

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O.Box 39 • Odanah, Wisconsin 54861

Resolution No. 10-6-10-293

Resolution Adopting Commercial Fishing Quotas and Fishing Seasons in Western Michigan Waters of Lake Superior

WHEREAS, the Bad River Band of the Lake Superior Tribe of Chippewa Indians is a signatory or successor to the Treaty of 1842, 7 Stat. 591; and

WHEREAS, Article VI, Section 1(y) of the Bad River Tribe's Constitution authorizes the Tribal Council to regulate by the enactment of ordinances the exercise of rights to hunt, fish, trap and gather within the lands wherein such rights are reserved; and

WHEREAS, the Bad River Tribe entered into an Agreement with the Red Cliff Band of Lake Superior Chippewa Indians and Keweenaw Bay Indian Community for the shared harvest of lake trout from the Western Michigan waters of Lake Superior; and

WHEREAS, the Bad River Tribal Council previously passed regulations governing the Western Michigan waters of Lake Superior fishery contained in Chapter 326 of the Tribal Court Code and Resolution No. 6-17-09-76, for the purpose of preserving and protecting the fishery; and

WHEREAS, the Tribal Council has reviewed the proposed fishing quotas and seasons and finds them necessary for conservation of the Western Michigan waters of Lake Superior fishery resource.

NOW THEREFORE BE IT RESOLVED that the Bad River Band Tribal Council hereby adopts the following for the Western Michigan waters of Lake Superior:

1. The open commercial fishing season for lake trout and lake whitefish in Management Unit MI-2 shall be from December 15 until January 31 and from March 1 until May 31. All other times shall be closed, with the exception of harvest of chub, herring and siscowet in waters 35 fathoms and deeper and small mesh harvest of chubs and herring. It shall be unlawful to take and retain any lake trout and lake whitefish during these times, any other tribal law notwithstanding. This measure shall remain in effect for the 2010-2011 fishing year, until November 28, 2011; and

Resolution No. 10-6-16-293


Resolution Adopting Commercial Fishing Quotas and Fishing Seasons in Western Michigan Waters of Lake Superior

Page 2 of 2

2. The lean lake trout quota for Management Unit MI-2 is hereby set at 532. This quota shall remain in effect for the 2010-2011 fishing year, until November 28, 2011; and
3. The lean lake trout quota for Management Units MI-3, MI-4, and MI-5 are hereby set at 834, 5,000, and 5,667 respectively. These quotas shall remain in effect for the 2010-2011 through 2012-2013 fishing years, until November 28, 2013.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of the 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 seven members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 6th day of OCTOBER, 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 4 members; 2 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.



Joretta Ford, Secretary
Bad River Tribal Council

September 27, 2010

Regular Meeting 10-10
October 6, 2010

REQUEST FOR AGENDA ITEM NO. _____

REQUEST FOR AGENDA ITEM

Request to maintain the current commercial fishing season in management unit MI2 waters of Lake Superior; adopt lean lake trout quotas of 834 fish in management unit MI3, 5,000 fish in management unit MI4, and 5,667 fish in management unit MI5 for Bad River commercial fishermen fishing in western Michigan waters of Lake Superior for the 2010/2011 through 2012/2013 fishing seasons; and adopt a lean lake trout quota of 525 fish in management unit MI2 for Bad River commercial fishermen fishing in western Michigan waters of Lake Superior for the 2010/2011 fishing season.

SUMMARY

Managers of the tribal commercial fishery in Michigan waters of Lake Superior, comprising staff from the Red Cliff Band of Lake Superior Chippewa, Bad River Band, Keweenaw Indian Community, and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) have been monitoring the lake trout and lake whitefish fishery since the mid-1980's. The total allowable catch is left the same or adjusted up or down based on the most recent information on the status of the fish population.

Lake trout populations in management units MI3, MI4, and MI5 in the western Michigan waters of Lake Superior seem to be either stable or increasing. Therefore, it was proposed that all of these units receive increased lake trout quotas. Unfortunately, a number of management concerns were identified for management unit MI2 in western Michigan waters of Lake Superior. These concerns included a decrease in the relative abundance of lean lake trout present in the fishery independent spring lake trout index survey since 2001 and high fishing mortality on both lake trout and whitefish since 2004. The marked decline in the abundance of target fish species in management unit MI2 led to agreement by fisheries staff that restrictive seasons and quotas are needed to rebuild fish stocks in the unit.

RECOMENDATION

Approve the following changes for western Michigan waters of Lake Superior: maintain the current commercial fishing season dates for MI2, and adopt the proposed lean lake trout quotas for western waters of Lake Superior.

Attachments:

Resolution

Quota breakdown for western Michigan waters of Lake Superior

Michigan Stock Assessment Figures

MI2 Lake Trout Figures

GLIFWC Correspondence
Red Cliff Resolution

Prepared by:
Timothy Wilson, Fisheries Specialist

Contact persons:
Ervin Soulier, NRM
Timothy Wilson, Fisheries Specialist
Ed Leoso, Fisheries Tech

Fishing Quotas for Western Michigan Waters of Lake Superior

Current Quotas

Unit	State Quota	Tribal Quota	Red Cliff	Bad River	Keweenaw Bay
MI2	1250	1250	532	532	186
MI3	2475	2475	825	825	825
MI4	21600	21600	4044	4044	13512
MI5	16565	16565	5522	5522	5522
TOTALS	41890	41890	10923	10923	20045

Proposed 2010/2011 Through 2012/2013 Quotas

Unit	State Quota	Tribal Quota	Red Cliff	Bad River	Keweenaw Bay
MI2	1250*	1250*	532*	532*	186*
MI3	2500	2500	834	834	834
MI4	25000	25000	5000	5000	15000
MI5	17000	17000	5667	5667	5667
TOTALS	44500	44500	11501	12026	21501

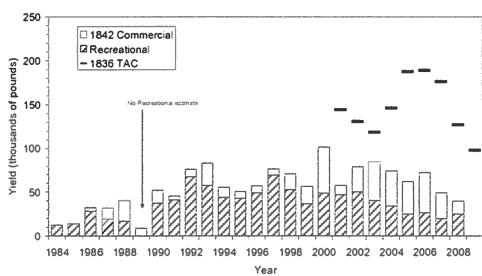
*Quota only for the 2010/2011 fishing year

Michigan Stock Assessment Figures

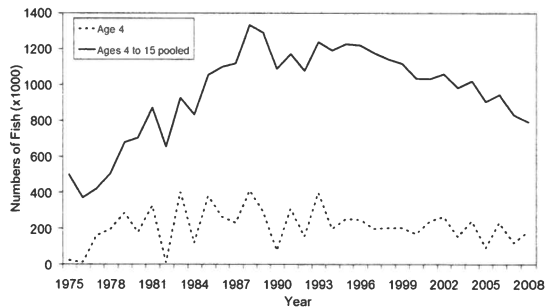
Stock Assessment in MI5

- Graphs of data from 1836 report
- Graphs of data from Surplus Production

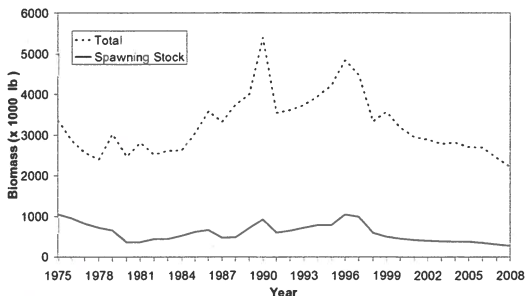
Commercial and recreational fishery lake trout harvest and TAC MI-5



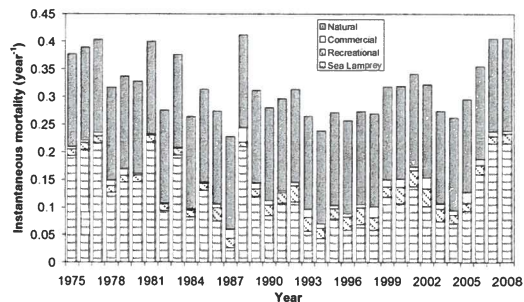
Estimated lake trout abundance MI-5

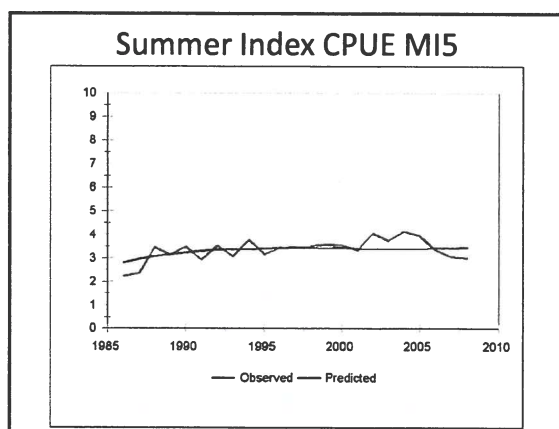
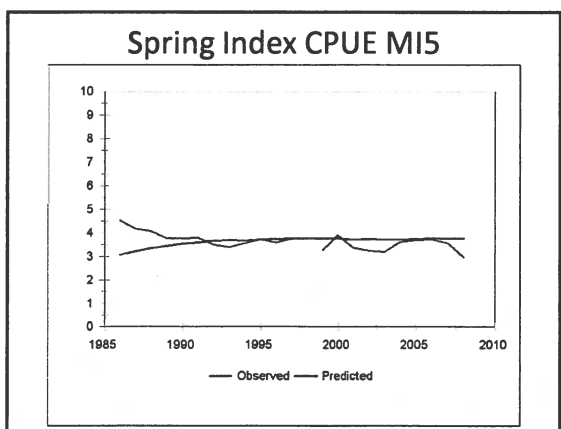
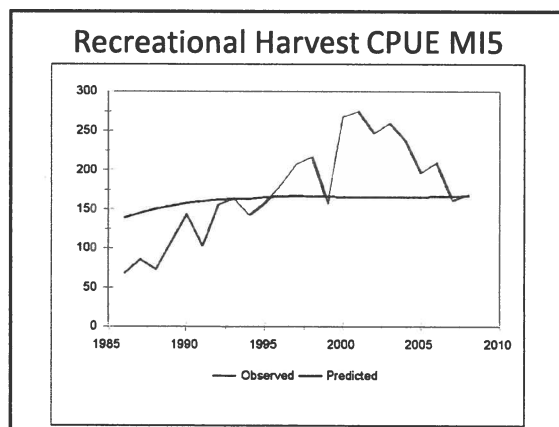
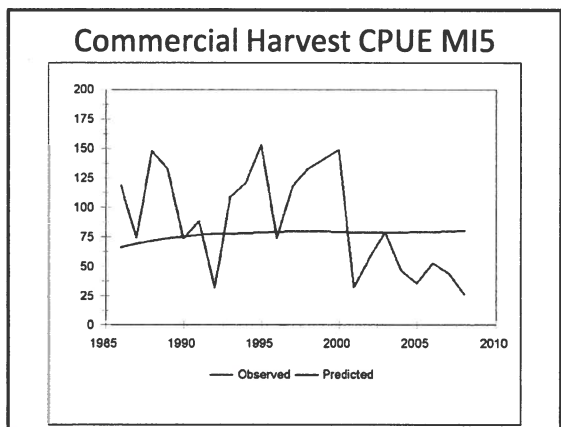
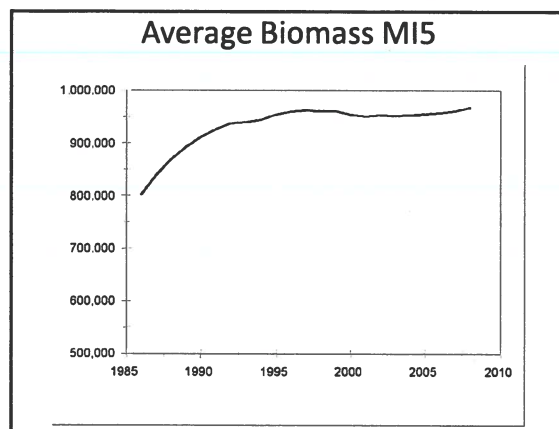
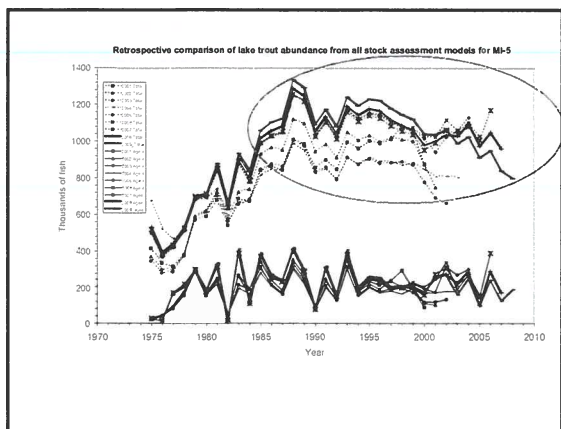


Estimated lake trout biomass in MI-5



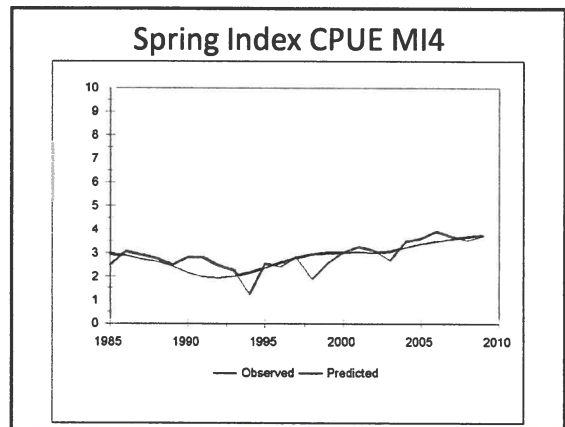
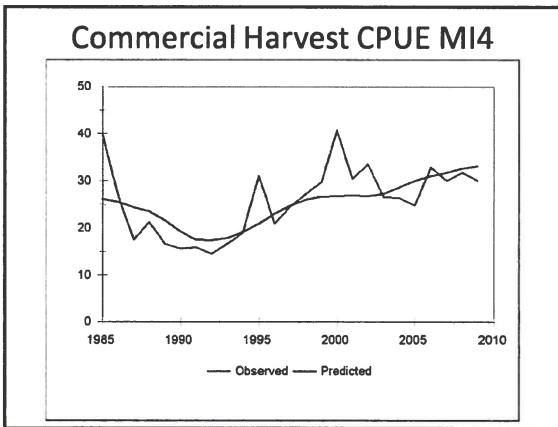
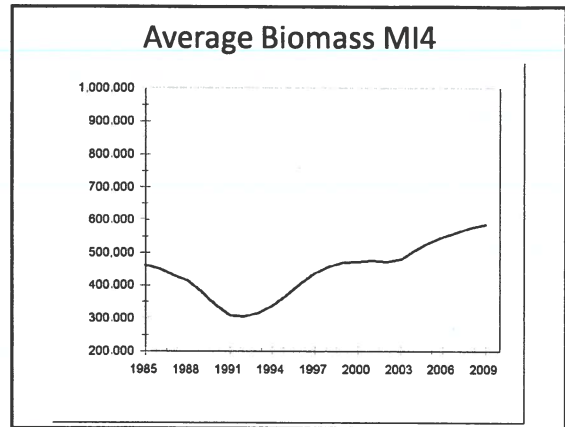
Instantaneous mortality rates for lake trout ages 6-11 in MI-5





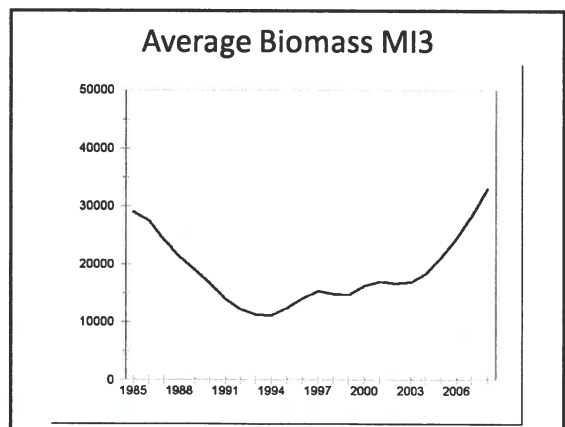
Stock Assessment in MI4

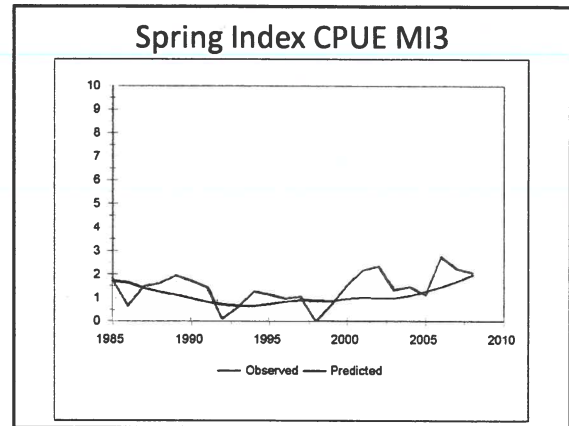
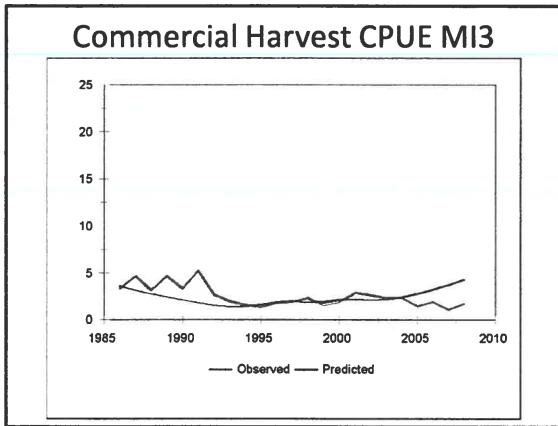
- Graphs of data from Surplus Production



Stock Assessment in MI3

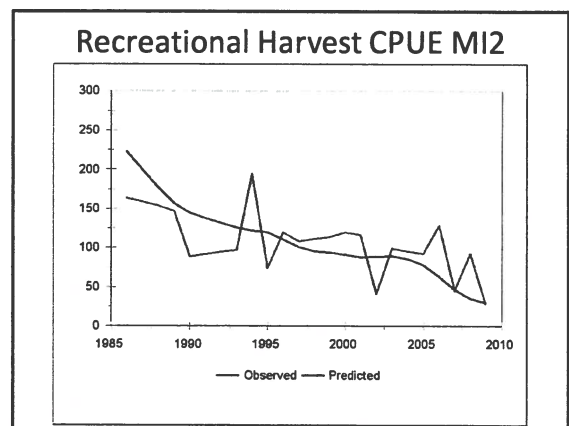
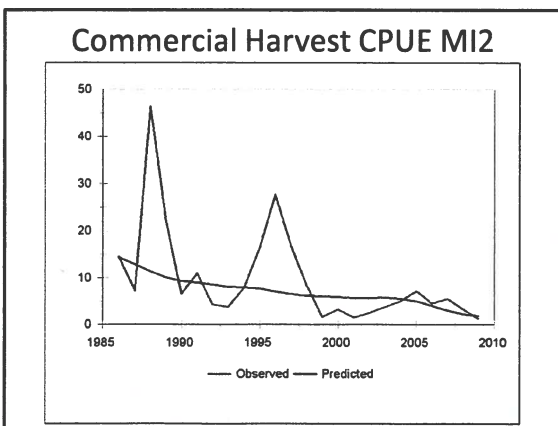
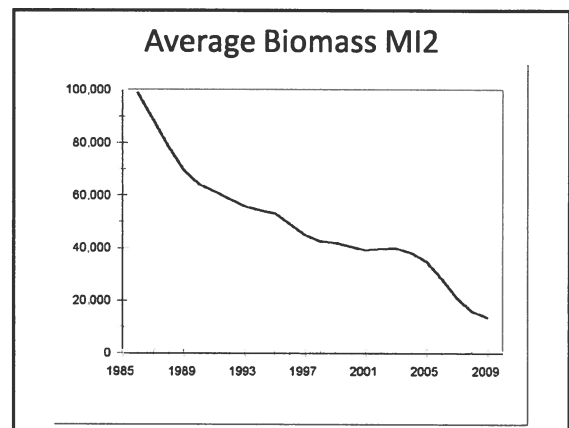
- Graphs of data from Surplus Production

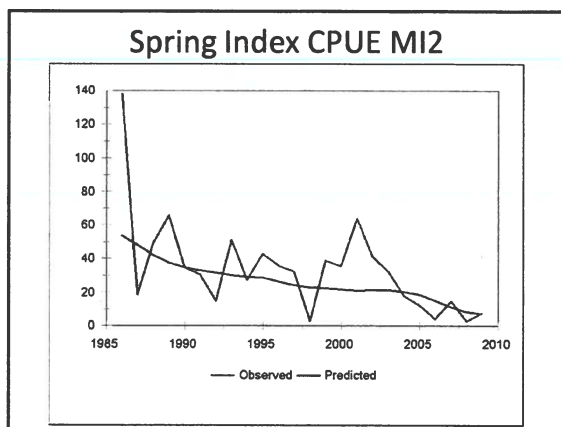




Stock Assessment in MI2

- Graphs of data from Surplus Production

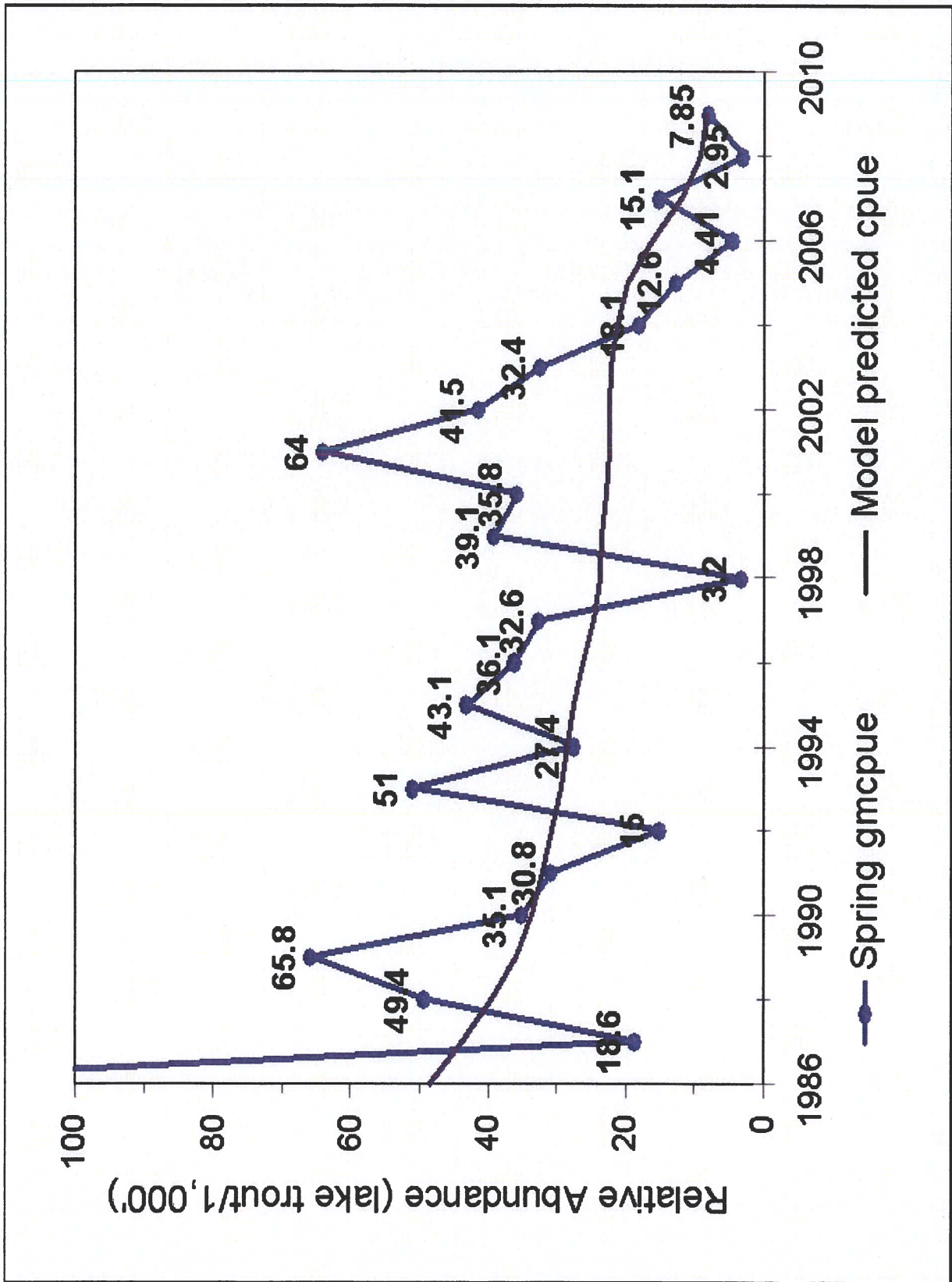


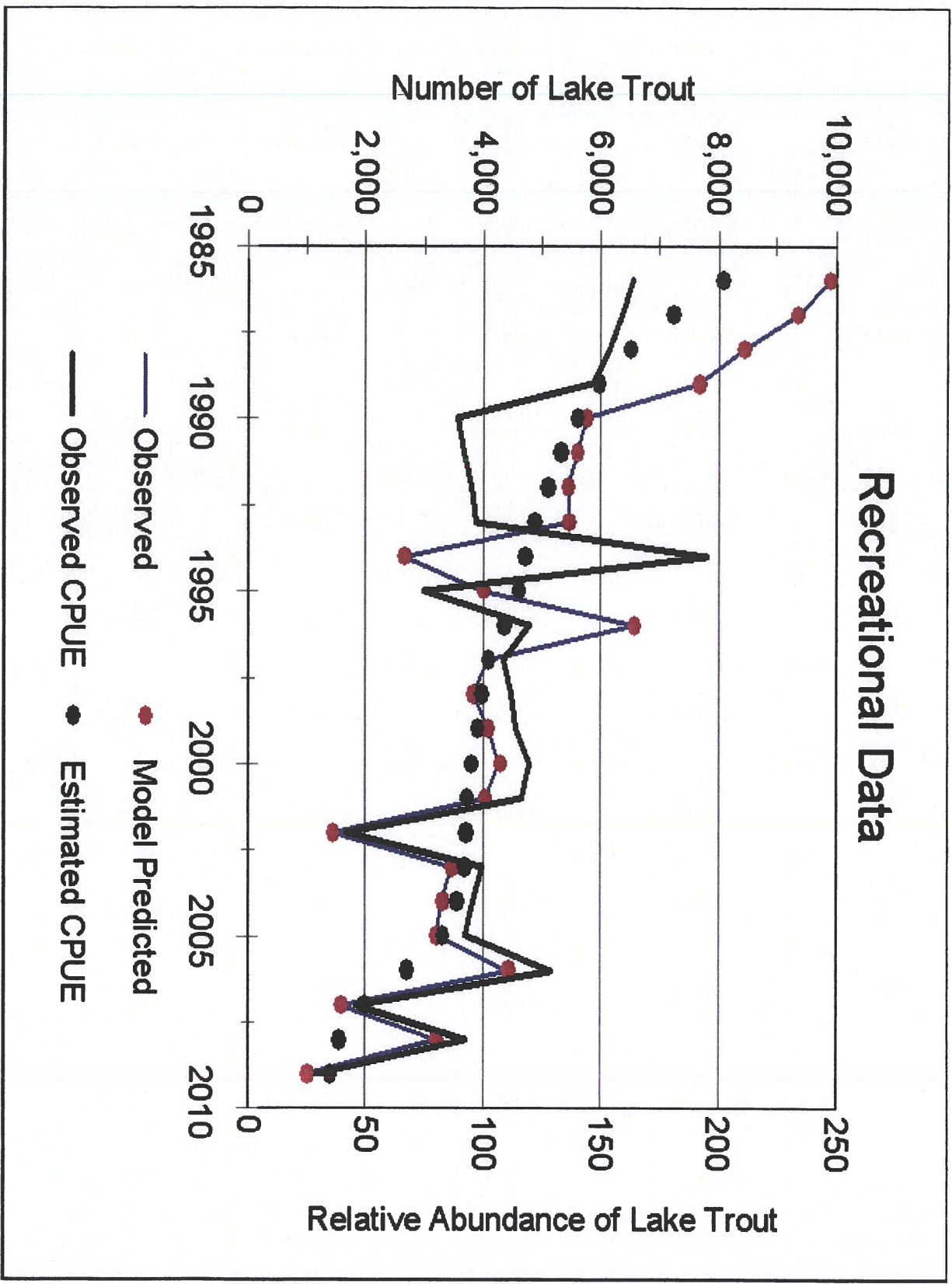


Harvest Policy

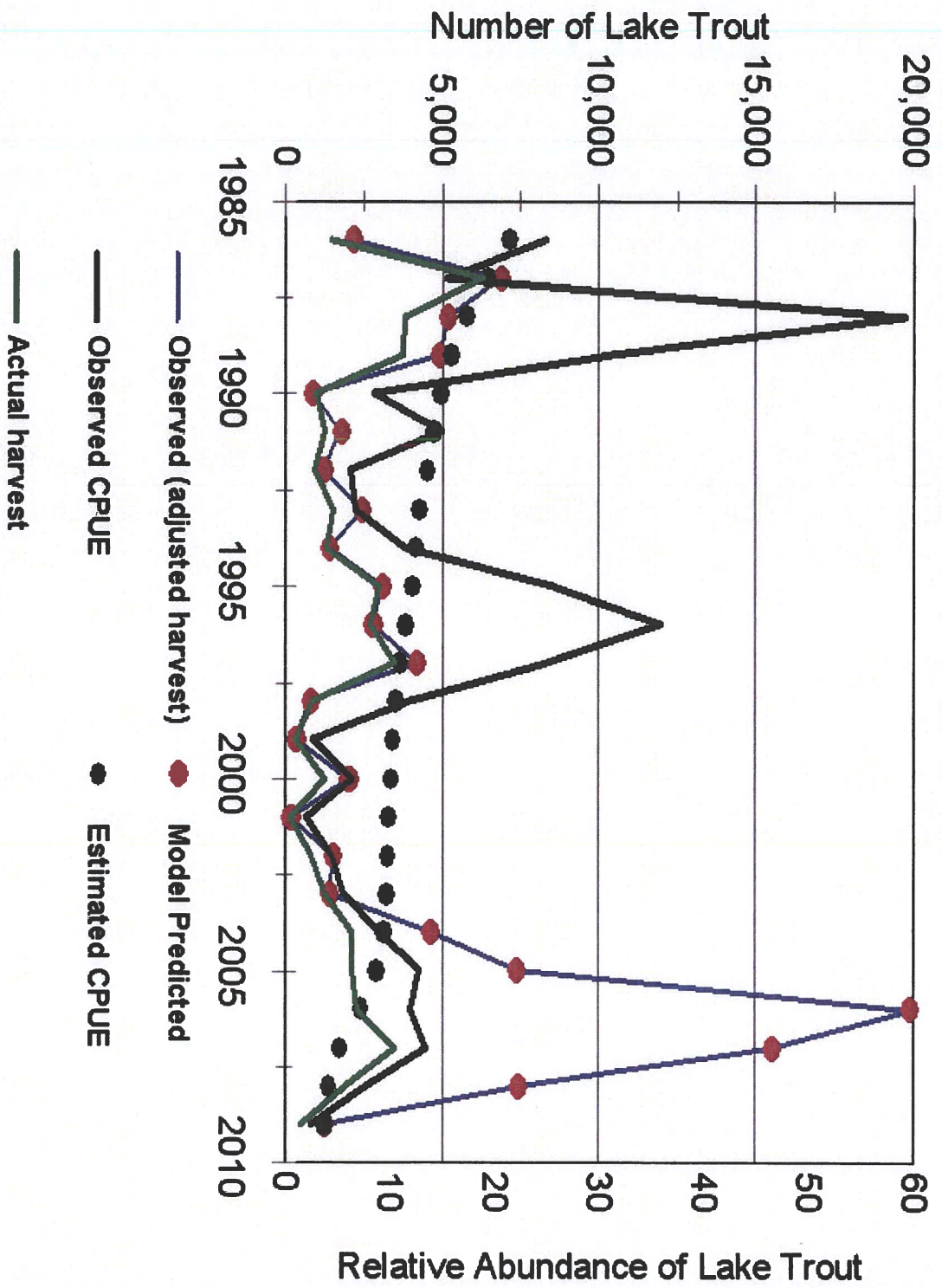
- Stable TAC = 60%MSY
- Increasing TAC = 60%MSY
 - Or TAC = F_{MSY}
 - » (a policy that should return stock to N_{MSY})
- Decreasing TAC = F_{MSY}
 - » (a policy that provides eventual stock recovery to N_{MSY})
 - Or TAC = Equilibrium Yield
 - » fish at the sustainable yield for one year, reassess annually, policy should keep population at current level.

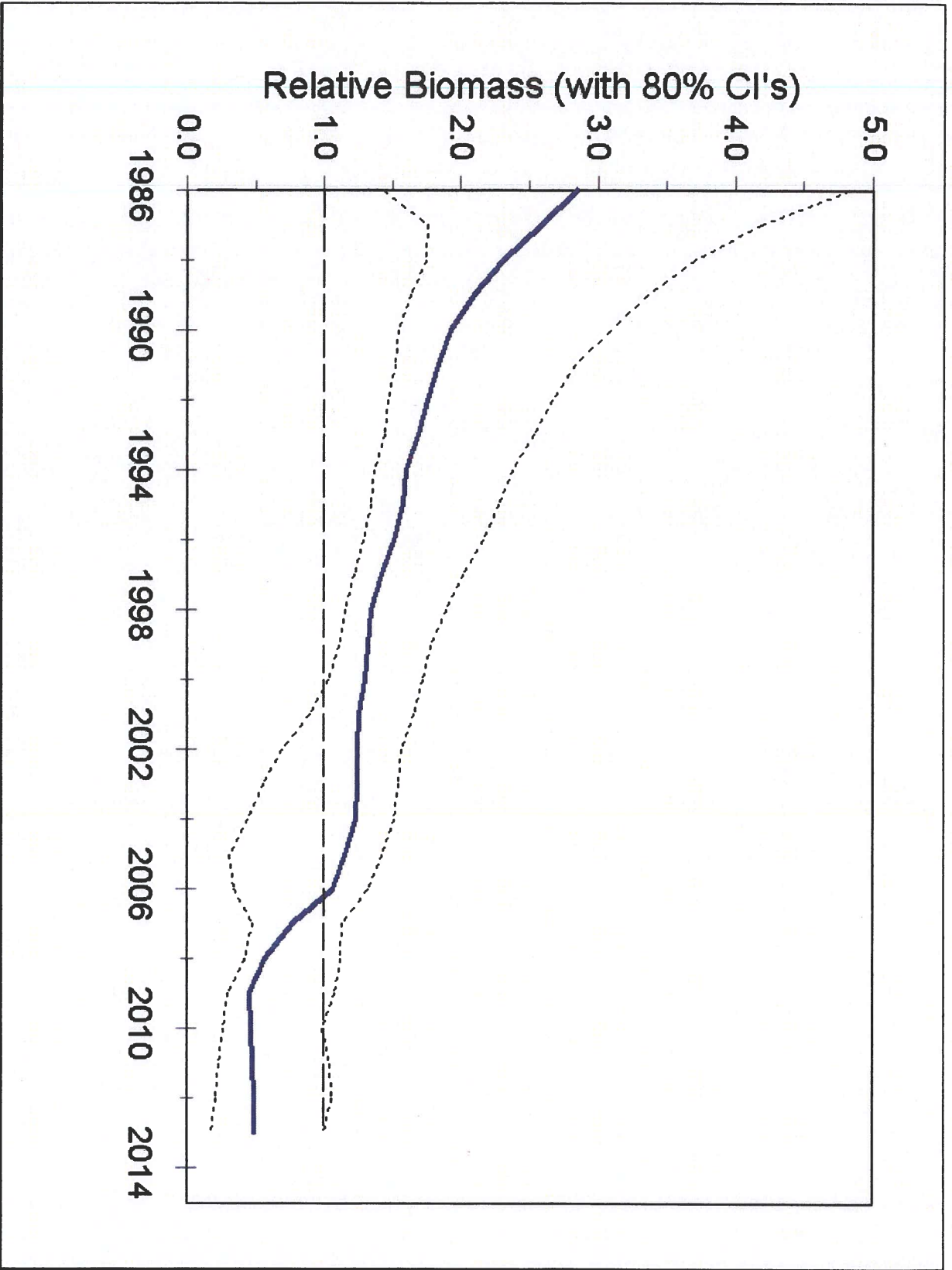
MI2 Lake Trout Figures



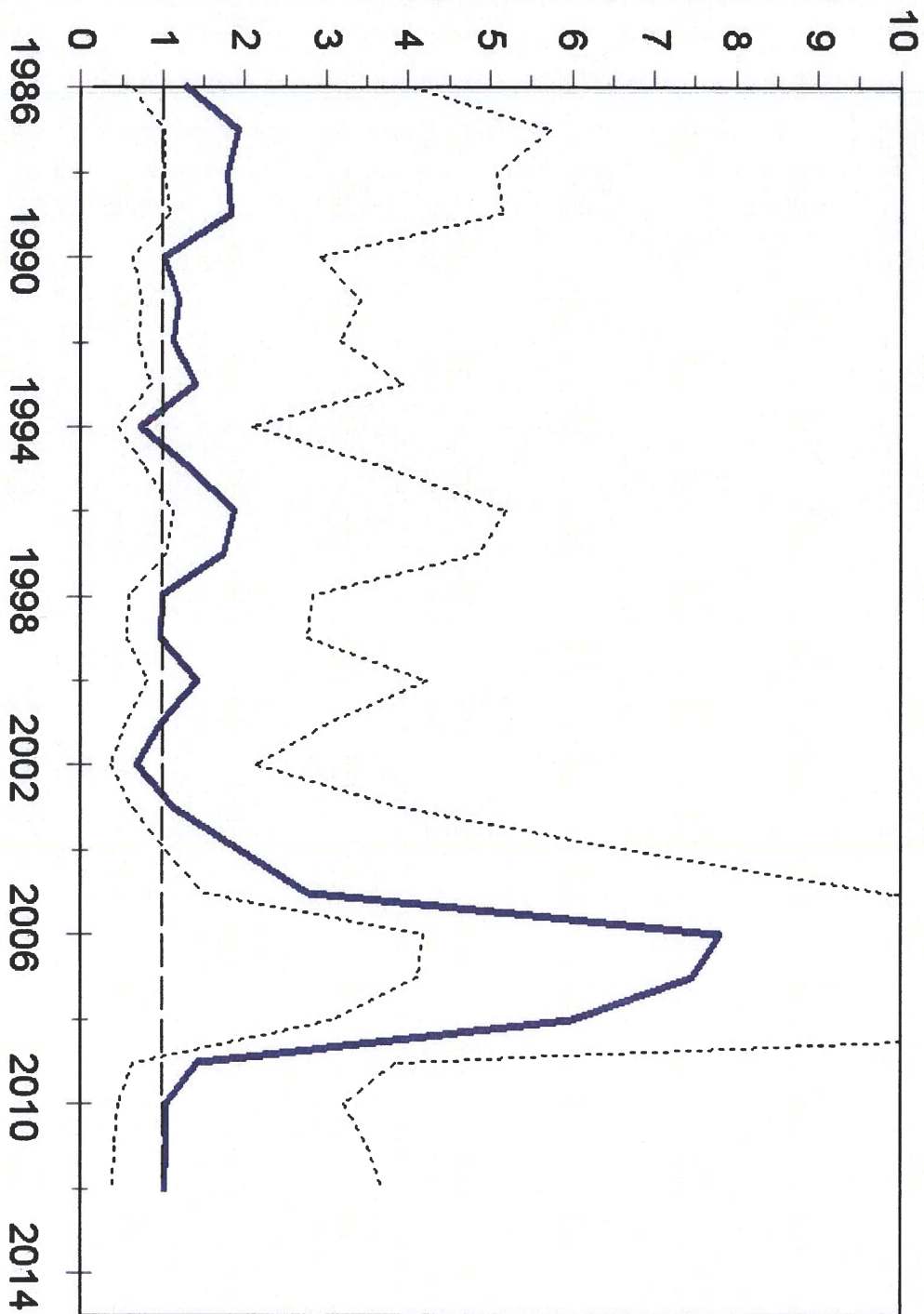


Commercial Data





Relative Fishing Intensity (80% CI's)



GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

TO: Lake Committee Biologists
FROM: Bill Mattes, Great Lakes Biologist
DATE: September 21, 2010
RE: Lake Committee Biologist Meeting Notes

As per the attached agenda, on September 14, 2010 we met to discuss lake trout model development in Michigan waters of Lake Superior within the 1842 treaty ceded area and recommend total allowable catches for the Michigan management units MI-2, MI-3, MI-4, and MI-5 for the next three fishing seasons (November 28, 2010 to October 31, 2013).

The TAC's established for the 2008-2009 fishing season were extended through the 2009-2010 fishing season for Michigan management units MI-3, MI-4, and MI-5 and the TAC for unit MI-2 was adjusted to 2,500 following review of current statistical catch-at-age (SCAA) and surplus production stock assessment models for the unit (see attached September 18, 2006 memo and December 3, 2008 meeting notes).

The following strategies were presented and discussed for setting TAC from the surplus production models;

<u>Stock trend</u>	<u>TAC</u>
Stable	TAC = 60%MSY
Increasing	TAC = 60%MSY Or TAC = F_{MSY} (a policy that should return stock to N_{MSY} .)
Decreasing	TAC = F_{MSY} (a policy that provides eventual stock recovery to N_{MSY} .) Or TAC = Equilibrium Yield (fish at the sustainable yield for one year, reassess annually, policy should keep population at current level.)

The following was presented for each management unit (see attached power-point presentation);

- MI-2 A statistical catch at age model developed under Phase I of the ANA/SEDS Fish Modeling Grant was updated and a surplus production model was parameterized in 2008. Both models reflected declines in stock abundance in the unit. Therefore, the TAC was adjusted to 2,500 for the 2009-2010 fishing season. The surplus production model was updated with 2009 data and trends remained the same. We recommend that the model be updated and the TAC evaluated annually. The recommended TAC for 2010-2011 is 2,500 lean lake trout to be harvested by all user groups.
- MI-3 A surplus production model was updated. The stock abundance in the unit is stable but relatively low in comparison to other areas of Lake Superior. The relatively low abundance results in models that are difficult to parameterize and assess. However, stock abundance trends appear relatively stable therefore the recommended TAC is 5,000 lean lake trout to be harvested by all user groups.

MI-4 A surplus production model was updated. The stock abundance has increased since the early to mid 1990's, is relatively stable, and is currently near its maximum sustainable yield. The recommended TAC is 50,000 fish to be harvested by all user groups.

MI-5 A SCAA model developed as part of the 2000 Consent Decree was updated earlier this year. In addition, a surplus production model was developed for MI-5. The stock abundance is relatively stable, therefore, we recommend a TAC of 34,000 (136,000 lb) lean lake trout to be harvested by all user groups.

We also recommend that work continue to refine the stock assessment models to ensure that these recommendations set appropriate harvest levels.

In addition to stock assessment models and TAC's the following items were discussed;

Modified gill net study.

Preliminary results from the first year of the modified gill net (or lag net) grant were presented which show a 2/3 reduction in the catch of lake trout by the modified net versus the standard gill net.

LSTC meeting discussion:

Ageing methods.

The LSTC has recommended that all ageing of Lake Superior fishes be done by otolith with the crack and burn method being used for coregonids and sectioning be used for lake trout.

Mass marking.

Keweenaw Bay and Red Cliff would like to have all their fish marked with the newly acquired mass marking trailers if at all possible.

Grant opportunities.

Discussed the possibility of a grant to make lag-nets.

Enforcement.

Stepped up enforcement is recognized and appreciated. Some concern was raised over the possible under-reporting that could be addressed using dock-side checks, as the comparison of wholesale receipts to catch reports is ineffective given many fishers act as their own wholesalers. Also, mentioned the possibility of grid checks which would compare enforcement monitored effort with reported effort.

Field Season Plans.

GLIFWC fall assessment will include work on the lower Keweenaw Bay historic spawning sites with Bad River staff assisting. KBIC will do Traverse Island spawning reef. Red Cliff is working on spawning reefs in Wisconsin waters of Lake Superior.

Please let me know if you have any comments, questions, or concerns. As in past years, I plan to forward these TAC's to the appropriate Michigan DNRE personnel.

c Neil Kmiecik, Biological Services Director
S. Ben Michaels, Fishery Biologist



RESOLUTION NO. 6.22-2010D

**RESOLUTION ADOPTING EMERGENCY RULES GOVERNING
COMMERCIAL FISHING IN MANAGEMENT UNIT MI-2**

- WHEREAS, The Red Cliff Band of Lake Superior Chippewa Indians is a federally recognized Indian Tribe, organized under a Constitution adopted, August 25, 1938, pursuant to Section 16 of the Indian Reorganization Act; and
- WHEREAS, The Red Cliff Tribal Council is the governing body of the Red Cliff Band of Lake Superior Chippewa Indians; and
- WHEREAS, The Red Cliff Tribal Council is authorized pursuant to Red Cliff Constitution Art. VI, sec. 1(P) to promulgate and enforce ordinances governing the conduct of the membership and authorizing the establishment of a judicial system; and
- WHEREAS: The Red Cliff Tribe retains the right to engage in a treaty fishery in Lake Superior pursuant to various treaties with the United States government; and
- WHEREAS, The Red Cliff Tribal Council has previously passed regulations governing the Michigan Lake Superior Fishery contained at RCCL sec. 7.19 for the purpose of preserving and protecting the integrity of that fishery in a manner that upholds conservation-based concerns; and
- WHEREAS, There are a number of additional restrictions and amendments that the Tribal Council feels are necessary to further strengthen the Michigan Lake Superior Fishery consistent with the 1989 tri-party agreement with the Bad River Band and Keweenaw Bay Indian Community on this subject; and
- WHEREAS, the Tribal Council has reviewed the proposed emergency measures and finds them reasonable and consistent with conservation of the Michigan Lake Superior fishery resource;

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NOW THEREFORE BE IT RESOLVED: That pursuant to the provisions of RCCL sec. 7.15 the Red Tribal Council hereby adopts the following emergency closures within in Management unit MI-2.

1. The open season for lake trout and lake whitefish commercial fishing in Management unit MI-2 shall be from March 1 until May 31 and from December 15 until January 31. All other times shall be closed to commercial fishing, with the exception of harvest of chub, herring, and siscowet in waters 35 fathoms and deeper, as well as a small mesh fishery for chubs and herring in Management unit MI-2 and it shall be unlawful to take and retain any lean lake trout and whitefish during said times, RCCL sec. 7.19.4(a) and any other tribal law notwithstanding. This measure shall remain in effect until November 28th, 2011.

BE IT FURTHER RESOLVED: That the Red Cliff Band urges the Bad River Band to adopt reciprocal provisions in an effort to preserve and protect the fishery resource in Management unit MI-2.

BE IT FURTHER RESOLVED: That this resolution shall become effective immediately, notwithstanding the requirements of RCCL sec. 27.2.2 and 27.2.3

CERTIFICATION

I, the undersigned Secretary of the Red Cliff Tribal Council, do hereby certify that the council is composed of 9 members, of whom 8 were present at a meeting duly called, convened and held this 22nd day of June, 2010, and that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 members, and that said resolution has not been rescinded or amended in anyway.


Jeanne Gordon, Tribal Council Secretary