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SPECIAL SUPPLEMENT

THE MILLE LACS BAND OF CHIPPEWA

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION
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MASINAIGAN



A CHRONICLE OF THE
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 OJIBWAY

July, 1986



EXXON THREATENS SMALL TRIBE



EXXON warns trespassers to stop at one of their gated drives a few miles from the Mole Lake Reservation. However, on behalf of the tribe's future generations, such as the young girl on the gate, the Mole Lake Tribe continues to try to STOP EXXON from inflicting damage on their culture and environment.



Arlyn Ackley, Mole Lake Tribal Chairman, has been actively combatting the location of the EXXON mine near his tribe's reservation for several years. Ackley fears that small acreage, which comprises the tribe's traditional and contemporary homeland, will be irreparably damaged through both environmental and cultural degradation should the mine become operative.

Like Yeat's sphynx the Exxon Company seems to be slouching slowly but inexorably towards its own Bethlehem - the opening of a mine at Crandon, WI, despite the objections of environmental groups, non-Indian citizens and the Sokaogon Chippewa Community, which lies only a few short miles from the mine site.

The Sokaogon Chippewa, also known as the Mole Lake Band, have been tirelessly fighting Exxon's proposal for years, fearing that the impact of the mine will environmentally damage the small acreage they possess as a reservation, their only homeland.

Currently, with developments indicating that the Wisconsin Department of Resources (WDNR) and the state of Wisconsin apparently supporting the development of the mine, the small Chippewa Band still opposes the site, but is also working to insure that environmental concerns are adequately addressed if the mine is to be developed.

According to Alan Ruger, Great Lakes Indian Fish and Wildlife Commission (GLIFWC) environmental biologist, employment projections together with tax revenue and growth of the economy have been used by Exxon, citizens and the state of Wisconsin as reasons to approve the mine.

Employment projections show a peak of 1734 during the third year of construction, he says, and a steady staffing of 620 during operation of the mine.

The DNR published a Draft Environmental Impact Statement (DEIS) on May 7, 1986, and will be accepting com-

ments until July 7, 1986, Ruger says. He feels, from a biological standpoint, that the "overall DEIS is weak on addressing environmental issues, which is ironic when Wisconsin has been very strong on environmental issues concerning another deep mine - the proposed nuclear repository."

Ruger also fears that if licensed, the Exxon mine may open the gates for several other mining companies both in the vicinity of Crandon and throughout north central Wisconsin.

Briefly, the Exxon mine site is located 1.3 miles east of the Mole Lake Reservation and five miles south of Crandon. The ore contains primarily zinc and copper. Smaller amounts of lead, gold, and silver are also present. The recoverable ore volume is estimated to be 70 million tons.

The project being proposed by Exxon calls for a construction period of three years, operations for 29 years, and four years for closure and final site reclamation.

Ruger says that GLIFWC and the Mole Lake Tribe are working on reviewing the DEIS issues which may affect the Chippewa Tribe's off-reservation treaty rights as well. He feels that many of the negative impacts have been down-played in the DEIS, or ignored completely.

Major concerns which have been identified to date by the Tribe and GLIFWC include:

1) Protection of cultural heritage from social disruption due to population growth in the surrounding area.
 2) Environmental concerns for both short and long term impacts on the Mole Lake Reser-

vation and the ceded territory of the Chippewa Tribes. These include the potential for draw-down of surrounding lakes and depletion of recharge for streams due to dewatering caused by the mine. The Sokaogon Tribe is very much concerned about the effects on Swamp Creek and Rice Lake.

3) Other issues include:

a) Confirmation by Exxon and WDNR that smelting will be done out of Wisconsin. A change in this plan should not be permitted without consent of the Chippewa Tribes and the State of Wisconsin.

b) The Exxon mitigation plan is not complete. The analysis for the ability to mitigate impacts worse than projected has not been finished by Exxon.

c) The contingency plan for a water treatment system failure is not adequate. The capacity for emergency storage of untreated water is not sufficient. It appears that a maximum three week shutdown is anticipated but that emergency storage would be much less than the three week period.

d) The Local Investment and Mining Impact Fund Board (MIB) has funded local governments at an annual rate of \$100,000 for the four years 1983-1986. The funds were secured by loans authorized by the Wisconsin legislature based on the assumption that the loans would be repaid after mining began. Wisconsin clearly has a conflict of interest in preparing the EIS.

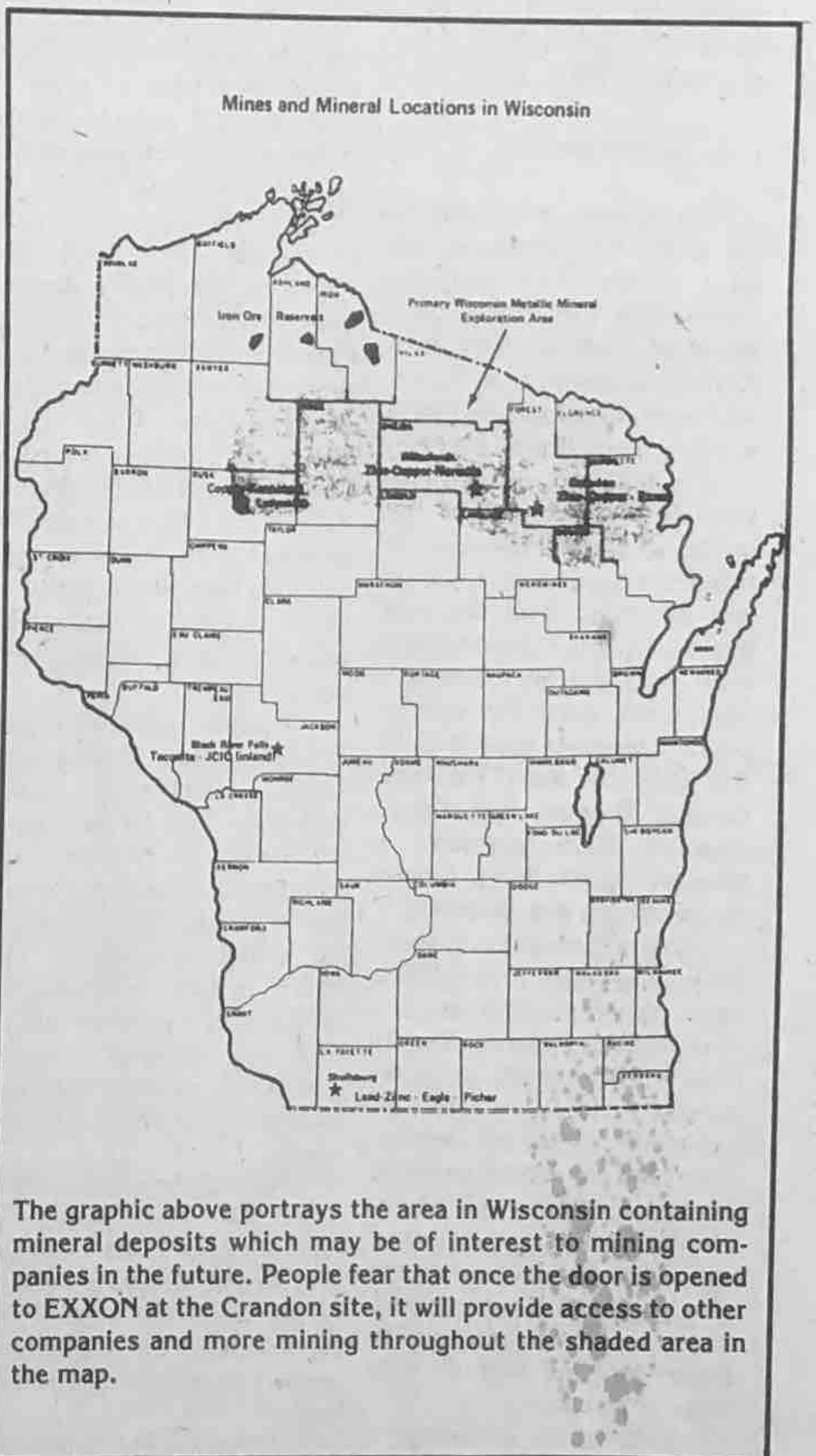
e) The Mine Waste Disposal Facility (tailing ponds) is of a new and untested design. The DEIS claim that use of a thinner liner is feasible due to quality control measures needs to be verified.

d) The entire monitoring program should be reviewed. The State of Wisconsin should not allow degradation of water, land, or air resources. A monitoring program is the cornerstone of non-degradation issues and as such needs to be scrutinized to assure the data accurately reflects changes in the quality of the environment. In at least one instance Exxon has not proposed monitoring at a critical point source. Exxon has not proposed to monitor the sanitary treatment plant influent or effluent. This must be included in the monitoring program.

e) The Mitigation Alternatives should include language to protect the tribes interests. There should be a mechanism to address, not just the State of Wisconsin's laws and regulations, but the tribes rules and regulations including the designated use of the resources.

The reservation inhabited by the Sokaogon Chippewa is very small, but deeply treasured. Their ancestors fought and died there. It represents a long-standing and traditional home, from which they have always refused to move, even during a period of landlessness. They possess one on-reservation rice lake, Rice Lake. If this is damaged, or their reservation's groundwater is polluted, there is no other place for them to go.

Sometimes it seems that Wisconsin is more concerned with the protection of homes for eagles, or the white man's trophy-size musky, than it is for the protection of its native people.



The graphic above portrays the area in Wisconsin containing mineral deposits which may be of interest to mining companies in the future. People fear that once the door is opened to EXXON at the Crandon site, it will provide access to other companies and more mining throughout the shaded area in the map.

EXXON— CAN IT BE STOPPED?



Exxon Up North

The oil company's plans could be a gold mine for northern Wisconsin—or an environmental disaster.

Reprinted with permission from Isthmus by Tony Millevolt

If Exxon Minerals Co. and Tony Earl have their way, the oil company's subsidiary will soon have the permits it needs to start a zinc-copper mining operation in southern Forest County near Crandon. Some area residents, however, are vociferously opposed to the plan.

"The governor and Sen. [Lloyd] Kincaid, they jump on this nuclear waste dump, they're all against it," fumes Herbert Buettner. "Well, how can they be so against that and for this?"

Buettner, the owner on the Wild Wolf Inn and a raft rental operation, is concerned about the condition of the river where he has lived on his entire life. tionally designated as wild and scenic, the Wolf River is one of the cleanest in the state. As Buettner testifies: "I'd rather drink out of this river than from the taps in Milwaukee or Chicago."

As a businessman whose livelihood depends on the Wolf, Buettner maintains an unyielding pessimism toward the Exxon proposal. "They [Exxon] could purify the water," he says, "but instead, hell, they'll just run [pollution] down the river. It's the cheapest way to do it. That's the way the industry's been doing it for 200 years and that's why our rivers are all screwed up."

Buettner's concerns are shared by others along the Wolf, including the Menominee Indians whose reservation the river flows through. "There's too much at stake here," says Gordon Dickey, the Menominee tribal chairman. "The pollution and contamination of the Wolf River would just ruin the whole reservation. In an extreme measure, it could kill every bit of wildlife in the river."

Prospecting

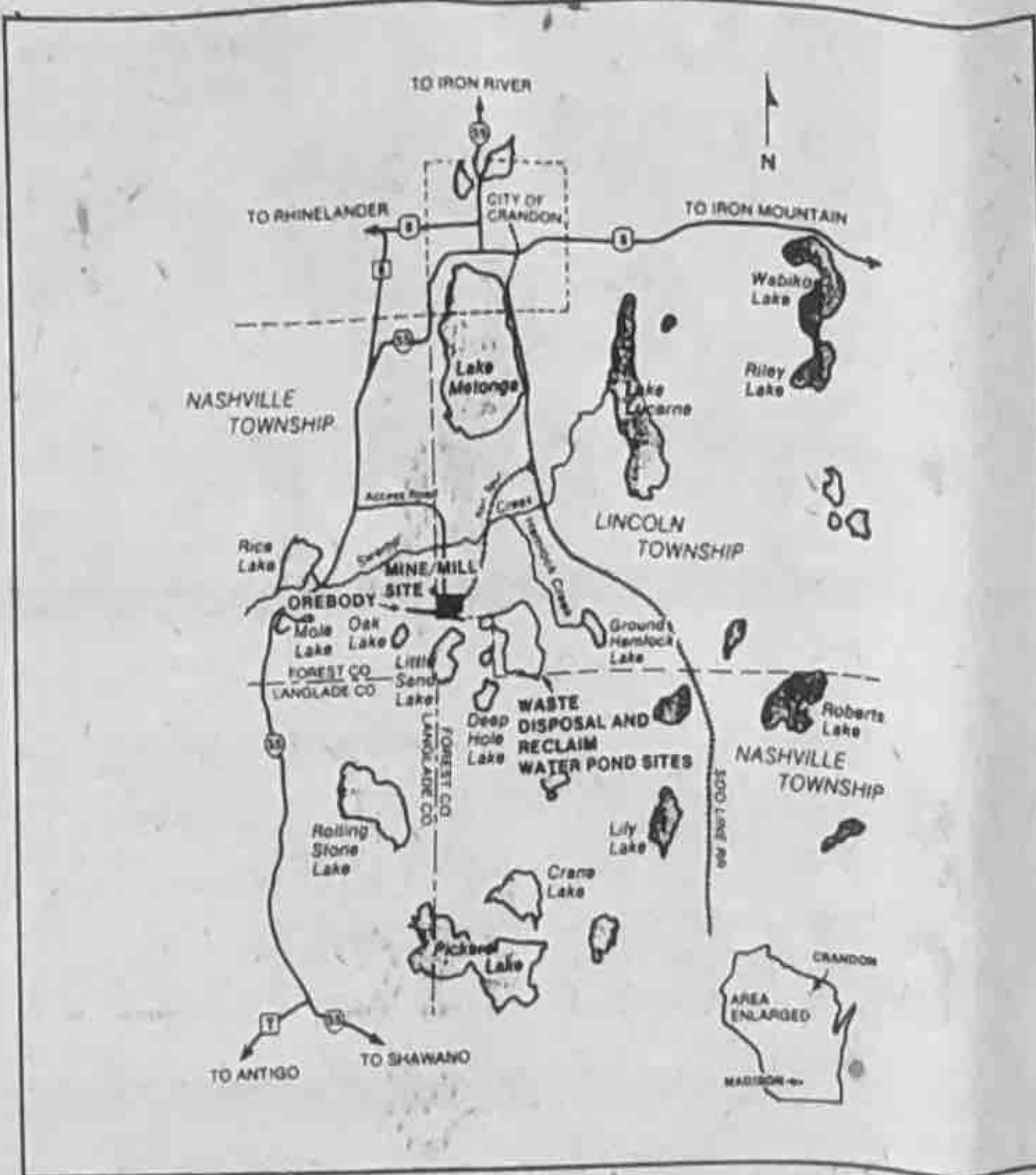
The release last Monday of the Draft Environmental Impact Statement (DEIS), prepared by the state Department of Natural Resources (DNR) in cooperation with Exxon, began a critical new phase in a long, complicated process.

"It has been virtually impossible for members of the public who are interested in this project...to keep versed on any particular issue because [the details about the proposal] keep changing all the time," says Wally Arts, the special public intervenor appointed to the case by state Attorney General Bronson LaFollette. "But the DEIS represents a time at which things pretty much have to stop changing."

Exxon Mineral Co.'s quest for mining began in late 1982, when the firm filed an Environmental Impact Report (EIR) with the DNR, as is required by state law. The EIR, an extremely technical description of the project that contains Exxon's predictions of the environmental and socioeconomic impacts on the area, fills a shelf four feet long, the correspondence between Exxon and the DNR is even more voluminous.

"There is probably a library of information about this," says Frank Jablonski of Wisconsin Environmental Decade, a statewide advocacy group looking into the Exxon project. To be effectively involved in the issue, the group had to hire professional consultants.

Exxon estimates that it would take three years and cost \$390 million just to begin operations at the mine. In the



long term the project could require an investment of almost \$1 billion.

The orebody, as Exxon describes it in the EIR, is a massive sulfide deposit (75 millions) containing 5% zinc, 1% copper and minor amounts of silver and gold. It is said to be one of the largest zinc-copper deposits in the world. Even at today's depressed prices the metal in the deposit has been estimated worth of between \$4 and \$6 billion.

Speculation that the deposit is even larger (125 million tons) or that it contains a significant amount of precious metals cannot be confirmed.

"We took samples from a composite that they prepared," says Bob Ramharther, the DNR's Exxon project coordinator. "Problem with these drillholes is you have a 75-million ton orebody that you're taking six-inch shots out of—you have a huge potential for error."

The Threat

The orebody is nearly one mile long, 125 feet wide and 3,200 feet deep. Part of the upper Wolf River watershed, the local ecology is predominantly wetland: bogs, swamps, and forest.

Because the area's water table is near the surface and the deposit isn't isolated from the groundwater, the mine would have to be drained continuously to prevent it from filling with water. The water table would then form a "cone of depression," which would reduce the flow of streams and springs in the area.

According to one hydrologist, Little Sand Lake could be completely drained after several years of mining. This would affect residents in the more immediate area, including the Mole Lake Sokaogan Chippewa who live just two miles from the proposed mine site. They perceive the proposal as a threat to their wild rice lake, which they consider essential to their economic and religious well being.

Another potential impact is acid mine drainage—a familiar problem in sulfide deposit mining. As these types of mines are drained, the sulfides are exposed to the oxygen in the air. This causes the formation of sulfuric acid, which, in turn, facilitates the leaching of heavy metals (in this case cadmium, copper, chromium, arsenic and lead, among others) into the groundwater.

Much of the water pumped from the mine would be polluted prior to its discharge into Swamp Creek, a tributary of the Wolf. The water would be treated, but opponents argue that pollutants would remain.

An earlier Exxon proposal called for the discharge pipe to empty into Swamp Creek, upstream from the Chippewas' Rice Lake. After strong local opposition, it was rerouted five miles downstream.

The most formidable threat to the environment, however, is posed by what Exxon calls its Mining Waste Disposal Facility, commonly known as tailings ponds. Under Exxon's plan, finely ground

tailings containing toxic sulfides and heavy metals would be deposited in a series of 90-foot-deep ponds spread out over a 365 acre area during the lifetime of the mine. The company proposes to manage this hazard by lining the ponds with eight inches of clay mixed with sand and topping them with plastic sheets and several feet of earth.

But, as Dr. K.W. Bronw, a professor at Texas A&M who studies such problems, states: "We have found that both clay and plastic-bond landfills leak much more than the designers and proponents anticipated."

In contrast to the measures Exxon says it will take, a farmer who wants to store animal wastes must use 18 to 30 inches of compacted clay to prevent leaching. Exxon's own projections of the groundwater quality fall just within the legal limits. Thus, if the company's engineering doesn't work as well in actual practice as it does on paper, there could be serious and irreversible groundwater contamination. And under state law, Exxon would be relieved of any cleanup responsibility in as few as 10 or no more than 30 years after the closing of the mine.

For the Record

The kind of pollution problems envisioned by critics of the Exxon plan are not unfamiliar. In southwestern Wisconsin, formerly a major lead-zinc mining district, many wells have been found to contain toxic levels of heavy metals.

Opponents of the plan also fault Exxon's past environmental record and alleged ambivalence toward local communities. Al Gedicks of the Center for Alternative Mining Policy cites several specific cases involving Exxon:

- The dumping of toxic sludge in Valdez harbor, Alaska, which has seriously threatened the fisheries there.
- The tailings pond at a uranium mine in Highland, Wyoming, which continues to leak into and contaminate a creek.
- The world's worst uranium-concentrate spill—10,000 pounds of highly toxic and radioactive "yellow cake"—left on a highway in Colorado for three days while Exxon officials deliberated how to clean it up.

These incidents are considered especially pertinent to

MORE ON EXXON

the Crandon proposal because Exxon would have primary responsibility for the monitoring of water quality, as well as other environmental aspects of the project, although the DNR would conduct spot checks.

Not everyone believes that the operation of the mine spells ecological disaster for the area. "You won't know that the mine is there," insists Dr. Patricia Travis, a geologist who heads the Mining Impact Center at Nicolet College in Rhinelander.

Everyone, including Exxon, agrees that there would be some pollution. The debate centers on how much and how significant it might be. Advance mining technology can make pollution less likely. According to Exxon General Manager Donald Achttien: "The burden of proof that the Crandon mineral deposit can be developed in a manner that is environmentally, socially and economically acceptable rests with Exxon. We believe we can meet the test."

Gov. Earl agrees. "Exxon, it seems to me, has answered most reasonable observers' concerns. They will put the mine together in a way that will not do damage to the environment."

The DNR appears willing to oblige.

"The basic analysis contained in draft statement is that there are no insurmountable environmental problems," Lyman Wible, administrator of the DNR's division of environmental standards, remarked in a press release accompanying Monday's DEIS.

No One Knows

Reaction to the proposal in the Crandon area is mixed. "There's a lot of people for it but there's a lot against it too," a local gas station attendant remarked. "Businessmen are mostly for it. The Indians are mostly against it."

The Process

It took 3½ years for Exxon to get its Environmental Impact Report converted into a Draft Environmental Impact Statement. The procedure went something like this: Exxon would submit a portion of the EIR. The DNR would review and critique it, then send it back to Exxon. Exxon would make whatever changes were deemed necessary and send it back to the DNR, hoping it would stay there.

This was a tedious and expensive process. According to DNR project coordinator Ramharther, the state had to have a number of consulting firms in addition to having "an average of about seven—eight full-time employees" on the case.

The approval of the EIR has been delayed for the last year because the DNR required Exxon to develop contingency plans in the event Little Sand Lake was drained. Also, Exxon has decided to scale the

project down by about 30% is not clear, however, if the company would have any difficulty reverting back to its original proposal (which would feature even more tailings pollution once the mining process began).

The release of the 313-page DEIS by the DNR begins the final steps towards the Master Hearing, at which the permits are granted, denied or granted based conditions. There is now an eight-week waiting period as the DNR takes comments from the public.

"It [the DEIS] really kicks off the public participation phase of the process," says Arts. "I think the issuance of the DEIS is an extremely important part of the process because it is the first time the DNR has had to go public with its view of the impacts of this project."

Arts believes that the impending public debate may play a key role in determining the project's fate. "One of my objections to the way this project has been characterized publicly is the implication that somehow these decisions are too complicated and should only be made by experts," she says. "Public participation enhances the quality of the decision."

After the public comments on the DEIS are aired, the DNR responds by releasing the Final Draft Environmental Impact Statement (FEIS), which is the document presented at the Master Hearing. The release of the FEIS is followed by a 120-day waiting period. Finally, the hearing is held, and the decision is made.

The man said that he was in favor of the project and that his argument was representative: "I think it's good because we really need the jobs. When folks turn 18 there isn't anything up here for them." Unemployment in the region stands at twice the state average.

It is uncertain, however, just how many jobs the local population would fill. Modern mining is a capital-intensive industry, and it is unlikely that many unskilled workers would be offered jobs. Exxon and its new employees would create a large new market that the local business community could provide for. But even so, any gains to the area would last for one generation at best.

The Denver Research Institute, a consulting firm hired by the DNR, estimated that as many as 300 jobs could be provided for area residents during the project's three-year construction period and about 325 during the 20- to 30-year life of the mine.

But no one knows when—or if—the mining will take place. "Exxon gives the public the impression that the only thing that stands between them and digging dirt is the state permits," says intervenor Arts. "In my opinion, that decision will be driven by one factor—metals prices."

If this is the case, Exxon might wait for an upswing in the metal market before it begins to mine—or, once underway, it might shut down operations if prices decline. This process could repeat itself over time, creating a boom-bust cycle typical among mining communities.

With 9,500 residents, Forest County has the lowest population density in the state. The new roads, schools and other human services required for the mining operation would increase the burden to local government. The state legislature, recognizing the special needs mining communities often have, provided for relief through programs administered by the Mining Impact Board.

The agency is funded by the net proceeds tax, which taxes refined metals after allowing for numerous cost deductions (including the \$60 million Exxon says it has spent on the permit process). Although one study estimates that the state could collect \$100 million in taxes during the life of the mine, there is no guarantee that there will be any proceeds to tax. Opponents point out that Exxon Minerals Co. has officially operated at a loss since 1971.



More to Come?

The Exxon proposal is a major battle in a resource war that is being fought in a region stretching from northeast Minnesota through northern Wisconsin to the Upper Peninsula of Michigan.

As with other oil companies, Exxon's interest in minerals is not so much a trend of diversification as it is a consolidation of the raw materials needed for future energy sources. Having already acquired large tracts of coal and oil shale, the big oil companies have begun to secure mineral sources as well. Uranium for nuclear power and copper for solar collectors are high on the list.

Exxon's success in establishing a mine near Crandon could be overshadowed by the creation of a new mining district in northern Wisconsin. Over the years more than 350,000 acres have been leased for mineral rights by such multi-nationals as Kerr-McGee, Universal Oil Products, Amoco, and Western Nuclear.

Although none of these companies currently have plans to open new mines here, they may in the future. In some respects the Exxon decision may serve as a test case for these other firms. Notes environmentalist Jablonski: "How we deal with Exxon is going to set a precedent for how we deal with anyone else in the future."

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Co-Editors/Writers: Sue Erickson, Lynn Spreutels



LAFOLLETTE EXPLAINS TREATY ISSUE

Mr. Ronald Ziembra
Box 205
Gilman, Wisconsin 54433

Dear Mr. Ziembra:

Thank you for your letter of April 28, 1986, in which you indicate your concern over events of the past weeks concerning exercise of reserved off-reservation treaty rights by the Chippewa Indians of northern Wisconsin. I share your concern, and can assure you that I am doing, and have instructed my staff to do, everything possible to resolve conflict surrounding the Indians' exercise of those rights. By way of explanation of the complexity of the situation, and of the efforts which have been put forth in an attempt to resolve problems, permit me to explain the history of the litigation surrounding the rights reserved by the Chippewa Indians when they entered into treaties with the United States Government ceding to the government the lands which they had previously occupied.

The litigation, including the lawsuit which is still pending in the courts, arises out of several cases. Perhaps the principal case was one brought by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians against the secretary of the Department of Natural Resources, seeking an order of the court to the effect that said Indians against the secretary of the Department of Natural Resources, seeking an order of the court to the effect that said Indians had retained treaty-reserved off-reservation hunting, fishing, trapping and gathering rights on public lands in the northern third of Wisconsin, and that such rights preclude State regulation of them. My office defended that action, asserting that the removal order of 1850 executed by the President of the United States had terminated those rights, and that even if it had not, the entering into of a new treaty in 1854 terminated the rights. We were successful when, on September 20, 1978, the court entered an order to the effect that although the 1850 removal order executed by the President was invalid, the 1854 treaty had, in fact, terminated the rights.

The Indians, however, appealed that decision to the Seventh Circuit Court of Appeals in Chicago. The Seventh Circuit Court of Appeals agreed with the lower court to the effect that 1850 removal order was invalid, but disagreed with the lower court that the 1854 treaty had terminated the rights. The end result was, of course, that the Seventh Circuit Court of Appeals reversed the lower court's decision and decided that whatever rights had been reserved by the Indians in the treaties of 1837 and 1842 continued to exist to the present day. The Seventh Circuit Court of Appeals sent the case back to the lower court with instructions to act accordingly.

When the lower court entered its later order, we were again dissatisfied with way in which it was done, and this time we appealed the matter to the Seventh Circuit Court of Appeals. That court again, however, reiterated its prior holding to the effect that the treaty rights reserved by the Indians back in 1837 and 1842 continued to exist. The court sent the case back to the district court here in Madison, instructing the district court to conduct such proceedings as were necessary so as to enable the court to determine the "nature" of the rights, the extent to which the rights could be regulated by the state, and what, if any, damages might be due the Indians.

We petitioned the Supreme Court of the United States to review the decision of the Seventh Circuit Court of Appeals. The United States Supreme Court, however, refused our request leaving us in a position where we had no alternative but to defend the case as best we could in the district court.

The district court then decided that the matter should be handled in three separate hearings. The first hearing scheduled would consider the inherent nature of the rights reserved by treaties. Once having decided what the nature of the right was, the second hearing would then consider the question of the extent to which the State of Wisconsin is permitted by law to regulate the exercise of that right for reasons such as conservation or safety. The third hearing, after decision on the first two, would decide whether the Indians had suffered monetary damage by any inappropriate withholding or regulation of the treaty reserved rights prior to the decision referred to.

In addressing itself to what was intended by the parties at the time, the courts have taken into consideration the fact that if there is any question as to what was intended by the parties, or whether they had reached a complete mutual understanding, the treaty must be construed in accordance with the way the Indians understood it. The courts have stated that they have reached this conclusion because the United States Government has superior bargaining power, provided for the writing of the treaties themselves because the Indians did not have a written language, and because the Indians must have, therefore, relied upon what the United States Government told them the treaty said, rather than their independent reading of it.

Against this background of law, the first evidentiary hearing on the nature of the right reserved was conducted in the United States District Court for the Western District of Wisconsin, here in Madison, in December of 1985. That hearing lasted for six days. My staff took the position, on behalf of the State of Wisconsin, that the Indians could not have understood their reserved rights to be anymore than what they were actually doing at the time, and wanted to continue doing at the time. We further took the position that they understood the reservation of the rights to always be subject to the needs and demands of non-Indian settlement. I believe these positions to be the strongest ones we could take, to be the positions with real merit, and the ones which afford us the greatest opportunity for success in the lawsuit. The Indians, on the other hand, took the position at the December hearing that they had reserved a right to hunt, fish and gather on the ceded lands of northern Wisconsin for any purpose they saw fit, including commercial activities, and that they should be forever guaranteed a right to a permanent share of the wildlife resources of northern Wisconsin.

Following the conclusion of that hearing, the court asked the parties to present written arguments, in the form of briefs. In response to that request, my staff has filed two very extensive written briefs with the court. The Indians have, of course, filed their briefs as well.

The court has not yet reached a decision with respect to the questions presented by that first hearing. I am sorry that I simply cannot predict how long it may take for that decision to be reached and, therefore, how long it will likely be before we even have an opportunity to present our position on questions of regulation in the second hearing.

I can, however, assure you that I will do, and direct my staff to do, everything possible to represent the best interests of the citizens of northern Wisconsin and, indeed, all of Wisconsin, and bring the resolution of these problems and conflicts to a fair and just conclusion.

Sincerely yours,

Bronson C. LaFollette
Attorney General



TREATIES

SOME QUESTIONS... SOME ANSWERS...

Exactly what is a treaty?

A treaty is an agreement, binding and legal, between two or more sovereign nations. When nations make treaties with each other, they also recognize that each is sovereign; that is, that each has legitimate political power of its own. All treaties made by the U.S. government and another sovereign nation must be ratified by the United States Senate.

When the first European explorers arrived in North America, there were at least a million Indians here, organized into more than 600 groups. Many of these groups belonged to highly structured governments within an intricate, far-reaching trading economy.

The agreements signed with Indian tribes are treaties because the U.S. recognized that tribes were sovereign nations with legitimate sovereign powers of their own.

What legal status do these agreements have?

The U.S. Constitution upholds treaties as "the supreme law of the land" in Article IV, Section 2. U.S. courts have repeatedly recognized Indian nations as sovereign. Consequently treaties between Indian nations and the U.S. have the dignity as well as the full force and effect of any other international agreement.

Article VI - U.S. Constitution:

"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 of laws of any state to the contrary notwithstanding."

Was the U.S. the only country to sign treaties with Indians?

No. England, France and Spain also dealt with Indian governments as equals. They signed treaties to regulate and formalize relationships with the tribes. Later, the U.S. signed more than 400 treaties with Indian governments.

What kinds of treaties have we signed with Indians in this country?

In the early treaties (1779-1810), the new United States was weak economically and militarily. The country sought Indian assurances of peace. Often these treaties asked that Indians join in military alliances against the British, French and Spanish. Indians negotiated these treaties from a position of strength since they could choose to ally themselves with the U.S. or with the Europeans.

From 1817 to 1846, the U.S. signed many "treaties of removal." The primary goal was to remove Indians from land desired by whites. These treaties reflect the declining power of the Indians as the Europeans, potential allies against the U.S., withdrew their claims from North America. The emigration of the Cherokees (known as "Trail of Tears") and other Indians from the Southeast and from the Great Lakes to lands west of the Mississippi in Arkansas, Kansas and Oklahoma occurred under these treaties.

Finally, the U.S. signed "reservation treaties" (1846-1864) or "treaties of peace and friendship." As the Southwest, the Pacific coast and Northwestern territories were claimed by the U.S., it became impossible to force Indians to move any farther west. War was proven to be a nonviable solution by the costliness of Indian wars. Officials estimated that those wars had cost the federal government more than one million dollars for each dead Indian.

As white settlers moved further west it became necessary for the United States to obtain legal title to the land by signing treaties. In these new treaties, like the "treaties of removal," the Indians ceded vast amounts of land to the United States while reserving certain homelands for exclusive tribal use and occupancy.

In return for land and altering their livelihoods, Indians received promises of money, goods, and certain services, such as health care and education. The U.S. government is still providing these treaty-promised services in some cases today.

What promises did the United States make in the treaties?

In return for the vast Indian holdings and resources, the United States made certain promises:

1. Protection for Indians from attacks upon their lands and rights. This protection included legal assistance.
2. Health Care.
3. Education.
4. Some monies.

It is important to remember that these promises were made in honor. Also, they were, and still are, legally binding upon the U.S. by the 6th Article of the U.S. Constitution.

THE TREATIES

The Lake Superior Chippewa is the anglicized legal name for one branch of the nation of people who once called themselves "Anishinabeg"—or "original people." The Anishinabeg once ruled territory from Niagra Falls to the upper great plains, on both sides of the Great Lakes Basin.

Historically, they spoke an Algonquin language, maintained a woodlands lifestyle, established religious and political institutions, engaged regularly in territorial battles, and in recent years played an important role in the trade which ultimately led to the repopulation of the upper Great Lakes as we know it today. Tribal legends, archeological studies, and modern historians agree that the Anishinabeg migrated from the Atlantic coast and established the current homeland at about the same time Columbus reached San Salvador.

One common method of drawing distinctions among the Anishinabeg nation is to use the newer boundaries of new nations and states. As an example, the people of Lac Courte Oreilles are one group of six who comprise the Wisconsin-based Lake Superior Chippewas. There are others in both Michigan and Minnesota who are Lake Superior Chippewa Band members. The Lake Superior Chippewa is one band of many which comprise the southern Chippewa—those residing within the United States. When you combine the Southern Chippewa with the Chippewa of Canada, we once more speak of the Anishinabeg nation, once the largest on the continent, now numbering about 100,000.

The Lake Superior Chippewa achieved its legal identity by participating in the 1825 Treaty by Prairie du Chien. As the document states, various chiefs and other leaders were viewed as one body who owned

the land in common—they were referred to thereafter as the "Lake Superior Chippewas."

In the eyes of the representatives of the United States, whose constitution authorized the treaties be entered into with the various Indian Tribes who owned land sought by the U.S., the Lake Superior Chippewa was viewed as a distinctive political entity with full sovereign power. It is this recognition at this time in history and through the treaty-making process that makes clear the nature of future treaties and their continuing legitimacy and impacts which carry through to today.

We will look at four treaties between the Lake Superior Chippewa and the United States of America. The first three, 1825 at Prairie du Chien; 1837 at St. Peters; and 1842 at La Pointe represent the land and rights reserved by members of the Lake Superior Chippewa. The fourth, the Treaty of 1854 at La Pointe,

which established permanent reservations, will be briefly summarized at first.

As the Treaties of 1837 and 1842 state, the Lake Superior Chippewa ceded, or sold, to the United States what is now northern Wisconsin, and parts of Michigan and Minnesota. In exchange they reserved the right to occupy and harvest the resources in this former homeland. Within the treaties is the provision that if they "misbehaved" the President may order their removal to lands yet unceded in Minnesota.

In 1850, such an order was issued but in fact was never implemented. In the eyes of the leaders of the Chippewa, peace was prevailing and therefore adamantly refused to move. The new Wisconsin legislature (Wisconsin joined the union in 1848) agreed and in early 1854 petitioned the U.S. Congress to rescind the removal policy. Tribal leaders traveled to Washington in 1852 seeking a negotiated settlement.

In fact the negotiations were successful and another Treaty was concluded at La Pointe. On September 30, 1854, the Lake Superior Chippewa ceded their remaining homeland in Minnesota. In exchange, they reserved the right to harvest the resources and occupy permanent sites which we know today as the Wisconsin-based Indian Reservations of Red Cliff, Bad River, St. Croix, Lac Courte Oreilles, Lac du Flambeau and Mole Lake; other reservations were secured in Michigan and Minnesota.

The Lake Superior Chippewa, once known as "Gitche-gummi-wininninway" "Great Lake Men," first became a distinctive political force, but as a consequence of land cessions returned to small, specific and separate reservations. Over a period of a century of separation these reservation islands fared poorly amidst a sea of wealth and development by their non-Indian neighbors. More recent-

ly there has been a revival.

It has been only in the past few decades amidst individual court actions that the separate reservations have refound the political strength entrenched in those early treaties by the former leaders of the Lake Superior Chippewa. The current court action known as the "Voigt Decision" points clearly to the foresight and strength of the Lake Superior Chippewa. Once more, the separate groups are working together and this legal process may open avenues for additional ventures by the Lake Superior members.



WILD RICE: PROBLEMS - POTENTIALS

Wild Rice Wetland Inventory of Northwest Wisconsin

by Timothy Andryk
GLIFWC Wildlife Biologist

ABSTRACT: A wild rice inventory of northwestern Wisconsin was conducted during summer 1985 to collect necessary information for development of a wild rice management program in northern Wisconsin. A Wild rice suitability index was developed and after further refinement will be used to monitor wild rice habitat quality and assess potential reintroduction sites. Biological, chemical, and physical factors were recorded, detailed maps were prepared. Sixty two lakes, 11 rivers and 8 flowages supported 767 ha (1,896 acres) of wild rice in northwestern Wisconsin. Total wild rice acreage for the northern one-third of Wisconsin was estimated at 2,000 ha or 5,000 acres and was associated with favorable spring water levels in 1985. Perennial aquatic vegetation, crayfish, and beaver were found to negatively impact wild rice beds in northwest Wisconsin. Purple loosestrife was commonly found and is considered a threat to wild rice wetlands in northern Wisconsin.

Introduction

Wild rice abundance and distribution in Wisconsin has been drastically reduced since the early nineteenth century (Taube 1951, Stoddard 1957, Fannucchi et al. in press). Wild rice, once abundant throughout the state, is now classified as a scarce resource. Wisconsin Administrative Code sec. NR 1.95 (4), as such wild rice has been eliminated by altering river courses, constructing dams and flowages, shoreline development, wetland drainage, dredging, pollution, vegetation competition, high beaver populations and carp. This decline is cause for alarm in light of wild rice's important ecological, economic, cultural, and aesthetic values. Consequently, the Great Lake Indian Fish and Wildlife Commission (GLIFWC) and Wisconsin Department of Natural Resources (WDNR) in 1985 established a joint working group to develop a wild rice protection and enhancement program in northern Wisconsin.

The first task of the GLIFWC - WDNR wild rice technical working group was to do inventory existing and potential wild rice sites. Consequently, GLIFWC hired a student intern and 2 aides to survey the WDNR Northwest Wisconsin District and WDNR hired a student intern to survey the WDNR North Central district during summer of 1985. This report presents preliminary results of GLIFWC's wild rice survey of northwest Wisconsin. Detailed analysis of the data collected will be conducted once all the data has been entered into computer files to facilitate comprehensive statistical analysis.



Preparing wild rice - part of the Chippewa tradition.

RESULTS AND DISCUSSION

Wild Rice Acreage

A total of 127 bodies of water (82 of which supported wild rice) and 767 ha (1,896 acres) of wild rice were surveyed. Wild rice beds were present in 62 lakes, 11 rivers, and 8 flowages. A total of 479.1 ha (1,184 acres) of dense wild rice beds, and 133.1 ha (329.5 acres) of medium density wild rice beds, and 154.8 (382.5 acres) of sparse density wild rice beds were recorded. There was much variability in the size of rice beds, ranging from 0.04 ha (0.1 acres) to 80.9 ha (200 acres). Size of dense rice beds averaged 11.7 ha (28.8 acres), medium density rice beds averaged 7.8 ha (19.3 acres), and sparse density rice beds averaged 6.2 ha (15.3 acres).

In general, the largest percentage of rice occurred in dense beds, which averaged larger in size than those of medium or sparse density beds. Rice density varies from year to year depending on a variety of environmental factors, the most important being stable spring water levels (Chambliss 1940, Thomas and Stewart 199). Water levels were considered favorable in spring 1985, and thus it was considered a good year for wild rice in northwestern Wisconsin (Flanagan et al. pers. comm.).

Approximately 951 ha (2,350 acres) of wild rice was surveyed in the WDNR North Central district (Niemann 1986). We estimate that (with the 767 ha surveyed in northwestern Wisconsin, roughly 200 ha on Chippewa Indian Reservations, and assorted unsurveyed rice beds) the northern one-third of Wisconsin supported roughly 2,000 ha or 5,000 acres of natural wild rice stands in 1985. If all this acreage were utilized by hand harvesting (with average hand harvesting yields) it could potentially yield \$2,000,000 worth of wild rice annually at the 1985 average Wisconsin price of \$6.00/pound of processed rice. Hand harvesting takes only 10 to 20% of rice seeds produced annually by a wild rice bed (Moyle 1944, Lawrence 1951, G. Fannucchi 1983) leaving ample amounts for reseeding and wildlife utilization.

The 2,000 ha estimate of wild rice in northern Wisconsin was associated with the favorable water conditions of spring 1985. When water levels are favorable, Minnesota supports an estimated 12,100 ha (30,000 acres) of wild rice (Libertus 1981) and northwest Ontario supports an estimated 10,700 ha (26,400 acres) (Lee 1976).

Associate Aquatic Plants

Common aquatic emergent plants associated with wild rice were: cattail, bur-reed, bulrush, pickerelweed, and arrowhead. Common submergent plants associated with wild rice were: cootail, various pondweeds, elodea,



Ojibwa women preparing wild rice as it was done years ago. The scene is part of the Four Seasons display at the Mille Lacs Indian Museum.

water milfoil, and wild celery. Common floating aquatics were: yellow pond lily, white water lily water shield, and duckweed.

Generally, as wild rice density decreased the abundance of emergent submergent, and floating perennial competitors increased. Floating aquatics (especially white water lily and water shield) are of most concern because of their ability to shade out wild rice plants (Kutcha 1984). Purple loosestrife, also of concern as a potential threat to rice beds (Stukey 1980), was found in 15 wild rice survey areas. Purple loosestrife, an exotic plant that rapidly outcompetes native aquatic plants (Thompson et al. 1980), is spreading swiftly throughout northern Wisconsin.

Water Chemistry

Average pH values of wild rice beds were: 6.4 (SD - 3.2) for dense beds, 7.5 (SD - 0.9) for medium density beds, and 7.6 (SD - 1.7) for sparse density beds. Average conductivity values of wild rice beds (in umhos/cm) were: 143 (SD - 45) for dense beds, 119 (SD - 44) for medium density beds, and 121 (SD - 46) for sparse density beds.

Generally, pH was lower and conductivity was higher for dense rice beds than for medium or sparse density beds, which is consistent with what was found in north central Wisconsin (Niemann 1986). The average northwestern Wisconsin pH of 6.4 for dense wild rice beds is outside of what has been considered the optimum pH range for wild rice, 7.2d - 8.8 (Moyle 1944, Stoddard 1957), but is consistent with the average pH of 6.0 found in the roughly 3400 acre Nett Lake rice bed (Swan 1983), considered one of the finest beds in Minnesota.

The range of pH and conductivity measurements in northwestern Wisconsin rice beds was great: 6.4 to 10.1 for pH, and 49 to 225 umhos/cm for conductivity. This variability

limited analysis. In addition, time permitted only one pH and conductivity measurement at each survey site. Consequently, since pH varies from time of year and local weather conditions, the measurements offer limited insight into the water chemistry of wild rice beds in northwestern Wisconsin.

Wild Rice Suitability Index

The wild rice suitability index varied from 91.6 to 166.0 at sites supporting wild rice, varying at each site depending on wild rice presence, basin depth and contours, shoreline characteristics, bottom types, water quality, water control structures, abundance of aquatic plant competitors, wildlife utilization, and other factors that we measured and assigned points to based on potential impact to rice (wild rice survey form, Appendix B). The index was significantly lower (at the 95% level) at survey sites which did not support wild rice than at sites supporting wild rice.

GLIFWC designed the survey index as a relatively quick way to assess wild rice habitat, to evaluate potential reintroduction sites and monitor rice habitat changes. There was some questionable variability in index values collected between northwest Wisconsin rice surveyors and north central Wisconsin surveyors. However, within a survey crew observations appeared standardized and thus we feel the index can be made workable if all surveyors are adequately trained to standardize their observations.

Associated Fish and Wildlife

Approximately 14% of the wild rice beds on lakes, including some of the largest, appeared to have problems with beaver altering spring water levels. Beaver dams are most damaging during periods of high runoff, when they can rapidly raise water levels, uprooting rice plants which are in the critical floating leaf stage from mid-May to the end

of June (Chambliss 1940, Thomas and Stewart 1969).

Crayfish were found on 57% of the survey sites and are suspected to be negatively impacting a large percentage of northwest Wisconsin wild rice beds. Rusty crayfish (*Orconectes rusticus*) are not native to Wisconsin but are currently considered by WDNR to be present in all clearwater, relatively hard-bottom lakes of northern Wisconsin (A. Ensign pers. comm.). Rusty crayfish populations can dramatically reduce abundance of aquatic plants (Magnuson et al. 1975, Lorman 1980) and have eliminated most rooted aquatics in Lake Metonga, Forest Co., WI (Carlson 1979). They are also considered responsible for dramatic declines in aquatic plants in many other northern Wisconsin lakes (Capelli 1982, Lorman 1980). Rusty crayfish can severely impact wild rice in the floating leaf stage (Noetzel 1986) and are a suspected cause for wild rice decline on the Sugarbush Lakes chain of the Lac du Flambeau Indian Reservation, Vilas County, Wisconsin (D. Schwalenberg pers comm).

Muskrat (*Ondatra zibethicus*) were found to seriously impact sparse rice stands, taking a large percentage of the emerging wild rice stems. Muskrats have been responsible for failure of planted rice beds (Krummes 1940, Dore 1969) and can impair the ability of a rice bed to reseed itself (W. Fannucchi et al. 1983). Muskrat damage (eliminating seed producing stems) for 3 successive years or more to sparse wild rice beds may greatly reduce or eradicate a rice bed. The University of Minnesota (Agricultural Experiment Station) found that less than 10% of wild rice seeds were still viable after being dormant in the sediment for 3 years, and progressively much less were viable after each additional year of dormancy (Oelke et al. 1983).

The wild rice suitability index needs to be refined through supplemental field work and testing. This index can become a valuable tool for assessing wild rice potential in a body of water to target wild rice enhancement and reintroduction efforts.

More research on crayfish damage needs to be done. Rusty crayfish damage to wild rice beds in northern Wisconsin needs to be quantified and control techniques developed.

Management

GLIFWC and WDNR plan to select several existing and potential wild rice sites to initially target rice protection, enhancement, and reintroduction efforts. Proven rice enhancement techniques and experimental techniques will be used with the inventory data base for development of rice protection, enhancement, and reintroduction guidelines expanded plans for northern Wisconsin.

In the absence of management guidelines, current rice management efforts should be directed at stabilizing May - June water levels by beaver control and/or utilizing existing water control structures. Beaver impacting large bodies of water or rice beds should be controlled through trapping and subsequent removal of dams. Beaver control must be selected, since shallow beaver ponds (less than 1.5 m or 5 ft. deep) can create rice habitat if dam alteration is done at key moments in the spring to prevent rapid water level increases.

Competing perennial aquatic plants in wild rice beds can be controlled by application of aquatic herbicides (roteo is EPA approved for spraying over water in Wisconsin), by mechanical removal, or by overwinter drawdown if feasible (Kuchta 1984). Overwinter drawdown not only controls competing perennials but can also control abundance of rusty crayfish, muskrats, and beaver. Control of perennial aquatics in combination with spring water level stabilization can cause substantial increases in rice bed size and quality. The 200 acre rice bed in Clam Lake, Burnett County (the largest we surveyed) has experienced at least a 3-fold increase in size since the early 1970's, as a result of installation of a water control structure at the outlet and subsequent mechanical removal of submergent aquatics annually by a weed cutter. This work was done by the Clam Lake Association, which reports that not only has it benefitted wild rice, but it has also improved fishing success on the lake.

Purple loosestrife control by herbicides or hand removal should be done wherever possible. Purple loosestrife not only poses a threat to wild rice, but to the ecological diversity and importance of all wetlands in northern Wisconsin.

Carp (*Carpinus carpio*) were present in at least 18% of the survey sites as indicated in WDNR County surface water resources publications. Wild rice eradication on Lake Koshkonong in southern Wisconsin has been attributed to the introduction of carp there (Black 1944) and carp have been documented uprooting wild rice within a few days of stocking in a research pond at Madison, Wisconsin (Black 1946). Carp can be especially destructive to wild rice when its in the floating leaf stage in May and June (Rose 1984).

Blackbirds (*Agelaius phoeniceus*) were found to utilize most of the rice beds surveyed. However, researchers have found that blackbirds feed mostly on the rice worm (*Apamea apamiformis*) and do not consume enough seeds to impact the yields of handharvesters (J. Stewart unpubl., D. Wilcox pers. comm). Blackbirds may reduce rice seed yields though, if large numbers feed in ripe rice stands prior to harvesting, knocking the rice into the water before handharvesters have the opportunity to harvest it.

RECOMMENDATIONS

The wild rice survey data for northwest Wisconsin needs to be combined with that from northeast Wisconsin, and entered in computer files to facilitate comprehensive analysis. A large range of factors impact wild rice bed size, density, and yield and thus multivariate analysis is needed to collectively examine and weigh all factors potentially impacting northern Wisconsin wild rice beds.

An annual systematic monitoring program of the larger and more important wild rice beds should be initiated. GLIFWC plans include developing an annual aerial survey over northern Wisconsin rice areas and intensified field monitoring at select wild rice sites including complete sediment and water chemistry analysis in relation to wild rice seed production. WDNR plans to continue the rice survey initiated last summer by surveying 9 wild rice sites in 1986 that were not surveyed in 1985 due to lack of time (Niemann 1986).

SPRING FISHING

These articles appeared in the Four Seasons newspaper, Joe Chisholm's column, and expanded on both the Tribes' and the DNR's perception of the Star Lake debate. from Joe Chisholm's Column in the Four Seasons

Last week's commentary on the Tribal spearing season generated an immediate response from Jim Schlender, the Chippewa's chief negotiator on Voigt Decision affairs. Here is a summation of notes taken during a lengthy conversation late last week.

The verbal spears jabbed in the aftermath of the Chippewa spring fishing season may soon outnumber the metal ones used during the season itself.

The latest turns out to be a letter now almost three weeks old written by James Schlender of the Voigt Inter-Tribal Task Force to the Wisconsin Department of Natural Resources' Chief negotiator George Meyer. Schlender had intended to keep the letter confidential but decided to run it over to the Four Seasons News after Meyer's comments were given coverage in this column last week.

"We keep treating our mail to the DNR as confidential but every time George writes a letter we seem to read it in the press before we find it in our mailboxes," Schlender told me.

A lot of ink has been spilled as both sides recount their versions of what happened at the negotiation table. George Meyer was the first to make public some of the discussions that occurred at the closed sessions. Schlender has now said that enough is enough: "What matters is not what I recall of negotiations or what you recall of them but what result, reduced to writing in the form of an agreement, eventually come of them."

The main point of contention has become whether the DNR and the tribes "contemplated" the kind of situation that developed in the Minocqua area on the last night of the Chippewa spearing season. Lac du Flambeau members showed up in large numbers at Star Lake and ended up taking 3.8 times their quota of walleye. Jim Schlender said at the Voigt Task Force's May 9 press conference that no mechanisms were in place to halt a harvest midway through a night because no one thought such mechanisms would be required - no one, including the DNR. At that time the tribes admitted they erred by not anticipating the situation but noted that the error was shared by the DNR negotiators. Meyer has denied that he failed to think of the problem and to buttress his contentions has recited at length what occurred at the negotiations.

Schlender responds: "In any event, nothing you recite...contradicts what I told the press on May 9: 'To the extent that some overharvest was contemplated by the parties to the agreement, there was a clear understanding at the bargaining table that no closure of a lake would be required in the course of a night's spearing.' Without doubt extensive discussion occurred in preventing overharvest, culminating in the agreement that a one night 65% TAC harvest would result in closure on future nights. The fact that much discussion preceded that understanding does not erase the fact that was the understanding reached, that that was the only harvest-limiting understanding reached, and that that understanding does nothing to address the problem of the harvesting, within one night, of two or three or four times the tribal quota."

It is inconceivable, says Schlender, that Meyer could have noted this problem, cared deeply about it, and then approved an agreement that did not address it. "Knowing your commitment to resource protection, I cannot believe that you recommend to your superiors or recommended to the citizens of Wisconsin an agreement which you felt at the time did not adequately address all of your concerns. And yet the agreement you passed on for approval did not require, or even suggest, that tribes enact a regulatory provision delegating authority so close a lake midway through a night's spearing, or delegating authority to limit member effort on a lake. I can only suppose from that omission that you did not foresee the need for such provisions."

Schlender steers clear of trying to cast the tribes as innocent parties in the Star Lake incident. "I do not mean to point an accusing finger at you. As I made very clear on May 9, the tribes suffered, along with the DNR, from an inability to foresee the need to regulate against this risk. But you continued efforts to turn, in the public eye, a joint inability to foresee a need into a tribal inability to regulate is nothing but a self-serving life."

Meyer has argued that the dispute over what was agreed to at the table now means a member of the public should be included on the state bargaining team. Maybe the public should be at the table for other reasons, but the idea of each side bringing in witnesses to the negotiations to attest to what was discussed doesn't make a lot of sense to me. As Jim Schlender says, what matters is what ends up getting written down. And, as Schlender says, there is nothing in the spring spearing agreement that required a lake closure midway through the night. Schlender's conclusion as to both parties lack of foresight does not seem all that unreasonable.

Omitting a lake closure mechanism was a big mistake. The tribes have said that next year it should be fixed. The tribes have said they "messed up" by not catching it for this year. It probably wasn't easy for all of the Chippewa tribes to stand up and honestly say they made an error. It certainly has not been easy to get the DNR to admit that it made an error. But it's high time for some honesty from that side of the table, too. None of us is infallible, even George Meyer. As Jim Schlender says, "Perhaps if all of us could admit to an occasional error we might be able to clear the air and move on to the tasks ahead."



To Joe Chisholm:

In your June 9, 1986 column, based on a conversation with Jim Schlender, you stated that you thought that the Chippewa tribes had honestly stood up by saying that they made an "error" by "not catching" the need for a mechanism to prevent an overharvest of walleye in one night's spearing. You further suggested that the Department and I also admit this error and get on with business as usual with Schlender.

Joe, the problem with the advice is that this potential problem was caught by us in the negotiation process. Repeatedly during the three days of negotiations the Department pressed for a tight permit system to assure that the tribes would not place too many spears on a lake in one night and thereby prevent an overharvest. The tribes repeatedly rejected our proposal and stated that they would prevent the problem by self-regulating themselves and spreading their spears over several lakes. You can verify this by speaking to any of the several Department negotiators or by reviewing our negotiating notes.

For Jim Schlender to now say that this problem was "not caught" in negotiations and to then hope that the Department would not expose this untruth by revealing what happened in negotiations is a bit much to take. We are not going to agree with what he is saying now just to make his story truthful. It is very similar to Tom Maulson first admitting and then repeatedly denying that the Lac du Flambeau spears overharvested Star Lake in retaliation to a PARR rally held earlier in the day.

Unfortunately it cannot be business as usual between the tribes and the Department. Because of the federal court rulings the Department of Natural Resources has to implement the Chippewa treaty hunting and fishing rights. However, there is no federal court requirement that we believe the word of Schlender or Maulson. We did so in the past and this resulted in ourselves and the citizens of this state being burned very bad this spring. The Department will continue to be responsible on the sensitive issue of Chippewa treaty hunting and fishing rights. We will obviously carry out the directions of the federal courts. But, we are not buying any more snake oil from Schlender or Maulson.

Thank you for listening.

Sincerely,

George E. Meyer, Administrator
Division of Enforcement



CIVILIZED FISHING

from The Innocent Bystander

by Joel McNally,
Milwaukee Journal

Some people might misconstrue white protests of Indian spearfishing as racist. Raving, foaming-at-the-mouth, anti-Indian diatribes can sometimes be interpreted that way.

But many real Wisconsin fishermen are deeply offended morally by the special rights granted to Indians under their treaties.

Fishing and morality go together like wine and cheese. Fishermen are floating saints when it comes to strictly abiding by all the rules and regulations of fishing.

No fisherman has ever caught more than the daily limit. No fisherman has ever kept a fish that was not legal size.

Any fisherman who did that would never be able to look at himself in the mirror. That can be hard enough after staying up all night drinking beer and playing poker.

Fishermen want to see all fish killed fair and square. Sneaking up behind a fish and stabbing it in the back is the kind of inexcusable behavior that ticks off Charles Bronson when it happens on the street.

It might be that Indians have been spearfishing for centuries. That doesn't make it right. This is the 20th century, and civilized man has advanced.

The civilized way to fish is to put on a stupid-looking hat, drink tons of beer and throw out a line with a hula girl on it.

There is a special relationship between fishermen and fish. They are locked in a battle of wits. Fish have keener wits than many people realize. They do hilarious impressions.

The contest is like a chess game. There is nothing more satisfying than beating a walleye at chess.

It's man against fish, and only one of them will emerge victorious. If man wins, the fish will be caught and gutted and eaten. If the fish wins, man will be blue.

There should be romance to fishing. There is no romance in spearfishing. It's just wham, bam. The least a fisherman can do is get to know a fish a little bit first over drinks and dinner.

Apparently, we are stuck with Indian rights. They are just another example of how Indians bamboozled the white man with their slick treaty negotiating.

All other Wisconsin fishermen can do is set a good example and try to teach Indians the value of protecting the environment. That has always been one of the white man's specialties.

White hunters protected millions of buffalos from the Indians. White fishermen can do the same for muskies and walleyes.

So when fishing season opens this weekend, fishermen will be on a moral mission. They will be out to catch as many fish as possible the right way.

Fish will be falling all over themselves to be caught by real sportsmen. It makes one proud to be a fish.

RESPONSE DNR GLIFWC

Mr. Joe Chisholm
Four Seasons News
P.O. Box 798
Hayward, Wisconsin 54843

Dear Joe:

I am responding tardily to the letter from George Meyer, WDNR, Division of Enforcement, in the June 16th issue of the Four Seasons as I have been in Albuquerque the past week.

Typically, Mr. Meyer did not afford me the courtesy of forwarding me a copy of his comments, which regard my integrity, prior to having them published. I do find his reference to me as a vendor of "snake oil" interesting and ironic, if not downright childish.

The vending of snake oil, of course, is part of the traditions of white America. Through many centuries tribes have attempted to negotiate, to talk, and settle matters in good faith. Time and time again, they have been deceived and victimized by the white man's deliberate use of chicanery to exploit the tribes for political or economic gain. George Meyer continues this tradition masterfully, and his constant disclaimers only fool some.

Rather than admit to an honest error that he made in spring spearing negotiations with the Voigt Task Force, George Meyer has admitted to something far more egregious: that he recognized a serious, resource-threatening flaw in the tribal fishing agreement but nevertheless, fully aware of the risks to the fishery, agreed to it. For the entire controversy which has arisen in the wake of the Chippewa spearing season boils down to one indisputable fact: nothing in the Agreement regulating tribal spearing provided for lake closure midway through a night's spearing.

For the tribes' part such a provision was not suggested because we, mistakenly, believed there was no need for such a provision; we have been willing to credit the state with similar reasons for not insisting on such a provision. George Meyer's repeated assertions that he did indeed recognize the need for such a provision but did not insist upon it now leads us to conclude something very different: that Mr. Meyer, in an unprecedented move and for motives unclear, decided to sacrifice the vital interests of the state in negotiating the spring agreement.

Under our first theory, George Meyer, together with the tribes, simply lacked omniscience, something none of us mortals can claim. Under the new theory that George Meyer has curiously insisted upon, Mr. Meyer does not lack omniscience, he lacks good judgment.

This self-indictment is, in our opinion, far more serious than the indictment brought by the tribes.

Sincerely,

James H. Schlender
Executive Administrator

State lauds tribal cooperation
from Ashland Daily Press,
June 9

EAU CLAIRE (AP) — The impact upon fish and game reserves by Chippewa Indians exercising their treaty rights has been generally negligible, with Indians taking fewer fish and deer than even negotiations allow, a Department of Natural Resources official says.

David Jacobson, Northwest District director for the DNR, said the department counted 634 deer harvested by a couple of hundred Indian hunters.

"Keep it in perspective," he urged.

All licensed hunters killed 280,000 deer last year while another 40,000 fell to archers, he said, compared with 35,000 which were killed by motor vehicles.

"That's not very traumatic," Jacobson said of the tribal count.

He said one tribe out of six spearing fish this spring overharvested Star and Plum lakes to appoint considered "somewhat damaging."

But he said that represents two lakes out of 15,000 and has provided evidence that spearing "has the potential to harm the resource. But in the bigger picture, they did not harm the fishing resource."

Jacobson added that the willingness of Chippewa leaders to discuss off-reservation hunting and fishing regulations is little appreciated by the general public.

Federal court rulings that upheld treaty hunting provisions left the DNR with little negotiating power, he pointed out.

"The state is not in a position of great strength on this issue. The tribes are," he remarked in a talk last week to a civic group.

The department negotiates annual off-reservation rules with six northern Wisconsin tribes whose 19th-century treaty provisions concerning hunting, fishing,

trapping and grain harvesting were upheld in 1983 by the 7th U.S. Circuit Court of Appeals in Chicago.

Some non-Chippewa groups oppose the treaty clauses, calling them discriminatory.

Jacobson said tribal leaders initiated the issue a decade ago by notifying the DNR that two tribes would spear fish under their interpretation of treaty provisions.

Critics say spearing depletes the supply of game fish, and that tactic led to quarrels with Chippewa fishermen the last two years. Spearing is generally forbidden for other fishermen in Wisconsin under DNR rules.

The DNR won a local trial and prevailed again in U.S. District Court at Madison before a three-judge panel on the Chicago appellate court upheld the arguments of tribal lawyers.

Then the U.S. Supreme Court refused to review the case, and the state had to decide whether to initiate new court action or see if Chippewa were willing to negotiate.

Jacobson said the DNR researched court challenges of Indian rights elsewhere in the nation.

"In 21 separate battles, the score was 21 to zip in favor of the Indians," he said.

"We decided we didn't want to litigate. We decided we wanted to do something unique and different. We decided to try a process called negotiating," he said.

Negotiations have attained 14 agreements, he said.

Unresolved questions include the extent to which the six tribes can exercise the provisions on public land off their reservations.

The District Court in Madison is reviewing the question. Jacobson said guidelines may be handed down with two months.

CANDIDATES BEGIN TO LINE UP

Governor candidates blast treaty rights
Reprinted from the Lakeland Times, June 23

Two leading Republican governor candidates vowed at the Protect American Rights and Resources (PARR) banquet to lead the fight to get rid of special Indian fishing and hunting rights if elected governor. George Watts and Tommy Thompson had no trouble getting audience applause at the banquet Thursday at the Holiday Homestead, Minoqua. Approximately 230 persons attended.

This was the group's first banquet. It sponsored a rally in Minoqua earlier this year that attracted approximately 1,000 persons. PARR opposes special Indian fishing, hunting, trapping rights granted to them through federal treaties made in the 19th Century.

Thompson said, if elected governor, that he would ask the President and Congress to "address the effects of Native American rights on reservations, natural resources and economic life in the areas affected."

In addition, he said as governor he would appoint a bipartisan, biracial commission - that would include PARR membership - to develop guidelines for resource management. (Gov. Tony Earl earlier this month said he would appoint a blue-ribbon commission to address spearfishing and other issues that divided Indian and non-Indian in northern Wisconsin.)

"Spearfishing game fish while they are spawning is not a good

fishing or sporting practice," he said.

Watts said the U.S. Constitution says "nothing about Americans making treaties with its own citizens (Native Americans)." Those people gave up any treaty rights, he affirmed, when they became U.S. citizens in 1924.

"Some tribes would like to have it both ways, (but) they can't have it," he said.

He gave a three point plan to address the problem:

- Petition Congress to terminate the treaties at once.
- Eliminate the federal Bureau of Indian Affairs (BIA) and encourage the phasing out of Indian welfare programs and bring eligible recipients under state and federal programs.

- Forbid the state Department of Natural Resources (DNR) to negotiate special rights for the Indians. He said Gov. Tony Earl should not allow the "buying out" of those rights.

Earl Criticized

Both candidates criticized Earl, their Democratic opponent, who has announced he will seek re-election.

"One of the first things that Earl did was to create special desks in the governor's office," Thompson said. "These desks reflect his attitude toward the people of the state. He has special desks for almost everything - special desks for minorities, for Indian affairs, for gay and lesbian rights, for others.

"But he doesn't have a special desk for the family. He doesn't have a special desk for

children. He doesn't have a special desk for the North. He doesn't have a special desk for you."

Nor, he said, did Earl's administration provide enough for tourism promotion. The communities of Wisconsin Dells and Lake Delton alone spend more for tourism promotion than does the state of Wisconsin for the entire state.

"As with the fishing and hunting issues he's failed to lead."

"(Tourism promotion) is one area where we are going to spend more money," said Watts, who said he will reduce state spending if elected governor, although he promised to spend more money on dairy promotion.

Thompson also criticized the state Department of Natural Resources (DNR) for not keeping pace with fish hatcheries construction. "They are more interested in acquiring new lands than developing the resources they already have," he said.

Watts lambasted Earl for "appeasement" regarding the treaty issue.

Both candidates said PARR has many friends in southern Wisconsin and both said they would fight to further the Northwoods image tainted by the treaty controversy.

Thompson said the tribes must adhere "to reasonable limits" during the spring spearfishing season. He criticized the Lac du Flambeau tribe's overharvesting of Star Lake, and, quoting the DNR's response, said it was "a blatant, inexcusable assault on the natural resources of Wisconsin."

Damrell announces candidacies
reprinted from the Ashland Daily Press

WASHBURN — Joseph "Dave" Damrell, 41, has announced his candidacy for the 7th U.S. Congressional seat currently held by David Obey.

Damrell, a professor of sociology at Northland College, is running on the Labor-Farm Party in the November election. Obey is a Democrat; also announced for the position is Republican Kevin Hermening.

On Indian treaty rights, he said, "I believe the treaties are law, and the relations between whites and Native Americans have been severely damaged by the policies of the Department of Natural Resources and other government institutions."

There is enough fish and game for everyone, he said, "but not enough for the corporations who profit from the 'sport' of fishing and hunting."

Damrell, who is also a hunter and fisherman, said, "I don't feel jealous when I see the Indians' nets out. If I don't catch steelhead, it's my skill that's involved."

He stressed how closely identified the Indians are with the treaties. "Their identity is tied up with the treaties," he stated.

NUKE WASTE STILL A THREAT

ODANAH — Wisconsin tribes see the need for continued vigilance on the issue of nuclear waste and on the activities of the Department of Energy (DOE) regarding the radioactive waste repository siting process.

Nuclear waste coordinators from all of the Wisconsin tribes, plus representatives of the Great Lakes Inter-Tribal Council (GLITC), the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and the northwestern tribes of the Umatilla and Nex Perz, met in Rhinelander June 3 to discuss the possible ramifications of DOE's recent announcement that their search for a second repository site has been indefinitely suspended.

Hillary Waukau, Menominee, felt that the tribes must take the lead in bringing the nuclear waste issue to the public and reasserting the role of Indian people as "natural born environmentalists." The concerns, according to Waukau and other tribal representatives present at the meeting, have not dissipated with DOE's announcement.

As Leo LaFornier, Red Cliff, stated, issues such as transportation, public health and safety, and production of nuclear waste still must come under public scrutiny as they could impinge on the wellbeing of tribes and the general populace. LaFornier noted that tribal leadership in this concern is appropos due to the additional leverage tribes maintain over treaty protected lands.

Tribal representatives remain basically suspicious of the DOE's announcement, questioning for one, the legality of their latest move. According to Jim Schlender, executive administrator of GLIFWC, the DOE is mandated under the Nuclear Waste Policy Act (NWPA) to continue its search for a second site. Unless the NWPA is reopened and amended, the DOE can only delay the second-site process until 1990, he said.

According to Schlender, who is also chairman of the Citizens Concerned About Radioactive Waste (CCARW), tribes and citizens groups should not let the lack of funding curtail their activities. "The groundswell of citizen opposition which was observed at

the rally in Ashland last April should continue to grow," he observed, "like the anti-war movement grew among the public a few years back." The momentum of citizen concern at all levels should not be allowed to dissipate, he feels, but rather, must continue because the stakes in the issues of nuclear waste could be extremely high for the Indian and non-Indian alike.

In this instance, he also notes, the guaranteed rights of tribes on treaty-protected lands give the tribes some additional clout as well as responsibilities to preserve the resources.

He also warned that there is tremendous pressure from western interests that could, in the end, put second round potential sites on the list as first round sites. The process which DOE initiated in the second site regions, Schlender feels, has them nearly as far along in the siting process as first round sites.

In order to continue monitoring the nuclear waste issues, the tribes are planning to take several actions. For one, the group which gathered at Rhinelander sent a mailgram to Ben Rusche, director, Office of Civilian Radioactive Waste Management, asking for confirmation that DOE would fund second round tribes to attend the National Indian Nuclear Waste Policy Committee which will be caucusing during the midyear convention of the National Conference of American Indians in Albuquerque.

The Wisconsin tribes also called for the DOE to continue funding the second round tribes, GLITC, and GLIFWC and called upon the Bureau of Indian Affairs (BIA) to give "affected status" to second round tribes in the form of a GLITC resolution on June 4.

RALLY PLANNED

In another vein, tribes agreed to cosponsor, along with citizens and environmental groups, a large "No Nuke" rally, tentatively scheduled for Labor Day weekend. Music, with performers with the status of Bob Dillon, Joan Baez, Larry Long, will be invited, as well as state politicians and political candidates. Politicians will be asked to give their views on the production issue.



LAMPREY TRAPS



Mark Ebener, GLIFWC biologist and Mike Plucinski, GLIFWC biological technician lift lamprey traps from the Bad River as part of a lamprey control project being performed jointly with the Fish and Wildlife Service.



Lamprey - little critters causing some big problems for our Lake Trout. GLIFWC biologist Mark Ebener displays a couple caught in lamprey traps.

NUC INDUSTRIES OFF THE HOOK?

The Price-Anderson Act (published by the Price-Anderson Campaign)

What is the Price-Anderson Act?

The Price-Anderson Act limits the liability of the nuclear industry and the federal government for accidents at nuclear power plants, at Department of Energy (DOE) research, weapons and waste facilities, and along nuclear transportation routes. Enacted in 1957 to spur investment in commercial nuclear power, the Act has been amended and renewed twice. It will expire in August 1987 if Congress does not renew it again.

Although health and property losses caused by a nuclear accident could easily exceed tens of billions of dollars, the liability of the entire nuclear industry is limited to only \$665 million. Federal liability for DOE activities is limited to \$500 million.

Only nuclear utilities contribute to the \$665 million compensation pool (\$160 million in private insurance plus a one-time \$5 million per reactor payment after an accident). The \$500 million fund would come directly from federal tax dollars. Reactor manufacturers, designers,

parts suppliers and government contractors are "held harmless" for any damages to the public.

If damages exceed the Price-Anderson liability limits, no one is responsible for providing additional compensation. Liability is limited even if the accident is caused by recklessness or criminal negligence!

No insurance company in the world—not even Lloyd's of London—will provide home or business-owners insurance to cover nuclear hazards.

Virtually every American is exposed to nuclear risks. Well over 100 commercial reactors are either operating or under construction in 34 states. Nearly 300 DOE facilities pose significant nuclear hazards. DOE has selected Washington, Texas, Nevada and Tennessee as candidates for major nuclear waste facilities. Many more states will become transportation routes for decades to come.

If Congress lets the Price-Anderson Act expire, all existing nuclear plants and current government contracts will continue to be covered by the present liability limits.

Should It Be Renewed?

This dangerous public

policy must not be renewed in its current form. As long as there are nuclear risks, the public deserves a comprehensive federal policy which strives to both prevent accidents and to compensate victims if accidents do occur. Either Congress should radically modify the Price-Anderson Act, or enact separate legislation.

A renewed nuclear accident policy must meet three goals:

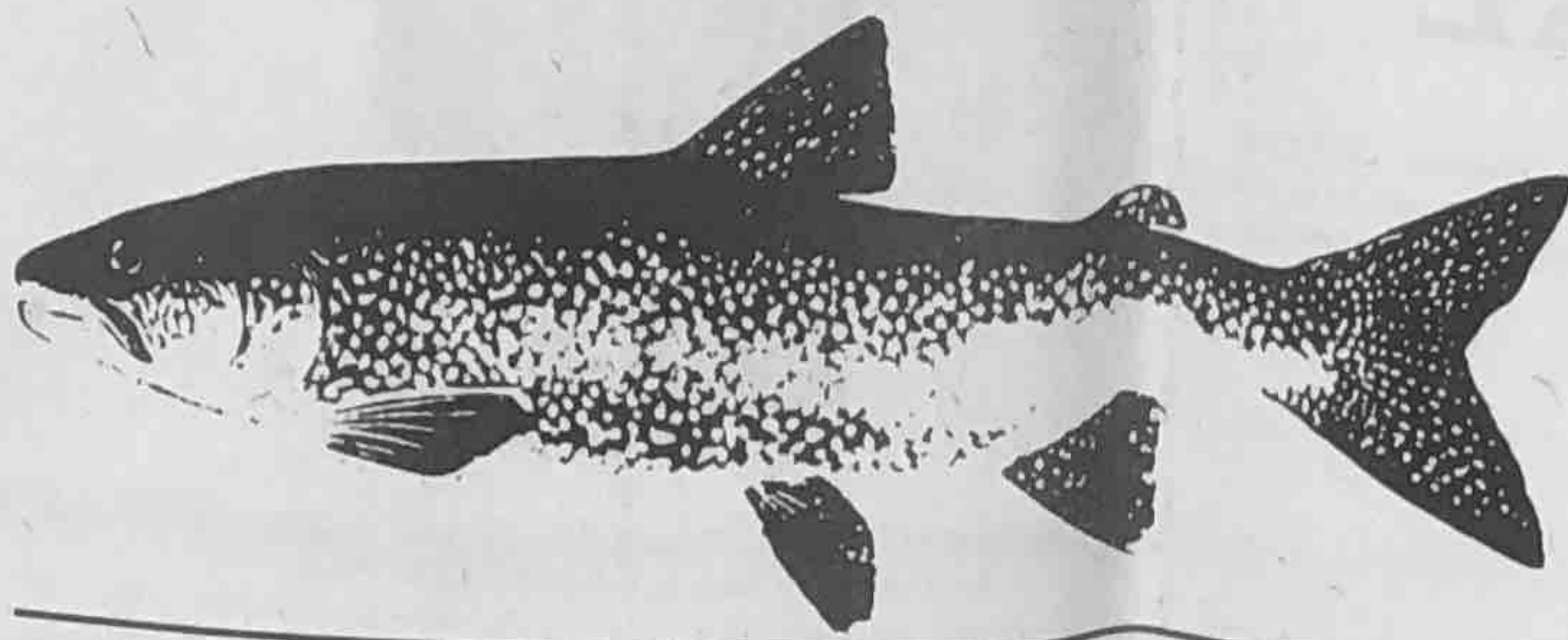
- Victim Compensation
 - anyone who is injured by any nuclear accident should be compensated for all losses
- Corporate Responsibility
 - those who create nuclear risks must be held accountable for the full consequences of accidents; there should be no limit on industry liability
 - the chance of an accident would be reduced if companies that are negligent or reckless know they won't get off the hook for liability
 - no other industry is similarly insulated from responsibility for damage it causes the public—if the Price-Anderson limits are renewed for nuclear risks, many other hazardous industries will demand similar privileges.
- Taxpayer Protection
 - taxpayers should not be responsible for paying for accidents caused by private industry.

SEVERAL THREATS TO LAKE TROUT

NAMAYCHUSH Swims Again
But pollution, lamprey and overfishing still shadow the Great Lakes' trout
by Susan Peterson

LAKE TROUT

Salvelinus namaycush (Walbaum)



The Big Trout the Indians called Namaychush swam slowly through the lake's murky green water. She was watching the school of small, silvery alewives above her. But even as she stalked her prey, she was in turn being watched by another hungry fish. Too late, she saw the brown, snakelike form of her approaching attacker as it swam at her below. Before Namaychush could evade it, the lamprey had clamped its suckerlike mouth firmly upon her flank, preparing to feed on her lifeblood.

Luckily, Namaychush was large enough and strong enough to survive the lamprey's attack. Countless smaller lake trout, however, have been less fortunate. The toll taken on them by lampreys through the years has been heavy in the Great Lakes.

Few fishes have suffered more from mismanagement of the Great Lakes than has *Salvelinus namaycush*, the lake trout. A half-century ago, these big spotted steel-gray fish swam the open waters of the Great Lakes in large numbers. Sportsmen came long distances to catch trout weighing up to 80 pounds, and gill-net fisheries on all the lakes landed hundreds of thousands of lake trout every year. Next to the whitefish, the "laker" was the most commercially valuable fish in all the Great Lakes.

But in the 1940s, when the lamprey invaded the upper lakes, the laker populations crashed. Gill-net landings in Lake Huron plummeted from 1,743,000 pounds in 1935 to a mere thousand pounds in 1949. The other Great Lakes experienced similar collapses of their trout fisheries, and until 1967 commercial landings remained negligible at a few thousand pounds a year. Commercial netters were forced to turn to less valued species such as yellow perch or carp or left the fishery to seek work ashore.

The loss of the laker was important for several reasons. Besides being the only species of Great Lakes salmon or trout native to all the lakes, the laker was one of the most important large predators. Adult trout preyed upon smaller fishes such as sculpins and ciscoes, helping to keep their populations in balance. The lake trout, along with the whitefish, was a mainstay of commercial fisheries, and anglers continue to pursue it eagerly today. The lake trout spawns in open water, and it alone, among the species stocked, still has the potential to reproduce naturally and create large self-sustaining populations in the Great Lakes.

Recent studies have shown that lake trout in the summer are often found in or just below the thermocline, a zone of sharply changing temperatures that separates warm surface waters from the depths. As the water cools in the fall, adult trout gather on offshore spawning reefs in shallow waters. Most fish spawn at night. The eggs remain hidden in crevices between the rock and gravel of the reef for up to five months before hatching the following spring. When the larvae have absorbed all their yolk and reach the swim-up stage—the time when they must swim to the surface for a gulp of air to fill their swim bladders—they are ready to feed upon spring's abundant zooplankton life in the lake's upper waters. In their first few years they grow fairly rapidly, reaching sexual maturity by age 6 or 7.

For thousands of years lake trout thrived in the cold, clear waters of the Great Lakes until overfishing and changes in the environment brought about by man's activities caused their abrupt decline. The exact causes are still debated by scientists, but of all of the factors contributing to the trout's decline, the most important undoubtedly has been the sea lamprey. This parasite apparently invaded the upper lakes from Lake Ontario in the 1930s and then quickly established resident populations, with dire results for the larger native fishes.

The lamprey feeds by attaching itself to its host with its sucker disk and then rasping a hole through the flesh of its unfortunate victim with its toothed tongue to drain the fish of body fluids. Lampreys roam the open waters of the lakes as parasitic adults for a year or longer before they run up streams to spawn in the spring. The adults then die, leaving their wormlike larvae to spend several years buried in mud burrows before they eventually turn into parasitic adults.

Yet the laker has been slow to make a comeback. In Lake Michigan, reproduction has been extremely limited, according to William James, member of the Great Lakes Fishery Commission's subcommittee on Lake Michigan. In Lake Huron, one prediction is that it will take as long as 20 more years for natural reproduction to contribute significantly to the trout population. Apparently, overfishing and lamprey predation have eliminated many of the genetically distinct trout populations of the Great Lakes, and this may be contributing to the trout's poor reproductive success.

The lake trout, like most species of trout and salmon, is a fish of great inherent genetic variability. Such variability in the past enabled the laker to adapt readily to different environments. Before the lamprey devastated upper Great Lakes trout populations, many lakers had developed into distinct genetic races having unique behavior patterns and habitat preferences. One lake trout variant, for example, is called the siskowet. Found only in Lake Superior's deep waters, it is distinguished from other trout by both its habitat and its oily flesh. Another strain, now extinct, formerly ran up some of Lake Superior's rivers to spawn instead of using open lake reefs. But much of this genetic variability has now been lost.

For a century, stocking has been a popular and widely used if not always successful method of attempting to restore fish populations. Many salmon and trout species are relatively easy to raise in hatcheries and have been stocked widely both in their original waters and in new habitats. But such stocking programs often alter the genetic makeup of a given trout or salmon population. This happens because fish that grow well in hatcheries are

not necessarily equipped to thrive in nature.

The stocking programs have depended heavily for 20 years on just a handful of genetic strains, however. These stocked fish may not possess the behavioral or physiological adaptations needed for survival when they are transplanted to new homes. One trout strain in Lake Ontario from New York's Seneca Lake consistently has survived as adults up to twice as well as others. The genetic variability of lake trout populations may well be one reason the trout have not spawned successfully enough to produce self-sustaining populations.

Some scientists believe that the lake trout's comeback has also been hampered by habitat changes in the last 30 years. Canadian scientists Jack Christie and Henry Regier, American researcher William Sonzogni and others have pointed out that all of the lakes except Superior have suffered from deterioration of near-shore shallow-water habitats and water quality. Excessive inputs of nutrients, especially phosphorous from sewage and runoff from farms, have caused changes in the species and abundance of both algae and zooplankton present in the lakes.

One dramatic result has been the growth of an attached filamentous alga called *Chladophora* along the shores. In shallow water in the fall, mats of dead and decaying *Chladophora* often cover the bottom. If such mats were to cover trout spawning reefs, the algae might well suffocate any fish eggs lying on the bottom or might prevent trout from laying eggs on the reef. For spawning, lakers require a clean substrate free of silt and vegetation. Fish even have been observed apparently cleaning reefs before spawning by rubbing their sides over the rock and cobble. If a thick mat of decaying algae is present, Christie theorized some years ago, the fish might not be able to clean the reef thoroughly enough to keep their eggs from being killed by suffocation and fungi.

Another possible reason for the slow laker recovery, according to researchers, is competition from alien fish species such as alewives and smelt. The alewife is a small, silvery, herringlike fish originally from the Atlantic Ocean. The alewives run up into freshwater streams to spawn. They probably entered the Great Lakes through the Erie Canal. They and smelt, another small marine invader, adapted to fresh water and have thrived in the lakes. Some researchers believe the explosive growth of the alewife and smelt populations in the Great Lakes in the 1950s would never have happened if predatory trout populations had not been depleted by lampreys and overfishing. Young alewives and smelt may be competing with juvenile lakers for the same zooplankton. Older smelt, highly predatory, may also be preying on trout fry.

Still other factors may be working against the laker. In 1977, fishery workers in New York netted some of the first trout to appear on spawning reefs near Lake Ontario's east end. These fish were stripped of their eggs and milt. The eggs were fertilized by hand in containers aboard the boat, then taken ashore for culturing in a laboratory to assess their viability. Only 15 percent of the eggs produced healthy fry, far below normal for artificially fertilized trout eggs. Researchers believe chemical contamination of the eggs might have caused the poor hatching rate. Some of the fry that did hatch developed blue sac disease, a condition linked in the past to DDT contamination. Researchers also observed that some male trout gonads were abnormally constricted, in some cases so severely that their milt flow was impeded. This, too, might have resulted from exposure to toxins.

In a recent study in Ann Arbor, some 167 chlorinated hydrocarbon compounds were found in the bodies of trout from Lake Michigan. Some of these pollutants are now recognized as potentially dangerous to both fish and fish consumers. Most of these toxins concentrate in the trout's body fats, including those of the reproductive organs, possibly affecting the fish's fertility. In one lab experiment, far fewer Lake Michigan trout fry from contaminated eggs survived than fry from uncontaminated eggs. Suspicion that toxins may be at fault is growing among many researchers.

At this point it is impossible to segregate the effects of toxins from other factors. But in a number of lab studies, toxic chlorinated hydrocarbons such as mirex, dioxins and PCBs have been identified as causes of poor egg viability and fry survival for some fish species.

Although the laker's status varies from lake to lake, in all cases natural reproduction rates have been disappointing. In Lake Ontario, the last lake to undergo tributary treatments for lampreys, the trout restoration program has been under way since 1973. But not until the spring of 1983 was the first naturally produced lake trout seen by scientists taken in a fry trap off Stony Island.

Recent New York studies suggest that some of the reproductive problems are subsiding. Canadian studies have shown a drop in the concentration of PCBs in Lake Ontario's small inshore minnows. In the last year or two, contaminant amounts monitored in the Canadian studies have leveled off. But the findings in other contaminant monitoring programs have been mixed. New York comparisons with five years show that adult lakers contain nearly the same or only slightly lower levels of PCBs and mirex, and a new study by Joseph Markarewicz of the State University of New York, Brockport, shows higher mirex levels in two species of Lake Ontario salmon.

Some think the sea lamprey moved into Lake Ontario through the Erie Canal about 150 years ago. Others believe it has been in Ontario ever since the last glacier retreated 10,000 years ago. In either case, for many years it caused little damage to the native lake fish. The lamprey was not abundant in Lake Ontario in the 19th century because the streams it needed for spawning apparently were blocked by colonial mill dams. As these mills were abandoned at the turn of the century, lampreys were able to wriggle through the crumbling dams to reach new spawning grounds. They increased rapidly, and probably some enterprising lamprey then hitched a ride to the upper lakes by clamping its sucker disk onto the bottom of a ship bound for Lake Superior.

Upon reaching the upper lakes, the lampreys found ideal spawning habitat and an abundance of food in the form of large lake trout. The lamprey populations exploded in this new habitat, preying upon the lakers with devastating results. Laker populations in Lakes Huron, Michigan and Superior then plummeted as stocks already being heavily fished by man suffered the added effects of lamprey predation.

In 1955, the Great Lakes Fishery Commission, made up of American and Canadian scientists and fishery managers, was established by the two countries to promote sustained fish harvests by controlling the lamprey and managing fish stocks more closely. It set about doing so by

using barrier dams to block spawning lampreys from streams and by seeking a chemical that would selectively kill larval lampreys in their streambed burrows. Scientists eventually discovered two chemicals, TFM and Bayer 73, that killed lampreys with minimal impact on other stream-dwelling creatures. These two chemicals have remained the basis of lamprey control. By the late 1960s, lamprey numbers had been greatly reduced and both the United States and Canada began stocking lakers from Lake Superior and a lake in Manitoba to speed the recovery. Today, the number of Great Lakes lampreys has dropped about 90 percent from pre-control populations.

The lamprey control program is working well in the upper Great Lakes and in Lake Ontario. In the last decade there has been a marked drop in the number of fish wounded by lampreys. Last year, wounding rates in Lake Ontario were the lowest ever. Yet the lamprey still defies total eradication. In recent years there have even been increases in some lamprey populations. More disturbing to administrators of the control program was the discovery a few years ago of larval lampreys in open-water habitats such as the St. Mary's River near Detroit. If lampreys begin to reproduce successfully in large areas of open water outside streams, they will become extremely difficult, if not impossible, to control.

Researchers with state, federal and international agencies believe the lakers are suffering from excessive fishing pressure. Successful trout spawning may be density-dependent, meaning that many trout must be present on the reef before they stimulate one another to spawn. If this is so, perhaps there aren't enough fish concentrated on the reefs to assure the fry survival needed for recruitment of additional mature fish into the population.

Ironically, even if it copes successfully with the lamprey, with competition from other exotic species and with toxic pollution, the trout may again have to face its most formidable foe, man. Both recreational and commercial overfishing threatens the restoration program's ultimate success, although in most places the recreational take by anglers exceeds the commercial catch. In Lake Michigan, the native American gillnet fishery has been expanding, and unregulated netting could well thwart the trout's comeback.

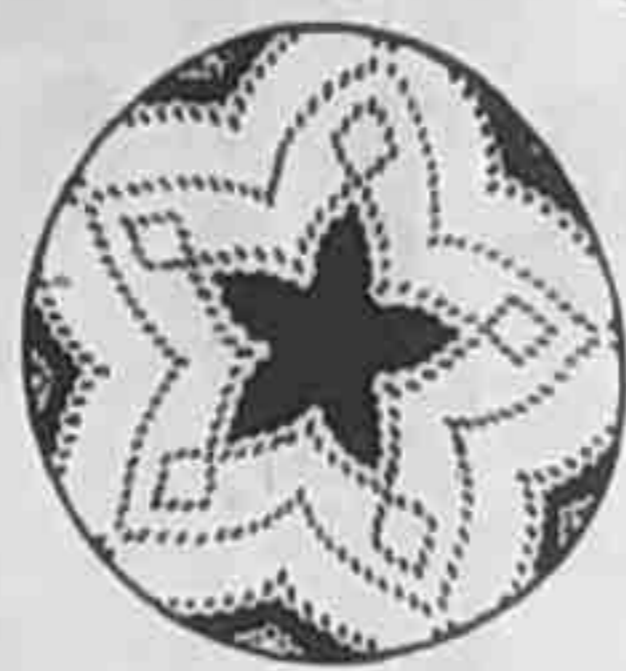
Susan Peterson holds a master's degree in fisheries science. She lives in Ontario, New York. Reprinted with permission from the May/June '85 DEFENDERS, a publication of the Defenders of Wildlife.



Say "Ahi!" Mark Ebener, GLIFWC biologist, holds a lamprey which displays its sucker-like disc mouth.



YOUNG FRIENDS WRITE EARL



The following letters are selected from several recently sent to Governor Earl from sophomore English students at the Lafollette High School, Madison. We applaud both the students and their instructor, Nancy Harms, for the obvious interest they have taken in studying the issue!

Governor of Wisconsin
Anthony S. Earl
State Capitol
Madison, WI 53702

Dear Honorable Governor Earl:

The controversy over Indian rights in northern Wisconsin encouraged me to voice my concern in this matter. It seems spearfishing stands out as the major disagreement in this issue. Non-Indians regard the treaties protecting the Indians as unfair to them and accuse the Indians of taking more than their share of fish. Statistics prove their theory wrong and with this evidence it seems to me that this controversy is based on prejudice.

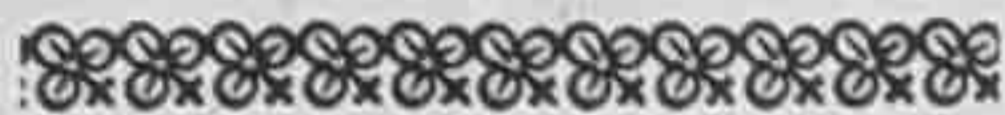
In regard to the actual treaty it was stated that the Indians would agree to give up their land yet still hunt and fish on it. This became the agreement back in 1837 and 1842. Now, in 1986, non-Indians say the treaty restricts them and although the Supreme Court ruled in 1983 in favor of the Indians keeping those original rights, non-Indians insist on fighting the decision and taking matters into their own hands.

The Indians want to exercise their right to fish and hunt on and off the reservations mainly to keep their tradition alive. This tradition began in the early nineteenth-century. Compare the hunting and fishing rights of Indians to the farms of the Midwest and one can see that neither one of them could survive if those sources were taken away. Spearfishing takes place only in April and they now have their own game regulators which enforce the amount of fish the Indians can spear. Accusations against the Indians on that matter prove false.

DNR statistics show that in 1985, state fishers caught 829,000 walleyes and 39,500 muskies compared to 2,755 walleyes and 85 muskies the Indians speared. Plus, add the 17 million walleye the Indians restock and one sees that significant damage has not occurred. Reports prove that non-Indians mainly provoke the violence between themselves and the Indians. This clarifies that prejudice plays an important part in this controversy.

Looking to the future, if the Indian's rights are not enforced by law, a spread of violence may occur between the two groups. Plus, if we were to support the Indians, that might set a precedent for other states in the same situation. Therefore, it would give Wisconsin a better name in the protection of minority rights.

Respectfully,
Toni Tiedt



Governor of Wisconsin
Anthony S. Earl
State Capitol
Madison, WI 53702

Dear Honorable Governor Earl:

For years, the Indians' work has been futile to maintain the rights that they obtained in treaties many years ago. Today, people in the Northern section of Wisconsin are trying to take the Indians Treaty Rights away. As a citizen in the state of Wisconsin, I find the actions of the people protesting the Indians appalling.

In 1837 and 1842 the United States Government constructed a series of Treaties to protect the rights of the Indians in Northern Wisconsin. These Treaties stated that Indians could hunt, fish and collect rice on the land that once belonged to them. Yet, today, they are only allowed to do these acts on their reservations. Now that more and more whites protest the Indians, the altered Treaty could be heading for serious misfortunes.

For generations, the Indians of northern Wisconsin have, in the spring of the year, harvested the spawning of walleye and muskellunge out of Wisconsin's many fine lakes. At night, the Tribe spearfishers would use lanterns of burning pine knots to spot the fishes' reflective eyes, and with one steady thrust, provide another meal. Long after white men began colonizing the North, the Indians would use the headlamps from old Model T Fords to see the fish. Today, even though much more efficient lightning techniques are used, many Indians prefer the old way used by their ancestors.

In 1923, the Chippewa River was dammed. Twenty-four thousand pounds of rice a year has perished because of the flowage that flooded their rice beds. This flowage also covered the graves of their ancestors. The Indians have already faced enough turmoil; let us not treat the Indians any more harshly than we already have.

The above letters expresses my views on the current Indian issues. I am fully aware of the excellent environmental record that you possess. When it comes time for you to make decision, I hope that the facts that I have pointed out will make your decision much easier.

Respectfully,
Richard Esser

Governor of Wisconsin
Anthony S. Earl
State Capitol
Madison, WI 53702



Dear Honorable Governor Earl:

I am writing this letter due to my concern over the northern Wisconsin Chippewa Indian spear-fishing issue. Many facts show the trouble the Indians have to go through to continue their spear-fishing tradition. The Whites cause problems for those Indians who do spear-fish. Also the facts prove that the treaties between the Indians have been broken. Indians should not have to put up with this much hassle over this issue of spear-fishing.

The tradition of spear-fishing started as early as the 1500's and the Indians are striving to keep it alive today. Many years ago, the Indians had to rely on their own resources. Today the Indians have modern technology to help them out, including under water lights. They have the ability and skill which it takes to thrust the spear in the water at the ever fast muskie or walleye. Finally, as long as the Indians obey all the laws of spear-fishing, no one has the right to interfere with this ancient tradition.

Non-Indians play a major role in the protest against the Indians right to spear-fish. Spear-fishing by the Indians is a cause of great concern but more often we can see it is a matter of prejudice. Whites don't like the Indians and they feel the Indians don't deserve any extra privileges. They even go as far as shooting at the Indians. Finally, just because of the prejudices of certain people, the Indians rights should by no means change.

Many facts prove that the Indian spear-fishers are not harming the lakes resources. First, only 50 out of 2,000 Chippewa Indians spear-fish. Second, non-Indian state fishers catch around 829,000 fish whereas Indians only spear about 2,755 each year. Finally, these statistics prove that the Indian spear-fishing could not have a harmful effect on the lakes resources.

In conclusion, many of these incidents would not have occurred if this issue had been acted upon sooner. Also, treaty rights could become more fair to the Chippewa tribes all across America. Thanks for the time spent reading this letter. I hope this letter will speed up the negotiation process, and the Indians' problems will come to a halt.

Respectfully,
Randy V. Boetzel

COMMISSION TO LOOK AT RACIAL TENSIONS



Governor Anthony Earl

MADISON (AP) — Gov. Anthony Earl formally created a commission Wednesday with the goal of resolving tensions between Indians and non-Indians in northern Wisconsin over Chippewa off-reservation hunting and fishing rights.

The 16-member body will include seven Indian leaders, a clergyman, several local government officials, conservationists and resort operators.

Absent from the commission are leaders of two groups critical of rights reserved by the Chippewa Indians in mid-19th Century treaties with the federal government.

The commission's co-chairmen will be Leonard Miller, president of the Great Lakes Inter-Tribal Council and chairman of the Stockbridge-Munsee tribe, and Jeff Long, Boulder Junction town chairman.

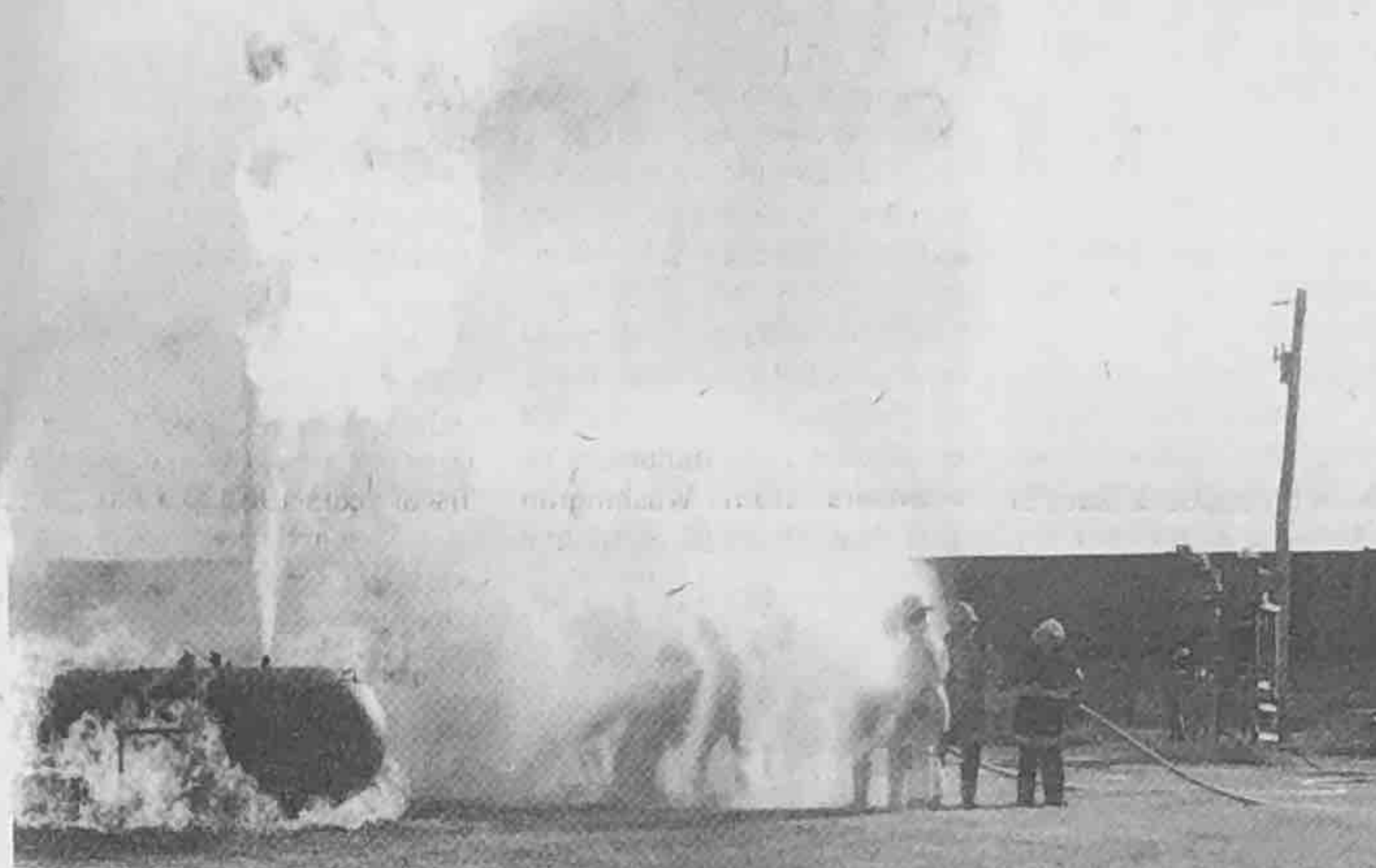
Other members include Francis Murphy of Portage, who just retired as chairman of the Wisconsin Conservation Congress, and John Brasch of Rhinelander, former district director of the Department of

Natural Resources. Chippewa tribal chairmen serving on the panel will include Arlyn Ackley, Crandon, the Sokaogon Chippewa; Michael Allen Jr., Lac du Flambeau, the Lac du Flambeau tribe; Robert Bender, Ashland, the Bad River tribe; Richard Gurnoe, Bayfield, the Red Cliff tribe; and Eugene Taylor, Webster, the St. Croix tribe.

There is a vacancy in the chairmanship of the Lac Court Oreilles tribe, but when that is filled in about two weeks the new chairman will also be named to the commission, Earl's office said.

Other non-Indians on the panel include Peter Viermeier of Waukesha, of First Resort Corp.; the Rev. John Carrier of Shepherd of the Lakes Lutheran Church, Sayner; Vilas County Supervisor Maren Moll, Manitowish Waters; Rick Olson, Winter, a member of the Conservation Congress executive council; Roger Sabota of Rhinelander, a fishing guide, writer and Nicolet College instructor; and Richard Speros, Couderay, president, Hayward Lakes Resort Association.

BIA FIRE TRAINING



Last month the Great Lakes Agency of the BIA sponsored its 4th Annual Fire Training Workshop at the WITI campus - Ashland. It offered a three-day session on many aspects of firefighting - from dealing with hazardous substances to dousing an LP fire, as seen above.



One of the fire instructors played in the victim in a search and rescue mission. The "victim" is dragged to safety - but every second counts in the intense heat.



NEW MINE STUDY WANTED

New study of mine wanted
from the Ashland Daily Press
MADISON (AP) — Spokesmen for groups ranging from trout fishermen to environmentalists asked the state Monday to start over again in assessing the impact of Exxon's proposed mine near Crandon.

A 252-page report issued by the state May 12 does not go far enough to describe social, economic and environmental consequences of the \$540 million project, they told a news conference.

Without an adequate description of the project, people will not be able to make an intelligent decision on the project's merits, they said.

Exxon is considering a mining and smelting operation at a northern Wisconsin copper and zinc deposit which geologists say could be one of the world's largest.

Frank Jablonski, attorney for Wisconsin's Environmental Decade Inc., said the Department of Natural Resources' report was such a poor starting point for public discussion that it should be withdrawn.

The DNR should begin a

fresh, he said.
"To destroy the Wolf River fishery would be a very great crime," said Bob Telusak, owner of a fly fishing shop on the river, referring to concerns that mine tailings might pollute the river.

Spokesmen for Indian reservations recently asked Gov. Anthony S. Earl to help halt the Crandon project altogether to protect the scenic Wolf.

Telusak said it is not a question of whether the mine would destroy the Wolf, but when.

Sunny Wrczyski of the Rolling Stone Lakes Association said members of his group are concerned about how amine would affect lakes and water wells. He called on Exxon to post a performance bond before work begins.

Kent Seeman of the Wolf River Conservation Club said he cannot see how the DNR could spend millions to preserve the Wolf's shores, then appear willing to sacrifice the river to mining.

Waltraud ARts, public intervenor on mining issues, said the DNR impact statement

does not address the over-all impact on the river's watershed.

Bob Lockman, speaking for the Wisconsin Wildlife Federation, cited potential ground water pollution by sulfide-bearing mine wastes long after the mine closes.

Representatives of the Forest County Potawatomi and Menominee Indian tribes said the report did not recognize their interests.

Environmentalists cited air and water pollution problems they said the DNR glossed over.

Susan Mudd, state director of Citizens for a Better Environment, said the mine could produce asbestos pollution, but that the DNR would not require monitoring until the contamination is at its worst.

The DNR official who was in charge of drafting the report, Robert Ramharter, sat in on the news conference.

He said the critics made some points the DNR will address in a final impact statement on the proposed mine, but that he heard nothing that would warrant starting from scratch.

The 1985-86 off-reservation trapping season has ended as of May 1, 1986 for all species except snow-shoe hare, cotton-tailed rabbit and all species of squirrel. These species have no closed season.

Transportation tags were required for all trappers interested in trapping otter, bobcat, or fisher off reservation. Registration of these species was required under the inter-tribal agreement. The table below gives the results of this trapping effort.

Table 1. 1985-86 off-reservation treaty trapping results for those members trapping otter, bobcat or fisher.

Tribes	Number of Trappers	Harvest
BR	2	0
LCO	0	0
LDF	3	0
ML	0	0
RC	5	4 fisher
SC	3	0
Totals	13	4 fisher 0 fisher 0 bobcat



Tribal Council members from Red Cliff, Bad River and Keweenaw Bay spent Friday, June 13th negotiating tribal fishing in the western Michigan waters of Lake Superior. Assisting in the process was mediator, Ed Kirnsky, to the far right. No agreement was reached between the tribes during the session.

NEWS FROM ELSEWHERE...

Indians and Maine United Against DOE Waste Dump

TOWNSHIP 4ND, ME (IPN) - In recent years, the Penobscott and Passamaquoddy Indian tribes and the state of Maine have been on opposite sides of land claims disputes. But the announcement that Maine could be one of the 12 candidates recently selected by the Department of Energy to be a nuclear waste repository has united the Indians and the state against a common opponent.

The DOE considers a 92 square mile area to be a viable site for the repository for high level radioactive wastes generated in the East. The Bottle Lake complex, which is part of that land, is emerging as the prime target of the DOE's initiatives.

The proposal created an irate response from the Indian leaders, who earlier this year abruptly ended a meeting with the DOE by ordering the officials off their two Eastern Maine reservations.

The Passamaquoddies revere the history of their traditional territory, according to tribal leaders. Their ancestors lived near and travelled on the lakes in the area. The bones of their ancestors are in burial grounds which have religious significance.

White people living in nearby Portland share the ire of the Indians. The dump site could potentially affect the city's fresh water supply.

"It's the first time the tribe and state are together on something," said Raphael Sockabasin, the Passamaquoddy forestry director.

Governor Joseph E. Brennan, the former attorney general who fought attempts to settle the tribes' 12.5 million acre land claim out of court, said he would lead the fight against plans for a nuclear dump site in the state of Maine.

"Why do they always pick on the Indian reserves?" said Lola Sockabasin, 75, a tribe member who said he has hunted on the land since he was a child. "Why? That's what I'd like to know."

Funding Needed for Hanford Radiation Release Study

OLYMPIA, WA (IPN) - A study team made up of three representatives of Pacific Northwest Coast Indians, three members from Washington, and three from Oregon may disband if funding is not found to support their study of radiation leaks at the Hanford Reservation.

Curt Eschels, Governor Booth Gardner's energy advisor said the group already received 19,000 pages of federal documents from federal sources at Hanford, but they would "put it back in boxes and send them back to the DOE" if funding was not secured.

"We'll let the people in the news media, environmental groups, and Congress analyze the numbers and draw their own conclusions," said Eschels.

Eschels said Mike Lawrence, head of the federal DOE Hanford operation committed verbally to pay \$100,000 for the study and that he also invited Washington and Oregon to help.

According to Eschels, the team does not want to do "a half-way study of this data."

One major point of interest in the study is a 1949 radiation release at Hanford which Eschels said measured about 340,000 curies and was the largest documented release in the free world.

He said in contrast, the radiation release from the Russian power plant disaster is being measured in fractions of a single curie.

Another important issue is a pending contract with the federal Center for Disease Control. Eschels said the center was asked to investigate causes of death and cancer rates.

"They are experts on epidemics and what cause them, and we want them to look at the Hanford area and see if there were health effects from all those releases," he said.

The funding application has been pending for a month, said Eschels.

New Bill Revamps Native American Programs Act

WASH DC (IPN) - A bill passed through the House on April 21, will reauthorize the Native American Programs Act for the fiscal years 1987 to 1990.

The act (H.R. 3247) provides funds through the Department of Health and Human Services for grants to Indian tribes and organizations, Native Alaska villages and corporations and Native Hawaiian communities and organizations.

According to Congressman Thomas Tauke of Iowa, the bill strengthened the Native American Programs Act by adding amendments which permit multi-year grants, amend the rulemaking procedures to allow more public comment, codify existing grant review process and improve the flow of information about the grant awards to Congress.

CHIPPEWAS FILE LAND CLAIMS

MILWAUKEE, WI (IPN) - The Sokaogan band of Chippewa Indians filed a federal suit against the federal government, the state of Wisconsin, and Forest, Langlade and Oneida Counties, claiming 12 square miles in northeast Wisconsin they say belongs to them.

The suit claims the Sokaogans and other Lake Superior Chippewas signed a treaty on September 30, 1854, at La Pointe, Wisconsin, establishing reservations for Indians in return for land covering the northern third of Wisconsin and parts of Michigan and Minnesota.

The boundaries of the reservation were never surveyed and the land was never turned over to the tribe, according to the suit. Daniel Stevens, a tribal attorney, said the surveying was postponed because of the Civil War.

The band finally obtained a smaller reservation in 1934, in Forest County, known as Mole Lake.

The band wants monetary compensation equal to fair market value of the promised reservation, plus interest since 1854, if they cannot get the land.

SUPREME COURT WILL RULE ON INDIAN GAMBLING

WASHINGTON, CD (IPN) - In a Supreme Court action on June 9, the court agreed to decide whether state and local gambling laws apply to Indian reservations.

California officials are appealing a lower court ruling exempting the Cabazon and Morongo Bands of Mission Indians from state gambling restrictions.

The case threatens a key source of income for many Indian tribes.

SUPREME COURT RULES INDIANS CANNOT HUNT EAGLES

WASHINGTON, DC (IPN) - The Supreme Court unanimously ruled June 11 that Indians have no right to hunt and kill the bald eagle.

The opinion, written by Justice Thurgood Marshall, reversed the 8th U.S. Circuit Court of Appeals, which decided last year that Dwight Dion Sr., a Yankton Sioux could not be charged with shooting four bald eagles.

The Endangered Species and Bald Eagle Protection Acts were at issue. The acts make it a crime to hunt the bald or golden eagle unless it is for strict religious purposes, requiring a permit from the Interior Department.

"Congress expressly chose to set in place a regime in which the Secretary of Interior had control over Indian hunting, rather than one in which Indian on-reservation hunting was unrestricted," wrote Marshall.

"This is the first time the court has upheld a federal wildlife preservation law over Indian treaty rights," said Michael Bean, an attorney for the Environmental Defense Fund in Washington.

Bean said the ruling "will definitely help the bald eagle because it will bring under effective control one of the several sources of unnatural mortality."

"We think that, though there is necessarily a serious dilemma presented by the need of American Indians to continue traditions that depend upon species by extinction, the best way to solve that dilemma is to preserve the opportunity for an endangered species to recover so it is no longer endangered," said Bean.

NEW GLIFWC STAFF



Jim (Big Jim) Thannum, Natural Resources Development Specialist



Rose Wilmer, executive secretary.



Ron Parisien, Wildlife Aide.

AERIAL SURVEY OF WILD RICE

As a function of the tribal co-management responsibility on ceded territories, Tim Andryk, GLIFWC wildlife biologist, assisted the Wisconsin Department of Natural Resources in their annual spring waterfowl survey this year. According to Andryk, this was one of the first times that tribes have participated in a major statewide biological survey in Wisconsin on a roughly 50/50 equal basis with the state.

The survey is conducted by flying 55 transects, each about 30 miles long and randomly scattered throughout the survey regions, Andryk explains. The plane is flown both low and slow, allowing observers on both sides of the plane to scan the regions below for waterfowl.

Two-thirds of the area surveyed was in the Chippewa's ceded territory, Andryk says, in areas designated as the Northeastern and Northwestern Wisconsin survey regions.

The results of the survey will be combined with those of similar surveys in all other states and in the Canadian Provinces and used by the tribes, the U.S. Fish and Wildlife Service, Canadian Fish and Wildlife Service, states, provinces, and Flyway Councils to develop waterfowl hunting regulations for the upcoming fall.

In addition to flying the statewide survey, the team also surveyed specific areas of tribal interest - Lac du Flambeau's Powell March and Bad River's Kakagon Sloughs. Andryk says the information collected from these additional areas will be used to assess the status of local population utilized by tribal and state waterfowl hunters and affected by tribal waterfowl habitat management programs.

Andryk reports that spring waterfowl breeding habitat conditions appeared improved over last year as there seemed to be more wetlands this spring, a result of spring precipitation this year.

The improved breeding conditions and relatively smaller harvest of local Wisconsin waterfowl last year, due to last year's late state season and unusually cold September weather forcing early migration, may be reasons for greater numbers of breeding waterfowl in Wisconsin this spring, Andryk feels.

The growing of natural lake wild rice was the topic of an international conference held in Minaki Lodge, Kenora, Ontario, last May. Tim Andryk, wildlife biologist, represented the Great Lakes Indian Fish & Wildlife Commission at the conference.

Highlighting the conference were presentations by Dr. Peter Lee, Lakehead University, and his associates of the results of a five year research program on wild rice in Canada.

Presentations covered the areas of wild rice suitability based on lake nutrient levels, selection of varying strains of wild rice for seeding effects of temperature on seed maturity and germination, and the impacts of fluctuating water levels on wild rice plant density and yield.

Andryk said other presentations covered the techniques utilized for increasing wild rice production in Alberta, Manitoba and Saskatchewan as well as wild rice cultivation equipment.

In light of GLIFWC's immediate plans, Andryk talked with Dr. Pritam Sain, Manitoba Wild Rice Specialist, and found he had developed a "Spectral signature" for wild rice which can, using Landsat imagery, delineate dense to sparse beds of wild rice and map them and remaining associated aquatic vegetation in a wetland.

Although GLIFWC has been searching for a means of using Landsat satellite imagery to map and monitor wild rice stands in the ceded territories, Andryk feels Sain's method may be too costly to use on a regular basis.

TASK FORCE LOOKS TOWARDS ELECTIONS AND DEER SEASON

With the 1986 off-reservation deer hunting season in mind, the Voigt Inter-Tribal Task Force has asked Task Force Chairman Tom Maulson to "get the ball rolling" for negotiations. The Task Force supported this action at a meeting in Lac du Flambeau on June 26th.

A motion to adopt last year's wild rice agreement passed unanimously. The agreement will be submitted to federal court for approval.

With an eye to upcoming elections and the probability of "Treaty Rights" becoming an election issue, the Task Force recommended contacting the candidates and incumbents and offering information on the subject. Several members of the Task Force felt that candidates could benefit from a more complete background on treaty issues and thus avoid misrepresenting the facts during campaign speeches.

The Task Force also supported the Commission's continued efforts to obtain data

through electrofishing, particularly in regard to analyzing lakes that had been speared. Currently, the WNDR is refusing to allow the GLIFWC biologists to carry out their schedule for electrofishing.

Staff from the Wildlife Division reported that there are openings in a steel shot shooting clinic and that tribal members interested in participating should contact either Jon Gilbert or Tim Andryk at the Commission offices.

The possibility of a natural resources utilization permit, a single permit that would enable tribal members to participate in all treaty harvest activities, was discussed by the Task Force. The permit idea will be brought back to the individual tribal councils for discussion.

Another issue which will be brought to the attention of tribal councils is the use of a herbicide called Rodeo in the control of purple loosestrife. Loosestrife is a form of vegetation which can be damaging to wild rice crops.

SOME POSSIBILITIES FOR CARP

Home-Grown Surimi

(From Littoral Drift published by UW Sea Grant Institute)

It looks like the meat of crab, lobster or scallops—and may even taste like those delectable seafoods. But, it's not. What's more, buyers don't seem to mind: Within the last five years, annual imports of the new food product from Japan have soared from 2.5 million pounds to more than 100 million pounds.

Japan developed the imitation seafood, using a basic material called "surimi." It is made by filleting and deboning fish—currently Alaskan pollock, a plentiful but low-value species. Next, the meat is washed, removing much of the soluble material and fat. The remaining fibrous protein material is then mixed with sugar, sorbitol and a small amount of polyphosphate, ground very fine, set to jelly and frozen in storage. This is surimi.

At this point, any seafood flavor and coloring can be added and the material shaped into a well-textured, convincing imitation of the real thing.

"The so-called mock crabs, mock scallops whatever

that result can be richer in protein than the seafood they imitate," UWMSN food scientist David Stuibler said.

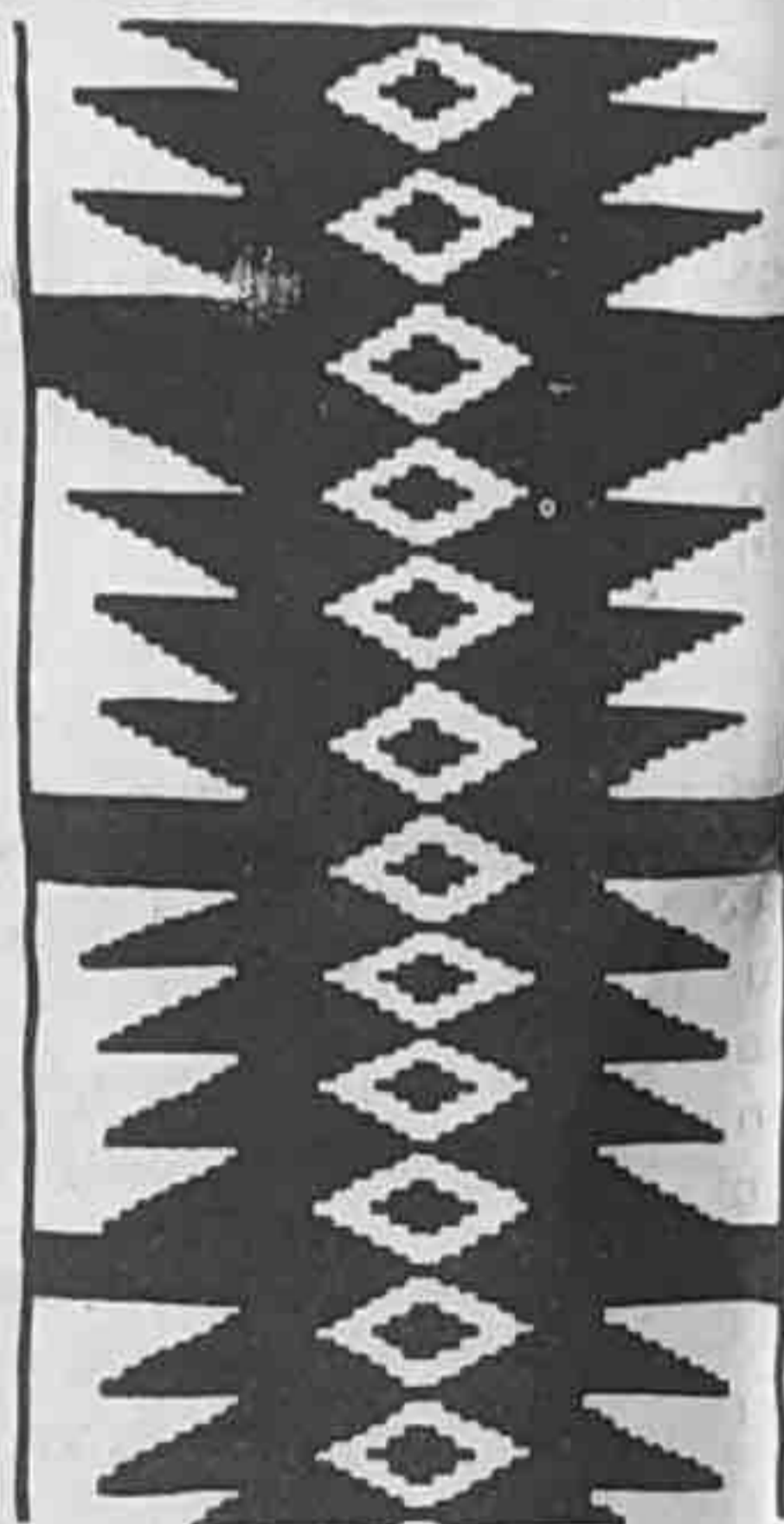
The use of fish from Lake Michigan are more problematic, according to Stuibler.

"Those acceptable for making surimi would be mainly carp," he said, "yet the highest concentrations of carp available are in Green Bay, and they're so contaminated you can't use them."

Another problem is that carp have a red pigmentation that turns brown in the cooking process.

"We're now trying to stabilize that red pigment," Stuibler said. "It would then be possible to incorporate carp along with white flesh of another fish to create a pinkish, crab-leg product without having to add artificial coloring."

With problems like this solved and the technology in place, Stuibler says surimi holds promise for the future—when the Great Lakes and its fish are cleaner. Then the Midwest can raise its own mock crabs, lobsters and scallops hundreds of miles from the nearest ocean.



Inside the museum's Four Season's room tourists enjoy the authentic villages and depiction of the Chippewa's life as it was traditionally lived throughout the year.

WCA SEEK SEAT ON DNR TEAM

The Wisconsin Counties Association (WCA) has recommended that a motion calling for the rescission of its 1984 Resolution 59, advocating for the abrogation of Indian treaty rights, be brought before its Resolution Committee and the Sept. 1986 Convention for approval, according to Charles Tollander, co-chairman of the WCA/Tribal Committee which met at the Sawyer County courthouse Friday morning.

The WCA/Tribal Committee, composed of representatives from Wisconsin counties and tribes, heard brief reports from both tribes and counties on progress since the last meeting.

Tom Maulson, Voigt Inter-Tribal Task Force Chairman, reported that the task force had unanimously passed a motion that the WCA seek the "public representative" seat on the state's negotiating team, which formulates agreements governing off-reservation hunting, fishing, and gathering seasons.

He also made it clear that the Chippewa tribes, however, "had not and would not dictate to the state the members of the negotiation team representing its interests" and that participation by WCA would not be in an "observer" status but as a member of the team "subject to the same guidelines

rules, and restrictions as are the other members of the team and the task force members."

Both tribes and county representatives also agreed to pursue with their local units of government an effort to recommend that current county-tribal cooperative law enforcement monies be continued and that the program be expanded so that all Wisconsin counties with tribes in their borders also be funded at \$20,000 per year for a similar program.

Charles Tollander, Burnett County, felt action was needed quickly as the program is due to "sunset" in July, 1986.

The problems faced by counties and tribes due to budget cuts and the threat of Gramm-Rudman-Hollings Bill were also discussed. The counties, according to Tollander, are concerned that cuts at a tribal level will diminish the tribes' ability to provide services, which then may have to be provided by the counties.

It was decided that at the next meeting a draft resolution will be discussed which will request financial assistance from the state to help local units of government in covering the impact of federal cuts.

The county contingency also went on record as reaffirming their opposition to a

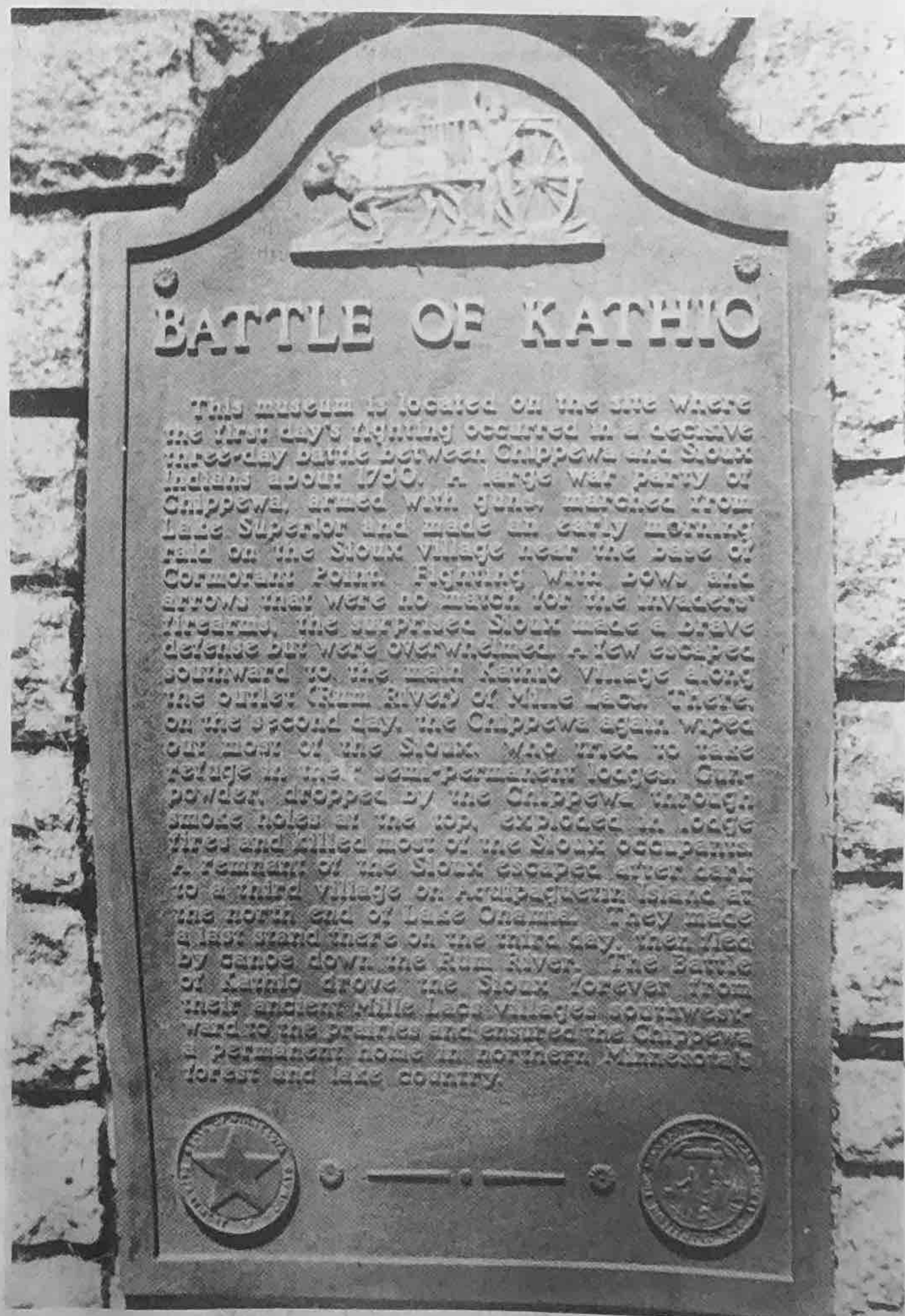
nuclear waste repository site in Wisconsin. James Schlender, executive administrator of the Great Lakes Indian Fish and Wildlife Commission, stated that he felt vigilance on the part of counties and tribes was absolutely necessary until the Nuclear Waste Policy Act was amended to clearly indicate the search for a second site was ended.

He also warned that, should that occur, potential second sites may be moved to the status of potential first sites.

Schlender also asked the committee to recommend that the federal government grant "affected" status to Wisconsin tribes. If the tribes are given "affected" status, he explained, they will receive funding to continue their research on Wisconsin's nuclear waste sites and be better able to continue protecting Wisconsin's and tribal interests in the matter.

Schlender will prepare a draft resolution to that effect and present it for consideration at the next meeting of the WCA/Tribal Committee.

Other items discussed included the need for continued awareness regarding a low-level radioactive waste site and concerns about tribal representation at the National Association of Counties (NCO) and on NACO committees.



A decisive battle between the Chippewa and the Souix took place at Kathio Point, a peninsula jutting into Mille Lacs Lake, driving the Souix from the area forever. This marker commemorates the battle which gave the Mille Lacs Chippewa their permanent homeland.

LETTERS TO THE EDITOR

Dear Editor:

There is a terrible and pervasive taint of destructive logic, poisoning the lily-white legal jungle of the United States, — it is this;

When a state exists, as described in U.S. v Kagama, where... "Indians owe no allegiance to the States and from them receive no protection. Because of the local ill feeling toward them the people of the states where they are found, are often their deadliest enemies." (118 U.S. 375, 384, 1886.)

What does a state do when finally confronted with the awesome reality, that, yes!...Indians, as discrete and insular beings on, or off the concentration camps within its restrictive border, retain a sovereign political power, despite supposed defeat, and arise under federal agreements rejuvenated by the Supremacy affect of Article 6, C1, 2, of the United States Constitution?

What can a bigoted state do when an indigneous minority citizen overturn's every state law born during a century of ignorance, meant, and used, to subjugate him to the common citizen denominator? Why is equality with Indians then sought?

What will the States do now, when even its ignorant unconstitutional trammeling upon the Indians' 1st Amendment Religious Practices via illegal "regulation" of his hunting, fishing, and gathering Rights—which go hand in hand—is the final legitimate Constitutional and treaty court claim by them?

Why, of course...such a prejudiced state (Minnesota) naturally retreat's to the next contrived obstacle that its hired "legal gun" creates! Plucked out of that mass of irrelevant District of columbia insurance law, he blithely and errantly disclaim's any state judicial, or ethical responsibility, to abide by, or implement, federal law and treaty decision (Voigt, 1983, Wisconsin), "...because (Minnesota DNR law opinion, via Attorneys General Office to Congressman Sikorski at St. Paul).

Indeed! While hostile, racist, state officials may argue this on lesser issues, as they often do, in reality, in spite of widely held acceptance even among ignorant Indian officials, federal judicial districts as separate entities have no more over-riding jurisdiction among themselves, nullifying the absolute affect of the treaty Supremacy Clause and Oath of Office...then do the states themselves when dealing with treaties and Acts of Congress! Tribes of all states must demand Art. 6 "Oath law"!

As just another "lower court" explicitly ordered to uphold Article 6; the 7th Appeals Circuit, after doing its job in Western Wisconsin (Voigt) cannot exist as an illegal excuse permitting a state (Minnesota) and its officers to cloak itself in the 8th Circuit judicial robes in order to offset, or evade implementing "equal protection" for Reciprocal Tribes, just because it's decided in another states federal circuit district.

As a backhanded way of abrogating treaties and to retain police power, while encroaching in an area pre-empted by federal law and Congress, this certainly is "an impotent outcome to negotiations and a convention which seemed to promise more!" (U.S. v Winans; 198 U.S. 371, 1905).

Relying on the poverty of the tribes denying proper legal recourse; plus, the professed over-worked inability of the United States Supreme Court to review every incompetent lower court opinion, a state can obstruct justice for year's...if not forever, by such tactics!

Gov. Perpich here, like any states' Oath and law breaking Constitutional officer must resign. The DNR Gestopo must abide under Oath! State DNR lawyers—should be disbarred.

George Cardinal

To Whom It May Concern:

This is an open letter addressed to the Chiefs, Band Councils and respected elders.

Although I am an American, I strongly believe it is long overdue to honor the Indians, both American and Canadian, by having a National-International Holiday.

So, I have written "Dear Abby" (published on Nov. 25, 1985) about my idea and she agrees with me.

My grandmother also contacted Chief George Shunatona in Wichita,KS, (who is blind) and he is for it.

I am writing to you for support and help in getting this Holiday; also I would like to have a March on the Trail of Tears (the last 100 miles). When? I have no idea until I get things organized and help.

Please print this in the Wawatay News to spread the word. "Dear Abby" protected my name by signing me "A Proud Sioux."

A Proud Sioux

Editor's reply: The following is the letter that was printed in the "Dear Abby" column by "A Proud Sioux":

Dear Abby:

Now that Congress has approved Mule Appreciation Day, perhaps they will consider designating a day to honor the American Indian.

On January 12, 1983, Public Law 97-445 was enacted directing President Reagan to designate May 11, 1983, as American Indian Day. On April 14, Reagan did so. However, that was a one-time designation.

I think there should be a national holiday every year to honor the American Indian instead of one-day holiday.

Abby, you went to bat for a National Bachelor's Day; won't you please say a few words in behalf of the American Indian?



A Proud Sioux

Dear Proud Sioux:

A national holiday to honor the American Indian is long overdue. If enough citizens act, maybe Washington will too. In response to "Proud Sioux's letter, the following reply was also sent to "Dear Abby".

Dear Abby:

Thank you for suggestng that there should be a national holiday to honor the Native American Indian. I feel that abolishing Columbus Day as a national holiday would be a good first step.

To honor a white man for "discovering" land on which people were already living seems ridiculous.

West Virginia Librarian

What do you think? "A Proud Sioux" is seeking support and ideas from Native Canadian individuals and organizations. If you wish to reply; submit all letters to "A Proud Sioux" in care of Masinaigan. All responses will be forwarded to our American friend in Radcliff, Kentucky.



Ted Vogel, president of Vogel and Associates, Milwaukee, wrote in the June 22nd issue of the Milwaukee Journal in "CROSS CURRENTS".

"A week before the march, an Indian speared a 55-inch, 53-pound muskie in Shell Lake. Its ignominious death shortened tempers because even the sight of a live fish that big will bring a fisherman back for five years. Real sportsmen hunt trophies, not keepers."

WHAT DO YOU THINK?

Let's stop coddling Indians

The following article appeared in the San Gabriel Valley Tribune on Friday, May 23. Charley Reese is a syndicated columnist for King Features.

Maurice Comptom, executive editor of the Tribune, told Talking Leaf that he "saw nothing offensive in it. It recognizes Indian contributions to the whole fabric of society." We disagree. You can let Mr. Comptom know how you feel by writing to him c/o: San Gabriel Valley Tribune, 1210 N. Azusa Canyon Rd., W. Covina, CA (818) 962-8811. Mr. Reese can be reached at: King Features, P.O. Box 235, E. 45th St., NY, NY 10017. Write to Talking Leaf and let us know what you feel. You can also contact Phyllis Rose at (818) 289-9350 about local response to this article.

American children feel bad about their past by fabricating and distorting American history.

The myth fed to many children these days is that the American Indian was a Utopian individual who lived in perfect peace and harmony until the bad old white men came along to disrupt paradise. That is stuff and nonsense. The American Indian lived in a savage Stone Age culture and needed no lessons from Europeans in cruelty, torture or killing. The Indians found by the first settlers were descendants of those who had migrated in and exterminated the people they found here. Even as the first settlers landed, the different tribes were fighting each other or nursing old grudges.

The Indians made a huge mistake. They looked at these funny little farmers, craftsmen, preachers, and shopkeepers, clearing land and doing what the macho warrior considered squaw work, and thought them a pushover. The Indians had no way of knowing that beneath the homespun shirts surged the blood of Vikings, Celts, Picts, Roman Legionnaires, Huns, Goths, and Visigoths—to name just a few.

Thus, when the Indians came howling down and murdered their women and children, burned their homes and crops, they sealed their own fate. The white settlers had come in peace, but they were not pacifists. Provoked, they laid aside hoe, plow, Bible, and tools and unsheathed the sword. If the Indian wanted war, they would teach him what war was. The Indian discovered too late that when it came to war, it was he, not the settlers, who was the amateur.

There is much to admire in American Indian culture but it is not necessary to destroy history in order to admire it. There were massacres of Indians by whites — provoked by massacres of whites by Indians. To condense 200 years of Indian wars to the Battle of Wounded Knee, the last major action, is to tell an outright lie. Incidentally, 29 soldiers died in that battle.

It was the savagery of the Indian method of warfare which incited the hatred of the whites. The Indian was the terrorist of his day who struck down the innocent without mercy.

AN INTERESTING OBSERVATION

Editorial reprinted from the June, 1986, LCO Journal by Rick St. Germaine

Late in April, Ken Pardon from the St.Croix Chippewa Tribe did the unconscionable. He speared a large musky.

The big game fish, which measured about 54 inches in length, was estimated to be about 54 pounds, or, as state sportwriters and musky fishermen were quick to point out, the largest musky caught in Wisconsin in fifteen years.

The fish, speared during the Voigt Chippewa spring fishing season and in accordance with regulations governing the act, drew raves of protest from DNR officials, sports fishermen, and newspaper columnists.

George Meyer, DNR spokesman, responded the following day with shock and outrage, implying that the DNR had made some sort of gentleman's agreement with the Chippewa to refrain from spearing trophy muskies, and that the Chippewa had violated

its tenets.

The public outrage, it appeared, seemed motivated by the fact that, among other things, the Indians were spearing the mighty musky, the sports attraction of the north. And now because one St. Croix Indian did it with such apparent ease, their imminent extinction was just around the corner.

You can also be sure that thousands of tourists, the lifeblood of northern Wisconsin, would also vanish with the departure of the muskellunge.

One environmental writer, who had to this time, cautioned the public against unwarranted fear and paranoia over Chippewa off-reservation fishing and hunting rights, now began to question himself.

"I've sat out there on the Chippewa flowage, casting thousands of times for that elusive beast," he stated on the telephone, "and haven't even come close to snaring one in the thirty pound range."

"And now to see a Chippewa Indian do it like that... you've got to wonder," he said.

My mind wandered to the memory of the sight of dozens of muskies mounted on the walls of area taverns and resorts in the Hayward region.

There's the sixty-seven pounder in the Mocassin, the sixty pounder in the bar at Dun Rovin, and the numerous 50+ pounders in taverns scattered all over Sawyer County.

A seventy pounder was unveiled at Dun Rovin on May 24.

And soon, countless local newspapers will feature scads of photos of scruffy-looking fisherman in the \$79 camouflage sports vests holding up grotesque northern muskies, and walleye.

Jay Reed, outdoor writer for the Milwaukee Journal, and the champion of the ERFE-PARR crowd who dogged the Chippewa fishermen at every boat landing this spring, featured a story on May 25 about the Burmek brothers.

The brothers in 1961 caught 42 muskies in a twelve day stretch on the Chippewa Flowage, near Lac Courte

Oreilles. The seventeen muskies that the brothers kept ranged in the 25-52 pound size.

"No musky safe from the Burmek brothers," Reed stated in his article, paying them high tribute.

"...They became legends in a sport that spawns legends," Reed commented talking about the snow which has fallen twice on Tony Burmek's grave.

Chippewa fishermen speared 55 muskies during the 1986 spring season. Last year, white fisherman dragged home about 40,000 muskies from waters in the Voigt ceded territory.

The message is clear. When a white man reels in a 54 pounder, he'll be written up in many sports columns, discussing his lure, giving directions to the tavern which houses his mount, and then talk about his grave.

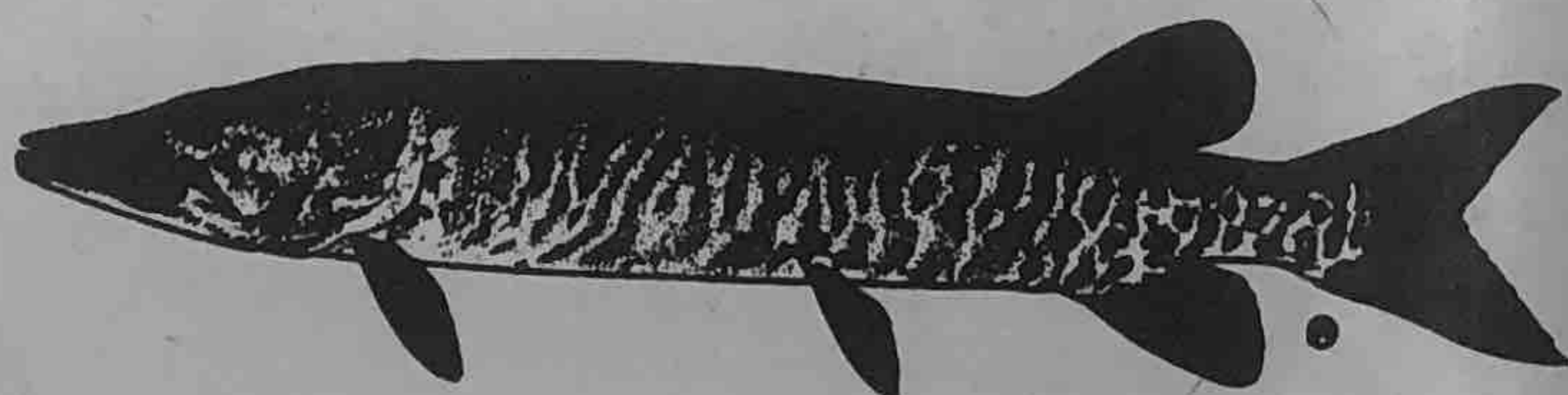
But, heaven forbid, should an Indian spear such a lunger to feed his family, there's going to be hell to pay.

Muskies over 20 pounds belong to the white man.

MUSKELLUNGE

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"FOR WHITES ONLY"



GETTING THE DATA

TREATY RIGHTS



Tom Busiahn, Director of GLIFWC's biological division (left) and Mark Ebener, GLIFWC lakes' biologist, measure and sample fish at the Lake Superior Fisheries, Hancock, MI. Ebener is slipping scale samples into an envelope held by Busiahn. (Photo by Charles Bronte)



Part of assessing a fish population is measuring. Above a white fish lies on the measuring board. (Photo by Charles Bronte)



Biology technician Butch Mieloszyk embeds walleye spine in resin - part of the sampling procedure aging fish.



Bob Williamson slices up walleye spine, after they have been embedded in resin, as part of aging sample walleye.

Dear Tribal Chairman and Tribal Councils:

ISSUE: Tribal government letters needed for Senators to encourage Senate signatures on a letter to the administration opposing IRS attempts to tax Tribal Treaty-protected resources.

Indian Tribes in the Pacific Northwest, as you are aware, are fighting a serious treaty rights issue with the current administration. The IRS, since 1982, has been attempting to impose Federal income taxes on Tribal fishermen for income derived from fishing in treaty-designated waters. The implication, of course, is that if the IRS is successful, all Tribal resources nationwide will be in jeopardy from the long fingers of the IRS.

The Interior Departments' Solicitors and Secretaries provided complete agreement with the Tribal position. However, the Justice Department ruled in December 1985 that the IRS position was the "sounder view of the law." This opinion effectively muzzled the Interior Department and has led Assistant Secretary Ross Swimmer to express the astounding position that: "income derived personally by a restricted Indian in the exercise of fishing rights is taxable unless the applicable treaty contains language conferring an income tax exemption."

In other words, our forefathers, who signed treaties with the United States in the Mid-1800's, are expected to have foreseen federal income tax laws not in existence until the early 1900's. Our fishermen have been appearing in tax court since early May represented by the Lummi Tribal Lawyers. As we are in the process of securing out of court settlement with the IRS, we plan to attack this political scheme in Federal court.

This letter serves to up-date you on developments and sincerely request your Tribal government assistance in fighting this issue. The *Washington Post* carried a half page article on 3/16/86 outlining the Lummi struggle with the IRS, and Congressman Mike Lowry of Washington State inserted the article in the 4/17/86 *Congressional Record* as enclosed. National and regional newspaper, radio, and television coverage has been encouraging. And, a member of the Lummi Treaty Rights Task Force recently returned from Europe having explained our struggle to add international pressure on this administration.

Senator William Bradley, has sent the enclosed "Dear Colleague" letter to all Senators, requesting their support for a tough letter to the administration expressing Senate displeasure with administration policy. We need Tribal governments across the country to contact their Senators and urge them to sign onto the letter. The more Senator signatures we have, the stronger the opposition statement to the administration. A sample letter is enclosed for your consideration.

This action by the IRS, although opposed by the Interior Department, has administration endorsement through the Justice Department opinion. The administration position reflects both political and economic considerations in attempting to tax Tribal resources without Tribal government consent. As a further counterattack action, we urge you to:

- 1) adopt Tribal resolutions in strong opposition to the IRS and the Justice Department positions;
- 2) send letters with the resolutions to your respective Congressional representatives; and;
- 3) send a copy of the resolution with a cover letter requesting that the [resolution be entered as a petition to Congress opposing IRS attempts to tax Tribal treaty-protected resources] to: The Honorable Thomas P. O'Neill, Speaker U.S. House of Representatives H-209 Capitol Washington, D.C. 20515

Hopefully, Tribal resolutions from across the country will begin appearing as petitions to Congress in the *Congressional Record* to repeatedly remind Congressional staff of nationwide opposition to current administration policy.

Lummi Tribal Treaty Rights Task Force representatives made presentations at the NCAI Albuquerque meeting, June 18-20 and the NTCA Washington, D.C. meeting on June 24-26. Your Tribal Senate letters, however, need to be sent immediately to have any effect. (Quick action is required as the Senate letter will be open for signatures only until June 30, 1986.) Please share with us copies of your correspondence to assist us in coordinating this nationwide effort. If you have any questions, please contact us.

Your assistance in protecting Tribal treaty rights is most important.

Sincerely,

Larry Kinley,
Chairman

Sam Cagney
Secretary
Lummi Indian Business Council

The Honorable _____
Senate Office Building
Washington, D.C. 20510

Dear Senator _____:

The _____ Indian Tribe firmly opposes current attempts by the Internal Revenue Service to impose Federal taxes on income derived from treaty-protected resources. This unprecedented attack on Tribal resources has been opposed by two separate Interior Department Solicitors and strongly worded statements from Interior Secretary Hodel, The Justice Department, unfortunately, rendered an opinion in this intra-departmental dispute favoring the IRS as the "sounder view of the law."

We are extremely concerned over this blatant disregard of established Indian law and the seriously flawed legal conclusions of the Justice Department reflecting economic and political considerations. Senator William Bradley forwarded a "Dear Colleague" letter in early June on this issue seeking Senatorial support for a letter to the administration opposing the Justice Department opinion. We strongly urge you to sign this letter rejecting this attempted abuse of Tribal treaty rights, disrespect for Tribal sovereignty, and erosion of established Indian law.

Senator Bradley's letter and quoted Interior Secretary Hodel's opposition clearly represents a bi-partisan position on this issue. Your willingness to sign this reasonable letter will be most appreciated by the _____ Tribal government and will be viewed as reflecting your firm commitment to upholding tribal treaty rights!

Sincerely,

