



August 15, 2012

Via Electronic Mail

James E. Zorn  
Executive Administrator  
Great Lakes Indian Fish and Wildlife Commission  
P.O. Box 9  
Odanah, WI 54861

Dear Executive Administrator Zorn:

Thank you for your letter on behalf of the Voigt Intertribal Task Force (Task Force) and Great Lakes Indian Fish and Wildlife Commission (GLIFWC) regarding the upcoming 2012 State of Wisconsin wolf season and the Task Forces' opposition to the harvesting of ma'iingan and claim to all wolves in the Ceded Territory. We deeply respect the religious and cultural beliefs and values of the Ojibwe bands (the Tribes), and appreciate this is a difficult situation for many of their members.

While we understand this challenge, the Department continues to bear the responsibility and authority for the management of all of the natural resources of the State. As a state agency, our duty is to implement the directive of the legislature, which is to administer a wolf hunt this year that keeps wolf populations in their core range while bringing the overall population down to a more socially tolerable level, and ensure that wolves remain in Wisconsin for generations to come. The current wolf rule maximizes the core wolf range, where the harvest rate is the least, and includes the majority of the Tribes' reservation lands. In addition, the rule establishes the federally recognized exterior reservation boundaries of Red Cliff, Bad River, Lac Courte Oreilles and Lac du Flambeau reservations as the boundaries of zero harvest zones, in furtherance of the State's respect of Tribal values associated with wolves, as well as to avoid potential jurisdictional confusion and potential conflicts regarding resource management and enforcement on such lands.

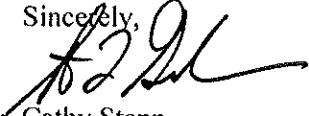
We respectfully disagree with the Tribal claim to "all wolves in the Wisconsin ceded territory." As you know, the harvestable natural resources in the Ceded Territory to which Tribes retain a usufructuary right, including wolves, were declared to be apportioned equally between the Tribes and the State. No portion of those harvestable resources, including wolves, may be exempted from the apportionable harvest, and any proposed claim or declaration of wolves that precludes the State's management responsibility and authority is violative of the applicable well-settled law of the Voigt case (*Lac Courte Oreilles Indians v. State of Wis.*, 775 F. Supp. 321(W.D. Wis. 1991)). We also respectfully disagree that the Tribes' reserved rights include the ability to "claim" a harvestable natural resource, including wolves, to prevent its harvest for the asserted purpose of maintaining its "presence and function" in the Ceded Territory.

The Voigt case established that the usufructuary right retained by the Tribes is a resource harvesting right, not a resource preservation or enhancement right infringing on the State's management authority. The State will ensure that it meets its responsibility for making at least half of the harvestable surplus of wolves within the Ceded Territory (85 wolves) available to the Tribes for Tribal harvest. These numbers will be applied equally to that portion of each harvesting unit located within the Ceded Territory (see attached "Available Tribal Wolf Harvest" document), consistent with the Tribes' claim to "the wolves in the Wisconsin ceded territory." Although the Task Force has not been able to reach agreement with the Department as to an appropriate Tribal season, the

Department believes it is important and in line with this first season's conservative approach, and in the absence of any past Tribal harvest numbers for wolves, to ensure that the full half of the harvestable surplus of wolves within the Ceded Territory be made available to the Tribes, in the event that the Tribes determine at a later date this year during the State's season to implement a Tribal season, or should ceremonial harvest permits be issued on a limited basis to individual Tribal members.

We remain mindful of our management responsibility as it relates to Tribal harvest in the exercise of their usufructuary treaty rights, and will continue to consult with the Tribes in hopes of coming to consensus on how to proceed with any potential regulations governing a future Tribal harvest.

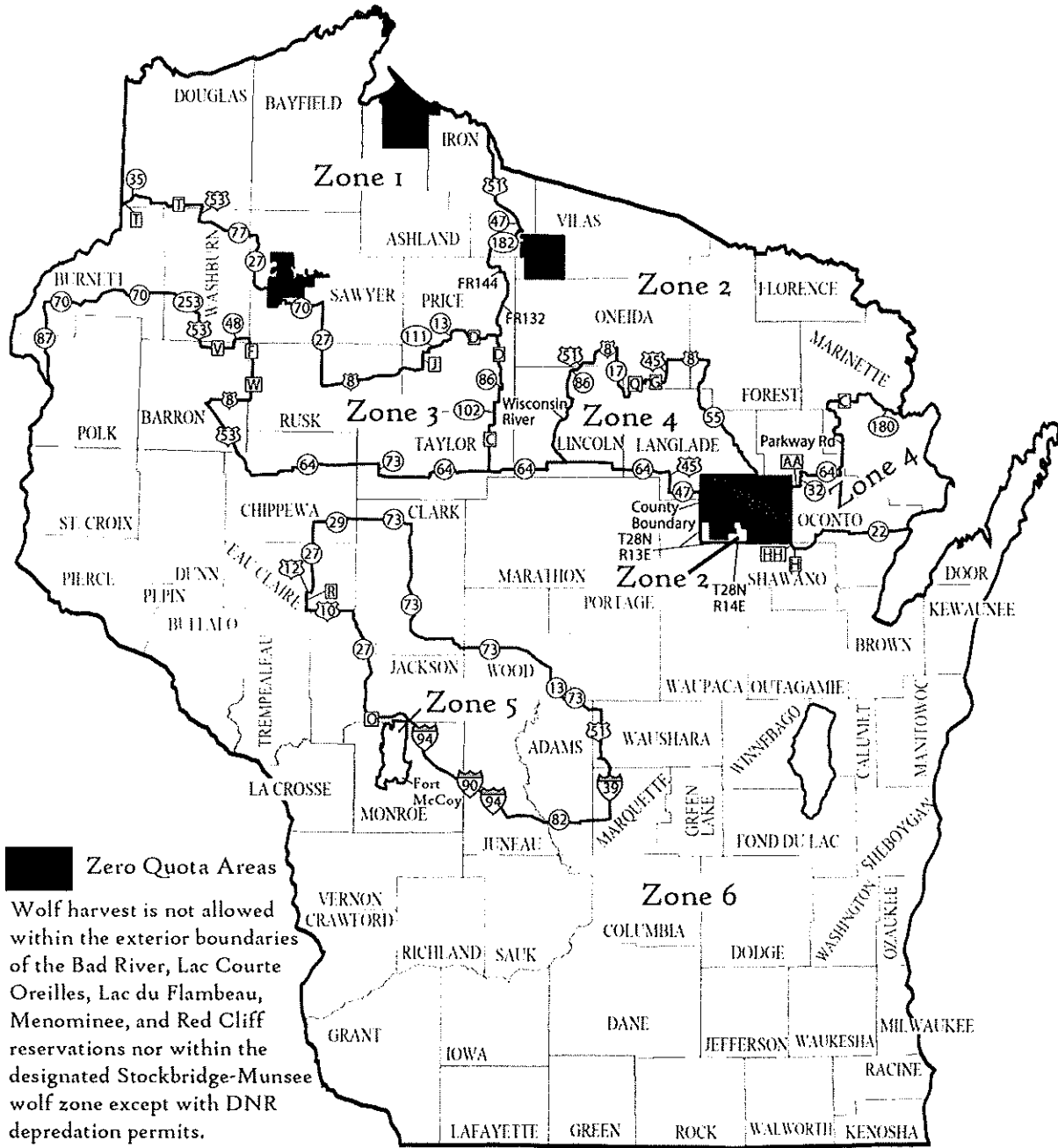
Sincerely,

A handwritten signature in black ink, appearing to read 'Cathy Stepp', with a stylized flourish extending to the right.

Cathy Stepp  
Secretary

Wisconsin Department of Natural Resources

# Available Tribal Wolf Harvest



**Available Tribal Wolf Harvest**

Wolf Harvesting Zone	Quota	Portion of Quota Outside Ceded Territory	Portion of Quota in Ceded Territory	Wolves Available under Voigt for Tribal Harvest
1	65	-	65	33
2	35	5	30	15
3	37	-	37	19
4	10	-	10	5
5	25	22	3	2
6	29	7	22	11
<b>Total</b>	<b>201</b>	<b>34</b>	<b>167</b>	<b>85</b>