

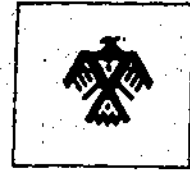
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MASINAIGAN



A CHRONICLE OF THE
LAKE SUPERIOR QJIBWAY
 April, 1986



CHIPPEWA SPRING FISH HARVEST SUCCESSFUL



Spearing during the spring is a Chippewa tradition. In fact, Lac du Flambeau (Lake of Torches) gained its name in reference to the sight of tribal members spearing by the light of their flaming torches.

The 1986 Chippewa off-reservation spring fishing season is in process as this edition of Masinaigan goes to press. Results from the season will consequently be run in the may edition of Masinaigan.

All fishing has been performed under a negotiated agreement with the Wisconsin Department of Natural Resources and has been closely monitored throughout the season.

The spring fishing will be closed prior to the opening of the state's open water fishing season.

Regrettably tribal fishermen in some parts of Wisconsin have been subjected to undue harassment during the course of the season. Shots have been fired on at least three occasions, and two groups, Equal Rights for Everyone and Protect American Rights and Resources, have staged rallies purposefully during the course of the fishing season. Under the guise of "peaceful" demonstrations, these organizations tout their anti-Indian philosophy and pass literature filled with jokes, smears, and anti-Indian rhetoric.

The consequence of the Great felt by tribal fishermen is that they band together in order to exercise their treaty rights without fear of harassment or physical harm. This, in turn, prevents them from spreading their harvest to a number of lakes, and concentrates their harvest on one or two lakes per evening.

LOOKING AT FACTS
 State fishers catch 829,000 walleye & 39,500 musky each year. In 1985, the six Chippewa tribes speared 2,755 walleye & 85 musky.

Being located the furthest south in Wisconsin where the ice thaws earlier, it is not surprising that the St. Croix Band of Chippewa were the first to begin exercising their rights to spear on off-reservation lakes this season.

This small and very traditional band of Chippewa people exercised their right to spear for the nine days allowed in the agreement. About 15 to 20 spears usually went out in the evening, beginning at dusk, to harvest fish spawning in the shallows of the lakes.

Their activities were monitored by Wisconsin Department of Resources (WDNR) staff as well as by Great Lakes Indian Fish and Wildlife Commission (GLIFWC) wardens and biologists.

No lake was harvested two nights consecutively, as per the agreement. Accurate counts were taken of the harvest, so that any lake where the take reached the "total allowable catch," TAC, was closed.

The same procedure followed as other tribes throughout northern Wisconsin began their spring fishing season. Lakes were named 24 hours in advance; the WDNR notified; and all fishing was well monitored.

The agreement negotiated between the tribes and the state which regulated the 1986 spring fishing season was ratified by the tribal councils of the Bad River tribe, the Red Cliff Tribe, the Lac Courte Oreilles Tribe; the Lac du Flambeau Tribe; the Mole Lake Tribe; and the St. Croix Tribe.

Although the agreement

was ratified by all the six Wisconsin "Voigt Tribes," the exercise of spring fishing varied with each, demonstrating the uniqueness of each Tribe, though they share the Chippewa tradition.

St. Croix's harvest was, according to Chairman Eugene Taylor, good and the spearing successful, even though on several nights the take was small. St. Croix spears also had to deal with inclement weather conditions on several evenings of their nine day season.

Nevertheless, those interested in harvesting during the spring spearing season were able to get an adequate number of fish, including one prime specimen of musky.

Their spearing season was quiet, smooth and put fish in the freezers of those who chose to spear.

Probably the most active interest in the spring fishing season is witnessed in the Mole Lake and Lac du Flambeau Tribes, both who exercised their rights under strict monitoring yet experienced varying forms of harassment during their spearing season.

Shots were fired in the vicinity of both Lac du Flambeau and Mole Lake fishermen while exercising their fishing rights. Arlyn Ackley, Mole Lake Tribal Chairman, reported that the shots fired at Lac Vieu Dessert were close enough to fishermen's boats so that they could hear the pellets hit the water.

Onlookers and protesters arrived at some landings. While fishing in Big Twin Lake,

protesters came down to the landing, according GLIFWC biologist Tom Busiahn. Mole Lake members experienced name-calling and rock-throwing from a small crowd who congregated, despite the supposed secrecy of fishing lakes.

The on-shore crowd generally was composed of wardens, both DNR and GLIFWC, biologists, and family members of fishermen. Fires were lit to keep warm, as spearing continued into the wee hours of the morning - 1 a.m. on week nights and 2 a.m. on weekends - for several of the tribes.

The WDNR set up tables for the weighing, measuring and counting of fish as boats came in with their catch: A Coleman lantern provided the light to perform the late hour work in the middle of the wilderness.

Citations were issued for the harvest of oversize fish, excessive bag limits or any violations of the provisions of the agreement. Most citations will be tried in tribal courts, where fines are imposed.

Unlike most of the tribes which participate in the spring spearing, neither Red Cliff nor Bad River report any off-reservation spearing activity with the exception of a special excursion into the Puritan Batholith in opposition to a nuclear waste dump site.

According to Irv Soulier, Bad River Department of Natural Resources, most Bad River Tribal members are satisfied with spearing on-reservation. Bad River has a large acreage, quite the con-

trary to Mole Lake whose reservation is minute, and with tributary rivers like Bad River and Kakagon River, Bad River members can spear on-reservation quite satisfactorily.

Indeed, Bad River Tribal members have speared traditionally on-reservation for years in the spring of the year, taking advantage of the abundance of food available at the time of year.

Today, many members freeze their fish, but some of them still smoke fish, as was done to preserve the catch in years past.

Red Cliff, also, did not have tribal members exercise their rights off-reservation. Being situated on the banks of Lake Superior with no immediate access to inland lakes or streams, Red Cliff has not been as interested in spearing as in fishing Lake Superior over the years. Their supply of fish has come from the Great Lake.

Consequently, as Leo LaFernier, Red Cliff vice-chairman, put it "I think I might have the only spear in Red Cliff, and the handle is broken." Yet, Red Cliff ratified the agreement for the spring fishing season, to affirm the tribes' guaranteed treaty rights. Those rights, to LaFernier, are important also in protecting the area environmentally, as in the case of the proposed nuclear sites in Wisconsin.

Contingencies of tribal spears varied nightly on lakes. Lac du Flambeau usually had about 30-40 members who exercised their rights; St. Croix and Mole Lake about 15-20;

Bad River and Red Cliff quite exactly zero.

As this paper hits the press, spearing season will be drawing to a close for 1986. It was exercised in an orderly fashion by all tribal members, whose aim was to put fish in their freezers and be able to exercise the rights which were reserved for them by the ancestors. The vision of their forefathers preserved the ability of Chippewa people to continue their existence through hunting, fishing and gathering on the lands which traditionally provided for them a basic existence.

Their vision has enabled great, great grandchildren to continue in that tradition and to provide themselves food from the land which was theirs. The treaties were signed only to accommodate the economic interests of the white settlers wanting mines and access to the rich timber lands. The U.S. government chose not to fight, but rather to recognize, as did the French and the English governments, that the tribes were sovereign nations. Treaty agreements were reached, accommodating both tribal and non-Indian interests.

Unfortunately, organizations such as Equal Rights for Everyone, a euphemistic name indeed, and Protect America's Rights and Resources, seek to break those agreements. Both organizations organized rallies at the time of spring spearing when emotions were most likely to be high. They want abrogation of treaties - let America break agreements which don't please us, they say - and termination

of reservations.

They falsely use the taking of a few of Wisconsin's fish and deer, under extremely well-monitored and safe conditions, to drive Americans to erroneous assumptions. While flying the American flag, guaranteeing freedom and justice for all... they seek to use majority rule to suppress the rights of the minority...a far cry from the aims of those who founded this country and maintained the country's integrity by treating Indian tribes with the dignity they deserved...as sovereign nations.

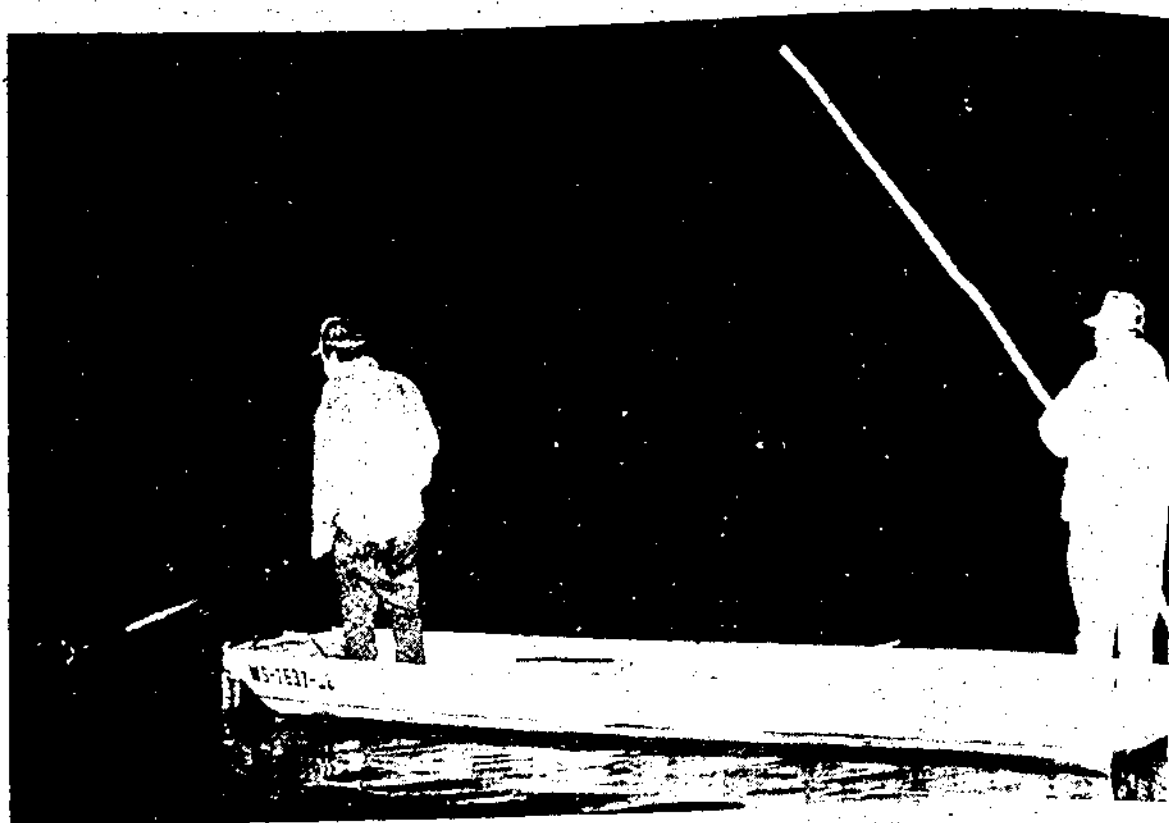
The Tribes of this nation are as concerned, or more so, about protecting the resources from depletion. Unfortunately, the exercising of treaty-guaranteed and court-affirmed rights, has been used as a red herring in regard to resource depletion, while the American public ignores total resource destruction through acid rain, pollution from industry and mining, and nuclear waste dump.

The exercise of treaty rights exists to be an orderly, well-monitored, taking of fish and game and should be allowed to be practiced without the harassment and threats to Indian existence that have been experienced in northern Wisconsin.





At the Chippewa Flowage between 30 and 40 spearmen from Lac du Flambeau launched their boats for an evening of spearing.



Two spearmen from St. Croix ply a quiet and lonely lake for fish the evening of Saturday, April 19th. Only a chorus of frogs broke the silence of the night.

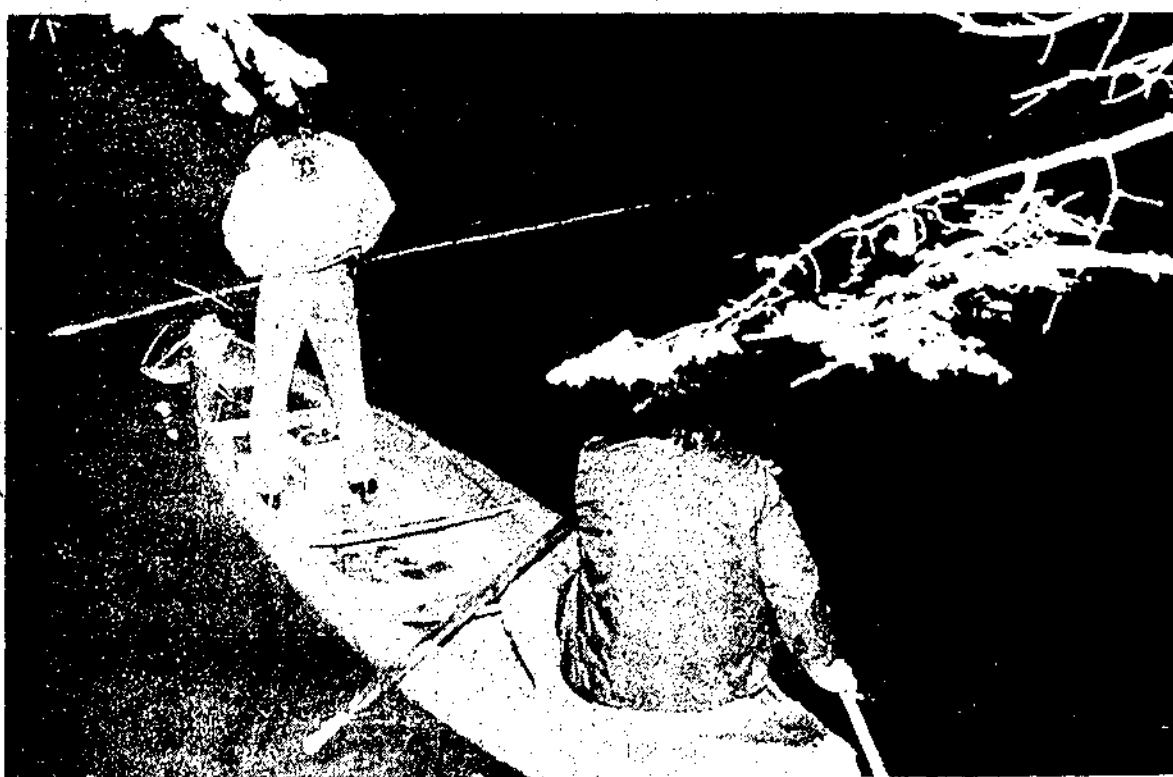


On the landing, GLIFWC biologists, GLIFWC wardens and DNR wardens gather to wait for the return of the fisherman when they assist with the monitoring of the catch. Many of the evenings were long and bitterly cold.

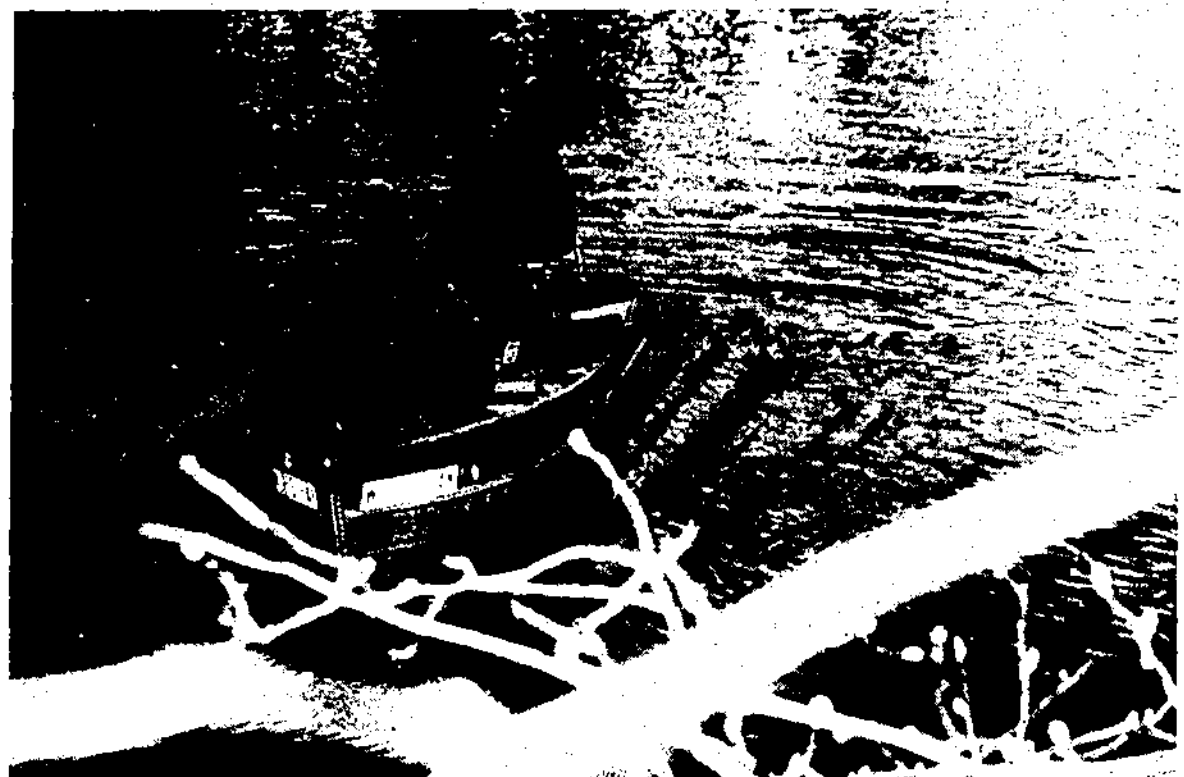


Taking off across the still water of the Chippewa Flowage, tribal spearmen prepare for a long evening of fishing.

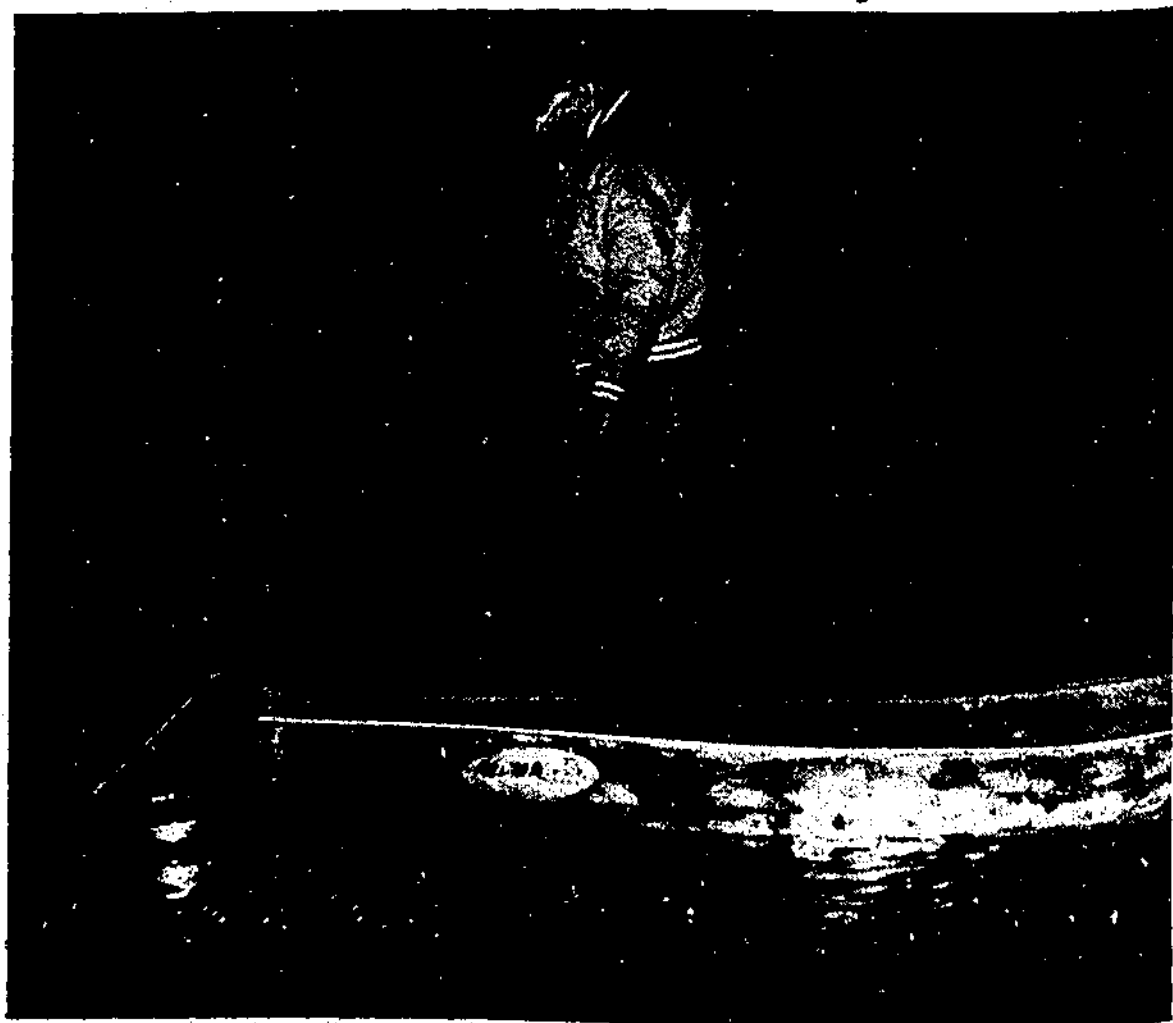
TREATY RIGHTS: A CLAIM AGAINST A DUMP SITE



St. Croix Tribal Chairman Taylor stands in the bow of a canoe searching for fish in Lake Namakagon. Another St. Croix tribal member paddled the canoe slowly through the waters as Taylor watched for an opportunity to spear.



Fishermen from Lac du Flambeau prepare to launch for the evening's fishing at the Chippewa Flowage.



Gene Taylor, St. Croix Tribal Chairman, spearing on Lake Namakagon.

A lone canoe slipped into the dark and quiet waters of Lake Namekagon Saturday evening. Two Chippewa fishermen from St. Croix began their search of the lake's shallows and reefs for walleye.

On shore a small crowd of onlookers watched as the voice of a singer chanting on Ojibwe drum song broke the silence.

Representatives of the Bad River and St. Croix Chippewa had come to the lake on a special mission, according to Irv Soulier, Bad River tribal member, and that was to exercise reserved rights to hunt, fish and gather in the area of the Paritan Batholith, presently a candidate site for a nuclear waste repository.

The idea was generated by Leo LaFornier, Red Cliff, who was unable to be present Saturday evening, but who felt it was an important gesture in terms of using the Chippewa's guaranteed rights as a means to prevent the possible degradation of the area with a waste dump.

Typical of any of the Chippewa spearing excursions, this event was well monitored by the Wisconsin Department of Natural Resources (DNR). Approximately five DNR wardens were on site to be sure the spearing was performed according to regulations. Two wardens from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) were also present as were three GLIFWC biologists.

The total take for the evening, one fish, was measured and weighed and records taken, according to all the procedures followed at every spearing occasion.

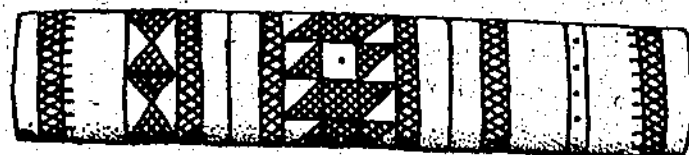
Many of the tribal members on shore were there to indicate their support of event. They started a fire, heated water for coffee, brought out the fried bread, chips and snacks, and waited with the various agency staff

members, for the lone spearmen to return.

The spring spearing season is in process for several Chippewa tribes currently. Bad River did ratify the spring fishing agreement, but Soulier says no members went off-reservation to spear. Red Cliff does not traditionally spear off reservation either.

Success in fishing has varied from lake to lake and tribe to tribe this spring. Any lake is closed if the total allowable catch is taken in a night of spearing, according to GLIFWC biologist Tom Busiahn, who has been assisting with monitoring Lac du Flambeau's spearing season.

Nobody has to worry about the depletion of Lake Namakagon after Saturday evening's spearing event. However, the Indian people present there are worried about its future destruction through contamination with radioactive waste.



Fact Sheet - 1986 Chippewa Spring Fishing Season
Published by the Wisconsin Department of Natural Resources



The DNR-Volgt Task Force Press Conference was scheduled at Telemark Lodge, during the Volgt Task Force retreat. Above representatives from the tribes and the DNR meet the press.

1. Question: What were the goals of the State during the spearing negotiations?
Answer: The goals of the State during the spear fishing negotiations were:
 1. To reduce the potential for confrontations between the public and treaty spears during the spring spearing seasons;
 2. To assure that the fishery resources of northern Wisconsin would not be adversely affected; and
 3. To carry out the federal court ruling that the Chippewa tribes have a treaty right to harvest fish by traditional methods during the spawning season.
2. Question: What specific resource concerns were addressed during the negotiations to assure that the fishery would not be adversely affected by the spring spearing season?
Answer: The specific resource concerns addressed during the negotiations were:
 1. Increasing the protection for the relatively inabundant large walleye and muskellunge;
 2. Spreading the treaty harvest over a greater number of lakes in northern Wisconsin;
 3. Placing a biologically reasonable limit on the number of fish that can be removed from any lake to assure that the fish population of any lake will not be overharvested.
3. Question: What is the season for the treaty harvest?
Answer: After federal court approval of the agreement, each Chippewa tribe can designate a nine-day consecutive season ending no later than 1:00 a.m. on May 2, 1986. The tribe must provide 48 hour notice to the Department prior to the season. During the season, the tribe may select up to three lakes per night for the tribal spearing activity. Spearing hours will be from dusk to 1:00 a.m. on Tuesday through Friday mornings and from dusk to 2:00 a.m. on Saturday through Monday mornings. A lake cannot be harvested on consecutive nights.

Last Year: Each tribe could designate up to a maximum of six lakes which they could spear. Each lake could be speared up to seven days. From a practical standpoint, the season last year for each tribe could extend to two weeks. Lakes could be fished on several consecutive nights. Tribal members could spear from dusk to dawn.

Result of the Change: This change spreads the harvest over a greater number of lakes. It also reduces the potential for harvesting too many fish from one lake. The fixed number of spearing days and hours allows the reasonable assignment of state and local personnel to monitor the harvest and to keep the peace.

4. Question: How many fish may be harvested from any one lake during the season?
Answer: The agreement provides that tribal members may harvest up to 10% of the total allowable catch determined by the Department for a lake for walleye and muskellunge. Those two species made up virtually all of the tribal harvest last year. The total allowable catch for a lake is "that quantity of fish which may be harvested from a specific body of water without reducing the harvestable stock in subsequent years." If a tribe harvests, in a single night, 65% of the number of fish that makes up its portion (10%) of the total allowable catch, that lake becomes closed to tribal harvest for the remainder of their season. If a tribe harvests, in one or more nights, 90% of the number of fish that makes up its portion (10%) of the total allowable catch, the lake also is closed for harvest on any subsequent nights.

Last Year: The Department reported to the tribes when it believed the harvest on any lake should be closed and negotiated with the tribe on the lake closure. In most circumstances the tribe closed the lake or encouraged members not to harvest the lake.

Result of the Change: This change assures that the tribal harvest will not cause any significant adverse effect on the fish populations of any lake. It sets a predetermined amount of fish harvest per lake and an automatic system for closing the lake to prevent overharvest.

5. Question: What are the bag and size limits for walleye and muskellunge?
Answer: The bag limit for a tribal member is 25 walleye per night. The maximum size limit is 20" per fish with one fish of the 25 bag limit allowed to be no more than 24". The bag limit for muskellunge is 1 per night with no maximum size limit. The harvest amount for muskellunge and walleye in any one lake is no more than 10% of the total allowable catch for that lake.

Last Year: The bag limit was 20 walleye. The maximum size limit was 20" with one fish allowed to be in excess of 20". Last year, the large walleye did not have a maximum size limit. There was no fixed limit on the total number of muskellunge or walleye that could be removed from any one lake.

Result of the Change: This year's maximum size limit on the "large" fish affords protection for the small population of very large female walleye. The increase in bag limit for walleye does not lessen the protection for the fish populations in individual lakes since the total harvest is limited by the tribal portion (10%) of the total allowable catch. The muskellunge harvest was 85 fish. The limit on the total number of muskellunge that can be removed from a lake will afford some protection for larger fish.

6. Question: What are the bag limits for other fish species?
Answer: The bag limit for sturgeon is one per year with state tagging and reporting requirements. The limit for bass is an aggregate bag limit for all species of 10 per day. The bag limit for lake trout is four per day.

Last Year: The same. Virtually none of these species was harvested last year.

7. Question: What about tribal harvest in fish refuges or waters having experimental regulations?
Answer: The agreement does not allow any harvest in state fish refuges. The tribes have agreed to comply with all state regulations governing experimental and research waters in the ceded area.

Last Year: The same.

8. Question: Does the agreement authorize the sale of fish?
Answer: The agreement is for subsistence only. The sale of fish is not authorized by this agreement. The Department will strongly enforce state laws prohibiting such sales.

Last Year: The same.

9. Question: Do tribal members have to purchase state fishing licenses?
Answer: Legally, tribal members do not have to purchase state fishing licenses. Tribal members will be carrying tribal photo identification cards. This document must be carried by the tribal member while engaged in fishing.

Last Year: The same.

10. Question: Does the agreement allow the waste of natural resources?
Answer: The state law prohibiting waste of natural resources applies to the tribal season. A minimum specification for the size of tribal season. A minimum specification for the size of tribal spears has been added to the agreement to minimize the inadvertent loss of a speared fish.

Last Year: The prohibition against waste applied but there was no minimum specifications for tribal spears.

11. Question: What bodies of water may be harvested?
Answer: Fishing on all streams and on any lake not designated by a tribe is totally prohibited. Spearing and dipnetting, traditional Chippewa harvest methods, are only allowed on lakes in excess of 1,000 acres or on lakes partially on a reservation. On lakes between 250 and 1,000 acres, only fish seines, another traditional Chippewa harvest method, are allowed. On these latter lakes, only one seine may be used and only male fish may be harvested. All other methods of fishing such as hook and line, gillnetting and snagging are prohibited by agreement.

Last Year: Any lake over 500 acres could be selected for spearing. Dipnets and seines, more biologically selective methods of harvest, were not allowed.

Result of Change: These changes will afford additional protection to the fishery in smaller lakes.

12. Question: May tribal members trespass on private lands to fish?
Answer: The agreement allows for tribal fishing on inland navigable lakes in the ceded area. Legal access must be gained to the lake. The agreement does not modify any state law dealing with trespass.

Last Year: The same.

13. Question: Are endangered resources protected?
Answer: The agreement requires that tribal members must comply with all federal, tribal, and state threatened and endangered species regulations.

Last Year: The same.

14. Question: How will the agreement be enforced and will there be minimum penalties?
Answer: The agreement will be enforced by state conservation wardens, law enforcement personnel with state warden authority and wardens from the Great Lakes Indian Fish and Wildlife Commission. Except as noted below, any violations of the agreement by an enrolled tribal member are to be prosecuted in tribal court if the tribe has a tribal code and court in effect at the time of the violation. If the tribe does not have a tribal code and court, the violation is to be prosecuted in state court. In addition, the following types of violations may be prosecuted in state court:

- a. All violations of the state criminal code;
- b. Resisting a state conservation warden (29.64);
- c. Impersonating a state conservation warden (29.641);
- d. Larceny of game (29.645);
- e. Violations of state statutes on threatened and endangered species, federal court prosecution also allowed.
- f. Use of explosives and poisons (29.29).
- g. Fishing in any state fish refuge.

Minimum tribal fines have been established for harvesting in excess of double the bag limit for individual species. For walleye, the minimum penalty would be \$150 plus \$8.75 a fish in excess of a double bag; muskellunge, \$75 a fish in excess; sturgeon, \$400 a fish in excess and bass, \$25 a fish in excess. The minimum tribal fine for fishing in a stream is \$150 plus the per fish minimum for every fish harvested. The minimum penalty for having more than two walleye in excess of 20" is \$50 per violation plus \$8.75 a fish. The minimum penalty for having any fish over 24" is \$50 per violation plus \$8.75 a fish.

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) held their regular meeting on April 17 at the Bad River Reservation.

Commissioners present include: Gene Taylor, St. Croix; Jim Hendrickson, Grand Portage; Arlyn Ackley, Mole Lake; Mike Allen, Lac du Flambeau; Rick Baker, Lac Courte Oreilles; Bob Bender, Bad River; Don Wedli, Mille Lacs; Don LaPointe, Keweenaw Bay; Donald Parrish, Bay Mills; and Leo LaFornier, Red Cliff.

Tom Buslahn, GLIFWC Biological Services Director, gave a presentation on the Great Lakes Fishery Commission meeting. By motion it was decided that one tribal Chairman and the Executive Administrator, or Acting Executive Administrator should attend the next meeting scheduled for Traverse City, Michigan, May 6-8.

Buslahn also reported on the Great Lakes United, an international organization formed to protect, conserve and properly manage the resources of the Great Lakes Basin. Buslahn was given permission to join this organization.

David Siegler, GLIFWC Policy Analyst, reported to the Commissioners that a public informational meeting will be held at Northland College, Ashland, on April 25th from 1-4 p.m. This will be an opportunity to join an in-depth discussion on the Department of Energy's Draft Area Recommendation Report (DARR). Siegler has been coordinating the submission of a 120 page commentary on the DARR.

Also agreed upon at the meeting was the formation of a hiring committee. This committee will be formed for the purpose of hiring the two top administrative positions and division heads. All other hiring will be done internally.

One of the items on the agenda for the next Commission meeting will be the election of a Vice-Chairman to fill the vacancy of Jim Schlender.

Following the Commission meeting it was announced that James Schlender was selected to fill the position of Executive Administrator for the GLIFWC. Schlender will be assuming this position in mid-May.



THUNDER-BIRD



SWALLOW

GLIFWC BOARD OF COMMISSIONERS



Arlyn Ackley, Mole Lake Tribal Chairman



Eugene Taylor, St. Croix Tribal Chairman

VOIGT INTER-TRIBAL TASK FORCE LOOKS AHEAD

The Voigt Inter-Tribal Task Force, plus tribal council members, tribal attorneys, and staff from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) met for a working/planning session at Telemark Lodge, Cable, WI on March 31-April 2nd.

According to Voigt Task Force Chairman Jim Schlender, the session was scheduled to provide those involved in negotiations and litigation, as well as members of tribal governing bodies, an opportunity to examine their long-term goals regarding Voigt. Essentially, Schlender felt the time was a chance to look at what the Voigt tribes and the Voigt Inter-Tribal Task Force have accomplished over the past several years and determine what they want to achieve in the future.

The session provided both an overview of the past several years since the 1983 Voigt Decision affirmed the off-reservation hunting, fishing, and gathering rights of the Chippewa.

Kathryn Tierney, Lac du Flambeau Tribal Attorney and lead attorney in the last courtroom trial, provided a review of litigation. Howard Bichler, St. Croix Tribal Attorney, addressed the negotiating procedure, and Tom Maulson, Lac du Flambeau Task Force representative, gave an overview of tribal benefits from the Voigt Decision.

Maulson commented that one of the benefits seen from Voigt is the increased incidence of tribes and non-Indian communities working together. He feels steps have been taken, despite problems, to bridge gaps of ignorance and misunderstanding.

Several sessions of the meeting were devoted to open expression of concerns and provided time for questions, answers and discussion of issues. Tribal chairman, or their representatives, gave statements of concerns. Later, each of the GLIFWC division heads presented their department's goals, as well as problems.

Participants formed into work groups covering specific topics: negotiations/litigation; resource management; enforcement; environmental concerns; tribal benefits; and public information.

Work groups proceeded to formulate recommendations based on the comments expressed throughout the workshop and attempted to find solutions to problems which had been defined.

Numerous recommendations resulted from the brainstorming sessions and many of them passed on resolutions the final session on April 2.

A report of the proceedings and resolutions will be formulated.



Participants in the Voigt retreat represented eight Chippewa tribes. The sessions allowed for considerable discussion of issues and formulation of recommendations.



Don Wedl, Mille Lacs, spoke on behalf of his tribe's interest.



Irv Soulier, Bad River, speaks for Bad River at the Task Force retreat.



The ERFERS had many handcrafted signs for the rally.

ERFER'S RALLY



Our Friends the ERFERS

"Indians are good people, but you see they're just like children," remarked Lee Jacobson, a keynote speaker at a recent rally of Equal Rights for Everyone (ERFE) in Hayward. Her words echoed those of missionaries commentary on the aboriginals in New Guinea.

Jacobson, a Montana resident, let everyone know that she was just plain mad about tribal rights and tribal sovereignty and that she was out to change all that.

Living on a reservation near Glacier National Park, presumably by choice, Jacobson has found herself subject to tribal laws, tribal rights to taxation and so forth. For Jacobson being subject to tribal government while living on tribal lands is outrageous.

So, even though Jacobson finds Indian people very nice, and even though she has "many Indian friends," Jacobson is on the bandwagon, travelling around the country to promote abrogation of treaties, termination of reservations, and termination of tribal sovereign rights - for the benefit of herself and all of her Indian friends, we assume.

You may wonder how Jacobson can consider herself a friend to Indian people when she wants to take away their treaty-reserved rights and lands? This may appear contradictory to you, but to Jacobson it is not. For she can clearly see that Indian people are unable to regulate themselves anyway. Tribal sovereignty, she can observe, is a detriment to the Indian people, as well as to her.

In her remarks, she made it very clear that Indian leadership is corrupt and does not serve the needs of Indian people.



"Indians are good people, but we have to treat them like children," Lee Jacobson, Montana, keynote speaker at ERFE rally.

She must know what the needs of the Indian people are, we assume. She also indicated that many of her friends, the Indian people, have a welfare mentality and it is obvious that we, the non-Indian people, should cure that by abrogating their treaties and taking away their reservation. By these actions we would be helping our friends the Indian people.

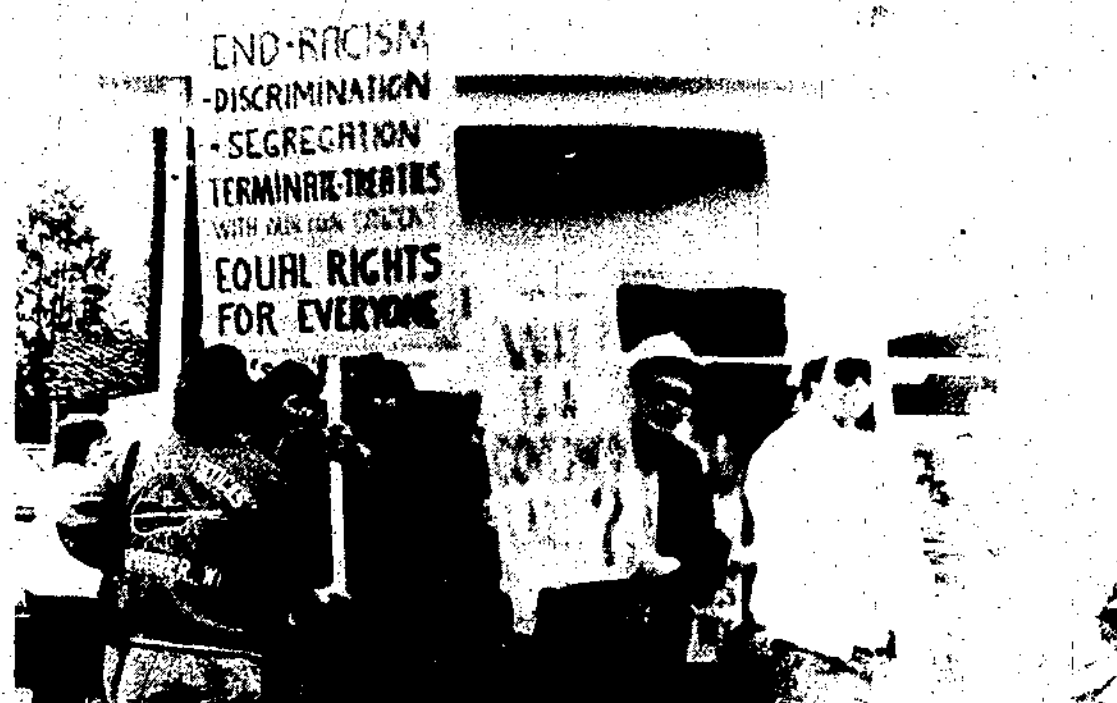
Jacobson was not the only illuminating speaker at the ERFER's rally. A Minnesotan named Ann Shoman was also mad at our Indian friends. Shoman also wants abrogation of treaties and termination of reservations for humanitarian reasons and her logic was fine-tuned.

For instance, Shoman said that tribal courts should have no jurisdiction over non-Indian people living on reservations because having her family placed under such jurisdiction

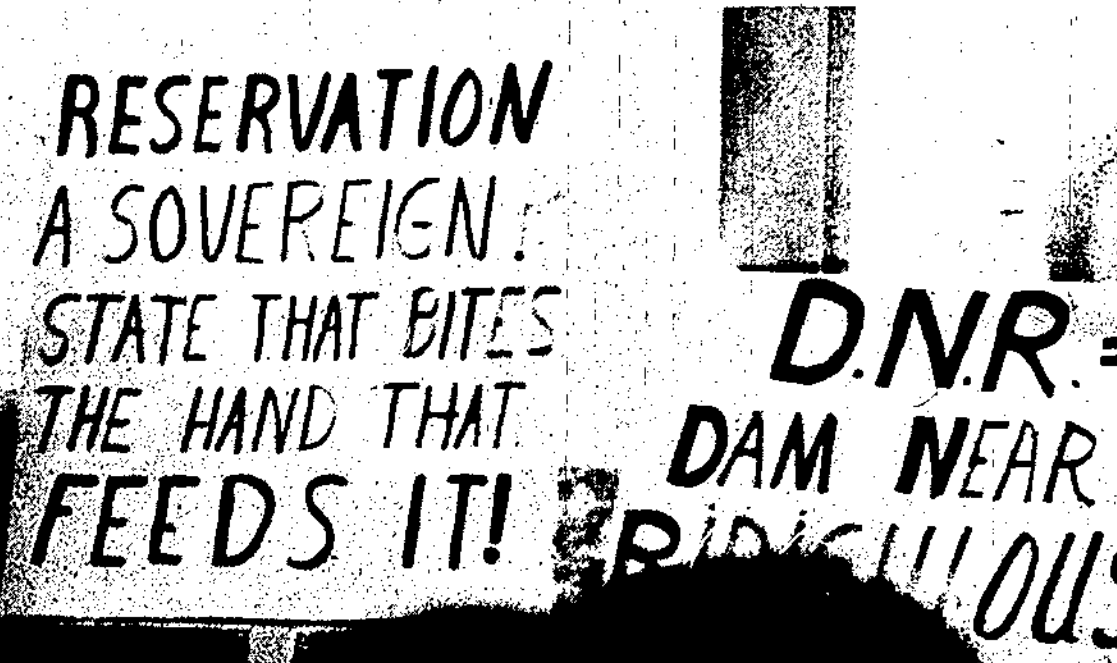
would not prevent Indian children from dropping out of school. The connection was clear and obvious to all ERFER's present...we assume.

Both Shoman and Jacobson and ERFE first Lady, Ms. Paul Mullaly, emphasized the importance of everyone contacting their congressmen and using organizations such as the National Counties Association to help push congress into action on these issues. As Mrs. Mullaly said, "these rotten laws have to be changed."

So that's what ERFER's are going to do - join hands with many similar organization across the country and lobby and write letters, and stage rallies because if you don't like the law, you have to change it, and certainly the majority can clobber a minority through the voting process, and we can certainly make this all seem like justice in our democracy...if we don't think too hard.



ERFERs marched with signs briefly outside the building. Some wore boxes on their heads.



WIRC

CHURCHES & TRIBES WORKING TOGETHER

The Wisconsin Indian Resource Council (WIRC) held its annual meeting April 10-11, 1986 at the Holiday Inn in Stevens Point, Wisconsin.

The WIRC is an all Indian board that represents the various Indian communities in Wisconsin through which common concerns can be addressed more effectively. The WIRC is a non-profit agency which serves as a catalyst to the Indian people, churches, state legislators and the community at large.

On the agenda for the two-day meeting were several issues facing WIRC. Some of those issues were: the adoption of an Ecumenical Advisory Committee of the WIRC, election of officers, various workshops, a report from the 1985 Youth Leadership Conference and the progress made on the 1986 Youth Leadership Conference. The roles of the

Ecumenical Advisory Committee of the WIRC will be many. Two of the roles include: to meet regularly with the Board of Directors of WIRC to become knowledgeable about the program of WIRC, and to advocate for the concerns of the Indian people of Wisconsin with the member organizations of the Ecumenical Advisory Committee.

Marlene Hølgemo, President of Minnesota Council of Churches was guest speaker. She presented a slide show on the "Vision Quest," which is an integral part of the Indian culture in helping the young to find their place or role in life. The presentation also pointed out the difference between the Indian Vision Quest and the Biblical Quest.

Two workshops were held on Thursday afternoon. The topics of the workshops were bingo management and nuclear waste.

Lloyd Poweless, Oneida Tribe, spoke on Oneida bingo. Poweless stated that all management personnel and employees of Oneida bingo are tribal members. Bingo is the largest source of revenue for the Oneida tribe. At least 25 programs have been initiated and are presently functioning because of bingo revenues. Oneida is currently fighting with the state to keep bingo as a tribal organization.

Joe Miller, Stockbridge-Munsee, talked about Nuclear Waste and the effects on the Indian people. Indian lands as well as parks should be omitted from the siting process, said Miller. "We must now call upon Churches and WIRC to join together and fight for Menominee land or any other reservation lands and surrounding communities, in opposition of a nuclear dump site on or near our reservations," Miller stressed.



Discussing the Ecumenical Advisory Committee are left, two members from the Wisconsin Conference of Churches, Stan Webster, Executive Director of the Wisconsin Indian Resource Council (WIRC), Daryl Coons, newly elected Treasurer of WIRC, and James Reiter, President WIRC.

CHURCH IN SOCIETY RESOLUTION OF INDIANS IN WISCONSIN

WHEREAS, we have become painfully aware in recent months of strong feelings and signs of hostility directed toward Indians in our state, we, members of the Board of Directors of the Wisconsin Conference of Churches, feel constrained to address this situation.

There is clearly a great need for all persons to strive for understanding toward one another. This is especially so since the non-Indian community has historically had difficulty understanding the Indian community. It is especially incumbent on Christians to confront our prejudice and to strive for understanding, and to live as Jesus has taught us, loving one another.

It is also imperative that all concerned persons in the non-Indian community become acquainted with the history of the treaties signed by the United States government and the various Indian tribes. Like all treaties signed by the government, these treaties have the force of law. They were intended to protect Indian lands and their rights to continue their traditional means of self-support through hunting and fishing. Yet there has been a long, continuous, bitter history of the breaking of these treaties on the part of the dominant society.

Indians have turned to the federal courts for justice, to recover their fishing rights. The courts have upheld these rights for Indians. Unfortunately, rather than respecting the action of the courts and rejoicing that justice is finally being accomplished, many in the non-Indian community have responded with anger and fear. We deplore all expressions of hatred and racism that have occurred and the various threats that have followed. We urge all persons to repudiate such expressions clearly and unequivocally.

THEREFORE, we call upon Christian congregations, and those communities in which threats of violence and hatred have erupted, to give urgent attention to this situation. This calls for the dissemination of accurate information and the creation of opportunities for respectful dialogue and interchange between non-Indians and Indians. Through such dialogue mutual understanding may come about and, with it healing and reconciliation, in place of division, suspicion and enmity. We are convinced that God wills justice, peace, and harmony among all peoples. We believe that the Christian community, which includes both non-Indians and Indians, has a special responsibility and role in this task.

We pledge ourselves to strive with all others of good will to seek better understanding, a commitment to a just settlement of differences and harmonious relationships between our communities.

We recommend adoption and implementation of the attached resolution of Indian Ministry Ecumenical Partnership and Wisconsin Indian Resource Council.

JOINT PRESS CONFERENCE SPEAKING OUT AGAINST RACISM



Panelists at the WIRC/GLIFWC press conference included, from the left, Tom Maulson, Lac du Flambeau Tribal Judge; Tom Busiahn, GLIFWC chief biologist; Bishop Wantland, President of WIRC; and Louis Dixon, Menominee.

A spokesman for the Wisconsin Conference of Churches took a stand for the rights of Wisconsin's Indian people at a recent press conference in Stevens Point. The press conference, held on April 11, at the Holiday Inn, was jointly sponsored by the Wisconsin Conference of Churches (WCC), the Wisconsin Indian Resource Council (WIRC), and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

Bishop Wantland, President of the WCC, issued a press statement regarding respect for the treaty rights reserved by the nation's tribes and for individuals who exercise their treaty rights.

Wantland stated, "As long as the Indian rights are kept intact we will be okay, but if those rights are destroyed or crippled in any way, America is in danger." With groups such as PARR and ERFE, church and other society members don't know what is happening, Wantland said. He went on to say that the primary goal of the Wisconsin Conference of Churches through the Indian Ministry is to develop materials for use in local churches to help understand the goals and aspirations of the Indians.

Tom Maulson, Lac du Flambeau, stated that Lac du Flambeau has the idea that all tribes are now negotiating for the scope of their rights. This is one of the major reasons why anti-Indian groups such as PARR and ERFE have made such a firm stand now, he said. "These groups are misinformed and are continually beating up on tribes. Tribal doors are always open for these groups to get a better understanding of tribal ways and cultures," said Maulson.

"What ERFE and their type of organizations are proposing is total destruction of the law."

Tom Busiahn, Biological Services Director for GLIFWC, said that the problems facing the fishing season are not biological in nature, but are social. He also stated that the DNR has said that there are no implications that the resource will be damaged. Tribes don't want to deplete the resource; all they want is to have a safe season, said Busiahn.

Louis Dixon, Menominee Tribal Legislator, expressed his

concern about the possibility of the government establishing a Nuclear Waste Repository on Menominee land. Dixon stressed the need for all Indian tribes to work cohesively to prevent a repository from being placed on Indian lands. "We as Menominee people will use any type of resistance possible in order to maintain our territory," stated Dixon.

Bishop Wantland said that he has had "his share of dealings with Paul Mallay, ERFE." If they have their way, he said, it will not only destroy treaty rights, but personal property rights as well. "What ERFE and their type of organizations are proposing is a total destruction of the law," stated Wantland.

Wantland closed with the statement, "The vast majority of people are not evil or evil-minded. Much of the problem comes from ignorance and education can remove the ignorance."

Stan Webster, Director of WIRC, felt the firm stance being taken by Bishop Wantland and WCC for the rights of tribes against the racist actions of some of Wisconsin's organizations was timely and helpful in breaking through barriers of race which continue to haunt our communities.

PRESS STATEMENT BY BISHOP WANTLAND

A respect for the treaty rights reserved by the nation's tribes and for the individuals who exercise their treaty rights is basic to a continuing adherence to principles of equity and justice that are inherent in this country's government.

The Wisconsin Conference of Churches, the Wisconsin Indian Resource Council, and the Great Lakes Indian Fish and Wildlife Commission have joined hands in support of the treaty guaranteed rights of Wisconsin's Indian people and are promoting a concerted effort to eliminate a racist response to the exercise of those rights.

The Wisconsin Conference of Churches and the Wisconsin Indian Resource Council have been working together since 1972 and have recently adopted a joint resolution with the intent of working with church groups to eradicate racism from our society.

The right to hunt, to fish, and to gather on ceded territories is a guaranteed right of the Chippewa people which has been upheld by the nation's highest courts. Hand-in-hand with the exercise of those rights is the tribal right to self-government - to seek solutions, manage and make decisions which determine the course of their future.

The Wisconsin Conference of Churches, the Wisconsin Indian Resource Council, and the Great Lakes Indian Fish and Wildlife Commission recognize that attempts to abrogate treaty rights as well as the failure to recognize the self-determining status of tribal governments stems from attitudes of a racist nature and seek to deprive the Indian people of their constitutionally guaranteed rights.

Article 6, Section II of United States' Constitution clearly delineates the status of tribes and treaties:

"...this Constitution, and the laws of the United States which should be made in pursuance thereof; and all treaties made; or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

The Wisconsin Indian Resource Council, the Wisconsin Conference of Churches and the Great Lakes Indian Fish and Wildlife Commission believe that it is time that society accept the role and status of the tribes and their members within our society, recognizing the significance of the treaties and tribal self-government.

Bitterness, hatred and fearmongering, along with attempts to deprive the tribes of their rights, only deepen the black mark of racism which has already smudged the face of Wisconsin.

Too frequently attitudes are built on ignorance and on vacuous fears which produce unfounded conclusions. It is the public responsibility to educate themselves about the role of tribes within the United States and, particularly, in the state of Wisconsin, and to look for avenues which promote harmony and continue to guarantee justice under the law and within our communities.

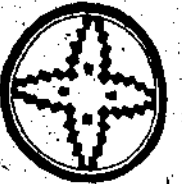
Deprivation of the rights of minority groups as a sacrifice to the will of the majority is an act of racism and represent actions where the principles of justice are not, and cannot, be met.

Looking towards cooperative endeavors, such as opposition to a nuclear waste repository in Wisconsin, will make use of the tribe's strengths for the benefit of all - ourselves, our environment, the future of our children. So many other areas also exist in which Indian & non-Indian can, with an attitude of mutual respect, seek to better our world.



TRIBES TELL DOE "NO"

D.O.E. PUBLIC HEARING ON THE PURITAN BATHOLITH SITE



The Message was NO

The Department of Energy got the message loud and clear from tribal leaders and members of the non-Indian community during their second hearing in Ashland on April 9th regarding the proposed second nuclear waste repository in the Puritan Batholith region.

Approximately 1,200 people appeared at the hearing - all in opposition to the DOE's proposal. Protestors representing all age groups and all walks of life formed the crowd which cheered uproariously as speaker after speaker indicated their dismay at the consideration of the Puritan Batholith as even a remotely possible site for such a high-level radioactive waste dump.

One of the primary concerns expressed by those who testified was the effect of groundwater pollution and the possible contamination through groundwater of Lake Superior, the Great Lakes, and the Mississippi River.

With the lack of sufficient knowledge regarding the flow of groundwater, many speakers contended the DOE would be risking the destruction of one of the world's largest bodies of fresh water by locating a site in proximity to the Great Lakes.

The DOE's plan was also criticized severely for considering site in a granite rock body which can be fractured easily through mining or drilling, or even in the testing process.

The inability of the DOE to guarantee a stable and unfractured site through the anticipated 10,000 year half-life of the high level radioactive waste to be burned was criticized over and over again.

Many of those who spoke also felt that the location of a nuclear waste dump close to Project Elf, which may well be a target in case of a nuclear attack, should be inconceivable. Not only would there be effects from the bombing, but also from the eruption of the waste site.

One spokesman suggested that the nuclear threat being imposed from the DOE is, at this time, much more serious to area residents than any that could come from the Soviets.

Numerous tribal representatives testified on behalf of their reservations, emphasizing the tribal responsibility and need to protect treaty-protected lands from possible degradation by such a project.

Both GLIFWC biologist Alan Ruger and Policy Analyst David Siegler were among those who testified. Siegler criticized the DOE's Draft Area Recommendation Report



James Schlender, Chairman of Citizens Concerned About Radioactive Waste, moderated at the rally, which was organized by CARW.



Ashland High School gymnasium was crowded to overflowing with people the evening of the DOE hearing. Many also testified.

(DARR) as being deficient in both science and law. He stated that building the repository would be an "experiment" and the DOE's methodology is "questionable."

Siegler also noted that the U.S. government has a trust responsibility to keep with the tribes and should be using the highest moral standards in dealing with the tribes.

Ruger attacked the DOE's failure to involve the tribes at the earliest possible date in the planning process for the DARR. He said the tribes were not consulted and that currently they are being given an unreasonable period of time in which to comment on the DARR document. Ruger said he felt the DARR represented the DOE's first "guess" about a possible site and that their next report would be their "second, guess," indicating the many questions left unaddressed by the DARR and the DOE.

Also protesting the lack of tribal involvement was Jim Schlender, Lac Courte Oreilles, who said tribes lacked proper involvement in the DOE's early planning process. He also protested the division of testimony into two rooms, so that those that were speaking could not hear each other.

Ron Smith, Mole Lake spokesman, called upon the power and solidarity of the Ojibwa people, as well as the unity of all people, to challenge the DOE "to bring the DOE up to par."

Smith also said that the treaties provide protection to Indian lands and that the treaties should be respected. He criticized the DOE for lack of government to government relations.

Smith closed with a prayer asking that all people work together for unity and accomplish something for our generation and the future.

Response to all the testimony given during the hearing will be forthcoming from the DOE. They were not allowed to respond during the course of the hearing.

Written responses to the DOE's DARR have also been submitted by the tribes and allow for more in-depth, technical comments regarding the many omissions in the DARR.

At the hearing, each person was allowed approximately five minutes to testify or provide comment on the DARR, a technical document several hundred pages in length. Many people criticized the lack of planning on the part of the DOE. The hearing did not allow people adequate time for testimonial, split the hearing into several sections, and scheduled testimony into the wee hours of the night.

Schlender commented on the unity of people behind this issue, and encouraged those present to put "thoughts of abrogation" behind them. He emphasized that the tribes have an equal status with the state and consequently will have some of the necessary muscle to prevent the siting of a nuclear waste repository in the region.

Schlender also noted that protection of tribal rights in relation to a nuclear waste dump site branches into several areas - those of religious practices already protected by law and those rights to hunt, fish and gather which are protected by the Voigt

Decision.

Leo LaFerner, Red Cliff, challenged DOE's intrusion on congressionally ratified treaty rights of the tribes by proposing a dump site in ceded territories. He also reiterated the concerns of others at DOE's failure to involve potentially affected tribes at a much earlier state. LaFerner said tribes were only involved on January 1, 1986.

LaFerner criticized the DOE for over-emphasizing the significance of their "time line" in the siting process, while at the same time failing to consider adequately the socio-economic impacts of the site and such things as the region's endangered species.

Irv Soullier, Bad River, pointed out to the DOE that tribes have been the "guardians of the land." It is non-Indian individuals and governments who have desecrated the land, he said. Tribal people and elders are concerned, he said, about further desecration of the land, and Bad River will not allow a repository in ceded territories. Soullier also protested lack of involvement in the planning stages of the DARR, but called on citizens of the Bad River Tribe and of the U.S. to join hands in opposing a dump site.

Louis Taylor, who testified for the St. Croix Tribe, spoke about the Anishinabe tradition and his concern for the tribe's traditional sacred society. He said the values and guidance of the elders should be followed, and that the Anishinabe by tradition will oppose desecration of the land. Taylor also warned that the act of going under ground will be punished.



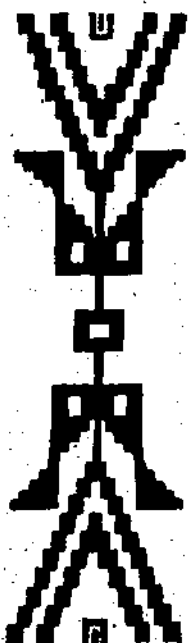
The podium in the second room scheduled for testimony was frequently empty as many people refused to testify in a separate room.



Lewis Taylor, left, St. Croix, and Irv Soullier, Bad River testify at DOE hearing.

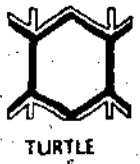


Ron Smith, presented Mole Lakes opposition to the siting of a nuclear waste dump.



DOE officials listen and write notes as individuals testify at the hearing.

PROTESTORS ARRIVED IN VARIOUS GUISES AT CCARW RALLY: THE MESSAGE WAS A CLEAR "NO"



TURTLE



BUTTERFLY

Many citizens and protesters rallied at the Ashland Memorial Park the afternoon of April 9th prior to the Department of Energy's (DOE) hearing that evening. The rally was sponsored by the Citizens Concerned About Radioactive Waste (CCARW).

Signs, speeches, live music, and a skit highlighted the events in the park. The skit satirized the DOE, while several of the songs were composed particularly for the event and opposed both the dump site and the production of nuclear waste.

Jim Schlender, Chairman of CCARW, told the audience that treaty rights will help the entire area fight against the location of a dump site in territories that are treaty-ceded and protected. Petitions supporting the treaty rights of the Chippewa were also available at the park and gained many signatures.

Other speakers included Frank Koehn, CCARW vice-chairman, and David Kurki, SANE.

Ralliers carried their protest through the streets of Ashland by marching from the park to the Ashland High School gymnasium, where the DOE hearing was scheduled to begin.



The rally against the nuclear waste repository, held in Memoria' Park, Ashland, began with the Red Cliff drum.



Following the rally in the park, protestors marched from the park to the Ashland High School where the hearing was to be held.



Protestors gathered at the bandshell in Ashland as part of a rally prior to the DOE public hearing on the Puritan Batholith as a site for a nuclear waste repository.

WI RAD WASTE OFFICAL TO VISIT AREA

RWRB Official Will Visit Puritan Batholith May 6-10

MADISON - An official of the Wisconsin Radioactive Waste Review Board will spend five days meeting with citizens in the Puritan Batholith on the nuclear waste issue.

Jim Kleinhans, executive director of the RWRB, will spend Tuesday, May 6, through Saturday afternoon, May 10, in the Puritan Batholith. He will be available to present programs at schools, civic organizations, etc., as well as generally meet with individuals who are involved in the nuclear waste siting issue.

The U.S. Department of Energy (DOE) recently identified the Puritan Batholith in Ashland, Sawyer, and Bayfield counties as one of eight "candidate" areas for the nation's second nuclear waste repository. The candidate areas will be used as a back-up

to the dozen "potentially acceptable sites."

"Because the Review Board's northern Wisconsin public information officer is concentrating her efforts in the Wolf River Batholith, one of the potentially acceptable sites, I will be spending a week in the Puritan Batholith in an effort to keep the citizens informed of the issue," Kleinhans said. When DOE publishes its final report, the Review Board will be in a better position to judge what type of presence the agency should have in the Puritan Batholith. Until that time, Review Board personnel will spend about a week a month in the Puritan Batholith.

Those wishing to have Kleinhans as a speaker, or wish to speak to him during the five-day period, are asked to call 608-267-7615 and reserve a time.

STATE AND INDIAN NATIONS TO MEET ON NUKE WASTE

In keeping with discussions that took place at Waste Management '86, Wisconsin will play host to a second-round state/Indian nation meeting Tuesday and Wednesday, June 3-4, 1986, at the Midway Motor Lodge, Madison, Wisconsin.

While all second-round Indian nations and states are invited to attend, the meeting will focus on ways that the states/Indian nations can work together during the Area Phase of the U.S. Department of Energy's site-selection process for the nation's second nuclear waste repository.

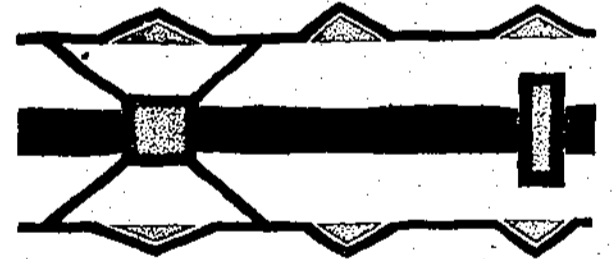
The meeting will begin at 8:30 a.m. on Tuesday, June 3, and conclude at 11:30 a.m. on Wednesday, June 4. I have contacted Sally Mann, and she has given approval for each Indian nation/state to use its current Federal grant to send two representatives from each entity to the meeting.

A block of 80 rooms has been reserved at the Midway Motor Lodge for the nights of

June 2-3, 1986. The rate is \$36, plus 12% tax, per night for a single room. Please make reservations, prior to May 5, 1986, by contacting the Midway Motor Lodge, 3710 E. Washington Avenue, Madison, Wisconsin 53794; call 608-244-2424. Check-in time is 3 p.m. Please state that you are attending the meeting sponsored by the Radioactive Waste Review Board.

Also, please contact either Mary Blasdel or Sandy Hinkes (608-267-7615) and tell them who will attend from your state/Indian nation.

Please send your suggestions for agenda items to me prior to May 5, 1986. Also indicate if there are items you might want to discuss with DOE representatives, who could be invited to the meeting on Wednesday morning, June 4. If you have further questions about the arrangements, please contact me at your convenience. We look forward to seeing you in beautiful Wisconsin.



120 PAGES OF COMMENTARY CRITIQUE DOE'S REPORT

Commentary on the Department of Energy's (DOE) Draft Area Recommendation Report (DARR) submitted on behalf of the Lac Courte Oreilles, Bad River and Bay Mills Chippewa indicate that the report has failed to set adequate standards for selecting a repository site, has failed to meet and appropriately apply its own standards, and that the methodology by which the sites have been selected is flawed.

These criticisms of the DOE's DARR were explained by a six-person panel of experts who contributed to the 120-page commentary on the DARR during a public informational session at Alvord Theatre, Northland College, Ashland, on Friday afternoon.

Speakers included Philip Handrick, anthropologist from Michigan State University;

Brian Suderman, Sigurd Olson Environmental Institute; Tom Kasulis, professor of religion, Northland College; Don Hancock, Southwest Research and Information Center; Alan Rieger, environmental biologist, and David Siegler, policy analyst, both from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

Siegler, who moderated the panel, stated that the commentary found that the standards by which the DARR are to be judged are inadequate, failing to consider the relevant input, inconsistent with the Nuclear Waste Policy Act (NWPA) and other applicable law, and failing to consider all relevant topics.

The fact that the Puritan Batholith did not come through DOE's screening process, or, pass DOE's test,

Siegler contended indicates that it should have been immediately removed from further consideration, especially considering the "deleterious socio-economic impact on the area."

Kasulis looked at the moral values entailed by nuclear siting as well as the deep conflict between Chippewa religious values; and the construction of a repository as his part of the commentary.

He criticized the DARR for failing to include any socio-economic considerations. Kasulis stated that the DARR seemed to assume that the siting process was a "matter of national interest," which, he says, indicates a status comparable to that of a national security.

When national security is involved, people can be drafted, he said, and action im-

posed on the citizenry. However, the siting of a repository, Kasulis feels, is not a security issue and shouldn't be treated as such. The right of the government to impose a site, he felt, is an inaccurate assumption.

Kasulis also criticized the DOE for "putting an Indian population at risk." He pointed out that the threat to the religion and culture of Indian tribes by the siting of a nuclear waste repository is much greater than to the culture and religion of the non-Indian community.

Anthropologist Phil Handrick later supported this conclusion indicating also that the existence of a tribe and their particular reservation are synonymous.

Should the reservation be destroyed, the chance of the entire culture of the tribe being

eradicated is great, Handrick stated.

He gave examples of the erosion of culture in instances of termination or removal of Indian tribes in both the U.S. and Canada.

Basically, panelists contended that DOE's failure to consider the status of Indian Tribes violates several federal laws, including those affirming freedom of religion for Indian people, self-determination, and a co-equal status with the states in the siting process.

The fact that the DARR failed to address the effects of phenomenon like "Radiation Response Syndrome," which is associated with nuclear test victims, survivors of the bombing in Japan and victims of the Love Canal episode, was also mentioned, as was the failure to address community stress created by proximity to a

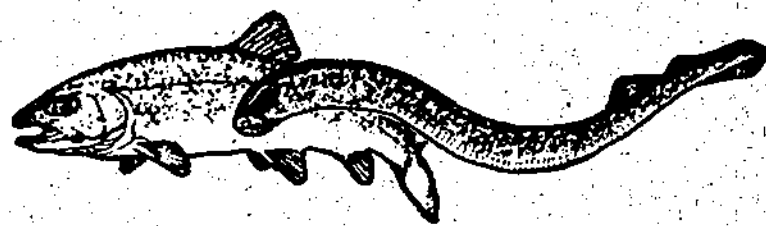
radioactive waste site.

Don Hancock, who has had substantial experience in the DOE siting issues elsewhere, stated that the DARR ignores addressing long term economic issues, such as tourism or dislocating some of the Indian hunting, fishing, and gathering activities.

The DOE, Hancock said, will try to turn the dump site into a tourist attraction with a visitors center, but the area will be perceived in a negative light and people will refrain from coming to an area with potential risk.

Hancock criticized the DOE for setting up their report so they did not have to deal with socio-economics, and consequently, they left the area unaddressed.

LAKE SUPERIOR ENVIRONMENTAL ISSUES



A Good Overview of Lake Superior Environmental Issues
(reprinted from Great Lakes United)

Lake Superior's surface area of 31,699 square miles makes it the largest freshwater lake in the world, by surface area, and second only to Lake Baikal of the Soviet Union in volume. The surface of Lake Superior rests at 602 feet above sea level, while its deepest trough lies 733 feet below sea level. In those darkest recesses, researchers using a submarine recently found and photographed two species of fish, sculpins and burbot, living among smooth, hydra-coated boulders. It takes 191 years for water in this lake to replace itself, compared with 99 years for Lake Michigan and much less in the other Great Lakes. Thus Lake Superior, once polluted, would take several human lifetimes to cleanse itself by flushing.

Alfred Beeton's classic paper entitled *Eutrophication of the St. Lawrence Great Lakes*, published in 1965, indicated that the levels of dissolved solids, specifically calcium, sodium and sulfates, which have been significantly accelerated by man's activities in the other Great Lakes, have remained very low and essentially unchanged in Lake Superior since 1886. Thus, accumulation of nutrients has not become a problem in Lake Superior.

Lake Superior still retains most of its native cold-water fish species, including lake trout, brook trout, whitefish and lake herring. Lake trout provide a superb sport fishery, particularly for trawlers. Brook trout, once locally abundant as "coasters," which could grow to 5-6 pounds in the big lake

and ascend streams to spawn, are, however, all but gone. The lake whitefish, an excellent table fish, is the heart of the commercial fishery, and the lake herring, another commercially valuable fish food, is staging an encouraging comeback.

In the past century, several exotics have been brought in, some intentionally to "improve" the fishing, and others inadvertently. From the Pacific watershed, the rainbow trout or "steelhead" became established in the late 1800's, and still provides excellent sport fishing in tributary streams and near their mouths during spring spawning runs. Coho and chinook salmon attract fishermen to the mouths of rivers in fall and winter. The small unpopular pink salmon, accidentally released near Thunder Bay in 1956, ascend streams in the fall primarily in odd-numbered years, but peak runs reached in the late 1970's have diminished in the 1980's. Smelt, the East Coast, were until a few years ago abundant, serving as prey for lake trout and a welcome excuse for spring beer-drinking and smelting parties at the mouths of streams. Smelt runs have declined in the past decade and no one knows why or whether they'll be back.

The villain of Lake Superior's fauna is the sea lamprey. This blood-sucking parasite, relatively harmless in its native Atlantic waters, found paradise when the Welland Canal cleared the way around Niagara Falls to Lake Erie and the upper Great Lakes. As with many exotic species introduced into a new and favorable environment, the lamprey flourished. After reaching Lake Superior through the St. Mary's River, the lamprey, in combination

Sea Lamprey

Sea lampreys have adopted the Great Lakes as their home, and most people wish they would go back where they came from—the Atlantic Ocean. These snake-like fish swam into the lakes in the 1940s through canals and streams. At first, the lampreys wiped out many kinds of fish, especially lake trout and whitefish. They did this by attaching their mouths, like suction cups, to the sides of fish and then sucking out the fishes' life juices. In this way, sea lamprey killed hundreds of thousands of fish. Today, the United States and Canada are controlling the sea lamprey population by poisoning streams where they hatch.



with heavy commercial fishing in the 1950's, devastated lake trout and whitefish populations, as it had done in the other lakes. There are still lampreys in Lake Superior, but their numbers have been brought under control through the use of TFM, a chemical lampricide applied to tributary streams in which lamprey larvae spend several years after hatching. The cost of treating Lake Superior streams average about \$250,000 per year. Through extensive stocking in the 1960's and 1970's, lake trout have recovered and natural reproduction is beginning to supplant hatchery stocks. The more prolific white fish came back on their own.

Ten years ago toxic chemicals were accumulating in Lake Superior fish to levels well above FDA-designated safe concentrations. In 1975 the Michigan Department of Natural Resources closed commercial fishing for off-shore lake trout, the fat deep-water varieties known as "siscowet" and "humper" trout, because they were commonly found to have more than ten parts per million (PPM) or PCBs and DDE (a metabolic by-product

of DDT.) The "lean" trout caught by sports fishermen were not a problem. FDA maximum safe levels are set at 2 ppm for PCBs. Samples taken from siscowet and humper trout in 1983 showed that PCB levels had dropped to well below the 2 ppm level and that DDE levels were barely detectable. The fishery for these fish was recently reopened.

A contaminant not as inclined to go away, however, is asbestos. The City of Duluth must filter its drinking water to remove amphirole asbestos particles, of which millions are present in a liter of lake water. The source of these tiny fibers is primarily finely ground tailing from processing taconite iron ore near Silver Bay, 50 miles up the shore from Duluth. Between 1955 and 1979 the Reserve Mining Company, under proper permits, dumped an average of 60,000 tons of tailings per day into Lake Superior. The tailings were supposed, by engineering estimates, to have acted like sand, sinking into a deep trough where they would cause no harm. But more of the tailings were much finer than sand, and the ultra-microscopic needle-like

asbestos particles (of which there were more than 300 million per liter of water near the plant) were carried by currents hundreds of miles along the western and southern shores. It is believed that cancer of the digestive tract may be caused by asbestos particles taken in through food or water.

In 1980, after years of court battles, Reserve Mining Company was forced to dispose of their tailings in a settling pond created by an impoundment on the Beaver River, about seven miles inland. But in 1984 the company claimed that low rates of ore production and water consumption in their processing, was resulting in a heavy stream flow, threatening to breach their dam, sending years of accumulated asbestos-laden tailings downstream into Lake Superior. They applied for and received a permit from the Minnesota Pollution Control Agency to release water from the dam. Studies by that agency indicated that the Beaver River above the impoundment carries a "background" load of about three million fibers per liter, and so the permit specifies that a maximum level of three million fibers per liter may be released. Fears of the average citizen are not soothed by this standard.

Various navigational and power interests have in the past several decades attempted to regulate water levels of Lake Superior by means of diversions into the lake from Canadian rivers designed by nature to flow north to Hudson's Bay, and by means of a dam (euphemistically referred to as a "compensating works") at Sault Ste. Marie which reduces flow without the compensating works and with the high water levels in 1985, shore erosion in Lakes Michigan and Huron would have been greater than what has been experienced. Corollary to that are arguments of Lake

Superior shoreline-property owners, who claim for the apparent beneficial effects of the compensating works it might likewise accept partial responsibility for flooding and erosion of the Lake Superior shores.

At high water levels existing today, most Lake Superior property owners would be happy to sell lake water to anyone willing to take it. A pipeline to the Ogallala Aquifer may in 1986 sound like a good idea. But others feel that Lake Superior might be a case in which tempting and quick technological "solutions" may in the long run bring about more problems than they solve.

Besides tampering with water levels and allowing asbestos to be dumped, we are probably making other errors, such as permitting Ontario gold mines to place tailings where run-off and groundwater may carry concentrated heavy metals into Lake Superior waters, or by allowing development of campgrounds and marinas along stretches of shore where wildness may be more appropriate, or by permitting the shipping of oil, toxic substances, and possibly radioactive material across a lake whose storms are known to destroy and sink our most modern and sturdy vessels.

Recent agreements on water quality quietly made between Michigan and Ontario, the Council of Great Lakes Governors Charter addressing diversions, and a new International Water Quality Agreement with stringent standards are promising and positive steps toward preserving the environment of the Great Lakes. But the concerns for Lake Superior are especially acute because this lake may be particularly sensitive, and the sparseness of human population in its basin reduces our political voice. Whatever laws, treaties and agreements are developed will only work if people want them to.

GLIFWC JOINS GLU

The GLIFWC Board of Commissioners voted to join Great Lakes United at their April 17th meeting. Great Lakes United represents the interests of a variety of organizations from both Canada and the United States who are interested in the management of the Great Lakes Basin.

GLU was established in May 1982 when representatives of conservation, environmental and community organizations from several states and provinces met on Mackinac Island, Michigan. The organization was formed to coordinate and unify the diverse interests of the Great Lakes Basin in order to more effectively protect the Basin on behalf of all who have an interest in it.

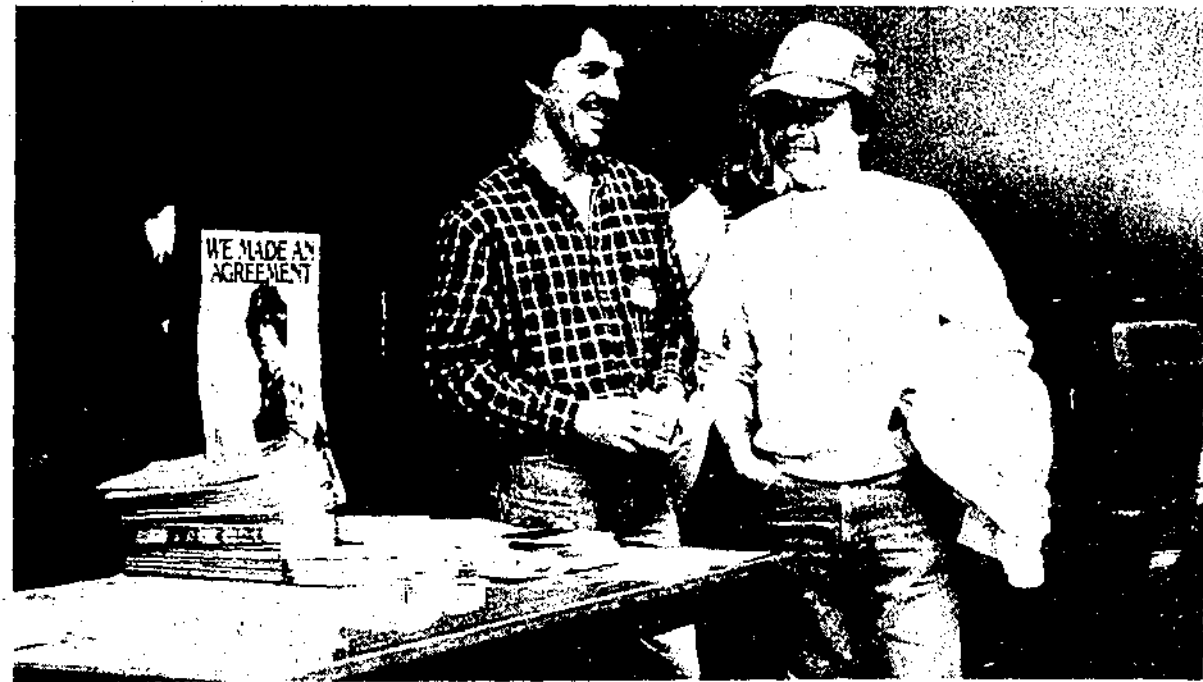
David Miller, Executive Director of GLU, visited the GLIFWC offices on April 16th in order to explain the goals of the organization to staff members. Miller explained that GLU stresses an eco-system approach to the management of the basin. He said the organization, which was founded from a grant from the Joyce Foundation, focuses primarily on water diversion issues, water quality and the use of policy resolutions to help support the efforts of its members.

Miller explained that, as in the issue of the nuclear waste repository site being proposed for the Puritan Batholith, GLU can assist by forwarding a policy opposing the site to the Department of Energy. He also stated that members throughout the Great Lakes Basin would be concerned as they would be affected should the Great Lakes Basin become contaminated from the site.

The purpose of the hearings is to educate the public as well as gather support demanding the implementation and enforcement of the Act. They will be stressing the dangers of toxic chemicals as well as nuclear issues during the hearings.

Although GLU does not speak directly for its members, Miller said the organization tries to promote common goals and act as a coordinator or central agency for the widespread and diverse groups.

Approximately 150 different groups belong to GLU. Among those are Sigurd Olson Institute, Canadian Environmental Law Association, League of Women Voters, United Auto Workers, City of Toronto, Great Lakes Committee of the Sierra Club, and the Michigan United Conservation Clubs.



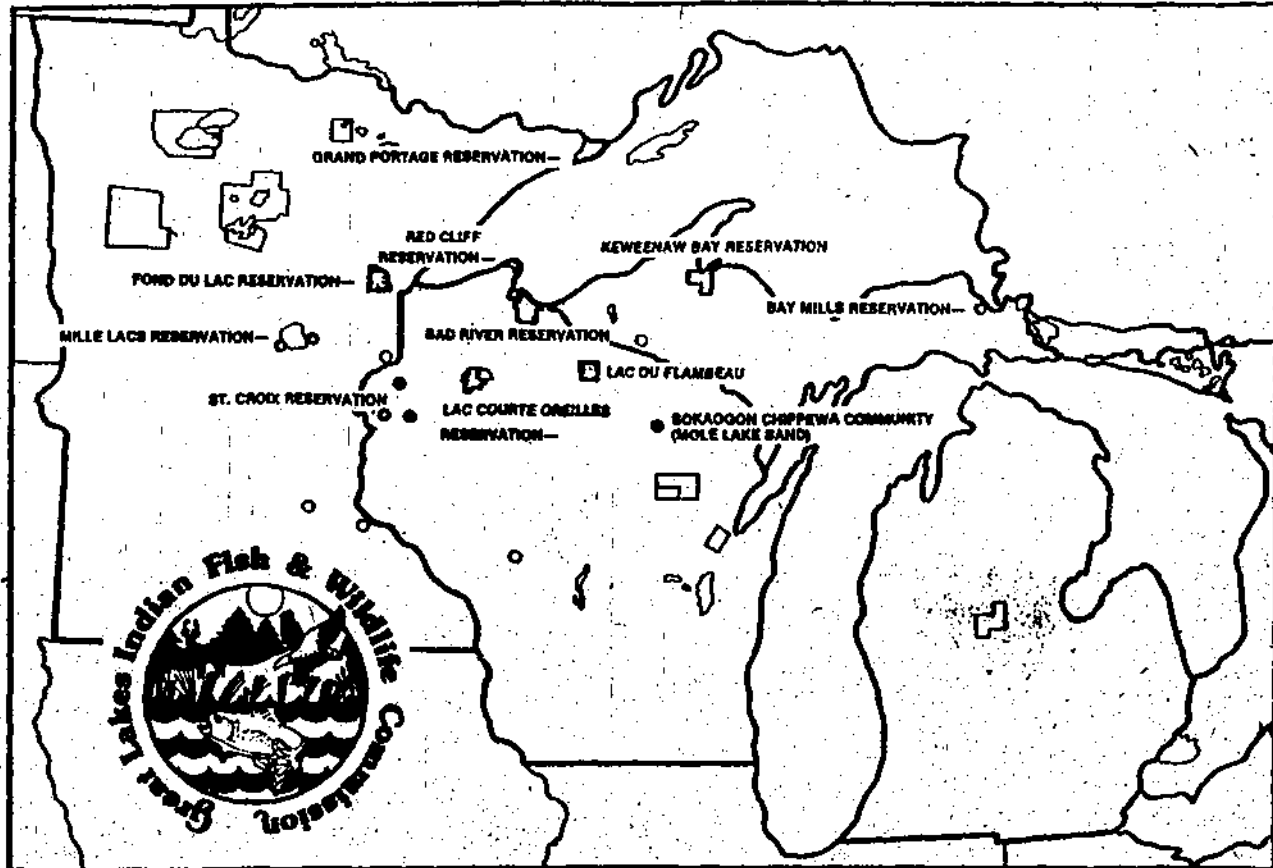
Jon Gilbert, GLIFWC wildlife biologist, helped man a booth at the Audobon Society's Earth Day at Northland College last month. With him is John Deonomie, crew leader for the Bad River WCC.

GURNOE APPOINTED

Richard Gurnoe, Red Cliff Tribal Chairman and Chairman of the GLIFWC Board of Commissioners, was recently reappointed to serve as a Public Member of the American Indian Study Committee (AISC). The AISC is directed to study the problems and develop specific recommendations and legislative proposals relating to Native Americans and the various Indian tribes in Wisconsin. The committee then reports its recommendations to the Legislative Council.



GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION,
POST OFFICE BOX 9, ODANAH, WISCONSIN 54861 • 715/682-6619



TROUT UNLIMITED SUPPORTS TREATY RIGHTS

Trout Unlimited Philosophy

We believe that trout and salmon fishing isn't just fishing for trout and salmon. It's fishing for sport rather than for food, where the true enjoyment of the sport lies in the challenge, the lure and the battle of wits, not necessarily the full creel. It's the feeling of satisfaction that comes from limiting your kill instead of killing your limit. It's communicating with nature where the chief reward is a refreshed body and a contented soul, where a license is a permit to use—not abuse—to enjoy—not destroy our coldwater fishery. It's subscribing to the proposition that what's good for trout and salmon is good for fishermen and that managing trout and salmon for themselves rather than for the fishermen is fundamental to the solution of our trout and salmon problems. It's appreciating our fishery resource, respecting fellow anglers and giving serious thought to tomorrow.

TROUT UNLIMITED

THE PATH TO LEAVE UNTROD

(Reprinted from Trout, Winter 1986, a publication of Trout Unlimited.)

Beyond Boldt: When Ten Years of Lawsuits Failed to Add Another Steelhead

by Frank Gaffney

In the early 1970s, when comedian Dick Gregory and actor Marlon Brando were helping tribal fishermen net steelhead in Washington's Nisqually River, Judge George Boldt was the head of then President Nixon's Wage and Price Control Board. At that time tribal fishermen were catching three percent of the salmon and steelhead in Washington State, one could sportfish for salmon for free, a commercial trolling license cost \$25, and no one believed that this Indian fishing mess would get out of hand. Sure, they had some fish coming, but the state was going to tell them when, and how many. If few fish came back, well, they weren't going to let them net the spawners out of the damn rivers. That wouldn't be right, no one else could gillnet in the rivers. That was where salmon spawned.

State fisheries agencies were assuring fishermen that the tribes were responsible for declining fish runs. The Washington Attorney General's Office was assuring fishermen that the state had the right to manage the fishery resource. The Washington State Supreme Court agreed with the Attorney General time and again, finding that the state was justified in halting tribal fisheries for conservation reasons.

On February 12, 1974, Federal Judge George Boldt did what everyone said could not happen — he ruled that, according to treaties signed more than 100 years earlier, Treaty fishermen reserved the right to catch up to fifty percent of the harvestable salmon and steelhead from the entire run, not just fifty percent of what remained after everyone else had completed their fishing. A similar decision had earlier been reached in Oregon by Federal Judge Robert Belloni. After the initial shock the universal feeling in the non-Indian fishing community was anger. The Washington State Council of Trout Unlimited took the only course it saw open: an attorney was retained.

Five years, one *amicus curiae* brief to the Supreme Court, \$100,000 in legal fees, one Presidential Fisheries Task Force and a 200 Mile Limit later, we received our answer. On July 2, 1979, the United States Supreme Court upheld the Boldt Decision with no major modifications. The treaty tribes were granted fifty percent of the salmon, fifty percent of the steelhead, fifty percent of the hatchery fish, and fifty percent of certain runs created many years after the treaties were signed. The court appeals showed the state agencies poorly equipped to justify their actions in the name of conservation, and tribal fishermen taking less than

twenty percent of the fish didn't help.

Having lost nearly 20 consecutive federal court appeals, including several to the Supreme Court, the effort to change the decision moved to the Congress of the United States.

Backed by Trout Unlimited, legislation was introduced in the U.S. House of Representatives in 1979 to "decommercialize" steelhead trout. Similar legislation was introduced in the Senate in 1981. Both bills failed to get out of committee in spite of large scale sport-fishing support. Both the courts and Congress had now chosen to uphold the treaties. The feeling of frustration lingered.

On June 21, 1985, Trout Unlimited's National Board of Directors unanimously adopted a landmark resolution affirming Native American Rights to Fish and Wildlife. (See Robert L. Herbst's Living Brightwater column in this issue for exact wording.) The resolution represents the culmination of more than ten years of controversy in the Pacific Northwest. Nowhere in this nation has a region been so rocked by tribal rights to fish for salmon and steelhead trout; nowhere has it met such resistance. However, a new spirit of cooperation has replaced confrontation; former combatants are now working together with some surprising results. But the changes have not come easily.

In September 1980, during the second half of *United States versus Washington*, Federal Judge William Orrick ruled in what was referred to as Boldt Phase Two. He ruled that the tribes held a guaranteed right to protection of fisheries habitat, thereby retaining the ability to earn a moderate living from fishing. This decision attracted nearly as much attention as the original case. It was hailed favorably by environmental organizations and many fly fishing clubs, citing progressive habitat protection language. Tribal fishermen and their biologists were vitally concerned with fisheries habitat loss. Nearly three million people now lived in an area where a few thousand lived when the treaties were signed. Miles of spawning habitat were being destroyed yearly, and the allocation battle was producing no fish.

While the decision had been somewhat modified by a later court ruling, merely the threat of invoking Boldt Phase Two halted the construction of Copper Creek Dam on Washington's Skagit River and played a part in then Washington Governor Spellman's decision to deny construction of the Northern Tier Pipeline under and around Puget Sound.

The companies that were large natural resource users — timber interests, aluminum companies, and irrigation

districts — formed the Northwest Water Resources Committee and hired an attorney, Jim Waldo, to provide advice on dealing with Boldt Phase Two. Based on Waldo's advice, the Committee chose to negotiate with the tribes rather than fight it out in court. In the ensuing four years, there has not been a lawsuit between the two parties.

Waldo provided me with a copy of his report in December of 1981 and then Washington Council Chairman Jerry Pavletich circulated copies to all Council officers and Chapter presidents. The report convincingly pointed out the futility of litigative or legislative overturn of the Boldt Decision. The Council was well aware of both avenues of futility.

The Senate's decriminalization bill was not going well, so the Washington Council hired former Director of the U.S. Fish and Wildlife Service, Lynn Greenwalt, to lobby for its passage. While preparing his testimony and during his research, Greenwalt spent several days studying steelhead catch records and management practices with the Washington Department of Game. His report was not exactly what the Council had expected. It said in part: "I cannot find any concrete evidence that the Indian commercial harvest has had an adverse impact on wild steelhead trout." He also stated, "I am certain that if proof of adverse impact cannot be done in some more solid way, the Senate will reject the legislation even if it is passed out of subcommittee. It is my impression that the legislation proposed will have no real effect upon the well being of the steelhead, except to shift the pattern of harvest over to the sport angling side." As mentioned earlier, this legislation failed to clear committee.

Obviously, a great deal of the Washington Council's time and energy had gone into seeking to overturn the Boldt Decision. Both the Washington State Department of Fish and the Department of Game were managing the fisheries resource in one court battle after another. It was becoming apparent that solving problems through the courts usually provided a solution neither party wanted. After nearly ten years of struggle, time had come for a change. Our fishery's future lay buried beneath piles of court decisions and failed legislation.

In 1982 the Washington State Chapters of Trout Unlimited raised 2.5 million salmon and trout. They were released into the same waters the tribes used to raise nearly 30 million fish. It was time to put harvest in the background and to focus on the other ninety percent of the issues affecting the resource. The Chapters began strategy meetings in the autumn of 1982 and soon adopted a set of

TROUT UNLIMITED adopted a resolution in support of Native American Rights. The resolution, adopted June 21, 1985, by the National Board, is as follows:

Native American Rights To Fish and Wildlife

WHEREAS, Trout Unlimited's primary goal is to positively impact the coldwater resources of our world by a program of preserving, protection, and improving those resources; and WHEREAS, Trout Unlimited is committed to working with constituted authorities and other conservation organizations in pursuit of its goals; and WHEREAS, native Americans hold a unique position in American life as the first stewards of our fishery resources; and WHEREAS, native Americans have rights to fish and wildlife as designated in treaties with the United States of America and in accordance with the In-

dian Citizenship Act of 1924; and WHEREAS, Trout Unlimited supports the laws of the United States of America and its treaties; now therefore be it RESOLVED, that Trout Unlimited, at its 26th National Convention in Bolton Valley, Vermont, June 20-23, 1985, pledges to work with native Americans in pursuit of mutual goals to preserve and enhance the coldwater fishery resource; and be it further RESOLVED, that Trout Unlimited urges native Americans to work with all other constituted agencies and concerned organizations to preserve and enhance the coldwater fishery through cooperative management efforts.

I urge you to adopt this as a personal resolution as well.

(Reprinted from Trout, Winter 1986, a publication of Trout Unlimited, Trout, Winter 1986; Rick Penn, Trout Unlimited, National Chapter, Trout Unlimited, Rte. 1, Box 267, Highbridge, Wisconsin 54846.)

principles to guide their actions. It was agreed that the 50/50 stipulations of the Boldt Decision would be accepted, yet the Chapters expressed concern over commercial sale of steelhead, hoping that it might someday cease.

The meetings progressed until May of 1983, along the way involving an increasing number of chapters and tribes. The Washington Council created the position of Tribal Coordinator and I, Frank Gaffney, accepted the position. The same month, then Council Chairman, Gene Winn, signed a joint resolution with the Chairman of the Northwest Indian Fisheries Commission urging the passage of a Pacific salmon interception treaty with Canada. This resolution preceded the formation of the U.S./Canada Treaty Coalition by nearly a year and was a marked departure from past confrontations with tribal fishermen. It also generated a mixture of public support and, on the negative side, charges that TU had "sold out" to the Indians. A number of individuals critical of TU's position formed an organization called S/SPAWN, and then sponsored a statewide initiative campaign declaring the state's right to manage the fishery, and also calling for the end of the tribal commercial steelhead fishery.

The initiative did not receive sufficient signatures to warrant placement on the ballot. It did, however, create a controversy when TU chose not to support the initiative. This was a very difficult time for some members of the Washington Council. Some claimed they had joined TU to fight the Boldt Decision. Our history had been that of supporting any decriminalization effort, period. Over the years the ground rules had changed. There was no proof that the tribal net fishery was doing any harm to wild stocks of steelhead. Continuing the fight would not produce any fish, it would merely be one more attempt to seize another party's established rights to those fish. The Washington Council decided to expend no more money, time, or energy on this futile and unjustified endeavor. Someone had to take a stand based on the facts.

Meetings with the tribes had continued throughout the period of controversy and the tribes were working with and raising fish jointly with chapters across the state. The tribes supported efforts with cash donations, loan of staff biologists, donated space in

tribal hatcheries, and supportive testimony on habitat and water quality problems. Success is sometimes difficult to measure, but our new direction seemed to be working. In 1984, the chapter presidents and officers voted to continue our cooperative efforts.

A big break came in March 1984. Bill Wilkerson, Washington State Director of Fisheries, announced that his agency would no longer go to court to settle tribal fishery questions. Salmon management in the state would be a joint effort with the treaty tribes. "Lawyers have produced a hell of a lot of lawsuits, but no fish. I'm embarrassed to say that after ten years the litigation continues and the status of the resource is in greater jeopardy," Wilkerson stated.

The response was immediate. Commercial and sportfishermen marched on the state capitol calling for Wilkerson's ouster. S/SPAWN had regrouped and was back with another initiative (456) and additional out-of-state support from organizations dedicated to the abrogation of Indian treaties. The Washington Council's legal counsel reviewed Initiative 456 and reported that it was unconstitutional on a couple of points and, even if approved by Washington voters, would not be enacted by Congress. The council voted not to support Initiative 456.

Instead, the council helped form the U.S./Canada Treaty Coalition in April, 1984. It included treaty tribes from Washington and Oregon, charterboat associations from both states, sportfishermen, non-Indian commercial fishermen, Washington's Department of Fisheries, and others. The theme of the coalition would be the conservation of Pacific salmon stocks, and the group would leave Initiative 456 and the abrogation of Indian treaties outside the room.

The results of the coalition are historic, leading to a treaty after twenty years of unsuccessful attempts. While Initiative 456 proceeded on its hateful way, cooperative management between the tribes and the Department of Fisheries resulted in agreements granting several additional months of sport-fishing for Chinook salmon on Puget Sound.

It was becoming increasingly apparent that critics of cooperative management were more interested in prolonging the Indian fishing wars than they were interested in protecting and enhancing salmon and

steelhead. Voting emotionally, many on feelings that were ten years old, Washington voters approved Initiative 456 by a narrow 53 to 47 percent margin. As predicted, the Attorney General's office instructed state management agencies to ignore the provisions of the Initiative.

It had been a rocky road for Trout Unlimited in Washington State. There were times in past years when fighting the Boldt Decision was the glue that held us. However, during that period, management of the salmon and steelhead resource suffered; too much time was spent managing the battle. No one knew that Canadian and Alaskan fishermen were harvesting over seventy percent of some Washington salmon runs. Sportfishermen refused to send in their punchcards and the Washington Department of Game significantly overestimated steelhead catches for several years. After the Boldt Decision things changed. State agencies were required to more closely monitor all aspects of fisheries management. The requirement for increased data and a better understanding of individual stocks has benefited everyone, especially the fish. Cooperative fisheries management is here to stay, and it is working.

In the 1984-85 winter steelhead season sportfishermen caught 115,000 fish while the tribes caught 103,000. The total is the highest on record and wild fish escapement was good to excellent. Sportfishermen took an additional 60,000 summer steelhead in 1984. The 1983-84 winter season was also outstanding with excellent wild escapement.

We now have a salmon interception treaty with Canada ensuring more Washington fish will return to Washington to spawn or be harvested. At present, the tribes and state agencies are jointly formulating watershed plans for salmon and steelhead throughout the state. The plans will cover everything from production to harvest. Congress has mandated these cooperative plans to help secure future federal funds for fishery programs.

Problems facing salmon and steelhead in Washington State can be resolved through cooperation, and it is going to take the energy of everyone to solve the biggest problem: habitat loss. The future of the resource is just that simple and Trout Unlimited is going to be a key player in shaping the future.

WHITEFISH STUDIED

Credit: Litoral Drift, March, 1986 UW Seagrant Institute

Widely favored at markets and restaurants, lake whitefish are also the centerpiece of Wisconsin's fish boils. Each year since 1970, commercial fishermen have supplied these outlets with more than 2 million pounds of whitefish from Green Bay and northwestern Lake Michigan.

But Wisconsin department of Natural Resources officials and some Green Bay fishermen have long been concerned about overharvesting the whitefish. At their request, UWSTP fisheries scientists have examined the basic biology of Lake Michigan's whitefish, the nature of the fishery and expected levels of future harvest.

Since 1975, this UWSTP Sea Grant research team has tagged more than 28,000 whitefish. Commercial fishermen caught more than 50 percent of these fish and returned almost all of the tags to Stevens Point.

"In the first five years, we caught and tagged fish primarily during the closed season, and the fishermen donated their boats, nets and time for this work," team leader Fred Copes said.

The tags revealed that most whitefish of northwestern Lake Michigan come from spawning grounds in North and Moonlight bays—two sheltered estuaries on the lake side of Door County. Many of the young fish swim south, some as far as Sheboygan. The rest go north and fan out into Green Bay, a good share of these entering State of Michigan waters.

These migrations indirectly bear on the question of whether yearly whitefish harvests are too high, according to Copes.

"Actually, the annual whitefish catch from Green Bay and northwestern Lake Michigan is at or slightly over the limit for a maximum sustainable harvest. The big problem is that these fish don't stay in Wisconsin waters, so they're being fished in two states," Copes said. "They need to be managed as a stock and not by two different states, each with its own management picture. Wisconsin and Michigan must get together."

If cooperation is achieved, the Stevens Point Sea Grant biologists will have provided an objective basis for uniform management policies. Copes, UWSTP colleague Dan Coble and their students have successfully applied a mathematical model to the problem of the whitefish harvest, using the number of spawning whitefish in northwestern Lake Michigan, their estimated growth, their natural mortality and the mortality caused by different types of fishing nets. In so doing, they have demonstrated the model's usefulness to the Wisconsin Department of Natural Resources and other management agencies.

"We looked at several models. With this latest one, we're attempting to predict what the potential yield could be to fishermen from different year-classes of whitefish," said Copes, adding that such predictions, made a year or two in advance, might help prevent the boom-and-bust cycle common in many other fisheries.

NAF&WS 4TH ANNUAL CONFERENCE

The Fourth Annual Native American Fish & Wildlife Society Symposium, Missoula, Montana, began with John Smith, President of the Native American Fish & Wildlife Society (NAF&WS) addressing the congregation, stressing the historic importance of this meeting of Native American tribes coming together on a nationwide basis.

The emphasis of the first day's program was on a review of the impending budget crunch. Gary Rankel and other Bureau of Indian Affairs (BIA) personnel discussed the Gramm Rudman Bill and the implications it has for decreased BIA funding.

Tribal fish and wildlife programs were highlighted on April 2nd. The program began with presentations on waterfowl lead poisoning, habitat management, and tribal hunting programs. Fant Martin of the U.S. Fish & Wildlife Service (USFWS) Migratory Bird Office gave a status report on federal waterfowl hunting regulations affecting Indian tribes. Mr. Martin cited the 1985 off-reservation waterfowl hunt in Wisconsin as an important precedent and commended GLIFWC for our role in developing, implementing, and monitoring the season, and for the completeness of our waterfowl harvest and season assessment reports.

During the lead poisoning presentation it was noted that the Lake Superior Chippewa banned lead shot for waterfowl hunting during the off-reservation treaty hunts in Wisconsin and Michigan, and that lead shot is prohibited for waterfowl hunting on various reservations around the country, including the Mile Lacs reservation in Minnesota and the Flathead reservation in Montana. Clearly, Indian tribes are taking a lead role in stopping this unnecessary poisoning of our natural resources.

Jim Claar, chief biologist for the Flathead Reservation in Montana and his 5-member crew of wildlife biologists, discussed the Canada geese nesting program on the Flathead Reservation. They have attained high goose nesting success by building goose nesting platforms in trees to alleviate fluctuating water level and predation problems commonly experienced by ground nesting geese.

Joe Jojola, biologist for the Apache tribe in New Mexico, discussed their elk management and hunting program. The Fort Apache tribe issues elk hunting permits to non-members for \$8,000/a piece. The permit price covers all costs for a 7-day guided hunt for trophy bull elk on the Fort Apache reservation. They issue roughly 37 permits/year raising a total of approximately \$300,000/year for the tribe. Most of the participants in the hunt shoot trophy bulls and 13 of the bulls shot during the period 1979-1985 were Boone and Crockett Record Book bulls. No other area in the country is producing trophy bull elk at the rate that the Fort Apache reservation is. There are already 200 non-members on the waiting list to participate in this hunt which currently can only accommodate 37 hunters a year.

Other presentations during the day described tribal management and research programs concerning deer management, noxious weed control, fisheries management, bobcat and furbearer management, bighorn sheep management, and grizzly bear management. Presentations on cooperative fish and wildlife management and the Pacific Salmon treaty were also given.

The emphasis of the third day's presentations was on tribal hunting and fishing rights, legal precedents, current case law and Native

American law. Ken Parr, BIA warden discussed the big game, waterfowl, and upland bird hunting regulations, and trapping regulations federally imposed on Shoshone and Arapahoe tribal members hunting on the Wind River Reservation in Wyoming. Mr. Parr indicated that it was necessary for BIA to impose the regulations on tribal members because of tribal overharvest and severely declining game populations on the reservation. He indicated that the BIA enforced regulations would remain in effect until the Shoshone and Arapahoe tribes developed and agreed upon their own biologically sound regulations. The Arapahoe tribe is currently suing the BIA for imposing the regulations.

Alan Stay, tribal attorney for the Colville Tribes discussed off-reservation hunting and fishing rights on ceded lands in western Montana. He indicated that the Salish and Kootenai tribes can hunt on public or federal land and fish at the usual and accustomed places. Mr. Stay emphasized that the tribes are self-governing and self-determining and must regulate their own off-reservation seasons, which currently includes issuing permits for moose hunting to control hunter numbers, and precluding bighorn sheep and mountain goat hunting.

Steve Moore, attorney for the Native American Rights Fund, discussed the Dion case, which concerns the tribal hunting of bald eagles in South Dakota. The 8th Circuit Federal Court ruled that the Endangered Species Act does not preclude tribal members from taking endangered species under treaty rights, however tribal members cannot sell any parts of the animal once its taken. Mr. Moore indicated that entrapment was implicated in this case as it ap-

pears that federal game wardens were involved in establishing the market that the bald eagles were sold through. The U.S. Supreme Court has granted certiorari to retry the case and is currently deciding its final outcome.

Other presentations reviewed the relationship between Indian tribes and state and federal fish and game laws. Tribal regulatory efforts and issues on several other reservations were discussed.

The presentations on April 4th were on enforcement issues, search and seizure, and the tribal conviction process. Frank Aceved, Flathead tribal fish and game, John Smith, Colville fish and game, and Larry Spencer, Navajo Conservation Officer, led a panel discussion concerning on and off-reservation enforcement efforts and cooperation with other enforcement agencies. Archie Fuqua, BIA Criminal Investigator, gave a presentation on the authority, laws procedures, and results of the federal cross-deputization program. Rick Acevedo, former tribal prosecutor, discussed various problems tribal prosecutors face in court, and Jeff Jackson Flathead enforcement officer, gave an overview of a tribal search and rescue program and its relationship to enforcement authority.

Overall, the 4th Annual NAF&WS Symposium was an excellent, professionally run symposium, and indicated continual improvement in tribal fish and wildlife management expertise, even evident over one year's time from that illustrated last year at the third NAF&WS Symposium.

Attending representatives from midwest tribal fish & wildlife agencies voted John Wayman, Lac du Flambeau, to be the midwest representative on the NAF&WS Board of Directors for another 2-year term.

NUCLEAR INDUSTRY LIABILITY

Price-Anderson Heats Up

The Environmental Policy Institute was moving on several fronts early this month in the battle to end special liability privileges the nuclear industry currently enjoys under the 1957 Price-Anderson Act, which expires in 1987.

Keiki Kehoe, director of EPI's Nuclear Accountability and Insurance Project, reported progress in a campaign to forge a broad-based coalition to educate the public "about the urgency of requiring high standards of corporate responsibility for the nuclear industry."

Price-Anderson Act was passed originally to encourage investment in commercial nuclear power by limiting the

liability of the nuclear industry and the federal government for accidents at nuclear power plants, at Department of Energy research, weapons and waste facilities, and along nuclear transportation routes.

"What is needed is a comprehensive and balanced nuclear accident policy," Kehoe said, "either through modification of Price-Anderson or through passage of separate legislation."

Two bills have been introduced that achieve EPI's goals of full compensation and corporate responsibility: S. 1761, the Stafford bill, and S. 2072, the Metzbaum bill.

(Reprinted from ENVIRONMENTAL UPDATE, a publication of the Environmental Policy Institute.)

BUFFALO REVIEWS FEDERAL INDIAN POLICY

The development of a federal policy for Indian self-determination was the subject of a talk at a banquet Wednesday at WITI-Ashland Campus, during a grant development workshop sponsored by the Great Lakes Agency Bureau of Indian Affairs.

Henry Buffalo, Jr., Attorney for the Fond du Lac Band of Chippewa in Minnesota, formerly Red Cliff tribal attorney and executive director of the Great Lakes Indian Fish and Wildlife Commission, presented the address which plotted the changes in U.S. Federal policy towards Indian tribes over the years.

"Indian governments have been exposed to a plethora of conflicting governmental policies," Buffalo told the audience, which represented seven Wisconsin tribes.

He outlined a history which detailed four distinct periods of federal policy towards Indian tribes. The Pre-constitutional period (1532-1789); Indian Reorganization (1928-1942); the Termination Period (1943-1961); and finally the Self-Determination Period (1961-present).

Buffalo noted that in the Treaty Period, the U.S. government did not feel themselves strong enough to conquer Indian tribes, so therefore

developed a policy of treaty-making, which recognized the Indian nations as equals. The U.S., he said, gained access to the resources it desired through a series of treaty-contracts with the various tribes during this time.

During the Assimilation/Allotment Period, the government's emphasis was to force tribal members to become westernized. It was also a period of time when great amounts of Indian lands were sold to non-Indian people. Buffalo said the tribes lost about 68 million acres of land during that period.

In 1958, Senator James Murray "became alarmed at the rate of Indian land sales," Buffalo explained. Murray managed to push through a moratorium on Indian land sales in order to study the extent of Indian land loss. Before the moratorium could be enforced, another 4.8 million acres of land were sold to non-Indian people, Buffalo said.

The period which followed is earmarked by Indian Reorganization Act of 1934, thanks to the efforts of John Collier, who Buffalo said advocated for the re-establishment and recognition of traditional forms of government for the tribes.

Collier recognized that tribes must maintain a place in



Henry Buffalo Jr., was the keynote speaker at a BIA Grant Workshop held at the WITI-Ashland Campus last month. The workshop was sponsored by the Great Lakes Agency of the BIA. Pictured above, from the left, are Frank Larson, BIA; Henry Buffalo Jr.; and James Peterson, BIA

society and the Re-Organization Act, which essentially imposed a western style government on the tribes, organized tribal governments into what they are today.

The next federal policy towards the Indian people was one which advanced termination of Indian reservations, but by 1958 the government was beginning to recognize the devastations of that policy. The rhetoric of both Kennedy and Nixon at that time "recognized the shortfalls of the termination period," Buffalo said. However, he also noted, that during the Kennedy years, termination remained the ultimate goals, despite the policy which espoused.

The "enlightened" period, or Self-Determination Period according to Buffalo, began a little before 1961 when the government began to move away from the policy of the termination era, "returning to the philosophy of the Re-Organization Period."



Jonathan Gilbert, GLIFWC wildlife biologist gave a workshop to the Bad River WCC crew on performing deer pellet surveys.

ACID RAIN AND TREATY RIGHTS

Chippewa Treaty Rights
By: Kenneth C. Anderson,
Associate Professor
Vilas County Resource Agent
University of Wisconsin-
Extension

For a long time, all we have heard and read about Acid Rain and Chippewa Treaty Rights are how bad it's going to be for our natural resources.

Every newspaper and magazine article on either subject waved red flags of disaster; all we received were negative implications that our lakes will be dead, all the fish will be speared, all the deer will be shot and we might as well get out now; the end is in sight.

But is there another side to the stories? Are there positive events and actions involving our natural resources that we can document because of Acid Rain and the Chippewa Treaties? The answer is yes! We just haven't been open enough to recognize them and to point out to the public some positive aspects of these two issues.

Acid Rain
Let's take a positive example of the Acid Rain issue first; right here is Vilas County, Wisconsin.

The Wisconsin DNR, among others, indicated that Acid Rain has the potential to negatively affect fish resources in certain Northern Wisconsin lakes. The utilities indicated that this was theory, there was no documentation in Wisconsin and more study was needed. As a result, the State of Wisconsin, in cooperation with the Federal Environmental Protection Agency, the University of Wisconsin and the University of Minnesota, initiated a long-term study on 36-acre Little Rock Lake in Vilas County.

The purpose was to determine what would happen to the fish in Little Rock Lake if one-half of it were acidity and the other half left as the controller. But prior to placing acid in Little Rock, the lakes current biological system had to be documented.

In conducting background data on Little Rock, researchers discovered something surprising about the Bass population. In the spring of the last year that Little Rock was open for public fishing, there were eight bass nests along the shore. But only two bass nests were successful in hatching young bass. The following year after Little Rock was closed to the public there were forty-four bass nests, along the shore with fourteen being successful in hatching bass.

It wasn't too long ago that Wisconsin changed the bass season opening date in Northern Wisconsin from late June, after bass had spawned, to early May, prior to bass spawning. It was argued that it didn't matter what time of the year you took a bass from the lake; if it was gone, it was gone.

The data from Little Rock strongly suggests that Wisconsin may have made a mistake in opening the bass season earlier, especially on small lakes in Northern Wisconsin. The vulnerability of bass protecting shoreline nests may not have been included heavily enough when the decision was made. Although there was plenty of emotional evidence not to open the bass season earlier, no scientific documentation existed. Now there is scientific documentation. It points out that small lakes in Northern Wisconsin don't produce the same number of fish as large lakes, yet regulations are the same for small lakes and large lakes, and angling pressure can make a difference.

So, if Acid Rain research leads to futher protection to our bass resources or leads to further refinement of fishing regulations based on individual lake types, we then have documented a positive aspect of the Acid Rain issue.

Chippewa Treaty Rights
How about the Chippewa Treaty Rights? Surely there can't be anything positive about this fiasco, can there? Well, have we looked? I think there are positive aspects of

the Treaty issue.

One of the stipulations of the courts in this issue is that the Chippewa can exercise their treaty-recognized rights as long as there is no depletion of the resource.

What does this mean? It means that for the first time the State of Wisconsin will have to determine the status of the resource, particularly fish resources, and document their findings by established scientific methods.

We have always stated that fish management was an art and science. Notice which word comes first: ART! Why? Because the art of fish management came from years of experience of a greying fish manager trying out different management techniques on a hit-and-miss basis. Some worked, some didn't. By having to determine the status of a resource and document that status by scientific inquiry, fish management may now become a science and art.

But do you think for one minute that the Chippewa are going to trust the DNR figures of documentation? No way!!

The Chippewa have already started to gear up their personnel to conduct their own documentation on the status of fish resources. They have hired professionals and are conducting their own resource investigations; they are gaining experience in the science of fish management.

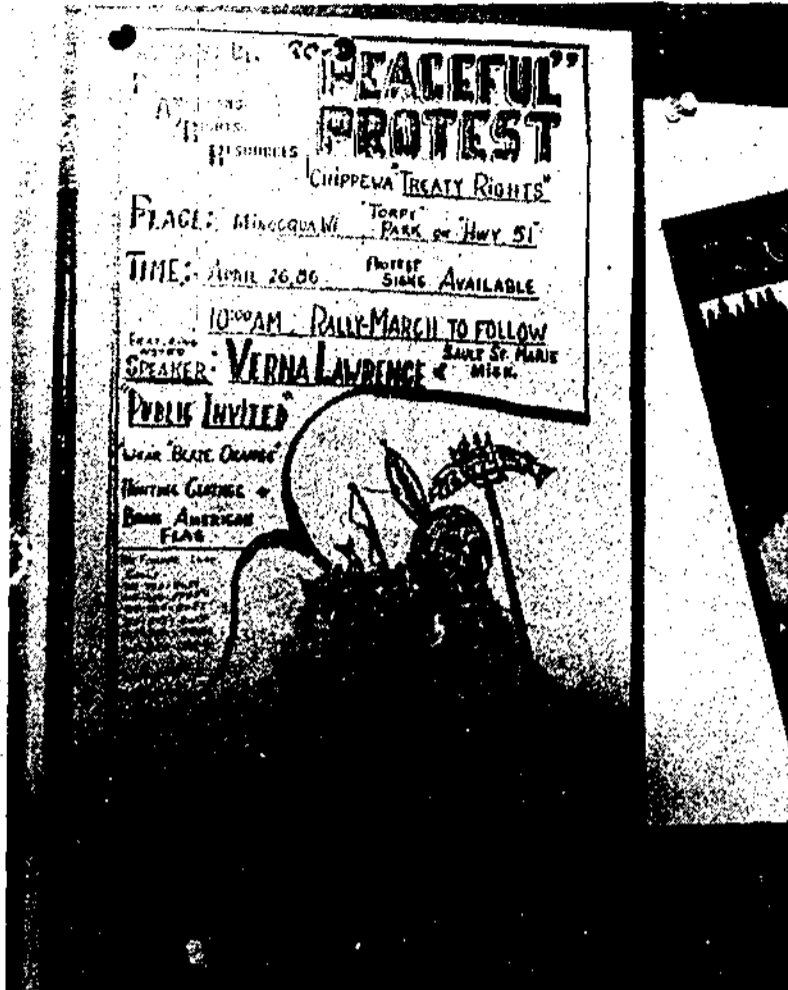
What's positive about all this? If two "opposing" groups can argue on a scientific basis rather than on an emotional basis, our natural resources will be protected.

Education of Chippewa themselves on our natural resources, gained through their own scientific inquiry, plus examining the resource status by both sides will lead to further education, trust, appreciation, and respect of each other.

Better understanding by all can only lead to a very positive future for management of our natural resources.

P.A.R.R. KEEPING THE NORTHWOODS HOSTILE

PARR (Protect America's Rights and Resources) held a rally, too... on April 26th in Minocqua. A number of area businesses bore signs welcoming PARR marchers to the city. PARR splintered from ERFE last year, but it is difficult to tell how they differ. PARR supporters were encouraged to wear blaze orange when they marched. Unfortunately a Masinaigan reporter was unable to attend this event, but we think the PARR speakers would be similar to ERFE's speakers and we have had the unfortunate experience of listening to Verna Lawrence degrade her race on a previous occasion at a WARR meeting in Superior.



Some signs advertising the PARR rally bore racial jokes and could be considered inflammatory.



PARR signs welcoming marchers were evident on many local businesses in Minocqua and Woodruff.

SCHLENDER TO HEAD GLIFWC

James Schlander will be assuming the position of Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), Odanah, as of mid-May. The announcement was made following a meeting of the GLIFWC Board of Commissioners on Thursday, April 17th.

Schlander, a member of the Lac Courte Oreilles Band of Chippewa and also a member of the Lac Courte Oreilles Governing Board, has headed-up the Voigt Inter-Tribal Task Force as Chairman for the past several years. He will be bringing that experience in state-tribal relations and knowledge of the treaty issues with him to the post.

He is probably best known in his role as a spokesman for the Voigt Inter-Tribal Task Force during the state-tribal press conferences when fishing or hunting agreements between the state of Wisconsin and the Chippewa tribes are being announced.

Schlander is also a member of the Wisconsin State Bar Association, American Bar Association and the Wisconsin Indian Lawyers League. He served as the Lac Courte Oreilles tribal attorney from 1978-1981.

Schlander has been active in the political arena both on and off the reservation over a period of years. He has been an elected member of the Lac Courte Oreilles Governing Board since 1981, serving as



Vice-Chairman from 1984-1985.

He is also currently the Vice-Chairman of the American Indian Study Committee, and Chairman of the Sub-Committee on Indian Burial Sites. Most recently, he assumed the elected chairmanship of the Concerned Citizens Against Radioactive Waste (CCARW), which is a regional board coordinating activities in opposition to the Department of Energy's proposed nuclear waste repository in the Puritan Batholith Region.

Schlander has also been active in various community development organizations and served on numerous Boards of Directors, including those for Impact 7, Wisconsin Judicare, Lac Courte Oreilles Development Corporation, Lac Courte Oreilles Cranberry Producers, Inc., and Wisconsin

Community Development Finance Authority. Currently, he is director of the Lac Courte Oreilles Public Broadcasting Corporation Board of Directors and has been serving as Vice-Chairman of the Board of Commissioners for GLIFWC.

The considerable experience and training of Mr.

Schlander will be an asset to GLIFWC, whose responsibility is to implement treaty hunting and fishing rights as well as assist members in resource management in the ceded territories.

Patricia M. Zakovec, Deputy Administrator of GLIFWC has been serving in the capacity of Acting Executive Administrator, and will continue to do so until Schlander assumes the position.

April 21, 1986

Dear Sir:

TO THE EDITOR

As I've said before, I do not intend to use the pages of the local newspaper to debate the spearing issue. That is an issue which should be conducted in court, where both sides can present their facts completely, and in detail, and an impartial judge can determine the final results.

I am fully aware that there are many people out there who have very hard feelings about this issue - on both sides. I wish, at this time, to remind all of them that this is just one facet of our lives up here. I wish to see people on both sides keep their perspective - that of neighbors. Even the best of neighbors disagree about things from time to time.

There are constructive ways to disagree, and I respect the fact that other people have a right to their opinion, even if it is not mine. But we hurt ourselves when we fight amongst ourselves, and that fighting becomes particularly destructive when we allow one area of disagreement to pervade all of our dealings with people on the other side of the issue.

At the time of this writing, the boat landings have been relatively peaceful. I sincerely hope, for the sake of everyone in the northwoods, that they remain so. We have had a few isolated incidents of intimidation, but these were the actions of individuals - not groups. The tribal members of Lac du Flambeau who have been out only wish to exercise a legal right and cultural tradition in peace. We do not wish for bad feelings - or worse - between ourselves and our neighbors.

We have courts and attorneys on both sides who are paid to handle this professionally. There are legal, non-hostile ways to express ourselves on both sides. We don't have to hate each other because we disagree about this one thing. The time has come to relegate all dealings with the spearing issue to legal channels.

We all need to start looking at the many more things which we have in common. The northwoods is not the easiest place in the world to make a living - Indian and non-Indian alike have always found survival here a challenge. That situation still exists for all of us. Yet, it can be the best place in the world to live, if we work together and live together in harmony. The most prosperous times in the northwoods have been times when the Indian and non-Indian community worked together. We can look forward to the best times of all ahead of us if we work together now. Or, the worst if we don't.

Tourists, both here and abroad, are more interested in the Native American community than ever before. This could mean great things for Lac du Flambeau, with our burgeoning hatchery operation and the fine museum and cultural center we plan to build, and of course, our bingo. But it can also mean great things for our neighbors in a wide area around us, because people will need places to stay, and places to eat and many other things. Lac du Flambeau can only meet a part of the demand for those services - the neighboring communities therefore can expect to share handsomely in our growth as well.

The spearing issue looms very large until you put it into perspective. I hope everyone in the northwoods will join me in looking beyond this one issue - and let the courts and legal forms of non-hostile expression do their job, while we get on with the business of living together.

Sincerely,

Mike W. Allen
Lac du Flambeau Tribal Chairman

1836 TREATY: STATE'S GAIN

The 1836 Treaty was the State's gain
By Leslie Eger, taken from Win Awenen Nistotung

On March 28 it will have been 150 years since Ottawa and Chippewa bands of the Great Lakes region ceded to the United States government, 20 million acres of land that now comprise about half of the State of Michigan.

In the Treaty of 1836 in Washington, D.C., the Indians of Michigan territory granted the federal government title to "tract of country" bounded on the south by the Grand River and east by the Thunder Bay River in lower Michigan and on the west by the Upper Peninsula's Escanaba and Chocoday Rivers. The Indians in turn retained the use of about 146,000 acres for a five year period, some cash and educational, mission, medical and agricultural support as well as tobacco, salt and fish barrels.

The treaty was negotiated during the time Michigan territory was struggling to become a state and obtaining clear access to the vast northern and western stretches was perceived as necessary at the time. As explained by historian Willis Frederick Dunbar in "Michigan: A History of the Wolverine State," the Indian nations under American law were considered domestic dependent nations and treaties were negotiated between Indians and the United States government. Although what is now the State of Michigan was ceded to the United States by Great Britain in 1783, "the LAND of Michigan was the property of Indian tribes and was so recognized by law."

Michigan governor Steven T. Mason had recognized the need for more land to accommodate the thousands of settlers that had been pouring into the territory since 1830. In 1820 there were only approximately 8,837 white settlers in Michigan. This had jumped to 32,000 in 1830 and 212,000 in 1840. There had been enough free white males in Michigan to become a state since 1833 when a census counted 87,000, more than the 60,000 required for statehood.

The federal government benefitted economically through sale of the ceded land. "What went on in an Indian treaty" said Dr. James Clifton (University of Wisconsin) "was that large parcels of Indian land, Indian-owned, controlled land were purchased for very

low rates, and these lands were then soon placed on the market... they were sold for much higher rates than had been paid for them. And, the profits from this operation were, in the first place, used to pay off the costs of the treaty. They were used thereafter to fund the development of internal improvements in the United States. It was a major source of capital. What you would have going on was a land development scheme, following increasing capitalization, increase in the money supply, and much of it being made available through the United States, through the Federal Government for capital development in the United States."

In Michigan, the new federal lands acquired by the Treaty of 1836 when coupled with the western Upper Peninsula lands ceded by the Indians in the Treaty of LaPoint in 1842, "provided the economic basis for Michigan's economy for the next 80 years," according to Dr. George Cornell (Michigan State University).

Lumbering the vast conifer forests that covered much of the land, provided and continues to provide, an important economic base for many cities. Commercial fishing for herring, whitefish and trout was an important source of revenue for many coastal towns. Mining ventures in the Upper Peninsula not only brought wealth to the state but caused railroads to be built and the locks at Sault Ste. Marie so copper, iron ore and other commodities could be shipped to industrial centers.

The state's education system benefitted from the land cession as well, because sections 16 and 36 of every township "were removed from public sale as an aid to public education," said Cornell.

One need only look at a map of northern and western Michigan to understand the enormous benefits of the Treaty of 1836 to the State of Michigan. The land, once considered destined to remain a perpetual wilderness is crisscrossed by roads, dotted with towns and contains some of the richest agriculture land and most attractive tourist spots in the state.

While the benefits of the Treaty of 1836 to the Indians have been spotlighted and publicized out of all proportion to those benefits, it is time to recognize the overwhelmingly positive implications of the Treaty of 1836 to the rest of the

population of Michigan.

In January of 1836 Mason initiated a request to the U.S. legislature to negotiate a treaty with the Ottawa and Chippewa that would extinguish their title to the land of northern and western lower Michigan. U.S. Secretary of War Lewis Cass appointed James Schoolcraft, treaty commissioner to "treat with them (Ottawa and Chippewa Chiefs) for that purpose." Schoolcraft negotiated a treaty with the Indians that gave the federal government authority to survey and sell vast stretches of land in Michigan to miners, lumbermen and others, thus allowing settlement and economic development of the region.

It was not a coincidence that the treaty period corresponded with a period of rapid population growth as well as the time Michigan territory was pushing to become a state. Voters had approved a state constitution October 5, 1835 and the territory had sufficient population for statehood. The only obstacle to becoming a state was a boundary dispute over land claimed by both Ohio and Michigan called the Toledo strip.

It became Congress's job to settle the boundary dispute. It is noteworthy that simultaneous negotiations were going on in different rooms in Washington, D.C. - one in Congress over including the eastern U.P. within Michigan's state boundaries and another with the Ottawa and Chippewa over cession of these same eastern U.P. lands to the federal government. The treaty ceding the eastern U.P. to the federal government was signed March 28 and five days later, on April 2, the Senate passed the bill that included the eastern U.P. in Michigan's boundaries. President Jackson signed it June 15 and Michigan's famous "Frost-bitten Convention" accepted the compromise December 14, 1836. On January 26, 1837 President Jackson admitted Michigan to the Union.

Although northern Michigan wasn't considered much of a prize in 1836 - it was dismissed by the Detroit Free Press as "a region of perpetual snows - the Ultima Thule of our national domain in the north" - the region proved itself of considerable value in the coming years as was the lower Michigan ceded territory - both as land that could be sold by the federal government and in natural resources.

BAD RIVER HATCHERY



Mike Denomie and Russell Corbine, right, hatchery crew, sort and milk walleye for eggs.

It's spring and the walleye are spawning in the Kakagon and Bad Rivers. This has put a rush of spring activity after lying quiet and sleepy over the long winter months.

With the assistance of the seven member Wisconsin Conservation Corps (WCC), hatchery staff has begun the process of collecting eggs for culture. Although the hatchery focuses primarily on walleye, it may also be raising yellow perch, white suckers, northern pike and whitefish this year, according to Bad River biologist Fred VandeVenter.

The procedure involved in collecting fish eggs entails the capturing of females during the spawning season as a first step. This is done by trap netting the fish upriver.

The trapped fish are then put into holding bins in the river near the hatchery and sorted as to species and sex. Finally, the female fish are milked for their eggs and released.

This year the eggs will be placed in the hatchery's new "Big Redds," as well as in the traditional bell jars, says VandeVenter. The hatchery has purchased two Big Redds, which

represent the state-of-the-art technology in fish rearing at the moment, he says.

The compact units hold about 11 quarts of eggs each, or approximately a million fish per unit. VandeVenter explains that the units are made so that a pint of water circulates through each container per minute while oxygen bubbles up from the bottom.

The Big Redds were assembled in the tribal administration building, near the biological services offices, with the assistance of Dwight Wilcox, head biologist from the White River Reservation, Minnesota. The units are hooked up to an alarm system with flashing lights and the works in case of any mechanical failure and are also equipped with backup oxygen tanks. The surveillance of the eggs is comparable to the intensive care unit of a hospital.

Meanwhile, the hatchery building, located on the banks of the Kakagon River, will still be operating the older bell jars, tended by staff and WCC crew. VandeVenter plans on hatching about 150 quarts of eggs this season, each quart representing about 125,000 fish.

Three new rearing ponds will also be operational for the first time this year. They stand ready and waiting for the release of fry which will be raised to fingerling size in the ponds.

The hatchery will be restocking the Bad River and the Kakagon River with walleye this season, VandeVenter explains. However, this year they also plan to raise whitefish and restock Lake Superior in the fall. VandeVenter thinks that the Bad River Hatchery will be the only facility in northern Wisconsin to stock whitefish in the lake.

The Bad River WCC will be assisting throughout the season in the overall operations of the hatchery. John Denomie, crew leader, says they will also be tagging walleye again this season as part of an ongoing survey of the walleye population.

The hatchery will be sponsoring an open house this spring as well, offering interested members of the public an opportunity to come and observe the hatchery operation. The public is welcome to come from 10 a.m. to 2 p.m. on May 5 for a tour.

COMMENTARY

(continued from page 7)



He also feels the DARR is negligent in its treatment of transportation issues, which are brushed over for lack of adequate information.

The DARR, he says, does indicate the Puritan Batholith has favorable transportation characteristics. With all the negative factors about the transportation system in this area, such as weather and poor roads, Hancock feels they could be considering barging the waste in through the Great Lakes.

He feels this could be a possibility because they are currently barging waste up the Columbia River in Washington to the Hanford site.

Alan Ruger, GLIFWC environmental biologist, criticized the DARR for failing to involve the tribes in the formation of their methodology and also for failing to distinguish differences that the existence of tribe make to selecting a site.

Ruger pointed out that the loss for the Kakagon Slough for the Bad River Tribe or Rice Lake for the Skakagon Chippewa, would be much more profound for those tribes than the loss of one lake for a state.

He also criticized the DOE for producing waste prior to being able to dispose of it adequately. Now, he said, they are selecting a disposal site and then trying to prove it is right.

"Their science is backwards," he said.

Brian Suderman reviewed the several conflicts that the proposed site has with the Chequamegon National Forest and the laws which govern how a national forest should be managed.

DOE, Suderman said, ignored the entire 50 year management plan of the Forest and condemned consideration of a national forest as being considered a site at all. "National forests should have been automatically disqualified," he said.

The report, written for three Chippewa tribes and coordinated through GLIFWC, emphasized the disqualification of the site because of special tribal interests. Particularly, it cites the adverse affects on Indian religion and culture as well as the disproportionate socio-economic impacts the tribes would have to bear.

According to Ruger, the DOE should be responding to all comments submitted on their DARR and issuing a Final Area Recommendation Report this summer, although he doubts it will appear prior to the fall of 1986. At the time of the final area report, the Puritan Batholith could be removed from DOE's list as a candidate area, if comments submitted have succeeded in convincing the DOE that the area is unsuitable.

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