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A CHRONICLE OF THE
LAKE
SUPERIOR
OJIBWAY

JUNE, 1985



Nine interim agreements have been negotiated to date between the six Wisconsin Voigt Tribes and the Wisconsin Department of Natural Resources. Negotiating sessions, as the one above, have often been long and arduous, but have resulted in providing for an exercise of treaty hunting and fishing rights on ceded lands.

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ACROSS THE TABLE: AN INTERVIEW WITH GEORGE MEYER

Until a final court decision is reached determining the scope of treaty rights under the Voigt Decision and the extent of state regulation, negotiations will, and have, played an integral part in providing for the exercise of treaty hunting, fishing and gathering rights on ceded lands.

For two years interim agreements have been reached prior to each specific season; agreements reached after often laborious negotiations between the tribes' representatives on the Voigt Inter-Tribal Task Force and representatives of the Wisconsin Department of Natural Resources.

To date, nine agreements have been reached and ratified:

- Deer Hunting, 1983-84
- Ice Fishing, 1984
- Trapping, 1984
- Open Water Fishing, 1984
- Deer Hunting, 1984
- Trapping, 1984-85
- Small Game, 1984-85
- Ice Fishing, 1984-85
- Spearing, 1985

With intense media interest, an often upset public on both sides, and the treaty rights issue frequently knocked around the political arena, the negotiating process has been one required much from the lives of all those directly involved. The agreements listed above are a tribute to the feasibility of give and take negotiations and to the stamina of the negotiating teams.

Following are the comments of George Meyer, Division of Enforcement for the WDNR and WDNR lead negotiator. Meyer requested an opportunity for an interview with the Masinaigan following an editorial in the February/March issue by Walter Bresette, co-editor, criticizing him for bad faith negotiations and manipulating the press.

Meyer has been with the WDNR since 1972. In January, 1980 he became assistant administrator in the Division of Enforcement, and in December, 1980 he became Administrator for the Division.

The reasons Meyer gives for being selected as lead negotiator for the WDNR include his background in law enforcement, treaty rights and negotiating background through involvement in the Gurnoe Decision, and his legal background as an attorney.

Meyer's responses to questions during an interview on June 20, 1985 are as follows:

Question: If you had to pick three principles in general that you would consider the most important in the negotiating process, what three would you pick?

Meyer: I think the basic principle involved with our feelings toward the whole process, and, I think by and large by the tribes, is the strong belief that issues of this nature, to the extent they can be, should be resolved through negotiations/discussions between the tribes and the State of Wisconsin. That is the best process to address these types of complex issues and that is the only responsible way of doing it. I think that basically is the philosophy governing everything that has happened in terms of our viewing of this whole process that has taken place over the last two years. I think there is a recognition by us that, in fact, this is an interim process and it is to allow an implementation of a limited nature of the treaty rights while the litigation is on-going. I guess another basic principle the agency has, and I think this was instilled by former Secretary Earl in the Gurnoe situation is that these situations have to be handled in a non-confrontational manner to the extent possible. Not meaning that negotiations can't be a give and take by both sides, but in fact, that issues shall be resolved across the table from each other. And that is the way governments should deal with each other. Those are the basic principles on which, I think, everything else rests.

Question: Do you feel negotiations are a valid method of dealing with treaty hunting and fishing issues?

Meyer: They are the only method of dealing with these issues, to the extent that there are always issues that some parties can't agree to. Issues of law, especially in the area of treaty law, because this is a new area and people just don't know the legal answers. That is why we have judges to determine them. But everything else except those major issues of major disagreement, should be worked out, and the litigation (and I think this is true between the tribal attorneys and our attorneys in the Attorney General's Office) is not confrontational. There is a dispute of legal issues but it's done on a professional basis.

Question: Do you feel the agreements, I believe it's 9 of them to date, have been fair? In your personal opinion?

Meyer: I think by and large they have accomplished their purpose and I include fairness within that. Surely it has not fulfilled, I'm sure, the interest of all tribal members in terms of what they think the full implementation of treaty rights are. Like your regulations in terms of the non-Indian population of northern Wisconsin, there are those that would be equally upset in that fact that there are any differences of significant nature from their own rights. I think the compromise has been in the middle, and it has allowed a limited exercise of treaty rights until final questions are answered by the Courts. It has allowed tribal members who were interested in exercising these rights to get out and exercise them.

The rules that have had to be followed to do that are going to tie into the management plan for the fisheries and wildlife, and, while I think no one is happy with the agreements in total, I think that by and large there has been a balancing of interest, and I guess that is how to define the fairness. There has been no harm to the resource as a result of the agreements to date and I think that's an important aspect. And I think, by in large, this has been done without anyone being hurt. I guess that's one of the bottom lines that I carry and the department carries this as being important. I think all those things make up fairness.

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OBEY ADMONISHES TRIBE

WASHINGTON, D.C. — Congressman Dave Obey, D-Wausau, has released his response to a letter he had received earlier this week from the Bad River Tribal Council opposing legislation introduced by members of the Wisconsin Congressional Delegation to include Long Island in the Apostle Islands National Lakeshore.

Congressman Obey's letter to Tribal Chairman Joe Corbine is as follows:

Mr. Joe Corbine
Bad River Tribal Council
Tribal Chairman
Dear Joe:

I am writing in response to your letter indicating that the Bad River Tribal Council opposes legislation which Senator Proxmire and I and most members of the Wisconsin delegation from both parties introduced to add Long Island as part of the Apostle Islands National Lakeshore.

Your letter gives two reasons for the tribe's decision to oppose the bill:

- your concern about the piping plover, and
- your assertion that the bill would pose a serious threat to reservation wild rice beds.

As you know, these questions and concerns were taken into careful consideration and checked out thoroughly before and during the recent House Subcommittee hearing on the bill.

I would make two points in response to your letter:

1) As far as the piping plover is concerned, there is no question that they would be better protected by having the park service manage Long Island rather than continuing the existing situation under which recreational use can occur on portions of the island. Tracks from off-road vehicles have been found recently which would seem to indicate a serious potential for disruption of habitat.

2) Your other expressed reason for opposing the bill — the supposed threat to your wild rice beds — is really grasping for an excuse to oppose the legislation. You know as well as I do that there is going to be increased boat traffic in the area no matter what the status of Long Island is. You know as well as I do that there are ways to prevent damage to your reservation areas, including the plan which my staff discussed with you for a "no wake" zone in the Kakagon Sloughs which could easily be passed by local officials.

Quite frankly, Joe, I was not surprised by your letter. It is very hard for me to avoid the conclusion that the real reason for your writing to oppose the bill has less to do with the bill itself and more to do with the argument that you and I have had on the Voigt decision on Indian hunting and fishing rights.

The problem is that you are still upset with me because I have refused to give my blessing to the way in which some of the tribes (more particularly the Lac du Flambeau) wanted to exercise their treaty rights under that decision and because I objected to the way in which some tribal spokesmen were handling the issue. I believe your letter opposing the Long Island bill is simply in retaliation for my position on the Voigt decision which you find to be not fully in accordance with your own.

If your main concern is in protecting the Long Island bird habitat and other natural resources as well as promoting other economic development in the region, you would be supporting the legislation to add Long Island to the Apostles. Of all people in the area, the Bad River Tribe ought to be most interested in developing new serious economic growth in the region and in assuring that ecological resources are properly managed.

Of course, you have the right to do whatever you want on this matter. If you want to play out your anger over my views and actions on the Voigt decision by opposing some of my legislative efforts, that is your prerogative. But I hope you don't think I am so naive as to be unaware of what is really going on.

Sincerely yours,
David R. Obey
Member of Congress

(From The Ashland Daily Press)



AN INTERVIEW WITH GEORGE MEYER Continued from Page 1

Question: Do you feel it's your duty to pursue the Governor's call for social awareness?

Meyer: Yes.

Question: In what way do you think it's best to pursue that?

Meyer: Several things. I think there are several things long term and short term. I think in the long term education is the key. Some of the disharmony that is taking place is by lack of knowledge, information, and fear. Those things cannot be accomplished just by the Department of Natural Resources or even just by the tribes or the tribes and the Department together. There are more major changes which have to be made, and there have been calls for more assistance from the Department of Public Instruction in working with course curriculums. That is probably one of the major things that can be done in the long term to achieve social harmony and still recognize treaty rights and still recognize the concerns of non-Indians in northern Wisconsin. So in terms of social harmony that's one thing.....

Question: You mentioned long-term institutional changes that have to be made within DPI and so forth. Has the DNR made any approaches in making those changes?

Meyer: Informally. The major moves in that area were not appropriate for us to do, but rather the Governor's Office should work with Mr. Grover and his agency. I know those types of communications have been taking place. I have talked with people who have been told to work on this issue, and have provided them some background. The major area for that to be carried out is through the Governor's Office with DPI.

Question: What are your short term goals in terms of social harmony?

Meyer: For instance, explaining the agreements through press conferences. We have announced agreements using that vehicle to explain agreements and season situations...explain to the public what took place and what our reaction is. And, in most of those situations we have been in a position stating the lack of concern we had about what was going to happen and what did happen. So, I think that is a short-term goal. Some immediate situations in preserving social harmony was the action of some of our law enforcement people during the spearing season—actually getting in the middle between groups that were not being harmonious. That was the crash course in protection of social harmony we had this year. I think in terms of harmony, in getting to know the tribes and tribal leadership, although there are strains and stresses through this whole thing. I consider, for instance, Jim Schlender—myself, I think we consider each other decent friends, good friends. There is often a problem in trying to maintain those types of personal relations because negotiations are not "yes" sessions. There often has to be fairly strong "give and take" so sometimes, I am sure, there has been stress between our people—our negotiations team and the task force. I think after it's all over and people have had a chance to think about things and cool off, there has been some fairly decent personal relationships developed. Both sides have very difficult jobs, and I think that, in fact, is a bond.

Question: Do you feel the DNR has done an adequate job in representing the citizens of the State of Wisconsin?

Meyer: This is a difficult question for us to answer because it is almost a self-serving type, you know. I think we have done a very decent job and good job representing the interests. The bench mark against which this can be measured is that there has not been any violence; there's been some heated discussions in the last season which was very disturbing to us, but no one's been injured in terms of implementation of rights and that's a major bench mark. The resource has been protected.



George Meyer, DNR Chief Negotiator.

Question: What effect do you think the media has had on the negotiating process?

Meyer: The media is a very broad term - some media has done an exceptional job of coverage of this whole situation. There are other media that have maybe caused some problems.

Question: For negotiations? I'm thinking specifically on negotiations.

Meyer: At times highlighting of issues in the media puts a strain on negotiations. That does not mean they're doing their job, because obviously the job of the media is not necessarily to good negotiations or bad negotiations. Their job is to report news, and often at times, I'm sure, their reporting of news affects, one party or another during negotiations and puts strain on negotiations. It's very difficult but obviously there's an issue that's of major concern to both tribal members and other citizens in northern Wisconsin, so this is something that the media is going to be watching for information and stories. When that happens, if in fact they come across and do a story, it's controversial and will effect one side, it's going to put stress on the negotiations. It's the real world in which we are negotiating, and as long as this is news worthy, we are going to have to deal with it.

Question: What do you feel would be beneficial in having open negotiations?

Meyer: This is an issue that will never go away. The state law and state tradition in the area of meetings is very strongly supportive of open meetings and open records. No matter what the Department of Natural Resources does in an agency whether it's in this area of any other area there has always been very strong pressure on everything being disclosed, opened, and viewed. And our citizenry approaches any major issue with that in mind. And we go out of our way on almost any other issue to be public, open—make sure almost every body you can imagine would know about it. So going into any controversial area such as these negotiations and having a closed session causes tremendous problems for us as an agency because it is very possible for anyone to just discredit what has happened—whether it's good or bad by just saying they did it behind closed doors. That's the frame of mind that most of the citizens in the state approach any type of controversial issue including this one. So having it closed automatically raises that possibility. That's one of the problems with it. Looking at the other side, it's quite clear if you have wide coverage of every word you are saying in a very complex often difficult and controverted negotiations, having people with pens and tape recorders surrounding you can be inhibiting and it can prevent exchange of information. It can also cause one side or the other to may be do some posturing or whatever because every word that is being said can be carried back. So that's the down sides of doing it. There are closed negotiations in the state an there's open negotiations in the state matters. Many school negotiations occur in open sessions, but many labor negotiations and many types are in closed sessions. As I understand law, this is clearly something that can be done behind closed doors. Our Governor has asked that these sessions be open and, in fact, there would be members of the press there. I work for the State of Wisconsin, but there are pros and cons to open negotiation personally.

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LOCAL LEADERS CRITICIZE OBEY

By Dorothy Glovsky
"It's a piece of legislation hastily drawn and not thought out fully enough—and certainly was not brought to the local communities for their input," said Joe Corbine, tribal chairman of the Bad River Tribal Council, regarding Congressman Dave Obey's bill to add Long Island to the Apostle Islands National Lakeshore.

In a telephone conversation Wednesday, Corbine also pointed out, "I think if they would have seen the opposition to the bill as it is developing now, they wouldn't have introduced it."

The Bad River Tribal Council recently adopted a resolution opposing the inclusion of Long Island within the Apostle Islands National Lakeshore.

Obey's response to a letter Corbine wrote to Representative Bruce Vento in Washington, D.C. was released to newspapers and appeared in the "Daily Press" June 25.

Corbine stated, "I find the personalization that Obey puts into it highly inappropriate. It bothers me. — The concerns expressed in my statement to Representative Vento are valid tribal concerns." He feels, "Obey is trying to find a personal reason why I oppose the bill, and it's a smokescreen on the whole issue."

According to the tribal chairman, "Preserving the pristine nature of the area is certainly something we will want to look at, and I think with the cooperative dialogues we have with other units of government it's something that can be worked for and realized in the area."

Ashland County-Bad River Committee

At the committee meeting Wednesday, Jim Thannum, Economic Development Administration (EDA) planner with the Great Lakes Inter-Tribal Council, said, "The tribe's concerns are similar to those of other local units of government." Thannum works in planning with the tribe.

He gave those present copies of the letter Corbine had written to Vento, committee chairman when the proposed bill was presented, and Obey's response to Corbine. Corbine had sent a carbon copy of his Vento letter to Obey, Senator William Proxmire, and Robert St. Arnold, Bureau of Indian Affairs Superintendent.

Corbine wrote that the tribal council opposes the bill for the following reasons:

• The increased recreational activity on and around Long Island would also pose a serious threat to the delicate ecological balance of the Kakagon Slough system that borders the island.

The potential for harm to the abutting reservation wild rice beds and waterfowl habitat in the sloughs is too high and could undermine all of our conservation and natural resource protection efforts in that area.

• Designation of the island as a part of the Apostle Islands National Lakeshore would do nothing to protect the endangered birds habitating the area. As a matter of fact, the increased tourism traffic that is concomitant to such inclusion would in our view be injurious and detrimental to the Piping Plover's continued existence there.

He also wrote, "Had the tribe and the local community been made aware in advance of the introduction of this piece of legislation, we would have been more than happy to share our concerns and could have worked cooperatively toward the protection of the shorebirds by suggesting designation of the island as a refuge or bird sanctuary."

Ervin Soulier, Jr., committee member, agreed with Thannum about the tribe's concerns being shared by others.

Thannum and Soulier suggested that options be reviewed. Ways will be explored for the tribe and county to work together to protect and preserve the area. It was mentioned that one option could possibly be

establishing a zoning ordinance to limit regional development in that area to protect the wildlife habitat on Long Island.

Criticism of Obey

Committee members criticized Obey for the part of his response to Corbine that dealt with personality, not issue. Obey wrote in part, "I believe your letter opposing the Long Island bill is simply in retaliation for my position on the Voigt decision which you find to be not fully in accordance with your own."

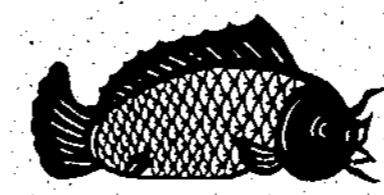
Marvin Hunt, who chaired the meeting, said, "I think it is incredible for a mature politician to argue on the basis of presuming to know the contents of Joe Corbine's mind."

Caroline Sandin said, "I think Congressman Obey has a right to say what he wants, but I am surprised at his comments and I do not think he was wise."

Robert Holmes commented that the first part of Obey's response that dealt with issues "made sense but the second part that went into personalities didn't."

Holmes believes, "The area should be a wildlife sanctuary only. If they are going to allow tourists, the whole area should fight it." He added, "They've got all kinds of land for tourists."

(From The Ashland Daily Press)



GEORGE MEYER

Continued from Page 3



confrontations or whatever, and it had to be, we felt, an undiluted state response to the situation. That's why it was a unilateral press release from us.

The reason it was such a difficult decision to make was that we had those concerns on one side and, on the other side, we had the concerns about the impact on the negotiation process and how the tribes might react. We could put ourselves in the tribes' position of what we would feel like in that situation. That's why it was so difficult, but in fact we knew that there would be negative reaction from the task force.



Question: Would you think that was a dirty trick?

Meyer: An unfortunate situation, I assure you. We had to make the judgement. The judgement was made at the highest level of our agency, and in fact, it was necessary. Things were so critical then it was almost a sure thing that if we didn't get things under control in terms of public reaction in Wisconsin, it wasn't worthwhile going about the negotiation process. It was not going to continue. And, that's where we had to make the decision—on those two very critical factors. Something we surely would not want to do very lightly and I don't predict situations where we would ever have to be in that position again. I think we would have to avoid being in that position again. I think that the degree of controversy that was raised in that last spring session, surely surprised as as to the extent of the controversy. Now all we have to do is avoid those situations from happening again, and we will never have to have a situation where we could do something unilaterally. That surely is not our intent or desire.

Question: Some have said that bringing up the cash payment proposal during a press conference was inappropriate and was bargaining through the press and not considered to be an ethical move in a negotiating process. Why did you bring up a proposal under those circumstances and expect a response from the tribe during a press conference?

Meyer: We clearly weren't trying to seek an answer from the tribe at a press conference. We were just tossing out one alternative. The reason we had to have something of that nature is this...we were proposing and what our statement proposes to the dilemma is the fact there may not be an agreement achievable, taking into account both sides of the position. The tribe's position that we received unmistakably felt that there had been too much regulation, and our position, with the concurrence of our fish management and law enforcement people, was that any future agreements would have to have much greater restrictions. In that situation, you better have an answer to the dilemma and we think that that is the true dilemma. We must leave at least one solution visible for people to understand how we can extricate ourselves from such a dilemma, and that's why we raised that as an alternative. Surely that doesn't preclude the alternative of having a spearing season with much greater spearing restrictions. That is one possible alternative

that could come as a result of that statement and as our proposal. We did not ask in any way for the tribe to respond that day and, in fact, it was to get them to start thinking about it and, in fact, was not a concrete proposal.

I think the tribe has handled it exactly the way it should have been handled and did a very good job. They did an exceptional job of responding to it. This was not a new idea, by the way, either. I mean, although this has never been formally put in writing, many panels with Jim and whatever, this has come up in many panel discussions. This is a long-term solution as opposed to the next year's spearing season.

Question: I think that the criticism was that it was a negotiating alternative and it was put forth most strongly at a press conference.

Meyer: To the extent that we raised a solution, which may have to be negotiated, one can construe that as a part of the negotiation. We surely didn't see that a press conference is a public negotiating session or anything, but it was to let the public know that there may be a solution and that this may be it more than anything else.

Question: Bretette suggested that the DNR has been lax in providing adequate support to the agreements and the negotiating process to the public. It tends to look like you're there negotiating even though you don't want to, and you're apologetically saying "It's the best we can do guys" to the public. Do you feel the DNR has shown strong and positive support of the negotiating process, the tribe's implementation and of the agreement?

Meyer: My main answer is yes. If you ask the question politely, "would I rather be sitting negotiating or spending it somewhere vacationing," I would prefer the latter, but we have a job to do and that is in fact to implement, along with the tribes, the treaty rights. I think as far as the process and the agreements, we have defended it. I can remember almost every one of the post-season sessions saying "hey, we told everybody before that this wasn't going to be a big deal" and it wasn't. There has been no harm to the resources and the numbers are accurate in terms of deer registration. I think we have been very supportive of all the many things that have gone right.

At times, we said there has been a problem. If we don't acknowledge problems and the tribe doesn't acknowledge problems in agreements for all seasons carried out, we're all going to lose credibility. People can see that maybe some aspects of it didn't go right. By not saying anything negative, you destroy the credibility of the whole process, and I think those negative-type statements should only apply when, in fact, something has gone wrong or something needs improvement. But, if the DNR was just a cheerleader in this whole thing as it went along, the process would be undermined by people saying okay, they're not doing their job so we don't have confidence in what they're doing or what the tribes are doing. We spent a long time defending the process. That's the canned part of our speech and process and how the agreements were.

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KEEPING IN TOUCH ON HAZARDOUS WASTE

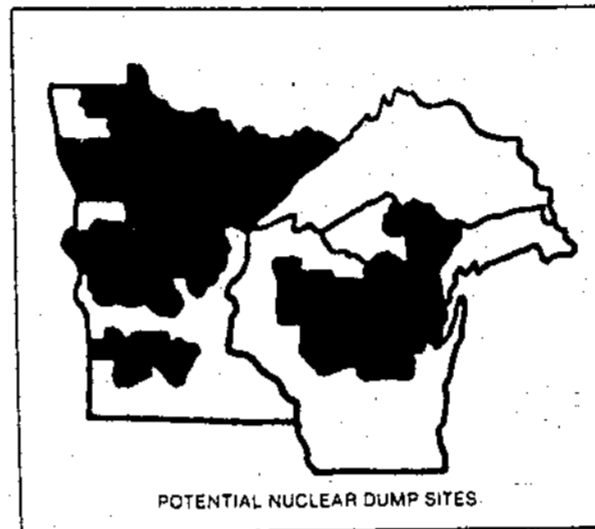


RED CLIFF NUKE WASTE COMMISSION

Leo LaFerner, Vice-Chairman of the Red Cliff Tribal Council announced the creation of the Red Cliff Radioactive Waste Commission.

He called nuclear waste "the most serious danger" that threatens tribal members and all state citizens.

Two other members along with Leo LaFerner will make up the Commission. They are Mike Malcheski, tribal planner and Walter Bresette, tribal member and information officer with the Great Lakes Indian Fish & Wildlife Commission.



INTER-TRIBAL TASK FORCE 86 BUDGET

The Voigt Inter-Tribal Task Force began work towards the '86 budget at a planning meeting held June 13 in Lac du Flambeau. Priority budget items for the Task Force were identified as: litigation, negotiations and public relations, judicial services, and enforcement and resource enhancement.

Some items of discussion from the meeting were:

- Need to upgrade or increase the conservation enforcement division.
 - Explore possibility of ANA grant for resource enhancement projects.
 - Seek more money for judicial services.
 - Upgrade library in Intergovernmental Affairs.
- Although much of the discussion centered on policy and up-coming negotiations and litigation, several reports were heard:

Jonathan Gilbert, GLIFWC biologist, was authorized to draft comments on a proposed 50-year management plan for the Chequamegon National Forest.

Jonathan Gilbert was also directed to prepare plans for negotiations on the upcoming deer season.

Lac du Flambeau was selected by vote to lead the next round of deer negotiations.

Tim Andryk, GLIFWC biologist, discussed plans for negotiations on wild rice and waterfowl and suggested further consultation with tribal officials prior to negotiations.

James Schlender, Voigt Inter-Tribal Task Force Chairman, reported that dates for open-water negotiations had been suggested to the Wisconsin Department of Natural Resources for June 19, 20, and 21, but no response had been forthcoming.

TRIAL DATE
A two week trial beginning September 16 is expected in the next litigation phase of Voigt. The focus will be on the scope of the right. The question of state regulatory authority will probably go to trial in late 1986.

WHY TRIBES SHOULD BE CONCERNED WITH HAZARDOUS WASTES

Editor's note: Policy Analyst David Siegler recently returned from a two-day seminar on hazardous wastes. His comments follow:

Environmental law is destined to play an important role in the continued viability of treaty hunting, fishing, and gathering rights. The current state of the treaty "environmental right," established in sweeping terms by the *District Court in United States vs. Washington, Phase II*, has been cast into doubt by recent circuit Court *en banc* decision vacating that opinion, and holding instead that the right will have to be developed incrementally in specific fact situations. Thus, it is anybody's guess how far the environmental treaty right will take the tribes.

But environmental problems will continue to face tribes, potentially affect the health and safety of their members, and potentially devalue the treaty-protected fish, game, and rice which rely on clean water and air to live. Tribes would be ill-advised to suppose that treaty-based legal theories are the only ones that can benefit them in protecting their environment. Over the last fifteen years several powerful federal statutes have been enacted which the tribes, as much as anyone, should master and put at their disposal.

Treaty rights will continue to play a role even on tribal use of general federal environmental statutes. It will be, more often than not, treaty rights which the tribe are protecting by use of those statutes, and it will be that protection which, among other things, can be used to establish the tribes' "standing" to assert federal statutory rights.

Hazardous wastes generate a unique constellation of problems for Indian tribes. Many tribes have

been approached by hazardous waste disposal firms, with proposals to locate dump sites on the reservation. More often than not, the tribes have not had the expertise to evaluate the proposals but healthy common sense and instinct have usually led the tribe to the right response. Other tribes may have hazardous waste buried on the reservation now, wastes which may be leaching into the water supply. Still other cases exist where off-reservation sites may be contaminating off-reservation surface ground and water, potentially adversely affecting hunting and fishing rights. Some tribes, either in consolidating their reservation land base, or in expanding commercial activities, may in the future look to purchase sites that once were, or are still, hazardous waste locales. And still other tribes may want to get involved in a business that involves the generation or use of a hazardous material. In all of these situations, a knowledge of legal remedies and preventive strategies will be indispensable for the tribes.

GLIFWC should be involved in hazardous waste issues, and environmental issues in general, to the extent they impact off-reservation hunting and fishing rights. Such impacts can arise from either off-reservation source or on-reservation sources where a leachate plume may run beyond the reservation borders. As the impacts of hazardous wastes are imperfectly understood, it is a safe working assumption that any release of hazardous waste can potentially affect treaty protected fish and wildlife.

The Commission can help any tribe with a suspected hazardous waste situation orient itself to this problem and find its way through a complex web of federal statutes and regulations. With the eventual hiring of an environmental biologist, technical assistance in evaluating environmental rights should also be available.



GLIFWC wardens from Keweenaw Bay were at the commission in Odanah for a two-day warden staffing. Pictured above from the left, David Rantanen, Richard Semasky.

CROSS-DEPUTIZATION TALKS CONTINUE

Cross-deputization of the GLIFWC wardens with state conservation wardens was the topic of discussion at a meeting June 20, Odanah. George Meyers and Ralph Christianson, both with the Wisconsin Department of Natural Resources, Division of Enforcement met with GLIFWC Executive Director Raymond DePerry and Mike Cardinal, GLIFWC chief warden.

According to DePerry, a recertification course, requiring 340 hours of training may be required before GLIFWC wardens can be cross-deputized. However, for those who may have worked for a town, village, or municipality within one to three years, the training requirement may be shortened.

Several questions still remain to be explored. One relates to the policy of the Bureau of Indian Affairs on BIA wardens enforcing state laws. Also, if the re-certification requirement is a matter of policy rather than law, perhaps a change of policy could alleviate the extensive re-training requirement.

PIO ENLIST WARDENS

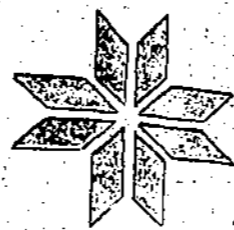
GLIFWC wardens and public information staff will be working more closely together in the upcoming months on matters of public information. At a monthly staff meeting June 24th in Odanah, GLIFWC enforcement staff and public information "brainstormed" on the needs of the respective reservation communities and ways to meet those needs.

Because wardens do work in the local communities, they can help keep the PIO better informed of area happenings and news items and assist in better coverage for the all of the tribes.

Discussion basically resulted in plans to set up on-reservation forums, with the assistance of the local GLIFWC warden, on topics of local concern relating to treaty hunting, fish or gathering rights. Each warden will identify a date for the forum during the summer or early fall. The possibility of simultaneously sponsoring a gun safety session was also proposed.

In addition the public information office will work with the wardens in preparation for them to address area school or clubs, and help provide materials to that effect.

LAKELAND AREA COMPREHENSIVE PLAN FOR JOINT PROMOTION TASK FORCE:



Final recommendations from the Lakeland Area Tourism Promotion and Recreation Resource Protection Task Force were submitted to Lieutenant Governor Jim Flynn for review on May 3, 1985. The Task Force established specific goals in a variety of tourist and resource related areas and seeks the State's assistance in implementing these goals.

The Task Force was formed in the fall of 1984 in order to "develop a state assisted plan that would create on-going inter-community involvement and cooperation between the white communities surrounding the Lac du Flambeau Reservation and Indian people."

Essentially, Lieutenant Governor Flynn suggested the formation of the Task Force as means to develop a process, which can be used in other communities, to cooperatively repair damage to the image of northern Wisconsin due to negative publicity subsequent to the Voigt Decision.

The General Statement introducing the Task Force's recommendations reads in part: "Damage to the image of these (hunting and fishing) resources to the related recreation industry would be detrimental to the entire state of Wisconsin..."

The Task Force argues that, since Wisconsin has helped fund tourism promotion and resource management in the past, the State should be willing and interested in protecting that investment.

Task Force members included representatives from the Wisconsin Department of Natural Resources, the State Division of Tourism, members of the Lakeland area Chamber of Commerce, local government, and members of the Lac du Flambeau Band of Chippewa.

TASK FORCE SUB-COMMITTEES

The Task Force was comprised of four sub-committees: Cooperative Fish-Stocking and Resource Management Committee; Small Business Incentive Committee; Fixed Interest Loan Program Committee; and the Advertising and Promotion Committee. Each sub-committee defined its own purpose and formulated a comprehensive list of recommendations in each area.

COOPERATIVE FISH-STOCKING AND RESOURCE MANAGEMENT COMMITTEE

Among several recommendations, the committee recommended the introduction of a legislative bill to provide financial assistance to the Lac du Flambeau Band in the implementation of the Tribal



Ruth Goetz, State Division of Tourism, spoke to the County/Tribal Committee regarding the Lakeland Area Task Force's proposal and about her concerns for promoting tourism cooperatively in northern Wisconsin.

on-reservation fish management program... "in recognition of the fact that non-Indians do fish in on-reservation waters."

The committee also recommends surrounding towns should buy fish from the Flambeau hatchery for stocking off-reservation under the direction of the WDNR and that a public education program be developed to inform the public about cooperative fisheries management activities.

Besides commending Lac du Flambeau's fish management program, the committee suggests the Tribe should "consider greater use of the State's cost sharing fund for additional development of boat landings for use by the non-Indian public."

SMALL BUSINESS INCENTIVE COMMITTEE

The development of a business resource committee "to assist in the start-up of new tourism related businesses with the tribal community" was one of this committee's recommendations. It also suggests a tourism industry awareness program be initiated and jointly sponsored by the WI Division of Tourism, the Tribal Tourism Committee, and the Lac du Flambeau Chamber of Commerce.

The encouragement of three identified small businesses is recommended as well as technical assistance by the committee for the development of a tribal museum-cultural learning center, an arts and crafts mini-mall, and an Indian fishing guide training and business development proposal.

The committee further recommends that Lac du Flambeau consider developing a full-time tourism and business development coordinator position.

FIXED INTEREST PROGRAM COMMITTEE

This committee, interested in assisting tourism businesses secure fixed interest loans, suggests several modifications to the WHEDA-SEED Program including the designation of the Lakeland areas as a target area and the action by the State to bring down the current rate to an affordable percentage.

It also suggests the program be changed to include presently excluded businesses such as restaurants, bars and attractions and that the percentage of a loan to be used for recreational purposes be increased.

Adjustment of the SEED program to accept existing BIA policy on maximum duration of 'on reservation' leases, so the leases can be used as security, is also suggested.

ADVERTISING AND PROMOTION COMMITTEE

The formation of a permanent nine-person committee, with representative from the Tribe, local business, and government is recommended to implement a list of goals and objectives. These goals include securing advertising funds to offset negative publicity from Voigt; establish open communications between the Tribe and surrounding communities; establish joint tourism promotion; establish an education program directed at youth on cultural awareness; and develop an organization which will facilitate positive public relations and attract tourists to the area.

The nine-person committee would also manage the budget, requested at \$105,000 for three years from the State of Wisconsin. The \$105,000 equals the amount already being spent by local Chamber and tourism groups to promote the area. The budget is detailed in the Task Force recommendations.

CURRENT STATUS OF RECOMMENDATIONS

The recommendations are currently under review by the State. Ruth Goetz, Lake Superior Division of Tourism, commented at a WCA/Tribal meeting, June 21st, that the Division of Tourism has no process for providing funds for specific regions of the State, outside of its cooperative advertising program, so has no budget or facility to finance this area-specific program.

Goetz, who was part of the Task Force, is awaiting the State's consideration and considering avenues by which the recommendations can be financed and implemented. She also emphasized the generic content of the recommendations, which could be applied to other reservation areas.

COUNTY TRIBAL COMMITTEE

PROPOSAL TO GOVERNOR EARL

The County/Tribal Committee, which met Friday, June 21st in Red Cliff, continued its discussion and planning to promote a positive image of northern Wisconsin and counteract the negative publicity surrounding both the treaty fishing and hunting disputes as well as acid rain problems.

The Committee gave consensus support to a proposed plan for a "Special Promotional Effort on Behalf of Northern Wisconsin Tourism" to be submitted to Governor Earl for review.

Mark Rogacki, executive director of the Wisconsin Counties Association (WCA), reported that last month's meeting with Governor Earl, where Committee representatives Jack Miller and Charles Tollander presented their concerns on behalf of the County/Tribal Committee, went well. Governor Earl was receptive, he said, but asked for a specific plan of action.

Rogacki presented the Committee with the draft proposal to be presented to the Governor which contained suggested means to immediately promote northern Wisconsin. He emphasized the need to "act now" rather than wait for more ambitious plans which may require legislative action.

The plan's rationale is as follows:

"Negative publicity associated with the Voigt Decision and exercise of treaty fishing rights has the potential to cast an unwarranted pall over an industry vital to the economic health and development of northern Wisconsin tourism. In addition, an article recently published by the Chicago Tribune has greatly exaggerated any problem with acid rain the northern part of the state may be experiencing. Such major-market bad publicity, terming more than 1,700 northern lakes 'dead or dying' and even suggesting deleterious health effects for northern-Wisconsinites, also could spell major trouble for hospitality-recreation-tourism in Wisconsin's 'Northwoods.'"

"The County/Tribal Committee formed by the Wisconsin Counties Association and the Great Lakes Inter-Tribal Council has placed tourism and economic development in the northern part of the state among its top priorities. Toward the end of mounting a special promotional campaign—requiring the participation of the Governor and the Department of Development—for northern Wisconsin tourism, the County/Tribal Committee advances the following proposals as positive means of counterbalancing the negative publicity."

One suggestion in the plan is to compose a printed piece promoting northern Wisconsin as a vacation destination—a flyer which could be included in tourism packets mailed by the Division of Tourism. Another suggestion is the creation of a full-page ad to run several times during the peak tourist season in areas which are major markets for Wisconsin tourism, such as Chicago, Milwaukee, Green Bay, and Minneapolis.

Ideas for the contents of the ads or flyer would be with the consent of the County/Tribal Committee, but would be positive in nature, perhaps reflecting Native American heritage or legends.

The plan also suggests a response to the Chicago Tribune pieces which have been "a major source of negative publicity about northern Wisconsin," such as the "war in the woods" article. Again targeting major urban markets, the plan proposes the use of radio ads featuring the Governor's voice as well as news releases from the Governor saying he fully supports the efforts of the County/Tribal Committee and its efforts to promote an "atmosphere of friendly cooperation in northern Wisconsin."

The plan also supports the proposal developed by the Lakeland Area Task Force which contains a comprehensive plan for tourism promotion in the Lakeland area and can be adapted by other areas where reservation and non-Indian communities are willing to work cooperatively. (See article on Lakeland Area Tourism Promotion Proposal).

The WCA/Tribal Committee listened to a report on the Lakeland Area Task Force plan by Ruth Goetz from the Division of Tourism. Goetz emphasized the need to "strengthen the awareness that things are normal" in northern Wisconsin and suggested that the Committee could be helpful in developing a process to implement the Task Force's proposals.

"Tourism can be a common link," Goetz commented, "and the Indian communities are very important to our tourist industry."

COOPERATIVE LAW ENFORCEMENT

On another agenda item, the County/Tribal Committee heard a report on the cooperative law enforcement agreement between Bayfield County and the Red Cliff Reservation presented by Bayfield County Sheriff Richard Fredericks.

Under a three-year pilot program, Bayfield County receives \$25,000 in addition to an annual \$7,500 (received under statute 165) to provide law enforcement on the reservation. With those funds, a one and a half man department has been set up on the reservation.

The staff is appointed through the Tribal Council, but deputized by the Sheriff and work under the auspices of the Sheriff's Department.

Fredericks is pleased with the cooperative effort to date, stating it has eliminated a lot of running and expense. The reservation deputies, although primarily responsible for on-reservation enforcement, also help in other areas of the county if called. Fredericks commented that the checkerboard nature of the reservation, with spots of private non-Indian owned land, makes cross-deputization a necessity.

Acid rain was another item on the Committee's agenda. Mark Peterson, Sigurd Olson Environmental Institute, provided information regarding the acid rain problem in Wisconsin.

The next meeting of the Committee was set for August 16, 10 a.m. at the Sawyer County Courthouse in Hayward.

TRADITION LAC COURTE OREILLES PROGRESS

LAC COURTE OREILLES BLENDS PROGRESS WITH TRADITION




The Winter Dam site on the Chippewa Flowage is where the LCO Tribe is constructing its new hydro-electric plant.

"Diverse—a tribe of contradictions showing a spectrum of values" is the description given of Wisconsin's Lac Courte Oreilles Band of Chippewa by former Tribal Chairman Rick St. Germaine. Lac Courte Oreilles, indeed, provides a unique example of an Indian community capable of progress in the competitive and hard-driving world of business and development while bolstering a sense of Indian culture, tradition and identity.

Lac Courte Oreilles, in that sense, is a denial of the popular stance that old ties must be broken in order to live in the modern and predominantly non-Indian world. Business and economic development are primary to the concerns of the tribe, but so is the re-establishment of the Chi-de-way-gan (an active ceremonial drum group) which had been lost to the band in prior years.

The Lac Courte Oreilles Band, living on 75,000 acres of land in the heart of northern Wisconsin, can perhaps best be characterized as Indian, people in progress—conscious of the need to develop, provide services, education, jobs and an economic base for community members while remaining who they distinctly are—the Lac Courte Oreilles Band of Chippewa Indians.

To this effect, the tribe has been "progressive." Lac Courte Oreilles maintains a public radio station, WOJB, on the reservation; the Lac Courte Oreilles Journal, a monthly newspaper; a complete tribally-run school system from kindergarten through community college; a tribally-run store; a lucrative and well-managed tribal bingo; a successful cranberry producing business; a construction company; one of the state's first school-run group homes; and is currently in the process of building its own hydro-electric generating plant. All are earmarks of development over the past decade.

But development and economic enterprise are only a part of Lac Courte Oreilles' identity. Woven through it all is the sense also of Indian culture. The schools provide the youth with access to their language and history not found in public schools; WOJB provides a format for Indian as well as non-Indian news, music, and viewpoints; the group home and social services provide counselling to tribal members which acknowledges a Chippewa sense of spirituality and values as well as a Christian one—the option to be proudly Chippewa is always there.

This is also reinforced through traditional community ceremonies, through the annual Honor the Earth Pow Wow, and through participation by the tribe's dancers at occasions such as the Hayward area Musky Festival and the Birkebeiner Races at Telemark Lodge, Cable.

Lac Courte Oreilles' logo which reads "Lac Courte Oreilles—Pride of the Ojibway" could also read "Proud to be Ojibway" for Lac Courte Oreilles stands as a symbol of progress where going forward has involved a dedication to simultaneously reach back, where a community can welcome and enjoy, and benefit from diversity.

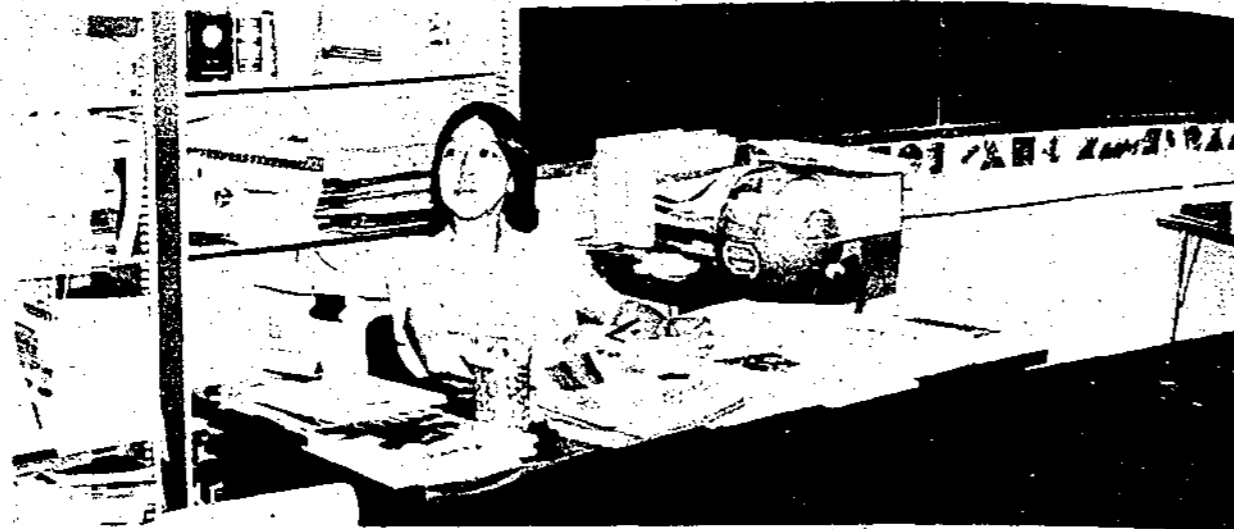
Tradition—LCO brings its tradition to the larger community. Above the tribe participates in the Hayward Area Musky Festival.

Progress—the new LCO Health Clinic provides dental and medical services to members. Mel Golden, dentist, is shown above performing a dental examination.

Combining tradition with progress is how former LCO Tribal Chairman, Dr. Rick St. Germaine, characterizes LCO. Above St. Germaine, in the foreground, participates in traditional dance at LCO's Honor the Earth Pow Wow.

TRADITION LAC COURTE OREILLES PROGRESS

LAC COURTE OREILLES INVESTS IN YOUTH



Thelma Morrow, kindergarten teacher at LCO Elementary School keeps smiling through the year and through summer school too.

LCO COMMUNITY COLLEGE

The LCO Ojibway Community College can boast of being the only tribally controlled community college east of the Mississippi. The philosophy of the college is "to incorporate the wisdom and beauty of the Ojibwa language and heritage with the knowledge and skills of modern technological society," and "to promote the Ojibwa Code for long life and wisdom" by sponsoring cultural ceremonies and events which promote pride in one's school, people, home, and community.

The college also seeks "to provide for family and community involvement in educational activities by utilizing the skills and expertise of tribal members, and to provide higher educational alternatives serving individual needs and leading to degrees."

The LCO Ojibway Community College was established following a tribal resolution in August, 1982 to meet tribal needs in the areas of business, natural resource management, communications, education, Ojibwa language and culture, health, drug and alcohol, guidance, and fine arts.

Its educational offerings include business computer science, health, management, Native American studies, Ojibwa language, philosophy and religion, political science, psychology and sociology.

LCO SCHOOL GROUP HOME

The Lac Courte Oreilles Tribe scored another first when the Lac Courte Oreilles School Group Home opened in February, 1985. It represents one of the few known group homes for youth run through a school system.

The facility provides counselling, tutoring and supportive services to boys 12 to 18 years old. It began as a Title IV project to provide after-school assistance to youth and grew into the present day group home facility.

According to Gerry Cadotte, Group Home Director, the idea for the group home sprang from the recognition of a need for youth to have a structured and supportive environment after school to combat involvement with drugs and alcohol. He feels it represents Lac Courte Oreilles' "dedication to address a social problem."

The LCO School Group Home is a state-licensed foster care facility located on the reservation. It can accommodate up to eight residents. An old farm house of 54 acres of semi-secluded land was renovated by the tribe through a grant from the Title IV program, as well as with the help of the LCO High School shop department and summer youth workers.

About fifty percent of the group home's clients have been LCO tribal members to date, but the facility does and has served both non-Indian and Indian boys. Referrals are taken through the county for foster placement. Sawyer County serves as the sponsoring agent. As such, the group home has provided a means for tribal and county governments to work cooperatively in addressing a common concern.

The goal of the LCO School Group Home is stated as follows: "to assist each youth in stabilizing his lifestyle, establishing discipline, and promoting consistently positive behaviors." This is accomplished through programming as well as through working closely with the family, the school, and the country and tribal social services departments.

With the group home in full swing, Cadotte can envision also providing activities to kids who are not members of the group home, and would like to see a similar facility developed for girls. However, he sees the current group home as a big step forward for the youth and the tribe—a major accomplishment.

Located about ten miles southeast of Hayward, WI in Sawyer County, the Lac Courte Oreilles Reservation encompasses about 75,000 acres of land in the heart of northern Wisconsin's lakelands. 61% of the land is either tribally or Indian-owned.

Lac Courte Oreilles has about 2,000 members residing on or near the reservation and a total membership of 3,500.

The Reservation is composed of about 15 small villages scattered throughout the reservation lands.

A PROGRESSIVE CHIPPEWA COMMUNITY



LCO's Bingo is famous for its \$10,000 Jackpot and many happy winners.

LCO TRIBAL GAMES

LCO Tribal games, run as a tribal business, is owned, operated and accounted for by the Lac Courte Oreilles Tribe. Bingo is the primary activity, although the Bingo Palace simultaneously serves as a roller rink, movie theater and conference center.

As for many other tribes, bingo has proved to be a lucrative business providing contributions to the tribe and community. Lac Courte Oreilles, however, promotes bingo as a fun, recreational activity rather than as a gambling activity.

As such, LCO Tribal Games runs a clean, well-managed bingo operation, and keeps in mind that bingo is "not the foundation of the tribal government or economic development activities."

The LCO Bingo Palace offers a spacious and inviting environment, completely air-conditioned with ample parking, concessions, special games and door prizes.

LCO bingo also offers consistently good prizes and jackpots, featuring the Super Bingo, which is run monthly during the summer. Super Bingo offers door prizes such as cars and the famed \$10,000 Jackpot.

With bingo games run every evening, except Wednesday, and games on weekend afternoons, the business keeps approximately thirty people employed. LCO Tribal Games has run bingo since 1982, and through good management and continuous promotion, can look back to several years of success and forward to further growth.

ENERGY PRODUCTION

Adding to a list of "firsts" for a Wisconsin tribe is LCO's hydro-electric project on the Chippewa Flowage. The tribe has taken out a loan to construct a \$4 million hydro-electric plant; projected worth of the plant over the next five years is \$120 million.

The project is a result of a settlement following an almost sixty-year dispute with the Northern State's Power Company over the control of the Chippewa Flowage and the NSP's flooding of tribal lands. The settlement gave Lac Courte Oreilles control of the flowage, \$250,000 in cash, 4,500 acres of land in exchange for acreage flooded by the Chippewa Flowage, and an agreement that NSP will purchase electricity from the tribe's plant.

Lac Courte Oreilles began negotiations following the Winter Dam protest in 1970, when Northern States Power was seeking relicensing for the dam. At that time, protestors from the American Indian Movement and Lac Courte Oreilles tribal activities occupied Winter Dam in protest to the flooding of tribal lands.

As the LCO Journal reported, "They ran smack dab into fifty years of anger and frustration." Objection to the flooding of tribal lands by the power project date back to 1911 when the tribe refused to give permission to flood tribal lands in order to create the Chippewa Flowage. The Federal Power Act was passed to seize control despite treaty guarantees. The situation was alleviated somewhat when the Winter Dam was built and the Flowage gates were first closed in 1923.

Besides large tracts of land flooded under the expansive and unique Chippewa Flowage, the tribe lost about 63,000 pounds of wild rice harvest, according to Tribal Vice-Chairman James Schlender, due to the raising of the water level.

The tribe's perseverance in demanding their rights has been long-lived, frustrating, but worth it. Protest began in 1911; litigation began in 1978; negotiations were forth-coming in 1979; a settlement occurred in 1984. 1985 looks to see Lac Courte Oreilles as Wisconsin's first energy producing tribe—a new door opened to further opportunities for the Lac Courte Oreilles people.

CRANBERRIES FROM LCO

While it is typical of northern Wisconsin tribes to harvest large amounts of wild rice annually, the LCO Tribe has found cranberry producing a successful venture.

LCO's cranberry marsh produces about 3,700 barrels of cranberries annually and provides jobs for three full-time employees, with seasonal help during the harvest in the fall.

In the springtime, bees are rented to pollenate the cranberry crop, and the 29 acres of low-lying cranberry plants are carefully watched through the summer months. Irrigation plays an important part in the plants' survival.

Come late fall the bright red berries have reached maturation and are ready for harvest by October. The marsh is flooded at harvest time. The berries are knocked off the plants and scooped up from the water where they float.

LCO Cranberry Marsh works cooperatively with Ocean Spray in marketing their cranberry crop and also sells directly to Ocean Spray. The tribe is paid partially in cash from Ocean Spray and partially in Ocean Spray stock.

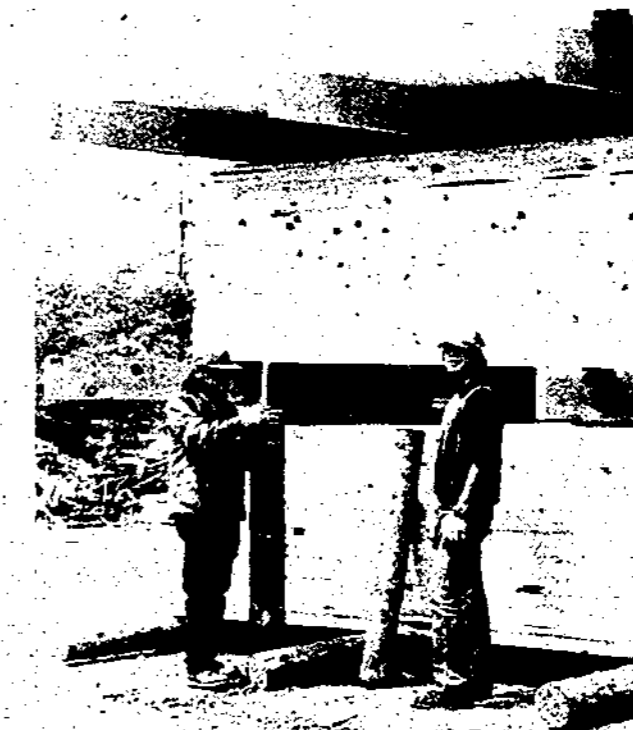


LCO DEVELOPMENT CORPORATION

With over \$12 million dollars worth of projects under its belt and buildings such as the LCO High School, the LCO Commercial Center, the Tribal Government building, LCO Auto Center, and over 300 homes as witness to their capabilities, the LCO Development Corporation is a well-established and experienced tribal business.

Most recently they have established the LCO Sawmill as part of their operation. Begun in 1984, the sawmill provides custom lumber-sawing of tribal timber. The corporation has also been expanding to more off-reservation jobs such as multi-family units and highway projects and are aggressively marketing their skills and expertise.

The LCO Development Corporation provides jobs to about 70 people during the peak season and over the last four years has grossed about \$2,500,000 each year. The corporation is subject to annual audits and is fully insured and bondable.



The LCO Sawmill provides custom sawed lumber.



WOJB, public radio by satellite.

WOJB Radio, broadcasting through satellite from the Lac Courte Oreilles Reservation, was formed to serve the Indian population not being served by Wisconsin Public Radio. Like other public radio stations, WOJB is a private non-profit organization; however, it is chartered under the Lac Courte Oreilles Tribal Government.

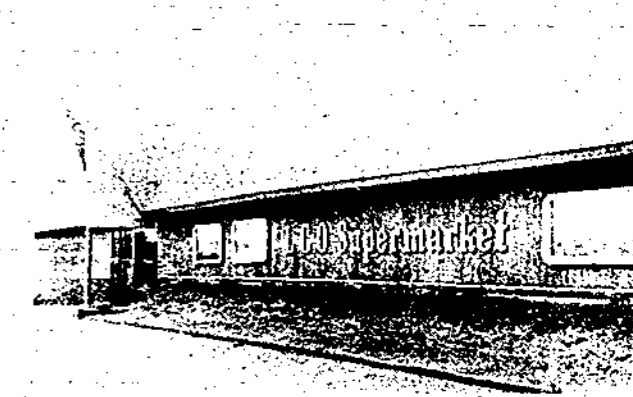
WOJB has been broadcasting 19 hours a day since April 3, 1982. Since that time, it has served both the Indian and non-Indian public in "bridging the gaps" by providing thorough coverage of area issues and, particularly, highlighting tribal concerns both local and national. It has also provided cultural programming for the benefit of both audiences, including pieces on noted Indian artists or spiritual leaders and airing of Chippewa music.

The station was built through grants obtaining competitive grants. For instance, Public Telecommunications Facilities Planning, Washington, D.C. funded the planning for the station and equipment was purchased through funds from NTIA.

One-third of the annual budget for the station is provided through an annual community services grant from the Corporation for Public Broadcasting. The remaining two-thirds of the budget must be met by the station itself.

To assist in keeping costs down, the station is manned about nine hours per day by the volunteer corps from the reservation. Volunteer staff play music, and offer programs on public affairs or general information in the state. The volunteers also train prospective volunteer staff in radio production. Fund-drives and benefits are all part of keeping WOJB on the air, and will continue to play an even more significant role as public radio feels the impact of cutbacks in the Corporation for Public Broadcasting funds.

Despite the hardwork, many volunteer hours and continued pressures to keep the public radio station, WOJB remains committed to its purpose and will continue to be a valuable and unique resource to northern Wisconsin's citizens with its capacity to provide the North with a voice and insights from one of the State's progressive reservations.



THE LCO COMMERCIAL CENTER

Providing direct service and convenient shopping to tribal members and the general public alike, the LCO Commercial Center is a result of much planning and a large commitment on the part of the tribe and a multi-agency funding effort. The business, which houses a supermarket, a cafe, a variety store, video games and a cutlery shop, required a \$1,350,000 commitment on part of the tribe.

While the Supermarket is run by the tribe as a tribal business, other businesses are run by private business persons who lease the space from the tribe.

The Commercial Center has visions of continued expansion in the future with possibilities for more rental stores, a post office bank/credit union and adjoining tourist attractions. Ultimately, it will provide not only convenient on-reservation shopping for necessities but offer something more of Ojibwa culture for area visitors to enjoy.

One of the key factors in Lac Courte Oreilles development as a progressive tribe has been its emphasis on education. Quality education from kindergarten through college continues to be of primary importance to the tribe, and is considered vital to the future success of both individual tribal members and the tribal community.

The LCO School System was established in the mid-1970's and has expanded to include a full kindergarten through 12th grade school program. It also features a day care and Headstart program for schoolers and a "re-entry" program for youth who have experienced difficulties in other school systems. A more recent addition to the school system is the two-year LCO Community College located in the tribal administration building.

The culture and heritage of Lac Courte Oreilles as Ojibwa Indians is an integral part of the curriculum, from inclusion in curriculum to special events which keep alive the Ojibwa customs and traditions. The maintenance of a tribal school system is a priority for tribal members that cultural education is a key to the future of youth.

LCO ELEMENTARY SCHOOL

Located in the village of New Post, the LCO Elementary School serves approximately 135 students during the school year from the kindergarten through seventh grade. Besides offering a full basic curriculum to its students, the school maintains a special education program, language and culture, speech, and special assistance in reading and math. The LCO Elementary School also provides a four-week summer school program.

As the school enters the 1985-1986 school year, it will be staffed entirely by Indian teachers, which tells also of the success of the teacher training program run within the school.

LCO HIGH SCHOOL

The LCO High School is located in the village of Reserve, close to the tribal administration building. In a beautiful new facility, the school serves approximately 100 students. The curriculum emphasizes the "Three R's," but is embellished with course offerings such as computer literacy and culture and language. The school also promotes positive attitude development and motivational training as a means to prepare students for success in future endeavors.

Behind the High School building lie the Honor the Earth Pow Wow grounds, a cross-country ski and jogging trail, and paved tennis courts. South of the school is a building which houses a gymnasium, exercise room and sauna.



The LCO High School was built by the LCO Development Company and provides a beautiful and spacious facility for LCO youth.



One view of the expansive and beautiful Chippewa flowage which winds through the LCO reservation providing beautiful scenery and excellent fishing.



LAC COURTE OREILLES TRIBAL GOVERNMENT.

The Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin is a federally-recognized tribe under the provisions of the 1934 Indian Reorganization Act. Treaties signed with the United States of America are dated 1837, 1842, and 1854.

The Lac Courte Oreilles Tribe was organized to conserve tribal property, develop its human and natural resources, enjoy the rights of self-government, and provide for the general quality of life for tribal members.

The LCO Tribal Governing Board has the responsibility as a constitutional government to ensure the exercise of tribal rights and regulation of certain activities within the territory of the Tribe.

For the benefit of the Tribe and its members, the LCO Tribal Governing Board seeks to develop its human and natural resources in a manner consistent with tribal values and traditions.

The Tribal Governing Board is comprised of seven (7) members elected by popular vote of the tribal membership. The Chairman, Vice-Chairman, and Secretary/Treasurer are the three officers of the Tribe.

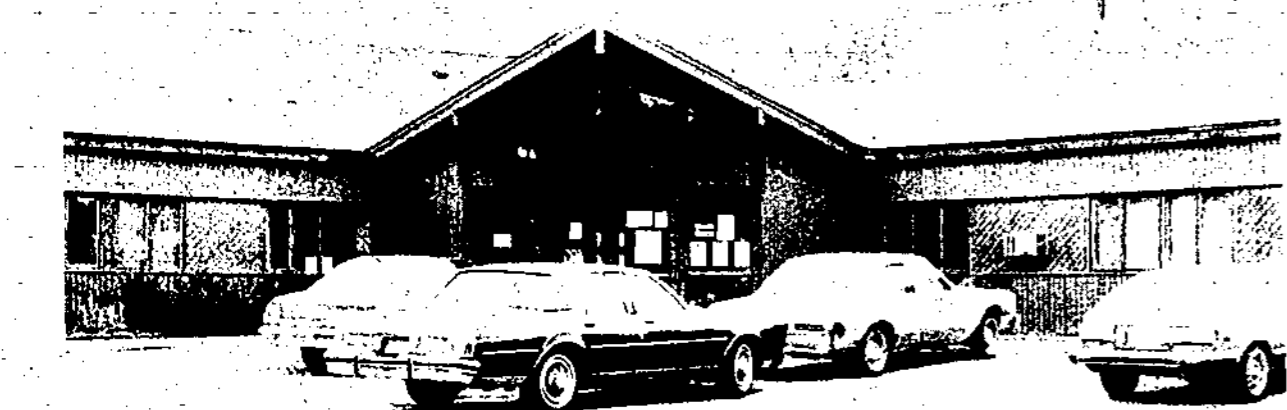
Regular meetings of the Governing Board are held monthly with special meetings held as needed. The Tribal Governing Board appoints boards and hires staff as necessary to carry out all of the functions of government. The administration of the government is vested in the office of the Tribe's Executive Director, who oversees the daily operation of the government.

Credit is given by the editor for cooperation, information and photography from James Schlender, LCO Vice-Chairman, Robert Albee, LCO Journal editor, and for use of materials published by the LCO Tribal Government.



You can't escape politics—and LCO doesn't try. The community is actively involved in state and local politics, working with leaders towards a better world for all. Above Tribal Leader, Gordon Thayer, presents Governor Anthony Earl with a gift from the tribe at a dinner sponsored by the Sawyer County Democrats.

LAC COURTE OREILLES A HISTORY



The Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, while initially known for nomadically occupying the territory within a radius of about 100 miles from the present "reservation" location, is a Tribe of the vast Ojibwa Nation which originally occupied the mid-north area of the North American continent. Centering around the several lakes in the area which form the head waters of the Chippewa River, by the 1770's Lac Courte Oreilles people had begun to permanently displace the Dakota or Sioux, who in turn had previously displaced the Huron who were documented to be in the area during the mid 1600's.

The Lac Courte Oreilles people have the same name as a large lake on their Reservation's western boundary. The literal French gives "Lac Courte Oreilles" the meaning of *Lake of the Short Ears*. One explanation is that the name was descriptive of the Indians in that geographical area who did not pierce their ears nor weigh down their ear lobes, as was observed of other Indians by the early French explorers. Another explanation is that the name refers to the corn grown in the area by the Indians, which, because of the climate's limited growing season, produced small "short ears." Others feel the term may have described captured Indians who had their ears cut short by their Indian captors to readily identify them as prisoners. Finally, still others think the area of lakes with their many little bays reminded some French fur-traders of a "Lac Courte Oreilles" back home in France. Regardless, the name describes a significant Ojibwa Tribe, a beautiful lake and the Tribe's "Reserve Tract" as established by the 1854 Treaty of LaPointe.

A documented description of the Tribe in 1776 comes from one Captain Jonathan Carver who had traveled up the Chippewa Rivers, finding several Ojibwa Villages in the area. He detailed one: "Near the head of this river is a town of the Chippewas from which it takes its name. It is situated on each side of the river (which at this place there is no considerable breadth) and lies adjacent to the banks of a small lake. This town contains about 40 houses, and can send out upwards of 100 warriors, many of

whom are fine stout young men. The houses are built after the Indian manner, and have neat plantations behind them."

The first permanent trading post was built in 1800 by Michael Cadotte for the North West Fur Trading Company. John Baptiste Corbin became clerk of the post and the areas first permanent white settler. In the years to follow, "the white man" visited Lac Courte Oreilles in larger numbers. Henry Schoolcraft, an Indian agent for the Michigan territory, visited the area in 1831, hoping to bring permanent peace between the Ojibwas and the Dakota. By 1860, Father John Chebul was successfully bringing Christianity into the area, after a Presbyterian Mission Society failed in the early 1850's. (This year marks the centennial of the St. Francis Solanus Mission in Reserve, celebrated in conjunction with Corpus Christi Day, June 9.)

In the years of 1825, 1837 and 1842, many tribes of the Ojibwa Nation including LCO entered into sovereign treaties with the United States, ceding vast territories of land, which became part of the United States and reserving unto themselves significant rights and privileges.

The 1854 Treaty of LaPointe established specific territorial rights for the Lac Courte Oreilles people—three townships (108 square miles) in the Lac Courte Oreilles area as their reserve tract.

It took until 1873 for the actual land selection process to be completed. The Tribal Elders at that time clearly wanted to maximize the opportunity to include prime resources within the boundaries of the Reservation. The selection of lands resulted in a very irregularly shaped Reservation, but one with clear potential, both then and now.

In the 1870's two other processes were initiated: 1) allotting the Reservation into 80-acre parcels for ownership by LCO adults and 2) harvesting of non-Reservation timber in the entire Northern Wisconsin area by lumber companies. Within 25 years a railroad from the city of Rice Lake to the LCO village of Reserve was built and also a saw mill was erected. Earlier, a large saw mill was

put into operation near the Billy Boy Dam on the Couderay River, three miles south of Reserve. Systematically, under BIA "trusteeship," the Reservation was cut-over and, as in the rest of the North, all "Big Timer" was gone.

In 1833 the first church building at Lac Courte Oreilles was built, Father Cosimir Vogt collecting the necessary funds in nearby lumber camps. In 1912, the "Big Drum" religious Indian ceremonial customs originated in the Whitefish area west of Reserve. Ceremonial dances are held at the start of each season. Customs similar to the Midewiwin or Grand Medicine Society include religious services and social activities, bringing family and friends together for days. Such cultural activities still flourish.

In the early 1920's, upon the passage of the Federal Power Act and over the protests of the Lac Courte Oreilles people, Congress permitted the creation of the Chippewa Flowage, Project 108, by the Northern States Power Company's predecessor. Thousands of Reservation acres were acquired by condemnation and then inundated after a dam was built just southeast of the Reservation boundary. In 1971, upon the expiration of the 50-year power license, the Tribe began opposition to relicensing by NSP and has sought joint-management of the project area with the BIA and Forest Service. In 1980, settlement negotiations were initiated. A damage claim has been filed because of the permanent loss of wild rice beds.

The Tribe found itself at a cross-roads in the 60's and turned to the provisions of the Wheeler-Howard "Indian Reorganization" Act of 1934. Approved by the Secretary of the Interior, a Constitution was adopted by the Tribal Membership in 1966. Though amended from time to time, the document appears to need revision in the light of the Tribe's actualizing of sovereignty into the realities of self-government, self-determination and self-sufficiency.

Taken From LCO Bingo Times, June, 1985

BIA—THEIR ROLE IN TODAY'S TRIBAL ISSUES

With recent court decisions affirming treaty rights retained by tribes, their role in resource management has mushroomed as have their responsibilities. A common question amidst the change and the activity has been "just where does the Bureau of Indian Affairs fit in?" What, indeed, is the role of the BIA? Where are they now? Where should they be? Where, perhaps, would they ideally like to be?

At a recent Native American Fish and Wildlife Annual Conference in Duluth, Dr. Earl Barlow, Director of the Minneapolis Area Office of the BIA, presented his views on the role of the BIA relating to treaty right issues. Below are his comments at the Conference with elaboration from an interview with Roger Wynecoop, and Nancy Cobe, BIA Rights Protection Specialist.

The first point raised by Barlow pertained to litigation. Barlow contended that the federal government has not been doing the planning necessary to assist tribes in implementing court decisions, such as the Boldt Decision, the Voigt Decision and the U.S. vs. Michigan.

Cobe felt that the "BIA is often five steps behind" the tribes when it comes to litigation procedures. Ideally, the BIA should in some instances be initiating litigation, she said, but that the staff time currently has to be spread over so many areas that it prohibits expenditure of time on in-depth studies. Wynecoop also pointed out that the BIA lacks staff with varied expertise, such as biologists, who might be able to write substantial recommendations.

Another problem sometimes faced by the BIA staff is the lack of clear federal policy from the U.S. Government. Wynecoop points out that in the case of U.S. vs. Michigan, there is no written policy from the federal government as yet. He feels, that with a history of several treaty decisions over the past decade, it shows a lack of maturity that an implementation plan has not been developed.

Both Cobe and Wynecoop agree with Barlow that the overall responsibility is there for the BIA to take a lead in litigation procedures, and yet the federal government is not coming up to that responsibility. Wynecoop also indicated that there is, and has been, a need for an overall plan on how to implement decisions, such as the Voigt Decision. In regard to Initiative 456, Barlow fears that the impact

of Initiative 456 may be far reaching, and despite the distance geographically of the Washington State initiative, it must be taken seriously. "We can't leave this to chance," he warned the audience.

Both Wynecoop and Cobe agreed that the anti-treaty movement must be watched and better understood. Wynecoop compared it to the passing of Public Law 280, which he feels has passed before the tribes understood the law or were willing to pay attention to its ramifications.

Closely tied to the challenges surrounding Initiative 456 is the area of public relations. Barlow feels that the BIA has fallen short in the past, of its duties to help curb hostile public reaction as court decisions affirming treaty rights are handed down. The BIA and the federal government should be on the "cutting edge to blunt the reaction of the public," he said.

However, this may be difficult to do, according to Wynecoop and Cobe. The nearest and only public information staff person for the BIA resides in Washington, D.C. Neither the Minneapolis Area Office nor the regional offices have public relations staff. Also, the BIA staff cannot speak out without written policy decisions from Washington. If these are lacking, no stand can be taken.

Also, in making public comment, such as responding to editorials, the BIA staff personnel must first write the response, then send it to the Washington Public Information Office for approval or disapproval, then receive it back—all prior to publishing the response, if it is acceptable.

Essentially, both the lack of public information staff and an ability to respond without federal written policy or federal approval, makes it difficult for the BIA to be on the "cutting edge" of handling public hostility or even public education.

In the area of enforcement, Barlow emphasized that it is a "priority area," an area which Barlow feels the BIA "needs to take the lead." Wynecoop feels that taking the lead may involve establishing one kind of enforcement organization, providing a uniform program through the BIA. He feels that current tribal enforcement is "fractured."

Problems exist in distinguishing conservation vs. law enforcement, he said. Although the two may sometimes overlap, they are also quite separate and funded differently. Individual tribes also use their wardens in varying capabilities.



Dr. Earl Barlow, Director, Minneapolis Area BIA.

Wynecoop feels that the credibility of the tribal enforcement system, both enforcement and tribal courts, needs to be established both for future court decisions and for public acceptance of the system. He feels wardens should also be aware of their role in public information and, because they are so often in the public eye, continually be conscious of their professional impact on the public.

Barlow also indicated in his presentation that in terms of accountability between the tribes and the BIA, there is a two-way street. Although the tribes must be accountable for contract monies to the BIA, the Bureau must also perform for the tribes. He said, "The Bureau wants to be told if it is coming up short," opening an invitation to communicate with the BIA in regard to dissatisfaction or failures. The Bureau would like to know ahead of time if a tribe perceives problems in a particular program.

Wynecoop also said that, in light of the current controversy over treaty rights and the anti-treaty network, there needs to be more cooperation between the Bureau and the tribes and less of an adversarial role. Steps should be taken, he feels towards developing a more cooperative working relationship between the tribes and the BIA.

GETTING THE SCOOP ON BADRIVER'S WILD RICE

With the long-term maintenance of the wild rice beds in the Kakagon Slough area, as primary objective, the Bad River Tribe has initiated a study to provide base-line data for further research on the tribe's wild rice. James Meeker, MS in ecology, has been hired to perform the study over the summer months in conjunction with the Bad River Department of Natural Resources staff.

Meeker says he is primarily interested in investigating reasons for the apparent decline in wild rice production, a phenomenon noted by Bad River Biologist Fred Vande Venter in several areas on the reservation.

A decline in wild rice may be attributed to several factors, he says, such as loss of habitat, perhaps a process of natural evolution, or an increase in the carp population. The carp, he says, stir up the rice beds and can easily destroy wild rice plants during their vulnerable "floating leaf stage."

The research being undertaken has three phases. In the first phase, samples of a variety of plants in the area will be taken to provide a comprehensive picture of the negative environment. These samples are dried and catalogued by their common name, Latin name, Indian name and will be kept at the Bad River Fisheries and in the UW-Green Bay herbaria.

A side result from the herbarium may be the formulation of a manual describing the medicinal or traditional Indian uses of the various species as well, according to Erv Soulier, Director of the Bad River Department of Natural Resources.

Phase I will also include a mapping of the area, through aerial photography, indicating major habitat types, such as marsh, shrub swamp, tree swamp and aquatic plants.

Phase II will entail a mapping of rice stands to provide further baseline data as to the extent of the wild rice production. Areas of major use by sport fishermen will also be mapped, as well as less-used area, to provide a basis for comparatively assessing the effect of boat traffic on the wild rice beds.

Phase II will take place before and during rice development and will involve a more detailed testing of rice beds, i.e. measuring the water depth, the depth of sediment, and the water chemistry in specific rice stands. These studies will be made from permanently established observation points to facilitate continued assessment from year to year.

Meeker emphasizes that the study is to provide baseline data, or "get the gears in motion for further research." He views the project as setting up a system which can be continued by the tribes. After several years of observation and sampling, valid conclusions can be drawn on the status of wild rice production in the sloughs and seasons identified for a decline, should that continue to be evident in the assessments.

Meeker's study of the wild rice crop on the Bad River Reservation is being funded through the Environmental Internship Program, sponsored through funds which requires matching funds from the tribe, obtained through the Bureau of Indian Affairs.



Jim Meeker, left and Joe Dan Rose, Bad River Department of Natural Resources, look at one of the hundred samples of vegetation that are a part of Bad River's new herbarium. Establishing the herbarium is part of the summer project to study the wild rice crop in the Kakagon Sloughs.



Jim Meeker and Joe Dan Rose put plant samples into the dryer they built for the wild rice project. Meeker would like to establish a baseline survey of the wild rice in the sloughs so comparative studies can be performed by the tribe in coming years.



PUBLIC VS. PRIVATE LAND AND VOIGT

Mark Hazelbaker, attorney for WCA, and David Siegler, policy analyst for GLIFWC comment.

Printed with permission of the Wisconsin Counties Association, the following article from Wisconsin Counties, June, 1985, by Attorney Mark Hazelbaker comments on the recent opinion from the U.S. Court of Appeals for the Seventh Circuit.

COURT ISSUES OPINION ON CHIPPEWA HUNTING RIGHTS

An opinion which may enable the State of Wisconsin to apply conservation and safety laws to Chippewa Indians exercising hunting and fishing rights has been issued even as members of the Chippewa bands have begun the first significant fish during the spawning season.

The opinion, issued by the U.S. Court of Appeals for the Seventh Circuit in Chicago, marks the second time the issue of Indian hunting and fishing rights has been before that panel. It was the same court which in 1983 declared that treaties reached between the United States and Chippewa nation in 1837 and 1842 remained valid. The result was a decision upholding the rights of Chippewa Indians to hunt, fish, gather wild rice and tap maple trees on public lands within the 16 million acres ceded to the United States by the Chippewa in 1837 and 1842.

The decision known as the "Voigt" decision because of the original defendant was Lester Voigt, then Secretary of the Department of Natural Resources—has fueled passions throughout Wisconsin, especially in the northern part of the state. Concerns about the potential impact of Indian hunting and fishing on natural resources and tourism have been expressed both by individuals and by organizations which have formed to protest the Indians' newly declared rights.

The actual dispute over Chippewa hunting and fishing, however, is far from over. The original decision of the Seventh Circuit in 1983 held only that the treaties remained valid. The details of implementing the agreements were left to the District Court for the Western District of Wisconsin and its judge, James Doyle Sr., to resolve.

Therefore, most of the litigation over Chippewa hunting and fishing is still ahead. In the coming years, the Court will rule on what amount of game and fish the Chippewas will be allowed to harvest, and during what period. The court will also consider which Wisconsin laws regulating hunting, fishing and public safety will be applied to the Chippewas in the exercise of their rights.

Initially, the public impression was that the Chippewas would have no regulations at all on their hunting and fishing. The Chippewa bands have sought, however, to regulate their members by adopting tribal fishing and hunting codes, more liberal than state laws but not permitting unlimited hunting or fishing. In order to actually exercise the treaty-recognized rights, however, the Chippewa have negotiated a series of agreements with the DNR governing off-reservation seasons for deer, small game, fish and wild rice.

One major question not clearly resolved by the Seventh Circuit's original decision also needed to be addressed. The Seventh Circuit ruled the Indians possessed the right to hunt and fish on all lands which had not passed into private ownership. The state and many counties were concerned about the interpretation of the court's opinion. Did it mean that lands which had been privately owned at one time but are now in public hands are not subject to the exercise of treaty rights?

The District Court entered a judgment for the Indians which stated simply that all lands in public

ownership as of March 6, 1983, were subject to the exercise of treaty rights. The decision opened up all public land in the ceded territory to Indian hunting and fishing. Although the Indians disavowed any intention to use them for such purposes, even city parks and school yards were within the ambit of the treaties. Further, the court's judgment appeared to mean that any public lands sold after March 6, 1983, remained subject to the exercise of treaty rights even in private hands. That possibility cast a cloud over county sales of public lands within the ceded territory. Seeking to clarify these issues, the state appealed the judgment. Wisconsin Counties Association supported the state's appeal and assisted in developing the state's case.

In its opinion, the Seventh Circuit did not expressly decide whether lands which have once been privately owned are forever freed of the exercise of treaty rights. Instead, the circuit directed the District Court to vacate its judgment and reconsider the issue of which lands should be subject to Indian hunting and fishing. In doing so, the court was directed to consider a variety of factors. The 1837 and 1842 treaties both contemplate the acquisition of lands for private settlement. Once lands are settled, the treaties specify that the Indians lose their rights to hunt and fish. If the state and the counties can demonstrate that particular tracts of land are settled—even though publicly owned—the court should direct that these lands are exempt from the exercise of treaty rights. Under this formulation, the Seventh Circuit commented, schoolyards and city parks would clearly be off-bounds.

It is possible, also, that counties—through the State—can advance their claim that logging and other uses within county forests are inconsistent with deer hunting. These and other arguments will be raised during the coming months and years in order to clarify the impact of the Voigt decision.

Although the Seventh Circuit did not explicitly decide issues in the opinion, its guidance to the District Court did support some contentions made by the state.

Particularly, the Seventh Circuit noted that there continues to be a role for state regulation in natural resources, despite the treaties: "While the LCO's (Lac Court Oreilles Chippewas) in the exercise of their rights are relieved of licensing requirements and no doubt from other restrictions, nevertheless we think that public policy which would benefit the Indians as well as others might well enter into the picture. We doubt that extinction of species or even wholesale slaughter or a substantial detriment to the public safety is a reasonable adjunct to the rights reserved by the Indians."

The language quoted is not a binding decision of the Seventh Circuit, but it seems directed at concerns which were not raised in the arguments made to the court, but which probably were in the judges' minds. Apparently, the judges do not envision the Indians' exercise of some rights to mean they possess unrestricted rights. The state may be able to use the language to sustain its contention that it should continue to be the sole manager of natural resources in Wisconsin. Additionally, the court's language seems to allay fears that the court's decision would allow depletion of lakes, streams and forests.

As lawyers and representatives of the tribes, the state, and counties assess the latest decision, the litigation to develop a permanent agreement on Chippewa hunting and fishing continues. Resolution of the litigation will continue during the next few years.



Further comment on the recent decision from the District Court of Appeals on the public/private land issue is offered below by David Siegler, Policy Analyst for the Great Lakes Indian Fish and Wildlife Commission.

There has never been any doubt in anyone's mind that when the Court of Appeals issued its initial decision affirming the existence of an off-reservation right, but remanding to the District Court the determination of the "permissible scope of the state regulation" of the right, that what the Court was talking about was conservation-based regulation. The entire course of the subsequent interim negotiations with the state, and much of the trial preparation in the case, has been premised on just that point. Thus, it is nothing new that the Court has now explicitly stated that some conservation regulations (which ones specifically to be determined by the District Court), may be applied to tribal members.

Those conservation measures will have to be shown to be reasonable and necessary for the perpetuation of a species, so that if the tribes are successful in promulgating and enforcing their own regulations, state regulations will not be "necessary," and will, therefore, be pre-empted.

The main event, though, in the most recent decision, is the Court's discussion of the public/private lands issue. It was on this issue that the state brought its appeal, claiming that the passage of land from public to private lands automatically extinguished the treaty right (as to exercise on that parcel), even if the land subsequently were returned to private ownership. The Court rejected the state's contention that rights can be "laundered" (the word is the Court's) out of a parcel by such maneuvers but left open for a factual determination which public lands might no longer carry the treaty right with them. One of those situations, the Court did note, was the "schoolyard and city park" type situation Mr. Hazelbaker refers to, where exercise of the right might be inconsistent with public safety.

Because the decision contains some examples of what the Court thinks should be proper areas to exercise rights and other examples of what the Court thinks are improper areas, the decision is open to intriguing extrapolations to other situations. But because the opinion contains no real analysis of the issue involved, it is ultimately a frustrating exercise to predict where it will lead.

The public/private lands issue seems bound to remain one of those issues that refuses to die, or even be tamed. The litigation will continue as to which public lands are closed to an exercise of the right and which private lands are open to its exercise.



County representatives at the County/Tribal Committee meeting listened attentively as Ruth Goetz, Division of Tourism, speaks on the recommendations forwarded from the Lakeland Area Task Force. Members are from far left: Larry Gleasman, Dane County; Mark Rogacki, Executive Director of WCA; Charles Tollander, Burnett County; Tony Lorbetski. Not pictured but present was Al Skinner.

AN INTERVIEW WITH GEORGE MEYER

Continued from Page 4

Question: Spearing is a very controversial subject obviously. The DNR seems to project a great deal of sympathy for the poor, upset white citizens and their public outcry against spearing. In dealing with the minority activities, particularly, do you think public outcry is a valid consideration? Do you think justice should give in to public outcry?

Meyer: Whether it's the hostage situation in Beirut or spearing in northern Wisconsin, I don't believe that force or violence can control an outcome of a legal situation. There might be people flying internationally or exercising treaty rights. And I don't think that there should be a giving in to the use of confrontation or violence. And I think our reaction this last season was not, should not be construed to be, such bowing to confrontation. Our reaction comes from talking to those individuals who are involved in spearing confrontations, and I spend a lot of time doing that. Much of the trouble that was caused this year was not caused by trouble makers, or people that were anti-Indian. There was legitimate concern we heard expressed by most of these people. Most of them were just common, every day people who were not expressing an anti-Indian bias. There was a concern about the impact of spearing on the resources, and regardless of that, on the tourism economy. These were people living on lakes, resorts, people that were relying on tourism and industry. How we would view what we suggested is this: spearing, we believe, could have a less substantial, more restrictive, long-term biological impact. In addition to that, even if it would not, it could, and, in fact, may have a serious tourism and, therefore, economic impact.

Question: How?

Meyer: The tourism industry is an industry that relies on perceptions. If someone hears that fishing isn't good at X lake, people that want to fish in northern Wisconsin go to a different place. If people would hear that there has been a storm in the area, that area gets avoided even though parts of it were not affected, however, there is an impact in a broader area. If there is trouble in an area, people avoid it. "Hey, we can go some other place; we can go to Minnesota, or other places in Wisconsin for fishing." It is a very, from an economic standpoint, elastic economy. If they think that a lake has been speared, even though there are plenty of fish to catch, people who want to fish will opt for another place.

Question: Do you think it is the responsibility of those concerned (the non-Indian protestors) to shut-up? Aren't they creating their own turmoil and then they are turning around and saying it's a problem?

Meyer: There is a Catch-22 except that I think those individuals, and I am not speaking for them, but I would guess that I would respond by saying that information is going to be out there anyway not from us, it is going to be from some other people upset. Or there are going to be some people that maybe are anti-Indian demonstrating, and the news is going to pick it up, and it is going to create the same thing. I just don't think that this type of activity is going to take place without a lot of attention. And that's their concern—that there's going to be attention and, therefore, some economic impacts from it. I think it's legitimate for the State of Wisconsin, especially in the most critical area to take into account more things than just public safety and fisheries. And I think that if we have to address, at least, the most significant economic potential results from these economic

agreements, it doesn't mean following, (although the tribes may criticize us at times by just following too easily) public concerns and expressions of concern. I don't think we have done this. If we did, there wouldn't be any agreements, because everything we've done has been controversial to at least a vocal minority in northern Wisconsin. I think the only time we have really reacted and said things should be done differently is in two areas. The spearing is one. And that's because of our many concerns in addition to what we think are long-term biological concerns. And the other issue, we didn't even react to but the tribes did. The tribes have at least acknowledged that there was another side to the story, and that was on loaded uncased guns in motor vehicles. And that was an area that the public, because of a public safety concern, reacted to very strongly. In fact, there was recognition of that by the tribes. So in terms of taking into account public opinions and public concerns, we've done very little of that in the last two and a half years except in a couple of areas, and I am sure the tribes don't like to see that.

Question: Public, or mob, protesting could be used effectively against any agreement. I don't feel that the non-Indian public behaved in a manner that should be rewarded, and I don't think that the state came down hard enough on them. Do you?

Meyer: I would disagree with that. Even if it wasn't in the statement at the press conference, I made a very strong recommendation, and I have condemned violence and so has John Brasch and Dave Jacobson and Governor Earl. We condemned any use of violence very strongly from the start. It's illegal, it's improper, and proper law enforcement action has to be taken.

Question: Was action taken against any of these people?

Meyer: Yes, there was. In a situation in the northwestern part of the state there was some citations issued to people. Let's take the Bolt Landing on Northwind Lake. No one did anything that was arrestable. It may not have been very nice, and we condemned the attitudes and situations there twice, but at least on that landing, nothing illegal was done. There were shots fired. Local law enforcement officers and ourselves could not determine who fired the shots. If they had, I think there would have been legal action taken, in both situations. I know there was a follow-up investigation in regard to those shots. But we issued citations when people were violating along northwestern Wisconsin to non-Indians. We surely are not negative. We have strongly condemned any type of violence since the first day and, in fact, have done it consistently through the full process. There was something that was raised, and I guess until it happens, we won't get over this possible fear. That is, if people sit back and thereby legitimize confrontation, it is made more possible that people would use confrontation to prevent other seasons from taking place. I think the answer to that is no. But until we have a few more seasons, people will be able to raise that argument. The reason I say that is, we've had many seasons before where people have never been so concerned as to go out and take any confrontational action against people. What this tells us, in fact is while they might not like what is happening, they don't feel strongly enough about it to do anything. They'll know from looking at the past deer seasons that it is not the end of the world. I don't think that a few rabble rousers can get trouble started. But it's when people feel that there are economic concerns or impacts and the



situation I think which has potential for that is spearing. I don't think we're going to see confrontation in any of the implementations.

Question: Don't you feel that after a few spearing seasons, which are monitored and so forth, that this reaction would die? Are they giving the tribes a chance? This was the first spearing season.

Meyer: I think this weighed a lot in our decision as far as what we did at the end of the season. Confrontation was increasing. We hung on by our fingernails the last night to keep the peace. If there had been ten more people on each side, we might not have been able to keep the situation under control. And we had maximized our law enforcement effort there. Vilas County at that time at night has two deputies on duty. There were four police from Vilas County there, plus we had a total of 16 additional law enforcement officers. Short of calling in for that whole spearing season, law enforcement people from other agencies from other counties or bringing in the National Guard, I don't know if we dare do it. It was an escalating phenomena. That leaves us with the conclusion that, in fact, the public reaction to it was just starting. If that had gone one more night I think we would have asked the tribes not to go out, because we couldn't guarantee someone from getting hurt. That may be a starting point for the beginning next year. That's our concern.

Question: How many people do you think were actually protesting spearing?

Meyer: I think last night there was approximately 90-100 people according to the reports I had. That had been increasing every night since about the second night over in the north central part of the state.

Question: Were there any lakes that you can mention that were damaged from this year's spearing?

Meyer: There was no long-term biological impact caused from this year's spearing. The concern in the spearing biological impacts is not necessarily the total number of fish taken, but it is in which fish are taken and what role those fish play in the total fish population and individual bodies of water. What the situation is, is that there is a tendency to take larger fish for spearing.

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Question: There is a control on this?

Meyer: An inadequate one as we found out, because if you were present, we had a 20 inch limit with one over size. The reason that was negotiated was to allow for a mistake. Quite clearly, sometimes it is a little difficult to tell if the fish is 20 inches or 21 inches. So we had a mistake fish in there, over the 20 inch size. However, all of the mistake fish are 29 and 30 inches that are taken out of an individual body of water. You have to understand there are not that many large-sized fish in one body of water. It is important to have a good grouping of sized fish for many reasons, but one is to protect the structure and, therefore, the population in terms of predator/prey relationships. If we start taking too many of these big fish you can upset that balance. When all the mistake fish are 10-12 inches bigger than the 20 inch size limit, there needs to be another additional constraint there to protect that. Another consideration is the fact that there is no limitation on the number of spears they can take on a lake. I think we were surprised at the numbers, and I think this was done not for bad reasons by the tribe involved. I think it was done for protection for one thing.

Question: Those are considerations when choosing the lakes and establishing the regulations, are they not?

Meyer: They were to some extent last year, but not adequately as we found out and in fact there are loop holes that we saw this year that if done on a different body of water would cause problems. There is nothing to prevent that from occurring, and that is the reason we think there has to be substantial restrictions.

Question: Did the closure mechanism work?

Meyer: Too slowly. This isn't a criticism of the tribe. Any government has a rough time reacting in 24 hours to any situation. We asked for the closure around a couple of bodies of water (three bodies of water) and at least two of those closed at least 24 hours later than they should have been. That isn't an indictment of the tribal response. The state has a rough time reacting within 24 hours or any government does. It just means that the system isn't designed to accomplish what we want it to.

Question: Did the tribes put forth a good effort to close those lakes?

Meyer: Sure. No question about that. At St. Croix and Lac du Flambeau, the tribal council took it up as quick as they could. I surely didn't see any bad faith on the part of the tribe trying to do that.

Question: What biological evidence do you have that precludes spearing on a monitored basis?

Meyer: Just a projection of this year's harvest under conditions in which there would be a slight change of the variables. Different bodies of water, different fish population in those bodies of water. Taking that and comparing it to what the regulations are, we can see that we are not protected. Looking at the regulations and what could happen with slight changes on how it took place, there just isn't a match at all. In fact, with those changes occurring, there is no reason not to confirm the actual shifting. You can see that the regulations don't cover it, and there could be some damage. If these changes occur with the existing regulations, there would be damage to the lake and the fish.

Question: Apparently, the DNR is unwilling to discuss spearing during the spring or summer, 1985.

Meyer: We have, (I don't know if this is negotiation in the press or not), said to the tribes in our correspondence and over the phone is that unless there is the potential for reaching agreement, we shouldn't sit down and go through the motions and cause damage in the negotiation process. If there are some ideas that the tribe have that are different than this year's spearing or last summer or fall spearing, they should let us know what they are so we can reasonably look at it. But if there are no

new ideas to be tossed on the table, let's not hurt the process by sitting down and going through a controversial situation.

Question: What was wrong with last year's (1984 summer) spearing?

Meyer: It was an exercise, therefore, there was no harm. But believe me, there was no looking back with this year's spearing. There were no restrictions in last year's agreement. Virtually there was very little regulation at all. And if the tribal members decide to implement spearing, then we really need a lot more restrictions than last year's 1984 spearing.

Question: Are you assuming that the tribes won't accept more restrictive negotiations?

Meyer: They have given us no indication that they wouldn't.

Question: Have they given indication that they wouldn't?

Meyer: I think we need to have an indication if they would. It doesn't take much to call and say yes we will and these are some of the things to look at. There is an absence of any indication of that.

Question: Are you refusing to negotiate behind the screen of this assumption?

Meyer: I think there needs to be some indication for change. The reason I am saying that is, we've gone into negotiation sessions that have been extremely damaging because one side or the other could not make a movement, and it has been very harmful to the process. Go back to last year's negotiations, and it doesn't take much to indicate that there are some changes and we are looking at these kinds of things. I think both sides have the responsibility of indicating where they are going to be heading with this. I think they have to be conscious of not just one year, but the process is much more important here than any one hunting or fishing season.

Question: On the type of regulation of tribal spearing, the elaborate enforcement, all the census taking and so forth to check on the fish tribes take, will you do this with non-Indian fishermen as well?

Meyer: The reason we don't is that it is such an ineffective method of fishing and self-regulating. Spearing during spawning, when you're out there spearing, you can see all fish at one time, and it looks like an endless supply. You can take, because of the concentration, enough of them easily enough that you can harm the resource. When you go to hook and line fishing as an example, if there aren't many fish around in the lake to bite, people don't come back. It is self-regulating. People are less successful, so they go to another body of water, and the lake builds itself up. But this is such an extremely effective method when the population is vulnerable. It's something you have to have a constant control over. You don't need such a constant control with a less efficient method.

Question: Your regulation then is discriminatory?

Meyer: Believe me, if we had non-Indian spearsers out there, under the circumstances, we would be measuring every fish out there. It's just that kind of method. It's the method and the ease of harming the resource that causes that type of restriction.

Question: How about the tribes being able to regulate themselves? Do you think that it is irritating to have DNR performing intensive regulating?

Meyer: I get the indication that maybe some of the tribal members were upset but I surely didn't think the great majority were. The most were rather pleased to show their harvest. I don't know and, in fact, I'm rather unsure at this stage that the human resources are there for the tribes doing it. In terms of law enforcement, there clearly isn't. In terms of biologists, the fish biologists, despite very good efforts, cannot cover all the

spearing lakes. It's just humanly impossible. They're bringing in a lot of people for us to do it. We have a larger staff to deal with.

Question: A question has been raised. Is the process worth negotiation? If the process isn't worth it, what if tribes made their own rules for the spearing season?

Meyer: Is the process worth it? I guess the question has to be what are the alternatives and whether they are good or bad. The risk of unilateral action by either side is that one other side won't accept it and be able to be awarded by legal action. For the great number of seasons that we have dealt with, there surely was resource availability for the tribal members to go out and hunt, ice fish, trap, or whatever, and from a practical standpoint there were no regulations that prevented a decent harvest if someone was interested in doing it. One hunter shot 17 deer as an individual. Surely, that isn't too great a restriction if one individual can do that. If the tribes had adopted their own deer hunting agreement, well, that deer hunting agreement I think there would be two things of concern. If that were done without negotiating, I think there would be a sign from the tribes that they surely would not consider the process, and I think that would be a very negative thing. I think it's an indication that they were not that concerned about working in harmony with the resource base and resource professionals. I think it would be a very negative sign to send out to the public in general.

I don't mean that the tribes are going to do that. I don't see that happening. I think if either side does something unilaterally without negotiating, I think the other side will be strongly condemned for that, properly. Is the process worth it? I surely think so. I think the tribes, and I get this from discussion with the task force representatives and also what they say at the bargaining sessions, feel a pressure from at least a certain membership to have virtually no regulations at all, and a lot of pressure is being put on the task force negotiators by that segment of the tribes. I think what has to be kept in mind and I believe the tribal representatives are trying to get this across, is that these are interim agreements, strictly interim agreements. The court hasn't defined what the rights are and this is just to allow a limited exercise until we find out what methods hunting and fishing are going to be allowed by the court and what regulations are going to be put in place. This is just a holding action. The state could say we are not going to negotiate at all. We don't think that is good for many reasons including recognition of the duty to implement treaty rights. So there are going to be constraints. They're kidding themselves if they believe, at least in the interim, that there are going to be fairly protective regulations because we don't know what the court arguments are going to be. I think those tribal members, too, are going to have to be fully aware of that even after the court rules, there are going to be a lot of regulations on hunting and fishing whether the tribe does it or the state does it. The courts have not granted unlimited hunting or fishing anywhere in the United States. I think those individuals that are putting pressure on task force members really have false expectations. The sooner that they understand that it will be a regulated situation, I think it will make the negotiations a lot easier, because they can put tremendous pressure on negotiators. I think that harms the process, too. That's also an educational process for the tribes too.

Question: Is there anything else you would like to add?

Meyer: I wanted to stress this aspect, and I hope I helped get that message out to those tribal members there are going to be regulations no matter if using this process or any final process. Until that adjustment is made, I feel there are going to be problems.

MICHIGAN : BAY MILLS

OBJECTIONS TO THE ALLOCATION AGREEMENT

On May 31st, 1985 the U.S. District Court Western District of Michigan Northern Division ruled against Bay Mills proposed fisheries allocation plan which was presented as an alternate to the agreement of allocation signed by representatives of the Bay Mills Indian Community, Sault Ste. Marie Tribe, Grand Traverse Band of Ottawa-Chippewa Indians and the Michigan Department of Natural Resources.

The later agreement was the result of negotiations and litigation over commercial fishing rights in the Great Lakes and was signed by representatives on March 28, 1985. However, with numerous objections to the proposed allocation plan, Bay Mills petitioned the court with an alternate plan proposing the right to fifty percent of the resources with no closed areas.

Part of Bay Mills objection to implementing the proposed agreement was that the Bay Mills Indian Community did not confirm that proposed agreement through tribal resolution. In fact, on two separate occasions, April 20 and May 4, the Bay Mills in General Council voted to override the signature of the Chairperson, who represented the tribe during negotiations, and reject the agreement. On April 20 following discussion of the proposed agreement it was rejected by a vote of 31 to 29 with 13 abstentions; on May 4 the General Council again voted to reject the agreement for Entry of Consent Order by a vote of 139 opposed to 61 in favor, with 4 abstentions.

Bay Mills contended also that since the Tribe retains the right of review, its representatives at negotiations who signed the agreement did not have the power to bind the Tribe to that agreement without Tribal ratification. They contended that "since the Bay Mills Constitution retains the General Council power to veto any sale disposition lease or encumbrance on tribal lands, interest in land or other tribal assets..." and that since the treaty fishing rights are tribal rights, their disposition may be properly vetoed by the Tribal Council.

Bay Mills had several major concerns with the proposed agreement. One of the objections relates to areas that will become exclusive treaty fishing areas. Bay Mills contended that in Lake Michigan access for both large and small boat operators is difficult in several of the allocated areas and that one allotted area yields a relatively small amount of whitefish. Another area is fishable only by large boat operators so cannot be used by the majority of Bay Mills licensed fishermen.

They also object to the proposal's closing of Big and Little Bays de Noc, to treaty fishermen. In the previous winter, tribal fishermen had harvested more than 300,000 pounds of whitefish through the ice, so the area is considered one of the tribe's valuable fishing areas.

Likewise in Lake Huron, the tribe objects to the closure of the productive and accessible areas around 40 Mile Point after five years and the closure of all areas from the 40 Mile Point to Alpena, another substantial fishing ground for the tribe. The tribe also feels that several areas allotted for treaty fishing in Lake Huron and Lake Superior are not accessible by their small boat fishermen.

The tribe further objected to the vast closure to treaty fishermen in the areas of south of the Leelanau Peninsula in Lake Michigan which would make year-around fishing for the small boat operator difficult under the proposed agreement and "virtually impossible after five years due to the closing of the only southern waters in Lake Michigan, next to Little Traverse Bay.

Bay Mills also feels that with closures of areas to tribal fishermen after a period of years, such as closing the Bays de Noc in fifteen years, the relocation of operators to treaty exclusive areas will cause over-crowding in those areas and consequently will make it difficult to harvest the project quotas with gill nets.

Long term protection of the tribe's fishing interests is also called in question. Changes in the aquatic environment or loss of fish production in areas which may presently be abundant, would leave the tribe's fishermen with no alternatives, a risk which would be minimized were all the areas of ceded waters available to treaty fishermen.

Because of these objections to the proposed plan, Bay Mills submitted their own allocation plan providing for tribal access to a multi-species fishery, stating that "it is important that the right to harvest all fish commercially in the future not be abridged."

Also, it asked for open waters and the right to the mobility needed to pursue the most productive portions of the resources.

Especially on behalf of the small boat fishermen, Bay Mills asked that treaty fishermen be assured access to southern waters in order to insure a year around fishery as ice conditions can make northern areas inaccessible during the winter.

Bay Mills' alternate plan also claimed that state-licensed fishermen have historically been able to harvest greater amounts of fish in less time due to more efficient gear, requiring higher level of capitalization. They feel that special restrictions should be placed on these non-treaty fishermen in order to limit their harvest to fifty percent of the allowable quotas.

Basically, they asked for a right to fifty percent of the harvest monitored by a tribal regulatory process and through the Management Authority and Michigan DNR, who could both predict treaty harvest, adjust quotas, and institute closures should an area be at risk.

However, despite Bay Mills numerous objections and despite their proposed plan, the Court ruled against the tribe and according to the May 31st decision will be implementing the proposed agreement against the wishes of the tribe's fishermen.

Resulting from the problems surrounding the Michigan Allocation Agreement, Irma Parrish, Bay Mills Tribal Chairperson, has resigned. At this time, there has been no word on filling the vacant seat for Bay Mills Chairman.



Joe Corbine, Bad River Tribal Chairman.

CORBINE APPOINTED TO STATE BOARD

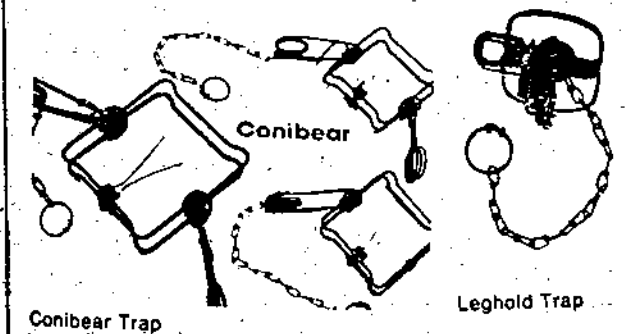
Bad River Tribal Chairman, Joe Corbine, has recently been reappointed by Governor Anthony Earl to a second four-year term on the American Indian Language and Culture Education Board.

The Board, established as part of the Wisconsin Indian Education Act, serves in an advisory capacity to the Wisconsin Department of Education, the Wisconsin High Education Board, the UW System and the Wisconsin Vocational School System.

Corbine says that the Board primarily examines curriculum needs in the public school system and provides funding for cultural programs in Indian-controlled schools. The Board has also sponsored statewide forums to hear from the Indian communities and from school districts regarding the educational needs of Indian youth. The Board has also developed curriculum pertaining to Indian culture, language and history.

In the future, Corbine feels the Board should push for mandatory Indian government, history and culture in public schools and encourage the State to provide financing which will lead to that. "We have a provision to certify teachers in Indian culture and language, but the courses are still voluntary," Corbine says. "There is no requirement that a school, with a certain percentage of Indian children, must provide these courses." Corbine would like to see a strengthening of legislation that will make these classes on Indian government history "a must."

Trapping



Tribe Issuing Permits	Permits Issued	Otter & Bobcat Tags Issued	Otter Registered	Bobcat Registered
Lac du Flambeau	22	6	0	0
St. Croix	5	25	4	0

Once again we have ended a trapping season with minimal tribal activity off-reservation. Only Lac du Flambeau and St. Croix bands issued any trapping permits. Most trappers from Lac du Flambeau were only interested in snaring rabbits and hares.

The otters were trapped in Burnett County, three on January 1, 1985 and one on January 15, 1985.

We will be conducting a mail survey of all tribally licensed trappers to obtain additional information on harvest, effort and methods. As soon as we summarize this information, we will send you a copy. We look forward to seeing the 1984-85 Fur Harvest Report.

ELECTION HAPPENINGS

St. Croix - St. Croix welcomes four new tribal council members including Doris Emery, Sand Lake; Lawrence Homes, Danbury; Patsy Hart, Maple Plain; and Ben Skinaway, Round Lake. Eugene Taylor, Tribal Chairman, was the only incumbent on the new council which will be seated on July 1.

Lac Courte Oreilles - Lac Courte Oreilles Tribal Council, which elected four of seven council members in a staggered election, welcomes Bruce Taylor, Gordon Thayer, Frank Thayer, and James Schlender for two years of service.



Things In General...




Part of the spring and early summer activity for the biology division was completing deer pellet surveys on the Bad River and Lac du Flambeau Reservations. Above crews scour the woods on the Bad River Reservation for deer pellets.



The County/Tribal Committee was treated to a tasty lunch at Red Cliff. Local cooks prepared fresh lake trout with fried bread.

ATTENTION! ATTENTION!



GLIFWC 2ND ANNUAL CONFERENCE HAS BEEN POSTPONED!

New Date: SEPT. 4, 5 and 6
Place: HOUGHTON, MICHIGAN

CHANGE YOUR CALENDARS



Welcome aboard to Sue Connors, a recent addition to the secretarial staff. Connors is working with the biological division.



"Are you my mother?" the little bird asked. Bob Williamson, GLIFWC biologist, said, "No, little bird, but I will try." Williamson holds one of two blue jays found dropped from a nest. He keeps them supplied with fresh worms and drops of water.



And the auditors were at the commission during the month June, cheerfully performing their duties. From the left are Peter Preboske and Steven Brettinger with the firm Braum, Preboski, Laham and Brettinger, CPA's, Antigo, WI.

MASINAIGAN



A CHRONICLE OF THE
LAKE
SUPERIOR
OJIBWAY

January, 1985 Supplemental Edition

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