

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	No. 2:73-cv-26
)	
and)	Honorable Paul L. Maloney
)	
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,)	
Plaintiff-Intervenors,)	
)	
-v-)	
)	
STATE OF MICHIGAN, et al.,)	
Defendants.)	
_____)	

ORDER EXTENDING THE 2000 GREAT LAKES FISHING CONSENT DECREE

Throughout the last three years, the Court has extended the 2000 Great Lakes Fishing Consent Decree (the “Consent Decree”) numerous times (*see* ECF Nos. 1892, 1903, 1912, 1945, 1963, 2014). The latest extension amended the Consent Decree so that it now expires today, November 14, 2022 (*see* ECF No. 2014). Although the expiration date of the Consent Decree is now here, the parties have yet to file a proposed successor decree with the Court. As stated in this Court’s previous orders, absent a decree, the regulatory framework governing the Great Lakes Fishery will lapse (ECF No. 1892 at PageID.10822). As such, it appears that another extension of the Consent Decree is necessary to protect the natural resources, subject thereto among additional negative consequences.

Currently pending before the Court are two motions to extend the Consent Decree. First is the Sault Ste. Marie Tribe of Chippewa Indians' motion to extend the Consent Decree to December 29, 2022, to allow the parties to finish negotiating and drafting a successor decree (ECF No. 2006). Second is the remaining six parties' motion to extend the Consent Decree indefinitely "until the Court's entry of a successor Decree after [the Court's] consideration of any party [and amici] objections to the . . . proposed successor decree" (ECF No. 2025 at PageID.12013). To preserve the status quo, the Court will extend the Consent Decree indefinitely, until all objections to a proposed successor decree have been adjudicated, and it will dismiss the Sault Tribe's motion as moot.

Moreover, the Court has been informed by the facilitative mediator, retired Justice Michael Cavanaugh, that the State of Michigan and the Grand Traverse Band of Ottawa and Chippewa Indians ("Grand Traverse") are at a stalemate in their negotiations regarding Grand Traverse tribal zone provisions.¹ If these two parties fail to reach an agreement as to these outstanding issues by November 21, 2022, the Court orders the following:

1. By 5:00 p.m. on November 21, 2022, the State of Michigan and Grand Traverse shall each file under seal their proposals as to any outstanding issues regarding the Grand Traverse tribal zone provisions for the Court's review.
2. At 1:30 p.m. on November 28, 2022, the Court will hear oral argument from the State of Michigan, Grand Traverse, and the United States on each proposal at 174 Federal Building, Kalamazoo, MI 49007. Along with counsel, Grand Traverse

¹ The pending motion also notes that the Grand Traverse Tribal Zone provisions have yet to be resolved (ECF No. 2025 at PageID.12014).

shall send a representative who has authority to bind the tribe on any outstanding issues regarding the tribal zone provisions at issue.

3. Following oral argument, the Court will expeditiously review each proposal and choose one of the proposals to adopt in its entirety.

After the Court resolves these issues with the State of Michigan and Grand Traverse, the Court will hear from all parties at a status conference at 1:30 p.m. on December 16, 2022, at 174 Federal Building, Kalamazoo, MI 49007. The Court may issue additional orders related to the subject matters to be discussed at the status conference.

Accordingly,

IT IS HEREBY ORDERED that the 2000 Great Lakes Fishing Consent Decree is amended: the final sentence of § XXII(A) shall now read “The Decree shall not expire until all objections to a proposed successor decree have been adjudicated.”

IT IS FURTHER ORDERED that the Bay Mills Indian Community, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians, Grand Traverse Band of Ottawa and Chippewa Indians, United States, and State of Michigan’s motion to extend the Consent Decree (ECF No. 2025) is **GRANTED**.

IT IS FURTHER ORDERED that the Sault Ste. Marie Tribe of Chippewa Indians’ motion to extend the Consent Decree (ECF No. 2006) is **DISMISSED** as moot.

IT IS SO ORDERED.

Date: November 14, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge