



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 16-01-96-14

A RESOLUTION ADOPTING THE NEW INTERIM TREATY FISHERIES MANAGEMENT PLAN FOR THE MINNESOTA 1837 CEDED TERRITORY FOR 2014 – 2015; AND AMENDING THE BAND'S MINNESOTA 1837 CEDED TERRITORY CONSERVATION CODE.

- WHEREAS, the Mille Lacs Band Assembly is the duly elected governing body of the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and
- WHEREAS, the Band Assembly acting pursuant to 3 MLBSA § 2 has the authority to enact laws which promote the general welfare of the Mille Lacs Band of Ojibwe (MLBO); and
- WHEREAS, the Mille Lacs Band of Ojibwe and other Chippewa Bands hold rights to hunt, fish and gather on land and waters ceded in the Treaty of 1837, 7 Stat. 536, which were adjudicated by the Federal District Court for the District of Minnesota in *Mille Lacs Band v. State of Minnesota*, No. 3-94-1226, and in *Fond du Lac Band v. Carlson*, No. 5-92-159 (“Treaty Litigation”); and
- WHEREAS, in order to implement the Bands’ rights in accordance with the Court’s orders, the Mille Lacs Band of Ojibwe adopted the Interim Treaty Fisheries Management Plan for the 1837 Minnesota Ceded Territory for the years 1998 – 2002 (“Fisheries Management Plan”), which was replaced by the Bands’ Treaty Fisheries Management Plan for the 1837 Minnesota Ceded Territory for the years 2003 – 2007, Treaty Fisheries Management Plan for the 1837 Minnesota Ceded Territory for the years 2008 – 2012, and Interim Treaty Fisheries Management Plan for the Minnesota 1837 Ceded Territory for 2013 – 2014 (“Previous Plans”); and
- WHEREAS, the Fisheries Management Plan expired on March 31, 2014 and, in accordance with the Fisheries Management Plan and the Court’s orders in these cases, the Band must adopt a new Fisheries Management Plan; and
- WHEREAS, the Band desires to adopt the new Interim Treaty Fisheries Management Plan for the Minnesota 1837 Ceded Territory for 2014 – 2015 to succeed the Fisheries Management Plan that expired on March 31, 2014; and
- WHEREAS, the Band has provided the required notice of its proposed Interim Fisheries Management Plan to the State of Minnesota and has undertaken the required consultation with the State as provided in the previous Fisheries Management Plan; and

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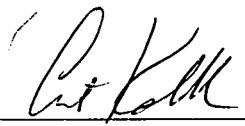
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NOW THEREFORE BE IT RESOLVED, that the Mille Lacs Band Assembly hereby:

1. Adopts the Interim Treaty Fisheries Management Plan for the Minnesota 1837 Ceded Territory for 2014 – 2015 (April 2014) (a copy of which is attached to this resolution) to succeed the Fisheries Management Plan that expired on March 31, 2014, provided that this adoption shall be effective upon the adoption of the new Plan by all of the plaintiff and plaintiff-intervenor Bands in the *Mille Lacs* and *Fond du Lac* cases;
2. Amends the Tribe's 1837 Conservation Code for the Minnesota Ceded Territory as reflected in the attached enclosure; and
3. Directs its attorney and Commissioner of Natural Resources to work with the other Bands and the Great Lakes Indian Fish and Wildlife Commission to ensure that proper notice of the Band's action taken in this resolution is provided to all necessary parties.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 8th day of April, 2014 at Aazhoomog, Minnesota by a vote of 3 FOR; 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly.



Curt Kalk, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND

**INTERIM TREATY FISHERIES MANAGEMENT PLAN
FOR THE 1837 MINNESOTA CEDED TERRITORY
FOR 2014-2015**

April 2014

Part I: Introduction.

The purpose of this interim plan is to set forth the management intent of the Mille Lacs, Fond du Lac, Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake (Sokaogon), Red Cliff and St. Croix Bands (the Bands) for the exercise of treaty fishing rights in the Minnesota portion of the 1837 ceded territory during 2013-2014. The Bands have adopted and are revising Minnesota 1837 Treaty Conservation Codes ("Conservation Codes") that include (in chapter 9) provisions regulating their members' fishing activities in the Minnesota ceded territory. This management plan complements the Conservation Codes.

The treaty rights of the Bands to hunt, fish and gather in the 1837 ceded territory were confirmed in August 1994, March 1996, and January 1997 by the federal district court in Mille Lacs Band v. State of Minnesota, No. 3-94-1226, and in March 1996 by the federal district court in Fond du Lac v. Carlson, No. 5-92-159, and were affirmed on appeal by the United States Court of Appeals for the Eighth Circuit (124 F.3d 904 (8th Cir. 1997)) and the United States Supreme Court (526 U.S. 172 (1999)).

This interim plan replaces the Bands' Interim Treaty Fisheries Management Plan for the 1837 Minnesota Ceded Territory for the Years 2013-2014 ("2013-2104 Plan"). In the past few years, State and Band biologists have identified long-term declining trends in assessment gill net catches for walleye in Mille Lacs Lake, and the fall 2013 gill net catches were near the lowest on record in a survey that extends back several decades. In July 2012, the State and the Bands formed a modeling team to critically evaluate the data and procedures used for estimating the walleye harvestable surplus, to consider alternatives to the current approach, and to evaluate the management implications of such alternatives for both state and Band fisheries. The modeling team has made considerable progress but its work is still ongoing. In January 2014, the State and the Bands agreed to reduce the harvestable surplus of Mille Lacs Lake walleye by 76 percent (from 250,000 to 60,000 pounds) to prevent spawner biomass from declining further. In light of the ongoing work of the modeling team and the substantial reduction in the harvestable surplus, the Bands are adopting this interim management plan for one-year only. It provides for a 76 percent reduction in the Bands' total annual walleye quota for Mille Lacs Lake. And, because it is only a one-year plan, it will allow the Bands to consider additional management changes in subsequent years in light of the ongoing work of the modeling team and any other new information that may become available.

The courts in the Mille Lacs and Fond du Lac cases have not made a judicial allocation of fishery resources in the Minnesota 1837 ceded territory. Like the 2013-2014 Plan and previous plans, this interim management plan does not purport to provide for the full harvest of what the Bands believe to be their full treaty share of such resources. The Bands' management approach

as set forth in this interim plan is not intended to limit, waive or modify the Bands' full treaty entitlement and any such construction of this plan is improper and unauthorized.

Depending on the progress made by the modeling team, the Bands intend to prepare either another interim or a new multi-year plan to replace this plan upon its expiration. After the January 2015 meeting of the Minnesota 1837 Ceded Territory Fisheries Committee, the Bands will provide a draft of the next plan to the State, and will seek to reach agreement with the State on the management measures incorporated therein before implementing it. The Bands propose that disputes (if any) regarding the next plan be resolved in accordance with the dispute resolution procedure adopted by the court in the Mille Lacs and Fond du Lac cases.

Part II. Mille Lacs Lake.

The following management measures will be adopted for Mille Lacs Lake.

A. Hook and Line, Ice Spearing, Setline, Set or Bank Poles, and Harpooning and Archery Equipment.

1. The Conservation Codes authorize fishing in Mille Lacs Lake by hook and line, ice spearing, setline, set or bank poles, and harpooning and archery equipment. Except for harpooning and archery equipment, these methods can be used to harvest largemouth and smallmouth bass, walleye, northern pike, muskellunge, rock bass, bluegill, crappie, pumpkinseed, yellow perch, cisco (tullibee), and rough fish. Harpooning and archery equipment may be used to take rough fish only.

2. Except for open-water spearing of walleye and northern pike, the Bands intend to manage these fisheries in accordance with the bag limits and other applicable regulatory provisions in the Conservation Codes. The Bands will require an open-water spearing permit in all instances but may authorize the use of a valid Tribal Identification Card in lieu of a general fishing permit for all other methods (except netting as provided in Section II.B below) on Mille Lac Lake. The Bands' experience has shown that Band member harvest using methods other than open-water spearing and netting has been minimal, and they do not anticipate this will change. The Bands will rely upon the processes and procedures of the Minnesota 1837 Ceded Territory Fisheries Committee to evaluate effort and catch in these fisheries.

3. The Bands will not authorize open-water spearing of muskellunge during the term of this plan. Open-water spearing of walleye is subject to the additional management provisions described in Section II.B below.

B. Open-Water Spearing for Walleye and Netting.

1. The Conservation Codes also authorize netting in Mille Lacs Lake. In addition to the applicable regulatory provisions in the Codes, the Bands intend to manage open-water spearing for walleye and netting in accordance with the provisions set forth in this section.

2. For purposes of this interim plan, the Bands' principal objectives for these fisheries in Mille Lacs Lake are to provide for the following:

- open-water spearing of northern pike;
- open-water spearing of walleye;
- netting of walleye;
- netting of yellow perch;
- netting of burbot; and
- netting of tullibee.

3. To meet these objectives, the Bands intend to manage open-water spear fisheries for northern pike, open-water spear and net fisheries for walleye, and net fisheries for yellow perch, burbot and tullibee,¹ on the basis of annual quotas or caps for each Band for each species in addition to other applicable provisions of the Conservation Codes. When a Band's quota for one of these species is taken, fishing by that Band for that species by these methods will be closed, unless another Band releases a portion of its own quota to that Band. Moreover, all gillnetting (for any species) by a Band will be closed when that Band's quota for any of these species or the cap on its harvest of northern pike is taken, unless another Band releases a portion of its quota or cap to that Band. As set forth above, the Bands will not authorize open-water spearing for muskellunge. Except when fishing for tullibee, the Bands will require that all gillnets have a minimum mesh size of 1.25 inches (bar measure), in addition to the provisions for maximum mesh sizes in the Model Conservation Codes. The Bands will require the use of a minimum mesh size of 1.75 inches (bar measure) when fishing for tullibee with gillnets.

4. The 2014-2015 quotas for each Band for walleye, yellow perch, burbot and tullibee² will be determined in accordance with the Inter-tribal Protocol set forth in Part V below, subject to the following limitations on the total annual quotas for these species for all Bands:

- a. The total 2014-2015 quotas for all Bands for walleye will be 17,100 pounds.
- b. The total 2014-2015 quotas for all Bands for yellow perch will be 135,000 pounds, less the amount reasonably anticipated to be harvested in the fisheries described in Part II.A above.

5. The 2014-2015 cap for each Band's northern pike harvest in spear and net fisheries will be determined in accordance with the Inter-tribal Protocol set forth in Part V below,

¹ Currently there are no annual quotas for the Bands burbot and tullibee net fisheries. These quotas were removed at the January 2008 meeting of the 1837 Minnesota Ceded Territory Fisheries Committee.

² See note 1, above.

provided that the total annual cap on northern pike harvests by all Bands in these fisheries will be 50,000 pounds, less the amount reasonably anticipated to be harvested in other treaty fisheries provided for in Part II.A above.

6. The Bands will not authorize open-water spearing or netting for muskellunge under this plan. The Bands will require that all muskies in nets (including gillnets) that are capable of surviving when the net is lifted be released, and require that all muskies not capable of surviving be surrendered in accordance with Model Code Section 9.17 of the Conservation Codes. If the numbers of muskellunge in nets exceed five (5) percent of the estimated muskellunge population, the Bands will initiate time and/or area closures to reduce further capture of muskellunge in nets. Also, the Bands will require that any muskies taken by mistake while spearing for northern pike will also be surrendered in accordance with Model Code Section 9.17 of the Conservation Codes.

7. The Bands will limit soak times and/or fishing effort to avoid exceeding the annual quotas or caps which are established under this plan. For gillnet fisheries, as a Band's cumulative catch of a species approaches its quota or cap, the Biological Services Director of the Great Lakes Indian Fish and Wildlife Commission ("Biological Services Director") will estimate the harvest per hundred feet of gillnet on the basis of the harvest in the three most recent fishing days and other relevant harvest trend data, and limit the number of permits issued for the next day such that the anticipated harvest will not exceed the amount remaining under the quota or cap.

8. The Bands will monitor all open-water spear and net harvests in accordance with the provisions of the Conservation Codes. All fish taken by open-water spearing and netting will be identified to species, counted and weighed in the aggregate. For spearing, length and sex will be taken from the first 100 walleye and from all walleye in the last boat per designated landing. For gillnetting, length and sex will be collected from walleye landed by a randomly selected gillnetter per mesh size fished on each day of gillnet fishing. The Bands will seek to obtain such data from 50 walleye per mesh size fished per day, and if necessary, will select additional gillnetters until this sampling target has been met. Additional fish may be measured upon request by law enforcement personnel.

9. The Bands' management approach, as set forth in this interim plan, is intended to improve the viability of the treaty spear fishery in Mille Lacs Lake, commensurate with the current status of the walleye population in Mille Lacs Lake and the interests, needs, and desires of Band members. The incremental growth in the treaty gill-net fishery that has taken place since 1998 has not been accompanied by a similar pattern of growth in the spear fishery. Throughout this time period, treaty spearers have frequently indicated it is difficult to harvest legal-sized fish from Mille Lacs Lake under the existing maximum size limits for spearing. As a result, many tribal fishermen and women view spearing as a less viable harvest method than gill-netting in Mille Lacs Lake. This is reflected by the fact that spearing has comprised only 6% of the overall treaty walleye harvest from Mille Lacs Lake since 1998. At the same time, based on their evaluation of the walleye population and the work to date by the modeling team, State and Tribal managers are attempting to identify measures that will reduce fishing and natural mortality on

younger walleye and to determine harvest tactics that will minimize the conservation risk to the walleye population. Allowing spearers to harvest larger fish may help meet these objectives.

Therefore, the Bands have eliminated the size limit for walleye spearing on Mille Lacs Lake under this one-year interim plan, unless the modeling team reports that this might create a conservation concern. If there is such a concern, the Bands will only increase the maximum size limit for walleye spearing on Mille Lacs Lake under this one-year interim plan to 22 inches, with the exception of one fish from 22 to 24 inches and one fish of any size. This regulation change allows for the increased viability of spearing as a harvest method and seeks to reduce sources of mortality on younger walleye and establish harvest tactics that will minimize conservation concerns.

As part of this interim plan, if the Commissioner in consultation with the Biological Services Director determines that the elimination of the size limit or the adoption of an increased size limit is causing a conservation concern, the Commissioner is authorized to impose a size limit or reduce the existing size limit through the issuance of a Commissioner's Order as follows:

a. If the existing regulation under this interim plan does not include a size limit for walleye spearing on Mille Lacs Lake, the Commissioner's Order may impose a maximum size limit for walleye spearing of 22 inches, with the exception of one fish from 22 to 24 inches and one fish of any size; or

b. If the existing regulation under this interim plan provides for a maximum size limit for walleye spearing on Mille Lacs Lake of 22 inches, with the exception of one fish from 22 to 24 inches and one fish any size, the Commissioner's Order may reduce the maximum size limit for walleye spearing to 20 inches, with the exception of one fish from 20 to 24 inches and one fish of any size.

Upon completion of this management plan, the Biological Services Division in consultation with the Commissioner shall provide the Bands with a report evaluating this regulation change and a recommendation to restore the original regulation or to continue or modify this regulation change in the next plan.

10. In light of the current status of the walleye population in Mille Lacs Lake coupled with the 76 percent reduction in the Bands' total annual walleye quota in Mille Lacs Lake compared to the previous plan, the Bands have decided for the duration of this one-year plan, to prohibit the commercial harvest of walleye for Mille Lacs Lake.

Part III: Other Lakes.

A. Management of Treaty Fishing by Hook and Line, Ice Spearing, Setline, Set or Bank Poles and Harpooning and Archery Equipment.

1. The Conservation Codes authorize fishing in lakes other than Mille Lacs Lake by hook and line, spearing through the ice, setline, set or bank poles, and harpooning and archery

equipment. Except for harpooning and archery equipment, these methods can be used to harvest large and smallmouth bass, walleye, northern pike, lake sturgeon, muskellunge, salmonids, white, yellow and rock bass, bluegill, crappie, pumpkinseed, yellow perch, catfish, cisco (tullibee) and whitefish, and rough fish. Harpooning and archery equipment may be used to take rough fish only.

2. The Bands intend to manage these fisheries in accordance with the bag limits and other applicable regulatory provisions in the Conservation Codes, provided that only the St. Croix River below Taylor's Falls will be open to harvests of lake sturgeon. The Bands will require an open-water spearing permit in all instances but may authorize the use of a valid Tribal Identification Card in lieu of a general fishing permit for all other methods (except netting as provided in Section III.B below). The Bands' experience has shown that Band member harvest using methods other than open-water spearing and netting has been minimal, and they do not anticipate this will change. The Bands will rely upon the processes and procedures of the Minnesota 1837 Ceded Territory Fisheries Committee to evaluate effort and catch in these fisheries.

B. Management of Treaty Fishing by Open-Water Spearing and Netting.

1. The Conservation Codes also authorize open-water spearing, dip netting, fyke netting and seining in all waters and gillnetting in all lakes in excess of 1000 acres as well as Shakopee, Ogechie, Whitefish, Grindstone, Eleven, Pine, Razor, and South Stanchfield Lakes. In addition to the applicable regulatory provisions in the Codes, the Bands intend to manage these fisheries in accordance with the provisions set forth in this section.

2. The Bands' principal objective is to provide opportunities for open-water spearing and netting for walleye, open-water spearing of other species, and netting of tullibee in these lakes.

3. The Bands will not authorize open-water spear or net fisheries that exceed the threshold level set forth below unless a standard gillnet survey has been conducted on the lake within 24 months before the beginning of the fishing year and a quota has been established. The threshold level is:

-- for lakes over 1,000 acres, either (a) 3 standard 100-foot gillnet sets per 100 surface acres per year; (b) 0.2 walleye per surface acre taken by open-water spear fishing per year; or (c) a percentage of each component, provided the sum of the percentages does not exceed 100 percent;

-- for lakes under 1,000 acres, either (a) 2 standard 100-foot gillnet sets per 100 surface acres per year; (b) 0.2 walleye per surface acre taken by open-water spear fishing per year; or (c) a percentage of each component, provided the sum of the percentages does not exceed 100 percent;

-- the number of gillnet sets will be rounded up to the nearest integer (for example, in a 1,210 acre lake, the threshold level would be 37 since $3 \times 12.1 =$

36.3).

When a Band's walleye quota in a particular lake is taken, fishing by that Band for walleye in that lake and all gillnetting by that Band for any species in that lake will be closed, unless another Band releases a portion of its own quota to that Band. The Bands will manage open-water spear and net fisheries for species other than walleye in accordance with the hook and line bag limits and other applicable regulatory provisions in the Conservation Codes and the provisions set forth herein. Accordingly, fish in nets in excess of such bag limits must be released if capable of surviving or surrendered under Section 9.16 of the Conservation Codes if they are not capable of surviving. The Bands will also require that, in lakes over 1,000 acres, all gillnets have a minimum mesh size of 1.5 inches (bar measure), in addition to the provision for maximum mesh size (1.75 inches) in the Conservation Codes. In lakes under 1,000 acres, the Bands will require that gillnets have a mesh size of 1.75 inches (bar measure). The Bands will not authorize commercial harvests of tullibee in these lakes unless an Agreed Target Harvest Level or other effort limitation is established for tullibee harvests, and will require the use of a minimum mesh size of 1.75 inches (bar measure) when fishing for tullibee with gillnets.

4. The annual walleye quotas for each Band in each lake will be determined in accordance with the Inter-tribal Protocol set forth in Part V below, provided that the total quota for all Bands in a given lake will not exceed 50 percent of the Agreed Target Harvest Level³ for that lake, less the amount reasonably anticipated to be harvested in the fisheries described in Part III.A above.

5. If necessary to provide further assurance that management errors or enforcement problems do not jeopardize stocks, the Bands will adopt additional protective measures on a lake-by-lake basis. These measures may include, but are not limited to, time and area closures of spear and net fisheries during the spring spawning season as well as shorter soak times than those authorized in the Conservation Codes. The Bands will in any event limit soak times and/or fishing effort as described in Part II.B.7 above to avoid exceeding their quotas.

6. The Bands do not anticipate any significant incidental catch of muskellunge or sturgeon in gillnet fisheries. The Bands will prohibit gillnetting for muskies and sturgeon, require that all muskies and sturgeon captured in gillnets that are capable of surviving when the net is lifted be released, and require that all muskies and sturgeon not capable of surviving be surrendered under the Conservation Codes Section 9.16. If incidental harvest of muskies or

³ The "Agreed Target Harvest Level" for a species is the total (treaty and non-treaty) target harvest level determined by the Bands' and State's technical representatives on the basis of the methodology agreed to by the Bands and the State. The Bands' intent to manage for quotas that do not exceed 50 percent of the Agreed Target Harvest Level is conditioned upon the State's management of non-treaty fisheries so that walleye harvests do not exceed the Agreed Target Harvest Level minus the treaty harvests provided for pursuant to this plan. If the State intends to permit larger non-treaty harvests on the theory that a portion of those harvests comprise immature fish, then adjustments in the methodology for determining treaty harvest limits will be necessary.

sturgeon becomes a problem, the Bands will limit soak times to facilitate their release while they are still capable of surviving. The Bands will also impose time and area restrictions to avoid incidental harvest of muskies and sturgeon if necessary. The Bands will close gillnet fishing on a lake when the harvest of northern pike over 23 inches in gillnets exceeds 1.15 pounds per acre for that lake.

7. The Bands will monitor all open-water spear and net fisheries in accordance with the provisions of the Conservation Codes. All fish taken by open-water spearing and netting will be identified to species, counted and weighed in the aggregate. For walleye, length and sex will be taken from the first 100 fish per night and from all fish taken by the last boating party of the night for each lake. Additional fish may be measured upon request by law enforcement personnel.

Part IV: Rivers

A. Management of Treaty Fishing by Hook and Line, Ice Spearing, Setline, Set or Bank Poles and Harpooning and Archery Equipment.

1. The Conservation Codes authorize fishing in rivers by hook and line, spearing through the ice, setline, set or bank poles, and harpooning and archery equipment. Except for harpooning and archery equipment, these methods can be used to harvest large and smallmouth bass, walleye, northern pike, muskellunge, lake sturgeon, salmonids, white, yellow and rock bass, bluegill, crappie, pumpkinseed, yellow perch, catfish, cisco (tullibee) and whitefish, and rough fish. Harpooning and archery equipment may be used to take rough fish only.

2. The Bands intend to manage these fisheries in accordance with the bag limits and other applicable regulatory provisions in the Conservation Codes, provided that only the St. Croix River below Taylor Falls will be open to lake sturgeon harvests. The Bands will require an open-water spearing permit in all instances but may authorize the use of a valid Tribal Identification Card in lieu of a general fishing permit for all other methods (except netting as provided in Section IV.B below). The Bands' experience has shown that Band member harvest using methods other than open-water spearing and netting has been minimal, and they do not anticipate this will change. The Bands will rely upon the processes and procedures of the Minnesota 1837 Ceded Territory Fisheries Committee to evaluate effort and catch in fisheries on rivers.

B. Management of Treaty Fishing by Open-Water Spearing and Netting.

1. The Conservation Codes also authorize open water spearing, dip netting, fyke netting and seining in all rivers and gillnetting in the approximately five miles of the Rum River connecting Ogechie, Onamia and Shakopee Lakes and in the first 20 miles of the St. Croix River downstream of the point where the river commences as the border between Minnesota and Wisconsin. For purposes of this interim treaty fisheries management plan, the Bands intend to limit the use of these methods in rivers to open-water spearing and fyke netting and will close all waters except the St. Croix River below Taylor Falls to harvests of lake sturgeon.

2. These fisheries (open-water spearing and fyke netting in rivers) will be managed in accordance with the applicable regulatory provisions in the Conservation Codes (including angling bag limits). In addition, during the spawning season, the Bands will open river segments to open-water spearing on alternate days only.

3. The Bands will monitor all open-water spear and net fisheries in accordance with the provisions of the Conservation Codes. In addition, all fish taken by spearing and netting will be identified to species and counted. For walleye, length and sex will be taken from first 100 fish per night and from all fish taken by the last boating party of the night for each river segment. Additional fish may be measured upon request by law enforcement personnel.

4. The Bands will limit the harvest of muskellunge in the Mississippi River to no more than ten (10) fish per year.

Part V: Inter-tribal Protocol.

1. As set forth in the Conservation Codes, Section 1.04, no member of any Band may fish within the area depicted in Figure 1 thereto, which includes the southwestern portion of Mille Lacs Lake, the eastern half of Whitefish Lake, Ogechie, Shakopee and Onamia Lakes, and the portion of the Rum River connecting Mille Lacs, Ogechie, Shakopee and Onamia Lakes, without permission of the Mille Lacs Band. The Mille Lacs Band agrees to make its lands available to members of the Wisconsin Bands and the Fond du Lac Band to launch their boats into Mille Lacs Lake.

2. No later than January 15 of each year the Biological Services Director shall notify each of the Bands of the total annual quotas and caps for all Bands for open-water spearing and netting for the upcoming year, as determined in accordance with this plan.

3. No later than February 15 of each year the Bands shall convene a meeting and designate their desired harvest in open-water spear and net fisheries for which a total quota or cap has been established. At their initial meeting and at such further meetings as they may deem advisable, the Bands shall consider such accommodations and adjustments as may harmonize their respective harvest designations and shall consider any policy questions.

4. The Bands' harvest designations for Mille Lacs Lake shall be subject to the following special provisions:

a. Band Quotas of Mille Lacs Lake Walleye. For the fishing year under this interim plan (the fishing year commencing April 1, 2014 or as otherwise established pursuant to a Commissioner's Order), the Bands' quotas of Mille Lacs Lake Walleye will be:

Mille Lacs	5,000 pounds
Bad River	1,700 pounds
Fond du Lac	3,300 pounds

Lac Courte Oreilles	1,400 pounds
Lac du Flambeau	1,700 pounds
Red Cliff	1,700 pounds
Sokaogon (Mole Lake)	800 pounds
St. Croix	<u>900 pounds</u>
Total	16500 pounds

The remaining 600 pound portion of the total annual walleye quota for all Bands as provided in Section II.B above (17,100pounds) will be pooled and will be available to all of the Bands for purposes of the incidental catch of walleye while netting for perch in Mille Lacs Lake.

b. Re-Allocation of Band Quotas of Mille Lacs Lake Walleye: Each Band has the right to re-allocate all or any portion of its quota of Mille Lacs Lake Walleye to any other Band before or during the spring fishery. Any unused portions of the quotas of the Wisconsin Bands and the Fond du Lac Band (not including the 600 pounds reserved for the incidental catch of walleye while netting for perch in Mille Lacs Lake) as of May 15 will be pooled (the “Pooled Amount”). Fifty percent of the Pooled Amount will be available to the Mille Lacs Band for the duration of the fishing year (along with any unused portion of the Mille Lacs Band’s own quota). The other 50% of the Pooled Amount will be available to the Wisconsin Bands and the Fond du Lac Band for purposes of a fall netting or spearing fishery for walleye in Mille Lacs Lake. To implement this provision, the Wisconsin Bands and the Fond du Lac Band will notify each other and the Mille Lacs Band over the summer of their interest, if any, in conducting a fall netting or spearing fishery for walleye in Mille Lacs Lake, and by September 15 will determine how to allocate their 50% share of the Pooled Amount among those Bands who are interested in conducting such a fishery. If the interested Bands do not reasonably need 50% of the Pooled Amount to conduct such a fishery, the balance will be made available to the Mille Lacs Band for its use during the duration of the fishing year (*i.e.*, until March 31 or as otherwise established pursuant to a Commissioner’s Order).

c. Northern Pike: The Bands’ share of the Mille Lacs Lake Northern Pike cap for the fishing year under this interim plan (the fishing year commencing April 1, 2014 or as otherwise established pursuant to a Commissioner’s Order) is 50,000 pounds, which will be allocated as follows:

Mille Lacs	27,500 pounds
Bad River	3,200 pounds
Fond du Lac	4,000 pounds
Lac Courte Oreilles	3,200 pounds
Lac du Flambeau	3,200 pounds
Red Cliff	3,200 pounds
Sokaogon (Mole Lake)	2,500 pounds
St. Croix	<u>3,200 pounds</u>
Total	50,000 pounds

5. At the conclusion of their meeting(s), but in no case later than March 15, the Bands

shall file and publish their Final Report and Declaration on Open-Water Spearing and Netting in the Minnesota Ceded Territory for the upcoming fishing year (Final Report). The Final Report shall set forth the quotas and caps for each Band's harvest in open-water spear and net fisheries that are subject to quota management for the upcoming year, which collectively shall not exceed the total quotas and caps for all Bands in such fisheries as determined under this plan.

6. The Biological Services Director is authorized to make pro rata reductions in Band designations if necessary to complete the Final Report in compliance with Parts 4 and 5 above and other applicable provisions of this plan.

7. The Final Report shall conclusively establish those bodies of water in the Minnesota ceded territory open for those open-water spear and net fisheries that are subject to quota management during the upcoming fishing year and the amounts of fish to be harvested by each of the Bands using those methods. Except as otherwise provided in paragraph V.4.b above, any Band may transfer any portion of its declaration to any other Band.

8. All Bands shall manage their fisheries to comply with the provisions of the Final Report. The Biological Services Director is authorized to close fishing by members of any Band or implement other management measures authorized by this plan or the Code to prevent that Band from exceeding the harvest levels in the Final Report or in any other manner violating the provisions of the Final Report.

9. The Biological Services Director shall promptly transmit a copy of the Final Report upon its completion to the Minnesota Department of Natural Resources ("MDNR").

10. The Commissioner is authorized to change the annual quota year under Section 9.03 of the Conservation Codes through the issuance of a Commissioner's Order if, in consultation with the Biological Services Director, it is determined that due to early ice-out conditions the annual quota year should begin on a date prior to April 1 or end on a date prior to March 31.

11. The provisions in this paragraph 11 shall apply to bodies of water other than Mille Lacs Lake. Prior to June 1, the Biological Services Director shall notify the MDNR no later than 1:00 pm of the bodies of water which the Bands have designated for open-water spearing that night. The Biological Services Director also shall notify the MDNR no later than 3:00 pm during the spring fishery of the Band spearing harvest which occurred the previous night. After May 31, the Biological Services Director shall provide similar advance notice to the MDNR of the bodies of water designated for spearing, and shall report the harvest to the MDNR monthly. Each of the Bands will provide the Director with the information needed to provide the notices specified in this paragraph. The Biological Services Director shall promptly notify the MDNR of the issuance and provisions (including location) of any gillnet permit. Each of the Bands will provide the Director with the information needed to provide the notices specified in this paragraph.

12. The provisions of this paragraph 12 shall apply to Mille Lacs Lake. Prior to June 1, the Biological Services Director shall provide daily notice by 1:00 pm to the MDNR of landings

open for landing fish that have been harvested in open-water spearing or gillnet fisheries and of the Bands that have authorized such fisheries. The Biological Services Director shall also provide daily notice by 3:00 pm to the MDNR during the spring fishery of each Band's combined spearing and gillnetting harvest of walleye and its combined spearing and gillnetting harvest of northern pike that occurred the previous day. After May 31, the Biological Services Director shall provide similar advance notice to the MDNR of landings open for landing fish that have been harvested in open-water spearing or gillnet fisheries and of the Bands that have authorized such fisheries, and shall report the harvest to the MDNR monthly. Each of the Bands will provide the Director with the information needed to provide the notices specified in this paragraph.

13. The allocation of treaty harvest opportunities among the Bands as set forth in this plan is the product of compromise and negotiation among the Bands, and shall be effective only for the duration of this plan. The Bands reserve all rights and claims they may have vis-a-vis one another with respect to the allocation of treaty harvest opportunities in the future, and nothing herein shall limit, prejudice or otherwise affect the assertion of such rights or claims upon the expiration of this plan, or create a precedent for future inter-tribal allocations. Any use or construction of this plan to limit, prejudice or otherwise affect such rights or claims or as such a precedent is unauthorized and improper.

Amendments
to the
1837 Conservation Code for the Minnesota Ceded Territory

CHAPTER 9 - FISH HARVESTING REGULATIONS

9.05 Seasons, Methods, Bag Limits, and Size Limits.

[Subsections (1) – (3) unchanged].

(4) Except as provided in subsection (5) below, the following table hereby establishes the open season, permissible methods, daily bag limits and size limits for the enumerated species of fish in the identified locations:

Kind of Fish and Locality	Methods Permitted	<u>Open Season</u> (Dates are	Bag Limit Inclusive)	Maximum or Minimum Size Limits
(a) <u>Largemouth and Smallmouth Bass.</u>				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	20per person/ day	None
(ii) All waters	Open water spearing subject to Section 9.06, and snagging	Year Around	20per person/ day except as provided otherwise in Section 9.06	None
(iii) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	20per person/ day	None
(iv) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	20per person/ day except as provided otherwise in Section 9.07	None
(v) Waters designated in section 9.08(2)	Gillnets subject to Section 9.08	June 1 to March 1	<u>See Section 9.08</u> (2)(c)	None

Kind of Fish and Locality	Methods Permitted	<u>Open Season</u> (Dates are	Bag Limit Inclusive)	Maximum or Minimum Size Limits
(b) <u>Walleye.</u>				
(i) All water	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	10 per person/day	None
(ii) All waters	Open water spearing subject to Section 9.06, and snagging	Year Around	Established by permits issued pursuant to Section 9.06	Maximum of 20 inches except each fisher may take one fish 20-24 inches and one fish any size per permit <i>provided that</i> , during the 2014-2015 fishing year there shall be no size limit for Mille Lacs Lake unless imposed by a Commissioner's Order in accordance with the Bands' 2013-2014 Interim Fisheries Management Plan.
(iii) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	Established by permits issued pursuant to Section 9.07	Identifiable males only prior to May 1. Maximum of 20 inches thereafter.
(iv) All water	Setline, set or bank pole subject to Section 9.09	Year Around	10 per person/day	None
(v) Waters designated in Section 9.08(2)	Gillnets subject to Section 9.08	June 1 to March 1, except Mille Lacs Lake open Year Around;	<u>See</u> Section 9.08(2)(c)	None

Kind of Fish and Locality	Methods Permitted	<u>Open Season</u> (Dates are	Bag Limit Inclusive)	Maximum or Minimum Size Limits
(c) <u>Northern Pike.</u>				
(i) All waters	Open water hook & line fishing, ice fishing (including spearing when ice fishing)	Year Around	20 per person/ day	None
(ii) All water	Open water spearing subject to Section 9.06, and snagging	Year Around	20 per person/ day except as provided otherwise in Section 9.06	None
(iii) All waters	Setline, set or bank pole subject to Section 9.09	Year Around	20 per person/ day	None
(iv) All waters	All nets (except gillnets) subject to Section 9.07	Year Around	20 per person/ day except as provided otherwise in Section 9.07	None
(v) Waters designated in Section 9.08.	Gillnets subject to Section 9.08	June 1 to March 1	<u>See Section 9.08(2)(c)</u>	None