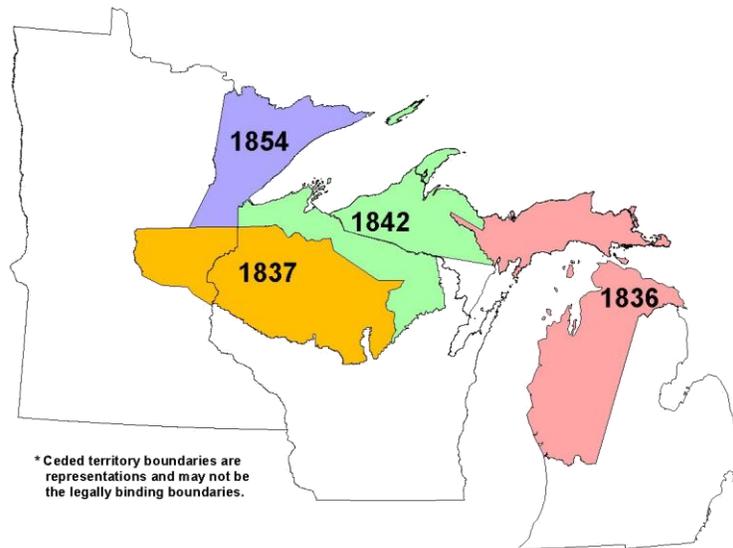


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## **Chippewa Tribal Night Hunting FAQs**

In the early 1980's, federal courts examined treaties signed between the United States government and Lake Superior Chippewa Indian Tribes in 1837 and 1842. The outcome was a series of court rulings affirming and clarifying the rights of Chippewa tribal members to hunt, fish, and gather within the ceded territory of Wisconsin.

Geographically, the ceded territory covers roughly the northern third of Wisconsin, but extends toward the center of the state near Stevens Point.



To assist in the regulation of hunting, fishing, and gathering by tribal members, the Chippewa Indian tribes formed the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Since the 1980's court rulings, the Wisconsin Department of Natural Resources (DNR) and GLIFWC have worked cooperatively to implement and enforce regulations authorizing Chippewa Indians to harvest deer off-reservation, on lands open to public hunting, within the ceded territory.

The topic of tribal deer night hunting is not new—after a week-long trial held in 1989, the United States District Court for the Western District of Wisconsin ruled that tribal members exercising of off-reservation treaty harvesting rights were prohibited from hunting deer at night using lights due to safety concerns. However in 2012, during meetings between the state of Wisconsin and the Chippewa Indian tribes to discuss hunting, fishing and gathering regulations, the Chippewa tribes asked the DNR to agree that their members should be permitted to harvest white-tailed deer at night. The premise of the tribes' request was that hunting deer at night would allow their members to efficiently harvest game for sustenance purposes.

In response, the DNR identified significant safety issues associated with night hunting of white-tailed deer, and declined to agree that night hunting should be permitted. The Chippewa Indian tribes subsequently petitioned a federal court to hear the matter, resulting in a preliminary injunction hearing and a week-long trial. The trial court originally agreed with the state, and maintained the deer night hunting prohibition.

However, upon appeal by the Chippewa Indian tribes, the 7<sup>th</sup> Circuit Court of Appeals issued a ruling in favor of the tribes, directing the original trial court to authorize tribal night hunting of white-tailed deer after reviewing whether the tribal regulations were adequate to protect public safety. The final practical outcome of the court litigation was a determination that tribal night hunting for deer, when properly regulated to protect safety, may occur in Wisconsin.

To respectfully execute the court's ruling and protect public safety to the greatest extent possible, DNR conservation wardens work cooperatively with GLIFWC wardens to ensure compliance with the deer night hunting regulations. The DNR also continues to work with GLIFWC to educate the public-at-large about permissible tribal night hunting.

Below are a series of questions and answers regarding the rules Chippewa tribal members must follow while harvesting deer at night, in accordance with the regulations approved by the court.

**What is "tribal night hunting" ?**

Tribal night hunting is the pursuit and harvest of white-tailed deer by members of the Chippewa Indian tribes at night on lands within the ceded territory which are open to public hunting, in accordance with tribal regulations.

**Why is tribal night hunting now allowed?**

Recent litigation between several Chippewa Indian tribes and the state of Wisconsin produced a court order permitting the tribes to implement a night hunting season. The issue of night hunting was a subject of similar litigation in the late 1980's and early 1990's. The Court's decision prohibiting night deer hunting has now been reversed.

**What is the framework for Chippewa tribal night hunting?**

Chippewa tribal members wishing to hunt deer at night must have an approved tribal shooting plan, possess a tribal night hunting permit, complete tribal night hunting training (which includes a marksmanship component), and adhere to the special tribal regulations applicable to night hunting.

**Is Chippewa tribal night hunting safe?**

Safety was the primary reason why the DNR declined to agree that night hunting should be permitted, resulting in the recent federal litigation. While the Chippewa Indian tribes' regulations seek to mitigate the risks of hunting white-tailed deer at night, the DNR continues to have serious safety concerns about the practice, and will continue to work alongside GLIFWC wardens to ensure regulation compliance in accordance with the Court's ruling.

**Who will be engaging in Chippewa tribal night hunting?**

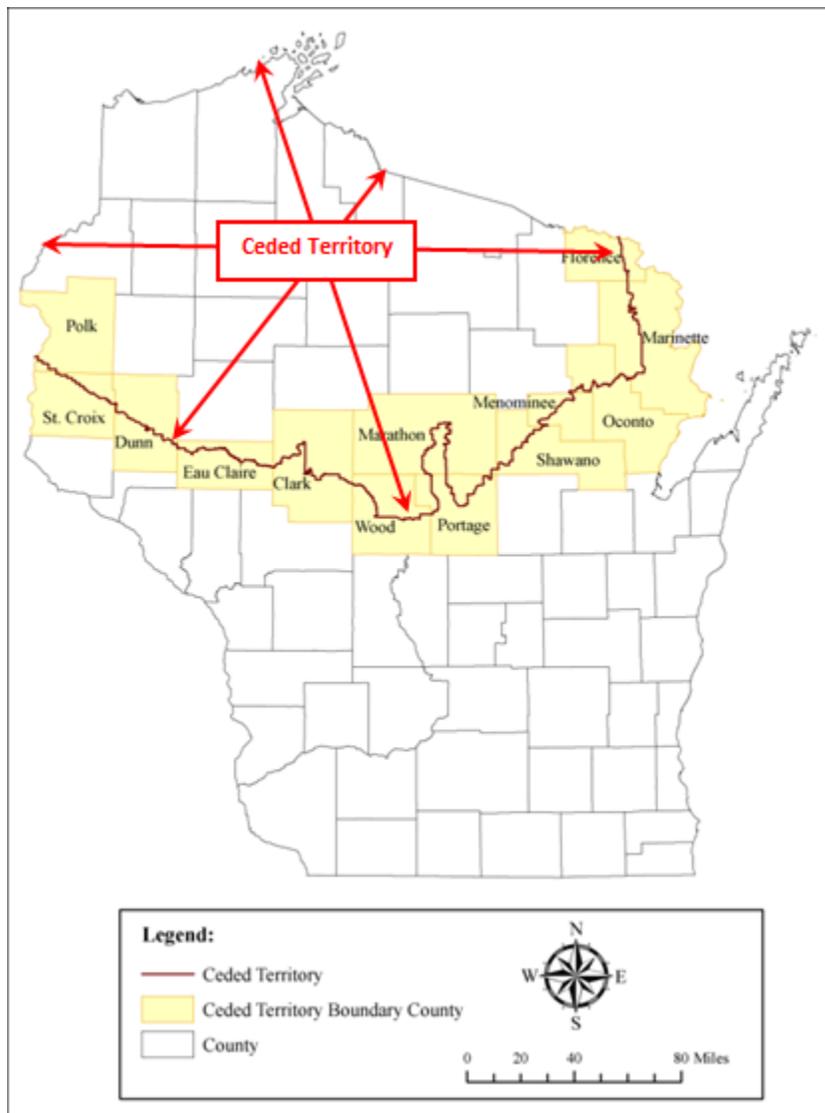
Only members of the Chippewa Indian tribes are eligible to hunt deer at night on lands open to public hunting in the Ceded Territory. Tribal membership is required, and membership is established through ancestral ties to the historical tribe. Each tribe may have independent membership requirements.

**When will Chippewa tribal night hunting be taking place?**

Chippewa tribal members with approved shooting plans and permits can hunt deer at night between November 1, 2016, and midnight on January 2, 2017, except on the night before, the night after and nights during the state’s nine-day gun deer season. Night hunting hours begin one hour after sunset and end one hour before sunrise.

**Where can Chippewa tribal night hunting occur?**

Night hunting by Chippewa tribal members can only occur within the exterior boundaries of the ceded territory, on lands open to public hunting. This includes any land where public hunting is permitted, including private Managed Forest Law or Forest Crop Law lands open to the public. Chippewa tribal hunters are limited to hunting only at locations identified on their approved shooting plans.



**Can Chippewa tribal members hunt at night within state parks and state forests?**

Yes, Chippewa tribal members may hunt deer at night within state park and state forest properties in areas open to hunting. Chippewa tribal members may hunt deer in state parks consistent with state park hunting hours (from one hour prior to sunrise until 11pm).

**What weapons will be used by Chippewa tribal night hunters?**

Permitted weapon types include: bow and arrow, crossbow, and firearms (shotguns, handguns, or rifles).

**What are some of the other items Chippewa tribal night hunters can use?**

Chippewa tribal members hunting at night must use a light to locate and identify their target, and may use infrared or thermal imaging equipment to locate deer (but not for sighting purposes). They may also use manual or electronic calls, and bait.

**Can Chippewa tribal night hunters “shine” deer?**

Yes, Chippewa tribal members hunting deer at night must use a light to locate and identify their target, but may only shine within the area identified on the approved shooting plan.

**Can Chippewa tribal members shoot from their vehicles while night hunting?**

Disabled hunters in possession of a valid disabled hunter’s permit may discharge a firearm, bow, or crossbow from a stationary vehicle, in accordance with their permit, which may include shooting from a roadway. Chippewa tribal members that are night hunting without a disabled hunter’s permit may only discharge a firearm, bow, or crossbow from a stationary vehicle that is parked off a highway, more than fifty feet from the center of the roadway, in accordance with an approved shooting plan.

**Are Chippewa tribal night hunters required to provide advance notice of night hunting activities?**

A tribal shooting plan is required to be provided to and approved by GLIFWC before a hunter uses a particular location. A separate plan must be filed for each location that the tribal night hunter will utilize during that season. Beyond that, there is no requirement for the Chippewa tribal night hunter to notify anyone prior to nightly utilization of those locations.

**Are Chippewa tribal night hunters required to report the number of deer harvested during tribal night hunting activities?**

There is no separate requirement for daily reporting of deer harvested during tribal night hunting activities, but all deer harvested by Chippewa hunters are included in annual tribal threshold calculations and must be reported to GLIFWC as harvests. That information is also shared with the DNR.

**What does a Chippewa tribal night hunting shooting plan contain?**

Chippewa tribal night hunters must complete a shooting plan prior to hunting that contains a diagram of the site where the hunting will take place. The site diagram must specify the stationary position where the hunter will shoot from, the direction of the shot, the safe zone of fire, and the adequate backstop (as defined in tribal regulations). Additionally, the plan must include any of the following uses or areas that exist within one quarter-mile of the shooting position: school grounds, roads, residences, buildings, dwellings, designated public campgrounds, public beaches, public picnic areas, lakes/waterbodies,

designated recreational trails (ATV, snowmobile, cross country ski, etc.), open areas, private property, areas closed to public hunting, and other tribal shooting plan areas.

**Are Chippewa tribal night hunting shooting plans reviewed by anyone?**

Locations identified on shooting plans that are designated for non-elevated stationary hunting (i.e., plans that call for hunting from the ground) are required to be inspected by GLIFWC wardens before they may be approved. Shooting plans designated for hunting from an elevated position ( i.e., tree stands) with a minimum height of ten feet and an earthen backstop do not require pre-inspection by tribal staff, as long as the plan does not call for shooting at a target more than 50 yards away.

**What are some of the special regulations that apply to Chippewa tribal night hunters?**

Permitted tribal night hunters are required to hunt in accordance with an approved shooting plan. Hunters must only shoot from the designated stationary position and in the designated direction within the safe zone of fire. Also, hunters must shine from their stationary position, use a light to identify their target, and attempt to harvest the deer within a distance of 100 yards.

**What does the required training for Chippewa tribal night hunters involve?**

Before engaging in any night hunting, Chippewa tribal members are required to complete an approved night hunting training course. This course includes a review of the night hunting regulations, suggested best practices to maximize safety, and a marksmanship proficiency exam. Completion of the marksman firearms exam requires the student to shoot a minimum score of 80% or better (10 shots) within the six and one-quarter inch inner circle of an NRA certified target, at a distance of 100 yards, during a nighttime range exercise. The bow/crossbow marksman exam has the same requirements, but with a target distance of 30 yards.

**Are Chippewa tribal night hunters required to wear blaze orange or any reflective clothing?**

No.

**Will Chippewa tribal night hunters be harvesting antlered or antlerless deer?**

Chippewa tribal members hunting at night will be limited to the sex identified on their tribal permit.

**How many Chippewa tribal night hunters will there be?**

DNR was informed by GLIFWC that approximately 46 Chippewa tribal members participated in training for night hunting for the 2015-2016 season. GLIFWC anticipates about the same number of Chippewa tribal members participating during the 2016-17 night hunting season.

**Will Chippewa tribal night hunters be permitted to group hunt?**

No. Although non-hunting spotters may be assisting a hunter, a shooting plan may only include one night hunter that is authorized to harvest the deer.

**What effect will night hunting have on the state seasons' antlerless quotas?**

State hunters in the ceded territory are unlikely to see a decrease in the number of available antlerless tags as a result of tribal night hunting. Chippewa tribal night harvest is not anticipated to have a detrimental effect on the herd.

**Can non-tribal citizen's night hunt for deer now?**

No, the Court ruling only affects members of the Chippewa tribes, and recognizes the traditional hunting practices exercised by the Chippewa at the time the 1837 and 1842 treaties were signed. It remains illegal for non-tribal hunters to hunt deer at night.

**Can non-tribal citizens assist Chippewa tribal night hunters?**

Generally not; as the Court ruling only affects members of the Chippewa tribes, state citizens are still required to follow all state laws. As an example, a non-tribal citizen who helps the night hunter by shining for deer during a restricted shining period would be engaging in illegal shining and subject to applicable penalties.

**I'm a landowner adjacent to land open to Chippewa tribal night hunting; what should I know?**

Chippewa tribal members may be engaging in night hunting on any lands open to public hunting. These include areas of state parks, state and county forest lands, Managed Forest Land properties, and Forest Crop Law properties that are open to public hunting. If such lands are adjacent to your property, they may be used. However, an approved shooting plan must identify your property or dwelling if it is within one-quarter mile of the plan's safe zone of fire. Since there is no minimum distance requirement for shooting sites in relation to private property, it is possible that a Chippewa tribal night hunter's stationary shooting position may be on public land directly adjacent to your property.

**How close can a Chippewa tribal night hunter be to my dwelling when discharging their firearm?**

State law requires all firearm handling and discharge to occur in a manner that does not endanger another's safety. Absent explicit permission from a building owner or occupant, no one may discharge a firearm within 100 yards of a building devoted to human occupancy while on the lands of another.

**Can a Chippewa tribal member track a wounded deer on my private land?**

While hunters are required to make a reasonable effort to retrieve downed game, they are not authorized to enter private land without permission. DNR conservation wardens do not have authority to enforce trespass violations, so landowners suspecting trespass activity should contact their local law enforcement agency (sheriff's department, etc.).

**I have my private land enrolled within the MFL-open (Managed Forest Law) or FCL (Forest Crop Law) programs that permit hunting by the public; can a Chippewa tribal member hunt at night on my land?**

Yes, land that is MFL-open or FCL, in the ceded territory, is considered open to public hunting and Chippewa tribal members may legally hunt deer at night on this property. If you have questions about what this means for your land, please contact your local forester.

**I'm a state land user who will be in the woods at night; what should I know about Chippewa tribal night hunting?**

You may encounter Chippewa tribal members legally night hunting for deer on lands open to public hunting, in accordance with the night hunting regulations and approved shooting plans. Chippewa tribal members with night hunting permits may be hunting any night during their open season. They are not required to specify certain dates on their plan, nor provide notice to land users or property owners in the area before engaging in their night hunt.

**Will there be a publicly accessible map of locations where Chippewa tribal night hunting will occur?**

The Chippewa Indian Tribes do not currently anticipate public dissemination of approved shooting locations. For more information, contact GLIFWC (information below).

**Will law enforcement be advised of Chippewa tribal night hunting locations?**

Yes, DNR wardens continue to work with GLIFWC wardens to create a law enforcement notification system that includes each approved shooting plan location, throughout the ceded territory. However, this information will not include the specific date or time when Chippewa tribal night hunters will actually be at the sites.

**Can citizens protest night hunting activities at hunting sites?**

Everyone is entitled to their opinion and certain speech is protected by the First Amendment; however, it is also illegal to interfere with individuals engaged in lawful hunting or trapping. Tribal members following all GLIFWC regulations are lawfully hunting and are therefore protected by the state's hunter harassment laws. Concerned citizens are encouraged to avoid physical confrontation, and instead utilize other means to productively communicate their thoughts on the issue. GLIFWC contact information is provided below.

**I live in the ceded territory and just heard someone shooting at night; how do I know if this is poaching or Chippewa tribal night hunting?**

There is no way to definitively know. Anytime a citizen suspects a potential wildlife violation, they should contact their local conservation warden, local law enforcement, or the DNR Hotline; <http://dnr.wi.gov/contact/hotline.html> -- 1-800-847-9367.

**Is this FAQ the only source of information about Chippewa tribal night hunting?**

No, this FAQ presents a general summary of Chippewa tribal night hunting regulations in the context of the most common questions. For more information and the specific requirements of night hunting, contact GLIFWC (information below).

**I still have questions or concerns about Chippewa tribal night hunting; who should I contact?**

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) is the Chippewa tribal conservation department responsible for administering the night hunting regulations. You can contact their office with questions at 715-682-6619, or online at <http://www.glifwc.org>.

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