

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS OF THE BAD RIVER RESERVATION, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF THE LAC DU FLAMBEAU RESERVATION OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members, and

SOKAOGON CHIPPEWA COMMUNITY, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

Plaintiffs,

-v.-

PRESTON D. COLE, in his official capacity as the Secretary of the Wisconsin Department of Natural Resources,

DR. FREDERICK PREHN, in his official capacity as a person who claims to be, and is acting as, both the Chair and a member of the Wisconsin Natural Resources Board,

GREGORY KAZMIERSKI, in his official capacity as

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the Vice Chair and a member of the Wisconsin Natural Resources Board,

BILL SMITH, in his official capacity as the Secretary and a member of the Wisconsin Natural Resources Board,

SHARON ADAMS, in her official capacity as a member of the Wisconsin Natural Resources Board,

WILLIAM BRUINS, in his official capacity as a member of the Wisconsin Natural Resources Board,

TERRY HILGENBERG, in his official capacity as a member of the Wisconsin Natural Resources Board,

MARCY WEST, in her official capacity as a member of the Wisconsin Natural Resources Board,

Defendants.

### **DECLARATION OF BRIAN BISONETTE IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

I, Brian Bisonette, declare as follows:

1. My name is Brian Bisonette and I am the Director of Conservation for the Lac Courte Oreilles Band of Lake Superior Chippewa (Ojibwe) since October of 2017. As Director of Conservation, have overall responsibility for conservation, protection and enhancement of the natural resources of the reservation.

2. I have served on the Voigt Task Force Committee of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) for 1.5 years. I previously served on the Voigt Task force from 2007-2009.

3. I served on the Lac Courte Oreilles tribal governing board from 2003-2011 and have been involved in tribal administration for Lac Courte Oreilles for 30 years or more. The tribal government functions are funded largely with grants and contracts with federal and other

government agencies. Tribal discretionary revenue is limited, and there are many competing priorities for those resources.

4. I have lived on the reservation majority of my life. I come from very traditional Ojibwe family; a lot of my beliefs are traditional beliefs passed on. I had the luxury of learning from my great grandfather, who was born in a wigwam. He lived to be 94 and passed on a lot of his life experiences to me. He passed away when I was 12 so I gained a significant amount of knowledge and traditional belief from him, as well as my parents and grandparents.

5. Ingrained in our traditional beliefs is the significance of wolves. Acknowledged in our beliefs, part of our creation story, is how ma'iingan the wolf was our people's companion and brother. Our beliefs are disregarded. The state of Wisconsin, the non-Native people, do not see the significance of the wolves in the same way we do. From a cultural standpoint, for every Ojibwe that has traditional beliefs, we believe there is a disregard by non-Natives, by the state of Wisconsin, for the significance of the wolves in our culture.

6. From a governance perspective, the Lac Courte Oreilles Tribal Government is annoyed by the absence of government- to- government consultation with the State of Wisconsin regarding the February Wolf hunt. (Wisconsin Executive Order #39, Governor Doyle, 2004)

7. Furthermore, the LCO Tribal leadership believes the State of Wisconsin Department of Natural Resources Board (NRB) has become a politicized body with no regard to Tribal treaties or the resources of the State of Wisconsin. This opinion is based on the recent pattern of arbitrary decisions made by the NRB. As an example, the NRB disregarded the 2020 biological recommendation of a six elk state harvest, increasing the quota to ten elk. This increase resulted in the GLIFWC Member Bands withdrawing our harvest to ensure herd sustainability.

8. In February, the actions of the NRB were beyond comprehension, in that they issued so many permits, when DNR didn't even have time to set up a hunt. We already knew what was going to happen.

9. I personally believe the NRB increased the quota for the upcoming Fall 2021 wolf hunt because they know Ojibwe are not going to hunt wolves, even though we will declare half of the quota to be ours. The NRB was not only going to make sure their quota was filled, but they were going to make sure our quota was filled, too. They are negligent and I am holding the NRB responsible.

10. I am very frustrated and concerned over the NRB decisions that reflect poor stewardship of the resources in Wisconsin. Wisconsin has the responsibility for the managing the resources, but these are shared resources. It is very frustrating to feel that we cannot do anything about this.

11. It seems that the State caters more to the sports hunters than they do to anybody else.

12. I, and my whole staff take our jobs very serious. When the State carried out the wolf hunt in February, knowing that we are signatories to the treaties and have rights in the northern 1/3 of the state where most of these wolves were killed, we took it to heart.

13. We have wolves on the reservation, we have two packs, anywhere from 10-15 wolves, on and off reservation. We did a wolf study back in 2013, we have a Wolf (Ma'iingan) Management Plan for the Lac Courte Oreilles Reservation, in order to help manage the wolves in harmony with the spiritual, biological, and historical significance of Ma'iingan, with the respect that our ancestors would be proud of, while also incorporating current biological knowledge. The Ma'iingan Management Plan is attached to this declaration as an exhibit.

14. In developing the Plan, we conducted a survey of our members. The survey results showed that while some members would like to conduct a wolf hunting and trapping season, the majority of the members believe wolves should be protected. Of the members who had seen wolves in the wild, the great majority of them reported that it was a positive experience.

15. Under our conservation code, because of its significance, the wolf is protected from hunting or trapping. This is consistent with the goals of our wolf management plan to protect wolves that live on the Lac Courte Oreilles reservation and monitor the population to ensure it is healthy and thriving for all future generations.

16. In 2012, Wisconsin mandated a wolf hunting/trapping season. The Lac Courte Oreilles Tribe opposed the DNR's actions and exempted the Reservation from the state wolf harvest season. For each state season held since 2012, the Tribe has retained its right to a portion of the wolf harvest tags issued by the Wisconsin Department of Natural Resources. The Tribe has denounced the use of dogs to hunt wolves and designated the Reservation a sanctuary for Ma'iingan.

17. I know of at least one wolf that was killed and was found on the reservation in the February hunt. It was discovered by a couple tribal members who happened to be in the woods late February, looking for maple trees to tap, when they came across it. We retrieved it, determined it to be a young female that was shot with a high caliber rifle.

18. We took it to the lab down in Madison for an autopsy. It was not pregnant, but the lab determined it had been shot, although we could not see a bullet hole.

19. I couldn't tell you whether it was shot on- or off-reservation. Where it was found was a mile and a half from the reservation boundaries, near a public road. Lot of tribal and non-tribal members use that road.

20. We suspect it was a non-tribal member but cannot be certain.

21. We don't currently have a wildlife biologist on-staff, but we've had wolves here from the beginning of time. Our treaty rights were reaffirmed in 1983. Prior to that, there were virtually no deer on the reservation. After that, when guys could go hunting off the reservation, is when our deer population started coming back, starting 1985-86. We have a healthy deer population, so nobody can convince me that there is an issue with the wolves killing all the deer. I don't see that the presence of the wolves on the reservation is negatively affecting the deer herd. Because we can see the impact to the deer, just from observation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2021, at Lac Courte Oreilles Reservation.

  
Brian Bissonette