

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 DAVID ZEBRO

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

David Zebro, being first duly sworn on oath, deposes and says:

1. I make this affidavit on the basis of my own personal knowledge.
2. I have been employed as a credentialed law enforcement officer with the

Wisconsin Department of Natural Resources (WDNR) for nearly 20 years.

3. I am the WDNR's Northern Region Regional Conservation Warden, and I have held this position since 2008. My current duties include the overall supervision, management and administration of the conservation law enforcement program within the 18 counties of WDNR's Northern Region.

4. I have been a conservation warden throughout my career with the WDNR, and was appointed as such in 1993. In 2003, I was promoted from field warden to warden supervisor, responsible for the supervision of the activities of wardens in Barron, Burnett, Polk, Sawyer and Washburn Counties.

5. I am a 2005 graduate of the Northwestern University School of Police Staff and Command and a 2009 graduate of the National Conservation Leadership Institute. I also graduated from the University of Wisconsin-Stevens Point with a Bachelor's Degree of Science in 1992.

6. As the Northern Regional Warden, I have been involved with the discussions between the plaintiff Tribes and the WDNR regarding proposed stipulations and other issues impacting law enforcement issues.

7. On May 11, 2012, in preparation for the first WDNR/Tribal meeting to discuss the third round of *Voigt* case stipulations, I received an email from Bureau of Legal Services Attorney Quinn Williams identifying potential law enforcement issues to be discussed on May 23, 2012. Two attachments to this email identified potential issues that the Tribes wanted addressed during the stipulation discussions. One list was provided in a October 11, 2011, letter from Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Policy Analyst Jason Stark (Williams Aff. Ex A). The second was a November 22, 2011 email from Attorney Stark to Attorney Williams asking that negotiations also address a tribal proposal regarding transportation

of firearms and bows. Neither list of issues included any reference to night hunting or deer shining.

8. On May 22, 2012, I received an email from Attorney Williams that contained a string of correspondence between him and Attorney Stark, along with three attached documents: an agenda for the May 23, 2012 meeting, the Tribes' summary of issues to be addressed at that meeting, and the Tribes' proposed changes to Wisconsin's wolf hunting season. A true and correct copy of this email and these two attachments is attached to Mr. Williams Affidavit as Exhibits G-J.

9. The Issue Summary was a table titled: "VOIGT STIPULATION REVIEW PROCESS: THIRD AMENDMENT Issue Summary" which I understood to provide a summary of the tribal issues being discussed. Included in this table was a new issue entitled "Tribal Shining Regulatory Amendment." The Tribes' summary of this issued provided:

The Tribes propose to amend their regulatory provisions pertaining to shining establishing revision to model code §3.14, §6.20, §7.26, and §8.16(1), §15.20, and §16.20 thereby allowing shining while hunting on foot with the use of a flashlight at the point of kill for deer, bear, raccoon, fox, coyote, unprotected species, elk and wolves. The language of *Section B.3 of the Stipulation for the Deer Trial* (Docket Number 1167), *Section 5 of the Stipulation for Black Bear, Migratory Birds and Wild Plants* (Docket Number 1607, subpart 1), *Section C.5 of the Stipulation for Fisher, Fur Bearers and Small Game* (Docket Number 1289), and *Section C.6.a of the Stipulation for Miscellaneous Species and Regulatory Matters* (Docket Number 1607, subpart 2) are proposed to be amended to reflect these regulatory changes.

No additional information regarding hunting deer at night or shining of wild animals was included or provided to me before I attended a joint state and tribal law enforcement meeting in Wausau, Wisconsin, on July 30, 2012.

10. The following individuals were also in attendance at the July 30, 2012 meeting in Wausau: GLIFWC Analyst Jason Stark, Chief Tribal Warden Fred Maulson, WDNR Attorney Quinn Williams, Bureau of Law Enforcement Policy Officer Tom Van Haren and Wildlife Rule Specialist Scott Loomans. During this meeting, we discussed approximately 15 stipulations the law enforcement team felt were within their areas of expertise, including the Tribes' newly proposed night hunting stipulation. No process explaining how the tribes intended to implement or regulate night hunting and the use of lights to illuminate or shine wild animals was discussed. The majority of our discussion focused on the concept of the proposed stipulations, rather than any specific regulatory language. The WDNR and GLIFWC asked numerous questions of clarification to understand the proposed implementation process. GLIFWC Policy Analyst Jason Stark asked many questions related to the current state law regarding the new night hunting of wolf regulations, and our current statutes pertaining to hunting coyote, fox and raccoon at night. During our discussion, the WDNR recognized that night hunting wolf regulations created discussion points with the proposed tribal night hunting stipulation which would require additional discussion. At no time during this meeting did I or any other WDNR representative agree to the proposed night hunting deer stipulation or state that night hunting of the animals noted in the proposed "Tribal Shining" stipulations was safe.

11. On August 1, 2012 WDNR and GLIFWC representatives attended a meeting in Stevens Point to further discuss the proposed stipulations. At this meeting, a considerable amount of discussion ensued concerning the Tribes' proposed night hunting stipulation. During this meeting, neither I nor any other WDNR representative made any comments or suggestions indicating that the WDNR did not object to the implementation of the tribal night hunting provision.

12. On August 15, 2012 I received an email from Conservation Warden Brad Dahlquist titled: Tribal Hunting-Time Hunting Rule. This email describes a conversation Warden Dahlquist had with GLIFWC Warden Supervisor Roger McGeshick in which Supervisor McGeshick advised Warden Dahlquist that a tribal rule change to authorize off-reservation night hunting by the Chippewa tribes in October, 2012 was “imminent.” Attached as Exhibit A is a true and correct copy of the email I received.

13. Later on August 15, 2012, I received an email from WDNR Conservation Warden Andy Dryja. This email describes a conversation Warden Dryja had with GLIFWC Warden Tom Kroeplin, who advised that tribal members would be allowed to “shine and shoot” deer “at the point of kill.” A time frame was not mentioned in this email, but Warden Dryja indicated “it looks like it is all set to go.” Attached as Exhibit B is a true and correct copy of this email.

14. The emails mentioned in the preceding two paragraphs were the first information I received suggesting that the tribes were going to unilaterally implement a night hunting order in 2012.

15. On October 2, 2012 I received and read a draft of GLIFWC Commission Order No. 2012-05 (Commission Order), which amended the Tribes' night hunting regulations in the Wisconsin portion of the 1837 and 1842 ceded territory.

16. On October 14, 2012 I received and read what was titled “Final Revised Draft” of Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Order No. 2012-05, dated October 2012/November 2012, which proposed to amend the Tribes' night hunting regulations to apply only to deer in the Wisconsin portion of the 1837 and 1842 ceded territory.

17. On October 19, 2012 I received and read an email titled "Night Shooting Training." This email had been forwarded from WDNR Enforcement and Science Division Administrator Tim Lawhern and it contained two attachments which are provided here as Exhibits C and D.

18. On October 22, 2012, I attended a meeting between the WDNR and the Tribes in Stevens Point, Wisconsin to discuss the proposed stipulations, draft Commission Order No. 2012-05, the Tribes' shooting plan and their marksmanship course. During this discussion WDNR Enforcement and Science Division Administrator Tim Lawhern, Chief Warden Randy Stark, Bureau of Law Enforcement Policy Officer Tom Van Haren and I presented a number of the safety-related concerns the WDNR had identified during the short period of time since the WDNR had received a copy of the most recent draft Commission Order, shooting plan and marksmanship course materials.

19. During the discussion on October 22, it is my understanding and recollection that no agreements were made by the WDNR that the proposed rule changes would provide adequate safety to protect the public or officers investigating complaints of suspected illegal night hunting or shining of deer.

20. It was my understanding, based on this meeting, that the Commission intended to issue the order to begin hunting deer at night with lights beginning on November 1, 2012, despite our safety concerns.

21. I have asked GLIFWC Chief Warden Fred Maulson on several occasions to provide me an updated version of the "Night Shooting Training" since the issuance of the current deer night hunting Commission Order. This is troubling, since the Tribes appear to be relying on the plan to cover a number of issues of concern raised by the State, and in spite of the fact that

compliance with the training is not a requirement of the Commission Order Model Code language (only the training itself is required.)

Dated this 6th day of December, 2012.

/s/ David Zebro

DAVID ZEBRO

Subscribed and sworn to before me
this 6th day of December, 2012.

/s/ Sue Nelson

Notary Public, State of Wisconsin
My Commission: expires 1/4/2015

From: Dahlquist, Bradley N - DNR
Sent: Wednesday, August 15, 2012 6:44 PM
To: Zebro, David A - DNR
Cc: Walz, David J - DNR; Novesky, Patrick C - DNR; Jung, James D - DNR; Crotty, Kelly R - DNR; Thole, Richard A - DNR; Sealander, Michael L - DNR; Price, Timothy S - DNR; Ebert, Timothy T - DNR; Dryja, Andrew D - DNR
Subject: Tribal Night-Time Hunting Rule

Dave Z,

I had a conversation with Roger McGeshick today regarding a rule proposal being looked at by the Mole Lake tribe allowing tribal members to shine/shoot deer at night while in the ceded territory. The way I took this information was the tribes are upset with the state for allowing a wolf season, and a possible "retaliation" would be to slip in the hunting of deer with the aid of artificial light at the point of kill. This would also include the shining/shooting of deer, not just on the reservations, but in all ceded territory. I'm not sure if this is being pushed by the Mole Lake tribe, another tribe, or by all the Chippewa tribes. According to Roger it sounds like this rule change is imminent and will likely be in place by October of this year.

I'm not sure if this information is new to you, if not can you explain in more detail to the field wardens on what we can expect the tribal rules to be? Or, if this is also news to you can we look in to this more? I'm sure I don't have to explain to anyone the ramifications of this possible rule change and the increased difficulty of enforcement...

Thanks much,
Brad

Bradley N. Dahlquist
Wisconsin Dept. of Natural Resources
404 N. Lake Street
Crandon, WI 54520
Phone: (715) 478-5610
Email: bradley.dahlquist@wi.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR
VISIT OUR WARDEN WIRE News Service - <link> [Warden Wire](#)



From: Dryja, Andrew D - DNR
Sent: Wednesday, August 15, 2012 9:36 PM
To: Sealander, Michael L - DNR; Dahlquist, Bradley N - DNR; Zebro, David A - DNR
Cc: Walz, David J - DNR; Novesky, Patrick C - DNR; Jung, James D - DNR; Crotty, Kelly R - DNR; Thole, Richard A - DNR; Price, Timothy S - DNR; Ebert, Timothy T - DNR; Bowe, Scott A - DNR
Subject: RE: Tribal Night-Time Hunting Rule

Spoke with Tom Kroepelin tonight. Brads right. The tribe will be able to shine and shoot deer "at the point of kill". This is a direct result of the states "point of kill" rule in the new wolf hunt.

If it goes through, which it looks like it is all set, all one will have to do is shut off the truck hop out and pop a deer in the headlights. May be time for the state to rethink some of the MOU's that are in place in regards to illegal hunting activities.

From: Sealander, Michael L - DNR
Sent: Wednesday, August 15, 2012 7:07 PM
To: Dahlquist, Bradley N - DNR; Zebro, David A - DNR
Cc: Walz, David J - DNR; Novesky, Patrick C - DNR; Jung, James D - DNR; Crotty, Kelly R - DNR; Thole, Richard A - DNR; Price, Timothy S - DNR; Ebert, Timothy T - DNR; Dryja, Andrew D - DNR
Subject: RE: Tribal Night-Time Hunting Rule

You cant be serious??

Michael Sealander

Conservation Warden

Saint Germain

VISIT OUR WARDEN WIRE News Service - <link> [Warden Wire](#)

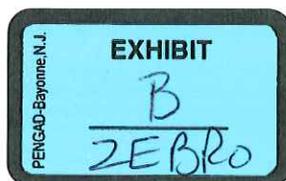
Website: dnr.wi.gov

How am I doing? Please provide feedback on my Customer Service to you.

<http://www.surveymonkey.com/s/Warden>

Find us on Facebook: www.facebook.com/WIDNR

From: Dahlquist, Bradley N - DNR
Sent: Wednesday, August 15, 2012 6:44 PM
To: Zebro, David A - DNR
Cc: Walz, David J - DNR; Novesky, Patrick C - DNR; Jung, James D - DNR; Crotty, Kelly R - DNR; Thole, Richard A - DNR; Sealander, Michael L - DNR; Price, Timothy S - DNR; Ebert,



Timothy T - DNR; Dryja, Andrew D - DNR
Subject: Tribal Night-Time Hunting Rule

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I'm not sure if this information is new to you, if not can you explain in more detail to the field wardens on what we can expect the tribal rules to be? Or, if this is also news to you can we look in to this more? I'm sure I don't have to explain to anyone the ramifications of this possible rule change and the increased difficulty of enforcement...

Thanks much,
Brad

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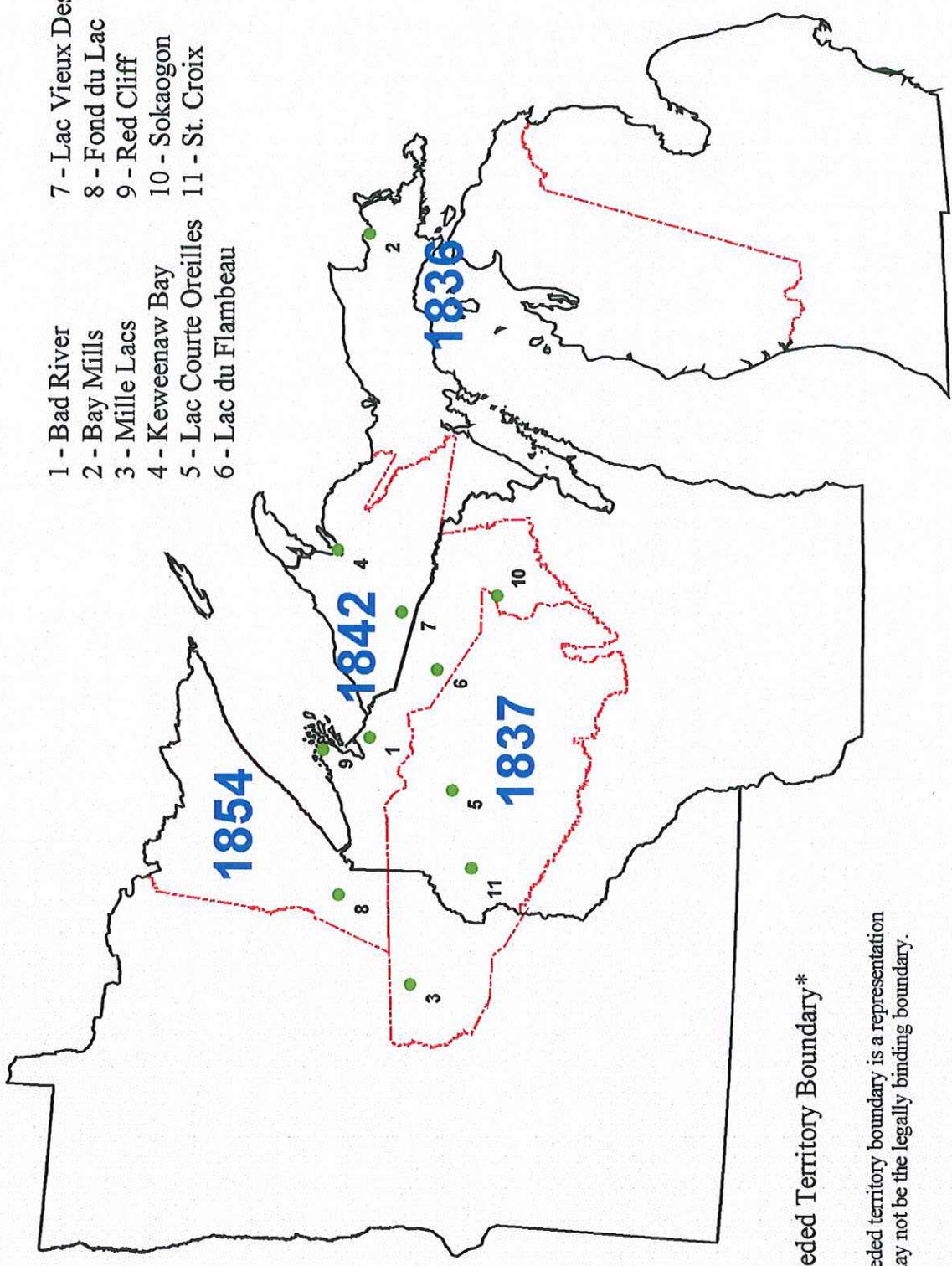
PENGAD-Bayonne N J

EXHIBIT

C

ZEBRO

- 1 - Bad River
- 2 - Bay Mills
- 3 - Mille Lacs
- 4 - Keweenaw Bay
- 5 - Lac Courte Oreilles
- 6 - Lac du Flambeau
- 7 - Lac Vieux Desert
- 8 - Fond du Lac
- 9 - Red Cliff
- 10 - Sokaogon
- 11 - St. Croix



--- Ceded Territory Boundary*

* The ceded territory boundary is a representation and may not be the legally binding boundary.

Marksmanship Course

- GLIFWC's Role
- Rules and Regulations
- Shooting Plans
- Range Course



GLIFWC's Role

The Case Study in Tribal Sovereignty Implementation

- **Intertribal Natural Resource Agency Exercising Delegated Tribal Sovereign Authority**
- **Established to assist tribes in the affirmation and implementation of tribal use of ceded territory natural resources by:**
 - conserving and managing off-reservation fish, wildlife, and other resources,
 - helping in the development and enhancement of institutions for tribal self-regulation of natural resources, and
 - protecting the habitats and ecosystems that support those resources.
- **Structured to Facilitate Intertribal Consensus Regarding the Tribes' Ceded Territory Rights**

GLIFWC's Role

The Case Study in Tribal Sovereignty Implementation

- Tribes may Preempt State/Federal Regulation by implementing a System of Effective Tribal Self-Regulation.
- Must meet two needs:
 - Regulatory Perspective – Regulations that conserve natural resources and protect public health/safety
 - Management Perspective – Coordination and cooperation (co-management) between the governments involved

GLIFWC's Role

The Case Study in Tribal Sovereignty Implementation

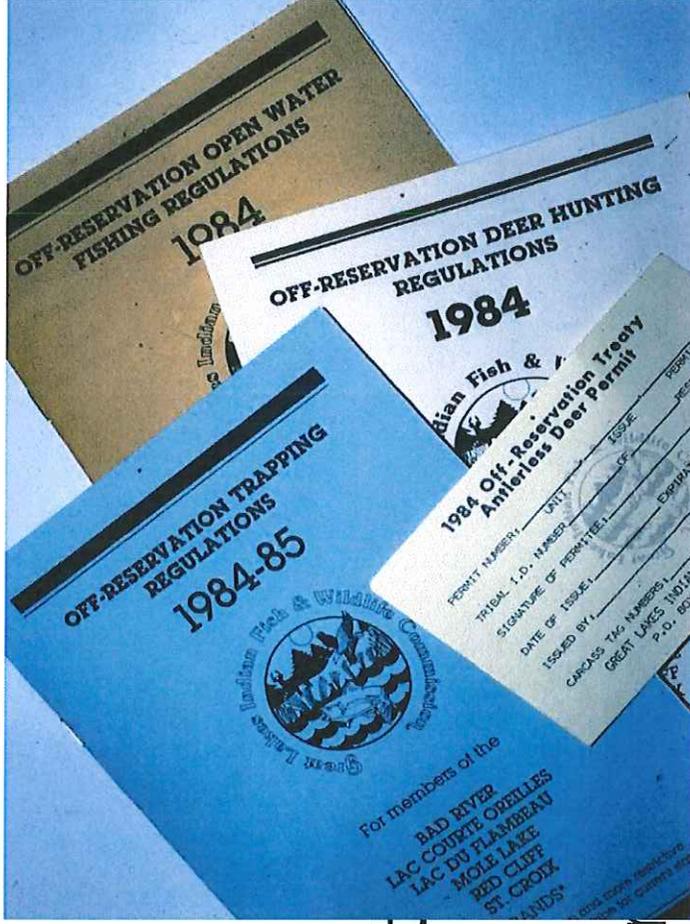
- Each Signatory Tribe Individually may authorize and regulate its own members in the exercise of treaty rights. But, does not have jurisdiction over members of other signatory Tribes.
- All Signatory Tribes Must throughout all of the ceded territory:
 - Collectively Stay Within Tribal Allocation of Resources.
 - Engage in Intertribal Co-Management

GLIFWC's Role

The Case Study in Tribal Sovereignty Implementation

- Acting as a Tribal Sovereign is the ability to implement culturally appropriate and culturally relevant laws and regulations to govern the Nation for the present and for seven generations.

- **Anikoobijigan:** Great Grandparent – Great Grandchild referring to Seven Generations



Ricing Regulations
Big & Small Game Hunting
Trapping
Fall Turkey Hunting
Migratory Bird Hunting
Winter Spearing & Fishing
Open-water Spearing
Open-Water Hook & Line Fishing
National Forest Treaty Hunting, Trapping & Gathering
Apostle Island Treaty Hunting, Trapping & Gathering

Rules and Regulations Def.

Illuminating or Shining Animals

Illuminate” means the casting of rays of light on a field, forest, or other area to light up a wild animal whose position or location is known by the hunter.

Shining” means the casting of rays of light on a field, forest, or other area for the purpose of searching for, locating, or attempting to or locate wild animals

Rules and Regulations Def.

Flashlight” means a battery operated light designed to be carried and held by hand.

Light” includes flashlights, automobile lights and other lights.

Point of Kill” means the location at which a light is used to illuminate and kill a wild animal whose position or location is known by the hunter.

Rules and Regulations Def.

“**Stationary**” means not moving, regardless of whether the motorized vehicle or boat is running.

Presumption. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is rebuttably presumed to be shining wild animals, unless in possession of a valid night hunting permit.

Hunting Hours

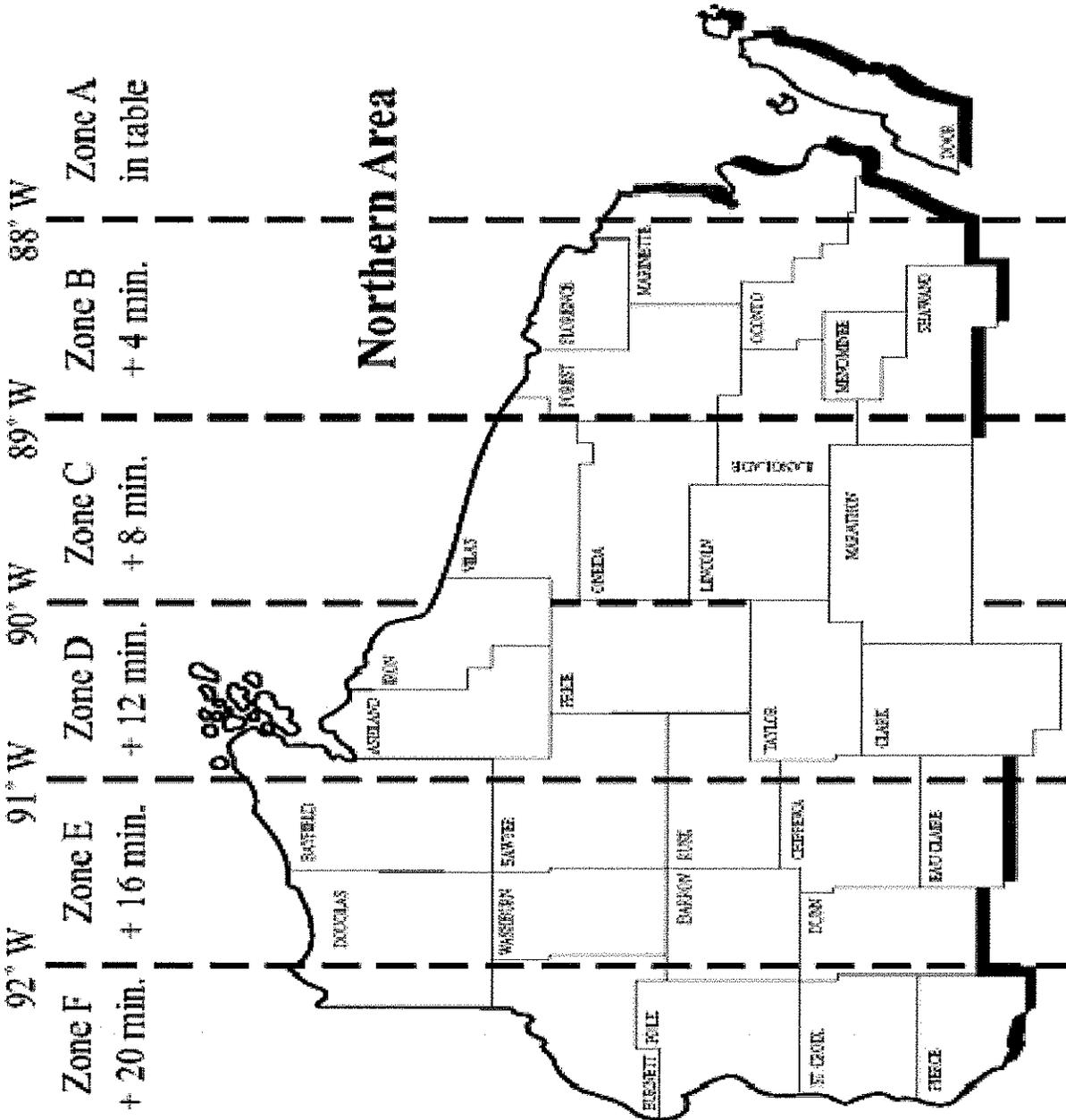
No member shall hunt deer except during the following hours (dates and times are inclusive and all times refer to Central Standard Time and should be adjusted one hour as necessary to account for Daylight Savings Time):

- The day after Labor Day close of the deer “regular season; **One-half hour before sunrise to 20 minutes after sunset** or as otherwise provided by a GLIFWC Commission Order.
- Lawful deer hunting hours shall be determined in accordance with the Tribal Hunting Hours Zone/Table attached to this ordinance after Chapter 14.

Archery and Firearm Deer Hunting Hours - Northern Area

No person shall hunt deer before or after the hunting hours listed in the table on page 51. 'Hunt' or 'hunting' includes shooting, shooting at, pursuing, taking, capturing, or killing or attempting to capture or kill any wild animal.

Calculating Hunting Hours: Determine your location in the Northern Area and add the minutes shown for the zone in which you are hunting to the opening and closing times listed in the Northern Area Hunting Hours table (page 51).



Night Hunting/Shining Prohibited

The tribal conservation department may issue permits that authorize hunting deer at night, including illuminating deer, between 20 minutes after sunset and one-half hour before sunrise, provided that no such permit shall be effective during the middle deer season established pursuant to Section 6.07(3) of this ordinance; except:

Shining” means the casting of rays of light on a field, forest, or other area for the purpose of searching for, locating, or attempting to or locate wild animals

Night Hunting

- No member shall hunt or illuminate deer at night under this section unless in possession of a permit issued under subsection (1). Any member hunting or illuminating deer under this section shall be subject to all terms and conditions in this section and in the permit issued under subsection (1) as otherwise conditioned by the tribal conservation department, as well as all other provisions of this ordinance regulating hunting, unless expressly provided otherwise in this section.

Age Restriction

- No member 10 years of age or older but under 16 years of age may hunt under this section unless at all times while hunting, the person is a mentored hunter who meets the requirements of section 3.17(3) of this ordinance.

Disabled Hunters

A member possessing a valid disabled hunter permit pursuant to Section 3.32 of this ordinance, hunting or illuminating deer at night shall submit a shooting plan to the tribal conservation station prior to receiving a permit under subsection

Shooting Plan

Before issuing a permit under subsection (1), the tribal conservation department shall ensure the receipt of a shooting plan valid from April 1 to March 31 when necessary, as follows:

- A member hunting or illuminating deer at night from an elevated position or established ground blind, is required to submit a shooting plan to the tribal conservation department prior to receiving a permit under subsection (1), unless the member is hunting within a quarter-mile vicinity of any of the following:
- Before issuing a permit under subsection (1), the tribal conservation department shall ensure the receipt of a shooting plan valid from April 1 to March 31 when necessary, as follows:

Shooting Plan

- A member hunting or illuminating deer at night from an elevated position or established ground blind, is not required to submit a shooting plan to the tribal conservation department prior to receiving a permit under subsection (1), **unless the member is hunting within a quarter-mile vicinity of any of the following:**
- (I) a school, school forest, public landfill, or public gravel pits where hunting is prohibited and where notice of the prohibition is clearly posted;
- (ii) road;
- (iii) residence, building or dwelling;
- (iv) designated public campgrounds, public beaches, or public picnic area;
- (v) lake or water body;
- (vi) ATV or snowmobile trail;
- (vii) open area;
- (viii) private property;
- (ix) all state parks except as described in the Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories document;
- (x) any other area as determined by the tribal conservation department.

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

SHOOTING PLAN

Name: Chris McGeshick Disabled Hunter (circle one) Y N
 Address: 3160 Indian Route 10 Tribe: Mole Lake
Crandon, WI 54520 Tribal ID: 409
 Phone: 715-784-0095 Night Hunting Permit #: _____

County: Oneida Harvesting from (check all that apply):
 Township: Schoepke Elevated Stand _____ Ground Blind X
T 35N R 11E Section 12 Stationary Vehicle X Foot/Other X
 Nearest Highway and Intersection: Pitts Rd. Type of Property: MFL

Attach or draw a diagram of the area you are going to hunt to establish your "safe zone of fire" and attach aerial photos (Google Maps, Flat Books, etc.)



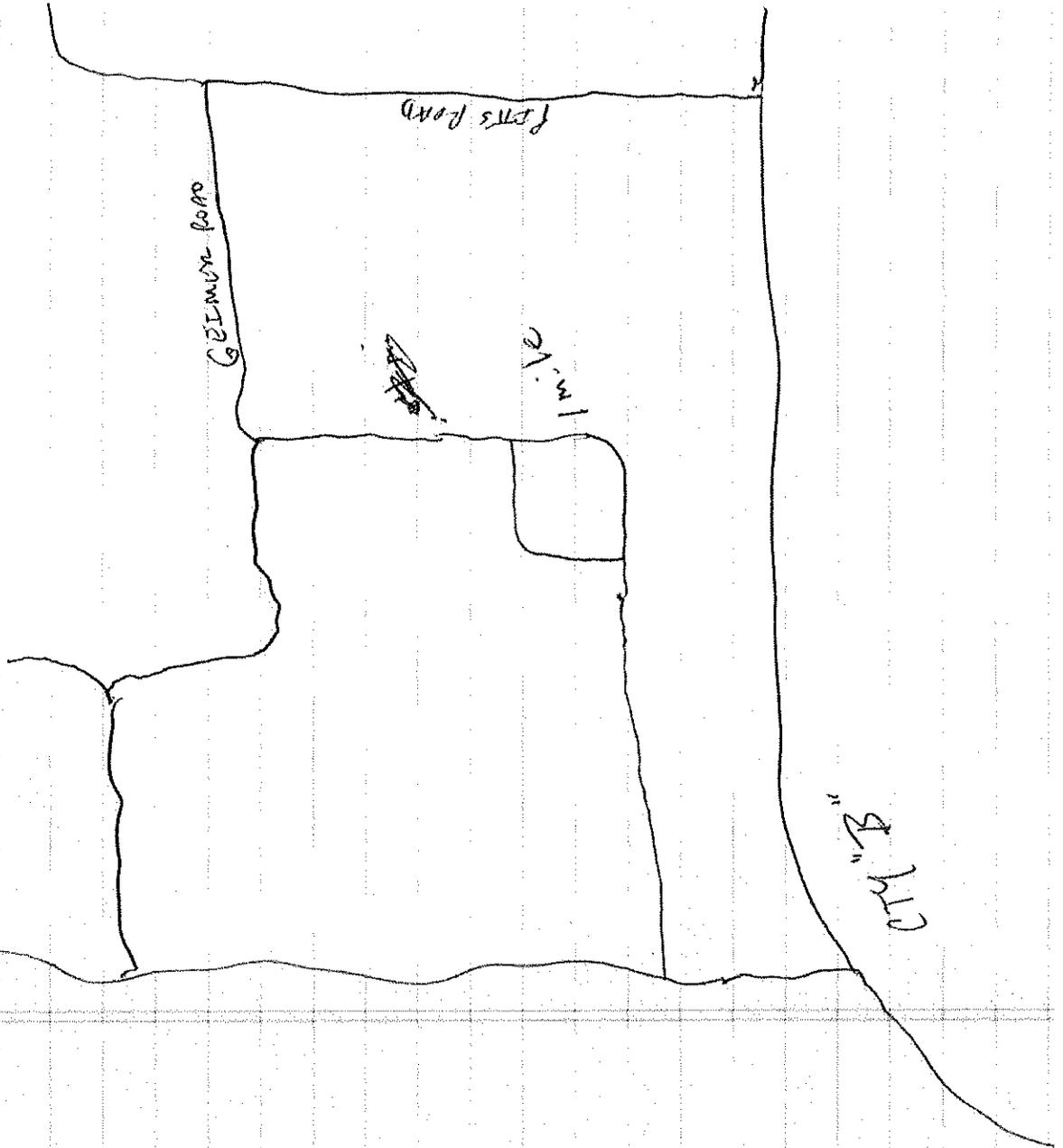
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 Longitude: W89°5.98

→ N →

10000

LAT N45° 33.2'

LONG W89° 5.98'





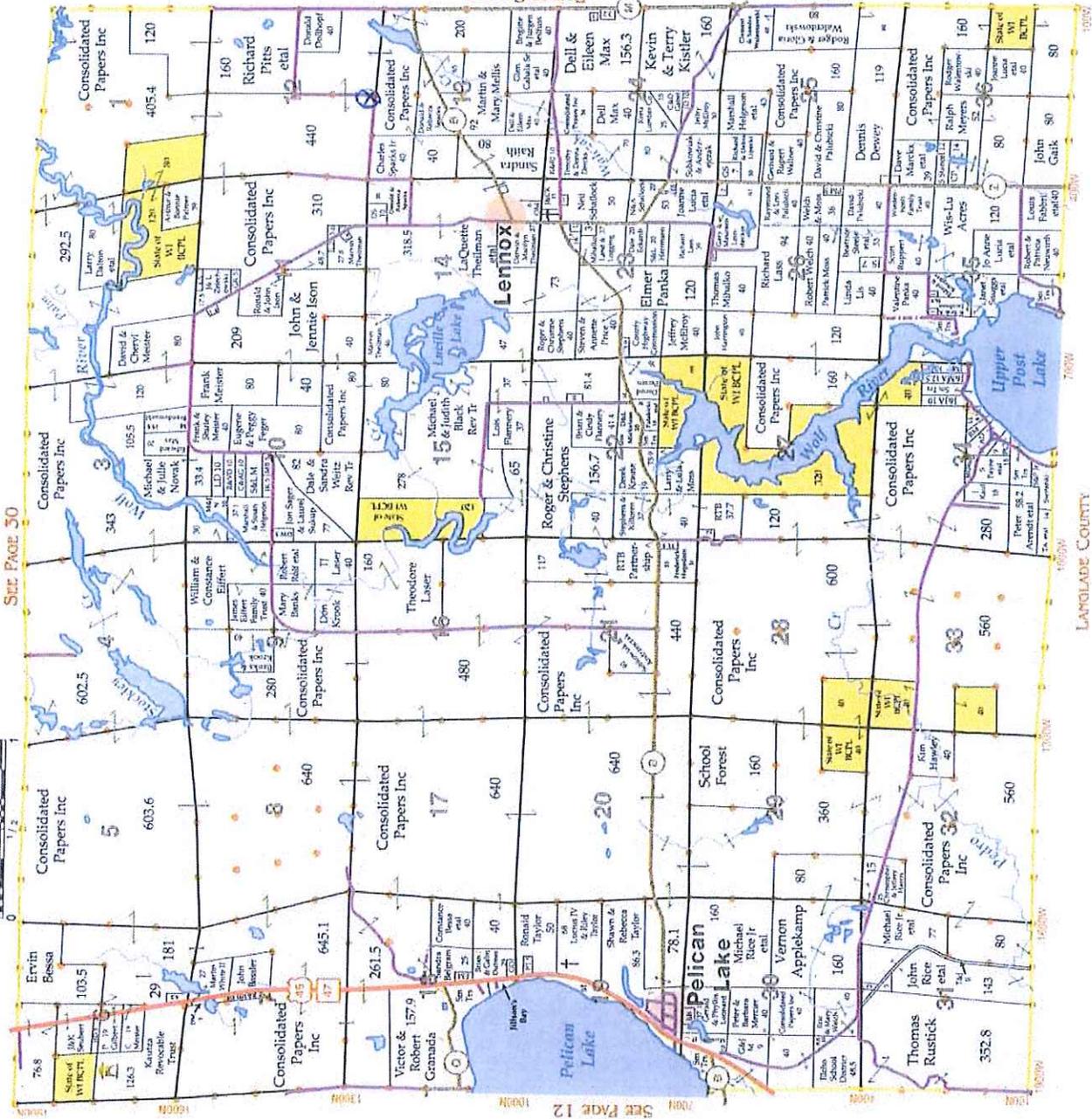
To see all the details that are visible on the screen, use the "Print" link next to the map.





Scale (miles) 0 1/2

SEE PAGE 30



FOREST COUNTY

Lennox

Pelican Lake

LANGLADE COUNTY

12052

4500W

1700W

1600W

1500W

1800W

1900W

1600E

1700E

1800E

1900E

2000E

2100E

2200E

2300E

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11700E

11800E

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12200E

12300E

12400E

12500E

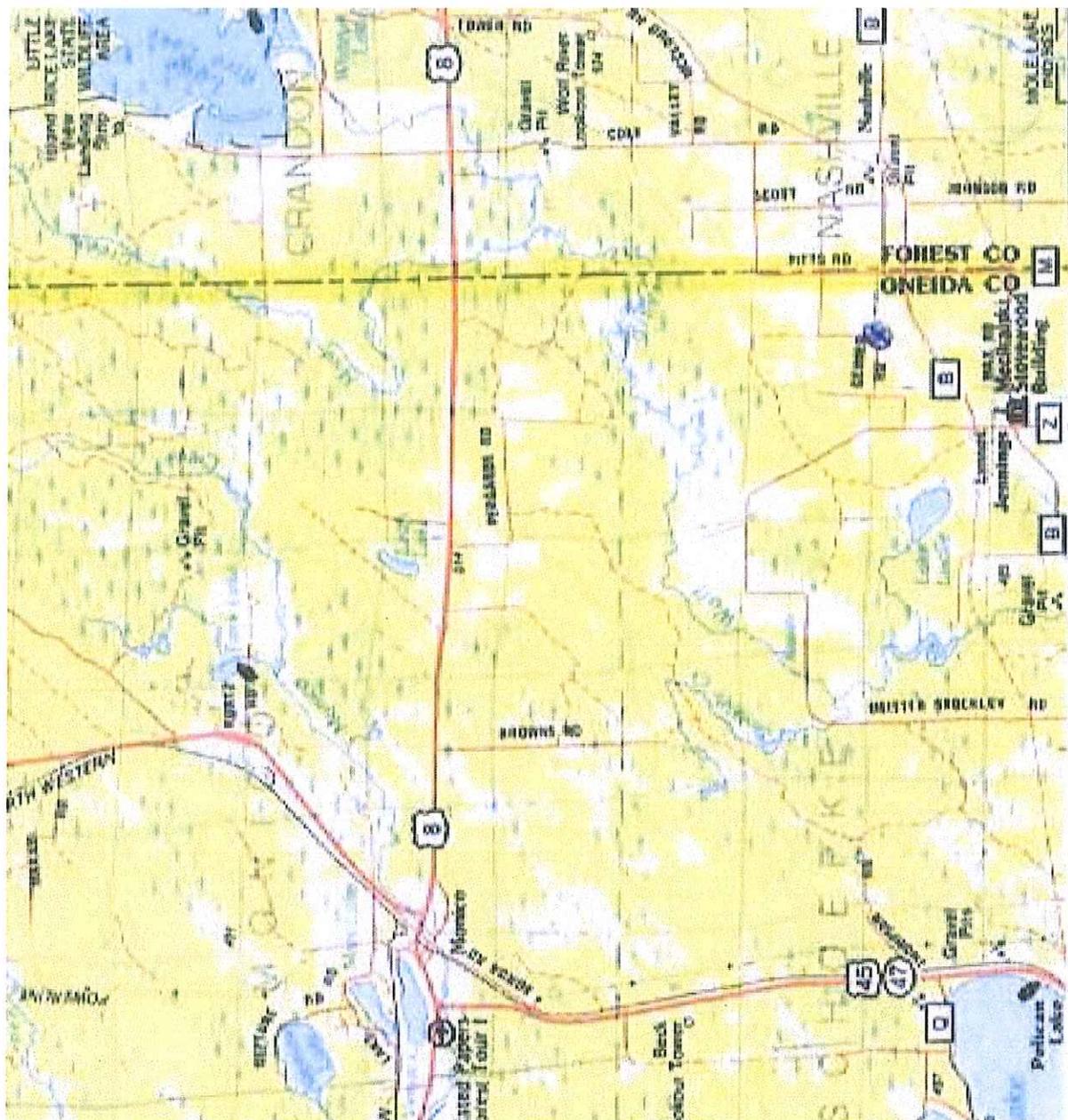
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12700E

12800E

12900E

13000E



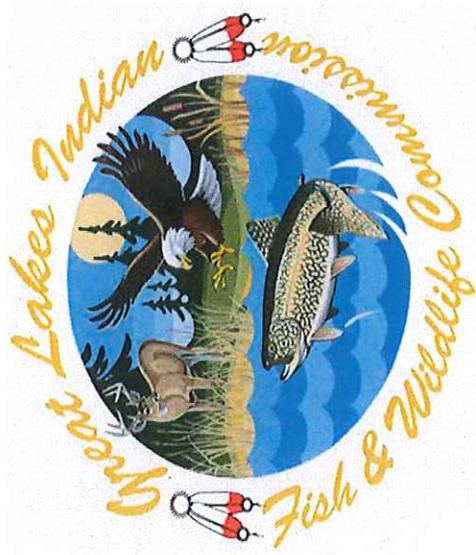
Range Course

The tribal conservation department will issue certificates once the range course is completed at a minimum score of 70% or better. Weapons allowed for certification are shot gun slugs only, black powder and long gun that is not a .22 rim fire rifle or lower.

- Course will be at 100 yards
- NRA certified target will be used
- Three attempts will be allowed
- Students that fail will have to retake the course again
- Students will be required to bring safety eyes and ear protection.

Range Course

Students wanting to do additional qualification with either a bow or cross bow will have to have a minimum score of 70% or better at 30 yards.



Questions

715-682-6619 or www.glifwc.org

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
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WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

SHOOTING PLAN

Name: _____ Disabled Hunter (circle one) Y N

Address: _____ Tribe: _____

_____ Tribal ID: _____

Phone: _____ Night Hunting Permit #: _____

Harvesting from (check all that apply):

County: _____ Elevated Stand _____ Ground Blind _____

Township: _____ Stationary Vehicle _____ Foot/Other _____

T _____ R _____ Section _____ Type of Property: _____

Nearest Highway and Intersection: _____

Attach or draw a diagram of the area you are going to hunt to establish your "safe zone of fire" and attach aerial photos (Google Maps, Plat Books, etc.)

Latitude: _____

Longitude: _____



**SUMMARY OF DEFINITIONS AND RULES REGULATING NIGHT HUNTING
(COMMISSION ORDER NO. 2012-05)**

FIREARMS RULES OF SAFETY:

- ❖ Treat every firearm as if it's loaded.
- ❖ Control and point the muzzle in a safe direction.
- ❖ Be sure of your target and what is beyond.
- ❖ Keep your finger off the trigger until you're ready to shoot.

PRESUMPTION:

- ❖ A person casting the rays of light on a field, forest or other area which is frequented by wild animals is rebuttably presumed to be shining wild animals, unless in possession of a valid night hunting permit.

RELEVANT DEFINITIONS:

- ❖ “Flashlight” means a battery operated light designed to be carried and held by hand.
- ❖ “Illuminate” means the casting of rays of light on a field, forest, or other area to light up a wild animal whose position or location is known by the hunter.
- ❖ “Light” includes flashlights, automobile lights and other lights.
- ❖ “Point of Kill” means the location at which a light is used to illuminate and kill a wild animal whose position or location is known by the hunter.
- ❖ “Shining” means the casting of rays of light on a field, forest, or other area for the purpose of searching for, locating, or attempting to locate wild animals.
- ❖ “Stationary” means not moving, regardless of whether the motor of a vehicle is running.

REGULATIONS APPLICABLE TO DEER, BEAR, WILD TURKEY AND SMALL GAME NIGHT HUNTING:

- ❖ The tribal conservation department may issue permits that authorize hunting deer, bear, wild turkey or small game at night, including illuminating, between 20 minutes after sunset and one-half hour before sunrise, provided that no such permit shall be effective during the middle deer season (which is also the State Nine-day gun season), except:

- No member 10 years of age or older but under 16 years of age may hunt under this section unless at all times while hunting, the person is a mentored hunter.
- ❖ No member shall hunt or illuminate deer, bear, wild turkey or small game at night unless in possession of a night hunting permit. Any member hunting or illuminating deer, bear, wild turkeys or small game at night shall be subject to all terms and conditions in this section and in the night hunting permit issued or as otherwise conditioned by the tribal conservation department, as well as all other provisions of the Tribal Off-Reservation Conservation Code regulating hunting, unless expressly provided otherwise in this section.
- ❖ No member hunting or illuminating deer, bear, wild turkey or small game at night under this section shall:
 - hunt or illuminate deer, bear, wild turkeys or small game between 20 minutes after sunset and one-half hour before sunrise except from a stationary position or at the point of kill;
 - discharge a firearm between 20 minutes after sunset and one-half hour before sunrise except from a stationary position or at the point of kill for the purpose of accurately identifying the deer, bear, wild turkeys or small game and safely aiming the weapon and killing the deer, bear, wild turkey or small game;
 - hunt or illuminate deer between 20 minutes after sunset and one-half hour before sunrise from the first Monday following New Years Day to October 14.
- ❖ A member hunting or illuminating deer, bear, wild turkey or small game at night under this section may but is not required to:
 - hunt or illuminate deer, bear, wild turkey or small game between 20 minutes after sunset and one-half hour before sunrise with the aid of electronic or other calling techniques or hunt over bait as otherwise authorized by this ordinance;
 - hunt or illuminate deer, bear, wild turkey or small game between 20 minutes after sunset and one-half hour before sunrise with the use of an infrared scope, night vision scope, or thermal imagining scope;
 - illuminate deer, bear, wild turkey or small game between 20 minutes after sunset and one-half hour before sunrise with a flashlight, which may include but is not limited to high-powered lights held by hand, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow.

ADDITIONAL REGULATIONS APPLICABLE TO DEER AND BEAR NIGHT HUNTING:

- ❖ Before issuing a night hunting permit, the tribal conservation department shall ensure the receipt of a shooting plan valid from April 1 to March 31 when necessary, as follows:
 - A member hunting or illuminating deer or bear at night from an elevated position or established ground blind, is not required to submit a shooting plan to the tribal conservation department prior to receiving a night hunting permit, unless the member is hunting within a quarter-mile vicinity of any of the following:
 - a school, school forest, public landfill, or public gravel pits where hunting is prohibited and where notice of the prohibition is clearly posted;

- road;
 - residence, building or dwelling;
 - designated public campgrounds, public beaches, or public picnic area;
 - lake or waterbody;
 - ATV or snowmobile trail;
 - open area;
 - private property;
 - all state parks except as described in the *Tribal State Park Hunting Opportunities in the Wisconsin portion of the 1837 and 1842 Ceded Territories* document;
 - any other area as determined by the tribal conservation department.
 - A member otherwise hunting or illuminating deer or bear at night shall submit a shooting plan to the tribal conservation station prior to receiving a night hunting permit;
 - A member possessing a valid disabled hunter permit pursuant to Section 3.32 of this ordinance, hunting or illuminating deer or bear at night shall submit a shooting plan to the tribal conservation station prior to receiving a night hunting permit;
 - When a shooting plan is necessary, no member shall provide false or misleading information or otherwise fail to complete a shooting plan in the manner required by the tribal conservation department;
 - The tribal conservation department shall issue no further permits under this section for the remainder of the season, to any member who has provided false or misleading information or otherwise failed to complete a shooting plan in the manner required by the tribal conservation department.
 - When a shooting plan is necessary, no member shall discharge a firearm except within the “safe zone of fire” as identified within the plan.
- ❖ A member hunting deer or bear at night under this section may pursue and take a deer or bear wounded by the member while shooting from a stationary position, provided that a light may be used to trail the wounded animal or at the point of kill for the purpose of accurately identifying the deer and safely aiming the weapon and killing the wounded deer between 20 minutes after sunset and one-half hour before sunrise.
- ❖ A night hunting permit may be only issued to members who have completed an advanced hunter safety course and received marksmanship training and a marksmanship proficiency rating, except as follows:
- the member has completed an advanced hunter safety course and received marksmanship training and a marksmanship proficiency rating from another tribe, state or province and the course is substantially similar to the Tribe's advanced hunter safety course; or
 - the member has received marksmanship training and a marksmanship proficiency rating from the U.S. Armed Forces, Reserves, National Guard, or law enforcement agency.

ADDITIONAL REGULATIONS APPLICABLE TO WILD TURKEY AND SMALL GAME NIGHT HUNTING:

- ❖ No member shall hunt wild turkeys or small game at night while illuminating except as follows:
 - While hunting or illuminating pursuant to the deer/bear night hunting regulations as provided above, during the open season for the animal hunted, a member may possess or use a flashlight at the point of kill, which may include but is not limited to high-powered lights held by hand, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow;
 - While hunting or illuminating wild turkeys or small game at night, a member may hunt or illuminate with the aid of electronic or other calling techniques or hunt or illuminate over bait as otherwise authorized by this ordinance;
 - While hunting or illuminating wild turkeys or small game at night, a member may use an infrared scope, night vision scope, or thermal imaging scope.

- ❖ No member shall hunt raccoon, fox or any unprotected species while shining except:
 - While hunting on foot during the open season for the animal hunted, a member may possess or use a flashlight at the point of kill, which may include but is not limited to high-powered lights held by hand, helmet lights, scope lights, thermal imaging lights, infrared lights, or lights mounted on a firearm, bow or crossbow;
 - While on foot training a dog to hunt or track raccoon, fox or any unprotected species, a member may possess or use a flashlight;
 - No member shall hunt raccoon, fox or any unprotected species, while shining during the middle deer season (which is also the State Nine-day gun season).