

EXHIBIT E

Mille Lacs Band v. Minnesota
Status of Phase II Regulatory Issues
June 5, 1996

This table lists the particular State statutes and regulations challenged by plaintiffs and plaintiff-intervenors in the current phase of the litigation. Plaintiffs and plaintiff-intervenors may challenge additional statutes or regulations in the future, to the extent that in practice they interfere with the plaintiff and plaintiff-intervenor Bands' treaty hunting, fishing and gathering rights. However, any such challenge shall be addressed in accordance with the dispute resolution procedures adopted by the Court.

Each challenged statute or regulation is classified as "Resolved" or "Unresolved". Except as otherwise provided below, "Resolved" means that the stipulating parties (plaintiffs, plaintiff-intervenors, and defendants) agree that, upon adoption of the Band Code (Exhibit A), issuance of the Band Commissioner's Orders (Exhibit B), and approval of the Band Management Plans (Exhibit C) and State-Band Protocols (Exhibit D) by one or more of the plaintiff or plaintiff-intervenor Bands, the listed statute or regulation shall not be applicable to such Bands' and their members' hunting, fishing and gathering activities in the Minnesota Ceded Territory or to their possession, transportation, use or disposition outside of the Minnesota Ceded Territory of fish, game or plant resources harvested within the Minnesota Ceded Territory.

"Unresolved" means that defendants contend that the application to Band members of the challenged statute or regulation either (1) is necessary for conservation, public health or safety, as those terms are used in the Court's Phase I decision, notwithstanding the provisions of the Band Code, Commissioner's Orders, Management Plans and Protocols, or (2) applies on lands on which the Bands' treaty right is not applicable. The Comments column indicates the nature of defendants' contention. Plaintiffs and plaintiff-intervenors dispute these contentions and the dispute will be presented to the Court for resolution on summary judgment motion or at trial.

Challenged Statute or Regulation	Topic	Status	Comments
MS 17.23	Wildflowers	Resolved	
MS 18.317	Exotic Species	Resolved	
MS 30.49	Wild rice labeling, etc.	Resolved	
MS 84.033 and 86A.05, Subd. 5	SNAs	Resolved	
MS 84.0895	Endangered Species	Resolved	
MS 84.091, Subd. 2	Aquatic Plants	Resolved	
MS 84.111, 84.14, 84.15, 84.152 and 84.42	Wild rice	Resolved	
MS 97A.031	Wanton Waste	Resolved	
MS 97A.037	Hunter/Trapper/Angler Harassment	Resolved	
MS 97A.045	Commissioner's authority.	Unresolved	Many issues regarding natural resource management have been resolved. However, the issue of ultimate decision making authority remains unresolved.
MS 97A.083	Hunting/Fishing on State Land	Resolved	
MS 97A.085	Game Refuges	Resolved	
MS 97A.091	Hunting on Game Refuges	Resolved	
MS 97A.092	Controlled Hunting Zones	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97A.093	Hunting, Trapping and Fishing in SNAs	Resolved	
MS 97A.137, Subd. 1	Hunting, Fishing and Trespassing in WMAs	Resolved	
MS 97A.137, Subd. 2	Hunting, Fishing and Trespassing in WMAs	Resolved	
MS 97A.121	License for hunting in private reserve	Unresolved	The State claims the Bands should not be exempt from this statute because treaty rights do not extend to this type of private land. The Bands disagree.
MS 97A.141, Subd. 5	Public Water Access Sites; Hunting Prohibited	Resolved	
MS 97A.201, 97A.205, 97A.211, 97A.215, 97A.221, 97A.225, 97A.235, 97A.301, 97A.311, 97A.325, 97A.331, 97A.335, 97A.341 and 97A.345	Enforcement and penalties	Resolved	
MS 97A.401	Special Permits	Resolved	
MS 97A.405, 97A.415, 97A.421, 97A.425, 97A.431 and 97A.433	License and permit requirements and fees	Resolved	
MS 97A.435	Turkey Licenses	Resolved	
MS 97A.451, 97A.475 and 97A.481	License and permit requirements and fees	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97A.501 and 97A.505	Harvest and use restrictions	Resolved	
MS 97A.511	Transporting flesh of beaver, raccoon, rabbits and hare out of state	Resolved	
MS 97A.512	Sale of bear parts	Resolved	
MS 97A.515, 97A.521, 97A.525, 97A.535, 97A.541, 97A.545 and 97A.551	Harvest and use restrictions	Resolved; 97A.551 is inapplicable to members packing fish for other members	
MS 97B.005	Hunting with dogs	Resolved	
MS 97B.020	Firearms safety certificate	Resolved	
MS 97B.021	Possession of firearms by persons under 16	Resolved	
MS 97B.031	Use and possession of firearms	Resolved	
MS 97B.035, 97B.041 and 97B.045	Use and possession of firearms	Resolved	
MS 97B.051	Transp. of Archery Bows	Resolved	
MS 97B.055	Use of firearms and bows and arrows	Resolved	
MS 97B.061	Reports and records	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97B.065 and 066	Hunting under the influence; chemical testing	Resolved	
MS 97B.071	Blaze orange	Resolved	
MS 97B.075	Hunting hours	Resolved	
MS 97B.081	Shining	Unresolved	The State asserts that a conservation concern remains about shining, over bait, during the month of December. The Bands disagree.
MS 97B.085	Use of radios	Resolved	
MS 97B.091	Use of motor vehicles to chase wild animals	Resolved	
MS 97B.095	Burrows and dens	Resolved	
MS 97B.101	Hunting with ferrets	Resolved	
MS 97B.105	Falconry	Resolved	
MS 97B.201	Caribou and Antelope	Resolved	
MS 97B.205	Use of dogs or horses to take big game	Resolved	
MS 97B.211	Arrowhead requirements	Resolved	
MS 97B.301	Deer licenses and limits	Resolved	
MS 97B.305	Number of deer hunters	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97B.311	Deer Seasons	Unresolved	The State asserts this is resolved as to safety issues, but a conservation issue remains for shining over bait in December. The Bands disagree that there is a conservation issue.
MS 97B.321	Snares, Traps etc.	Resolved	
MS 97B.325	Deer stand restrictions	Resolved	
MS 97B.401	Bear licenses	Resolved	
MS 97B.405	Bear seasons	Resolved	
MS 97B.411, 97B.415 and 97B.421	Bear hunting	Resolved	
MS 97B.425	Baiting bears	Resolved	
MS 97B.431	Bear hunting guides	Resolved	
MS 97B.501	Moose license	Resolved	
MS 97B.505	Moose seasons and restrictions	Resolved	
MS 97B.511	Moose stands	Resolved	
MS 97B.515 and 97B.516	Elk	Resolved	
MS 97B.601, 97B.603 and 97B.605	Small game	Resolved	
MS 97B.611	Smoke and fire	Resolved	
MS 97B.615 and 97B.621	Rabbit, Hare, Raccoon	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97B.625	Lynx and Bobcat	Resolved	
MS 97B.631	Fox	Resolved	
MS 97B.635	Fisher, Badger, Opossum, Marten	Resolved	
MS 97B.641 and 97B.645	Cougar, Wolverine and Wolves	Resolved	
MS 97B.651	Unprotected mammals	Resolved	
MS 97B.655	Animals causing damage	Resolved	
MS 97B.701	Protected birds	Resolved	
MS 97B.705	Trapping birds	Resolved	
MS 97B.711	Game birds	Resolved	
MS 97B.715	Pheasants	Resolved	
MS 97B.721	Wild turkey licenses, tagging and registration	Resolved	
MS 97B.723	Number of turkey hunters	Resolved	
MS 97B.725	Turkey guide licenses	Resolved -- statute is inapplicable to Band members guiding other Band members	
MS 97B.731	Migratory birds	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97B.801	Waterfowl stamps	Resolved	
MS 97B.803 and 97B.805	Waterfowl restrictions	Resolved	
MS 97B.811	Decoys and blinds on public lands and waters	Resolved	
MS 97B.901	Tags on furbearers	Resolved	
MS 97B.905	Fur dealer's licenses	Resolved	
MS 97B.911	Muskrat seasons	Resolved	
MS 97B.915	Mink seasons	Resolved	
MS 97B.921	Otter seasons	Resolved	
MS 97B.925	Beaver seasons	Resolved	
MS 97B.931 and 97B.935	Trapping restrictions	Resolved	
MS 97B.941	Tampering with traps	Resolved	
MS 97B.945	Setting traps near water	Resolved	
MS 97C.001, 97C.005 and 97C.011	Experimental, Special Management and Muskellunge Waters	Resolved	
MS 97C.021	Designated trout streams	Resolved	
MS 97C.025	Closed waters for spawning beds, fish preserves and research areas	Resolved	
MS 97C.031	Unbalanced fish populations	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97C.065	Pollutants in waters	Resolved	
MS 97C.071 and 97C.075	Structures and screens in waters	Resolved	
MS 97C.085	Tagging fish	Resolved	
MS 97C.301 and 97C.305	Fishing licenses and stamps	Resolved	
MS 97C.315	Angling lines and hooks	Resolved	
MS 97C.317	Fishing as a party	Resolved	
MS 97C.321	Unattended lines	Resolved	
MS 97C.325 and 97C.331	Restrictions on methods of taking fish	Unresolved	The State seeks to prohibit the use of gillnets in lakes less than 1000 acres on a conservation basis. The Bands oppose this prohibition.
MS 97C.335	Restrictions on methods of taking fish	Resolved	
MS 97C.341	Prohibited bait	Resolved	
MS 97C.345	Restrictions on use/possession of nets and spears	Resolved	
MS 97C.351, 97C.355 and 97C.365	Restrictions on fishing methods	Resolved	
MS 97C.371	Restrictions on fishing methods	Resolved	
MS 97C.375, 97C.381 and 97C.385	Restrictions of fishing methods	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97C.391	Buying and selling fish	Resolved	
MS 97C.395	Open seasons for angling	Resolved	
MS 97C.401	Bag and size limits	Resolved	
MS 97C.405	Muskellunge size limits	Resolved	
MS 97C.411	Sturgeon and paddlefish	Resolved	
MS 97C.415	Trout and salmon	Resolved	
MS 97C.501, 97C.505 and 97C.511	Minnows	Resolved	
MS 97C.515	Imported minnows	Resolved	
MS 97C.521	Transportation of carp fingerlings	Resolved	
MS 97C.601, 97C.605, 97C.611, 97C.621, 97C.701, 97C.705 and 97C.711	Frogs, turtles and mussels	Resolved	
MS 97C.805	Lake whitefish and ciscoes	Resolved	
MS 97C.811, 97C.815 and 97C.821	Commercial fish regulations	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MS 97C.861 and 97C.865	Fish vendors and packers	Resolved; exemption from fish packing license is for dressing fish taken by Band members only	
MS 97C.871	Crayfish	Resolved	
MR 6100.0800, 6100.0900, 6100.1400, 6100.1500, 6100.1800, 6100.1900, 6100.1910, 6100.3400, Subp. 1, 6100.3600 - 6100.3800, 6100.5100, 6100.5200, Subp. 1, 6110.2400 and 6135.4900, Subp. 3 and 10	Special Use Rules	Resolved	
MR 6200.0200, Subp. 5 and 9	Shooting hours	Resolved	
MR 6210.0100, Subp. 1-7, 9-18 and 20-23	Wildlife Management Areas	Resolved	
MR 6212.1400 and 6212.1500	Permits for taking protected wild animals	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6212.1800	Permits to possess threatened and endangered species	Resolved	
MR 6212.2300	Emergency taking of endangered species	Resolved	
MR 6214.0100	Transfer of wild animals by gift	Resolved	
MR 6214.0300 and 6214.0400	Fish packing and labeling	Resolved; regulations will not apply to Band members packing fish caught for other Band members.	
MR 6218.0100, Subp. 1-4	Public water access sites	Resolved	
MR 6230.0200-1200	Wildlife management areas; state game refuges; controlled hunting zones; national wildlife refuges and waterfowl production areas	Resolved	
MR 6230.1300	National wildlife refuges	Resolved	
MR 6232.0100	Restrictions on taking big game	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6232.0300	Restrictions on taking deer	Unresolved	The State asserts a conservation issue re: hunting deer in December while shining over bait. The Bands disagree that there is a conservation issue.
MR 6232.0400-0500	Deer registration and licenses	Resolved	
MR 6232.0600	Archery seasons and zones for deer	Resolved	
MR 6232.0700-1200	Archery restrictions for deer	Resolved	
MR 6232.1300	Firearms seasons for deer	Unresolved	The State asserts a conservation issue re: hunting deer in December while shining over bait. The Bands disagree that there is a conservation issue.
MR 6232.1500	Arms use areas and restrictions	Resolved	
MR 6232.1600	Special hunts	Resolved	
MR 6232.1800	Antlerless permits	Resolved	
MR 6232.1900-2000	Firearms deer management permits and multizone buck licenses	Resolved	
MR 6232.2100-2450	Taking deer by muzzleloader	Resolved	
MR 6232.2700	Seasons for taking bears	Resolved	
MR 6232.2800	Regulations for taking bears	Resolved	
MR 6232.2900	Bear permits	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6232.3000	Bear quota areas	Resolved	
MR 6232.3100	Bear no-quota areas	Resolved	
MR 6232.3200	Bait stations and garbage dumps	Resolved	
MR 6232.3300-3500	Nuisance bears, research bears and bear guiding	Resolved	
MR 6232.3600	Seasons and dates for taking moose	Resolved	
MR 6232.3700	Regulations for taking moose -- blaze orange required	Resolved	
MR 6232.3800 and 6232.4000	Moose licenses; nuisance moose	Resolved	
MR 6232.4400	Elk -- blaze orange required	Resolved	
MR 6232.4700	Deer and bear registration blocks	Resolved	
MR 6234.0100	Restrictions for taking small game	Resolved	
MR 6234.0200	Taking ruffed grouse and spruce grouse	Resolved	
MR 6234.0300	Taking sharp-tailed grouse	Resolved	
MR 6234.0400	Taking pheasants	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6234.0500-0800	Gray partridge, jack rabbits, cottontail rabbits, snowshoe hare, gray and fox squirrels and falconry	Resolved	
MR 6234.0900	Furbearers -- def. of water-set and bait	Resolved	
MR 6234.1000	Furbearer zones	Resolved	
MR 6234.1100	Taking mink and muskrats	Resolved	
MR 6234.1200-1400	Taking raccoon, red and gray fox, badger and opossum	Resolved	
MR 6234.1500	Taking lynx	Resolved	
MR 6234.1600	Taking bobcat	Resolved	
MR 6234.1700	Taking fisher	Resolved	
MR 6234.1800	Taking pine marten	Resolved	
MR 6234.1900	Taking beaver	Resolved	
MR 6234.2000	Taking otter	Resolved	
MR 6234.2100	Special provisions for taking beaver and otter	Resolved	
MR 6234.2200	Use of traps	Resolved	
MR 6234.2300	Gen'l restrictions on use of snares	Resolved	
MR 6234.2400	Spec. restrictions on use of snares	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6234.2600	Pelt tagging and registration	Resolved	
MR 6234.2700	Spec. Restrictions on Taking and Possession of Furbearers	Resolved	
MR 6236.0200	Turkey license	Resolved	
MR 6236.0300	Turkey hunt drawing	Resolved	
MR 6236.0400-0550	Turkey licenses and restrictions	Resolved	
MR 6236.0600	Spring turkey season	Resolved	
MR 6236.0700	Fall turkey season	Resolved	
MR 6236.0800	Turkey zones	Resolved	
MR 6236.0900	Spec. provisions for taking turkeys	Resolved	
MR 6236.0950	Tagging turkeys	Resolved	
MR 6236.1000	Turkey registration	Resolved	
MR 6236.1050	Turkey hunt quotas	Resolved	
MR 6238.0200-1100	Falconry	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6240.0200-0600, 6240.1000-1900	Gen'l restrictions for taking and possession of migratory game birds; taking of woodcock, rails, Wilson's snipe, and ducks, coots and moorhens; seasons and limits for taking geese	Resolved	
MR 6240.2000	Migratory waterfowl feeding and resting areas	Resolved	
MR 6240.2300	Season and bag limit for crows	Resolved	
MR 6240.2400	Taking common crows	Resolved	
MR 6240.2500	Taking common crows causing depredation	Resolved	
MR 6240.2600	Taking common crows in waterfowl production areas, game refuges and WMAs	Resolved	
MR 6242.0400	License for hunting on commercial shooting preserve	Unresolved	The State asserts this rule should remain applicable to the Bands since treaty rights do not extend to this type of private land. The Bands disagree.
MR 6252.0100	Seasons and methods for taking rough fish	Resolved	
MR 6252.0200-0350	Rough fish	Resolved	
MR 6252.0400	Marking fish nets	Resolved	
MR 6252.0500	Whitefish and ciscoes	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6254.0500	Methods for taking minnows	Resolved	
MR 6256.0200-0400	Frogs	Resolved	
MR 6256.0500	Turtles	Resolved	
MR 6258.0100-0900	Mussels	Resolved	
MR 6260.0200-0600, 6260.0800-1000	Commercial fishing	Resolved	
MR 6260.1100	Marking holes in ice	Resolved	
MR 6260.1200	Fishing gear	Resolved	
MR 6260.1400	Rough fish gear	Resolved	
MR 6260.1900-2400	Commercial fishing in Mississippi River and inland lakes	Resolved	
MR 6260.2500-3400	Crayfish	Resolved	
MR 6262.0100	Gen'l restrictions on taking fish	Resolved	
MR 6262.0200	Fishing regulations on inland waters	Unresolved	The State asserts a conservation issue re: the use of gillnets in lakes less than 1000 acres.
MR 6262.0400	Taking minnows from designated trout lakes and streams	Resolved	
MR 6264.0100	Muskellunge seasons and size limits	Resolved	
MR 6264.0200	Spearing restrictions	Resolved	

Challenged Statute or Regulation	Topic	Status	Comments
MR 6264.0300	Experimental waters	Resolved	
MR 6266.0100	Taking fish on boundary waters	Resolved	
MR 6266.0500	Minnesota - Wisconsin boundary waters	Resolved	
MR 6266.0600	Commercial regs for Minnesota - Wisconsin boundary waters	Resolved	
MR 6282.0100-0500	Ginseng	Resolved	
MR 6284.0100-0500	Wild rice	Resolved	

