

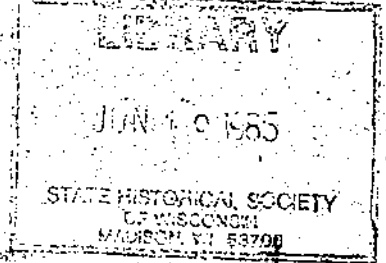


MASINAIGAN



A CHRONICLE OF THE LAKE SUPERIOR OJIBWAY

MAY, 1985



NAFWS CONFERENCE: FISH & GAME / ABROGATION THE ISSUE



The subject of treaty abrogation and the national anti-Indian network ran like dark and insidious thread through the discussions of matters biological, political, social and financial during the three-day Native American Fish and Wildlife Society Conference held at the Radisson Inn, Duluth, May 20-22. This was the third annual conference sponsored by NAFWS and was coordinated through the Great Lakes Indian Fish and Wildlife Commission.

According to Gerald "Buzz" Cobell, NAFWS president, the primary purpose of the Society is to provide a forum for the expression of the viewpoints of Indian biologists and resource managers. Drawing from coast to coast, the conference allowed for a free exchange of ideas, including goals, major challenges and accomplishments between management and scientific personnel dealing with fish and game management on or near reservations throughout the U.S.

Despite the numerous biological concerns of the tribal people nationally, Cobell feels the "issue of the day" was the concern expressed over the apparent "concerted effort by non-Indians to abrogate treaties," a subject which Cobell feels must be addressed directly.

Cobell hopes to see NAFWS establish an information campaign which will "educate non-Indians as to the quality of Indian fish and wildlife management" in an effort to help allay unnecessary and unfounded fears of the public.

The conference succeeded in covering a large format of subjects which concern Indian resource managers today. They ranged from black bear studies to nuke waste, from the Endangered Species Act to wild rice management. However, the primary emphasis of the technical workshops fell on fishery management. Representatives from the Columbia River Inter-Tribal Fisheries, Washington; Northwest Indian Fisheries Commission, Wisconsin; and the Chippewa-Ottawa Treaty Fishery Management Authority, Michigan all gave presentations on their activities, accomplishments and current challenges.

Yet while considering the many implications in managing and protecting the various species of fish and game which the tribes co-manage, the warnings regarding the anti-Indian network by C. Montgomery Johnson, Director of the NIX 456 Campaign in the State of Washington, left tribal resource managers wondering if, perhaps, the Indian tribes might warrant status on the "Threatened Species" list.



Ray DePerry, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission—"We have proven we are effective (resource) managers...we will see that this is the case nationwide. Tribes are on the scene as conservationists...working with state, county, federal and local governments..."



Dr. Earl Barlow, Head of the Minneapolis Area Office of the Bureau of Indian Affairs—"Initiative 456 passed in the State of Washington...the West Coast is not far removed. There will be some impacts on us from this Initiative...we cannot leave this to chance..."



Gary Rankel, BIA, Washington—"The program is in a state of evolution...tribes, through (court) decisions, have assumed co-management of the resources...commissions have been instrumental in dealing with the implementation of these decisions."

The Third Annual Conference of the Native American Fish and Wildlife Society, held at the Radisson Inn, Duluth, from May 10-22, featured a number of panelists and presentors from across the nation.

A complete coverage of the various discussions which were part of the intensive three-day conference will be featured as a special supplement in the July Masinaigan.

Included in this will be the presentations from area and national leaders in Bureau of Indian Affairs, representatives from the several tribal commissions in the U.S., the 1456 Report, the concerns of tribal biologists from coast-to-coast—their problems, goals and victories; and the varying impacts and procedures of treaty right implementation.

These are the voices of people concerned and involved from every level—administration to enforcement—in resources management for the nation's tribes and in assuring tribal rights are protected. Look for the NAFWS Conference Supplement.



Nancy Cobe, BIA, Minneapolis Office—"Tribes working together provide more strength. Tribes need to strengthen the negotiating positions. The BIA needs to demonstrate a more active role in helping to work together in developing management ability."

INSIDE	
NIX 456 Report	page 2
Spearing	pages 3-4
GLIFWC Meeting	page 9
S/SPAWN Resolution	page 10

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION
 P.O. BOX 9
 ODANAH, WISCONSIN 54861
 (715) 682-6619

BULK RATE U.S. POSTAGE PAID ASHLAND, WI PERMIT NO. 225

JAMES P. DANKY
 STATE HISTORICAL SOCIETY
 616 STATE STREET
 MADISON WI 53706-1482

NAFWS CONFERENCE NO TIME FOR COP-OUT: GENOCIDE IS THE PLAN

C. Montgomery Johnson, Director of the Nix 456 Campaign in the State of Washington, holds a Masters Degree in Forestry and has been a fellow at Harvard's Institute of Politics. He has been chief lobbyist for teachers in Washington as well as for the Weyerhaeuser Company. Johnson has also been the Washington State Republican Party Chairman and sat on the Republican Party's National Executive Committee.

Since 1971, he has run his own successful consulting firm, with clients including teachers, bankers, big industry, organized labor and Indian tribes and nations.

He has worked with tribes since 1978. His analysis of the outcome of Initiative 456 Campaign in Washington State is a comprehensive and authoritative account of the National Anti-Treaty Network.



Faces became serious as C. Montgomery Johnson, also known as "Gummie," began to talk about genocide and the extinction of tribal rights and identities. Johnson, Director of the

Nix 456 Campaign in Washington State, made no bones of the seriousness of the anti-treaty threat to Indian people.

Johnson also pointed out that Initiative 456 received support from other groups such as Wisconsin's Equal Rights for Everyone and Wisconsin Alliance for Rights and Resources, as well as various sports groups.

However, he noted that standing against I 456 were all religious leaders, all candidates for major political offices, the League of Women Voters, all daily newspapers, and all T.V. stations. Despite this, I 456 passed 53% to 47%, in part because the tribes were not ready, did not believe that such an initiative could really pass, and did not take action until it was too late.

Johnson stated that persons and organizations promoting I 456 are not concerned about fish or the resources. That, he feels, is only a camouflage for the real motivation of I 456 and other resolutions being passed throughout the country. The real goal is "THE END OF ALL TREATIES IN AMERICA," Johnson warns. "AND TRIBES THROUGHOUT THE NATION NEED TO KNOW ABOUT IT NOW."

Johnson also warned of resolutions being passed by counties, local organizations and others asking that treaties be re-written, re-negotiated, re-worked, or that a commission be formed to "study the adverse impact of Indians on non-Indians." All part of the anti-treaty network.

He said, "Their mission is Congress, to persuade Congress to eradicate Indian rights...to destroy differences between Indians and non-

Indians until Indians lose everything...culture, identity and their livelihood. At the rate they are moving, the battle will be over in ten years."

I 456 was initially triggered by a reaction to the Boldt Decision, Johnson feels, but has since been "muscle" by land claim issues, which have provided the real gasoline for the drive. Among these groups operative in seeking abrogation and working together to achieve this aim identified by Johnson are: National Wildlife Federation, National Association of Counties, Outdoor Writers Association, Outdoor Life Magazine, Equal Rights for Everyone, Michigan United Conservation Clubs, Quinalt Property Owners, Wisconsin Alliance for Rights and Resources, Interstate Congress for Equal Rights and Responsibilities, S/SPAWN.

Johnson urged tribal representatives present to take note now of what is happening in terms of the anti-treaty network. He encouraged unity, education and plans for action. Johnson feels the tribal leaders need full support of well-informed tribal councils, that tribes across the nation must join hands, and tribes must be able to address the issue as long-range, not merely respond to a major crisis. "Intensive education at the grass roots level...at the tribal council level..." is what is needed.

Because the time to act is now, because the threat is real and in the backyards of all Indian people, Johnson concluded that for Indian nations "there is no time for a cop-out; there's no excuse for a cop-out."

"FIRST OUR LANDS, NOW OUR..."

"First Our Land, Now Our Treaties" is the title of a 700-page report compiled by C. Montgomery "Gummie" Johnson, director of the Nix 456 Campaign in the State of Washington. Within its pages, Johnson points out vividly the growing and tightly-knit anti-Indian network which is spreading over the country seeking abrogation of Indian treaties.

Johnson, who addressed the participants at the NAFWS Annual Conference, told the audience he was there to talk about genocide—the systematic extermination of a whole people. "The people," he said, "are the tribes." And genocide, he emphasized, "is exactly what is being plotted and is underway right now."

Initiative 456, which passed in Washington last November, was essentially an abrogation measure, even though it remains at an advisory level. Sponsored by S/SPAWN I 456 called for all natural resource management to be done exclusively through the State (removing the management status and authority of the tribes); de-commercialization of steelhead (which would reduce tribal commercial fishing industry in favor of sport fishing interests); and that all citizens, including treaty Indians, shall have "equal rights."

BUSIAHN: TREATY PROBLEMS SOCIAL

According to Tom Busiahn, Chief Biologist of the GLIFWC, treaty right problems are mostly social, not biological. Busiahn was part of a panel at the 3rd Annual NAFWS Conference on the "Biological Implications of Protecting Indian Treaty Hunting and Fishing Rights."

Busiahn said that because tourism and sport fishing and hunting are regarded as primary economic resources for northern Wisconsin, the State's programs have existed to serve sportsmen and tourism in recent years.

That emphasis, plus a diminishing resource (due to previous mis-management and the effects of development and other ecological problems) has made treaty hunting and fishing a controversial issue, he said, although the impact on the environment is small.

Busiahn also suggested that with the many environmental concerns before the public today, there should always be the possibility of finding common ground between the State and the tribes...for control of toxic waste, pollutants, effects of mining, inventory, assessment and monitoring projects. But, he stated, beyond the principles of management, "things become political and principles take the back seat..."

Busiahn touched on several areas of resource management to illustrate his points. For instance, his studies have shown that Lake Michigan is being re-stocked more heavily than Lake Superior with

lake trout, although the reproduction of trout in Lake Michigan is much lower. This is primarily due to the heavy sport fishing interest, he contends. He also noted stocking was decreased in areas near reservations and showed some increase near urban areas.

Busiahn also contended that walleye were abundant and a species that is doing well in Wisconsin. There is no biological reason to protect walleye during the spawn, beyond controls such as a limit of poundage per lake. Yet, he noted, the WDNR has indicated spearing walleye during spawn as "being politically unacceptable."

Whitetail deer is another thriving species, according to Busiahn, and he noted that the treaty harvest of deer has been minimal, below even the state's bow kill figures, certainly no cause for biological alarm.

In the harvest and management of wild rice, Busiahn says that the State of Wisconsin has no adequate management program. Wild rice management, he said, offers the most obvious opportunity to tribes to take on a major responsibility. Although the tribe's management proposals may differ from the state and depict a difference in values, it is an area in which both must work together.

All in all, from a biological standpoint, Busiahn sees no issue with the implementation of treaty rights. The picture, however, is different in the social arena.

"I am here to express a quiet rage over what is being done and being planned for your future," C. Montgomery Johnson, Director of the Nix 456 Campaign, Washington.



Nix 456 Campaign in Washington State, made no bones of the seriousness of the anti-treaty threat to Indian people.

Indians until Indians lose everything...culture, identity and their livelihood. At the rate they are moving, the battle will be over in ten years."

I 456 was initially triggered by a reaction to the Boldt Decision, Johnson feels, but has since been "muscle" by land claim issues, which have provided the real gasoline for the drive. Among these groups operative in seeking abrogation and working together to achieve this aim identified by Johnson are: National Wildlife Federation, National Association of Counties, Outdoor Writers Association, Outdoor Life Magazine, Equal Rights for Everyone, Michigan United Conservation Clubs, Quinalt Property Owners, Wisconsin Alliance for Rights and Resources, Interstate Congress for Equal Rights and Responsibilities, S/SPAWN.

Johnson urged tribal representatives present to take note now of what is happening in terms of the anti-treaty network. He encouraged unity, education and plans for action. Johnson feels the tribal leaders need full support of well-informed tribal councils, that tribes across the nation must join hands, and tribes must be able to address the issue as long-range, not merely respond to a major crisis. "Intensive education at the grass roots level...at the tribal council level..." is what is needed.

Because the time to act is now, because the threat is real and in the backyards of all Indian people, Johnson concluded that for Indian nations "there is no time for a cop-out; there's no excuse for a cop-out."



Tom Busiahn, GLIFWC chief biologist, was one of many presenters at the Native American Fish and Wildlife Society Annual Conference. Busiahn told the audience that objections to treaty hunting and fishing in Wisconsin are sociological rather than biological.

WDNR: SPEARING WILL NEVER BE ACCEPTABLE

The following is the press statement made by the DNR following the open-water spearing season. The statement was read and signed by George Meyer, Administrator, Division of Enforcement for the DNR and head negotiator.

STATEMENT OF THE DEPARTMENT OF NATURAL RESOURCES AT JOINT PRESS CONFERENCE ON THE 1985 CHIPPEWA SPRING SPEARING SEASON — MAY 9, 1985

On January 25, 1983 the Seventh Circuit Court of Appeals in the Voigt decision upheld the rights of the six Wisconsin Chippewa tribes to hunt, fish and gather off reservation on the land ceded to the United States government in the treaties of 1837 and 1842. Since that date, the State of Wisconsin has worked with the Chippewa tribes to implement those rights on an interim basis pending further federal court decisions. Nine separate agreements on hunting, fishing and trapping seasons have been negotiated and implemented by the tribes and the Department. An exercise of tribal rights has taken place consistent with the equally important goals of resource protection and the preservation of social harmony. This cooperation of tribal and state governments in the implementation of long withheld treaty rights is truly unprecedented in the United States.

Since the Voigt decision in January, 1983, the Department has often stated that the most difficult and sensitive to implement treaty rights would be open water fishing. There are many reasons for this: the finite and limited fishery resources in individual lakes, and size structure of those fish populations, the great importance of the fishery resources to all citizens, visitors and the tourism industry of northern Wisconsin and the extreme effectiveness of the tribal fishing methods such as spearing and gillnetting.



George Meyer, DNR Chief Negotiator.

In 1984 the tribes and the state could not reach agreement on spring open water fishing and the issue was left to be decided by the federal court. The court rejected a specific tribal proposal but also clearly recognized the tribal tradition and right to spear during the spawning season. The court directed further negotiations which led to a 1984 post spawning agreement which went largely unexercised by the tribes.

Keeping in mind the court's recognition of tribal spearing and its direction to negotiate, the Department and the tribes reached a 1985 Spring Spearing agreement. That season has just concluded. What has it shown the Department as far as the prospect for future spearing agreements?

Let's look at the biological ramifications first. Under the terms of the negotiated agreement, the tribes could have named 36 lakes to be speared, they named 30. Of the 30 named lakes, only 18 lakes were opened for spearing. Of the 18, only 5 of the lakes were harvested to any significant degree considering the size of the lake. While these five lakes were significantly harvested by tribal spearsmen, no permanent serious adverse effects will result from this one open water spearing season.

However, the experience of this season has verified what was only previously undocumented speculation and that is that tribal spearing is a highly effective method of harvesting, in fact probably just as, if not more efficient than, gillnetting which is known to be a highly effective method of harvesting fish. The data recently collected will be very useful in any further litigation in this matter. We have learned that while the restrictions in this year's agreement were adequate to prevent perma-



George Meyer, chief negotiator for the WDNR announced at a May press conference in Park Falls that spearing could never be acceptable in northern Wisconsin, a conclusion disputed by

Jim Schlender Chairman of the Voigt Inter-Tribal Task Force. Above are members of the Task Force with DNR officials at the press conference table.

nent serious adverse effects on any Wisconsin lakes, continued spearing on an annual basis on our inland lakes will need vastly more restrictive regulations on spearing. Is a much more restrictive agreement likely? It is very unlikely. As one example, the Lac Courte Oreilles Tribe did not open its six named spearing lakes because tribal members believed this year's agreement was too restrictive. Another indicator is that repeatedly during the course of their spearing season, Lac du Flambeau spearsmen stated they wanted less regulations for future spearing. To meet the growing demands of tribal members, tribal negotiators would have to negotiate for substantially less regulation. On the other hand, the Department, in order to adequately protect fishing resources, would have to negotiate for substantially tighter regulation. Because of these factors, it is highly unlikely that the State and the tribes can reach further open water spearing agreements which adequately protect on a long-term basis the fishery resources of northern Wisconsin. Absent an agreement between the tribes and the Department on spearing regulations, the only alternative available to the State of Wisconsin would be for the Department to adopt emergency Chippewa spearing regulations. As I have said earlier these emergency regulations would have to be extremely restrictive and therefore unpalatable to the tribes.

Biological concerns, however, are not the only major factor in making a decision on future tribal spearing. Preservation of social harmony between Indians and non-Indians in northern Wisconsin is paramount. The continuation of the exercise of the treaty right to spear will lead to further major social confrontation in northern Wisconsin. During the two weeks of spearing that took place this year, there were increasingly heated confrontations between Indians and non-Indians on several lakes.

The major reason that those incidents did not erupt into major confrontations was because of the massive number of state conservation wardens that were present who did an extremely professional job in protecting the resource and preventing confrontations.

For those of us in the Department that were on those lakes, it is painfully obvious that continued spearing will lead to greater and more organized conflict on the lakes of northern Wisconsin. There is no use in any one pretending that the use of spears for fishing game fish will ever be acceptable in the north.

Because of the long-term biological impacts of tribal open water spearing and because of the certainty of serious social conflict if it continues, it is the position of the Department of Natural Resources that this practice should not continue in the future.

However, this does not end the issue. Spearing is a treaty protected method of fishing for Chippewa Indians. There is little doubt that the federal courts will continue to reach that same conclusion. The treaty right of spearing is a property right that cannot just be taken away from the Chippewa tribes. Because of this, it is the recommendation of the Department of Natural Resources that the State of Wisconsin engage in negotiations with the Chippewa tribes to compensate the tribes for their nonexercise of open water spearing in 1986. At the proper time, the negotiations should have a permanent reach. The open water spearing of fish by Chippewa tribal members does not and cannot effectively mesh into the biological, social and economic framework of northern Wisconsin. Let's be candid and recognize this now before more serious problems develop.

Statement made by: George Meyer, Administrator Division of Enforcement Wisconsin Department of Natural Resources

The following is a response to the DNR's conclusions on the spearing agreement made in the form of a press release by GLIFWC Executive Administrator, Raymond DePerry.

ODANAH — Ray DePerry, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission, Odanah, condemned the position taken by the Wisconsin Department of Natural Resources (WDNR) in their statement on the spring treaty spearing season. DePerry says the statement both indicated the WDNR's willingness to diverge from a biological evaluation of the spearing season on the basis of scientific data and showed the DNR, through its stated position, is willing to condone harassment as an effective method for non-Indian people to deprive fishermen of their rights.

DePerry feels the lack of sound biological data to support the sweeping statements made by George Meyer, chief negotiator for the DNR, was illustrative of the fact that the DNR had no valid position. In fact, DePerry says the DNR's statement both indicates no substantial damage was done to the resource and then calls for "vastly more restrictive regulations" in the future, meanwhile giving no documentation, no support to either conclusion. Another "seemingly omniscient" conclusion forwarded by Meyer was that spearing "does not and cannot effectively mesh into the biological...framework of northern Wisconsin," but, DePerry commented, he gives no reasons. DePerry says he is concerned that now the DNR biologists may have to find the data to support their negotiator's publically announced conclusions.

However, what DePerry feels is most frightening about the DNR's current stance is the assumption that public outcry is a sufficient and obvious reason to deny people the exercise of recognized rights. DePerry says Meyer's statements that spearing could "never" be accepted represented a prediction that George Meyer cannot and should not make. DePerry referred to incidents in the South when Black people exercised their rights to sit in the front of a bus, use public toilets or vote. There was plenty of public outcry then, he says, but it was not indicative that Blacks could "never" be accepted, or that public officials and agencies should condone the reasoning behind the outcry. "I find the DNR's acceptance of harassment as a reason to discontinue treaty spearing totally unjustifiable and frightening," he commented, "and that type of thinking should give all people cause to think."

DePerry also noted that there was considerable effort on the part of people like Judge Tom Maulson in Lac du Flambeau to keep the peace and promote an orderly exercise of the spearing season. Yet, he says, Meyer gave them no credit nor the Great Lakes Indian Fish and Wildlife Commission wardens, who worked with the State wardens throughout the season. "They worked extremely long hours, monitoring, regulating, and keeping the peace. They gave out fourteen citations," he said, "but the DNR only acknowledges the efforts of the State wardens, who also did a magnificent job."

Terming the DNR's press statement as a show of "bad faith negotiations," DePerry said that the DNR's offer for various types of compensations in lieu of spearing during the press conference was "uncalled for, violated the principles of good negotiations, and undermined the trust relationship between negotiators."

TASK FORCE VOTES BACK TO THE TABLE

Despite problems with negotiations and reactions to the spearing season the Voigt Inter-Tribal Task Force agreed upon their commitment to return to the table to negotiate an openwater fishing agreement. The Task Force met Thursday afternoon, May 23, at the Radisson Inn, Duluth.

The Task Force had proposed earlier three possible days for negotiating sessions with the DNR but had received no response, according to Task Force Chairman James Schlender. Schlender said that May 24 was the last of the three proposed days. Regardless of indications of the Task Force perceived as an unwillingness of the DNR to negotiate, Tom Maulson, Lac du Flambeau representative, felt it was necessary to "institute back to the table notion...and to get a definite response." The Task Force passed a motion to call for a return to the table within an immediate time frame.

Schlender also expressed concern over a letter from Governor Anthony Earl to Tribal Chairman dated May 17. Schlender feels the letter may indicate that the Voigt Task Force and DNR negotiators are being pre-empted from the negotiating process. The Task Force agreed that Schlender should write to Tribal Chairman stating his concerns.

On other matters, the Task Force passed a motion to provide support for Mille Lacs from the Voigt Inter-Tribal Task Force and the Great Lakes Indian Fish and Wildlife Commission as they enter into negotiating with the State of Minnesota.

The Voigt Inter-Tribal Task Force will meet again on Wednesday, June 12, at Lac du Flambeau 10:00 a.m. to begin looking at the FY 86 budget.



James Schlender, Voigt Inter-Tribal Task Force Chairman.

SPEARING RESULTS

Biological data from creel surveys and monitoring of the harvest during the spearing was compiled by GLIFWC biologists. Below is a brief summary of that data by Neil Kmecliek, inland fishery biologist.

LAKE	COUNTY	SPEARER NIGHTS	ACREAGE	NUMBER OF WALLEYE	WALLEYE POUNDAGE	NUMBER OF MUSKY	MUSKY POUNDAGE
1. Squirrel	Oncida	32	1352	592	888	2	15
2. North Twin	Vilas	36	1788	365	629	14	168
3. Tomahawk	Oncida	66	3392	770	1492	11	152
4. Flambeau Flowage	Iron	6	13,545	21	32	0	0
5. Big Lake	Vilas	28	850	119	184 est.	0	0
6. Big St. Germaine	Vilas	26	1617	169	245	2	17
7. Lac Virux Desert	Vilas	7	2853	45	81	3	17
8. Enterprise	Langlade	11	505	168	271	8	93
9. Pelican	Oncida	45	3585	225	311 est.	24	291 est.
10. Upper Post	Langlade	3	757	0	0	1	15 est.
11. Melongia	Forest	19	1991	80	104	0	0
12. Pickerel	Forest	0	1299	0	0	0	0
13. Big McKenzie	Burnett	17	1185	145	232	9	81
14. Yellow Lake	Burnett	6	2287	0	0	1	5
15. Big Sand Lake	Burnett	6	1400	0	0	0	0
16. Upper Clam Lake	Burnett	2	1207	0	0	0	0
17. Big Round Lake	Polk	12	1015	11	65	2	54
18. Sand Lake	Baron	24	322	41	157	8	80
TOTALS				2755	4683	85	978

Alleged Violations—1985 Chippewa Spearing Season

- (1) 17—possession of more than the legal limit of walleyes over 20"
- (2) 3—possession of more than the total legal limit of walleyes
- (3) 2—waste of a natural resource
- (4) 3—spearing in a stream
- (5) 6—use of undesignated boat landings
- (6) 5—fishing in the closed season
- (7) 3—operating a motorboat after sunset without boat lights

TOTAL: 39 Alleged Violations. Of the 39 alleged violations, 31 will be in tribal court and 8 in state court.

Three citations were issued to 2 non-Indians hazing Indian spears. Two of the citations were for reacting a hazardous wake and one for improper display of boat registration numbers.

SCHLENDER RESPONDS TO "BUY OUT" OFFER

EAU CLAIRE (AP) — The chief negotiator for the Chippewa compares Indian treaty rights to an inheritance and says he has strong reservations about a state "buyout" of those rights.

Jim Schlender said that if the tribe accepts state compensation for not spear-fishing, the solution "won't be cheap, and it certainly won't be forever."

Schlender told the Wisconsin Conservation Congress Thursday that tribal councils had not made any decision on the Department of Natural Resources' recent offer to discuss compensation in lieu of spring spearing.

He said, however, that he had strong personal reservations about accepting a "buyout" that would affect unborn generations of Chippewas.

"There's a deep and abiding concern that these rights never be sold," he said.

Schlender later told reporters that the tribes would soon respond to the DNR's offer to negotiate the issue.

George Meyer, DNR's chief negotiator, said the state had not made any specific offers in its proposal to negotiate.

In his talk to the Congress, Schlender compared treaty rights to inheritance. Treaty rights are property rights that were passed on to the present generation by the decisions and actions of their ancestors, he said.

He said Indians are judged by a double standard. John D. Rockefeller's heirs were not expected to redistribute their inheritance, he said.

He dismissed the efforts by non-Indian groups to have the treaties abrogated as "simple-minded solutions to some very complex problems."

Schlender defended the In-

dians' record in hunting, fishing and trapping over the nine temporary treaty seasons that have been negotiated, saying that no harm had come to the resources. He said the state had enjoyed record deer harvests the last two years despite early concerns that treaty hunting would decimate deer numbers. It is in the Indians' best interest not to harm the resources through over-exploitation, he said.

"We're certainly not going to abrogate our own rights through depletion," he said.

Meyer agreed that no damage to resources had occurred as the result of the treaty seasons but said state fish managers had determined, based on the results of this year's spring spearing season, that further spring spearing seasons would require more severe regulation to prevent long-term damage to fish populations.

from The Ashland Daily Press, June 1, 1985



WATERFOWL REGS

The tribes proposal for the 1985 off-reservation treaty waterfowl hunting regulations are currently being examined by the U.S. Fish and Wildlife Service (USFWS). The proposal contains guidelines for bag limits and seasons on various species of waterfowl.

The "interagency approach" towards establishing the off-reservation treaty waterfowl hunt has required a rather lengthy procedure, beginning with the submission of an initial proposal to both the USFWS and the Wisconsin Department of Natural Resources (WDNR) in March, 1985.

In April, tribal representatives met with WDNR officials to listen to their comments and concerns. Following that meeting, the proposal was re-submitted, with one modification and the WDNR's concerns attached, to the USFWS, WDNR and the Mississippi Flyway Council in May.

The proposal will be printed in the spring federal register and will be open for public comment in June, 1985. The Mississippi Flyway Council evaluation is scheduled for July.

Final approval of the proposal by the USFWS and possible modification is anticipated in August, 1985 as is a meeting with WDNR to reach agreement on enforcement and administration of the hunt.

With everything concluded between the various agencies, the hunt should be ready to be implemented by September, 1985. Both Tim Andryk, GLIFWC wildlife biologist and David Siegler, GLIFWC policy analyst, have attended several meetings with various agencies and have been instrumental in the formulation of the proposal.

FOND DU LAC CHIPPEWA BINGO: ONE ROAD TO SELF-SUFFICIENCY

A 1000% growth in the past decade is how Robert Peacock, Fond du Lac's executive administrative director describes the recent upswing in tribal development on the Fond du Lac Reservation in Minnesota. The Fond du Lac Band did, indeed, hit "bingo" when their well-run and carefully monitored bingo games took off and made it with bingo enthusiasts in the area.

Last year Fond du Lac grossed six million dollars in bingo receipts—those receipts have, in turn, been channelled back into the tribe to bolster programs in education, social services, health and economic development. A picture of self-generated prosperity on the Fond du Lac Reservation is the result. Bingo has provided an opportunity for the tribe, as a whole, to be the big winner.

The current bingo, run in the gymnasium on the reservation, is owned by the tribe "lock, stock and barrel," according to Peacock. But like most good things, Fond du Lac's bingo began small. It was first run in a kitchen, then moved to the school, and finally moved to the large and modern gymnasium which can seat up to 600 people.

Peacock relates his early skepticism about the bingo business. He says it lost money for the first three to four months, and he didn't think it was a good idea. "I could have been talked out of it," he relates with a smile on his face, glad today that he wasn't.

Bingo is managed through a tribally run corporation. Peacock says that Fond du Lac's current management skills were learned both through attending seminars and through trial and error. The management company was begun in 1982 and developed on-reservation utilizing staff.

As bingo began to become a money-making operation for Fond du Lac, the atmosphere on the reservation also began to change—for the better. Bingo monies have helped equip headstart, provide busses for the tribe's school, have assisted in the elderly feeding programs, provided jobs, assisted with the tribe's clinic, contributed to cultural events and historic preservation projects, and perhaps most importantly, have been re-invested into further economic development. As Peacock says, bingo revenue has taken up the slack in federal program cutbacks.



Bingo offers an evening of fun, of chance, and a time to socialize. Many players are regular bingo enthusiasts, others come occasionally. Whichever the case may be, participants

will find a well-organized, clean and attractive environment for a night out—and a good opportunity to bring home some winnings!



The Fond du Lac Bingo usually features over thirty games per evening. Following each game, the floor crew returns to the counter with money collected from each round of games. The Bingo is always well-staffed with people present on the floor to

answer questions, help with the game or serve refreshments. Good light management of the bingo games have made it a successful operation for the tribe.



The massive gymnasium becomes crowded with players of all ages, heads bent watching their bingo cards. The game attracts

people from around the surrounding communities of Duluth and Superior well as from the Minneapolis area.



Far above the game hall sits the man who calls the numbers. Small balls bearing the number for each call are selected and shown on television screens located on the gymnasium walls. Numbers are both called out verbally and shown on the screens.



Before the games begin, customers purchase their bingo cards at the counter above. Additional cards can also be purchased during the course of the evening. Staff is polite, friendly and ready to help.

The largest and most exciting thrust towards further economic development for the tribe rests, again, on a bingo venture—this time in partnership with the city of Duluth.

Peacock says the tribe and the city officials have worked jointly on the development of the current bingo project since the onset. Originally, Fond du Lac threw out the ideas to the city "to see what they thought of it," Peacock explains. They began discussing the "ins and outs" of the venture and came up with a concrete plan after many joint planning sessions.

The bingo, to be located in the old Sears building in downtown Duluth, represents a five million dollar project, with Fond du Lac committing itself to 2 1/2 million for the renovation and development of the building and the city of Duluth putting in another 2 1/2 million for the construction of the parking lot.

The agreement allows for 25 1/2% of the profit to go to Fond du Lac, 24 1/2% to go to the city of Duluth, and the other 50% to be re-invested into the area, including the reservation. For further development. A board for economic development will make investment decisions. The seven-member board will have four representatives from Fond du Lac and three from Duluth.

Fond du Lac will also manage the bingo operations. Peacock feels the key to successful bingo is good management and also feels that Fond du Lac, through its years of experience, has developed expert management capabilities when it comes to bingo.

An integral part of Fond du Lac's effective management is the commitment found among tribal leaders and the tribe's people "to make it," to make it themselves, and in so doing, to serve the needs of the tribe. As Peacock noted, despite the tremendous strides, "there remains so much need. We just keep chipping away a bit at a time." Recognition of the needs of the tribe's people—young and old—remains the impetus to growth for Fond du Lac, and each opportunity to meet those needs is Fond du Lac's "Jackpot."

☆☆☆☆☆☆☆☆

MASINAIGAN, is (usually) a monthly publication of the public information office of Great Lakes Indian, Fish & Wildlife Commission, P.O. Box 9, Odanah, WI 54861.

The name is an Ojibwa word for paper. Some of the elders referred to the treaties as gitchi-masinalgan, or big paper. As such, MASINAIGAN focuses on treaty rights issues of the Chippewa around the Great Lakes.

Subscriptions are free on request. If you have questions or comments, write the above address or call 715/682-6619.

Co-Editors/Writers: Walt Bresette, Sue Erickson, Lynn Spreutels

FOND DU LAC THE BUSINESS SCENE

Economic development is paramount to the Fond du Lac Tribe because that is what provides the basis for supporting necessary human services, for providing jobs, and for allowing positive options to tribal members. Consequently, Fond du Lac is always looking for and evaluating new business ventures.

Presently, the tribe runs two business, the Fond du Lac Manufacturing Company and the Fond du Lac Construction Company besides the bingo operation, both attesting to their entrepreneurship and determination to "make it go."

Fond du Lac MANUFACTURING

One witness of this determination is the Fond du Lac Manufacturing Company which has been in operation for about ten years. For five of those years the company has held a contract for the production of combo-unit furnaces for Yukon.

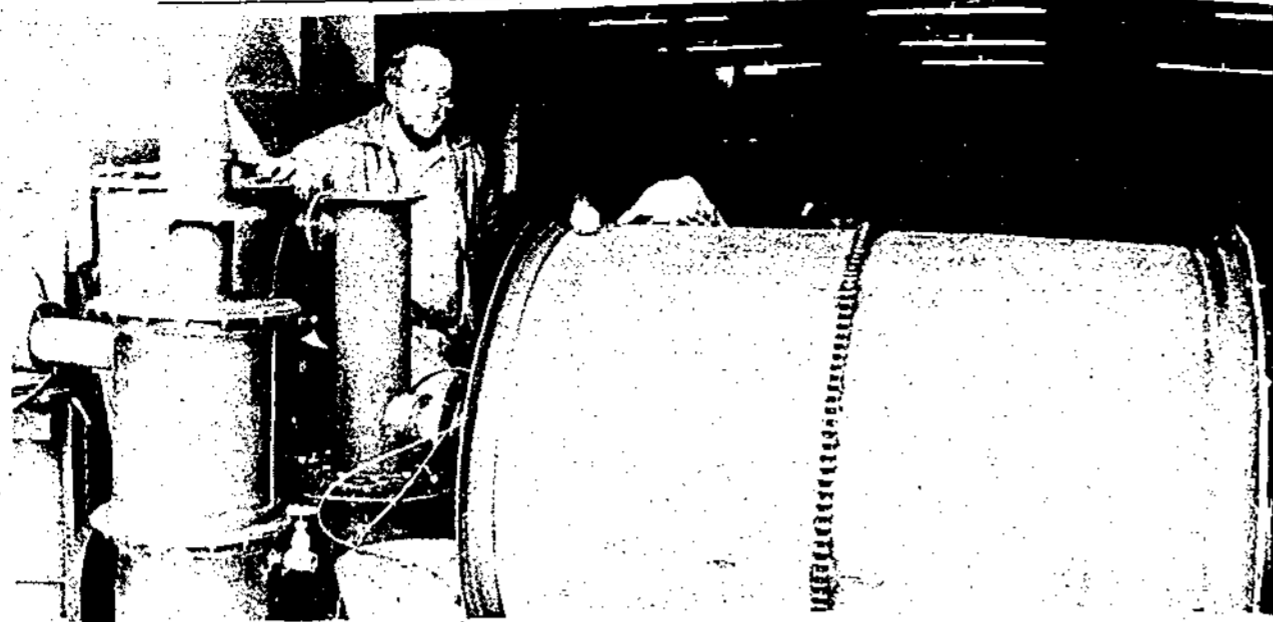
By-in-large, Fond du Lac Manufacturing specializes in light metal manufacturing, and mainline products have been postal vendor containers, waste containers, and even ornamental railings. The company is seeking a contract with the federal government to supply light metal components for the military and/or postal service currently.

Probably the most exciting and innovative product of the FLM is its gasification unit, which uses renewable resources such as wood chips, to produce a gas which can be used in ways comparable to L.P. gas. The idea, of course, is to make use of what may otherwise be considered waste products. The company is presently exploring the use of peanut shells in the gasification unit for a small African country which has few resources beyond mounds and mounds of peanut shells.

Bob Peacock, the tribe's executive administrator, says the design was taken from the library, and the idea has been around since pre-WWI, but few have taken advantage of it. He says three other outfits have produced gasification units, but without the success experienced by Fond du Lac.

The FLM employs six people in the off-season, up to 20 during the on-season and has had as many as sixty working on government contracts.

Opening up the St. Louis River area for tourism is an idea Fond du Lac is considering for the future. Working with the Minnesota Department of Natural Resources, Minnesota Power Company, the Corps of Engineers, and the Great Lakes Indian Fish and Wildlife Commission, the tribe would like to look at the possibilities of stocking the St. Louis with brook trout, brown trout or possibly salmon. They are in the process of doing a feasibility study as well as looking at the establishment of a hatchery for native fish. The tribe can envision the area as being open for sport fishing and recreational activities such as canoeing.



Jim Heyes, production manager for the FLM, stands by one of the gasification units.



The Fond du Lac Manufacturing Company specializes in light metal work. They have worked under a contract to produce furnaces for Yukon and have also been producing postal vendors and waste containers.



Above, crew weld the side of large waste container.

FOND DU LAC CONSTRUCTION: HOMES, SCHOOLS, ROADS

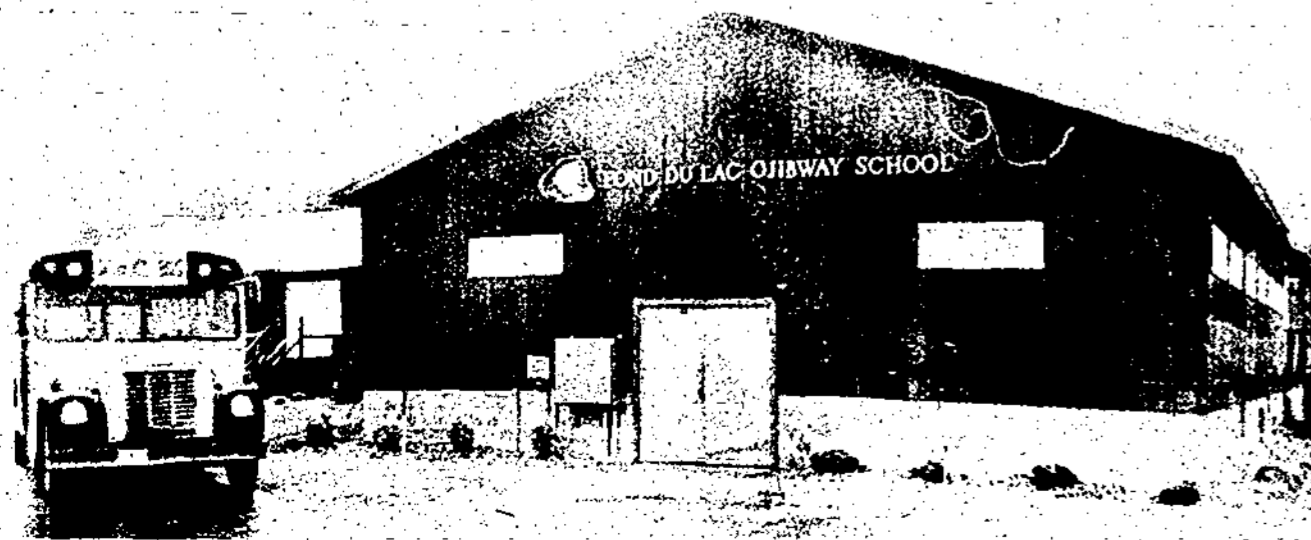


Another tribally run business is the Fond du Lac Construction Company, which employs five full-time workers and up to 45 seasonal workers. The company has built 200 homes on the reservation, as well as made roads, bridges, warehouse buildings and the clinic.

The construction company more-or-less materialized as a result of several concurrent phenomena. For one, two programs in the area offered vocational training in heavy equipment and carpentry through the Staples Training Program which is jointly funded by the tribe and the State. This training, coupled with the "do-it-yourself" spirit at Fond du Lac and the presence of a manpower pool in the area, provided the impetus in 1981 to obtain a contract for 50 H.U.D. units on the reservation and the establishment of a three-year apprentice program in construction.

In five years the company has built 13 million dollars worth of homes and employed up to sixty people. The current season sees Fond du Lac Construction looking at a heavy work schedule with 23 new homes to build, waterlines to lay, two roads to put down, and thirty well and septic units to install.

Besides working on the reservation, the company has done work for other surrounding towns as well as work for Ma Bell. On the reservation, the administration building, a nice-looking and extremely efficient building, boasts of their skills, as does the Fond du Lac Ojibway School. Besides providing well-built and conveniently designed buildings and homes for the reservation, the Fond du Lac Construction Company turns a profit for the tribe—another plus for economic development and for further uplifting life on the res.



The Fond du Lac Ojibway School, built by the Fond du Lac Construction Company, offers a high quality and versatile education to students from grades 7-12. It features a curriculum

which allows students to learn and advance based on individual competencies while also providing cultural reinforcement throughout the school day.

The needs of Fond du Lac's youth are a priority with the tribe. This is evidenced everywhere: the new Fond du Lac Ojibway School; the bright and cheery headstart room; school buses busily carrying students about throughout the day; the new gymnasium built with bingo proceeds. The gymnasium, which houses bingo at night, is faithfully restored back to a large and useable gym following every bingo game. All the chairs, all the rows of tables, all the scrap and waste of bingo activities disappear, so when children arrive during the day, the facility is clean and ready for basketball, volleyball and games.



After every bingo game, the tables, chairs and protective floor covering are removed so the entire gymnasium is clean and clear for the use of youth. The gymnasium is used daily both by the high school physical education classes and by the Fond du Lac Headstart.

"Education is our primary concern," The Fond du Lac Bingo Commission.



Students find a place for quiet study in the well-equipped library of the Fond du Lac Ojibway School. In 1985 the school

YOUTH PRIMARY CONCERN FOR FOND DU LAC

The Fond du Lac Ojibway School serves students from grades 7-12. It evolved originally as a survival school answering the needs of youth who were dropping out of public school, under-achieving and unable to find success within the school system.

However, with the efforts of a dedicated staff of administrators, teachers and supportive tribal members, the school became accredited by the North Central Association of College and Schools in 1984 and in 1985 received the North Central "Award of Excellence." The school served 74 students in 1985, offering a curriculum which is heavy on the basics with a cultural emphasis.

Fond du Lac's Director of Education, Don Wiesen and the school's principal, Ambia Finley, both agree that the ability to positively reinforce the students' cultural identity and maintain strong home contacts make the difference between success and failure for many of the tribe's youth. One example of the difference was a student who transferred from the special education classes in Duluth Public School and graduated with a 4.0 average from the Fond du Lac Ojibway School. She continued on to the University of Minnesota, Duluth and maintained a 4.0 average there in bio-medical research. Support from the tribe and a sense of place and self can, and does, and has, made the difference.

The school will take no more than 20 students per grade level, as it's aim is to offer an individualized and flexible education to its students, allowing for mobility. The curriculum offered and designed by the school, entitled "Individual Competency Based, Culturally-Oriented Curriculum" is unique to the school and seeks to promote advancement at an individual rate while providing cultural identity. As Finley relates cultural aspects are inter-woven throughout the entire school day.

Besides the basics of math, science, history and English, the school offers computer classes, bilingual classes, arts and sports with a full range of

elections, such as family planning, carpentry, Ojibway costume and beading and communication skills.

One of the primary goals of the school has been to teach respect, says Finley, respect for teachers as well as self-respect. Jimmy Jackson, the tribe's spiritual leader, has been instrumental in working with the students, Finley says, and in relaying a sense of respect as well as culture. In conjunction with this, Finley says the school has noticed a decline in alcohol and drug abuse problems, which have been minimal in the school.

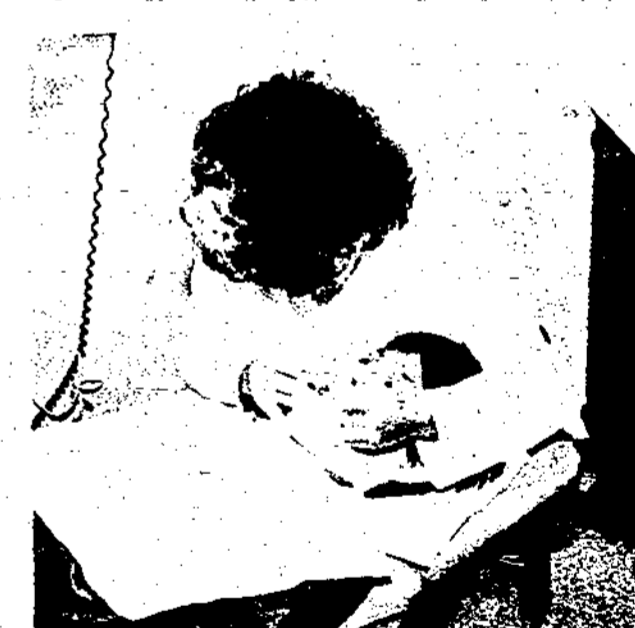
With the successes of the school to date, the tribe is looking towards establishing a school for the elementary grades—another project for the future.

The Fond du Lac Headstart, housed in the spacious basement of the school, is run by Marilee Benkoski, who has directed the program, first as a pre-school then as a Headstart, for nine years. Currently, the program serves 74 three to five year olds.

The Headstart runs double sessions five days a week. Similar to the high school, the Headstart works on the basics but also maintains a strong cultural orientation. The Chippewa language is taught to the children by foster grandparents and reinforced through flannel stories.

The Headstart uses the nationally accepted Portage Checklist for Development Assessment on each child and maintains an Individual Education Plan (I.E.P.) on each. They also do a comprehensive health screening through the Fond du Lac Clinic.

Benkoski is anxious to express her gratitude to the Bingo Commission for the support they have given the Headstart Program. Bingo, she says, pays for the training of her staff, has provided the playground equipment, two buses and given a lifetime endowment for furnishings. She says, the Bingo Commission also provided funds to support the program for over a year when no other funding was available.



Dr. Sue Rybicki, dentist for the Fond du Lac Clinic, checks for cavities. Rybicki has worked for the clinic for two years and maintains office hours five days a week.

The Fond du Lac Clinic, soon to have new and more commodious accommodations, is a tribally-run clinic offering complete medical and dental service to community members. It is run through the Reservation Business Committee.

The Clinic, managed by Phil Norrgard, Director of the Health Department, maintains a staff of one doctor, two Family Nurse Practitioners, one dentist and two dental assistants.

The tribe also maintains a Community Health Nursing Program under the Department of Health which provides health education and nursing service in the homes.

There is also available services for the handicapped which has installed wheelchair ramps in reservation buildings, special bathroom units and equipment such as canes or special phones for the deaf. The Office for the Handicapped, run by Vivian Wuollet, has received donations from the tribe as well as raises monies from special bingo's and dinners.



In the clinic's compact laboratory are staff Harten Whiting, R.M., M.S., seated, and Phyllis Kuitala, L.P.N., foreground. The

clinic is run through a contract with the Indian Health Services.

MASH-KA-WISEN TREATMENT CENTER

The Mash-Ka-Wisen Treatment Center on the Fond du Lac Reservation offers treatment for alcohol and drug abuse to Indian people with a program geared to the Indian culture and sensitivity. It is the first Indian-owned and operated treatment center in the nation and serves Indian people throughout the mid-west.

Mash-Ka-Wisen Treatment Center was built on land donated by the Fond du Lac tribe. Land which was formerly a park and campground area.



Giving a lecture at the Mash-Ka-Wisen Treatment Center is the very versatile executive manager of the tribe, Robert Peacock. He knows what it is to have goals and dreams and is willing to impart his enthusiasm to others.

The history of the Fond du Lac Band of Chippewa like that of other Ojibway Bands harkens five to six hundred years when these woodland people first began to settle in the Great Lakes area following a migration from the Atlantic sea coast. As the following history relates the people of the Fond du Lac Band followed a pattern of living which focused on harvesting available seasonal foods. Families moved with the seasons from rice beds, to hunting areas, to sugar bush in the spring. The sketch provides a brief look at the history and early culture of the Fond du Lac Band:

When the first French travelers made contact in the seventeenth century, the Indians were known as "ouchiboac." Through spelling and pronunciation differences, the term "Chippewa" was used in the United States and "Ojibwe" was used in Canada. "Anishinabe," or original man, is what the Indians called themselves.

The term Chippewa "tribe" refers to the Indians living around the Great Lakes who had similarities in customs, language, beliefs, and lifestyles. Despite these commonalities, the Chippewa were never a close knit political group, but were independent local groups known as "Bands." Bands were made up of clans and families. Each clan had a symbol which was taken from nature. This symbol was called a "dodaim" or totem. Clans included the bear, crane, catfish, moose, eagle and loon clans. Membership in a clan was and still is inherited and passed down through generations via the father. Marriage was strictly forbidden between clan members and, in former times, was punishable by death. In present times, even though the Indian person is separated from the clan by many years or miles, he/she still belongs to that family group of the same totem.

The family group usually included direct family members, such as the husband, wife and children, along with extended family members living in the household, such as cousins, in-laws, or other blood and non-blood relations. Each family was separated from its neighboring group by the forest. The livelihood of each family depended on nature and the resourcefulness of the family members.

Searching for food was the major task of the family and no matter what the season, they spent much of the day in collecting and preparing food and medicines. Dependence upon the environment for food and shelter meant developing a greater awareness and protective attitude toward the natural resources. In food gathering, as in all life functions, the Chippewa maintained a profound respect for the natural world. The first portions of all that was gathered, whether fish, maple sap, rice or other food or medicine, was offered to the spirits. Food gathering also involved moving from place to place as the seasons changed.

FOND DU LAC ANISHINABE: TIMES PAST



In the winter, families hunted deer, moose and bear for food. The bow and arrow, and later the gun, was used for hunting. Other hunting methods included animal calls, rapping, and hunting by torchlight. Some meat was eaten right away, but the majority of it was cut into strips and dried over a slow fire for storage. Rabbits, muskrats, beaver, otter, pigeons, ducks and geese were also hunted. With the shrinking of the forests and the animal habitats, the dependence on wild game has shifted from primary to supplementary importance. During the hunting times, there was less contact between family groups and more time spent gathering food.

In the spring when the snow began to melt, several family groups gathered together in a sugar camp. Each camp, or village, had a Headman from one of the families. Headman, or chief, was a hereditary position. Each family also had hereditary rights to certain sections of the sugar bush, as well as to certain ricing areas later in the year. Disputes arose over sugaring or ricing rights and were settled by the chief of the band. The sap gathering and preparation was hard work but there was always time for socialization or recreation. Maple sap was collected through wooden taps into birchbark containers and processed into sugar for storage. Maple sap is still collected and prepared today in the same way although the equipment used is no longer birchbark. After sugaring was done, the village broke up and each family went its own way in search of food throughout the summer.

In September, the families gathered into villages again for ricing. Wild rice was a valuable staple crop to Indians in Minnesota. Wars were fought over rights to rice. Rice harvesting was usually done by the women, two to a canoe. The woman in the back of the canoe did the poling and the woman in front harvested the rice with a stick made specifically for the purpose. Rice was dried in the sun, parched over a fire and the hulls removed by walking on it over a birchbark mat. Rice is still harvested and prepared in this way except that birchbark utensils are not used.

Fish was another important staple and was caught in all seasons. Late summer was the harvest fishing season as the fish was dried for storage. Hooks, lines, nets and night spearing from a canoe were methods used to catch fish.

Regardless of the season family members learned that sharing resources and burdens was a necessary fact of life and that survival of individuals depended on the survival of the group. Although there were specific roles played out by individuals who were encouraged to develop a strong sense of self, the group identity, preservation, and the notion of interdependence was paramount. When families gathered into villages, the people enjoyed many sports and recreational activities. Gambling games, such as the moccasin game and lacrosse were very popular. Dancing, both ceremonial and social, took place. Storytelling was not only for entertainment but served the purpose of teaching values and more behavior.

The French contact altered the hunting-fishing economy of the Chippewa through the introduction of the fur trade economy. The villages became year round residences as traditional hunting skills were utilized to trade for manufactured goods.

The English influenced the Chippewa in a different way than did the French. Where the French became allies of the Indian through the adoption of language and lifestyle and through intermarriage, the English maintained business contacts and interfered little with the Indian lifestyle.

The westward movement for farmland acquisition resulted in a series of treaties between the United States and the Chippewa. The La Pointe Treaty of 1854 was the last principal treaty of this series. This treaty resulted in the cessation of 25% of the land areas in Minnesota, Wisconsin and Michigan. Fond du Lac Reservation was established by this treaty with a landbase of 100,000 acres.

Since the mid-1960's federal Indian policy has encouraged greater self-determination and preservation of cultural identity of Indian communities. Through this policy objective, Fond du Lac has assumed greater responsibility for management and operation of many programs. Traditionally controlled by the federal government in the areas of health, social services, education and business.

There is still a long way to go in order to achieve full independence as a sovereign people for the Fond du Lac Band of Chippewa. With the support, assistance and commitment of the Indian people, Fond du Lac Reservation will continue to make the transition.

FOND DU LAC ADMINISTRATION

The Fond du Lac Tribe is run by the Reservation Business Committee, with members elected every two years in staggered elections. Each term runs four years to encourage continuity. Three districts, Cloquet, Brookston, and Sawyer, are each represented by one committee member and the Chairman and Secretary/Treasurer are elected at large.

Fond du Lac has maintained a tribal court since the mid-1970's. The tribal judge is currently Judge Pat O'Brien, who has retired from the 8th District Court. The court has handled game violations and dealt with election law, but is also currently working with the Indian Child Welfare Act which will expand its authority and duties.

The tribe maintains Department of Natural

Resources and Forestry, employing one forester (a BIA employee) and three active wardens besides having three foresters in training. Fond du Lac wardens are cross-deputized with the State of Minnesota and the BIA. The Department manages the timber crop as well as the deer heard and wild rice crop.

Currently, the tribe has no off-reservation hunting, fishing or gathering. If a tribal member is in need of deer for subsistence, the tribe will either issue him/her a permit or cull the herd for the individual. The tribe is in the process of negotiating with the State of Minnesota on treaty right hunting and fishing, but seeks to avoid court action and negative publicity if possible. They hope to work out an agreement on monitoring and conservation.

GLIFWC SEEKS VOTING STATUS



Great Lakes Indian Fish & Wildlife Commission formally requested a full voting membership with the Lake Superior Committee on the Great Lakes Fishery Commission at their annual meeting in Niagara Falls, Ontario in May. Both Raymond DePerry, GLIFWC Executive Director, and Tom Busiahn, GLIFWC Chief Biologist, attended on behalf of GLIFWC.

Busiahn has been active with the Lake Trout Technical Committee of the Lake Superior Committee for over three years and has presented his studies on the predator-prey relationship in lake trout as part of the technical committee's study of a lake trout rehabilitation program. Although GLIFWC participation at the technical level is crucial and will remain constant voting membership in the Lake Superior Committee will give tribes a voice at the policy-making level.

The Great Lakes Fishery Commission is an international organization with representation from both Canada and the United States. Their focus is the cooperative management of the Great Lakes. Below is a copy of the address presented by DePerry to the GLIFWC.

STATEMENT PRESENTED AT THE GREAT LAKES FISHERY COMMISSION ANNUAL CONFERENCE IN NIAGARA FALLS, ONTARIO, CANADA MAY 6-9, 1985

By: Raymond DePerry, Executive Administrator

The rights for tribes to be a principal user, if not a primary one, of the fishery resources extend back to the days when a series of treaties between the United States and the Chippewa Tribe retained our rights to hunt and fish in our usual and accustomed places. This did not mean that we could therefore run rampant in the exercise of these rights, but rather it put the burden on us to become effective managers of the fishery resources. Throughout many hard and difficult years in the exercise of these meaningful rights, tribes, in cooperation with numerous federal state, and provincial agencies, have made some considerable progress in developing sound comprehensive conservation programs—fisheries being just one of them.

It is true that tribes are late comers to the fishery management system that we have all come to know today—this currently isn't a fault of our own—yet, we are now the primary managers of a large portion of the harvest in the three upper Great Lakes.

"...for tribal organizations such as ours must be seated at the same table where hard line policies and decisions are set and made concerning the fishery management of the lakes..."

—Raymond DePerry

Since early 1982 when six Lake Superior Chippewa Bands were faced with the concern of a rapidly expanding tribal fishery on the Great Lakes, we have more than adequately addressed the challenges that were put to us. Those six Chippewa Bands formed the Great Lakes Indian Fisheries Commission, the predecessor to GLIFWC. Yet despite these gains, I am deeply worried about the future of our tribal member's treaty protected fishing rights. I am deeply pained that everytime that we have raised questions or objections about lake trout stocking patterns, we have been assured that tribal representation on the lake trout technical committee would allow our concern to be adequately addressed. Our biologists have enthusiastically participated on the Lake Superior Lake Trout Technical Committee, and they have contributed significantly to the committee's biological plan for lake trout rehabilitation. Now I find that some of those same governmental agencies that have been cooperative, have now locked horns over this serious issue, especially when records show that stocking has been directed toward areas with active sport fisheries and away from areas with active treaty fisheries. We have in the past expressed strong dissatisfaction with this lake trout stocking patterns in U.S. waters of the upper lakes.

We believe the tribes stand to benefit greatly over the long run from the success of lake trout rehabilitation. In a few decades, the annual tribal harvest from Lake Superior could conceivably approach one million pounds of native lake trout under a fair harvest allocation scheme, but, only if

1) the lake trout forage base is restored, 2) lamprey control technology improves, 3) barren spawning reefs are repopulated, and 4) total lake trout catch is controlled during the interim.

In conclusion on this particular subject, we believe that rehabilitation can progress only if all fisheries are adequately controlled, and if stocking is planned on a biological basis. We will continue to observe and comment on other agencies' commitment to lake trout rehabilitation; we will continue to actively participate as co-managers in the fishery management system and we will continue to monitor those activities that affect our interests in Lake Superior.

On a significantly related other matter, I have written Executive Secretary Fetterolf on behalf of GLIFWC, requesting full membership on the Lake Superior Committee. I also understand our sister organization, The Chippewa-Ottawa Treaty Fishery Management Authority (COFTMA), has done likewise for Lake Superior, Lake Michigan and Lake Huron. These, ladies and gentlemen, are serious requests, and rightfully so, for tribal organizations such as ours must be seated at the same table where hard line policies and decisions are set and made concerning the fishery management of the lakes I have mentioned.

I marvel at the organizational genius of the governments of the United States and Canada; those of the states of Washington and Oregon and those tribal governments in the northwest Indian Fisheries Commission and the Columbia River Inter-Tribal Fisheries Commission in putting together the latest document in international fishery management: U.S.-Canada Salmon Interception Treaty. A remarkable piece of legislative work because in this document it provides for all affected parties to the salmon management concern, to sit as equals when discussing and deciding the salmon management plan. I ask you, the Great Lakes Fishery Commission: Why can't we do that here? When do we start? How do we begin? Must we wait the same amount of long laborious years it took for the U.S.-Canada treaty to become a reality? I sincerely hope not.

MILLE LACS JOINS GLIFWC

The Mille Lacs Band of Chippewa officially joined the ranks of the Great Lakes Indian Fish and Wildlife Commission at their meeting on May 23 at the Radisson Inn, Duluth. Representing Mille Lacs was Don Wedl.

Deputy Administrator Mary Kauppila presented a status report on the '85 contract, which is awaiting final approval by the Bureau of Indian Affairs. The Board of Commissions also unanimously approved the adoption of a budget process plan which will facilitate the formation of the FY 86 budget for the Commission. The plan calls for the formation of a budget committee, composed of the Voigt Task Force Chairman and the Fish Committee Chairman, with GLIFWC executive director sitting in as a non-voting ex-officio member. It also requires the budget process to begin immediately with the preparation of a draft budget "taking into account the goals and priorities of the committees and needs identified by staff department heads."

Commissioners heard reports from the Voigt Task Force and the Fish Committee as well as division reports from GLIFWC department heads.

BIOLOGICAL DIVISION—Tom Busiahn updated Commissioners on the surveys being performed on the Fence Lake Chain as well as the deer pellet surveys on Lac du Flambeau and Bad River reservations. A number of temporary workers, including six aides, have been hired to help with the deer surveys; one creel clerk for on-reservation surveys and three creel clerks assisted with spearing surveys. An aide will be hired to help sample fish in Michigan waters near Keweenaw Bay and two aides will help inventory wild rice in northwestern Wisconsin.

Busiahn reported difficulty in obtaining a truck for field work, hence requiring staff to use personal vehicles for work which may damage them. He also reported a projected shortfall in biological travel budget due to travel expenses incurred while performing field work. Busiahn plans to cutback on the purchase of computer equipment to stay within his budget.

ENFORCEMENT—Mike Cardinal, GLIFWC Chief Warden, provided a synopsis of enforcement activities. A manual for the wardens has been prepared and is awaiting final approval. Cardinal expressed concern over current problems with harassment of sihermen, where up to \$20,000 worth of damage has been done to equipment. The scope of



The GLIFWC Board of Commissioners met at the Radisson Inn, Duluth on May 23. Besides welcoming Mille Lacs as a formal

member of the Commission, the Board listened to reports from the various divisions of GLIFWC. Above Chief Biologist Tom Busiahn reports on biological services.

GLIFWC enforcement authority has earlier been defined as enforcement of the tribal ordinances, Cardinal explained. Lacking cross-deputization with county sheriff's departments in some cases and with the State, the enforcement staff has been limited in its ability to investigate these instances of harassment. The Commission passed a motion to approve expanding the wardens' authority to include the ability to investigate matters of harassment and destruction of property.

POLICY ANALYST—David Siegler, Policy Analyst, updated Commissioners on current legislative measures relating to fish and resource management which may affect tribes. These included the Great Lakes Protection Act, the national fish hatchery system legislation and the Endangered Species Act, which has proposed amendments limiting the ability of Indians to take endangered species on the reservations. The tribes' proposal for the harvesting of migratory birds is currently under review, according to Siegler, and is "moving in a generally favorable direction." He also reported that a survey is being taken on the involvement of various tribes in environmental issues in order to better consider the relationship of treaty rights to environmental protection.

PUBLIC INFORMATION—Walt Bresette, Director of the Public Information Office reported on the resolution recently passed by the Wisconsin Realtors Association to form a new presidential commission to solve the Indian problems and related it to the anti-treaty network and series of similar resolutions which are being passed by various organizations around the country. Bresette has launched a Campaign for Tribal Survival and Operation Understanding to help counteract the effect of those resolutions.

Bresette has also proposed the development of a Wisconsin Indian Political Action Committee (WINPAC) as an adjunct to an organization called the Wisconsin Congress of American Indians, which would be comprised of all Wisconsin tribal council members. He will be meeting with Wisconsin Inter-Tribal Council to discuss the idea on May 30th.

A priority for the PIO, said Bresette, is the opening up of communications with member tribes in Michigan. The next meeting of the GLIFWC Board of Commissioners will be scheduled at the GLIFWC Annual Conference to be held at Houghton, Michigan on July 26-28.



A leader through the hard years and through the many growing pains, Chairman William Houle, can be proud of the numerous accomplishments that his tribe has made in the past decade.

WISCONSIN REALTORS PASS S/SPAWN RESOLUTION

WISCONSIN DELLS—The Wisconsin Realtor's Association has adopted an anti-treaty resolution following twenty minutes of testimony. The action took place at their May quarterly meeting at the Chula Vista Resort.

Speaking for the resolution was Jack Sorenson of Equal Rights for Everyone (ERFE). Speaking in opposition was Walt Bresette of the Great Lakes Indian Fish and Wildlife Commission.

The resolution, drafted by S/SPAWN and supported by *Outdoor Life* magazine and Equal Rights for Everyone (all anti-treaty groups) calls for a new presidential commission "to study the impact of federal Indian policies on non-tribal member populations and natural resources."

It further calls for the support of such a commission "as outlined in a February 25, 1985 letter to President Ronald Reagan from the S/SPAWN Committee on behalf of voters of Washington State and other concerned U.S. citizens."

S/SPAWN, which led an anti-treaty drive in Washington State (Initiative 456), has publically stated that their goal is to abrogate treaties. A similar position has been taken by ERFE. Through their action, the Wisconsin Realtor's Association joins in the anti-treaty network.

For more information, contact the Wisconsin Realtor's Association, 4801 Hayes Road, Madison, WI 53704 or call the Great Lakes Indian Fish and Wildlife Commission, PIO, at 715-682-6619.

In response to Mr. Conley's editorial comments in the May, 1985 issue of *Outdoor Life*, Richard Nordquist, student at Mt. Senario College, Ladysmith, WI, wrote the comments which follow, refuting several of Conley's statements:

The resolution to form a presidential commission as well as resolutions seeking Congressional action to re-negotiate, re-work or revise Indian treaties are all supported and sponsored by groups whose intentions are the abrogation of treaty rights for tribes across this nation.

I agree that committees and commissions are usually useless, and cost tax dollars. But a committee to study the Indian Problem would be an exception. It could document the real facts about the Indian that you misrepresented in your editorial.

I do have significant knowledge about the Indians, mainly the Chippewa of Northern Wisconsin, and the problems associated with their lives, and their relationship with the people around them. It may seem that I only see a small portion of the national problem, but what I see, and it appears that you don't is that each tribe has its own unique situation. What happens in Washington State or any place affects the Chippewa and other tribes. Each time the government backs down on its word in one place, to satisfy the local white voter, it also backs down on its word to all Indians, and in many cases with devastating consequences. You, as an influential Editor, must realize that these are not just Indians but that they are people. People who were put on the least valuable land that the politicians at that time could find. This wasn't the Indians choice but that of the politics of the day.

Now, we find that under this wasteland and wilderness lies valuable minerals. Ah ha, the Indians have something that we want, let's throw out the treaties and take it. Well, that can't be the real American way, can it? Besides, it is against the law as set forth in the constitution. I suppose that the next step would be to tell farmers that they can't raise certain crops because it will infringe on the hunter, or that he can't post his land to save it from being trampled by, fence smashing, so called sportsman.

You speak of the damage the Indian may do, or has already done to wildlife. When the whites came here there was plenty of game of all kinds. Who killed off the Buffalo and the carrier pigeon? Who used DDT and killed more eagles in ten years than the Indian did in 100? Who produces the acid rain which kills more fish per year than all people combined catch? And if you do catch them, how many can you eat without getting poisoned?

While, as you say, many claims by the Indian and also by the white community that surround them continues, the Indian does get free medical.

hospital, dental, and optical care from birth to death. Had you properly investigated this issue, you would find this to be a common fallacy. The majority of Indians pay for their own insurance like the rest of us. Furthermore, the services that Indians do receive are often substandard, and death comes premature, i.e., the Indian people have the highest rate of infant mortality.

As far as taxes go, the Indian does pay tax on homes, real estate, cars, and income, just like other Americans. There is a sales tax exemption on the reservation but, for examples, on the two reservations in this vicinity there is just one store on the one reservation, and none on the other. The Indian people spend their money at the shopping mall in town and, of course, pay the sales tax. As far as the payments that the Indians receive, a good example of this is the payment that the Oneida receive, comes to a whopping thirty-two cents a year per person.

The money the Indian gets when he sells his timber here in Northern Wisconsin is the same as any other land owner receives. That's right, many Indians own their own land, they buy and have to pay for it like any one else.

In your editorial you never told us which document you were referring to. Please do so! I would like to read it in its entirety. You reference this document and the fiscal budget for the U.S., and juggle the numbers around to fit your contention. All I know is that the funding for this area is getting smaller and smaller with more programs being eliminated right along, including health care, and education.

Here in Northern Wisconsin there was a big controversy about a special two week, early deer season for the Indians. It was said by many local sportsmen that this would ruin the deer herd, and that it would be wholesale slaughter. Well, in 1983 the Indians took 942 deer out of a total state kill of approximately 285,000. What great effect did this have? None that I can see. In 1984 approximately 1,000 deer were taken by the Indians in the early season, and now there is talk of the overpopulation of the deer. The herd is too large and the DNR has talked of issuing extra tags so a hunter can take two deer instead of one. Otherwise, the deer may starve to death next winter.

Another controversial issue is fishing rights. I've heard it said, "the Indian will get all the fish." Despite the efforts of the Indian fish hatcheries, acid rain is what will get all the fish.

My major field of study is Native American, his culture, and the people around them. If people would understand that the earth, the sky, and every living thing has value according to the Indian religion, then maybe the people of this country would understand that they need not fear the Indian, but that we should all get together to protect the environment so that all our children can know what it is to go fishing, hunting, and with respect, enjoy the life outdoors.

GREAT LAKES FISHERY COMMISSION

The GLIFWC Fish Committee was honored with a presentation by Carlos Fetterolf, Director of the Great Lakes Fish Commission, an international organization with representatives from both Canada and the United States.

Fetterolf expressed a positive attitude towards working with the tribes in the management of the Great Lakes and for the relationships which have already been formed through biologists Tom Busiahn and Mark Ebner as well as with Ray DePerry, Dick Gurnoe and both Henry Buffalo Sr. and Henry Buffalo Jr.

"When the several matters of treaty rights are settled," Fetterolf told the Fish Committee, "I am sure Indians will be very responsible stewards of the resources...both for economic and social concerns."

Pertaining to the recent request by the GLIFWC for an official voting status on the Lake Superior Committee of the GLFC, Fetterolf remarked that the request was currently under review. A decision should be forthcoming in about two months, he said, and he feels it has some strong support.

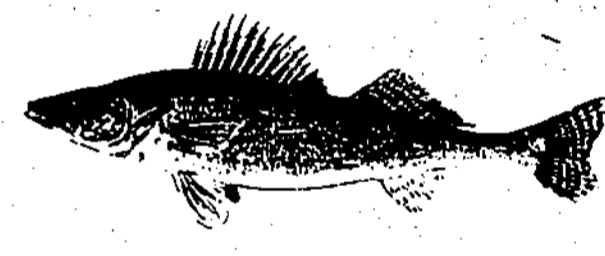
Fetterolf's presentation gave the Committee an idea of the scope of GLFC work. The Lakes, he said represent 95,000 square miles of water and the area is a home to 37 million people.

The primary concern of the GLFC has been control of sea lamprey with \$5.8 million of the agency's \$7 million budget being used for lamprey control.

Although lamprey is not so serious a problem in Lake Superior currently, they remain a serious threat in other parts of the Great Lakes.

The GLFC has been working continuously to find other alternatives to lamprey control beyond the use of lampricide, consequently the lamprey barrier on the Brule River will be funded additionally by GLFC. They are also experimenting with the sterilization as well as with attractants and repellants.

Fetterolf pointed out that the primary goal of the GLFC is the rehabilitation of the lake trout population to the point where lake trout can once again be self-reproducing.



I AM A REALTOR®

I Pledge Myself

- To protect the individual right of real estate ownership and to widen the opportunity to enjoy it;
- To be honorable and honest in all dealings;
- To seek better to represent my clients by building my knowledge and competence;
- To act fairly towards all in the spirit of the Golden Rule;
- To serve well my community, and through it my country;
- To observe the REALTORS® Code of Ethics and conform my conduct to its lofty ideals.

Clare Conley
State Association President

REALTOR®

S/SPAWN RESOLUTION

Resolutions are being passed throughout the country calling for a presidential commission to investigate the impact of Indians on the non-Indian public. The resolution was initiated by S/SPAWN, an anti-treaty organization in the State of Washington, with a proposal sent to the President in February, 1985. Recently, Clare Conley, editor for *Outdoor Life Magazine*, wrote an editorial outlining the proposal and defining what he feels are the reasons for the proposal and the justifications for such a commission to study "the extent of the problem." Conley's comments follow at the right:



Indian lands, 1492 to 1977

LET'S STUDY INDIAN PROBLEMS

In February, a proposal was submitted to the president of the United States for the appointment of a new presidential commission to study federal Indian policies. The request was made by the S/SPAWN Committee on behalf of the voters of Washington State and concerned citizens and taxpayers of the United States. My natural inclination toward the creation of committees to study things is negative, but, when I read the document that supported this proposal, I realized that this commission could be the exception.

One of the biggest difficulties in dealing with the Indian question in this country is that so few people have a thorough knowledge of the extent of the problem. People tend to see only the small portion of the national problem that exists just in their locality or that impacts them directly. But jurisdictional, natural resource, and land claim issues exist between Indians and non-Indians, between Indians and states, and between Indians and the federal government in 40 or more states. Such a commission to study federal Indian policy will at last bring to light all the claims against the American public that the tribes are making. If nothing else, making people aware of the total extent of the problem will be a giant first step in deciding how we will deal with Indian treaty rights. Or, as I advocate, will bring about the end of the treaties once and for all.

The document presented to the president gives such an excellent overview of the total problem that I want to quote some passages from it. Because anyone who dares breathe a word against what the native Americans want is immediately labeled a racist, here is the first quote. "The Indians' unique culture must be protected, but we must also assure that all U.S. citizens receive equal treatment and that none is allowed any special advantage over another."

To those who can't imagine ending a treaty with any group, the document has this to say: "The events of history often compel reappraisal of treaties and other instruments that were drafted to meet the needs of one era but have become outdated by the passage of time...Treaties with other nations are continually reviewed and rewritten to reflect present conditions."

"...They [the treaties] cannot be regarded as sacrosanct, but should instead be studied for possible amendment and/or clarification to make them more reflective of the present needs of our nation and ALL its citizens."

Some of the information in the document is simply amazing, such as this passage: "The treaties were signed more than 100 years ago by full-blooded Indians, but today there are certified tribal members with little or no Indian blood...One BIA

[Bureau of Indian Affairs] superintendent in Oklahoma said he has certified persons as 1/1,024 Indian...In effect, the full-blood Indian in the family lived in pre-Revolutionary War days."

In addition to equal rights for all, the Indian situation, if allowed to expand unchecked, will strike deeply at all of our natural resources. The first impact is the wildlife resource, and we have that already in many states. But it is only the testing ground. As the document reveals, the tribes are moving to take over land and water now. Timber and minerals can't be far behind. Recently, they gained the right to kill endangered species on reservations. In Arizona and New Mexico, the document reports, the U.S. Forest Service revealed in a 1983 study that at least 70 percent of the 20.5 million acres of national forests are being claimed by various tribes.

In the state of Washington, a tribe is endeavoring to lay claim in court to all the water of the Yakima River. If the courts find in favor of the Indians, hundreds of Yakima Valley farmers, who depend on the Yakima River Basin for irrigation, will be out of business.

But while this and scores of other such claims go to court, the BIA gives all persons who are at least 25 percent native Americans...free medical, hospital, dental, and optical care from birth to death. They [Indians] pay no state taxes on homes, cars, land, personal property, or income. They may hunt and fish the year around—no bag limit, no license. They can receive free education from Head Start to Ph.D. They are given preference for jobs...They get wells drilled, sanitary facilities installed on ranches, farms, and homes away from municipal facilities. They also receive tax-free tribal payments. Millions of dollars each year from power sites, timber sales, and grazing fees."

At the same time that I received this document, I obtained the fiscal year 1986 budget for the U.S. Department of the Interior. This is a time when all bureaus are supposed to be cutting back, and that is what the summary indicates: Bureau of Land Management down \$156 million, Minerals Management Service down \$6.6 million, Surface Mining Reclamation and Enforcement down \$43 million, Bureau of Reclamation down \$216 million, Geological Survey down \$2 million, Bureau of Mines down \$30 million, Fish and Wildlife Service down \$72 million, National Park Service down \$239 million, and Bureau of Indian Affairs down \$61 million.

This is all well and good, until one studies the detailed budget for the BIA and discovers the truth. All road construction with your money and mine on reservations has been transferred to the Department of Transportation. This allowed \$100 million to be subtracted from the \$1.4 billion BIA budget so, in effect, the BIA, is up \$39 million.—Clare Conley

From *Outdoor Life Magazine*, May '85
"Editorial Trails"

continued page eleven

PROTECT TOURISM: COUNTY/TRIBAL COMMITTEE

Protection of northern Wisconsin's tourist based economy was one of the items that topped the agenda for the County/Tribal Committee which met on May 17th in Park Falls.

Concern that the media coverage of tribal hunting, fishing and gathering rights has tended "to emphasize the negative and confrontational aspects of the (Voigt) decision" prompted the committee to consider means to restore the image of northern Wisconsin as a place for family vacationing.

The committee proposed to meet with Governor Anthony Earl and representatives from the Department of Tourism to further discuss possible avenues to promote tourism more aggressively in areas that most damage may have been done through negative publicity.

Members of the committee representing the counties also indicated that they felt the counties have been excluded from the negotiating process between the tribes and the state. Mark Rogacki, executive director of the WCA said "the DNR does not represent our concerns." He also said the counties want a voice in the negotiations because they own 100,000 acres of public land which is being effected by the exercise of hunting, fishing and gathering rights. Charles Tollander, Committee Co-Chairman from Burnett County, labelled the current negotiating process as "not fair" and expressed concerns for loggers, snowmobilers, and other recreational users.

Joe Corbine, committee member and Bad River Tribal Chairman, pointed out that the counties are,



Members of the County/Tribal Committee hash over issues of mutual concern at their May meeting in Phillips. Concern over the promotion of tourism and reducing detrimental effects of

negative publicity over the Voigt Decision was one primary area of discussion. The Committee is co-chaired by Charles Tollander, Burnett County and Jack Miller, Stockbridge-Munsee.

or should be, represented through the DNR negotiators. Richard Gurnoe, Red Cliff Tribal Chairman, also indicated that problems relating to recreational use and other users can be addressed through the Voigt Inter-Tribal Task Force.

Other items which were discussed included acid rain, a topic which the committee will seek to explore in further depth; coordination of county/tribal law enforcement and prosecution systems, land use and zoning on abutting properties, sanitary landfills, and groundwater protection relating to failing septic systems which may drain into area lakes.

Another item of concern was the support of necessary human services. Counties fear the shift of the financial burden from state and federal govern-

ments to local government for the provision of mandated services will greatly increase the burden of the local property taxpayer. The County/Tribal Committee wants to lobby against that shift, assuring that there is an increase in federal and state funding of human services and reducing property taxes needed for these programs.

The County/Tribal Committee will meet again on June 21st on the Red Cliff Reservation. Subjects of discussion will include acid rain and education.



GRAND PORTAGE FISH ASSESSMENT



In order to help establish a lake trout quota for the Grand Portage area, GLIFWC staff performed assessments on trout caught by tribal fishermen last month. The data obtained from the assessment process will help biologists determine age of trout and mortality rate—factors which help determine ap-

propriate catch quotas.

Grand Portage, set on the very edge of Lake Superior, is in the process of negotiating a fishing agreement with the State of Minnesota. Consequently, an assessment of lake trout catches was needed to help provide data for those negotiations.



Part of assessment procedures involve taking scale samples from the fish (above). Another procedure is the weighing of the trout (below). GLIFWC Biologists Mark Ebner and biological aide Mike Plucinski performed the assessment last month.



PROGRESS IN MICHIGAN

Status of Fisheries Management Programs of the 1836 Treaty Fishing Tribes of Michigan.

INTRODUCTION

Three Michigan Chippewa/Ottawa tribes, the Sault Ste. Marie Tribe of Chippewa Indians, the Bay Mills Indian Community and the Grand Traverse Band of Ottawa and Chippewa Indians are currently exercising their treaty fishing rights based upon the Treaty of 1836 in the waters of the three upper Great Lakes. Although members of these tribes have traditionally fished either for subsistence or as State of Michigan licensees in recent history it is only since 1981 that their legal right to fish was finally and fully recognized by the federal court.

The three tribes now have the principal responsibility for regulating their members' fishing activity and they manage their fishery through an inter-tribal management authority, a joint enforcement program, a joint tribal court and a joint biological program.

The exercise of the fishing rights of these tribes is currently limited to the waters of northern Lake Michigan, northern Lake Huron and eastern Lake Superior.

MANAGEMENT AND REGULATION OF THE FISHERY

In 1981, the Chippewa/Ottawa Treaty Fishery Management Authority was created by the tribes and sanctioned by federal court in 1982, to provide uniform joint regulations governing tribal fishing activities, to act as a coordinating body for enforcement activities, to coordinate initiatives regarding enhancement of the fishery and to provide a forum for resolving policy issues among the tribes.

The Authority is composed of the Tribal Chairman and Conservation Committee Chairman of each of the tribes and a non-voting member from both the Michigan Agency of the Bureau of Indian Affairs and the Great Lakes Fishery Laboratory of the U.S. Fish and Wildlife Service.

The Authority is advised on technical fishery matters, fishing regulations, harvest and status of the fishery stocks by the joint Inter-Tribal Fisheries and Assessment Program. This program which began in 1980, carries out stock assessment and research studies, recommends harvest quotas, prepares data for negotiations/litigation and works with other tribal, state, federal and academic biologists throughout the Upper Great Lakes.

NEGOTIATING DIFFERENCES

Although the tribes, the state and the Department of Interior have spent an incredible amount of time, energy and money pursuing solutions to several differences through the mechanism of litigation, the three parties have simultaneously been negotiating many of these same differences. Once the legal decisions of 1981 affirming the treaty fishing rights were established, the state desired to continue negotiating even though little past progress had been made. The preponderant problem which continues today is that of allocating the resource between tribes and the state.

After several years of on and off sessions, it was not until a new state administration took office in 1983 that the treaty fishing right was firmly acknowledged publicly by the state. Further improvement took place with the establishment of new state Director of Natural Resources who also publicly recognized the treaty right and was committed to reducing the state's use of the fishery to accommodate the tribal fishery.

The year 1983 saw a provisional agreement facilitated by the U.S. Department of Interior which initially appeared to solve many of the concerns of both parties. However, with a delay of several months before the final language of the agreement was drafted and before any implementation, both parties led by the state chose not to proceed with the negotiations.

Now in 1985, another comprehensive agreement has been signed in March by all principal parties in addition to several sports fishing groups and although one of the tribes whose council was not pleased with the agreement, and is presently contesting the agreement in court (after the federal judge had already signed the supporting consent decree), it appears at this writing that the basic ingredients of the agreement will be ordered into place some time this year. The agreement will be in effect for 15 years.

The 1985 settlement agreement basically contains five components:

A. A zonation law for the three lakes which will result in eliminating state commercial fishing from most areas traditionally fished by tribal fishermen and a subsequent prohibition of tribal commercial activities in other zones which tend to be most important for sport fishing interests. Certain other areas will allow a phase in or phase out of fishing activities and one tribe will have exclusive fishing rights in parts of Lake Michigan. This zonation approach will result in the tribes being able to harvest their primary targeted species, lake whitefish in an amount based on available fish in 1985 of about 63% in Lake Michigan, 68% in Lake Huron and 61% in Lake Superior. In addition, no restrictions on lake trout harvest will occur in tribal zones of Lake Superior, most of Lake Huron and much of Lake Michigan. A definite decrease for the tribes of available walleye and yellow perch will occur in Lake Michigan and bloater chubs throughout the treaty waters will be divided about equally between the tribes and the state. Maps indicating the tribal and state designated zones are shown in figures 5-10.

B. A fisheries enhancement program for the tribes will be provided by the state in the form of:

- 1) Stocking annual 500,000 salmon in Lakes Huron and Michigan.
- 2) Stocking annually 150,000 lake trout in Lake Superior.
- 3) Stocking annually 100,000 walleye in Lake Michigan and/or Lake Huron.
- 4) Stocking substantial numbers of yellow perch in Lake Michigan and/or Lake Huron.

C. Further development of cooperative management principals through the establishment of a joint Enforcement Committee, Technical Fisheries Review Committee, Information and Education Committee, Executive Council (dispute resolution, interpretation) and an enhanced cooperative data collection and exchange system.

D. Funds provided by the Department of Interior and the State of Michigan totaling more than \$4.5 million for economic development of the tribal fishery, conservation programs (law enforcement, tribal court, biological assessment) marketing studies and fisheries enhancement.

E. A comprehensive lake trout management plan is embodied in the agreement which should meet the needs of protecting this species and enhancing the probability of rehabilitation while allowing the tribes a fair share of this important resource.

F. The agreement should result in a considerable gain in stability of the fishery in terms of conservation and economic predictability for the fisherman. Effective management will be much easier to accomplish and the probability of conflicts with sports fishing groups should be considerably lessened. A general lessening of tensions and a reduction in the misrepresentation of issues should be realized.

THE FUTURE OF THE TRIBAL FISHERY

Implementation of the basic 1985 agreement will go a long way towards stabilizing the fishery, reducing political, legal and social conflicts and will allow the tribes the time and energy to pursue the economic development and enhancement of the fishery that is sorely needed.

Serious progress it is hoped, may now be realized in finally implementing a biologically sound lake trout rehabilitation plan which may in the long term result in great benefit to the tribes. In this regard, can the U. S. Department of Interior reconcile its own conflicts with resource conservation and treaty rights protection? The lake trout has been the "sacred cow" of the Great Lakes and is valued by all; its commercial value to the tribes must be realized as a necessity and these needs should be served first over any value to sportsmen.

To what extent does the United States have the responsibility to promote and ensure the success of tribal biological, enforcement and management programs? To what extent does the United States have the responsibility to promote and ensure the success of tribal fisheries' economic development and enhancement?

Tremendous progress has been made in the few years the 1936 treaty Michigan tribes have been regulating and managing their fishery. They are desirous of continuing to enter into various cooperative management and enhancement programs with the State of Michigan and the United States. However, they also expect complete respect with regards to their legal and historic right to self-determination and self-regulation. They believe cooperation in fishing matters is essential and look forward with optimism.