at McQuoids Inn/Event Center at Isle, MN at 8:30 am. There will be a meeting of the modeling workgroup of the committee on Wednesday, January 19 at McQuoids beginning at 1:00 pm. A tribal planning meeting to prepare for the MN 1837 fisheries committee meeting will be held at 1:00 pm on Friday January 14 at the GLIFWC office in Odanah. A conference call number has been arranged for this tribal meeting.

The chairman asked why the state of MN was so worried about northern pike. There was discussion regarding the habitat degradation of northern pike, and the problems caused by dams on the population. GLIFWC has hired an expert to look into pike issues on Mille Lacs. The LDF representative mentioned that he had attended the MN 37 Fisheries Committee meeting in Minnesota and the state said they would consider an overage plan for northern if one was submitted, but they didn't want to change the northern quota. Discussion followed.

There was also discussion of musky harvest at Mille Lacs. Joe Dan explained that there are two years remaining on the current fishery management plan and if there is interest in harvesting musky during spring, then that is the appropriate mechanism to discuss the issue.

There was also discussion of the dissatisfaction of the tribes with the current length restrictions for walleye spearing. The chairman felt that when the fish get bigger, tribes should be able to take those bigger fish. There was discussion about the possibility of the state looking more at the issue if the tribes contributed financially, maybe through help with surveys, etc.

B. MN Fish Declaration Process

Joe Dan gave a brief recap of the fish declaration process for Minnesota. Important dates for the tribes to remember are:

January 15: GLIFWC forwards to tribes the safe harvest numbers

- February 15: Tribes' initial declarations due
- March 15: Tribes' final declarations are submitted to the state

Lac du Flambeau inquired about the disposal issue at Mille Lacs. A new tank has been installed at Mille Lacs. GLIFWC paid for the tank and Mille Lacs covered the installation. There was discussion about the costs for emptying the tank and other issues regarding disposal. The tank needs to be monitored. Only fish waste can be disposed of – any other debris greatly increases the cost of pumping. Staff will provide a list of options for fish waste disposal at an upcoming Task Force meeting.

11. MI 1842 Fish Declaration Process – Information – Joe Dan Rose

Joe Dan gave a brief recap of the fish declaration process for Michigan. Important dates for the tribes to remember are:

- January 15: GLIFWC forwards to tribes the safe harvest numbers
- February 3: VTF meeting where intent and numbers can be discussed
- February 15: Tribes' initial declarations due
- March 15: Tribes' final declarations are submitted to the state

12. ANA Language Presentation – Information – Jim St. Arnold

Jim St. Arnold, ANA Director, distributed copies of and showed a powerpoint presentation of the DVD entitled "INAAADIZWWIN." This ANA funded project showcases tribal members performing traditional activities and incorporates Anishinaabe language. Jim explained that this was a two-year project in which staff took pictures of traditional activities and then worked with language teachers to develop sentences to match the pictures. GLIFWC will be distributing 500 copies to each tribe, as well as copies to schools, colleges and tribal programs. Jim explained that there are no copyright issues with the DVD so tribes can pass it on and share it free of charge.

13. Deer Season Update – Information – Jonathan Gilbert

Jonathan gave a brief update on the 2010 treaty deer hunting season at the end of the second permit period ending on December 1, 2010. The total harvest after the second permit period is 1,275 deer. This compares with 1,119 as of the same time last year. The next harvest update will be sent after the season ends on January 9, 2011.

14. Elk Update – Information – Jonathan Gilbert

Jonathan Gilbert explained that on December 9, 2010 he and Brian Brost, Data Analyst, met with representatives from the DNR and US Forest Service to discuss the assisted dispersal project, both what is to happen this year, and for the next four years. There was an open discussion about the various decisions that had been made regarding this project over the past few months. There was a fair bit of misunderstanding early on in the process and as decisions were made. A lack of effective communication was identified as a cause of this misunderstanding.

The overall goals and objections were discussed and it was decided that there needed to be a more thorough discussion about the direction of elk management. The parties looked at the model outputs that Brian Brost had produced and discussed how the work was conducted. The parties involved decided that they needed to accomplish four things in the long and short term:

1. Facilitate a ceremony to be conducted by an elder from LCO. The WDNR has committed to make this ceremony work whenever it is deemed necessary.
2. Inclusion of USFS and GLIFWC staff in the capture, handling and moving of elk this winter.
3. A four year plan for future releases, which would include identification of release sites, development of evaluation criteria, and sufficient planning time for all parties.
4. Better communication generally around the issue of elk.

Jonathan will keep the Task Force advised as the project moves forward.

15. Michigan Moose Update – Information – Ann McCammon Soltis & Jonathan Gilbert

Ann explained that on December 23, 2010, former Michigan Governor Jennifer Granholm signed a bill into law authorizing the establishment of a Michigan moose season. The law allows the Natural Resources Commission to establish the first season and creates a moose hunting advisory council within the Department of Natural Resources. The council has 7 members, including 1 member appointed by the Michigan Intertribal Council. Within 1 year, the council is required to submit a report with recommendations regarding whether the moose season established under the law should be expanded.

GLIFWC staff are beginning to gather information relevant to the biology of moose, and the status and locations of moose populations in the UP. In addition, staff have begun discussions with the Bay Mills Indian Community about the ramifications of this law and its relationship to the requirements of the 2007 Inland Consent Decree. Staff will continue to update the Task Force as they gather information and the process becomes better defined. In addition, staff will remind the state that it must contact the tribes individually and will invite MI DNR representatives to a future Task Force meeting to discuss the issue in person.

There was discussion about wording in the memo regarding “recommending” individual consultation with the tribes. LVD didn’t feel that GLIFWC should have to recommend individual consultation – individual consultation is required. Ann agreed and apologized for the poor choice of words. Jim Zorn stated that Dennis Knapp had contacted him and mentioned that the legislature had rather abruptly “dumped” this on them. LVD indicated that the state should contact the individual tribes before contacting GLIFWC.

16. Voigt Stipulation Update – Information/Executive Session – Kekek Jason Stark

Jason explained that everyone should have received and reviewed copies of the red stipulation briefing booklet. Our understanding, after communicating with the state, is that the stipulation is near completion and should be ready shortly to be submitted to the court. As other issues arise, please contact staff, as they keep a list of future issue to be raised.

Jim Zorn added that Matt Frank was sorry that he couldn't sign it before he left his position, as he would have liked it to be completed under his tenure.

LDF inquired if allowing tribal members to hunt on their own land may be a future issue. Discussion followed. Mille Lacs stated that in MN, tribal members are allowed to hunt on fee land and in return, allow non-tribal members to hunt there as well.

17. Committee Meeting Notices/Reports

A. TWG Meeting Report – Information – Joe Dan Rose

Joe Dan Rose gave a brief update on the TWG meeting that occurred on December 9, 2010 at the GLIFWC office in Odanah. Agenda items included:

- Fall 2010 Recruitment Surveys
- WDNR Population Estimates for Musky and Bass
- River, Baseline Monitoring, and Other Surveys
- Recruitment Code Changes
- Fyke Net Harvest and Data Exchange
- Plans for Calculating 2010 Safe Harvest Levels
- Sherman Lake Walleye Exploitation Study
- WDNR Rule Change Proposals
- Management Issues
- Next TWG Meeting Date: August 17, 2011 in Madison

There was discussion about the possibility of GLIFWC staff taking a look at a lake, such as Buckskin Lake, where heavy angling takes place, and somehow show that the tribes are not the “culprits.” There was also discussion about the trigger levels and possible trigger level exceptions on lakes where the trigger level was exceeded in 2010.

B. Biological Services Division January Meetings (information in packets)

18. Other Business

A. February 3, 2011 Meeting Location: Lac du Flambeau, WI.

Joe Rose Sr. stated that there will be an informational meeting on the proposed Penokee mining project at the Northern Great Lakes Visitors Center in Ashland on Wednesday, January 19, 2011 at 6pm. He encouraged tribal representatives to attend.

Jim St. Arnold conveyed a message from the Canadian chiefs who visited the Task Force in December. The chiefs wanted to remind them that they are not just tribal leaders, but leaders on an international level. They would like the Task Force to consider a meeting of the US and Canadian tribal leaders. The chairman agreed that it would be nice to have a meeting in Canada sometime.

19. Adjourn

LCO made a motion to adjourn; second by Mole Lake.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

The meeting adjourned at 12:15 pm.

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St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting
February 3, 2011 – 9:00 a.m.
Lac du Flambeau, WI

Minutes

Opening Song: GLIFWC Drum
Opening Prayer: Joe Rose, Sr.

1. Call to Order

The chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River	Joe Rose, Sr.
Keweenaw Bay	Chris Swartz
LCO	Mic Isham, Paul Shagen
LDF	Tom Maulson, Scott Smith, Frank Mitchell
LVD	Alan Shively, Giiwe Martin
Mille Lacs	Brad Kalk, Kelly Applegate
Mole Lake	Chris McGeshick
Red Cliff	Leo LaFernier
St. Croix	Carmen Butler, Jeff Butler

Others present:

GLIFWC: Jim Zorn, Joe Dan Rose, Peter David, Julie Ante, Kekek Jason Stark, Jonathan Gilbert, Alex Wrobel, Sue Erickson, Neil Kmiecik, Gerald DePerry, Fred Maulson

USFS: Mary Rasmussen, Larry Heady, Keith Lannum, Paul Strong

WDNR: Cathy Stepp, John Gozdziwski, Scott Gunderson

Others: Stewart Eagleman-St. Croix, Jim Williams-LVD, Anna Maulson-LDF

3. Approval of Agenda

Motion to approve the agenda by Red Cliff; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve the minutes by Mole Lake; second by LCO.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.



5. Introduction to New Wisconsin DNR Secretary Cathy Stepp – Information – Jim Zorn

Jim Zorn introduced Cathy Stepp, the new Secretary of the WDNR, as well as John Gozdziński, and Scott Gunderson, Assistant to the Secretary. The Chairman noted that Cathy is the first woman to hold the post of WDNR Secretary. The Chairman stated that he feels the Secretary and the tribes can go a long way together. The Chairman noted that he had Secretary Stepp over to his home for dinner and a ceremony the previous evening, and they discussed the Anishinaabe way – that is to take only what you need.

Ms. Stepp warmly thanked the chairman, as well as his wife and family for the meal and hospitality of the previous night. She thanked the Voigt Task Force for the invitation to attend this month's meeting and hopes to continue ongoing projects as well as reinforcing personal relationships. Ms. Stepp acknowledged the challenges that still need to be overcome and looks forward to 'putting to bed' the bumps that the state and tribes have encountered along the way.

Introductions were made around the table. The vice-chair welcomed Ms. Stepp, noting that their two respective high schools were rivals, but now they have something in common—the resource. He welcomed her and thanked her for coming.

Jim Zorn welcomed Ms. Stepp and stated that he had enjoyed spending time with her the previous evening at the Chairman's home. He discussed the importance of the agencies' relationship, and noted that regular communication mechanisms are in place through annual meetings and quarterly calls. Staff also meet regularly throughout the year on a variety of issues. Mr. Zorn suggested holding their first agency head meeting in March around the time of the State of the Tribes address. He noted that there are many issues that the state and tribes interact on including wolf, wild rice, fish, habitat and others. Mr. Zorn noted the need to finalize the last round of Voigt stipulation review, and indicated that staff would be following up with regard to issues that were not resolved in that round, specifically with regard to spring walleye harvest.

The Chairman once again welcomed Secretary Stepp and told her that she was welcome to stay for the rest of the meeting if she wished. Ms. Stepp thanked the Chairman and said would very much like to stay and observe.

6. Comments on Wisconsin State Forest Strategic Plan – Action – Alexandra Wrobel

Alex Wrobel and Jonathan Gilbert reminded the Task Force that last month Rebecca Gass had visited to give the tribes the chance to submit comments/concerns on the Wisconsin State Forest Strategic Plan. Staff have reviewed the plan and draft comments are in the packet today for approval by the Task Force. The comments indicate that the document originally had no mention of treaty rights and so that needs to be included. Staff is pleased with the overall draft, and asked for approval of the comments, which include language about treaty rights and problems with restricted access.

Jonathan asked whether the tribes had been contacted individually, as that had been a major concern in the past. Discussion followed. Joe Rose suggested an amendment to the motion to approve submission of the comments that would direct staff to include language about the tribes being contacted individually.

Motion to approve the comments (with the additional language regarding contacting individual tribes) by LCO; second by Mole Lake.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

7. Michigan Moose Law Update – Action – Ann McCammon Soltis

Ann explained that GLIFWC had received a letter from Dennis Knapp, Native American Affairs Coordinator for the Michigan Department of Natural Resources and Environment (DNRE), requesting to meet with the Task Force regarding Michigan's new law authorizing the establishment of a moose season. The new law also creates a moose hunting advisory council within the DNRE. The council has seven members, including one appointed by the Michigan Intertribal Council. Within one year, the council is required to submit a report with recommendations regarding whether the moose season established under the law should be expanded. GLIFWC staff are coordinating with MI DNRE and continue to gather information relevant to the biology of moose, and the status and location(s) of moose populations in the UP. Ann requested action to invite the appropriate DNRE representatives to the March VTF meeting to discuss moose in the 1842 ceded territory.

Discussion followed regarding the level of consultation with the Michigan tribes individually on this matter. KB and LVD both expressed dissatisfaction with the lack of consultation thus far and were unwilling to support inviting the DNRE to consult with the Voigt Task Force until consultation with the two Michigan tribes had occurred.

KB asked about the goal of a meeting with the DNRE at this point. Ann stated that one purpose would be to try to get a sense from the state what process they are thinking about and how the tribes play into that process. Jim Zorn added that this would also allow the tribes to be involved in moose management from the very beginning; he emphasized that the goal is to achieve co-management and help the tribes exercise their sovereignty.

Discussion followed about how GLIFWC staff should proceed. The Task Force would like the biologists to continue to interact with the DNRE and continue to collect the necessary data to inform the Task Force's substantive deliberations regarding moose. However, the Task Force wants to ensure that the State doesn't think it's fulfilling its consultation requirements simply by talking with the Voigt Task Force. In addition, only KBIC and LVD indicated a desire for individual consultation, once that is achieved then consultation should occur with the Task Force

KB asked if GLIFWC staff had information on the moose population in the UP. Jonathan Gilbert explained that GLIFWC has not been asked by member tribes to do any moose population work in Michigan so they have not done so, but Michigan DNR has shared their data with GLIFWC. Jonathan explained that according to DNR information there were 420 moose in the Western UP in 2009. This was population was estimated to be growing at 10% annually. There are less than 100 moose in the eastern UP. LVD inquired if there was car-kill data available for Michigan moose. Jonathan will look into it. Neil Kiniecik asked if total acceptable mortality rates were known. Jonathan stated that for most cervids the general rule of thumb is that you can harvest about 30% to keep the population the same.

Motion by LVD to draft a letter regarding consultation requirements and bring it to the March Task Force meeting; second by KB.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

8. USFS MOU – Information – Ann McCammon Soltis

A. Sacred Sites
Visitor: Larry Heady

Larry Heady and Mary Rasmussen explained that the Forest Service is undertaking an initiative regarding sacred sites. Mary introduced Paul Strong and Keith Lannum, who is filling in for Sue Spear until that vacancy is filled. Larry stated that the Forest Service aims to improve their understanding of Native American sacred sites. They want to know what is sacred to the tribes' culture. Larry admitted that recent history regarding sacred sites is not pretty—there is a lot of litigation out west where they feel the Forest Service doesn't listen. The current administration in DC wants improvement in how the Forest Service deals with tribes.

Larry Heady stated that the Forest Service is visiting the Task Force today to share information, but he acknowledged that this was not consultation. He described several documents regarding the Service's initiative to consult with tribes regarding sacred sites. They are:

- a letter to "Interested Tribal participants" that lays out the proposed time line for consultation,
- information about a "Listening Session" in Ashland, WI scheduled for March 8, 2011 at the Northern Great Lakes Visitors Center,
- Background Summary of Sacred Sites;
- Key Questions for consideration by tribal leaders and practitioners,
- Questions and Answers about Sacred Sites, and
- Executive Order 13007 of May 24, 1996 on Indian Sacred Sites.
- Federal Regulations, dated January 19, 2011, authorizing temporary closures

Larry explained that after the Service puts together a draft, then they will have something to bring to consult about. He thanked the Task Force for allowing the Forest Service to attend the meeting today.

The chairman suggested that when people are hired to work on this, that tribal members be contracted for the work, because the tribes have people that are knowledgeable about the issues.

The Vice-chair stated that it was refreshing to hear the Forest Service's comments about consultation. He inquired if the Forest Service had any say over state policies. Larry Heady explained that currently they have no influence over state procedures and laws, but if there is a concern, then it should be included in the report to the Secretary. KB noted that it was having difficulties getting Eagle Rock recognized as sacred because there was no structure erected at the site.

Giiwe Martin stated that Mr. Heady has visited LVD and together, they have been diligently working on comments to be given at the Listening Session. Giiwe thanked Mr. Heady, and stated that this is an example of how things *should* work. KB agreed and stated that they, too have a good working relationship with the USDA.

Larry Heady reminded the tribes that they also do not have to wait for a “consultation period” to talk. The Forest Service can and will be available anytime if the Listening Sessions don’t fit into the communities’ schedules.

On a related note, Larry explain that FS line officers are now authorized to temporarily close areas for ceremonial/cultural activities.

9. Enforcement Division Winter Update – Information – Fred Maulson

Fred Maulson gave a brief update on the Enforcement Division’s fall activities which included community policing and joint patrols. KB indicated that it would like to discuss the qualifications for wardens in Michigan. Highlights included:

- Community Policing: hunter safety, ATV/snowmobile safety, wild rice camps, and upland bird youth hunt, Treaty Rights presentation with the Outdoor Women of Minnesota, and work with the hunters Network of Wisconsin to recruit and retain new hunters,
- Enforcement and Joint Patrols: Officers on patrol located a marijuana field and worked closely with local sheriff’s department and the North Central Drug Enforcement Group (NORDAG), commercial fishing enforcement patrols with CORA, assisted tribal police forces, assisted with illegal wolf kill and illegal deer tagging, group checks and patrols with MI, WI, and MI state wardens.

10. Deer Update – Information – Jonathan Gilbert

Jonathan gave a brief update on the results of the 2010 treaty deer hunting season through the season end date of January 9, 2011. The total harvest at the end of 2010 was 1,493 deer. This compares with 1,386 in WI as of the same time last year. Nearly all of this increase occurred in the buck portion of the harvest; antlerless harvest was unchanged.

11. Wisconsin Fish Declaration Process – Information – Joe Dan Rose

Joe Dan reminded the Task Force that initial draft declarations are due on February 15, and that he and Mark Luehring are available if anyone has any questions. He stated that final declarations are due March 15, 2011 and reminded the tribes that their initial summaries are not shared with anyone.

There was discussion of the increased safety factors, with 1-yr old estimates at 41% and 2-yr old estimates being at 33%. Joe Dan explained that higher safety factors give you higher available harvest numbers. LDF was concerned that the tribes seem to be going “backward” again, with less and less fish available to the tribes. Joe Dan explained that the numbers had actually been pretty stable, although there was a decrease this year. LDF thanked Joe Dan for providing 2009 data showing angler harvest vs. tribal harvest.

12. MN 1837 Ceded Territories – Information – Joe Dan Rose

A. Fisheries Committee Meeting Update

Joe Dan shared some of the highlights of the January 19, 2011 modeling workgroup meeting that was held in Isle, MN: The purpose of the meeting was to develop a 2011 harvestable surplus recommendation for walleye in Mille Lacs Lake. Based on population assessment data and model estimates, the workgroup agreed to a 2011 harvestable surplus level for walleye of 540,000 pounds. This value is nearly identical to the harvestable surplus levels from 2009 and 2010. Regarding northern pike, the workgroup agreed to raise the northern pike harvest cap from 25,000 pounds to 30,000 pounds on an experimental basis for the next two years. State biologists noted that they are planning to gradually adjust their angling regulations to harvest a larger portion of their northern pike allocation.

The Minnesota 1837 Ceded Territory Fisheries Committee meeting met on the following day, January 20, 2011. Some highlights from this meeting include:

- Minutes from the January and June 2010 meetings were finalized and will be distributed.
- The committee agreed to a 2011 harvestable surplus of 54,000 pounds, as recommended by the modeling workgroup.
- it was noted that all of the population criteria necessary for Condition 1 in the State's walleye overage plan for Mille Lacs Lake have been met and that an overage cap of 122% will be in place for 2011.
- The committee agreed to increase the harvest cap for northern pike to 30,000 pounds and maintain the yellow perch quotas at 270,000 pounds. The committee also agreed to continue management of tullibee and burbot without quotas, while maintaining the status quo with respect to regulations and patterns of harvest.
- State biologists indicated that the abundance of spiny waterflea increased in 2010, after first being found in Mille Lacs in 2009. In addition, it was noted that Eurasian watermilfoil appears to be increasing.
- Diving sampling conducted by state biologists indicate that the density of zebra mussels in Mille Lacs is about three times higher than in 2009 and 175,000 times higher than in 2005. Tribal netters will likely find some attached to their nets this spring; they should be immediately removed and returned to the lake (preferably dead) to avoid spreading them into another waterbody.
- The next meeting will be hosted by the FDL band at its new Natural Resources building on July 26, 2011.

There was discussion of the zebra mussel problem, as well as the other invasive species and their origins.

B. Minnesota Fish Declaration Process

Joe Dan again reminded the Task Force of the February 15th due date for initial declarations, and the March 15 due date of final declarations. Joe Dan invited the Task Force to contact him or Mark Luehring for assistance if needed.

Mille Lacs noted the increased harvest at Mille Lacs, stating that last year they ran out of fish. Mille Lacs realizes that people are getting better at harvesting over there. They just wanted to reiterate the message to other tribes to only take what you need.

13. Initial Michigan Fish Declarations – Information/Executive Session – Kekek Jason Stark/Joe Dan Rose

Motion to enter Executive Session at 11:55 p.m. by Mole Lake; second by Red Cliff.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

Motion to come out of Executive Session at 11:58 p.m. by Mole Lake; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

14. Committee Meeting Notices/Reports

A. Wild Rice Committee Meeting Notice – Information – Peter David

Peter briefly updated the Voigt Task Force on the next scheduled Wild Rice Committee meeting that is planned for Thursday, February 24th at the LCO Casino, with the Wisconsin Tribal Rice Committee meeting in the morning (9:30 am – 11:00 am) followed by the Joint State/Tribal Wild Rice Committee meeting (11:00 am – 3:30 pm). Tentative agenda items include:

- Review draft minutes from November 2010 meeting
- Review the first draft of opening management plan chapters
- Discuss upcoming chapter sessions
- Analysis of harvest data from date-regulated wild rice waters
- Ideas for other components of the management plan

Please contact Peter David or Lisa David for further information.

B. 19th Annual Wisconsin Joint Assessment Steering Committee Partners Fishing Event
Notice – Information – Joe Dan Rose

Joe Dan briefly updated the Task Force on the Partners Fishing Event, which is scheduled for June 8-9, 2011 at the Lake of the Torches Resort in Lac du Flambeau, WI. A 4:00 pm cook-out and fishing is planned for June 8th, and an early breakfast and more fishing is planned for June 9th, with an 11:00 am shore lunch and awards ceremony rounding out the event. A block of rooms has been reserved at Lake of the Torches.

C. Partners in Conservation Award Ceremony – Lac du Flambeau, February 23, 2011,
10:00 a.m. – 12:00 p.m.

This award is being presented for the Circle of Flight program.

D. Biological Services Division February Meeting List (Information in Packets)

15. Other Business

March 3, 2011 Meeting Location: Lac Vieux Desert – Watersmeet, MI

16. Adjourn

Motion to adjourn by Mole Lake; second by LVD.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

The meeting adjourned at 12:05 p.m.

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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

Voigt Intertribal Task Force Meeting
March 3, 2011 – 9:00 a.m.
Watersmeet, MI

Minutes

Opening Song: GLIFWC Drum
Opening Prayer: Leo LaFernier

1. Call to Order

The Chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River	Joe Rose Sr.
Keweenaw Bay	Absent
Lac Courte Oreilles	Mic Isham, Paul Shagen
LDF	Tom Maulson, Scott Smith, Frank Mitchell, Terry Allen Jr.
LVD	Don Klingman
Mille Lacs	Brad Kalk, Kelly Applegate
Mole Lake	Chris McGeshick
Red Cliff	Leo LaFernier, Larry Deragon, Mark Duffy
St. Croix	Carmen Butler, Junior Mosay

Others present: Sam Klingman-LVD, Elmer Risingsun-LDF, Tom McGeshick-LVD, Roger LaBine-LVD.

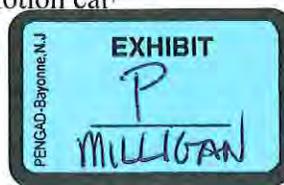
GLIFWC: Miles Falck, Gerald DePerry, Mark Luehring, Joe Dan Rose, Annie Thannum, Sue Erickson, Julie Ante, Neil Kmiecik, Tom Kroeplin, Ann McCammon Soltis, Matt Kniskern, Fred Maulson. Kekek Jason Stark, Lauren Tuori, Jen Burnett, Jim Zorn.

3. Approval of Agenda

Motion to approve the agenda by LCO; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Red Cliff; second by Bad River.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.



5. Introduction of New Employees – Information – Fred Maulson and Neil Kmiecik
Enforcement Division: Lauren Tuori, Matthew Kniskern, Steven Amsler

Fred Maulson introduced two of three new enforcement officers: Lauren Tuori and Matthew Kniskern. (Steven Amsler will start next week.) The two officers spoke briefly about their backgrounds. Fred also re-introduced Tom Kroeplin, who will be the new Eastern District Training Officer

Biological Services/Public Information Divisions: Jennifer Burnett

Neil Kmiecik introduced Jennifer Burnett, who is the new GLRI grant Outreach Coordinator. Jennifer spoke briefly about her background. Her duties will include working with the Binational Program and developing an outreach program for tribal members regarding mercury in fish.

6. Wisconsin Marten Management Plan Update – Information – Jonathan Gilbert
Visitors: Jim Woodford & Erin Crain, Bureau of Endangered Resources/DNR

Jonathan introduced WDNR staff from the Bureau of Endangered Species, Jim Woodford, Erin Crain, as well as Laurie Ostendorf, NR Manager. Jonathan and Jim Woodford explained that the WDNR is in the process of updating its marten management plan and staff are here today to share a draft of the plan with the Voigt Task Force. The executive summary is in the packets; the entire plan is on GLIFWC's VTF website. The plan currently in place was written in 1987 and is out of date. The purpose of the marten management plan is to guide WDNR management of this species into the future. The plan reviews the current state of knowledge of marten ecology from both a continental and Wisconsin perspective. It offers suggestions of potential limiting factors that may be interfering with marten population growth and it provides research priorities. The plan also lays out the committee structure and tribal consultation processes that will take place.

Jonathan has reviewed earlier drafts of this plan and has offered suggestions to improve it from a tribal perspective. He has participated in drafting sections dealing with the cultural significance of waabeshshi to the Ojibwe people and helped write the section on tribal consultation. Jonathan has also offered technical comments of various sections of the plan. Jon will continue to work to improve the plan and to incorporate suggestions that are made by the tribes. After the plan is shared today with the Task Force, Jonathan will return again next month with suggested improvements and revisions.

Jim Woodford thanked the Voigt Task Force for allowing them to attend today's meeting. Jim stated that the DNR is here today to introduce the *Management Conservation Plan for American Marten in Wisconsin*. Jim also thanked Jonathan Gilbert for his work and research. Jim explained that the plan is basically a summary of

what they know so far. Once tribal comments are incorporated, the draft plan will be released for a public comment period. After that, the next step will be to get it approved through the Wisconsin Natural Resources Board. Jim stated that their main objective is to keep American marten in Wisconsin for future generations.

There was a question whether marten were “threatened” or “endangered.” Jim explained that they are a state “endangered” species. There was discussion on the marten study area, which is in the Clam Lake area and the challenges of trying to manage for both elk and marten. LCO questioned whether this will interfere with the elk reintroduction. Jonathan explained that there were some problems because marten like mature forests with complex structure and lots of places to rest and the elk like more open savannah-like habitats, so their habitats are very different and trying to manage for both does create challenges. Discussion followed on habitats and the need to expand the marten area to other portions of northern Wisconsin.

Discussion followed regarding the potential for marten to exist in the area of the potential Penokee Range mine. The DNR responded that with regard to the mine, their program would be involved in any environmental review that might take place but they haven’t seen any request to be involved.

Mille Lacs explained the situation in Minnesota. Brad Kalk explained that they had pretty healthy populations there and they have trapping seasons for marten. Brad thought that the success had more to do with habitat management and preservation, rather than methods of trapping. Their trappers are able to take their intended animals without taking other animals by mistake. He feels Wisconsin needs to focus on habitat preservation, if there’s no habitat for that animal, then nothing else will make a difference.

There was discussion on the criteria for listing or delisting animals. The DNR explained that they have kind of discounted numbers as the primary criteria and now use performance measures. Once they see expansion of the range and an increase in abundance, then they would look at a full status assessment that could lead to possible delisting. There are no time lines on the process. They would also be able to relist the species if something happened that caused the population to decline. They know the densities are low and it is difficult to get an abundance estimates. There was also brief discussion on the portion of the plan that discusses cultural significance of the species, and the difficulty of trying to sum up the significance in a paragraph.

7. Bad River Proposed Water Quality Standards – Action – Ann McCammon Soltis

Ann explained that the Bad River Tribe has released its proposed water quality standards for public comment. There are three components to the standards, as required by the Environmental Protection Agency: designated uses for water resources, water quality criteria, and an antidegradation policy.

Both the Sokaogon and the Lac du Flambeau tribes have water quality standards in place, and the Voigt Task Force supported those standards. Ann is asking for a motion to support the Bad River tribe's proposed water quality standards and to submit a letter to that effect on behalf of the Voigt Intertribal Task Force.

Motion to support Bad River's water quality standards by Mole Lake; second by LCO.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

8. Michigan, Minnesota, and Wisconsin Fish Declarations – Executive/Working Session – Joe Dan Rose

Motion by Mole Lake to go into Executive Session at 10:10 a.m.; second by LDF.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

Motion by Mole Lake to come out of Executive Session at 11:15 a.m.; second by LCO.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

9. MN 1837 Ceded Territories Subcommittee – Information – Ann McCammon Soltis

A. Fish Waste Disposal Options

Ann briefly reviewed the various fish waste disposal options for members to dispose of fish waste when fishing at Mille Lacs. GLIFWC has purchased, and Mille Lacs installed an underground tank for members to use if necessary. However, given the cost to pump this tank, (\$1,000 each time tank is pumped) tribes may want to consider the following options:

- McQuoid's Hotel, North Isle, MN, allows fish cleaning and waste disposal on site for \$40 per person per day (as long as you stay at the hotel, you are charged a flat fee of \$20).
- Jerry Litki, a local mink farmer currently accepts fish waste from LCO members. He is willing to accept more and could potentially supply barrels that harvesters could fill and he could pick up.
- Transport waste back to the reservations for composting or other disposal.

10. Draft Letter to Dennis Knapp, Michigan DNRE – Action – Ann McCammon Soltis

Last month at LVD, the Task Force raised concerns over the lack of consultation with Michigan tribes regarding the new moose law in Michigan. Dennis Knapp, Tribal Affairs Coordinator, wanted to come before the Voigt Task Force. The Task Force responded by requesting that staff draft a letter to Dennis regarding the state's obligation to consult with the individual tribes and stating that the Task Force will reconsider Mr. Knapp's

request after the State has undertaken the requisite consultation with Keweenaw Bay and Lac Vieux Desert. The letter also says that the DNRE and GLIFWC should continue the regular agency relations that currently exist.

Motion to send letter to Dennis Knapp (subject to KB's approval as they are not here today) by LCO; second by Mole Lake.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

The Chairman introduced several council members who were also in attendance:

Tom McGeshick Sr-LVD, Roger LaBine-LVD, Sam Klingman-LVD, and Elmer Risingsun-LDF. The chairman welcomed them to the meeting.

11. USFS MOU– Information – Kekek Jason Stark

A. Planning Rule Update

Kekek informed the Task Force that the USDA Forest Service unveiled its proposed Forest Planning Rule on February 10, 2011 which establishes a new national framework to develop land management plans that protect water and wildlife and promote vibrant communities. This proposed plan has been brought before the Task Force several times already. The Forest Service is asking for comments on this proposed rule. The comment period is open for 90 days and will not end until May 16, 2011. This planning rule is the result of a number of conference calls with the tribes, and regional meetings including the one held on Dec 7, 2010 at Ashland. GLIFWC staff will evaluate the proposed Forest Service Planning Rule and present draft comments at a forthcoming Voigt Task Force meeting.

B. Sacred Sites Listening Session Reminder

Kekek reminded the Task Force of the upcoming Forest Service Sacred Sites Listening Session, scheduled for March 8, 2011 at the Great Lakes Visitors Center in Ashland, WI. This reminder is a follow-up to Larry Heady's discussion with the Task Force at last month's meeting.

12. Committee Meeting Notices/Reports

A. Biological Services Division March Meeting List (Information in Packets)

B. 19th Annual Wisconsin Joint Assessment Steering Committee Partners Fishing Event Notice – Information – Ann McCammon Soltis (2 minutes)

Ann asked that anyone planning on attending the upcoming Partners Event contact Rose Wilmer (715-682-6619 ext 148) so she can reserve enough rooms, as well as Bob Jackson at the BIA.

13. Other Business

A. April 7, 2011 Meeting Location – Keweenaw Bay

Joe Rose Sr asked to make an announcement. Joe informed everyone that Northland College, Ashland, will be celebrating its 37th *Annual Native American Awareness Week* on March 14-19. There are lots of activities scheduled throughout the week, with the event culminating in a powwow on Saturday night. Joe invited all the tribes to attend.

14. Adjourn

Motion to adjourn by LCO; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

The meeting adjourned at 11:40 a.m.
Closing Song: GLIFWC Drum

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MINNESOTA

Fond du Lac Band
Mille Lacs Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

Voigt Intertribal Task Force Meeting
April 7, 2011 – 10:00 a.m. (Eastern time)
Baraga, MI
Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Opening Prayer: Joe Rose

1. Call to Order

The Chairman called the meeting to order at 9:25 a.m.

2. Roll Call

Bad River: Joe Rose
Red Cliff: Leo LaFernier, Mark Duffy
St. Croix: Carmen Butler, Junior Mosay, Conrad St. John
Mole Lake: Chris McGeshick
LCO: Mic Isham
LDF: Tom Maulson, Scott Smith
LVD: Don Klingman, Sam Klingman, Craig Mansfield
Mille Lacs: Brad Kalk
KB: Chris Swartz

Others present: Alan Shively, Richard LaFernier, Lynna Gurnoe, Todd Warner.
GLIFWC Staff: James Zorn, Ann McCammon Soltis, Kekek Jason Stark, Annie Thannum, Jonathan Gilbert, Miles Falck, Peter David, Neil Kmiecik, Jenny Krueger, Tracy Bigboy, Sue Erickson, Sara Moses, Julie Ante, Gerald DePerry, Fred Maulson, Jim Thannum, Jim St. Arnold, LaTisha McRoy.

3. Approval of Agenda

Motion to approve agenda by LCO; second by LVD.
Vote: 9 for, 0 against; 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by LCO.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

5. Introduction of New Employee – Information – Neil Kmiecik Tracy Bigboy, Database Manager



Neil Kmiecik introduced Tracy Bigboy, a Bad River member who was recently hired as the Database Manager, replacing Jenny Krueger. Tracy has an accounting degree from WITC and has previously worked for the BIA.

LVD Chairman Alan Shively introduced his tribe's two new Voigt Intertribal Task Force representatives: Sam Klingman and Craig Mansfield.

The Voigt Chairman thanked Keweenaw Bay for allowing GLIFWC staff, the Chairman of the Board of Commissioners, and the Chairman of the Voigt Intertribal Task Force to attend the KBIC tribal council meeting. He stated that it had been a good opportunity for communication between the tribe, GLIFWC and the Voigt Intertribal Task Force. The chairman suggested he could briefly update the Task Force on the meeting. The chairman stated that there was a lot of talk of respect at the meeting. People have traditional places where they hunt and fish, and if people want to hunt/fish outside of your traditional area, they should contact the tribal leaders, perhaps with some asemaa, and ask permission. It all comes down to respecting each other. The chairman stated that when some of the people in this room were young, there were disputes about territory. Hopefully, differences can now be settled through proper communication, and trying to understand the positions of other tribes. The chairman stated that it was a good meeting with the Chairman of KB and his council. Tribal leaders should remember to contact each other when these issues arise. Also discussed at the meeting was the possibility of a group of people sitting down with the KB tribe and the lake tribes to talk about the big lake, which is still unsettled. The tribes can agree to disagree when necessary, but sometimes while they are arguing about minuscule things, they may forget about other threats. Respect and communication are important. Also, the chairman suggested that this organization, because a lot of people don't know what the people at this table do, should come together with the different tribes, and explain what we do here.

KB Tribal President Chris Swartz welcomed everyone to the Voigt Intertribal Task Force meeting and also welcomed the two new Voigt representatives.

6. Resolution Honoring the Service of Leonard Sam – Action – Kekek Jason Stark

Kekek Jason Stark introduced the resolution thanking Leonard Sam for his many years of service on the Voigt Intertribal Task Force. If approved, the resolution will be framed and presented to Leonard at the May 5th Voigt Task Force meeting.

Motion to approve resolution by LDF; second by KB.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

7. Forest Service Annual Eastern Region Award Recipient Jonathan Gilbert – Information – Neil Kmiecik

Neil Kmiecik explained that Jonathan Gilbert, Wildlife Section Leader, has been selected to receive the Eastern Region Honor Award from the US Forest Service for his research with waabizheshi. The honor is included in the "Protect Ecosystems Across Boundaries" category. Jonathan shares the award with fellow American marten researchers WDNR Biologist Jim Woodford and the USFS's Dan Eklund and Tom Matthie.

Jonathan has been working with state and federal biologists on a multi-year project to boost declining waabiszheshi numbers in northern Wisconsin. Martens trapped in Northern Minnesota were released into western portions of the Chequamegon Nicolet Nation Forest. By monitoring radio-collared martens, the project documents how the animals interrelate with both forest habitat sites and other animals, like fishers.

The awards ceremony is scheduled for April 21 in Milwaukee. Neil stated that he was very pleased that Jonathan has been recognized for his good work. The Chairman and the representatives congratulated Jon on his award. Jonathan stated that he has been working with waabizheshi since 1992, almost 20 years, due to many of the people here in the room today, members of the Task Force and tribes, who he proudly works for. Jon thanked them for their support and encouragement over the years and stated that he will go to Milwaukee and accept the award on behalf of the tribes that he works for. Several staff members and VITF representatives stated that they will be in attendance at the awards ceremony for Jonathan.

8. Wisconsin Marten Management Plan – Action – Jonathan Gilbert

Jonathan reminded the Task Force of the DNR Bureau of Endangered Resources' visit last month, when they presented a draft of the Wisconsin Marten Management Plan. Today, Jonathan is seeking approval of comments/recommendations on the plan and authorization to submit the comments.

Jonathan briefly reviewed the comments that he is requesting approval to submit:

- The plan should clearly state that it does not “bind” the tribes to anything. Jonathan does not want the document to imply that the plan will bind management by agencies other than the DNR.
- Added language to the Cultural Significance section that notes that it is very difficult to describe the significance of waabizheshi in a few sentences or even a few pages.
- Technical comments regarding the ‘potential limiting factors’ section and the need for movement corridors to be identified as critically important.
- A suggestion that the plan more clearly and specifically identify research needs.

Jonathan noted that this plan has gone through many edits and has been the target of many discussions. Although there is still room for improvement, he feels that it is a good plan that will help bring the species into the future.

There was discussion regarding habitat concerns, such as how timber sales could impact habitat. Jonathan stated that they are developing a set of standards and guidelines for the DNR and USFS regarding timber sales, so that habitat can be enhanced, not degraded.

There was also discussion about the potential impacts of a proposed mine in the Gogebic Range. Jonathan stated that the effects are unknown at this time because there is not yet a proposed plan to evaluate; however, it is known that martens need good, mature forest cover with structure, so any land management action that changes that habitat may create a problem for marten.

Motion to approve comment by LCO; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

9. Draft Wisconsin Sharp-tailed Grouse Management Plan – Action – Peter David

Peter stated that the WDNR has recently completed a draft “Management and Conservation Strategy” for sharp-tailed grouse in the state, and is soliciting comments on the document. This is a species with little if any tribal harvest, but the species merits attention because its population status is probably the poorest of any species harvested in the state, and its general trend in abundance has been downward.

Peter felt that the draft generally does a good job on habitat requirements and summarizing the natural history of the species. His biggest concern is that the report seems to be heavy on research and study proposals, but light on practical management on the ground. Part of the problem is the lack of understanding about how to best manage this species on the landscape. The goal of the plan is simply to ensure a viable population of sharp-tailed grouse and provide for a regulated harvest opportunity, but the plan doesn’t specify how to do that.

Another big issue is genetics, in particular whether to bring birds in from out of state. This would bring in more genetic variability. Research suggests that there’s relatively high amount of inbreeding

The proposed comments:

- suggest the development of time lines for studies and setting priorities on the work that needs to be done, and
- discuss tribal rights to harvest grouse and acknowledge the role of tribes in management activities including a sharp-tailed grouse trans-location project in the Moquah Barrens.

Motion to approve comments by LCO; second by LVD.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

10. ANA SEDS Minwaajimo Art Contest – Action – LaTisha McRoy

LaTisha McRoy, ANA SEDS Project Coordinator, displayed artwork from tribal youth who participated in the Minwaajimo Grant Art Contest. The contest was open to high school-aged tribal youth who were enrolled members of a GLIFWC tribe. The challenge to the youth was to submit a piece of artwork with one of the following themes by March 18, 2011:

- Exercising treaty rights
- Community feasts
- Racial response to treaty rights
- Spiritual Connection between the Anishinaabe and natural resources
- Intergenerational harvesting, processing, etc.

As of March 22, 2011 only two pieces of artwork were received, so the Board of Commissioners voted to extend the artwork acceptance date to April 1, 2011 and that on-time submissions would be given first and second place. The first place prize was \$600, second place was \$300, third place was \$150, fourth place was \$100, and fifth place was \$50.

The requested action is to judge and approve the monetary awards for the high school artwork contest. The VITF reviewed the displayed artwork and took an anonymous vote. The winners were:

1 st Place:	Eva Madeline Pratt , Red Cliff
2 nd Place:	Tashina Emery, Keweenaw Bay
3 rd Place:	Jalyn LaBine, Mole Lake
4 th Place:	Daniel Bressette, Red Cliff member from LCO

Motion by LCO to approve the vote; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

11. Michigan Moose Update – Information – Miles Falck

Miles reminded the Task Force that in December 2010, the Michigan Legislature passed a bill that authorizes their state natural resources Commission to authorize a moose hunt. Apparently, the MIDNR was caught by surprise by this legislative action and appointed an advisory council to examine this issue. This Advisory Council prepared a “white paper,” for their use as they evaluate the biology and science of the moose herd, which is included in today’s packets. The white paper is a summary of the research and management of moose that has taken place in the UP over the last 25 years. The first meeting of the advisory council is April 13 at Marquette, MI. This council has until December 22 to finalize their recommendations.

The chairman asked whether the Michigan tribes are all involved. KB Chairman Swartz explained that the legislation that was passed allows a Tribal Representative from the Intertribal Council, (ITC) to sit on the Advisory Council. Chairman Swartz stated that he has been in contact with, L. John Lufkins, the ITC executive director out of Bay Mills. As of yet, the ITC has not appointed a representative to the moose advisory committee. LVD Chairman Shively stated that he just recently received an agenda for the next Intertribal Council meeting, (April 22nd at Sault Ste. Marie, MI) and one of the agenda items is the appointment of a representative to the moose advisory council. There was discussion as to the tribes’ position in regards to a possible hunt, and whether one representative was sufficient on the advisory committee.

Miles Falck explained that he had attended a meeting last week with the state and the 1836 biologists on behalf of Bay Mills. At that meeting, Dennis Knapp, Tribal Liaison, indicated that he considered tribal consultation to be a parallel process to the advisory council. Discussion followed.

There was further discussion about who should attend the advisory board council and the upcoming ITC meeting. The tribes suggested perhaps GLIFWC staff should attend. Jim Zorn stated that he will contact the tribes and determine who, if anyone from GLIFWC should attend.

Discussion returned to the biology of moose, and Miles explained that there was basically two herds. Moose in the western UP range across parts of Marquette, Baraga and Iron counties. The eastern herd ranges across Alger, Schoolcraft, Luce and Chippewa counties. MIDNR biologists believe the eastern moose herd currently numbers less than 100 animals, although no formal surveys have been attempted since 1991. The 2011 aerial survey of the western moose herd estimated the population to be approx 430 animals. Survival rates for both calves and adults in the western UP

are comparable to healthy moose populations in other parts of their range, however pregnancy rates and twinning rates are lower and may limit population growth. Also, approx 5% of moose emigrate from the western herd and there is no immigration into the population to offset this loss. The UP coincides with the southern limit of moose habitat; this limit is thought to be primarily by temperature. Moose are easily heat stressed and climate change may pose an additional factor limiting population growth.

12. Spring Spearing/Netting Season Updates

A. Google Docs Demonstration – Information – Jennifer Krueger

Jennie Krueger and Tracy Bigboy gave a demonstration on the use of Google Docs, to be used during the spring spearing and netting season. Jennie explained that Google Docs is an online website where you can share and input data. This will be especially helpful in managing the Mille Lacs fishery, because we need to get the data from many different landings entered and turned around quickly so harvest can continue smoothly. Jennie explained the site is free and secure. Representatives will be able to view the updates daily, but only permitted staff will be able to input data. Once Jennie has your email, she can send you the link to the website and then you will be able to see what the catches are looking like at different landings.

B. Spring Mercury in Fish Sampling Update – Sara Moses

Sara Moses gave a brief explanation of the plans for walleye collection for mercury testing during the spring 2011 spearing season. Funded through a GLRI grant, GLIFWC plans to collect and test 360 walleye from inland lakes within the ceded territories. The goal is to collect 12 walleye per lake, representing 3 fish from each of 4 size classes. GLIFWC anticipates sampling 30 lakes.

GLIFWC has collected information on mercury in walleye every year since 1989. The data is used to provide walleye consumption advice to member tribes so that tribal members can reduce their exposure to mercury while continuing to exercise their treaty rights through the harvest of this resource. Consumption advice is communicated through our mercury maps, which are color-coded to show the safe number of walleye meals that can be consumed from regularly harvested lakes. The maps can be found at www.glifwc.org/Mercury/mercury.html. The mercury maps were last updated in 2006 and will be revised and reprinted in 2012.

13. MN 1837 Ceded Territories Subcommittee

A. Fish Waste Disposal Options – Information – Ann McCammon Soltis

Ann McCammon briefly recapped the different options available this year for the disposal of fish waste at Mille Lacs:

- McQuoid's Hotel allows fish cleaning and waste disposal on site for \$40 per person per day (so long as you stay at the hotel, you are charged a flat fee of \$20).
- Jerry Litki, a local mink farmer, currently accepts fish waste from LCO members. He would be willing to accept more and would be willing to supply barrels that harvesters

could fill. He has also indicated a willingness to accept fish waste at the site of the underground tank for several hours in the afternoon during the peak of the fishing season.

- Sam Sweet allows fishermen to clean fish on his property and he disposed of the waste for a fee. His cell phone number is: 218-831-3041
- The underground tank has been purchased and installed at 18899 County Rd 2 (also 460th Street) about ½ mile west of Hwy 169. The cost to pump the tank is approximately \$1000, but the cost increases substantially if any garbage is disposed in the tank.
- Other Option: Transport waste back to the reservation for composting or other disposal.

14. Mining Update – Information – Ann McCammon Soltis

Ann briefly described her memo that was presented at the March 22, 2011 Board of Commissioners meeting describing the strategic considerations and positions that have evolved over time related to GLIFWC's work on mining issues. The goal is to be credible when making comments about the impacts these mines potentially have on tribal treaty reserved rights. There has been a lot of discussion on how we approach mining issues and strategically what to do when there's been a lot of talk of a mine opening but no real concrete facts, as is the case with the Penokee Range Mine. At the Board meeting, there was discussion of getting together with some tribal technical staff. Both Bad River and Red Cliff were interested in pursuing this option to talk about what baseline data is needed, what baseline data already exists, and strategic considerations. This meeting has not yet been scheduled. Discussion followed.

Ann reminded the Task Force about two projects that GLIFWC is pursuing. GLIFWC recently hired Jennifer Burnett, who will be updating a GLIFWC publication from the mid nineties about sulfide mining, which was called *Sulfide Mining: The Process and The Price*. The Commission also received a grant from the Charles Stewart Mott Foundation to bring tribes together to talk about what they need in order to respond to these mining proposals, including legal and policy help, and technical scientific data needs. This tribal meeting will be held immediately following a USGS training focused on the kinds of things that managers and technical staff would need to look at regarding mining proposals, including hydro-geology, geology, water levels, and wetlands. Discussion followed.

15. Fall Migratory Bird Season Proposal – Information – Peter David

Peter discussed the proposed Fall Migratory Bird Season Proposal as an information item. The proposal will be brought back to the VITF in May as an action item to be approved for submission to the USFWS.

Peter informed the Task Force that the proposal continues the liberalizations that have been gained over the past few years. The Task Force was informed that one change is currently included from last years' proposal: extending hunting hours 15 minutes, to end at 30 minutes after sunset, instead of 15 minutes after, as it has been since 2007. Although not included in this draft, Peter recommended strengthening the language regarding the use of non-toxic shot. The Voigt Off-Reservation Model Code indicates that non-toxic shot must be used for ducks, geese, coot and

common moorhens. Throughout the country, tribes have gone to requiring non-toxic shot either for all waterfowl hunting, or for all migratory bird hunting. Peter proposed that the tribes extend the non-toxic requirement to all migratory bird hunting. He informed the Task Force that this recommendation represents the tribes' original intent – when they were leaders in adopting the use of non-toxic shot, doing so before it was required of non-tribal hunters. The ban on lead shot has been estimated to save more than a million ducks annually, and many other species have likely benefitted as well. Lead poisoning has also been found in upland species. In addition, there are possible concerns about human consumption of animals killed with lead ammunition.

There was discussion about whether the 15 minutes extension of hours was sufficient. Tribal members argued that it should be pushed back even further. There was also discussion on the amount of lead used in trap shooting, where thousands of rounds of lead shot are used, and the concern about water runoff in these areas. There was also concern from KB about changing the wording requiring the tribes to parallel Michigan law regarding blinds and decoys. It was suggested that this section of the proposal can be edited to alleviate this concern.

16. Wisconsin Deer Population Estimates – Information – Jonathan Gilbert

Jonathan briefly updated the VTF regarding the estimated Wisconsin deer population. Jon explained that the spreadsheet in the packet shows deer population units found in the ceded territory of Wisconsin. The second document is a map of the deer units in Wisconsin color-coded by the population estimate related to the population goal.

In the ceded territory, deer density estimates range from more than 50% over goal to more than 50% below goal. Five units in the ceded territory are more than 20% below goal. These units are obvious candidates for zero gun quotas for state hunters. Several units are more than 20% above goal and are candidates for herd control measures.

Next month, Jonathan will provide the Task Force the number of antlerless deer available for harvest in each unit in Wisconsin. In addition, he will be evaluating the tribal 2010 harvest in relation to established deer harvest thresholds to determine if any unit will need a tribal declaration and quota.

17. Committee Meeting Notices/Reports

A. Wild Rice Committee Meeting Update – Information – Peter David

Peter briefly explained that work is progressing on the development of a joint State/Tribal Wisconsin Ceded Territory Manoomin Management Plan. Peter provided recent minutes from both the Tribal and the State/Tribal meetings that were held in February at LCO.

Overall, participation in this process has remained high. The initial draft sections were well received, while several good suggestions for improvements were made. Initial input was also obtained on the next sections to be developed, including the Harvest Data Summary, Threats to the Resource, Regulation Review & Possible Regulatory Changes, and Management Methodologies and Restoration Strategies. An initial draft of these sections is currently being developed, and will be

distributed about a week before the next Plan meeting, which will be hosted by St. Croix at Danbury, WI on May 23rd.

B. 19th Annual Wisconsin Joint Assessment Steering Committee Partners Fishing Event Notice – Information – Ann McCammon Soltis

Ann reminded everyone to please get in touch with Rose Wilmer and Bob Jackson if they are planning to attend the event on June 8-9 at the Lake of the Torches Resort in Lac du Flambeau, WI.

C. Biological Services Division April Meeting List (Information in Packets)

18. Other Business

A. May 5, 2011 Meeting Location – St. Croix/Danbury, WI.

19. Adjourn

Motion by Red Cliff to adjourn; second by Bad River.

Vote: 9 for, 0 against, 0 abstaining. Motion carried. The meeting adjourned at 1:24p.m. (EST).

Closing Song: GLIFWC Dewe'igan

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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

Voigt Intertribal Task Force
May 5, 2011 – 9:00 a.m.
Danbury, Wisconsin
Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Greeting and Prayer: Lewis Taylor

1. Call to Order

The chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River	Joe Rose
Red Cliff	Leo LaFernier, Mark Duffy, Larry Deragon
Mole Lake	Chris McGeshick
St. Croix	Lewis Taylor, Carmen Butler, Junior Mosay, Conrad St. John
LCO	Mic Isham
LDF	Tom Maulson, Scott Smith
LVD	Sam Klingman, Craig Mansfield
Mille Lacs	Brad Kalk, Kelly Applegate
KB	Chris Swartz

3. Approval of Agenda

Bad River Chairman Mike Wiggins asked that mining be added under other business.

Motion to approve agenda with change by Mole Lake; second by LCO.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve the minutes by Red Cliff; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

Introductions were made around the room.

The tribal chairs of White Earth and Leech Lake and their respective council members and attorneys attended the meeting. They are interested in possibly going to court in Minnesota to affirm their 1855 treaty rights, and have come to the meeting today to observe and learn from GLIFWC and the Voigt Intertribal Task Force.



The VITF Chairman welcomed the visitors and thanked them for coming and for choosing GLIFWC and the Task Force to learn from. The chairman suggested that perhaps the VITF could help the tribes somewhere down the line, since they went through hell themselves trying to prove their treaty rights.

The chairman explained that he was just recently back from Washington, D.C., where he and other chairmen participated in a roundtable discussion with Senators and people from the Indian Affairs Committee. The chairman feels that it's important for himself and the other tribal chairman to go out to Washington and let them know that the tribes are sovereign nations and that they know what's best for their own people.

St. Croix tribal chairman Lewis Taylor welcomed his guests to St. Croix. He stated that when he was first on the Voigt Intertribal Task Force, he was rather conservative and a bit intimidated, and the tribes at first declared low numbers of harvest. But he said that all changed when Chairman Mike Chosa from Lac du Flambeau declared much higher numbers for his tribe—then the other tribes followed suit. Chairman Taylor again welcomed the visitors from Leech Lake and White Earth on behalf of himself and his tribal council.

5. Resolution Honoring the Service of Leonard Sam – Presentation – Mic Isham

VITF Vice-Chairman Mic Isham presented Leonard Sam a framed resolution from the Voigt Task Force, thanking him for his many years of service. Leonard stated that he was very thankful and recounted some of the highlights that had occurred during his term on the Task Force. He recalled being nervous on his trip to Washington for the Supreme Court decision and how, when he heard the drum, he was calm and he knew the tribes would win the decision. He spoke of the Forest Service MOU, as well as the Sandy Lake Memorial, and how the ideas stemmed from meetings of the Voigt Task Force

Molly Judkins, a representative from Chief Executive Marge Anderson's office at Mille Lacs presented Leonard with a Pendleton blanket, thanking him for his service to the tribe.

An honor song was then sung for Leonard Sam.

6. Resolution Honoring the Dedication and Commitment of Michael Lutz – Action – Kekek Jason Stark

Jason asked for approval of a resolution honoring the service and commitment of attorney Mike Lutz for his work with the tribes.

Motion by LDF to approve the resolution; second by Mole Lake.
Vote: 9 for, 0 for, 0 abstaining. Motion carried.

7. Fall Migratory Bird Season Proposal – Action – Peter David

Peter requested that the VITF endorse a fall migratory bird season proposal for the 2011 season for submission to the USFWS.

There was discussion on the inclusion of electronic calls and the further extension of hunting hours for another 15 minutes. Peter stated that the current proposal included a 30 minute extension. Mole Lake stated their tribal codes allow for hunting 1 hour after sunset. The VITF directed staff to propose a further extension of daily hunting hours.

There was additional discussion regarding non-toxic shot. Peter recommended that the VITF consider eventually using only non-toxic shot for all migratory bird harvest. The VITF refrained from proposing this change because if it is implemented, it includes not only ducks, but upland birds as well. There was direction that Peter provide further information to the tribes on this recommendation.

There was discussion on the language in the proposal which references that the tribes will follow Michigan law regarding decoys and hunting blinds. Kekek Jason Stark explained the background regarding this reference. The VITF directed staff to amend the proposal to remove the provision regarding the application of Michigan law. The VITF also directed staff to amend the proposal to allow leaving decoys out all night.

There was further discussion about the tribal proposal. Jim Zorn explained that the tribes can propose changes and submit them to the USFWS, but eventually will have to abide by what is approved, because that is what the Voigt and Mille Lacs decisions say.

Peter David provided a summary of the changes that the VITF directed to be made to the proposal. The major changes include:

- extending hunting hours until one hour after sunset
- increase the daily bag limit and the further reduction in species restrictions
- add the ability for members to harvest migratory birds using electronic calls
- remove the language about the 3am limit for the use of unattended decoys,
- remove the possession limit language
- postpone the change regarding the use of only non toxic shot
- remove the provision regarding the application of Michigan law

There was discussion on *Title 10 of the Keweenaw Bay Tribal Code of Laws* and whether there is anything in the proposal that will conflict with it. Kekek Jason Stark explained that there is not. There was further discussion on the prosecution of violators and the history of the agreement regarding tribal jurisdiction.

Motion to approve the proposal with the directed changes by LDF; second by Mole Lake. Vote 7 for, 2 against (KB & LVD). 0 abstaining. Motion carried.

8. LCO v. State of Wisconsin Wild Rice Stipulation

A) Minong Flowage Aquatic Plant Management Permit Request – Consultation – Lisa David. Visitors – John Gozdziwski, Kathy Bartilson, Tim Asplund

Lisa David explained the issue of the presence of Eurasian water milfoil (EWM) at the Minong Flowage, which has long supported wild rice beds. An application to treat EWM in the flowage with the herbicide 2,4-D is in the process of being submitted to the Spooner

office of the WDNR. The proposed treatment would take place in May 2011. EWM is an aggressive aquatic invasive plant first detected in WI in the 1960's and was first detected in the Minong Flowage in 1994. The permit application is being put together by representatives from the Minong Flowage Association. Northern Aquatic Services is the chosen herbicide applicator.

The chairman stated that he was glad to see the WDNR here today to discuss water issues and asked where the WDNR was going to stand regarding mining effects on water. The tribes will need to know if the WDNR is going to be a strong partner and be ready to protect the water. John Gozdziwski thanked the VITF for allowing the WDNR to attend the meeting and discuss this issue. In response to the mining question, John Gozdziwski assured the VITF that the WDNR would be willing to consult with the tribes.

Bad River stated that if the Kakagon Sloughs are threatened and their resources polluted, they don't have another reservation to remove to. The WDNR assured the VITF that they are equally concerned with threats to the resource. John Gozdziwski stated that Cathy Stepp plans to meet with Bad River Chairman Mike Wiggins in June on the mining issue.

With regards to the milfoil issue, Kathy Bartilson, WDNR stated that she understands that it's hard to get excited about chemical treatment, but an application of .75 ppm of the herbicide will help stop the milfoil. Tim Asplund added that they want to use the smallest concentration of the herbicide as possible that will stop the EWM but still be safe for rice and other aquatic plants. They are using a concentration of .5-.75 ppm, well below what the label recommends (2-4 ppm). Discussion followed on the potential impacts on wild rice, and the possibility of other possible alternatives. The WDNR felt that with a shallow body of water such as the flowage, water draw downs would result in loss of plant diversity. Other alternative methods, such as mechanical harvesting would result in the milfoil breaking into fragments that can spread even more easily. The DNR felt that although chemical treatment is not necessarily the first choice, in this instance it seems the best course. Kathy Bartilson explained that the herbicide usually degrades in 2-3 days, but in colder temperatures, it could last for a couple of weeks. Discussion followed as to when the best time would be for the herbicide application, and whether it would be best to wait until after ricing season, perhaps in September. Lisa David explained that last year the herbicide was applied when the milfoil is established, but when native plants are just starting. The WDNR has been asking people not to treat in June or July, but rather in spring, when the water is cold.

LCO stated that they would support whatever St. Croix wanted, because it was in their territory. Carmen Butler stated that he would need to speak with his tribal council regarding the matter before he could approve anything. Kathy Bartilson stated that the WDNR would be happy to meet with St. Croix regarding the issue.

(The meeting broke for lunch at 12:00 p.m. A prayer was offered by Leo LaFornier.)

9. Learn To Hunt Program – Information – Fred Maulson
Visitor: Dan Gunderson

This item was tabled due to time constraints.

10. Wolf Issues – Information – Peter David

A) Delisting

B) Population Estimates and Management Goals

These items were tabled due to time constraints.

11. Wisconsin Elk Update – Information – Jonathan Gilbert

Jonathan gave a brief update on elk management efforts in Wisconsin. During the past winter, GLIFWC, WDNR, and CNNF captured 12 elk as part of the assisted dispersal plan. These 12 elk are to be released in mid-May. A ceremony has been planned for these elk to welcome them into their new home. The ceremony is planned for Saturday, May 14, 2011 at 2:00 pm.

Jonathan also briefly explained the second effort undertaken this winter – selecting places for future elk releases. Jonathan worked with GLIFWC data analyst Brian Brost in creating a GIS mapping process to help select these spots. These maps bring in different layers of information that feature important considerations for site selection. Factors such as public lands, distance from roads, UFSF management areas, location of wolf packs and elk habitat suitability are considered in this analysis. Final sites have not been selected but there is now an objective, scientifically-based process for selecting suitable sites. Jonathan plans to have recommendations prepared by late summer.

12. Forest Service MOU Update – Information – Alexandra Wrobel

A) Camping Permits

This item was tabled due to time constraints.

13. Wisconsin Harvestable Surplus and Threshold – Information – Jonathan Gilbert

A) Deer

Jonathan explained the spreadsheets attached to his memo. The first provides deer population estimates for the Wisconsin deer management units. These values were used to establish antlerless deer thresholds for 2011.

This year is the first year of tribal threshold values governing the harvest of antlerless deer in the WI ceded territories. For those units in which the tribal harvest fell below the established threshold value, there is no need for a tribal declaration or tribal quota. The second spreadsheet provides an analysis of the threshold system. In no unit did the tribal harvest of antlerless deer surpass the established threshold value for antlerless deer, and thus, there is no unit for which a tribal declaration or tribal quota is needed.

B) Bear

Jonathan explained that the bear threshold system is the same as with deer. There were no exceedences by tribes, so no tribal declaration or quota is needed. Jonathan explained that if tribes ever get close to the threshold, he will work to increase the numbers.

Jonathan's memo provided a comparison of quotas and harvest during the 2010 season for both state-licensed harvesters. Jon also provided population estimates, population goals and trends in populations for the four bear management zones in the Wisconsin ceded territories.

14. MN 1837 Ceded Territory Subcommittee

A) Wildlife Plan – Information – Kekek Jason Stark & Jonathan Gilbert

This item was tabled due to time constraints.

15. Spring Fishing Season Update

A) Biological Services Division Report – Information – Neil Kmiecik

B) Conservation Enforcement Division Report – Information – Fred Maulson

These items were tabled due to time constraints.

16. Michigan Moose Update – Information – Miles Falck

Miles explained that he attended a meeting of the MI Moose Advisory Council in April. In attendance were the 1836 tribes and LVD. Chris Swartz will meet with them at the next committee meeting, which is next week at Alberta, MI. KB has decided to let the biologists meet and the council will meet with them when it's time to consult. The tribes nominated Jill Witt, Senior Biologist from the Little River Band to sit on the committee.

KB stated that they have no problem with her on the committee but that she doesn't speak for the MI42 tribes. They have to consult with KB as a tribe. KB feels that the representative should be from one of the tribes with rights in the MI42 ceded territory, where the moose actually are. After KB meets with the committee, and after consultation with the VITF, KB will recommend a person to sit on the committee.

The next Moose Advisory Committee meetings are scheduled for May 16th at Newberry, MI and May 18th at Alberta, MI.

Motion to enter Executive Session at 1:20 p.m. by KB; second by RC.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

Motion to come out of Executive Session at 2:30 p.m. by KB; second by LVD.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

17. Committee Meeting Notices/Reports

A) 19th Annual Wisconsin Joint Assessment Steering Committee Partners Fishing Event

Notice – Information – Kekek Jason Stark (Information in Packets)

B) Biological Services Division May Meeting List (Information in Packets)

18. Other Business

A) June 2, 2011 – Meeting Location will be at Bad River – Odanah, WI.

B) Bad River Mining Issues – Action – Mike Wiggins, Bad River Chairman

Chairman Wiggins addressed the Voigt Intertribal Task Force and stated that he had come to the meeting seeking support. He spoke of the need to stand together. He asked the VITF to consider adopting a draft resolution supporting the Bad River Band's resolution of opposition to the streamlining of mining permit laws. Chairman Wiggins explained that GTAC is proposing a series of revised mining permit laws, which will fast-track the mining process. The new laws would streamline the permit process from 3-5 years currently, down to 300 days. The company has expressed its desire to have these changes voted on in the legislature by June 12, 2011.

The Bad River Tribal Council passed a resolution in opposition to the streamlining of mining permit laws, and the chairman recommended that the VITF consider adopting a resolution supporting the Bad River Band's resolution of opposition. Chairman Wiggins discussed it being the time to stand up and send a unified message as the proposed mine is an unbelievable infringement on the Anishinaabe people.

KB made a motion to support Bad River's recommendation and adopt the proposed resolution of support with minor changes; second by Mole Lake.

Vote 8 for (LCO had left early), 0 against, 0 abstaining. Motion carried.

The resolution will be Resolution # VITF 05-05-11-02.

There was further discussion regarding the preparation of a draft resolution that the individual tribes can use if they wish to individually support Bad River.

Chairman Wiggins proposed a draft letter to be sent on behalf of the VITF Chairman to Ann Coakley-WDNR. It was suggested that staff re-write the letter to Cathy Stepp, rather than Ms Coakley. The letter should be a follow-up to the VITF meeting Ms. Stepp attended last January.

Motion by Bad River to approve sending the proposed letter with suggested changes; second by Red Cliff.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

Discussion followed. Chairman Wiggins proposed to invite the owners and investors of GTAC to attend the next Voigt Intertribal Task Force meeting at Bad River on June 2, 2011.

Motion by KB to approve inviting the owners and investors of GTAC to the next VITF meeting; second by Mole Lake.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

19. Adjourn

Motion by KB to adjourn; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

The meeting adjourned at 3:20 p.m.

GLIFWC Dewe'igan Closing Song

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Bad River Band
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Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force June 2, 2011 – 9:00 a.m. Odanah, Wisconsin Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The chairman called the meeting to order at 9:00 a.m.

2. Roll Call

Bad River	Joe Rose Sr.
Red Cliff	Leo LaFernier, Marvin Defoe
St. Croix	Carmen Butler, Junior Mosay, Conrad St. John
Mole Lake	Chris McGeshick
LCO	Mic Isham, Paul Shagen
LDF	Tom Maulson
LVD	Craig Mansfield, Sam Klingman
Mille Lacs	Brad Kalk, Kelly Applegate
KB	Chris Swartz

3. Approval of Agenda

Joe Rose requested that mining be added under "other business."
Motion to approve agenda with the noted change by Mole Lake; second by LCO.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by LCO.
Vote: 9 for, 0 against, 0 abstaining. Motion carried

5. Introduction of New Employees – Information – Ann McCammon Soltis, Miles Falck, and Fred Maulson

The new employees were introduced by their respective supervisors.

Tim Funk, Great Lakes Program Coordinator, Division of Intergovernmental Affairs explained that he was glad to be here and had worked for the Red Cliff band as a grant writer and planner, and for



the housing authority. He studied issues like planning, science, and writing but nothing prepares you for work for a tribe; you get thrown in the deep end and left there. Tim is happy to be here. Ann McCammon Soltis explained that Tim will help manage the grant and keep track of the many Great Lakes initiatives; she is excited to have him aboard.

Jackie Rose, has been hired as the Mott Workshop Coordinator, LTE Division of Intergovernmental Affairs. Jackie will be planning a workshop to bring the tribes together to talk about mining issues and needs. Jackie is a Bad River member. She looks forward to working with everyone.

Tony Gilanc, AIS Coordinator, Biology Division, just finished his bachelor of science in general biology at UW-Superior. He will be here until the end of September, working under a grant to help coordinate AIS sampling. Tony stated that he has worked for many of the divisions at GLIFWC and has learned a lot. He's excited about the position.

Fred Maulson explained that the Board had wanted his division to start an internship and so he is introducing his first intern. Anthony Corbine is beginning a 10-week internship with the Enforcement Division. Anthony stated that he is a Bad River member who grew up in Chicago, and recently graduated from LCO College. Anthony stated that he is grateful and excited for this for the opportunity and wants to get his feet wet and jump right in. He appreciates the opportunity.

The chairman suggested that everyone at the meeting introduce themselves to the new employees.

6. Introduction to new DOJ Lead Voigt Case Attorney for the State of Wisconsin – Information – Kekek Jason Stark

Visitors: Tom Dosch, Diane Milligan and Quinn Williams

Jason introduced Diane Milligan, new Voigt case attorney for the state of Wisconsin, along with Quinn Williams and Tom Dosch. Diane will be taking over from Tom Dosch, who will retire later this month, after 31 years with the state of Wisconsin. Diane is excited about taking over as lead attorney for the Voigt case with DOJ. Quinn Williams will be also be taking over Voigt case issues for the DNR and looks forward to working with the tribes and the Voigt Task Force.

Diane Milligan stated that she is an attorney with the Environmental Protection Unit, Department of Justice (DOJ). Diane is excited to work on treaty issues and work with the tribes. She explained that her masters degree is in environmental studies and she has also studied Indian Law.

Tom Dosch work for the DOJ for 31 years (as of today). In 1988, he was very involved and the walleye trial was looming. He stated that there were many different attorneys involved at that time and there was a very high turnover rate because the state kept firing members of the team. Tom reminisced about the many years he worked on the Voigt case. He remembered when his coworker was seemingly overwhelmed and Tom offered to help her out; two months later he was the lead attorney for the case. He was involved in all aspects of the trial, and has worked on it ever since. Tom stated that the treaty is a living document and the law doesn't stop evolving. Tom stated that he has enjoyed working in a coordinated manner with Jim Zorn and the tribes on the stipulations, and other issues. Tom explained that when he decided to retire, he talked with his supervisor about the importance of this position and they had discussed at length who should replace him. Tom

stated that Diane Milligan was very eager to take on the position, and Tom feels the tribes and state are lucky to have her involved.

Quinn Williams stated that he knows most of the folks here today from the past round of stipulations that he and others signed off on on March 15th. Quinn stated that there were some very big issues that were covered and that he was proud to work on them and looks forward to the stipulations review coming up. He stated that there will always be very challenging issues for the state and tribes to work out and that it is a very large responsibility for Diane and the DOJ and that he is very proud to be a part of it. He thanked the Task Force for the opportunity to come here today and be introduced.

Christian Corby, intern with the DOJ, will be compiling and organizing a lot of the Voigt case history so that the transition from Tom to Diane goes smoothly, and that in the future people can stay well informed. Christian thanked the Task Force for allowing him to attend today.

The chairman acknowledged that although they started out as adversarics many years ago, the tribes and the attorneys have developed a good working relationship over the years. He stated that the rights belong to the tribes. The chairman stated that Tom and Quinn have respected the tribal leaders and that together they have worked through many issues. He stated that the tribes are here to protect their rights and work with the state, not necessarily against them. The chairman welcomed Diane Milligan and gave his best wishes to Tom Dosch.

Jim Zorn added that the Voigt case never ends and that it was his very first assignment when he went to work for LCO back in the eighties. He stated that GLIFWC has a very good relationship with the state. Tom Dosch was dedicated, professional and honest and that is what the tribes need and what the state needs...that's the legacy that Tom has created. Jim stated that Tom leaves big shoes to fill and that Diane and Quinn have a burden to shoulder with the tribes and this relationship. He advised them to think for the long-term not for the short-term. Jim Zorn thanked Tom Dosch for that relationship, that was once in the courtroom and then turned out to be on the same side of the fence, stating that it wouldn't have been possible twenty-five years ago. Jim Zorn stated that his door is always open to Diane, and acknowledged that as far as court records go, the DOJ and the tribes can work together to gather and organize the case documents. Jim Zorn once again thanked Tom and wished him the best.

7. Wolf Issue Update/Delisting – Action – Peter David
Visitors: Tim Patronski, Laura Ragan, Tony Sullins, USFWS

Peter discussed his memo seeking guidance from the Task Force about whether it wishes to support, oppose or remain neutral on delisting Western Great Lakes wolves. Staff are also requesting authorization to develop comments expressing that position. He stated that a recent count in Wisconsin came in at 825 wolves, which is a substantial increase from a year ago, and that the Michigan upper peninsula has a count of approximately 700. Peter also stated that there was recent congressional action taken in which the Rocky Mountain population was delisted.

Peter briefly outlined his memo. The wolf population in MN/WI/MI has increased dramatically in the last two decades, with the MN population appearing to stabilize in the vicinity of 3000 animals, and the combined WI/MI population now reaching approximately half that figure (these population figures apply to early spring, before pup production leads to substantial seasonal increases.) Peter

reviewed the pros and cons for delisting, including concerns related to tribal participation and the delisting process that included:

– The tribes were not involved in the national review of wolf status that is discussed in the proposal, and the reasons for that lack of participation are grossly misrepresented.

– While the Service mentions government-to-government consultation in some parts of the document, it also seems to consider the tribes part of the general public in other areas. Many of the references to tribal management used references that were 8-13 years old, disregarding the fact that tribal programs and positions may change over time, and possibly misrepresenting current tribal perspectives.

Representatives from the USFWS are here today to discuss the delisting proposal: Tim Patronski is the Native American Liaison; Tony Sullins is the Twin Cities Field Supervisor, and Laura Ragan is the Delisting Coordinator.

The chairman asked the visitors about the extent of tribal consultation that had been undertaken. Tim Patronski stated that they have been working along those lines, and that he knows tribes have been a major part. He stated that he's thankful for the partnership on wolf and many other issues, and that he is here today to discuss and answer questions. He stated that he holds the government-to-government relationship in high regard, and would be happy to discuss individually with tribes.

Laura Ragan introduced herself and presented a power point presentation. After the presentation, several of the Task Force members told stories about ma'iingun and its relationship to the Anishinaabe people, stressing that the tribes would never agree to any type of harvest of ma'iingun, as they considered the wolf their brother. The Task Force stated there seems to be two different world views that exist: the corporate mentality that ignores harmony and balance and the Anishinaabe view of living in harmony and balance with the natural world.

There were questions on the criteria used to determine that the wolf was no longer endangered. Laura Ragan stated that the plan lays out numerical criteria and addresses threats and looks at those things in their determinations. The Task Force questioned the data. The LCO representative stated that the Anishinaabe believe everything is connected, and if the wolf reach a "carrying capacity" they'll decide their own population. He doesn't believe there should be a set number. Laura Ragan stated that as far as a time line goes, they were looking at the end of December.

Motion to oppose the proposal to delist and authorize staff to express such comments by KB; second by LCO. Vote: 9 for, 0 against, 0 abstaining. Motion carried.

The chairman stated that he was glad the state lawyers were here listening. He explained that the Task Force didn't have these stories planned for today—they just come from the heart. He emphasized that the agencies bring in the tribes from the beginning.

8. Michigan Moose Advisory Council Update – Discussion – Miles Falck & Kekek Jason Stark

Miles stated that Roger Labine of LVD has been appointed by KB and LVD to serve on Michigan Moose Advisory Council after last month's Voigt Task Force decision to defer to KB and LVD on the matter. Miles stated that CORA withdrew its nomination of Jill Witt, but as of yesterday she has been reinstated as a nominee. LVD had asked that this issue be added to the agenda. The following points provide some guidance for the person serving on the committee:

- Participation by a tribal representative on this council is in no way intended or should be construed to imply a diminishment of any sovereign authority or responsibility by GLIFWC's member tribes to determine and undertake any appropriate course of action regarding Moose according to Anishinaabe teachings and traditions.
- Participation by a tribal representative on this council is in no way intended or should be construed to be a substitute for government-to-government consultation regarding any action involving moose management or a moose harvest season in the ceded territories.
- Although recent population estimates are available for moose in the western UP of Michigan, there is no objective information on the abundance of moose in the eastern UP. In addition, population models that have been developed to evaluate the potential impacts of moose hunting in the western UP rely on population parameters that were estimated prior to 2002. New research on moose abundance and population dynamics is needed throughout the upper peninsula to properly manage moose in light of the increased interest in hunting and the potential for climate change to affect their survival. These research efforts should be a collaborative process between state and tribal biologists.

Discussion followed. The LVD representative stated that no action was required. He stated that Roger LaBine had just wanted some basic guidance regarding how the tribes felt about the moose issue. Jim Zorn warned against letting the state of Michigan (who doesn't want a state season) use the tribal representative as a cover. KB suggested making Roger LaBine the first appointee and Jill Witt the second.

There was further discussion regarding the meeting of the Moose Advisory Council tomorrow (June 3rd) at Marquette. The LVD representative said he would share today's discussion with Roger LaBine.

9. Forest Service MOU Update – Information – Alexandra Wrobel
 - A. Camping Permits

(The VITF skipped ahead to Agenda Item 10)

10. Wisconsin Deer & Bear Threshold – Information – Jonathan Gilbert

At May's Voigt Task Force meeting, Jonathan had discussed deer and black bear harvest thresholds and provided the Task Force with a table illustrating the deer threshold analysis. Jon then consulted with the WDNR to confirm that no deer or bear declaration would be required for 2011. They compared data and analysis and agreed that in no case did the tribal harvest exceed the calculated threshold value and that for 2011 no tribal declaration or tribal antlerless deer quota would be required.

For black bears as well, in no case did the tribal harvest exceed 15% of the state harvest in any management zone. In fact the tribal harvest was less than 1% of the state harvest in each area. Thus, as for antlerless deer, no tribal declaration or quota is needed for 2011 black bear harvest season. All tribal hunters need to do is to get their tags and let GLIFWC know what unit they came from. This system was designed to make things easier for tribal hunters, as well as administratively, in the implementation of the treaty rights.

There was a question regarding disabled hunters. Jonathan stated that those regulations were up to the tribes. The chairman concurred that that was as it should be.

11. Wisconsin Fisher, Otter, Bobcat Quotas – Information – Jonathan Gilbert

Jonathan informed the Task Force that he had been at a meeting of the Wisconsin Furbearer Committee for the last 2 days, where the task was to review the status of fishers, otters and bobcats in Wisconsin and to determine the harvest quotas for these species. Jonathan stated that he would finalize a memo with the results and mail it out rather than distributing one today. He summarized the following verbally:

Fishers: The total harvest of fishers in Wisconsin in 2010-2011 was 1,412, of which the tribes harvested 137. This harvest, which was 400 fishers below harvest goals, kept the population at approximately 11,000 fishers in the northern forest region. Zone A had a harvest of 99, which was just above our threshold, so next year, for fisher only, Zone A will have a declaration and a quota.

Otters: The total harvest of otters in Wisconsin in 2010-2011 was 841 (of a harvest quota of 850), of which the tribes harvested 28 off-reservation. The current otter population estimate is 10,508 otters compared to a population goal of at least 13,000. The 2011 harvest quota for otters was set at 900.

Trappers have said that they see a lot of otters, but the numbers say different, so the quota was dropped slightly. There was discussion on what parameters were used in the model. Jon explained that mortality rates, reproductive rates, litter size and harvest are what's put into the model, but Jon agrees that the committee must rely on trapper information as well, and not only computer models. Jon plans to look further into the matter. There was further discussion on muskrat traps, floating traps and others, which will be looked at during the next round of stipulations.

Bobcats: The total harvest of bobcats in Wisconsin was 344 (of a harvest quota of 380) of which the tribes harvested 36. The bobcat population was 2,254 in 2010 compared to a population goal of 2,500. The 2011 harvest quota for bobcats was set at 380.

(The VITF came back to Agenda Item 9)

9) Forest Service MOU Update – Information – Alexandra Wrobel

A. Camping Permits

Though the agreement between participating GLIFWC member bands and the U.S. Forest Service, tribal members exercising treaty rights may camp for free and without length of stay restrictions for most campgrounds in the Chequamegon-Nicolet, Ottawa, and Huron-Manistee National Forests. For fee-exempt camping on Nation Forest Campgrounds, tribal members must:

- Be a member of a Band that has ratified the Tribal/USFS Campground Agreement.
- Obtain a tribal camping permit,
- Follow the camping registration procedures at the campground.
- Follow all campground rules and regulations.

In order to ease the process of obtaining the permit GLIFWC has developed an on-line permitting system that is currently available to Tribal Conservation Departments as well as GLIFWC staff. The ultimate goal of creating a web-based permitting system is to allow tribal members to register for and obtain permits wherever there is internet access. The system is currently available for camping permits and will soon be available for other permits (i.e. small

game, gathering, trapping). Staff is currently training GLIFWC registration clerks and wardens on the use of the electronic permit system.

There was a question regarding a permit system in Michigan. Jonathan stated that GLIFWC has not been asked to help Keweenaw Bay with a system but would be happy to assist if requested to do so. Discussion followed.

Motion to enter Executive Session at 11:12 a.m. by KB; second by BRV.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

12. MN 1837 Ceded Territory Subcommittee (**Discussed in Executive Session**)

A. Wildlife Plan – Information – Kekek Jason Stark & Jonathan Gilbert

Motion to come out of Executive Session at 11:22 a.m. by LCO; second by Mole Lake.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

13. Spring Season Update

A. Biological Services Division Report – Information – Joe Dan Rose

Joe Dan gave a brief recap of the spring fishing season:

WISCONSIN

Wisconsin total walleye harvest of the total tribes combined was 29,781.

Wisconsin total muskellunge harvest of the total tribes combined was 216 musky.

MICHIGAN

Michigan walleye harvest was 4,106 walleye.

MINNESOTA

Minnesota conditions were marginal at best, with a lower harvest this year.

Total tribes combined was 61,274 pounds of walleye, which was roughly ½ of last year's harvest. Total tribes combined spearing was 7800 pounds of walleye, which was up from the two previous years.

The chairman mentioned that he would like to look at gill netting in Wisconsin as a possibility. There was also discussion on net size length. Members would prefer the use of longer nets.

The Red Cliff vice-chair agreed that it was a rough year at Mille Lacs because of the ice, waves, etc. He stated that Red Cliff would like to look at "tweaking" the methods. He stated that in the Great Lakes, they set their nets in gangs—it's quicker and safer. They use ice buoys that react differently than regular buoys. Red Cliff would like to explore these ideas at greater length with GLIFWC and Red Cliff staff.

There was discussion of the possibility of the tribes offering asema to the Mille Lacs tribe and perhaps discuss the use of landings (tribal) that were away from the general populace. The Mille Lacs representative stated that he would be willing to listen. He agreed that no one wants to see nets bunched up because of too many nets at a landing, but the problem is

not enough landings. He stated that he would be willing to discuss the problem with the tribes.

The Bad River representative stated that the weather was not very conducive to netting this year. Joe Rose said that he would call for weather conditions every morning and then decide which landings to name for that night. He was concerned with the safety of people and the number of lost nets. He felt it was important to give the authority to the wardens regarding which landings may be opened, depending on weather conditions.

Jim Zorn added that at the recent GLIFWC Board meeting, wardens and other staff received an honor song for their hard work during the season.

B. Conservation Enforcement Division Report – Information – Fred Maulson

Fred briefly presented the same information he had shared at the Board meeting. Some highlights of the Enforcement Divisions winter/spring season included:

- Community Policing included several ATV and snowmobile safety classes, as well as a winter spearing program at Red Cliff, and a trapper education class at Mille Lacs.

- Training included attending the Great Lakes Law Enforcement Committee meeting at Ypsilanti, Michigan. The Division also received its 24-hour recertification training held by the WDNR. Officers were trained on EVOC, firearms, and defensive arrest skills.

- Enforcement activities: during the winter months, staff was given the task of issuing CITES tags for off-reservation fur harvest by tribal members. The division has seen an increase of furbearer violations relating to sharing of tags with non-members, non-registration, and unattended trap lines.

- Spring activities included monitoring Wisconsin, Michigan and Minnesota fishing activities. Officers encounter a number of violations including over bag limit, spearing on lakes that were not named and over-sized fish. In Minnesota, officers were assigned to various landing to monitor and enforce netting and spearing regulations. Poor weather caused many problems, including boats being swamped, nets under ice and landings being temporarily closed.

14. Wisconsin 2011 Gill Net Mesh Sizes – Information – Joe Dan Rose

Joe Dan and Mark Luchring briefly explained the gill net mesh size memo and the data that accompanied it. Joe Dan provided a table that identified allowable mesh sizes for gill netting in Wisconsin ceded territory lakes over 1,000 acres with declaration balances remaining for the season beginning June 1, 2011. As in the past, average length based upon spring spearing or a spring adult walleye population estimate was used to determine the mesh size.

Joe Dan reminded the Task Force that the formula for determining the maximum number of feet of net that can be set is to multiply the remaining walleye declaration by 10. For example, the remaining walleye declaration on Yellow Lake is 442 fish. Therefore, the maximum number of feet of 3.0 inch mesh net is 4,420 feet. Joe Dan reminded the Task Force that spearing and fyke netting is still allowed on these lakes, plus all other lakes with remaining walleye declaration balances, whether gill netting is allowed or not.

Discussion followed. There was a question by LVD whether netting is allowed on Michigamme Reservoir. Jason Stark answered that members may fyke or gill net on Michigamme Reservoir.

15. Committee Meeting Notices/Reports

A. Healing Circle Run Information (Information in Packets)

The run will occur from July 9-15, 2011, beginning at the Lac Courte Oreilles reservation. Jim Zorn asked that tribes name a representative to assist/arrange hotel rooms for the runners and to act as a liaison to help get the details set and recruit participants.

B. Biological Services Division June Meeting List (Information in Packets)

C. Mikwendaagoziwag Ceremony (Information in Packets)

The Board of Commissioners have scheduled this year's Mikwendaagoziwag Memorial Annual Ceremony for July 27, 2011 at the Memorial, located at the Army Corps of Engineers Sandy Lake Recreational Area near McGregor, MN. A block of rooms has been reserved at both Fond du Lac Black Bear Hotel in Cloquet, and at the Country Meadows Inn at McGregor. Please call Rose Wilmer or Annie Thannum for room reservations.

16. Other Business

A. The July 7, 2011 Voigt Task Force meeting will be held at Lac Courte Oreilles.

B. Mining – Jim Zorn explained that the Voigt Task Force had invited Mr. Chris Cline, founder of GTAC's parent company *The Cline Group* to today's Voigt Task Force meeting, but he schedule didn't accommodate it and so staff will continue to try to set up a meeting. Also, as an update, the Wisconsin Legislature was going to introduce the mining reform bill today, but 2 hours after posting the notice, it was called back. Staff will monitor the situation and keep the Task Force informed. Lastly, Jim Zorn stated that the letter that the Task Force approved at an earlier meeting had been sent from Chairman Maulson to DNR Secretary Cathy Stepp, indicating that the Task Force fully expects to be "actively engaged" in consultation with the DNR on mining type processes and decisions. Jim also stated that the resolution that was passed at the Danbury meeting regarding mining has been getting a lot of media lately, and that he and Chairman Wiggins had just done an interview with the Ashland Daily Press. He stated that the GLIFWC and the tribes are ready to respond and oppose if the bill is reintroduced. On a related note, Ann McCammon Soltis stated that at the recent Board meeting, the date was set for the Mott Workshop for September 20-21, 2011. The workshop will follow the Board meeting scheduled for the morning of the 20th and then will continue all day on the 21st.

Leo LaFernier asked if the model resolution regarding the mine had been sent to tribes yet. Staff will get it out soon

The chairman asked the tribes to think about putting together a resolution that would protect the water quality and air quality. He said it was the tribes' obligation to protect the resources. He hopes that the state would partner with the tribes on this issue and not argue about it or oppose it. The chairman stated that the tribes should go back and take a hard look at things and stay united.

Jim Zorn briefly reminded the Task Force of the Partners Fishing Event planned for June 8-9 at LDF and invited Diane Milligan to attend.

Jim Zorn directed the Division of Intergovernmental Affairs to prepare a draft resolution that states that all those who attend the Partners Fishing Event do so as a guest of the Lac du Flambeau Tribe, with its permission and license.

17. Adjourn

Motion to adjourn by Mole Lake; second by LCO.

Vote: 9 for, 0 against, 0 abstaining. Motion carried. The meeting adjourned at 11:35 a.m.

Closing Song

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
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting July 7, 2011 – Lac Courte Oreilles, WI Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The Chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River:	Joe Rose Sr.
Keweenaw Bay:	Chris Swartz
Lac Courte Oreilles:	Mic Isham
Lac du Flambeau:	Tom Maulson, Scott Smith
Lac Vieux Desert:	Sam Klingman, Craig Mansfield
Mole Lake:	Chris McGeshick
Mille Lacs:	Brad Kalk
Red Cliff:	Leo LaFerner, Mark Duffy
St. Croix:	Carmen Butler, Conrad St. John, Junior Mosay

Others Present: Jason Schlender-LCO, Mike Lutz-WDNR, Dave Wooten-BIA, Aaron Loomis-St. Croix, Kevin Maulson-LDF, Jim Schlender Jr.

GLIFWC Staff: Jim Zorn, Ann McCammon Soltis, Kekek Jason Stark, Gerald DePerry, Neil Kmiecik, Julie Ante, Annie Thannum, Joe Dan Rose, Ben Michaels, Peter David, Jonathan Gilbert, Lauren Tuori, Heather Naigus, Mike Popovich, Tom Kroepin, Charlie Rasmussen.

GLIFWC Interns: Erin Barke, Daniel Soulier, Stacia Macy, Tom Bierman, Acorn Armagost, Sara Weed, Clara Smoniewski.

3. Approval of Agenda

Scott Smith asked that the overage plan be added under “other business” and Jason Schlender asked to address the Task Force under “other business.”

Motion by LCO to approve agenda with changes; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.



4. Approval of Minutes

Motion by LCO to approve the minutes; second by Mole Lake.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

New LCO Tribal Chairman Gordon Thayer and new Vice-chair Bill Morrow were introduced to the Voigt Task Force. Chairman Thayer welcomed everyone to LCO and recalled and reflected on the formation of the Task Force back in 1983, and discussed some of the work the Task Force has accomplished over the years.

5. Introduction of Summer Interns/LTEs

Administration/PIO Divisions: Daniel Soulier completed his 3rd year at UW-Stevens Point and is splitting his time between PIO and Admin.

Wildlife Section: Stacia Macy and Tom Bierman are both students at Northland College and will be assisting with wild rice surveys.

Great Lakes Section: Acorn Armagost, a recent LCO College graduate returns for his second year as a Great Lakes Section aide; Sara Weed and Clara Smoniewski are both Northland College students and are also assisting in the Great Lakes Section.

Division of Intergovernmental Affairs: Erin Barke completed her first year of law school at Marquette and will be assisting DIA with revising a sulfide brochure and also helping prepare material for the Mott Foundation Workshop.

6. Resolution Honoring the Service of Mike Lutz, WDNR Chief Legal Counsel – Information – James Zorn

Jim introduced Mike Lutz, long-time Chief Legal Council for the DNR who is retiring at the end of the year. Jim described Mike Lutz as a good, honest person to work with and “a good human being.” VITF Chairman Mic Isham read and presented Mike with a resolution honoring him for his many years of working with the tribes. Jim Zorn and Mic Isham presented Mike Lutz with a Pendleton blanket and a the framed resolution and thanked him for his honorable dealings with the tribes over the years. An honor song was played on the drum.

Mike Lutz thanked the Task Force for this honor. He stated that much of his career was based on the litigation with the tribes, and he recalled some of the highlights. He recalled once when he attended a meeting with the tribes in Portland and when the tribal leaders went out that night, they brought Mike along with them. Tom stated that although he couldn't keep up, he was honored to be included. Mike also recalled that when things were really bad at the landings, the DNR wardens came to feel more of an affinity with the tribal spearers than with the protestors. Mike recalled that after the court ruled in favor of treaty rights, the lawyers had to try to find a way to bring the two sides together and the DNR had to understand what the treaty rights were going to mean to them. Mike explained that the interim agreements, while often times

contentious, served as the basis for the stipulations, the building blocks for the state and tribes to reach agreements without litigation.

Mike Lutz recalled attending Jim Schlender's funeral, not out of a sense of obligation but out of honor and respect for Jim. Mike recalled that he and Jim Zorn had spent a lot of time traveling together and had talked at length about the impact of biologists and lawyers. Mike said that he feels that the real reason why the relationship was successful was because they established the ability to trust each other. Mike recalled that many years ago, the state called Mole Lake and LDF "violators;" Mike knew it wasn't violation, but a deep seated belief that the treaty rights existed. Mike stated that it had been an honor to work with the tribes.

Tom Maulson and Mic Isham thanked Mike again and wished him all the best. Tom stated that although at times it's still hard, the tribes and the state continue to build trust.

New LCO tribal council member Larry Kagigebi stopped in and was introduced to the Voigt Task Force. Larry stated that he appreciates what the Voigt Task Force does and thanked them for the hard work and sacrifices that have been put in over the years. He stated that it takes warriors to get things done. He wished safety to the wardens and thanked the staff for coming to LCO today. Larry welcomed everyone and thanked the Task Force for letting him speak today. He hopes to attend more meetings in the future so he can meet more of the people here today.

7. Introduction of David Wooten, Chief, Branch of Fisheries, Wildlife & Parks, Bureau of Indian Affairs – Information – Ann McCammon Soltis

Ann introduced David Wooten as the new Chief of the Branch of Fisheries, Wildlife and Parks for the Bureau of Indian Affairs in Washington, DC. David has most recently been working in Sacramento and follows Bob Gardener and Ira Newbreast as the new Chief. Ann stated that Dave will be a great advocate for this region and all the tribes.

Dave Wooten stated that it was an honor to be here today and to work with GLIFWC and providing support wherever he can. Dave stated that he was facing a very steep learning curve but that he is very impressed and plans to give solid support from his Washington DC office. Dave stated that with the help of Jim Zorn and others, he hopes to get up to speed quickly.

Chairman Tom Maulson welcomed Dave Wooten and explained that it was very hard for the tribes to work on limited funds. He explained the difficulties in retaining law enforcement people and stated that the BIA has a fiduciary responsibility to the Native people. The chairman stated that the tribes need David to support them in Washington, and hopes that David will provide the much needed assistance.

Vice-chair Mic Isham welcomed David and stated that the tribes are very lucky to have great regional BIA people to work with like Bob Jackson, Diane Rosin, Kim Bouchard, Mark Kuester, and Gerry Walhovd. He advised David to lean on them as well as support them in their assistance to the tribes.

Jim Zorn stated that he and Ann McCammon Soltis had met and had dinner with David last evening, and had a chance to have some of these conversations. Jim noted that when it comes to

the treaty rights of these member tribes, the obligations of the United States government are to not only honor those rights, but to provide the necessary funding for the tribes who have the capacity to self-determine, self-govern and self-regulate. The fulfillment of these obligations are neither discretionary nor earmarks, but specific obligations that must be honored. That is why this program is here and has been in the Administration's budget for over 25 years, and why Congress and the Administration have been providing the funding for that long.

Secondly, Jim Zorn stated that other agencies are looking to the tribes do more and to partner with them more. Tribes and their natural resource programs have been around for a long time, and with the heavy staff turnover at other agencies, the tribes have some of the longest-serving, most experienced staff in the natural resource management field working for them. Jim Zorn stated that he hopes David Wooten would help carry the message back to the Bureau that tribes are looked at to carry more and more of the burden to do natural resource protection and to raise the difficult issues because other agencies, for a variety of reasons, can't. Only the tribes can do this for themselves; no one else can do it for them, and if the tribes don't have the federal treaty signatory standing with them, it will be a major failure. David thanked Jim Zorn.

As a follow-up, Chairman Maulson stated that there were also Michigan tribes here today because, traditionally, there were no boundaries between the tribes. Tom stated that the Michigan tribes also need the support of the Bureau. The chairman thanked David Wooten for coming today and hopes to see him at meetings in the future. The Task Force invited David to attend next year's Partners Fishing Event and meet more of the tribal people.

The chairman concluded by having the Task Force and staff make introductions around the room.

8. US Forest Service MOU

- A. Introduction of New Staff – Information – Ann McCammon Soltis
Visitors: CNNF Deputy Forest Supervisor Owen Martin
Ottawa Forest Supervisor Tony Scardina

Ann introduced several staff from the US Forest Service, who provided background on themselves for the Task Force:

Owen Martin, Chequamegon-Nicolet National Deputy Forest Supervisor Forest, stated that he grew up on the west side of L.A. and had worked as a defense contractor. He stated that his parents had taken him hunting, fishing, etc and he developed a strong conservation ethic. He received a degree in forestry and started working in 1977 for the Arizona State Forest. He had been Acting Supervisor at Lake Tahoe, and was looking forward to working with the tribes and further strengthening the relationship through the MOU. Owen stated that with all the recent retirements, there will be a lot of openings in the natural resources field. Owen also talked about the dangers that are now within the forest, with the discovery of the cannabis growing operations. He looks forward to working together to fight these problems.

Tom Maulson explained that some of the GLIFWC enforcement officers just got back from Arizona. He offered a challenge to other tribes to look at putting together a working (firefighting) team and to look into getting some funding to help in those areas. KB said that they already have a team—the Bear Town Fire Fighters, and they are all ready to go wherever they

are needed. Discussion followed on the need to getting young people involved in fire fighting and other activities.

Tony Scardina, Ottawa Forest Supervisor introduced himself to the Task Force. Tony stated that he had just returned from getting married, and that recently he had been working as a district ranger in Pennsylvania. He stated that he also grew up hunting and fishing and had a great appreciation for the land and nature. He went to school in West Virginia and has worked in Washington, DC and California, as well as Pennsylvania, Arizona and Illinois. He arrived here in June and is very interested in education and youth and feels it's very important for youth to be connected to nature and to get them into natural resource fields. He will be looking for ways to promote outreach and thinks it's great that the tribes have internships, etc to help get youth into the field. He realizes that respecting the treaty right is critical and that we all need to work together so that all our citizens have a good quality of life and healthy resources. Tony explained that his style was straightforward and honest, and looks forward to working together on important issues like water quality, invasive species and other issues.

Chairman Maulson thanked Owen and Tony and reiterated that education and youth involvement is important to the tribes as well. He mentioned the importance of the fiduciary responsibility the federal government has to the tribes and how the Forest Service has the responsibility to replenish and restore the forest. The chairman stated that the tribes' doors are open to them as well. The tribes have lots of young people who need jobs and the chairman hopes that some job opportunities will be set aside for the tribes.

Jim Zorn welcomed Tony and Owen and explained that, to the tribes, the National Forests are simply extensions of their ancestral homelands. The Forests provides a place to exercise their treaty rights and provides habitat. He further explained that the MOU, with the tribes' input, have made things better for everyone and that the relationship between the tribes and the Forest Service is mutually beneficial. Jim Zorn further stated that to tribes, Homeland Security is not about guns and badges, but rather to have these ancestral places as a secure environment that provides food, medicine, etc.

9. Wisconsin Fisher Declarations/Otter, Bobcat Thresholds – Action – Jonathan Gilbert

Jonathan explained that, per the new threshold system that has been put into place via the Voigt Stipulation change process, the tribal harvest for all the fisher zones except Zone A fell below the threshold value, and thus only Zone A will need a tribal declaration for 2011. The harvest quota recommendation for Fisher Zone A in 2011/2012 is 300, so Jonathan recommends that the tribes issue a harvest declaration of 150 (50%). This should ensure that tribal harvest demand is met and that tribal harvest and state harvest together are regulated in order to sustain fishers in Zone A. As for otters and bobcats, the tribal harvest in 2010 fell below the threshold value and thus, there is no need for a harvest declaration for either of these two species.

There was discussion regarding the quota recommendation of 300 (rather than 500 as in 2010) and the declining population, which Jon stated is not due to overharvest. The Task Force expressed concern over what will happen if the state exceeds its half of the quota. Jonathan explained that the Tribes usually send a letter of concern and the State responds that they will

adjust for it next year. The Task Force has not been satisfied with the State's response. Discussion followed.

Jonathan explained that further research is needed to explain declining fisher populations. There was further discussion about tagging and the problems that enforcement runs into with "laundered" tags. Jonathan further explained the threshold system and stated that he felt it would be irresponsible to raise the declaration in Zone A with a declining population. Discussion followed.

Motion to approve the recommendation by Red Cliff; second by St. Croix.
Vote: 8 for, 1 against (KB), and 0 abstaining. Motion carried.

10. Apostle Island National Lakeshore Update – Action – Kekek Jason Stark

Kekek Jason Stark explained that he is seeking action to approve the proposed 2011/2012 Hunting, Trapping and Gathering Agreement for the Apostle Islands National Lakeshore. This proposal is based upon the success with the previous interim agreements, Task Force/APIS Workgroup discussions, comments and direction received from the Task Force during the course of those discussions, and comments from the Lakeshore Superintendent and staff. The goal is to have another interim plan in place for this fall's hunting season, as we advance the long-term MOU up the bureaucratic ladder. The recommended action is to 1) adopt a motion to approve the proposed agreement and 2) recommend that the tribes adopt this agreement and implement it pursuant to their off-reservation conservation codes that apply to the Wisconsin portion of the 1842 ceded territory. Commission staff will prepare the documents necessary to implement the agreement, including regulation booklets, maps and related documents. These will be provided to tribal registration stations.

There was discussion about the possibility of emergency closures and whether the state would recognize closures by the tribes. KB felt that the state must recognize that our biologists are capable of making closure decisions. Red Cliff stated that in the past, the tribes *have* issued a closure to shut down their own harvest. In addition, any closure at the Lakeshore would be done by the Park Service, not by the state.

There was discussion on the portion of the document relating to ceremonial harvest. The tribes wanted to be sure that such ceremonial harvest won't be restricted in any way. Discussion followed.

Motion by Red Cliff to approve the proposal; second by LDF.
Vote: 8 for, 1 against (KB), 0 abstaining. Motion carried.

11. Wild Rice Management Plan Update – Information – Peter David

Peter gave an update on the development of the Manoomin Management Plan. Draft sections of the plan provided in the packet include the following:

- Harvest Regulations
- Harvesting the Right Way, or How to Pick Rice While Respecting and Protecting the Plant

- Harvest Data Summary
- Harvest Information
- Possible Regulatory Changes
- Threats to Manoomin
- Management Methodologies and Restoration Strategies
- Education/Information

The next Wild Rice Committee meeting will be held on August 17, 2011 at Lac du Flambeau.

There was discussion on date-regulated lakes and public versus private land. Generally, only lakes are date-regulated because the state contends that it does not have the authority to regulate rice harvest on rivers or flowages where the bed of the waterbody - and thus presumably the rice growing on it - is privately owned. However, flowages in public ownership could be date-regulated. Jim explained that if the rice is attached to the realty it's considered private property. Discussion followed. There was also discussion on whether this would be considered a "State" plan. Peter explained that it would be a "Joint" plan between the tribes and the State.

Bad River had questions regarding sulphate standards and what Peter's recommendation would be. Bad River is very concerned about the watershed. Peter stated that he was unsure what the standard should be—the current standards are geared toward humans—not plants. He stated the standards are currently being reviewed in Minnesota now and research is ongoing. Discussion followed.

St. Croix discussed the treatment of milfoil on the Minong Flowage and St. Croix's concerns about and opposition to that treatment. Discussion followed.

KB noted that all these discussions seem to center around the water. KB is concerned that soon the animals and fish that depend on the water will be affected. KB would like to see something done right away. He feels the tribes should stand behind all their research and say "enough is enough." The chairman agreed.

12. Learn to Hunt Program— Information – Heather Naigus and Tom Kroeplin

In 2010, GLIFWC was chosen along with three other organizations, *Wisconsin Waterfowl Association*, *Becoming an Outdoorswoman*, and *Wisconsin Bowhunters Association* to participate in a learn to hunt program. Each group has committed to conduct 8 learn to hunt events.

Heather Naigus and Tom Kroeplin explained that LCO will receive 6 shotguns to use for their program. Also planned are workshops on trapping and waterfowl hunting, and survival in the woods. In response to a suggestion by St. Croix, Heather stated that there would also be a lot of TEK woven into these programs. Discussion followed on the importance of the ceremonies and traditions being taught to the youth.

Joe Rose and Tom Maulson shared stories on how they had taught their sons and grandsons how to hunt, and how it was a sacred activity and not a sport.

13. MN 1837 Ceded Territory

A. Fisheries Committee Meeting Notice – Information – Joe Dan Rose

Joe Dan briefly announced that the next meeting of the MN F1837 Ceded Territory Fisheries Committee will be on Tuesday, July 26, 2011 at the new Fond du Lac Natural Resources Building in Cloquet. Band representatives are invited and encouraged to attend.

B. Wildlife Management Plan Update – Information – Kekek Jason Stark

Kekek Jason Stark announced that the Bands had reached a consensus on the Wildlife Management Plan.

14. Committee Meeting Notices/Reports

A. Healing Circle Run (material in packets)

Neil Kmiecik announced that preparations are complete for the Healing Circle Run and all they need now are runners to participate. Neil stated that everyone is welcome to participate, including and other agencies. Neil thanked the tribes for assisting with the meals, hotel rooms, and other details.

B. Mikwendaagoziwag Memorial Ceremony (material in packets)

Jim Zorn reminded everyone that the annual ceremony would take place on July 27, 2011. Rooms are available at both the FDL Black Bear Casino and the Country Meadows Inn at McGregor. All are welcome to attend. There will be a sweat lodge, ceremonies, feast, etc.

C. Biological Services Division July Meeting List (material in packets)

15. Other Business

- A. Jason Schlender stated that he was here before the Task Force looking for funds to help with food for the Madeline Island Ceremony's traditional feast. He wanted to extend an invitation to all the bands and also ask for their help. Last year, there were over 400 people attending. Last year, the residents hosted the meal but this year they are not able to, so the food is up to the members. Jason added that Nick Hockings and Winona LaDuke will be in attendance.

The chairman stated that he hopes the tribes will get behind events like this and encouraged them to assist however they could.

- B. Scott Smith asked for discussion about a tribal overage plan for Minnesota. Scott feels one is needed to deal with the left over quota, similar to the one that the state of Minnesota has. Because of the poor weather, many tribes have quota left over. Joe Dan explained that the overage plan provides for accidental over-run and that it's not just for carrying fish over from one year to the next.

Discussion followed and staff noted that this could be an issue that could be looked at in connection with revisions to the Fisheries Management Plan, which will begin this fall.

- C. Jim Schlender Jr. presented an invitation to the Commission from the White Earth tribal council to visit to their homeland. The Tribal Council wants to invite the Commission to White Earth to hold either a Board meeting or a Voigt Task Force meeting there. They would like to: 1) return the hospitality shown them at the St. Croix meeting, and 2) have GLIFWC participate in a revitalization / remembrance for all Indian people, and also to show GLIFWC's accomplishments.

White Earth wants to remind the tribes that they have relatives out west and to say megwitch for allowing them to attend the St. Croix meeting.

- D. August 4, 2011 meeting location will be at Lac du Flambeau.

16. Adjourn

Motion to adjourn by RC; second by St. Croix. The meeting adjourned at 1:10 p.m.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• 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

Voigt Intertribal Task Force Meeting
August 4, 2011 – Lac du Flambeau, WI
Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The chairman called the meeting to order at 9:20 a.m.

2. Roll Call

Bad River:	Joe Rose
Red Cliff:	Leo LaFerner, Mark Duffy, Larry Deragon
Mole Lake:	Chris McGeshick
St. Croix:	Carmen Butler, Junior Mosay, Conrad St. John
Lac du Flambeau:	Tom Maulson, Scott Smith, Terry Allen, Jr.
Lac Courte Oreilles:	Mic Isham
Lac Vieux Desert:	Sam Klingman, Craig Mansfield
Mille Lacs:	Brad Kalk, Kelly Applegate
Keweenaw Bay:	Chris Swartz

3. Approval of Agenda

Motion to approve agenda by LCO; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by Lac du Flambeau.
Vote: 9 for, 0 against, 0 abstaining. Motion carried

(Later, there was one correction noted in the July minutes by Mic Isham: New LCO Vice-chair is Bill Morrow, not Rusty Barber; Mr. Barber is a council member.)

5. Educational Leave and Career Development Update/Introduction of Wildlife Biologist Tanya Aldred – Information – Jonathan Gilbert

Jonathan re-introduced Tanya Aldred as the new wildlife biologist. Jon explained that Tanya was hired in 2004 as a wildlife technician, and had expressed an interest in furthering her career by pursuing a Master's of Science Degree in wildlife sciences. Jonathan worked with Neil Kmiecik,



James Zorn and Tanya in the development of a “Career Development Program” and in August 2008, Tanya was authorized to undertake the requirements of a two-year MS degree at Purdue University. Today, Jonathan stated that he was proud to announce that Tanya has completed the requirements for her degree and on August 6, 2011, will graduate with a Master’s of Science degree from the School of Forestry and Natural Resources at Purdue University. She has returned to GLIFWC and has been promoted from a technician to a biologist within the Wildlife Section.

Tanya Aldred addressed the Task Force and explained her thesis entitled “Comparison of Sites Used by Translocated and Resident American Martens (*Martes americana*) in Northern Wisconsin,” and discussed her field work and course work. The Task Force recognized Tanya’s hard work and success and wished her a long career with GLIFWC.

6. Wisconsin Elk Assisted Dispersal Update – Information - Jonathan Gilbert
Visitors: John Gozdziwski, Laine Stowell, and Ken Jonas, WDNR
Paul Strong & Dan Eklund, USFS

Jonathan introduced Ken Jonas, DNR and Dan Eklund, Chequamegon-Nicolet National Forest, to the Task Force. Jonathan explained that during the past year the Elk Team had met several times to review the past year’s activity and to plan for future assisted dispersal events. Jonathan has asked the members of the team to report to the Task Force on their activities and progress.

The team members explained that the dispersal project continues to operate in a true co-management manner, and a pipe ceremony was held at the dispersal site on May 14, 2011. All three agencies (GLIFWC, DNR, CNNF) meet on a regular basis and use consensus in their decision making. The team reported on the status of the elk herd in the Clam Lake area (15% population growth over the past year and 168 elk estimated in the population), the status of the 12 elk that were moved last winter, and plans for future elk dispersal. In May of 2010, there were approximately 131 elk. Over the past year, the population increased from 131 to 151 (about 15%) before calving this year. After spring calving and accounting for the elk lost from various causes, the herd is presently approximated at 168 elk.

The chairman voiced a concern about the tribes being able to take an elk for ceremonial purposes if they have a need. Discussion followed.

There was discussion about other possible sustainable dispersal sites. Jonathan explained that part of the problem was CWD – elk are susceptible and so when you move elk from area to another, you want to be sure you aren’t moving the disease. Further discussion included the availability of water, movement of elk, and home ranges.

KBIC made a request that the meat and hides of elk that don’t survive be distributed to Indian people, who need the food and use the hides for drums. Jonathan Gilbert and agency representatives acknowledged the request.

7. White-nose Syndrome in Wisconsin Bat Populations – Information – Jonathan Gilbert
Visitors: Erin Craine & David Redell, WDNR Bureau of Endangered Resources

Jonathan explained that over the past several years, biologists have discovered a fungus that is infecting cave-dwelling bat populations called White-nose Syndrome (WNS). This fungus is

lethal to bats and is of significant concern to bat populations. The WDNR is undertaking a review of this disease and is considering actions to help protect bat populations. Erin Craine and David Redell from the Bureau of Endangered Resources are here today to address this issue with the Task Force, as it has voiced concerns in the past about the prevalence of new diseases in the ceded territories and has encouraged wildlife staff to stay abreast of development in this realm.

Erin Craine thanked the Task Force for allowing her and David Redell to attend today's meeting. There are several issues they will be seeking council on with the tribes and this is the first of them. Erin and David discussed the biology and history of the disease. This disease started out fast and is spreading quickly (800 miles last year). The DNR has passed three regulations within a few years: 1) listing Wisconsin's cave bats as threatened; 2) listing the fungus, *Geomyces destructans*, as a prohibited invasive species under NR 40; and 3) management of WNS under NR 40.

David discussed the biology of the bat species in Wisconsin. He explained that there are four species that migrate, and four that hibernate and those four are the species that are vulnerable to this disease. There was discussion on the high mortality rate: 70 % in the first year and >90% in the second year. The disease is now in 18 states and 4-5 Canadian provinces. It can move at a very rapid pace, and the little brown bat is predicted to be extinct within 10-15 years in certain areas of the country. In the last year, the DNR field-surveyed the entire state and came up with a list of 800 hibernation sites. At present there are no signs of white-nose syndrome in the state.

There were questions and discussion regarding how the disease is spread. There are 2 likely transmission routes among the hibernacula: bat-to-bat and human. The disease is sexually spread, through surface fungus (not internal like breathing). The fungus can be transferred by people with the fungus on their shoes or by equipment. Discussion followed. Jonathan requested that GLIFWC be provided a copy of the hibernacular data. The DNR will forward this to Jonathan. There were concerns raised regarding rabies, but that disease only shows up in less than 1/2 of 1% of bats autopsied.

The Task Force inquired as to how much money was currently being spent on the protection of bats. Erin explained that since David is a very good grant writer, their current funding is \$700,000 in federal funds plus donations, and the state pays for Erin and David's salaries. There was discussion of how soon would the DNR know if the bats will be listed as endangered species. Erin explained that they currently are listed as threatened. There was discussion on the penalty and prosecution for killing bats, which could be up to a \$2,000 fine; prosecution is up to the county district attorneys.

Joe Rose shared a story about the bat and how the pulsating sounds they hear are a blueprint of the natural rhythm of the orders of creation. Carmen Butler shared information about the importance of the bat to the Ojibwe and stated that it was a good thing that the state is working to protect them.

8. 2011-12 Migratory Bird Season Proposal Update – Information – Peter David

Peter briefly explained that the USFS has requested a meeting to discuss the tribes' 2011-2012 Migratory Bird Season Proposal. Although still finalizing the details, the meeting is tentatively scheduled for August 10, 2011 at the St. Croix Casino in Danbury, beginning at 10:00 a.m. The Task Force is invited and encouraged to attend. Please let Peter know as soon as possible if you will be attending so he can ensure adequate meeting space, and can also confirm the final meeting arrangements with Task Force representatives, should any changes occur.

9. Wild Rice Update – Information – Peter David

Peter provided a brief outlook on the 2011 manoomin crop. Peter noted that crop development appears to remain behind schedule, but seems to be catching up under the recent heat. Northwest Wisconsin (NW) looks fairly poor. Clam Lake in Burnett County is showing only very modest recovery and that is limited to the area which the St. Croix Tribe has attempted to fence out the carp. The large beds at the Crex Meadows Wildlife Area in Burnett County, including the Phantom Flowage also look to be in very poor shape. The Radigan Flowage and Mulligan Lake in Douglas County, and Pacwawong in Sawyer County are about as poor as Peter has ever seen it.

Overall, beds that are on smaller lakes seem to be better places to explore. If conditions hold for the remainder of the growing season, some spots that may offer some picking in NW Wisconsin include Briggs Lake, Rice Lake and Webb Creek in Burnett County; St. Croix River/Cutaway Dam in Douglas; Totagatic and Chippewa Lakes; the Chippewa River and Phipps Flowage in Sawyer County; and Balsam Branch in Polk County. Peter has not flown over north central Wisconsin but his initial impression is that conditions may be somewhat better than in the NW. Peter has not yet flown over any MN waters, but the beds in the Sandy Lake Flowage region generally looked below average.

Peter reminded the Task Force that the next Tribal and State/Tribal Wild Rice Committee meetings were scheduled for August 17, 2011 at Lac du Flambeau to discuss the most recent sections of the *Draft State/Tribal Manoomin Management Plan* that is being developed, and to distribute available abundance information to rice chiefs and begin coordination of lake openings.

Discussion followed regarding the need for education, as some private landowners are destroying many of the rice beds because they think they are weeds. Peter explained that there are plans to do a brochure for novice ricers so they learn to rice the right way. There was further discussion about heavy geese browsing and water quality issues. Mille Lacs stated that although they will be doing an aerial survey of Mille Lacs Lake, currently the rice beds appear weak from a ground inspection.

The chairman acknowledged and thanked Carmen Butler for his efforts regarding manoomin and asked him to share information about his recent visits to the tribes. Carmen has been visiting the tribes, offering tobacco and inviting tribal elders and ricers to a gathering at St. Croix on August 11. The purpose of the gathering is to pray and ask the spirits for help with the rice problems they are experiencing on Clam Lake, to discuss why the rice is not doing well, and what needs to be done. Carmen addressed the Task Force and acknowledged the spirits for helping him do what he needed to do. He thanked his elders, and relatives and family and offered ascma to the Task Force and to those he wasn't able to personally contact to invite to the gathering. Carmen stated that he had brought tobacco to all the tribes and offered tobacco on their lands and at cemeteries, so that the spirits would help them with Clam Lake. Carmen believes taking care of the rice will mean taking care of his relatives and the future. He invited everyone to come and share and smoke and feast together.

10. Michigan Moose Advisory Committee Update – Information – Ann McCammon Soltis
Roger Labinc, Lac Vieux Desert

Ann briefly summarized the history of this issue. The Michigan Moose Advisory Council was established by statute with the basic charge to submit a report by December 22, 2011 with a recommendation on whether a moose hunting season should be established in the state, what effect such a hunt would have on the moose population, and the potential economic benefits of such a season. As discussed at previous VTF meetings, KBIC suggested Roger LaBine of LVD should be appointed as the tribal representative to this Council. CORA nominated Jill Witt to fill the council seat. As of the meeting on July 20th, both Roger and Jill were allowed to participate on behalf of each of the respected treaty areas.

Roger LaBine stated that he recently attended a meeting in Alberta, Michigan. Roger stated that they would like to look at implementing and developing codes so the tribes are prepared when it's time for the consultation process. Roger is requesting copies of tribal codes, if tribes have any. He wants to learn and be prepared. The Committee is supposed to make a recommendation by December, but the Chairman wants to make a recommendation by the end of September. Currently, there is a proposal for 10 permits. Roger initially took the position that there should not be a harvest until there is a management plan in place. Roger feels that the data isn't there yet, and that a lot of issues still need to be addressed.

The Chairman respectfully stated that the tribes didn't used to have so many rules to follow, and that regulations were alright, as long as the tribes didn't get too hung up on them. The chairmen felt that if the tribal need is there, then there should be no consequences for taking a moose. Discussion followed. Roger stated that he wanted this kind of input from the tribes and he will bring the Task Force's concerns to the table.

There was a question as to whether LVD had any such codes in place. Roger stated that currently, they have none for moose. That is why he would like to know if any other tribes have any such codes in place, so LVD doesn't have to start from scratch and reinvent the wheel.

Roger indicated that he and Jill are not in total agreement about a season. In Roger's opinion, Jill is opposed to a hunt because of the sacredness of the moose, although he wasn't certain.

One of the draft recommendations from the committee involved the development of an "agreement" between the state and tribes with treaty rights in the area. KBIC stated that it is not willing to enter into any kind of agreement with the State of Michigan at this point. The chairman cautioned that before anything is signed, the tribes need to sure they are all in agreement. GLIFWC offered to assist in developing language that would clarify the need for the tribes and the state to coordinate on issues related to harvest levels and seasons, but that would not call for a formal agreement.

Roger stated that there is another meeting scheduled for August 17th. There was discussion on the proposal for 10 moose to be taken. Miles Falck explained that the quota of 10 is based on a population estimate of 433 – the state's model came up with 10 as a reasonable number for a first season, although a future quota hasn't been determined. There was discussion on whether the tribes would only be allowed to hunt on public land. Discussion followed.

Roger reminded everyone that there is only one more meeting of the Advisory Board before the end of September. Jim Zorn stated that he had spoken to Terry Carrick, who was very appreciative of the help and stated that Bay Mills is on board.

11. Wisconsin Beaver Management Plan – Information – Jonathan Gilbert

Jonathan Gilbert briefed the Task Force on the update of the Wisconsin DNR Beaver Management Plan. The current plan was written in 1990 and is out of date. Jonathan attended the first meeting (July 18) of the group who will be assisting the DNR in drafting an update to the plan, along with biologists from Bad River Tribe, Forest County Potawatomi Tribe, and Oneida Tribe. The group began to identify issues that will need to be addressed to update the plan.

There are many competing interests when it comes to beaver management. Some positive aspects of beaver behavior are that beavers create dams and ponds that in turn create wetlands, slow the runoff of surface water and provide habitat for many other species. On the other hand, beaver activity can raise water levels and flood rice, as well as slowing stream flow that can result in harm to trout populations.

The DNR will be conducting public listening sessions during the month of August and Jonathan is working with them to schedule a visit to a Voigt Task Force meeting. The DNR has committed to meet with any interested tribes this fall to hear their concerns and to solicit their input into the process. As the plan is drafted, Jon will ensure that the DNR returns to the tribes to review the plan in its various stages.

The chairman suggested that the Task Force look at all trapping regulations. Jonathan assured the Task Force that he will be more than happy to work with Fred Maulson if there are any existing rules hampering tribal people.

12. ANA Environmental Regulatory Grant – Information – Dara Olson & Ann McCammon Soltis

Dara and Ann gave a brief overview of GLIFWC's Administration for Native Americans (ANA) Regulatory Grant, entitled "Ceded Territory Environmental Regulatory 404 Permit Project, which will end at the end of September 2011. The purpose of this three-year grant was to develop a system to respond to aquatic permit applications by identifying risks that the proposed activity would pose to treaty resources and their habitats. This project was prompted by concern about the large number of permit requests and no easy way to determine if these permit requests were: 1) within the ceded territories, and 2) had the potential to threaten treaty resources or habitats. Through this grant, GLIFWC developed an Open Source (free) web mapping site that pulls data from a comprehensive database of GLIFWC's biological data and uses a variety of data from other sources. This site has proven to be a valuable resource to staff evaluating permit requests, but also can be used by anyone, including tribal members, tribal staff, cooperating agencies and the general public. The website is available at <http://maps.glifwc.org> or by visiting GLIFWC's home page (www.glifwc.org)

13. Judicial Training Update – Information – Ann McCammon Soltis

Ann reminded the Task Force of the upcoming Tribal Judicial Conference scheduled for August 30-31 at Lac Du Flambeau, which will address the following topics:

- fundamental principles of tribal off-reservation enforcement
- tribal self-regulation overview (current codes and tribal ordinances)
- overview of recent code changes and amendments
- common enforcement scenarios

Ann asked that the Task Force extend the invitation to tribal court judges, tribal court prosecutors, other tribal court personnel, tribal attorneys, GLIFWC wardens, tribal wardens, as well as Board and Committee representatives. An evening fish fry/social gathering is planned for Tuesday evening, August 30th.

14. Mining Issues

A. Mott Foundation Grant Workshop Update – Information – Ann McCammon Soltis

Ann reminded everyone of the upcoming Tribal Mining Workshop (Dazhindandaa gidakiiminaan – Let's Talk About Our Land) scheduled for September 20-21, 2011 at Bad River. The workshop is being funded through a grant received from the Charles Stewart Mott Foundation to convene a workshop of tribal leaders and technical staff to discuss sulfide mining in this region, and to gather information from the tribes related to their needs for resources that would assist them in effectively participating in the environmental review and permitting processes. One outcome of the workshop could be additional capacity for tribes and GLIFWC to help address mining proposals in the ceded territory. Ann invited and encouraged the Task Force to attend.

B. Iron Mining Report – Information – Ann McCammon Soltis

Ann handed out a draft report on iron mining in the Lake Superior Basin that was developed for the Board of Commissioners. The Board has indicated an interest in learning about how taconite mining is conducted in Michigan and Minnesota where active taconite mines are located, in response to the proposed taconite mine that may be proposed in the Penokee Range of Wisconsin. Topics covered in the draft report included removal of ore, ore processing, generation and storage of tailings, removal and storage of non-target waste rock, and development of infrastructure to support the mine. Discussion followed.

15. Committee Meeting Notices/Reports

A. Biological Services Division August Meeting List (material in packets)

16. Other Business

A. September I, 2011 Meeting Location will be at Lac du Flambeau.

(Red Cliff will host the October meeting to coincide with the Forest Service's annual meeting. The November meeting is tentatively scheduled for Bad River.)

17. Adjourn

Motion to adjourn by LCO; second by KB.

Vote: 9 for, 0 against, 0 abstaining. Motion carried. The meeting adjourned at 2:30 p.m.

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Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting September 1, 2011 – Lac du Flambeau, WI Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The Vice-chairman called the meeting to order at 9:15 a.m.

2. Roll Call

Bad River	Joe Rose
Red Cliff	Leo LaFernier, Marvin DeFoe, Bryan Bainbridge
St. Croix	Stuart Bearheart, George Reynolds, Junior Mosay, Conrad St. John
Mole Lake	Chris McGeshick
LCO	Mic Isham
LDF	Scott Smith
LVD	Sam Klingman, Craig Mansfield
Mille Lacs	Brad Kalk
KBIC	Absent

3. Approval of Agenda

Motion by Mole Lake to approve agenda; second by Red Cliff.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve the August 4, 2011 minutes by LDF; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

The new St. Croix tribal chairman Stuart Bearheart was introduced and welcomed by the Voigt Task Force.

5. Northwest Wisconsin Wind Storm Damage – Information – Kekek Jason Stark & Jonathan Gilbert

Visitor: John Gozdziwski, Wisconsin DNR

Jason Stark gave a brief background on the windstorm that occurred on July 1, 2011 across Polk, Burnett, Washburn, Douglas and Bayfield counties, leaving major damage to state, private and tribal lands. In response, Governor Scott Walker declared a State of Emergency for the area.



The state will be the lead agency on salvage (or harvesting) efforts as the salvage of blown down timber is critical to protect public safety, reduce insect problems, encourage regeneration, and reduce fuel loads for wildfire potential.

John Gozdziwski, WDNR, thanked the Voigt Task Force for allowing him to be here today and discuss concerns and engage in dialogue with regard to how the Tribes can participate in this salvage effort. John explained that the storm, which carried winds from 60-100 mph, blew down timber on 130,000 acres in six counties in NW Wisconsin and that approximately 2 million cords of wood may be affected.

Discussion followed on the priorities, concerns, and possible solutions to the issues of salvage and clean-up. Discussion followed with regard to how tribal members could participate in the harvest of the timber, how the blow down could possibly affect tribal hunting, and the easiest ways (tribal registration stations) for tribal members to acquire the necessary permits to harvest the timber. Members can harvest up to 10 cords with a small-scale permit and permits are good for 1 year. Larger quantities require a large-scale permit. Jonathan encouraged the tribes to contact him if he could be of any assistance.

Leo LaFermier introduced Red Cliff Vice-chairman Marvin DeFoe and Bryan Bainbridge when they arrived at 9:45 a.m. The Task Force Vice-chair asked that people around the room introduce themselves, since there are new Task Force members present. Introductions were made.

6. Michigan Moose Advisory Committee Update – Information – Kekek Jason Stark
– Roger LaBine, Lac Vieux Desert

The Michigan Moose Advisory Council met on August 17, 2011. At that meeting the Council endorsed the concepts that are to be incorporated into the Council's final report, including:

– A moose hunt will not take place until the State and the Tribes with treaty-reserved rights in the 1836 and 1842 Ceded Territories determine the regulatory and management principles pertaining to this shared resource.

– The eastern and western herds will be considered as one herd at the recommendation of Bay Mills and the CORA bands. However an initial hunt will occur in a core area (centered in the western portion of the upper peninsula) until more information is collected on the remainder of the herd.

The next meeting of the council will take place on September 15, 2011 at Sault Ste. Marie, MI at which time the draft report will be presented.

Roger LaBine stated that he hadn't received many comments regarding the draft plan from the tribes. The establishment of moose hunting regulations were discussed and Roger explained that he wants to incorporate these regulations into the LVD tribal code in anticipation of a tribal hunt. Discussion followed.

There was discussion of the possibility of a hunt on Isle Royale. Roger explained that Isle Royale is a national park, and that he didn't want to discuss this issue at the council meeting.

Chris McGeshick stated that the data for Isle Royale should be included in the draft report. Roger explained that he will request the Isle Royale data.

Discussion followed regarding potential allocation of the herd and the need for inter-tribal communications. Jason Stark explained that there are three separate levels of consultation that need to take place: 1) band to band within each ceded territory, 2) between the 1836 and 1842 bands, and 3) between the tribes and state. It was noted that the tribes need to schedule an intertribal coordination meeting. Discussion followed about the time frame.

7. 2011-2012 Migratory Bird Season Proposal Update – Information – Peter David & Kekek Jason Stark

Peter and Jason explained that GLIFWC staff met with representatives of the USFWS on August 10, 2011 at Danbury, and had a conference call on August 18th. The purpose of the meeting and call was to discuss the tribes' 2011-12 migratory bird season proposal and the Service's initial response. Some items that were discussed:

- Shooting hours
- Bag limits
- Species Restrictions
- Possession limits
- Unattended decoys in Michigan
- Electronic calls

The Service agreed to make several changes to its initial response to the tribal proposal in response to the discussions. While some gains were made in the proposal this year, staff also have continued to voice concerns that the Service continues to place inappropriate restrictions on some components of the tribal exercise. Both parties agreed that in the future, discussions need to begin earlier, prior to the publication of the initial federal position. Staff will assess whether to submit additional comments to the Service based on the content of the final Federal Register notice.

Discussion followed with LCO stating that the Service continues to look at the issue as sport and not subsistence, and unlike with the Forest Service MOU, there are no formal avenues of dispute resolution. There was discussion on bag limits, possession, and the need to have early, face-to-face discussions. Mole Lake felt that GLIFWC staff (Neil Kmiecik and Jason Stark) did an outstanding job at the meeting and he felt that the Service was somewhat unprepared.

There was discussion about the appropriate contact person within the Service. Neil Kmiecik stated that John Christensen was probably the appropriate person and that he had been involved since the eighties. Discussion followed on whether or not a resolution was needed.

Motion by Mole Lake for the Voigt Task Force to request consultation and discussion with the USFWS over future regulations; second by LDF.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

8. Wild Rice Season Update – Information – Peter David

Peter handed out an update on the wild rice season, which included data from aerial surveys on north-central Wisconsin, adjacent areas in the western UP, and select waters in east-central Minnesota:

North-central Wisconsin and the Western UP: Overall, region looks slightly better than the very poor conditions observed in northwest Wisconsin, but it remains noticeably below average overall:

- Forest County: Little Rice Lake, Wabikon Lake, and Hiles Millpond supporting good beds,
- Oneida County: Big Lake Thoroughfare looks average to good and Rhinelander Flowage looks decent (but access requires landowner permission).
- Vilas County: Beds on Allequash, Aurora, Irving, Nixon, Rice and Little Rice Lakes are all below average. Rice Creek and Island Lake, Manitowish River Mud Creek and Frost Lake should provide some picking. West Plum is showing some recovery from recent years.
- Western UP: The beds on Lac Vieux Desert, which have grown steadily over the last decade, finally showed a marked decline. The Presque Isle Flowage also looks quite poor. The Ontonagon River bed looks very good and Crooked Lake should provide some harvest opportunity as well.

East-central Minnesota: Much of east-central MN looks poor, including Dean Lake and Mallard Lake. The complex of lakes near Big Sandy generally look poor to fair, with the best opportunities being on the southwest bay of Miniwawa Lake and the south end of Flowage Lake. Fortunately, waters within the Fond du Lac and Mille Lacs Reservation look good and there are substantial patches of good rice on the Rice Lake National Wildlife Refuge, which is open to the East Lake Community.

Red Cliff requested an updated contact list for tribal rice chiefs.

9. USFS MOU

- A. Annual Meeting Date & Draft Agenda – Information – Ann McCammon Soltis and Mary Rasmussen

Ann announced that the 2011 Tribal/Forest Service MOU annual meeting has been scheduled for October 5, 2011, at Red Cliff to be held in conjunction with the October Task Force meeting. The meeting will be held on the afternoon of the 5th from 1:00 p.m. to 4:30 p.m. at the new Red Cliff Legendary Waters Casino/Hotel. Ann explained that the agenda will be similar to past years, with some MOU amendments to be discussed reflecting issues addressed in the 2008 farm bill. If anyone has any items they wish to add to the agenda, please contact Ann.

Red Cliff asked if there was going to be a pre-meeting before the Forest Service meeting; Jim Zorn explained that the tribes usually don't have one, as there has been no need in the past. There was a question as to whether the Forest Service considered this meeting to be "consultation" with the tribes. Ann explained that it was not.

LCO inquired if there were any issues with storm damage from the recent windstorms. Mary Rasmussen explained that about 600 acres on Forest Service land in Washburn County was

damaged, and the tribes can harvest the downed timber. There was discussion regarding the need to provide prompt notice to the tribes when a blowdown occurs. Bad River had contacted the Hayward office regarding the last blowdown and was told that it was already contracted out. Mole Lake expressed concern about why the tribes are not being consulted *before* the timber is contracted out. Discussion followed.

10. Mott Foundation Grant Workshop Reminder – Information – Ann McCammon Soltis

Ann reminded everyone of the upcoming workshop of tribal leaders and technical staff to discuss sulfide mining in the region, and to gather information from the tribes related to their needs for resources that would assist them in successfully participating in the environmental review and permitting processes. The workshop is scheduled for September 20-21 at the Bad River Casino, immediately following the GLIFWC Board meeting.

Ervin Soulier also invited everyone to attend a mining workshop hosted by USFS and the Bad River tribe on September 12-14, 2011. If interested in attending, please contact Naomi Tillison at Bad River.

11. Enforcement Update – Information – Fred Maulson

Fred Maulson gave an update on the recent drug bust that occurred in Ashland County. On August 10, 2011 over 200 federal, state and tribal officers conducted a marijuana grow bust in the national forest propriety located on Hwy GG by Clam Lake. Over 10 thousand plants were seized and destroyed. One suspect was arrested the day of the raid, and four more subjects were taken into custody two days later. The investigation is in the hands of the US district attorney.

12. Minnesota 1837 Ceded Territory Subcommittee

A. Tribal Fall Netting & Spearing at Mille Lacs – Information – Joe Dan Rose

Joe Dan reminded the tribes that the Inter-tribal Protocol of the Treaty Fisheries Management Plan for the 1837 MN Ceded Territory for the Years 2008-2012 specifies that any unused portions of the quotas of the Wisconsin Bands and the Fond du Lac Band as of May 15 are to be pooled, with 50% of the pooled amount available to the Mille Lacs Band for the duration of the fishing year, and 50% available to the Wisconsin Bands and the Fond du Lac Band for the purposes of a fall spearing or netting fishery for walleye in Mille Lacs Lake.

Based on the 2011 spring harvest, the pooled amount is calculated to be 74,037 pounds of walleye, so 37,018 pounds will be available to the Mille Lacs Band, and the remaining 37,018 are available to the Wisconsin Bands and Fond du Lac Band. By September 15, the Bands need to notify each other and the Mille Lacs Band of their intent regarding a fall fishery and also determine how their 50% of the pooled amount will be allocated among those bands interested in conducting a fall fishery. Several bands expressed their intent to net at Mille Lacs this fall.

Discussion followed regarding which bands were interested in a fall fishery as well as the remaining amount of northern pike and the effect that will have on the tribes' ability to harvest walleye. Joe Dan stated that some of the tribes had a pretty low amount of northern left and they should think about how they will address the situation, (ie: ask other tribes to possibly transfer over some of their northern.)

Red Cliff inquired whether the remaining northern could be pooled and reallocated to tribes in the same way as the walleye are. Joe Dan explained that the treaty fisheries management plan does not address the allocation of northern, only walleye. Brad Kalk stated that the reason that there is so little northern left on the quota is that people are setting too early, when the water is too cold, as well as in the wrong places and so they are getting a lot of northern. Brad suggested that the tribes need to make sure they respect that resource. Joe Rose Sr. Suggested that tribes pick their nets on the water; this will also result in less mortality.

LVD expressed an interest in fishing at Mille Lacs but Jim Zorn explained that LVD has not ratified nor is part of the agreement for Mille Lacs fishing. LVD inquired how they would go about becoming ratified. Jim Zorn suggested contacting other tribes as well as their tribal legal department.

LDF brought up the issue of an overage plan for the tribes. Joe Dan stated that it had been discussed before, and the current plan runs through 2012, so Joe Dan suggested that the tribes begin discussing the possibility fairly soon if its to be included in the next 5-year management plan. Jason Stark explained that there is a meeting being scheduled for the last week of September or early October. The tribes suggested a conference call prior to the meeting. Joe Dan and Jason will set up a conference call.

13. Committee Meeting Notices/Reports

A. Wisconsin Fisheries Technical Working Group Meeting Update – Information –

Joe Dan Rose discussed some of the highlights of the meeting. Subjects covered at the TWG meeting included:

- TWG 2010 meeting minutes
- Spring 2011 Adult Walleye Population Estimates
- Fall 2011 Walleye Recruitment Surveys
- Harvest Monitoring Walleye and Musky Management Issues
- Sturgeon Management Issues

There was discussion of this past winter's Bone Lake and Deer Lake surveys, and discussion on the efficiency of winter spearing.

B. Save the Date: Changing Climate...Changing Culture Exhibit at the Northern Great Lakes Visitors Center in Ashland, WI on October 11, 2011 (Information in packets)

C. Biological Services Division September Meeting List (Information in packets)

14. GLIFWC Proposed 2012 Budget/Executive Session – Action – James Zorn & Jim Thannum

Motion to go into Executive Session at 11:35 a.m. by Mole Lake; second by St. Croix.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

Motion to come out of Executive Session at 12:55 p.m. by Mole Lake; second by LVD.

Vote: 7 for, 0 against, 0 abstaining. Motion carried. (LDF briefly stepped out of meeting).

Motion to approve budget as presented, with recommendations, by Mole Lake; second by Bad River.

Vote: 7 for, 0 against, 0 abstaining. Motion carried. (LDF briefly stepped out of meeting).

15. Other Business

A. October 6, 2011 meeting location will be at Red Cliff. This meeting will coincide with the Tribal/Forest Service MOU meeting, which is planned for the afternoon of October 5th, also at Red Cliff.

16. Adjourn

Motion by Red Cliff to adjourn the meeting at 1:00 p.m.; second by LVD.

Vote: 7 for, 0 against, 0 abstaining. Motion carried. (LDF briefly stepped out of meeting).

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Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting October 6, 2011 – Red Cliff, WI Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Jim Pete

Red Cliff Vice-chairman Marv DeFoe welcomed everyone to the meeting and thanked them for coming.

1. Call to Order

The Chairman called the meeting to order at 9:15 a.m.

2. Roll Call

Bad River	Joe Rose
Keweenaw Bay	absent
LCO	Mic Isham, Jim Schlender, Jr.
LDF	Tom Maulson, Scott Smith, Terry "Fred" Allen
LVD	Sam Klingman, Craig Mansfield
Mille Lacs	Brad Kalk, Kelly Applegate
Mole Lake	Chris McGeshick
Red Cliff	Leo LaFernier, Marv DeFoe, Larry Deragon, Mark Duffy, Bryan Bainbridge
St. Croix	Conrad St. John

Others Present: Ferdinand Martineau, Reggie DeFoe, Kevin Maulson, Anthony Corbine, Jason Schlender, Roger LaBine.

USFS: Larry Heady, Chuck Myers, Owen Martin, Paul Strong.

GLIFWC: Gerald DePerry, Julie Ante, Annie Thannum, Jim Zorn, Peter David, Jonathan Gilbert, Miles Falck, Tanya Aldred, Ann McCammon Soltis, Kekek Jason Stark, Neil Kmiecik, Fred Maulson, Joe Dan Rose, LaTisha McRoy, Sue Erickson, Brian Finch, Steven Amsler, Tom Kroepin, Mike Soulier.

3. Approval of Agenda

Motion by LCO to approve agenda; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion by Mole Lake to approve minutes; second by LDF.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

5. Resolution in Honor of Larry Deragon – Action – James Zorn



James Zorn asked Larry Deragon to come forward and be recognized. Commission Chairman Mic Isham read aloud a resolution honoring and thanking Larry Deragon, longtime Voigt Task Force representative, for all his work and dedication. Red Cliff Vice-chair Leo LaFerner also thanked and recognized Larry for all the work he has done over the years for the tribe, including his input on the FS MOU, as well as other duties, such as patrolling the reservation as a tribal warden. Gerald DePerry presented Larry with a Pendleton blanket. Larry Deragon thanked everyone and stated that this honor was truly unexpected. An honor song was sung for Larry by the GLIFWC Dewe'igan.

Motion by Mole Lake to approve the resolution honoring Larry Deragon; second by LCO.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

(The original resolution will be signed and framed and presented to Larry at a later date.)

6. USFS MOU – Information

A. Introduction of Regional Forester – Ann McCammon Soltis

Visitors: Charles Myers, Regional Forester, Eastern Region &
Larry Heady, Tribal Relations Program Manager

Ann introduced Charles Myers as the new Regional Forester for the Eastern region. Mr. Myers stated that he was honored to be here today. He stated that Larry Heady had explained the many accomplishments of the Voigt Task Force to him. Chuck shared a little of his background information with the Task Force, stating that he had worked for the Forest Service since 1979 in various states. Most recently, he served as Deputy Chief for Business Operations in the Washington Office, and looks forward to working with the tribes in his new position.

B. Huron-Manistee National Forest Plan Update – Ann McCammon Soltis

Visitor: Larry Heady, Tribal Relations Program Manager

Ann reminded the Task Force that representatives of the Huron-Manistee National Forests had visited the Voigt Intertribal task Force in December 2010 to discuss potential revisions to the Forests's Land and Resource Management Plan (Forest Plan). The Sixth Circuit Court of Appeals had found that the Forest Services had violated both the National Management Act and the National Environmental Protection Act (NEPA) during revision of its 2006 Forest Plan.

Larry Heady explained that in response to the court decision, the Forest has issued a draft Supplemental Environmental Impact Statement (dSEIS), which looks particularly at issues related to gun hunting and snowmobile use in semi-private, non-motorized use areas, while recognizing existing rights. Larry discussed the alternatives considered in the analysis. The preferred alternative is to change the designation of the affected areas to more accurately reflect the current situation on the ground. The tribes' treaty rights would not be affected by this alternative.

There was discussion that the new draft plan includes lots of documentation about tribes' rights, and how whatever final alternative is decided on, the tribes' rights will not be

impacted. LCO stated that having the tribes mentioned throughout the Plan was a nice change from the old days, when the response to tribes had been, "...it's a political issue and doesn't belong in the plan."

C. Annual Meeting Update – Kekek Jason Stark

Jason gave a brief overview of the Tribal/MOU meeting and stated that it had been very productive. Jason distributed an annotated version of the agenda and encouraged the representatives to review the proposed changes discussed at yesterday's meeting and to get the information to their tribal attorneys for their review as well. Jason noted that the final minutes will be presented to the Task Force in December for approval in January. The chairman thanked Jason and the attorneys for their quick turn-around time on the issues.

D. Bay Mills Timber Request – Kekek Jason Stark

Jason advised the Task Force that the Bay Mills Indian Community and the Forest Service have begun dialogue regarding the opportunity for Bay Mills to issue a permit to a tribal member to harvest live trees for the purpose of constructing a personal residence. In response, the Forest Service, Bay Mills, and GLIFWC staff met on September 7, 2011 to discuss the particulars of the request and the options which may be pursued by the parties. The Task Force is being informed of this request so that it can take the appropriate measures to conduct the necessary intertribal coordination as mandated pursuant to the MOU.

The tribes supported Bay Mills' request.

7. Commission Orders – Information – Kekek Jason Stark

- A. Turkey Regulation Changes
- B. Trapping Regulation Changes
- C. Bear Regulation Changes
- D. Deer Permit Regulation Changes
- E. Trout Lake Regulation Changes

Jason explained that the Wisconsin Legislature recently amended a number of rules pertaining to harvest regulations. These changes in State law are less restrictive than the current tribal regulations. As a result, these Orders are being presented as a way to provide the tribes with the opportunity to develop culturally appropriate regulations in a manner that is the least restrictive possible. Jason went on to explain a number of draft Commission Orders that establish the Tribes' proposed revised regulations for the Wisconsin portion of the 1837 and 1842 ceded territory. Once the parties, through their attorneys and representatives, have had an opportunity to comment on the draft Commission Orders, they will be finalized and distributed. Upon the issuance of these Orders, unless a tribe chooses to adopt more restrictive measures, the regulations established therein shall be the tribes' regulations as provided in each Tribe's Code. Jason asked the representatives to contact him within the next few days if they have any changes.

8. Fall Harvest Update/Electronic Permit System Demonstration – Information – Jonathan Gilbert

Jonathan gave a presentation of the new electronic permit system used by GLIFWC and tribal registration stations. Jonathan explained that the old system was inefficient and cumbersome. Jonathan has been working to help redesign the system to make it more advantageous to tribal

hunters and enforcement. The system is now up and running. Jon stressed that this is only the first year of the system, and that there are still many ways to improve the system.

The Mole Lake representative stated that he had difficulty when getting his permit from the registration station. Jonathan noted that the Mole Lake registration clerk has not attended any of the four training sessions that GLIFWC has conducted.

LCO reminded everyone that it was only the first year of having the system in place and suggested that everyone try to be patient. Discussion followed on other concerns, such as privacy and confidentiality, and the need to educate tribal hunters about the new system. Jonathan stated that he clearly hears the need to group things together, and not have a bunch of "specific" permits, but Jon doesn't want a box that says "everything" either. Bad River had concerns about whether some people, such as tribal elders who may not be computer-savvy would be able to use the new system. Jonathan stated that members should continue to get their permits from the registration stations as they always have, the registration clerks will use the system, but individual members don't have to. LCO reminded everyone that the Task Force directed Jonathan and Jim Zorn to do this – to use technology more efficiently to assist the tribes, and that the tribes need to remember that this is just the first year.

Discussion followed on training needs. Jonathan stated that staff would be available for additional training, if it was requested. There was a suggestion by St. Croix that training be mandated for registration clerks.

Motion by St. Croix to make it mandatory for registration clerks to be trained on permit system; second by Mole Lake. This requirement will be added to the registration station subcontracts for each tribe.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

Additional discussion/concerns included the updating of the system if a hunter's rights were temporarily revoked because of an unpaid fine, for example. When the fine was paid, how would the system be updated? Also discussed were concerns with information being readily available from state courts. If someone were a felon, and couldn't possess a gun, how would the registration stations know not to grant a permit, etc. Jonathan stated that the current system doesn't in any way regulate the possession of firearms. Discussion followed.

9. Wild Rice Season Update – Information – Peter David

Peter gave a brief update on the development of the Manoomin Management Plan. The Wild Rice Committee met on August 17, 2011 at the LDF Casino Conference Center to continue the plan development. Participation in the process remains high with discussions and ideas being exchanged to make the document as useful and pertinent as possible. The next step in the process is to compile the various draft sections, incorporate the comments that have been received to date, and create a complete draft for review. The plan is to have this document ready by mid-October and to circulate it for review through November.

There was discussion on regulations regarding the different types of wood used for rice sticks and rice poles. There was further discussion on water flow on certain bodies of water, and availability of access to rice beds.

10. Michigan Moose Update – Information – Kekek Jason Stark
– Roger LaBine

Roger Labine began to discuss this issue, and the fact that Keweenaw Bay was absent today and wouldn't be able to participate in the conversation. It was suggested the item should be discussed in Executive Session.

Motion to go into Executive Session at 11:17 a.m. by LCO; second by LDF.

Vote: 8 for, 0 against, 0 abstaining. Motion Carried.

Motion to come out of Executive Session at 11:55 a.m. by Mole Lake; second by LCO.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

The Task Force opted to skip to Agenda Item # 14 A.

14. Committee Meeting Notices/Reports

A. Save the Date: Changing Climate...Changing Culture Exhibit at the Northern Great Lakes Visitors Center in Ashland, WI on October 11, 2011 (material in packets)

Suc Erickson reminded everyone of the opening of the exhibit at the NGLVC on October 11. The exhibit, which incorporates Ojibwe culture and language, is a result of a collaborative effort between the Northern Great Lakes Visitors Center, US Forest Service, National Park Service, Wisconsin Historical Society, and GLIFWC.

Paul Strong, USFS, also reminded everyone of the Climate Change Program that will take place at the Northern Great Lakes Visitors Center (NGLVC) on November 2, 2011. The public is invited to the free presentation called "**Wisconsin's Climate: Keeping Pace with the Change.**" This free event is being hosted by the Northern Institute of Applied Science Climate, the Chequamegon-Nicolet National Forest, and other NGLVC partners.

Paul hoped it would be possible to schedule the November 3rd Voigt Task Force meeting somewhere in the area to coincide with the November 2nd program. Bad River volunteered to host the November 3, 2011 Voigt Intertribal Task Force meeting at Odanah.

11. ANA Minwaaajimo Update – Information – LaTisha McRoy

LaTisha distributed copies of the publication **Minwaaajimo–Telling a Good Story**, which chronicles the Minwaaajimo Symposium in July 2009. The publication also includes a CD. The grant enabled GLIFWC to distribute 1454 copies of the publication to date to tribal communities, schools, and colleges.

LaTisha also gave a brief description of the new ANA SEDS grant project: **Mino Wiisinidaa! (Let's Eat Good!) – Traditional Foods for Healthy Living**. The grant was funded at \$530,659 over the next three years and specifically addresses Board concerns regarding the need to promote traditional foods in tribal communities.

12. Summer Enforcement Division Update – Information – Fred Maulson

Fred gave a brief update of the Enforcement Division's summer activities, including community

policing, safety classes for youth, enforcement training, and fire detail. There was discussion about possible reimbursement for costs associated with the recent drug bust in Douglas County.

A. New Employees: Brian Finch, Eastern District Warden & Steven Amsler, Western District Warden

Brian and Steven introduced themselves and shared a little of their background and schooling with the Task Force. The chairman welcomed the new officers and stated that he hoped they would remain with GLIFWC for a long time.

B. Internship Presentation: Tony Corbine

Tony shared a power point presentation with the Task Force, chronicling his many summer activities while interning in the Enforcement Division. Tony witnessed how the wardens work with the community and the tribes to protect and assist. He participated in Boaters Safety Class, Bad River Hunters Safety Class, the Partner's Fishing Event, Crowd Management Training, the LCO Youth Academy, Mille Lacs Fishing Day, LDF Youth Hunt, Sandy Lake Ceremony, Camp Nesbitt, Onji Kiing Summer Camp, as well as many ride-alongs with GLIFWC wardens. He remains passionate about a career in Enforcement and is very thankful for the opportunity to intern with GLIFWC.

13. Voigt Stipulation Update – Information / Executive Session – Kekek Jason Stark
Motion to go into Executive Session at 12:38 p.m. by Mole Lake; second by LCO.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

Motion to come out of Executive Session at 12:40 p.m. by LCO; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

14. Committee Meeting Notices/Reports
A. (Discussed previously)
B. Biological Services Division October Meeting List (material in packets)

15. Other Business
A. November 3, 2011 Meeting Location: Bad River – Odanah, WI

16. Adjourn
Motion by Mole Lake to adjourn at 12:45 p.m.; second by Mille Lacs.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

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Sokaogon Chippewa

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Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting
November 3, 2011 – Odanah, WI

Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Kekek Jason Stark

1. Call to Order

The chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River	Joe Rose
Red Cliff:	Leo LaFerner, Bryan Bainbridge
St. Croix	Conrad St. John
Mole Lake	Chris McGeshick
LCO	Mic Isham, Jim Schlender Jr..
LDF	Tom Maulson, Scott Smith
LVD	Craig Mansfield & Sam Klingman
Mille Lacs	Brad Kalk & Kelly Applegate
Keweenaw Bay	Chris Swartz (arrived 9:25 a.m.)

3. Approval of Agenda

Jim Zorn requested that the Voigt Task Force charter and Fond du Lac's request for membership on the Task Force be added under Other Business.

Motion to approve agenda with addition by LCO; second by Mille Lacs.
Vote: 8 for, 0 against, 0 abstaining. Motion carried. (KB arrived after the vote)

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by LCO.
Vote: 8 for, 0 against, 0 abstaining. Motion carried. (KB arrived after the vote)

5. Apostle Islands Long-Term Agreement Update – Information – Kekek Jason Stark

Jason reported on the results of the Task Force/APIS MOU Workgroup meeting that was held in Ashland on October 11, 2011. The workgroup discussed the status of the Department of the Interior's review of the *General Agreement Comprising Tribal - National Park Service Relations*



Concerning the Apostle Islands Nation Lakeshore (General Agreement). As part of this discussion, the Park Service brought up some questions that have come from this review. Jason briefly discussed staff responses to these questions, as well as a letter that was sent on behalf of the Voigt Intertribal Task Force to Midwest Regional Director Michael Reynolds, inviting him to the December Task Force meeting to introduce him to the tribes, welcome him to his newly appointed position, and discuss the steps necessary to move towards final ratification of the proposed agreement.

Jason asked that the Task Force review the proposed General Agreement amendments and regulatory changes, as they will be considered again at a subsequent Task Force meeting for final review and ultimate approval.

6. USFS MOU Proposed Changes – Information – Kekek Jason Stark

Jason briefly reminded the Task Force that at the 2011 Tribal-USFS MOU Annual meeting, there was discussion regarding the potential amendment of the MOU to incorporate the provisions of the *Food, Conservation, and Energy Act of 2008* (Farm Bill) as a means of strengthening the MOU by providing it with additional legal authority. In addition there was discussion to amend the MOU Model Code to take advantage of some of the recent changes incorporated in the *Voigt Case Stipulation on Technical, Management and Other Updates: Second Amendment of the Stipulations Incorporated into the Final Judgment*. Kekek Jason Stark, Larry Heady and Mary Rasmussen were charged with the task of facilitating discussion on the proposed changes within a 60 day time frame.

Jason discussed the proposed MOU amendments and regulatory changes which are being provided for review and consideration by the Task Force. These amendments and changes will be brought back before the Task Force at a subsequent meeting for final review and approval.

Jim Zorn mentioned that he and Alexandra Wrobel recently attended a workshop in the Northwest on gathering plants on public lands. Jim explained that the western tribes look to our Agreement as an example of what they want to do, and that GLIFWC is watched by other tribes as an example of how things should be done. Jim explained that the western tribes and the Forest Service are not even close to a MOU like the one that the GLIFWC tribes have.

There was discussion of the continuing problem with roads being bermed up on public lands. Jonathan stated that the Forest Service has an annual review of roads and that tribes can participate and tell them which roads they want to remain open. Jonathan encouraged the tribes to contact him with specific instances where roads are closed and he will assist in any way he can.

7. USFWS Eagle Feather Policy – Information – Kekek Jason Stark

Jason informed the Task Force that the Department of Justice is seeking comments regarding the potential formulation of a policy regarding the use of eagle feathers and other bird feathers and parts for cultural and religious purposes, and the development of a new federal/tribal training program on enforcement of wildlife and other environmental laws. Jason encouraged the Task Force to review the comments provided, and they will be considered again at a later Task Force meeting for final review and approval.

There was discussion on the implementation of a tribal training institute and the possibility of amending the stipulation to allow this. The tribes discussed whether or not they had to go through the Fish & Wildlife Service to receive an eagle feather. There was discussion of the Lacey Act and the ramifications thereof. The tribes agreed that it was time for something to be put in place that allows them to regulate themselves. Jason explained that the feds have heard they need to bridge the gap between tribal and other enforcement in Indian Country. He explained that they are trying to “piggyback” and allow for tribal cops to take some of the responsibility from the feds and/or states. The tribes agreed that they would rather have a GLIFWC warden enforcing rather than a federal warden regarding feathers. LCO stated that there would have to be the infrastructure in place within the tribes for this to work. There was concern expressed on whether this was an unfunded mandate and whether the tribes would have the resources to pursue this. The chairman thought that this may be an ideal training opportunity for the wardens. He suggested that Jim Zorn look into the funding available to the tribes for this. There was further discussion on the term “possession” and also the tribes’ authority to grant a feather to a non-tribal community member. The tribes also discussed the different rights granted under the 1854 and 1855 treaties.

Jason reminded the tribes that the comments were due by December 2, 2011 so a draft will be brought back to the December 1st Voigt Task Force meeting for approval.

Mole Lake inquired about a rumor of a cross-breeding program between the golden and bald eagle. Jonathan Gilbert stated that he has not heard anything about it but will look into it.

8. Deer and Bear Season Update – Information – Jonathan Gilbert

Jonathan explained that with the new registration system in place, the harvest report may look a little different. There were 477 deer registered (322 antlerless, 153 antlered, 2 unknown) as of Oct 27, 2011. As of November 1, 2010 there were 710 registered and as of Nov 1, 2009 there were 492 registered.

There was discussion of registration of deer under the new system and the use of paper records, which can result in a few days’ lag before the wardens get the information. There was also discussion on the possibility of field registration. Fred Maulson explained that hunters can currently register in the field so they don’t have to go all the way back to the registration station; they can register their deer and then be issued another tag in the field. Mole Lake questioned how their tribe’s change to a 4-day workweek would affect the registration process. Discussion followed.

9. Elk Update – Information – Jonathan Gilbert – Information

Jonathan has been informed that the WDNR is intending to update its elk management plan which may provide for the importation of more elk into the ceded territory or other parts of the state.

The state plans to complete the draft By January 2012. Jon explained that for years the state has been looking to bring in more elk to the Clam Lake area or to Jackson County, but couldn’t because of the fear of CWD. Now, there seem to be plans in the political arena to circumvent

those rules to bring in more elk. Jonathan has asked the WDNR to attend the December meeting to discuss these plans with the Task Force.

Jonathan discussed how the DNR, GLIFWC and USFS have been working on elk management for the past year and talked about the assisted dispersal project where elk from the Clam Lake herd will be scattered around the elk management area in an attempt to improve distribution and population growth rates. This is a worthy project but it is not considered within the Wisconsin elk management plan. In addition to this assisted dispersal project there are several other aspects of the elk management plan that are out of date. There may be opportunities to import more elk into the state. All of this means that the existing elk management plan should be updated.

The fact that the management plan is out of date makes it difficult to determine if elk are being managed in a manner that is effective and efficient. Jon will attend meetings and advise the Task Force on any issues that come up as the plan update progresses.

10. Chequamegon Waters/Miller Dam Wild Rice Issue – Information – Kekek Jason Stark & Lisa David

Jason advised the Task Force that Commission staff will be requesting a meeting with Tribes, WDNR and US Forest Service representatives to clarify legal management authority issues with regard to aquatic plants on federally owned flowages.

The Chequamegon Waters (Miller Dam) Flowage in Taylor County has raised some important legal questions regarding who has management authority over the plants on the flowage. The state contends that it has ultimate authority and could, for example, issue permits to the Lake Association for the mechanical or chemical control of aquatic plants. The tribes contend that while a state permit would be necessary for any removal, the Forest Service, as the land owner, also has legal standing, and the state does not have unilateral authority to issue removal permits.

Jason explained that the local lake association doesn't like rice; they want to boat and pull the "weeds." Discussion ensued. A meeting is needed so that the parties involved can sit down and develop language to clarify legal management authority with regard to aquatic plants on federally owned flowages.

11. Mining Update – Information – Ann McCammon Soltis

Ann briefly discussed the written testimony developed for an informational hearing held on October 27, 2011 entitled *Creation of Iron Mining Statutes in Wisconsin: Economics and Environmental Considerations*. The hearing was held in Hurley, WI before the Assembly Committee on Jobs, Economy and Small business, chaired by Representative Mary Williams. Commission Chairman Mic Isham testified on behalf of the Commission and as Vice-Chair of the Voigt Intertribal Task Force.

In addition to the written testimony, also presented was the final report *Iron Mining in the Lake Superior Basin*. This report discusses the process and some of the impacts of Iron Mining in Michigan and Minnesota. It also provides initial analysis based on the very limited information that has been provided by the Penokee project proponent.

Ann also discussed Jim Zorn's written testimony on Special Session AB/SB 24, which was the subject of a joint legislative hearing on October 26, 2011. Bad River Chairman Mike Wiggins provided testimony at that hearing; GLIFWC submitted written testimony. The bill not only has potential implications for mining, it also would ease restrictions on activities in navigable waterways and would limit the areas that the state can designate as having significant scientific value.

Discussion followed on the tribes' concerns which included the rushing of the permitting process and also the growing support and misconceptions regarding "environmentally safe" mines. Also discussed were various environmental groups that do *not* support the mine, and possible ways the tribes could work with these groups.

12. MN 37 Management Plan Updates – Information – Kekek Jason Stark & Joe Dan Rose
A. Wildlife Plan

Jason and Joe Dan briefly discussed the wildlife plan updates, which will need approval by the end of the year because the updates take effect in January.

B. Fisheries Plan

Jason and Joe Dan explained that the tribes had come to a consensus on most issues at yesterday's meeting, and so staff so will prepare a summary for distribution before the next Task Force meeting.

13. Michigan Moose Update – Information/Executive Session – Kekek Jason Stark
Roger LaBinc, LVD

Motion to enter Executive Session for moose discussion by LCO at 10:40 am; second by Mole Lake.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

The chairman declared open session at 11:15 am.

14. Committee Meeting Notices/Reports
A. Biological Services Division October Meeting List (material in packets)

15. Other Business
A. December 1, 2011 Meeting Location – Red Cliff.

B. Voigt Task Force Charter/Fond du Lac Membership Issue

Fond du Lac has expressed interest in joining the Voigt Intertribal Task Force; however, the current charter as drafted does not allow for this. Fond du Lac has proposed amendments to the charter that would allow them to join. Discussion followed. LCO stated that they would like to see Fond du Lac at the table and that the other issues could be discussed later. Jim Zorn noted that the Board has already asked staff to look at those other issues. The chairman suggested leaving the door open to our brothers and sisters, and reminded everyone that the First Nations still want the tribes to come up there for a

visit. It was suggested that staff and the tribes take a look at the issues and bring back potential Charter amendments at the next meeting.

16. Adjourn

Motion to adjourn (11:30 am) by LCO; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

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Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting December 1, 2011 – Red Cliff, WI Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The Vice-Chairman called the meeting to order at 9:15 a.m.

2. Roll Call

Bad River:	Joe Rose, Ervin Soulier
Red Cliff:	Leo LaFernier, Bryan Bainbridge, Mark Duffy
St. Croix:	Conrad St. John
Mole Lake:	Chris McGeshick
LCO:	Mic Isham
LDF:	Scott Smith, Terry Allen Jr., Frank Mitchell
LVD:	Craig Mansfield, Sam Klingman, Alan Shively
Mille Lacs:	Brad Kalk, John Benjamin, Kelly Applegate
KBIC:	Chris Swartz

Others Present

Mike Hazen Sr.-LVD, Kevin Maulson-LDF, Karen Breit-LCO, Michael Zeckmeister-DNR.

GLIFWC

Jim Zorn, Joe Dan Rose, Neil Kmiecik, Fred Maulson, Ann McCammon Soltis,
Sue Erickson, Rose Wilmer, Kekek Jason Stark, Gerald DePerry, Julie Ante, Peter David

3. Approval of Agenda

Motion to approve agenda by RC; second by LVD.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by LDF.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.



5. WDNR Forestry Operations Plan Comments – Action – Jonathan Gilbert

Jonathan explained that the WDNR Division of Forestry is in the process of finalizing the Operations Plan that will be used to guide implementation of the Forestry Divisions's Strategic Direction. In 2010, the Statewide Forest Strategy was conducted to assess the status of forests in Wisconsin since the last assessment in 2000. The results were used as the basis for the Strategic Direction. The purpose of the Strategic Direction is to propose where to allocate both human and financial resources to meet the specific needs of Wisconsin's forests. However the Strategic Direction does not provide specific detail about how the shifts will be made. The WDNR Division of Forestry has drafted the Operations Plan that will describe how it will most efficiently and effectively use limited resources to meet the intent of the Strategic Direction.

Jonathan's comments on the draft Operations Plan state that the plan lacks specific recognition of the Tribes' treaty-reserved rights and fail to evaluate non-timber forest products. These flaws must be corrected. Jonathan requests authorization to submit these comments.

There was discussion on who ultimately approves the plan, and whether the state will treat each of the forests separately. Jon explained that the state's process is still at the general level (statewide); later the state will look at each forest separately.

There was discussion about some roads still not being open to tribal hunters. Jon stated that these instances need to be looked at site by site, on a local level, and that he is certainly willing to assist the tribes in any way that he can. Jonathan has been working with LVD on this; LVD first had to provide a list of sites where the problems occurred. Jon and Jim Zorn reminded the Task Force that snowmobile trails are not considered roads and are not right-of-ways. Discussion followed.

Motion to approve the comments by MLK; second by LDF.
Vote: 8 for, 0 against, 1 abstaining (KBIC). Motion carried.

6. USFWS Eagle Feather Policy – Action – Kekek Jason Stark

Jason explained that the Department of Justice is seeking comments regarding the formulation of a policy regarding the use of eagle feathers and other bird feathers and parts for cultural and religious purposes and the development of a new federal/tribal training program on enforcement of wildlife and other environmental laws. Jason explained that the comments he is proposing add more language regarding treaty rights and cover possession of feathers.

Jason stated that the comments say that the Department of Justice should recognize the principles of tribal self-regulation in the formation of its internal policy regarding possession of eagle feathers by tribal members. The comments also call for the development of a new federal and tribal training program on enforcement of wildlife and other environmental laws. Jason added that the Fond du Lac and Bay Mills tribes still need to be asked to be included on the letter.

Discussion followed on the various concerns the tribes have in regard to possession of feathers. One concern discussed was that when soldiers take their feathers overseas, some countries will

restrict or even confiscate the feathers, although the military has allowed it for the most part. This change in policy should help to alleviate that problem. Jason also stated that tribes should be allowed to self-permit, which the tribal code already allows for.

Motion by KBIC to approve comments; second by MLK.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

7. WDNR Elk Update – Jonathan Gilbert – Information

Visitor: Mike Zeckmeister, Regional Program Manager, Division of Land & Wildlife Management

Jonathan explained that the WDNR is intending to update its elk management plan. This update may include the importation of more elk into the cede territory, or to elsewhere in the state. Jon has invited Mike Zeckmeister from the WDNR to the meeting to explain the plan update.

The DNR, GLIFWC, and USFWS have been working on elk management projects for the past year and Jonathan has informed the Task Force about the assisted dispersal project where elk from the Clam Lake herd will be scattered around the elk management area in an attempt to improve distribution and population growth rates. This project was not originally considered within the elk management plan. In addition, there are several other aspects of the elk management plan that are out of date and this makes it difficult to determine if elk are being managed in manner that is effective and efficient.

Mike Zeckmeister was introduced and stated that he is very glad to be able to address the Task Force today. Mike stated that the elk project is really everyone's project and that the DNR is trying to put action behind those words. They have received a lot more tribal input during the last year and want it to continue. Mike stated that the agencies have learned a lot about elk in the last decade.

Mike stated that originally the agencies were worried that elk would spread out, but they've learned that elk really do stay put. The herd is now at 165 elk, but the population growth is really plateauing and they need to do something. In October, the DNR, GLIFWC, and USFWS got together and brainstormed on how to promote elk growth, so eventually there can be an elk hunting season. They hope the plan update will give them more flexibility. For instance, the old plan said that they couldn't bring in elk from other states; this is one area the agencies would like to change. Mike explained that he wanted to come here today to seek advice and counsel from the tribes. He said that the agencies are restrained by the old plan and would like to have an updated plan by January.

Mike stated that the next site that is ready for the dispersal plan is 5 miles to the east of the site that was used last year. The old plan didn't cover assisted dispersal because it was thought the elk would move all over on their own but they didn't. Mike also explained some other changes that would include electric wire to keep out bear and wolves. The old plan didn't include predator control. Jonathan added that the new plan should also make note of the tribal ceremony that took place with the first assisted dispersal and the involvement of the tribes. Another change discussed was the proposed increase in the amount of public land in the elk management area so that it would be more accessible to tribal hunters and others.

LCO inquired if any of the elk were in the proposed mining area. Jonathan stated that it's possible there may be 1 or 2 in the area. He also stated that Iron County has asked to be considered as a dispersal site. There was discussion that the possibility of bringing in elk from other states may allow for more than one site per year to be feasible. LVD asked what the tribes can do to help. Mike explained that to continue working together would be a great help. He stated that upper management within the DNR had been supportive. The tribes indicated that they, too were in support of the project and discussion followed on the term 'co-management' and what that term entailed. KBIC stated that they would like to see Wisconsin recognize the tribes as equals.

8. Wild Rice Issues

A. Chequamegon Waters Update – Information – Kekek Jason Stark, Peter David

Jason and Peter explained that Commission staff recently met to discuss the management of aquatic plants on federally owned flowages. As previously discussed, the Chequamegon Waters (Miller Dam) Flowage in Taylor County has raised some important legal question regarding who has management authority over the plants on the flowage. The state contends that it has ultimate authority and could, for example, issue permits to the lake association for the mechanical or chemical control of aquatic plants (after consultation with the Task Force if rice were involved). The tribes contend that while a state permit may be necessary for any removal, the Forest Service, as the landowner, also has legal standing, and the state does not have unilateral authority to issue removal permits.

With regard to the US Forest Service, staff recommends that a meeting be set up with USFS staff to discuss its managerial role regarding manoomin on federally owned flowages and begin to develop appropriate language to be included in management plans to clarify the Forest Service's responsibility to protect resources of tribal interest. With regard to the State of Wisconsin, staff recommends that the language developed with the Forest Service should be included in the Chequamegon Waters (Miller Dam) Flowage Management Plan. If necessary, staff will request a meeting with Tribal, DNR, and Forest Service representatives to clarify the legal management authority of aquatic plants on federally owned flowages. At an appropriate later date, staff recommend that the state come to the VITF to discuss the issuance of a permit to the lake association for the mechanical or chemical control of aquatic plants on the flowage. Staff also recommends creating a change in the Voigt Model Code allowing for the harvest of manoomin on federal lands. Discussion followed.

B. Radigan Flowage – Peter David

Peter explained that a group of individuals is proposing to develop and operate a veteran's retreat on the South Shore of the Radigan Flowage in Douglas County. The Radigan is a significant rice water and is particularly important to St. Croix ricers, who independently seeded this site. The proposal includes development of a 28-unit lodge, approximately 10 cabins, 17 camp pads and 9 RV sites. Presently this flowage is largely undeveloped, although a boat ramp and small campground exist near the dam.

Peter explained that the group has been very interested in talking to the tribes and has requested to come to a Task Force meeting. Peter believes the direct impacts of the development are likely to be minor, although he has concerns that increased boat traffic could potentially have negative impacts on the beds, and that developers might promote higher water levels on the flowage to enhance boating, to the detriment of the manoomin.

There was discussion on possible problems with septic management and fertilizer runoff, and whether or not there was a management plan already in place. There is not, because currently there is no development on the flowage. There were concerns expressed about what would happen if this development was not successful – who might it be sold to? Other concerns included the management of water levels and the cost of enforcing a “no wake zone” on the flowage. The tribes agreed that there was potential for the project to have significant negative impacts, and that if they decided to proceed, the tribes need to be really involved in the plan. The Task Force agreed to invite the group to a future Voigt Task Force meeting for further discussion on the matter.

C. Big Sand Lake – Peter David

Peter explained that recently staff have received communication from the DNR about a proposal to replace the culvert on the outlet of Big Sand lake, Burnett Co. Staff are reviewing this permit because the potential may exist to affect rice beds on Big Sand Lake. Although this lake is on the list of waters whose rice harvest is date regulated, rice beds on the lake have been quite limited in recent years and those beds seem to be largely attributable to recent reseeding efforts by the St. Croix Tribe, which owns frontage on this lake.

A site visit to the culvert this summer confirmed that it is failing and needs to be replaced. It also appears that the existing culvert may be undersized. It appears reasonable to replace the existing culvert with a larger one set at a similar level. However, the DNR letter didn't specify the size that was proposed for the new culvert or its placement relative to the existing culvert. In addition, some survey work was conducted at the site, but this information was again not provided. GLIFWC staff will work with the St. Croix tribal staff to seek additional information from the state so that a determination can be made whether any concerns exist.

There was discussion on whether this project could possibly help get rice established on the lake, perhaps by including some seeding in the plan. Peter stated that although a larger culvert would probably make it more like it was historically, it doesn't look like a high opportunity for rice restoration, although it would be interesting to see what might be done to restore it to its historical state. There was further discussion regarding the size and placement of the new culvert, because the culvert should not affect the hydrology. Peter will keep the Task Force informed.

9. Notice of Charter Amendments – Information – Kekek Jason Stark

Jason discussed proposed changes to the Charter of the Voigt Intertribal Task Force as discussed by the Task Force in previous meetings. Although three changes were originally discussed, two now remain. The two proposed changes to the Charter are: 1) to expand the member tribe eligibility to include signatory tribes with reservations located in the 1854 ceded territory, and 2) that the Voigt Task Force hold its annual meeting in January of each year. Jason reminded the Task Force that the Charter states that any proposed amendment must be furnished to all member tribes of the Commission at least 60 days in advance of the vote on such amendment with an affirmative vote of at least two thirds (six member tribes) of the member tribes of the VITF.

There was discussion whether today's meeting should be considered the start of the 60 day notice or whether to use the date of the previous meeting when this amendment was first discussed. The Task Force also discussed the 1855 treaty area, which would not be included or affected by this change. Finally, it was clarified that the Task Force would act to amend its own charter, no action by the individual tribes would be necessary. The VTF can amend the charter with a vote of 6 out of 9. Discussion continued on co-tribal management and funding issues, and whether Fond du Lac would have to do a resolution to ratify the charter first. The Task Force decided to bring the issue back in January for further discussion and plan for action in February. Jim Zorn will contact Ferdinand Martineau in the meantime to ensure that actions by the Task Force and the Fond du Lac tribe are properly coordinated.

10. USFS MOU Draft Minutes of the 2011 Annual Meeting – Information – Kekek Jason Stark

Jason explained that the initial draft of the minutes was prepared by the Forest Service and are being brought to the Task Force for initial review and consideration. They will be brought back in January for approval. Jason asked the tribes to contact him if there are any comments or changes to be made to the minutes.

11. Deer and Bear Season Update – Information – Jonathan Gilbert

A. Deer/Bear Harvest Update

Jonathan provided the results of the 2011 treaty deer and bear hunting seasons as of November 30, 2011. There were 1326 deer harvested to date in 2011 (796 antlerless, 527 antlered, and 3 unknown), compared with 1275 at the end of November in 2010 and 1119 at the end of November in 2009.

There were 27 bear harvested from the beginning of the bear hunting season until the end of the season on October 31, 2011 (15 female and 12 male).

B. Bear Committee Update

Jonathan explained that on November 14, 2011, he had attended a meeting of the Wisconsin DNR Black Bear (Makwa) Advisory Committee in Wausau. The purpose of the meeting was to review the 2011 bear hunting season and recommend harvest quotas for the 2012 season.

State harvest was within established harvest limits for all zones. State hunter success was lower in 2011 than in 2010 for all zones and this resulted in a harvest below the quota levels.

As a result of the stipulation review process between the tribes and the WDNR bear harvest by tribes is now operating under a threshold system. If tribal harvest is less than 15% of state harvest then the tribes do not need to issue a declaration and they do not need to implement a tribal quota and limited permit system. In 2011, tribal harvest was below the threshold value for each of the bear management zones, and so there is no need to make a declaration for next year.

LDF stated that they had requested that the DNR issue fewer antlerless permits to state hunters in units bordering their reservation and the DNR agreed, thus providing more harvest opportunities for tribal hunters. Discussion followed.

12. MN 37 Management Plan Updates – Information – Kekek Jason Stark & Joe Dan Rose
A. Wildlife Plan

Jim Zorn stated that he had received a return call from Keith Parker, WDNR, who admitted that the state realized they dropped the ball in responding in a timely fashion to the proposed wildlife plan changes and that they were having a meeting today on the issue. Jason stated that as soon as he gets the state's comments (expected to be minor) he will get it out to the tribes so that it can be reviewed and ratified as soon as possible, since the current plan expires on December 31st. The codes remain in effect, so there will be no interruption on harvest, but the plan should be ratified as soon as possible.

B. Fisheries Plan

Jason explained that the draft amendments had been emailed to the Task Force last week and that, for the most part, consensus had been reached at the last meeting. Jason would like the staff to make a final review and to let him know if there were any more comments. LDF had some potential changes and had discussed these with Mille Lacs. Jason hopes to get the draft to the state by the end of the year so that they can look at it and then the plan can be discussed at the January fisheries meeting.

There was discussion about the recent press issues at Mille Lacs. Jim Zorn explained that the state's assessment data had been made public and shows a possible problem with declining numbers of male walleye in Mille Lacs Lake. Under the overage plan, the situation is referred to as "condition 3." This caught some headlines at Mille Lacs and the tribe is concerned. Brad Kalk has asked that GLIFWC biologists and public information staff get together with interested Task Force representatives after the Task Force meeting concludes to assess the situation and develop an appropriate response.

13. Committee Meeting Notices/Reports
A. Biological Services Division December Meeting List (material in packets)

14. Other Business

A. January 5, 2012 Meeting Location – Red Cliff, Wisconsin.

Since the APIS Regional Director, Michael Reynolds couldn't make it to this month's meeting, Jim Zorn had asked Red Cliff if they would agree to host the meeting again in January. Other visitors planning on attending were Governor Walker's consultant on deer and also the Radigan Flowage group, so having the meeting at Red Cliff would be very convenient. Red Cliff agreed to host the January 5, 2012 meeting.

Leo LaFernier announced the recent signing of an agreement that would give 88 ½ acres of land to Red Cliff, which will be turned into a tribal national park within the reservation boundaries. Jim Zorn offered to have staff circulate the recent newspaper articles to the tribes.

Brad Kalk introduced John Benjamin as the tribe's replacement for Leonard Sam. John is Leonard's nephew. John stated that he was very glad to be a part of the Task Force and really appreciated the work that the tribes do. The vice-chair asked that everyone in the room introduce themselves. The Task Force welcomed John Benjamin and introductions were made.

15. Adjourn

Motion to adjourn (11:06 a.m.) by Mole Lake; second by Bad River.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

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
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting January 5, 2012 – Red Cliff, WI Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The Chairman called the meeting to order at 9:25 a.m.

2. Roll Call

Bad River	Joe Rose
Red Cliff	Leo LaFernier
Mole Lake	Chris McGeshick
St. Croix	Conrad St. John, Susan Matrious, Aaron Loomis
LCO	Mic Isham, Jim Schlender, Jr.
LDF	Scott Smith, Tom Maulson, Terry Allen, Frank Mitchell
LVD	Craig Mansfield, Sam Klingman
Mille Lacs	Brad Kalk, John Benjamin, Kelly Applegate
KBIC	Chris Swartz

Others Present: Brooks Big John-LDF, Marvin DeFoe Sr.-RC, Rod Wilson & Ron Deyo-Dairyland Veterans Corp, Gene Visgers & Glen Hughes-Town of Dairyland, Mary Rasmussen-Forest Service, Julie Van Stappen & Lance Twombly-APIS, Mike Reynolds & Bob Krumenaker-Park Service
GLIFWC: Rose Wilmer, Dan Soulier, Peter David, Neil Kmiecik, Ann McCammon Soltis, Jason Stark, Joe Dan Rose, Molly Siegler, LaTisha McRoy, Jim Zorn, Sue Erickson, Alex Wrobel, Tanya Aldred, Julie Ante, Gerald DePerry, Annie Thannum.

3. Approval of Agenda

Jim Zorn asked that Agenda Item # 10 (VITF Charter Amendment) be moved up on the agenda to be the next item so that FDL could participate in the meeting as a full voting member.

Motion to approve agenda with change by LCO; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

10. VITF Charter Amendment

Ferdinand Martineau offered tobacco to the Chairman and stated that he was honored to be joining the Voigt Task Force. Fond du Lac will be passing a resolution joining the Task Force soon after the amendment to the Charter is made. Jason reminded the Task Force that the Charter changes are: 1) to



expand the member tribe eligibility to include signatory tribes located in the 1854 ceded territory, and 2) that the VITF Committee shall hold its annual meeting in January of each year.

Motion to approve the proposed amendments to the Voigt Intertribal Task Force Charter by LCO; second by Mole Lake.

Vote: 9 for, 0 against, 0 abstaining. Motion carried

4. Approval of Minutes

Motion to approve the December minutes by Mole Lake; second by LDF.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

5. Election of Officers

The Chairman opened the floor for nominations. Red Cliff suggested retaining the current officers.

Motion to retain the current Chair (Tom Maulson) and Vice-Chair (Mic Isham) by Red Cliff; second by Bad River.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

The Chairman thanked the Task Force for its continued approval and faith in the officers. The Vice-Chair also thanked the Task Force and stated that he considered his job as vice-chair of the Task Force his most important job as a council member.

6. Introduction of New Employee/Mino Wiisinidaa! Grant Update – Information – LaTisha McRoy
– Molly Siegler, Community Dietician

LaTisha gave a brief overview of the new ANA grant entitled *Mino Wiisinidaa! (Let's Eat Good!) – Traditional Foods for Healthy Living.* This is a 3-year ANA SEDS grant aimed at bringing awareness of the health benefits of traditional Anishinaabe foods. Year one consists of collecting and testing traditional recipes and creating healthy alternatives to some ingredients. In year 2, project staff will be hosting 3 cooking demonstrations with each member tribe, featuring healthy traditional recipes and Anishinaabe foods. In the final year, project staff will be creating 3,000 cook books and instructional DVDs out of the collected and developed recipes, and will be distributing these materials during the final months of the third year.

LaTisha introduced Molly Siegler. Molly stated that she is celebrating her one-month anniversary with GLIFWC and shared some of her educational and professional background. Molly has working with food and education for years and is very excited about the grant and to be working for GLIFWC. She looks forward to working closely with the tribes to try and make traditional recipes even more healthy for Indian people.

7. APIS Update – Kekek Jason Stark – Information

Visitors: Michael Reynolds and Bob Krumenaker

Jason introduced Mike Reynolds and Bob Krumenaker of the Park Service. Bob stated that he is delighted to be here. He recollected that many years before, he didn't know how things would work out with the tribes, and marveled at the true partnership that has developed. Bob acknowledged that

the long-term MOU has been languishing in review, although the local office has been acting as though it's been in place for the last three years, in part to demonstrate to people how it is working, and that it's not a radical thing being introduced.

Mike Reynolds, the new Regional Director, thanked the chairman and vice-chairman for inviting him to the meeting. Mike stated that he had been invited to dinner last night by Jim Zorn and other members of the Task Force, and had listened to many stories. Bob shared some of his background information with the tribes. He also discussed how he felt the MOU approval process had been going on for much too long and was looking forward to the meeting planned with the tribal and Park Service attorneys. The meeting is scheduled for tomorrow, January 6th. Bob explained that the Park Service would like to aim for a deadline at the end of the month to propose a formal signing. Bob stated that the tribes are the Park Service's "best allies" here on Lake Superior. The chairman stated that it was great to hear the Park Service say this. He further stated that the tribal leaders here have goals and objectives for their tribes, and they need to look at what's been reserved and work for the best interests of Indian people. Tom reminded the Park Service of its fiduciary responsibilities to tribes, so that the tribes can have these resources forever.

The vice-chair stated that he was very happy to see the regional director at this meeting, because he had never met the last regional director, having only seen his name on memos. The vice-chair also stated that he was happy to hear the term "best allies" mentioned by the Park Service. He agrees that the tribes and Park Service should start the relationship as allies for the resource.

Red Cliff representatives mentioned their past relationship with Bob Krumenaker over the years, and acknowledged that there had been many issues they had worked through, some more difficult than others. There was acknowledgment of the many people who had sat around the table over the years to make the MOU a reality. Red Cliff thanked Bob and Mike for coming to meet with the tribal leaders here today and looks forward to working together on issues like fish and mercury concerns. Red Cliff also mentioned the new tribal/national park located on the Red Cliff Reservation.

Mike Reynolds thanked the Task Force and stated that he hopes the signing of the MOU is just a beginning in the tribal/Park Service relationship. There was discussion of the lack of funding in Congress for natural resource agencies and how the alliance can be beneficial to both agencies.

Lastly, there was discussion regarding the Fond du Lac Tribe not yet being listed as a signatory on the MOU and whether there should be an amendment to the draft.

LCO made a motion to list FDL on page 2 of the MOU as a signatory tribe; second by Mole Lake.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Jason Stark explained that there should only be a few minor changes to the draft and it can be sent to the councils for ratification. The forest service stated that their goal is to have the signing done locally within a month, but that has to be approved first. They would really like to have it signed here on a local level.

8. Governor's Review of Wisconsin Deer Management – Action – Jim Zorn & Ann McCammon Soltis

Ann stated that GLIFWC was recently informed about a planned roundtable discussion with Governor Scott Walker, DNR Executive Assistant Scott Gunderson and Wisconsin's Deer Trustee, Dr. James

Kroll regarding deer management issues in Wisconsin. The Green Bay Sportsman Roundtable will be held on Tuesday, January 10, 2012 from 9:00 a.m. - 11:30 a.m. at the Radisson Hotel and Conference Center in Green Bay. The Roundtable will follow a tribal consultation meeting between the tribes and the Department of Administration.

Since it is unclear how much Dr. Kroll knows about tribes and treaty rights, or the off-reservation harvest and management framework, this meeting may provide an initial opportunity to make him aware of those issues and invite him to meet with GLIFWC and tribal representatives to better understand the existing framework and the requirements imposed by the court cases and associated stipulations. Discussion followed about staff attending the Sportsman Roundtable and the meeting with the Governor.

Motion to approve Jim Zorn and appropriate staff attending the meetings by LCO; second by MLK. Vote: 9 for (FDL out of the room) 0 against, 0 abstaining. Motion carried.

9. USFS MOU

A. Draft Minutes of the 2011 Annual Meeting – Action – Kekek Jason Stark

Jason asked for approval of the draft minutes, which were distributed to the Task Force at the December meeting.

Motion by LDF to approve the minutes; second by MLK.

Vote: 9 for (FDL out of room) 0 against, 0 abstaining. Motion carried.

B. Forest Service Meeting Follow-Up/Road Closures & Reserved Camping – Information – Alex Wrobel & Mary Rasmussen

Mary Rasmussen and Alexandra Wrobel discussed tribal concerns that members had about secondary roads on the Ottawa National Forest that have been gated to prevent vehicle access. They have visited the locations concerned and contacted the District Ranger, and were told that the roads are identified on the Ottawa's Motor Vehicle Use map (MVUM) as "special designation" roads. These are open to motorized vehicles 50 inches or less in width (off-hwy vehicles including ATVs). These roads are gated so that ATV users need to drive around the gates. Alex and Mary are in the process of setting up a meeting between LVD hunters/gatherers and the District Ranger to discuss reopening these roads to tribal access. Discussion followed.

Mary and Alex also discussed reserved campsites for tribal members. On December 19, 2011 Alex and members of the Red Cliff Tribe met with representatives from the US Forest Service in the Washburn District to discuss the current campground reservation system. Currently, the only way to reserve any campground on any national forest is to reserve through the Forest Service's National Recreation Reservation Service (NRRS), which does not recognize fee exempt camping. However in the MOU, item 2.c. discusses... "where there is a need, including the demonstrated inability to obtain campsites on a first-come, first-served basis, a tribal member may contact the tribe's Conservation Department, who may then contact the local Forest Service district to reserve a site for the member..." Discussion followed regarding the tribes discontent with having to show a need, as well as other issues such as tribes gaining access to "downed wood" and timely notification of planned burns.

10. VITF Charter Amendment – Action – Kekck Jason Stark

This item was previously discussed.

11. Wild Rice Issues - Radigan Flowage – Information – Peter David

Visitor: Ron Deyo, Dairyland Outdoor Veterans Retreat, Corp.

Peter David introduced Ron Deyo and Gene Visgers, who discussed their ideas for a planned Veterans Retreat on the south shore of the Radigan Flowage in Douglas County. The proposal includes development of a 28 unit lodge along with 10 cabins, 17 camp pads and 9RV sites. Accommodations would be made handicapped accessible to accommodate disabled veterans. Discussion followed on the importance of rice beds on the flowage to the tribes. There was discussion that no-wake zones should be included in any management plans. Peter David stated that the location of the proposed development wasn't on a place where it was likely that the rice beds would be directly impacted. The visitors reiterated that they were seeking the serenity of the area and were looking at, possibly, handicapped accessible pontoons. They also suggested setting up wild rice seminars for youth, their youth and tribal youth, so that all visitors might have the opportunity to learn about wild rice.

The tribes stated that wild rice and veterans were two very highly respected issues to tribal people; they explained that there were many tribal veterans groups and that the tribes would want to be involved in all aspects of the management plans. The chairman stated that it is good to build strong relationships with groups such as theirs and the importance of working together to make sure the resources are protected. The tribes encourage that kind of cooperation and dialogue. Peter David suggested that the next step might be for the staff and representatives to meet regarding preliminary plans.

Motion to move forward with discussions on the project by LCO; second by LDF.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

12. Wolf Issue Update/Delisting – Information – Peter David

Peter explained that on December 21, 2011, the USFWS announced their decision to (once again) delist wolves in the Western Great Lakes District Population Segment (DSP), which includes all of Minnesota, Wisconsin, and Michigan and portions of adjacent states. This action will be in force as of January 20, 2012.

The final ruled varied in two ways from the initial proposal that was published in May 2011 in that it:

- 1) concluded that wolves in the Midwest are gray wolves, not a mixture of gray wolves and eastern wolves, and
- 2) it separated out a second decision regarding the status of eastern wolves to be acted upon in the future in a different action.

Discussion followed. LCO inquired whether the tribes were on record as being opposed to the delisting. They are. There was discussion as to whether there would opportunity for further comments. Peter stated that at this point, the USFWS is not looking at any more comments; they are going forward with the delisting. There was further discussion about who has final management authority, as well as the tribes' management plans regarding wolves on-reservation.

13. CITES Report Update – Information – Kekek Jason Stark

Jason reminded the Task Force that GLIFWC and ten of its member tribes were awarded CITES export program authority for bobcat and otter legally taken by tribal members on one of ten Ojibwe reservations or off-reservation within the ceded territories. CITES tags issued under this program are provided to GLIFWC which is responsible for distributing them to tribes participating in the program. A condition of obtaining this CITES export program authority is to provide an annual report to the US management authority. Jason briefly summarized for the Task Force the 2010-11 fur harvest season report, which was completed in fulfillment of this condition. A total of 20 otters were registered (8 on-reservation and 12 off-reservation) and a total of 21 bobcats were registered (4 on-reservation and 17 off-reservation).

There was also discussion of incorporating ginseng into the CITES export program authority. Jason stated that staff is working on a ginseng application much like the one for otter and bobcat. Jason envisions it being the similar.

14. MN 37 Subcommittee – Information – Kekek Jason Stark & Joe Dan Rose

A. MN 37 Meeting Notice

Joe Dan briefly summarized his memo. There will be a tribal planning meeting on January 13, 2012 at 11:00 a.m. to plan and prepare for the upcoming MN 1837 Ceded Territory Fisheries Committee meeting. On Wednesday, Jan 18, 2012, the modeling workgroup Fisheries Committee will meet at McQuoid's Inn and Event Center in Isle, MN at 12:30 p.m. The MN 1837 Ceded Territory Fisheries Committee will then meet on Jan 19, 2012 at 8:00 a.m. at McQuoid's Inn. The winter meeting is being hosted by the DNR; the summer meeting will be hosted by the tribes.

There was discussion as to whether the safe harvest numbers will be available to the tribes before January 13th and what the numbers will look like. They are approximately 10% lower than last year. There was discussion on the data and other issues, as well as discussion on spawning habitat in creeks near Lake Mille Lacs.

Motion by Mille Lacs to enter into Executive Session at 11:34 a.m.; second by KBIC.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion by RC to come out of Executive Session at 12:00 p.m. by RC; second by MLK.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

B. MN Fish Declaration Process

Joe Dan Rose briefly reviewed the declaration process:

January 15, 2012 – Tribes receive initial safe harvest numbers from GLIFWC,
February 12, 2012 – Initial declarations are reported to GLIFWC.
March 15, 2012 – Final declarations are reported to the state of MN.

There was an introduction of Marvin DeFoe Sr., who presented Gerald DePerry with the gift of a sturgeon carving. Also, an honor song was sung in honor of Gerald.

(Lunch break 12PM – 1 PM)

14. C. Wildlife Plan Update - discussed in Executive Session.
D. Fisheries Plan Update - discussed in Executive Session

15. WI Fish Declarations Process – Information – Joe Dan Rose

Joe Dan explained that the WI declaration process was the same as for MN:

January 15, 2012 – Tribes receive initial safe harvest numbers from GLIFWC,
February 12, 2012 – Initial declarations are reported to GLIFWC.
March 15, 2012 – Final declarations are reported to the state of WI.

Motion to enter Executive Session at 1:00 p.m. by MLK ; second by BRV.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion to come out of Executive Session at 2:15 p.m. by LCO; second by MLK.
Vote: 8 for (FDL & KB out of the room), 0 against, 0 abstaining. Motion carried.

16. MI 42 Fish Declaration Process – Information – Joe Dan Rose & Kekek Jason Stark

Informational Item – No Discussion

17. Wild Plant Management and Policy Committee Meeting Update – Information – Alexandra Wrobel & Kekek Jason Stark

Informational Item – No Discussion

18. Mining Update – Information – Ann McCammon Soltis

Discussed in Executive Session.

19. National Fish, Wildlife and Plants Climate Adaptation Strategy Tribal Consultation Session – Information – Ann McCammon Soltis

Informational Item – No Discussion

20. Deer Season Update – Information – Tanya Aldred

Informational Item – No Discussion

21. Committee Meeting Notices/Reports

A. Biological Services Division January Meeting List (material in packets)

Informational Item – No Discussion

22. Other Business

A. February 2, 2012 VITTF meeting will be at Mole Lake, in part to have the Task Force meeting somewhere nearer to Madison for those who plan on attending the National Fish, Wildlife and Plant Climate Adaptation Strategy consultation on February 3, 2012 in Madison.

23. Adjourn

Motion to adjourn the meeting at 2:18 p.m. by LCO; second by RC.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• 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
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting February 2, 2012 – Crandon, WI Minutes

Opening Song, Ceremony, and Prayer

Anishinaabe Akii Protocol – Treaty III / GLIFWC Greeting

1. Call to Order

The chairman called the meeting to order at 9:20 A.M.

2. Roll Call

Bad River	Joe Rose
Mole Lake	Chris McGeshick
LCO	Mic Isham, Jim Schlender Jr.
LDF	Tom Maulson, Scott Smith, Frank Mitchell, Terry Allen
LVD	Sam Klingman, Craig Mansfield
St. Croix	Susie Matrious, Conrad St. John
Red Cliff	Leo Lafernier
Mille Lacs	Brad Kalk, John Benjamin, Kelly Applegate
KBIC	Fred Dakota
FDL	absent

3. Approval of Agenda

Jim Zorn requested that the Anishinaabe Protocol – Treaty III be moved to Agenda Item 4.A.
LVD requested that the issue of Lac Vieux Desert Lake be added to the agenda. Jim suggested that it be discussed under Agenda item 10.

Motion to approve agenda with changes by LCO; second by MLK.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mille Lacs; second by LCO.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

A. Anishinaabe Akii Protocol – Treaty III / GLIFWC Greeting

Visitors from the Treaty III area Dave Lindsay, Matt Nahdee, and Irene Linklater were introduced and welcomed by the Voigt Task Force. The visitors shared some of their personal



background with the Task Force and stated that they respected the Great Lakes Indian Fish and Wildlife Commission and The Voigt Task Force very much. They stated that where the Commission is now, is where they hope to be someday in regards to their respective tribes. They stated that they are very grateful to be able to visit and attend this meeting.

The chairman gave a brief description of the eighties spearing issue and spoke of how far the tribes have come. He stated that the Commission and the Task Force are always available to Treaty III and again welcomed them.

5. Introduction of New Employee – Information – Gerald DePerry
Keith Rolof, Budget Analyst

Gerry introduced Keweenaw Bay tribal member Keith Rolof as the new Budget Analyst for the Commission. Gerry explained that the new position was created out of necessity to assist Annette Crowe with the workload and to free up Jim Thannum's time to work on grants, rather than on the budget and Indirect Cost issues. Keith shared some of his personal background with the Commission, stating that he had graduated from Michigan Technical College and worked as an accountant and natural resources grant manager in previous positions. Keith has been at the Commission for about a month now and is excited about his new position.

6. USDA APHIS

A. Wisconsin Wildlife Services Program Update and Request to Participate in Statewide Environmental Assessments – Information – Jonathan Gilbert
Visitor: Jason Suchow

Jon explained that in the past Jason Suchow has provided the Task Force with an annual review in the ways in which USDA-WS is working with GLIFWC and its member tribes. These visits are an important part of the consultation process. USDA-WS works on a number of animal damage/nuisance programs in WI including black bears, wolves and beaver. Jason is here again today to provide this review.

In addition, Jason has invited the tribes and/or GLIFWC to participate in the development of two statewide Environmental Assessments on alternatives for WS involvement in wildlife damage and conflict management for mammals and birds. This could include identifying issues, reviewing draft EAs, reviewing public comments, sharing information on wildlife damage management, or identifying appropriate management actions.

The chairman asked Mr. Suchow what position his department took on the mining issue in northern Wisconsin. Mr. Suchow thanked the Task Force for allowing him to attend today's meeting and explained that his department does not deal with mining and that he is here today to review the annual update with the VITF and to discuss the two mammal and bird Environmental Assessments that are being planned, and to request tribal participation. Mr. Suchow further explained that there will be separate wolf and beaver environmental assessments and a separate cormorant EA as well. Mr. Suchow stated that a letter had gone out to the tribal chairmen and natural resource reps for all the tribes, requesting participation. Mr. Suchow also explained that

if for some reason the tribes choose not to participate at this time, they are welcome to participate later. He explained that they also want to include cultural interests.

The chairman inquired whether Mr. Suchow's department would be able to assist the tribes with the mining issue if the tribes made a direct request, asking for their expertise. Mr. Suchow explained that although his office's congressional authority is only connected to wildlife conflict management, if a tribe contracted with them (i.e. Mole Lake's bear management assessment), then they could assist if the cause was directly associated with their mission. Discussion followed. Ann McCammon Soltis suggesting contacting Butch Blazer, who has previously contracted with GLIFWC, and is now with the US Department of Agriculture in Washington, to determine who exactly the tribes should contact within the USDA to discuss the issue.

Further discussion ensued regarding the delisting of wolves. Jason Suchow explained that the DNR is in charge and the USFWS has more of an oversight role since delisting. Jason explained that his agency had encouraged the inclusion of tribes, but he noted that there was no tribal representation included at the wolf hearing or at the delisting announcement.

In another matter, Mr. Suchow explained that they had a Bad River member, Charles Wiggins, serve as an intern this past year and had very much enjoyed working with him. Other discussion included Red Cliff's interest in becoming involved in the damage abatement program and how tribes can get further information on this matter. There was also further discussion of wolf depredation issues, and the proposed wolf hunting season.

Ann McCammon explained that staff had sent comments regarding the wolf bill being considered in the legislature and if the bill goes forward, it might be an issue for the FWS. The chairman asked whether the VITF should contact Cathy Stepp. Ann explained that right now, the bill was in the legislature and therefore the DNR may not have much role at this time. Jim Zorn added that GLIFWC will forward the comments to the Senate as well. [*See also*, agenda item 17, below.]

B. Mute Swan Control – Information – Peter David
Visitor: Kim Wagner USDA

Peter David and Kim Wagner discussed the recent request that GLIFWC recently received from the US Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services (USDA APHIS WS) to participate in the development of an Environmental Assessment (EA) on Mute Swan management in Michigan. As with other APHIS EAs, this document does not establish state policy, but rather the extent of Wildlife Services' participation in Mute Swan damage management in the state.

Mute Swans are a non-native species that can have negative impacts on resources of tribal interest, including our native trumpeter swans, and beds of native aquatic vegetation, including manoomin.

Staff intends to participate in this process, as they have in the past, and although staff involvement will not be extensive, they will encourage as aggressive Mute control as possible, in

hopes of not only preventing further growth of the population, but to encourage its decline. Kim Wagner encouraged tribes to submit comments

Red Cliff stated that in regards to private property, tribal members should be kept informed and would hope to be able to participate in any harvest.

7. Introduction to New DNR Woodruff Team Leader/Enforcement Update – Information – Fred Maulson

Visitor: David Walz, Woodruff Team Supervisor

Fred introduced David Walz, DNR , WDNR Enforcement, Woodruff Team Supervisor. David shared some of his background with the VITF and thanked them for allowing him to attend today's meeting. He hopes to come to many more meetings.

The chairman explained to Mr. Walz that years ago it was very hard to get the state wardens to work with the GLIFWC wardens, and previously, the state didn't want to give credentials to our wardens. The chairman was appreciative of Fred's efforts to establish a better working relationship with the DNR wardens. The chairman welcomed Mr. Walz and thanked him for coming here today to meet with the Task Force.

Jim Zorn recounted a story to the Task Force regarding the GLIFWC warden that attempted to pull over a car wanted in a gas station drive-off. This resulted in a high speed chase, as the driver was also wanted for burglary and a stolen vehicle. Jim Zorn asked Fred to thank Officer Kacizak on behalf of the Commission.

8. Apostle Islands National Lakeshore Long-Term Agreement – Action – Kekek Jason Stark – Information

Jason reminded the Task Force that at the January meeting, the Midwest Regional Director of the National Park Service discussed the steps necessary to move towards final ratification of the proposed *General Agreement Comprising Tribal-National Park Service Relations Concerning the Apostle Islands National Lakeshore* (General Agreement). The workgroup reviewed and approved the final draft of the General Agreement. The recommended action is: 1) to adopt a motion to approve the final draft of the General Agreement , and 2) recommend that the tribes adopt this agreement and implement it pursuant to their off-reservation conservation codes that apply to the Wisconsin portion of the 1842 ceded territory.

Jason also reported on the January 6, 2012 conference call with the Midwest Regional Office and the DOI Solicitors Office as well as the January 19, 2012 meeting of the Task Force/APIS MOU Workgroup.

Motion by RC to approve the General Agreement final draft; second by MLK.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

There was further discussion regarding the procedure for obtaining camping permits. Jason explained that the permits can be obtained online or at the Park itself.

9. USFS MOU

A. Crooked Lake Proposal – Information – Ann McCammon Soltis

Ann briefly discussed a letter brought to her attention by LVD regarding the conversion of the Crooked Lake boat lading to a carry-in only facility. Crooked Lake is in the Ottawa National Forest, within the Sylvania Wilderness. The reason given by the Forest Service for its action is to reduce the threat of aquatic invasive species in Crooked Lake. The FS proposes to gate the existing landing but to allow continued access by riparian owners and FS staff.

There may have been some misunderstanding about whether this issues fell within the requirements of the MOU, but staff will work with the FS to ensure that it is appropriately discussed and addressed by the parties.

There was discussion regarding the lack of consultation with the tribe and whether the FS is using invasives as an excuse. LVD is concerned because there is a big rice bed on the lake and it would be very cumbersome to paddle that far to access the rice. There was a suggestion that the Forest Service come to the March VITF meeting and to discuss this issue further.

10. WI Fish Declarations Process – Information – Joe Dan Rose

Joe Dan reminded the VITF that initial fish declaration numbers were due by February 15th. The final declarations are due to the state by March 15th.

There was discussion regarding allocation of fish in different bodies of water, and the tribes' ability to take those fish. There was discussion of the possible use of gill nets, and of not having a March 1st cutoff date. Mole Lake suggested opening up lakes under 1000 acres and netting on lakes. Jason Stark explained that the issue was on the list for the next set of stipulation talks with the State this spring/summer.

KB inquired as to who has jurisdiction on these lakes. LCO stated that tribes have jurisdiction over their own members. KB discussed jurisdiction of lakes in their asserted home territory. There was discussion of possible reciprocal agreements. Jim Zorn stated that if KB was referring to Lake Superior, that would be an issue to take to the Lakes Committee, not the Voigt Task Force. KB stated that tribal members that come into their home territory should go through their (KB's) tribal court. Discussion followed.

11. MI 42 Fish Declarations Process – Information – Joe Dan Rose & Kekck Jason Stark

Joe Dan and Jason explained that the process for Michigan was basically the same as in Wisconsin with regard to the dates the declaration are due. Jason stated that this will be the 4th season following the same process in MI. Joe Dan stated that Tribes may want to declare their intent to fish in Michigan at this meeting, thus providing an opportunity for dialog.

Mole Lake stated that their tribe has always allowed other tribes to get a permit from them and fish their lakes; they would like to see more of this from other tribes. LCO stated that their tribe does as well and will continue to do so.

LVD thanked those tribes who did not spear on LVD lake last but noted that one tribe did. Jim Zorn stated that there was an issue of the tribes being able to stop harvest quickly when they want to, but the state can't. LVD stated that there are 2 issues to discuss: 1) to protect the lake because the lake is not reproducing properly, and 2) to respectfully request that tribes take a year off spearing this lake. This would mean a lot to the tribe. There were concerns expressed by LDF that the tribes can stop fishing it for one year, but that doesn't mean the non-members will stop. Discussion followed.

KB further discussed the home territory issues. LCO stated that it was important for the tribes to remain united. Jim Zorn stated that staff will try to facilitate meeting between the tribes to work out any issues. LCO reminded KB of the tribes' intent to do things properly, by giving the bundle to Chris Swartz at a previous meeting. LVD stated that they, too would like to just sit down together and talk out any issues. The LCO attorney stated that the tribes have fought very hard to get jurisdiction and maintain jurisdiction over our members, and as much as they respect home territory, each tribe's courts are as valid as their brother courts – they have the same legal footing, and the tribes need to start developing a trust and show that they are united. LDF stated that some of the problems come from state "boundaries" that the tribes didn't create. Discussion followed.

12. MN 37 Subcommittee – Information – Kekek Jason Stark & Joe Dan Rose

A. MN 37 Fisheries Committee Meeting Summary

Joe Dan summarized some highlights from the MN 1837 Ceded Territory Fisheries Committee meeting on January 19, as well as the Modeling Workgroup Committee meeting on January 18th at Isle, MN.

The Modeling Work Group agreed to recommend a 2012 harvestable surplus level for walleye of 500,000 pounds. This value is approximately 40,000 pounds less than the harvestable surplus that was agreed to last year, with the northern pike harvest cap to be maintained at 30,000 pounds in 2012.

Some highlights from the 37 Fisheries Committee meeting were:

- January 2011 meeting minutes were finalized and distributed.
- The MN37FC formally agreed to a 2012 harvestable surplus value for Mille Lacs Lake walleye at 500,000 pounds, the harvest cap of northern pike at 30,000 pounds, and maintain the yellow perch quota at 270,000 pounds.
- Based on the population status criteria in the State's walleye overage plan for Mille Lacs Lake, the population is in Condition 3, which means that no state angler overage will be allowed in 2012; the state indicated an interest in revising the overage plan and said they will provide a revised draft plan by early April for discussion at the July meeting.
- Tribal representatives inquired about the catchability of offshore nets and whether any differences exist between nets set on the bottom and those that are suspended in the water column. State and tribal biologists exchanged initial ideas about evaluating this.
- State and tribal biologists exchanged 2011 assessment data and assessment plans for 2012, and preliminary plans to conduct a mark-recapture population estimate for walleye in Mille Lacs during 2013 were discussed.
- Increase in the density of zebra mussels in Mille Las lake was discussed;

- July 25-26, 2012 meeting will be hosted by FDL.

Jim Zorn noted that he heard from tribal reps that the GLIFWC biologists did a good job at the meeting. Joe Dan stated that there were several tribal representative at the meeting and that always helps, so he thanked them in return.

There was discussion on the issue of boat licensing by tribes, as exists for cars and ATVs.

Motion to pursue boat registration licensing by LCO; second by LDF.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

There was further discussion on northern pike, the proposed size increase from 20 to 22 inches, Condition 3, and the overage plan. Mile Lacs reminded the tribes that with an overage plan, in the 5th year you would have to “pay up” and that may not be what the tribes want. There was also discussion regarding the other lakes available for harvesting in MN.

B. MN Fish Declarations Process

Joe Dan explained that the declaration process was the same as in Wisconsin and Michigan with regards to the dates that declarations are due.

C. Wildlife Plan Update

Jason informed the Task Force that a letter was sent to the state of MN on January 17th in response to the State’s letter of December 15, 2011, which transmitted the State’s comments on the Bands’ proposed Wildlife Management Plan. The January 17th response included explanations of the reason/s for the proposed changes or the reason for the proposal to remain. The Bands assume that these proposed changes adequately address the State’s concerns and the parties have hereby met the requisite consensus on the management measures incorporated in the Bands’ proposed new Wildlife Management Plan, Conservation Code and Protocols and are awaiting final comments from the State.

D. Fisheries Plan Update

Jason explained that on January 16, 2012 a letter was sent to the MNDNR transmitting the 1837 Ceded Territories Fisheries Management Plan Proposed Changes for the Years 2013-2017. Also, the Bands have developed a revised proposal for the 2012 fishing year (April 1, 2012 - March 31, 2013).

13. Wisconsin Deer Trustee Update – Information – Ann McCammon Soltis & Jonathan Gilbert

Ann explained that on January 30, 2012, staff participated in a conference call with Dr. James Kroll, David Guynn, and Ed Erberle to discuss tribal involvement in the review of Wisconsin deer management that is being undertaken under the leadership of Dr. Kroll. Dr. Kroll indicated his interest in attending the March 1, 2012 VITF meeting to talk directly to the tribes about their concerns with the way deer are managed in the state. He is interested in hearing about successes, failures, positions and issues from a tribal perspective. This information, along with the information from non-Indian hunters, will be compiled into an initial report that is expected out

near the end of March. Then the discussions will move to potential solutions to address the issues identified.

There were some concerns raised by the tribes about sharing this information with Dr. Kroll. Jon Gilbert stated that he assumes his job will be to 1) educate Dr. Kroll so he doesn't say anything that undermines the tribes' authority; and 2) after he writes the report, evaluate it and get it back to the Task Force for their review. Jon suggested asking Dr. Kroll to come to the meeting a day early and have an informal meeting with him the night before. Ann McCammon Soltis stated that the meeting was a way to play defense. Her understanding is that Dr. Kroll likes the way the tribes are managing deer.

There was brief discussion on units surrounding the reservations and also on food plots.

14. Mining Update – Information – Ann McCammon Soltis

Ann gave an update on the various mining activities within the ceded territory:

- **Kennecott Minerals Eagle Project (MI):** The Eagle mine is currently under construction and drilling through Eagle Rock to the orebody has begun. The most recent development involves a proposed 22 mile road from the mine site to the Humboldt processing facility. A public hearing on the proposal will be held on Feb 21, 2012.
- **Orvana/Copperwood Project (MI):** Orvana Minerals Corp. Has applied for permits to develop an underground copper mine near Lake Superior in the western UP. GLIFWC staff commented on the permit application, emphasizing concerns with the company not backfilling the mine, thus creating a proposed 350 acre tailings pile, and long-term discharges to Lake Superior from the tailings pile. The Michigan DEQ has submitted a request for more information to the company
- **Polymet Project (MN):** Staff continue to assist FDL in its role as a cooperating agency in the preparation of a supplemental Environmental Impact Statement (EIS) for this project. After the EPA gave the first draft its lowest possible rating, the Corps and State are working on a revised draft. Planning and Development staff recently submitted comments related to the socioeconomic analysis being prepared for the project. Environmental section staff continue to participate in project conference calls and to review work products.
- **Wisconsin:** On January 27, 2012, the WI Assembly passed AB 426, the ferrous mining bill, on a 59-36 vote along party lines. The bill will now be transmitted to the WI Senate for its consideration. Also, both the Assembly and The Senate have introduced bills that would change wetland protections and permitting in the State. Having heard that the bills will be considered this week, staff provided written testimony to both the Assembly and Senate.

Exploration drilling by Aquilla Resources was conducted at the Reef site in Marathon County and drilling is ongoing at the Bend site in Taylor County. Several exploration companies have applied to Oneida County for permits to do additional exploratory drilling at the Lynne site on the Willow River.

Staff will keep the Task Force informed as these issues develop.

Discussion followed regarding a shaking tent ceremony that Red Cliff was hosting on February 3rd. Also, LCO is planning to have 2 events broadcast on WOJB. On March 10th, there will be an educational forum/discussion and on March 17 there will be a discussion panel that will take call-in questions and comments regarding the proposed mine in northern WI.

15. 2012 FWS Migratory Bird Proposal Update – Information – Peter David & Kekek Jason Stark

Jason and Peter explained that previously, the Task Force had directed staff to initiate the process of developing the tribal fall waterfowl season earlier in 2012 in hopes of providing greater opportunity to review the proposal with USFWS than has generally been possible in the past. Staff proposes to work with the VITF over the next month to develop a list of items for discussion with the Service, and then schedule a meeting in March to initiate consultation. The tribes had several suggestions for the list and discussion followed on several of these, including increasing the daily bag limit, no bag limit for mute swans, extending hunting hours to 1 hour after sunset, allow electronic bird calls, and using wild rice as a bait when planted. Further discussion included public/private waters, extending the season until the day after Labor Day, and the possibility of a spring hunt.

16. National Fish, Wildlife and Plant Climate Adaptation Strategy Reminder and Update – Information – Ann McCammon Soltis

Ann stated that a tribal consultation session on the draft National Fish, Wildlife and Plants Climate Adaptation Strategy has been scheduled for Friday, February 3, 2012 in Madison, at 10 A.M. at the DNR Offices. An Environmental Section staff member who is very familiar with the climate adaptation initiatives will attend the meeting and can serve as a resource for tribal leaders. Staff have reviewed the draft Strategy and have developed preliminary comments which will be reviewed and finalized into a comment letter before the March 5th comment deadline.

In preparation for the draft to be finalized, the Steering Committee (on which Jim Zorn serves), held a call to discuss implementation issues and an Implementation Process Proposal developed by the Management Team. The Management Team proposes that a Joint Implementation Task Force (VITF) be convened to coordinate implementation of the Strategy, to monitor and evaluate progress, and to guide revision of the Strategy at recommended intervals.

Discussion followed about the need to make sure what is happening nationally goes with what is happening locally. There was discussion on capacity – tribes already don't have enough capacity to deal with their own reservation, much less the whole ceded territory. The chairman stated that there needs to be a look taken at the impacts in the ceded territory, especially medicinal plants and use of the resources. Tom discussed an area in Oklahoma where Indians couldn't use their medicine plants because of contamination, and mining is the biggest source of contamination in the US.

17. Wolf Status Update – Information – Peter David

Peter stated that with the January 27, 2012 federal delisting of wolves in the Western Great Lakes Distinct Population, regional states have begun exploring the implementation of various wolf management strategies. Peter gave a brief summary of the current directions being pursued in MN, WI, and MI:

- **Minnesota:** MN is pursuing the implementation of the first regulated wolf hunt in the state's history, with the intent that regulations would be in place for a harvest this fall. Preliminary plans are focusing on a harvest quota of 400 animals to be taken state-wide, without the use of zones, with details yet to be worked out.
- **Wisconsin:** The situation in Wisconsin is somewhat in flux at this time. The DNR posted an article on January 24th regarding wolf delisting that summarized conditions under which the state intended to issue "control" permits to landowners who are or have suffered livestock or pet depredations. It also included a statement that read, "There are currently no plans for a hunting season on wolves. This would involve a change in state law and a public rule-making process." However, a bill has been introduced into the Assembly (AB 502) that requires the DNR to implement a wolf harvest in the state. A public hearing on the bill took place February 1st in Madison. Staff reviewed the bill and provided initial written testimony to the Assembly, focusing on the uncertainty about how this bill would impact the tribes' treaty rights and mandates of the Voigt case, the lack of consultation with the Voigt plaintiff tribes, and the conflict between this legislation and the state's current management plan.
- **Michigan:** At this time, there appears to be no actions planned with regard to a wolf hunt, other than implementing the state's existing management plan and laws. However, there is one area where the plan and laws are at odds with each other. In 2008 the MI Legislature passed laws allowing livestock or dog owners to remove, capture, or if necessary use lethal means to destroy a wolf that is the act of preying upon the owner's livestock or dog(s). Significantly, this even includes dogs that are on public land, so it will be interesting to see if wolves will be harvested under these laws.

Peter will keep the VITF apprised of information as it becomes available.

Discussion followed. Mille Lacs stated that no one notified the Tribe about this MN mtg. They are concerned that FDL may be considering whether to establish a wolf season at some point in the future. Jonathan Gilbert explained that FDL's Conservation Committee has only *recommended* a season and that it has not yet been voted on by the Council. Jim Zorn will follow up with Ferdinand Martineau and Reggie DeFoe regarding the VITF's position opposing a hunt.

Peter David stated that he had only heard about the Wisconsin legislation 3 days ago, and that it sounds like it was decided with a total lack of biological input. He has heard that they may allow hunting with dogs, any kind of weapons, hunting at night, etc. Peter said that the State wolf biologist just learned about it and was not even invited to attend the hearing.

There was discussion regarding the lack of tribal consultation. Jonathan reminded the Task Force that the MNDNR is mandated to meet with state/tribal committee. Mille Lacs stated that for bears, they wrote in a season and then simply closed the season. Jim Zorn agreed and cautioned that if the Tribes say they won't harvest any, then the non-members will just have more to hunt. Discussion followed regarding the tribes' share of the available harvest. Mille Lacs is concerned that Minnesota's 5-year plan was thrown out.

Motion to submit testimony in opposition to the Senate Bill by LCO; second by MLK.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

18. Committee Meeting Notices/Reports

A. Wild Plant Policy Management Committee Update – Information – Alex Wrobel

Alex stated that the Wild Plant Management and Policy Committee (WPMPC) held their second meeting on December 16th at LDF. The WPMPC, which consists of tribal members and DNR staff have been engaged in on-going communication during the implementation of the two-year gathering assessment. Upon the completion of the two-year assessment, the committee will develop a report to evaluate tribal harvesting activity on select state lands and to offer recommendations. The purpose of the most recent meeting was to review progress since August, especially as it relates to permitting, discuss any incidents which may have occurred during this time and to plan for implementation during the next three month. The next WPMPC meeting will be held in March 2012.

LDF inquired if any assessments had been completed in the proposed mining area. LDF is concerned with medicinal plants near the proposed mine that may be lost. Alex indicated that no assessments had been done in the area. LDF was concerned that a lack of data would contribute to losing the battle against the mine. Jonathan Gilbert clarified that the Committee had not been charged with this task and that this is the first time he was hearing of the request. Jon continued that there were two separate issues: the mining issue and the implementation of tribal gathering on certain state land. Jonathan stated that he has volunteered the wildlife section staff but to date, hadn't had any specific requests in regards to the proposed mining area.

Motion to direct staff to look into plant surveys for the proposed mine area by LCO; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

Alex further stated that the Committee had identified a need for the tribes to get to know what property the tribes are gathering the most from. Alex will facilitate meetings so that tribes can meet with the appropriate land managers. There was also further discussion about the permit system and the turnaround time for obtaining permits.

B. Wisconsin TWG Meeting Update – Information – Joe Dan Rose

Joe Dan summarized the highlights from the December 15, 2011 meeting of the Wisconsin Fisheries Technical Working, held at St. Croix. Agenda items that were discussed included:

- Draft minutes of the Aug 2011 meeting
- Fall 2011 walleye recruitment surveys
- WDNR muskellunge population estimates
- WDNR sturgeon surveys
- Recruitment code changes
- Calculating safe harvest for 2012
- Walleye and muskellunge management issues
- Update on Trout Lake netting
- August 2012 meeting

There was discussion regarding the problems with LVD Lake, as well as the large catches from

various fishing tournaments held there, and the possibility of acquiring this harvest data. There was further discussion about the assessments and creel surveys planned for LVD Lake in 2012 and the current fish stocking that is being done.

The LVD representative expressed his tribe's concern for the protection of the lake and the lack of harvest information from the state of Michigan.

C. Biological Services Division February Meeting List (material in packets)

19. Other Business

A. March 1, 2012 Meeting Location will be at the St. Croix Casino-Danbury.

20. Adjourn

Motion to adjourn at 2:17 p.m. by MLK; second by LVD.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• 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
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting March 1, 2012 – Danbury, WI Minutes

Opening Song, Ceremony, and Prayer

1. Call to Order

The Vice-chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River: Joe Rose
Red Cliff: Marv DeFoe, Bryan Bainbridge
St. Croix: Susie Matrious, Conrad St. John
Mole Lake: Chris McGeshick
LCO: Mic Isham, Jim Schlender, Jr.
LDF: Tom Maulson, Scott Smith
LVD: Craig Mansfield, Sam Klingman
Mille Lacs: Brad Kalk, John Benjamin
KBIC: Absent
FDL: Absent

Others Present: Jim Zorn, Kekek Jason Stark, Annie Thannum, Jennifer Vanator, Charlie Rasmussen, Jonathan Gilbert, Alex Wrobel, Neil Kmiecik, Joe Dan Rose, Mark Luehring, Peter David, Gerald DePerry, Julie Ante, Dan Soulier, Mike Popovich, Kia White, Jennie Krueger.
WDNR staff: Mike Zeckmeister, John Gozdziwski, Paul DeLong, Rebecca Gass.

3. Approval of Agenda

Jim Zorn suggested that **Item 6** be tabled due to the WDNR staff being unable to attend the meeting due to weather.

Motion by RC to approve the agenda w/noted change; second by MLK.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion by MLK to approve minutes; second by LVD.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

5. Introduction of New Employee – Information – Kekek Jason Stark
Jennifer Vanator, Great Lakes Program Director



Jason introduced Jennifer Vanator as DIA's new Great Lakes Coordinator under the GLRI grant. Jennifer shared some of her background with the Task Force. She is originally from Indiana and most recently worked as an attorney with the law firm *Sonosky, Chambers, Sachse, Endreson & Perry* in Washington, DC. Jennifer will help manage the GLRI grant and keep track of the many Great Lakes initiatives that the Commission is involved in, such as the Binational Program, the Lake Superior Lakewide Management Plan, and the Great Lakes Water Quality Agreement. Jennifer may also work on some of the Commission's Appropriations issues.

6. Wisconsin Deer Management Issues – Discussion – Ann McCammon Soltis, Jonathan Gilbert
Visitors: Dr. James Kroll, Wisconsin Deer Trustee
Ed Eberle, Wisconsin Department of Administration

Due to the unavailability of DNR staff, this item was tabled.

7. WDNR Division of Forestry Update – Information – Jonathan Gilbert
Visitor: Paul DeLong & Rebecca Gass, Division of Forestry

Jonathan explained that in the last few years, he has brought updates to the Task Force regarding the development for a strategic plan for Wisconsin's state forests. This has been a long and involved process which has culminated in the release of the State Forest Strategic Direction plan, which will set the direction for the DNR Division of Forestry for the coming years. Paul DeLong and Rebecca Gass are here to describe how the document will guide the interaction between the state and the tribes when it comes to forest management. Paul and Rebecca would also like to hear from the tribes what they would need to see to judge the plan a success.

Paul DeLong and Rebecca Gass reviewed the Forest Assessment and explained that they had used a "sustainability framework" that used many sources of data, including GLIFWC data, non-timber forest products, as well as invasives to try to determine the health of the forests, to assess issues and threats, to decide what the priorities are and how to then address these priorities. They explained how the document will benefit the whole forest community, and will help all the parties involved to focus and look at things together and come up with strategies. The project was begun in May 2011 and the tribes have provided great feedback. The Forestry Division is also interested in the tribes opinion of what constitutes "success".

There was discussion as to who are the partners and what is the criteria for being a stakeholder. Rebecca Gass explained that they had tried to cast the net as wide as possible, which included tourism and recreation. There was discussion of the Legacy Program, which incorporates recreation and sustainability. There was discussion of inaccessibility of some roads by tribal members, and what roads have been opened since discussions began. The department explained that they can provide access plans, which are done on a property by property basis.

Jonathan and Paul DeLong discussed how the plan can be adapted; partners don't have to wait for the end of a 15-yr plan like before. There was discussion about making the plan more focused to the stakeholders. Paul explained that they will be adding more specificity to the plan in the upcoming phase. There was discussion of deer populations and their impact on forest crop lands.

There was discussion on invasives and tree diseases and the availability of ecological baseline data on both the DNR and GLIFWC websites.

Jim Zorn inquired if there was anything going on now legislatively that will affect this work, and if there was anything within the Department's budget or policy that the tribes need to know about. Paul explained that the administration didn't make any substantial changes to the plan, and were, in fact, very supportive.

Further discussion included habitat fragmentation, how particular species adapted to changing climates, and biomass standards certification.

(The Vice chairman suggested moving Item #8 to after Items 9 & 10. The Task Force agreed.)

9. Elk Update

Visitor: Mike Zeckmeister, WDNR Regional Program Manager

A. Elk Management Plan – Information – Jonathan Gilbert (10 minutes)

Jonathan introduced Mike Zeckmeister, Regional Program Manager. Mike explained that there has been much activity in elk management during the past year and the Elk Committee has begun to implement the assisted dispersal efforts on the Chequamegon National Forest. The Committee has discussed the issue of range expansion to include more public land south of the CNNF, and have talked about modifying the elk management zones in the Clam Lake area. These issues were never really discussed in the original Elk Management Plan and thus there is a need to update it. Normally this update would take a year or more but the DNR decided that they do not have adequate time to produce a full redraft of the elk plan, because of time pressures due to the interest of importing more elk from elsewhere in the U.S. The WDNR wanted to have an updated, or amended elk plan that would include the need to import more elk to help the Clam Lake elk herd grow. Thus, a decision was made to create a plan amendment rather than a full redraft of the entire plan.

Mike explained that the four primary areas covered by the amendment are 1) supplemental stocking, 2) assisted dispersal, 3) range expansion, and 4) tribal co-management and sovereignty. (Kekek Jason Stark and Jonathan Gilbert have been working with DNR attorney Quinn Williams to draft the tribal sovereignty section.)

There was discussion on getting more tribal youth involved in the project and also discussion on the need for more genetic diversity within the elk population. There was discussion about changing some of the language within the plan to permit tribes to eventually issue permits within their own reservations. Jonathan assured the Task Force that today's document is only a draft and that there will be opportunity to make changes to it. Further discussion followed.

(Item 9C was moved up on the agenda.)

C. Warden/Youth Elk Dispersal Update – Information – Mike Popovich

GLIFWC Enforcement Officer Mike Popovich discussed a recent trip with LCO youth, in which the youth participated in the baiting, trapping, and transporting of elk. They transported two 2 small spikes and a one cow. The youth assisted with taking blood samples for DNA, taking horn samples and helped load and unload the animals, as well as putting new collars on the animals. Officer Popovich stated the kids really enjoyed the excursion and encouraged other tribes to have their youth participate in the next opportunity.

Several tribes were interested in having their youth take part, and discussion continued on the difficulty of planning such a trip, because the translocation depended on the weather, on getting an elk captured, and very little notice. Staff acknowledged that the logistics may be difficult to arrange but stated that they would certainly do their best to provide future opportunities if tribal youth groups and/or teachers were interested in participating. Discussion followed on other opportunities for youth participation, such as pen and trap building in the fall and looking for calves during the summer.

B. Antler Presentation – Information – Jonathan Gilbert

John Gozdzialski presented a set of elk antlers to the Voigt Task Force as a token of appreciation for all the collective work that has been done and will continue between the tribes and the state. Mic Isham accepted and thanked the DNR on behalf of the Voigt Task Force and reiterated how important the elk program was to the tribes. A song was offered in acknowledgment.

10. Wisconsin Beaver Management Plan – Information – Jonathan Gilbert Visitor: John Olson, WDNR Furbearer Ecologist

Jonathan Gilbert explained that the DNR is in the process of updating the Wisconsin beaver management plan. The current plan is approximately 20 years old and is out of date. The DNR has put together a group of people who have interests in beavers and beaver management. Jonathan stressed that this is only the beginning of the process and the group has met twice so far and put together a proposed outline and have made progress in establishing goals for the plan. DNR staff is here today to listen to concerns of the Task Force in regards to beaver management.

Jonathan explained that beavers are very interesting animals in that they can greatly alter their habitats. Beaver dams and ponds have many features that are beneficial to native ecosystems and the plants and animals that live there; however, the same features can create conditions which sometimes are not compatible with other resource objectives. For example, beaver dams sometimes block the outflow from wild rice lakes and the increased water level can be detrimental to the rice bed in that lake. Beaver dams can also have a negative impact on some trout populations which require cool water and free flow of the stream. The team wants to use sound science and judgement to try and identify and protect a sustainable beaver population, protect resources, identify problems and future needs. Jonathan's responsibility on the team is to ensure that whatever the plan says, it does not interfere with the tribes' ability to exercise their treaty rights, and that tribal sovereignty is preserved and enhanced. Jon will keep the Task Force apprised of the team's progress.

8. Michigan, Minnesota, and Wisconsin Fish Declarations – Executive/Working Session – Joe Dan Rose

Motion by RC to enter Executive Session at 10:50 a.m.; second by LDF.
Vote 8 for, 0 against, 0 abstaining. Motion carried.

Motion by MLK to come out of Executive Session at 11:30 a.m.; second by LVD.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

11. USFS MOU Issues

(Mary Rasumussen and Norman Nass, USFS were unable to attend due to weather.)

A. Proposed MOU Amendment – Action – Kekek Jason Stark

Kekek reminded the Task Force that at the 2011 Tribal/USFS MOU annual meeting, there was discussion regarding the potential amendment of the *Memorandum of Understanding Regarding Tribal-USDA Forest Service Relations on National Forest Service Lands Within the Territories Ceded in Treaties of 1837, 1837, and 1842* (MOU) to incorporate the provisions of the *Food, Conservation, and Energy Act of 2008* (Farm Bill) as a means of strengthening the MOU by providing it with additional legal authority. In addition there was discussion to amend the MOU Model Code to take advantage of some of the legal changes incorporated in the Voigt Case Stipulations Incorporated into the Final Judgement. Kekek recommended adopting a motion to 1) approve the proposed MOU amendments and regulatory changes and 2) recommend that the Tribes adopt these changes and implement them, pursuant to their off-reservation conservation codes.

Discussion followed on the amount of real influence the tribes had on Forest Service procedures, and how some tribes felt it seemed like a waste of time. Kekek discussed the different avenues the tribes could take and also pointed out that the tribes really haven't had any denials from the Forest Service. There was also discussion of the blow down south off Bad River and tribal opportunity to harvest there.

Motion by MLK to approve amendments and regulatory changes; second by RC.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

B. Crooked Lake Boat Landing Proposal – Information – Kekek Jason Stark & Jonathan Gilbert

Jonathan and Kekek explained that the Watersmeet Ranger District of the Ottawa National Forest recently made a decision to convert the Crooked Lake boat landing to a carry-in only facility. Crooked Lake is located within the Sylvania Wilderness in the Ottawa National Forest. The reason given by the Forest Service for its action is to reduce the threat of aquatic invasive species in Crooked Lake. The Forest Service proposes to gate the existing landing but to allow continued access by riparian owners and Forest Service staff.

In response, the Forest Service, Lac Vieux Desert Band, and GLIFWC staff met on February 22, 2012 to further discuss the issue and options that may be pursued by the parties. It was expressed that the Forest Service wishes to proceed with the development of a carry-in only boat launch facility, with the caveat that the existing launch (which will be gated) will be available for tribal members on a case by case basis. Discussion followed.

C. National Land Management Planning Rule EIS – Information – Kekek Jason Stark

Kekek explained that the USDA Forest Service unveiled its proposed Forest Planning Rule on February 10, 2011, which established a new national framework to develop land management plans that protect water and wildlife and promote vibrant communities. The proposed rule is the result of the rulemaking process that began in December 2009, including a number of conference calls with the tribes, and regional meetings, including the one held on December 7, 2010 in Ashland. The result of these meetings, along with the formal comments received, the latest science, and years of Agency forest planning experience were used to develop the programmatic environmental impact statement (PEIS), which identifies *Modified Alternative A* as the preferred alternative. The preferred alternative emphasizes collaboration and strengthens the role of public involvement and dialogue throughout the planning process. It also requires the use of the best available scientific information to inform decisions. The PEIS can be found in its entirety electronically at <http://www.fs.usda.gov/planningrule>.

D. Mole Lake Timber Request – Information – Kekek Jason Stark

Kekek informed the Task Force that the Mole Lake Band is requesting to issue a permit to a tribal member to harvest live trees for the purpose of constructing a personal residence. The Forest Service and the Mole Lake Band recently met to further discuss the issue of the request. The Task Force is being informed of the request pursuant to Section VI.C.8 of the *Memorandum of Understanding Regarding Tribal-USDA Forest Service Relations on National Forest Service Lands Within Territories Ceded in Treaties 1836, 1837, and 12842 (MOU)* so that it can take the appropriate measures to conduct the necessary intertribal coordination as mandated pursuant to the MOU. The tribes stated that they support the request.

E. Small Business Timber Set Aside Program – Information – Kekek Jason Stark

Kekek reminded the Task Force that at the 2011 Tribal-USFS MOU Annual meeting, there was discussion about how tribes and/or tribal members can get involved in the small business set-aside program. As follow-up the Task Force is being informed that the Forest Service has proposed to promulgate changes to the Small Business Set-Aside Program policy, which will allow tribal members to get special consideration for their crews. The Forest Service has invited tribal comments on these changes with a deadline of June 1, 2012. Discussion followed.

F. Firewood Lots – Information – Alex Wrobel

Alex explained that in 2011 several tribes expressed interest in establishing permanent wood lots from which they would be able to harvest firewood. Staff is currently working

with Lac du Flambeau on their request to CNNF as well as St. Croix's request for salvage timber on the Governor Knowles State Forest. Any tribes that wish to pursue a formal request should contact Alex or Kekek so they can help facilitate the request process. Discussion followed.

G. Sugarbush Management Plan Updates – Information – Alex Wrobel

Alex discussed three site management plans for designated tribal sugarbushes on National Forest Lands. The first plan, a site on the CNNF was renewed in 1997 and is scheduled to be renewed again before the 2013 season. The second plan is a 2008 plan for the Lac Vieux Desert location and is currently being updated for this season. The third plan has been submitted by the Bay Mills Indian Community for the Hiawatha National Forest. Alex stated that management plans for sugarbushes to be designated for the spring should be initiated at this time, and invited tribes to contact her with any questions.

H. Ottawa National Forest Road Closures – Information – Alex Wrobel

Alex explained that in early December 2011, staff were contacted by Lac Vieux Desert tribal members with concerns about secondary roads on the Ottawa National Forest that have been gated to prevent vehicle access. On February 22, 2012 GLIFWC staff met with tribal representatives from LVD and representatives from the Ottawa NF to discuss this issue.

LVD has submitted a formal request with the USFS to re-open these secondary roads for access to their traditional harvesting area. The Ottawa NF has agreed to open these roads during the tribal deer hunting season (day after labor day through first week in January) and will pursue a change in the travel management rule governing these roads. Discussion followed.

12. Spring Fishing Website Presentation/New Mille Laes Application – Information – Jennifer Krueger & Kia White

Jennie described the system that will be used in spring 2012 for reporting and viewing tribal spearing and netting harvest data and quota balances. Wisconsin and Michigan data will be managed through the *GoogleDocs* website as it has been for the past three years. A new website application will be implemented this spring for Mille Laes Lake harvest information using *PostGres*. Jennie presented a PowerPoint presentation, and showed the tribal representatives how to access the websites.

13. USFWS Update

A. Regulation of Eagle Feathers and Parts – Information – Kekek Jason Stark

Kekek explained that the Task Force submitted comments last December, regarding the consideration of the formulation of a policy regarding the use of Migizi (eagle), Gekek (Hawk) and Mayagi-bineshiwag (Other Migratory Bird) feathers and parts for cultural and religious purposes. The Task Force and the Bay Mills Indian Community pointed out that the regulation of migratory bird harvest activities, including the acquisition of bird

parts and feathers within the 1836, 1837 and 1842 ceded territories are a matter of internal tribal control which are already regulated by the Tribes' Off-Reservation Conservation Codes and that any additional regulation by the Department of Justice (DOJ) or the U.S. Fish and Wildlife Service (Service) into the activities of Tribes and tribal members is inappropriate and unnecessary.

In follow up to these comments, the Service has requested a meeting with tribal representatives to discuss the proposed tribal regulatory amendments regarding the issuance of tribal permits to possess bird feathers and parts and the amendment of the USFWS-Tribal MOU (Migratory Bird Enforcement Agreement). Staff will keep the Task Force informed of the proposed meeting information once the date, time and location are finalized. Kekek reviewed the proposed briefing materials that will be sent to the Service in preparation for this meeting. Discussion followed.

B. 2012 Migratory Bird Proposal – Information – Kekek Jason Stark & Peter David

Peter reviewed the following topics that have been thus far identified by the Task Force for discussion with the USFWS: 1) expanding the Services' understanding of treaty rights and self-regulation, 2) duck bag limits, 3) season dates, 4) addition of sand hill crane season, 5) mute swan harvest, 6) extension of evening shooting hours, 7) allowing for the use of electronic calls, 8) clarification of hunting over areas planted with wild rice in restoration efforts, 9) decoy use in WI, and 10) jump shooting restrictions on large bodies of water.

Staff are still awaiting a response from USFWS on possible March meeting dates and will get the information to the Task Force as soon as its available. Discussion followed.

14. Wolf Update – Information – Peter David

Peter updated the Task Force on the Wisconsin and Minnesota wolf hunting proposals:

In Wisconsin, the Assembly Committee on Natural Resources apparently passed the wolf hunting bill in an un-amended form. (It is not even clear at this time if the provisions allowing hunting and trapping on private land without a permit, which the bill sponsor described as a drafting error, has been corrected.) It will now go to the full Assembly. The identical bill has also been introduced in the Senate and referred to committee.

In Minnesota, there is little to report on hunting developments at this time, but a tribal meeting has been scheduled for March 2, 2012 at Lake Lena. Discussion followed.

15. Mining Update – Information – James Zorn

(Ann McCammon Soltis and John Coleman were unable to attend due to weather.)

Jim provided an update on staff's activities to track and participate in activities related to potential mineral development in the ceded territories, which included Kennecott Minerals Eagle Project and Orvana/Copperwood Project in Michigan, and the Polymet Project in Minnesota. Jim also discussed the legislative developments in Wisconsin. On February 15, 2012, Senate Republican Speaker Scott Fitzgerald dissolved the Senate Select Committee on Mining Jobs. A companion

bill was then introduced and a hearing in Joint Finance Committee was held on Friday, February 17, 2012. Since the hearing, Senators Jauch and Schultz have introduced a substitute bill that makes many fewer changes to current mining law than the Assembly bill. Also, both the Assembly and Senate have passed bills that would change wetland protections and permitting in the State. Staff had provided written testimony to both Houses on the bill and it is expected to be signed by the Governor. Discussion followed.

16. Wild Rice Issues Update

A. Radigan Flowage Veterans Retreat Update – Information – Peter David

Peter informed the Task Force that representatives from the Town of Dairyland and the Dairyland Outdoors Veterans Retreat, Corp. recently met with Task Force representative S. Matrious, St. Croix Tribal Biologist T. Havranek, and Commission staff on January 26th to discuss concerns related to the development of the veterans retreat on the Radigan Flowage. Peter also received a letter from the Dairyland Town Board stating that they unanimously passed a 'Slow-No Wake Ordinance' for the Radigan Dam Flowage. In addition, the Board agreed to maintain water levels in the flowage and establish informational kiosks on wild rice, aquatic invasive species, and the slow-no wake ordinance in partnership with GLIFWC. Finally, the town indicated they would discourage any future development near or surrounding the flowage.

B. Big Sand Lake Culvert Update – Information – Peter David

Peter informed the Task Force that GLIFWC staff and St. Croix tribal staff met with the WDNR on January 26, 2012 to discuss the concerns related to the culvert replacement at the outlet of Big Sand Lake. The DNR has informed the Town that their initial replacement proposal would not be approved. (The state does not actually tell applicant what they must do, but simply approves or disapproves the application they receive). The state appears to share staff's concerns, about the size, height, and possibly orientation of the culvert. They are waiting at this time for a new application from the town, but thus far none has been submitted. At this time, the St. Croix Tribe has indicated they intend to initiate contact directly with Town representatives in hopes of reaching some agreement on how to advance on this issue.

C. Chequamegon Waters Update – Information – Kckek Jason Stark & Peter David

Jason and Peter discussed how on February 8, 2012 staff participated in a conference call with the US Forest Service to discuss flowage ownership and the scope of responsibility issues in regards to the extensive rice beds in the flowage. Management authority is particularly complex at this site, with state and tribal interests being compounded by the fact the dam is owned by the county, while most of the bed of the flowage is federally owned, with a smaller portion owned by the county.

Forest Service and GLIFWC staff agreed that at this time it would be best to attempt to develop language that recognizes the management interests of the Service, the tribes and the state at this site, as well as summarizing the significance of manoomin. A first draft of this language was prepared by staff, and will be forwarded initially to the Forest Service

for review; at that point a joint discussion with the state is planned to seek consensus on the language. The finalized language would then be included in the management plan that is being developed for the flowage, so that the local lake association understands what consultation is necessary before they pursue possible management activities.

D. Minong Flowage Update – Information – Peter David

Peter explained that the Commission has now received official notice that Washburn County, the owner of the dam controlling Minong Flowage, is planning reconstruction of the dam to increase hydraulic capacity and to address serious structural concerns on the dam itself. The construction activities will involve a partial drawdown of the flowage. To date, neither the amount of the drawdown nor its timing has been detailed, but staff will monitor the planning of this project closely to ensure the protection of the flowage's rice beds.

17. Voigt Case Committee Meeting Reports

A. Wisconsin Wild Plant Policy and Management Committee Update (material in packets.)

18. Meeting Notices

A. Biological Services Division March Meeting List (material in packets)

B. Jim Zorn announced that EPA Region 5 Administrator Susan Hedman will be at the Commission offices on March 23, 2012 to meet with tribal representatives. Susan will be in the area to attend the Binational Forum on Mining at the Ashland Visitors Center on Friday, March 23rd.

C. Mic Isham announced that there will be a mining forum on WOJB radio on March 10, 2012.

19. Other Business

A. April 5, 2012 meeting location will be at **LCO**.

B. May 3, 2011 meeting location will be at **Mille Lacs**.

20. Adjourn

Motion by STC to adjourn at 2:30 p.m.; second by MLK.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

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Voigt Intertribal Task Force Meeting April 5, 2012 – Danbury, Wisconsin Minutes

Opening Song: GLIFWC Dewe'igan, including a Fish Dance song performed by Joe Rose Sr.
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The chairman called the meeting to order at 9:18 a.m.

2. Roll Call

Bad River	Joe Rose Sr.
Red Cliff	Leo LaFernier, Mark Duffy
St. Croix	Susie Matrious, Conrad St. Germaine
Mole Lake	Chris McGeshick
LCO	Mic Isham
LDF	Tom Maulson, Scott Smith, Fred Allen, Frank Mitchell
LVD	Craig Mansfield, Sam Klingman
Mille Lacs	John Benjamin, Kelly Applegate
KBIC	Chris Swartz
Fond du Lac	Ferdinand Martineau

Others present:

Dr. James Kroll-WI Deer Trustee, Michael Zeckmeister-WDNR, Tom Hauge-WDNR, Dave Clausen-NRB, Dawn Vic-WDOA, Ed Eberle-WDOA, Norman Nass-USFS, Mary Rasmussen-USFS, Nancy Matrious-STC, Katie Stahira-STC, J. Brooks Big John-LDF.

GLIFWC: Jim Zorn, Annie Thannum, Jonathan Gilbert, Julie Ante, Kekek Jason Stark, Neil Kmiecik, Fred Maulson, Sara Moses, Jen Burnett, Jen Vanator, John Coleman, Alex Wrobel, Peter David, Jim Thannum, Gerald DePerry, Sue Erickson.

3. Approval of Agenda

Motion by LCO to approve agenda; second by MLK.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion by MLK to approve minutes; second by LCO.
Vote: 10 for, 0 against; 0 abstaining. Motion carried.



5. Wisconsin Deer Management Issues – Discussion – Ann McCammon Soltis, Jonathan Gilbert

Visitors: Dr. James Kroll, Wisconsin Deer Trustee
Ed Eberle, Wisconsin Department of Administration

Jonathan introduced Dr. James Kroll as the WDNR Deer Trustee. Many of the representatives met Dr. Kroll at the previous night's dinner. Introductions were made around the table.

The Task Force was informed that the "Interim Report of Findings By Wisconsin White-tailed Deer Trustee and Review Committee" was recently released discussing Dr. Kroll's team's findings thus far. Jonathan informed the Task Force that even though report was released before consultation with the Voigt Task Force that hopefully, the final report will fully reflect the Task Force's input and information. He informed the Task Force that Dr. Kroll was present in order to hear from the Task Force about its views on the way deer are managed in the state.

Dr. Kroll shared some of his background with the Task Force. He stated that he is a "straight-talker", and, as was pointed out to him at the previous night's dinner, was not here to represent the tribes. He considers the tribes a model of what to do right regarding deer management. Dr. Kroll stated that although the tribes are very concerned with the recent discovery of a CWD deer in the ceded territory, he advised them not to panic, but to calmly talk and analyze the situation.

The chairman welcomed both Dr. Kroll and Ed Eberle, WI Dept. of Administration, and stated that he was glad they were here today. He stated that just as the tribes take the WDNR seriously, they too should take the tribes seriously, and that he was happy that the state and the tribes are here together to share concerns and information.

The tribes and Dr. Kroll discussed the problem that people think of deer management as just a "deer issue," when in fact it is all wrapped together—the deer, the habitat, and the whole ecosystem. There was discussion if, in fact, there really is a "deer problem," and if so, what it really is. There was discussion about the mistrust between the tribes and the WDNR, and the fact that deer management is "site specific" and the fact that there probably really isn't a big problem in the ceded territories.

The tribes discussed various concerns, including the units and their habitats, baiting on private land, the blame placed on wolves, and the various hunting seasons. Dr. Kroll agreed that the complexity of regulations and seasons have added to the problems and that he is hoping to use the wisdom and knowledge of people and work together, even though the problems will not be solved overnight. Dr. Kroll stressed that he is not a politician and that he is here for the white-tailed deer, and whatever the results of his findings may be, he will not tolerate them being "shelved."

The tribes discussed the fact that they and the state seem to have different world views, i.e. the tribes don't view hunting as sport, and many people don't get that. There was discussion about the need for more communication, as well as how accurate the population estimates really are in Wisconsin. The tribes also explained that the state has to realize that the changes they make for sport hunters also affect the tribes.

The tribes expressed their displeasure that Dr. Kroll hadn't come before the Task Force earlier. Dr. Kroll responded that he did not wish to offend the tribes, and explained that the amount of work to be done in a relatively short period of time was the real cause. Further discussion involved the mind set of private landowners regarding "their" deer. The tribes discussed how they had previously owned *all* the land and stressed the importance of subsistence hunting to the tribes, given their economic hardships. They discussed the issue of sovereignty and how the tribes have been managers of the

resource much longer than the state of Wisconsin. Dr. Kroll acknowledged that when the tribes had been stewards of the resources, there wasn't any endangered species.

The tribes questioned whether the state viewed this meeting as government-to-government consultation, and stressed that they [the tribes] did not. When asked if Dr. Kroll represented the state at this meeting, he replied that he did not. Discussion followed, with the tribes stating that public confidence in the DNR has eroded, and that the DNR seems to be most concerned with public relations. Dr. Kroll stated that although he does not know the governor's underlying reasons for the study, however it has given him the opportunity to do this study.

The tribes and Dr. Kroll discussed the difference between habitat management and forestry management, and the effects of timber companies on the ecosystem. There was also discussion pertaining to the predator issue. Dr. Kroll expressed that predators are part of the ecosystem and the ecosystem is out of balance—but it's not the predators' fault. He expressed that there isn't a need to exterminate the wolf, but rather deal with it within the system in an "ecosystem management plan." Discussion followed.

Jonathan Gilbert stated that regarding the talks with Dr. Kroll, it is imperative that whatever the results of his study, it cannot and must not interfere with the exercise of treaty rights, but rather foster a co-management approach. It was discussed that the Tribes will look at the state's willingness to have tribes review comments or recommendations before they become public. Jonathan recommended that the state should come back to the Voigt Task Force again before July, and stressed that this meeting is just the beginning.

The chairman thanked Dr. Kroll and Ed Eberle for coming to the Task Force today and listening. He stated the message that they should take back to the Governor is that the tribes know what is best for the tribes. The tribes have the same credentials and expertise as the state. He invited Dr. Kroll to return to the Task Force to give a briefing at a later date.

Ed Eberle thanked the Chairman and the Task Force on behalf of the Governor. He admitted that the state does indeed want to restore confidence but it's broader than that. Ed assured the tribes that he had heard their message that the tribes do have a say in the matter and want to be brought into the process. He stated that coming before the Task Force today was an attempt to "get ahead of the curve" for once.

6. Wisconsin Deer Issues – Information – Jonathan Gilbert

A. Chronic Wasting Disease (CWD) (15-20 minutes)

Visitor: Mike Zeckmeister, WDNR Wildlife Management Program

Jonathan explained that on April 2, 2012 the WDNR announced that a deer collected in Washburn County near Shell Lake had tested positive for CWD. This was a surprise finding because the nearest CWD in wild deer was thought to be in southern Wisconsin, about 100 miles from this location. He stated that Mike Zeckmeister, WDNR was present to provide additional information and to answer any questions. Jonathan stated that although the finding is worrisome, he encouraged the Task Force not to panic.

Mike Zeckmeister stated that he was glad to meet with the Task Force, but that he was not happy to share bad news. He gave a brief description of the facts of the CWD discovery. He explained that it happened on the first Saturday of the fall 9-day gun season. He explained that the lab was very busy and the state had just got the results back within the last 10 days. The tribes suggested that since the

discovery was deemed 'highly suspicious' it should have been moved to the head of the line. Mike stated that there was still a need to take blood and DNA samples. The first test result was a weak positive. Two more tests returned as positive. The sample was then sent to a lab in Ames, Iowa, which also returned a positive result.

Discussion followed about the possibility of the deer being brought from a different area. It was suggested that the state compare the DNA against the information submitted by the deer farms. There was also discussion of road-killed deer, and whether they get tested. Discussion followed.

Susan Matrious stated that since the discovery was located so close to the tribe, St. Croix would like to be on the committee. Jim Zorn added that since the discovery was within a 10-mile radius of tribal lands, that kicks in a high level of consensus, and GLIFWC biology and enforcement should be involved. Jonathan stated that since CWD was an infectious, contagious disease, and as the deer sample showed the disease to be well advanced, he felt there was a need for increased disease surveillance. The tribes inquired if there was a shooting plan being proposed. Discussion followed on the current data that was available on the deer farm records and the DNR's plans.

The tribes inquired if there were funds available to assist the tribes in participation in testing. Mike Zeckmeister stated that that would be a question for the Secretary Kathy Stepp, who is planning on attending the next Task Force meeting. There was discussion on the need to get educational materials to the tribal hunters and tanners (who use the brains for tanning purposes). LCO stated that they had hunters who were concerned with how to handle the meat, and if they should even continue hunting in that area. Jonathan stated that he would be happy to come to LCO and address any questions, and could certainly work on getting information together and make testing available. He explained that people should not stop hunting.

There was additional discussion regarding the payment for testing. The Task Force was informed that currently state pays for testing; unless the tribes send a sample directly to a lab, then the tribe would be responsible for payment. Jon stressed that tribal members will not be charged no matter where the deer is shot. Sue Erickson, Public Information Director, stated that there was information currently on the GLIFWC website and she will work on getting a video posted on YouTube to help educate tribal hunters. Kathy Stahira, St. Croix Environmental Dept., stated that St. Croix has been sampling for the last two years under a grant from APHIS, and encouraged tribal members to contact her in regards to getting deer tested. Other tribes discussed their information/testing capabilities as well.

Jonathan stated that the State CWD Plan specifies that if CWD is found in the ceded territory, they have to come and talk to the tribes, and that the DNR won't act until they reach consensus—not just consult. Under the Plan, the state has 2 obligations: 1) to talk to the tribes collectively, and 2) to talk to the specific tribe involved. LCO stated that since they have trust land in that area, they wish to be included in the discussions as well.

Jonathan offered tobacco and asked that a drum song be offered on behalf of the deer. A song was performed.

B. Population Estimates

Jonathan's memo provides the Task Force with the deer population estimates for the Wisconsin ceded territories for 2012. He explained that these will be used in conjunction with established deer population goals to set harvest quotas for 2012. Although tribes no longer need to use

harvest quotas to establish their declarations and thus tribal quotas, it is important for the tribes to be aware of how well deer are doing in the cede territories.

In general, deer populations are rebounding from their lows of the past few years. This is not true throughout the ceded territories, as those who hunt in the western side of the state already know. Some areas of the west ceded territory saw some population declines that were unexpected. However, deer units in the eastern side of the ceded territory have seen some population increases.

Jon will keep the Task Force informed of the progress as staff proceed with the quota setting process.

7. Michigan, Minnesota, and Wisconsin Fishing Season Update -- Information -- Neil Kmiecik

Neil Kmiecik briefed the Task Force on the fishing season thus far. As of April 3, 2012:

- In Wisconsin tribes have harvested 15,252 walleye;
- In Minnesota, tribes have harvested 19,770.6 lbs of walleye;
- In Michigan, the LVD tribe has harvested 821 walleye.

Discussion followed on the continued problem of releasing northern pike at Mille Lacs. Some tribes are mandating that their members release northern if they are alive. LCO expressed that the tribe would also would like it add the mandatory release of northern pike as a permit condition on their permits that are issues at Mille Lacs. The Task Force was informed that Red Cliff, Bad River and LDF are already doing this. It was suggested that representatives encourage their members to release northern so as not to hamper their harvest opportunity of walleye if their northern quota is exceeded. Enforcement stated that in bad weather, people were in a hurry to get off the lake, and so took their northern with them. There were questions from the tribes as to why the northern are the trigger which makes tribes stop harvesting walleye. Neil stated that this was in the management plan. When the plan was drafted, there was concern with over harvesting certain species. There was discussion of the problems that arise when members try to release northern pike. It was explained that in the past, there were problems with dead fish in the water. Neil explained that the agreement a few years ago said if tribal members bring them to the landing, they have to keep them. If they bring in one that's half dead, then it's hard for enforcement to ticket them. There was discussion of officer discretion, and how the northern harvest dropped significantly when the warning was written right on the permit of certain tribes. Discussion followed as to whether people were really making the effort to release northern, and the problems with elders struggling to release them on the water, as well as other inexperienced netters.

The Jim stated that staff was doing a good job, and that the tribes had put a lot of faith in them. He encouraged tribal representatives to contact him with any problems.

The tribes questioned why when netting at Mille Lacs, they couldn't lift their nets and put them right back in the water--why they had to wait till late afternoon to reset? Neil explained that there were 2 reasons: 1) BSD needed to collect the data and 2) Enforcement has to account for every last net before more are reset. The quotas have to be adjusted to see how many nets can be reset for the next night. Discussion followed.

Mole Lake stated that they would like to net perch when they came to Mille Lacs for the May Voigt Task Force meeting. The Jim informed the Task Force that there was a bill in the MN legislature that might move the opener up one week earlier.

8. Walleye Mercury Program Update – Information – Sara Moses & Jennifer Burnett

Sara Moses and Jennifer Burnett gave an overview and update on the 2012 spring sampling of walleye for mercury testing and the mercury outreach program. Sara explained that GLIFWC has been funded through an EPA Great Lakes Restoration Initiative (GLRI) grant to collect and test 360 walleye from inland lakes within the ceded territories in 2012. The goal is to collect 12 walleye per lake, representing 3 fish from each of 4 lake class sizes.

Sara stated that GLIFWC has collected information on mercury in walleye every year since 1989. She explained that the data is used to provide walleye consumption advice to member tribes so that tribal members can reduce their exposure to mercury while continuing to exercise their treaty rights through the harvest of this resource. Consumption advice is communicated through GIS-based mercury maps, which are color-coded to show the safe number of walleye meals that can be consumed from regularly harvested lakes. The maps were updated this year and will be revised and reprinted again in 2013.

Jennifer describes the Outreach Program. The Task Force was informed that the GLRI funds for GLIFWC's mercury program are also allowing for the expansion of the tribal outreach program. The initial phase of the program is the development of a brochure and a series of informational cards on walleye consumption. The brochure will be targeted at women of child-bearing age, although it contains information applicable to the general population as well. In combination with the maps, it is hoped these materials will help reach a larger audience with information on safe walleye consumption.

Discussion followed. St. Croix asked if there was any contamination data available for Yellow Lake. Staff explained that they would check on this. KBIC stated they appreciate the work that is being done and offered up some suggestions: 1) separate LVD & KB into 2 maps showing their home territories; 2) maps should encompass entire 1842 territory (some east & west parts are missing); and 3) KBIC would like more lakes identified and tested. GLIFWC staff has already been in contact with staff at KBIC about adding Huron Bay and other lakes, and will continue to work on incorporating the suggestions.

9. USFS MOU Issues – Information – Kekek Jason Stark

Visitors: Mary Rasumussen, USFS Tribal Liaison
Norman Nass, USFS District Ranger

A. Bad River Timber Request/Intertribal Coordination

Kekek explained that the Bad River Band and the Forest Service have begun dialog regarding the opportunity for the Band to issue a permit to harvest blown down cedar trees for the purpose of maintenance at the Band's traditional pow-wow and ceremonial grounds. He explained that the Task Force was being informed of the request pursuant to the MOU and in further accordance to the Farm Bill. The tribes supported the request.

B. Lac du Flambeau Timber Request/Intertribal Coordination

Kekek explained that the Lac du Flambeau Band and the Forest Service have begun dialog regarding the opportunity for the Band to issue permits to tribal members to harvest live trees in a specified area for the purpose of harvesting firewood. He explained that the Task Force is

being informed of the request pursuant to the MOU and in further accordance to the Farm Bill. The tribes supported the request.

C. Sacred Site Closure Request (5 minutes)

Kekek explained that the Bad River Band and the Forest Service have begun dialog regarding the Band's request to temporarily close an area surrounding Old Baldy (St. Pete's Dome) for the purpose of establishing a ceremonial fasting camp. He explained that the Task Force is being informed of the request pursuant to the MOU and in further accordance to the Farm Bill. The tribes supported the request.

D. LVD Road Closures

Alex explained that in early December, GLIFWC had been contacted by LVD tribal members with concerns about secondary roads on the Ottawa National Forest that had been gated to prevent vehicle access. On February 22, 2012, staff met with tribal representatives and staff from the Ottawa NF to further discuss the issue. The Task Force were informed that LVD has submitted a formal request with the USFS to re-open these secondary roads for access to their traditional harvesting area.

Norman Nass explained that he will be looking at these roads and stated the tribes were welcome to accompany him. He explained that he wants examine whether these roads are suitable for trucks, ATVs, and other passenger vehicles. If they are, he explained that the Forest Service will try to get the gates unlocked by May 15, 2012. He added, however that if there has been a formal closure from years ago, then the process is more involved. Discussion followed about moving the gates closes to the "problem area" instead of closing off the whole road. Discussion followed.

10. Fond du Lac Ordinance Regarding Inland 1837 & 1842 Treaty Rights Exercise in Wisconsin – Information Kekek Jason Stark

Kekek explained that FDL recently enacted Ordinance #01/12 governing the hunting, fishing and gathering activities of FDL Band members within the portion of the 1837 and 1843 ceded territories located within the State of Wisconsin.

As part of this effort, Commission staff met with representatives from the FDL Band on March 13 to discuss the practical issues pertaining to the Band's desire to exercise their treaty reserved rights in the Wisconsin portion of the 1837 and 1842 ceded territories, such as the types of permits that would be needed, the need to register harvested animals, tags, regulations, as well as some of the historical background pertaining to treaty signatory tribal harvest by non-Voigt plaintiff Bands.

The chairman welcomed the Fond du Lac Band.

11. Minnesota and Wisconsin Wolf Issues Update – Information – Peter David

Peter David updated the Task Force on legislative developments on wolves in Wisconsin and Minnesota. He stressed that there will be a lot of work in the year ahead to address tribal concerns regarding the implementation of the harvesting legislation in both states, and to coordinate state and tribal wolf management interests.

The Task Force was informed that in Wisconsin, identical wolf hunting bills passed the Senate and Assembly, and were signed by the Governor on April 2, 2012. Provisions of this legislation include: 1) the establishment of zones, and harvest quotas; 2) the establishment of a season which opens Oct. 15 and runs to the end of February; 3) the establishment of both hunting and trapping harvest, including the use of cable restraints; 4) allowing night hunting, and the use of dogs, certain baits, and calls; 5) allowing the use of any firearm loaded with a single slug or ball, or a shot larger than size BB, or a bow and arrow or crossbow; 6) allowing for harvest by residents and non-residents; 7) requires funds raised from license sales to be used first for depredation payments of livestock and pets (including hunting dogs); if money is left over it can be used for wolf control and management the following year; 8) provides the DNR with up to 8 months to develop the administrative rules to implement the bill. Peter noted that a Wolf Stakeholders meeting is scheduled for April 21st in Wausau.

The Task Force was informed that Minnesota, legislation had apparently passed out of their respective House and Senate Committees and is headed to a full floor vote, likely this month. The Task Force was informed that the MnDNR appears to have decided upon a quota of 400 animals, from a pre-pup population of approximately 3000. At this time, the MnDNR is not using this harvest as any particular kind of management tool; it is simply a harvest opportunity. No zones are expected to be used this year, but zones might be used in the future to liberalize harvesting opportunity in the portion of the state not considered suitable for wolves. Outreach to the tribes regarding the hunting proposals has been quite limited; they clearly anticipate that tribal harvest, if any, would be minor enough that they would not need to adjust their own quota, which they feel is quite a bit below the biological threshold.

Discussion followed on tribal management plans already in place. Also discussed were the pro and cons of tribes declaring their quota and then not harvesting. There was discussion of the need to develop wolf stipulations and protocols.

MLK made a motion to look into issuing a Commission order to hunt deer at night, similar to what is allowed for hunting wolves at night; second by LDF.
Vote: 10 for, 0 against; 0 abstaining. Motion carried.

Discussion followed regarding objections regarding lands owned by non-tribal members and about reservation packs and off-reservation packs. Mole Lake asked to see the entire bill with the amendments. Staff explained that they will try and receive a copy. Kekek explained that there are two types of Commission orders: the automatic amendments, and the ones that need consensus. Ann stated that staff needs to sit down and compare to the model code, and that they need time to analyze the liberalizations.

LCO stated that some tribal members are afraid of wolves and want to hunt them. Bad River also expressed the need to further educate tribal members. Mille Lacs stated that the wolf is very important in their tribal culture. They would like to make the reservation a safety zone, but their reservation is too spread out. Peter suggested a conference call before the next meeting. Mille Lacs stated that there was a Wolf Stewards meeting coming up in Duluth, MN and asked if GLIFWC was attending. Peter stated that he is presenting at the conference.

12. MN 1837 Subcommittee

A. Wildlife Plan Resolution – Information – Kekek Jason Stark

Kekek informed the Task Force that their packets included a Model Resolution for ratifying the new wildlife management plan, entitled *Treaty Wildlife Management Plan for the Minnesota*

1837 Ceded Territory for the Years 2012-20016, and for adopting the proposed changes to Protocols #2, #3, #4, #5, and to the Bands' 1837 Conservation Code for the Minnesota Ceded Territory. He informed that Task Force that the final changes submitted to the State on March 19, 2012 adequately address the State's concerns and the parties hereby met the requisite consensus on the management measures incorporated in the Bands' proposed new Wildlife Management Plan, Conservation Code and Protocols and may proceed in implementing them.

Kekek reminded the Task Force that the current wildlife plan expired at the end of 2011, and timely consideration by the tribes is in order. Kekek asked the Task Force to contact him when their tribes ratify the agreement. Once all the tribes have acted, staff will make sure that everyone has the copies they need, and will help provide notice to the State and others, as well as putting together new binders with all the current documents included for handy reference.

13. Wild Rice Issues – Information – Peter David

A. Minong Dam Reconstruction

Peter explained some highlights from the last meeting regarding the Minong Flowage. The dam is in Washburn Co. but the rice beds are on the north end of the Flowage in Douglas Co. It appears that the reconstruction will not be happening this year. Significant repairs and modifications are needed to make the structure able to withstand a 1000-year flood event; it currently barely meets the criteria for a 100-year event. Soil borings indicated that the least expensive alternative was not feasible and the new alternative will cost slightly over a million dollars. The county has received a \$400,000 grant from the state and has a \$100,000 commitment from North American Hydro, so they have about half of the funding needed, and are looking at additional funding sources at this time. Although still in the preliminary design stage, the drawdown that is necessary to complete the work will be about 4-5 feet and may last for as long as 23 weeks. It is hoped that construction will take place in 2013 or 2014. Peter will keep the Task Force informed of developments. Discussion followed.

Peter briefed the Task Force on the proposed 2012 Eurasian Milfoil treatment plan he received from the Lake Association. It proposes to treat 20 acres in 2012. No treatment is proposed east of Smith's Bridge, where the most significant rice beds are located. The proposed treatment area that is closest to the usual rice area is 1/3 mile downstream. The applicant will be required to do a pre-treatment survey this spring, and results of that survey could lead to some modifications of the initial proposal.

B. Chequamegon Waters

Peter explained that on April 2, Commission staff met with the WDNR and USFS staff to discuss issues pertaining to the extensive rice beds in the flowage. Management authority is particularly complex at this site, with state and tribal interests being compounded by the fact the dam is owned by the county, and most of the bed of the flowage is federally owned, with a smaller portion owned by the county.

Forest Service and GLIFWC staff previously agreed to develop language that recognizes the management interests of the Service, the tribes and the state at this site, as well as summarizing the significance of manoomin. This draft language (presented to the VITF at the March 1 meeting) was presented to the State for discussion purposes with the goal to reach consensus on the language. Once finalized, this language will be included in the management plan that is

being developed for the flowage, so that the local lake association understands what consultation is necessary before they pursue possible management activities.

14. Mining Update – Information – John Coleman & Ann McCammon Soltis

John Coleman gave an update on mining activity within the ceded territories:

Michigan

Jon informed the Task Force that the Eagle Mine on the Yellow Dog Plains is currently under construction and drilling through Eagle Rock to the orebody has begun. The most recent development related to this project involves a proposed 22 mile road from the mine site to the Humboldt processing facility. Kennecott originally applied for a permit to construct this road, but the EPA expressed concerns about the proposal and it was withdrawn in 2009. Now the County of Marquette has proposed a road in a similar location. Construction of the road would involve filling approximately 24.5 acres of wetlands and crossing 22 streams. A public hearing on the proposal was held on February 21, 2012. Comments to the EPA and the Army Corps of Engineers concerning the road are due by April 16th. Kennecott's Humboldt Mill site, where ore from the Eagle Mine would be processed, is currently under investigation by EPA's Super Fund program because of existing contamination. In March Kennecott Minerals released their 2011 Annual Report for the Eagle Project. It is available at: <http://www.lic.wisc.edu/glifwc/Kennecott/ydog/>

Jon informed the Task Force that the Orvana Minerals Corporation has applied for permits to develop an underground copper mine near Lake Superior in the western UP. GLIFWC staff commented on the permit application, emphasizing our concern that Orvana does not propose to backfill the mine. This would cause surface subsidence of approximately 7 feet and leave a 350 acre tailings pile. Staff are also concerned about long-term discharges to Lake Superior from the tailings pile and from the mine workings, which would be approximately 200 feet from the lakeshore. Staff submitted information to the Army Corps and EPA related to the status of streams and wetlands at the site. The Michigan DEQ has made a proposed decision to issue the mining permit and has included a list of conditions on the permit. The DEQ held a public hearing in Ironwood on March 6 and written comments on the proposed permit decision are due April 9th. Orvana has also applied for a surface water discharge permit (NPDES permit) and wetland and stream fill permits (Part 301 and 303 permits) but the Michigan DEQ has not yet determined that either of those permit applications are complete. GLIFWC staff have posted application materials at <http://www.lic.wisc.edu/glifwc/orvana/permits/>. When the applications are determined to be complete there will be a public hearing and comment period. Staff met with EPA staff in February to discuss those permit applications. In January staff visited the Orvana site, along the shore of Lake Superior, and identified groundwater fed streams and seeps. The observations made in January became the impetus for additional comments to the EPA and the Army Corps on streams at the proposed mine site.

Minnesota

Jon informed the Task Force that Staff continues to assist the Fond du Lac tribe in its role as a cooperating agency in the preparation of a supplemental Environmental Impact Statement (EIS) for this project. As you will recall, in 2010 EPA gave the first draft of the EIS its lowest possible rating, prompting the Corps and the State to gather additional data and perform additional analyses for a revised draft. Although staff are not entirely satisfied with the amount of new data or analysis, work proceeds and staff continue to raise relevant concerns. Planning and Development staff recently submitted comments related to the socioeconomic analysis being prepared for the project. Environmental section staff recently submitted comments on the adequacy and accuracy of baseline data characterizing groundwater contribution to river

flow. Those comments include recommendations on model calibration and sensitivity analysis. Staff continue to participate in project conference calls and to review project work products.

Wisconsin

Jon informed the Task Force that a continuing concern at the Kennecott Flambeau Mine site has been the "Industrial Outlot" which has been producing runoff contaminated with metals since at least 1999. Three remediation plans for the site have been previously implemented. In 2011 a fourth plan was proposed and is being implemented in 2012. In mid-March staff gave a deposition regarding stream flow at the Flambeau mine for a case concerning discharge of pollutants to a water of the United States.

Legislative Developments:

Jon informed the Task Force that on February 15, 2012, Senate Republican Speaker Scott Fitzgerald dissolved the Senate Select Committee on Mining Jobs. A companion bill identical to Assembly Bill 426 was then introduced and a hearing in Joint Finance Committee was held on Friday, February 17, 2012. After the hearing, Senators Jauch and Schultz introduced a substitute bill that made many fewer changes to current mining law than the Assembly bill. Staff of GLIFWC, Bad River and Lac du Flambeau met with Senators and staff on February 15, 2012 to answer technical questions about mining based on our years of experience in the three states. The dissolution of the Senate Mining Committee in the middle of our meetings was a surprise to all those involved. Because of an inability to agree on the content of legislation, on March 17th the state legislative session ended without any mining legislation being passed. However, Senator Jauch has asked the governor for "an eight member bipartisan panel of legislators from both houses" who would work on mining legislation for the next session of the legislature.

Mineral Exploration:

Jon informed the Task Force that exploration drilling by Aquila Resources was conducted last summer at the Reef site in Marathon County and drilling occurred this winter at the Bend site in Taylor County in the Chequamegon-Nicolet National Forest. The Forest Service is studying a permit application from Aquila Resources for drilling at the north end of Mondeaux Flowage, also in the Chequamegon-Nicolet National Forest. Aquila Resources's primary project is on the Michigan side of the Menominee River and is known as the Back 40 project. Several exploration companies have applied to Oneida County for permits to do additional exploratory drilling at the Lynne site on the Willow River. Oneida County board considered those permit application at its February 27th meeting. Staff recently organized a conference call between tribal staff and staff of the Bureau of Land Management and Chequamegon-Nicolet National Forest staff to discuss procedures for exploration and mineral development on federal lands in Wisconsin. The purpose was to establish lines of communication between staff. That process is ongoing. Staff continue to cooperate with tribal, state and federal agency staff on a baseline water quality project in the three states. Water sampling was conducted in four watersheds in September and November and will be conducted again in May. Over the winter, staff checked instream water quality loggers and measured stream conductance and temperature as ice conditions allowed.

Motion by KBIC to file comments on proposed road in Marquette County, MI; second by MLK.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

15. Meeting Notices

A. Partners Fishing Event – Information – Neil Kmiecik

Neil reminded the Task Force to contact Bob Jackson regarding their reservations / attendance at the Annual Partners Fishing Event on June 6-7, 2012 at LCO.

- B. USFWS/Migratory Bird Season Meeting Notice (material in packets)
- C. Biological Services Division April Meeting List (material in packets)

16. Other Business

- A. May 3, 2012 Meeting Location – Mille Lacs

17. Adjourn

The meeting adjourned at 2:55 pm. Closing song was performed.

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

Voigt Intertribal Task Force Meeting May 3, 2012 -- Onamia, Minnesota Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose

1. Call to Order

The Chairman called the meeting to order at 9:15 a.m.

2. Roll Call

Bad River	Joe Rose
KBIC	Fred Dakota
LCO	Mic Isham, Jim Schlender, Jr.
LDF	Tom Maulson, Scott Smith, Frank Mitchell
LVD	Sam Klingman, Craig Mansfield, Alan Shively
Red Cliff	Leo LaFerner, Mark Duffy
St. Croix	Susie Matrious, Conrad St. John
Mole Lake	Chris McGeshick
Mille Lacs	Brad Kalk, John Benjamin, Kelly Applegate
Fond du Lac	Ferdinand Martineau

Others Present: Jim Zorn, Joe Dan Rose, Ben Michaels, George P. Newago, J. Brooks Big John, Jaimie Thompson, Jen Vanator, Roger McGeshick, Tanya Aldred, Jonathan Gilbert, Neil Kmiecik, Sue Erickson, Miles Falck, Peter David, Shelly Ellson, Annie Thannum, Gerald DePerry.

State of Wisconsin: Ed Eberle, Dawn Vick, Cathy Stepp, Jack Gunderson, Quinn Williams, John Gozdziński.

3. Approval of Agenda

LVD requested that 2 items (1 personnel issue and 1 inter-tribal issue) be added under Spring Fishing Season Update.

Motion by LCO to approve agenda with the noted changes; second by Mole Lake.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.



4. Approval of Minutes

Motion by Mole Lake to approve minutes; second by LCO.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

5. Wisconsin DNR Requested Discussion on Wolf, CWD, and Elk – Discussion/Executive Session/Litigation Related – Ann McCammon Soltis

WDNR Visitors: Cathy Stepp, Secretary
Scott Gunderson, Executive Assistant
John Gozdzialski, Northern Regional Director
Quinn Williams, Attorney

Motion by LCO to enter Executive Session at 9:25 a.m.; second by Mole Lake.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Executive Session Discussion

Motion by LCO to return to Regular Session at 11:30 a.m.; second by Mille Lacs.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

6. Chronic Wasting Disease Status/Response Update – Information – Jonathan Gilbert

Jonathan discussed recent updates regarding the deer collected in Washburn County near Shell Lake that had a positive test result for CWD. He explained that the response to the finding of CWD is complex and multi-faceted and is happening in a rapid time frame.

Jonathan explained that immediately after this disease finding, an Incident Management Team (IMT) was formed consisting of WDNR staff from law enforcement, wildlife management, and wildlife disease, as well as representatives from GLIFWC and St. Croix. Planning and discussion during two conference calls included head collection within the management zone, establishment of call hot-line, and the development of a handout and other means of informing the public about CWD.

Also, The WDNR CWD 15-year response plan calls for consultation between the WDNR and Tribes if CWD is ever located within the ceded territories. In addition, this plan requires that consensus be reached with the adjacent tribe(s). Discussion followed on the terms between “consultation” and “consensus.”

Another item of discussion from the IMT was the level of disease surveillance that is appropriate. Early discussion focused on opportunistic sampling via road kill collections or damage permit kills, but has been expanded to include issuing land-owners permits to collect deer from their property, with the intent to collect samples early and not wait until fall hunting. Discussion followed regarding the extent that tribes wish to be involved with disease surveillance.

Other IMT issues were discussed. The WDNR will be banning the feeding of deer and the use of bait to harvest deer on the fall in the four county area within the 10-mile radius circle. Also discussed was the public informational meeting that was held on April 16th in Spooner. GLIFWC staff is planning a

similar meeting at St. Croix on May 16 and will also conduct other tribal meetings if they are desired. Lastly, transportation issues were discussed. Presently, the state of MN has as part of its CWD regulations, a rule which prohibits the importation of unprocessed deer (or elk) into MN from any area in which the Board of Animal Health determines CWD is endemic. At present, this includes Washburn, Burnett, Barron and Polk counties in WI. Discussion followed.

7. Wolf Harvest Implementation – Information/Executive Session/Litigation Related – Ann McCammon Soltis

It was decided that the Task Force would remain in Open Session for the wolf discussion, rather than go into Executive Session.

Ann McCammon Soltis explained that management authority for gray wolves reverted back to the tribes and the states in the western Great Lakes when the US Fish & Wildlife Service removed them from the Federal Endangered Species list on January 27, 2012. Ann referred to a memo in the packet on wolf biology in Wisconsin, Minnesota and Michigan, and also the efforts to institute wolf harvest seasons in Wisconsin and Minnesota.

Peter David discussed the recent Wisconsin Wolf Stakeholders meeting, which puts the preliminary late-winter minimum population estimate for the state at 762-832 wolves. Most of the wolves reside within the ceded territory, but about 123-144 are found in the “central sands” portion of the state, which is largely south of the ceded territory. Discussion followed on the accuracy of the estimates.

Ann briefly discussed the MN population estimate from 2007-2008, which estimated the state’s wolf population at 292, with an estimated 503 packs. She explained that the state’s proposed Wolf Season A will begin November 3, 2012 and run for 16 days. Wolf Season B will begin November 24th, 2012 and run through mid-January. If the quota is met before the end of the season, the DNR plans to shut the season down. If the wolf quota is not met in Season A, then the leftover quota will carry over to season B. Hunters must register the wolf within 24 hours and bring in the carcass. Ann explained that two identical versions of a bill had been passed but not yet signed by the governor. Discussion followed regarding the tribes ability to weigh in on the state’s proposed hunting regulations and the amount of their involvement with other agencies. The tribes also shared concerns regarding how the state will incorporate the tribes’ management plans.

Ann briefly discussed wolves in Michigan. The Michigan Wolf Management Plan is now in effect. Wolves remain a protected species in Michigan and there is currently no established hunting or trapping season for wolves. The most recent survey conducted in the winter of 2010-2011 estimated 687 wolves in the UP. Future wolf population estimates will be conducted every two years as opposed to the annual estimates that have been conducted in the past. The Inland Consent Decree for the 1836 Ceded Territory lists wolves as a species that is currently not classified as a game animal in Michigan. The Consent Decree provides for consultation, including allocation, on the harvest of wild species for which the state does not currently permit hunting.

Jim Zorn stated that in the past, tribes did not want to put a number of the population goal for wolves, as they felt it was not appropriate, and that the wolves should set their own numbers. Red Cliff discussed the importance of the tribes being involved in setting the units, to ensure that wolves are only harvested from units that can sustain that harvest. The tribes also discussed the need for a 24-hour shutdown if quotas are reached.

Ann discussed the probable need for a conference call with the tribes and their attorneys this month, due to the speed with which the issue is progressing. Jim Zorn stated that staff will do the best they can to ensure that tribes get their say. The state will make its decision and proceed at its own risk but GLIFWC will weigh in to represent the tribes' interests as they have stated them and will help the tribes evaluate options regarding the kind of regulations they may wish to adopt.

8. Migratory Bird Hunting Season Proposal – Action/Executive Session – Peter David and Ann McCammon Soltis

Motion by LCO to enter Executive Session at 1:10 p.m.; second by Mille Laes.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Executive Session Discussion.

Motion to return to Regular Session by LCO at 1:40 p.m.; second by Mole Lake.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion by Mole Lake to submit the 2012 Migratory Bird Regulations with additions as discussed in Executive Session; second by LDF.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

9. Wisconsin Deer and Bear Harvestable Surplus – Information – Jonathan Gilbert

Jonathan provided information from the April 4, 2012 Deer Committee conference call and the November 14, 2011 meeting of the WDNR Black Bear Advisory Committee.

Jonathan stated that since tribes no longer need to issue a tribal declaration for antlerless deer and no longer are required to establish an antlerless deer harvest quota, the 2012 tribal deer season in WI will provide an unlimited tribal harvest; thus, the harvest quotas are only applicable to state hunters.

Jonathan stated that as a result of the stipulation review process between the Tribes and the WDNR, bear harvest by tribes is now operating under a threshold system. If tribal harvest is less than 15% of state harvest then the tribes do not need to issue a declaration and they do not need to implement a tribal quota and limited permit system. In 2011, tribal harvest was below the threshold value for each of the bear management zones.

There was brief discussion on some of the unit quotas, as well as the new methodologies used in the state's estimates.

10. Spring Fishing Season Update – Information – James Zorn

Jim Zorn stated that the fish song that was performed at the last Voigt Task Force meeting helped everyone remember that spring fishing season is a good time. He stated that staff had done a good job this season and encouraged tribes to contact him directly with any problems that came up during the season and they can be discussed in-house.

Jim briefly reviewed the harvest numbers, which were up in Wisconsin and down in Minnesota. He discussed various incidents that Enforcement had dealt with throughout the season. There was discussion on the importance of the integrity and dependability of the creel teams and how termination of employees should be dealt with in the field. Also discussed was the spring fishing budget, which was over budget this year, and the need to increase efficiency so that creel teams are not stationed at landings where no one is fishing. Also discussed was the need for a creel team coordinator at each reservation.

LVD and Mole Lake discussed some problems they had encountered this season. They also discussed the need to openly talk about these problems so that they can be resolved before next year. Jim Zorn suggested a "debriefing meeting" at each reservation so that issues could be discussed and dealt with.

Motion by LVD to enter Executive Session at 2:20 p.m.; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. (KBIC rep was gone by this time.)

Executive Session Discussion

Motion by Mole Lake to return to Regular Session; second by LVD.
Vote: 9 for, 0 against, 0 abstaining. (KBIC rep was gone by this time.)

11. Partners Fishing Event – Information – James Zorn

Jim Zorn reminded everyone of the event scheduled for June 6-7, 2012 at Lac Courte Oreilles. He stated that there are plans underway to present Bob Jackson with a blanket in honor of his 20 years of bringing together the Partners Event.

12. Meeting Notices

A. Biological Services Division May Meeting List (material in packets)

13. Other Business – *NOTE MEETING DATE CHANGE*

A. The next Voigt Intertribal Task Force meeting will be held at LCO on *Wednesday*, June 6, 2012, to accommodate the Partners Fishing Event.

14. Adjourn

Motion by LVD to adjourn at 3:05 p.m.; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried. (KBIC was gone by this time.)

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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

Voigt Intertribal Task Force Meeting June 6, 2012 -- Hayward, Wisconsin Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Marvin DeFoe

1. Call to Order

The chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River	Joe Rose
Red Cliff	Marv DeFoe, Mark Duffy
St. Croix	Susie Matrious, Conrad St. John
Mole Lake	Chris McGeshick
LDF	Tom Maulson, Scott Smith, Terry Allen Jr.
LCO	Mic Isham, Jim Schlender Jr.
LVD	Sam Klingman, Craig Mansfield
Mille Lacs	Brad Kalk, John Benjamin, Kelly Applegate
KBIC	Chris Swartz
Fond du Lac	Absent

Others Present

WDNR: Rebecca Gass, Quinn Williams, Bob Hartshorn, Mike Wallis, Bill Vander Zouwen, Kurt Thiede, Dave Clausen, Alex Smith, Pamela Toshner.

GLIFWC: Rose Wilmer, Charlie Rasmussen, Alex Wrobel, Jim Thannum, Mark Luehring, Joe Dan Rose, Peter David, Julie Ante, Heidi Cook, Jen Vanator, Jason Stark, Neil Kmiecik, Ann McCammon Soltis, Gerald DePerry, Annie Thannum, Steven Ante.

Tribal: Katie Stahira-STC, Wayne LaBine-MLK, Erick Arnold-BRV, Jerome Brooks Big John-LDF
Chad Abel-RC.



3. Approval of Agenda

Ann McCammon Soltis requested an addition under item #5. Also, Tom Maulson suggested that Neil Kmiecik address the Healing Circle Run, item #12, early in the meeting.

Motion to approve agenda with changes by LCO; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by LCO.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

5. Introduction of New Employee – Information – Jim Thannum

Zoongee Leith, Planning & Development/ANA Secretary

Heidi Cook, Intern, Division of Intergovernmental Affairs

(Zoongee was unable to attend today's meeting because of a death in her family.)

Ann McCammon Soltis introduced her summer intern, Heidi Cook. Heidi is a masters student at the University of Winnipeg, studying indigenous development and is a member of the Misipawistik Cree Nation in northern Manitoba. She will be interning in the Division of Intergovernmental Affairs through the end of July. Heidi shared her interest in learning how Treaties are being implemented by the Tribes and in resource co-management with the Task Force and was welcomed by the chairman and the VITF.

12. Healing Circle Run – Information – Neil Kmiecik

Neil briefed the Task Force on the upcoming Healing Circle Run scheduled for July 14-20, 2012. Neil added that the Run was not restricted to only tribal members, and stated that he had extended an invitation to participate to several WDNR staff. Neil stated that the run was originated by Ernie St. Germaine as a way to heal the wounds caused by the racism and spearing controversy of the late 1980s. Neil asked the tribes to spread the word to their members and encouraged their participation in the event.

6. Minong Flowage Update – Information – Lisa David

Visitors: Mark Sundeen, WDNR Water Resources Management Specialist
Frank Koshere, WDNR Water Resources Management Specialist

Lisa David gave a brief recap of the issues to date regarding chemical treatment of Eurasian Water Milfoil (EWM) in the Minong Flowage. Last year, despite the St. Croix Tribe's objections to the proposed treatment, a slightly modified permit was approved by WDNR. A total of 87 acres of EWM were treated in 2011, including 52 acres in Serenity Bay where much of the wild rice occurs.

Similar to last year, the Minong Flowage Lake Association and Northern Aquatic Services (the herbicide applicator) have submitted a permit application to chemically treat EWM in the flowage again in 2012. The proposed treatment would take place in mid to late June using both liquid and granular herbicides commonly used to help control the spread of EWM and other aquatic invasives. A total of 21 acres are proposed for treatment, including 8.34 acres in Serenity Bay, roughly a quarter mile away from the rice beds.

Staff from the St. Croix Tribe, GLIFWC and WDNR staff have discussed the 2012 proposed treatment, and once again, the St. Croix Tribe does not endorse the proposed treatment. The tribe would prefer to see what affect the drawdown connected with next year's dam repair project would have on aquatic invasives in the flowage. Discussion followed with the tribes expressing their concerns, which included oxygen monitoring, the responsibility of the company applying the herbicide, the lack of testing on wild rice seed, and fish and waterfowl monitoring.

The St. Croix Tribe addressed its particular concerns as well, and discussed the planned draw down. There was also discussion on "consultation and consensus" and what the state's plans were if no consensus was reached. The tribes discussed the possible need for action from the VITF. Staff cautioned whether this might foreclose the possibility for further discussion and consensus. Discussion followed.

Motion by LDF to oppose chemical treatment of the Minong Flowage until further data is acquired; second by St. Croix.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

7. Governor Knowles State Forest Master Plan Update – Information – Alexandra Wrobel

Visitors: Bob Hartshorn, WDNR Forestry Division
Mike Wallis, WDNR Forestry Division

Alexandra explained that the WDNR is in the process of revising the Master Plan for the Governor Knowles State Forest (GKSF). The VITF and GLIFWC have been involved in the renewal of the Regional Property Analysis since 2010, which is in the preliminary phase in revising the master Plan. This next phase entails the development of the new Master Plan based on the comments received both from the tribes and the public.

Robert Hartshorn presented the Master Plan to the Task Force and explained that he is here today to solicit comments from the tribes prior to the end of June, when the plan will be open for comment. Bob explained that back in November 2010, the State Forest came to the Task Force to get initial feedback and comments, and have been in regular contact with GLIFWC and the tribes. They hope to have the plan approved by fall. Bob provided some background on the GKSF plan development and highlighted some items of particular interest to the tribes, including:

- Gathering of miscellaneous forest products
- Road designation and access
- Cultural resources during management operations
- Cover types of interest – large birch

Discussion followed regarding property land management/purchases, wilderness designations, and boundary issues, as well as the possibility of site visits by the tribes prior to scheduled logging. LCO inquired when the plan needed to be approved and whether the DNR was planning on bringing the issue back to the tribes. Robert Hartshorn explained that the plan would be up for public comment at the end of the month, and would need to be approved by the Board within the next few months. He stated that currently there were no plans to come back to the tribes, but they were certainly welcome to submit comments.

Motion by LCO to review the plan, submit additional comments and invite the DNR back to the Voigt Task Force before the Plan goes before the Natural Resources Board; second by Bad River.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

8. WDNR Division of Forestry Strategic Outcomes – Information – Alexandra Wrobel

Visitor: Rebecca Gass, WDNR Forestry Division

Rebecca explained that in the last couple of years, the DNR Division of Forestry has worked with the tribes and GLIFWC on a long process leading towards a statewide management plan for Wisconsin's state forests entitled Wisconsin Forestry Strategic Directions. The process included the Forest Sustainability Framework and also the development of a statewide Forest Assessment. This Strategic Directions document is designed to use the results of the Sustainability Framework and the Forest Assessment to communicate the strategies upon which the Wisconsin state forests can be managed. Rebecca stated that the DNR is here today to determine the outcomes of what the tribes want in regard to the final document.

The tribes expressed a number of concerns, including access issues, and the need for meaningful consultation. There was also discussion of the differences between what the DNR terms a "long-term plan" and what the tribes view as "long-term." Lastly, there was discussion on the Council of Forestry, their role, who is appointed, and whether they realize their responsibilities to the tribes and the VITF.

9. Fisher, Otter, Bobcat Harvestable Surplus – Information – Neil Kmiecik

Neil briefly reviewed the 2011-12 off-reservation tribal harvests of fishers (175), otter (58), and bobcat (63). He explained that tribes surpassed the harvest threshold for fishers in Zones A and B, thus a harvest declaration for these zones will be required in January.

Neil also reviewed the 2011-2012 state harvest of fishers. The state exceeded its quota in Zones A, D and F. The tribes voiced their displeasure with the state's exceedance of their quotas. They feel that they [the tribes] are strictly held accountable, yet the state is not. Bill Vander Zouwen, DNR, admitted that the state does not like to be in the position of going over quota, and said that state hunters had higher than average success rates this year. Discussion followed.

The tribes also questioned why incidental harvest was not counted in the state's numbers. Bill Vander Zouwen stated that although the numbers weren't shown in the state's harvest, they are taken into consideration. Discussion followed as to what the state's plan was to deal with the continuing problem of quota exceedance. The state responded that they did not have a proposal prepared for

discussion. The tribes again voiced their concern, and questioned how the state was going to “turn off the switch” for hunting wolves when they obviously cannot monitor other furbearer species closely enough. Discussion followed.

10. Wisconsin Migratory Bird Annual Proposal – Information – Peter David & Kekek Jason Stark

Peter and Jason briefly outlined the 2012 tribal off-reservation waterfowl season proposal that was submitted to the U.S. Fish and Wildlife Service for the 1836 ceded territory in Michigan for the Bay Mills Community, for the 1837 and 1842 ceded territories in Wisconsin and Michigan for the ten member tribes of the Voigt Intertribal Task Force, and for the 1837 ceded territory in Minnesota for the Mille Lacs Band of Ojibwe and the six Wisconsin Plaintiff-Intervenor Bands. Staff explained that the proposal’s intent is to provide tribal members a harvest opportunity within the scope of rights reserved in various treaties with the United States. The proposal is biologically sound and culturally appropriate for the tribal communities involved. Some of the changes that differ from the regulations approved for the 2011 season for the 1837 & 1842 ceded territories are:

- Allowing the use of electronic calls throughout the season
- Extending shooting hours to 1 hour before sunrise and 1 hour after sunset
- Increasing the daily bag limit to 50, and removing all species restrictions
- Allowing the first harvest of Sand Hill Cranes and Tundra Swans
- Open the season (other than for geese) on September 4th
- Remove restrictions on decoy use in Wisconsin

Regulations proposed for the Bay Mills Community in the 1836 ceded territory differ from 2011 only in the removal of species restrictions in the duck bag limit.

11. Voigt Stipulation for Technical Management and Other Updates: Third Amendment to Stipulations Incorporated in Final Judgement Update – Information/Executive Session/Litigation Related – Kekek Jason Stark

Motion to enter Executive Session at 11:30 a.m. by LCO; second by Red Cliff.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

(Executive Session Discussion)

Motion to return to regular session at 12:50 p.m. by Mole Lake; second by Red Cliff.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

13. Wolf Harvest Implementation – Information/Executive Session/Litigation Related – Kekek Jason Stark

Visitors: John Gozdziwski, WDNR Northern Regional Director
Bill Vander Zouwen, Section Chief, Wildlife & Landscape Ecology
Quinn Williams, WDNR Attorney Supervisor
Kurt Thiede, Division Administrator, Land
Tom Hauge, Bureau Director, Wildlife Management

(This item was discussed during the Executive Session.)

14. Meeting Notices

A. Biological Services Division June Meeting List (material in packets.)

15. Other Business

A. July 5, 2012 Meeting Location

Due to the July 4th holiday, the VITF decided to move the meeting date to Thursday, July 12th. LCO was initially going to host the meeting. It has since been decided that the July 12th VITF meeting will instead be held at Bad River.

16. Adjourn

Motion by Mole Lake to adjourn at 12:50 p.m.; second by LDF.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

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Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
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Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting July 12, 2012 -- Odanah, Wisconsin

Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: Opwaagan
Prayer: Joe Rose

1. Call to Order

The Vice-chair called the meeting to order at 9:15 a.m.

2. Roll Call

Bad River: Joe Rose, Ervin Soulier
Red Cliff: Leo LaFerner, Bryan Bainbridge, Mark Duffy
St. Croix: Susie Matrious, Conrad St. John
Mole Lake: Chris McGeshick
LCO: Mic Isham, Jim Schlender Jr.
LDF: Scott Smith, Frank Mitchell, Terry Allen
LVD: Sam Klingman, Craig Mansfield
Mille Lacs: Brad Kalk, John Benjamin, Kelly Applegate
KB: Absent
FDL: Ferdinand Martineau, Reginald DeFoe

Others: Michael Zeckmeister, James Kroll, Jennifer Theimann, Melonée Montano, Joe Cook, Ned Gatzke
GLIFWC Staff: Kekek Jason Stark, Charlie Rasmussen, Jonathan Gilbert, Neil Kmiecik, Julie Ante, Joe Dan Rose, Dan Soulier, Fred Maulson, Rose Wilmer, Gerald DePerry, Heidi Cook, Ann McCammon Soltis, Sara Moses, Jen Vanator, Scott Ashley, Greg Hertle, Sara Woodie, Peter David, LaTisha Coffin, Zoongee Leith, Jim St. Arnold, Annie Thannum.

3. Approval of Agenda

Jim Zorn suggested adding the Sandy Lake Memorial announcement under Meeting Notices.

Motion to approve minutes with noted addition by Mole Lake; second by Red Cliff.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by Red Cliff.
Vote: 0 for, 0 against, 0 abstaining. Motion carried.



5. Introduction of New Employee/Interns

Zoongee Leith, Planning & Development/ANA Secretary – LaTisha McRoy

LaTisha introduced Zoongee Leith, a Bad River tribal member who recently was hired as the Secretary for the ANA/Planning & Development Division. Zoongee most recently worked for the Bad River Tribe as a benefits counselor and stated she is happy to be working at GLIFWC.

Scott Hertle and Sara Woodie, Wild Rice Interns – Peter David

Peter David introduced Scott Hertle and Sara Woodie, summer wild rice interns from Northland College. David is from England; Sara is from Park Falls. Both shared some of their background with the Task Force and stated they are eager and excited to be interning at GLIFWC.

6. Introduction to Dr. Nick Reo, Assistant Professor of Native American Studies & Environmental Studies, Dartmouth College – Information – Jim St. Arnold

Jim St. Arnold introduced Dr. Nick Reo, who shared some of his background with the Task Force and also described his ongoing research project entitled "*Manajiwini: Respecting Tribes and First Nations in Cooperative Environmental Management.*"

Nick explained that all four primary investigators in this project are Anishinabe. Their goal is to develop a set of well-tested principles and/or frameworks for the robust, authentic inclusion of tribes, first nations and intertribal organizations in multi-party, regional resource management issues. The findings could strengthen (or highlight) tribal and first nation roles in regional natural resource management issues by demonstrating the cooperative principles that lead to desirable outcomes and characteristics or behaviors that sometimes lead to poor outcomes.

To accomplish their research goal, they are evaluating many examples of cooperation involving tribes and first nations in the Great Lakes region. They are studying existing written and web materials, and then interviewing representatives who were integrally involved in each of the cooperations. They are then using focus groups with tribal and first nation representatives and their partners to refine and contextualize their preliminary findings.

7. Update on Red Cliff Lake Superior Barrels Project – Sara Moses

Visitors: Melonee Montano, Red Cliff
Jennifer Thiemann, EMR, Inc.

Sara explained that between 1959 and 1962 the U.S. Army disposed of approximately fifteen hundred 55-gallon barrels from the Twin Cities Ammunition Plant into Lake Superior. These barrels contain munitions parts and general production line debris. The barrel dump sites are within a 96-square mile area of western Lakes Superior, generally 1-3 miles off shore along the Minnesota coast between Duluth and Knife River. In 2008 the barrels were inspected and observed to be in varying degrees of degradation.

Melonee Montano and Jennifer Thiemann explained that the Red Cliff Native American Lands Environmental Mitigation Program (NALEMP) Committee, Red Cliff Environmental staff, and contractor EMR, Inc. of Duluth, MN have spent the last two years working on planning documents

necessary for barrel retrieval and environmental sampling. The investigation is funded by a cooperative agreement between the Department of Defense (DoD) and Red Cliff Tribe under the DoD's NALEMP program.

Melonee explained that Red Cliff has begun conducting the next phase of field work for the Lake Superior barrels investigation. Lake water and sediment samples were collected in June 2012 from outside the immediate project area to assess background contamination from other sources, and the tribe plans to begin retrieving up to 70 barrels later this summer. Discussion followed on other issues related to the project, including transportation of the contaminated material and also the responsibility of the agencies involved.

8. Wisconsin Special Deer Trustee Report Update – Information – Jonathan Gilbert
Visitor: Dr. James Kroll

Jonathan reintroduced Dr. Kroll, who had visited the Task Force in March. Dr. Kroll is the appointed Wisconsin Deer Trustee and has completed his report on deer management in Wisconsin. When the tribes met with Dr. Kroll in March, it was with the intent to inform him about tribal issues so they could be appropriately included in his final report. Dr. Kroll is here today to follow up on his promise to revisit the tribes when his report was complete.

Dr. Kroll shared some highlights from the report findings. In general, the report recommends staying away from management through numeric goals, and to be proactive rather than reactive when it comes to deer management. Dr. Kroll recommends establishing a research steering committee with members from the tribes being very involved. Dr. Kroll also spoke of the need for a plant and habitat key for Wisconsin to further aid in assessments. Dr. Kroll stated that he included the word "co-management" liberally throughout the report and hopes that the WDNR will take advantage of the traditional environmental knowledge (TEK) that the tribes possess and use it in their deer management policies. Discussion followed on other issues affecting the deer populations, including wolf depredation and CWD.

The Voigt Task Force thanked Dr. Kroll for his participation and conversations with the tribes and Vice-chair Mic Isham presented Dr. Kroll with wild rice and other gifts.

9. Draft Wisconsin Elk Management Plan – Information – Jonathan Gilbert
Visitor: Mike Zeckmeister, Wisconsin DNR

Jonathan reminded the Task Force that the Wisconsin Elk Management Plan is in the process of being amended. During the late winter and spring of this year, biologists from the WDNR and tribes have been working on this amendment and it is now ready to be released to the public. Prior to the public release, the amended plan is being presented to the Task Force for its review. Jonathan explained the Mike Zeckmeister is here from the WDNR to present the amended plan.

Mike Zeckmeister thanked the Task Force for allowing him to visit today, and briefly reviewed the highlights of the elk plan. There are four primary areas covered by the amendment: supplemental stocking, assisted dispersal, range expansion, and tribal co-management and sovereignty. The tribes have been involved and have commented on the assisted dispersal project. Range expansion involves increasing the area of the ceded territory that is managed for elk, including much public land south of the CNNF. The supplemental stocking of elk would involve bringing in up to 200 more elk for the Clam Lake herd over the next few years. Lastly, the tribal sovereignty section was

reviewed by the Task Force in March and this section has not changed since then.

Jonathan and Mike explained that elk management continues to be a success story for tribal co-management activities with the Wisconsin DNR. The tribes and DNR approach decision making in a consensus fashion and have been successful thus far in reaching consensus in all management decisions regarding elk.

The tribes will have until the August meeting to review the draft plan amendment and to offer comments and/or suggestions. At the August meeting, Jonathan will be seeking authorization to submit comments on behalf of the tribes.

10. Voigt Case Fisher, Otter, Bobcat Declarations – Action – Jonathan Gilbert

Jonathan is seeking action on draft declarations for Zones A & B for fisher, and also a declaration for bobcats. Jon reviewed the threshold system and explained that for fishers, tribal harvest fell below the threshold value in all but two zones (A&B); thus a tribal declaration is needed for those two zones. Jon is recommending a harvest quota of 50%. For otters, the tribal harvest fell below the threshold value so there is no need for an otter declaration. For bobcats, the tribes did surpass the harvest threshold and so a declaration and quota are required for bobcats. Jonathan again recommends a 50% harvest declaration. Discussion followed.

Jonathan and the tribes also discussed a letter that went out on June 12, 2012 from GLIFWC to the DNR expressing the tribes' displeasure with the state's continued quota exceedances for otters and fishers and also the way incidental harvest is accounted for.

Motion by Mole Lake to accept/approve the tribal declarations as presented and to include a statement of the tribes' displeasure with the quota exceedances by state hunters; second by S.C.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

11. Wisconsin Wolf Update – Action/Executive Session – Ann McCammon Soltis

Motion to enter Executive Session at 11:00 a.m. by Mole Lake; second by Red Cliff.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

Executive Session Discussion

Motion to come out of Executive Session at 12:15 p.m. by Red Cliff; second by Mole Lake.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

Motion to submit written comments with the change discussed during Executive Session and authorize Joe Rose, Chris McGeshick and Jim Zorn to speak before the Natural Resources Board by Red Cliff; second by St. Croix.
Vote: 9 for, 0 against, 0 abstaining. Motion carried.

12. Minnesota 1837 Subcommittee

A. State Park Hunting – Information – Jonathan Gilbert

Jonathan explained that each year the Mn DNR holds special hunts in various State Parks within the 1837 ceded territory and tribes have the opportunity to participate in these hunts. To do so, the tribes must make an annual declaration of the number of hunters who can participate. Similarly, the MN DNR holds a couple of youth hunts also in State Parks, where young hunters may participate in a hunt which is generally outside of regular hunting seasons. If tribes wish to participate in these hunts, a tribal declaration is also needed. These declarations are due in August.

Jonathan provided information to the Task Force which will assist them in forming their declarations. He provided information on the four State Parks within the 1837 ceded territory which are holding special hunts this year and also reviewed the firearm restrictions. In addition, he provided information on the maximum number of hunters allowed to participate in these hunts. Discussion followed.

B. MN Fisheries Committee Meeting Notice – Information – Joe Dan Rose

Joe Dan Rose briefly reviewed the notice of the upcoming MN 1837 Ceded Territories Fisheries Committee meeting, which will be held at the new Fond du Lac Resource Management Building in Coquet, MN on Thursday, July 26, 2012 at 10:00 a.m.

Anticipated agenda items include: state and tribal harvest updates for the current fishing year, MnDNR review of the treaty fisheries management plan for the ceded territories for 2013-2017, MN proposal for walleye management in Mille Lacs, exchange of assessment data and upcoming survey plans, and planning for 2013 modeling. Band representatives are invited and encouraged to attend.

13. Migratory Bird Parts Update – Information – Jason Stark

Kekkek explained that the Department of Justice (DOJ) is seeking additional consultation regarding a formal policy memorializing its practice of enforcing federal laws in a manner that facilitates the ability of members of federally recognized tribes to use eagle feathers and other migratory bird feathers and parts for cultural and religious purposes and the development of a new federal/tribal training program on enforcement of wildlife and other environmental laws.

The DOJ engaged in consultation via telephone on July 11, 2012 and will follow-up with an in-person session on July 19, 2012 at a meeting of the Midwest Alliance of Sovereign Tribes in Tama, Iowa. To participate, tribes may contact the Office of Tribal Justice (202-514-8812) or at eagles@usdoj.gov to register.

14. Healing Circle Run – Information – Neil Kmiecik – Information

Neil stated that the runners will be gathering tomorrow, July 13th for a sweat at LCO. The run itself will start Saturday morning, July 14th at Pipestone Quarry. Neil thanked the tribes for all their help in providing food and rooms for the runners.

15. Meeting Notices

A. Voigt Stipulation Meeting Notice – Information – Kekkek Jason Stark

Jason stated that the next Voigt Stipulation Meeting will be held on August 1, 2012 at the

Holiday Inn Convention Center (the one that LDF owns) in Stevens Point, in conjunction with the August 2nd Voigt Task Force meeting at the same hotel. Information will be sent out shortly.

B. Biological Services Division July Meeting List (material in packets)

16. Other Business

A. August 2, 2012 Meeting Location – Holiday Inn Convention Center, 1001 Amber Ave, Steven Point, WI.

17. Adjourn

Motion to adjourn at 12:38 p.m. by Mole Lake; second by LCO.

Vote: 9 for, 0 against, 0 abstaining. Motion carried.

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Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting August 2, 2012 -- Stevens Point, Wisconsin

Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose Sr.

1. Call to Order

The Chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River	Joe Rose Sr.
Fond du Lac	Reginald DeFoe
Mille Lacs	Brad Kalk, John Benjamin
Mole Lake	Chris McGeshick
LCO	Mic Isham, Jim Schlender Jr.
LDF	Tom Maulson, Scott Smith, Fred Allen, Frank Mitchell
LVD	Sam Klingman
Red Cliff	George Newago
St. Croix	Susie Matrious, Conrad St. John
KBIC	Chris Swartz

3. Approval of Agenda

The Chairman stated that Brooks Big John would like to add an informational item regarding FCC Midwest Training to the agenda under Other Business.

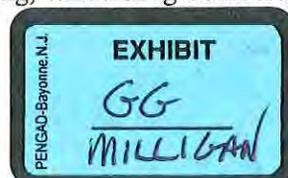
Motion to approve the agenda with the noted change by LCO; second by MLK.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

Motion to approve the minutes by MLK; second by LCO.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

5. Draft Wisconsin Elk Management Plan – Action – Jonathan Gilbert

Visitors: Mike Zeckmeister, WDNR Northern Region Wildlife Manager
Kevin Wallenfang, WDNR Big Game Ecologist



Jonathan stated that he was seeking approval from the Task Force for the Wisconsin Elk Management Plan Amendment that the Task Force has been reviewing. Jon explained that the WDNR has previously appeared before the Task Force to consult and solicit advice on the amendment, and today Jonathan is seeking authorization to submit support to the DNR.

Mike Zeckmeister, who has previously appeared before the Task Force regarding this issue, introduced Kevin Wallenfang, big-game ecologist for the state of WI. Mike stated that Kevin has experience working with Rocky Mountain Elk, and would like him to become a familiar face to the Voigt Task Force. Kevin shared some of his background with the Task Force and thanked them for allowing him to attend today. He went onto discuss the need to establish genetic diversity within the Wisconsin elk population, and the potential problems stemming from current laws that prohibit the importation of elk into the state. Jonathan concurred and reiterated that although tribal support of the amendment is very important, until the laws are changed, no elk can be brought into the state.

In addition to the portion of the amendment that discusses tribal sovereignty, LCO requested that the tribes be listed specifically as partners. The Executive Administrator further suggested adding a few sentences under tribal sovereignty that will address the on-reservation areas involved. Lastly, Jonathan stated that several tribes have indicated an interest in having elk closer to their home reservations, and he encouraged them to contact him so that issue can be addressed and moved forward.

Motion by LCO to express consensus/approve the amendment provided the noted changes are made; second by LDF.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

There was further discussion on the need to get the laws changed that are hampering efforts to bring more elk into the state, and whether the tribes wish to become more involved. Mike Zeckmeister and Kevin Wallenfang suggested that a letter from the tribes to the governor, the DNR Secretary, and local legislators might be most effective. He also suggested that the tribes might wish to attend the fall DNR board meeting. The Executive Administrator cautioned against weighing in prematurely but the Task Force agreed there should be tribal presence at the board meeting. Lastly, the tribes want to be cautious that any elk being brought into the state are disease free and are not captive elk.

Motion by LCO to attend the fall DNR Board Meeting and express written and/or oral testimony; second by MLK.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

6. Wisconsin Litigation/Voigt Stipulation Update – Executive Session – Ann McCammon Soltis & Kekek Jason Stark

The chairman suggested moving this item further down the agenda to after #11.

Motion by LCO to make the suggested agenda change; second by MLK.

Vote: 10 for, 0 against, 0 abstaining.

7. Apostle Islands 2012-13 Interim Season – Action – Kekek Jason Stark

Kekek presented the final draft of the Apostle Islands National Lakeshore 2012-13 Treaty Hunting, Trapping and Gathering Agreement. He is seeking a motion to: 1) approve the agreement and 2) recommend that the tribes adopt this agreement and implement it pursuant to their off-reservation conservation codes that apply to the Wisconsin portion of the 1842 ceded territory.

This proposal is based upon the success with the previous interim agreements, Task Force/APIS Workgroup discussions, comments and direction received from the Task Force during the course of those discussions and comments from the Lakeshore Superintendent and staff. The Lakeshore Superintendent is using this draft to seek approval from the Park Service regional office in Omaha. The goal is to have another interim plan in place for this fall's hunting season, while the Long-Term MOU is advanced up the bureaucratic ladder.

Motion by MLK to adopt and implement the agreement; second by LDF.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

8. Wild Rice Season Update/Name Wild Rice Chiefs – Information – Peter David

Peter David explained that the wild rice crop this year looks miserable (2 on a scale of 1-10). During flights over Northwestern Wisconsin, rice beds looked very poor. At Clam Lake, the bay looks OK, because the tribe has been keeping the carp out. There are other substantial rice beds within the lake, but they need work. There was discussion regarding the effect of carp on rice beds, ie when the carp population goes up, rice harvest goes down. St. Croix discussed their plans for Clam Lake.

There was discussion on date-regulated lakes and the issue of removing some from the list. Mole Lake feels strongly that poorly producing lakes should *not* be taken off the list, but rather they should be given more attention and restoration efforts. Before any lakes are removed from the list, Mole Lake feels the tribe should offer them to other tribes first. LCO felt that the rice chiefs/elders did not really want to remove any lakes from the list, but were feeling pressure from the committee to remove some if they were non-producing. LCO feels that tribes should be adding lakes to the list, not removing any. Discussion followed regarding the list of date-regulated lakes, and as well as other tribes' restoration efforts.

9. Minnesota 1837 Subcommittee

A. MN Fisheries Committee Meeting Update – Information – Joe Dan Rose

Joe Dan gave a brief verbal update of the recent MN fisheries meeting. He stated that 7 out of 8 tribes who fish Mille Lacs were represented at the meeting. Participants discussed the issue and information being made available to the public prematurely, before consulting with the tribes. Also discussed at the meeting were routine agenda items, as well as the next five-year plan. Joe Dan stated that the tribal representatives had expressed serious concerns with the state getting ahead of itself by laying issues out to the public before the committee could even discuss matters. There was also discussion regarding the male component of the walleye population at Mille Lacs. It was agreed that there remains a considerable amount of work to be done by both sides to better understand the issue, and so a work group has been established to begin to look at into issue. The tribal side of the workgroup will include John Hoenig and Rick Madsen, as well as others.

Jim Zorn briefly discussed the pre-meeting issue related to the Mille Lacs Messenger's request for the meetings to be open. The state and tribes both refused. Jim also stated that the PERM people have blogs going, demanding that meetings be open to the public. Jim stated that he wanted everyone to be aware that there is a lot of political pressure being applied. Discussion followed.

10. Draft Report from GLIFWC Mining Workshop – Information – Ann McCammon Soltis

Ann briefly discussed the draft report from the *Dazhindandaa Gidakiiminaan – Let's Talk About Our Land* workshop held last September at Bad River. She reminded the Task Force that GLIFWC had received a grant from the Charles Stewart Mott Foundation to convene a workshop of tribal leaders and technical staff to discuss sulfide mining in this region, and to gather information from the tribes related to their needs for resources that would assist them in effectively participating in the environmental review and permitting process. Ann explained that the draft report is being circulated to the participants in the workshop for their review and comment. The deadline for comments is August 8, 2012.

The Executive Administrator mentioned the upcoming meeting with Susan Hedman. He said that the Great Lakes Restoration grant application was denied and that GLIFWC is currently looking into dispute resolution to see why the money was denied. Discussion followed.

The Vice-Chair stated he thought the summary report was excellent. KBIC concurred. The KBIC president stated that there was an upcoming meeting in Lansing, hosted by James Goodheart, MI DEQ, to discuss tribal concerns regarding non-ferrous mining, and KBIC would like GLIFWC staff to participate. He would like GLIFWC to bring up things discussed in this report. Chris Swartz will email details for the meeting to staff. Also discussed was the occurrence of "fracking" or fracture hydraulics with regard to mining in Michigan.

Mole Lake mentioned that the Flambeau Mine had been sued by a citizens group under the Clean Water Act and the court had ruled in favor of the citizens group for 11 violations.

revisit Item # 6

6. Wisconsin Litigation/Voigt Stipulation Update – Executive Session – Ann McCammon Soltis & Kekok Jason Stark

Motion by Red Cliff to enter Executive Session at 10:50 a.m.; second by Mole Lake.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion to come out of Executive Session at 11:45 a.m. by Mille Lacs; second by KBIC.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion by Red Cliff to oppose the hunting/killing of wolves; second by KBIC. During further discussion, KBIC withdrew its second.

Motion by Red Cliff to send a letter to the Wisconsin DNR, stating the Voigt Task Force's opposition to the killing of wolves, the reasoning, and a claim to all live wolves on the landscape; second by LCO.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

11. Meeting Notices

- A. Wild Rice Committee Meeting Notice (material in packets)
- B. Wisconsin TWG Meeting Notice (material in packets)
- C. Migratory Bird Meeting Notice (material in packets)
- D. Biological Services Division August Meeting List (material in packets)

12. Other Business

- A. September 6, 2010 Meeting Location – Bad River – Odanah, Wisconsin

The Voigt Task Force was asked by staff to determine where the October 4th monthly meeting would be held, as the Annual USFS/GLIFWC MOU meeting will take place the afternoon prior to the VTF meeting at that same location. It was suggested that perhaps KBIC or LVD could host the October meeting. Tribal representatives said they will check the dates/availability and let staff know.

- B. Federal Communications Commission (FCC) Midwest Training.

The Lac du Flambeau tribal council representative distributed a flyer regarding the Federal Communication Commission (FCC) Midwest Training Session on September 12 & 13, 2012 at the Lake of the Torches Casino at Lac du Flambeau. They are seeking co-sponsorship from a midwest tribal board (GLIFWC). These training sessions are created in light of the recent rule-making from the FCC in tribal priority initiatives. The technical assistance aims to position tribes to access funding in the coming year for broadband development & telecommunications development (500 million) and Radio full-powered and low-powered FM/spectrum (50 million).

Motion by Molc Lake to approve GLIFWC co-sponsorship of FCC Training; second by Bad River.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

13. Adjourn

Motion to adjourn at 12:00 p.m. by KBIC; second by LCO.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

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Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Voigt Intertribal Task Force Meeting September 5, 2012 – Odanah, Wisconsin

Minutes

Opening Song: GLIFWC Dewe'igan

Opening Ceremony: Opwaagan

Prayer: Joe Rose

1. Call to Order

The Chairman called the meeting to order at 9:10 a.m.

2. Roll Call

Bad River: Joe Rose & Ervin Soulier
Red Cliff: Marvin DeFoe, Bryan Bainbridge & Mark Duffy
St. Croix: Susie Matrious
Mole Lake: Chris McGeshick
LCO: Mic Isham, Jim Schlender, Jr.
LDF: Tom Maulson, Scott Smith, Terry "Fred" Allen & Frank Mitchell
LVD: Sam Klingman & Craig Mansfield
Mille Lacs: Brad Kalk, John Benjamin & Kelly Applegate
Fond du Lac: Reginald DeFoe
KBIC: Chris Swartz

Others Present:

USFS: Mary Rasmussen, Alicia Bell Sheeter.
GLIFWC: Gerald DePerry, Julie Ante, Rose Wilmer, James Zorn, Joe Dan Rose, Neil Kmiecik, Sue Erickson, Charlie Rasmussen, Peter David, Lisa David, Jonathan Gilbert, Ann McCammon Soltis, Kekek Jason Stark, Annie Thannum, Jim Thannum, Fred Maulson, Keith Rolof, Alex Wrobel.
Others: George P. Newago, Brooks Big John.

3. Approval of Agenda

There was a request to move the mining issue further down the agenda and to add an item under #4.

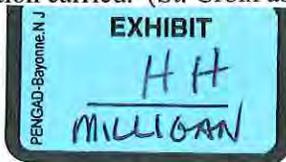
Motion to approve agenda with changes by LCO; second by Mole Lake.

Vote: 9 for, 0 against, 0 abstaining. Motion carried. (St. Croix absent for vote; arrived at 9:20 a.m.)

4. Approval of Minutes

Motion to approve minutes by Mole Lake; second by LDF.

Vote: 9 for, 0 against, 0 abstaining. Motion carried. (St. Croix absent for vote; arrived at 9:20 a.m.)



- 4A. Vice-chairman Mic Isham gifted Chairman Tom Maulson with a Black Green Bay Packers shirt so he will never again have to wear a purple shirt to the Partners Fishing Event.
5. Bad River Invitation to Participate in Feast to Follow-up on Jiisikaan Ceremony Last Spring – Joe Rose & Kekek Jason Stark

Joe Rose and Jason explained the need for a follow-up thank you feast, stemming from the spring jiisikaan ceremony, to guide our leaders, acknowledge the spiritual side and give a feast of thanksgiving. Joe suggested the evening of September 17th at his property on Waverly Beach for the feast and invited everyone to attend.

6. Litigation/Voigt Stipulation Update

Motion to go into Executive Session at 9:26 a.m. by Red Cliff; second by LDF.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

A. Wisconsin Wolf Season/WDNR Response to Task Force Claim/Night Hunting for Other Species – Executive Session – Ann McCammon Soltis & Kekek Jason Stark

Motion to come out of Executive Session at 10:50 a.m. by KBIC; second by LDF.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion by KBIC to have legal staff draft up a Commission Order regarding the use of artificial light for night hunting and to have legal staff draft up regulations allowing Voigt member tribes to harvest deer, bear and other small game with the use of artificial light; second by LDF.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

B. USDA – Wildlife Services Wisconsin Wolf Control Environmental Assessment – Discussion– Jonathan Gilbert

Jonathan explained that last month he received a letter from the USDA-Animal Plant Health Inspection Service -Wildlife Services requesting tribal participation in the development of a supplement to the 2008 Environmental Assessment (EA) for the management of wolf conflicts and depredation of wolves in Wisconsin. The purpose of the review is to update info on wolf damage management, to review past programs actions, to evaluate management options and to assess cumulative impacts associated with public harvest and private take for depredation management. This supplement offers the tribes the opportunity to present their views on the role of USDA-Wildlife Services in wolf conflict or depredation management. Tribes have expressed their views of wolf harvest and depredation management to the WI DNR; tribes can now present these views to the agency that is conducting this work. USDA-WS is requesting that the tribes (or GLIFWC) assist as a “cooperating agency” in the preparation of this EA supplement. The Chairman agreed that the tribes should be involved in the Environmental Assessment.

Motion to request staff to participate in the Wolf EA for depredating wolves with the USDA-WS for the purpose of updating info on wolf damage management, to review past program actions, to re-evaluate management options and to assess cumulative impacts associated with public harvest and private take for depredation management by KBIC; second by Bad River.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

C. National Park Service (Apostle Islands & St. Croix Riverway) Wolf Harvest Closure –
Information – Jonathan Gilbert

Jonathan explained that on August 22, 2012, he met with representatives of the Apostle Islands National Lakeshore (APIS) and the St. Croix National Scenic riverway to discuss wolf harvest in Wisconsin. Representatives from the Bad River Natural Resources Program and the Red Cliff Conservation were also present. Both agencies informed the group that a decision had been made to close all national parks to wolf harvest in Wisconsin.

It is unclear whether NPS land in either Michigan or Minnesota will be affected. Voyagers National park does not allow hunting of any sort so it is not included. There are two park units in Michigan, both of which allow hunting: Pictured Rocks and Sleeping Bear Dunes. But Michigan has not authorized a wolf hunt and so no decision has been made regarding these two park units. Jonathan stated that no action is needed at this time, and if anyone has any further questions, please feel free to contact him.

7. Wisconsin Senate Select Committee on Mining Request for GLIFWC Testimony – Discussion – Ann McCammon Soltis

Ann described the contents of a press release received from WI Senator Tim Cullen, announcing a series of hearings on mining in Wisconsin. His office has contacted GLIFWC to request that someone testify at the September 20th hearing. The hearings are informational in nature; the committee is interested in hearing perspectives on mining, the current mining law, and the various jurisdictions that may play a role in the permit process and in permit decisions.

Ann explained that last winter, GLIFWC staff met with legislators from this same committee to discuss the Assembly mining bill that was then being considered, and which ultimately failed. During those discussions, staff talked about the *Voigt* case and the tribes' treaty rights, the tribes' interest in mining issues, our experience with the Crandon process, and our technical critique of the Assembly bill. This hearing provides an opportunity to follow up on those discussions, but in a way that is not so specifically focused on ferrous mining or the Penokee range. Staff have committed to follow up with Senator Cullen's office this week to provide a response to his invitation.

Discussion followed as to the pros and cons of testifying, and if so, which topics should be shared with the committee. Possible discussion topics including past superfund sites and legacy sites, as well as the risks associated with transportation. Some representatives felt that there was a need to go and share the tribes' concerns, past experiences with mining, and tell them that they must meet the tribes' water quality standards, while some tribes were hesitant to provide testimony. Discussion followed. The executive administrator stated that the tribes can go on record that they are against any weakening of the current mining laws.

Motion by LCO to authorize staff to attend the September 20th hearing and provide testimony; second by KBIC.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

8. MN 1837 Subcommittee

A. CWD Update – Carcass Transportation Issue – Discussion – Kekek Jason Stark (10 minutes)

Jason explained the proposed tribal CWD transportation and registration regulations for both the Wisconsin and Minnesota ceded territories at the request of the Mille Lacs and Fond du Lac Bands.

The regulations derive from the initial assertion by the state of MN that the State would be enforcing State law upon tribal hunters transporting deer from Wisconsin into Minnesota. Since then, the State of Minnesota has retracted their sentiment and agree they are unable to enforce their state regulations upon tribal hunters pursuant to the Mille Lacs/FDL decision. Nevertheless, the Mille Lacs and Fond du Lac Bands propose in the interest of self-regulation to propose these tribal regulations pertaining to the transportation of deer from the Wisconsin ceded territories into Minnesota and have requested to discuss this issue at today's meeting.

The two code changes suggested are in regards to exportation prohibition and import prohibition. The two amendments were discussed at length by the tribes. Mole Lake felt that any further restriction seemed unnecessary, since there is currently no inspection/enforcement taking place anyway. Mille Lacs stated that MN *was* planning on enforcing regulations on non-tribal hunters and felt that by not regulating themselves, it would leave the tribe open to blame if CWD did spread in Minnesota. The Executive Administrator stated that Mille Lacs and Fond du Lac were very concerned with this possibility.

The Chairman asked the Minnesota tribes what outcome they were looking for from this meeting. Mille Lacs suggested trying something for a few years, with testing, and if no CWD was found, then perhaps the regulations could be lifted. There was further discussion whether these regulations would be "jumping the gun." After further discussion, the tribes agreed to table the issue.

Motion by Mille Lacs to table the issue for now; second by Red Cliff.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Skip ahead to 12A

12. USFS MOU

- A. Annual Meeting Date & Draft Agenda – Information – Ann McCammon Soltis (5 minutes)
Visitors: Mary Rasmussen, Acting Rec/Lands Program Manager, Chequamegon-Nicolet NF
Alicia Bell Sheeter, Forest Service Office of Tribal Relations, Washington, DC

Before the FS visitors were introduced, Ann told the Task Force that a draft agenda for the MOU meeting was in the packets and encouraged members to contact her if there were any other items they would like to have on the agenda for the October 3rd meeting.

Bad River inquired whether the MOU meeting would be the appropriate time to approach the Forest Service about assessing the wildlife habitat on the lands that are in the Bad River Watershed. The tribe is interested in how the quality of the habitat affects the deer population, because they feel a lot of deer from the uplands migrate down to the reservation when there is severe snows and the tribe wants to determine if lands managed by the Forest Service provide sufficient habitat for a deer population in that area. Bad River would also like to begin to talk about the possibility of the Forest Service designating some of the land in the watershed on the eastern side as a Bad River deer reserve. LCO would also be interested in setting up a deer reserve.

Mole Lake would like to add to the agenda the need to get the camping sites issue resolved once and for all, as well as expediting the process regarding firewood gathering, because they feel that there has been enough discussion on the issues and there needs to be some action taken.

Mary Rasmussen introduced Alicia Bell Sheeter to the Task Force. Alicia works in the Department of Tribal Relations in Washington, DC and is visiting the area for the next two weeks. Alicia thanked the Task Force for allowing her time here today and stated that she was here to spend some time in the field and learn more about Indian Country. Alicia shared a little of her background with the Task Force. She is a management and program analyst in DC and in the past has dealt with issues such as fracking, energy, fracking landscapes, and Indian agriculture prior to coming to work for the Forest Service. The Task Force introduced themselves to her. Alicia then shared some gifts she brought with her for the Task Force.

Lastly, the chairman welcomed Alicia and asked that she remember that the lands first belonged to the Indians and the Forest Service has a fiduciary responsibility to the tribes.

skip to 14

14. GLIFWC Proposed 2013 Budget/Executive Session – Action – James Zorn

Motion to enter Executive Session at 12:33 p.m. by LCO; second by Red Cliff.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

The budget was discussed in Executive Session.

Motion by Red Cliff to come out of Executive Session at 1:20 p.m.; Second by Mille Lacs.
Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion by Red Cliff; second by LDF to approve budget as presented with the following recommendations:

- 1) increase O & M for all divisions,
- 2) increase harvest monitoring/enforcement,
- 3) increase funding for registration stations/rice chiefs,
- 4) increase lamprey funding,
- 5) explore the development/utilization of an automated permit system, and
- 6) make sure staff is adequately compensated.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

9. Wild Rice Season Update – Information – Peter David

Peter David briefly updated the Task Force on the rice season, which was quite poor, for the third year in a row. The crop was not very good at all.

People seem to be utilizing the website more for checking lake openings. In regards to seeding, there was very little interest in people selling their rice.

Peter would like to thank all the rice chiefs for their time and also the staff who helped out during the season.

10. Governor Knowles State Forest Master Plan Review– Information – Alexandra Wrobel

Alexandra explained that the WDNR is in the process of finalizing the Master Plan for the Governor

Knowles State Forest (GKSF). Alex reminded the Task Force that back in June, a representative from the GKSF attended the June Task Force meeting and presented a draft of the Master Plan and solicited recommendations from GLIFWC and the tribes.

Recommendations and suggested changes were developed by GLIFWC staff and transmitted to GKSF planners. These recommendations have been incorporated into the draft plan. Alex described how tribal comments were incorporated as well as the next steps in the planning process.

11. FWS Migratory Bird Meeting Update/Federal & Tribal Response – Information – Peter David & Kekek Jason Stark

Peter explained that on August 13, Task Force and GLIFWC representatives met with USFWS staff to review the migratory bird season proposal. The Service subsequently published its proposed rule in the Federal Register on August 16th, and the Commission submitted comments on the proposed rule on August 27th. The final rule is scheduled to be published in the Federal Register on September 5th.

Some of the provisions of the proposal the Service accepted included:

- Increasing the duck bag limit from 30 to 50 in the 1837 & 1842 ceded Territories.
- Removing all species restrictions in the duck bag limit.
- Opening the season for ducks and several related species on Sept 4 (vs Sept 15 in 2011).
- Initiating the first Sandhill Crane Hunting Season in the 1837 & 1842 ceded territories.
- Initiating the first Tundra Swan Hunting Season in the 1837 & 1842 ceded territories (issues related to minimizing the harvest of Trumpeter Swans needs to be addressed and the Service suggested working towards implementing a season next year).

Three provisions of the proposal that the Service rejected were:

- Extending shooting hours from 30 minutes before and after sunset to 60 minutes
- Allowing the use of electronic calls throughout the season
- Removing restrictions on the use of decoys in Wisconsin

Discussion followed.

13. Committee Meeting Notices/Reports

A. Wisconsin Fisheries TWG Meeting Update – Information – Joe Dan Rose

Joe Dan briefly reviewed topics that were discussed at the Aug. 2012 TWG meeting, including:

- Spring 2012 adult walleye population estimates
- fall 2012 walleye recruitment surveys
- harvest monitoring
- walleye and muskellunge management issues
- fall cisco/whitefish netting in Trout Lake
- next meeting is December 18, 2012 at a tribal location to be determined

The Chairman asked why the tribes had agreed to areas where no netting can occur on Trout Lake. Joe Dan explained that the state and tribes had agreed on two areas where lake trout seemed to congregate and to treat these areas as a refuge. Discussion followed with the tribes inquiring as to why this was necessary when no lake trout had been caught last year. Also discussed was the possibility of netting in those areas and calling for an “emergency closure” if and when it became necessary. Further discussion followed.

B. Aquatic Plant Management Workshop – Information – Lisa David

Lisa explained that since the issue of proposed chemical treatment in rice waters has come before the Task Force, there have been concerns and questions regarding the chemical application, dose concentration rates, dispersion and dissipation of chemicals used, and the subsequent effects on native plants. To address these and other questions the tribes and their Natural Resources Departments may have, Lisa would like to organize a half-day workshop to be held sometime this fall/winter. Key speakers at the workshop would be representatives from the DNR Water Resources and Aquatic Plant Research Departments, as well as a research scientist from the Army Corp of Engineers.

The tribes agreed to the workshop and discussed possible dates. It was decided to hold the workshop in conjunction with the December 6th Voigt Task Force meeting, with the workshop tentatively scheduled on the afternoon of December 5th, the location of which will be determined at a later date.

C. Biological Services Division September Meeting List (material in packets)

15. Other Business

A. October 4, 2012 Meeting Location

KBIC stated they would host the October FS MOU Meeting & the Voigt Task Force Meeting. However, due to a scheduling conflict, the location of the October meetings has been changed to Lac Vieux Desert.

B. Ceremonial Elk Permit

There was discussion regarding the planned harvest of one elk (a bull) for ceremonial purposes for the jiisikaan feast scheduled for Sept 17th at Bad River.

Motion for a ceremonial elk permit to be issued for ceremonial purposes by LDF; second by St. Croix.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

Motion to adjourn the meeting at 2:20 p.m. by Mille Lacs; second by LCO.

Vote: 10 for, 0 against, 0 abstaining. Motion carried.

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Fond du Lac Band
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Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

Voigt Intertribal Task Force Meeting October 4, 2012 – Watersmeet, Michigan

Minutes

Opening Song: GLIFWC Dewe'igan
Opening Ceremony: GLIFWC Opwaagan
Prayer: Joe Rose

1. Call to Order

The Chairman called the meeting to order at 9:15 a.m.

2. Roll Call

Bad River:	Joe Rose, Ervin Soulier
Red Cliff:	Mark Duffy
St. Croix:	Susie Matrious, Conrad St. John
Mole Lake:	Chris McGeshick
LCO:	Mic Isham, Jim Schlender, Jr.
LDF:	Tom Maulson, Scott Smith, Terry Allen, Frank Mitchell
LVD:	Sam Klingman, Craig Mansfield
Mille Lacs:	Brad Kalk, John Benjamin, Kelly Applegate
KBIC:	Absent
FDL:	Absent

Others Present: Jim Zorn, Ann McCammon Soltis, Annie Thannum, Neil Kmiecik, Joe Dan Rose, John Coleman, Sue Erickson, Fred Maulson, Julie Ante, Gerald DePerry, Rose Wilmer, Jonathan Gilbert, Mary Rasmussen-USFS, Larry Heady-USFS, Jason Suchow-USDA.

3. Approval of Agenda

- James Zorn requested to add a vacancy announcement from the WDNR to “Other Business.”
- Craig Mansfield requested to add discussion of a moose hunt to “Other Business.”

Motion by LCO to approve the agenda with the noted additions; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

4. Approval of Minutes

There was one correction to the minutes on page 6, item #13: change “Mille Lacs” to “Trout Lake.”



Motion by Mole Lake to approve minutes with noted correction; second by LCO.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

5. USDA – Wildlife Services Wisconsin Wolf Control Environmental Assessment Update – Jonathan Gilbert

Visitor: Jason Suchow, State Director of the USDA-WS

Jonathan Gilbert introduced Jason Suchow from the USDA-Wildlife Services. Jonathan stated that at the September meeting, the Task Force requested to participate/consult in the completion of a Supplement to the 2008 Environmental Assessment (EA) for the management of wolf conflicts and degrading wolves as a cooperating agency. Jason Suchow is here today to begin to work with the tribes on the supplemental EA. Jason said that he considers the tribes partners, on the same level as the DNR. Jason explained that the supplement is not a complete re-write, but rather a response to the State's decision to have a wolf hunt. Jason explained that on July 31, 2012, a letter was sent to the Tribal Chairs and their Natural Resources Departments inviting tribal participation. Jason explained that there are two levels of involvement, either as a collaborating agency or a cooperating agency. As a cooperating agency GLIFWC would have the ability to review and comment on all aspects of the supplemental EA.

Jonathan stated that it was Jason Suchow who first originated the 6 mile buffer in regards to APHIS wolf depredation work on the Bad River Reservation. This buffer concept is now applied to all Ojibwe reservations.

The tribes discussed at length their concerns regarding the proposed wolf hunt and the state's disregard for the tribes' position. Jason explained that the USDA is not involved with implementation of the hunting rules, but now that public hunting is taking place, there is a need to update the EA. The agency documents livestock kills, livestock harassment, and they educate farmers regarding husbandry, etc. He stated that the agency helps to preserve the wolf population by trying to teach people to tolerate wolves through education. He also stated that many farmers are not happy with the outcomes of their investigations, because people want to blame the wolves when, often times, kills are caused by dogs, coyotes, and natural sickness. He stated that almost 1/2 of the complaints are not validated as confirmed wolf kills. But people are looking for two things: 1) a wolf permit, and 2) compensation.

Jason stated that there are over 200 packs in WI. He stated that his agency has visited about 35 farms and dealt with about 40 different wolf packs, less than 20% of the total packs in WI.

There was discussion as to what constituted a "pack." Jason explained that 1 alpha male and 1 alpha female were considered a pack.

There was discussion of non-lethal management options, such as live trapping and fladry. There was also discussion regarding the State's depredation management limits, and what the USDA's approach will be in regard to those limits. The State has maintained that they have no limit on the number of wolves killed for depredation purposes. However, Jason responded that the USDA Wildlife Services was very cognizant that the wolf population cannot sustain unlimited depredation harvest and USDA-WS would not just keep going because the state says it's OK.

Bad River felt as if the State has no interest in the Tribes' culture or science and wondered how the agency can be assured that whatever they come up with will be viewed by the State. Jason agreed that it was hard to tell the outcome and they don't know how the state's plan will shake out. USDA-WS may wind up having to redo the EA if the State's wolf plan is substantially changed. Bad River's suggestions were 1) work on buffer--get state to recognize; 2) determine the number of depredating wolves which could be controlled and make sure there's a protocol in place to stay within that limit; and 3) gather statistics on depredation totals to date. There was further discussion on depredation and the different time frames of harvest and depredation. The harvest season runs from October 15 through the end of February. Generally, depredations take place in spring after calving and through the summer when wolf pups are being provided for. So, depredation take should be generally known prior to the start of the public hunting season.

The Executive Administrator questioned how a federal agency with a Treaty responsibility to tribes is buying into the State's plan without asking the tribes? He questioned how the USDA-WS could proceed without consensus from the tribes and asked why USDA-WS didn't attempt to change/suspend the depredation control plan on an emergency basis--rather than letting it go for a year with a public wolf harvest? Discussion followed, with the tribes expressing their feeling that lethal control should be the very last resort.

The tribes questioned whether the USDA-WS felt that the state is acting unilaterally and ignoring their science. Jason stated that it was inappropriate for him to comment on the State position. Discussion followed with the tribes stating their concerns about people not acknowledging each other. The tribes once again reminded the USDA-WS about their trust responsibilities. Jason Suchow explained that the USDA-WS lost their federal funding for wolf depredations last year and now, the agency is under contract with the DNR for all wolf depredation work. He stated that if the DNR decides they don't have the money to utilize USDA-WS, the DNR can choose not to contract the agency at all. The tribes questioned what the agency does to be acknowledged by the state. Jason explained that since that they try to participate in meetings and be engaged and he encouraged the tribes to do the same. The tribes asked whether Jason would be willing to meet with each tribe individually, and he stated that he was more than willing to do so.

The Chairman thanked Jason Suchow for his efforts and assured him that the tribes' unhappiness was not with him personally. He encouraged Jason to continue to do the best he could and stated that the tribes needed his help. He thanked Jason for coming to today's meeting.

6. USFS MOU Annual Meeting Update – Information – Ann McCammon Soltis
Visitor: Mary Rasmussen, Acting Rec/Lands Program Manager, CNNF
Larry Heady, Tribal Relations Assistant

Ann McCammon, Mary Rasmussen and Larry Heady gave a recap of the previous day's meeting with the USFS. Some issues that were discussed included:

- road issues
- ratification of new MOU
- disease control issues
- staff/research reports
- wolf hunting in the ceded territories
- biomass projection modeling
- deer habitat/special land use project
- campground issues

- enforcement issues
- cooperative projects
- clk management
- USFS book on Native American & Alaskan Native relations

There was discussion on the need for funding for Camp Nesbit and the commitment made by Tony Scardina of the Ottawa National Forest. There was also discussion regarding the hiring process at the federal level and that years of tribal employment be counted the same as years as federal employment when looking at years of experience.

There was discussion regarding the tribes' needs for firewood, and the need to identify areas that have already been through the NEPA process, as well as the need to anticipate future sites for NEPA documentation. LCO described the system in place at their reservation whereby the unmerchandiseable wood is set aside in a certain area for tribal members. Larry Heady stated that each area/issue is site specific and so each should be looked at on a case-by-case basis. Another suggestion was to keep the sites open for 1-2 years after a cut so members could come and take the "loggers scrap" which is usually fine for firewood. Larry agreed that it would be a good opportunity and they would look into it. He stated that the district rangers can make those decisions. The tribes stated they wished to set up meetings with those district rangers sooner rather than later.

Mary Beth Borst briefly introduced herself to the Task Force as the Acting Regional Director. The chairman welcomed her and invited her to visit the reservations.

7. Ceremonial Elk Harvest Update – Information – Kekek Jason Stark

Jason updated the Task Force on the elk harvest that occurred on September 14. As previously approved by the Task Force, a ceremonial permit was issued to harvest an elk to be used in a feast/ceremony in order to provide thanksgiving and appreciation for the *jiisiki* ceremony that the tribes held last spring. A spike bull was harvested by elder Stony Larson (LCO Band) less than an hour after the morning harvest ceremony.

The intertribal feast/ceremony took place on Sept 17 at Bad River in the fulfillment of the tribes' obligation to *aki* and all that she provides. At this feast the Bands were able to honor and pay their respect to their relationship to the *omashkooz*, as well as express their gratitude to the connection that *aki* plays in the establishment of a healthy ecosystem.

There was brief discussion regarding the state's letter in response to the proposed harvest and the tribes' decision not to respond to Secretary Stepp's letter, as well as the fact that the letter went to the media immediately after Jim Zorn received it.

LCO added that they have been working with the Rocky Mountain Elk Foundation (who did not object to the proposed harvest) and encouraged the tribes to participate in fund raising with the group by possibly donating a hunting rifle to be raffled off. Mic thought the raffle would be great for the herd and great PR also. The Executive Administrator stated that GLIFWC will make a donation.

The Executive Administrator also commended staff for putting together the hunt, and thanked them for all their efforts. LCO requested the original permit to keep and frame.

8. WDNR Response to Furbearer Quota Exceedences – Information – Jonathan Gilbert

Jonathan presented a letter from Tom Hauge, WDNR Director, Bureau of Wildlife Management, dated September 7, 2012 that was in response to Jonathan's letter of June 12, 2012. Jonathan had been directed by the Task Force to contact the WDNR in regards to the quota exceedences for river otter and fisher in multiple zones during the 2011 harvest season. The Task Force had instructed Jon to contact the DNR to once again raise this issue, document the overage and insist on adequate controls to state harvest. The WDNR's letter offered no new solutions but simply promises to work on the problem.

There was also discussion on the tribes decision to reduce the bobcat quota. The DNR would like to increase the quota; however, Jon stated that population data shows that it's going down. The tribes discussed that they have a responsibility to the animals and that the state needs to be held responsible for its actions. The Executive Administrator suggested the tribes send a letter to the DNR and have them come before the Task Force to discuss the issue. The tribes agreed.

Motion by RC to send a letter to WDNR requesting them to attend an upcoming Voigt Task Force meeting to discuss the state's continued quota exceedences for furbearers; second by LVD.

Vote: 8 for, 0 against, 0 abstaining. Motion carried.

9. Deer Harvest Update – Information – Jonathan Gilbert

Jonathan briefly provided an update of the off-reservation treaty deer season underway in the 1837 and 1842 ceded territories. He stated that this is a new harvest report utilizing the new NAGFA permit system with built-in reporting features. A total of 251 deer have been registered as of September 28, 2012.

Jonathan stated that the registration and reporting system put into place two years ago is progressing well. There are many features of this system that make the work easier and more efficient, although he stated that there is still some work to do with the registration clerks to ensure that all data are entered correctly and completely, but overall, Jonathan said the registration clerks are doing an outstanding job.

(The VTF decided to skip ahead to Item #12)

12. Other Business

- A. The November 1, 2012 meeting location will be at Lac du Flambeau; and the December 6, 2012 meeting location was tentatively scheduled for Lac Courte Oreilles.
- B. Jim Zorn distributed a vacancy notice sent to him by John Gozdziwski for distribution to the tribes for a *Land Division Policy Advisor & Statewide Tribal Coordinator* that he asked be distributed to the tribes.
- C. Moose Hunt in Michigan

LVD representative and the tribes discussed the bundle that had been offered to the KBIC representative, and their request to discuss a moose hunt in the Michigan area. LVD is wondering what the next step should be in approaching KB and the other Michigan tribes. The chairman felt it would be appropriate for LVD to take the initiative in contacting KBIC. Kekek Jason Stark thought that perhaps 1) LVD should have a conversation with the KBIC representative to request a response to the gift bundle; and 2) that the Task Force should feel out the state, possibly requesting that there be a contact with Dennis Knapp. Discussion followed.

The LVD representative stated that he will contact his chairman to try to set up a meeting with the KBIC chairman and proceed from there.

10. LCO v. Wisconsin Litigation/Stipulation Update – Discussion/Executive Session – Ann McCammon Soltis & Kekek Jason Stark

Motion by LCO to go into Executive Session at 11:35 a.m.; second by Mole Lake.
Vote: 8 for, 0 against, 0 abstaining. Motion carried.

Motion By Mole Lake to come out of Executive Session at 12:55 p.m.; second by RC.
Vote: 7 for, 0 against, 0 abstaining. Motion carried. (St. Croix was absent for vote)

Motion by Mole Lake to authorize letter discussed in Executive Session; second by Bad River.
Vote: 7 for, 0 against, 0 abstaining. Motion carried. (St. Croix was absent for vote)

11. Committee Meeting Notices/Reports

A. Biological Services Division October Meeting List (material in packets)

Motion by Mole Lake to adjourn at 1:02 p.m.; second by Red Cliff.
Vote: 7 for, 0 against, 0 abstaining. Motion carried. (St. Croix was absent for vote)