

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. 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

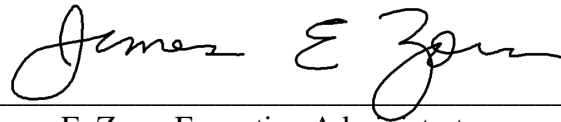
harvesting shall apply:

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.

A handwritten signature in black ink, reading "James E. Zorn". The signature is written in a cursive style with a horizontal line underneath it.

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**, tThe 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]