

**CHIPPEWA INTERTRIBAL AGREEMENT  
GOVERNING RESOURCE MANAGEMENT AND REGULATION  
OF OFF-RESERVATION TREATY RIGHTS  
IN THE CEDED TERRITORY**

WHEREAS, The Chippewa tribes of Wisconsin have established off-reservation usufructuary rights reserved by the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591;

and WHEREAS, The tribes are co-plaintiffs in the litigation filed to secure those rights, Lac Courte Oreilles Band. et al. v. State of Wisconsin, et al., W.D. Wis. No. 74-C-313;

and WHEREAS, The tribes are all members of the Great Lakes Indian Fish and Wildlife Commission, which has provided biological and other technical services for the development of management plans and regulations, conservation law enforcement services for the enforcement of codes and ordinances, and other supportive services;

and WHEREAS, The tribes have formed and are all members of the Voigt Intertribal Task Force Committee of the Commission, which since 1983 has successfully developed intertribal agreements on regulations governing the exercise of treaty rights;

and WHEREAS, The tribes have the capability and responsibility to regulate the exercise of treaty rights and - to co-manage the resources in cooperation with the State of Wisconsin;

and WHEREAS, Intertribal cooperation is required in order to make co-management feasible and self-regulation effective.

**NOW, THEREFORE, THE TRIBES DO HEREBY COVENANT AND AGREE AS FOLLOWS:**

**Section 1: Purpose**

The purpose of this Agreement is to protect the resources of the ceded territory and promote, preserve and protect the exercise of treaty rights by establishing an effective intertribal mechanism for co-management of the resources subject to the treaty right and for tribal self-regulation of the exercise of the treaty right.

**Section 2: Intent**

It is the intent of the tribes by means of this Agreement to establish a binding mechanism for intertribal co-management and regulation, in recognition of the fact that

**Exhibit A**

each tribe cannot on its own effectively manage and regulate the exercise of treaty rights in the ceded territory.

**Section 3: Application**

This Agreement applies to the co-management of resources and the regulation of the exercise of treaty rights in the off-reservation portions of the ceded territory, except for the waters of Lake Superior. It does not apply to resources or activities on the reservations of the tribes.

**Section 4: Definitions**

As used in this Agreement:

(a) "Ceded territory" means the area of Wisconsin ceded by the tribes to the United States in the Treaty of 1837, 7 Stat. 536, and the Treaty of 1842, 7 Stat. 591, excluding the waters of Lake Superior.

(b) "Commission" means the Great Lakes Indian Fish and Wildlife Commission.

(c) "DNR" means the Wisconsin Department of Natural Resources.

(d) "Task Force" means the Voigt Intertribal Task Force Committee of the Commission.

(e) "Treaty right" means the off-reservation usufructuary rights to hunt, fish and gather within the ceded territory.

(f) "Tribes" means the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; the Red Cliff Band of Lake Superior Chippewa Indians; the Sokaogon Chippewa Indian Community, Mole Lake Band of Wisconsin; the St. Croix Chippewa Indians of Wisconsin; the Bad River Band of Lake Superior Chippewa Indians; and the Lac du Flambeau Band of Lake Superior Chippewa Indians.

**Section 5: Task Force Responsibilities**

(a) The Task Force shall have the primary responsibility for intertribal co-management and regulation. It shall review and approve resource management plans, develop and recommend seasonal agreements and regulations, and coordinate consultation with the DNR.

(b) All Task Force actions affecting the treaty right must be approved by an affirmative vote of a majority of the tribes as defined in 4(f) who have adopted this Agreement.

#### Section 6: Commission Responsibilities

The Commission shall have the primary responsibility for the provision of biological and resource management support services, and for the enforcement of tribal treaty right regulations through Commission conservation law enforcement personnel, as adopted by each individual tribe.

#### Section 7: Management Plans: Harvest Goals and Quotas

(a) The Task Force shall with the assistance of Commission biologists develop and approve management plans for the resources within the ceded territory subject to treaty right harvest. The tribes agree to regulate the exercise of the treaty right in accordance with the management plans developed and approved by the Task Force.

(b) The Commission biologists shall develop, and the Task Force shall review and approve, intertribal harvest goals and quotas which shall insure that the tribes shall not harvest more of any resource than is permitted under the treaty right allocation of that resource.

(c) The tribes agree to regulate the exercise of the treaty right in a manner which assures that the intertribal harvest goals and quotas adopted by the Task Force shall not be exceeded.

(d) No treaty right harvest of any resource for which the Task Force has not adopted harvest goals and quotas shall be authorized or permitted.

#### Section 8: Regulation of the Treaty Right

(a) The Task Force shall develop intertribal seasonal agreements and model regulations for each harvest activity which are consistent with the management plans and which insure that the intertribal harvest goals and quotas shall not be exceeded.

(b) The seasonal agreements shall allocate harvest opportunity and shall assure the protection of public health and safety.

(c) The tribes shall employ their best efforts to secure tribal adoption of the seasonal agreements and regulations in conformity therewith; provided, that nothing herein shall prevent a tribe from adopting more restrictive regulations.

(d) The tribes shall authorize the enforcement of tribal treaty right regulations by Commission conservation law enforcement personnel.

(e) No treaty right harvest of any resource shall be authorized or permitted except in accordance with the seasonal agreement adopted by the Task Force to govern that harvest.

#### Section 9: Harvest Data

The tribes agree to develop and implement methods for gathering data on treaty right harvest of resources by tribal members, and to provide such data promptly to the Commission biologists upon request.

#### Section 10: Emergency Closures

(a) Notwithstanding any other provision of this Agreement or of tribal law, the Director of the Biological Services Division of the Commission is hereby authorized and empowered to order the closure of any harvest activity, generally or with respect to a particular location or body of water, whenever in his or her professional opinion and judgment the continuation of the harvest activity is likely to result in a harvest exceeding the harvest goals and quotas adopted pursuant to Section 7 or would otherwise cause biological harm to the resource.

(b) Every reasonable effort shall be made to consult with and obtain the approval of the Task Force prior to ordering an emergency closure, but such closure may be ordered without consultation or approval if circumstances require.

(c) An emergency closure shall become effective immediately upon issuance or at such other time or date as the closure order may direct. Such closure shall be communicated to the tribes by the best and swiftest practicable method.

#### Section 11: Cooperation with DNR

The tribes acknowledge the responsibility and authority of the DNR to co-manage the resources subject to the treaty right and to regulate the harvest activities of persons not entitled to exercise the treaty right. The tribes pledge to cooperate with the DNR in the following ways:

(a) By sharing harvest data and other biological information through the Commission biological staff in a timely and professional manner.

(b) By inviting DNR consultation and review of management plans and harvest goals and quotas prior to their adoption by the Task Force.

(c) By inviting DNR consultation and review of seasonal agreements and model regulations prior to their development by the Task Force and recommendation to the tribes.

(d) By coordinating emergency closure activities with the DNR, should closure of activities by non-treaty harvesters be required.

(e) By providing DNR with copies of tribal ordinances regulating the exercise of treaty rights.

(f) By adopting harvest goals and quotas, seasonal agreements, and regulations in a timely fashion, recognizing that the DNR may need to adjust its regulations governing the non-treaty harvest to take account of the treaty right harvest, and that the state administrative process requires some lead time for the development and adoption of such regulations.

(g) By continuing Commission staff cooperation in joint technical working groups to develop biological data, population models, overall harvest limits, and the like.

(h) By reviewing and commenting upon DNR management plans and regulations, and by advocating for the resource before state legislative, executive and administrative bodies.

(i) By authorizing DNR conservation wardens and deputy conservation wardens to enforce tribal regulations regulating the exercise of the treaty right by instituting proceedings in tribal court.

(j) By otherwise fostering a spirit of cooperation with the DNR.

#### Section 12: Adoption of Agreement

This Agreement shall take effect among the tribes adopting it upon its adoption by a majority of the tribes.

#### Section 13: Withdrawal from Agreement

A tribe may withdraw from the Agreement only upon provision of 90 days written notice of intent to withdraw, which shall be sent to each tribe, the Commission, and the DNR, and shall be filed with the court in *Lac Courte Oreilles Band v. State of Wisconsin*, W.D. Wis. No. 74-C-313.