

# MASINAIGAN

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

Winter 1994



Bearing Eagle Staffs during the Grand Entry at the pow-wow during the National Congress of American Indians (NCAI) fiftieth annual convention in Denver were Hillary (Sparky) Waukau, Menominee, and Lac Courte Oreilles Tribal Chairman gaiashkibos, also president of NCAI. Waukau (left) was recently honored by his tribe for his outstanding service to the tribal community. Both men are outspoken advocates for tribal rights, sovereignty and environmental protection. See page four for coverage of NCAI issues and events. (Photo by Amoose)

## Treaty Rights Sovereignty

Great Lakes Indian Fish  
& Wildlife Commission  
Public Information Office  
P.O. Box 9  
Odanah, WI 54861  
(715) 682-4427

Acquisitions Section  
Attention: Ann J. Campbell  
State Historical Society  
816 State Street  
Madison WI 53706

NON-PROFIT  
BULK RATE  
U.S. POSTAGE  
PAID  
ASHLAND, WI  
PERMIT # 225

Printed by the Triangle Press, Chippewa Falls, WI

# WDNR board denies petition request

By Sharon Metz  
HONOR

The DNR Board meeting in Madison on December 7th received petitions and testimony requesting a ban on sulfidic metallic mining in Wisconsin. After the first ten minutes it was obvious to everyone in the room that the Board had already made up its mind to deny the petition request.

The Board, supposedly a Policy making body, justified its position by saying that "it did not have the authority" to ban sulfidic metallic mining in Wisconsin until it could be proven safe to the environment.

It based this position on an "interpretation" of the law by DNR staff attorney, Charles Hammer, who cited prohibitions against government from interfering with private property rights (Exxon owns the mineral rights, considered a property right),\* and that each mining proposal needed to be evaluated on its merits.

The Board also said the Legislature needed to pass a law so the ban would be statutory, but it declined to request that the legislature address this issue.

It also declined to support any of the suggestions by those supporting a ban. It declined to pass a Board resolution expressing concern for the impact of the mine on the natural resources, thus sending a signal to the Department of Natural Resources for stronger enforcement.

It declined naming just one sulfidic metallic mining site in the whole WORLD that had been successfully reclaimed.

It declined imposing a ban, even a temporary ban, on granting of variances and exemptions to mining companies applying for permits that would threaten the natural resources.

It declined seeking other legal "interpretations" that might differ from that of the staff attorney. In short, it declined its



Annette Kash, Green Bay, testifies before the WDNR Board at its December 8th meeting in Madison. Rash was among over thirty people who requested the Board to adopt a policy to ban metallic/sulphide mining in Wisconsin. (Photo by Amoose)

Board responsibilities as cited in its own mission statement.

What the Board did do was unanimously vote to deny the petition to adopt rules banning sulphide mining in Wisconsin, following the direction of Hammer.

Also, WDNR Secretary George Meyer directed staff to prepare a "white paper" on the status of technology for the reclamation of sulphide mine sites, which may be presented at the Feb. WDNR Board meeting.

Of the thirty five people who testified just one person, James Buchen, a lobbyist for the Wisconsin Manufacturers Association,

opposed a ban on sulfidic metallic mining. He said that his association represented 25% of all the workers in the state. His testimony, paraphrased said, "no reasonable person could support such a ban."

He compared the impacts of mining to that of agriculture and concluded both were necessary activities. He misquoted those suggesting a ban on sulfidic metallic mining, saying they were requesting a ban on all mining in Wisconsin.

And, he responded to the threat of tourism in the north by saying it would be

enhanced by tourists wanting to visit the mine sites!

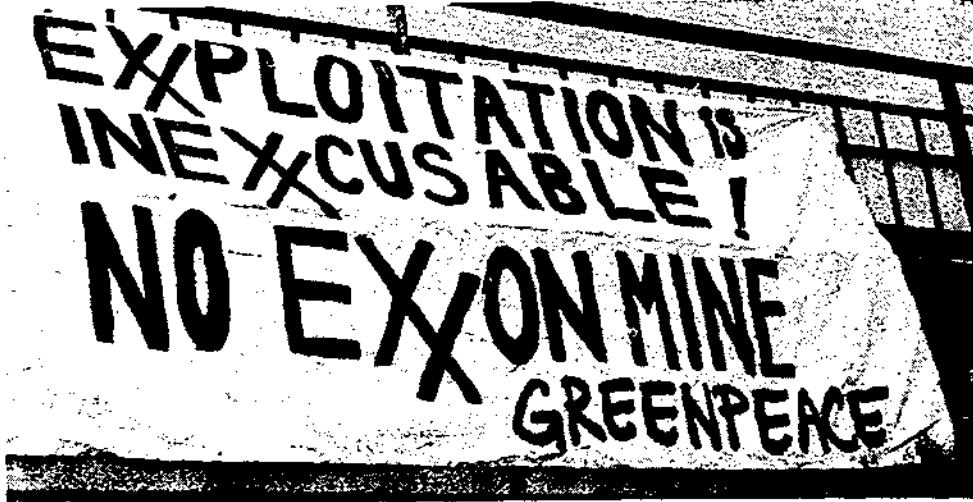
Besides individuals, including State Senator Chuck Chvala, who testified or sent resolutions in support of the ban, the following Indian tribes or citizen groups were represented; Rusk Co. Citizens Action Group, Clean Water Action Council, the Oneida Nation, Ni Win, WATER, Flambeau Summer, HONOR, Green Peace, Town of Winchester, Sierra Club (John Muir, Mining Committee), Earth First, Wisconsin Environmental Decade, and Lac du Flambeau.

The presentation of the petition during the December Board meetings followed an earlier, unscheduled appeal to the Board when concerned citizens rallied outside the WDNR meeting room on September 29th and at the Capitol.

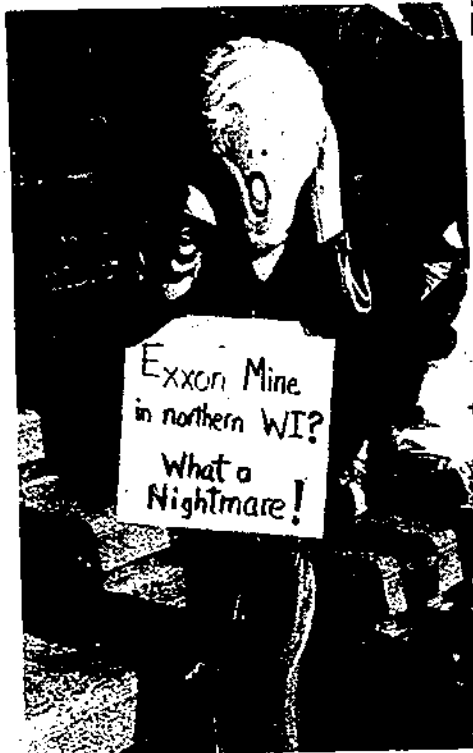
At that time citizens opposed to sulfidic mining asked both the Wisconsin Department of Natural Resources Board and state legislators to adopt a moratorium on sulfidic mining, citing environmental risks inherent in the sulfidic mining process as a basis for their concern.

Three presenters provided testimony at the September WDNR Board meeting, including Roscoe Churchill, Ladysmith; Hillary Waukau, representing Ni Win; and Sandy Lyons, representing Anishinaabe Nijii.

(\*This legal interpretation, called the "takings" argument is widely used by anti-Indian anti-environment groups, especially by the Wise Use Movement.)



An explicit message hung outside the entrance of the WDNR building where the WDNR Board was meeting last fall. Citizens asked the Board to adopt a policy which would ban copper sulphide mining in Wisconsin; however, the Board declined to accept the petition following hours of public comment on December 8th. (Photo by Amoose)



Signage carries the message: No sulphidic mining needed in Wisconsin. (Photo by Amoose)

# Tribes seek meaningful input into gas & oil production regulations

By Sue Erickson  
Staff Writer

Red Cliff, Wis.—Through a tribal council resolution the Red Cliff band of Lake Superior Chippewa is asking that the State regulatory process regarding gas and oil production be stopped and that a dialogue be established with Red Cliff and all Voigt tribes with treaty rights in the ceded territory, according to Rose Gurnoe, Red Cliff tribal chairwoman.

Similarly, the Voigt Inter-Tribal Task Force (VITTF), which represents six Wisconsin Chippewa bands, voted to send a letter to the WDNR asking for WDNR consultation with the tribes, none whom received notice of the public hearing.

The Red Cliff band became alarmed, and the need for immediate council action became apparent, following a poorly publicized public hearing in Ashland, Wis, regarding gas and oil regulations on Nov. 30th. The meeting was sponsored by the



Rose Gurnoe, Red Cliff tribal chairwoman.

Wisconsin Department of Natural Resources (WDNR).

While WDNR Secretary George Meyer has since announced that a second hearing will be held in order to allow for adequate public participation, Red Cliff wants to be assured that sufficient tribal input is sought on the proposed regulations.

Tribal input into the regulations should be explicitly considered in recognition of "the unique interests of the Chippewa arising from their retained treaty rights in the ceded territory," the Red Cliff's resolution states.

Gurnoe also feels the public hearing process is premature. Not only do citizens need sufficient time to prepare comment, but the research performed on a test drilling site in Bayfield County has not even been published as yet, she comments.

In 1992 Professor Albert Dickas, UW-Superior gathered data at test drilling site done by AMOCO/Terra Energy in Bayfield County. However, the Dickas report is not yet complete.

Questioning a process which attempts to make regulations without the results from preliminary research available, Gurnoe also wonders if information from just one test site is sufficient.

The Red Cliff band regards the production of gas and/or oil as a process which may have negative impact on the physical

environment of the ceded territories and, consequently, on the usufructuary interests of the band.

GLIFWC Policy Analyst Jim Zorn noted that the proposed regulations are very "vague," and do not set standards for air and water protection, but seem to leave these matters to the WDNR's discretion.

The Chippewa bands were concerned during the test drilling in 1992 as well. The Lac Courte Oreilles band together with the Sierra Club sought a court injunction to halt the test drilling; however, the oil companies stopped the process a couple days prior to a court ruling.

Concern over the impact of gas and oil production on the Lake Superior watershed spurred LCO and Sierra Club as well as other citizens to protest the drilling at the time.

This remains the concern of the treaty tribes in 1994. A thorough examination of the possible impact of such operations is necessary prior to any changes being considered to Chapter NR 134 relating to gas and oil production, Gurnoe states.

# Maulson re-elected to chair GLIFWC Board Tribes cannot accept the status quo

By Sue Erickson  
Staff Writer

Lac Courte Oreilles, Wis.—Politics and dollar bills are several of the major obstacles to protection of Chippewa treaty rights, sovereignty, and our natural resources, according to Tom Maulson, Chairman of the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Board of Commissioners. Maulson also chairs the Voigt Inter-Tribal Task Force and is Chairman of the Lac du Flambeau band of Chippewa.

Maulson, who was recently re-elected to a second term as chairman of the GLIFWC Board, sees considerable work and several major challenges coming in the next several years for GLIFWC and its member bands.

The major political turn-over in Washington, D.C. will require tribal leaders to "buy new tennis shoes" in order to walk the halls of Congress and begin educating newly elected legislators on Indian issues and concerns, he said.

He regards this as both a high priority and a "monumental" task. Federal responsibility to protect the natural resources, such as air and water quality, as well as tribal rights, make Washington a critical arena for tribes, Maulson states.

While GLIFWC has been very successful over the past ten years in implementing the Chippewa off-reservation harvests, including resource management and enforcement, Maulson does not feel the tribes should accept the "status quo."

In particular, he feels the tribes in Wisconsin have been serving in a "stewardship role," to date, but need to establish meaningful, cooperative management between state and tribes.



GLIFWC Executive Administrator James Schlender and Lac du Flambeau Chairman Tom Maulson, also chairman of the GLIFWC Board of Commissioners, at the December 8th Voigt Inter-Tribal Task Force meeting at Lac Courte Oreilles. (Photo by Sue Erickson)

For Maulson this would mean full acknowledgment of tribal sovereignty and a working relationship on a government-to-government basis. Maulson does not feel this has been achieved.

Too often tribes are involved in decision-making after the fact, he notes, referring to the proposed changes to the gas and oil regulations which recently became an issue as a case in point.

He also alluded to a tribal position on mining in the ceded territories, a current controversy. "I continue to say 'no' to mining," he states. "Enough has been taken from the Earth. We need to recycle, reuse and take care of what we have already taken. We cannot let mining dictate our destiny, for it will be nothing but devastation for all people and the Earth," he says.

"I continuously see at state level a fear of Indian people being knowledgeable and bringing new ideas to protect our natural resources," Maulson states. Differences in philosophies account for this, he feels.

"Tribes look at management for subsistence and sustenance, rather than dollars and economics; whereas dollar figures govern every resource the State has identified," he states.

So, while the tribes have made in-roads and progress in asserting their rights and sovereignty, the job is far from complete, according to Maulson; and the time has not yet come for tribes to accept the status quo.

Besides serving on the GLIFWC Board of Commissioners and VITTF, Maulson is in his third year on the Vilas County Board. He also co-founded the Wa Swa Gon Treaty Association at Lac du Flambeau and was an active and out-spoken leader during the years



# Challenges met, challenges unmet

## National Congress of American Indians celebrates 50 years

By Sue Erickson  
Staff Writer

Fifty years ago delegates from nineteen tribes gathered in Denver, Colorado in quest of a unified, national, Indian voice. To achieve that goal they formed the National Congress of American Indians (NCAI) on November 15, 1944.

In celebration of the vision and strength of these founders, NCAI, now boasting a membership of 182 tribes, once again gathered in Denver on November 13-18 for its annual convention entitled "50 Years of Enduring Spirit: Visions for the Future."

In welcoming remarks to delegates, NCAI President gaiashkibos, also Lac Courte Oreilles tribal chairman, noted that those founders understood the need for unity and for a national voice. "Many of the issues in 1944 are the same as we face today," he stated. "Despite our gains, the distance we must travel is still great."

President gaiashkibos also praised the fifty years of leadership which NCAI has provided to the Indian people and the commitment of the organization to the protection of sovereignty and religious and treaty rights. However, he noted that these areas still need to be vigilantly guarded and more progress needs to be made.

Briefly looking at some of the strides taken by the organization under his leadership, gaiashkibos was able to relate that NCAI is operating "in the black." Resolution of financial difficulties fulfilled one of the pledges gaiashkibos made to the Congress three years ago when he was first elected. That pledge was to restore financial integrity and security to NCAI. By 1993 this had been achieved, he said, and a recent audit available to all delegates provided a "clean bill of financial health" for the organization.

Reviewing other areas of achievement, gaiashkibos noted that NCAI played a significant role in facilitating the historic meeting in Washington, D.C. on April 29th this year. Tribal leaders from across the nation met personally with President Clinton and key members of the administration.

The resulting Presidential Memorandum from President Clinton re-affirmed government-to-government relationships between federal agencies and the tribes—a significant step towards recognition of sovereignty and providing more meaningful working relationships between tribes and federal agencies.

"Many of the issues in 1944 are the same as we face today. Despite our gains, the distance we must travel is still great."  
—gaiashkibos, NCAI President



Opening ceremonies at one of the NCAI general assemblies during the Denver convention. (Photo by Amoose)

"We enjoy a new level of access to federal decision-makers under the Clinton Administration," gaiashkibos stated, "but access must be accompanied by action. NCAI will continue to demand action from federal agencies and the administration to promote and protect the rights of Indian governments," he pledged.

Developing an effective working relationship with new members of Congress is one of the first challenges facing NCAI in the upcoming year, gaiashkibos stated. The tribes, he said, must be proactive not reactive.

To this end he recommended developing an Indian agenda of legislative initiatives for passage by the 104th Congress which can be taken to Congressional leaders.

The tribes, gaiashkibos said, must fight for the survival of the committee structures and hold the line for true self-determination, mutual respect and sovereignty—principles that cannot be bargained away."

(See NCAI, page 8)

## Senator Campbell: A Democratic Holocaust

By Steve Robinson, Northwest Indian Fisheries Commission

U. S. Senator Ben Nighthorse Campbell, D-Colorado, told the fifty-first conference of the National Congress of American Indians that the recent Republican sweep of Congress might be viewed by some as the "democratic holocaust," and that an inter-party "bidding war" could jeopardize critical Indian programs.

Campbell, an enrolled member of the Northern Cheyenne Tribe, said he fears that increased competition between Democrats and Republicans for recognition as the most fiscally responsible party could result in a "bidding war on who cuts the most" and that the cutting of so-called "pork" from the budget could negatively affect programs in such areas as Indian education and Indian religious freedom. "It is incumbent on me, and others, to educate Congress to leave certain programs alone," he said.

"More and more of our youngsters are realizing the value of education and staying in school. That's not pork," he said.

He also predicted there will be continued controversy on such issues as the protection of sacred Indian sites, saying that real estate development interests oppose such protection whenever it appears it will hamper development and that it and other elements of Indian religion have always been ridiculed and subjected to undue oppression.

Campbell, who credits his success to his Indian religion, said he has experienced such ridicule personally by the press. "Our religion is as good as anybody's, and it is a fundamental human right."

Campbell also predicted there will be continued controversy on Indian gaming, even though "it has been hugely successful in benefiting both Indian and non-Indian communities." He said he is confident that gaming will help rather than hinder the continued resurgence of Indian culture. "Our cultural leaders will keep it together," he said.

He said most of the opposition to Indian gaming has come from those who are afraid it will impact their "market share, such as interests in Atlantic City." He also applauded the monetary contributions of gaming tribes to cultural programs, such as a million dollar contribution by the Pequot Tribe to the National Museum of American Indians.

# Mixed messages to tribes during times of great change

By Sue Erickson  
Staff Writer

The messages received by participants at the 51st NCAI convention varied, and even conflicted at times. Many of the representatives from the Clinton administration stressed improved tribal-federal relationships and pledged to develop government-to-government relationships with tribes as per Clinton's Presidential memorandum earlier this year.

However, the failure of Secretary Henry Cisneros, U.S. Department of Housing and Urban Affairs, and Secretary Federico Pena, U.S. Department of Transportation, to show up at the convention for their addresses was taken as a "slap in the face" by NCAI President gaiashkibos as well as delegates.

This coupled, with the plans from the Bureau of Indian Affairs to announce a major re-organization plan which lacked tribal input, seemed to provide conflicting messages to many who attended. While this problem was addressed in the course of the convention (see BIA reorganization story), the "good faith" of words taunting federal-tribal partnerships was seriously clouded.

For many who addressed the NCAI delegates, the stunning change in Congress left many unknowns and uncertainties as to the impact on tribal issues. This, coupled with the current administration's initiative calling for substantial cutbacks in federal agencies, made it obvious that the next several years will involve some tough transitions for the nation's tribes.

Messages and concerns shared with the Congress throughout the course of the convention follow.



gaiashkibos, NCAI president



## "Confusion not consultation": BIA Reorganization plan

By Sue Erickson  
Staff Writer

While spokespersons from the federal agencies talked prolifically of government-to-government relationships and a time of building partnerships between federal and tribal governments, the actions did not always support the words.

This, at least, appeared to be the case in regard to the presentation of the Bureau of Indian Affairs Re-Organization Plan, which proposes to reduce the twelve area BIA offices to seven regional offices as well as institute major staff cutbacks.

The plan was to be presented to the NCAI convention by Assistant Secretary of Indian Affairs Ada Deer and was due for final submission by December 15, 1994.

Members of the Minneapolis Area Caucus, which convened during the convention, were alarmed by the lack of tribal consultation in the BIA's planning process as well as the apparent railroading of tribes to approve a plan they had little time to review and discuss within the given timeline.

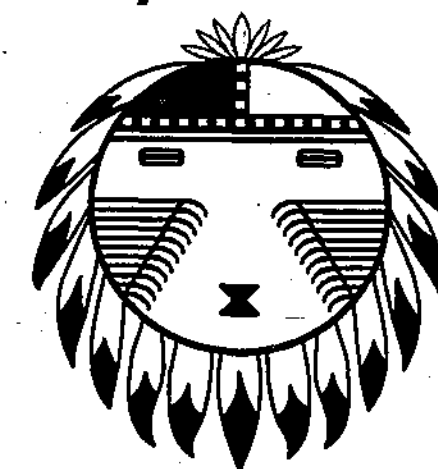
In addition a tribal task force, chaired by Chip Wadena, Minnesota Chippewa Tribe, had been working on the re-organization plan for several years and were planning to submit their work within several weeks. The process, many Minneapolis representatives felt, circumvented the task force's work and all tribal input.

A meeting between tribal leaders and Deer on the evening of Nov. 15th resulted in a changed presentation to the convention on Nov. 16th. Rather than formally submitting the plan to the NCAI delegates, Deer briefly outlined some of the plan and provided copies for representatives to read.

Later, Deer and her staff, fielded questions from the delegates regarding the plan. However, NCAI President gaiashkibos made it clear that this was not to be considered tribal consultation as many tribes were not represented at the convention.

Lac du Flambeau Tribal Chairman Tom Maulson also made it clear during the discussion period that this session should not be considered consultation at all. "This is not consultation. This is confusion," stated Maulson. Maulson demanded that the current session not be labeled as consultation by the BIA staff in any records.

Mille Lacs Tribal Chairwoman and Minneapolis Area Vice-Chairman Marge Anderson also made it clear that the proce-



dure apparently intended by the BIA cannot possibly result in a better organized BIA without tribal input.

Anderson labeled the actions as portraying a "take it or leave it message" to the tribes and made it clear that such a message was not acceptable to tribal leaders.

"Come to our area for consultation," Anderson told Asst. Secretary Deer, emphasizing the need for a clear cut process of tribal input providing adequate time and opportunity for tribes to respond to the plan.

Lines of tribal leaders waiting to question the Assistant Secretary and her staff were long in the convention hall, with many leaders from all areas repeating the need for significant tribal voice in this re-organization as it will definitely impact all the nation's tribes.

The message was clear that the BIA must come to the areas for consultation with tribes in order to carry through with the promises of government-to-government relationships and increased tribal input into matters of significance to tribal nations.

Deer noted that the reason for haste with the plan was related to assuring that monies saved through staff cutbacks as part of the bureaucratic reduction would be directed to the tribal agency level.

Unlike other bureaus within the Department of Interior, savings in the BIA are being directed towards the tribes, not towards federal deficit reduction, she stated.

It was also obvious that Deer and her staff were operating under stress from changes in directives that put curves into the process, resulting in confusion and lack of adequate input.

Deer remained available to delegates through Friday of the convention in order to discuss items of their concern.



Assistant Secretary Ada Deer addresses the NCAI assembly in Denver this fall. Concern over the BIA's re-organization plan was expressed by many of the NCAI delegates. (Photo by Amoose)



# Inouye: Tough times ahead Unity needed for tribal survival

(Statement of Sen. Daniel Inouye before the NCAI Annual Convention.)

Today, I address you as the Chairman of the Senate Committee on Indian Affairs. However, on January 3rd, if it is the wish of my democratic colleagues, I will be serving you and Indian Country as the vice-chairman of that committee.

Eight days ago, the American people sent a stunning message to the government of the United States that they would not tolerate a "business as usual approach" to the problems of our nation.

If the polls are correct, our citizens are demanding a lighter tax burden, a balanced budget, increased defense spending, reduction of discretionary spending and entitlements. This is essentially what was promised by the new republican majority.

If the new Congress is serious in pursuing this agenda, it will take an extraordinary effort on our part to even maintain the present inadequate level of spending for Indian programs.

I have not had the opportunity to sit with the incoming chairman of the committee to discuss staffing, the budget of the committee, and our agenda for the coming year. However, when I spoke with John McCain a week ago today, by phone, he told me that he fully intended to continue the work of the committee in the same bipartisan fashion that has been the hallmark of the committee throughout its existence.

The incoming majority has said that they will seek to reduce committee budgets anywhere from one third to one half in the 104th Congress. If this reduction is agreed upon, the ambitious agenda of the committee will likely be correspondingly constrained.

At this moment, the members of the Senate are still uncertain as to the make up of the committees. For example, on the democratic side, the election of the new leadership



Sen. Daniel Inouye (HI) was honored following his presentation to the NCAI convention with an Honor Song for a warrior by John Sunchild. The song attributed "The strength of an eagle... the courage of an eagle... the wisdom and compassion of an eagle..." to the warrior. (Photo by Amoose)

will not occur until December 2nd. The membership of the democratic steering committee has not been determined. This is the committee that decides the democratic make-up of each committee.

And on both sides of the aisle, the committee assignments of new members and senior members will be dramatically affected by the reorganization plan that was adopted earlier this year.

As in the past however, the committee's work will be conducted in conjunction with other committees of the senate. I have no idea who will be the chairman of the energy committee, and its important subcommittees on public lands or energy and water, or who will serve as chair of the environment and public works committee. Not-knowing with whom we will be dealing it is difficult to make any rational predictions.

One thing is certain, we can look forward to a much more challenging session of the Congress.

While I have not had the opportunity to discuss the agenda of the committee with John McCain, it is likely that the committee will begin the new session completing the unfinished business of the 103rd Congress. Health care reform, gaming and religious freedom are likely subjects of that agenda. But here too, we can expect change.

For instance, over the course of the last two years, Senator McCain and I have traveled around the country meeting with governors, attorneys general and tribal leaders on matters of Indian gaming. But with the election of eleven new governors, and many more attorneys general, we may be compelled to revisit the many contentious issues in our proposal with these new state leaders. I have no idea what the outcome of these discussions will produce.

The same can be said for other important but contentious measures pending before us, such as the sacred sites provisions of the religious freedom measure. Because of the uncertainties before us, there isn't much more that I can say about the committee's agenda or the future of important legislation.

But this I can assure you—I will do my best to serve you to the best of my abilities and hopefully to be an effective advocate of your causes.

The times ahead will be difficult, but working together with Senator McCain in a friendly and cooperative relationship, I believe that much can be accomplished.

As for Indian Country, it seems to me that especially in these times of change, you will not have the luxury of division amongst yourselves. You will have to work together much more closely.

You will have to acquaint the new members of the Congress with the problems of Indian Country, with the complexities of your trust relationship with our national government, and with the dismal and tragic history of our nation's treatment of Native Americans.

You cannot assume that all of the new members are sufficiently knowledgeable. You will have your job cut out for you.

So, let us stand together and commit ourselves to carrying out the unfinished business of Indian Country. It will not be easy. For that matter, it has never been easy for you. But together, we will carry on.

I have long felt that the most important and fundamental issue facing us is that

(See Unity, page 9)



The heavy political air of the NCAI convention is broken by the Miss NCAI contestants who both participate in the conference and compete for the title during the convention as well as other royalty from across the nation. (Photo by Amoose)

# Anderson: Self-governance is the future for tribes

Good morning, Mr. President, guests and members of NCAI. My name is Marge Anderson, and I am Chief Executive of the Mille Lacs Band of Ojibwe Indians of Minnesota. I thank the National Congress of American Indians for this opportunity to talk about self-governance.

Today is a day of great uncertainty:  
① Tribes are worried about the future of the Country.

② Tribes are worried about the future of their People.

③ Tribes are worried about the talk of budget cuts in Washington.

Today it seems the future is a dark and scary place. But perhaps it does not have to be so frightening.

Seven years ago, my tribe embarked on a journey called self-governance. We were not sure what was ahead—but now we are convinced that self-governance is THE FUTURE.

Self-governance is the closest thing to treaties we have in the 20th century; it is a true government-to-government relationship with government-to-government negotiations and it relieves tribes of burdensome red-tape bureaucratic requirements. Self-governance allows tribes to prioritize their own spending, and it allows us to put all of our funding into one solemn agreement.

In brief, self-governance has given tribes more control over their own destinies and future. And somewhere in this process, the United States began to understand that we deserved to be treated as equals.

On April 29, 1994, the President promised that self-governance was one of the cornerstones of his policy toward American Indians.

If this is true, and I believe it is true, it means that our future may be more secure than we think.

What self-governance is supposed to mean for the United States is that services to Indians will be performed by Indians. There will be reductions in bureaucracy, but those resources are supposed to go to the tribes. If I may coin a phrase, the United States is supposed to "TRIBALIZE" resources.

We will do away with bureaucratic fat and increase tribal resources at our reservation levels.

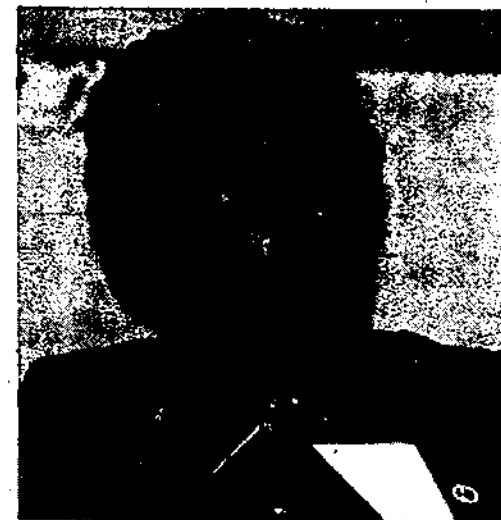
If the President keeps his word, the result of self-governance will be a gradual shift of resources from the federal side to the tribal side. The resources are not supposed to shrink.

And so when the Administration discusses down-sizing—tribes must be vigilant about a corresponding increase of resources on the tribal side.

This journey the Mille Lacs Band has been on has not been an easy one. Self-governance does not come easily nor does it come overnight.

Bureaucrats do not want to give up their resources or their jobs. But they will. They will have to because the law is on our side.

I want to make one additional point about the non-self-governance tribes, be-



Marge Anderson, Mille Lacs tribal chief executive.

cause as you know, the permanent Self-Governance bill signed into law by the President makes self-governance optional for each tribe.

The Law says that self-governance is NOT to take resources from other tribes, PERIOD. Whether you are a self-governance tribe or not, you CANNOT be harmed by another tribe's self-governance compact, or that compact is illegal.

But some at the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) are putting out propaganda, saying that self-governance is hurting other tribes. This is false.

There are many federal policies which are hurting ALL of our budgets—like cuts in Full Time Equivalent (FTE's); deficit reduction; and reorganization plans.

You have much to fear from other federal policies which seek to cut ALL of us, but do not fear self-governance. It is NOT a demon causing budgetary harm.

If federal bureaucrats tell you otherwise, then make them prove to you that self-governance is in fact the culprit. If they can show this harm, then the law is on YOUR side.

Do not fear self-governance, and demand factual information from IHS and BIA when they use these scare tactics.

Finally, my advice for tribes is this: GO SELF-GOVERNANCE! Negotiate without mercy for your fair tribal share of the bureaucracy.

The future of your people depends upon your ability to look the United States in the face and argue for your share, for your rights.

If we are courageous and bold, and if the United States follows the law, we can all face the future with hope!

In closing, self-governance is not a new concept but a return to a traditional way of life. Think about it.

Migwetch.



Letha Mae Lamb, Miss Gila River, assumes the Miss NCAI title for 1995. (Photo by Amoose)

## Baseline water quality standards needed

(The following resolution was adopted at the NCAI Annual Convention)

WHEREAS, The Sokaogon Chippewa Community is federally recognized Indian Tribe, organized under a Constitution adopted August 25, 1938, and approved on November 9, 1938, pursuant to Section 16 of the Indian Reorganization Act; and

WHEREAS, The Sokaogon Chippewa Community, Mole Lake Band of Lake Superior Chippewa Indians did adopt a Constitution on November 9, 1938, as amended which confers certain sovereign powers upon the Tribal Governing Board by the members of the Sokaogon Chippewa Community; and

WHEREAS, The Mole Lake Band is currently faced with the development of a massive sulfide (metallic ore) mine adjacent to the Mole Lake Indian Reservation; and

WHEREAS, The Mole Lake Band of Lake Superior Chippewa has designated Rice Lake and its tributaries as Outstanding National Resource Waters due to their outstanding cultural and ecological value and;

NOW THEREFORE BE IT RESOLVED: NCAI does hereby declare its support of the efforts of the Mole Lake Band of the Lake Superior Chippewa, in the designation of Outstanding National Resource Waters for Rice Lake and its tributaries and;

BE IT FURTHER RESOLVED: The National Congress of American Indians supports the position that all activities that threaten Tribal water quality, currently being undertaken by Crandon Mining Company, be halted until baseline water quality standards have been established.



# Inouye: Tough times ahead Unity needed for tribal survival

(Statement of Sen. Daniel Inouye before the NCAI Annual Convention.)

Today, I address you as the Chairman of the Senate Committee on Indian Affairs. However, on January 3rd, if it is the wish of my democratic colleagues, I will be serving you and Indian Country as the vice-chairman of that committee.

Eight days ago, the American people sent a stunning message to the government of the United States that they would not tolerate a "business as usual approach" to the problems of our nation.

If the polls are correct, our citizens are demanding a lighter tax burden, a balanced budget, increased defense spending, reduction of discretionary spending and entitlements. This is essentially what was promised by the new republican majority.

If the new Congress is serious in pursuing this agenda, it will take an extraordinary effort on our part to even maintain the present inadequate level of spending for Indian programs.

I have not had the opportunity to sit with the incoming chairman of the committee to discuss staffing, the budget of the committee, and our agenda for the coming year. However, when I spoke with John McCain a week ago today, by phone, he told me that he fully intended to continue the work of the committee in the same bipartisan fashion that has been the hallmark of the committee throughout its existence.

The incoming majority has said that they will seek to reduce committee budgets anywhere from one third to one half in the 104th Congress. If this reduction is agreed upon, the ambitious agenda of the committee will likely be correspondingly constrained.

At this moment, the members of the Senate are still uncertain as to the make up of the committees. For example, on the democratic side, the election of the new leadership



Sen. Daniel Inouye (HI) was honored following his presentation to the NCAI convention with an Honor Song for a warrior by John Sunchild. The song attributed "The strength of an eagle... the courage of an eagle... the wisdom and compassion of an eagle..." to the warrior. (Photo by Amoose)

will not occur until December 2nd. The membership of the democratic steering committee has not been determined. This is the committee that decides the democratic make-up of each committee.

And on both sides of the aisle, the committee assignments of new members and senior members will be dramatically affected by the reorganization plan that was adopted earlier this year.

As in the past however, the committee's work will be conducted in conjunction with other committees of the senate. I have no idea who will be the chairman of the energy committee, and its important subcommittees on public lands or energy and water, or who will serve as chair of the environment and public works committee. Not-knowing with whom we will be dealing it is difficult to make any rational predictions.

One thing is certain, we can look forward to a much more challenging session of the Congress.

While I have not had the opportunity to discuss the agenda of the committee with John McCain, it is likely that the committee will begin the new session completing the unfinished business of the 103rd Congress. Health care reform, gaming and religious freedom are likely subjects of that agenda. But here too, we can expect change.

For instance, over the course of the last two years, Senator McCain and I have traveled around the country meeting with governors, attorneys general and tribal leaders on matters of Indian gaming. But with the election of eleven new governors, and many more attorneys general, we may

be compelled to revisit the many contentious issues in our proposal with these new state leaders. I have no idea what the outcome of these discussions will produce.

The same can be said for other important but contentious measures pending before us, such as the sacred sites provisions of the religious freedom measure. Because of the uncertainties before us, there isn't much more that I can say about the committee's agenda or the future of important legislation.

But this I can assure you—I will do my best to serve you to the best of my abilities and hopefully to be an effective advocate of your causes.

The times ahead will be difficult, but working together with Senator McCain in a friendly and cooperative relationship, I believe that much can be accomplished.

As for Indian Country, it seems to me that especially in these times of change, you will not have the luxury of division amongst yourselves. You will have to work together much more closely.

You will have to acquaint the new members of the Congress with the problems of Indian Country, with the complexities of your trust relationship with our national government, and with the dismal and tragic history of our nation's treatment of Native Americans.

You cannot assume that all of the new members are sufficiently knowledgeable. You will have your job cut out for you.

So, let us stand together and commit ourselves to carrying out the unfinished business of Indian Country. It will not be easy. For that matter, it has never been easy for you. But together, we will carry on.

I have long felt that the most important and fundamental issue facing us is that

(See Unity, page 9)



The heavy political air of the NCAI convention is broken by the Miss NCAI contestants who both participate in the conference and compete for the title during the convention as well as other royalty from across the nation. (Photo by Amoose)

# Anderson: Self-governance is the future for tribes

Good morning, Mr. President, guests and members of NCAI. My name is Marge Anderson, and I am Chief Executive of the Mille Lacs Band of Ojibwe Indians of Minnesota. I thank the National Congress of American Indians for this opportunity to talk about self-governance.

Today is a day of great uncertainty:  
① Tribes are worried about the future of the Country.

② Tribes are worried about the future of their People.

③ Tribes are worried about the talk of budget cuts in Washington.

Today it seems the future is a dark and scary place. But perhaps it does not have to be so frightening.

Seven years ago, my tribe embarked on a journey called self-governance. We were not sure what was ahead—but now we are convinced that self-governance is **THE FUTURE.**

Self-governance is the closest thing to treaties we have in the 20th century; it is a true government-to-government relationship with government-to-government negotiations and it relieves tribes of burdensome red-tape bureaucratic requirements. self-governance allows tribes to prioritize their own spending, and it allows us to put all of our funding into one solemn agreement.

In brief, self-governance has given tribes more control over their own destinies and future. And somewhere in this process, the United States began to understand that we deserved to be treated as equals.

On April 29, 1994, the President promised that self-governance was one of the cornerstones of his policy toward American Indians.

If this is true, and I believe it is true, it means that our future may be more secure than we think.

What self-governance is supposed to mean for the United States is that services to Indians will be performed by Indians. There will be reductions in bureaucracy, but those resources are supposed to go to the tribes. If I may coin a phrase, the United States is supposed to "TRIBALIZE" resources.

We will do away with bureaucratic fat and increase tribal resources at our reservation levels.

If the President keeps his word, the result of self-governance will be a gradual shift of resources from the federal side to the tribal side. The resources are not supposed to shrink.

And so when the Administration discusses down-sizing—tribes must be vigilant about a corresponding increase of resources on the tribal side.

This journey the Mille Lacs Band has been on has not been an easy one. Self-governance does not come easily nor does it come overnight.

Bureaucrats do not want to give up their resources or their jobs. But they will. They will have to because the law is on our side.

I want to make one additional point about the non-self-governance tribes, be-



Marge Anderson, Mille Lacs tribal chief executive.

cause as you know, the permanent Self-Governance bill signed into law by the President makes self-governance optional for each tribe.

The Law says that self-governance is NOT to take resources from other tribes, PERIOD. Whether you are a self-governance tribe or not, you CANNOT be harmed by another tribe's self-governance compact, or that compact is illegal.

But some at the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) are putting out propaganda, saying that self-governance is hurting other tribes. This is false.

There are many federal policies which are hurting ALL of our budgets—like cuts in Full Time Equivalent (FTE's); deficit reduction; and reorganization plans.

You have much to fear from other federal policies which seek to cut ALL of us, but do not fear self-governance. It is NOT a demon causing budgetary harm.

If federal bureaucrats tell you otherwise, then make them prove to you that self-governance is in fact the culprit. If they can show this harm, then the law is on YOUR side.

Do not fear self-governance, and demand factual information from IHS and BIA when they use these scare tactics.

Finally, my advice for tribes is this: **GO SELF-GOVERNANCE!** Negotiate without mercy for your fair tribal share of the bureaucracy.

The future of your people depends upon your ability to look the United States in the face and argue for your share, for your rights.

If we are courageous and bold, and if the United States follows the law, we can all face the future with hope!

In closing,, self-governance is not a new concept but a return to a traditional way of life. Think about it.

Migwetch.



# AMERICAN INDIANS

1944 - 1994



Letha Mae Lamb, Miss Gila River, assumes the Miss NCAI title for 1995. (Photo by Amoose)

## Baseline water quality standards needed

(The following resolution was adopted at the NCAI Annual Convention)

WHEREAS, The Sokaogon Chippewa Community is federally recognized Indian Tribe, organized under a Constitution adopted August 25, 1938, and approved on November 9, 1938, pursuant to Section 16 of the Indian Reorganization Act; and

WHEREAS, The Sokaogon Chippewa Community, Mole Lake Band of Lake Superior Chippewa Indians did adopt a Constitution on November 9, 1938, as amended which confers certain sovereign powers upon the Tribal Governing Board by the members of the Sokaogon Chippewa Community; and

WHEREAS, The Mole Lake Band is currently faced with the development of a massive sulfide (metallic ore) mine adjacent to the Mole Lake Indian Reservation, and;

WHEREAS, The Mole Lake Band of Lake Superior Chippewa has designated Rice Lake and its tributaries as Outstanding National Resource Waters due to their outstanding cultural and ecological value and;

NOW THEREFORE BE IT RESOLVED: NCAI does hereby declare its support of the efforts of the Mole Lake Band of the Lake Superior Chippewa, in the designation of Outstanding National Resource Waters for Rice Lake and its tributaries and;

BE IT FURTHER RESOLVED: The National Congress of American Indians supports the position that all activities that threaten Tribal water quality, currently being undertaken by Crandon Mining Company, be halted until baseline water quality standards have been established.



# NCAI pushes for religious freedom for American Indians

By Sharon Metz, HONOR

The National Congress of American Indians (NCAI) at its annual convention in Denver passed a number of resolutions regarding the respect for and denial of religious freedom for American Indians.

The 1978 American Indian Religious Freedom Act (AIRFA) was deemed to have no teeth according to two Supreme Court cases. And, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 still does not have final rules published.

At issue are the protection of sacred sites, the return to tribes of bones and funerary items held in museums, the use of eagle feathers for ceremonial purposes, and the religious rights of Indian prisoners. (A bill ensuring the sacramental use of peyote by Native American Church members was passed in the 1994 session of Congress and signed by the President).

One resolution about NAGPRA was of such urgency that NCAI suspended the rules to pass it and FAX it to Albany where the NAGPRA Review Committee was meeting at the same time as NCAI.

The NAGPRA final rule was due for publication in 1991. Draft rules were finally circulated for a comment period that ended in July. The problem is that the proposed rule underwent such significant changes that it would have serious implications for AIRFA and NAGPRA policies. Tribes wanted to review the rule before final publication—which was NOT on the agenda of those meeting in Albany.

NCAI Resolution #94-048 reads in part: WHEREAS: the Secretary of the Interior also could republish the regulations for general comment, with an announced comment period of limited duration, over the objections of the NAGPRA staffs who are anxious to publish the final NAGPRA rule, which has been long awaited by all concerned since its legally-mandated publication in 1991; now

THEREFORE BE IT RESOLVED, that NCAI urges . . . the Administration in particular and the Secretary of the Interior to provide Native American Peoples an opportunity to review and comment on the draft Final Regulations to implement NAGPRA or, in the alternative, to Publish the proposed rule again for a brief period for general comment. . . .

Protection of sacred sites was the most controversial section of the bill that failed passage in the recent session of Congress. Developers, ranchers, loggers, mining companies, and oil interests see protection of sacred sites as a threat to their profits. To them money is more important than religious freedom and, given the new make-up of Congress, this philosophy may find a friendly reception.

In response, NCAI passed resolution #94-132. The resolution calls President Clinton to issue an Executive Order Providing for sacred protection and urges Congress to enact a cause of action for the protection of sacred lands.

The bill was recommended by the Human Rights and Cultural Concerns Committee of NCAI. During Committee deliberations a number of attendees learned of the formation of another group, the Tribal Leaders Sacred Lands Protection Coalition. Some of the Tribal leaders serving on this coalition are Greg Bourland, John Sunchild, Viola Hatch, gaiashkibos, and Delbert Havatone. In response to questions about how the new coalition would work with other groups the resolution was finally drafted to state:

“ . . . BE IT FURTHER RESOLVED, that the National Congress of American Indians will continue to seek broad protective legislation, as circumstances in and between the Administration and Congress make this a realistic possibility, and will continue to support the ongoing efforts of the Tribal Leaders Sacred Lands Protection Coalition and the American Indian Religious Freedom Coalition to achieve the Executive Order and the statutory cause of action, both as the organization's top priority.”

## Update: Historic Preservation Act amendments

The Historic Preservation Act of 1966 was amended in 1992. The amendments affect “the interests and concerns of various users of the Section 106 process, including Native Americans and Native Hawaiians,” according to the resolution (#94-161).

Accordingly NCAI asked for an extension of time on the Comment period until March 3, 1995.

According to Ray Apodaca Director of Legislative Affairs for NCAI, a sixty day extension was granted rather than the 90 days requested by the NCAI resolution.

All resolutions were recommended by the Human Rights and Cultural concerns Committee of NCAI and were adopted by the General Assembly during the 1994 Convention of the National Congress of American Indians in Denver, Colorado.

## NCAI celebrates 50 years

(Continued from page 4)

The fight for international indigenous rights issues must also be continued. The isolation from indigenous issues in other countries has been peeled away by the information superhighway and, environmental issues in particular, force tribes to look beyond our own borders, gaiashkibos said.

The Human Rights Coalition formed at the 1993 NCAI in Reno, Nevada can now provide NCAI with a stronger voice at the United Nations, he noted. The UN's Declaration of Rights of Indigenous People has been strongly supported by NCAI.

But these gains do not signal a time for relaxation, he said, rather a time of protection to protect the rights and gains that have been made. Challenges remain, such as raising the material standard of living for all Indian people, assuring religious freedom, and assuring that tribes become fully autonomous, sovereign nations.

“We need to be vigilant. We must protect our natural resources, our languages, our culture, while we also develop economically. We need alcohol and drug free communities and alcohol and drug free leadership,” he concluded.

In 1994 NCAI stands as a permanent voice of Indian Country in Washington, D.C., gaiashkibos stated. NCAI now needs a permanent home in the Capitol as well—announcing a new goal for the organization.



Area Vice-Presidents and NCAI staff to the 50th NCAI Convention in Denver pose for a group shot similar to one on display of the first delegates who also met in Denver fifty years ago. (Photo by Amoose)

# Babbitt stresses tribal participation

By Sue Erickson Staff Writer

Secretary of Interior Babbitt heralded the 1994 Self-Governance Act as “a major step forward,” for tribes but also emphasized the need for tribes and the Department of Interior to work quickly within the next 90 days to “put together a process that works.”

Babbitt stated that he will meet all the deadlines in the legislation and develop a process through “intense consultation” with tribes. The legislation mandates that 20 tribes per year move to self-governance and that regulations be established on how overhead from the Bureau of Indian Affairs be moved on to self-governance tribes, Babbitt said.

Four negotiated draft regulations must be to Congress by January 1995, thus the process must begin quickly.

Another aspect of self-governance calls for programs to be identified within the Department of Interior which tribes could run. This list must also be ready by January 1995 and agencies have already been asked to provide lists of possible programs for consideration.

This list must also be developed through consultation with the tribe, Babbitt stated. Some suggestions have already been forwarded including such programs as operating and maintaining reservoirs, recreation areas, fish and wildlife refuges.

In regard to legislation on religious freedom, Babbitt noted that the legislation and amendment issues “ran head on into a fire storm about first amendment issues” and “became more complex rather than simpler.”

Babbitt noted that he would like to work towards implementing religious freedom issues through regulation, such as streamlining the process for obtaining eagle

feathers through regulation rather than legislation.

He also suggested protecting sacred sites on public land through regulations on land managed by the National Park Service, the Bureau of Land Management and the U.S. Fish and Wildlife Service.

“I guarantee it will be done by 1995,” Babbitt stated and this process should be able to expand to land managed by others, such as the U.S. Forest Service, he said.

In regard to natural resource settlements, Babbitt cautioned that the climate is “both favorable and more difficult as we move along.” He explained that in the 1970's a new approach to water rights and natural resource settlements that worked was employed.

Through development opportunities with settlements, cooperation with neighboring communities was fostered and everyone benefited.

However, today the “money is drying up,” he stated, and there is a “need to look for more creative financial tools.”

Babbitt identified that the lack of a federal coordination mechanism between departments is lacking as federal departments and agencies create and implement programs. He noted that coordination, such as on the protection of sacred sites, is necessary between federal departments because the issues relate to matters within the Department of Defense, Department of Energy and Department of Interior.

With Presidential concurrence, Babbitt is convening a coordinating council at the assistant secretary level which he will chair. Babbitt invited direct tribal participation in agenda setting for the council and prioritization.

Concluding his presentation, Babbitt promised “to give it everything I got. I'm going to use these next two years.”

## Unity needed for tribal survival

(Continued from page 6)

of the religious rights of our native peoples. Without a resolution of this matter, the health and survival of your identity as Indian people will be in jeopardy. After all, one cannot separate religion from culture.

Indian people, like many of the indigenous people of this planet, have all experienced and suffered greatly in the enlightened process of religious and cultural cleansing.

The history of our nation has many dark pages of laws prohibiting religious ceremonies, prohibiting the speaking of native languages, and the desecration of the most sacred of sites.

It is almost a miracle that notwithstanding the massacres and the numerous trails of tears, you have survived. Now is the time for taking a step beyond survival. Now is the time for restoration, revival, and renewal.

In whatever we do, we must do everything to make your children proud to be Indians. Let us help them to stand tall.

Before I leave you today, I want to share with you some personal observations and concerns. I say this, not at all unmindful of your history, and the economic devastation that has been wrought on your communities.

As a parent, I know how important it is to be able to hold out the promise of a brighter future for your children and grandchildren.

My grandparents came to this country believing in the abundance of opportunity that this nation promised. Their path was not an easy one—they worked hard—but they never abandoned the values that their ancestors, for generations, had believed in and practiced.

As the eldest of the eldest son seven times, my grandfather continually impressed upon me the importance of upholding and carrying on the values and the traditions of my ancestors.

It is this respect for the history, the culture, the religion, and the traditions of my forebearers that inspires these thoughts.

Today, after centuries of abuse and neglect, of economic devastation and overwhelming conditions of poverty, there is a promise of a new day in Indian Country—some have termed it the “new buffalo”—the promise of prosperity that gaming has brought to some of your communities.

In some areas of Indian Country, gaming has brought a dramatic change in the economic conditions that previously plagued your communities. But with it comes the potential to worship the almighty dollar, rather than that which has held you together as distinct peoples in this melting pot we call America.

In the years ahead, there will be a great temptation, I fear, for the younger generations of Indian people, to place a greater value on the trappings of wealth than on the teachings of their elders.

Already, I am told, there are fewer and fewer Indian nations who today practice their traditional religions.

There is fear amongst a growing number of you, that your culture, your language, and your traditions will vanish with the passing of those who have been the keepers of your cultural and religious traditions.

The laws which sought to prohibit your dancing, your ceremonies, your religions, the speaking of your native languages—were enacted in the great name of assimilation.

In today's contemporary society, great emphasis continues to be placed upon conformity. There are growing numbers in this country of those who would like us to all look alike, to speak the same language, to practice the same religion.

And so I would say to you, you must not sacrifice that which is unique to your culture and to your communities to the



Tara McClean, Miss NCAI 1994. (Photo by Amoose)

interests of those who seek to homogenize our society.

You must not let this “new buffalo” rob your families of their ties to the ancient traditions and the values those traditions teach.

You must not let the prosperity that is promised by gaming drown out the wise words of your elders. They are not irrelevant. They have much to teach the younger generations.

These teachings have been handed down from generation to generation—they have sustained you as a people through the

most challenging and difficult of times.

As I leave you today, I want to assure you that although the funding that has enabled me to travel to Indian Country, to visit with many of you in your home communities, may be substantially reduced in the coming session of the Congress;

And though I may not be able to see you as often in forums such as these, the door to my office in Washington will always be open to you;

My commitment to you is strong and will remain so, and we will face the new challenges of these times together. □



## Minneapolis Area Caucus tackles mining issues

Environmental protection/mining, Indian Health Service cutbacks, religious freedom legislation and Bureau of Indian Affairs re-organization were some of the key issues before the Minneapolis Area Caucus during the 51st NCAI convention, according to Mille Lacs Tribal Chairwoman Marge Anderson, NCAI Minneapolis area vice-president.

Seven resolutions went to the floor from the Minneapolis Area caucus, four of those regarded environmental protection and the Environmental Protection Agency and a call to stop the proposed Crandon Mine.

However, religious freedom legislation, which passed in the "11th hour of the 103rd Congress," according to Anderson, was also a major concern. Specifically, the issue of protecting sacred sites was critical to tribes in the Minneapolis Area.

The Minneapolis Area caucus signed on to a resolution from the NCAI Human Rights Committee calling for an Executive Order from the President to protect sacred sites with wording which would provide a cause for action.

One area of debate is the request by mining/timber companies to have tribes identify their sacred sites. Once identified the companies say they would know

whether or not any activity was planned in that area.

However, many tribes have no intention of identifying sacred sites, according to Anderson, as that opens up the possibility of site robberies and digging. Also, sites are not to be identified for many tribes, in fact, even mentioning them is not permissible according to some tribal teachings.

Anderson also stated that the Minneapolis Area tribes expressed great concern over the BIA's presentation of a reorganization plan without the input of tribes.

Another area of concern regarded a letter from Assistant Secretary Ada Deer stating that gaming was not considered "economic development" by the Department.

The Caucus submitted a resolution which called for the consideration of the plan prepared by the tribal task force on reorganization.

A resolution from Red Cliff also was supported by the caucus asking for NCAI to call upon the Congress to provide adequate funding levels to the Indian Health Service (IHS) to address the unmet needs of Indian people. Red Cliff Tribal Chairwoman Rose Gurnoe noted that current IHS funding is falling far short of tribal needs.



Time out for "Sparky" Waukau, Menominee, and Amoose, GLIFWC photojournalist, during the NCAI conference in Denver.

## Mole Lake gains NCAI support on mining issues

Mole Lake Tribal Chairman Arlyn Ackley and Tribal Planner Duwayne Derickson spent long days during the 51st NCAI convention in Denver garnering support for the tribe's initiative to stop the proposed zinc/copper mine adjacent to its borders. Their labors were rewarded by the passage of seven related resolutions affirming the support of the national Indian organization.

The resolutions addressed the role of EPA and use of EPA dollars, the protection of grave sites, and the need to stop test pumping as well as the proposed mine itself.

Similar to any other congressional process, gaining NCAI support through a passed resolution requires vigilance. Ackley and Derickson walked the resolutions through subcommittee approval, committee approval and Minneapolis Area Caucus in order to have standing before the full NCAI body.

Three resolutions from Mole Lake were approved by the NCAI Natural Resources Committee. A fourth resolution from the Menominee Tribe in Wisconsin also passed the committee and the Minneapolis Area Caucus.

Menominee's resolution, presented by Hillary Waukau, asked for NCAI's support in stopping the proposed Crandon Mine.

Mole Lake's Resolution #45 asked for NCAI support in urging the Environmental Protection Agency (EPA) and the Bureau of Indian Affairs (BIA) to provide funding necessary to establish an environmental infrastructure on reservation.

Resolution #46 addressed the current problem of discharging pump water from two high capacity test pumps near the proposed mine site. Mole Lake asked for NCAI to support their efforts to stop the Crandon Mining company from degrading the water

quality through the pumps discharge. The pumps are capable of discharging up to 600 million gallons of water per hour.

In addition, Resolution #46 asked NCAI to support a subcommittee investigation of the discharging and degradation of the water.

Resolution #47 called for NCAI's support in stopping the destruction and desecration of grave sites through pumping of water and other mining activities.

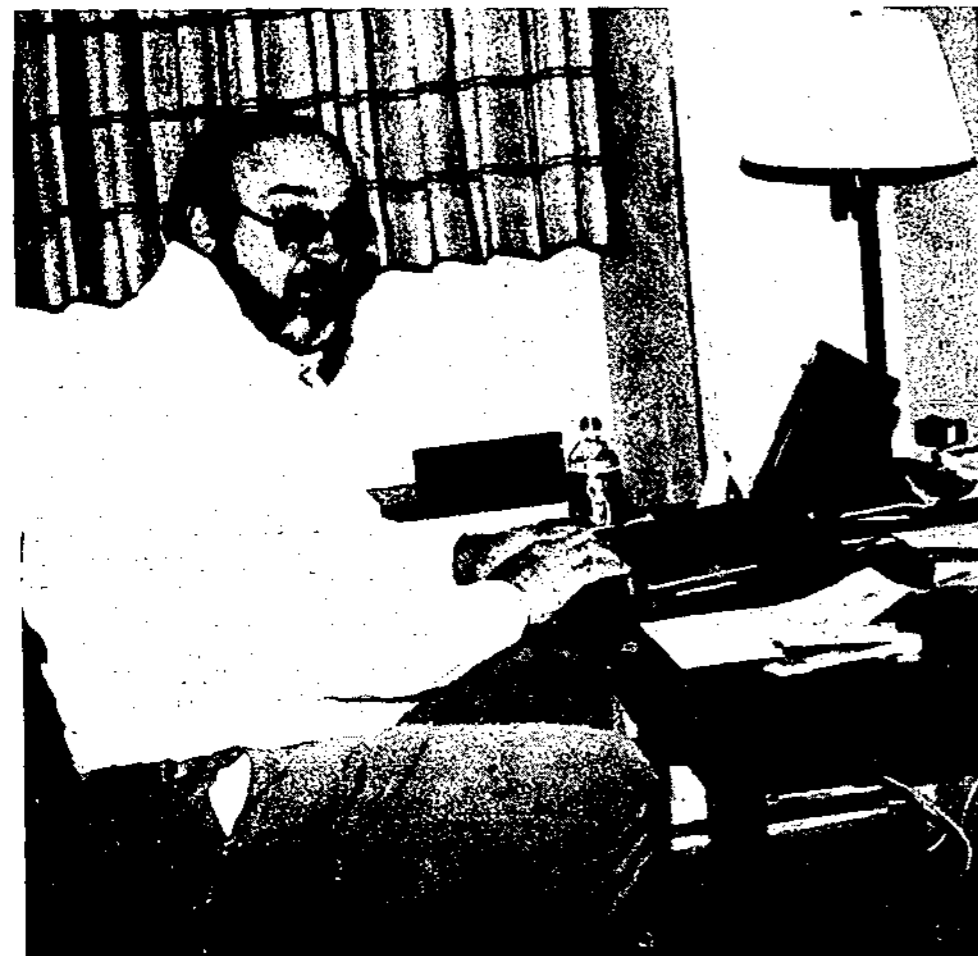
Three other significant resolutions from the Mole Lake Band were sponsored by the Minneapolis Area Caucus. Resolution #103 asked that EPA and Congress remove the \$15 million dollar cap on general assistance program funds and provide the \$100 million necessary to hire one EPA staff person for each recognized tribe in the nation.

EPA was also the subject of Resolution #104 which requests that EPA, Region V, remain the designated EPA lead region for Indian Affairs.

The final resolution, #105 calls for NCAI support in requesting that, starting FY96, EPA and Congress fund all environmental programs on Indian reservations.

Derickson noted that NCAI support of their initiatives is critical in several ways. Gaining support from the national Indian organization provides the backing of a unified voice from Indian Country. It lends credibility to the concerns of one small tribe, which are actually shared by others across the nation. Derickson refers to the Cor de Lene tribe, as a case in point, which is now faced with the need for a massive after-mining clean-up, so well understands the problems being encountered by the Mole Lake people.

NCAI support of Mole Lake's initiatives also provides good backing as the small band seeks appropriations and grant dollars for necessary projects.



Duwayne Derickson, Mole Lake tribal planner, at work in his hotel room during the National Congress of American Indians conference in Denver. Derickson and Tribal Chairman Arlyn Ackley walked a number of resolutions through the committee process during the conference.

Articles by: Sue Erickson, GLIFWC Staff Writer  
Photos by: Amoose, GLIFWC photographer & Sue Erickson

# Wolf recovery and deer quotas

## Timely participation in process an issue

By Sue Erickson, Staff Writer

Voigt Inter-Tribal Task Force representatives discussed issues relating to establishing deer quotas for the off-reservation season as one agenda topic at their monthly meeting at Lac Courte Oreilles on Dec. 8.

GLIFWC Wildlife Section Leader Jon Gilbert provided a report on the process of establishing deer quotas for each season, pinpointing where changes have been made during the process without tribal input and resulting in "surprise" figures at the end of the process.

Gilbert noted that a statewide deer quota meeting in which the tribes participate usually starts the process. At that point, however, the State and the tribes diverge, each to their separate constituencies for public hearings, discussions, tribal council consultation. From there, each sends their recommendations to the WDNR.

The VITTF has been concerned because quota figures recommended have been changed without tribal knowledge and final results on deer quota and allocations emerge much different than tribes' anticipated, Gilbert explained.

By adding a meeting between the state and tribal representatives to discuss any changes in state figures prior to submitting final recommendations, Gilbert feels that the process can eliminate problems encountered in the past.

According to GLIFWC Policy Analyst this would serve to separate biological decisions from policy/social decision and make sure that quotas and allocations are initially based on biological factors.

The tribal review of quotas and allocations for deer is in keeping with the periodic review of deer population goals as stipulated in the Voigt Decision, Zorn notes.



GLIFWC Biological Services Division Director Neil Kmiecik was honored by the Native American Fish & Wildlife Society (NAFWS) at their annual meeting in Manomin, Minn. He was presented with the Bill Eger Memorial Achievement Award for tribal biologists. The award is based on significant work in the biological field within the Great Lakes Region. GLIFWC Executive Administrator James Schlender also honored Kmiecik with a presentation of a medicine bag during the awards ceremony. Kmiecik has worked with GLIFWC since its formation. (Photo by Amoose)

## 1994 off-reservation treaty deer harvest in Wisconsin

(preliminary figures as of 12/1/94)

Tribe	Antlerless	Antlered	Total
Bad River	184	82	266
Lac Courte Oreilles	468	242	710
Lac du Flambeau	583	247	830
Mole Lake	298	142	440
Red Cliff	234	187	421
St. Croix	309	171	480
Mille Lacs	87	49	136
Lac Vieux Desert	0	0	0
<b>TOTALS</b>	<b>2163</b>	<b>1120</b>	<b>3283</b>

### Wolf Recovery Plan under review

The VITTF also indicated support for continued involvement in the Wisconsin Wolf Advisory Team following a report by GLIFWC Wildlife Biologist Lisa Dlutkowski.

The ten-year Wolf Recovery Plan, initiated by the state in 1989, is up for a five year review, according to Dlutkowski.

Currently, GLIFWC Wildlife Biologist Peter David is a member of the Wolf Advisory Team, but he had not received a copy of the five year summary and request for comments, nor had any of the tribes.

Dlutkowski received a copy for information purposes from the Michigan Wolf Recovery Team in which she participates.

The summary identifies several concerns which may need to be addressed in the next five years of the program. Some of these include: further definition of handling a depredated wolf which may need to be removed, providing the biodiversity necessary to support wolf populations, and problems with wolf-dog hybrids.

Other issues include protection of wolf den/rendezvous sites; extending coyote hunting closure zones further south; and maintaining the extensive population and disease monitoring currently in place.

GLIFWC will be providing comment on the Wolf Recovery Plan.

### Safe Harvest Level discussions to begin

Other topics before the VITTF included the upcoming meeting of the Technical Working Group (TWG), a state-tribal group, which will meet to exchange information on fall walleye population surveys and recruitment figures, according to GLIFWC Biological Services Director Neil Kmiecik.

These figures are used to base the determination of the Safe Level of Harvest for walleye and muskellunge annually.

### Agency-level meeting

GLIFWC Executive Administrator James Schlender provided a report on an agency meeting with WDNR Secretary George Meyer. Periodic meetings of the agencies are held to review issues.

Among topics of discussion were those situations regarding citations of tribal members for hunting on private lands, mining and gas/oil production regulations, funding of cooperative projects, and exchange of information between the agencies.

### Jurisdiction remains issue from Voigt

According to Jim Zorn, GLIFWC policy analyst, enforcement issues regarding concurrent jurisdiction need further state-tribal discussion. Problems relating to hunting on private land where jurisdiction is held by both the State and the tribes have made this a topic of concern for the VITTF, which directed Commission staff to explore these issues further.

A special warning for tribal hunters was issued by GLIFWC's Enforcement Division this fall regarding hunting on private land or shining onto private land from public roads.

According to Charles Bresette, GLIFWC chief of enforcement, some tribal members have been convicted in state court and been required to pay high state fines.



## Minnesota off-rez moose hunt successful

**Fond du Lac, Minn.**—The Fond du Lac band completed its fifth moose hunt in the 1854 ceded territory this fall. The band instituted the moose season in 1989, according to GLIFWC Wildlife Biologist Gerry Belant.

Belant considers the season successful, although no records were set. Twenty-eight bull and ten cow moose were harvested during the season, which ran from October 1 through November 20, 1994. Previous seasons ran from mid-October for the length of 16 to 31 days, he says.

The number of hunters and moose parties has increased for each successive moose season, according to Belant. During the 1994 season 52 moose permits were issued to 162 hunters. Tribal moose hunters are required to

apply for a permit in parties of three or four individuals.

Out of the 52 parties, 38 succeeded in harvesting a moose, making a 73% success ration. All moose taken were at least one and a half years old, Belant states.

The 1994 hunt was down slightly from the 1993 harvest of 40 moose and an 80% success ration. However, it was up from the long-term average of 64% percent success.

Moose is a traditional food of the Anishinaabe people with moose meat being popular for feasts. The durable hide continues to be used for mitts, moccasins, clothing, and bags which are often seen decorated with traditional beadwork.

## Choosing a winter home site: Factors favored by marten & fisher

By John Wright, graduate student, UW-Stevens Point

Has a leisurely stroll through the forest often left you flat on your face? What purpose could that log, stump or root tip-up serve in the forest? GLIFWC wildlife biologists are finding some answers as they study American marten and fisher in the Eagle River District of the Nicolet National Forest, a study initiated in 1990.

Most marten and fisher research has focused on identifying habitat and cover used by forest inhabitants. Cover types are usually based on dominant tree species in the area. Cover type grouping is useful to predict where animals will be found on the basis of tree types in the area. A good example would be the association of ruffed grouse and aspen trees.

However, many species live in a wide variety of cover types, so research based on cover type alone doesn't fully explain why an animal chooses a certain area for a home and avoids others.

This is especially true with marten and fisher in northern Wisconsin. In other parts of their ranges, marten and fisher are known to prefer conifer dominated cover types. However, GLIFWC's research has found that marten and fisher don't appear to be selecting these areas in northern Wisconsin. There is no clear association between marten and fisher and any cover types available to them in the Nicolet National Forest.

The next question, then, is what do marten and fisher find attractive, if not cover type, when they decide to set up and live in a certain area?

With many animals its not the type of trees but the structure within the cover type that's important. Some aspects of habitat structure would include the age of trees and the nature of the understory of the tree stand. The understory of a stand of trees may look like a park devoid of other vegetation and down logs while others may have lots of shrubs, young trees, down logs and snags everywhere. There are probably an infinite number of variations possible, and this may influence the choice of home range for marten and fisher in the Nicolet National Forest.

It's been well documented in the western United States that marten and fisher need downed logs, stumps, root tip-ups and snags, termed coarse woody debris (CWD), to survive the winter months.

CWD serves many functions to each species. It attracts small mammals, like red-backed moles, that are a favorite winter food item of the marten. At times when numbers of snowshoe hare are low, fishers will also prey heavily on the small mammals attracted to these areas.

Besides attracting small mammals, CWD gives marten and fisher access to small prey. If you've ever noticed a log sticking out of the snow, there is usually a naturally formed space under the log that has no snow. This allows marten and, to a lesser extent fisher, to get down to ground level and continue their hunting activities tunneling under the snow.

Neither animal hibernates, and they have very little body fat under their fur to protect them from winter's worst bite. So once they have eaten, their priority is to find a warm, dry place to escape the elements. Hollow logs and small spaces under the roots of trees, stumps, and snags provide great resting spots. While it may be -10° above the snow, under the snow and inside a hollow log temperatures will hover around 32°—a tolerable temperature if you have a decent winter coat like the marten and fisher.

Once the air temperatures begin to rise, the animals' behavior shifts away from resting places at ground level to the use of trees. They will use clumps in tops of evergreen trees, or holes in trees and tree snags.

Tree snags become especially important to the females in late winter and early spring. This is where each species makes its maternal den and gives birth. A typical maternal den for a marten or fisher will be in a tree with a pre-made entrance about 15-20 feet above the ground. During the colder part of winter the animals rarely use these holes because they are not as warm as an underground hole or inside a log under the snow.



Hunters from the Mole Lake reservation enjoyed success this fall during the deer season. Pictured above are: Earl Thomas, Sr. and sons Dylan and David. (Photo by Amoose)

Preliminary results of GLIFWC's research indicates that marten and fisher have large home ranges during winter. An animal's home range is the area they use in order to satisfy their food and shelter needs. Martens' winter home range covers one to two square miles, quite an accomplishment for an animal weighing one and a half to two pounds.

Fisher home ranges are even larger at four to six square miles. Again, this is a large area for animals weighing five to twelve pounds for females and males, respectively.

While they cover a large area in search of food and shelter, features of the area important to their survival still are not identified. As stated earlier, neither species appears to be using areas based just on tree species present.

The next step taken during research was to measure the CWD in cover types and in animal home ranges. It could be that CWD is the determining factor influencing where marten and fisher live in northern Wisconsin. This is a possibility which is now being studied by GLIFWC researchers who hope to have results available by early spring.

Rarely does just one factor determine a favored habitat. In other words, it may not be just the amount of CWD in the stand, but the amount of CWD in conjunction with the cover type and perhaps some other undetermined factor.

So the next time you trip over that log in the woods, remember its not just an annoyance but the winter home of a marten or fisher. . . or at least their dinner table.

(Jon Wright has been working with GLIFWC Wildlife Biologist Jon Gilbert on fisher/marten studies.)

# Wisconsin rivers at risk: Urgent changes needed

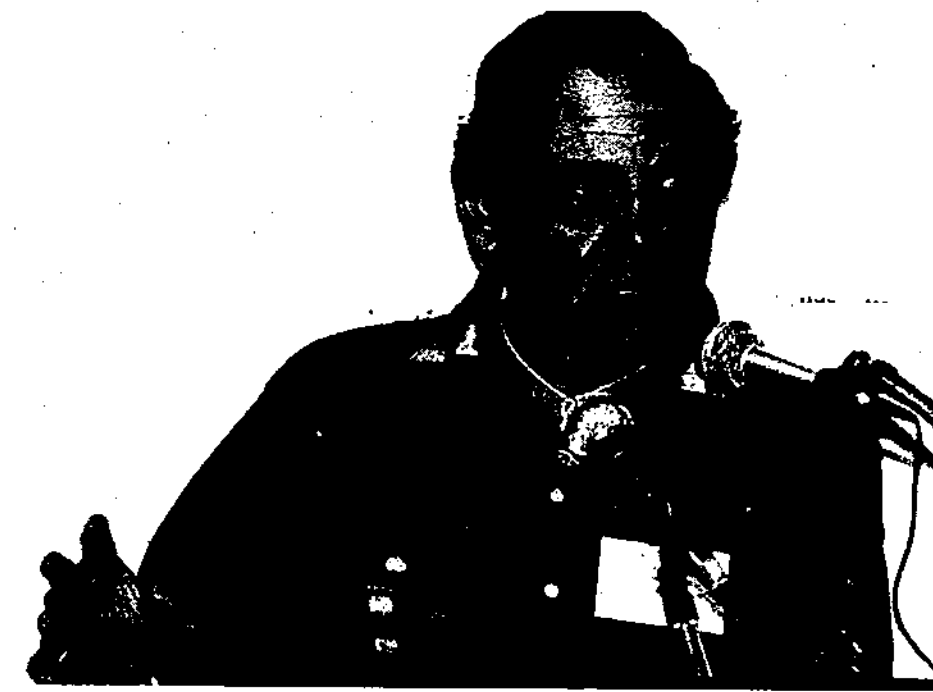
By Sue Erickson  
Staff Writer

"A Gathering for the Rivers," a statewide rivers conference held in Manitowoc, WI this fall, focused the attention of diverse groups on the plight of the state's river systems. The conference was co-sponsored by the University of Wisconsin—Extension; Cooperative Extension; Wisconsin Department of Natural Resources; The River Alliance of Wisconsin; Rivers, Trails and Conservation Assistance Program of the National Park Service.

Manitowoc, Wis.—"You shall know the truth when the rivers run with poison and the fish are unfit to eat." This was a prophecy given to the Anishinaabe people which has come to pass in our time, according to Eddie Benton-Banai, Lac Courte Oreilles.

Benton, Lac Courte Oreilles Band of Ojibwe, was one of several panel speakers opening the statewide conference on rivers. Each speaker provided a unique perspective as "a stakeholder" in the state's rivers with representation from agriculture, industry, and riparian property owners.

The arrival of European culture brought about tremendous change for In-



Eddie Benton-Banai, educator and spiritual leader from Lac Courte Oreilles, provided a Native American perspective at the Gathering for the Rivers conference in Manitowoc, Wisconsin this fall. (Photo by Amoose)

dian people and the land—both benefit and tragedy. He said it was like the wearing of two faces, one of peace and brotherhood and the other of death and destruction. Our rivers are now symptomatic of that.

Benton emphasized the difference in value systems and relationships between man and Mother Earth (including her waterways) as he presented a Native American perspective.

The Anishinaabe planters fertilized with fish bone and fish scales. Their planting was accompanied by prayer and offerings of tobacco, and it was done in a way to save for the descendants all the way to the seventh generation, Benton stated.

They harvested enough to satisfy needs. The "cash crop" motive did not rule, nor did the ideas of corporate farms, rather respect of the Earth and thanksgiving.

"As you treat the Earth, so it will treat you." This is one of the basic traditional teachings of the Anishinaabe people, who managed the land and waters for 5,000 years prior to 1492 without pollution and degradation, Benton stated.

"Our rivers are warm and filthy, carrying topsoil and chemicals concentrated to a great degree," according to Gary Borger, professor of biology at the University of Wisconsin—Wausau and spokesman for the environmental/conservation perspective.

"Land use, not river use, needs to be managed," Borger stated. The current use of the land has a dramatic and damaging

impact on our rivers and streams. He cited erosion as the result of agriculture and logging practices as a principle problem. "In 150 years there will be no topsoil left," he stated.

Hard choices lie before everyone in regard to saving our rivers as economic interests can clearly conflict with environmental interests. Spokesmen from industry and agriculture made this evident.

Speaking as a stakeholder from industry, Dick Hilliker who works in the hydroelectric business noted that industry and municipalities made huge dams on the state's rivers for wastewater assimilation, part of the process of development during a time when the focus was squarely on development alone. Then, as years passed, the degradation of the waters became apparent.

This has led to more recent initiatives such as wastewater treatment standards and government regulations for re-licensing of hydroelectric plants. New standards, he said, are both tough and costly for the hydroelectric business, he stated, as efforts are made to lessen the impact of industry on the waterways.

Speaking as a modern-day farmer, Vern Wendt acknowledged the problems caused from agriculture, particularly erosion and use of chemical sprays. Many farmers, he said, have begun to address many of these issues.

However, economic conditions for the farmers are tough and it is difficult to afford to participate in river clean-up to the extent needed. Environmental issues need attention, but "don't make it more difficult to farm," he said.

Wendt recommended starting with the chemical companies. "We're supposed to wear a rubber suit, gloves and a respirator to plant because of the chemicals," he said.

Perhaps the best summation of the problem before the conference was contained in a question posed by Hilliker: "How many things do we want the Wisconsin River to be?" These are choices for all people, for all of us are stakeholders in the river systems which are the veins and arteries of the Earth.

We are all affected when the Earth is poisoned. However, conflicting values and expectations as well as economic interests make solving river issues complex and political. We must decide for the river and for our future generations, Hilliker concluded.



A riverlet of water winds its way into the vast Lake Superior. (Photo by Sue Erickson)

**"Land use, not river use, needs to be managed. In 150 years there will be no topsoil left."**

**—Gary Borger, UW-Wausau**



# “The silence of the frogs”

## Wisconsin behind in environmental action

(Rivers Conference continued from page 13)

Peter Lavigne, River Network, Portland, OR provided a national overview on river issues for conference participants. To him the rivers are indicators of our entire ecological system in distress, not just in Wisconsin but nationwide.

He cites the silence of the frogs and the decline of amphibian populations in our rivers and streams as one evidence of problems within our waterways. “Rivers are like the miner’s canary warning that our fresh water systems are in collapse. . . There are endangered aquatic species everywhere. . . The rivers are a signal of overall ecological systems in collapse,” he stated.

The general public is responding to the issues, he stated. An explosion of grassroots river protection groups in the United States brought the number to 3,523 groups in 1994.

“The public wants change, but they don’t know what kind of change,” he said.

The backlash to the grassroots environmental explosion is the “Wise Use Movement,” Lavigne stated. The movement seeks to undermine environmental group efforts by labeling environmental action as the new “Red Scare.” Essentially, the movement tends to minimize the problems which exist and lobby against pro-environment regulations.

It is effective within the political system, so that funding for environmental action is dwindling at the government level and legislation doesn’t really provide enough protection, Lavigne stated.

In regard to Wisconsin specifically, he noted that the Flambeau River is on the list of twenty threatened rivers in the U.S. “Wisconsin has a long history of environmental actions and devastation behind that action,” Lavigne commented. Wisconsin is behind the curve on grassroots action as well, he said.

The challenge, according to Lavigne, is to promote a broader public understanding of the role of rivers in everyday life and a greater public awareness of watershed issues. People need to find ways to effectively communicate, he said, and need a basic ecological literacy.

### Issues and barriers identified

Much of the conference was devoted to small-group work on defining issues and barriers. While many issues were listed, the top six from eight different work groups became the “high priority issues.”

High priority issues included:

- Land use in watersheds and river corridors;
- Nonpoint source pollution from urban areas and from agriculture;
- Competing uses, such as recreation vs. commercial and overuse;
- Access in rural and urban areas;
- The impact of dams on flow, levels and problems with discharges;
- The impacts of toxic chemicals from agriculture, metallic mining and household chemicals.

Among high priority barriers in effectively confronting issues were:

- **Stewardship/values/ethics:** lack of spiritual values regarding the resources, lack of commitment to the future generations, and personal interest overriding interest in the rivers.
- **Inter/intra governmental coordination:** lack of coordination, communication and consensus between agencies.
- **Enforcement/legal:** lack of strong regulation for bad actors and lack of enforcement of existing regulation, complicated regulatory structure, lack of authority.
- **Awareness/understanding:** lack of information and understanding on how river systems work, the status of the rivers, and how to effectively protect a river.
- **Information/data bases:** lack of inventory, lack of physical and biological data
- **Citizen action:** lack of meaningful public participation, volunteer burn-out, and lack of direction in terms of river protection activities.
- **Funding:** ineffective use of public funds, inadequate state funding, lack of available funding for local level action.



The Kakagon River, Bad River reservation, is one of many tributaries to Lake Superior. (Photo by Sue Erickson)

• **Long-term vision/system view:** lack of comprehensive, long term management and planing as well as lack of involving public in the process.

• **Economic quantification:** inability to quantify aesthetic values (or non-marketable values); conflicts with profit motive; and difficulties in balancing economic and environmental issues.

• **Political process:** lack of political will and political pressure leading to compromise in agency planning and action.

According to conference coordinator Sara Johnson, Wisconsin River Alliance the conference precipitated a larger interest in having greater local involvement. Johnson was pleased with the diversity of participants and the discussions about the necessity to organize at the local level.

Johnson felt there was agreement on several major issues, including the need for public education about river issues to facilitate greater public involvement and the need to develop long term plans for the rivers with local participation in the plan process.

The proceedings of the conference will be published in January 1995 and will be available at the Wisconsin River Alliance office. Johnson envisions another gathering, perhaps with training workshops on how to organize around river issues in the future.

For more information contact Sara Johnson at (608) 257-2424.



“Water will be more precious than gold.” Hillary Waukau, Menomonee, speaking at the Indigenous Environmental Network annual Conference at Mole lake last June. (Photo by Sue Erickson).



1  
9  
9  
5

1  
9  
9  
5



Photo of Myra VanZile

Photo by Amoose

**gichi-manidoo-giizis (January)**  
**Great Spirit Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**namebini-giizis (February)**  
**Sucker Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

**bebookwaadaagame-giizis (March)**  
**Broken Snow Shoe Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**iskigamizige-giizis (April)**  
**Maple Sugar Time Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	30	24	25	26	27	28
						29

**waabigwani-giizis (May)**  
**Flower Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**ode'imini-giizis (June)**  
**Time for Picking Strawberry Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**aabita-niibino-giizis (July)**  
**Half Way Through the Summer Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**miini-giizis (August)**  
**Blueberry Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**manoominike-giizis (September)**  
**Wild Rice Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**binaakwe-giizis (October)**  
**Falling Leaves Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**gashkadino-giizis (November)**  
**Ice is Forming Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

**manidoo-giizis (December)**  
**Little Spirit Moon**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Compliments of Great Lakes Indian Fish & Wildlife Commission

• P.O. Box 9 • Odanah, WI 54861 • (715) 682-4427



# Mole Lake in court on mining issues

By Sue Erickson  
Staff Writer

Crandon, Wis.—The Mole Lake Band remains active on several fronts in their efforts to stop the Crandon Mining Company's proposed copper/zinc mine.

Concern over degraded water quality both from test pumping and potential mining process as well as desecration of burial sites top the list of the band's concerns over the proposed operation.

The band was unsuccessful in a bid to obtain a temporary restraining order or stay to stop the test pumping by challenging the Wisconsin Department of Natural Resources's (WDNR) decision not to require a Wisconsin Pollutant Discharge Elimination System permit. Judge Frankel, Dane County Circuit Court, denied Mole Lake's petition. The court stated that the challenged activity—the hydrologic testing of weathered portions of the ore body—was not a mining related activity, according to John Griffen, Mole Lake multi-media specialist.

A motion for an appellate hearing on the issue was filed by the tribe, but that motion was denied by the District IV State Court of Appeals on Nov. 16th, Griffen states.

Mole Lake's concern regards the operation of two high capacity test pumps on the proposed site being used to develop models which would estimate the flow of groundwater into the proposed mine.

Mole Lake is concerned because the pumps, capable of pumping 200 gals. per minute, are pumping ground water with lead and cadmium levels above the drinking water standard and draining them into an area that may contaminate underground water supplies, states Mole Lake planner Duwayne Derickson.



Mole Lake tribal members listen to testimony provided at the December 8th WDNR Board meeting in Madison where over thirty people requested the Board to adopt a policy to ban metallic/sulphide mining in Wisconsin. (Photo by Amoose)

The pumped groundwater is being released into a shallower aquifer that does not have the elevated levels of cadmium and lead. Mole Lake is also concerned that this discharge will artificially increase lev-

els of these contaminants and those levels will, in turn, be used as a "baseline" which will distort the data eventually used to determine the amount of pollution from the proposed mine itself.

The tribe also requested a contested hearing from the WDNR. That request was denied, and Mole Lake appealed the decision on December 7 and awaits a response, according to Griffen. The appeal is based on a challenge to the Dane County Circuit Court decision that the hydrologic testing of the weathered portions of the ore body was not a mining related activity.

## Issue of Burial Sites also in court

In another related matter, Mole Lake has filed a motion against the Wisconsin State Historical Society and the Crandon Mining Company regarding the potential desecration of burial sites in Dane County Circuit Court.

The areas currently being affected by two high capacity well test sites are known by the tribe to be either "burial sites or areas likely to contain burial sites." The tribe seeks further archeological investigation into the area in order to ascertain whether the burial sites are at risk, according to John Griffen, Mole Lake multi-media specialist.

The tribe is also challenging the State on the grounds that a consultation process required by the Native American Graves

Repatiation Act and the Archeological Resources Protection Act has not taken place.

The tribe contends that no discharge be allowed until the tribe can sit down on a government-to-government basis and discuss the history of the area and the likelihood of burial sites below the depth of a hand shovel. Griffen states.

The band is waiting for a hearing date to be set by the Dane County District Court.

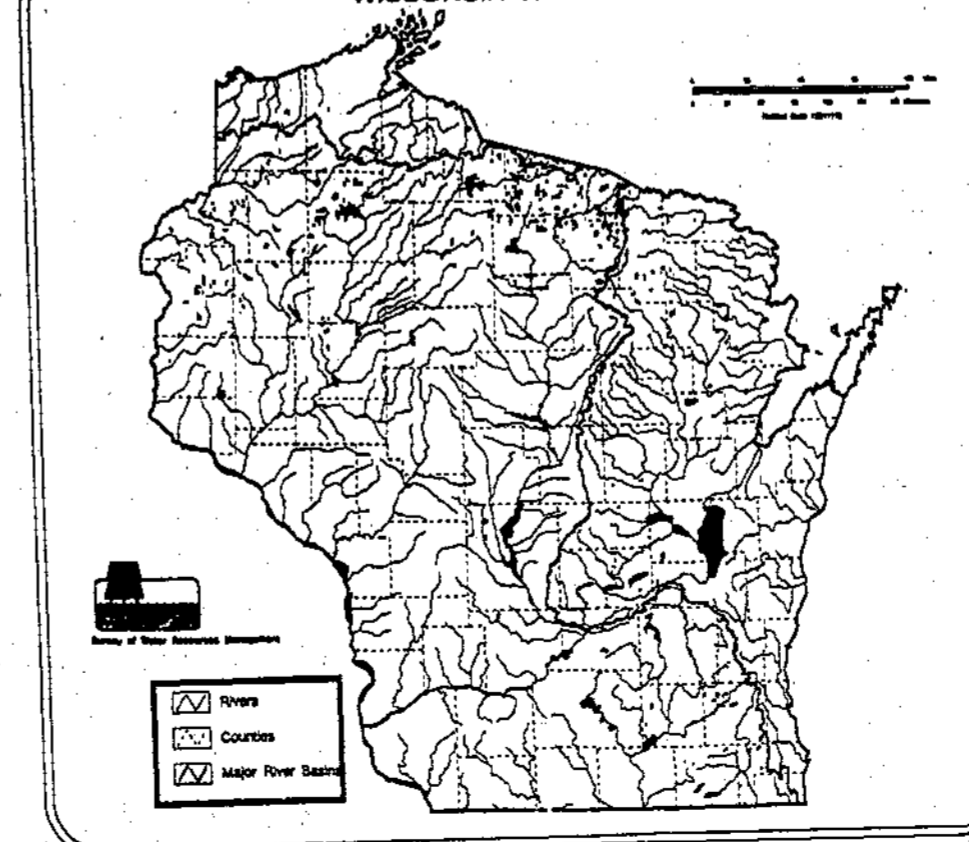
In a report issued by Exxon as part of the EIS development in 1977 when a mining permit was first being sought indicates that sites did undergo archeological excavation by Dr. Robert Salzer, Beloit College and that ten boxes of remains from those sites are now being held in the basement of the Logan Museum at Beloit University, Beloit, Wisconsin.

However, Griffen states that Salzer has recently disclaimed his work as extensive but completely inadequate and not completed to the specifications required by current law.

Salzer, Griffen says, suggests his research should not be used at this point in time and that there is no evidence of tribal burials, but rather European artifacts.

On the other hand, Dr. David Overstreet, Great Lakes Archeologic Resource Institute, Milwaukee, Wis., found evidence of a settlement dated from 1000 to 1600 years old. Overstreet was hired by Exxon to do more archeological work in the mid-1980s, Griffen says. (See Mole Lake, page 22)

## WISCONSIN RIVER SYSTEMS





# Feds to do EIS on proposed CMC mine

By Sue Erickson, Staff Writer

Turtle Lake, Wis.—Colonel James Scott, U.S. Army Corps of Engineers announced the Corps' decision to prepare a federal Environmental Impact Statement (EIS) during a discussion at the October Voigt Inter-Tribal Task Force meeting at Turtle Lake, Wisconsin.

Scott said that the federal EIS would be in conjunction with the permit application from Crandon Mining Company to dredge and fill 80 acres of wetlands.

While the tribes welcomed federal involvement and oversight, environmentalists expressed concern because the federal EIS process will be coordinated with the State EIS process.

Fred Ackley, VITTF representative, Mole Lake, says he is concerned that a combined EIS will undermine the checks and balances which would be provided by separate EIS processes.

According to GLIFWC Policy Analyst James Zorn, federal law pertaining to EISs and 404 permits specifically states that federal agencies should work in conjunction with other governmental entities.

Zorn states that Colonel Scott assured the tribes that the federal government will not abdicate federal responsibility to do the EIS, even though parts are going to be in conjunction with the State.

Currently, GLIFWC is waiting for information on the scope of the federal EIS, Zorn states. Much will depend on the scope of the EIS and how the involved agencies interpret the information provided to them by Crandon Mining Company.



Col. James T. Scott, U.S. Army Corps of Engineers attended a Voigt Inter-Tribal Task Force meeting to discuss tribal concerns regarding the permitting process for the Crandon Mining Company's proposed mine. (Photo by Sue Erickson)

# Mining law: Road of no reform

By Philip M. Hocker  
Clementine

This is a wake for Mining Law Reform," Senator Bennett Johnston (D-LA) announced. Johnston had made a valiant effort to negotiate a bill that both the environmental community and the mining companies could accept, and to pass 1872 Mining Law Reform before the Congress recessed at the beginning of October. The mining companies had refused to compromise; they had called in their campaign contribution markers on enough Senators to filibuster the bill to death if Johnston took it to the Senate floor.

But the news that Congress had failed to reform the Mining Law's 122-year-old environmental abuse and fiscal giveaways has angered America. From across the country, editorials and letters have protested this Congressional cop-out. This was not a wake, it was an awakening.

## Road of no reform

The road to this point had been arduous—from the pioneering hearing on the Mining Law which Representative Nick Joe Rahall (D-WV) convened in 1987, through bills introduced in 1989, 1990, 1991, and 1993, and a steady repertoire of hearings.

Mining Law Reform bills were introduced early in January 1993 soon after the new 103rd Congress convened. In the Senate, Johnston, as Chairman of the Energy Committee, had moved S.775, the industry-supported "Sham Reform" bill introduced by Larry Craig (R-ID), through

the Committee and the full Senate. Johnston wanted the Republican-sponsored Craig bill for a "ticket to conference" with the House, where it could be strengthened. On May 25, 1993, it was passed by the Senate without debate or amendment or any recorded vote—no legislative history, and no fingerprints.

The House had labored intensely on H.R.322, the comprehensive reform bill introduced by Reform pioneer Rahall. After much delay and amendment, H.R.322 was passed by 316 ayes to 108 nays on November 18, 1993. The Senate appointed conferees four days later, but the House postponed moving to conference.

And postponed and postponed, until the House and Senate held their first Conference meeting on June 29, 1994. In the weeks before that meeting, members of the Senate waged a battle of letters to Senator Johnston. It takes 60 votes to stop the endless debate of a Senate filibuster. Anti-reform forces showed they had the power to sustain a filibuster when 42 Senators signed on to a letter championed by Senator Larry Craig. The goal was to use the filibuster threat to force the members of the Conference Committee to vote for the weakest possible bill.

Pro-reform Senators countered with a letter from James Jeffords (R-VT) pledging support for comprehensive reform and against a filibuster. These letters mark the only time that Senators publicly committed themselves to a pro- or anti-reform position.

Senator Johnston used the first half of the year to prepare a new draft Reform bill called the "Chairman's Mark." After the

House conferees were named, the House and Senate volleyed drafts and counter-drafts across Capitol Hill, attempting to seek a compromise which both Johnston and House Natural Resources Chairman George Miller (D-CA) could take back for final enactment.

Johnston wanted a bill which all Senate Democrats would accept—even the Rocky Mountain Senators, Richard Bryan (NV), Ben Nighthorse Campbell (CO), Dennis DeConcini (AZ), and Harry Reid (NV), who were closest to the mining industry. Johnston pressed Miller to accept major cuts from the House position in order to pass a bill.

Despite these efforts, late in September it became clear that no amount of weakening would gain those four Senators' support. In fact, it became obvious that their strategy had been to pretend to negotiate, and "run out the clock" to the end of the Congress, without ever agreeing to a bill. They succeeded.

Near the end of the negotiations, Johnston proposed a bill which would:

- End "patenting" of mine claims—the \$2.50/acre land giveaways,
- Charge a royalty of 3.5% on gold, 2% on all other ores,
- Establish broad but vague environmental and reclamation requirements,
- Create the core of a Historic Abandoned Mines Reclamation program ("HAMR"), to apply to Federal lands only, and
- Allow "citizen suits" to enforce the new law.

However, the Johnston proposal made serious compromises. It would have omitted

the most important environmental category, groundwater protection, from the bill. The environmental and reclamation language was weak. There was no "unsuitability" provision to declare some public land areas off-limits; Johnston said that could be done under existing law.

Though this proposal was considerably weaker than the House bill, and weaker even than Johnston's own original "Chairman's Mark" as drafted in May, the mining industry and their four captive Democratic Senators still rejected it. When Johnston announced the breakdown of negotiations on September 29th, he said of the mining companies, "I don't know how they can ever hope for a better bill than this." Johnston firmly blamed the mining companies for stonewalling any compromise and blocking passage of Reform in 1994.

Senator Dale Bumpers went further: "This isn't about what's right and what's wrong, this is about political muscle, pure and simple."

There had been other factors at work, both pro and con. The increasing party-line polarization of the Congress made it progressively more difficult to pass any legislation. House Chairman George Miller's go-slow strategy meant that Mining Law Reform faced a harder problem breaking a filibuster in September than it would have earlier in the year. The California Desert Protection Act barely squeaked through on the last day of the Congress to provide a "win" for Senator Feinstein in her reelection campaign, but they could not manage that for other bills.

(See Mining law, page 22)

# Acid mine drainage costly problem for USFS

*(Why are people concerned about mining in northern Wisconsin? The issues relating to sulphide mining are related below in a passage taken from the 1993 U.S. Forest Service's publication, Acid Drainage from Mines on the National Forests: A Management Challenge. As you will note, the impact on the environment are serious. People are not opposed to economic development, but to short-term development which poses substantial risks to the future.)*

The Forest Service has identified acid drainage from mine sites as the most difficult and costly reclamation problem it faces with western metalliferous mining operations. Acid drainage persists at many active and abandoned mine sites, with some significant environmental problems dating as far back as the late 1800's.

There are also concerns that current and future mining operations may generate acid drainage for years or decades after the mines cease operation. Unfortunately, major technical uncertainties are associated with the prediction of acid drainage potential at the time of mine plan approval as well as with mitigation or treatment techniques for post-mining use.

Over 1,500 western mining sites with significant acid drainage problems have been identified on National Forest System lands. Many of these sites in remote locations that are not accessible the year around often represent small, but ecologically damaging flows. Such sites require either permanent control measures to prevent or mitigate acid formation, or low-cost, passive treatment technology to neutralize and detoxify the waters.

The problems of acid drainage from the sulfide-bearing rock present at many western metal mines are exacerbated by contamination that occurs when acid waters contact exposed mineral zones and dissolve heavy metals. Many of these metals are toxic to aquatic and terrestrial life, if the concentrations are high enough.

Forest Service land managers, who face increasingly complex and controversial decisions regarding mineral development, need new research information. One major problem affecting the future of metal mining in the West is the absence of technology to predict the potential of new mining ventures to generate acid drainage.

State and Federal permitting and regulatory agencies need information on the acid-forming potential of ore deposits in order to analyze the impacts of new mining operations and provide for the development of necessary environmental controls. Gold and other precious metal operations, which have experienced a 30- to 35-percent growth in domestic production in each of the last 5 years, are expected to continue.

Without additional research information, it is almost certain that a significant percentage of existing and new mining ventures will experience unexpected acid drainage situations. These situations could result in expensive and difficult remedial actions to prevent adverse environmental impacts, primarily to surface and ground waters, due to metal-contaminated drainage.

The fact that acid drainage has been a persistent problem for more than 100 years is indicative of one of the major difficulties in dealing with it—that there are currently no

widely applicable technologies to mitigate or stop a fully developed acid drainage situation. Only stopgap prescriptions are available and at considerable cost.

On the other hand, the application of State and Federal regulatory controls on some modern mines has, in some instances, been able to limit the development of acid mine drainage and consequently reduce the long-term environmental effects.

However, regulatory controls do not always work. In the case of old, abandoned mines it is too late for regulatory controls. New technologies are needed to effectively deal with these problems.

Currently, reliable data on the total number of mines producing acid drainage and on the number of miles of streams affected by acid and metal drainage are not available for the Western United States. However, various estimates have placed the number of these mines in the range of 20,000-50,000, seriously affecting 5,000-10,000 miles of streams. The cumulative effect of these mines, whatever their actual number, is significant.

The basis for the production of acid drainage is well understood. Pyrite and other sulfide minerals are exposed to air and water in the mining process. Air and water oxidize the sulfide minerals, releasing sulfuric acid and sulfates. This process is catalyzed by iron-oxidizing bacteria and permits a host of site-specific secondary reactions, principally ion exchange and acid-induced metal dissolution.

The metals that may be involved in this process cover the range of heavy metals: arsenic, cadmium, copper, iron, lead, manganese, mercury, nickel, selenium, silver, and zinc. Once the chemical reactions are fully realized, the discharge of acid and metal ions is known to persist in some cases for hundreds of years and should be considered a long-term source of contamination. Although this process does occur naturally, it is the volume of drainage from mine sites that is problematic.

The makeup of acid drainage varies from mine to mine and from location to location. Classic acid drainage is composed of acid, precipitated iron compounds, sulfate ions, and dissolved metals. It is the metals, far more than the acidity, that cause the environmental damage. The type of metals in acid mine drainage is controlled by the mineralogy of the ore body; lead and zinc mines may produce metal migrations of lead and zinc. Unexpectedly, gold mines may produce flows containing arsenic.

Once the acidity and metal ions migrate into the soils, they are usually unable to support the normal complement of vegetation and soil fauna and flora. These biological components of the soil are inhibited by the dissolved metals in the soil water solution. Bare, unvegetated soils are eroded by the weather elements, and streams are physically contaminated with large volumes of metal-bearing sediments coming off the acidified upland areas of the mines. Extant groundwater aquifers may also be contaminated by the dissolved metals.

When acid and metal drainage enters streams, the fish and other stream organisms are often depleted in a relatively short period of time. Copper ions are especially lethal to fish, but not to mammals. In a coldwater fishery, in softwater conditions, a copper concentration of as little as one part per million may be lethal to trout. Streamside vegetation is affected by a change in species composition and exhibits a general loss of vigor. However, some lower quality streamside vegetation is usually retained.

To briefly summarize, flows of acid drainage often create large, toxic, metal-bearing sediment loads in stream channels. The channels may be brightly colored—red, purple, and orange—by precipitates of iron and other metal compounds. The waters are somewhat acidified, but the metal constituents may increase drastically.

Fish and other organisms in the system are lost in the waters most affected as a result of the metal contamination. Streamside vegetation is often changed as to species composition and loss of vigor. The most seriously affected streams are considered to be "dead." Ground water may also be contaminated with metal ions. □



Remains from old tribal burial sites, currently stored in the basement of the Logan Museum, Beloit, Wis., are a concern of Francis Van Zile, Mole Lake. Van Zile talks during a gathering at Mole Lake in regard to burial site issues and mining. The meeting was a follow-up from the Indigenous Environmental Network conference held at Mole Lake last summer. (Photo by Amoose)

**Exxon and Rio Algom are planning to open a zinc-copper shaft mine one mile from the Mole Lake Chippewa Reservation near Crandon, Wis. The acidic wastes from the mine could endanger wild rice beds downstream, or the nearby Wolf River. This map shows the extent of the waste area planned for the mine, superimposed on downtown Madison.**

**If the Exxon Mine Was in Madison**

••••• Tailings Management Area (TMA)

The tailings area would be a huge dump of powdery sulfide mine wastes, in a covered pond measuring 360 acres (0.56 sq. mi.). The dump would be 90 feet deep, almost one-third the height of the Capitol.

--- Compliance Boundary

The Compliance Boundary outlines the area within which the mining company can pollute with minimal regulation. It measures 1046 acres (1.63 sq. mi.)

Map by Midwest Treaty Network, 721 State St., Madison WI 53703. Tel./Fax (608) 246-2246





Ladysmith, Wis.—The flooded Flambeau River rose to within just a few feet of the Flambeau Open Pit copper sulfide mine in mid September. Aerial photos show the swollen river only about 30 feet from the pit, and the mine flooded with rainwater runoff. Ladysmith residents report Flambeau Mining asked for backup pumps from the city of Ladysmith to handle the excess water. The pumps were unavailable as they were already committed to work at the local pulp mill. Members of the Rusk County Citizen Action Group (RCCAG), a mining watchdog organization, say this is the second incident of Flambeau Mining being threatened by storm events. Flambeau Mining Company had much of their erosion control system wiped out during the construction phase by heavy rains. Copper sulfide mine waste creates acid when exposed to water and can leach toxic heavy metals into ground and surface water. State rules prohibit mines within 300 feet of a river. At Ladysmith a variance was granted by the Wisconsin DNR, allowing the mine only 140 feet from the Flambeau river. Under the flood conditions water rose within thirty feet away from the mine pit. The Wisconsin Conservation Congress adopted resolutions this spring calling for an end to such variances. (Photo by Bob Olsgard)



GLIFWC recently welcomed Dr. John Coleman to its Biological Services Division staff. Coleman, based in Madison, Wis., began work for GLIFWC on a half-time basis on October 4, 1994 as a mining specialist and environmental modeler. He will be on staff full-time as of January 1, 1995. Coleman received his PhD from the UW-Madison in wildlife ecology with a minor in statistics. He is focusing on mining issues on behalf of GLIFWC member tribes. As an environmental modeler, Coleman will be analyzing data and interpreting that data in order to make projections. He will be working with data from GLIFWC's fisher/pine martin research next year. (Photo by Amoose)

# Mining law "takes a little longer"

(Continued from page 20)

Fears about the November elections, and concern that Senator Johnston's "ticket to conference" strategy may not work again because his hand has been tipped, also led pro-Reform groups to be willing to accept deep cuts in the legislation. As it turned out, it didn't matter, because the industry would not accept even a diminished Reform bill. The Reform coalition will be less willing to compromise next year—which may make success more difficult to achieve.

## Reflections; lessons learned

Though the Mining Law Reform effort did not succeed, we made very important progress in raising public and Congressional awareness, and in expanding the Reform coalition. News media reaction nationwide was very critical of the Congress for failing to pass Mining Law Reform this year. The Administration should publicize the environmental and fiscal damage the Mining Law is causing. Secretary Babbitt should use the power to "withdraw" special lands from new claims. Local and regional groups in the environmental community strongly supported

the Mining Law campaign. National Wildlife Federation, Sierra Club and other groups in the public-interest coalition held together in spite of the final days of compromises.

## Mining law and more in 1995

The 104th Congress, which begins in January 1995, will consider several bills important to environmental control of hardrock mining. 1872 Mining Law Reform will be the flagship. Clean Water Act reauthorization will include debate over measures to protect groundwater from mining contamination. Our work on Superfund will try to block a mining-industry proposal to exempt mining companies from toxic-cleanup liability (I swear I'm not making this up). We expect reauthorization of RCRA, the central toxic-waste regulation law, to address mining wastes (now exempt) because of the new attention the Mining Law fight has brought to that problem. Senators Johnston and Bumpers once again will lead the Senate effort on 1872 Reform; both intend to resume the press for that legislation. In the House, Chairman Miller and Representative Rahall will champion 1872 Reform in the Natural Resources Committee. Rahall, who holds a

senior position on the Public Works Committee, will push Clean Water Act measures. Chairman John Dinged (D-MI) and Representative Al Swift (D-WA) will play key House roles in RCRA and Superfund. Max Baucus (D-MT) chairs the Environment Committee which will cover those bills in the Senate.

A bipartisan strategy will be essential for each of these bills to win passage. While it will be difficult to build that coalition for 1872 Mining Law Reform, it can be done.

We must raise activists' interest in non-Western states, alert the public to the environmental damage mining causes nationwide, and demonstrate the vital need for non-Western Senate support for reform. Mining Law Reform must show non-Western Senators that they have a stake and should have a voice in what happens on public lands wherever those lands may be.

## Mole Lake in court on Burial Sites issue

(Continued from page 19) During a December 3rd meeting at Mole Lake, Fran Van Zile, Mole Lake tribal member, stated that there are a number of burial sites on the east side of Oak Lake and that according to a tribal elder, ten of those burials have been emptied. Van Zile is worried that remains of tribal people have been removed from their burials without the knowledge or consent of the tribe and is concerned that the excavation done by Salzer may contain Indian remains and artifacts which should be returned to the tribe. The matter is currently in court with a decision pending.

## Awakening

The campaign to reform the 1872 Mining Law is vitally important, both for the need to fix this national travesty, and for the role the Mining Law campaign plays in turning the spotlight of public opinion on the environmental damage done by the hardrock industry.

Many thanks to all who've worked to beat the Mining Law in this fight—from Ray (thanks for the clips) to Pat (indefatigable) to Jim and Tom and Cathy and Kathryn and Teresa and Janice and Gary and Carolyn and Roberto and Linda and Richard and many, many more... Remember the motto of the Navy's SeaBees. The difficult we do immediately. The impossible takes a little longer. Persevere.

(Reprinted with permission from *Clementine*, a publication of the Mineral Policy Center.)

# Significant legislation from the 103rd Congress

Though not all Indian-related issues were addressed, the 103rd Congress of the United States did adopt several significant measures which will improve many facets of Native American lives.

The following is only a brief overview of significant legislation, national in scope and of critical importance to tribes across the U.S., and is not intended to be an exhaustive account of all legislation introduced and entertained during this session of Congress.

## Indian Religious Freedom Legislation:

The Congress passed H.R. 4230 to amend the 1978 American Indian Religious Freedom Act (AIRFA) which provides for the traditional use of peyote by Indian practitioners for religious purposes.

This law purports to overturn the Supreme Court decision in *Employment Division v. Smith*, which declared that the ceremonial use of peyote is not covered by the constitutional protections of the First Amendment.

This law will create a statutory basis for the religious use of peyote by Indian practitioners now found in federal regulation (21 C.F.R. 1307.31) and under the laws of 28 states, and will allow federal agencies to promulgate regulations concerning "reasonable" limitations on the use of peyote by on-duty law enforcement and public safety personnel.

The three remaining critical elements in an omnibus religious freedom bill introduced by Sen. Inouye—protection of sacred sites, prisoners rights, and access to eagle feathers and other animal parts for ceremonial purpose—have yet to be passed by Congress.

## Indian Self-determination Act Amendments:

Rep. Bill Richardson (N.M.) introduced H.R. 4842, accompanied by Sen. McCain's companion S.2036, which was passed by Congress and addresses the pending rule-making on regulations to implement the 1988 Amendments to the Indian Self-Determination and Education Assistance Act (P.L. 93-638).

This measure establishes a "model contract" for all tribes and negates the need for most of the 400+ pages of proposed regulations by restricting the authority of the Departments of the Interior and Health and Human Services to issue regulations in connection with the Act.

This law will permit the tribes to circumvent bureaucratic delays and agency reinterpretations of clear Congressional intent, and was adopted together with the Tribal Self-Governance Legislation in the waning days of the 103rd Congress.

## Tribal Self-governance Legislation:

Intended to encourage the tribes to govern themselves and to avoid excessive reliance on the Bureau of Indian Affairs (BIA), this measure passed the Congress, making permanent the self-governance framework.



It will also allow tribes to enter into funding agreements for all services offered by the Department of the Interior.

## Indian Agricultural Legislation:

Legislation was passed in the first session of the 103rd Congress which will have positive effects on Indian agriculture and management of Indian farm- and rangelands.

The Indian Agricultural Resources Management Act (P.L. 103-177) provides a statutory framework for the federal government to carry out its trust responsibility to the tribes with regard to management of their agricultural lands and rangelands.

There are currently about 33,000 Native American families involved in agriculture or ranching, and some 45,000 Native Americans grow agricultural goods for subsistence. Nearly 75% of the 54 million acres of Indian trust lands are used for agriculture.

## FY95 Appropriations—Interior and Related Agencies:

On September 30, 1994, President Clinton signed H.R. 4602, making FY95 appropriations for the Department of the Interior and related agencies (P.L. 103-332).

This law appropriates over \$1.75 billion for all programs within the Bureau of Indian Affairs (BIA), compared to \$1.767 billion requested by the Clinton Administration. The act does not include specific FTE (Full Time Equivalent) reductions aimed at targeted offices, but mandates that the reductions be made more broadly.

It also requires distribution of \$2 million to establish a minimum base of fund-

ing for small tribes; transfers the Johnson-O'Malley, Roads Maintenance, and Housing Improvement programs from the Other Recurring Accounts Program (ORA) to the Tribal Priority Allocations Program (TPA).

This is significant because TPA is provided a \$5.3 million increase over the FY94 enacted level, as well as a \$2 million inflation adjustment on certain portions of the TPA accounts.

Program appropriations are as follows: Office of Indian Programs—\$1.526 billion; Tribal Priority Allocations—\$523 million; Human Resources Development Program—\$1.7 million; Construction—\$130 million; Navajo Rehabilitation Trust Fund—\$2 million; Technical Assistance of Indian Enterprises—\$2 million; Indian Direct Loan Program—\$2.5 million (to subsidize up to \$10.9 million in loans); Indian Guaranteed Loan Program—\$9.7 million; National Indian Gaming Commission—\$1 million; Indian Education Act Programs (Department of Education)—\$83.5 million.

## Native American Trust Fund Accounting & Management Reform:

This legislation will overhaul the system now in place to manage funds held in trust by the U.S. Government for the benefit of Indian tribes and individuals.

There are now 330 tribes maintaining some 3,000 accounts with an estimated balance of \$2.1 billion. This legislation requires that interest be paid on these funds; clarifies the trust responsibility of the United States; requires daily and annual account balance computations; and creates a Special Trustee within the Department of the Interior to reorganize the management of Indian funds.

## Violent Crime Control and Law Enforcement Act:

Passed by the Congress (P.L. 103-322), this 33-title measure contains several provisions affecting tribal governments. Three "opt-in" sections allow tribes to decide if certain provisions apply within their jurisdictions.

Tribes can decide whether A) the death penalty is imposed for first degree murder; B) persons aged 13-17 will be prosecuted as adults for certain federal crimes; and C) the "three strikes—you're out" life term will be imposed.

This act is a multi-billion dollar measure, and tribal governments are eligible for certain grants under the act, including the "Cops on the Beat" program, programs to reduce violence against women, and a number of crime prevention initiatives.

Title VIII of the act makes available some \$3 billion for community policing, preventing violence against women, drug courts, and several others.

## Clean Open Dumps Legislation:

Introduced by Sen. McCain, this legislation will allow the Indian Health Service (IHS) to inventory all open dump sites on Indian lands to assess the risks to human health and the environment.

The IHS is authorized to create a "priority list" of sites involved, develop cleanup estimates, handle closures and post-closure activities.

## Indian Dam Safety Legislation:

This legislation was introduced in the first session of the 103rd Congress and later adopted (P.L. 103-302) to provide for the maintenance of dams located on Indian lands by the BIA or by the tribe through contractual arrangement.

There are currently 53 dams presenting a "high hazard to human life in the event of failure" that are located on Indian lands. This bill authorizes a long-term safety and management program like that of the Bureau of Reclamation.

## Indian Environmental General Assistance Program Act:

Adopted in the first session of the 103rd Congress (P.L. 103-155), this bill authorizes \$15 million in multi-purpose grants annually for FY94 through FY03 to assist in environmental protection and restoration in Indian country. This law requires the Environmental Protection Agency (EPA) to issue annual progress and status reports on environmental clean-up of Indian lands.

## Native American Veterans Memorial Establishment Legislation:

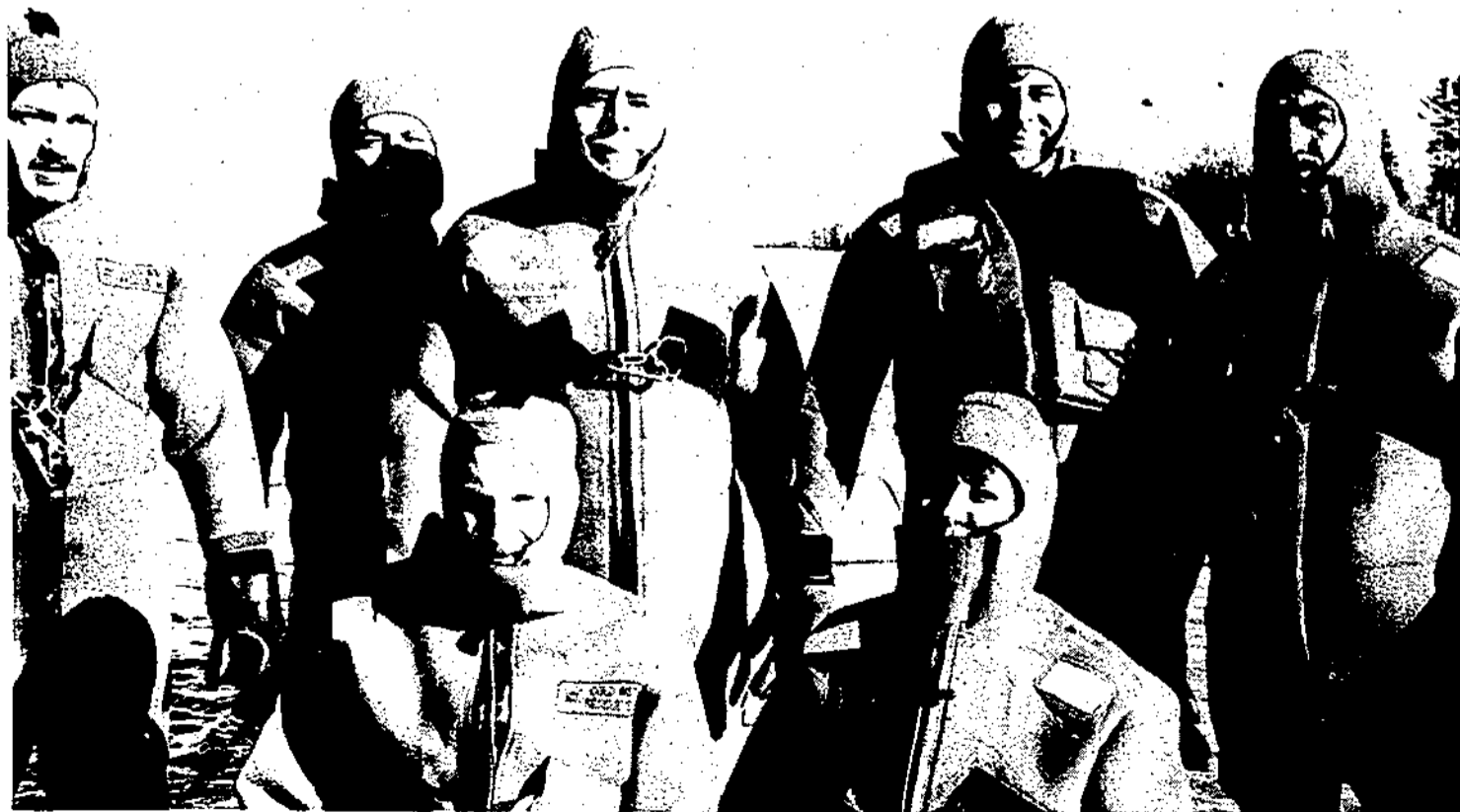
This legislation was introduced by Sen. McCain, with companion legislation initiated by Rep. Thomas (WY), and authorizes the construction of a Native American Veterans Memorial on the grounds of the future National Museum of the American Indian in Washington, D.C. □



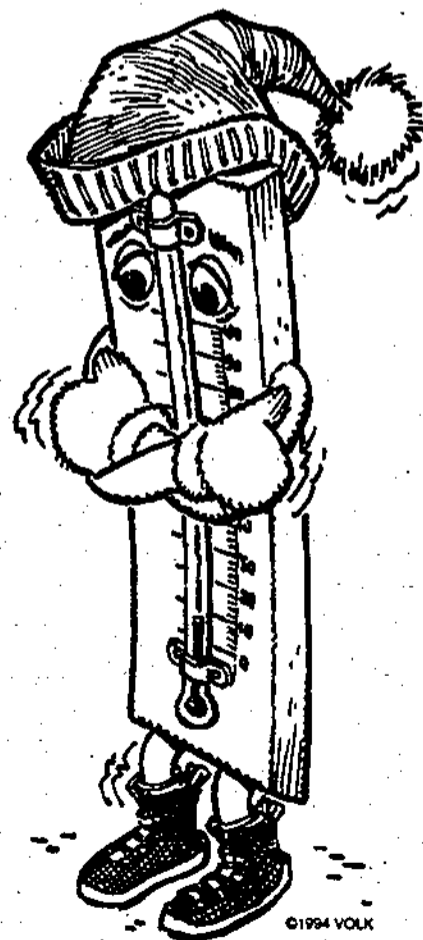
# Legislative Update

Number of Bill	Title	Most Recent Action
H.R. 6	Extension of Elementary and Secondary Education Act of 1965	House agreed to conference report (9/30/94)
H.R. 2135	National Native American Veterans' Memorial	Forwarded to House Committee on Administration (4/13/94)
H.R. 3508	Tribal Self-Governance Act of 1993	Placed on Senate Calendar (9/13/94) Reported to House from Committee on Government Operations H. Rept. 103-601 (CRH8051) (8/12/94)
H.R. 4086	Youth Development Block Grant Act	Joint hearings held by subcommittees on Select Education and Civil Rights and Human Resources (8/4/94)
H.R. 4119	Bill declaring land held in trust for Confederated Tribes of Siletz Indians of Oregon	Referred to Subcommittee on Native American Affairs (4/27/94)
H.R. 4231	Bill to prohibit regulations that classify, enhance, or diminish the privileges and immunities of an Indian tribe relative to other federally recognized tribes	Referred to subcommittees on Native American Affairs and National Parks, Forests and Public Lands (7/11/94)
S. 720	Indian Lands Open Dump Clean-Up Act of 1993	Passed Senate (5/12/94) Referred to House Natural Resources Committee (5/17/94)
S. 1526	Indian Fish and Wildlife Resources Management Act of 1993	Reported to Senate from Indian Affairs with Amendments S. Rept. 103-329 (8/10/94)
S. 2036	Indian Self-Determination Contract Reform Act of 1994	Reported to Senate from Indian Affairs Committee (9/26/94) S. Rept. 103-374
S. 2230	Indian Gaming Regulatory Act Amendments of 1994	Indian Affairs Committee Hearings held (7/19/94 and 7/25/94)

Reprinted from American Indian Report, a publication of the Falmouth Institute, Inc. November 1994.



Barely recognizable in their cold-water rescue suits, GLIFWC wardens and Coast Guard trainers pose for a shot during cold water rescue training near Ashland, Wis. A three-day training included classroom and on-the-water sessions for all GLIFWC wardens. Pictured above, from the left, back row: Michael Wren, U.S. Coast Guard; Sgt. Larry Mann, Lac du Flambeau; Sgt. Ken Rusk, Lac Courte Oreilles; Warden Ken Pardun, Mille Lacs; and Corp. Vern Stone, Bad River. Front: Larry Kosobucki, U.S. Coast Guard and Corp. Carole Wielgot, Lac Courte Oreilles. (Photo by Sharon Dax)



©1994 VOLK

# Thinking... Indian

By E. Benton-Banai  
Ojibwe-Anishinabe

Our language is in the past, the past is in our language. The past is alive and well, to some people and situations. But to some folks the past is dead and gone and of no real value except to historians, anthropologists, or students needing to write a historical paper which will fulfill a necessary requirement or a needed grade.

Some folks could care less, and never give it a thought. That is, until a situation arises or a set of circumstances suddenly makes the past very important.

To the First Nation's peoples, the original Americans—the Anishinabe of every tribe nation—the past is very important and in some cases critically so.

To the Western Shoshone people, the past is of the utmost importance. Anishinabeque, (Women) warring Mary and Carrie Dan of that Nation, the past is the element of irrefutable truth that hinges their case together in fighting the outright theft of traditional Shoshone lands by the U.S. Government.

The United States of America, Bureau of Land Management and the uncanny

men and women, staff of the U.S. Government continue to wage their war against these brave women.

The past, that only our language can correctly state makes other cases and situations that confront Native Americans today in the struggle over treaty rights, religious rights, cultural integrity and Validity is the link of truth.

The past is physically and spiritually important to us, The Anishinabe People. And don't be misled, all indigenous people are Anishinabe, our language tells us...so.

The past is alive and can be a critically important. The past, present and future are friends, allies that can inspire, bring meaning to a person that has lost his/her identity or culture/spiritual heritage.

To such a person wanting, needing to find who and from whence they came as an Anishinabe person, the past is at once the most importantly, depending upon the truths the past hold for that person.

We must do everything in our power to save, restore, and pass on our native, original languages.

The Midewiwin Lodge embraces the Three Fires of the past, present and future based upon the age-old spiritual Confederacy of the Ottawa, Ojibwe voice

Bodawatomi as the concept and Lodge that best fits the contemporary movement to find, restore, and maintain for the Anishinabe people of today and the future, the values, ethics and traditions and ceremonies that made us a healthy, vibrant independent, physically and spiritually...strong nations. In it and through it our language is beginning its long journey back.

But the past as a friend or ally needs help, our help. For the Anishinabe people today, for organizations, schools and communities struggling with treaty rights, quality education to bring full meaning and integrity to the efforts of restoring culture to our people, especially to young people, the past needs to be spoken, understood and defined by our original language.

For the Anishinabe our language is defined as being Ojibwemowin. Which means sounding or speaking Ojibwe. Ojibwe does not mean "Puckered up!"

The importance of restoring the native original languages for all tribes and nations is of the utmost importance. Do our leaders know?

It is through the language we define what our grandmothers and grandfathers intended for us, now and in the future,

when they entered into treaties and agreements with the U.S. Government.

The past is alive and well. Our languages are not all dead, yet. We need our leaders help, now.

At the time of the arrival of the Europeans to our shores there were over 380 different and distinct Anishinabe languages being used by the original people of this Turtle Island now called America.

Linguists will tell you that less than 200 of those languages are alive and being used. In some communities of Ojibwe Anishinabeg the language is completely gone except for an occasional "Ahneen" as greeting between two people.

In some communities the last few elderly people who have the language will pass away within 10 years, taking with them the last vestiges of their communities own way of Ojibwemowin... forever. Leaders, educators, elders, all of us take heed before it's too late.

Our prophecies tell us: "In the time of the Seventh Fire, a new people shall arise." Who are they, where are they?... They have arrived. The trouble is they don't know it, yet. But we must hurry, if we are to save the language, traditions, past... ourselves.

## Reservation life for me

Reservation—Life for me  
Reservation—place to be  
Mother Earth—Father sky  
Oh Migizi, flying high.

Elders teaching all the young  
Just what is right  
And what is wrong.

Culture rising once again  
Drummers—Singers gather as friends,  
Sharing songs from our past,  
Making sure that we will last.

Dancers—thinking just like one,  
Steps like following the sun.

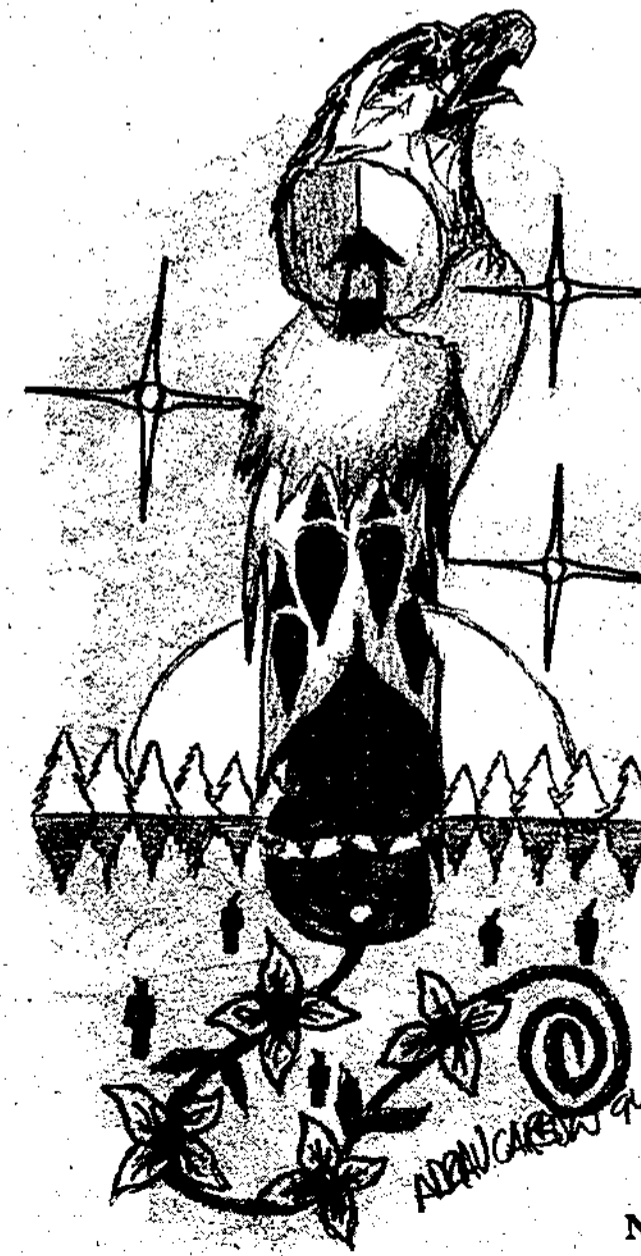
Speak the wisdom I do not know,  
Teach the things we all shall do.  
Don't forget the things which we learned  
Harder times, they shall pass.

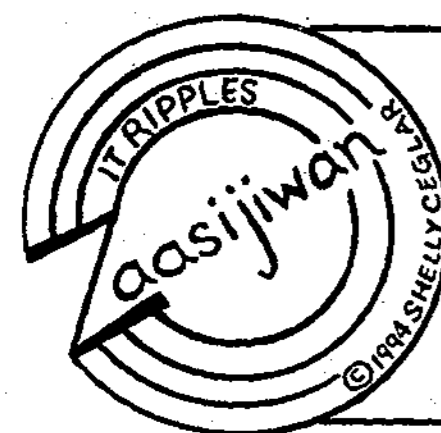
Teach me now, I can't forget.  
Ask me in my native tongue.  
Who we are and where we're from.

Life is hard—answers lie in all mistakes.  
Teach me now— so I won't forget.  
Life is good, wisdom from every turn.  
Ask me where tomorrow lies  
Who we are and where we're from.

Reservation—Life for me  
Reservation—place to be  
Mother Earth—Father Sky  
Oh Migizi, flying high.  
Miigwech Gichimanidoo!

Poem and artwork by  
Adrian Garbow,  
Age 17  
Nay-Ah-Shing School  
Onamia, Minnesota





# Biboon — It is winter

**Dakise, Goonikaa, Goon, Mangadepon, Zoogipon, Ishpate, Aagimag, Aagimose, Nagwaaganan, Aadizookaanag**  
(S/he is chilled, feels cold. There is a lot of snow. Snow. There are large snowflakes coming down. It is snowing. The snow is high. Snowshoes. S/he snowshoes. Snares. Traditional stories.)

### Bezbig—1

### OJIBWEMOWIN (Ojibwe Language)

Double vowel system of writing Ojibwemowin

Alphabet vowels: A, AA, E, I, II, O, OO

Consonants: B, C, D, G, H, J, K, M, N, P, S, T, W, Y, Z, glottal stop'

Double Consonants: CH, SH, ZH

—A glottal stop is a voiceless nasal sound as in mazinagan.

—Generally the long vowels carry the accent.

—Respectfully enlist an elder for help in pronunciation and dialect differences.

**DOUBLE VOWEL PRONUNCIATIONS**  
**Short vowels: A, I, O**  
Akiing — as in about  
Ishpi — as in tin  
Omaa — as in only  
**Long Vowels: AA, E, II, OO**  
Omaa — as in father  
Apane — as in jay  
Aaniidi — as in seen  
Aadizooke — as in moon

### Niizh—2

Circle the 10 underlined Ojibwe words in the letter maze. (translations below)

A. Ningoding niningaj gisinaag agwajing omaa.

B. Megwayaak, ina giga-aagimose — ishpatag?

C. Ishpi-dabikak, aadizooke, nookomis.

D. Ani-biboong, apane nindaakoz dash ninjaachaam.

E. Akiing, goonikaa dash mangadepon.

F. Aaniidi gaa-tooyaan i'iw nagwaaagan?

N X O M  
I A T Z E M  
N B G G A' G L  
I H I W S B W A  
N F C D A S H A P  
I S H P I A D A Y Q  
N O J E Y G P W A  
G O O N I K A A N R A  
A P M K W Y U N N U C K  
J N A Z X L O E X Z P R  
K O A A A D I Z O O K E

### Niswi—3

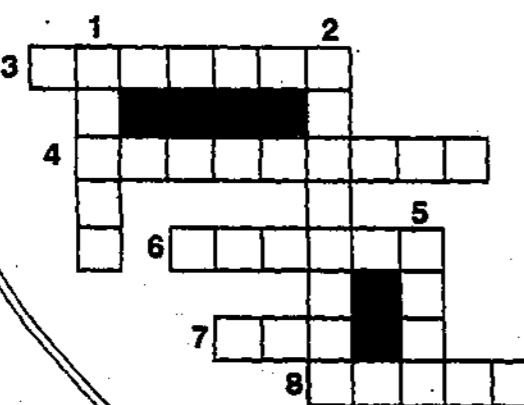
### IKIDOWIN ODAMINOWIN (word play)

Down:

- 1. Always
- 2. There is a lot of snow
- 5. Snow

Across:

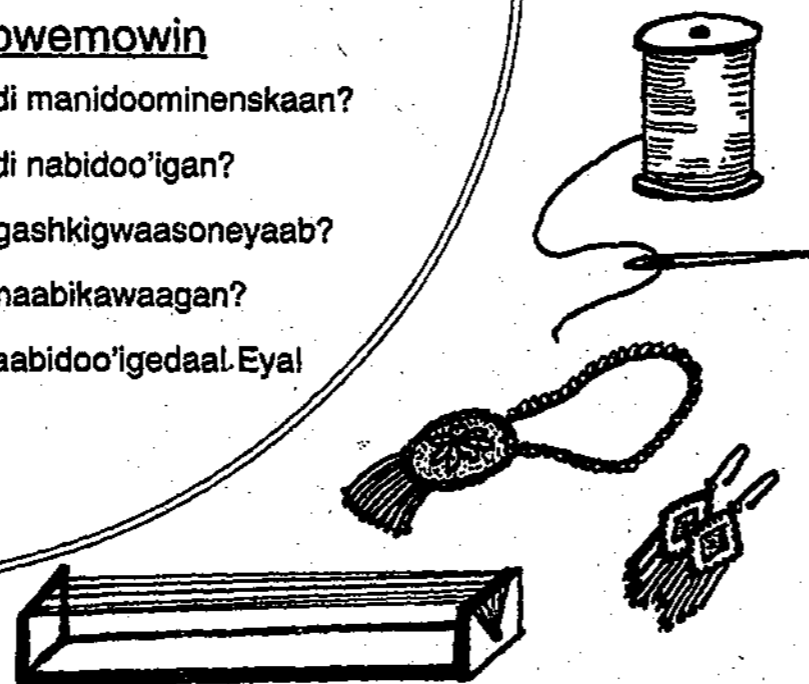
- 3. Snowshoes
- 4. Traditional stories
- 6. On the earth
- 7. Yes
- 8. Where



### Niiwin—4

### Ojibwemowin

- 1. Aaniindi manidoominenskaan?
- 2. Aaniindi nabitoo'igan?
- 3. Aandi gashkigwaasoneyaab?
- 4. Aandi naabikawaagan?
- 5. Mazinaabidoo'igedaal. Eyal



### Translations:

**Niizh—2** A. Sometimes I shiver when it is cold outside omaa. B. In the woods, will you snowshoe when the snow is high? C. High into the night, she tells traditional stories, my grandmother. D. As winter approaches, always I am sick and I sneeze. E. On the earth, there is a lot of snow and there are large snowflakes coming down. F. Where did I put that snare?  
**Niswi—3** Down: 1. Apane. 2. Goonikaa. 5. Goon. Across: 3. Aagimag. 4. Aadizooke. 6. Akiing. 7. Eya. 8. Aandi.  
**Niiwin—4** 1. Where's the beadwork? 2. Where's the beading needle? 3. Where's the sewing thread? 4. Where's the necklace? 5. Let's all bead on a loom! Yes!  
There are various Ojibwe dialects, check for correct usage in your area. Note that the English translation will lose it's natural flow as in any foreign language translation. This may be reproduced for classroom use only. All other uses by author's written permission. All inquiries can be made to MASINAIGAN, P.O. Box 9, Odanah, WI 54861.

# Binational Forum works through issues Native American coordinator position to open

By Sue Erickson, Staff Writer

Ashtland, Wis.—Meeting at the Sigurd Olson Environmental Institute in Ashland, Wisconsin in November, the Binational Forum, a citizens advisory task force to the Lake Superior Binational Program, worked through issues which had led to a threatened drop-out by some environmental representatives.

According to Binational Forum Coordinator, Charly Ray, Sigurd Olson Environmental Institute, a letter from environmental groups to the Forum regarding action on issues such as zero discharge and habitat protection had accused the forum of "dragging its feet."

Unless the Forum was able to take action, the representatives had stated they would discontinue working with the Forum, he said.

Among demands made upon the Forum were:

• The Forum must make recommendations and provide implementation plans for achieving zero discharge for dioxin, mercury, PCBs and hexochlorobenzene

• The Forum must formally endorse all International Joint Commission (IJC) recommendations for Lake Superior

• The Forum must recommend a demonstration project for habitat and biodiversity to implement the broader program of the Binational Program.

• The Forum must engage experts to determine the necessary course of Economic transition for the Basin to switch to a toxic free economy and ecosystem.

• The forum must limit its membership to those committed to achieving the goal of zero discharge.



Binational Forum members hashed out issues regarding the need for action on zero discharge into Lake Superior. (Photo by Sue Erickson)

• The Forum must reform its decision-making procedure to ensure that consensus is not blocked by a single member's interests.

• The Forum must institute a comprehensive public outreach and participation program.

The Binational Forum is composed of twelve citizen group representatives from the United States and twelve from Canada. Their role is to advise the Lake Superior Binational Program, a body of governmental representatives, and make suggestions on policy.

Ray said that the Forum "successfully hashed out issues and addressed the concerns expressed by some of its members."

There was a commitment to make progress and a proposed timeline on mercury elimination was established as well as on the elimination of anthropogenic loadings to the basin, Ray stated.

Another emphasis at the Forum meeting was to improve outreach and communication with the general public. This would include clarifying the role of the Forum, what governments are doing, and what the IJC is doing.

A major step forward in involving the Native American communities was an \$18,000 increase in the Environmental Protection Agency's grant to the Sigurd Olson Institute for a part-time Native American coordinator for the Lake Superior Management Plan (LaMP). The position is currently being developed and will involve communicating with tribes about the LaMP and the entire Binational Program, Ray states.

The next meeting of the Binational Forum is scheduled for January 27-28 in Thunder Bay, Ontario. For more information contact Charly Ray at (715) 682-1223.

## 8th year of fall fishing assessments completed

For the 8th consecutive fall GLIFWC's Great Lakes Section conducted lake trout and whitefish tagging studies on fish stocks in both the east and west sides of the Keweenaw Bay Peninsula. A record 587 lake trout were tagged, while the tagged number of whitefish dropped to 297. Stiff November gales late in the season played a definitive role in maintaining low numbers of whitefish by keeping the boat at the dock.

Bad River and Keweenaw Bay assisted GLIFWC in the fall lake trout and whitefish tagging studies. Targeted fish stocks are captured with gill nets, then the fish are measured, weighed, scale samples taken, tagged with an individual numbered, and released. Fishermen capturing the tagged fish are rewarded \$5 for information on location and time of capture.

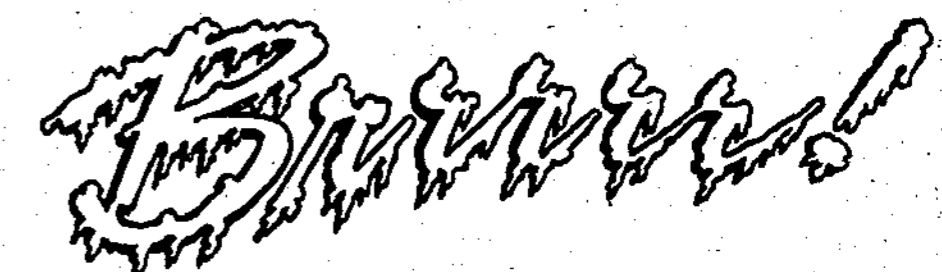
The objectives of the assessments, according to Bill Mattes, GLIFWC biologist, Great Lakes Section, are: 1) to determine the number of reproductively isolated stocks and their spatial distribution, 2) to determine relative and absolute abundance of each identified stock, and 3) to describe the biological characteristics of each stock.

The information will contribute to GLIFWC's long-term data base on these stocks of fish and will be useful in evaluation of the stock status and impact of the fishery harvest.

Mattes would like to thank the Bad River Natural Resources Department and the Keweenaw Bay Fisheries Department, in particular Bad River Fisheries Technician Ed Leoso, Keweenaw Bay's biologist Mike Donofrio, technician Evelyn Smith, and fisheries personnel Neil Mulmrgren and Steve Smith. He would also like to thank the commercial fishermen willing to participate in the assessments, as well as GLIFWC staff supporting the work.



Lake Superior provided the chill for cold-water rescue training this fall. GLIFWC wardens get the feel of the experience during sessions which simulate an actual rescue at Second Landing on the Bad River reservation. (Photo by Sharon Dax)





## Legislation aims to protect public health

By: Rep. Spencer Black, Chair  
Assembly Natural Resources  
Committee

A recently released study from the Environmental Protection Agency points strongly to the need to reduce the creation of dioxin. The study found that Dioxin, which is one of the most dangerous chemicals in our environment, causes cancer, as has long been suspected, but also causes serious reproductive and immune system problems in animals and humans.

Ironically, the 2000 page EPA study was requested by industry in an effort to justify reduced regulation of dioxin emissions. The three year reassessment, which involved over 100 scientists, led to the opposite conclusion, however. Instead of justifying relaxed controls on dioxin, this report concludes that there are significant potential health consequences from dioxin contamination.

I will be introducing Dioxin Reduction Legislation when the Legislature reconvenes in January. I hope that this new report will prompt quick action by the Legislature.

The EPA report indicated that waste incinerators are one of the principal sources of dioxin. Another major source of dioxin

is the chlorine bleaching process often used to make paper. The Legislation will seek to eliminate both these sources of dioxin pollution.

The Dioxin Reduction legislation will ban the construction on all new hazardous waste and medical waste incinerators in Wisconsin. The EPA report clearly pointed to waste incinerators as the leading cause of dioxin and there is no justification for using a waste disposal method that is responsible for the production of such a dangerous material.

The Dioxin Reduction legislation will seek to reduce dioxin production in medical waste incinerators by requiring other states who ship their medical waste to Wisconsin incinerators to follow the same tough waste reduction requirements that Wisconsin hospitals and other medical facilities must follow.

Every week, Wisconsin imports almost 100,000 pounds of medical waste from other states, almost two thirds of that from Illinois.

While Wisconsin medical facilities are required to obey tough standards to significantly reduce the amount of medical waste produced, Illinois and other states exporting their medical waste to Wisconsin are not currently required to meet these standards.

## Judge Dwyer says Idaho not complying with Clean Water Act

By: Jon Rhodes & Jim Weber  
CRITFC

In an April 14 decision, Judge William L. Dwyer ruled that the Idaho Department of Environmental Quality (IDEQ) and the Environmental Protection Agency (EPA) have failed to fully implement the Clean Water Act.

The suit was filed by the Idaho Sportsmen's Coalition and the Idaho Conservation League. The Sierra Club Legal Defense Fund represented the plaintiffs.

The suit was primarily over IDEQ's failure to list many degraded streams that do not meet state water quality standards as "water quality limited" as required under the federal Clean Water Act. Once on the water quality limited list, the act requires states to reduce and limit pollutant loads to streams.

Idaho has avoided its obligation to develop ways to decrease existing pollution levels by simply not putting degraded streams on the list. However, Judge Dwyer's decision will make it extremely difficult for the state to get away with this technique any longer.

Similarly, the ruling places pressure on Oregon and Washington officials to assure that all degraded streams are listed as water quality limited. Oregon, in particular, has ignored its obligations to put degraded streams on its list.

The decision dismisses IDEQ's reasons for not listing as having no legal or technical merit. Furthermore, the decision mandates that IDEQ must list streams as water quality limited where federal forest standards are violated.

For example, on the Clearwater National Forest, about 71 percent of the streams managed for timber production do not meet forest plan standards and would have to be listed as water quality limited.

According to Columbia River Inter-Tribal Fish Commission (CRITFC) data, the majority of streams on most national forests in Idaho and northeast and central Oregon violate applicable forest plan standards, are in dismal shape, and are contributing to the decline of salmon populations.

The Dwyer decision suggests that the approach used by Oregon Department of Environmental Quality (ODEQ) to deal with degraded streams is also bankrupt. In response to requests from the Umatilla and Warm Springs tribes and CRITFC to add streams (such as the John Day, Grande Ronde, and Umatilla rivers) to the Oregon water quality limited list, ODEQ has used many of the same untenable and disingenuous excuses as Idaho has.

Like Idaho, ODEQ's own assessment of water quality across the state indicates that many streams do not currently meet state water quality standards. The ODEQ and the EPA are ripe for a suit virtually identical to the one that IDEQ and the EPA

Hospitals in Wisconsin that have completed waste reduction plans have already cut their medical waste by 50%. If Wisconsin's medical facilities can cut their waste, I think it's only fair for medical waste generators in other states that ship their waste to Wisconsin reduce their waste production as well.

The federal constitution does not allow our state to ban out of state waste outright. However, the Legislature has prohibited the construction of new medical waste incinerators in the state.

The third component to the package will require the state to purchase paper produced without chlorine. Chlorine bleaching of wood pulp produces toxic compounds called organochlorines, including dioxin and chloroform. Every day, an average sized pulp mill produces as much as 80 tons of these organochlorines.

However, chlorine bleaching is not

necessary to produce good paper products. Many paper mills in Europe, Canada and America have already converted to chlorine free production and dramatically reduced dioxin emissions.

By purchasing paper produced without chlorine, state government can provide a strong incentive for more of Wisconsin's paper mills to convert to non-chlorine bleaching technologies.

Since dioxin potentially poses a major threat to the health of Wisconsin citizens, we should act to reduce the production of dioxin.

The best way to reduce the threat from dioxin is not to produce it in the first place, either through incineration or the use of chlorine pulp bleaching.

I encourage you to contact your state Representative and Senator toll free at 1-800-362-9472—and ask them to support the Dioxin Reduction Legislation.



Concern about water contamination in many communities has led more and more people to seek water supplies outside of local wells. (Photo by Sue Erickson)

lost in Dwyer's court. Given the tribes' repeated and unsuccessful attempts to persuade Oregon and Idaho to act properly on their own to enforce water quality standards and limit pollutant inputs into highly degraded streams, a similar suit appears the best way of forcing action in Oregon.

While no tribes were parties in the Idaho suit, the Nez Perce Tribe and CRITFC contributed significant analyses and data to the plaintiffs. (Judge Dwyer cited specifically to comments submitted by Ted Strong CRITFC's Executive Director.) Much of the CRITFC and tribal staff con-

tributions were developed in response to the unabated degradation, caused primarily by logging, of salmon habitat in Lolo and Eldorado creeks in the Clearwater National Forest. Lolo and Eldorado creeks are cornerstones for supplementation efforts and facilities under tribal plans for the Nez Perce Tribal Hatchery.

Judge Dwyer is currently famous for his court injunction on logging on federal lands within the range of the spotted owl. However, this decision could have wider ramifications. Even though there is abundant (See Clean Water Act, page 31)

## Governors delay warnings while public eats poisoned fish

Governor Thompson, and the other 7 Governors of the Great Lakes states, have delayed the onset of new fish-eating warnings for the public—despite more than 8 years of committee meetings and 2 thorough scientific reviews by Great Lakes scientists, toxicologists, and technical experts.

More than a year ago a final draft report was sent by the Great Lakes Sport Fish Advisory Task Force to the Council of Great Lakes Governors. (Thompson is a member).

The Governors delayed taking action. Instead, behind closed doors at a May 1994 meeting, the Governors agreed to call for another scientific review, with a final report to be issued by Nov 15th—after the election. The first review meeting was held on October 28th in Michigan, and Council representatives acknowledge they will be unable to meet the Nov. 15 deadline.

The Sept. 1993 report, entitled "Protocol for a Uniform Great Lakes Sport Fish Consumption Advisory," calls for fundamental changes in how states write their "public health advisories" which tell sport and charter fishermen which species and sizes of fish are higher or lower risks to eat.

All Great Lakes fish are contaminated with chemical pollutants such as PCBs, dioxin, pesticides and mercury to some extent. (More than 400 chemicals were identified in one Lake Trout from Lake Michigan.) Many inland lakes and rivers are similarly contaminated.

Currently, the states use the federal Food & Drug Administration's (FDA) "ac-

tion level" of 2 ppm (parts per million) PCBs as the standard—even though FDA has explicitly said this level was only for interstate commerce and based on nationwide average contamination levels.

The FDA warned in the late 1970's that it was not appropriate to use the 2 ppm level for local fishermen who face high levels of contamination on a regular basis, yet for many years many states have delayed issuing more strict warnings due to the effect on tourism and commercial fishing industries.

Unfortunately, many innocent fishermen mistakenly believe that fish containing less than 2 ppm PCBs are completely safe to eat and safe to feed to their families. Some families eat large quantities of local sport fish.

Finally, after years of delay, the Sept. 1993 report proposes a new fish-eating standard 40 times more strict—.05 ppm PCBs—as the threshold for beginning eating restrictions. This number represents a compromise. It still allows for a high 1-in-10,000 cancer risk, and it applies to only one chemical (PCB) out of hundreds contaminating the Great Lakes.

Several Wisconsin waters also face high risks from mercury poisoning from fish-eating; but the protocol addresses only PCB risks. Environmentalists have advocated adding together the risks from several contaminants (pesticides, mercury, PCBs, dioxin, furans, etc.) to more realistically represent public health risks.

We have also protested the DNR's inaccurate use of the word "safe" for de-

scribing the lowest risk categories in the protocol.

New scientific evidence regarding the reproductive toxicity of many chemical pollutants adds further urgency to the report. The EPA recently released their long-awaited review documenting the extreme toxicity of dioxin and the potential hormonal impacts of several chlorinated compounds on the children of contaminated people.

These hormonal effects can occur at very low levels of contamination. The EPA emphasized the most important exposure for humans is through eating contaminated foods. Children and women of childbearing age may be the most vulnerable.

PCBs, dioxins and furans are all chemically similar chlorinated organics which are found in Great Lakes fish. Unfortunately, they don't break down easily and they tend to strongly accumulate in the food chain.

Some Great Lakes fish-eating wildlife, such as Eagles, can accumulate up to 100,000,000 times the background levels of PCBs found in the water. Scientists have said, "A person would have to drink a swimming pool full of contaminated water to equal the PCB dose found in one meal of fish from that water, due to the fish's ability to concentrate the toxics."

The Great Lakes Sport Fish Advisory Task Force was created in 1986 by the Great Lakes Council of Governors, after several years of informal meetings. Membership includes one representative from each Public Health and Environmental or

Natural Resources Agency in the eight states bordering the Great Lakes (New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota). Additional participants included the Canadian Province of Ontario, USEPA and Native American organizations.

It's ironic that the Governor's are ignoring the advice of a Task Force they created and maintained for over 8 years.

We are concerned about the objectivity and balance of the new review called for by the Council of Great Lakes Governors, because it will be conducted by a science board appointed by Michigan Governor John Engler, who is well-known for his anti-environmental bias.

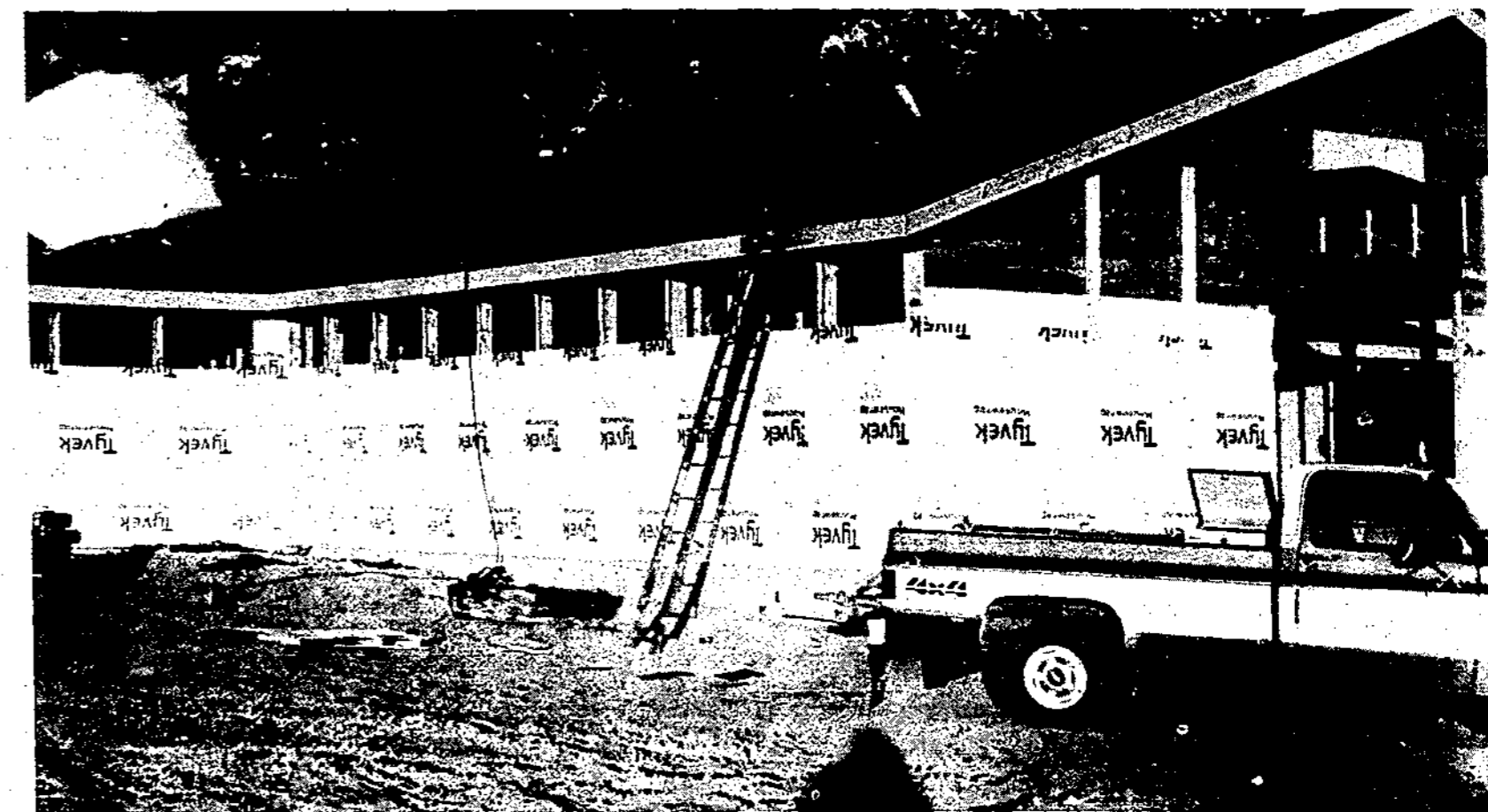
Taxpayers have supported WIDNR and Wisconsin Division of Health participation on the Task Force for several years. Now our tax dollars are being wasted on redundant, possibly manipulated, studies.

The public is being poisoned with each year of delay in setting and publicizing the new standards—with the full knowledge of the Great Lakes Governors—including Tommy Thompson.

At the very least, "Toxic Tommy" could have issued new advisories for Wisconsin, but he chose not to. It's unclear what he'll do now that the election is over.

For more information, contact the Clean Water Action Council, 414-468-4243. The draft "Protocol" is available from the DNR Bureau of Fisheries and Wildlife Management, 608-266-1877.

(Reprinted from the Clean Water Action Council.)



Under construction at the Mole Lake Reservation is the Sokaogon Chippewa Environmental Research, Education, Planning, and Management Facility. The facility will provide space for thirteen offices, including a conference room and environmental research laboratory. It will be a facility used by all tribes in the Great Lakes Basin in regard to environmental management and research issues. The project was supported by Housing and Urban Development (HUD), GLIFWC and the United States Environmental Protection Agency, Region V. (Photo by Amoose)



# Will GATT affect sovereignty & treaty rights

(The controversial GATT recently passed the House and Senate and awaits the President's signature. The impact of GATT was of great concern to many Indian nations represented at the Denver NCAI Convention. Below is an analysis of the possible impacts of GATT on indigenous people and tribes.)

Although there has been dynamic public debate over both the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT), very little attention has been given to the question of what effect these agreements might have on the rights and sovereignty of the approximately 2.3 million indigenous people presently living in Canada, Mexico and the United States.

While it is clear that any revision in policy between the three countries will have an impact on native peoples, it is not so well-known that both of these trade agreements directly threaten their sovereignty, property, health and spirituality.

For those who view the removal of all "barriers" to trade and investment between all countries as an essential component of economic growth, GATT is a dream come true.

Opponents argue that lower prices and lower wages would destroy farmers and workers, and that many important environmental, health and safety and other social regulations achieved through decades of hard work with legislators could be over-ruled as "disguised" barriers to trade.

The power of GATT to abolish indigenous sovereignty is of major concern. Will GATT break the existing treaties between federal governments and tribal nations? Would provisions of GATT supersede previously enacted provisions in tribal treaties if such provisions are deemed unfair trade barriers? Would tribal representatives and traditional leaders continue to be excluded from GATT negotiations and dispute settlement procedures?

Unfortunately, affirmative answers to these questions are likely given the current structure of the GATT/WTO process and its emphasis on economics above all.

To grasp the impact of international trade agreements on the sovereignty of independent nations one need only look at the infamous tuna/dolphin dispute between the United States and Mexico. Mexico challenged the U.S. ban on Mexican tuna fish, calling it an unfair trade barrier.

The U.S. Congress enacted the ban to discourage the Mexican tuna industry from continuing the use of purse seine nets, which indiscriminately capture dolphins and other marine life caught in their path. But instead of changing its practices, Mexico sought to redress the situation through the GATT, to which both the U.S. and Mexico are members.

As members, countries can claim unfair trade practices and bring cases before international dispute resolution panels. In the case of the tuna/dolphin dispute, the GATT panel accepted Mexico's claim and ordered the United States to end its democratically-legislated ban of Mexican tuna. So much for the sovereignty of the U.S. Congress!

In Canada—where "First Nations" are protected by a clause in the constitution—land claim negotiations are underway which are designed to solidify constitutional guarantees of land security and indigenous peoples' rights to self determination.

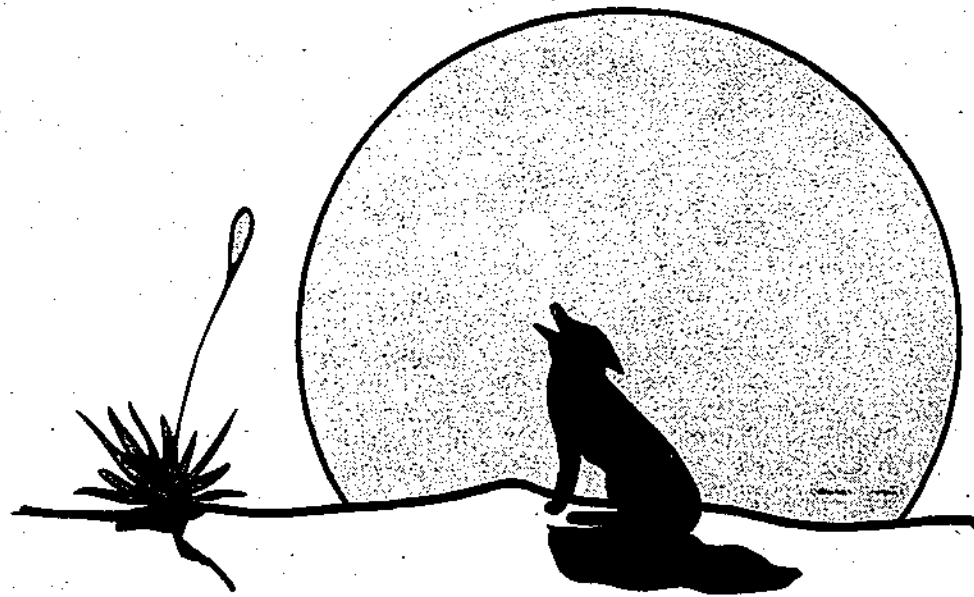
Yet according to indigenous groups in Canada, GATT could make it more difficult for First Nation peoples to negotiate land claims when third party interests, such as mining and logging, are involved. Similar to the deliberations of the tuna/dolphin panel, any other GATT/WTO dispute panel could decide that international law supersedes national law. Because First Nations' are not parties to the GATT, their claims could be considered as secondary to those of the parties; further, First Nations' rights to natural resources on their lands could be considered barriers to trade among the official parties.

GATT also threatens the economic and physical survival of indigenous groups. In a decision by U.S. courts, several indigenous nations were granted co-management authority to protect salmon spawning areas, whether in public or private lands.

According to Kurt Russo, of the Treaty Protection Task Force, the court's decision allows indigenous groups to set restrictions on tree cutting and mining operations in areas that may threaten salmon spawning. Under GATT, logging and mining interests in the area could challenge the court's decision by arguing that the co-management authority granted by the court creates an unfair trade barrier.

The new GATT/WTO proposal also covers intellectual property rights and is particularly onerous to indigenous peoples. It calls for the "adequate and effective protection and enforcement of intellectual property rights"—legal claims that turn knowledge into private property. Agricultural and pharmaceutical corporations, in particular, have utilized the traditional knowledge of native peoples in the cultivation of seeds and plants, seizing the plants' genetic heritage as the corporation's private property and ensuring their private gain.

Others have secured intellectual property rights over traditional indigenous symbols after incorporating them freely into their own design work. GATT would officially



legitimize these long-established practices of exploitation and profiteering in the infamous chapter called "TRIPS"—"Trade-Related Intellectual Property Rights." Nowhere in the GATT/WTO treaty does it mention traditional knowledge and it fails to define any indigenous product worthy of protection.

Fortunately GATT does not cover the oil trade. Unfortunately, the NAFTA does. Chapter 6 of NAFTA covers energy and petrochemicals. This chapter would require Canada to export volumes of hydro-power and other energy to U.S. consumers in proportions no less than that exported in the prior three years.

This means Canadian sovereignty over its energy resources would be sacrificed to seemingly insatiable U.S. demand. This requirement would likely give new impetus to those seeking to develop James Bay and flood the lands upon which millions of Cree Indians depend for their sustenance and culture.

The Mexican negotiators resisted U.S. attempts to assume majority ownership of its oil deposits, a change which would have required altering the Mexican Constitution—certainly an infringement of Mexico's sovereignty, although some concessions were made over production rights. Clearly, foreign ownership of oil resources and mandated energy production would accelerate the pace of resource depletion and threaten valuable resource-rich indigenous lands.

Other provisions in the NAFTA would require Canada to ship water to the U.S. in proportions no less than the prior three years. In western Canada, huge mega-schemes to channel the waters of many rivers into irrigation supplies for the dry agricultural belts of the western U.S. are planned. Western Canada could be left dry.

In northwestern British Columbia, an area rich in timber and mineral deposits, indigenous lands and the way of life they support are also threatened by development.

Native peoples throughout North and South America and the rest of the world are desperately trying to protect their lands and resources from the growing pressures of industrialized society.

In southern Mexico, the Maya Lacondone indigenous group is currently fighting logging interests in the Lacondone rainforest, in order to protect their timber and other natural resources. GATT would accelerate the depletion of resources through increased consumer demand, trade, and energy use—posing a clear and present danger which must be recognized by both indigenous and non-indigenous groups.

Any threat to the environment holds devastating repercussions for indigenous populations. Most indigenous peoples throughout the continent rely directly on the environment for their sustenance, spirituality and economic opportunities.

GATT's provisions enabling corporations to capitalize on the resources of tribal nations need restructuring or abolishment. But the anticipated weakening of environmental standards under GATT may seriously affect indigenous people in ways that go beyond direct pollution.

Dangerous pesticides such as DDT, still legal in some countries, would cross the borders as residues on imported foods—made possible by GATT provisions overruling legislated limits to the types and amounts of pesticide residues allowed into the U.S. Current bans and limits on such pesticides—democratically achieved by workers and consumers stunned by illness and deaths from pesticide poisoning in their families—could be challenged as unfair trade barriers.

Under GATT, these laws could be easily challenged. Increases in pesticide applications on crops would translate into increases in the level of pesticide residues found in bodies of water and in the fish and wildlife that populate them. In turn, this would poison native peoples in the region, for whom fish, deer, and other wild game are important staple food items.

Finally, the ability of tribal groups to prevent the disposal of toxic substances on their lands may be hampered under GATT. Tribal areas in the U.S. are already under assault by the waste disposal industry's search for new dumping grounds for the unwanted toxic nuclear, medical, and solid wastes of industrialized society.

The increased energy demand resulting from GATT would undoubtedly increase the need for waste disposal sites. It is quite possible that, under GATT, the toxic waste of industrialized societies could become a "commodity" protected from unfair trade barriers.

Such protection would make it difficult for tribal nations to deny access to a waste disposal company that has targeted their land as a disposal site.

The issues raised here represent only a sampling of the impact GATT might have on indigenous peoples throughout the United States and the rest of the world. For further information contact the Fair Trade Campaign, Box 80066, Minneapolis, MN 55408 or call 612-379-5965.

(Reprinted from the Institute for Agriculture and Trade Policy.)

# Clinton signs directive on eagle feather distribution

The following is the text of the Governmental Directive having to do with the practice of Native American religions signed by President Clinton at his White House meeting with Indian tribal leaders on April 29, 1994.

## Memorandum for the Heads of Executive Departments and Agencies:

Eagle feathers hold a sacred place in Native American culture and religious practices. Because of the feather's significance to Native American heritage and consistent with due respect for the government-to-government relationship between the Federal and Native American tribal governments, this Administration has undertaken policy and procedural changes to facilitate the collection and distribution of sacred eagle bodies and parts for this purpose.

This memorandum affirms and formalizes executive branch policy to ensure that progress begun on this important matter continues across the executive branch.

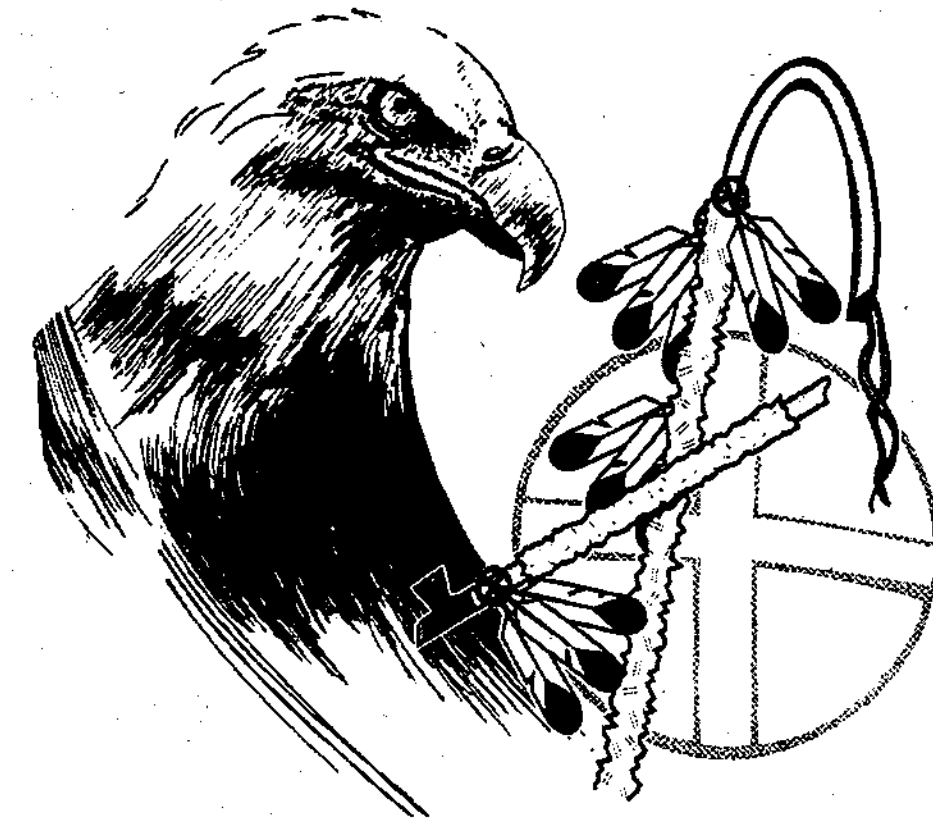
Today, as part of an historic meeting with all federally recognized tribal governments, I am directing executive departments and agencies (hereafter collectively "agency" or "agencies") to work cooperatively with tribal governments and to reexamine broadly their practices and procedures to seek opportunities to accommodate Native American religious practices to the fullest extent under the law.

As part of these efforts, agencies shall take steps to improve their collection and transfer of eagle carcasses and eagle body parts ("eagles") for Native American religious purposes. The success of this initiative requires the participation, and is therefore the responsibility, of all Federal land managing agencies, not just those within the Department of the Interior.

I therefore direct each agency responsible for managing Federal lands to diligently and expeditiously recover salvageable eagles found on lands under their jurisdiction and ensure that the eagles are promptly shipped to the National Eagle Repository ("Repository").

To assist agencies in this expanded effort, the Secretary of the Interior shall issue guidelines to all relevant agencies for the proper shipment of eagles to the Repository.

I support and encourage the initial steps taken by the Department of the Interior to improve the distribution of eagles for Native American religious purposes. In particular, the Department of the Interior shall continue to adopt policies and procedures and take those actions necessary to:



(a) ensure the priority of distribution of eagles, upon permit application, first for traditional Native American religious purposes, to the extent permitted by law, and then to other uses;

(b) simplify the eagle permit application process quickly and to the greatest extent possible to help achieve the objectives of this memorandum;

(c) minimize the delay and ensure respect and dignity in the process of distributing eagles for Native American religious purposes to the greatest extent possible;

(d) expand efforts to involve Native American tribes, organizations, and individuals in the distribution process, both at the Repository and on tribal lands, consistent with applicable laws;

(e) review means to ensure that adequate refrigerated storage space is available to process the eagles; and

(f) continue efforts to improve the Repository's ability to facilitate the objective of this memorandum.

The Department of the Interior shall be responsible for coordinating any inter-agency efforts to address continuing executive branch actions necessary to achieve the objectives of this memorandum.

We must continue to be committed to greater intergovernmental communication and cooperation. In addition to working more closely with tribal governments, we must enlist the assistance of, and cooperate with, State and local governments to achieve the objectives of this memorandum.

I therefore request that the Department of the Interior work with State fish and game agencies and other relevant State and local authorities to facilitate the objectives of this memorandum.

With commitment and cooperation by all of the agencies in the executive branch and with tribal governments, I am confident that we will be able to accomplish meaningful progress in the distribution of eagles for Native American religious purposes.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

(Signed) William J. Clinton  
The White House, Washington, April 29, 1994

(Graphic and article reprinted from the Native American Rights Fund (NARF) Legal Review, NARF is a nonprofit organization specializing in the protection of Indian rights.)



## Clean Water Act

(Continued from page 28)  
dant data indicating that the Clean Water Act is widely violated throughout salmon-bearing streams in the Columbia system, the states and the EPA are doing little to arrest and reverse water quality problems.

To our knowledge, this case represents the first time anyone in the Columbia basin has litigated under the Clean Water Act specifically to protect salmon and their habitats. As numerous salmon advocates have maintained, the Clean Water Act may prove to be a stronger hammer for aquatic habitat protection than the Endangered Species Act.

(Reprinted from Wana Chinook Tymoo, a publication of the CRITFC.)





# Ethnobotanical thoughts

## Take a hike (or a long winter's walk)

By **Dr. James Meeker**  
Associate Professor, Northland College

The first snows of the season always come as a pleasant surprise to me, even though they leave me scurrying about like a desperate squirrel to finish the fall activities. I wonder how many of us are caught up with the last minute tasks of stacking fire wood in to the shed, mulching the carrots or merely finding our winter gloves. This fall season was so amazingly long and pleasant there is really no good excuse for this last minute flurry of activity except perhaps blaming it on our nature.

These snows also foretell of shorter days and longer nights. Ideally this time of the year should give us more opportunities to really ponder about the human condition, "our nature" so to speak. For example, would indigenous people have been able to respond to seasonal changes in a similar last minute fashion and survived? Just how did the people before us live their day to day lives and how might their thought processes and collective culture differ from ours? How might "our nature" be changing today? Continuing with these thoughts, how might these changes in how we view the world affect how we treat the environment?

Humans have always been interested in questions of their past. Today there are trained professionals in archeology and history that are in the business of revisiting the lives of past cultures. Archeologists, for example, have perfected techniques to carefully study the signs of past cultures by painstakingly excavating sites and finding meaning from the tiniest artifacts and items left by ancient people.

Cultural historians have poured through the records, ledgers and journals of early European travelers in America searching for clues to help understand past Native American cultures. One such account, for example, is the journal of Johann Georg Kohl, an early travel log, entitled "Kitchi-Gami, Life among the Lake Superior Ojibway."

Kohl traveled along the south shore of Lake Superior and lived with the Ojibway at Bad River, Red Cliff, Lac Courte Oreilles and Lac du Flambeau during the summer of 1855, painting an interesting picture of life among these people.

Oral histories are another means to understand past cultures. There are detailed stories about historical events that have been handed down from generation to generation over periods of hundreds of years that exactly parallel the written accounts of the same events.

Archeological evidence, historical accounts and oral traditions all have their drawbacks, however, in their attempt to relive day-to-day life and enter the mind set of indigenous people. In archeology, most evidence is not preserved, and over time, returns to the earth.

This is especially true for the indigenous peoples of the Great Lakes region who were not as dependent on agriculture, between more nomadic and more dispersed across the landscape.

Historical accounts are by their nature very subjective views of the world. For example, even though Kohl lived with the Ojibway and was a careful observer, he still was



Dr. James Meeker

a stranger in their midst. It is unclear how much a white man was privy to the everyday life and world views of those who befriended him, and how much one can ascertain in the span of one summer.

Additionally, many of the historical accounts recorded activities at the time of the collapse of the fur trade, when the Ojibway were under constant threat of removal to other lands. How typical were these early observations when changes in lifestyle had already brought about major changes in the native peoples' world view?

A drawback of traditional oral accounts or stories is that they often recorded the major events and actions of important people, overlooking the day-to-day events. Also, these accounts, with some notable exceptions, were dynamic documents, being modified by people over time to be more useful in an era of major changes, such as that of the last decades of the nineteenth century.

Historical accounts in general, and especially written documents, are primarily about prosperous old men, and do no justice in documenting the every day lives of most of the people.

I bring up the limitations of historical reconstructions in order to suggest that there is an additional option open to those who wish to answer questions about the past, that is placing oneself in the situation where you approach the mind set of an indigenous person in a pre industrial world. This is exactly what adventurer Thor Heyerdahl did when he built and sailed the raft Kon-Tiki, demonstrating that early peoples could have indeed crossed the ocean with minimal sailing vessels.

We need not all be so dramatic in this approach. A former student of mine here at Northland College took a year off and built a traditional wigwam and lived in it over several seasons, including one full winter in his goal to gain skills and sharpen his focus on the environment around him. Less striking but similar self discoveries are also possible. The point is that maybe a long hike in the winter, or a night out under the stars listening to coyotes and frost cracks, would bring one closer to understanding the mind set of earlier peoples just by "tuning in" to the natural world.

I suggest that, over a period of time, experiences in the natural world can be just as valid an approach to study cultures of the past as practicing the formal disciplines of history and archeology. There are some who suggest that wild areas, in addition to offering us the means to investigate our collective past, are a necessary part of life, satisfying basic human needs.

All these suggestions might strike you as a familiar refrain, as last time in this column I hinted at the importance of out-of-door experiences in order to sharpen observational skills. Recently I discussed these very issues with Joe Rose, Bad River tribal member, and a colleague of mine at Northland College. He suggested that the more time we spend in touch with the world around us, the better we know and understand it.

This knowledge brings about a love and respect that can lead us to stand up and protect it. Joe suggested that humans have an evolving importance in the coming times, that is to speak for those plants and creatures that do not have a voice.

### MASINAIGAN STAFF: (Pronounced MUZ IN I AY GIN)

Susan Erickson ..... Editor  
Lynn Spreutels ..... Assistant Editor  
Amoose ..... Photographer



MASINAIGAN (Talking Paper) is a quarterly publication of the Great Lakes Indian Fish & Wildlife Commission, which represents eleven Chippewa tribes in Michigan, Minnesota and Wisconsin. GLIFWC's member tribes are listed to the right.

Subscriptions to the paper are free. Write to MASINAIGAN, P.O. Box 9, Odanah, WI 54861 or phone (715) 682-4427. Please be sure and keep us informed if you are planning to move or have recently moved so we can keep our mailing list up to date.

MASINAIGAN reserves the right to edit any letters or materials contributed for publication as well as the right to refuse to print submissions at the discretion of the editor.

Letters to the editor and guest editorials are welcomed by MASINAIGAN. We like to hear from our readership. The right to edit or refuse to print, however, is maintained. All letters to the editor should be within a 300 word limit.

Letters to the editor or submitted editorials do not necessarily reflect the opinion of GLIFWC.

## GLIFWC MEMBER TRIBES

### Michigan

Bay Mills Indian Community  
Route 1, Box 313  
Brimley, MI 49715  
(906) 248-3241

Keweenaw Bay Indian Comm.  
Route 1  
Baraga, MI 49908  
(906) 353-6623

Lac Vieux Desert Band  
P.O. Box 466  
Watersmeet, MI 49969  
(906) 358-4722

### Minnesota

Fond du Lac Chippewa Band  
RBC Building  
105 University Avenue  
Cloquet, MN 55702  
(218) 879-4593

Mille Lacs Chippewa Tribe  
HCR 67, Box 194  
Onamia, MN 56359  
(612) 757-3261

### Wisconsin

Bad River Chippewa Band  
P.O. Box 39  
Odanah, WI 54861  
(715) 682-7111

Lac Courte Oreilles Band  
Route 2, Box 2700  
Hayward, WI 54843  
(715) 634-8934

Lac du Flambeau Band  
Box 67  
Lac du Flambeau, WI 54538  
(715) 588-3303

Mole Lake Chippewa Band  
Route 1  
Crandon, WI 54520  
(715) 478-2604

Red Cliff Chippewa Band  
Box 529  
Bayfield, WI 54814  
(715) 779-3700

St. Croix Chippewa Band  
P.O. Box 287  
Hertel, WI 54845  
(715) 349-2195

