

**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.

**STIPULATION FOR AMENDMENT OF SECTION VII.A.7.b.2
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;

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 section VII.A.7.b. is hereby amended to read:

The following phase-in to target levels based on reduction in harvest shall apply to Tribal harvest limits in MM-1, MM-2, and MM-3 (combined) in any year in which this phase-in method results in a higher commercial harvest limit than the method in sub. a., above; provided, that the Tribal harvest limit in MM-1, MM-2, and MM-3 (combined) shall not be less than 450,000 pounds round weight in any year during this period;

- (1) For the year 2001, the Tribes' lake trout harvest limit shall be their 1997 through 1999 average harvest, less the reduction in lake trout harvest projected from gill net conversions under section X.C.
- (2) The Tribes' lake trout harvest limit shall be their prior year's harvest limit, less the reduction in lake trout harvest projected from gill net conversion under section X.C. occurring since the calculation of the previous harvest limit.
- (3) Recreational harvest limits for 2005 and 2006 shall be ten percent (10%) of the Tribes' previous three-year average harvest.
- (4) Recreational lake trout harvest limits shall be 50,000 pounds or the model-generated lake trout harvest limit, whichever is greater, in 2007 and thereafter until sea lamprey-induced lake trout mortality is significantly below the 1998 baseline levels for three consecutive years.
- (5) All phase-in to target provisions shall apply to Tribal and recreational lake trout harvest limits until sea lamprey-induced lake trout mortality is significantly below the 1998 baseline levels for three consecutive years.
- (6) After three consecutive years of sea lamprey-induced lake trout mortality levels which are significantly below the 1998 baseline levels, the parties shall review the status of lake trout in MM-1, MM-2 and MM-3 (combined) to determine if a model-generated harvest limit, as contemplated in Section VII.A.5. of the Consent Decree, is the appropriate basis for establishing lake trout harvest limits, or if another methodology for calculating lake trout harvest limits in those management units is warranted.

Respectfully submitted,

UNITED STATES OF AMERICA
BRIAN K. DELANEY
United States Attorney

Dated: March 21, 2007

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Dated: March 21, 2007

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