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Mashkisibi Center

**BAD RIVER BAND OF LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS**
P.O. Box 39, Odanah, WI 54861

RESOLUTION NO. 4/14/86-19

WHEREAS, the Bad River Band of Lake Superior Tribe is a federally recognized Tribe of which the Tribal Council is the governing body, and

WHEREAS, the Bad River Tribal Council believes it is necessary to regulate the taking of lean lake trout in Lake Superior to protect the species for future generations, and

WHEREAS, the Bad River Tribal Council wants its members to exercise their treaty fishing rights in the Michigan waters of Lake Superior in a manner which allows the maximum harvest of the fish while at the same time allows for stock to continue to reproduce, at a rehabilitative rate, and

WHEREAS, the Bad River Tribe has negotiated with the Red Cliff Band of Chippewa Indians to allow for a reasonable harvest for their members without endangering the resource.

NOW THEN BE IT RESOLVED that the Bad River Tribal Council hereby enters into the attached 1986 Agreement with Red Cliff for the Michigan Waters of Lake Superior, and

BE IT FURTHER RESOLVED that the attached Agreement shall be in effect on this date of ratification and that it will serve to amend and override Resolution No. 5-8-85-178 when it is inconsistent with this agreement.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of 7 members, of whom 6 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 14th day of April, 1986; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members; 0 abstaining, and that the said resolution has not been rescinded or amended.

Donald Moore
Donald Moore, Acting Secretary
Bad River Tribal Council

001243 ✓

WHEREAS the Bad River Band of Lake Superior Tribe of Chippewa Indians (hereafter referred to as Bad River and the Red Cliff Band of Lake Superior Chippewa (hereafter referred to as Red Cliff) agree that the Lake Superior fishing in the Michigan waters of Lake Superior is an important resource which must be carefully managed to allow for protection and utilization of this resource, and

WHEREAS the above named parties agree that management can best occur on a cooperative basis, and

WHEREAS the above named parties have developed a plan for the management of this resource,

NOW THEREFORE Bad River and Red Cliff agree as follows:

1. Commercial licensees of the Tribe shall be free to fish the Michigan waters of Lake Superior from Little Girl's Point to the Chocolate River, except as otherwise provided in this agreement, and except as the Tribe's may otherwise from time to time prescribe within the framework of this agreement.
2. (a) Duration. This agreement shall be for two years subject to paragraph 15. Commencing with beginning of the fishing year in 1986 and ending after the fishing year in 1987. The fishing year shall commence on November 21 of each year, and shall end on November 20 the following year.
 - (b) For the year 1986, those fishermen wishing to fish in the open waters covered by this agreement shall agree to have any fish taken between February 27, 1986 and the signing of this agreement as part of the 1986 quota.
 - (c) The agreement in its entirety shall be reviewed annually by Chairmen, fishermen, biologists and enforcement by October 31 of each fishing year.

3. (a) Quota. The quota for the three parties for lean lake trout over 17 inches shall be divided by management units as follows:

	TRIBAL QUOTA	RED CLIFF	BAD RIVER
MI - 2	9200	2200 fish	2200 fish
MI - 3	3500	1167	1167
MI - 4	12800	3200	3200
MI - 5	6000	2000	2000

9. Tagging. Each Tribe shall use their own tags and tagging system for lean lake trout. Each Tribe will collect all unused tags from the fishermen from the prior year before issuing tags for the rest of 1986.
10. Chub and Siscowets. The parties shall be allowed to fish chubs, herring, and siscowets 35 fathoms or deeper all year.
11. Enforcement. Tribal Wardens and Wardens from GLIFWC shall enforce this agreement.
12. Catch Reports. All Commercial fishermen fishing in Michigan waters shall be required to submit bi-monthly catch reports to Mark Ebener of the Great Lakes Indian Fish and Wildlife Commission, P.O. Box 9, Odanah, WI 54861 by the 1st and the 15th of the following month. Fishermen are required to report for each day of fishing the location of lift (statistical grid), length of net lifted, mesh size of gill nets lifted, depth of nets, poundage of each fish species caught and sold, and names or identification number of individuals fishing with the licensee.
13. Jurisdiction. Each Tribe shall retain exclusive jurisdiction over their own Tribal members and all offenses shall be tried in their respective Tribal Courts.
14. Non-waiver. Nothing in this agreement shall be construed as a permanent waiver of any parts of its rights in the Michigan Waters of Lake Superior.
15. Dispute Resolution. Within 10 days of notice by one Tribe that a problem or conflict exists, the Tribes shall meet and try to address the problem.
16. Termination. Each party shall retain the rights to terminate this agreement with 60 days notice only after using the dispute resolution paragraph.

Bad River Band of Lake Superior
Tribe of Chippewa Indians

By Robert Bender
Robert Bender, Tribal Chairman

Dated: 4/21/86

Red Cliff Band of Lake Superior
Chipepwa

By Richard Gurnoe
Richard Gurnoe, Tribal Chairman

Dated: 4/21/86

(b) An additional 2600 tags for the Grids 1511, 1512 and 1413 will be distributed to the Tribes. Bad River and Red Cliff shall each receive 1300 tags for distribution.

(c) The TAC's and quotas for lean lake trout for the year 1987 shall be set by annual review and agreed upon by the parties and shall be set by October 31 of each fishing year.

(d) The quota for M 1 will be left open for assessment fishing only.

4. (a) Limited Entry. The parties agree that there shall be a limited entry on the number of big boats. Six large boats shall be allowed from each tribe.

(b) From November 21 to Ice In of each fishing year, three of the boats in M 1-4 shall be allowed from each Tribe.

5. Closed Season. The entire fishing season shall be closed to commercial fishing between 11:59 p.m. October 9 - 11:50 p.m. November 21 of each fishing year for white fish and lean lake trout.

6. Closed Areas. (a) Grids 1511, 1512 and 1413 shall be closed from Memorial Day to Ice Out for lean lake trout and white fish.

(b) All areas south of the line between East Entry and Point Abbaye shall be closed except to Keweenaw Bay small boat fishermen.

7. Assessments. The biologists shall determine where and when assessments are necessary and the fishermen shall cooperate with reasonable requirements for these assessments.

(a) Fishermen shall receive \$200 for each assessment (1 set and 1 lift) plus assessment of all dead trout and other fish. Live trout shall be returned to the water.

(b) Keweenaw Bay shall be given all assessments in MI-4 and MI-5.

8. (a) Net Restrictions. Gill nets of 4 1/2 inch stretched mesh and larger and gill nets of 2 3/8 to 3 inch stretched mesh shall be legal commercial gear. No other nets stretched mesh size will be legal.

(b) Each big boat licensee shall be only allowed to set 12,000 feet of large mesh gill nets (4 1/2 inch and larger) with a 5% variance.

(c) Each boat shall set their nets 1/4 mile away from each other boat.

(d) All net sets shall be marked with buoys which shall bear one flag on the outside and two flags on the inside and the buoys shall bear the fishing license number and the initials of the individuals tribe i.e. "BR" or "RC".