

Tribal Self-regulation of Off-reservation Treaty Seasons

Commonly known as treaty rights, the rights to hunt, fish and gather on ceded lands were reserved by certain Ojibwe bands in Michigan, Minnesota and Wisconsin in the Treaties of 1836, 1837, 1842, and 1854 with the U.S. government. In recent years, federal court rulings have affirmed these rights. This includes a 1999 U.S. Supreme Court decision affirming the 1837 Treaty rights of eight Ojibwe bands.

The courts' rulings also established a number of principles regarding off-reservation resource management and harvest regulation. One principle is that the tribes may preempt state regulation if they establish an effective system of tribal self-regulation addressing conservation, health and safety interests.

While each signatory tribe reserved the rights for itself and its members in the treaties, all signatory tribes reserved the same set of rights collectively. Consequently, treaty rights are inter-tribal, shared rights.

To exercise the treaty rights, the tribes must individually and collectively: 1) undertake effective management programs; 2) stay within the total tribal allocation of natural resources; and 3) engage in intertribal co-management to preserve a system of tribal self-regulation by effectively managing and regulating treaty rights.

Formed in 1984, the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) assists its eleven member Ojibwe bands in regulating treaty harvests and managing off-reservation natural resources.

GLIFWC provides biological services, maintains an intertribal conservation warden force, and assists tribes in developing treaty rights regulations.

Tribal natural resource management plans and conservation codes regulate tribal members engaging in a broad range of treaty rights activities, including fishing, large and small game hunting, trapping, and wild rice and forest product gathering.



Community Relations and Services

GLIFWC's Enforcement Division works cooperatively with state conservation officers and local law enforcement. Cooperation may include joint patrols, like night patrols for shining, jointly monitoring a deer decoy during deer season, or checking out suspected illegal fishing. Wardens also work cooperatively with local emergency medical services and fire departments.

GLIFWC wardens are certified instructors for hunting, snowmobile, ATV, and boating safety classes. Classes are offered on reservation and are open to tribal members and non-members alike. In addition, conservation officers assist GLIFWC's Public Information Office by staffing education booths at sport shows, state fairs and powwows.

Tribal Courts

Tribal courts play an important role in off-reservation, treaty enforcement and tribal self-regulation. Tribal members exercise treaty rights under codes adopted by their respective tribal councils. Tribal members violating tribal, off-reservation codes are cited into tribal courts for prosecution.

If found guilty of violating tribal conservation codes, the tribal judge will penalize the violator on standards set by each individual tribal court. Frequently, fines are assessed for specific conservation violations. Sometimes equipment may be confiscated or an individual may lose the right to harvest off-reservation.

Each GLIFWC member band maintains a tribal court. GLIFWC contributes to the maintenance of tribal courts because they are essential to effective off-reservation, treaty enforcement.



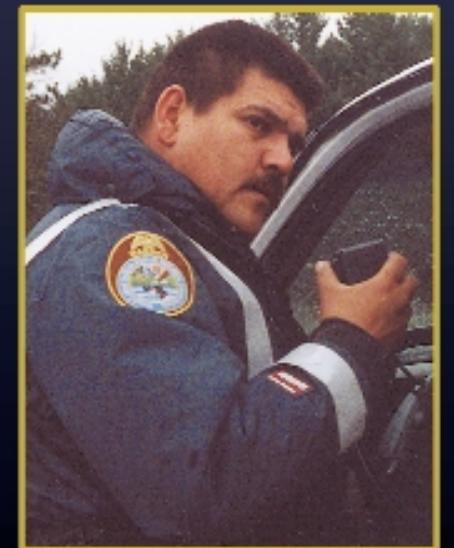
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Enforcement Of Off-Reservation TREATY SEASONS



GLIFWC's Conservation Enforcement Division

Through its Conservation Enforcement Division, the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) monitors off-reservation treaty harvests and enforces tribal codes governing off-reservation treaty seasons.

The Enforcement Division maintains its headquarters at GLIFWC's main office on the Bad River reservation and has satellite enforcement offices conveniently located on ten member reservations. The chief warden, dispatch, and the administrative assistant are housed at the main office. District supervisors, area supervisors and conservation wardens staff the satellite offices.

The Eastern District includes the ceded territories

surrounding the Bay Mills, Keweenaw Bay and Lac Vieux Desert reservations in Michigan. GLIFWC enforcement officers are stationed at each of these reservations. Officers stationed at Keweenaw Bay monitor the treaty commercial fishery in the Michigan waters of Lake Superior as well as the inland treaty harvests.



The Central District encompasses the ceded territories surrounding the Bad River, Lac du Flambeau, Mole Lake/Sokaogon, and Red Cliff reservations in Wisconsin.

The Western District includes the ceded territories surrounding the Lac Courte Oreilles and St. Croix reservations in Wisconsin and the Mille Lacs reservation in Minnesota.

Conservation wardens are assigned to satellite offices on each of these reservations.

The ceded territories surrounding each GLIFWC member reservation is considered an enforcement area, and one of the officers stationed at each satellite office is the area supervisor, responsible for coordinating conservation enforcement efforts in the area.

In Wisconsin, some GLIFWC officers are authorized by the Wisconsin Department of Natural Resources to enforce state conservation codes.

Conservation Enforcement Training

GLIFWC conservation officers must attend basic law enforcement recruit training, completing a minimum of 520 hours of basic training to qualify as a conservation officer. The training is the same as states require for law enforcement certification.

Basic training involves study of state and tribal law,



reporting procedures, use of firearms, medical response, defense tactics, and emergency vehicle operation. GLIFWC officers also become certified as first responders and in cold-water rescue.

In addition to basic training, GLIFWC officers maintain and improve proficiency through annual, mandatory training sessions.

Annual training includes:

- Quarterly firearms training
- Quarterly Defensive Arms & Arrest Tactics (DAAT)
- Twenty-four hour re-certification in cold water rescue
- Twenty-four hour re-certification in law enforcement, including legal updates and situational firearms training for Wisconsin law enforcement certification

Biennial training includes:

- Twenty-four hour re-certification in medical first response skills with certification in defibrillator use
- Emergency Vehicle Operation Course (EVOC)

Enforcement of Treaty Seasons

GLIFWC conservation wardens' primary duty is to enforce tribal, ceded territory, conservation codes.

One of the busiest seasons for GLIFWC conservation wardens is spring spearing and netting season, generally occurring over about four weeks immediately after ice-out. Treaty spearing and netting



harvests are intensely monitored, with both enforcement and biological creel crews on all landings that are open each day and/or night. Besides checking tribal identification and permits, enforcement personnel monitor tribal catches as they come in from the lake, checking for violations of tribal codes, such as bag and size limits, and checking equipment for safety purposes.

Another very active season for the Enforcement Division is fall, when several off-reservation seasons are open simultaneously, including the popular off-reservation deer season that runs from the day after Labor Day through December 31st. GLIFWC wardens are heavily engaged in patrol and education programs during this time, and, in some instances, work with state enforcement officers.

Tribal members harvesting deer off-reservation must have tribal identification and a permit. Antlerless deer harvest is limited by quotas in each management unit, and deer must be registered at a registration station located on each reservation.

Other seasons open during the fall include wild rice, small game hunting, waterfowl hunting, trapping, and fall spearing or netting, each governed by tribally-adopted codes which must be enforced.

