

**UNITED STATES OF AMERICA
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

and

File No. 2:73 CV 26

BAY MILLS INDIAN COMMUNITY, SAULT
STE. MARIE TRIBE OF CHIPPEWA INDIANS,
GRAND TRAVERSE BAND OF OTTAWA AND
CHIPPEWA INDIANS, LITTLE RIVER BAND OF
OTTAWA INDIANS, and LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS,

Hon. Richard A. Enslen

Plaintiff-Intervenors,

vs.

STATE OF MICHIGAN, et al.,

Defendants.

**STIPULATION FOR AMENDMENT OF
SECTIONS IV.A.2.b.(2)(g) AND VII.A.7.d OF CONSENT DECREE**

WHEREAS, a Consent Decree was entered on August 7, 2000 ("2000 Consent Decree"), upon the stipulation of the parties, by which the Court established regulation, management and allocation of fish resources in the Great Lakes waters of Lakes Huron, Michigan and Superior subject to the treaty fishing rights reserved by Plaintiff-Intervenors in the Treaty of March 28, 1836 (7 Stat. 491) (the "1836 Treaty waters") for the time period of 2000 to 2020; and

WHEREAS, the parties have agreed to improve data collection and methodologies during 2007 through 2009 to:

a. estimate lake trout throwback mortality in the Tribal fishery in Lake Trout Management Unit MH-1; and

b. estimate pre-recruit survival of lake trout in MH-1, attempt to determine the causes of reduced pre-recruit survival and make recommendations to improve pre-recruit survival as appropriate; and

WHEREAS, the Tribes, acting through the Chippewa-Ottawa Resource Authority, have agreed to adopt a uniform regulation to enforce reporting requirements for Tribal commercial fishers in order to facilitate timely sharing of harvest data under the 2000 Consent Decree.

NOW, THEREFORE the undersigned parties, by and through their respective counsel of record hereby stipulate and agree to entry of an order of this Court amending the 2000 Consent Decree as follows:

IT IS ORDERED that for 2007, 2008, and 2009, section IV.A.2.b.(2)(g) shall include the following text:

In 2007, 2008, and 2009, the Tribes shall determine a lake trout harvest limit for this small boat zone, as a component of the overall harvest limit for whitefish management unit MH-1, and shall notify all other parties of such limit.

IT IS FURTHER ORDERED that for 2007, 2008, and 2009, section VII.A.7.d. shall include the following text:

In 2007, 2008, and 2009, the Tribes' lake trout harvest limit for unit MH-1 (including the Bay Mills Small Boat Zone) shall be 210,000 pounds plus estimated throwback mortality, and the State's lake trout harvest limit shall be 20,000 pounds.

IT IS FURTHER ORDERED that in all other respects, section IV.2.b.(2)(g) and section VII.A.7.d of the 2000 Consent Decree shall remain unchanged.

Respectfully submitted,

UNITED STATES OF AMERICA

Charles R. Gross
U.S. Attorney for the Western District of Michigan
Jennifer L. McManus, Assistant U.S. Attorney
330 Ionia N.W., Room 501
Grand Rapids, MI 49503
(616) 456-2404

Steven Miskinis
U.S. Department of Justice
Indian Resources Section
Environment-Natural Resources Div.
P.O. Box 44378
Washington, D.C. 20026-4378
(202) 305-0256

Dated: September 28, 2007

By /s/ Jennifer L. McManus

STATE OF MICHIGAN

Dated: September 28, 2007

/s/ James E. Riley
James E. Riley
Assistant Attorney General
Environment, Natural Resources & Agriculture Div.
P.O. Box 30755
Lansing, MI 48913
(517) 241-1335

BAY MILLS INDIAN COMMUNITY

Dated: September 28, 2007

/s/ Kathryn L. Tierney
Kathryn L. Tierney
12140 W. Lakeshore Drive
Brimley, MI 49715
(906) 248-3241

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

Dated: September 28, 2007

/s/ Aaron Schlehuber
Aaron Schlehuber
523 Ashmun St.
Sault Ste. Marie, MI 49783

GRAND TRAVERSE BAY BAND OF OTTAWA AND
CHIPPEWA INDIANS

Dated: October 1, 2007

/s/ William Rastetter
William Rastetter
Of Counsel: Olson, Bzdok & Howard
420 E. Front St.
Traverse City, MI 49686
(231) 946-0044

LITTLE RIVER BAND OF OTTAWA INDIANS

Marc D. Slonim
Ziontz, Chestnut, Varnell, Berley & Slonim
2101 Fourth Ave., Ste. 1230
Seattle, WA 98121
(206) 448-1230

Dated: September 28, 2007

/s/ Marc D. Slonim
Marc D. Slonim

LITTLE TRAVERSE BAY BANDS OF ODAWA
INDIANS

Dated: September 28, 2007

/s/ James A. Bransky
James A. Bransky
9393 Lake Leelanau Dr.
Traverse City, MI 49684
(231) 946-5241

cases/1990/us v mich/post 2003 consent decree/stip modified sections of consent decree (10-2-07)

**UNITED STATES OF AMERICA
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

and

File No. 2:73 CV 26

BAY MILLS INDIAN COMMUNITY, SAULT
STE. MARIE TRIBE OF CHIPPEWA INDIANS,
GRAND TRAVERSE BAND OF OTTAWA AND
CHIPPEWA INDIANS, LITTLE RIVER BAND OF
OTTAWA INDIANS, and LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS,

Hon. Richard A. Enslin

Plaintiff-Intervenors,

vs.

STATE OF MICHIGAN, et al.,

Defendants.

**ORDER AMENDING SECTIONS IV.A.2.b.(2)(g) AND VII.A.7.d
OF CONSENT DECREE**

A Consent Decree was entered on August 7, 2000 ("2000 Consent Decree"), upon the stipulation of the parties, by which the Court established regulation, management and allocation of fish resources in the Great Lakes waters of Lakes Huron, Michigan and Superior subject to the treaty fishing rights reserved by Plaintiff-Intervenors in the Treaty of March 28, 1836 (7 Stat. 491) (the "1836 Treaty waters") for the time period of 2000 to 2020; and

The parties have executed a stipulation to amend Sections IV.A.2.b.(2)(g) and VII.A.7.d. of the Consent Decree. The Court approves the agreement of the parties set forth in the stipulation and enters this Order:

IT IS HEREBY ORDERED that for 2007, 2008, and 2009, section IV.A.2.b.(2)(g) shall include the following text:

In 2007, 2008, and 2009, the Tribes shall determine a lake trout harvest limit for this small boat zone, as a component of the overall harvest limit for whitefish management unit MH-1, and shall notify all other parties of such limit.

IT IS FURTHER ORDERED that for 2007, 2008, and 2009, section VII.A.7.d. shall include the following text:

In 2007, 2008, and 2009, the Tribes' lake trout harvest limit for unit MH-1 (including the Bay Mills Small Boat Zone) shall be 210,000 pounds plus estimated throwback mortality, and the State's lake trout harvest limit shall be 20,000 pounds.

IT IS FURTHER ORDERED that in all other respects, section IV.2.b.(2)(g) and section VII.A.7.d of the 2000 Consent Decree shall remain unchanged.

Dated: October 5, 2007

/s/ Richard Alan Enslin
Hon. Richard Alan Enslin
U.S. District Court Judge