

Treaty Framework for Michigan with Comparisons to Wisconsin and Minnesota

(Estimated Tribal Harvest in 1836 Ceded Territory During 2004-2005 Season ²)

<u>Treaty Topic</u>	<u>MDNR Licensed Hunter/Angler⁺</u>	<u>Proposed 2007 Michigan Tribal Agreement</u>	<u>Wisconsin Tribal Agreement</u>	<u>Wisconsin Licensed Hunter/Angler³</u>	<u>Minnesota Tribal Agreement¹</u>
Deer Season(s)	October 1 to first full weekend in January	Tuesday after Labor Day to first weekend in January No firearm hunting 11/1 to 11/15	Firearm Hunting Season: Tuesday after Labor Day to December 31	September 15 – January 6	Firearm Hunting Season: Tuesday after Labor Day to December 31
Deer Allocation (Bag Limit) <i>(less than 1000)</i>	limited antlerless harvest (up to 3/licensed hunter) in accordance with MDNR management quotas (no more than 2 "bucks")	5/hunter (no more than 2 bucks)	50% of allowable harvest of "public deer" Harvest must be within quota levels	Earn-A-Buck program: hunter must first harvest antlerless deer before being allowed to harvest a buck.	50% of allowable harvest
Bear Season(s)	Dependent on BMU (~9/10 to 10/26)	Consistent with MDNR licensed hunter; must follow State's seasons and regulations	Consistent with State seasons	September 5 – October 9	Tuesday after Labor Day to November 15
Bear Allocation (Bag Limit) <i>(10)</i>	Harvest levels dependent on management goals and status of regional populations (1/licensed hunter)	10% of available harvest within Bear Management Units located in treaty area with up to 12.5% allocation possible if full 10% allocation is harvested (1/licensed hunter)	50% of available harvest (with more available if there is a lack of demand on the State's side; i.e. the State's sportsmen are using less than 50%)	For the past several years, harvests have averaged about 3,000 per year	50% of available harvest within Bear Management Units within ceded territory
Elk Season(s)	Varies dependent on management goals	Tribal regulations are similar to State's seasons and regulations	n/a	n/a	n/a
Elk Allocation (Bag Limit) <i>(0)</i>	Dependent on Elk Management Goals...Currently ~ 120 (1/licensed hunter)	10% of available harvest However, If State issues > 50 but < 101 licenses then tribes get five of each permit for antlerless and either sex (1/licensed hunter)	n/a	n/a	n/a
Turkey Season	Dependent on Turkey Management Unit (~April 17 - May 31)	Tribal regulations similar to MDNR licensed hunter	Consistent with State seasons	Spring: 6 periods starting April 11 ending May 20	Spring Season is consistent with State season Fall season is Tuesday after Labor Day to December 31
Turkey Bag Limit (allocation) <i>(Data not available)</i>	Harvest levels dependent on management goals (1/season/licensed hunter)	Two birds/season/licensed hunter	Up to 50% of the allowable harvest in Ceded Territory (more than 50% is possible if there is a lack of demand on the State's side; i.e. the State's sportsmen are using less than 50%)	One permit available through lottery	Up to 50% of the allowable harvest of "bearded" turkeys in ceded territory
Small Game Bag Limits	Dependent on species and management goals	Established by Tribal regulations. Generally twice the State bag limit for small game	No daily bag limits (with the exception turkey and sharp-tailed grouse)	Dependent on species and management goals	No daily bag limits (with the exception of turkey)

Method of Take (Hunting)	Minimum caliber, shotgun zone, safety zones, etc...	Consistent with MDNR regulations	Consistent with State regulations	Minimum .22 cal except for small game. Shotgun zones. No .410 shotgun for deer.	Able to "shine"/night hunt for deer and bear (except during current State licensed firearm season)
Access to Private Lands	With landowner permission or via the Recreational Trespass Act	During State seasons the Recreational Trespass Act applies...or only with landowner permission	Landowner Consent does not extend the treaty right to privately owned lands within the ceded territory (same as MI)	With landowner permission	Landowner Consent does not extend the treaty right to privately owned lands within the ceded territory (same as MI)
Access to Publicly Accessible Lands (State/Federal/CFA Lands)	YES	YES	YES	Yes	YES
Open-water Spearing (Gamefish)	NO	Yes, allowed under framework describes in State/Tribal Agreements*	Yes, allowed in frameworks provided by court rulings	No	Yes, allowed in frameworks provided by court rulings
Open-water Spearing (Rough Fish)	YES	YES	YES	Yes	YES
Through-the-ice Spearing (Gamefish)	Allowed for Muskellunge, Pike, whitefish, ciscoes, and Sturgeon, via tightly regulated seasons	Yes, allowed under framework describes in State/Tribal Agreements*	Yes, allowed in frameworks provided by court rulings	Yes	Yes, allowed in frameworks provided by court rulings
Gill Nets	Only allowed for approved sampling/research	Only allowed for approved sampling/research	Allowed on lakes 1000 acres and larger	No	Allowed under frameworks outlined in court rulings
Impoundment Netting	Only allowed for approved sampling/research	Allowed under a permit system. Not allowed to be used in rivers/streams/lake tributaries	Allowed in a framework described in court ruling	No	Allowed in a framework described in court rulings
Commercialization	Generally no, with the exception of furbearers and skin/hide of some game animals	Generally no, similar to State regulations, with the exception of some traditional handi-craft items	Yes, allowed in frameworks provided by court rulings	Generally No	Yes, allowed in frameworks provided by court rulings
Harvesting Endangered Species	NO	Generally no, with limited availability for cultural and medicinal personal use	Protected according to state law with specific exceptions for some species	No	May be harvested under ceremonial or religious permits
Enforcement of Violations	State/County/Local Agencies	By combination of State and Tribal Enforcement	Tribal enforcement unless applicable under criminal law	State/County/Local Agencies	Tribal enforcement unless applicable under criminal law
Changes to Regulations	Must comply with PA 451 (1994) and "wise scientific use" ethic	Some issues require mutual approval. Others subject to arbitration if no agreement can be reached.	Disputed changes to Tribal regulations subject to dispute resolution standard which is very difficult for State to prevail within. May require reductions in bag limits/seasons (access to game) for State hunters and fishers.	Must comply with state policies	Disputed changes to Tribal regulations subject to dispute resolution standard which is very difficult for State to prevail within. May require reductions in bag limits/seasons (access to game) for State hunters and fishers.

Special Regulation Waters (Type 5,6, 7 Trout Streams; Type D Lakes, etc...)	Artificial flies/lures only	Consistent with MDNR licensed fisher; must follow State's seasons and regulations	Tribes honor State fish refuges but are allowed regulated abilities on all other bodies of water within ceded territory.	n/a	Tribes honor State fish refuges and designated experimental waters but are allowed regulated abilities on all other bodies of water within ceded territory.
Special Regulations (Hunting)	Hunters must obey safety zones around buildings/dwellings, emergency closures, research areas, State Park closures, etc...	Tribal regulations are similar to State's regulations	n/a	Hunters must obey safety zones around buildings/dwellings.	n/a
Sturgeon	Tightly regulated with lake specific regulations	Until sturgeon populations rebound, the only open season is 1 fish per season in Otsego Lake	Spearing allowed all year (Bag limit of 1/person/year)	Over 100 authorized for Lake Winnebago 2007 spearing season	Spearing/harvest allowed from 6/1 to 3/1 (Bag limit of 1/person/year)
Tip-ups/Number of Lines	2 tip-ups and 2 lines for open-water (Lines may not be unattended)	7 tip-ups are allowed for "through-the-ice fishing" and 4 lines for open water (Lines may not be unattended)	30 attended or unattended lines (tip-ups or otherwise)	Illegal to use more than 3 hooks, baits, or lures.	Six Lines (Unattended lines are allowed provided that they may not be left for more than one hour)

⁺ Citations based upon 2005-2006 license year

^{*} Michigan Treaty Citations based upon 5/10/2006 Agreement in Principal (U.S. v. Michigan) and ongoing negotiations as of **7/15/2006**

^{**} Wisconsin Treaty Regulations based upon Great Lakes Indian Fish & Wildlife Commission compiled regulations (www.glifwc.org) and the associated rulings of U.S. v. Wisconsin

¹ Minnesota Treaty Regulations based upon Great Lakes Indian Fish & Wildlife Commission compiled regulations (www.glifwc.org) and the associated rulings of U.S. v. Minnesota (Inland Consent Decree)

² Total harvest based on reports issued to MDNR on Tribal harvest within 1836 Ceded Territory. Numbers are likely underestimated as many tribal hunters may have participated under state issued licenses as well.

³ Based on the 2006-7 Wisconsin License Year