

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

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION ORDER

Order No. 2018-01

Wisconsin 1837 and 1842 Ceded Territory Tribal Fish Harvesting Regulations for Designated River and Stream Segments

This Commission Order establishes amendments to the Tribes' fish harvesting regulations applicable to designated river and stream segments within the Wisconsin portion of the 1837 and 1842 ceded territories pursuant to Part VI, Section B of the *Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulations Incorporated into the Final Judgment*.

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

Subd. 1: The parties entered into an agreement (*Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulations Incorporated into the Final Judgment*) in 2011, which was submitted to the Court and incorporated into the Final Judgment in the *Lac Courte Oreilles v. Wisconsin* case. Section A of Part VI of the agreement established a six-year joint study of regulations applicable to tribal harvesting within designated river and stream segments. This Order is issued in accordance with Part VI, Section B of the agreement, which provides that "upon agreement by the parties, the tribes may extend, amend and/or make permanent the provisions of sec. A, above, through the issuance of a Commission Order." 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 Part VI. of the *Stipulation for Technical, Management and Other Updates: Second Amendment of the Stipulation Incorporated into the Final Judgment*, which amended Sections 3.f(iii) and (iv) of the *Stipulation on Biological and Certain Remaining Issues* (Docket Number 911). The parties have reviewed the regulations and have agreed to extend and amend the regulations applicable to designated river and stream segments.

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 Fish Harvesting Regulations for Designated River and Stream Segments. Starting immediately, and unless changed by a subsequent order, or the parties make permanent changes to the regulations through the submission of a new stipulation to the court, the following parameters for tribal fish harvesting for designated river and stream segments shall apply:

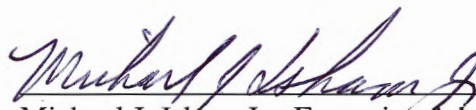
Subd. 1: Designated River and Stream Segments Commission Document. Tribal harvesting of fish by open-water spearing and netting (other than gillnetting) within river and stream segments is limited to the river and stream segments described in the updated Commission document, *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories*, as attached to this Order.

Subd. 2. Harvest Quotas for Designated River and Stream Segments. The Tribes are limited to harvesting no more than the following from each designated river and stream segment: two (2) sturgeon; eight (8) muskellunge; one-hundred twenty (120) walleye; thirty (30) smallmouth bass; and other fish as established by the tribal conservation department, with additional restrictions applicable to Stream Segment 31 (no more than one-hundred twenty (120) fish, which are walleye, sauger or walleye-sauger hybrids and no more than two (2) shovelnose sturgeon may be harvested).

Subd. 3: Regulations for Designated River and Stream Segments. Tribal harvesting of fish by open-water spearing and netting (other than gillnetting) within river and stream segments shall be regulated by Sections 3.27, 9.06, and 9.07 of the Off-Reservation Model Code, as amended and attached to this Order.

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 20th day of April, 2018.



Michael J. Isham Jr., Executive Administrator
Great Lakes Indian Fish and Wildlife Commission

Model Code Amendments – Designated River and Stream Segment Amendments

Additions in underlined text; subtractions in ~~strikeout text~~.

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 fully set forth therein:

[Subsections (a)-(i) unchanged]

(j) *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories, ~~Version 1 2.0: [October 2010]~~*; and

[Subsection (k) unchanged]

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

9.06 Spearing Regulated.

[Subsections (1)-(8) unchanged.]

(9) The tribal conservation department may issue an open water spearing permit to a member for a designated stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize spearing only on a river or stream segment listed in the *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories, ~~Version 1 2.0: [October 2010]~~* document as available for open water spearing;

(b) ~~No designated stream segment shall be speared for a particular species for more than two days in a fishing year; [open]~~

(c) No spearing shall be authorized in any Tribal fish refuge, as established in the Tribal Fish Refuges Commission document, located within the designated river or stream segment;

(d) The permit requires the use of designated landings, or specified river access points, for ingress to and egress from the designated river or stream segment;

(e) Spearing in a designated river or steam segment may take place from a boat or while wading;

(f) The number of fish available for harvesting within designated river or stream segments shall be set forth on a permit issued by the Tribal Conservation Department consistent with imposes the following bag limits harvest quotas for the species indicated:

(i) Sturgeon - ~~One~~ Two per ~~day~~ year per designated river or stream segment (all ~~boats~~ Tribes for both spearing and allowable nets)

(ii) Muskellunge - ~~Four~~ Eight per ~~day~~ year per designated river or stream segment (all ~~boats~~ Tribes for both spearing and allowable nets)

(iii) Walleye - ~~Sixty~~ One-hundred twenty per ~~day~~ year per designated river or stream segment (all ~~boats~~ Tribes for both spearing and allowable nets)

(iv) Smallmouth bass – thirty per year per designated river or stream segment (all Tribes for both spearing and allowable nets)

(v) Other fish species – no harvest quotas for fish species with open seasons as listed in Sec. 9.05(3), except from Stream Segment 31, no more than one-hundred twenty fish which are walleye, sauger and walleye-sauger hybrids and no more than two shovelnose sturgeon may be harvested (all Tribes for both spearing and allowable nets).

(g) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate, including biological monitoring requirements in addition to those contained in Section 9.06(8) appropriate to the level of harvest activity on a designated river or stream segment.

[Subsection (10) unchanged]

(11) The tribal conservation department may issue an open water spearing permit to a member for an adjacent spawning stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize spearing only on an adjacent spawning stream segment listed in the comprehensive tribal document entitled: *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories, Version 1: [October 2010]*.

(b) The Tribes' designated "lake" declaration (quota) for a fishing year will be deemed to apply to both the "lake" and to the "adjacent spawning stream segment" as defined in Section 9.06(11)(a).

(c) The regulations that apply to spearing in the "lake" shall also apply to spearing in the "adjacent spawning stream segment;" as defined in Section 9.06(11)(a).

(d) The tribal conservation department may impose such other terms and

conditions as it deems necessary or appropriate, including biological monitoring requirements in addition to those contained in Section 9.06(8) appropriate to the level of harvest activity on an adjacent spawning stream segment as defined in Section 9.06(11)(a).

9.07 Dip Nets, Fyke Nets and Seines Regulated.

[Subsections (1)-(7) unchanged]

(8) The tribal conservation department may issue a netting permit, for the use of a dip net, fyke net or seine, to a member for a designated river or stream segment, as identified in Section 9.06(10), provided:

(a) The permit shall authorize netting only on a river or stream segment listed in the *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories* document as available for netting, other than gillnetting;

(b) No netting shall be authorized in any Tribal fish refuge, as established in the *Tribal Fish Refuges Commission* document, located within the designated river or stream segment;

(c) The permit requires the use of designated landings, or specified river access points, for ingress to and egress from the designated river or stream segment;

(d) The number of fish available for harvesting within designated river or stream segments shall be set forth on a permit issued by the Tribal Conservation Department consistent with the following bag limits for the species indicated:

(i) Sturgeon - Two per year per designated river or stream segment (all Tribes for both spearing and allowable nets)

(ii) Muskellunge - Eight per year per designated river or stream segment (all Tribes for both spearing and allowable nets)

(iii) Walleye - One-hundred twenty per year per designated river or stream segment (all Tribes for both spearing and allowable nets)

(iv) Smallmouth bass – Thirty per year per designated river or stream segment (all Tribes for both spearing and allowable nets)

(v) Other fish species – no harvest quotas for fish species with open seasons as listed in Sec. 9.05(3), except from Stream Segment 31, no more than one-hundred twenty fish which are walleye, sauger and walleye-sauger hybrids and no more than two shovelnose sturgeon may be harvested (all Tribes for both spearing and allowable nets).

(h) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate to the level of harvest activity on a designated river or stream segment.

(9) The tribal conservation department may issue a netting permit, for the use of a fyke net, dip net or seine, to a member for an adjacent spawning stream segment, as defined in Section 9.06(10), provided:

(a) The permit shall authorize netting (other than gillnetting) only on an adjacent spawning stream segment listed in the comprehensive tribal document entitled: *Designated Tribal River and Stream Segments in the Wisconsin portion of the 1837 and 1842 Ceded Territories.*

(b) The Tribes' designated "lake" declaration (quota) for a fishing year will be deemed to apply to both the "lake" and to the "adjacent spawning stream segment" as defined in Section 9.06(10).

(c) The regulations that apply to netting in the "lake" shall also apply to netting in the "adjacent spawning stream segment;" as defined in Section 9.06(10).

(d) The tribal conservation department may impose such other terms and conditions as it deems necessary or appropriate to the level of harvest activity on an adjacent spawning stream segment as defined in Section 9.06(10).