

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:73-CV-26

and

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 BAND  
OF ODAWA INDIANS,

Hon. Richard Alan Enslin

Plaintiff-Intervenors/Counter-Defendants,

v.

STATE OF MICHIGAN, *et al.*,

**ORDER**

Defendants/Counter-Claimants.

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A Consent Decree was entered on August 7, 2000, upon the stipulation of the parties, with the involvement of *amici curiae*, by which the Court established regulation, management and allocation of fish resources in the Great Lakes subject to the treaty fishing rights reserved in the Treaty of March 28, 1836 (7 Stat. 491) for the time period of 2000 to 2020.

The parties, with *amici curiae*, have engaged recently in extensive negotiations to resolve a dispute about the lake trout management regime set forth in Section VII of the 2000 Consent Decree, and have resolved that dispute under the dispute resolution provisions of the Decree found at Section XIX. The parties have executed a stipulation for modified application of Sections VII.A.5, VII.A.7.a.(1) and

IV.A.1.e.(2)(b)v. of the Consent Decree for 2006, in which the *amici* have concurred. The Court approves the agreement of the parties set forth in the stipulation and enters this Order:

**IT IS HEREBY ORDERED** that application of the specific language of Sections VII.A.5 and VII.A.7.a.(1) in 2006 shall be modified to provide that the 2006 Tribal lake trout harvest limit in MM-5 shall be calculated pursuant to Section VII.A.5 or the largest limit recommended by the TFC and approved by the parties for MM-5 in any year subsequent to 2000 (39,200 pounds), whichever is greater;

**IT IS FURTHER ORDERED** that during 2006 the 50-foot depth restriction set forth in Section IV.A.1.e.(2)(b)v. shall be extended to a depth of one hundred (100) feet or less; and,

**IT IS FURTHER ORDERED** that the parties may stipulate to the Tribal harvest limit in MM-5 and/or modifications of Section IV.A.1.e.(2)(b)v. for future years through the filing of a notice to the Court no later than October 30, 2006 of the matters upon which the parties are agreed.

DATED in Kalamazoo, MI:  
June 19, 2006

/s/ Richard Alan Enslin  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE