

**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 SECTION IV.A.2.b.(2)(g)
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, Section IV.A.2.b. of said Consent Decree established the Bay Mills

Small Boat Zone, in which whitefish are the target species during a season restricted in season and net depth in order to reduce incidental harvest of lake trout; and

WHEREAS, the Small Boat Zone is embedded in lake trout management unit MH-1; and

WHEREAS, the Harvest Limit for MH-1 governs all tribal lake trout harvest that might occur in MH-1, including harvest in the Small Boat Zone; and

WHEREAS, establishment of a lake trout Harvest Limit for the Small Boat Zone would require an allocation of lake trout between MH-1 proper, and the Small Boat Zone; and

WHEREAS, the parties agree that in 2006 it is unnecessary to establish a separate lake trout Harvest Limit for the Small Boat Zone, for the reasons that since 2003, the lake trout Harvest Limit in MH-1 has increased annually, the Tribal commercial harvest of lake trout in MH-1 has been below those harvest limits for each year, and the Tribal commercial fishing effort in the Small Boat Zone has declined below the expectations of the Parties.

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 HEREBY ORDERED that section IV.A.2.b.(2)(g) is hereby amended to read:

Commencing in 2007, the TFC shall determine a lake trout harvest limit specifically for this small boat zone, as a component of the overall harvest limit for lake trout management unit MH-1. In addition to the restrictions above, this small boat zone shall thereafter be subject to the lake trout harvest limit and commercial effort limit provisions described in sections VII.A. and VII.B.

IT IS FURTHER ORDERED that the parties shall file a notice to the Court no later than September 15, 2007, in the event that they agree to defer the determination of a lake trout harvest limit for this zone until 2008.

Respectfully submitted,

UNITED STATES OF AMERICA

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Dated:

By _____

STATE OF MICHIGAN

Dated:

/s/ James E. Riley
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BAY MILLS INDIAN COMMUNITY

Dated: September 29, 2006

/s/ Kathryn L. Tierney
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SAULT STE. MARIE TRIBE OF CHIPPEWA
INDIANS

Dated: September 29, 2006

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GRAND TRAVERSE BAY BAND OF OTTAWA
AND CHIPPEWA INDIANS

Dated: September 29, 2006

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Dated: September 29, 2006

By /s/ Marc D. Slonim
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LITTLE TRAVERSE BAY BANDS OF ODAWA
INDIANS

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