

INTERIM TREATY WILDLIFE MANAGEMENT PLAN  
FOR THE MINNESOTA 1837 CEDED TERRITORY  
FOR THE YEARS 1997-2001

May 29, 1996

Part I: Introduction.

The purpose of this plan is to set forth the management intent of the Mille Lacs, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake (Sokaogon), Red Cliff and St. Croix Bands (the Bands) for the exercise of certain treaty hunting and trapping rights in the Minnesota portion of the 1837 ceded territory during the period 1997-2001. The Bands have prepared a Model Minnesota 1837 Treaty Conservation Code ("Model Code") that includes provisions regulating their members' hunting activities in the Minnesota ceded territory. This management plan complements the Model Code.

The treaty rights of the Bands to hunt, fish and gather in the 1837 ceded territory were confirmed in August 1994 and March 1996 by the federal district court in Mille Lacs Band v. State of Minnesota, No. 3-94-1226.

As explained in the Plaintiffs' and Plaintiff-Intervenor's Joint Preliminary Pre-Trial Statement for Phase II at 12-15 (Nov. 23, 1994), the Bands contend that they are legally entitled to harvest up to 50 percent of the harvestable surplus of wildlife resources in the Minnesota ceded territory. However, this management plan does not purport to provide for the full harvest of the Bands' 50 percent share of key species during the initial five-year period following judicial reaffirmation of the Bands' treaty rights. Instead, this management plan is intended to provide for the gradual development of treaty hunting and trapping in Minnesota during this initial five-year period. Accordingly, the plan allows for the orderly development of treaty hunting and trapping, provides the State with ample opportunity to adjust non-treaty hunting and trapping, allows for the development of Band management capabilities, and allows new information about the status of the resources to be accumulated. This management approach is not intended to limit, waive or modify the Bands' treaty entitlement to 50 percent of the harvestable surplus of these resources, and any such construction of this plan is improper and unauthorized.

It is the Bands' intent to prepare a second multi-year plan to replace this plan upon its expiration. The Bands anticipate that, on the basis of knowledge acquired through the implementation of this plan, the second plan will enable the Bands to more fully exercise their treaty hunting and trapping rights. At the beginning of year 5 under this plan, the Bands will provide a draft of the second plan to the State, and will seek to reach agreement with the State on the management measures incorporated therein before implementing it. The Bands propose that disputes regarding the second plan be resolved in accordance with the dispute resolution procedure to be adopted by the court in Mille

Lacs Band v. State.

**Part II. Harvest Management Units.**

The Bands will manage wildlife harvests utilizing the harvest management units presently utilized by the State of Minnesota. If the Bands desire to change these units they will notify the State and follow the procedures for such changes set forth in Protocol No. 2, Minnesota 1837 Ceded Territory Wildlife and Plant Resources Committee.

**Part III. Bear.**

A. Subject to changes in harvest management units pursuant to Part II above, the Bands will limit bear harvests with quotas for the portions of Bear Management Units 45 and 51 which are within the ceded territory.

B. The annual treaty quotas under Section 7.05(1) of the Model Code will not exceed 10 bears in Unit 45 and 25 bears in Unit 51 during the period 1997-2001.

C. The Bands will notify the State of the annual treaty quota for each Unit in accordance with Protocol No. 4, Information Exchange Procedures.

**Part IV. Antlerless Deer.**

A. Subject to changes in harvest management units pursuant to Part II above, the Bands will limit antlerless deer harvests with quotas for each State deer permit area (or portion thereof) within the ceded territory, namely, permit areas comprising the following deer registration units: 152; 154-56 (collectively); 157-58 (collectively); 159; 180-84 (collectively); 221; 222; 223; 224; 225; 226; 227; 235; 236; and 249.

B. Except as otherwise provided in this paragraph, the sum of the annual treaty quotas for antlerless deer for each deer permit area under Section 6.03(1) of the Model Code shall not exceed 900 antlerless deer per year for the period 1997-2001. This number shall be called the "maximum total antlerless deer quota" for such years. If the total treaty harvest of antlerless deer in any year exceeds 90 percent of the maximum total antlerless deer quota for that year, the maximum total antlerless deer quota for subsequent years will be increased by 10 percent.

C. The annual treaty quota for antlerless deer under Section 6.03(1) of the Model Code in any deer permit area that is entirely within the ceded territory will not exceed 50 percent of the harvestable surplus in that area. The harvestable surplus will be determined in accordance with Protocol No. 5, Natural Resource Management in the Minnesota Portion of the 1837 Ceded Territory.

D. The annual quota for antlerless deer under Section 6.03(1) of the Model Code in any deer permit area that is only partially within the

ceded territory will not exceed 50 percent of the harvestable surplus within that portion of the area that is within the ceded territory. The harvestable surplus for the entire area will be determined in accordance with Protocol No. 5, Natural Resource Management in the Minnesota Portion of the 1837 Ceded Territory. The harvestable surplus in the portion of the area within the ceded territory will, initially, be calculated on the basis of the percentage of the entire area that is within the ceded territory. However, the Bands may propose alternative methods of calculating this amount (and invoke the dispute resolution process in the event of a disagreement) if they believe that this approach is inconsistent with their treaty rights.

E. The Bands will notify the State of the annual treaty quota for each deer permit area in accordance with Protocol No. 4, Information Exchange Procedures.

#### Part V. Moose.

A. The Bands will close deer registration block 184 to the harvest of moose pending a determination that the population is capable of withstanding harvest or that a sustainable population will not survive there in any event. Such determination shall be made by the parties in accordance with Protocol No. 2, Minnesota 1837 Ceded Territory Wildlife and Plant Resources Committee. If the Bands propose a harvest that the State opposes, the State will have the burden to show that restrictions are reasonable and necessary for conservation.

B. Outside of deer registration block 184, for the period 1997-2001, the Bands will not authorize the harvest of more than five (5) moose per year under Section 6.24 of the Model Code.

C. If the 1837 Ceded Territory Wildlife Committee identifies other potentially sustainable populations of moose in the ceded territory, the Bands will cooperate in identifying and protecting such populations.

#### Part VI. Wild Turkeys.

A. Subject to changes in harvest management units pursuant to Part II above, the Bands will limit wild turkey harvests to those wild turkey harvest zones (or portions thereof) within the ceded territory in which State harvest quotas are established, and will adopt quotas for a spring and fall season within each zone.

B. In wild turkey harvest zones in which the State does not permit a fall hunt (presently, this represents all wild turkey harvest zones in the ceded territory), the Bands will establish an annual quota of bearded turkeys, which shall not exceed 50 percent of the harvestable surplus in that zone. The harvestable surplus will be determined in accordance with Protocol No. 5, Natural Resource Management in the Minnesota Portion of the 1837 Ceded Territory. The quota for the Bands' spring hunt will not exceed the annual quota. The quota for the Bands' fall hunt will be the number of wild turkeys remaining on the annual

quota following the Bands' spring hunt.

C. The Bands will notify the State of the annual treaty quota for each wild turkey harvest zone in accordance with Protocol No. 4, Information Exchange Procedures.

**Part VII. Bobcat, Fisher and Otter.**

A. The Bands will limit bobcat, fisher and otter harvests with quotas for each species.

B. The annual treaty quotas for bobcat, fisher and otter under Section 8.06 of the Model Code will not exceed 50 percent of the harvestable surplus of each species in the ceded territory. Subject to adjustments that may be made in accordance with Protocol No. 2, Minnesota 1837 Ceded Territory Wildlife and Plant Resources Committee, the harvestable surplus in the ceded territory will be calculated as follows:

$$HS_{CT} = X(HS_R)$$

where  $HS_{CT}$  is the harvestable surplus in the ceded territory, X in the percentage of the species total range in Minnesota which is within the ceded territory, and  $HS_R$  is the harvestable surplus of the species throughout its range in Minnesota. The harvestable surplus of the species throughout their range in Minnesota, and the percentage of the range in the ceded territory, will be determined in accordance with Protocol No. 5, Natural Resource Management in the Minnesota Portion of the 1837 Ceded Territory.

C. The Bands will notify the State of the annual treaty quota for bobcat, fisher and otter in accordance with Protocol No. 4, Information Exchange Procedures.