

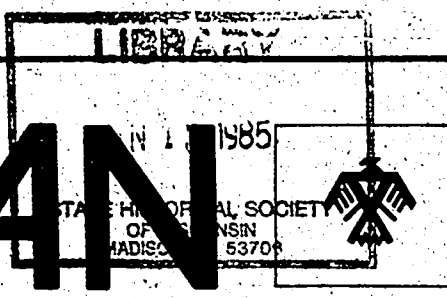
# Special Edition SOLIDARITY: GOAL FOR THE TRIBES

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# MASINAIGAN



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Volume Three • December, 1984

## COMMON GOALS: Peaceful Approaches to Human Conflict

The controversy over the Voigt decision has raged in Northern Wisconsin for nearly two years now and essentially taken both white and Indian citizens, as well as state, tribal, and county officials through a difficult period of adjustment to the affirmed rights of the Chippewa to hunt, fish and gather on ceded territories. Despite the turmoil, however, some positive movements towards increased tribal-community cooperation are emerging in the wake of considerable strife.

With initial statements from the media characterizing the Voigt Decision as granting the Chippewa "unlimited" hunting and fishing in the ceded territories, the public reaction was first one of dismay and anger as well as concern over the resources and their livelihoods. With misinformation running rampant through the northern third of Wisconsin in regard to the extent of privileges allowed the tribes, groups such as Equal Rights for Everyone, Inc., formed, advocating the abrogation of treaty rights. Literature and signs appeared which reeked of racial hatred throughout the region, such sentiments finding a fertile breeding ground in the confusion of the citizenry.

The two years since the first "shock" of Voigt, however, have also included numerous forums, conferences, press releases and attempts to provide the facts regarding the Voigt decision to the tribes and white communities alike. The actuality that treaty rights are limited, are regulated and that the resource is well-protected, slowly began to infiltrate communities.

Two years has also seen several agreements successfully negotiated between the Wisconsin Department of Natural Resources (DNR) and the tribes as each hunting and fishing season approached. These agreements have successfully protected the resource while allowing an exercise of treaty rights.

The tribal harvest of deer has gone on without significant incident and with a harvest far beneath the allotment of deer, contrary to the many doomsday predictions that tribal members are ravaging the forests. Likewise, fishing agreements have been reached and tribal members, to date, have shown an ability to exercise those rights with no cause for alarm.

With the "threatening Indian problem" coming more into perspective, several community members have made advances towards alleviating tensions which have arisen, and here and there in Indian country, hands are being extended in an attitude of cooperation predicting joint efforts for white and Indian communities to bridge gaps and work toward the future together.

### Lac du Flambeau

Lac du Flambeau (LDF) is one region where such progress is being made. Initial contacts made by Boulder Junction's town chairman, Jerry Long with white community members aimed at problem solving, mutual development and a reduction of racial hostility.

According to Jerry Maulson, LDF planner, Long has become increasingly disturbed by the effect the tensions and negative publicity could have on the tourist-oriented economy of the area. Consequently, Long addressed the Tribal Council, as a business person, suggesting that Lac du Flambeau and surrounding communities begin to explore areas in which they can work together, rather than harbor hostilities.

Since then several meetings have taken place with representatives from various communities surrounding the reservation. Many of the visitors had never seen the reservation, so Maulson arranged a tour to acquaint them with current tribal enterprises.



**BAD RIVER** - A joint committee, composed of three representatives from the Bad River tribe and three representatives from Ashland County, has formed as a result of resolutions passed by both the tribe and county to seek more cooperative avenues. Above from the left are

committee members: Irvin Soulier, Bad River; Robert Holmes, Ashland Co.; Frank Connors, Bad River; Caroline Sandin, Ashland Co.; John Maday, Bad River; Marvin Hunt, Ashland Co.; Joe Corbine, Bad River Tribal Chairman.

In a recent meeting subsequent to the tour, which also included Ruth Goetz from the Wisconsin Department of Tourism, the group discussed various needs and directions they could pursue. Maulson says several areas were identified by the group as important, including a fish stocking program; the need to support and train Indian entrepreneurs to better develop the reservation's ability to attract tourism to the area; need for low interest tourist-oriented loans for both Indian and white; and the need for more advertising dollars for the area.

Maulson, who was appointed tribal liaison between the tribe and Long's group of community and business leaders, feels the group's activities are a movement "beyond Voigt." To Maulson, fighting over already established rights is useless, but tribes must both show the public they have management capability and "rub elbows" much more frequently. He feels both white people and Indian peoples have much to learn from each other through joint involvement in projects and planning.

### Bad River - Ashland Co.

Similar to efforts being made to Lac du Flambeau are those between the Ashland County Board of Supervisors and the Bad River Tribe. The Ashland County Board passed a resolution which recognized the "importance of continual and expanded cooperation and communication" between the county and the tribe, in order to "further the economic and social well-being" of all.

The resolution also called for the establishment of a joint committee to work on common goals, including economic development, environmental preservation, tourist promotion, game and forest management, natural resource identification and other matters of mutual concern.

The Bad River Tribe passed a comparable resolution in response, and consequently a six-member committee composed of three tribal and three county representatives has been established with the first organizational meeting set for December 13.

Committee members see the joint committee as a way to forge stronger county-tribal relationships, explore avenues of mutual concern, and as forum for the exchange and trust one another" is an accomplishment in itself.

Marvin Hunt, vice-chairman of the Ashland County Board and initiator of the resolution, identifies law enforcement and tourism as two key areas which the committee may be exploring.

"I'm convinced we are entering a new era of independence and self-sufficiency. Maybe the Voigt decision made us take some steps backward in image, but in other areas we're still moving forward."

— Paul DeMain  
Indian Adviser

The Bayfield Chamber of Commerce also took action in recognition of the need for public information to quell fears and hostility provoked by distortions of the Voigt situation. They passed a resolution to sponsor a community-wide town meeting for the purpose of educating the public on Voigt and treaty issues.

Returning from the recent Lutheran Conference on Treaty Rights at Telemark, Dick Bodin, Bayfield Chamber of Commerce member, felt it was necessary that information such as he acquired at the conference be distributed community-wide. He was concerned that citizens may be reacting from an uninformed base and that such tensions may affect the otherwise positive relationship between the Red Cliff tribe and the Bayfield community. Bodin expects the town meeting will be scheduled following the holidays.

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# THAYER SEES CHALLENGES FOR GLIFWC



Gordon Thayer, former Commissioner with GLIFWC, recently resigned his position as Lac Courte Oreilles Tribal Chairman. Thayer will be pursuing further education in the near future in the field of public administration.

As a former Commission member representing Lac Courte Oreilles on the Great Lakes Indian Fish and Wildlife Commission, I've been called on to write a commentary for this issue of the Masinaigan. The GLIFWC is a relatively new organization by virtue of its recent incorporation by the Chippewa Tribes affected by the Voigt Decision in which the U.S. Court of Appeals recognized our reserved treaty rights to hunt, fish, and gather within the ceded territories of northern Wisconsin. Although I had little opportunity to participate in the initial development of GLIFWC, I feel that as a veteran of tribal affairs, I can comment on the direction the Commission should take.

Since our rights are being challenged continuously, we cannot afford to allow the Commission to become anything but a strong organization. I'm concerned about this, because many previous efforts at developing strong inter-tribal organizations have been less than successful. As tribal leaders, we must examine the past failures of these inter-tribal organizations to determine where the weaknesses lie. It's one thing to start an

organization, but another to make the organization effective and strong!

The Great Lakes Inter-Tribal Council (GLITC), which I've chosen to illustrate my concerns, has been in existence for approximately 20 years. Yet in my opinion, it has not evolved into a strong, articulate, politically astute inter-tribal organization. Although the concept of GLITC was great at its inception, our follow-through was very poor. Perhaps the reason for this is that we tribal leaders became crisis-oriented, instead of management-oriented, and complacent, instead of demonstrating initiative. As a result, we have continuously faced emergencies, controversies, and trouble, some of which to our treaty rights appeared before us, GLITC was powerless.

Several years ago at a GLITC meeting in Danbury, Wisconsin, a recommendation was made that the organization become more politically active, less programmatic, and begin to evolve into a self-supporting political entity. I have personally voiced this sentiment over the years at meetings, yet GLITC continued to plot along as a federally-fueled bureaucracy, growing weaker as those federal dollars diminished. In addition, tribes often ended up at odds with one another over the competition for limited GLITC and federal dollars, which only further weakening the inter-tribal organization.

I don't mean to imply that GLITC was, or is meaningless organization. Quite the contrary, it did much to foster social programs, especially for our elderly and youth. Over the years, I have admired and respected the dedication and determination of the staff. Yet, the organization only grew as strong as the tribes and federal dollars allowed it to grow. In effect, our sovereign political efforts hinged on federal support, not unlike some South American "puppet" governments, that became totally dependent on U.S. foreign aid.

We must never let our sovereignty depend on federal support! Each tribe must make independent financial commitments if an inter-tribal organization is to survive. Great Lakes Inter-Tribal Council only recently began to recognize the need for individual tribal financial commitments, but alas, it was too late to be politically effective in the Treaty controversy. GLITC is only a collective body of tribes governed by tribal leaders. Although I have singled out GLITC for an example, the same scenario of failures and organizational weaknesses can also be seen in the National Congress of American Indians (NCAI) and the National Tribal Chairmen's Association (NTCA).

As Indian people, we must wake up to reality! Our parents and grandparents knew all too well the same hand that "feeds us" was the same hand

"As Indian people, we must wake up to reality." Gordon Thayer.

that "beats us!" In comparison to other ethnic and racial minority groups in this country, we have legal advantages over each of them, based on the Federal Trust relationship with Indian tribes. However, without this political and social organization. We must recognize this and examine these realities carefully!

Because of federal and state dollars, we've become like fat, complacent lazy tom turkeys just before Thanksgiving dinner. Not a care in the world, so we show while the farmers sharpen the axe! If the Great Lakes Indian Fish and Wildlife Commission is going to be effective and avoid the pitfalls seen in GLITC and other inter-tribal organizations, I would make the following recommendations:

1. CHART A COURSE WELL IN ADVANCE, UTILIZING VERY CAREFULLY DEFINED GOALS AND OBJECTIVES;

2. FORMULATE A WORKING COMMITTEE OF ELECTED LEADERS AT THE TRIBAL LEVEL AND ENSURE THAT THEY ARE WELL VERSED ON THE CURRENT ISSUES FACING THE GLIFWC. These efforts will enhance the organization's consistency and individual tribal input into Commission meetings. In doing so, decisions would take into consideration a wider range of issues that tribes face than those of interest only to legal support person's and conservative officials.

3. DEVELOP FUNDS FROM SOURCES OTHER THAN THE BUREAU OF INDIAN AFFAIRS AND OTHER FEDERAL AGENCIES TO ENSURE POLITICAL INDEPENDENCE. This might mean a sacrifice at the local tribal level, but we must ask what price we are willing to pay to retain our treaty rights.

4. DEVELOP AN UP-TO-DATE NETWORK OF TELECOMMUNICATIONS, PUBLIC INFORMATION AND EDUCATION, PUBLIC RELATIONS, AND MASS MEDIA CAPABILITIES. The lesson of Reagan's re-election is his skills at public image-making. We must learn to communicate effectively with a hostile world!

5. TRIBAL LEADERS MUST BE WILLING TO CONSCIOUSLY GROW, AND EXPAND THEIR LEADERSHIP CAPABILITIES. We must be willing and able to negotiate and communicate in a manner that reflects the best interest of GLIFWC and tribal goals and objectives.

It is my hope that we can build the Commission into an innovative proto-type inter-tribal organization. Since our treaty rights continue to be challenged by special interest groups, we cannot afford to allow GLIFWC to become anything except a strong organization. With a great deal of effort, an honest look at our own history, we will achieve this! We must!

# RACISM LINKED TO VOIGT DECISION

The Ad Hoc Commission on Racism released recommendations for combating the prevalence of racism in northern Wisconsin in six specific areas - education, economic development, government, mass media, social-psychological and religion. The Commission's findings and recommendations were released at Lac Courte Oreilles on November 6.

The Ad Hoc Commission on Racism had listened to two days of testimony from both tribal members and non-Indian people at a hearing held at Telemark Lodge, Cable, on Oct. 29-30. The report was based on that testimony.

In opening statements Commission Chairperson, Veda Stone, (IW-Eau Claire, said that "We feel, that we have been really abysmally neglectful in our school systems - public schools, private schools, trade schools, through higher education. We still have professional people that have no more knowledge of this state's Indian people than if they were from Peru." Stone also noted that a climate of ignorance is one in which racism can grow.

The Commission's report presents ideas on both the prevention of racism and the "unlearning" of racial attitudes. The report puts challenges forward to both the white and Indian communities, calling for effort from both sides to help in the process of unlearning racism in Wisconsin.

Among several recommendations in the area of education are the need to teach tribal sovereignty, treaties, Indian culture, and history in the schools. The report puts challenges for-

ward to both the white and Indian communities, calling for effort from both sides to help in the process of unlearning racism at all levels in the educational system. It also suggests that leaders in education do more to confront learning problems Indian children may have as well as more direct involvement in the schools system by Indian people.

On economic issues, the report notes that an "economic threat" is felt by many non-Indian people because some Indians have developed competitive jobs skills, the knowledge and enthusiasm to begin their own businesses successfully, have shown enterprise, and have been outspoken on local issues.

Recommendations in the fields of economics encourage expanded joint efforts by state and tribal officials to utilize programs for economic adventures, such as housing and small or minority business development. It also encourages cooperative tourism promotional schemes for both on and off reservation, and suggests Indian people become more active in local boards or organizations, such as Chamber of Commerce, Better Business Bureaus and other commissions or authorities. Lastly, it recommends tribes seek out and join or establish committees for the discussion of economic interest, creation of industry and promotion of the entire region.

Governmentally, the Commission encourages the establishment of more forums and meetings at a governmental level between tribal leaders and state or county officials. It also urges that

"We still have professional people who have no more knowledge of this state's Indian people than if they were from Peru." Veda Stone.

tribal governments be recognized as such, and that efforts are made to elect or appoint Indian people to offices or positions.

The Commission also concluded that the media have a commitment to educating the public through in-depth, issue-oriented articles or documentaries regarding both tribal history and current tribal issues. The mass media needs to include more minority-Indian representation on editorial advisory boards, according to the report, and Indian people should be encouraged to develop Indian controlled media for the dissemination of their viewpoint.

To deal with the social and Psychological aspects of racism, the Commission suggests that a series of "mini-seminars" be held for teachers, students and other interested members of the public regarding Indian history, treaties and how oppression works to divide people. It also suggests importing experts on the "unlearning" of racism to assist teachers and officials as well as Indian people in understanding racism. The media, it says, should also include some pieces on racism and "oppression as forms of human behavior," and institutions and resources be developed to foster Indian pride.

Finally, the Commission calls upon the religious community to respond to racial prejudice more directly and to combat it within the communities and churches.

It asks the churches to speak out against racial inequities everywhere and help in the promotion of public education.



The Ad Hoc Commission on Racism heard several days of testimony from Indian and non-Indian people of northern Wisconsin who had witnessed or experienced racism. A summary of

their final report is included. Above, Dr. Rick St. Germaine, Lac Courte Oreilles, provides testimony for the Commission.

## SAWYER COUNTY REFERENDUM PASSES

Democratic Candidate for the 74th District State Assembly, Alan Ralph, lost to Republican William Plizka primarily on treaty issues. Sawyer County's overwhelming vote for Plizka, who was endorsed by Equal Right for Everyone (ERFE) and ran on a treaty-abrogation platform, tipped the balance against Ralph who favored continued negotiations of treaty issues and settlement through the legal system. Ralph lost by a narrow 700 votes in the four county district.

Even popular Democrat David Obey, U.S. Congressman lost to the anti-treaty sentiment in Sawyer County. The County gave most of its vote to Obey's Republican challenger, Mark Michaelson, a member of Equal Right for Everyone.

Although the advisory referendum included on the ballot in Sawyer County is considered illegal and unconstitutional, no action is planned by the Lac Courte Oreilles Tribal Government, according to Kathryn Tierney LCO attorney.

Tierney calls the ballot question an "empty gesture", with no particular effective consequence. She says that placing the question on the ballot is not within the jurisdiction of the counties to do, even as an advisory question.

One possible course of action would be to file a taxpayers suit against the county board members individually for putting an illegal referendum on the ballot. However, no such action is being planned.

Tierney feels the referendum vote has no real meaning and to further the dispute would only encourage a continuance of adversarial relations with the county.

## NIX 456 FAILS

"Nix 456," a campaign in the State of Washington to defeat a ballot referendum initiative on treaty abrogation, lost its battle by a narrow margin in November elections. The referendum Initiative (I) 456 received about 51% of the vote, according to Ron Wagner, Washington, who spoke at the Lutheran Conference on Treaty Rights, Telemark, November 10. Wagner is the executive director of Concerned Anglers for Steelhead Trout & Salmon & a lobbyist for major sports fishing interests in Washington.

I 456, sponsored by Salmon/Steelhead Protection Action in Washington Now (S/Spaw), petitions Congress to make trout a national game fish, protected under the Black Bass Act; an act which was repealed in 1981, according to "NIX 456" spokesmen.

Further the initiative seeks to remove all federal and tribal control over Washington's resources, including game and fish, giving exclusive management to the state.

I 456 also calls for the abolishment of Indian treaty rights to Indians. I 456 argues that under the Indian Citizenship Act of 1924, all off-reservation rights and privileges were terminated.

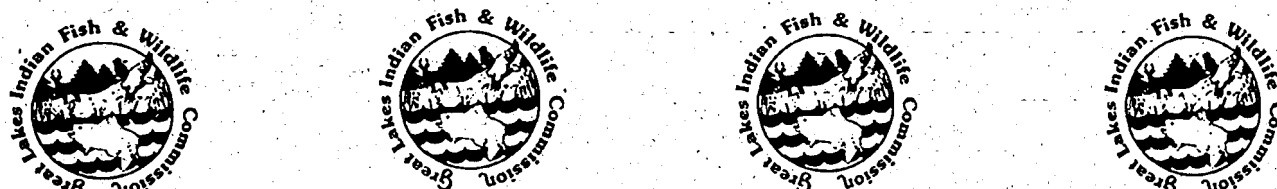
Wagner says that measures will be taken to have the I456 declared unconstitutional representation. The Committee to Nix 456 says that it is "legally and constitutionally a disaster." They claim it incorporates the Black Bass Law which has been repealed, and also includes arguments which "have been rejected both by the Congress and the United States Supreme Court," as well as arguments that are in "direct conflict with the Constitution of the United States."

Both Wagner and the Committee to Nix 456 also feel the initiative is detrimental in that it promotes confrontation and hostility between Indian and non-Indian fishermen at a time when strides have been made in cooperatively using and managing Washington's resource.

Wagner says the treaty issues have disturbed the State of Washington for ten years; hundreds of thousands of dollars have been spent to abrogate treaty fishing rights of tribes; and as a consequence, the resource has been neglected. Himself, one of those formerly opposed to treaty fishing rights, Wagner has found considerable progress and satisfaction in the past several years working with the tribes rather than waging a useless war.

Wagner encouraged those present at the conference in Telemark to begin dialogue, not to repeat the ten years of struggle endured in the State of Washington; and to look for forums where Indian and non-Indian people can join together for the good of resource.

## BUFFALO ADDRESSES COMMISSION



"The issues are not easy, but the responsibility is great," former executive administrator of GLIFWC Henry Buffalo told the Commissioners at their October meeting in Red Cliff.

Addressing the Commission, Buffalo emphasized the need for cooperation to strengthen the merger between the Great Lakes Indian Fish Commission and the Voigt Task Force. The merger is needed, he said, in order to "maintain the capabilities that the commission has already established in behalf of the member tribes."

Buffalo told the Commissioners that the purpose of the merger was to better assist the tribes with resource management capabilities. He said the organization had been in the process of fast growth with expanding responsibility and is currently on "the threshold of a future which looks very good."

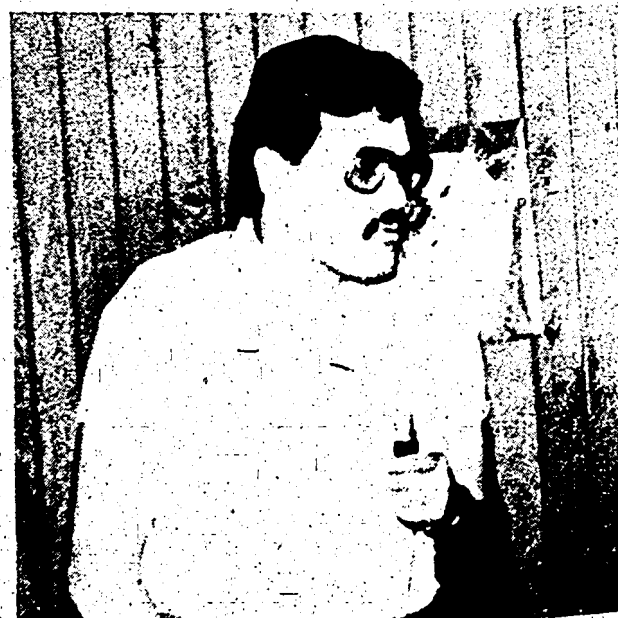
However, Buffalo also warned that possible "competition for limited funds" could be a destructive force, hurting the potential of all Chippewa tribes currently engaged in cooperatively managing the resources through the GLIFWC. He added that the "potential for the

Chippewa can be immense if we can get beyond the petty jealousies among bands for the limited funds we have."

He said that tribes are currently in competition for federal dollars with both the Northwest and the Southwest and those funds can be less-effectively obtained on an individual basis. "We need to do it collectively," he said.

The primary reason for establishing the GLIFWC, according to Buffalo, was the realization that in exercising rights which utilize the resources, assistance to regulate and manage that use is not available to tribes individually. However, as a group of tribes, he said, they have been able to receive the assistance necessary to properly handle the resource.

Similarly, the merger with the Voigt Task Force ensued due to a common interest; the impact of tribal use on the resource. It is important to continue he said, to "come together as a collective group and thereby implement the concerns of individual tribes.



"The issues are not easy but the responsibility is great," says Henry Buffalo.





# WCA JOINT COMMITTEE

An early January meeting is tentatively scheduled for the Committee on County/Tribal Relations, which was proposed in June at the Northern Counties Treaty Rights Conference at Telemark. The Wisconsin Counties Association (WCA) has elected five representatives to sit on the committee, and five representatives from the tribes have been appointed by the Great Lakes Inter-Tribal Council.

The purpose of the committee, according to the WCA, is to promote dialogue and communication between county and tribal governments. According to Jack Miller, Chairman of the GLITC, it should provide a forum to explore various areas of mutual concern to counties and tribes, including but not exclusively treaty rights issues.

The five representatives appointed by the GLITC include Gene Taylor, St. Croix; Joseph Cobine, Bad River; Richard Gurnoe, Red Cliff; Hillary Waukau, Menomonie; and Jack Miller, Stockbridge-Munsee.

The county representatives are Charles Tollander, Burnett Co.; Tony Lorbetske, Oneida County; Larry Gleasman, Dane County; Al Skinner, Barron County; and George Schroeder, Outagamie County.

The initial meeting will be organizational in nature, Miller says, primarily identifying key areas of concern which the committee will continue to address.

## Initiative called racist

SEATTLE (AP) — A ballot measure aimed at overturning a 1974 federal court ruling that gave treaty Indians special fishing rights in state waters has won approval from Washington state voters.

With 99 percent of the state's precincts reporting, the initiative received 812,429 votes in favor to 733,305 votes against.

The initiative asks Congress to pass laws to decommercialize steelhead fishing, declare the state has the sole right to manage resources, including salmon and steelhead, and declare that no one shall be denied access to resources because of race, sex or origin.

It was opposed by both the state's gubernatorial candidates, and by U.S. Sen. Dan Evans and former Sen. Warren G. Magnuson.

Opponents called it racist and futile because the U.S. Supreme Court has already upheld the Boldt decision.

Backers said the measure promotes equality.



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# FROM THE NEWS

—THE DAILY PRESS—Ashland, Wis.—Friday, Oct. 5, 1984

## Communication eases conflict

Editor:

"Spear an Indian, Save a Walleye," "Shoot an Indian, Save a Deer."

"...However, in place of large game animals, there will be open season on 'Smokes,' also known as Injuns." These are examples of the sort of racial and genocidal filth that have been recently distributed in northern Wisconsin.

The people who print and circulate this material are not talking about deer herds or game fish; they are not talking about the treaty rights or the Voigt decision; they are talking about killing Indian people. In short, they advocate murder and genocide.

These people are using questions of resource management and treaty rights to substitute vigilante justice for the American system which uses the rule of law to promote social and legal justice. They are, in fact, subverting the very concepts on which our country was founded.

I do not believe the issues at hand are worth one single human life. I do not believe we can afford to cut off communication between the two sides. I do not believe we can allow northern Wisconsin to become a battleground ... with neighbor against neighbor ... without making a great and continuing effort to bring moderation, reconciliation and, above all, reason to the dispute.

We must stop this strange and terrifying dialogue which will not remain dialogue for long, but may soon degenerate into confrontation, violence and death, if carried on only by extremists. We must set up ongoing lines of communication between the tribes and units of local government. We must ask the clergy to speak up for human rights, not "treaty rights" or "equal rights." We must forge links between decent people who live in both the white and Indian communities.

Above all, we must remember the harm we are doing to our own future as this conflict continues. To see the children of both sides growing up in an atmosphere of fear, hatred, and mistrust is to see our future destroyed. We must not allow this to happen.

Although Sawyer County has, disappointingly, taken a step backward by refusing to talk with the Lac Courte Oreilles Tribe, the Ashland County Board will soon have a resolution before it that will establish and enhance communications and cooperation between the Bad River Tribe and the county. Bayfield County is contemplating a similar measure that will provide a bridge between the Red Cliff Tribe and the county.

These actions could be the beginning of a continuing effort to achieve understanding among all people of the North, but must receive the support of each one of you to succeed.

Responsible people who find obvious expressions of racism at odds with their personal or community standards can do something! They can refuse to ignore it; refuse to laugh; and must not bend to group pressure that condones bigotry. You can call your fellow citizens to account for their words and actions — this means friends, relatives, organizations, and governmental leaders. You can say STOP. Call it as it is — bigotry is bigotry, even clothed in red, white and blue.

Marvin O. Hunt  
Ashland

Editor's Note: Marvin Hunt is an Ashland businessman and vice-chairman of the Ashland County Board of Supervisors. He wrote this as a guest editorial for the Rhinelander Daily.

## People's Forum

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## Tribes lose treaty vote

HAYWARD (AP) — An advisory referendum supported by opponents of Indian hunting and fishing treaty rights in northern Wisconsin drew lopsided support Tuesday.

With all 28 Sawyer County voting districts reporting, 5,202 voted "Yes" and 1,528 voted "No," according to County Clerk Frank Duffy.

The referendum asked: "Should legislation be drafted and introduced to Congress to clarify the many problems that have arisen concerning the tribal jurisdiction of titled land in Sawyer County and the question of hunting and fishing on ceded land?"

Equal Rights for Everyone (ERFE), a Hayward-based group opposing Indian treaty rights, had requested the referendum by presenting a petition with 822 names.

Paul Mullaly, founder of ERFE, called the referendum "a real opinion of how the people feel."

"It's not just a poll; it's a legal (although non-binding) referendum," he said. "I think the Congress should take note of this."

Mullaly said the treaty rights should be abolished because they create ill feelings between tribal members and non-Indians.

"We all have to live here as neighbors. All they (treaty rights) are doing is pitting us against each other and that's got to stop."

Rick St. Germaine, tribal chairman of the Lac Courte Oreilles Chippewa, whose reservation is headquartered in Sawyer County, said the referendum results indicate an underlying "hostility and jealousy" by non-Indians toward the tribes.

"I do not believe the referendum is a valid means of determining this issue. The treaty rights are based on historic agreements between the tribes and the federal government. They're not based upon popular opinion in 1984. I think the referendum was a waste of taxpayer's money," he said.

# TRIBES RALLY FOR TREATIES

## MADLINE ISLAND

LA POINTE - Over five hundred tribal members and supporters of treaty rights rallied on Madeline Island September 30th in honor of the 1854 treaty signed at La Pointe and as a gesture of support for treaty rights.

Although the gathering was originally intended to be a small ceremony honoring the 1854 treaty, it grew in dimension as a reaction to the Equal Rights for Everyone Meeting held in Minocqua which drew a crowd of several thousand to hear Deputy Under Secretary of the Department of Interior Bill Horn address treaty issues. The greater part of the crowd at the Minocqua meeting favored abrogation of treaties.

As a counterpoint to this public response calling for abrogation, the rally provided a forum for tribal speakers to both educate tribal members on treaty issues through a workshop held at the La Pointe School and through a series of speakers at the Pow Wow grounds.

Organizer of the event, Walt Bresette, chairman of the Red Cliff Cultural Institute, felt that the rally provided a sense of unity for tribal members and also a show of strength and purpose to the public. That tribes take treaty rights seriously and mean to retain them, he feels, must be strong message both to political representatives and the public at large.



MADLINE ISLAND - A rally celebrating the 1854 Treaty signed at LaPointe was held on Madeline Island this fall. The rally, also in support of treaty rights, was attended by tribal

members from around the state: Above, participants are preparing the Grand Entry as part of the pow-wow festivities.

## STEVENS POINT RALLIES

by Robin Goree WIRC

About 50 people stood outside the University of Wisconsin in Stevens Point on Nov. 19 in freezing wind. The focus of the group was to bring attention to anti-American Indian sentiment that has surfaced since the Voigt decision recognized the validity of Lake Superior Chippewa treaty rights. A significant percent of that group were media people.

The purpose of the rally, organized by the Wisconsin Indian Resource Council (WIRC) and supported by the Committee on Latin America (COLA) and by the Catholic Office of Justice and Peace, was to educate against the racism that has recently surfaced in northern Wisconsin. Bumper stickers reading "Save a Deer; Shoot an Indian"; "Save a Walleye; Spear an Indian", as well as other racially inflammatory materials have been circulating throughout the Northwoods since the Voigt decision was passed in 1983.

Stan Webster, an Oneida and the executive director for WIRC, said "We want to bring out an awareness that racism exists and that Indian people have rights. Our purpose is to educate the general population to the facts on sovereignty, treaty rights and civil rights."

Webster said, "We are launching a big effort to cure the ignorance that is feeding racism. Ignorance breeds racism and this is passed on from generation to generation. Something must be

done." This is an awareness campaign. We, at WIRC, are working through churches and media to inform the people, he said.

When asked why these treaty rights have caused such concern among Indians, Webster said that the Chippewa insist upon recognition of treaties as the law.

We, American Indians, are the only citizens with treaty rights. The U.S. Government doesn't sign treaties with citizens - they sign treaties with nations. In June of 1924 Congress passed a law that stated all American Indian people were citizens of the United States. This was an effort to force the American Indian into the Mainstream of American life. American Indians don't want to be assimilated; we have never fallen into that mainstream. We are still nations. Our people are still in existence. We have maintained our cultures, lifestyles, and languages. We are here. The U.S. Government has recognized us through treaties. These treaties acknowledge rights that protect our continuance as a people. Also recognized were forms of self-government that insured perpetuation for our posterity.

According to Char Balgord, public relations consultant for WIRC, the Nov. 19 rally was an organized attempt to use mass media to reconstruct the fallacious image of the American Indian. She said, "Up until recently most press coverage of Indians has been bad. We are changing that. The Nov. 19 rally and 50 shivering people worked together with television, radio and newspapers to bring understanding and appreciation to a cause that can bring value and integrity to all Americans."

## Sayings of Thomas Jefferson

The force of public opinion cannot be resisted when permitted freely to be expressed. Whenever the people are well informed, they can be trusted with their own Government.

As new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.

A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned.

I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.

The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them.

## THE VOIGT TRIBES

There are six national groups within the borders of Wisconsin. These are the Oneida, Stockbridge-Munsee, Winnebago, Menominee, Potawatomi and Chippewa. The accompanying map identifies where they're located.

Below is a brief listing of the Chippewa Reservations that will be impacted by the implementation of the "Voigt Decision." All are members of the Voigt Inter-Tribal Task Force, currently headquartered on Lac Courte Oreilles Reservation.

### Lac Courte Oreilles Reservation

The LCO (La-coot-oray) Reservation has about 70,000 acres within Sawyer County northwestern Wisconsin. It was LCO who initiated the Voigt proceedings when their members were arrested for ice fishing on Chief Lake, one of the

many inland lakes that are part of the reservation. For more information write the LCO Tribal Governing Board, Route 2, Hayward, WI 54843 or call 715/634-8934.

### Bad River Reservation

With an approximate size of 125,000 acres it is the largest of the Wisconsin-based Chippewa reservations. The Bad River flows through the reservation and into the rice beds of the Kokagon Sloughs. Bad River has lands in both Ashland and Iron counties and borders the south shore of Lake Superior. For more information write the Bad River Tribal Council, Route 2, Box 400, Ashland, WI 54806 or call 715/682-4212.

### Red Cliff Reservation

The Village of Red Cliff is nestled around Buffalo Bay on the shores of Lake Superior. The reservation is located in northeastern Bayfield County and has about 14,000 acres within its boundaries. For more information write the Red Cliff Tribal Council, Box 529, Bayfield, WI 54814 or call 715/779-5805.

### Lac du Flambeau Reservation

This inland reservation in northeastern Wisconsin

is also known for its northwoods beauty of lakes and forest. "Flambeau" has about 70,000 acres within Vilas, Oneida and Iron counties. For more information write the Lac du Flambeau Tribal Council, Box 529, Lac du Flambeau, WI 54538 or call 715/588-3303.

### St. Croix Reservation

Rather than a contiguous area there are a number of separate land parcels which comprise the St. Croix Reservation. They are the westernmost Chippewa site in Wisconsin and hold lands in Barron, Polk and Burnett counties totaling about 2,000 acres. For more information write the Tri-County Ojibwa Center, Star Route, Webster, WI 54893 or call 715/349-2295.

### Mole Lake Reservation

Also known as the Sokaogon Chippewa, this is one of the smaller reservations with a contiguous land base. They have about 2,000 acres in Florence county and is the easternmost Chippewa reservation in Wisconsin. For more information write the Mole Lake Tribal Council, Route 1, Cranston, WI 54520 or call 715/478-2604.





# 1984 DEER SEASON

# TRIBES CONTINUE TO NEGOTIATE AGREEMENTS

The purpose of this agreement is to state the terms and conditions which the parties have agreed will be in effect for the purpose of regulating subsistence deer hunting during the 1984 State of Wisconsin Deer Gun Season ("1984 State Season"). This Agreement is effective only in the period beginning on September 15, 1984, through December 31, 1984. It may not be used for any purpose in this or any other proceeding after December 31, 1984, except for the following: persecution and defense of violations occurring during the term of this Agreement; data collection and exchange; and where other wise specifically provided by this Agreement.

ARTICLE I  
The parties agree that the Treaty deer hunting activities by members of the Tribes during the 1984 Treaty Season will be subject to the following conditions and regulations.

### 1. Gun Seasons and Specific Restrictions and Conditions.

a) September 22, 1984, through November 2, 1984 - tribal hunters during this time period will be allowed to:

1) Possess loaded and uncased weapons in a motor vehicle while hunting; and

2) shoot from a stationary motor vehicle while that vehicle is on an unpaved road.

Loaded and uncased guns cannot be possessed in transit while traveling to or from the hunting site. Shooting within fifty (50) feet of the centerline of the paved road or across the centerline of a paved road is prohibited during this time period as provided by the parallel state regulation found in NR. 10.05 Wis. Admin. Code. Tribes agree to discourage their members from hunting in high public use areas during this time period.

b) November 17, 1984, through November 25, 1984 - The following activities are specifically prohibited during this time period.

1) Possession of the loaded or uncased firearm in a motor vehicle as provided by the parallel state regulation found in §29.224, Stats.

2) Shooting from a motor vehicle as provided by the parallel State regulation found in §29.224, Stats.

3) Discharging a gun within fifty (50) feet of the centerline or across the centerline of a paved road as provided by the parallel State regulation found in NR 10.05 Wis. Admin. Code.

4) Hunting without blaze orange coloring at least 50 % of the outer garment by the parallel State regulation found in §29.22(2), Stats.

5) Hunting without a state furnished back tag provided by the parallel stat regulation found in §29.22(3), Stats.

c) November 26, 1984, through December 15, 1984 - The following activities are specifically prohibited during this hunting period.

1) Possession of a loaded or uncased firearm in a motor vehicle as provided by the parallel state regulation found in §29.224, Stats.

2) Shooting from a motor vehicle as provided by a parallel state regulation found in 29.224, Stats.

3) Discharging a firearm within fifty (50) feet of the centerline or across the centerline of a paved road as provided by the parallel state regulation found in NR 10.05 Wis. Admin. Code.

### 2. Hunting Hours

a) Lawful deer gun hunting hours for the purpose of this Agreement shall be the following:

DATE	TIME
September 22 - October 1	6:15 a.m. - 7:00 p.m. DST
October 2 - October 9	6:30 a.m. - 6:45 p.m. DST
October 10 - October 16	6:30 a.m. - 6:30 p.m. DST
October 17 - October 25	6:45 a.m. - 6:15 p.m. DST
October 26 - October 27	7:00 a.m. - 6:00 p.m. DST
October 28 - November 2	6:00 a.m. - 5:00 p.m. CST
November 17 - December 15	6:30 a.m. - 4:30 p.m. CST

### 3) Public Lands

Deer hunting activities may be conducted on all lands within the ceded territory which were not privately owned as of March 8, 1983, except for the following public lands:

a) Designated public campgrounds, public beaches, and public picnic areas.

b) School forests, public land fills and public gravel pits where deer hunting is prohibited and where notice of the prohibition is clearly posted.

c) Public lands within incorporated areas except that tribal hunters may use the same methods as non-Indians for those lands:

1) Which are designated for bow and gun deer hunting; or

- 2) Which are designated for bow deer hunting.
- d) All state parks except for those parks where deer gun or bow hunting is permitted. Where deer hunting is permitted, gun hunting in state parks during the 1984 Treaty Season shall be from November 17 through December 15 and bow deer hunting shall be from December 1 through December 31.

The following state parks in the ceded territories are open for deer hunting in designated areas: Big Bay State Trail.

e) All state wildlife refuges except for those refuges where deer hunting is permitted. Where deer hunting is permitted in state wildlife refuges, gun hunting in State wildlife refuges shall be from November 17 through December 15 and bow hunting shall be from December 1 through December 13. The following state wildlife refuges in the ceded territory are open for deer hunting that time period:

- Burnett County - Fish Lake Wildlife Area
- Marathon County - Beans Eddy

Barabois Flange  
McMillan Marsh  
Mead

- Oneida County - Rice Lake
- St. Croix County - Oakridge Lake
- Douglas County - Brule River
- Vilas County - Powell Marsh
- Wood County - Mead

### 4. Harvest Levels

a) Maximum Total Harvest - A total of 8,475 deer may be harvested pursuant to this Agreement.

b) Antlerless Deer - A total of 2,825 antlerless deer may be harvested pursuant to this Agreement. An antlerless deer is defined as any deer not having at least one antler of at least 3 inches in length. Antlerless deer may only be harvested in accordance with levels set forth for each of the following management units. It is a violation of this agreement either:

1) to shoot an antlerless deer without first obtaining a permit to do so; or

2) to shoot an antlerless deer in a management unit other than one specified on the permit.

Management Units	Units	Permits
	1	25
	2	25
	3	25
	4	25
	5	25
	6	25
	7	25
	8	35
	9	25
	10	71
	11	50
	12	30
	13	59
	14	39
	15	36
	16	25
	17	25
	18	59
	19	51
	20	25
	21	25
	22	25
	23	25
	24	25
	25	31
	26	86
	28	25
	29a	25

Management Unit	Permits
29b	25
30	25
31	25
32	52
34	25
35	133
36	84
37	34
38	41
39	157
40	156
42	50
43	96
44	25
45	282
46	44
47	36
48	25
49	145
50	152
52	54
57a	75
58a	112
78	25

For all other management units located in the ceded territory, there shall be zero (0) antlerless deer permits available.

As this agreement is printed only in part, regulations from an area tribal registration station should be obtained for complete guidelines. Procedure for prosecution and enforcement are also detailed in the agreement.



## NO DEER SLAUGHTER IN '84 EITHER

EARLY ESTIMATES FROM GLIFWC BIOLOGIST, JON GILBERT, ARE THAT THE TOTAL TREATY DEER KILL ON THE CEDED TERRITORIES WILL NOT EXCEED 650 DEER. WITH EARLY TOTALS FOR THE SEASON, THE COUNT IS AT 628; HOWEVER, NOT ALL FIGURES ARE IN. THE 1984 KILL WILL BE COMPARABLE TO THE 1983 SEASON WHICH TOTALED 644 DEER.

The first part of the 1984 treaty deer season showed 380 deer taken by tribal hunters on off-reservation ceded lands. Jon Gilbert, wildlife biologist with the GLIFWC reports that in the mid-season, which correlated with the state hunt, approximately 219 more deer were harvested off-reservation by tribal hunters. Gilbert says that he predicts this season's total deer kill on ceded land will exceed the 644 taken in 1983, but not go over 700.

Gilbert feels the deer kill figures are indicative of the type of harvest that tribal members can or will take under the current hunting conditions. The total state gun harvest was 251,000.

To date, the hunting season has continued without serious incident, according to Mike Cardinal, chief warden, GLIFWC. He says there have been a few minor infractions cited by both DNR and GLIFWC wardens, but even small violations have been few.

## ICE FISHING

The 1984-85 Ice Fishing Agreement was successfully negotiated between the tribes and the Wisconsin Department of Natural Resources in December. Terms of the agreement follow:

The parties agree that ice fishing activities by members of the tribes during the 1984-85 Treaty Season will be subject to the following conditions and regulations:

1. Seasons  
The term of the 1984-85 Treaty Ice Fishing Season shall be as follows:

- a) Spearing - all fish - ice in to April 1, 1985;
- b) All other permissible methods - all fish - ice in to ice out.

2. Ice Fishing Defined  
Ice fishing, as that term is used in this agreement, shall mean fishing by a method permitted by this agreement and shall only occur through and artificial hole in the ice.

3. Bag Limits  
The following fish bag limits shall be in effect throughout the term of this agreement and shall be enforceable against tribal members throughout the terms of this agreement:

- a) Lake Trout - 4 per day per person.
- b) Muskellunge - 2 per day per person

No other bag limits are in effect for any species taken pursuant to this agreement.

4. Minimum Sizes  
The following minimum fish size limits shall be in effect throughout the term of this agreement and shall be enforceable against tribal members throughout the term of this agreement:

- a) Lake Trout - 17 inches
- b) Muskellunge - 30 inches

No other size limits are in effect for any species of fish taken pursuant to this agreement.

5. Closed Seasons  
There shall be a closed season on Sturgeon. All other species of fish may be taken pursuant to the conditions set forth in this agreement.

6. Hole Sizes  
The following restrictions on ice fishing hole sizes shall be in effect for the term of this 1984-85 Treaty Ice Fishing Agreement:

- a) All permitted methods other than spearing - no larger than 12 inches in diameter.
- b) Spearing - no larger than 24 inches x 36 inches
- c) All unattended holes created for the purpose of ice fishing shall be reasonable marked as to be visible to vehicular traffic.

7. Permissible Methods  
The following methods are the permissible methods of ice fishing pursuant to this agreement: spearing, snagging, hook and line, tip up and hand line fishing. Tribal members shall not share gear with non-tribal members. All other methods of harvesting fish through the ice are prohibited.

9. Prohibitive Bait Fish  
The following live fish are prohibited for use as bait by members ice fishing pursuant to this agreement: carp, goldfish, redbreast, fresh water drum, burbot, bowfin, garnish, buffalo fish, lamprey, alewife, gizzardshad, smelt, goldeye, mooneye, carp sucker, quillback, chub and cray fish.

10. Tribal Identification  
Any tribal member who has been issued a photo identification card by his tribe shall carry such a card when ice fishing off reservation. If a tribal member has not been issued such a card by his tribe, he shall when ice fishing off reservation carry other identification documents approved by his tribe. A tribal member holding any such document shall display it upon request by state or local law enforcement personnel and is not required to hold or obtain a state license to ice fish under this agreement. The tribes agree to verify membership during normal tribal business hours. Fees for the state fishing licenses authorizing fishing activities during normal tribal business hours. Fees for state fishing licenses authorizing fishing activities during the 1984-85 State Fishing Season shall be refunded to members of tribes submitting their license and a copy of their tribal identification by January 5, 1985, to:

License Section  
Department of Natural Resources  
P.O. Box 7924  
Madison, Wisconsin 53707

In addition tribal members will be allowed to have 15 lines at any one time, provided that unattended lines are tagged with a special identification tag which will be provided to members. Fishing lines must also be biodegradable and hooks must be iron.

When tribal members pick up tags, they will be asked to report which lakes they intend to use, in order to accommodate biological monitoring which will take place during the season to ascertain the effect of having unattended lines in the water.

Part of the assessment will also require fishermen to maintain a log detailing their fishing success. The logs will be turned into to biological staff at the completion of thirty day periods. Essentially, the fishing season will be divided into four thirty-day periods, and potential problems related to unattended lines will be assessed at the end of each thirty days. If measures need to be taken to protect the resource, they will be taken during the course of the ice creel census during the season.

Tribal members should check with their local wardens to acquire a complete guide to the season's rules, regulations and system of enforcement. Lakes which are refuges or open only part of the season, for instance, have not been detailed above.



## All time Wisconsin record 252,000 deer taken in 9-day hunt

The total kill during Wisconsin's nine day gun season for white tailed deer has been tentatively set at 251,795 and some say when all the figures are in the final tally may reach a whopping 260,000.

"You can definitely say we are going to have a record harvest," said Frank Haberland, chief of big game management for the state Department of Natural Resources.

Greg Matthews, spokesman for the DNR's Southern District, said his survey indicated the harvest totaled more than 25,000 deer. Game managers had predicted that between 200,000 and 225,000 deer would be bagged during the hunt that ended Sunday, Nov. 25.

The state's deer herd was believed to have grown to more than 900,000, resulting in many complaints in agricultural areas of crop damage from deer.

1984 rules for the hunt included an experimental program permitting some hunters to take two antlerless deer in agricultural areas, in hopes of thinning the herd.

Predictions of a record kill continued through the season, after registration stations reported doing a brisk business on opening weekend.

Weather was the major factor. Conditions stayed generally crisp and clear through the hunt, without the rain that hampered hunters last year.

The DNR will still be getting a few more stubs in from wardens and outside of the Northwest District. Overall the hunt was a good one. Access into back country areas afforded hunters opportunities at big deer. Many nice 8-10 and 12 point racks went through the registration stations. Hunters that were unsuccessful reported that they saw deer and even missed a few.

County	1983	Deer	Total	1984
Ashland	525	632	1157	802
Barron	1111	2022	3133	3123
Bayfield	1280	1100	2380	1180
Burnett	1394	1299	2693	1843
Douglas	1480	1400	2880	1516
Iron	319	301	620	381
Polt	1746	2001	3747	3198
Price	1043	1157	2200	1651
Rusk	1107	1235	2342	1932
Sawyer	1003	1230	2233	1680
Taylor	840	1285	2125	1929
Washburn	1117	1355	2472	1916
	12,985	15,047	28,032	21,151

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# SMALL GAME

## ARTICLE I

The parties agree that small game hunting activities by members of the Tribes during the 1984-85 Treaty season will be subject to the following conditions and regulations.

- Seasons  
Except for the open seasons stated below all other small game hunting seasons are closed. Season dates given are inclusive-  
(a) Ruffed Grouse - September 15, 1984-January 31, 1985  
(b) Snowshoe Hare - Year Round  
(c) Cottontail Rabbit - Year Round  
(d) Red, Gray, & Fox Squirrel - Year Round  
(e) Coyote - Year Round  
(f) Raccoon - October 20, 1984-January 31, 1985  
(g) Red & Gray Fox - October 20, 1984-December 31, 1984  
2. Hunting Hours  
Lawful hunting hours for open seasons shall be:  
(a) From November 17, 1984 through November 25, 1984, for all animals, 6:30 a.m. - 4:30 p.m. CST.  
(b) From November 26, 1984 through December 15, 1984, for all animals except coyote, fox, raccoon, and snowshoe hare, 6:30 a.m. - 4:30 p.m. CST.  
(c) From December 16, 1984 through February 28, 1985, for all animals except coyote, fox, raccoon, and snowshoe hare, the general hunting hours as set forth at NR 10.06, Wis Adm. Code.  
(d) There are no restrictions on hunting hours from December 1, 1984 through August 31, 1985, for the coyote, fox, raccoon and snowshoe hare, and from February 28, 1985 through August 31, 1985, for all other animals.

- Identification  
Any tribal member who has been issued a photo identification card by his tribe shall carry such card when small game hunting off reservation. If a tribal member has not been issued such a card by his tribe, he shall when small game hunting off reservation carry other identification documents approved by his tribe. A tribal member holding any such document shall display it upon request by state or local law enforcement personnel and is not required to hold or obtain a state licence to small game hunt under this Agreement. The Tribes agree to verify tribal membership during normal tribal business hours.

Fee for state licenses authorizing small game hunting during the 1984-85 Season shall be refunded to any member of a tribe submitting his license and a copy of his tribal identification no later than December 12, 1984 to:

License Section  
Dept. of Natural Resources  
P.O. Box 7924  
Madison, WI 53707

- Firearms permitted  
Small game may be hunted with any caliber rifle, handgun, or shotgun permitted as in NR 10.09, Wis. Adm. Code. Any type of shot as permitted by NR 10.09, Wis. Adm. Code may be used, except that buckshot may also be used through December 15, 1984. After December 15, 1984, a tribal member may possess buckshot in his vehicle (including on his person while in the vehicle), but may not possess buckshot on his person or in his firearm while in the field hunting.

- Possession of loaded or uncased firearm  
No tribal member shall while small game hunting possess an unloaded or uncased firearm in an automobile, vehicle, aircraft, or motor-driven boat while the motor is running, as provided by parallel state regulation §29.224, Stats.

- Hunting from paved road  
No tribal member shall discharge a gun within 50 feet of the center line or across the center line of a paved road as provided by parallel state regulation NR 10.05, Wis. Adm. Code.

- Shining  
No tribal member shall engage in shining except to use a flashlight at the point of kill while hunting on foot raccoon or fox, as provided by parallel state regulation §29.245, Stats.

- Blaze Orange  
From November 17, 1984 through November 25, 1984, no tribal member whose outer garment above the waist is not at least 50% blaze orange shall hunt small game, as provided by parallel state regulation §29.22(2), Stats.

The agreement continues to outline policy regarding the sale of meat, purchase and shipment of furs as well as registration of particular animals. Refuge areas are also detailed as are policies regarding enforcement and prosecution.

# TRAPPING

Treaty Trapping Season ("1984-85"). This agreement is effective only for the period beginning on the date of the Court's approval hereof through September 15, 1985. It may not be used for any purpose in this or any other proceeding after September 15, 1985, except to the extent needed for prosecution and defense of violations occurring during the term of this Agreement and data collection and exchange.

## ARTICLE I

The parties agree that trapping activities by members of the Tribes during the 1984-85 Treaty season will be subject to the following conditions and regulations.

- Seasons  
Except for the open seasons stated below all other trapping seasons are closed. Season dates given are inclusive. Seasons begin at 6:00 a.m. CST of the opening date listed and end at 11:59 p.m. of the closing date listed.  
(a) Bobcat - October 20, 1984-December 31, 1984  
(b) Red & Gray Fox - October 20, 1984-February 28, 1985  
(c) Coyote - October 20, 1984-February 28, 1984  
(d) Snowshoe Hare - Year Round  
(e) Cottontail - Year Round  
(f) Red, Gray, & Fox Squirrel - Year Round  
(g) Raccoon - October 20, 1984-January 31, 1985  
(h) Mink - October 20, 1984-February 28, 1984  
(i) Muskrat - October 20, 1984-May 1, 1985-North of Hwy 64

October 27, 1984-May 1, 1985 - South of Hwy 64  
(j) Beaver - October 20-May 1, 1985  
(k) Otter - December 1, 1984-March 15, 1985

- Setting, tending traps - hours  
Tribal members may set or tend traps at any time of day during the open season.
- Setting, tending traps - non-members  
Tribal members shall not share gear with non-tribal members, nor permit non-tribal members to tend tribal gear.

- Identification - Tribal Members  
Any tribal member who has been issued a photo identification card by his tribe shall carry such card when trapping off reservation, and shall in addition carry a trapping permit issued by the member's tribe. If a tribal member has not been issued such a card by his tribe, he shall when trapping off reservation carry other identification documents approved by his tribe. A tribal member holding any such document shall display it upon request by state or local law enforcement personnel and is not required to hold or obtain a state licence to trap under this Agreement. The Tribes agree to verify tribal membership during normal tribal business hours.

Fees for the state trapping licenses authorizing trapping during the 1984-85 Season shall be refunded to members of tribes submitting their license and a copy of their tribal identification no later than November 15, 1984 to:

License Section  
Dept. of Natural Resources  
P.O. Box 7924  
Madison, WI 53707

- Identification - Traps  
(a) Tribal members trapping off reservation shall affix to each trap a metal tag upon which shall be stamped or engraved the trapper's name and address and initials indicating his tribal enrollment. Tribal member shall use the following initials to indicate tribal membership: Bad River - BR; Lac Courte Oreilles - LCO; Lac du Flambeau - LDF; Mole Lake - ML; Rd Cliff - RC; St. Croix - SC.  
(b) Tribal members placing traps within 15 feet of a beaver house or beaver dam affix a tag as above described to a plot set near the trap in such a manner as to be visible above the water line.  
(c) All traps not tagged in accordance with this Section shall be seized.

The agreement continues to outline methods which cannot be used in trapping the various species as well as other pertinent details, such as bobcat and otter registration, possession of shot or speared furs and possession of live animals. Tribal members should check with their wardens for a complete handbook on trapping regulations.

The agreement also indicates which areas and refuges are closed to trapping and the dates which they are closed. Again complete regulations should be checked prior to trapping on ceded territories.



# RICING

Co-management efforts between the tribes and the State are being pursued in the regulation of the wild rice. Through the Wild Rice Technical Working Group, with representatives from both the tribes and the Wisconsin Department of Natural Resources, a proposal is being formulated for a long-term wild rice management program.

According to GLIFWC Policy Analyst, David Siegler, the technical working group represents the first true effort at co-management of a resource that tribes and the State have undertaken.

Also, Siegler says, it is the first time the tribes have sat down with the State to suggest changes to them for the protection of the resources. "The tables have turned," says Siegler. "The tribes have brought to the State's attention that current regulations are inadequate to protect the resource."

Although the management program is still very much in the making, some of the areas being considered by the working group include re-seeding and enhancement programs to protect present rice beds and to re-establish historic beds.

Ricing methods are also under consideration. The tribes feel, for instance, that types of ricing sticks and boats should be proscribed as well as the use of propellers in the ricing beds. Also, the use of push poles or single paddles are being suggested as less damaging than rowing through the beds.

Participants in the Wild Rice Technical Working Group to date have been John Brasch, DNR Northwest Director; Ron Eckstein, DNR Wildlife biologist; Jim Flannigan, DNR warden; John Plenke, DNR District Warden; Fred Ackley and Ron Smith, Mole Lake; John Weyman and Tom Maulson, Lac du Flambeau; Dick Barber, Bill Sutton and Ken Rusk, Lac Courte Oreilles; Gordon Arbuckle and Ken Pardon, St. Croix; Tim Andryk, GLIFWC wildlife biologist; and David Siegler, GLIFWC policy analyst.

No formal agreement was reached for the 1984 wild ricing season. However, negotiations did lead to a change in ricing hours, which extended ricing to sunset; and the inclusion of more lakes to be regulated by the DNR at the request of the tribes. Tribal members were able to rice on ceded territories without paying the state licence fee of one dollar.



# WATERFOWL SURVEY

With bald eagles as escorts, Tim Andryk and Henry Mielowsky, biological staff with the Great Lakes Indian Fish and Wildlife Commission, quietly motored up the Kakagon Slough in the pre-dawn light of a Wednesday morning to continue with a waterfowl survey project begun in mid-September.

The waterfowl survey of both the Slough and the Chequamegon Bay is the first to be done in northwest Wisconsin, according to Andryk, a waterfowl biologist. He says no systematic survey has been done in either the Bay or the Slough although they are considered major staging areas for waterfowl.

Dr. Richard Verch, an ornithologist with Northland College, has been working jointly with the Commission staff on the survey, primarily working at the observation sites along Chequamegon Bay.

Ten observations points have been established for the Chequamegon Bay area, lying between Washburn and the Bad River Reservation. Two sites have been established in the Kakagon Slough.

Andryk explains that the observation sites are manned once weekly, usually before or at dawn. Using scopes the surrounding water and air are

"glassed," and all waterfowl are counted and species recorded. Dates of arrival and departure for both resident and migratory waterfowl are also noted.

Mallard, blue-winged teal and scup make up the majority of waterfowl population in the area, according to Andryk. He also notes that the largest concentration of waterfowl in the region appeared to be prior to the Oct. 1 opening of the waterfowl season. The survey began mid-September and will run through the middle of October.

This year's survey initiates a systematic survey to be continued on a yearly basis. The data gathered will be analyzed to derive inferences on peak concentrations, population trends as well as establish arrival and departure dates. The information will be used in determining regulations for both on and off-reservation waterfowl hunting regulations.

Both Andryk and Mielowsky, a wildlife aide, have been impressed with the number of bald eagles in the Slough. Andryk feels they are migrating through the area, although several have been nesting in vicinity during the spring and summer season. Seven to ten mature and immature eagles have been spotted during the survey period.



BAD RIVER - Tim Andryk, waterfowl biologist with the GLIFWC, conducted a waterfowl survey this fall in the Kakagon Sloughs and Chequamegon Bay. The survey was the first of its kind in the area. Above, Andryk "glasses" the surrounding sky and water for birds.



# GREAT LAKES FISH COMMISSION SEEKS TRIBAL INPUT

In order to keep abreast of current issues relating to the Great Lakes Fishery, GLIFWC staff, Tom Busiahn, chief biologist, and Ray DePerry, executive director, attended the interim meeting of the Great Lakes Fishery Commission (GLFC) in Toronto recently.

The GLFC is an international organization with representation from both the United States and Canada. According to Busiahn, the organization primarily coordinates the fisheries of the Great Lakes and provides a forum for determining fishery policy and research areas. The Commission meets twice annually, with the annual meeting scheduled for May in Niagra Falls, Ontario.

Although there was no slot on the agenda for tribal speakers, DePerry took up an offer to speak to the convocation, explaining the goals and structure of the Great Lakes Indian Fish and Wildlife Commission as well as presenting tribal views on some important issues.

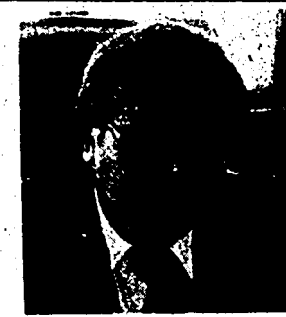
Several major areas of concern to the GLFC are sea lamprey control and habitat protection. Numerous reports were submitted by committees on several of the Great Lakes in regard to these subjects. Busiahn says that habitat protection is also a program area that the GLIFWC will be developing in the next year.

Currently Busiahn sits on the Lake Superior Technical Lake Trout Committee, which is one of several committees that act in an advisory capacity to the GLFC. The Lake Trout Committee is formulating a Lake Trout rehabilitation program.

Busiahn also noted that, in an address given by the Assistant Director of the Fish and Wildlife Service, Joseph Kutkuhn, a priority for that agency will be to work in inter-jurisdictional fisheries as well as on federal lands, which includes Indian reservations.

Busiahn feels that one of the primary benefits of attending the meeting is found in the opportunity to meet and hold face-to-face discussion with policy-makers and scientists from a wide variety of federal, state, tribal and provincial agencies.

# DEPERRY: COMMENTS ON THE COMMISSION



With this issue and the ones to follow, I intend to utilize this space as a forum by which I can offer our readers my personal commentary regarding the Commission's activities. In addition, from time to time, I may also be commenting on those outside forces that impact on our overall operations. In any case, the views I have to offer on the subject matter I choose will give greater insight into the Commission and its activities.

When looking at the totality of the circumstances that a particular issue(s) can give rise to, it must be viewed in such a manner that can be beneficial to all member tribes. Without the broad objectivity required to accomplish the Commission's goals, much of our time and efforts could be lost in our attempt to address those issues that may not be germane to our stated purpose and objectives.

Since the inception of GLIFWC and the merger of the Voigt Task Force, the Commission has grown tremendously, and its responsibilities have increased sharply. Not only do we possess highly trained individuals in their particular fields of expertise, but also the cooperation seen in the personal sacrifices of individual tribes and representatives by way of serving on committees, the assistance with biological studies and deer registration and the allowing of tribal personnel to "donate" their services to our endeavors. When one looks at the shortness of time the Commission had to "throw all this together" and still be able to produce quality work from our divisions and negotiate meaningful agreements for Voigt-related treaty rights with the State of Wisconsin, it becomes obvious that we are an organization with purpose, fortitude, dedication and commitment.

The Commission is that neatly created organization that is representative of the old Great Lakes Indian Fishery Commission and the Task Force on Voigt. The latter being formed as a result of the Voigt decision that affirmed the Chipewya's right to hunt and fish in the ceded territories under the 1836 and 1842 treaties. This merger of the two groups allows for a more efficient centralized operation in the protection of treaty protected resources that are of vital concern to us now and for generations to come. We must, therefore, continue to improve on our methodology of cooperative efforts in fostering those tribal interests that we have been entrusted to protect and advance.

There are still long battles to be fought. The most pressing is to educate the public about tribal responsibility in developing sound conservation management practices, and that we will not "delete the resources" if allowed to have separate hunting and fishing seasons. The battle to lay to rest those unfounded fears that resulted when the treaty hunting and fishing rights were upheld still consumes much of the Commission's time.

We have been very successful, however, through our very able PIO staff and others; in combating very effectively the negativism that has been generated by groups such as ERFE, WARR and ignorant individuals on the subjects of Indians and treaties.

The fact that there was an election year didn't help matters much. Some of the political rhetoric only fueled the "Indian controversy" that had already left our ears ringing with terms like "treaty abrogation," "we're all Americans," "special rights," and "abolishment of all treaties." In several circumstances, it seemed like everyone wanted to jump on the covered wagon to give their thoughts on the subject.

Although the publicity on the issue(s) has settled down some it has in no way dissipated entirely from the picture. This latest round was proof enough that educating the public about Indian-related issues must be an on-going task for the Commission, tribes, individuals, and yes, even the State of Wisconsin.

I firmly believe that we all are cognizant of what lies ahead for us if we dilly-dally in meeting those challenges that we are obligated to meet. For many of the "old guard" we have been active in Indian affairs, these latest events appear to be deja vu believing that in time we shall overcome those latest racial hurdles that have been put in our path. But, just as the opposition becomes better equipped in attacking our treaty rights with their rabid rantings and behavior, so to must we be just as tenacious in neutralizing their venomous activities.

Our work is certainly cut-out for us if we have this steadfast conviction that tribes, because of their unique relationship to the federal government, enjoy certain rights not available to the general citizenry of this country. Educating the public on that point alone is an awesome task.

In concluding, I just want to state that because there is stillness in the air, it doesn't mean a storm is not brewing. Let's be ready...



## AN INTRODUCTION TO NATIVE PEOPLES' FISHERIES ISSUES IN NORTH AMERICA

Indians and other North American native peoples have utilized the fisheries and other living resources of the continent for thousands of years. Fish were harvested for subsistence, intertribal trade, and ceremonial purposes. After European settlement, commercial sale of fish by Indians was widespread, continuing today in many areas. In the past two decades, continuing, and in some areas renewed, emphasis on fishing as an economic and cultural activity in native communities has produced conflicts with other resource users and profound disagreements about jurisdictional authority and management measures. The conflicts have presented growing challenges to fisheries management agencies and to fisheries professionals.

Government mechanisms intended to manage these fisheries are often not sufficient when native rights and tribal sovereignty are given due consideration. As a result many tribal governments in the United States have or are developing fishery management programs staffed by professionally trained biologists and resource managers, altering the status of state agencies as the sole qualified managers. This has resulted in greater accountability in the management process; but has also placed fisheries professionals on opposite sides in legal and political controversies involving jurisdiction and allocation. In Canada, jurisdiction and allocation conflicts have developed within quite a different legal context; however, the danger to the resource resulting from inadequate governmental management mechanisms is the same in any case. In these circumstances biologists bear a responsibility to clearly distinguish between conservation and allocation issues and to advocate for the integrity of the resource, whatever the course of jurisdiction and allocation disputes.

The American Fisheries Society, recognizing this responsibility, approved a resolution at the 1980 annual meeting calling for cooperation among United States tribes and state and federal agencies in the interest of conservation. At the same time, then-President Richard Ryder appointed a Native Peoples' Fisheries Committee to examine the issues and to report significant findings in Fisheries.

The complexity and diversity of native fisheries issues has thus far prevented any organization or individual from dealing with them on a comprehensive basis. Many fisheries biologists, native leaders, attorneys, and government officials have extensive knowledge of native fisheries of a particular region, but a broad synthesis of information on this topic has been lacking. In a series of articles in subsequent issues of Fisheries, members of the AFS Native Peoples' Fisheries Committee will describe native fisheries on a region by region basis, emphasizing biological factors and management problems, incorporating legal, social, and economic information to the extent necessary to provide AFS members with a basic understanding of the complex issues involved.

### INFORMATION SOURCES AND ACKNOWLEDGMENTS

I acquired much of the information presented here while serving on the Bureau of Indian Affairs Task Force for Fish and Wildlife Resources on Indian Lands, while attending meetings such as the National Indian Fisheries Management Conference (1982) and annual meetings of the Native American Fish and Wildlife Society, and by reading the texts of several of the important court decisions on the subject. Native Peoples' Fisheries Committee members Guy Winterton and Geoff Robins provided the information presented on Canadian issues. Committee members Kirk Belning, William Eger, and John Marsh also provided helpful comments.

I greatly appreciate reviews by Indian law authorities James Jannetta and Milt Rosenberg. Attorneys from the intertribal fish commissions in the United States also reviewed an earlier draft. Most of the attorneys' suggestions are incorporated in the article, but any errors are the responsibility of the author.

### OFF-RESERVATION FISHING RIGHTS IN THE UNITED STATES

The extent of off-reservation fishing rights held by Indian tribes in the United States has been the subject of much controversy; in general, however, the legal basis for these rights has become well-established and patterns have emerged in their interpretation by the courts. By making treaties with tribes, the United States recognized their sovereignty as nations, and placed them in the unique status of "dependent sovereigns." In another sense, Indian treaties are contracts in which the parties exchange things of value (e.g., land for annuity payments), and tribes retained whatever property rights (including off-reservation fishing rights) they did not specifically cede through the treaties. In many treaties, off-reservation fishing and hunting rights were retained through specific treaty language. Because most Indian treaty negotiators were not literate in the English language and were not accustomed to western concepts of property ownership, courts have established the principle that historical records and transcripts should be used to interpret treaties in the way that Indian negotiators understood them.

In general, qualified members of certain Indian tribes may fish in areas that were fished before the treaties, using either traditional or modern gear, and may sell the fish (usually),

regardless of the "sport" or "commercial" status of the species in other fisheries. In terms of allocation, courts have ruled that western Washington treaty fisheries operating in common with non-treaty fisheries should allow Indian participants to achieve a moderate standard of living, and that the treaty fishery share of the harvest should not exceed 50 percent. This standard may also apply in other situations where courts have not ruled on allocation, for example the Great Lakes.

The right of tribal members to use on-reservation fishery resources has been generally unquestioned and is quite distinct from the off-reservation right. However, in cases where anadromous stocks move through reservation waters, the principles governing off-reservation fishing may apply.

### THE BASIS FOR TRIBAL FISHERY MANAGEMENT IN THE U.S.

A long-established legal doctrine in the United States holds that Indians on reservations are immune to state laws except in cases where states have specifically been granted powers by Congress or in matters where non-tribal members are directly affected. Off the reservation, state law is presumed to apply to Indians unless a contrary intent has been shown by Congress. State power to regulate off-reservation fishing is curtailed under this exception because the treaties are a federal guarantee of rights to the tribes as sovereign entities.

Under the law, states may regulate off-reservation treaty fishing only when such regulation is reasonable and necessary for conservation or preservation of a fish population. State regulations, where applicable, must not discriminate against Indian users (e.g., by prohibiting traditional fishing gear). Tribes that are fully qualified to manage their treaty fisheries to ensure conservation may pre-empt state regulation, because with adequate tribal management capabilities, state regulation is unnecessary. Where courts have imposed specific criteria for tribal self-regulation, these include technical expertise and the ability to promulgate and enforce fishing regulations adequate to protect the resource.

The power of the tribes and states to regulate the use of on-reservation fishery resources is a complicated issue that has been clarified by some recent court decisions. In general, tribal members may use the resource under tribal regulation, except in certain cases where the state has a vital interest in a migratory stock that moves onto the reservation. Tribes may also regulate fishing and hunting by non-Indians on land owned by the tribe or held in trust for the tribe. However, in some cases courts have ruled that states hold title to the beds of navigable waters on reservations, and tribes may not regulate non-Indian use on non-Indian property unless tribal regulation is shown to be necessary to protect a vital tribal interest. Thus tribes with "checkerboard" reservations (referring to the appearance of a map of land ownership) have lost much of their ability to manage the fish and wildlife of the reservation.

### FEDERAL TRUST RESPONSIBILITY IN THE U.S.

Most tribes do not have the independent resources necessary to fund modern fishery management programs. However, according to the American Indian Policy Review Commission of the U.S. Congress (1977), "the U.S. has the obligation to provide services, and to take other appropriate action necessary to protect tribal self-government," and to "protect and enhance trust property," which includes fishery resources. Under the Indian Self-Determination Act of 1975, tribes may contract with the federal government to obtain funding to perform trust services which had previously been carried out by the federal government. These contracts, commonly known as "638" contracts (after Public Law 93-638), now provide funding for most tribal fisheries programs.

The Bureau of Indian Affairs (BIA) is the primary federal agency charged with carrying out the trust responsibility. The BIA administers "638" contracts, but its direct involvement in fisheries management has been minimal, and often incidental to range or timber management. The U.S. Fish and Wildlife Service (FWS) has provided fishery management assistance to tribes since the mid-1950s, including fish for stocking, but policy changes in 1980-81 substantially reduced the role of FWS in Indian fisheries. BIA responded by establishing a Division of Fish, Wildlife, and Recreation to coordinate fish and wildlife matters, and by commissioning a National Task Force for Fish and Wildlife Resources on Indian Lands. The report of the task force was never approved, and did not resolve the confusion over the responsibilities of the two agencies toward tribal fishery resources. BIA has continued to maintain a low staffing level in fish and wildlife, but "638" contract funding for fishery management has increased in response to demand and proven need by tribes. Negotiations between tribes and the Department of the Interior led in May 1984 to an "Agreement on Policy: Trusteeship of Tribal Fishery Resources." This agreement clarifies the roles of BIA and FWS, and the federal policy toward tribal management authority.

Reprinted from the September-October,

**THE AUTHOR:** Thomas R. Busiahn is the Director of Biological Services for the Great Lakes Indian Fish and Wildlife Commission, headquartered on the Bad River Indian Reservation in Wisconsin. He received a B.S. in fish and wildlife management from the University of North Dakota and an M.S. in fisheries science from South Dakota State University. Previous employment includes the North Dakota Game and Fish Department, Virginia Commission of Game and Inland Fisheries, and the Red Cliff Band of Lake Superior Chippewas. He was an original member of the AFS Native Peoples Fisheries Committee and was committee chairman 1982-84.

### TRIBAL GOVERNMENT IN THE U.S.

It is important to recognize that United States tribes are not just groups of people, but institutions of government. Tribal governments have a unique combination of attributes of local, state, and national governments, and one should not attempt to impose any of these models by itself in an attempt to understand their workings.

Tribal governments vary widely in their organization, powers, and capabilities. However, in order to enter into "638" contracts, tribes must meet minimum standards in terms of accounting procedures, personnel policies, property management systems, etc. Many tribes are governed under constitutions approved by BIA, which provide for the election of a tribal council (or an equivalent body under another name). All recognized tribes have some sort of government, but their diversity makes further generalization difficult.

### INTERGOVERNMENTAL RELATIONSHIPS IN THE MANAGEMENT OF TREATY FISHERIES

The management of fishery resources from which treaty fisheries take a portion of the harvest is always complicated by the interactions of government agencies. Tribal-state relationships have been the most difficult to reconcile because of wide differences between the use patterns of their constituencies, even though both governments have a proprietary interest in the conservation of the resource. Cooperation between tribes and states has been more successful at technical levels than at policy levels. In Washington and Oregon, the governments are required by court order to work together to produce management plans and regulations, although the situation is complicated by the involvement of land and water management agencies and the governments of several states and nations in the management of the Pacific salmon fisheries. In Wisconsin and Minnesota, written agreements have been reached between the states and some tribes on some fishery management issues. In Michigan and northern California, cooperative fisheries management has yet to be achieved, though substantial progress toward agreement has recently been made in Michigan.

Alaska is a special case. The native people of Alaska, both Indian and Eskimo, relinquished their trust relationship under the terms of the Alaska Native Claims Settlement Act of 1971. The Act set up 13 regional native corporations and over 200 village corporations to encourage self-sufficiency of native communities. The people and corporations must abide by state law in their use of natural resources. Unlike other states, Alaska gives subsistence use, by all state citizens, a high priority in its management plans. One reservation—the Metalkata Indian Community—did not participate in the Native Claims Settlement Act, and controls a substantial fishery within the Annette Islands Reserve in southeast Alaska.

Relationships among tribes are also important, especially when fishermen of two or more tribes catch fish from the same population. Several intertribal organizations have been formed to facilitate these relationships. The Northwest Indian Fisheries Commission, the Columbia River Inter-tribal Fish Commission, and the Great Lakes Indian Fisheries Commission provide technical assistance and forums for policy coordination. The Chippewa-Ottawa Treaty Fishery Management Authority in Michigan is responsible for coordinating the regulatory activities of its member tribes, as well as performing policy and technical functions.

### PROSPECTS FOR THE FUTURE

Significant progress has been made in the management of native peoples' fisheries in North America. However, management of the fisheries (both in the non-political sense of protecting the resource and in the political sense of allocating benefits from its use) has a long way to go before it can be called optimal or even sufficient. By and large the problems are not technical in nature, but the need for technically sound management is intertwined with political and legal conflicts.

There is a pressing need to devise the structures and processes that will resolve these conflicts in ways that will protect the fish resources. Fisheries biologists should have a role in this work, requiring that they have an understanding of the groups and institutions with which they will interact. Arrangements that have been successful in dealing with native peoples' fisheries issues should be understood and emulated where appropriate. Hopefully the AFS Native Peoples' Fisheries Committee can contribute to progress through the series of descriptive articles planned for future issues of Fisheries.

1984 issue of the Fisheries magazine.

# NEW MAN AT THE DNR: CHUCK CONNORS

New to the staff of the Wisconsin Department of Natural Resources (DNR) is Charles (Chuck) Connors, a Bad River Tribal member, recently hired to replace Robert Deere as Native American Coordinator.

Connors formerly served as the Voigt Task Force representative from the Bad River Tribe, so consequently has sat on the other side of the negotiation table from the DNR over the past year as treaty hunting and fishing regulations were hashed out between the tribes and the DNR.

Asked if he considered the move to the DNR staff a matter of changing sides, Connors replied that he did not. Connors prefers to view his position as an opportunity to better represent the tribes and emphasizes the role of negotiations in solving differences.

As Native American Coordinator for the DNR, Connors says his functions will include consultation with tribal leaders and the maintenance of an open system of communications between the tribes and the DNR.

He will be expected to help identify tribal-DNR natural resource problems and provide the DNR with insights into the attitudes and opinions of tribal members on related matters. Consequently, Connors anticipates he will spend considerable time on the road, although his office is in Madison.

He will also be expected to develop and coordinate policies and programs relating to the DNR and the tribes, including the implementation of DNR policies and joint tribal-DNR projects relating to resource management, environmental protection and law enforcement. Connors says he will be working with all levels of enforcement, including federal, state, county, and tribal.

Although it may appear that he will be looking at treaty hunting and fishing issues from the other side of the table this year, Connors views the role of the Voigt Task Force, composed of representatives from each of the Voigt tribes, as essential. He feels the continuing process of negotiations is the only way on which the rights confirmed through the Voigt decision can be worked out for a meaningful exercise of those rights while maintaining a protected and healthy resource.

Admitting that he may sometimes find himself on a tightrope between the DNR and the tribes, Connors looks upon his position with the DNR as

a challenging one. He says a key role for him as Native American Coordinator will be to "bring different alternatives to both the DNR and tribes... to give treaties the meaning they were meant to have through negotiations."

In Madison since November 19, Connors, more popularly known as "Hawk", says his first priority will be to involve himself in the programs initiated by Deere and to carry those programs forward. Also, he says, he will be establishing a timetable in order to begin communications as early as possible.

Although he views himself as "no stranger to the tribal leaders and people in resource management positions," he does want to meet with them in the light of his new responsibilities.

Connors resigned as crew leader for the Wisconsin Conservative Corps on the Bad River Reservation in order to assume his new job. As crew leader, Connors has been actively involved in such projects as surveying walleye, walleye spawning, fishery management, deer surveys and deer registration as well as on-reservation reforestation and beautification programs.

Connors comes to the position of Native American Coordinator with a diverse background. His undergraduate work, completed largely at Northland College, Ashland, is in education with an emphasis in guidance and counseling. He worked seven years with the Ashland school system and two years with Northland College as a Counselor, working primarily with Native American students.

He was employed four years as the Bad River Conservation Warden and has served one elected term as the Secretary to the Bad River Tribal Council. In addition he is a graduate of the Rice Lake Police Academy in Basic Law Enforcement.

For Connors one of the major current concerns is public information regarding the Voigt decision. He says the public need to understand that the "tribes are here to stay. It's a matter of working with them and talking to them as the conservationists which they really are."

Commenting on the loss of Connors to the Bad River Reservation staff, Tribal Chairman Joe Corbin feels the tribe "will feel comfortable with Chuck representing them in the DNR office," and is pleased that Connors will fill the position, though his expertise and concern will be missed on the reservation.



CHUCK CONNORS

## Earl says he's considering appointing Indian to board

MADISON (API) — Gov. Anthony Earl says he is "seriously considering" appointing an Indian to the Natural Resources Board.

In an interview, Earl acknowledged there are competing interests for the next two vacancies on opening up the seven-member board, but he is taking seriously the urging of his Indian affairs adviser, Paul DeMain, that an Indian get the nod.

"I'm seriously considering Paul's suggestion. There are occasions when I wished the Natural Resources Board were a bit bigger," Earl said. "There's nobody from the Milwaukee area on it, there are no women on it, there are no Native Americans on it... but a Native American would get very serious consideration."

DeMain has said a non-Chippewa Indian might stand a better chance of getting the appointment than a Chippewa, since the state's Chippewa tribes and the DNR are involved in a court case over hunting and fishing rights, and have been negotiating interim agreements for seasons that enable tribal members to exercise their rights to hunt, fish and gather wild rice on public land in the northern third of the state.

The terms of two Dreyfus appointees to the board, Daniel O. Trainer of Stevens Point and Donald R. Haldean of Norwalk, expire March 1.



# ELECTRO FISHING

Studies of the walleye population on the Lac du Flambeau Reservation this fall have been aided by the use of an electro-fishing boat, according to Chief Biologist for the Great Lakes Indian Fish and Wildlife Commission, Tom Busiahn.

A project, which entails the sampling of walleye fingerlings, was jointly run by GLIFWC biologists and Lac du Flambeau biologists in an effort to establish a data base on the fish populace. They are primarily interested in growth rate and reproductive trends of walleye.

The information ultimately will assist biologists in assessing the long-term effects of both spears and gillnets on the walleye population, information which will be useful in negotiating treaty fishing agreements with the State of Wisconsin.

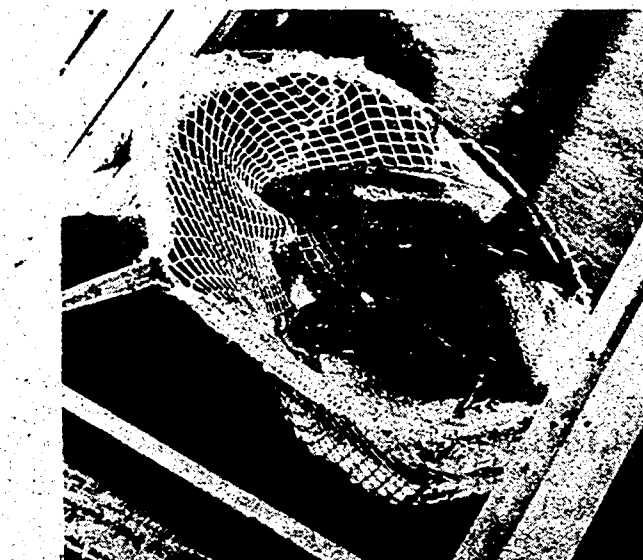
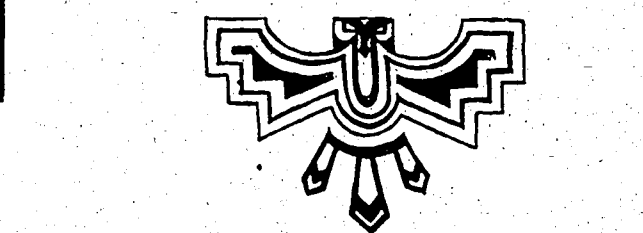
To increase the efficiency of the sampling procedure, Busiahn indicates that GLIFWC biologists constructed an electro-fishing boat, used to sample fish in shallow water through a process of temporarily stunning fish by electric shock.

Busiahn says the method uses three different currents: AC, DC or pulsed DC. The use of AC or DC current simply stuns the fish which are then scooped up with a dip net. The DC pulse, however, draws the fish into an electrode, a process entitled glavanotaxis. Similarly this stuns the fish, he says, and they can be picked up in a dip net with an insulated handle.

Busiahn says the method has been widely used among biologists for a period of years and is most effectively done at night and in no way impairs the fish.

the fingerlings are measured, counted, and scale samples are taken prior to the fish being turned back into the lakes.

The results of the study will be available this winter. Busiahn comments that the staff has found considerable variability between the lakes. He says walleyes are variable in their reproduction from year to year, and are greatly effected by the weather.





# WIRC ON THE MOVE

The Wisconsin Indian Resource Council (WIRC), UW-Stevens Point, is an organization which will become increasingly more involved in tribal and treaty-related issues in northern Wisconsin, according to WIRC Director, Stan Webster.

Webster says the WIRC, which recently sponsored a treaty rally in Stevens Point, has several major strategies ready to set in motion for 1985. One of them, as discussed at the December meeting, is the establishment of a statewide Indian newspaper. Webster feels the importance of building and maintaining a network between tribal members as well as providing a forum for them to express their viewpoints is essential.

Webster also alluded to a campaign plan aimed at addressing social problems, many which are an out-growth of treaty-related issues current in Wisconsin. The campaign, he said, will be unveiled at the February meeting of the WIRC and is primarily concerned with reconciliatory tactics.

People seeking information from the WIRC should contact Stan Webster, WIRC, Inc., 216 COPS Building, UW-Stevens Point, WI 54481, or call (715) 346-2746 or 346-2039.

## Return a gift to Wildlife . . .

If you donate to the Endangered Resources Fund on your Wisconsin income tax form, you're invited to stop into any Dept. of Natural Resources office between Jan. 15 — April 30, 1985 and pick up a free Winter Bird Poster (no proof necessary). The colorful poster features 23 of Wisconsin's favorite winter birds and provides tips on attracting birds to your back yard feeder. Your gift to the Endangered Resources Fund will help preserve wild lands for birds and other Wisconsin nongame (unhunted) wildlife. Your donation will help endangered species like bald eagles, ospreys, timber wolves, pine martens, cricket frogs and rare orchids. Look for the Endangered Resources Donation line on your tax form and return a gift to wildlife. Then stop in and pick up your gift — a free winter bird poster!

Wildlife is sure to return its gifts to you.



THE MASINAIGAN WILL BE PUBLISHED ON A MONTHLY BASIS, UPDATING ACTIVITIES AS THEY RELATE TO THE IMPLEMENTATION OF TRIBAL HUNTING AND FISHING RIGHTS.

### WHAT IS THE VOIGT DECISION?



The Voigt decision is a court ruling which affirms the rights of the Lake Superior Chippewa tribes to hunt, fish and gather on public lands in the ceded territories of Wisconsin.

It does not establish new rights for the tribes, but assures that they were, indeed, reserved in a series of treaties made with the U.S. Government when land was ceded, or sold, in the 1800's. The Chippewa leaders at the time specifically reserved the rights to hunt, fish and gather on the lands they sold.

A court action by the Lac Courte Oreilles tribe in March of 1975 against the Secretary of the Department of Natural Resource, Lester P. Voigt, DNR Wardens, Sawyer County Sheriffs and district attorney resulted in this decision by the U.S. Court of Appeals for the 7th Circuit in January 25, 1983.

### TO WHOM DOES THE RIGHT BELONG?

The right to hunt, fish and gather on public lands in ceded territory belongs to the tribes, not individual tribal members. The tribe is responsible for implementing and regulating those rights.

### WHAT IS THE SCOPE OF THOSE RIGHTS?

The scope of the rights and self-regulation by the tribes has not yet been determined. It is presently being considered in court (in litigation). Judge James Doyle, Western District Federal Court is to determine to what degree the state can regulate treaty-right hunting, fishing and gathering.

Meanwhile, in order to provide an opportunity for tribal members to exercise their rights, interim agreements are negotiated between the DNR and the tribes.

### WHAT IS AN INTERIM AGREEMENT?

An interim agreement represents the results of negotiations between the tribes and the DNR. The agreement describes how tribal treaty-right hunting, fishing or gathering can occur for a particular season. They define the amounts of the resource that can be safely harvested, like quotas of fish or deer; methods which may or may not be used; dates of seasons; and establish who may enforce the terms of the agreement.

### TRIBAL SELF-REGULATION — WHY?

The Lake Superior Chippewa were, and are, considered a sovereign nation. Today, they are a dependent sovereign nation, or a nation within a nation, providing for the tribes a unique but valid relationship with the United States.

As a sovereign dependent nation, the tribes have a right to regulate themselves. This includes regulation of the resources and the harvest. However, because they cannot allow resource depletion, the tribes must monitor and establish codes which effectively manage the resource. They must also be able to enforce those codes, hence maintain wardens and a tribal court system which is capable of prosecuting violators.



### HOW ARE REGULATIONS ENFORCED?

The rules established through interim agreements are enforced by tribal wardens from the Great Lakes Indian Fish and Wildlife Commission and DNR wardens. Presently, GLIFWC has six wardens assigned to patrol off-reservation hunting, fishing and gathering practices. DNR wardens may also cite violators of the interim agreement. Their citations will be sent to tribal court for prosecution. However, if the violator commits a criminal offense, he or she will be sent to the State Court. Also, if a violation takes place on private rather than public lands, the violator will be prosecuted through the state.

### WHAT ARE THE PENALTIES?

In tribal court the minimum dollar penalty for a natural resource violation is \$100; the maximum is \$500 as established by federal law. Depending on the seriousness of the violation, tribal court can potentially revoke hunting or fishing privileges for a year.

### WHAT IS THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION?

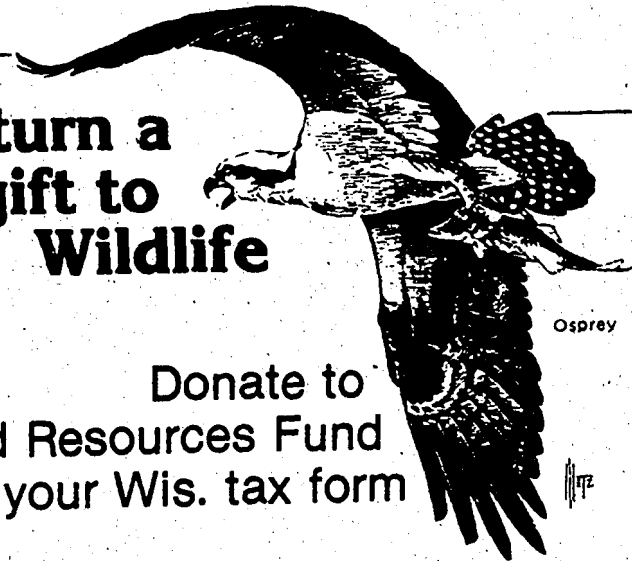
GLIFWC represents a merger between the Voigt Task Force and the Great Lakes Indian Fisheries Committee. It is concerned with the protection of treaty-right hunting, fishing and gathering privileges.

The Commission also provides a staff of biologists which assist the tribes in assessing and managing the resources. Without this capability, the tribes would not be able to effectively self-regulate the resource which they are responsible to maintain.

Comparably, in the area of enforcement, GLIFWC provides wardens to the various tribes to assist with enforcement of regulations.

The Commission represents 10 member tribes in Wisconsin, Michigan and Minnesota.

## Return a gift to Wildlife



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Great Lakes Indian Fish & Wildlife Commission  
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