

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 JOHN JOHNSON, SR. IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

I, John Johnson, Sr., declare as follows:

1. My name is John Johnson, Sr. I currently serve as the President of the Lac du Flambeau Band of Lake Superior Chippewa (Ojibwe), a federally recognized Indian tribe, and have served in this role since October 12, 2020.

2. I have served for six years on the Lac du Flambeau tribal council, and two years as Vice President. The Lac du Flambeau Band tribal government is funded largely with grants and contracts with federal and other government agencies. Tribal discretionary revenue is extremely limited, with many competing priorities for those funds.

3. I currently serve as the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Voigt Task Force Chairman and have served in this role for 2.5 years. Prior to that, I served as Vice Chairman for 2 years.

4. As the Voigt Task Force Chairman, I am tasked with representing and advocating for the 11 signatory Chippewa tribes for treaty rights.

5. Ma'iingan (the gray wolf) has been a frequent topic of discussion on the Voigt Task Force over the past two years because of concerns about whether it will be delisted under the Endangered Species Act.

6. The way we read the Voigt decision, the Ojibwe are supposed to have a 50-50 share, but we haven't seen that for a while.

7. Last year, for example, the state shot 488 bear over quota. The DNR said it will work itself out over the next 5 years. If the tribes did that, we probably would have been in federal court. Tribes have never taken more than they are supposed to because we have rules that we adhere to, and we hold ourselves to a higher standard. We are fighting for our off-reservation rights all the time. Every month it is a different fight here, trapping, hunting, wolves.

8. Each month we have a Voigt Task Force meeting, and species are up for discussion each month. Everything the Ojibwe take in State of Wisconsin is down to the last number – we don't have estimates. It is an exact number. Every year, like in spearing season for example, we account for every fish we take. These are not estimates, these are actual numbers. We limit our members' take based on the population of the reservation. We are managing our resources really well. We are supposed to be co-managing with the state, and we find that is not happening too much on the state side.

9. We don't hunt ma'iingan. The creator made the original man, and the man walked the earth by himself. Creator send a friend to him – a brother, ma'iingan, and the ma'iingan helped him walked across the earth. Helped him name all the plants and animals.

Once that was done, they parted ways but through that history together, Anishinaabe and ma'iingan will always be brothers. That's why we don't hunt wolves.

10. Growing up on the reservation from the time we were boys, women are the most important part of life for first ten years, this is where we learn everything. Then when we were 11 or 12, after we knew the good ways to take care of everything, we could share it with the community. Hunting and fishing are the ways we take care of the community. Now I am hunting, fishing, teaching my grandchildren. They learn from me and my relatives. They tan hides and do everything. We make leaders of them, so our culture is not forgotten. My brother and others teach language and cultural activities to the youth, and I am a big part of that also.

11. We would hear stories when we were little about ma'iingan, but I never saw one until adulthood. I saw one on the reservation and two off the reservation.

12. For each season, we always have our ceremonies, depending on the time of the year. We feast the manoomin (wild rice), we feast the fish, the deer, the spirit of the winter, maple sugar, everything.

13. Every year, we hunt for sustenance in ceded territories up from Wausau – we ceded all this territory in the northern third of Wisconsin through treaties with the United States. We have the reservation we live on, but we still have the ceded territory to hunt and fish to help sustain our families in the way we were taught.

14. Where deer are sick with Chronic Wasting Disease (CWD), the wolf takes care of that for us. The wolf hunts the sick and weak deer. Now the hunters are going to come up here and shoot everything that they can, from pregnant females, to alpha males. How does that help us? We don't want to eat the infected meat.

15. When the trophy hunters come and take too many wolves out of one place, if it is a cold winter, we start to have mice and everything that carries disease into the house. The wolf would have eaten those rodents, taken care of that for us.

16. If the wolves are gone, the CWD will spread like wildfire. We depend on the meat to feed our families. Just recently, there were 15 or so CWD-infected deer found nearby, on the Oneida County-Lincoln County border. It is no help to us to take the wolf out, if the CWD spreads. The wolf is the one taking care of the ecosystem.

17. There are not that many on-reservation wolves, there probably are packs around here, but we never see them anywhere. I've seen them when I was hunting in the ceded territory. I never saw one when I was a young man, in all the time I hunted, gathered, never saw them.

18. We have seen signs from the spirits that the wolves are reaching out to us. We were at elk camp, two years ago, teaching culture. We were working with the youth, taking pictures. In one picture, we saw the face of the wolf in the picture of an elk. When we first saw this, we knew the wolves would be in danger and they were crying out for our help.

19. The way the courts have decided the cases on our treaty rights, we are supposed to share 50-50. We feel that we are not getting our due diligence. Like in the slaughter of wolves that took place in February, state hunters took the whole tribal quota, took even more. These are out-of-state hunters who just want to hunt, to kill, not to protect the resource.

20. What if the wolves never come back? Who is going to take care of these diseased animals? They hunt the same way we do. They are here to protect what we have, and it is hard to do – the ceded territory was once all ours. They put us on these reservations and they thought they were done with us. They say what happens to the wolf happens to us. And we believe those old stories and we see it happening.

21. Guys like me that hunt fish and gather, we take and give back. We are supposed to be looking out for the next seven generations. I try to do that by teaching my grandsons to just take what they need to survive. We teach our children this – when we know it is wrong to hunt, we do not hunt. We take a step back and assess the damage. We determine how we can help so we can have the animals, the plants, the fish, for our future.


22. There are a lot of good things that could happen if we share the resources. We get the blame if something goes awry, but we are the ones that are trying to take care of the resource, do the right things, and be respectful of what we have. It seems to fall on deaf ears downstate.

23. We do not hunt wolves on the reservation. We understand sometimes there will be a nuisance wolf, maybe killing animals or livestock, but it is only probably 1% of all the wolves. Bears, coyotes, mountain lions are probably doing the same thing, but wolf is getting blamed. We do have mountain lions moving through here.

24. At the camps, we teach the children the stories and let them tell their stories about what they did that day. They go away with a different perspective on life when they know about the deer, the elk. We are teaching the kids how to survive.

25. There is always enough because the creator is providing for us and making sure we have enough for our people.

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 the Lac du Flambeau Reservation.


John Johnson, Sr. 9-30-21