

MASINAIGAN

MASINAIGAN (MUZ IN I AY GIN) A publication of the Great Lakes Indian Fish & Wildlife Commission

Fall 1991

Anishinabe issues for the '90s

Environmental protection and tribal survival



The pride and strength of the Anishinabe (Chippewa) people is reflected in the face of Pat Sheppo, Lac du Flambeau member residing in Minneapolis, while attending the three-day Environmental Expo at Fort Snelling this fall. The event brought environmentalists, both tribal and non-Indian, together for public education and networking on environmental dangers which require immediate attention. The strong spiritual link between the Anishinabe people, the Earth and all living beings as well as the traditional teachings of respect for Mother Earth bring a powerful, traditional philosophy in response to the modern day environmental crisis. Protection of tribal homelands threatened by pollution is a critical part of tribal survival and exercise of tribal rights and self-determination today. (see pages 2-5 for environmental issues) Photo by Amoose

Update and Review

LCO & Sierra Club vs. WDNR & Flambeau Mining

By Robin Goree
GLIFWC Policy Analyst

When the LCO Indian tribe and the Sierra Club asked for an injunction against the State of Wisconsin and were subsequently joined by Flambeau Mining Company, they were looking for two things: 1) a supplemental environmental impact statement (SEIS) on the endangered species found at the mine site and 2) the Court enjoin the mining company from any further site preparation or mining activity until the supplemental studies were done.

The state, after considerable pressure from numerous sources agreed to do the supplemental environmental impact statement (SEIS) but refused to halt construction and site preparation at Ladysmith until the studies were completed, so the issue in the case was the request for a preliminary injunction against mining and site preparation until the SEIS was complete.

The argument for the preliminary injunction was this: Without the injunction, the site preparation activities (the plowing of the watershed and the erosion and siltation that would occur) might in itself destroy the fragile ecotones of the endangered species.

Among the endangered or threatened species found at the mine site are the purple warty back clam, the bullhead clam, the

pigmy snake tail dragonfly and the gilt darter minnow. Each of these rare creatures must have clean, unsilted and fast moving waters to exist. They are extremely sensitive to the conditions of the river beds and water quality.

Because of this sensitivity these animals are useful as "bioindicators" or barometers of the health of the river. Thus, when the clams disappear and dragonflies vanish, it can be a signal to humans that the river ecotone is threatened.

Dane County Circuit Court Judge,



Robin Goree, GLIFWC Policy Analyst.

George Northrup held on August 29, 1991 that both federal and state case law provide that a "threat" of injury is sufficient to obtain a preliminary injunction in cases where harm is fairly predictable and fairly finite. This is also true when dealing with environmental factors that are very unpredictable and that where, if one waits until after the construction, the dangers are so great that these particular types of cases support the issuance of a preliminary injunction.

Because Wisconsin does not have any cases dealing with the Wisconsin Environmental Protection Act (WEPA) at the preliminary injunction stage, Judge Northrup relied on the National Environmental Protection Act (NEPA) for guidance.

Applying this federal law, Northrup held that in this case Lac Courte Oreilles Band of Lake Superior Indians and Sierra Club vs. Wisconsin Department of Natural Resources and Flambeau Mining Company, case no. 91 CV 2972 that a preliminary injunction on the issue of irreparable

harm to endangered species must be granted.

LCO and the Sierra Club, through this suit, forced the largest mining company in the world and the state DNR to come to an abrupt and unanticipated halt.

Northrup ordered all permits and all site preparation be suspended pending the completion of a supplemental environmental impact study and all mining operations halted. That order is to remain in effect until thirty days after the supplemental environmental impact study is completed or until the DNR makes a decision regarding any particular permits related to the mining operations.

The SEIS on the endangered species at the mine is still being worked on by the DNR. The current status on the mining case is that on September 5, Flambeau Mining filed a notice of Appeal in District IV of the Court of Appeals of Wisconsin. On October 7, LCO and Sierra Club filed a Motion to Dismiss the appeal filed by Flambeau Mining. □

The clam, the mussel, the minnow and the dragonfly vs. Flambeau Mining

"This we know: the earth does not belong to man, man belongs to the earth. All things are connected like the blood that unites us all. Man did not weave the web of life, he is merely a strand in it. Whatever he does to the web, he does to himself." —Chief Seattle's Letter to Washington

Should a dragonfly, a clam, a minnow, and a mussel stop the Flambeau Mine? Should we care about the existence of a clam, a mussel, or a dragonfly in light of economic interests or is this much ado about nothing?

Perhaps the question is how many of these species can we continue to sacrifice to the whims of man before a larger ecostructure begins also to crumble?

In response to a request from Lac

Courte Oreilles Tribal Chairman Gaiashkibos, Robin Goree, GLIFWC's policy analyst, provided some research on the nature of these tiny, almost unheard of creatures and their own particular roles in the balance of nature and our ecosystem. Goree's response is reprinted in part below:

Like you, I have frequently been questioned about the worth and importance of the little unglamorous creatures imperiled by the mine and other human activity along the Flambeau River, so as I interviewed various experts on endangered species asking specifically how these creatures fit into the greater web of animal and human interconnections.

Among the endangered species found at the mine are the Purple Warty Back (See Flambeau Mining, page 22)

Letter from Judge Northrup on inadequacy of Environmental Impact Statement

Dear Counsel:

I have signed the proposed Order submitted by the DNR. Without repeating what the Court held and said on August 29, 1991, a few comments are in order, given some issues raised by the parties in correspondence and the stipulation.

It is ironic that the Intervenor-Defendant and the DNR raised the concerns on August 29, 1991 regarding protection of the site pending the effective period of the injunction. For reasons stated on the record, the Court believed that any substantial advancement of the project would be contrary to the Court's ruling on the injunctive relief. To the extent this may require Flambeau Mining Company to incur unforeseen expenses, it must also be recognized that while the EIS which failed to discover the endangered and threatened species was issued by the DNR, that study essentially adopted the bulk of the studies done by Flambeau. Had the studies done for Flambeau been more complete, it is likely that the additional expense would have been avoided.

For reasons stated on the record on August 29, 1990, case law supports not requiring security for damages in environmental cases so as not to discourage such action.

The DNR has certain statutory and administrative authority and duties. The Court stated the belief that certain functions are therefore within the jurisdiction of the DNR and not the Court. The Court did retain jurisdiction for the limited purpose of signing the Order which maintains the environmental status quo to the extent possible pending outcome of this action.

Many local subcontractors in the mine site area undoubtedly adversely affected by the inadequate EIS and its results. I encourage all of the parties involved to seek a speedy resolution to the problem. It is desirable that the EIS be complete and not lead to further litigation and economic hardship.

Finally, I encourage the parties to try the issues in Court, not the news media. If the news media in northern Wisconsin is accurate, the public is intentionally being misled about the legal issues and Court ruling in a massive public relations effort. This unnecessary expense is contrary to orderly resolution of the issues in a legal proceeding.

Sincerely,

/S/George A.W. Northrup
Circuit Judge



Protestors at Ladysmith demonstrate against the mine in 1990. (Photo by Amoose)

Lack of state regs, lack of EIS questioned as county gives green light to oil

By Robin Goree
GLIFWC Policy Analyst

Oil drilling in Bayfield County has been a source of concern for several bands of Chippewa over the past several months. Terra Energy's bid for a conditional land use permit for drilling has not only put tribes, but also many environmentalists and concerned citizens on edge.

Despite overwhelming concerns expressed at public hearings, Terra Energy currently has the go ahead. A brief review of events that lead to that go ahead and major concerns regarding the safety of the oil drilling are provided in the following article.

On September 19, 1991 a public hearing was held in Benoit, WI to determine whether Terra Energy Ltd. of Michigan would be the recipient of a conditional land use permit to drill for oil in Bayfield county.

At an earlier public hearing Terra had been granted a conditional land use permit, but with an important stipulation—that the permit would be granted only after an Environmental Impact Statement (EIS) was completed.

Terra objected to the EIS provision and reapplied to the county for a permit to drill on another parcel of land.

After a night of testimony, most of which opposed drilling for oil without an EIS, the Bayfield County Zoning Commission granted permission to Terra to drill a 6,000 foot exploratory well in the town of Keystone. This will be Wisconsin's first oil well.

Among those opposing the exploratory drilling were the Red Cliff Band of Lake Superior Chippewa, the Bad River Band of Lake Superior Chippewa, the Sigurd Olsen Institute, the Sierra Club and various environmental organizations.

Wisconsin's lack of regulations governing oil production which would protect environmental and/or social infrastructures of the area is one of the chief concerns about exploratory oil drilling before extensive studies are done in Bayfield county.

If oil is found in Bayfield county before production regulations are in place and before careful studies are done, subsequent regulations and studies might suffer because of political pressures for hasty production.

According to the Sierra Club, oil and gas exploration have numerous impacts that are difficult to confront if adequate precautions are not taken. These precautions may not be



Environmental advocates Walt Bresette, Red Cliff Band of Chippewa and Frank Koehn, Bayfield County Board member, Port Wing, are both members of the Lake Superior Green Party. They have been active in opposing both mining and oil drilling in the ceded territory without thorough regional environmental impact studies as assurance to citizens that lasting environmental damage will not result. (Photo by Amoose)

possible to take unless complete information on potential impacts is available.

The best method to get the information necessary to protect the ground water, lake, and forests from contamination is through the EIS process.

Sierra club Midwest Regional Director Carl Zichella said that negative impacts of oil drilling frequently include contamination of the environment due to the generation of highly toxic wastes stemming from the use of toxic "drilling muds," highly contaminated (See Lack of state regs, page 4)

Effects of mercury/PCBs studied at Red Cliff

By Sue Erickson
Staff Writer

Sixty-two adults from the Red Cliff Reservation volunteered to participate in

the first segment of a study geared to examine the effect of eating Lake Superior fish on the growth and development of Red Cliff tribal members, according to Marie Kuykendall, research assistant, Lake Su-



Sixty-two adults volunteered to be part of a two-year study at the Red Cliff Reservation on the effects of mercury/PCBs on human growth and development. The research project is a joint study with the Lake Superior Environmental Research Center, UW-Superior, the Red Cliff Health Department, and the University of Minnesota, Duluth, School of Medicine. (Photo by Amoose)

perior Research Institute, UW-Superior.

The study, which was launched this summer, is a joint project being conducted by the University of Minnesota, Duluth, School of Medicine; the Lake Superior Research Institute, UW-Superior, and the Red Cliff Health Department.

One objective of the testing is to ascertain whether current fish advisories are adequate and whether consuming Lake Superior fish is harmful in some way to human health.

Because fish has traditionally been a dietary mainstay for tribal members, the effects of contaminants are of particular importance for tribal members. Effects of mercury and PCBs are the primary focus, according to Kuykendall.

Another segment of the testing, this time on six year olds, will take place this winter and will be coordinated through the Bayfield area schools, Kuykendall states.

While satisfied with the level of participation to date, Kuykendall would like to see more male participation during testing of adults next summer, largely because they consume more fish more frequently.

Patterns of fish consumption was just one aspect of information taken during interviews with participants. A compre-

hensive health history was also recorded for each individual.

Initial testing involved about two hours of time. Blood and hair samples were taken. Testing also involved measures of motor skills, memory, activity level, attention span, writing and drawing skills.

The research project will be ongoing in order to provide a data base that would illustrate the effects of mercury/PCBs on consumers.

While the current project is limited to a two year study, Kuykendall anticipates that funding will be available for follow-up studies based on the data from the first round of research.

Essentially, the study will provide the beginning of a data base. Kuykendall states there is little information available on effects of fish contaminants on native people in the U.S. Some studies have been initiated in Canadian native people.

Other segments of the research involve analyzing fish for contamination as well as laboratory research relating to the effects of fish consumption on other species.

Fish from inland lakes will also be included in the project. Kuykendall is talking with the Lac du Flambeau Tribe regarding studies on fish consumption there.

Joint environmental lab results from cooperation



Wisconsin lawmakers joined representatives from GLIFWC, UW-Superior, the City of Superior and Douglas County in announcing support for the proposed UW-Superior's Environmental Research Center. Above Senator Robert Jauch, (D-Poplar) and GLIFWC Executive Director Jim Schlender, chat prior to the press conference announcing support for the research center. (Photo by Amoose)



Governor Tommy Thompson praised the cooperative efforts of city, county, tribal and private interests in their ability to look towards the benefit of the environment and total community through the environmental research laboratory project. Thompson was available at the site of the new center for a press conference on the new lab. (Photo by Amoose)

Lack of state regs, lack of EIS continued

(Continued from page 3)

and often radioactive liquid wastes contained in so-called "process waters," and radioactive wastes derived from the granitic rock of the Canadian Shield.

Zichella said the transportation and storage of these wastes also creates significant problems.

Zichella also stated that Sierra Club believes an EIS would better answer questions about the impacts of hazardous waste generation, transportation, storage, potential contamination of groundwater, impacts of the exploration on threatened and endangered species, and possible violation of wildlife protection laws like the Migratory Bird Treaty Act which protects migratory birds and their nests from destruction and removal.

The Chippewa people have a particularly strong interest in this project because of the traditional importance of Bayfield county with regard to their treaty harvests.

According to GLIFWC records:

- Far more deer are harvested by the Chippewa in Bayfield County than are harvested by the Chippewa in any other Wisconsin county.
- More bears are harvested by the Chippewa in Bayfield County than in any other Wisconsin county.
- More than ten times as many fishers are harvested in Bayfield county by the Chippewa than are harvested in any other Wisconsin county.

- Bayfield County is the second most heavily hunted county for waterfowl; yields the third largest harvest of wild rice in Wisconsin, and is the fifth most important county in the State for fishing.

Furthermore, Bayfield County extends into Lake Superior, the largest body of fresh water in the world. Chippewa communities depend directly on lake Superior for food and livelihood from commercial fishing.

While the State of Wisconsin does not plan to do an EIS on exploratory oil drilling or have production regulations in place before oil exploration is done, it has begun to do an EA, or Environmental Assessment. An EA is a much less extensive environmental study than an EIS.

Environmental acronyms

EA - Environmental Assessment: The main purpose of an EA is to determine whether or not an EIS is required. If an EA supports a finding of no significant impact (FONSI) then an EIS is not required. If the EA supports a finding of significant impact, an EIS is required. The basic rule for the commencement of an EA is that an EA will be prepared for all actions except those covered by categorical exclusion, covered sufficiently by an earlier environmental document, or for those actions for which a decision has already been made to prepare an EIS.

EIS—Environmental Impact Statement: The two basic differences between

an EA and an EIS are the depth of the analysis and the formalities regarding public involvement. The EIS is a far more comprehensive study than an EA.

DEIS—Draft Environmental Impact Statement

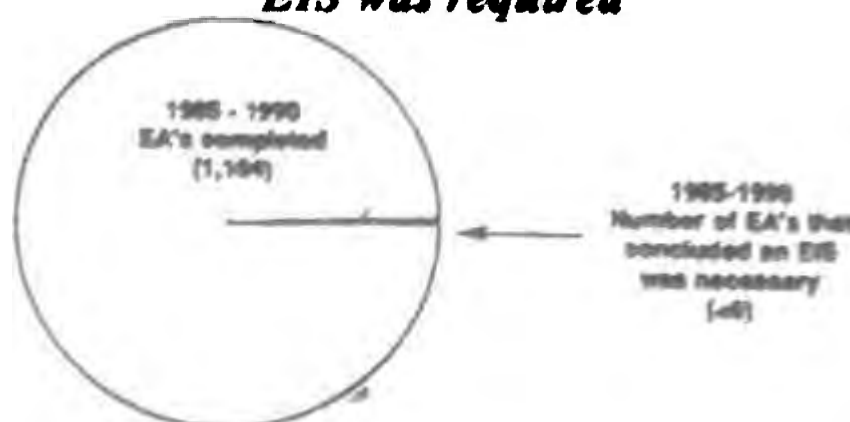
FEIS—Final Environmental Impact Statement

Wisconsin's record on EAs vs. EISs
Lots of EAs (short studies); few EISs (in-depth studies)

Few Environmental Impact Statements are completed by the Wisconsin Department of Natural Resources and the number has been declining since 1972, when they were first required.

From 1985 to 1990, 1,104 Environmental Assessments (EAs) were done by the WDNR. Only six of those EAs found that an EIS was required—in other words, the possibility of a significant impact suf-

During the period between 1985-1990, less than six EA's concluded that an EIS was required



SOURCE: DNR

ficient to warrant an in-depth study was found in only six cases during those five years.

In the first five year period, from 1972-1976, however, forty Final Environmental Impact Statements were completed. With the exception of 1978 (5 EISs completed) and 1979 (4 EISs), the average is one or two EISs completed per year by the WDNR from 1976 to 1990. (See graph)

EISs for public projects, few for private projects

Numbers seem to suggest the WDNR finds less need for Environmental Impact Statements when it comes to private projects such as mines and power plants than it does for public projects like public land management and solid waste landfills.

From 1972 to 1990 the WDNR has completed 66 Final Environmental Impact Statements (FEIS). Of those 50 were for public projects, 14 were done for private projects, and two are unclear as to whether public or private.

Public projects include those promoted by state or local governments, including such things as solid waste landfills, development and management of state lands and wildlife areas, and proposed revision of state policies.

Private projects include large mining operations, private landfill operations and such things as power plants.

Pollution threatens tribal survival

Walpole Island, Ontario, downstream of Chemical Valley

Tribes in both the U.S. and Canada have long been embattled for survival. The battle is nothing new. Today, however, the battlegrounds assume different dimensions. Such is the case for Walpole Island, a reservation located in southern Ontario.

Disease caused from the serious contamination of the St. Clair River from Chemical Valley threatens the existence of plant, animal and human life in the area.

As noted in the following article, the problems posed by pollution and environmental contamination are different for Indian people. A non-Indian will much more simply leave an area; whereas the Indian would have to abandon his homeland, thereby relinquishing sovereignty and destroying a tribe. Leaving is not considered a viable solution for tribes.

Also, the dependence on hunting and fishing activities as a traditional, cultural means of survival is severely impaired. While piped-in water may reduce risk to humans, the wildlife and plant species are still left to consume the polluted waters. Essentially, avoiding the serious health risks imposed by the contamination would require native people to abandon a lifestyle of hunting, fishing and gathering.

The article reprinted here is one in a series on the Walpole Island situation run in the "Times Herald," Port Huron, MI.

By Tom Verdin
Times Herald

WALPOLE ISLAND—Mitch Sands is an angry, frustrated young man.

His 5-year-old daughter, Jennifer, has a kidney infection, and the family physician suspects she got it swimming in the chemically tainted water of the St. Clair River.

Sands and his wife, Amy, are no longer allowing their daughter to swim in the river. Sands does not consider that a final solution.

"These (companies) use the river for their own private toilets," he says. "I hear more people talking about doing something about it."

"It's like me throwing garbage in your yard, and I'm your neighbor. You come

over and say something to me, and I keep doing it. Pretty soon, you're going to come over and take a pop at me.

"That's what's going to happen. It's going to explode. People's tempers won't be able to handle it anymore."

Mitch Sands is not alone in this sentiment.

His brother-in-law, Mark Sands, sits at the counter of Angee's Snack Bar, wearing a T-shirt with the inscription "Blockade 1990." A drawing on the shirt shows an Indian warrior breaking a golf club over his head; two Native Americans at his side hold automatic weapons.

The shirt is a symbol of Oka. It also is a sign that Mark Sands and many other Native Americans are no longer willing to shrug off insults and look away from what they consider exploitation.

Mark Sands worries an Oka could happen again on Walpole Island, where many people believe protest is the only way their concerns about pollution will be taken seriously.

"Every day there's talk about what Chemical Valley is doing to us," he says. "People are talking about taking our trash and dumping it on them and seeing what kind of fine we would get. People are just fed up with it."

Ellen MacKinnon says there can be a political solution.

She is a member of the Provincial Parliament from Lambton County. She says the government must ensure that the 15 companies of Sarnia's Chemical Valley halt all toxic charges into the St. Clair River.

"I hope that (can happen) without an Oka-type action," she says. "I have lived in the Chemical Valley all my life, and I think they have had long enough (to stop the discharges.) I can't blame the Walpole people for being upset."

She sees reason for optimism, including this summer's formation of a task force aimed at stopping river pollution. It includes island and government representatives.

But there are no representatives from

Chemical Valley, which is North America's second largest petrochemical complex, trailing only Louisiana's infamous "Cancer Alley" along the Mississippi between Baton Rouge and New Orleans.

"I believe that the Oka situation raised a consciousness of everybody in Canada as far as the native people are concerned, and I pray it doesn't happen (here)," MacKinnon says.

Stirring the anger of Walpole residents was last year's announcement that Ontario communities downriver of Chemical Valley—including Walpole Island—would tap into a \$43 million drinking water pipeline from Lake Huron.

The announcement was, in effect, an admission that the St. Clair River becomes perilously polluted during its 40-mile race from Lake Huron to the delta in Lake St. Clair.

The idea for a pipeline is at least five years old, but gained momentum after a rash of chemical spills last fall.

But most island residents oppose the pipeline and the clean water it will carry. To them, the pipeline represents a license for the chemical companies to pollute.

"They've condemned our water by admitting they need a pipeline," says Edson Isaac, 36. "It's dignity. What have we been reduced to when we accept their trash? If we take the pipeline, all our animals would die."

"They don't care. Walpole Island is on the fringe. If there was white people living here, they would move. They would do something."

Isaac is among those who believe that industry and government have talked long enough, that the people must act if the river

is to be protected.

"There's a lot of people that feel strongly," he says. "We just want to get back to our ways."

Ron Denning is general manager of the Lambton Industrial Society, which receives its funding from Chemical Valley companies but claims independence from corporate influence. Denning says it's ridiculous to assume companies will increase toxic releases into the river if a pipeline is built.

"The companies are improving, and everyone agrees things are a lot better now," he says. "There is no justification for making the comment that if they tie into the pipeline the companies will pollute. Companies will not do worse. Game over."

Denning also says Walpole residents should not hesitate to tap into Lake Huron water. Even if all chemical discharges into the river ended today, it would be years before contaminants are washed from the mud at the bottom of the river.

"If they were concerned about water quality and children, one would think they would tie into a pipeline," Denning says. "They can't have it both ways."

Those are near-fighting words to Michael Sands, Mark's sister.

Because of river pollution, people believe they can no longer hunt, swim or eat their traditional foods.

"They don't hunt and fish the way we do. They don't feed their families the way we do. This is our way of living," she says. "We've lived here all our lives. We don't know how to live without the water. And we'll fight to keep it clean."

(Reprinted from the *Times Herald*, Port Huron, Michigan.)



What Walpole Island residents say about the pollution of their homeland at the mouth of the St. Clair River:

"How can we provide good, clean drinking water for (our children) if we cannot provide the same for our wildlife today? We pray for our children. But these last few generations have been tossed in a sea of culture shock."—Edison Isaac, activist

"The Great Lakes have one-fifth of all the (unfrozen surface) freshwater in the world, and it's undrinkable. I'm against the pipeline because the rest of our system would suffer."—Vernon Jones, island game warden

"They stuck us on this island thinking nobody wanted it, but we made it work. Now they want to take it over, but we won't move."—Michael Sands, co-owner of Angee's Snack Shop

"There are some really wierd-looking ducks out there—like their beaks are crooked. Until about 10 years ago, everybody was tied to the marsh, through the ducks and the fish. It's less so now, but we still eat more wild game and fish than other people."—Lee White, of the island's Economic Development Office

"I don't worry about (the pollution) for my sake. I don't have too much further to go. What I worry about is the kids and the future. What are they going to be like? What's it going to be like for them?"—Noble "Andy" Greenbird, bridge tender.

—compiled by Tom Verdin



Using a play on words to depict her sentiments, the citizen above relates her opinion of Terra Energy's proposal to drill oil test wells in Bayfield County, Wisconsin. (Photo by Amoose)

Native women take on environmental issues

Meaningful Native input at decision-making levels top priority

By Sue Erickson
Staff Writer

The strength of Native American spirituality and the role of women proved a powerful combination as the Ontario Native American Women's Association (ONWA) initiated their involvement in environmental issues with their first environmental conference this fall in Thunder Bay, Ontario.

Meaningful Native American involvement in decisions relating to environment and natural resource management was one of numerous recommendations resulting from the two-day intensive workshop guided by traditional elders and spiritual leaders.

The spiritual relationship to Mother Earth and the immediate need to respond to her healing lent force and commitment to tasks at hand.

As conference chairperson, Sylvia Maracle, told participants during the wrap-up, "It is time to take up the strands and tighten the braid." Her reference to the sweet grass braid and the need for unity and strength as tribes confront the latest threats to tribal sovereignty and existence were an appropriate summation for the conference.

Small group workshops included: 1.) Ontario Hydro 2.) Wild Rice Harvesting 3.) Non-Utility Generation; 4.) Industrial Pollution; 5.) Role of Women; 6.) Forest Management; 7.) Eco System Manage-

ment; 8.) Social Environmental Impacts; 9.) James, Hudson Bay Diversion Project.

Each workshop provided five to eight action recommendations on their issue for ONWA to pursue during the year.

The need to pursue public education was another dominant recommendation. Particular concern dealt with alerting the tribal public in environmental matters affecting their health.

Building stronger coalitions, not only among tribes, but also with other concerned organizations was another recommendation.

Establishing more effective lobbies from grassroots on up relating to environmental issues was yet another goal set before ONWA.

GLIFWC's public information booth was invited by ONWA for the conference as well as staff to work with workshop participants. Peter David, GLIFWC wildlife biologist, presented on eco-system management, noting that decisions regarding management of our environment effect us in ways that are not even commonly considered.

He cited as an example that current U.S. management of forest for deer impact on many plant species which would have a traditional use.

Canadian tribal representatives expressed much interest in U.S. environmental policy and in tribal involvement in the natural resource management stateside. Environmental problems provided an obvious link between Canadian and U.S. tribes since environmental degradation, such as in Lake Superior, does not recognize national borders.

While the scope of environmental concerns discussed throughout the conference was enormous and could lead to despair, pessimism was not part of the conference's spirit. Women left to return to all parts of Ontario. They were better educated, had their sleeves rolled-up and spiritually prepared to tackle the tasks at hand.



Ontario Native American Women's Association (ONWA) President Corrine Nabigon presents an Eagle Feather and a sweet grass medallion to Kahn-Tineta Horn, Oka in recognition of her work towards protecting tribal rights and sovereignty. (Photo by Amoose)

Update of sport fish consumption advisory issued

MADISON, WI—Walleyes from one northern lake have been added to the state's sport fish consumption advisory, state health and environmental specialists said recently.

Walleyes between 12 and 26 inches from Big Lake in Oneida County contain mercury and should not be eaten by children under 15, pregnant women, women who are breast-feeding their infants or women in their child-bearing years, said Dr. Henry Anderson of the Department of Health and Social Services.

The Department of Natural Resources (DNR) issues a sport fish consumption advisory each autumn and spring. The advisory tells anglers which fish may contain toxic chemicals that may pose a risk to human health, especially to pregnant women and youngsters. The advisory recommends limited or no consumption of contaminated sport fish depending on the fish size and species, type and level of contaminant and frequency of consumption.

Big Lake is part of the Three Lakes chain of lakes in northeastern Oneida County, said Jim Amrhein, an environmental specialist with the DNR. Two other lakes in the chain, Long and Medicine, are already listed on the state's advisory due to mercury contamination in some sizes of walleye, Amrhein said.

The state officially added to the advisory Zeunert Park Pond, also known as Quarry Pond, which is located in Ozaukee County next to Cedar Creek in the Village of Cedarburg.

The Department of Natural Resources posted signs warning the public not to eat fish from Zeunert Park Pond last spring after samples of fish from the pond showed high levels of contamination with poly-

chlorinated biphenyls (PCBs), a toxic chemical that persists in aquatic food chains and accumulates in the fat of animals, including humans.

"Anglers are also reminded that all Cedar Creek fish are highly contaminated with PCBs and should not be eaten," Dr. Anderson said.

According to Dr. Anderson, exposure to PCBs from food and other sources may increase lifetime cancer risks for some people. Infants born to women who regularly eat PCB-contaminated sport fish may experience developmental and growth problems.

Wisconsin has issued sport fish consumption advisories since 1976. The advisory now lists fish from 218 sites on 750 inland lakes, river segments and border waters. Overall, Wisconsin's water resources include 15,000 inland lakes, 43,000 miles of rivers and streams and 650 miles of Great Lakes shoreline.

Copies of the October, 1991 "Health Guide for People Who Eat Sport Fish from Contaminated Waters" are available at any DNR office or may be obtained from the DNR Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707, (608) 267-7610. The guide also features information on how sport fish are tested, sources of contaminants found in fish and risks contaminated fish pose to human health.



Four of state's "filthy five" polluters in U.P.

Four of Michigan's worst water polluters are in the U.P., according to Clean Water Action, a downstate group. The worst polluter, ironically, is one of the state's top tourist attractions: Mackinac Island. There is a criminal investigation of allegations of illegal dumping of sewage sludge on the resort island. The island's treatment plant is not large enough to handle the crush of visitors in the summer. The state is working on an enforcement order to control excessive fecal coliform and phosphorus discharges from the plant.

Three of the other "Filthy Five"—a moniker used by Clean Water Action to underscore the need to strengthen the federal Clean Water Act—are paper mills in the U.P. Mead's mill in Escanaba and Champion International's in Quinnesec discharge toxic materials, and Stone Container in Ontonagon, according to Clean Water Action. "wants to discharge twice the state's water quality standard of phosphorous, which contributes to the eutrophication of lakes and streams." The fifth polluter is the S.D. Warren Company in Muskegon.

(Reprinted from *The Upper Peninsula Environment*, a newsletter of the Upper Peninsula Environmental Coalition.)



Keep our environment clean.



President Bush issues Indian policy statement

President George Bush has issued an Indian policy statement reaffirming a government-to-government relationship between Indian tribes and the Federal Government.

"I take great pride in acknowledging and reaffirming the existence and durability of our unique government-to-government relationship," he said.

In a June 14 statement, the President said that the January 24, 1983, Reagan-Bush Administration policy statement "Is the cornerstone of the Bush-Quayle Administration's policy of fostering tribal self-government and self-determination."

Bush also named his Director of Intergovernmental Affairs as his personal liaison with all Indian tribes. Debra Anderson currently fills that post at the White House.

And the President said the concepts of forced termination and excessive dependency on the Federal Government must now be relegated, once and for all, to the history books.

Today, we move forward toward a permanent relationship of understanding and trust, a relationship in which the tribes of the nation sit in positions of dependent sovereignty along with the other governments that compose the family that is America," he said.

The President said in his statement that over the years, the relationship be-

tween the Indian tribes has flourished, grown and evolved into a vibrant relationship in which over 500 tribal governments stand shoulder to shoulder with the other governmental units that form our Republic. He added that although it was not possible for him or his small staff to deal directly with the multiplicity of issues and problems presented by each of the 510 tribal entities in the Nation now recognized by and dealing with the Department of the Interior, "The White House will continue to interact with Indian tribes on an intergovernmental basis."

Bush met April 27 at the White House with 16 tribal leaders and told them he would soon issue his policy statement on Indians and name a senior staff member to be his personal liaison with the tribes.

Here is the full text of his statement: "On January 24, 1983, the Reagan-Bush Administration issued a statement on Indian policy recognizing and reaffirming a government-to-government relationship is the result of sovereign and independent tribal governments being incorporated into the fabric of our Nation, of Indian tribes becoming what our courts have come to refer to as quasi-sovereign domestic dependent nations. Over the years, the relationship has flourished, grown, and evolved into a vibrant partnership in which over 500 tribal governments stand shoulder to shoulder with the other governmental units that form

our Republic.

"This is now a relationship in which tribal governments may choose to assume the administration of numerous Federal programs, pursuant to the 1975 Indian Self-Determination and Education Assistant Act.

"This is a partnership in which an Office of Self-Governance has been established in the Department of the Interior and given the responsibility of working with tribes to craft creative ways of transferring decision-making powers over tribal government functions from the Department of tribal governments.

"An Office of American Indian Trust will be established in the Department of the Interior and given the responsibility of the trust responsibility of the Department and of insuring that no Departmental action will be taken that will adversely affect or destroy those physical assets that the Federal Government holds in trust for the tribes.

"I take pride in acknowledging and reaffirming the existence and durability of our unique government-to-government relationship.

"Within the White House, I have designated a senior staff member, my Director of Intergovernmental Affairs, as my personal liaison with all Indian tribes. While it is not possible for a President or his small staff to deal directly with the multiplicity of issues and problems presented by each of the 510 tribal entities in the Nation now

recognized by and dealing with the Department of the Interior, the White House will continue to interact with Indian tribes on an intergovernmental basis.

"The concepts of forced termination and excessive dependency on the Federal Government must now be relegated, once and for all, to the history books. Today we move forward toward a permanent relationship of understanding and trust, a relationship in which the tribes of the nation sit in positions of dependent sovereignty along with the other governments that compose the family that is America."

(Reprinted from Choctaw Community News, Oklahoma.)



Status of Major Indian Legislation 102nd Congress—First Session

| Number of Bill | Title | Reported in House | Passed House | Reported in Senate | Passed Senate | Date Approved | Law No. |
|----------------|--|---|--------------|---|--------------------|---------------|---------|
| H.R. 349 | Amendments to the Fair Labor Standards Act for tribal government employees | Referred to the Labor Standards Subcommittee | | | | | |
| H.R. 848 | Bill to establish a memorial to honor Indians who fought at Little Big Horn | 6/24/91 | 6/24/91 | Referred to Senate Energy and Natural Resources Committee Subcommittee on Public Lands (Subcommittee hearings held 7/25/91) | | | |
| H.R. 972 | A bill to rectify the jurisdictional void resulting from Duro v. Reina | 5/14/91 | 5/14/91 | 5/15/91 | 9/23/91 (amended)* | | |
| H.R. 757 | Alaska Native Claims Settlement Act | Referred to Interior and Insular Affairs Committee | | | | | |
| H.R. 1322 | To authorize services for preventative treatment and aftercare of American Indians and Alaska Natives at risk for Fetal Alcohol Syndrome | Referred to Energy and Commerce Committee Subcommittee on Health Care Also referred to Interior and Insular Affairs Committee | | | | | |
| S. 110 | Bill protecting traditional religious practices | Referred to Senate Select Committee on Indian Affairs | | | | | |
| S. 383 | Tax incentives for establishing Enterprise Zones on reservations | Referred to Senate Finance Committee | | | | | |
| S. 515 | Legislation to increase tribal share of highway fund | Referred to Senate Select Committee on Indian Affairs | | | | | |
| S. 290 | Amendments to Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 | Referred to Senate Select Committee on Indian Affairs (Committee hearings held 5/23/91) | | | | | |
| S. 538 | A bill to restore federal recognition to the Miami Tribe of Indians | Referred to Senate Select Committee on Indian Affairs | | | | | |
| S. 667 | Tribal Judicial Enhancement Act | Referred to Senate Select Committee on Indian Affairs (Committee hearings held on 6/5/91. Ordered reported out of committee 7/18/91). | | | | | |
| S. 668 | The Indian Environmental Consolidated Grant Program Act | Referred to House Interior and Insular Affairs Committee | | | 8/2/91 | | |

*Sent to conference on 9/26/91.

"Let's all negotiate:" A common theme

By Sharon Metz
for Masinaigan

A push for a mediation model was the main focus of the National Conference of State Legislators (NCSL) State/Tribal meetings in Orlando. Presenters from the State of Washington to Washington, D.C., from Montana to Florida, told how they approached negotiations.

Local politics now demands some resolve to "Indian issues." Because of some non-Indian legislators have become born-again evangelists when it comes to mediation—and a plan that everybody will agree to—NOW.

The mediation model most often mentioned was proposed by the National Association of Counties organization (NACo). The recommendation which refers to counties and tribes as "equals" and is funded by the Federal government, caused some discomfort among Native American legislators, tribal leaders, and elders.

There was a healthy skepticism from some tribes—as well as from some Indian legislators, but everyone was willing to listen. After 500 years of negotiating treaties and agreements, most of them broken, there wasn't the same sense of urgency to negotiate treaties and agreements, most of them broken, there wasn't the same sense of urgency to negotiate from Native American participants. It was obvious they held varying perspectives, and it was refreshing that a Native American caucus



Sharon Metz.

formed which will set its own agenda.

Almost without exception, it is taxpayer dollars, county or state, that fund the trips. For those governmental entities that cannot or will not send their lawmakers, corporations are generous in helping fund travel expenses for legislators who will be active on certain issues—"making sure our players are at the table" so to speak.

State legislative session opens with Ojibwa prayer

Submitted by Sherrole Benton,
Superior Radio Network

Opening the state legislative session with Ojibwe words of prayer was a first time event which took place on October 8th in Madison.

Eugene Begay, Lac Courte Oréilles (LCO) tribal member, opened the session with such a prayer translated for the 98 representatives by LCO Tribal Chairman Gaiashkibos.

This was the first time an Indian prayer has been part of the Assembly's formal opening, according to Assembly Speaker Walt Kunicki, Milwaukee.

Gaiashkibos thanked the Assembly Democratic Caucus for the 50 votes on Assembly Bill 81 which limits mining in Wisconsin. Indians who want to preserve the environment face fierce opposition from the conglomerate Rio Tinto Zinc, the parent company of the Flambeau Mine near Ladysmith, (WI), Gaiashkibos said.

"It's too bad there are no Native Americans in the State Legislature," Gaiashkibos said. "The two strikes against Native Americans who would run for office are that Indians don't constitute a majority in any legislative district, and a lack of money for campaigns," he commented, noting that the development of casinos on the reservations might solve the second problem.

Gaiashkibos told legislators he would come to Madison to talk to them whenever



Gaiashkibos, LCO Tribal Chairman.

an issue affecting Native Americans was under consideration.

He also noted that at the national level Wisconsin may get the choice of voting for a Native American woman in the senatorial race. Ada Deer, a Menominee tribal member and lecturer at the UW-Madison, is considering running for the Second District congressional seat currently held by Republican Scott Klug.

Getting to the table is precisely the problem for many Native American lawmakers, who realize that "at the table" decisions will be made, with them or without them. Senator E. Kelly Haney (Seminole) OK, summed it up by saying, "With so few Indian legislators, it's essential that everybody be here."

Simple things became the most complicated. At the NACo convention in July and the NCSL convention in August, the same phrase was heard over and over from Native American legislators—legislators who are truly open to a negotiation process. That phrase, "The first step to a successful negotiation is formal recognition by the other party of tribal sovereignty."

That phrase was reworded, avoided, interpreted into something else, or ignored altogether. Some non-Indian legislators eyes rolled when it was mentioned, others simply didn't understand the concept or significance. Indian people understand it very well and many say if negotiations are to credible, this is the first step.

(In Wisconsin the package of tribal economic development legislation that passed recently moved forward only after the bill that formally recognized tribal sovereignty was deleted from the package!)

Following is a special interview granted to the Masinaigan:

Bill Dover is in a unique position. He

is tribal chairman of the Georgia Eastern Cherokee; he is also a state representative (serving on the House of Appropriations Committee) representing the Clarksville, GA area. He is a Vietnam veteran and is fluent in the Cherokee language.

Q. How do you feel about a federally funded mediation/arbitration service for settling tribal disputes between states, counties and tribes?

A. I do have concern. In Cherokee land we say we don't want the fox watching the chickens. The Federal government is a trustee for Indian tribes. Whose side will they take when the problem for tribes is another federal agency? The Kiowa Tribe is an example. The Federal government leases Kiowa land to non-Indians in an arrangement that is not beneficial to the Kiowa, yet the Federal government is the trustee for the tribe.

It's hard for non-Indian people to understand the parity relationship between states and tribes. That's very important. Somewhere we have to realize sovereign property rights should not be a subject for negotiations. The Cherokees lost their land in a treaty signed by unsanctioned Cherokees and ratified by the U.S. Senate by a one vote margin. Senator Pinto and I both noted in the presentation on the Florida Water Rights settlement that the Florida Seminole lost control of 14,000 acres of their land. Land was the issue. (Senator Pinto added at this point, "Land is so valuable. Money cannot compensate for land loss.")

Q. Is recognition of tribal sovereignty critical to negotiations?

A. Sovereignty itself is critical to the survival of tribal entities. Recognition of sovereignty is fundamental to any negotiations. Only the U.S. President can ratify negotiated changes and only Congress can regulate commerce with tribes. Indian governments are co-equal and sovereign. Understanding sovereignty is not the same as "respect" or "government-to-government" negotiations.

Q. What can non-Indians do to be supportive of issues important to Native Americans and Native American People?

A. Talk to Native Americans...and learn. Understand the different world view, the importance Native Americans attach to personal relationships, and the environmental views of Native Americans. The Hollywood image is so far from reality. Accept each other as "just folks." It saddens me to think there actually had to be a Supreme Court decision that said "Indians are human beings."

On the subject of negotiation and mediation, responses varied considerably. Below are a few comments on the subject from conference participants, Indian and non-Indian.

Representative Lynda Morgan (Navajo) NM: "The federal government seems to push litigation at times. I would like to see NCSL continue to educate legislators or negotiation possibilities and use less litigation tools; also, to be a vehicle for integrating the federal government into the process."

Representative J. Roger Madalena (Jamez Pueblo) NM: "Each tribe is unique, and each compact or agreement has to be treated on its own merits. No one model will work for every situation."

Senator Jack Metcalf (WA): "In the state of Washington there were "shellfish harvest negotiations." They failed. And they failed partly because they were secret negotiations. I question that process. A long time ago I told the private property owners to litigate and now that's being done and it's going to cost everyone millions of dollars." Metcalf disagreed with previous speakers that lack of understanding was a major obstacle to negotiations. "It's not lack of understanding, it's a matter of allocation of valuable resources."

Full faith and credit granted to tribal courts

By Sue Erickson
Staff Writer

Assembly Bill 260 providing full faith and credit to tribal courts passed the Wisconsin Legislature and was signed into law by Governor Tommy Thompson on August 27th, thereby becoming Wisconsin Act 43. The new law became effective as of September 12, 1991.

Essentially the Act amends a Wisconsin statute which applied the doctrine of full faith and credit only to the acts of the Menominee legislature and tribal court and extends it to include other tribal courts.

"Full faith and credit generally requires that the actions of another jurisdiction be honored," according to GLIFWC Policy Analyst James Zorn.

Prior to the passing of AB 260, recognition of tribal court rulings was a matter of discretion, Zorn explains, applied under the doctrine of "comity," or courtesy, used for practical convenience or expediency.

Act 43 defines full faith and credit as follows: "The judicial records, orders and judgments of an Indian tribal court in Wisconsin and acts of an Indian tribal legislative body shall have the same full faith and credit in the courts of this state as do the acts, records, orders and judgments of any other governmental entity."

The legislation continues to define conditions which predicate the granting of full faith and credit, including that 1.) the tribe must be an Indian Reorganization Act tribe; 2.) that tribal documents are properly authenticated; 3.) the tribal court is a court

of record; 4.) the tribal court judgment offered in evidence is a valid judgment; and 5.) the tribal court certifies that it grants full faith and credit to courts of the state and acts of other governmental entities of Wisconsin.

The new law has several practical considerations, according to Zorn. Among them is enforcement of a judgment. Under the new law, judgments from a tribal court can be enforced through a state court as well. This may come into play in collection of a money judgment or, also likely, in honoring divorce decrees and accompanying property or child custody arrangements.

Reciprocity of full faith and credit by tribal courts to the State of Wisconsin should not be interpreted to mean that tribes must have the same laws as the state. It also does not extinguish the authority of a court to disregard improper actions of other jurisdictions, Zorn notes.

Tribal courts and governments, he says, should examine their procedures to be sure they meet the requirements of Wisconsin's tribal full faith and credit law. In some instances it may require the creation of new codes or amendments of existing codes.

Whether or not the new law gives full faith and credit only to Wisconsin tribes is not as yet clear, Zorn notes. Language in the law seems to indicate that tribal council actions outside of the state are included, he says. However, a prefatory note to the bill states the purpose is to extend full faith and credit to tribes "in Wisconsin." This is an area that will require further clarification.



Indian State Legislators Form Own Caucus

By Sharon Metz
for Masinaigan

Native Americans formed their own caucus to impact on the policy and direction of the National Conference of State Legislators (NCSL), which held its annual assembly in Orlando in mid-August. There are over thirty Native Americans elected to State Legislatures around the country. Although the numbers are small compared to African American state legislators (400 plus) or Mexican Americans (over 300), the enthusiasm was high. Representing ten states, the group will explore affiliation with NCSL in order to help frame the discussion.

The caucus selected its own chairwoman, Priscilla Attean (Penobscot) ME, and took immediate action by advancing three resolutions.

Finding funds to bring more Native Americans to the meetings when their state cannot or will not provide funding was a real caucus concern. Others were interested in having a Native American be one of Co-Chairs, and also in coalition building with the Mexican-American caucus. There was both interests and suspicion about the proposed mediation/arbitration process that would be funded by the Federal government.

Lynda Morgan, (Navajo) NM, who



moderated the first session, cited New Mexico as being, "on the forefront of recognizing tribal sovereignty which is the first step to successful negotiations."

NCSL has a Task force on State-Tribal Relations co-chaired by Senator Delwyn Gage (MT) and Senator Robert Jauch (WI), both non-Indians. Senator Gage did not attend the Orlando assembly, so Senator Jauch presided over most of the meetings. The Task Force is not a regular Standing Committee so resolutions coming from the Task Force are referred to Standing Committees, and funding for the Task Force must be found from outside sources; currently the operation is largely funded by a Ford Foundation grant.

NACo reaffirms position on Native American treaties

President D. Michael Stewart of the Nation Association of Counties (NACo) has reaffirmed the association's position that it has not and is not seeking to modernize or abrogate treaties that Native Americans hold with the United States government.

Stewart, a Commissioner from Salt Lake County, Utah, made the announcement at a meeting July 14 of NACo's Select Committee on County/Native American Relations during the association's Annual Conference in Salt Lake.

Stewart expressed four points in his presentation to the committee:

1. NACo has not and is not interested in modernizing the long standing treaties;
2. Treaties are, under the Constitution, the supreme law of the land, which only Congress, in negotiations with Native Americans, can change;
3. The NACo select committee is concerned about county/tribe human service delivery. The committee is seeking to resolve health, law enforcement, education and other similar problems that plague counties and Native American reservations;

4. NACo is seeking federal funding for a conflict resolution procedure so that litigation on such matters can be avoided. NACo recommends mediation first, but does not suggest that counties or tribes give up any legal recourse.

Stewart also pointed out that NACo "distances itself and does not support actions taken a year ago by certain counties that were considering modernization of some treaties."

Marshall Plummer, chair of the committee, said it was established to involve all interested groups in discussing and resolving issues and concerns. "The committee will be a forum for all Native American issues as they relate to counties," said Plummer, a Commissioner from McKinley County, New Mexico and Vice President of the Navajo Nation. He also pointed out that, at this conference, the NACo Board of Directors adopted a resolution to support additional funding for the Indian Roads Program in the Highway Bill.

Plummer encouraged anyone with issues or concerns to bring them before the committee by contacting him or NACo.

HONOR land resolution being circulated to tribes

1992 RESOLUTION OF HONOR

At the July meeting in Baraga, MI the Board and members decided to have a resolution drafted that called on national church bodies and religious communities to adopt a policy that would assist tribes in restoring and/or consolidating their land base. The resolution—pending tribal review—would then be presented to the national religious communities in January of 1992 as the "1992 Call of HONOR." This HONOR initiative timed to coincide with the beginning of the Quincentenary year, basically calls on religious communities to take a lead in reversing the direction of the first 500 years (obtaining land FROM tribes) to one of assisting tribes to restore some of the lands that were lost.

The resolution (reprinted at the right) is a MODEL for church bodies and religious communities to use to develop a churchwide institutional policy to assist tribes in addressing their eroding or inadequate land base, so necessary for community and cultural survival. It was drafted by two Native American attorneys, one a Christian, the other a traditional; it is now being circulated to Indian Tribes and organizations for review. One Indian elder who listened to the discussions said, "This would be very good. At Christmas churches might give us a little piece of land instead of a bag of mittens."

Nothing raises questions so quickly as the issue of land. Some of the questions that have been raised are addressed below. Members are encouraged to use the resolution as basis for discussions with their own faith communities, neighboring tribe(s), and religious policy makers.

Q. Are churches being asked to give up their houses of worship, schools, and facilities if they are located on, near, or adjacent to Indian reservations?

A. The resolution specifically calls on churches to develop a policy on disposal of EXCESS lands. Conveying land may include giving, selling, etc.

Q. What if a tribe does not want the lands back?

A. That would be a matter for each tribe to decide based on its own priorities.

Q. Everyone is sitting on land that was formerly Indian land. Why are churches being singled out?

A. The resolution only addresses those pieces of land that are on or near Indian

reservations and that the tribe has determined is important to the spiritual, economic, environmental, or cultural health of its community.

Society looks to religious communities to set the example and to take the courageous moral high ground on many issues. Using the Quincentenary as an opportunity to examine church policies and set a new direction is perfectly within the framework of how churches make decisions.

Q. Why don't tribes buy the land back with their own money?

A. Most tribes do not have enough resources to provide even the basic needs for their community. Many tribes do have "land committees" that identify and prioritize lands that have been lost. Occasionally, when resources permit, a critical parcel is purchased by the tribe or tribes. Erosion of the land base is occurring faster than the reacquisition.

The resolution provides a mechanism for members and congregations that are not near reservations to assist the tribe or tribes of their choice in this effort by offering monetary help, technical assistance and advocacy.

(Reprinted from HONOR Digest.)



HONOR board of directors met at the Ojibwa Hotel, Keweenaw Bay last summer prior to their annual general membership meeting. Visitors representing the UP Environmental Coalition provided insight into their environmental advocacy activities in Michigan. (Photo by Amoose)

Vienna: Scene of pro-treaty demonstration in Austria

Vienna, Austria, Europe—There was a pro-treaty demonstration at the hotel where Wisconsin Governor Tommy Thompson was staying during his trade tour. At the Plaza Hotel in Vienna approximately 30 Austrian citizens demonstrated from 5 to 7 pm in support of Chippewa treaty rights and against metal mining projects near Wisconsin's Indian reservations.

The demonstrators were heckled by one American staying at the plush hotel while another American asked questions about the Austrians' concerns.

Vienna was Mr. Thompson's last stop on a European trade mission tour before his return to Wisconsin. The demonstration was organized by the Austrian human rights organization, Association for En-

dangered Peoples. The demonstrators were holding banners and placards with the slogans "Treaty Rights Not Treaty Wrongs," "USA—Keep Your Treaties with Indians" and "Indian Fishing is Subsistence Not Sport."

When Peter Schwarzbauer, an organizer of the demonstration, learned of Thompson's visit he tried to get a personal meeting with the governor. But the U.S. Embassy and the Austrian Foreign Department denied any responsibility for the trip and would not arrange a meeting.

The Association for Endangered Peoples has previously organized two demonstrations for Chippewa treaty rights in April 1990 and 1991 and met twice with former US-Embassy First Secretary Francis Scanlan.

During and after these meetings hundreds of signatures of Austrians supporting Indian treaty rights as well as "notes of protest and concern" were passed on to him. The material has been brought to the personal attention of Mr. Thompson, who reacted in a letter to the Association for Endangered Peoples.

In that letter, the governor stated that "the image our state has conveyed to European countries and throughout the world in our managing of this sensitive issue is important". The Association was not satisfied with his reply.

The motivation to organize the October 5th demonstration goes beyond the question of Wisconsin treaty rights only. The group feels that trade cooperation between Europe and Wisconsin must be con-

tingent on respect for the rights of Wisconsin's indigenous people.

The members of the Association recognize that the situation in Wisconsin has contributed to a general threat to Indian treaty rights in the United States.

The demonstrators hope: 1) that with international attention fewer anti-treaty followers will participate in the violent rallies in Wisconsin; 2) that Governor Thompson will in the future provide more effective state coordinated security for Indian spearfishers; 3) that US-Senators and Representatives will take a more careful look at Indian treaty rights and 4) that mining on treaty lands will be subject to review by the Indian tribes.

Dismissal sought on harassment of spearfishers

By Kurt Krueger
Vilas County News-Review

Three Eagle River spearfishing protesters accused of blocking the Catfish Lake boat landing in 1990 won't be prosecuted under the state's "hunter harassment law" even though the law's validity has been reaffirmed by the State Appeals Court, it was announced recently.

A written motion requesting dismissal of the harassment citations issued by state wardens to James F. Bagley, Daniel J. Olejniczak and Tommy Thompson will be filed this week, according to Vilas County District Attorney David V. Penn.

The state's anti-harassment law makes it illegal for anyone to interfere with legal hunting, fishing and trapping activities, including Chippewa spearfishing under 19th century treaty rights that have been affirmed by federal courts. Authors of the law said it was originally intended to prevent anti-hunting and animal rights groups from interfering with sport hunters.

"First and foremost, it is the position of the district attorney that the state would clearly be unable to meet its burden of proof in this prosecution," Penn said in a written statement.

"A review of the videotape taken by law enforcement personnel on the scene, as well as a review of numerous photographs taken by the media, raises a great issue as to whether or not the boat that the three defendants were in . . . was in fact blocking the boat landing or preventing Indian spearfishers from launching their boats," Penn said.

The three citations had been dismissed in September of 1990 when Circuit Judge Robert A. Kennedy concluded that the harassment law was unconstitutionally vague and overbroad, thereby violating free speech rights.

But the case was appealed by the Wisconsin Attorney General's Office and in August, the State Court of Appeals reversed Kennedy's decision and ordered

him to set the matters for trial.

Penn said what was clear from the photographs is that the boat occupied by the three defendants, after initially being in the presence of dozens of other boats directly in front of the landing, was "subsequently moved to the side of the landing in extremely shallow water where the boat became caught on the bottom.

"Even after the defendants moved their boat, there were still dozens of boats being operated directly in front of the landing which were clearly interfering with the Native Americans' ability to launch their boats onto the water for their spearing activities," Penn said.

"It appears fundamentally unfair to this prosecutor that one particular boat that apparently moved from a location directly impeding the Native Americans should be singled out in this situation while the dozens of other boats on the landing were not approached, nor were their occupants issued citations under this statute."

Penn said that while a picture is worth 10,000 words to a prosecutor, he said the evidence depicted in the photographs is substantiated by in excess of 20 witnesses who were present at the Catfish Lake boat landing that night.

Penn acknowledged that the three were asked to move their boat from the shallows of Catfish Lake that night, and that they refused to do so. However, he said they cited reasons including that the boat was broken and that the boat was stuck in mud.

"The fact that they were off to the far side of the landing area, and that the water wasn't even knee-deep at the back of their boat, tells me they were not blocking the navigation of spearfishing boats," Penn said in an interview Monday.

However, Penn stressed that it was clearly inappropriate for Olejniczak to have resisted arrest by swimming away after being advised that he was under arrest by the wardens. He said Olejniczak ultimately pleaded no contest to, and was convicted of, misdemeanor disorderly conduct.



Protest boats block the landing at Catfish Lake during 1990.

"It is the position of your district attorney that to waste thousands of taxpayers' dollars for continued prosecution of this case would be grossly inappropriate and contrary to the interests of justice," Penn said.

DNR disappointed

Jim Blankenheim, law enforcement supervisor for the DNR's North Central District, said Penn's decision was disappointing considering how events progressed that night.

Blankenheim, who was at Catfish Lake on the night in question, said wardens never alleged that the defendants' boat was right in front of the launching ramp.

"They were positioned in front of the spearing boats, in navigable water, and they refused to move when requested to do so by wardens," he said. "When I asked that the area around the landing be cleared, so that the Chippewa could go out to spear, theirs was the first boat approached. It was the first in the circle of boats blocking access to the lake."

Because the three refused to move, saying they were caught up in the mud, they were put under arrest and told to push their boat to shore, Blankenheim said.

"I was in the water that night. I know how deep it was where they were arrested," he said. "Our larger boat, a Boston Whaler, did not have any trouble navigating next to where they were positioned."

Blankenheim said he didn't agree with Penn's assessment of the positioning of the boats and the way things progressed that night. He said many boats were purposely keeping their motors down in shallow water to get caught up in the mud.

"After the arrest, we didn't have problems with any other boat. They cleared out, and nobody else refused to move," he said.

Speech protected

In summation, the State Appeals Court decided that the harassment law met constitutional tests by specifically prohibiting physical interference or disturbance of legal fishing, hunting and trapping, but not verbal conduct.

The judges said that because launch-

ing a boat is an act in preparation of fishing, physically preventing someone from launching such a boat "is clearly an obstruction to a person who wishes to fish."

In determining that the harassment law is not constitutionally vague, they said: "We have already determined that the (statute) prohibits only physical interference, not verbal; therefore, it does not encompass protected speech . . . The fact that the statute 'fails to itemize with particularity every possible kind of conduct which would violate such statute, does not make it constitutionally vague'."

(Reprinted from Vilas County News-Review, Eagle River, Wisconsin.)

Crist enters plea, fined \$452 for harassing spearers in '90

Dean Crist, the often-arrested spokesman for Stop Treaty Abuse/ Wisconsin, pleaded no contest last week to two citations for harassing Chippewa spearfishers in 1990 and was assessed fines and court costs totaling \$452.

Crist, of Minocqua, was cited on Plum Lake April 24, 1990, and was again cited a night later, April 25, on Catfish Lake near Eagle River.

He pleaded no contest to both charges and Circuit Judge Douglas Fox of Price County assessed a forfeiture and court costs totaling \$421 on the Catfish citation, and only court costs of \$31 on the Plum Lake citation.

Wardens arrested Crist on Plum Lake after a high-speed chase across the lake, which ended in front of the boat landing where a large group of protesters and media personnel had gathered.

He was issued the Plum Lake citation the next night while on Catfish Lake, while waiting for spearers to launch their boats. He was later cited on Catfish Lake for harassing spearers with large boat wakes in violation of orders from state conservation wardens.

(Reprinted from Three Lakes News, July 17, 1991 edition.)



Reprinted from The Milwaukee Journal

Anti-Indian movement still rumbling in WI

While all seems relatively quiet on the protest front, treaty opponents remain on the scene. Letters, such as the following, are indicators that those old arguments die hard despite public education efforts and that issues of tribal rights and sovereignty are either not understood or simply not accepted by segments of society.

To the Editor:

A treaty is an agreement made between nations. The Indians were a separate nation when the Indian treaties were made and they were good and valid and served their purpose for the era they were created in.

In 1924, however, Congress passed the Indian Citizenship Act which declared all U.S. Indians to be full citizens, thus giving them full utilization of our systems of providing health, education, welfare, housing, etc.

America has also evolved into a civilization of equal rights. This should apply to all citizens. Indians, as full citizens, no longer need to hunt and fish for subsistence any more than any other citizen and, as treaties are for the purpose of agreements between nations and not between nations and some of its people, equal rights should override these old outdated treaties.

They should be declared no longer valid. Congress and our President have the power to do this, but probably will not without our encouragement.

Today, our animals and fish are in need of stocking and management, at the expense of today's hunters and fishermen and women, to maintain a healthy supply. All citizens, including Indians, should join together in supporting this conservation and then also join together in equal harvesting, under equal laws, of these resources.

The longer Congress and the President delay in changing this, the longer hatred and bitterness shall prevail, rather than the love and peace we all strive for. Let's all work together with our letters and calls to our federal Legislators and President for true equality.

We must maintain a system that updates old laws, rules, treaties, agreements, etc. for current conditions. Our descendants must not be bound into unchangeable conditions that are incorrect for their era because of agreements made by their ancestors.

Gery Campbell
Hudson



Dean Crist at one of the spearfishing lakes, 1990, using his bullhorn to talk to protestors on land.



Balsam Lake landing 1990.

Judge dismisses spearing suit against Vilas County Sheriff, two others

A federal judge has dismissed three northern Wisconsin sheriffs, including Vilas County Sheriff James Williquette, from a lawsuit by members of the Lac du Flambeau Chippewa band who say spearfishing protests have violated their constitutional right.

Judge Barbara B. Crabb said the sheriffs did not violate tribal member's rights by failing to separate spearfishing protesters and supporters at boat landings during the 1988, 1989 and 1990 spearing seasons.

Her decision, dated Aug. 22, leaves alive the lawsuit against Stop Treaty Abuse-Wisconsin, a group that has organized demonstrations at boat landings, and 16 leaders of the group, including Minocqua pizza parlor owner Dean Crist.

The Lac du Flambeau, five of its members and the band's spearfishing organization filed the lawsuit February 1 with the help of the American Civil Liberties Union (ACLU) of Wisconsin.

Tribal members contended that the

sheriffs knew spearing protesters were going to violate their rights, and should have acted to prevent interference.

Besides Williquette, the other sheriffs dismissed from the lawsuit were David Enblom, Ashland County; and Wayne Wirsing, Price County.

The sheriffs' experts, however, agree with the decision not to separate the two groups, on grounds that it would give protesters a greater focus for their hostilities and made the band's supporters more vulnerable to stone throwing or serious attacks.

Crabb said in a 14-page decision that there had been a great deal of hostility and violence against spearmen and hundreds of arrests during the annual nighttime spring outings. However, there have been no serious injuries, he noted.

Meanwhile, 12 of the original 16 private defendants are no longer named in the case. Agreeing to pay settlement ranging from \$3,000 to \$4,000 were: Wayne Pieper, Glen Handrick, Howie Caputo, Chuck Ahlbom, Mike Ahlbom, Jack and Rose Lantta, Charles Gilman, Lois Pavolich, Patrick Long and David Worthen. They also agreed to abide by conditions outlined in the injunction filed by the ACLU.

According to the ACLU attorney, several defendants paid less than that amount, based on their ability to pay. Four other individuals are still negotiating. If those defendants agree to terms, that would leave only STA-Wisconsin and Crist of Minocqua named as defendants in the case scheduled to go to trial Feb. 3 in Wausau.

(Reprinted from Three Lakes News, September 4, 1991 edition.)



'91 wild rice reseeding returns 3 tons of rice to water

By M.J. Kewley
ANA writer-photographer

Despite a spotty harvest this fall, the Lake Superior Chippewa continued their efforts to enhance wild rice growth throughout the treaty-ceded territories.

Great Lakes Indian Fish and Wildlife Commission biologist Peter David has coordinated the tribe's largest re-seeding effort, with nearly three tons of rice returned to the water in 1991.

Wild rice has been an integral part of Chippewa culture since the tribe arrived in the Lake Superior region nearly three centuries ago. According to one legend, the Great Spirit told the tribe to move from its ancestral homeland along the east coast and travel west until they reach the place where food grew on the water.

Called manomin (pronounced ma-nomin) in Ojibway, the wild rice harvest traditionally provided a non-perishable food to sustain the Indians during harsh winters. But the grain's importance to the tribe goes beyond its use as a food source.

"It's a sacred food," Bad River elder Vincent Bender explained. "The Great Spirit gave it to the Indians. We use it to give thanks—for the animals, for the berries. When traditional Indians go ricing, they offer tobacco to give thanks. I don't cut a tree or a limb without offering tobacco."

"Of all the resources the tribal members harvest, rice perhaps has the most significance," David, who specializes in wild rice management, said. "You're almost talking religion when you're talking wild rice. Can you have too much wild rice? Well, can you have too much faith?"

The tribe is taking steps to ensure that wild rice will always be available.

Yet David expressed concern over the fall off-reservation harvest, which was expected to be the worst in the past five years. A good year brings about 50,000 pounds of green rice from stands both on and off the reservations. David estimates this year's harvest to be closer to 30,000 pounds.

He attributes the poor year to higher water levels from heavy summer rain. But good rice beds are in short supply. Increasing boat traffic, water pollution and dams that destroy shallow rice marshes continue to take their toll.

At Mille Lacs, natural resource director Don Wedll said this fall brought an average harvest for tribal ricers. He estimated the total harvest off Lake Mille Lacs to be about 10,000 pounds of rice.

Chief warden Dick Hogland reported a poor harvest at the Grand Portage reser-

vation. "What we did have, the wind and the storms got," Hogland said. "It all went back to seed."

It's clear that wild rice will never be as abundant as it was when the Chippewa first arrived in Wisconsin. In 1922 alone, thousands of acres of wild rice were lost when a dam on the Chippewa River created the Hayward-area Chippewa Flowage. To help preserve the existing resource, GLIFWC has begun a re-seeding project throughout the north, in cooperation with the Wisconsin Department of Natural Resources and the Chequamegon National Forest.

In 1990, crews on this cooperative project spread 2,600 pounds slightly more than a ton—of seed. This year, David bought just less than three tons of rice, which will be spread on 16 sites in northern Wisconsin and Upper Michigan.

The tribe also participates in the Circle of Flight tribal wetland and waterfowl enhancement project. The program received

\$600,000 in federal funding to buy wetlands and re-seed wild rice beds. This year, the Bureau of Indian Affairs has requested \$985,000 in federal funding, to be used for 30 projects by 18 midwestern tribes.

Several bands have re-seeding projects underway at new rice lakes. The Lac Vieux Desert band will seed their namesake lake this fall. At Keweenaw Bay, the band seeded a Lake Superior estuary and an inland lake for the first time.

Hogland bought 1,000 pounds of rice to seed Teal Lake, on the Grand Portage reservation, in the spring of 1992. Hogland hopes a wild rice crop will encourage waterfowl nesting and create a harvestable resource for tribal members.

David hesitates to make hard-and-fast predictions about the future of this fragile resource. For that, one might consider traditional legend, which tells the Chippewa, "Sometimes there is no rice, but when the spirits want it, it grows again."



Kakagon Slough wild rice—long, tender, easy to cook—a vastly different product than the hard black paddy rice marketed as "wild rice" on roadsides and in many commercial establishments. The real thing is hand-harvested and processed by Chippewa tribal members from traditional ricing lakes and rivers in northern Wisconsin and Minnesota. (Photo by M.J. Kewley)



Mark Bender and John Koch harvest wild rice in Bad River's Kakagon Sloughs. (Photo by M.J. Kewley)



The U.S. Forest Service is shown seeding an off-reservation lake near Laona. The seed is supplied by GLIFWC in a cost-sharing cooperative project. (Photo by M.J. Kewley)

Results of the 1991 treaty deer hunting season as of 10/14/91

| Tribe | Antlered | Antlerless | Total |
|---------------------|------------|-------------|-------------|
| Bad River | 39 | 127 | 166 |
| Lac Courte Oreilles | 122 | 370 | 492 |
| Lac du Flambeau | 111 | 431 | 542 |
| Mole Lake | 21 | 136 | 157 |
| Red Cliff | 43 | 111 | 154 |
| St. Croix | 31 | 84 | 115 |
| Mille Lacs | 9 | 32 | 41 |
| Lac Vieux Desert | 0 | 0 | 0 |
| TOTALS | 376 | 1291 | 1667 |

DNR rules raise ire of fishermen

By Tom Vanden Brook
of The Journal Staff

Cornucopia, Wis.—Superior shimmers like a freshly minted coin, and the sheer cliff shores of the Apostle Islands glow russet in the sunrise.

As Jim Frostman's 42-foot "tug" bobs in the swell among the islands he shucks a plump whitefish from a tangled net and bristles at the mention of the state's new commercial fishing regulations.

Frostman catches his living from the rock reefs off the northernmost tip of Wisconsin. He says that for him and 20 other Lake Superior commercial fishermen, the new Department of Natural Resources rules have gutted that way of life.

"I wouldn't even let my own sons think about taking over this business," says Frostman, who plies a trade passed down to him from his father and grandfather. "It just doesn't pay anymore. The DNR won't be happy until we're all gone."

A moment later, a DNR warden's boat cruises past.

"There's your gestapo at work," he says.

The DNR regulations adopted for the 1991 fishing season reduce the number of lake trout that may be caught from Wisconsin waters and require fishermen to tag and keep each one netted. That's double jeopardy for Frostman, who is after whitefish but can't help taking his quota of trout in the process.

In addition, the DNR has reduced the number of gill nets commercial fishermen may set. "It cuts back what I can fish by way more than half," Frostman says.

From Bayfield to Port Wing, the same

undercurrent runs through these small, picturesque port villages.

The situation has spawned debate over whether protection of the environment should come at the cost of jobs and to what extent, if any, the state should subsidize a private industry.

Frostman, 60, has fished the lake since he was a boy, and he figures that in recent years he has made an average of \$50,000 a year netting whitefish. He estimates that under the new regulations, he will gross about \$5,000 this year.

The changes, Frostman says, threaten to sink the generations-old commercial fishery on Lake Superior—the vestige of a resource once so rich it was thought inexhaustible.

Declining lake trout population

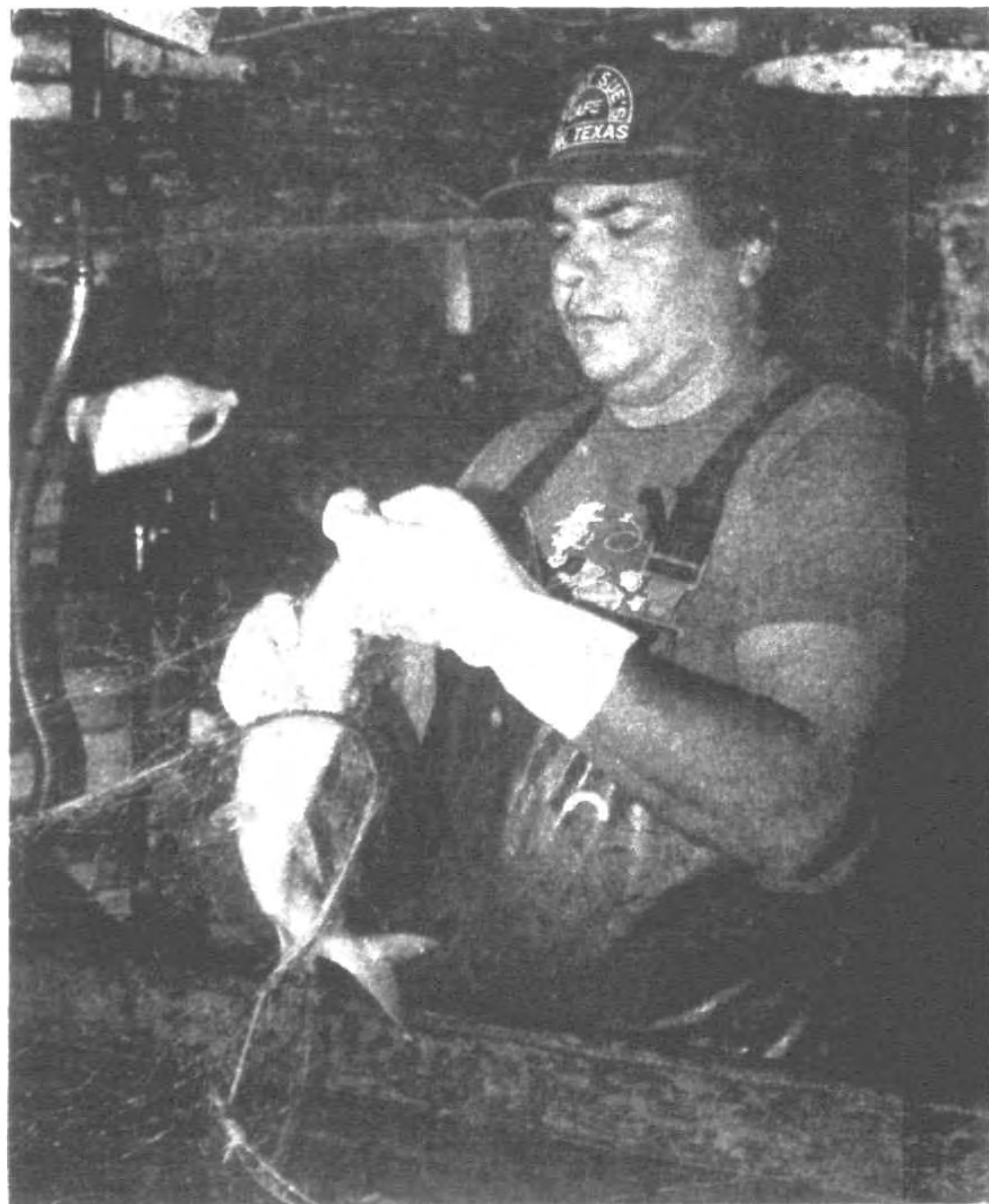
Many of the state's 21 licensed commercial fishers blame the DNR for damaging their industry.

The DNR maintains that increasingly sophisticated whitefish netters have devastated the population of native lake trout.

The problem: nets that don't discriminate between whitefish and lake trout, which often swim in the same areas. The fishery that commercial fishermen depend upon, DNR biologists say, is falling victim to the netters' own success.

At the same time, accommodating the needs of others—Indian tribes and sport anglers—has reduced the number of fish available to commercial netters. The tribes are entitled to 50% of the trout leaving the DNR to divide the remaining half between commercial fishermen and sport anglers.

The plight of the commercial fishery has attracted attention at the highest levels of state government. From legislators to



Tribal commercial fishermen are concerned about quota reductions and fishery management decisions which appear to be favoring the massive sports fishery in Lake Superior. The tribal commercial fishery is part of a traditional life-style of Ojibwa Indians living near Lake Superior. Both the Bad River and Red Cliff Tribes in Wisconsin as well as Grand Portage, MN and Keweenaw Bay, MI maintain regulated commercial fisheries. Above Don Thomas, Red Cliff, removes a whitefish from one of the nets of Bad River commercial fisherman Alan Newago. (Photo by Amoose)

the upper echelons of the DNR to the governor, politicians are acutely aware of the problem.

Some will be forced out

DNR officials admit that some of the 21 licensed netters will be forced to shut down because of the new regulations. But in the same breath, they say that not all those anglers have been good stewards of the resource.

Quotas that limited the number of lake trout caught while fishing for whitefish have prompted some netters to dump lake trout illegally, officials say. Research shows that for every lake trout registered, two more are thrown back into the water dead, Bruce Swanson, a DNR fish biologist says.

"Somebody making \$40,000 on whitefish a year is probably killing about \$80,000 worth of lake trout," Swanson says. "We can't afford that."

Further studies show that in areas open to commercial fishing most of the lake trout which can live more than 30 years are caught before they can reproduce. Ideally, commercial fishing pressure will be reduced, Swanson says, allowing lake trout populations to rebound naturally.

Fishermen at mercy of politics

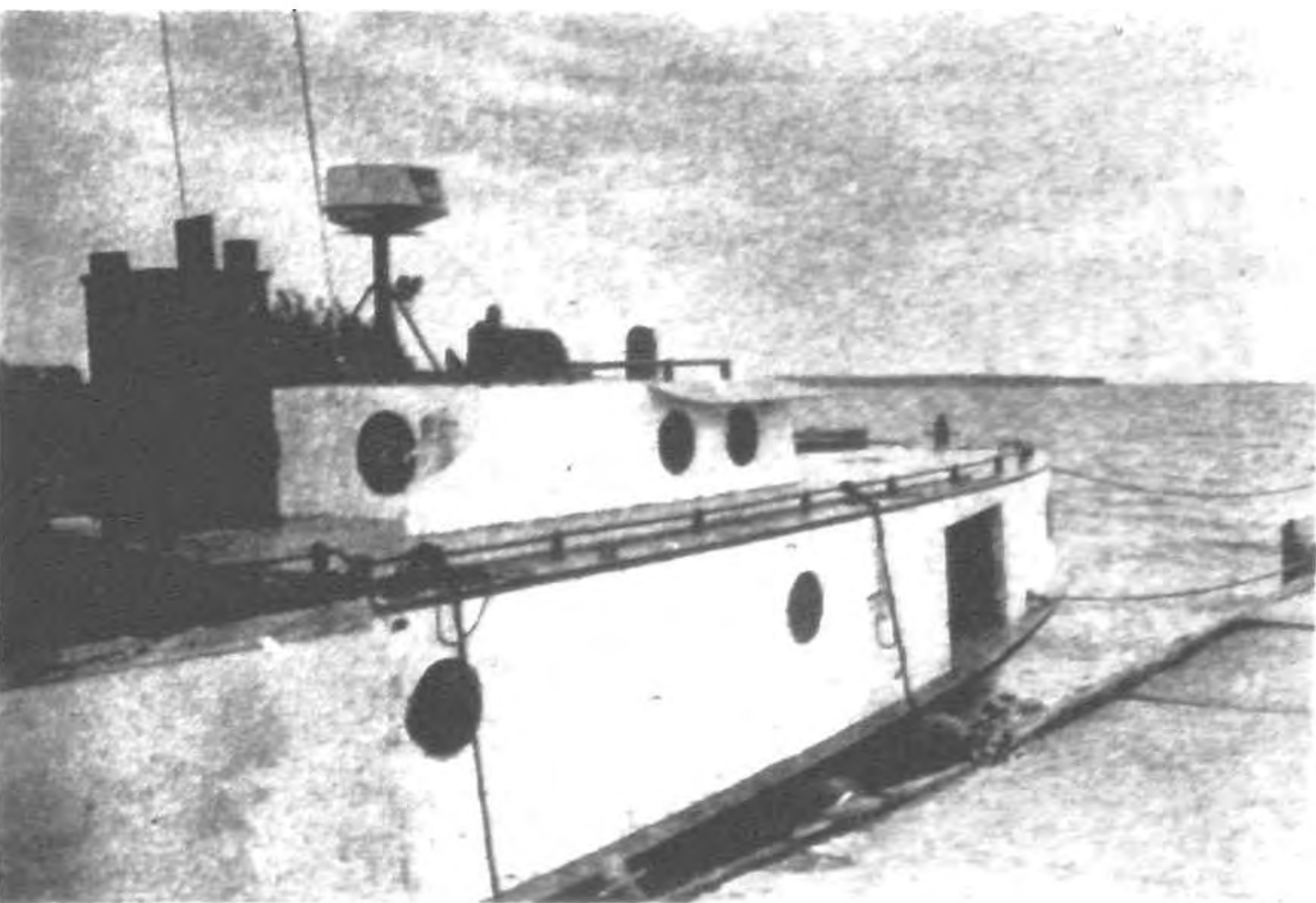
In 1940, anglers netted 500,000 pounds of lake trout compared with 240,000 pounds in 1990. Increased fishing pressure and destructive parasitism by sea lampreys have ravaged lake trout populations. (See Commercial fishing, page 16)

Tribal Commercial Fishermen's Conference

Place: Ojibwa Resort Motel, Baraga, Michigan

Dates: November 4-5, 1991

For further information contact: Jim Thannum or Sharon Nellis, GLIFWC's Natural Resource Development office at 682-8825. All tribal commercial fishermen welcome!



Ready to head out. Commercial fishing tugs at Bayfield, WI wait for another days work. However, the fate of the commercial fishing industry for non-Indian and Indian alike continues to be put under increasing pressure by the State. (Photo by Amoose)

Casting Light Upon the Waters

Editor's Note: Since its April, 1991 release attempts have been made to discredit "Casting Light Upon the Waters," a jointly produced document on the status of the Wisconsin inland fishery in ceded territory. The article reprinted below responds to allegations regarding the credibility of the report based on its use of "old" data.

The attack is not surprising since the report, produced through tribal, state and federal cooperation, relieved Chippewa spearfishing from its popularly accepted position as scapegoat for any problems noted with the walleye fishery.

Rather, the report concluded that the fishery is being stressed due to both state and tribal user groups and due to environmental conditions which negatively impact the fishery. In other words, there is a shared responsibility for a stressed fishery, a responsibility which some may not wish to accept.

The report was based on data available to biologists from federal, tribal and state resource management agencies. To be meaningful, data on natural resources must be accrued over a period of years.

Old data combined with new data provides the comprehensive picture of a resource needed for professionals to draw informed conclusions.

A major recommendation from the report was the need for expanded studies of the fishery. While the fishery in northern Wisconsin is deemed healthy, contributors to the study feel it requires close and careful monitoring.

**By Alan Barbian
Lakeland Times reporter**

The authors and editor of a \$300,000 government financed study that concluded Chippewa spearing and netting has not harmed northern Wisconsin lakes said they are surprised and confused by a recent Associated Press story that said the study did not rely on independent new research of fish populations.

"Casting Light Upon the Waters" was released in April, a few days before Chippewa Indians began their annual spearing season. It was no secret at that time that the report and its conclusions were aimed at reducing tensions over the controversial practice. The 101-page report was urged by Sen. Daniel Inouye (D-Hawaii) who is the chairman of the Senate Committee on Indian Affairs which secured the funding. Inouye said at the time that he wanted the two sides to reach a common understanding about the status of the resource and how to monitor its safety.

Politicians credited the report for helping ease tensions, saying it refuted for the first time critics' arguments that the practice was ruining lakes.

The AP story said despite costing taxpayers \$300,000, the Inouye study did not address long-term effects of spearing, which will cost more money to study. It also stated that the editor, Fred Meyer, a retired U.S. Fish and Wildlife Service biologist from La Crescent, Minn., said the study relied on old information and the largest benefit of the study was to ease tensions in northern Wisconsin.

"I didn't say it in those terms," Meyer said. "The information in this report had previously been there. It wasn't old, it was previously gathered. Sure, it was existing, but it wasn't old," he said.

Meyer refuted a statement attributed to him in the original AP story regarding the report's goal of easing tensions.

"The primary benefit of the report was to bring the whole picture into focus and when that was done it put the whole spearing issue into perspective," he said.

"I don't think the report was sold as something new and vibrant; it was nothing more than the status of the walleye fishery in northern Wisconsin," he added. "We looked at all the sources of mortality that affect the fishery. It was the first time we looked at them in total.

"I thought the authors did a pretty thorough job. It was my purpose as editor to keep all the political ramifications out. I didn't worry about political axes to grind. You must understand that most parties have their agendas. I tried to keep them all out whether they be non-Indian or Indian anglers," Meyer said.

"I have no qualms about the validity of the report. The data does support the conclusions reached."

Meyer said the data was old in the sense that it was already developed but never put together.

"Like a jigsaw puzzle for example. If you put it together for the first time is it an old picture or a new picture," he asked. "The term 'old' does not fit here."

He added that some of the portions of the report may have been published elsewhere, but this was the first opportunity to pull it all together, hire an editor and put it into one report.

"All told, it was a very fine document which is rather remarkable when you look at the polarization of all involved," Meyer said. "For them to come out with a scientifically valid report is remarkable."

Meyer said that he does not know why this is being challenged or questioned now, suggesting perhaps that a group such as Protect Americans Rights and Resources (PARR) or Stop Treaty Abuse/Wisconsin (STA/Wis.) may enhance their particular cause by questioning the data.

Dean Crist of Minocqua, spokesman for STA/Wis., said the AP report was nothing new to him and that he already knew old DNR data was used in the report. He added that the \$300,000 in government funds was basically given to GLIFWC to pay its bills.

PARR Chairman Larry Peterson said, "What we read into this (AP story) is basically what we've been saying all along.

"Something has impacted the sports fisheries and its all taken place since spearing started," he said.

Peterson blamed Inouye for the report which he said is biased and slanted toward Indian Americans.

However, DNR officials said Tuesday that the original report was more optimistic and that biologists for the Great Lakes Indian Fish and Wildlife Commission toned down the optimism stating there was evidence that showed some small lakes may have been overfished by rod-and-reel an-

glers or a combination of sport fishing and spearing.

Meyer added that there are extremists on both ends representing all parties.

"From a strictly scientific standpoint—when or how a fish dies is immaterial," he said. "A dead fish is a dead fish."

Meyer said you have to look at the overall total and its effect. "If there are species that are overharvested, any additional action will affect it. But you must look at all of the sources affecting the mortality, not just focus on any one of them," he said.

Jim Addis, administrator of the DNR Division of Resource Management, said the AP story was basically old news.

"The study was to look at existing data and see where we agree and disagree," Addis said. "We have in place a series of major studies that will continue to refine our data."

"I was a bit taken aback by the story," he said. "We depend heavily on media to

tell facts accurately and we've provided the report to the media and it was presented openly."

Addis said one problem with the report is that it's too technical in the form it's in, so most people don't take time to look through it.

"They don't want to look at facts so they rely on second hand information," he said. "The facts are there and to date there is no serious problem of any sort with the walleye fishery in northern Wisconsin."

Tom Busiahn, Great Lakes Indian Fish and Wildlife Commission biological services director, said the AP story served a purpose. "If it encourages more people to read the report, then it's good," he said.

Busiahn said the whole idea that the data is old is nonsense because the bulk of it is from the past five years.

"We don't have a real understanding of the changes and trends that may and may not be happening so we have to compare past data with relatively new data," he said.

Lamprey control efforts



GLIFWC is working with the U.S. Fish and Wildlife Service to control sea lamprey populations on the Bad River system. This summer, cooperative crews used electro-shocking equipment to estimate lamprey populations throughout the river system.

The young lamprey burrow in the river beds during the first state of their estimated 20 year life span. When they reach maturity, they enter Lake Superior. The lamprey, which can reach sizes of about a foot in length, feed by attaching their suction-like teeth to lake trout and whitefish. Because they are a non-native species, they have no known predators.

The data collected this year will help biologists to estimate the lamprey population in the river system. This fall, the crew returned to treat the river with a chemical that kills immature lamprey. (Photo by M.J. Kewley)

Tribal ricers look at marketing & sales

By M.J. Kewley
ANA writer-photographer

Tribal wild rice harvesters shared resource management and marketing ideas recently at the Great Lakes Indian Fish & Wildlife Commission's (GLIFWC) first wild rice conference, held October 11 in Duluth.

Tribal members from seven reservations attended the day-long conference. "I think there's a lot of information the ricers can share. It gave biologists a chance to increase the interaction with tribal ricers," said Jim Thannum, GLIFWC natural resource development specialist.

Thannum also said ricers received information on common marketing strategies, such as packaging alternatives and labeling requirements. "We examined alternatives which tribal ricers—as business entrepreneurs—would develop to increase their sales."

GLIFWC biologists Peter David and James Meeker discussed efforts to protect and enhance natural wild rice stands throughout Minnesota, Wisconsin and Upper Michigan.

Fond du Lac Resource Manager Larry Schwartzkopf said rice stands at the Minnesota reservation continued to be threatened by the growth of pickerel weed.

The band is working to restore wild rice lakes both on and off the reservation. "We need to work on it as a unit," he said,

citing the Circle of Flight wetlands restoration project as one example.

At White Earth, Resource Manager David Reinke said the band closed a lake to ricing for one year, to assist in reclamation efforts.

"Sometimes you have to hang your neck on the line for something you know will work," he said.

Tribal members also considered marketing strategies used to sell Indian-harvested rice. In Minnesota, the state legislature has passed a wild rice labeling law requiring rice sold within the state to be identified as paddy-grown, lake-grown or hand-harvested rice.

Jeff Borg, a representative of Grey Owl Foods, discussed rice packaging options and costs. Grey Owl, a subsidiary of the Saskatchewan Indian Agriculture Program, has a cooperative wild rice marketing project with the Leech Lake Chippewa.

Tribal ricers also received packets of GLIFWC's custom wild rice labels, which identify the rice as Manomin from a Chippewa reservation.

Thannum said GLIFWC will help organize a communication network among tribal ricers. The network will allow Chippewa ricers to meet sales requests during poor harvest years. GLIFWC will also revise the Wisconsin tribal ricers pamphlet and create a separate directory for Minnesota ricers.

Patricia Zakovec Wetland Management Area dedication



Above Robert Jackson, biologist, Minneapolis Area Office of the Bureau of Indian Affairs opened the dedication of the Patricia Zakovec Wetland Management Area. The first completed project under the Minneapolis Area Tribal Waterfowl and Wetland Enhancement Initiative "Circle of Flight" was dedicated on August 28, 1991.

This project, a 60 acre impoundment with an additional 30 acres of adjacent upland nesting cover is located in the Superior National Forest and within the 1854 Treaty Ceded Area near Orr, Minnesota. The wetland management area is named after Patricia Zakovec, former coordinator of the 1854 Authority who died from cancer on May 31, 1991.

Partners involved in this project included the 1854 Authority, Bureau of Indian Affairs, Ducks Unlimited, Minnesota DNR, U.S. Forest Service, U.S. Fish and Wildlife Service and St. Louis County. Over 80 people attended the dedication ceremony. (Photo by Amoose)

Flambeau donation doubles size of nature preserve



Lac du Flambeau Tribal Chairman, Mike Allen participated in the ceremonies dedicating the Clifford F. Messinger Bass Lake Preserve. The ceremonies were held by the Lac du Flambeau Band of Lake Superior Chippewa in September at the Lac du Flambeau Campground.

The Lac du Flambeau Tribe provided a major contribution towards the expansion of the Bass Lake Preserve by adopting a management plan that sets aside 1,000 acres for a nature and wildlife preserve on the western edge of the reservation.

The land abuts the Nature Conservancy's Bass Lake Preserve, which was donated to the Conservancy by Cliff Messinger, former Chairman of the Wisconsin Chapter of the Nature Conservancy and Chairman of the national Board of Governors of The Nature Conservancy.

The additional acreage provided through the Lac du Flambeau Tribe more than doubled the size of the original preserve and demonstrates an outstanding commitment by the tribe to the long-term protection of the rich, natural heritage of the area.

The expanded preserve was re-dedicated as the Clifford F. Messinger Bass Lake Preserve and honored through Chippewa ceremonies. (Photo by Amoose)

Commercial fishermen

(continued from page 14)

A combination of fewer anglers and the use of nets that would allow the release of lake trout unharmed could accomplish the DNR's goal, Swanson says. And a self-perpetuating lake trout population could in turn support a viable charter fishing industry.

"We're going to put some of them out of business," Swanson says of the commercial anglers, "at least out of their traditional way of doing business."

That concerns Sen. Robert Jauch (D-Poplar). Jauch helped sponsor legislation, recently vetoed by Gov. Tommy Thompson, that would have included a buyout of those fishermen, totaling as much as \$30,000 a year for six years.

In its place, the governor has offered a state-guaranteed loan of \$100,000 for fishermen who replaced their gill nets with less lethal nets.

But while others debate the situation, Frostman and his fellow commercial fishermen live with it.

Frostman says he's ready to retire, although you wouldn't know it from his work habits.

"We had a good industry up here," he says. "We created jobs. Not anymore. They're killing us. How are we supposed to make a living?"

(Reprinted from the Milwaukee Journal, September 1, 1991 edition.)

NAFWS regional workshop features tribal resource management projects

By Sue Erickson
Staff Writer

Updates on tribal natural resource management programs and training for conservation wardens highlighted the agenda for the Great Lakes Region of the Native American Fish and Wildlife Society (NAFWS) Annual Training Workshop at Grand Portage Reservation, MN on September 23-25. The workshop was co-sponsored by the Great Lakes Region NAFWS and the Minneapolis Area Office (MAO) of the Bureau of Indian Affairs (BIA).

The formation of a Tribal Aquaculture Network for Minneapolis Area tribes was one of several accomplishments during the three-day event. The Network is jointly promoted by the MAO, the USFWS, and the Great Lakes Region, NAFWS.

According to Bob Jackson, MAO BIA biologist, the Network will serve to provide a more efficient information exchange as well as tribal input to committees dealing with issues of concern, such as fish disease.

Jackson says the Network will also bring hatchery managers together a least annually in order to provide for an exchange on areas of concern and potential cooperation.

The conference attracted about 100 participants, Indian and non-Indian alike, from the region, including tribal natural resource managers, conservation officers, as well as students. Agencies including the BIA, the Minnesota DNR, the USFWS, Environmental Protection Agency and regional tribes provided a broadly-based spectrum of interest in resource management issues.

Dr. Earl Barlow, Director of the Minneapolis Area Office, BIA, was one of several providing a welcome and opening remarks. Barlow emphasized the need for



Shooting competitions were part of the training aspect of the NAFWS/BIA training workshop at the Grand Portage Reservation last fall. Awards were presented for "Top Gun" and for the top shooting team. (Photo by Amoose)

a continued commitment to tribal self-regulation in the area of natural resources which is a significant exercise of tribal sovereignty.

A budget update from Washington, D.C. was provided by Gary Rankel, Bureau of Indian Affairs (BIA), Department of Interior. Rankel outlined the federal budget outlook and the status of programs for 1992 in terms of anticipated dollars in resource management projects.

Rankel mentioned the Secretary of Interior's Outdoor Recreation Initiatives as one area with potential for tribal land use projects. Recently, \$7,000 was made available to the Grand Portage Band for expanded on-reservation ski-trails. Rankel is hopeful that more will be available in the

'92 fiscal year.

Progressive, regional on-reservation wildlife management programs were also highlighted in the program. The Menomonee, Fond du Lac and Leech Lake Tribes reviewed current wildlife programs, highlighting the tribal involvement in the "Circle of Flight Initiative," which is directed towards wetlands preservation and enhancement.

Another part of the program featured environmental presentations relating to various environmental regulations which may affect tribal projects in term of compliance.

Conservation officers attended two training workshops dealing with predator trapping control and use of semi-automatic weapons. Shooting competitions for officers were also held.

The Great Lakes Region honored Tom Busiahn, former director of GLIFWC's Biological Services Division, with the William H. Eger Tribal Biologist Award. In addition Neil Kmiecik, GLIFWC Biological Services Director, presented Busiahn with a plaque from GLIFWC's Board of Commissioners in appreciation for his years of service to the Commission and its member tribes.

The Patricia Zakovec Conservation Officer Award for 1991 went to Leo Jordan, Chief Conservation Officer, Leech Lake Reservation, MN.

Directors for the Great Lakes Region were also elected with Mike King, Oneida completing one year of the term vacated by Patricia Zakovec and Ed Fairbanks elected for a two year term.

Awards were also given to the top shoot team; Members of the team were Erick Chapman, LdF, who was also Top Gun; Ron White, BIA, MN; Bill Bailey, Grand Traverse Band, MI; Terry Carrick, Bay Mills Indian Community, MI; Kenneth Washington, Leech Lake Band, MN.

The 1991 regional workshop was graciously hosted by the Grand Portage Band who furnished a feast as well as cook-out.

National attack on wetlands underway

By Philip Weller
Great Lakes United

Wetlands are a vital part of the Great Lakes landscape. They provide flood protection, pollution control, fish and wildlife habitat and recreation. They are an important part of a healthy economy, since the natural functions they provide are free, and the loss of wetlands requires society to pay for those lost functions.

Despite their importance and value, however, wetlands continue to be drained, filled and poisoned. Less than 35 percent of the Great Lakes' original wetlands remain today. Despite the limited amount of wetland acreage that is left, these fragile landscape features are under increasing attack. In fact, protection—or, more appropriately, unprotection—of wetlands is quickly becoming one of the hottest political topics in the U.S. Congress. Wetlands protection in Canada has not generated the same political heat, but the political apathy is just as destructive to wetlands.

Visits to congressional members during the annual Great Lakes Week revealed the depth of the struggle that is taking place on wetlands. One congressman told a group of Great Lakes activists that, "Never before has my office received such intense lobbying on an issue so early in discussions on an act."

To date, most of the lobbying on this issue has come from members of the builders, real estate, and oil and mining industries. At a January congressional hearing on wetlands by the Small Business Committee in Niagara Falls, members of industry and local government testified one after another about the devastating effect of existing wetland rules.

One member of the small business community testified that wetlands laws were responsible for a two-thirds decline in housing starts in Western New York. Under new rules adopted by the Army Corps of Engineers, the speakers claimed, 60 to 65 percent of the land in Niagara County was now "new" wetlands. The true figure is 10 to 12 percent, but that did not stop the farmers and town officials into a near stampede against existing wetland laws.

The irony and often-forgotten point in the discussion to date is that existence of a wetland does *not* prohibit and prevent a landowner from developing it. When applying for a federal permit to develop a wetland, a landowner may be told to design the proposal differently to prevent damage to the wetland, but, according to the Corps, 97 percent of the permits requested are ultimately approved. Over 10,000 permits to fill wetlands are granted each year. (See Wetlands, page 18)



Presentations on a variety of conservation-related subjects, including wildlife and waterfowl management, held the interest of most participants during the NAFWS/BIA workshop. While others...



Fish for the Future—a cooperative fish rearing project between the Cable Fish for the Future, the Red Cliff Chippewa Band and the Bad River Chippewa Band—seine for fingerlings will be restocked into lakes which have been speared. (Photo by Matt O'Claire)

USFWS seeks tribal partnership through new Indian policy

By Sue Erickson
Staff Writer

GLIFWC biological staff met with the U.S. Fish and Wildlife Service (USFWS) regional working group on Native American policy Oct. 16-17 in Superior. The group is charged with development of a policy for the Service.

The working group was formed in response to the Service's decision to formulate a more definite policy nationally in regard to the nation's tribal concerns and activities in natural resource management.

As indicated by Richard Smith, acting director, USFWS in a November, 1990 correspondence, a specific policy for the Service has been lacking.

Smith stated that "The Department of the Interior has an 'Agreement on Policy' that has broadly guided Service coordination with the Bureau of Indian Affairs (BIA) to assist tribes in managing fishery resources on tribal lands. This Agreement, however, is limited in scope, does not reference the partnership and leadership role of Native Americans, and does not provide a clear understanding of the Service's broad relationship with Native American governments." An important consideration as policy is formed is that the "spirit of P.L. 93-638, Indian Self-Determination, should be incorporated throughout..." according

to a USFWS letter on the subject.

The working groups in Superior considered suggestions and concerns that had been forwarded from various regional tribes as part of the policy development.

As Wayne Stancil, USFWS Native American Program Manager, noted, "the initial step in developing the Policy was to provide an opportunity to identify avenues for improving Service/Tribal interactions and identify natural resource issues that the Policy should address."

Maintenance of a government-to-government relationship was one of several concerns presented by tribes. Recognition and honoring of treaty rights was another, as well as increased ability to develop on-reservation natural resource programs, particularly in regard to endangered species.

Internships, exchange programs, training, joint research projects as well as use of facilities were some of many suggestions provided by tribes for consideration.

Regional groups from other parts of the country will be following a similar process so that the policy will ideally reflect the requirements for a firm partnership between tribes and the USFWS across the nation.

The draft policy, once formulated, will be reviewed by the BIA, tribes, States and constituent groups prior to adoption and implementation.

Tribal/state task force forms

By Sue Erickson, Staff Writer

Finding themselves as travel partners for a three day fact-finding trip to Washington State might have seemed somewhat unreal for Wisconsin tribal and state officials who have been more accustomed to countering each other over negotiating tables and in court over the past eight years.

However, the outcome was positive. The September trip to the Northwest Indian Fisheries Commission, Washington, has resulted in the formation of a tribal state task force for the development of joint projects, according to a press announcement on September 12, Madison.

The press statement noted that "it has been reconfirmed to the Wisconsin State and Tribal Delegation on Natural Resource Management that it is necessary for the state and tribes to continue to work together to pursue natural resource enhancement and environmental improvement activities.

Some projects identified in the statement included: walleye and lake trout population enhancement, sturgeon production and expanding tribal natural resource enhancement capabilities as several areas that will be pursued together.

GLIFWC representatives were among the delegation of over 30 Wisconsin state and tribal officials joined in a three-day tour, entitled the "Wisconsin to Washington State/Tribal Cooperative Management Tour," in order to learn firsthand from the experiences of Washington State and its treaty tribes.

The Boldt Decision in Washington regarding the tribal commercial fishing rights for Pacific salmon created a scenario of extended litigation and social unrest in the '70s, similar to that which Wisconsin has recently experienced.

For Representative Frank Boyle, D-Superior, chairman of the Legislative Council American Indian Study Committee, the similarities were viewed as a source of opportunity, since Washington and the tribes have since settled many disputes out of court and established a record of cooperative management to the benefit of all.

Rep. Boyle coordinated the conference which was hosted by the Northwest Indian Fisheries Commission, representing 20 Washington treaty tribes, and an organization vastly similar to the Great Lakes Indian Fish and Wildlife Commission, representing the Chippewa treaty tribes in Wisconsin, Michigan and Minnesota.

Opportunities were made available for the delegation to speak with state and tribal leadership in Washington and to tour fishery facilities, many of which are a direct result of cooperative endeavors.

Wetlands continued

(Continued from page 17)

There are now twelve bills before congress that would weaken wetlands protection. Environmental groups have been generally slow to respond to the threats to wetland laws in the US. Recently, the National Wildlife Federation, the Sierra Club, and the Audubon Society, among others, have been directing necessary attention to this issue.

It is important that we add our voices to the national debate on this issue. At our

annual meeting this May, GLU's membership passed a resolution reaffirming the organization's commitment to protecting wetlands.

The resolution was supported by a media conference convened by Great Lakes United in early May, part of a series of nationally coordinated events held to support wetlands protection around the Great Lakes and elsewhere.

(Reprinted from *The Great Lakes United newsletter*, Summer 1991 edition.)



Tom Busiahn, former Director of the GLIFWC Biological Services Division, was honored by both the Great Lakes Region of the Native American Fish and Wildlife Service (NAFWS) and GLIFWC during the NAFWS/BIA workshop at Grand Portage, MN. Above, Ed Fairbanks presents Busiahn with the William Eger Tribal Biologist of the Year Award from NAFWS, Great Lakes Region. Master of Ceremonies was Robert Jackson, biologist with the Minneapolis Area Office, BIA and one of the workshop coordinators. Neil Kmieciak also presented Busiahn with a plaque in appreciation for approximately eight years of service to GLIFWC. (Photo by Amoose)

Tribal fire departments host water/ice rescue training

By Sue Erickson
Staff Writer

Simulated ice and water rescue techniques using various flotation and rescue equipment was part of the hands-on training course sponsored by the Bureau of Indian Affairs (BIA), Great Lakes Agency, on September 21-22 at Richardson's Bay Resort on Round Lake near Hayward, WI.

In-the-water rescue training was part of a two day course for area firemen and law enforcement personnel. Instructors Dave and Marcie Marquardt, Hennepin Technical college, Richfield, MN, conducted the training, according to Chuck McCuddy, natural resource specialist, BIA, who regards the Marquardts as the best qualified instructors in the Midwest.

Hosted by the Lac Courte Oreilles Volunteer Fire Department, the training drew 13 participants. It included a morning of classroom training, an afternoon of dry land exercises and a second day devoted to in-water techniques.

Nippy fall winds did little to make the in-water training pleasant, but did add to the feel of possibly more inclimate conditions which are frequently part of rescue activities.

An earlier session last August, hosted by the Bad River and Red Cliff Volunteer Departments, drew participants from the Ashland County Sheriff's Department, four area fire departments, WDNR wardens and GLIFWC enforcement staff.

According to McCuddy the training was well-received by all participants and considerable interest expressed in practising ice rescue techniques.

In response to the interest McCuddy has made tentative arrangements to return the Marquardts to the area mid-winter for actual ice rescue training. Announcement of dates will be forthcoming.

In addition the BIA is co-sponsoring a session on "Hard Water Emergencies"



Water/ice rescue was practised this fall during a training session sponsored by the Great Lakes Agency of the Bureau of Indian Affairs and hosted by the Lac Courte Oreilles Volunteer Fire Department. Round Lake, Sawyer County was the scene for this particular session, while an earlier two-day training was also done at Long Lake, Bayfield County. That session was hosted by the Bad River and Red Cliff Fire Departments. (Photo by Amoose)

December 6 at the Ashland High School. Working in conjunction with the Ashland, Bayfield, Iron Counties and Chequamegon Bay Area rescue personnel, instructors are being brought to the area from Dane County for this special session.

McCuddy also noted that area rescue personnel will be forming a working group at that time on land and water rescue resources in the area.

Keweenaw Bay donates to waterfowl, wild rice project

An unusual agreement between tribal and DNR officials has produced the seeds of benefits for area waterfowl hunters. The Keweenaw Bay Indian Community donated \$2,500 to the Department of Natural Resources for waterfowl restoration in Baraga County. Targeted areas include the Sturgeon River Sloughs Wildlife Area and the Baraga Plains. In a related effort, Natural Resources Technician Evelyn Smith and Tribal Biologist Mike Donofrio are planting 600 pounds of wild rice. Rice was broadcast in a shallow inlet behind the Ojibwa Campground, and in the Pinery Lakes.

The joint effort is part of the "Circle of Flight" waterfowl restoration plan developed by 16 Great Lakes Indian reservations. About 400,000 total acres of wetlands will receive various restorative treatments. The waterfowl program was developed in 1988, and was federally funded to the tune of \$600,000 in 1991.

"Tribes in Michigan, Wisconsin and Minnesota got the funding this year through Congress to enhance waterfowl," Donofrio explained. "Nationwide, duck numbers are dropping off and Congress is real interested in waterfowl management. They

also like to see cooperative efforts like this."

DNR Wildlife Biologist Jim Hammill is delighted with the \$2,500 tribal donation for use on the plains and sloughs. About \$550 will go toward buckwheat planting and fertilizing the sloughs. Nearly \$2,000 will be spent to lime naturally acidic acreage on the plains.

"We have not been able to apply our dollars to this..." Hammill said, explaining the increasingly tight DNR budget situation. "Historically we've done some liming, but not nearly enough. We're making progress—we're not going backwards—but this money really will help us this year, and into next year. The real benefits of the lime will not be seen until next year."

Hammill said about \$40,000 is needed for construction, planting and dike maintenance in the two areas; however, the budget he recently completed includes only \$30,000.

"We have about 25 percent of what we need. This funding (from the tribe) really will help us make a significant difference," Hammill explained.

The Department of Natural Resources farms total about 500 acres in various crops divided between 350 acres on the plains, and 150 slough acres.

Smith and Donofrio are using rice seed from the Bad River reservation in Wisconsin. Donofrio said the unprocessed rice is collected by hand and was purchased at \$1.25 per pound from tribal members. Two varieties were sent to KB. One came from a slough connected with Lake Superior, and was planted in a similar situation near the campground. The other variety was harvested from inland lakes, and was planted in the Pinery Lakes.

Smith and Donofrio paddled their canoes around the shallows, aiming for spots with a mucky, soft bottom, and

preferably, little other vegetative competition. The water must be three feet or shallower. About 40 pounds of rice seed is broadcast per acre of wetland.

Donofrio consulted with biologist Peter David of the Great Lakes Indian Fish and Wildlife Commission. Before David provided appropriate seed, he visited the area and scouted for promising local wetlands.

Rice harvest is a major annual activity for many tribes in Wisconsin and Minnesota. Smith and Donofrio said they were unaware of wild rice growing on the KB reservation, but they hope a new tradition can be sown with the seeds they toss overboard.

"Primarily we look at this as food for ducks and geese, but if it comes back real strong there could be a harvest," Donofrio noted. "We will try to plant more every year."

(Reprinted from the September 4th edition of the L'Anse Sentinel.)



Fall '91 curriculum deadline hits

Are your schools complying?

By Sue Erickson
Staff Writer

A curriculum designed to assist teachers in presenting materials related to Native American treaties, governments and history will be available through the Department of Public Instruction (DPI) this fall, according to Barbara Thomas, Director, American Indian Language and Education Board, Madison.

Wisconsin legislation passed in 1989 requiring that schools provide such a curriculum at both elementary and secondary levels came due for implementation by Fall, 1991.

In response to the legislation the DPI hired two Indian Education Consultants, William Gollnick and Francis Steindorf, to develop appropriate materials and to prepare teachers for presentation of the materials, Thomas states.

Dr. Ronald Satz, author of the newly released book, *Chippewa Treaty Rights*, was also enlisted to adapt materials from

his book into curriculum that is appropriate for secondary and elementary levels. This should be ready for dissemination by November, according to Thomas.

The staff is also preparing other resource materials for school use, making it "teacher ready," Thomas says. These materials will act as supplementary resources for educators presenting Indian curriculum and will be available for the second semester.

Due to limited staff available for assisting schools in the implementation of legislated curriculum, technical assistance to school districts is being provided through the CESA districts, Thomas says. Teacher in-services relating to the curriculum is one area where CESAs will be involved.

While Thomas feels the enacted curriculum legislation is "pretty strong" for a state where there is no state-directed curriculum, she also notes that there are loopholes for reluctant schools in that the curriculum itself is not required. In other words schools are mandated to teach Indian history, treaties and government, but not man-

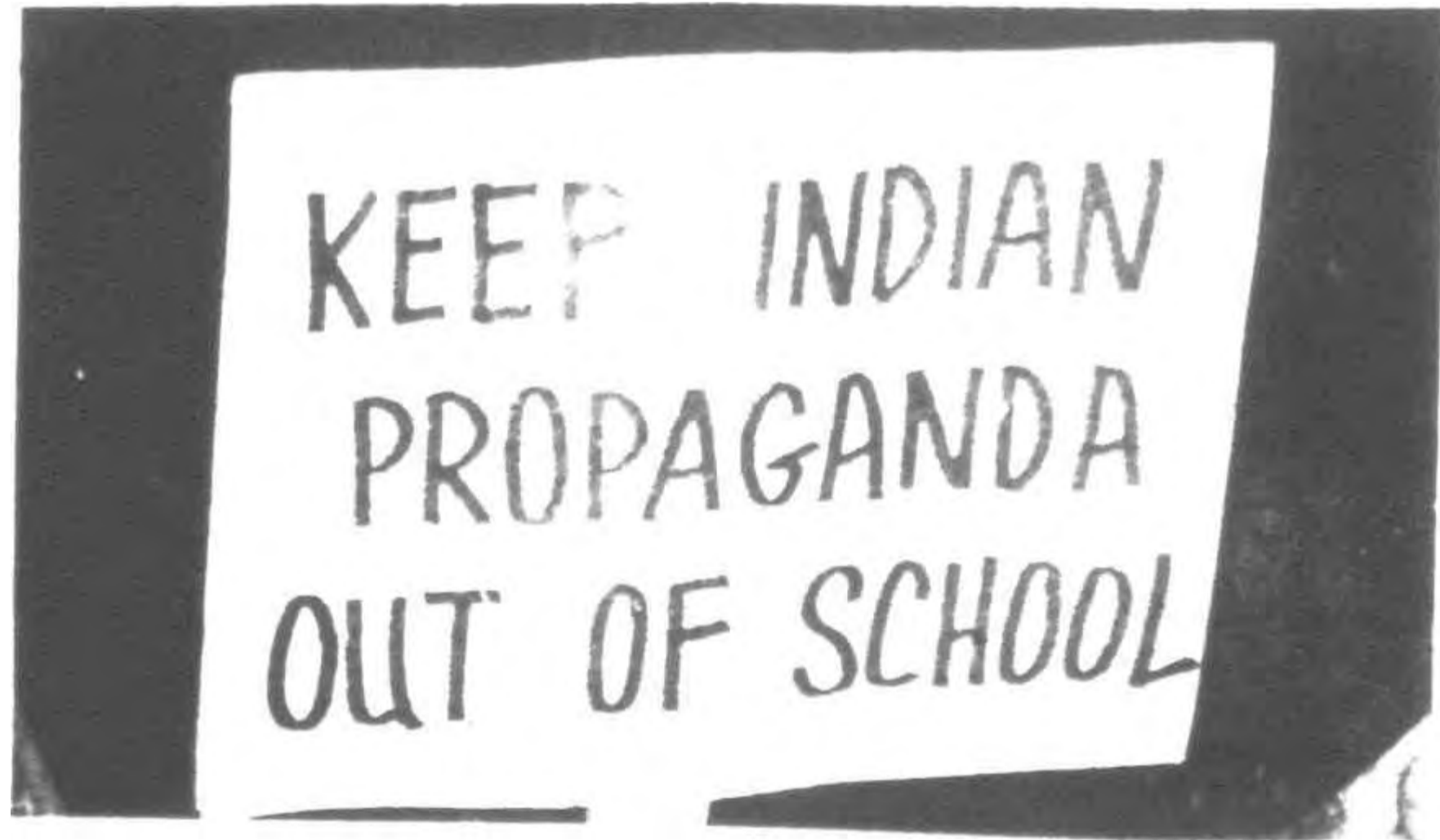


Professor Ronald Satz, author of the recently published book, *Chippewa Treaty Rights*, addresses Wisconsin school administrators and teachers at the Building Bridges Conference, Eau Claire. The conference was co-sponsored by HONOR, GLIFWC, and the Great Lakes Inter-Tribal Council in order to help prepare schools for the implementation of Act 31 regarding Indian curriculum. (Photo by Sue Erickson)

dated as to how or as to content.

The DPI's Standards Monitoring Team will be monitoring compliance starting this year. However, the team does take five years to do the rounds of all state school, Thomas says.

Thomas, however, is optimistic regarding school involvement in the new curriculum. She bases her optimism on the degree of interest shown to date from schools seeking resources and assistance in meeting the new requirements.



As indicated by this protest sign, many anti-treaty folk regard education and information as "propaganda" and do their best to keep treaty and tribal education out of schools. (Photo by Amoose)

A Guide to Understanding Chippewa Treaty Rights

The Great Lakes Indian Fish & Wildlife Commission's Public Information Office has recently completed a major update to its booklet entitled: *A Guide to Understanding Chippewa Treaty Rights*. The first booklet is free upon request, and any additional copies are 80¢ each. To get your copies please write: GLIFWC, Public Information Office, P.O. Box 9, Odanah, WI 54861 or phone (715) 682-6619.



Book Review

Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective

By Ronald N. Satz,
Dean of Graduate Studies and Director of University Research,
Professor of American Indian History, UW-Eau Claire

Review by Sue Erickson, Staff Writer

Professor Satz's recently published book, *Chippewa Treaty Rights*, is, first of all, pleasurable reading. Secondly, it provides a thorough, from beginning-to-end history of the Chippewa's treaty rights in Wisconsin presented in a style most of us can enjoy.

I put "pleasurable" first, and this is in itself a tribute to the book which manages to present well-researched and documented material in a manner that holds the readers' interest and flows smoothly. Unlike some scholarly publications, *Chippewa Treaty Rights* does not demand that the reader wade through the scholarly meandering of an ivory tower professor. The book reads quickly, with interest, and does not require a dictionary despite Professor Satz's many titles.

For anyone wishing to truly understand the issue of Chippewa treaty rights, which has been the source of so much conflict and tension within northern communities over recent years, Professor Satz's book is a must. I would call it a much needed and excellent public information tool.

Chippewa Treaty Rights takes the reader back to the beginning when treaties were made and follows the course of history to the very present moment, providing rich resource material in the form of ample appendices and documentation.

This journey through time and the history surrounding Chippewa-white relations and policies, sets the background necessary to understand the basis for the treaty rights and the Chippewa people themselves. It also addresses the arguments frequently heard which attempt to invalidate treaty-reserved rights.

Conflict and racism which arouse from the seemingly sudden appearance of treaty rights in Wisconsin are, at least in part, a result of public misunderstanding and lack of knowledge. Vast gaps in public education on topics relating to Indian treaties, federal and state Indian policies, tribal sovereignty and tribal government have left the public with no basis for understanding either the Chippewa or the government-to-government relationships which exist. Professor Satz's book, in a very timely and accurate manner, will fill that gap of knowledge for anyone searching for a sound perspective on treaty rights within Wisconsin.

In honor of a Chippewa leader Way Win Na Bi

(Arthur Welsley Gahbow), Chairman of the non-removable Mille Lacs Band of Chippewa 1972-1991

The Mille Lacs Band and Anishenabe nations have been honored by the presence Arthur (Art) Gahbow, who walked as a leader among them from 1935 to 1991. Gahbow passed from this life on April 11 from congestive heart failure, leaving a legacy of notable accomplishments.

Gahbow possessed the unique ability to balance traditional Indian culture with the demands of our modern society. He was fluent in the Ojibway language, yet truly bilingual in that he also mastered the English language. He regularly participated in religious drum ceremonies and achieved the title of "drum owner." Throughout his term as Tribal Chairman, Gahbow continuously stressed that tribal members, especially young members, should seek to preserve the culture through education.

Among many accomplishments, Gahbow started an award winning Mille Lacs Band history and archives project. This endeavor will guarantee that the proud and rich history of the Mille Lacs Band of Indians will live forever.

Art Gahbow also singlehandedly gained for Mille Lacs Band members the enjoyment of the 1837 treaty rights in the state of Wisconsin. Through his leadership the Band is actively seeking to gain benefits from treaty rights in Minnesota.

Through Gahbow's vision and energy, the Mille Lacs Band adopted a bold and new form of tribal government unique in all Indian Country. He crafted a separation of powers form of government that featured three co-equal branches: executive, legislative, and judicial, resulting in a more stable and contemplative governmental decision-making. Under this new system of government Art Gahbow's position became that of Chief Executive.

Gahbow continued his pioneering work into more recent times by leading the Band into the Self-Governance Demonstration Project. Through his foresight, the Mille Lacs Band became one of seven tribes in the country to participate in a project that will blaze new trails in the relationship between tribal governments and the federal government. This program will result in Indian tribes gaining access to a larger share of federal resources and much more authority to determine how best to use those resources.

Gahbow's death in April occurred just ten days after the Grand Casino Mille Lacs—a tribally owned gaming facility—opened its doors to the public. With the Grand Casino, Chief Executive Gahbow died with the pride and security of knowing that through his dreams, guidance, and instruction he had provided for the long term financial and economic success of his people.

The strength of Way Wi Na Bi is best reflected in his own words. Following are excerpts from the State of the Band address presented on January 14, 1989:

History and challenges: Mille Lacs

"Today is a significant date in the history of this Reservation. I chose this date for the State of the Band Address because it is the 100th year of the enactment of the Nelson Act. The Nelson Act was enacted on January 14, 1889.

The Nelson Act provided for allotments within the Mille Lacs Reservation boundaries. Because of the Nelson Act, we lost about half of our land on the Reservation.

In spite of this fact, today is not a sad day; today is a day for optimism.

In the past 100 years we have lost our land; we have lost some our jurisdiction; we have lost our loved ones to alcoholism and despair.

In short, somewhere along the line we began to lose hope.

We have come to view ourselves a defeated nation. We have forgotten our own history.

We forgot that in 1855 the United States made a treaty with us. We promised to remain peaceful and they promised we could have this Reservation of 61,000 acres forever.

We kept our promise; the government did not keep their promise.

We forgot that in 1864, we were told that so long as we were peaceful, we could not be compelled to be removed from these lands.

We kept our promise. They did not keep theirs.

We forgot that in 1884, we were promised that no lands within the reservation could be taken.

They did not keep their promise. Starting in the 1870's and until 1889, white people came to the Reservation and took lands for timber and homesteads. This was in violation of the 1884 Act.

These lands taken prior to the Nelson Act were never paid for. 29,000 acres were taken illegally, and we still haven't seen a dime for these lands.

They did not keep their promises.

We forgot that in 1889, the Nelson Act took the rest of the lands within the Reservation boundaries. The Nelson Act was the biggest lie of all.

The United States promised that the Band members could take an allotment on this Reservation first, before anyone else.

The United States promised all of us allotments; it would have been 1,500



Way Win Na Bi, Arthur Gahbow. (Photo by Aaron Fairbanks)

allotments. Again they failed to keep their promise. The United States appointed a commission to deal with the Band. Much to the dismay of Band members the commission refused to grant allotments to Band members.

You see, the real agenda of the commission was to compel Mille Lacs people to move to White Earth. In fact, two men on the commission got more money if they kept Mille Lacs people from taking allotments at Lake Mille Lacs.

So, how many allotments of the 1,500 promised in 1889 did Band members get?

ONE!

There was one 80 acre allotment which was obtained by Me gee zee. Of the 60,000 acres possible, we got 80....

We started with 12 1/2 million acres. In 1855 we were reduced to 61,000 acres. In the 1870's and 1881's 29,000 acres were taken illegally, and we were never paid for them. After the Nelson Act, we lost over 30,000 acres. That left us with 80 acres...

We must not forget our history; we must not forget the past.

But we must not despair about the past. Despite this long history of abuses, we still remain optimistic. We have many things on our side.

First, in spite of the fact that the United States tried to remove us, we are still here.

One hundred years later, the Mille Lacs Band still occupies these hallowed grounds.

Second since the Nelson Act we have been in court trying to get paid for the lands wrongfully taken.

In the 1920's, we got some land back and many Band members were given five acre allotments.

Other lands came under the jurisdiction of the Mille Lacs Band in the 1930's: Lake Lena, East Lake, and Sandy Lake.

Third, in the past 20 years, we have improved our government and our sovereign status. Part of this is because the era of self-determination began in 1968. But we have also improved internally.

Today, we look back at the past 100 years and we say yes, there was a great injustice done. We might say yes, we might have some reasons to lose hope.

But when I look at our history I see this:

I see a people who were honorable. The Mille Lacs Band never broke any of its agreements.

I see a people who remained peaceful when they could have gone to war with the United States in 1862 as the did the Dakota. (See In Memory of Arthur Gahbow, page 24)



The clam, the mussel, the minnow and the dragonfly vs. Flambeau Mining

(Continued from page 2)

Clam, the Bullhead Mussel, the Gilt Darter Minnow and the Pigmy Snaketailed Dragonfly. Each of these animals is indigenous to the Flambeau River, each has carved a niche and plays a role in the world of the river.

The Purple Warty Back Clam is a freshwater mussel. At one time it was found all over the country from the Mississippi drainage area from Alabama north to Wisconsin, west to Kansas and east to Pennsylvania. The Bullhead Mussel is rarer than the endangered Purple Warty Back Clam.

Clams are very important to the ecosystem of a river. They are "filter feeders" and therefore their population density indicates their role in a given river system. Clams may filter up to two liters of water in an hour and in some areas there are up to 100 clams per square meter of river bottom.

In biological terminology clams are termed "primary consumers," because they consume plankton which is at the base of the food chain. Plankton are plant and animal organisms, generally microscopic, that float or drift in great numbers in water. Plankton turn sunlight into energy; clams are one of the few animals that can utilize the energy from plankton and store it in their meat. The energy from the plankton, converted to the clam then becomes food for other river creatures including fish, otters and humans.

There has been some talk about moving the clams from the area near the mine to a safer environment but that process, when attempted before, has been a failure. The mortality rate, according to experts on malacology (clams) has been unacceptably high.

The Purple Warty Back can live up to 80 years and it takes them approximately 4

to 5 years to reproduce so it could be 15 or more years before it is known if a transplant can reproduce successfully.

The Bullhead Mussel belongs to a genus of mussels that only contain three species of which the other two are on the Federal Endangered Species List. Although the Bullhead Mussel is not presently included in the Federal list, its populations are greatly reduced and experts believe it now or soon will be eligible for the Federal Endangered Species list.

The very rarity and sensitivity of these clams give them the modern function of "bioindicators" or barometers of the health of the river. Because these indigenous clams are relatively sedentary and long-lived filter feeders their tissues are histories of the river. Like canaries in a coal mine they absorb the poisons in their atmospheres. When they cannot survive in a given river it may mean that the water is no longer safe for other creatures higher up on the food chain. Clams are especially sensitive to copper and other heavy metals as well as to sedimentation.

Clams often require a "host fish" for part of their lives. The way this works is that the clam in its larval stage attaches to the gills of a fish and exists for sometime as a parasite. The threatened Gilt Darter Minnow is thought by some malacologists to be a likely host for the Purple Warty Back Clam.

The habitat required by the Gilt Darter is, like the clams, threatened by man's economic interests. The Darter inhabits clear, medium sized to large streams with clean, silt free bottoms and permanently strong currents. It generally occurs where there are fast deep riffles and pebbly bottomed pools.

Because these large, fastflowing sections of river have been used for a number

of human enterprises attained by impoundment, the Darter is in imminent danger, for when such areas are dammed fragile Gilt Darter populations are immediately annihilated. Green, orange and red, Gilt Darters are said to be among the most beautiful of Wisconsin's fish.

If the Gilt Darter is indeed the host fish of the Purple Warty Back Clam, the future of the Gilt Darter may be the future of the clam. If the Gilt Darter disappears so also will the clam that depends on it.

Dragonflies are among the world's oldest living insects and are likely the first animals to reach skyward to fly. Since before 250 million years ago, long before the age of dinosaurs, dragonflies flourished. Living fossils, the dragonfly gives testimony to the insects ability to explore both aquatic and aerial environments.

The Pigmy Snaketailed Dragonfly is on the Wisconsin Endangered Species List and is also on the Federal Review List. Currently there is considerable evidence to place the Dragonfly on a Federal Threatened List which would offer it Federal protection but more research is required.

A grant has recently been awarded to the State of Wisconsin through the US Fish and Wildlife Service to do the necessary studies on the Pigmy Snaketailed Dragonfly and those studies are now underway. The final recommendation for Federal listing will probably be completed by fall of 1992.

Pigmy Snaketail Dragonfly nymphs are aquatic. They live in the water for two years before they take wing. They are restricted to streams with fast currents, gravel bottoms, clean and unsilty waters. Voracious feeders in the nymph stage, the dragonflies eat a variety of other creatures and are eaten by a variety of creatures. Without the dragonfly, a system of checks

and balances may be significantly altered which could result in an over abundance of a far less desirable species.

Dragonflies are all sensitive to mining, particularly because of the sedimentation that results from runoff. It is estimated by experts that in order for the Pigmy Snaketail Dragonfly to survive it needs at least 75% of the watershed uncultivated. Any one point source of plowed watershed can be devastating.

These dragonflies also need a high level of dissolved oxygen thus they can often be found near rapids because of the natural aerator effects. Anything that makes the oxygen levels drop—sedimentation or impoundments—can destroy these rare insects. The mere construction of a mine at the site is a threat to the Pigmy Snaketail Dragonfly because the construction and clearing of natural vegetations will expose dirt and increase the potential for sedimentation.

The continued well being of the Pigmy Snaketail Dragonfly, like the Purple Warty Back Clam and the Gilt Darter Minnow, is an indication of a healthy river. When the dragonflies disappear, something is wrong.

Some people might argue and say that there are so few of these endangered species left that they are no longer fulfilling their traditional roles in the river system. This may be true, but these animals may have another role as well.

Their role as extremely complex and sophisticated organic bioindicators should not be overlooked because the sensitivity to changes in the environment of these rare animals cannot be duplicated.

It would be impossible for humans to devise more accurate monitors of our environment than those which already exist in the forms of Purple Warty Back Clams, Gilt Darter Minnows and Pigmy Snaketail Dragonflies.



Thanks to Tom Busiahn for years of service! GLIFWC will miss former Biological Services Director Tom Busiahn who recently took a position with the U.S. Fish and Wildlife Service. However, since he's in the Ashland office, he's not far away, and GLIFWC anticipates keeping close contact.

Busiahn headed up the Biological Services Division since the inception of the Commission and was a major influence in the rapid expansion of the Division as well as in establishing its credibility and integrity with other natural resource management agencies.

Tom's dedication and professionalism have been much appreciated within and without the Commission. GLIFWC can only thank him for that and wish him well in his new position.



Neil Kmiecik, Biological Services Director, Congratulations are due to Neil Kmiecik who recently became the Director of the Biological Services Division. Kmiecik has been with GLIFWC since 1983 serving as the Inland Fisheries Section leader.

Kmiecik, a Lakota Sioux and Vietnam Veteran, received his M.S. Degree in Fisheries from UW-Stevens Point. Prior to joining GLIFWC staff, Kmiecik worked for the U.S. Fish and Wildlife Service in their Sea Lamprey Control Program.

Kmiecik has done much of the work involved in coordinating biological monitoring of the spearfishing season as well as GLIFWC inland lakes electrofishing and assessment activities.

Dollars make deer dear

**By Harry Libby
Wildlife Management Analyst
Wisconsin DNR**

MADISON, WI—Each year about the time frost finds the pumpkin and leaves turn to gold, interest in the deer season builds to a peak. Two questions frequently asked are, "What does the DNR anticipate the harvest will be?" and "What does this event mean to local economies?"

Assuming favorable weather conditions, Wisconsin deer hunters can expect the upcoming season to be better than last year. That's keeping pretty good company, since last year was the best season on record!

The total number of deer taken during the gun season could be in the neighborhood of 380,000. About 140,000 will likely be bucks, with the remainder being antlerless deer. Wildlife managers recommend harvest levels to achieve a balance among the interests of deer hunters, the agricultural community and the number of deer that can be supported by the habitat in any given area.

Other factors also play an important role in Wisconsin's annual deer hunt. Not the least of these is the participation of the hunters themselves. The DNR expects more than 690,000 deer hunters to take to the field this fall, and with favorable weather the total number of days spent in the field by all deer hunts will approach six million.

For many hunters, the fall gun season is one of the largest social events of the year, and they often plan their vacations around the deer hunting season. Some schools close their doors, some northern

industries shut down, and businesses downstate adjust work schedules to reduce absenteeism during the gun deer season.

When asked in a survey to indicate how much they would miss deer hunting more than 60 percent of Wisconsin's deer hunters reported they would miss deer hunting more than most or all other activities.

This type of dedication and interest gets the attention of local merchants such as motel owners, restaurant operators and sporting goods dealers. All hope to gather a few "bucks" of their own before the hunting clothes are once again packed away. While the deer are polishing their antlers and the hunters their guns, many local businesses are dusting off their "Hunters Welcome" signs.

What's the outlook for these "green" bucks this fall? Information on Wisconsin deer hunting expenditures from a national survey of fishing, hunting and wildlife-associated recreation estimates that hunters spend on average about \$350 in Wisconsin (including costs for food and lodging, transportation, hunting equipment, licenses, special equipment, and lands leased or owned for deer hunting). Using this estimate, this fall's group of 690,000 deer hunters will come home collectively some \$241.5 million lighter in the wallet!

In terms of total sales, that compares with WI companies such as UW Provisions Co. of Middleton, American TV & Appliance of Madison, and Sargento Incorporated of Plymouth. In fact, if all the state's deer hunters spent their money in one place, that business would rank among Wisconsin's

top 35 most profitable companies!

Recent work done by the Wisconsin hospitality, recreation and tourism industry has resulted in a method to determine the number of jobs created or supported by recreational activities. Using the figure of \$241.5 million for deer hunting expenditures (adjusted for the expansion effect, whereby each dollar spent may be worth \$2.20 as it circulates and provides jobs for related businesses in local economies), this calculation shows the money expended by Wisconsin deer hunters during the season is enough to support more than 13,900 jobs in the state.

To put this into perspective, that would be enough to provide a job for every man, woman, and child in Buffalo, Burnett, Marquette, or Washburn counties, or every one in cities like Brown Deer (no pun intended), Chippewa Falls, Kaukauna, Marinette, Menomonie, Monroe, Oconomowoc, Onalaska, Two Rivers, Watertown, or Whitewater.

If all these jobs "supported" by deer hunting were in one company, how would this company rank with other Wisconsin firms based on the number of people employed? Data from the Wisconsin Department of Development indicates this "company" would be bigger than Wisconsin employers like A.O. Smith, Briggs & Stratton, General Electric, J.C. Penney, Kimberly-Clark, Kohler Co., Shopko, or Wisconsin Bell.

What's the size and value of the resource base that provides these economic returns? Biologists tell us the deer herd this fall will exceed 1.3 million animals (not

everyone views high deer numbers as an asset—deer damage in Wisconsin totals about \$37 million dollars per year and Wisconsin DNR spent about \$1.6 million in deer damage, abatement and compensation last year).

Getting at dollars takes a little figuring. Assuming 50 pounds of food per deer at \$2 per pound, a Wisconsin harvest of 380,000 deer equals \$38 million in venison steaks and brats.

Adding this food value to the \$241.5 million of recreational expenditures, the estimate of the annual value of the deer hunt is at least \$279 million.

Those aren't small bucks—and neither are a lot of those wary brown ones that will manage to outsmart many deer hunters this fall. It's a cycle that keeps interest high, deer hunting discussions flowing, and local economies green.

[A resident deer license is \$18; non-resident deer licenses are \$120 each. Hunters need to return their Hunter's Choice applications by Sept. 20 to be eligible to receive a permit to harvest an antlerless deer. A new \$3 application fee must accompany the application and pays for printing, postage, and computer costs associated with permit processing and the development of a continuous preference system. In addition, hunters in some deer management units will be able to receive up to two bonus antlerless deer permits. These bonus permits cost \$12 each and the money collected supplements the wildlife damage program to provide damage abatement and crop damage payments to eligible landowners.]

In memory of Arthur Gahbow continued

(Continued from page 21)

I see a people who stayed on their land after the Nelson Act tried to move them to White Earth.

I see a people who stayed on their land in spite of the burning of their homes by the County Sheriff in the 1920's.

I see a people who are proud and strong.

In your veins is the blood of Shaw Bosh Kung and Sha Go Bay. In your hearts there is the spirit of warriors who moved the Dakota from these lands in the 18th century.

You are the final line of defense. You are the Non Removable Mille Lacs Band.

Non Removable.

No other reservation in the country has been deemed Non-Removable.

By treaty of 1864, the people of Mille Lacs and Sandy Lake were deemed Non Removable.

We cannot and will not be removed.

Since January 14, 1889, ours has been a history of defensive strategy. We have tried to hang on to what little we have left.

We have done well on the defensive. We have held on.

But it is no longer enough.

The pendulum of justice will swing our way. In this universe there is a sense of divine justice which we have been denied...

(The) conclusion is this:

We will take it back!

We have been on the defensive for 100 years.

I tell you this day, this hour, this moment in history we are no longer just holding our ground.

As of right now we are on the offensive. We are on the attack.

To state it simply, we will take it back...

The true enemies of the Mille Lacs Band are those aspects of humanity that ruin the world: greed and ignorance.

We lost our land because of greed. Greed caused the injustice of the last century.

Mainly it was the greed of timber companies, but it was also the greed of America itself.

Our enemy in this century is ignorance. The United States forgets what it did to us. The State of Minnesota does not understand that we are a sovereign government.

Of the two enemies, ignorance is the more dangerous.

To combat these enemies, greed and ignorance, we must always take the high road.

We must fight for our rights, but we must do so in a decent, honest and legal manner as our ancestors taught us.

We must follow the principles of the Medewewin. We must be honest; we must respect others, and we must be hard working.

The high road.

I believe in their heart of hearts, the United States and the State of Minnesota know they have done a grave injustice to us. They have taken our land and tried to break our spirit using awful methods.

Sending our children to boarding schools.

Allowing our land to be stolen.

Participating in the theft of our land.

Burning our houses. . . .

To the United States and the State of Minnesota, I say this—learn about our past.

Educate yourselves.

Once you know the truth, you will understand why I can stand here today and talk about injustice. Because of the injustice of the last one hundred years, the Mille Lacs Band must work for the next one hundred years to restore our spirit.

We will not retreat; we will not surrender.

You will try to stop us and you will fail.



It is our destiny to get these lands back. . . .

The State does not understand why we fight so hard when we negotiate contracts.

You see, after we sign the contracts, they go into our archives for future generations.

My staff spends a great deal of time studying documents from the past. They know that a word in a treaty from 150 years ago might mean that a reservation boundary is expanded or diminished.

They know that executive orders from the last century are scrutinized in 20th century courts to see what the precise legal status of the Band was.

They know that in the 21st century, contracts and intergovernmental agreements will be scrutinized in some lawsuit the Band will incur in the future.

The State contracts for this year. The Band asserts its sovereign status in its agreements for the future generation. There, every word in every contract and agreement we sign is important..

Sovereignty is not easily defended; sacrifices must be made so our children will have something..

We will sacrifice to preserve this Band for the next 100

years and after that.

State of Minnesota, I say this to you, we were a self-government of coming here. Will we continue to defend our sovereign status in contract negotiations?

You bet we will!...

We must now build for the future. Not just our immediate future, but for the next 100 years.

We must be moral in our business transactions. We must always take the high road.

We must keep our long range goal in mind at all times. All work hours, all business transactions, all contract negotiations will lead toward restoration of the Reservation lands.

29,000 acres were taken illegally by timbermen and farmers.

We will take it back.

We lost 30,000 acres under the Nelson Act.

We will take it back.

We lost some of our jurisdiction under Public Law 280

We will take it back

Somewhere along the line we lost our hope for the future.

We will get it back.

From now let the word go forth from this time and place, the state of this Band is sound and let friend and foe alike know that we are on the offensive.

We will not back down.

We are on the attack.

There is no retreat.

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