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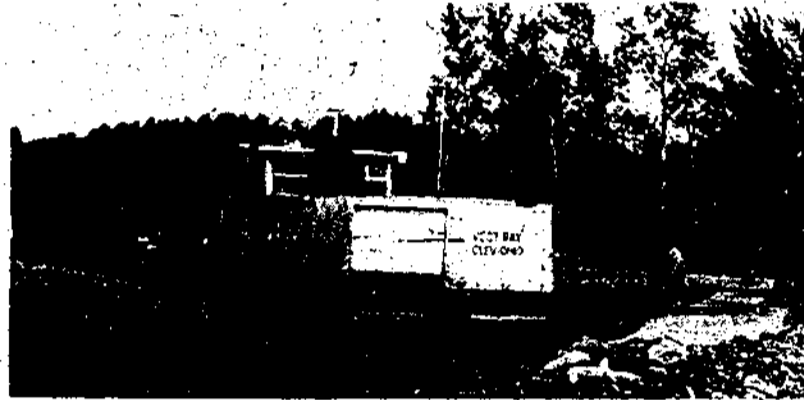
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CO-MANAGEMENT PROBLEMS/POSSIBILITIES

Members of GLIFWC's biological staff address the issue of co-management in this issue of the MASINAIGAN, providing their perspectives in their areas of expertise: the Great Lakes, inland lakes, and wildlife and take the opportunity to comment on needed directions to achieve effective co-management for the good of all - the people and the resources which we want to preserve.

by Tom Busiahn, Biological Services Director

On May 8-10, a group of about 40 people met at the University of British Columbia to discuss the developing concept and practice of fishery co-management. The conference was mostly academic in tone, and attendance included anthropologists, sociologists, biologists, and economists, as well as several tribal leaders from British Columbia Indian bands. I was privileged to be asked to present a paper on the development of co-management of Wisconsin fisheries.

What is co-management? Perhaps the best answer was provided by conference speaker Norman Dale, who identified two forms:

"Co-management I" - The involvement of fishermen and local communities in fishery management decision-making. This form of co-management is based on the principle of participatory democracy; that is, people should have a say in government actions affecting their lives.

"Co-management II" - The involvement of Native groups or tribal governments in fishery management decision-making, in cooperation with the "state" (which could be a federal, provincial, or state government). This form of co-management is based on Native peoples' prior rights to the resources.

Both types of co-management are currently being practiced by Chippewa bands in the Lake Superior region.

Can co-management work? The jury is still out on this question, but there is no doubt that current fishery management institutions are inadequate to deal with today's problems.

Declining and over-capitalized commercial fisheries need restructuring to survive, and there is evidence that "Co-management I" may be at least part of the answer. Open access to common property resources under state jurisdiction has repeatedly led to disaster for commercial fisheries and exploited resources.

Co-management calls for greater autonomy and decision-making on the part of local fishermen, cooperatives, and communities, usually coupled with some form of restricted access to the fishery. When local people truly believe they have a stake in the continued productivity of the fishery, they will presumably make harvesting and investment decisions that are consistent with sound resource management. One speaker at the conference warned that fishermen must truly play a part in data collection and decision-making, or the state may use a watered-down version of co-management merely to reinforce its own policies.

"The 'Shadow of the Court'... a necessary ingredient..."

The assertion by Native people of their interests in fish and other natural resources, in both the U.S. and Canada, also calls for new or restructured institutions to manage the resources. (The Great Lakes Indian Fish and Wildlife Commission is just one example of many such new institutions in North America.) Indian tribes in the U.S. seem to be somewhat ahead of Canadian Natives in this regard, due to the forcefulness of the Boldt and Belloni decisions in the Pacific Northwest, which affirmed tribal management authority over treaty fisheries.

In fact, one of the themes established by conference speakers was that the "shadow of the court" seems to be a necessary ingredient to getting tribes and states to successfully manage fisheries. (This is certainly true in inland areas of Wisconsin, where the DNR has resisted proposals by the tribes and GLIFWC biologists to sample fish populations and check fish catches from treaty waters, on the basis that the court has not yet ruled on tribal management authority.)

A second ingredient to successful Co-management II is that the tribes, the states, and the user groups must meet face-to-face to sincerely define their interests, where they agree and where they disagree. Often the initial basis for agreement is the principle that the fishery resource must be managed for continued productivity. When any of the parties places other items at a higher priority (such as harvest allocation or political damage control) co-management is unlikely to be successful.

The Pacific Northwest is a prime example, where for many years the fisheries dwindled while the states and sportsmen attacked the Indians. Today the States of Washington and Oregon and many sportsmen's groups are allied with the tribes, fighting to enhance the future of the fisheries. However, it is unlikely that this progress would have occurred without explicit harvest allocation rulings by the federal courts.

Science and industrial society have done more to degrade natural resources than every Indian fisherman that ever lived.

Dr. Milton Freeman of the University of Alberta spoke of the Alaska Eskimo Whaling Commission, and the struggle of the Inupiat and Yupik whaling communities to maintain their traditional bowhead whale hunt in the face of opposition from the international Whaling Commission and animal rights activists. Whale scientists advised a ban on bowhead whale hunting because the remaining population was estimated at only 800 animals after many decades of commercial whaling.

The more traditional forms of assessment by Eskimo hunters indicated a much higher population estimate, and the Eskimo Whaling Commission funded research to the tune of \$1 million per year to collect data that would satisfy the scientists. Eskimo research proved scientifically that the bowhead population was at least 4400 and perhaps higher. Eskimo communities were upset that their oil revenues had to be spent to convince the whale scientists that they were wrong.

There is some parallel in the programs of the Great Lakes Indian Fish and Wildlife Commission, where large sums are spent to convince courts, state and federal agencies, and the non-Indian public that Chippewa treaty rights can be exercised without depleting natural resources.

Several speakers referred to traditional Native resource management systems, and how they often conflict with the science-based management of the dominant U.S. and Canadian societies. Where scientific management seeks to attain a "steady state" at some optimum level of abundance and harvest, Native management systems recognized natural cycles of abundance, and cropped resources when they were most abundant. Where scientific management usually seeks to manage a "common property" resource for open access, many Native management systems are based on exclusive hunting or fishing zones for family groups. However, many of the Native management systems are being lost. For example, Nancy Weeks Doubleday spoke of the death of the last Inuvialuit whaler who remembers the old songs which were sung to slow the whales down, and to make them light and easy to tow. The Inuvialuit believed that if any of their communities took more than 4 whales, tragedy would befall. Because their whaling tradition was slipping away, and was not readily apparent to outsiders, the Canadian government maintained during negotiations that the Inuvialuit had not been whalers.

Other speakers spoke of the positive side of co-management. Lonnie Hindle, a British Columbia Indian employed by the Canada Department of Fisheries and Oceans said that co-management must be a "sharing of responsibilities, not just carving up the pie". Bill Green, a consultant for west coast Canadian tribes, spoke of co-management as an opportunity for fishery enhancement, not just a set of problems. Miles Richardson, President of the Council of the Haida Nation, spoke of the potential for improved salmon management if the Haida Fisheries Commission and fish harvesters are able to participate.

Ron McLeod, retired from a high-ranking position with the Canadian Department of Fisheries and Oceans, summed up the conference by saying that co-management has sprung from frustration with the central government's attitude toward local situations. Co-management can't be "choked off" now. "Political forces in neglected communities are too strong." Nevertheless, co-management remains a "vague concept". Minimum requirements for successful co-management include: 1) agendas from all parties, 2) communication and feedback from the public, 3) a timetable for implementation, and 4) dispute resolution mechanisms. Ideally co-management is a win/win situation, in that users share in enhanced resources. Although jobs, money, and fish are usually emphasized, co-management would incorporate human values and social relationships.

"The Chippewa are not alone"

What lessons can be drawn from this conference for the Chippewa tribes? First, we are not alone. Native groups throughout North America are seeking greater autonomy and self-determination in using and managing natural resources. We should look for opportunities to share experiences with others, to learn from each others' successes and mistakes.

Second, negotiations with states are not always an alternative to litigation; negotiations usually require the "shadow of the court" to be successful.

Third, science-based management may be essential to achieve consensus and precision in management of stressed populations, but traditional Native management systems should not be sold short. After all, the resources of North America were well-managed by Native people for centuries.

Science and industrial society have done more to degrade natural resources than every Indian fisherman that ever lived.

SPRING FISHING

NON-INDIAN WALLEYE AND MUSKY HARVEST

Figures from the DNR's own management plan and publication on muskies (both filed with the Federal court):

Walleye	
Annual walleye harvest by anglers (statewide):	1,700,000 walleye
Harvest in the ceded area (50% of total):	850,000
DNR harvest goal for North Central District:	900,000
Walleye in Wisconsin waters over 1" long:	7,800,000
Walleye in ceded waters over 11" long (50% of total):	3,900,000 walleye

Muskies	
Muskies in ceded waters over 30" long:	150,000
Annual musky harvest statewide:	65,000
Annual musky harvest in ceded waters (85% of total):	55,000

LOOKING AT FACTS

State fishers catch 829,000 walleye & 39,500 musky each year. In 1986, the six Chippewa tribes speared 6,940 walleye & 55 musky.

Results of Spearing During Spring 1986

Lake	Tribal Quota	Number of Walleye Harvested	Percent of Quota Speared	Number of Walleye Harvestable By Anglers	Number of Musky	Boats on Lake	Number of Spears
Reservation: St. Croix							
Big Sand	0	0	0	0	0	2	
Balsam	309	118	38	2972	2	1	
Little Sand	59	1	2	589	0	6	
Round	50	22	44	478	2	3	
Shell	406	57	14	4003	0	2	
Upper Clam	220	0	0	2200	7	5	
Yellow	296	15	5	2945			
Subtotal		213			11	25	15
Reservation: Lac Courte Oreilles							
Big LCO	176	3	2	1757	2	1	
Chippewa Flowage	11460	17	0	114583	0	2	
Grindstone	109	90	83	1000	1	5	
Nelson	1830	2	0	18298	0	1	
Round	556	442	79	5118	4	12	
Subtotal		554			7	21	26
Reservation: Mole Lake							
Butternut	276	125	45	2635	0	5	
Lac Vieux Desert	519	130	25	5060	0	8	
Pelican	577	58	10	5712	1	4	
Planting Ground	315	64	20	3086	2	5	
Pine	82	30	37	790	0	5	
Metonga	355	17	5	3533	0	6	
Subtotal		424			3	33	32
Reservation: Lac du Flambeau							
Big Arbor Vitae	366	273	74	3387	0	11	
Big St. Germaine	260	197	76	2403	0	11	
Minocqua	424	262	62	3978	1	7	
North Twin	507	78	15	4992	1	4	
Plum	345	371	108	3079	18	15	
Presque Isle	228	195	86	2085	0	2	
Shishabagama	130	3	2	1300	0	1	
Squirrel	421	753	179	3457	2	17	
Star	209	792	380	1298	12	16	
Tomahawk	605	257	42	5783	0	7	
Trout	0	5	0	0	0	1	
Flambeau Flowage	2987	2560	86	27310	0	54	
White Sand	227	2	1	2268	0	1	
Subtotal		5748			34	147	119
Reservation: Bad River							
Namakagon	587	1	0	5869	0	1	
Subtotal		1			0	1	2
Total		6940			55	227	194

The following is an editorial response to the media, the DNR and specifically to Mr. Clemens' letter to the editor (which is printed here under the heading "Indian Rights called 'diabolical monster'"):

The 1986 Off-Reservation Spring Fishing Season came to a rather tumultuous end, following two weeks of relatively successful and peaceful fishing.

The tumult arose, as most of us know, over Lac du Flambeau's harvest of Star Lake which exceeded the tribal quota of ten percent of the 35 percent total allowable harvest (TAC) for the lake.

In fact, more ruckus was raised about the Chippewa taking 600 fish than there was about shots being fired which harassed and endangered the fishermen during their previous nights spearing: John Doe Public seemed to feel this activity was acceptable, and George Meyer who wore a flak jacket to the landings, dismissed this as firecrackers.

More condemnation rained on the heads of the Lac du Flambeau fishermen than has ever come down on the DNR or sports fishermen who respectively allow and overfish annually Lake Namakagon (see table of DNR statistics) where the sportsmen take more than the TAC for the lake.

Yet the tribe is labelled irresponsible, savage, likened to a "monster," threatened with economic boycotts, and held up by the WDNR as unable to self-regulate. The finger-pointing has been comparable to a quick "tar and feather" with the tribe as a victim.

It has also been said that the Lac du Flambeau tribe should have been more conscious of its neighbor's feelings. Residents on Star Lake, for one, may suffer economic damage as a result of the tribe taking more than its allowable ten percent and as a direct result of the negative publicity.

However, no one has ever mentioned that the Minocqua-Woodruff community could have boycotted the P.A.R.R. Rally which was staged there during the fishing season.

It is not "neighborly" to host groups of people whose primary subject is the degradation of Indian people; who recommend abrogation of treaties by using the majority vote to outpoll a minority; whose speakers focus on creating a negative image of Indian people; and who promote fear-mongering and ill-will.

Had concerned individuals in the Minoqua community acted to prevent this type of display against their

neighbors, the Lac du Flambeau Tribe, they would have acted responsibly and assisted in solving problems rather than promoting them.

Rather, many businesses outwardly displayed signs welcoming P.A.R.R. marchers and many more had posters up on walls inside of their businesses advertising the rally with a deprecatory cartoon of an Indian fisherman.

When shouts of "depletion," and accusations of irresponsibility arise, people need to look at the facts and figures from the 1986 spearing season, or from the 1985 season. The tribal fish is insignificant in comparison to the incredible numbers of fish taken from our lakes by the sports fishermen yearly.

The tribes are not raping the Great Lakes either, as he insinuates. The fact that the sport quota is down reflects management concerns which tribal fishermen must adhere to as well. Their quotas are also reduced.

To Mr. Clemens and others, I would like to that when your boy hypothetically asks "Daddy where have all the fish gone?" - pull out statistics and reveal the truth - the sportsmen in Wisconsin have taken them. I think the real "monster" should stand up and be counted for what it (they) are!

TREATY RIGHTS CALLED "MONSTER"

from the Ironwood Daily Globe May 10

Lake Superior, the largest, but yet the most sensitive of all our Great Lakes, is having its lake trout population annihilated in waters of Wisconsin and the Western Upper Peninsula of Michigan.

In recent "Outdoor Notes Section" of the Daily Globe, "According to the state, tribal and federal biologists, declining lake trout numbers require more protection."

Well no kidding! But guess who got kicked in the teeth again with more restrictions? The sportsmen. Can you believe this?

The guilty ones, who are responsible for the lake trout decimation, are still out there, with their 60-foot trawlers and miles and miles of gill nets.

In nine days, 5,743 walleyes were slaughtered in 12 of Wisconsin's most northern lakes. Numerous muskies in the 25 to 35 pound class and including a 55-pound trophy were destroyed. And why?

Because of a diabolical monster, sometimes known as "Indian Treaty Rights," which the Supreme Court of the United States has loosened upon its own people. For 140 years the monster slept quietly and in the early 1970's someone disturbed it, and it awoke.

Since 1973, it has grown and spread its destruction to 40 of our 50 states. It is a well-oiled political machine.

It has grasped the very heart of our nation - "The U.S. Constitution - and is now

mocking America by rubbing our noses in it. The monster has devoured a portion of a once proud people and deceived them. Now all that is left of them is a spirit filled with greed, contempt and a lust for vengeance.

This led me to search for a definition of a slang word used long ago to describe one of the monster's people - "savage." According to Webster, it means: not domesticated for under human control, wild uncultivated, boorish, lacking complex or advanced culture, a person belonging to a primitive society.

I was shocked! Yes, the monster fooled even the U.S. Supreme Court. No one realized the monster's appetite was so great. Fifty percent, that's right, fifty percent of all the fish and game are on the appetizers. Land, timber, water and mineral rights are the main course.

How can the monster be stopped?

First, we've got to stop being "fence sitters." We must act. Most of us are so caught up with the regimentation of daily living that we have forgotten what it is like to stand up and be counted.

Most Americans have never had to defend themselves.

"Let the government do it."

Well, it's that very government, yours and mine, the judicial branch, that has betrayed us.

Article VI, Paragraph II, of the U.S. Constitution, also known as the supremacy

clause, is where the monster gets its strength. However, "we the people," must apply enough pressure on our federal congressmen and senators that an amendment to the Constitution may be made; or total discontinuance of certain articles. That is our strength.

This will take time. What can be done to protect our fish and game in the meantime?

Article I, Section (8) Paragraph III, of the U.S. Constitution gives Congress the power to "regulate" commerce with foreign nations, states and Indian tribes. This commerce clause, interpreted by the Supreme Court, has ruled that interstate commerce includes not only transactions across state boundaries but also "any activity that affects commerce in more than one state."

The court has also interpreted the word "regulate" to mean: encourage, promote, protect, prohibit, or restrain. Wiping out the fish in waters of Michigan and Wisconsin certainly affects commerce, especially in the Upper Peninsula of Michigan and Northern Wisconsin.

Some people have already thrown in the towel and quit on this issue. Some of my friends have told me to keep quiet, that this monster is too big!

Well, I've considered the alternative and it scares me to death. I was a "fence sitter," but I jumped off, when I thought of what I would say to my children when they would ask: "Daddy, where have all the fish gone?"

Gene H. Clemens Ironwood

Press statement on the Chippewa off-reservation spring fishing season, presented on May 9th by Jim Schlender, Voigt Inter-Tribal Task Force Chairman, at Bad River, Odanah. Representatives of four Wisconsin Chippewa tribes including Bad River, Red Cliff, Lac du Flambeau, Mole Lake were also part of the panel.

The Task Force has always believed that both treaty rights and natural resources are best protected in an atmosphere that emphasizes facts over misstatements and reasoned discourse over demagogic posturing. It is in this spirit that the Task Force hosts this press conference to discuss the just concluded off-reservation spring fishing season.

The season was in many ways a success. Tribal members fished with traditional treaty-protected methods in an orderly fashion. The state/tribal agreement was adhered to by the tribes, and all ordinances were enforced. More tribes participated in fishing this year than last, and more fish were taken.

The tribes harvested 6,919 walleyes, and 55 muskellunge during the spring season. Compare these numbers to the numbers of fish taken by state-licensed non-Indian anglers on just five lakes at the Lac du Flambeau Reservation between May and June of last year: 2,264 walleye, 73 muskellunge, 1,761 bass, 2,328 northern pike, and 14,544 other fish. It should be noted that the Lac du Flambeau tribe receives no license revenue or fishery management assistance from the state of Wisconsin.

Much attention has been given to the spearing that occurred at Star Lake on April 26. There are several tribes, members of the Voigt Inter-Tribal Task Force, that regret what occurred at Star Lake. Yet to regret the occurrence is not the same as to countenance misinterpretations of the significance of what occurred. Hysterical overreaction, conveniently selective memory, and disingenuous finger-pointing may serve to advance the political fortunes of certain organizations, bureaucrats, and politicians, but do not serve the public's interest in getting a complete and truthful account of the season's events and what they mean.

In the wake of the Star Lake spearing, three major misconceptions have taken hold in the public mind. These are:

1. The Lac du Flambeau Tribe harmed the fish resource at Star Lake;
2. The Lac du Flambeau Tribe broke the spring fishing agreement with the state; and
3. The Lac du Flambeau Tribe evidenced a lack of self-regulatory capability or will.

Each of these misconceptions tends to dissolve upon close examination.

The Lac du Flambeau Tribe took 38% of what has been called the total allowable catch, or the TAC, for Star Lake; 3.8 times the number of fish that should have been taken by tribal spearsmen from that lake. But what is the biological significance of these numbers? It is almost impossible to say. There is unanimity among biologists that 35% of the total adult walleye population can be removed from a lake without affecting future populations. The trouble with Star Lake, and indeed most Wisconsin lakes, is that the DNR has no idea what the total adult walleye population in the lake is.

On Star Lake, DNR had collected no data to characterize the walleye population since 1968. Lacking data on Star Lake, the DNR conservatively assumed that the lake contained "statewide average" of 5.2 walleyes per acre. Tribal biologists questioned this approach during negotiations, calling it arbitrary and not based on scientific data. Nevertheless, the tribes agreed to the catch quotas as a means of satisfying public concerns about unlimited harvest.

Star Lake was not alone in its lack of information on which to base tribal quotas. Only 7 of 30 lakes potentially subject to spearing in DNR's North-Central District had walleye population data suitable for setting an allowable catch, and most of that data was several years old. Due to the shortage of information, tribal catch quotas had to be conservative, and they were conservative indeed.

More serious is the issue of the DNR's law enforcement priorities. DNR did maintain order at the landings. But the fact cannot be downplayed that there were more incidents of shootings on the lakes this year than last. Tribal members were once again at risk simply because they chose to exercise their treaty rights. If the DNR had deployed its forces less to over-cover the landings and more to police the woods around the lakes, perhaps these instances could have been deterred. As it was, it appears that it was more important to the DNR to count fish than to protect tribal members' lives. We object to and deplore this ordering of the State's priorities.

One final comment is in order. Since the Supreme Court's denial of the state's petition for review in the Voigt case, the tribes of the Voigt Inter-Tribal Task Force have negotiated together across the table from the state on every tribal off-reservation season agreement. The Task Force sees nothing in the spring fishing season to alter this manner of doing business. In the short, the Task Force rejects the DNR's suggestion that each tribe should separately negotiate a separate agreement for future seasons.

WDNR PRESS STATEMENT

Except for two nights fishing by Lac du Flambeau, the Chippewa season met the expectations of the state-tribal agreement. The overall impact of tribal spearing on state sports fishing is insignificant in northern Wisconsin. This was the bottom-line of the Wisconsin Department of Natural Resources (WDNR) press statement made on May 8 at Wausau.

George Meyer, WDNR spokesman, stated there were two major goals set before the 1986 spearfishing season. Those included:

1. To prevent any public confrontations on the boat landings that were going to be used by tribal spearers. The goal was to be accomplished in a joint effort between the public, the Chippewa tribes, and local and federal law enforcement officials.

2. To protect the fishery resources in northern Wisconsin from any significant adverse affects.

The DNR stated that the first goal was met. Although some individuals attempted to intimidate tribal members by a combination of shooting firearms in the air and setting off fire crackers. The intimidation did not work, according to the WDNR. The tribes continued their spearing activity.

In regard to the second goal, Meyer explained that to cause resource depletion, 100% of the total state-tribal annual allowable catch would have had to be exceeded by tribal spearers and this did not occur.

In reviewing the season, the DNR stated that the one low point in the season was the targeting on trophy muskies by two spearers. Trophy muskies are a major attraction of the important tourism industry of northern Wisconsin, WDNR contended.

Meyer stated, "This deliberate targeting of trophy fish is inconsistent with traditional or subsistence treaty fishing," he said. Leaders of the involved tribe severely criticized that harvest. The DNR will be working with tribal officials to prevent a recurrence of this problem, and if necessary, the Department will exercise its regulatory authority on the issue.

Meyer also stated that the last night of spearing seriously damaged the overall assessment of the Lac du Flambeau season and called into serious question the ability of that tribe to regulate itself in future spearfishing seasons.

For all fish species and for all lakes except for musky on Plum Lake and walleye on Squirrel and Star Lake, the tribal harvest was extremely close or well within the 10% annual TAC except for two situations. The DNR believes the harvest will not have a significant impact on the quality of sports fishing on any of the other lakes.

Meyer said that the DNR does believe that spearing should not be allowed on the two lakes for a minimum of one year and probably longer. The DNR will, if determined appropriate, place additional



George Meyer, WDNR lead negotiator

state walleye fishing restrictions on Star Lake this year.

Meyer also said that the DNR is considering the concept of individual spearfishing regulations for each tribe. When questioned as to whether this was a "divide and conquer concept," Meyer said that wasn't their intention. The DNR believes that based on two years' experience the differences between the tribes' exercise of their spearing rights makes a good argument for individual agreements.

According to the DNR, substantial changes need to be made in the regulation of Lac du Flambeau's spearfishing. If a foolproof system is not developed, the DNR will adopt state rules regulating the Lac du Flambeau spearfishing season.

Although the DNR still has serious concern over the Star Lake incident, Meyer said that they believe a successful agreement can be reached next year.

VOIGT TASK FORCE: DNR HAS "LOST SIGHT" OF GOALS

A letter responding to George Meyer's, Wisconsin Department of Natural Resources (WDNR), was approved by the Voigt Inter-Tribal Task Force, which met May 16th at Lac du Flambeau.

The letter addressed several issues raised by Meyer in a letter addressed to James Schlender, Task Force Chairman, criticizing the Voigt Task Force's press statement on the 1986 Spring Spearing Season. The Task Force made its press statement at a press conference held May 9th at Odanah.

Meyer's letter accused the Voigt Task Force of attempting to "cover-up" actions of the Lac du Flambeau Tribe at Star Lake and that Lac du Flambeau intentionally overfished the lake.

In the response to Meyer, Schlender answers Meyer's several allegations. Schlender stated:

I am intrigued by your assertion that the Lac du Flambeau Tribe "intentionally" brought 72 spearers onto Star Lake. Your statement is the first I had heard that the Lac du Flambeau Tribal Council had taken a vote on the distribution of tribal spearers, or that it had delegated authority to any individual to distribute tribal spearers. Indeed tribal members were "intentionally" at Star Lake: They did not all bump into each other by accident at the landing, or awake from a daze to find themselves on the water, spear in hand. But the intent of individuals to be at a certain lake cannot be construed as an intent by the Lac du Flambeau Tribe to put those individuals on the lake,

much less to overfish the quota. You, of all people on the DNR, know how tribes in general and Lac du Flambeau in particular undertake governmental action, and you know that imputing government intent to individual actions is completely unfounded. By the same token I could say that during the spearing season the State of Wisconsin intentionally shot at tribal members on the water.

In regard to the issue of a "cover-up" raised by Meyer, Schlender said:

Accusing the Task Force of a "cover-up" is pretty strong language. The Task Force does not cover-up. We do not, for instance, hide mercury contamination statistics, or pheasant management foul-ups.

You may not agree with our analysis of the spearing season's events. That does not make the analysis a "cover-up." To brand it so is dangerously demagogic and anti-democratic.

Schlender's letter objects also to DNR's refusal to take responsibility for the weaknesses in the agreement which the DNR and the tribes mutually formulated and signed. He also called Meyer to task, once again, for continuing to attempt to negotiate through the media.

The letter concludes with "... What troubles me most is that in your furor to score with the public and your superiors points off of Star Lake, you have lost sight of what brings the DNR and the tribes together: The desire to reach agreements which provide for simultaneously protect the natural resources. Your

behavior does nothing to facilitate the agreement process. Perhaps if the DNR were more interested in negotiating the most reasonable agreements rather than understandings with less acrimony. And 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. . . ."

WCA Representative

In other actions by the Task Force, they voted unanimously (5-0) to approve a recommendation that a representative from the Wisconsin Counties association be given the seat of "public representative" on the DNR's negotiating team. Meyer had said in his letter to Schlender that further negotiations would include a public representative "in order to prevent any further Task Force misrepresentations of the contents of future negotiations. . . ."

The Wisconsin Counties Association, according to Leo LeFerner, has asked for tribal support in receiving a non-voting seat at the table, having been refused by the WDNR in the past.

Open Water Fishing Season 1986

The Task Force voted 5 to 0 to adopt the 1984 off-reservation open water fishing ordinance with an opening date for musky set on May 30th and also reflecting changes in current experimental lakes and refuges, as well as other editorial changes.

David Siegler, GLIFWC policy analyst, will be drafting the ordinance with above amendments.

EXCERPTED FROM THE VOIGT TASK FORCE'S LETTER TO MEYER,

As the DNR beats its breast about Star Lake, we believe the public also deserves an explanation why the DNR, knowing that Lake Namakagon has been overfished in the past, has not conducted follow-up studies and determined what corrective action is needed. The Commission welcomes the DNR's plans to monitor Star Lake angling this summer. We fear however, that the DNR decision to invest substantial money in monitoring that lake is more dictated by political than resource management concerns. As the Lake Namakagon figures show, it is not necessarily those lakes that have been speared which are likely to have total exploitation exceed the allowable rate. The DNR needs to upgrade its monitoring throughout the state and, where demonstrated resource damage has been done to take corrective action. The DNR has looked the other way when Namakagon was overfished; in that light its blustering about Star Lake appears all the more suspect.

In the last month DNR crews probably collected more information on walleyes than in any previous month in history. In addition, practically every walleye taken in the treaty fishery was measured and sexed. The overwhelming majority of walleyes speared were 15 to 17 inches long, and were males. When the dust has settled, the state and tribes will know much more about the walleye resource than ever before. This is necessary, because the exercise of treaty fishing rights will require more precise fishery management than ever before. This is clearly a plus for the resource and those who care about its future.

What about the intimations that have been made that Lac du Flambeau broke its word by exceeding the Star Lake quota? The fact is that Lac du Flambeau broke no provision of the state-tribal agreement. 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. If a quota were exceeded in a night, the only action to be taken would be to close the lake for spearing on future nights. That question was directly put to George Meyer, that was the response directly given, and that was the understanding that was reduced to writing, and signed by Bruce Braun, the DNR's Deputy Secretary.

But it is fair to say that a harvest so much over the tribal quota was not contemplated. It was not contemplated by the tribes. It was not contemplated by the DNR. And this is where the DNR's fingerpointing is so disingenuous: No mechanisms were in place to halt a harvest midway through a night because no one thought such mechanisms would be required. Rest assured, whenever in other agreements the DNR has had the least inkling that an outside worst case could occur, the DNR has demanded mechanisms to address it in the agreements and accompanying ordinances.

It is hardly an honest position for the DNR's chief negotiator to stand back and say, "You messed up," when, truth be told, we all messed up by not anticipating the situation. The strenuousness with which George Meyer has attempted to portray the Lac du Flambeau Tribe as a villain only highlights his inability, and that of the DNR, to accept joint responsibility for a mistake. To paraphrase the Queen in Shakespeare's Hamlet, the administrator doth protest too much.

The question of what was agreed to in the spring fishing agreement goes directly to the issue of Lac du Flambeau's self-regulatory capability. Because no one anticipated a problem the problem was not addressed in Lac du Flambeau's - or any tribe's - spring fishing ordinance. Lac du Flambeau did not fail to address an identified regulatory problem and Lac du Flambeau did not fail to enforce the ordinance which it did adopt. To say, as George Meyer has said, that that Lac du Flambeau tribe is a sovereign tribe with control over its members and therefore should have been able to stop the spearing at Star Lake on the spur of the moment, is the same as saying that the sovereign state of Wisconsin, through George Meyer or another of his agents, could in the middle of the night exercise never before contemplated regulatory authority to restrict otherwise legal activity without benefit of legislative, administrative, or judicial action. The idea is preposterous and the state knows it. Now that a problem has been identified, the tribes and the state can jointly address it and devise solutions to it.

Star Lake should be recognized for what it is: a failure of all parties to contemplate every last contingency and to plan for them, and an exploitation of that failure by those within and without-state government for their own personal and institutional ends. There was no failure of self-regulation at Star Lake; there was simply a failure of tribal and state governments to possess a crystal ball. Would that all governments throughout the ages had the capability to anticipate the effects of their omissions, and would that those effects were as minor and relatively insignificant as at Star Lake.

Two other aspects of the spring fishing season call for comment.

George Meyer has commented that the taking of large muskies is inconsistent with a subsistence treaty right, should be condemned, and should not be allowed to happen again. This position is almost so ludicrous as to defy response. What will we be hearing next? That Indians shouldn't be allowed to take 12 or 14 point buck deer? Large muskies, like large deer, are part of the resource, were no doubt taken by Indians in the 1800's, and will continue to be taken by Indians in the 1980's. Large fish are not the exclusive province of non-Indian trophy fishers. If a tribal members wishes to spear a large musky, eat the meat and stuff the skin, George Meyer is not the one to say the treaty does not permit it. And we would be very surprised if Judge Doyle were the one to say it.

MAULSON TO HEAD VOIGT TASK FORCE

The Voigt Inter-Tribal Task Force elected Tom Maulson, Lac du Flambeau as their new Chairman by acclamation at a meeting at Lac du Flambeau last Friday. Maulson succeeds former Chairman James Schlender, Lac Courte Oreilles in the position.

Schlender recently resigned as Voigt Inter-Tribal Task Force Chairman when he assumed the position of Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), Odanah. He served as Chairman since the formation of the Task Force in the spring of 1983.

Maulson has represented the Lac du Flambeau Band as their Voigt Task Force representative for approximately two and a half years. He is also the Tribe's Chief Judge and has served in that capacity for nearly three years.

Maulson, while being ac-

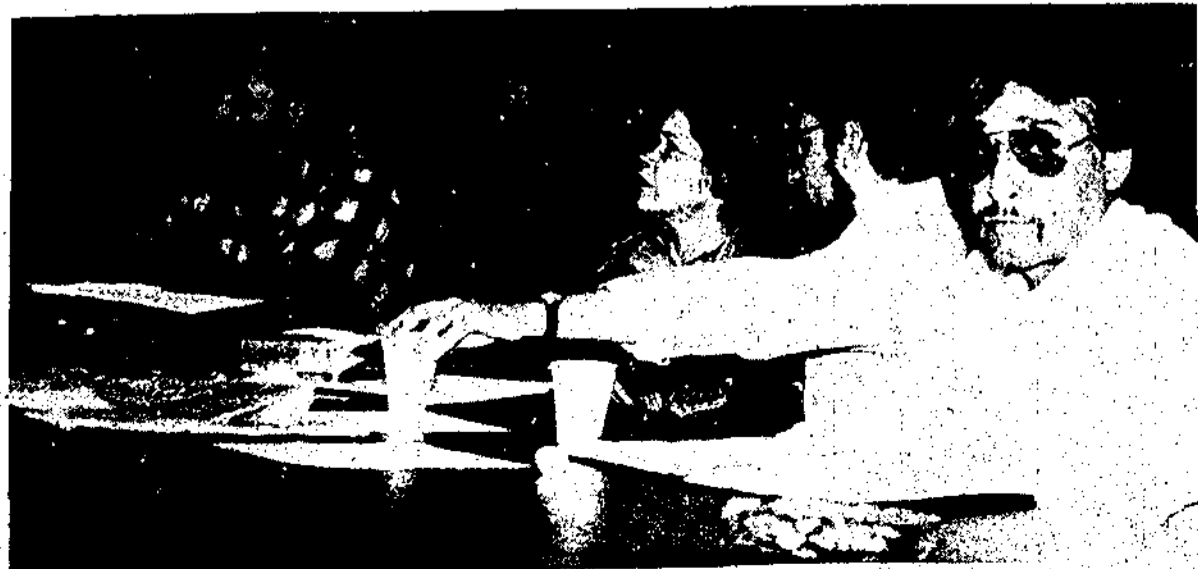


tive in business on the reservation for twenty years, has also served the community as a tribal council member and is currently chairman of the Tribe's Water and Sewer Department as well as the Housing Authority.

The Voigt Inter-Tribal Task Force, composed of six Wisconsin Chippewa tribes, as well as Keweenaw Bay, MI and

Mille Lacs, MN, has been responsible for negotiating interim agreements with the state of Wisconsin which govern the exercise of off-reservation hunting, fishing and gathering rights.

Maulson says that he views the primary job of the Task Force as one which continues to support the rights of Indian people.



There was much to discuss at the last meeting of the Voigt Inter-Tribal Task Force meeting. At the meeting were, from the left, Don Weddi, Mille Lacs; Tom Maulson, Lac du Flambeau; Kathryn Tierney, Lac du Flambeau Attorney; David Siegler, GLIFWC policy analyst; and Fred Arkiv, Mille Lacs.

Co-Management on the Great Lakes

by Mark Ebener,
Great Lakes Biologist, GLIFWC

Within United States waters of Lakes Superior, Michigan, and Huron there are two treaty areas, the 1836 and 1842. The 1836 treaty area encompasses nearly all of the State of Michigan waters of Lake Michigan, roughly 1/3 of Michigan waters in Lake Huron and 1/3 of Michigan waters in Lake Superior. The 1842 treaty area comprises the other two thirds of Michigan waters of Lake Superior and all of Wisconsin and Minnesota waters of Lake Superior. Six Chippewa tribes currently exercise off-reservation fishing rights in the three lakes, three in both the 1836 and 1842 treaty areas. Tribal off-reservation fishing rights are being exercised in all states except Minnesota.

1836 Treaty Area

Co-management between the tribes and the State of Michigan exists in the 1836 treaty area only because of a court ordered negotiated settlement in 1985. Prior to the settlement the State of Michigan had maintained a defensive posture against the tribes fighting tribal rights at every possible stage. The existence of tribal rights was not acknowledged by the State of Michigan until 1984, nearly 15 years after litigation began.

Prior to the settlement in 1985 management of the tribal fishery was by the federal court approved Chippewa/Ottawa Treaty Fishery Management Authority (COTFMA). Management of non-Indian fisheries was regulated by the State of Michigan Department of Natural Resources (MDNR). Co-management prior to 1985 consisted of a yearly report compiled by tribal, state and federal biologists on the status of major commercially fished stocks of lake trout, lake whitefish and chubs, and total allowable catch (TAC) estimates for each species. Tribal commercial fisheries were required to cease fishing when the TAC for a management unit was reached or exceeded regardless of whether or not the tribes caught 10% or 110% of the TAC. The state licensed commercial fisheries were not required to close down when the TAC's were reached. The threat of court action by the tribes against the state was usually necessary before the state would close down its fishery in a management unit where the TAC was reached or exceeded. Politics, not the biologically based TAC's, controlled what management units were to be closed when closures were deemed necessary. Chaos reigned!

Steps toward co-management were taken with the advent of the negotiated settlement in 1985. Large areas within treaty-ceded waters were set aside as exclusive tribal commercial fishing zones where the tribal fishery could harvest 100% of the TAC for particular species. The tribes were to receive over \$4 million from the settlement for the purpose of upgrading the commercial fisheries, marketing studies, fishery research and other uses.

From the settlement an Executive Council (EC) was established to (1) resolve disputes between the tribes and state and (2) to help implement the settlement. The Executive Council is comprised of the three tribal chairmen, the Director of the Michigan Department of Natural Resources and the Secretary of the U.S. Department of Interior. The EC has the ability to change portions of the settlement if there is a unanimous decision. However, EC decisions are not legally binding until each party goes to its respective government and adopts the decision.

A Technical Fisheries Review Committee (TFRC) was established to continue assessing the status of important commercial fish species, estimating TAC's, deciding on the nature and extent of new fisheries, advising the EC and taking on responsibilities assigned to it by the EC. The TFRC is composed of the Fisheries Chief of the MDNR, the Program Director of the Inter-tribal Fisheries and Assessment Program and the Director of the U.S. Fish and Wildlife Service Laboratory in Ann Arbor, Michigan. Reports and work carried out by the TFRC are divided between agencies so that biologists from each of the agencies have input into the final TAC's and status of the fishery reports.

Co-management has been improved by the settlement. Besides the formation of the EC and TFRC a cooperative project is being conducted on yellow perch in northern Lake Huron, tribal biologists now have considerable access to data previously not available, and there is coordination of both research and monitoring of commercial harvests. The state has done much to live up to the terms of the settlement by stocking lake trout, salmon, yellow perch and walleye in tribal zones, improving access to the lakes for the tribal fishermen and allocating a share of the state money agreed to in the settlement.

The COTFMA was given representation on the Lake Superior, Michigan and Huron Committees because of the settlement. These committees are composed of the top fisheries administrators from states having political jurisdiction over fisheries in the Great Lakes. These committees serve to form consensus on fishery management issues and plan the management of fishery resources within a lake. Tribal representation on these committees was a major step toward co-management.

However, not all the grass is green in the 1836 treaty area. The Federal government who stated that a settlement would mean much needed money to the tribes, has been dragging its feet on making the payments contained in the agreement. The lack of federal monies has now held up allocation of the remaining state monies. Monies promised directly to the tribes in the settlement must now go through "638 contracts" which means the Bureau of Indian Affairs also gets some of the settlement money although they were not involved in the settlement.

The money issue has also served to segregate the three tribes more than ever before. One tribe being unhappy with the allocation of monies has filed suit in federal district court and no longer participates in COTFMA activities. In retaliation the other two tribes filed reverse suits against the one tribe. The COTFMA and the Inter-tribal Fisheries and Assessment Program are being crippled by the inter-tribal disagreements on allocation of monies and the failure of the federal government to follow through on its commitments.

Essentially, co-management has planted roots in the 1836 treaty area but there appears to be concerted efforts to pull the roots out.

1842 Treaty Area

Co-management in the 1842 treaty area is considerably behind that in the 1836 area. No inter-tribal management bodies yet exists although the Great Lakes Indian Fish and Wildlife Commission was established to provide a forum for inter-tribal management schemes. There has been no negotiated settlements between tribal and state governments since 1980 and the 1980 settlement in Wisconsin has now expired.

A negotiated settlement between two Wisconsin tribes and the State of Wisconsin over commercial fishing in Wisconsin waters of Lake Superior was nearly completed in April 1986. However, differences in opinion between the two tribes on how to allocate lake trout between them prevented the settlement from taking place. As a consequence, the State of Wisconsin passed emergency orders allocating lake trout between the tribes and promulgating regulations not agreeable to both tribes.

Co-management or even the resemblance of some movement toward co-management is completely lacking in the State of Minnesota. Minnesota has refused to recognize federal court decisions reaffirming tribal rights to use off-reservation resources in state waters of Lake Superior. However, the validity of the 1854 treaty in Minnesota will be tested in federal court as soon as 1987. In response to the test of the 1854 treaty Minnesota attempted to restrict the sale of on-reservation areas within the state by threatening individuals that purchase tribally caught fish. Co-management is many years in the future in Minnesota.

The one bright spot in co-management is taking place in Michigan waters of Lake Superior. Two tribes from Wisconsin and one Michigan tribe have been attempting to create an inter-tribal commercial fishery in Michigan waters. Two, one year agreements have been worked out between the tribes in 1984 and 1985. The agreements did allow a significant exercise of off-reservation fishing rights in Michigan waters that did not exist previously, although none of the tribes were completely satisfied with the agreements.

The process is again proceeding in 1986. Commercial fishermen are being given the opportunity to help formulate the regulations along with tribal biologists and tribal councils. Major issues such as allocation between tribes and geographic spheres of influence are being addressed. A long-range management plan for regulating the tribal fishery in Michigan waters may be near although allocation and spheres of influence will tax all parties involved.

The State of Michigan has basically adopted a wait and see position concerning tribal commercial fishing in Michigan waters. There has been no negotiations between the state and tribal governments, however, considerable communications and exchange of data exist between state and tribal biologists and state conservation officers do lend some assistance to tribal conservation officers enforcing tribal regulations. The harvest of lake trout by sport fishermen has been taken into account by tribal leaders when determining the tribal lake trout quotas, and this one step appears to have been received well by the State of Michigan.

Implementation of the co-management concept is proceeding slowly in the Great Lakes but has progressed in the last five years. State and federal biologists have recognized the role of tribal biologists in the last five years and tribal biologists now participate in the creation of basin wide fishery management schemes, and are invited to conferences and workshops concerning the management of Great Lakes fish stocks. Tribal management programs are dealing directly with state agencies to effectively manage common fish resources, and individual tribal governments sense the need for inter-tribal management bodies to deal with the complexities of present day fishery management issues. The next five years will see dramatic progress towards co-management.

CO-MANAGEMENT

WILDLIFE

THE GREAT LAKES

Co-Management: A Wildlife Perspective

by Jonathan Gilbert

Wildlife management has undergone many changes since its inception. Early wildlife biologists were called game managers because of their concentration on providing game species for the hunting public. In recent years, wildlife biologists have recognized the need for a more integrated approach to wildlife management to satisfy the needs of the non-consumptive as well as the consumptive users. Similarly, wildlife biologists now realize that management must take place on more than state-owned land if it is to be beneficial. We now practice ecosystem management, managing components of the ecosystem. Ecosystem management calls for greater sophistication in managing the biotic and abiotic factors as well as the human elements which may affect the wildlife resource.

There are two distinct facets of wildlife management (harvest management and habitat management) and both are developing co-management type systems.

A prime example of how consideration of populations and ecosystems in wildlife management has spawned a co-management system in terms of harvest management is migratory birds. The international concern for migratory birds and the realization that all parties need to cooperate to insure protection of this resource resulted in the migratory Bird Treaty Act. This treaty provides for methods of integrated resource and information exchange between 3 nations (Canada, Mexico, and USA) and many states and provinces. North American is divided into 4 flyways. Representatives each state and province meet annually in flyway council meetings to evaluate harvest and production figures and to set harvest limits. This giant multinational effort to gather and analyze data and formulate harvest recommendations is successful only because all requirements of successful co-management are met. Each party has provided its own agenda, there is frequent and complete communication and feedback, timetables are developed and adhered to and dispute resolution mechanisms are in place.

Another treaty which provides for coordination and cooperation between governments is the Convention on Trade of Endangered Species (CITES). This treaty regulates and enforces the trade in endangered and threatened species. It is not as successful as the Migratory Bird Treaty because it has not had time to develop all co-management requirements.

Habitat management presents another co-management type situation. Wildlife managers now manipulate habitats in order to affect desired results. They must coordinate these efforts with the land owners and other resource managers. The oldest conflict of this type that wildlife managers had to resolve was on state-owned land, where state foresters wanted to maximize their yield of wood products, a goal which sometimes conflicted with the

wildlife managers goal of managing for forest diversity. In many cases this conflict remains, however, both foresters and wildlife biologists now realize that cooperation and integrated plans are in the best interest of both professions.

Cooperation has also developed between state and federal agencies especially where the federal government owns the land and depends on the state for recommendations on wildlife management practices. The National Forest Service is a good example of this. The NFS manages the forests for multiple use, including forestry, recreation as well as wildlife. The NFS coordinates wildlife management activities closely with the state. However, since the NFS has its own wildlife staff they do have some autonomy.

Private land management is a new and coming field in the wildlife management profession. Wildlife managers now realize that providing for wildlife habitat on private lands is at least as important as providing habitat on public lands. This new concept requires that private land owners and professional biologists work closely together to develop wildlife management plans.

The development of these integrated habitat co-management systems has not progressed as far as with harvest management (at least in terms of migratory birds) because all requirements of successful co-management have not been instituted. Although most parties have developed goals, there is frequently not enough communication between parties, timetables are either not developed or not adhered to, and dispute resolution mechanisms are rarely considered necessary. As these co-management type systems evolve I feel confident that they will mature and improve.

What does all this have to do with co-management as defined by Norman Dale (see Tom Busiahn's article in this issue) to include native groups or tribal governments? I think that it is encouraging that these co-management type systems are developing. Wildlife managers see that co-management can work and will be more likely to accept tribal responsibilities.

To a limited extent the Commission has become involved in wildlife co-management.

The Commission represents the tribes on the technical section of the Mississippi Flyway Council. This representation allows for tribal input in the review and analysis of biological data, in the formulation of harvest recommendations and in the development of waterfowl research and wetland habitat management plans at the state, flyway, and national levels. However, the tribes should not be satisfied with participation on the technical section. They should be given full representation on the Flyway Council on par with the states, with full voting rights. Only in this way will the tribes have any voice in policy decisions that affect migratory birds.

The Commission is exploring ways in which the tribes can become involved with the CITES treaty. The tribes feel that they meet all of the requirements set forth in the treaty to provide for a

biologically sound harvest of Appendix 2 endangered species. If they do meet all the requirements then the tribes will be granted endangered species tag issuing authority.

The Commission is becoming involved in habitat co-management through the wild rice program. Last summer the Commission inventoried the wild rice resource in northwest Wisconsin and the WDNR did the same in northeastern Wisconsin.

The Commission and WDNR both plan to further research, inventory, and monitoring this summer to gather additional data necessary for effective management of the wild rice resource. However, wild rice management is a low priority for Wisconsin. Consequently, the Commission must take the lead role in the wild rice program but WDNR must cooperate and assist as much as is possible in this co-management endeavor.

The WDNR and the NFS have both begun to include the tribes and the Commission in their requests for comments on proposed management or restoration plans. The wildlife section welcomes the opportunity to comment on these plans and we see this as a good first step towards successful co-management. It is only a first step. The tribes should be included in the strategic and long-term planning phases which set directions and goals and drives short term planning. They should not be satisfied with commenting on plans already established but should be included in the initial development of these plans.

Local harvest co-management (not migratory birds or endangered species) has progressed least of all. The tribes have not been included in quota establishment for any of the species which are hunted or trapped under a quota system.

For example, each year the tribes and the state agree on an antlerless deer quotas for the tribes. The tribal quota has been a portion of the total recommended by state biologist. The tribes have yet to have input on the formulation of this total quota. Not only this, but once the tribal quota is set the state proceeds to ignore it or predict that the tribes will only take a small portion of the quota thus inflating their portion of the total quota. This represents poor co-management are met. This is partly due to the fact that the "shadow of the court" has not been fully cast on the local harvest co-management scene. However, that shadow has also not been cast on the development of management plans or on the management of migratory bird harvest and yet co-management in these arenas is proceeding nicely.

I am confident in the future of tribal wildlife co-management. I believe that the framework exists or is being constructed that will allow for the tribes to assert, in a positive manner, their co-management responsibilities. I agree that co-management should be a win/win situation where all parties work towards the improvement of the wildlife resource. It should be seen as a cooperative venture where all parties are working together, communicating and providing financial support to meet a common goal.

CO-MANAGEMENT: THE INLAND LAKES

Thoughts on Co-Management:
Inland Fisheries
by Neil Kmiecik

Co-management of the inland fishery resource, simply put, is cooperative management. Fishery resource... management... cooperation... these are the key words.

The fishery resource (used by treaty fishers). During spring in 1985 and 1986 Chippewa members were allowed to spear in several northern Wisconsin lakes. During these two seasons tribal members demonstrated an interest in two species of fish, walleye and muskellunge, and proved that spearing is a very effective and efficient method of harvest. Besides being limited to one season (spring) and practically speaking, to two species, spearing was highly regulated. It was limited to lakes, and further, to lakes over 500 acres (in 1985) or 1000 acres (in 1986). In addition, harvest quotas were based on pounds of fish and informally set at 0.5 pounds per acre for walleye; in 1986, quotas were based on numbers of fish and were formally set at 10% of the Total Allowable Catch (TAC). In summary, only a portion of the fishery resource has been used by treaty fishers and use of this portion has been highly regulated and closely monitored.

Management. Commission biologists have focused on managing walleye and muskellunge. One of the first questions I asked (soon after "What do I do?") was "What is the walleye and muskellunge resource?" Several steps have been taken to answer this electrofishing surveys conducted on lakes 500 acres and larger in 16 northern Wisconsin Counties. Thus, we know which lakes have been surveyed, when they were surveyed, and have facts to describe the walleye and muskellunge resource. These facts will help in making informed decisions about future management. Also, this computer inventory should provide a means for classification of lakes based on walleye abundance. In addition, a walleye population

model has been developed. While the model needs testing we believe it will be an important tool for managing walleye populations that are speared.

An important point to keep in mind is that our biological staff is limited and much smaller compared to that of the Department of Natural Resources (DNR). The Inland Fishery Section has two full-time biologists and one full-time technician. Because of limited manpower we need to set priorities for field work, to define which lakes are to be sampled. We will probably be able to sample no more than 4 lakes with fyke nets in the spring and from 20-30 lakes with electrofishing gear in the fall. Despite our relatively small staff we play an essential role in tribal/state co-management, because the tribes would be reluctant to negotiate with the state if they did not have access to their own independent assessment of the fish resources.

This brings up the last word. **Cooperation.** (Keep in mind that only a portion of the fishery resource is being used by treaty fishers and that the number of lakes that can be surveyed by Commission staff is limited.) The development of quotas for managing spear fishery for walleye demands that up-to-date data be available. Using population estimates that are 10-20 years old or applying statewide averages to 90% of the lakes is not the way to develop quotas. DNR and Commission staff need to coordinate sampling schedules on speared lakes and lakes 500 acres and larger. With coordination and with independent schedules all lakes in the above categories could be sampled every 3-5 years. Thus, cooperation means operating independently but sharing data collected. Sharing is one concept that should be emphasized and expanded on (not limited). At a very basic level sharing means sharing of responsibility for protecting the resource. Responsible management involving up-to-date data can only benefit the resource and the users, sport anglers and treaty spears alike.



Fred Vande Venter, Bad River biologist examines walleye at the Bad River Hatchery.



GREAT LAKES FISHERY COMMISSION

With two purposes largely in mind, James Schlender, GLIFWC executive director and Tom Busiahn, GLIFWC chief biologist, headed to Traverse City, Michigan, on May 7th or 8th for the meeting of the Great Lakes Fishery Commission (GLFC).

GLFC is charged with the management of the Great Lakes and represents both Canadian and U.S. interests.

The primary goals for attending the GLFC meeting were to encourage acceptance of GLIFWC as a voting member of the Lake Superior Committee of GLFC and membership in the Committee of the Whole, which involves representatives from management organizations and departments of natural resources from the U.S. and Canada.

Of course, the management of the Great Lakes is the real issue, and Schlender and Busiahn both want as much tribal input into that process as possible, as well as the opportunity to learn from the spectrum of participants involved in GLFC.

For Schlender, who recently came on board as GLIFWC's executive administrator, the opportunity to initiate contacts with top resource management personnel was important. He reports talking with Bill Horn, GLFC Chairman and Assistant Secretary of Fish, Wildlife, and Parks, as well as meeting Carlos Fetterolf, GLFC Director. Among many other, he also had the opportunity to meet representatives from the Chippewa-Ottawa Treaty Management Authority, Michigan, including Dr. Bill Eger, head biologist and Chairman Joe Lumsden.

Economic Value of the Fishery

Another discussion item of interest to the tribes was the economic value of the various fisheries, i.e., sport and food fisheries. The cost of management programs and justification for management are looked at in terms of economic value. As Busiahn noted the tribes also need to substantiate

the value of the treaty fishery to justify lamprey control costs, which are not insignificant.

Daniel R. Talhelm, Department of Park and Recreation Resources, Michigan State University submitted a report entitled the Economics of the Great Lakes Fisheries: A 1985 Assessment. The value of the food fishery was said to be \$19 million in the United States, whereas the total angling value reached \$2,760 million, according to Talhelm.

Disease in Hatchery Fish

A situation comparable to our current "AIDS epidemic" has been occurring in hatchery lake trout. In fact the Iron River Hatchery lost 2500-3000 fish per day since January 13th due to what is termed epithelialcystis.

The disease affects the gills of either marine or freshwater fish and has been diagnosed in more than 22 species worldwide, including several salmonids.

There is only limited information currently concerning the effects of the disease on hatchery programs and attempts to suggest treatment at this time would be based on speculation.

The toll taken by the disease on the production of the Iron River Hatchery, with a loss of about 24% of its fish, will affect the stocking program.

The Lake Superior Committee anticipates around 4.1 million lake trout of Marquette strain to be available in the balance of the federal hatchery system for the Great Lakes. At this level no federal fish would be stocked in second priority areas of Lake Superior, according to the Lake Superior Committee.

TRIBAL JUDGES MEET

The Great Lakes Tribal Judges Association held a planning and strategy meeting in Wilson, Michigan, at the Hannahville Tribal Offices on May 19th & 20th. Tribal judges from five of the Wisconsin Voigt tribes and several Michigan tribes met to implement a time frame in which to draft the constitution & bylaws of the association. It was decided that Gloria McCullough from Hannahville, Michigan, and Pat Zakovec from GLIFWC would act as temporary coordinators for this effort.

David Siegler from GLIFWC was asked to draft the constitution & by-laws in rough format by June 12th. The Michigan judges will meet that date in Sault Ste. Marie for a review and any changes that are needed. The Voigt judges will meet in Lac du Flambeau on June 12th to start development of an appellate court system for the Voigt tribes. They will also review the draft copy as presented by David Siegler.

Training was another important item of discussion. It was once again stated that all of the available training for tribal court personnel is usually held in the West or Southwest with an average cost of \$1200 - \$1500 per person. It was felt that monies would be more wisely spent by using the services of local tribal attorneys and judges to sponsor our own local training seminars. Plans for specific seminars are on:

Courtroom Procedures
Court Clerk/Administrator
Juvenile proceedings
Juvenile witnesses
Guardian ad Litem

The development of a Tribal Court Judicial Benchbooks will be formalized at a two day session to be held in Red Cliff on July 9th & 10th.

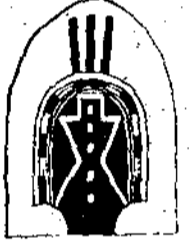
Another item discussed was the invitation of the court clerks to join the Association. Many judges felt that this would enlarge their scope of knowledge as well as become more familiar with what the judges' and court responsibilities entail and promote a better working arrangement with each other.

The next meeting of the Association will be in Red Cliff on July 9th & 10th with the following tentative agenda.

July 9 - 9:00 to 11:00
Strategy meeting.
1:00 - 4:00 - Presentation of formal Draft of Constitution & Bylaws. Adoption of such by vote. Election of Officers.

July 10 - 9:00 - Formalize training needs Pat Zakovec will give report on funding available.
1:00 - Erv Soulier will try to get a speaker from the National Indian Judges Association.

Anyone, whether you have a tribal court or not, is invited to attend and lend your support to these efforts to provide quality judiciary and credibility to our tribal courts.



LAMPREY TRAPS SET



Portable lamprey traps will be found this spring and summer in rivers which are tributaries to the Great Lakes. They are being used as part of a sea lamprey assessment program, according to Mark Ebener, Great Lake Indian Fish & Wildlife Commission (GLIFWC) biologist. Ebener encourages people to leave the traps untouched, as tampering may affect ability to trap lamprey.

The traps are part of a cooperative program seeking to increase the effectiveness of lamprey control in the Great Lakes. It was launched on May 6th with the placement of traps in several tributary rivers. The project is a joint endeavor between GLIFWC, Odanah, WI and the U.S. Fish and Wildlife Service Sea Lamprey Assessment Unit, Marquette, MI.

Ebener says traps will be placed in the Silver River in Baraga Co., MI; the Brule (Arrowhead River) in Cook Co., MN; the Middle and Poplar Rivers in Douglas Co., WI; and the Bad River in Ashland, Co., WI.

Most of the traps and equipment are being provided by the Sea Lamprey Assessment Unit. GLIFWC, Ebener says, is providing manpower for the program by contracting with Keweenaw Bay, Red Cliff and Grand Portage reservations for fisheries aides to tend the traps.

Ebener explains that the study is part of an overall larger attempt by the Sea Lamprey Control Programs in both the United States and Canada to improve their knowledge of lamprey populations and their ability to control the parasite.

The fisheries aides will be clipping the dorsal fins on trapped lamprey and releasing them downstream from the

trap site. Lamprey subsequently captured with clipped fins will be killed. Data on length, weight and sex will be recorded.

Additional information on stream discharge rate will also be collected from each river which is trapped as well as other rivers in the surrounding area that are not being trapped.

Ebener says that the objectives of trapping are to estimate the number of spawning-phase sea lamprey in each of the designated rivers, to correlate the number of lamprey with the discharge rate of a river, and ultimately, to estimate the total number of adult lamprey in Lake Superior by extrapolating the relation between the discharge rate and the population estimates to rivers where the discharge rate is known but the population size of spawning lamprey in the river is not known.

Although programs to eliminate the sea lamprey have been in existence since the 1940's, lamprey still remain a considerable problem and threat to the Lake Superior lake trout population, Ebener explains. Barriers, electric weirs, chemical control and portable assessment traps have all been used to prevent the parasite from proliferating in the Great Lakes.

Currently, he says, problems in the lamprey control effort exist due to static funding levels coupled with the rising cost of the control program, an ability to treat the largest rivers, and an apparent behavior modifications in the lamprey lifecycle. The effort begun this month is aimed at establishing a more complete knowledge of lamprey in the Great Lakes in order to ultimately more effectively combat them.

TRIBAL COURTS DEFENDED



Non-Indians who feel the Lac du Flambeau tribal court isn't tough enough on Chippewas should attend court sessions themselves, a judge of the court says.

"The courtroom doors are always open," Judge Thomas Maulson said, inviting whites who feel the tribal court is lax to visit the reservation and watch a trial.

Maulson, the tribe's chief judge, and Associate Judge Phyllis White, say they have been criticized for not assessing harsher penalties against offenders.

White said the comment was unfair, adding that tribal courts can levy fines of \$20 to \$500.

"But I feel that we are here to uphold our (tribal legal) codes," she added. "I do not feel that we are here to be a heavy hand on our people."

The jurisdiction of the court is limited to misdemeanor charges against members of the tribe and certain kinds of civil cases.

Neither Maulson, a businessman, nor White, a longtime tribal employee, has a law degree, though both attended the (Indian) National Judicial College in Reno,

Nevada.

Because Maulson was involved in negotiations with the state Department of Natural Resources regarding last month's off-reservation treaty spearfishing season, White has handled any charges growing out of fishing violations.

So far, about a dozen Lac du Flambeau Chippewas have appeared in the tribal court on fishing violations. White said she fined one man \$20 for having more than the 20-fish limit, and \$10 per fish for the over catch. She also suspended his off-reservation hunting and fishing permits until the fine is paid.

The other offenders have court dates set for June.

White said the fines may appear low compared with those that could be ordered in state courts.

But she noted that the reservation had a 64 percent unemployment rate, and that many Lac du Flambeau Chippewas earn as little as \$140 a month.

Also, many Indians consider legal charges being filed against them a disgrace and will make a considerable effort to avoid a second offense, she said.



No land, no reservations, no treaty payments. Times were hard for Mole Lake members. Now EXXON's mining interests threaten the tribe's small and hard-won land base near Crandon, Wisconsin.

LOW-LEVEL WASTE SITE IN WI

HAYWARD — Wisconsin is under consideration for another type of nuclear waste site currently. This time it's a low-level radioactive waste disposal site, according to Teri Vierima, Wisconsin Commissioner for the Midwest Interstate Low-level Radioactive Waste Commission.

Vierima addressed the Concerned Citizens About Radioactive Waste (CCARW) at their meeting Saturday at the Hayward Middle School.

Currently, three sites in the nation are handling all of the nation's low-level radioactive waste, according to Vierima, but they don't want to continue to be the nation's dump sites.

In response Congress passed the Low-level Radioactive Waste Policy Act in 1980, requiring the states to develop new disposal facilities by January 1, 1986.

When the states failed to comply with the Act, Vierima said it was amended with new federal milestones established for "regional" disposal sites. Either the states could dispose of their own waste within their own borders, or join a compact with other states to develop a joint disposal site.

The deadline established in the amendments provide that states decide to stand alone or join a compact by Ju-

ly, 1986; that host states for the site are identified and siting plans completed by January, 1988; that state license application is made by January, 1990; and new facilities are operating by January, 1993.

To date, Vierima said, Wisconsin has joined a compact with six other midwest states, including Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio. These states, plus Wisconsin, form the Midwest Interstate Low-level Radioactive Waste Commission, and Vierima is Wisconsin's Commissioner.

If the states fail to comply by 1993, Vierima explained, Congress has also provided that they will not be able to use any of the three existing sites for waste disposal and by 1996 the states will have to take possession of their own waste.

Eight to ninety percent of low-level waste comes from nuclear power plants, particularly when reactors or a plant are decommissioned. The seven states in the compact produce about 200,000 cubic feet of waste per year.

In 1996, Vierima said, "the utilities will go away laughing," because the waste problem will no longer be theirs.

Of the total amount of low-level waste generated by the seven states, Wisconsin pro-

duces about eight percent, Vierima state, with Michigan producing about 33 percent.

One of the seven states in the compact must be the first "host" state for the waste site, she explained, although each state must eventually provide a site.

A low-level radioactive waste site should be designed to actively receive waste for 20 years; be actively monitored for 100 years; and be designed to endure 500 years, Vierima stated.

The Commission will select the site, she said, but does not want to "ram it down the throat" of any community.

Consequently the Commission is offering an "incentive plan" to communities which includes financial attractions to hosting a low-level radioactive waste site.

State selection for the host site, she said, is a "political hot potato," and the Commission has considered various ways of making the selection. The states in the compact are so similar environmentally, according to Vierima, that those variable do not help select a site.

The Commission had even considered use of a "lottery" to select the first host state, but did not feel it would be considered a responsible approach to site selection.

FIRE TRAINING

The 4th Annual Native American Fire Training School is slated for June 4-6 at the WITI, Ashland Campus. The three-day training session is offered at no charge and offers introductions in handling a variety of emergency situations, from hazardous waste spills to LP gas fires.

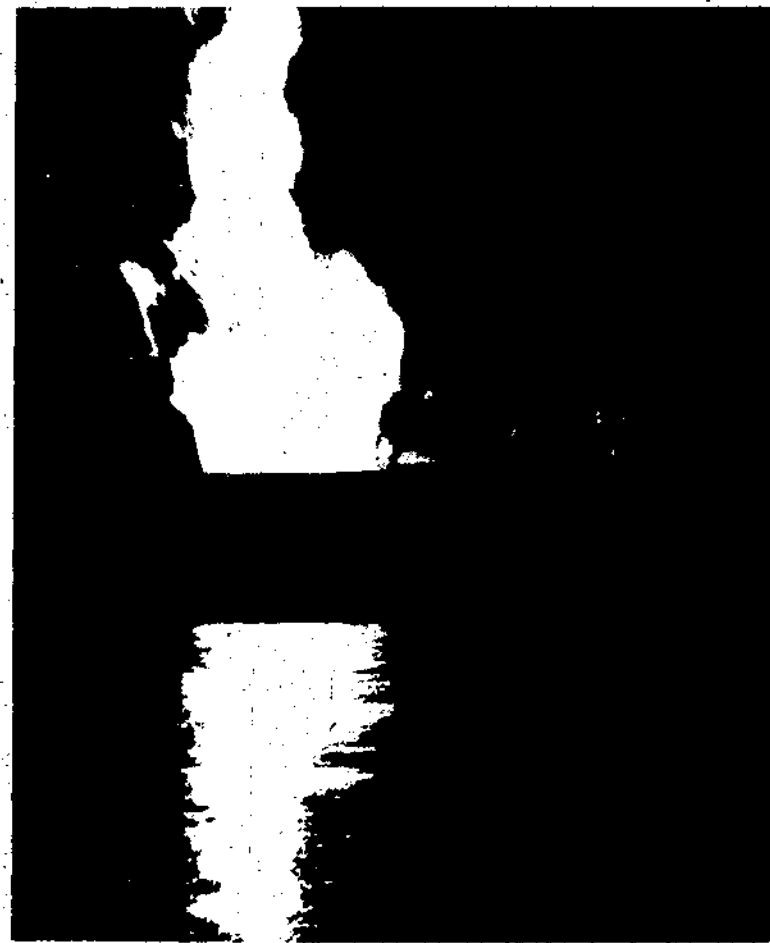
The Fire Training School is sponsored through the Great Lakes Agency of the Bureau of Indian Affairs (BIA). Chuck McCuddy, BIA Natural Resources Specialist, has coordinated the school since its inception four years ago.

McCuddy says that he began the fire training school in response to a discerned need for formal fire-fighting training among the staff of the various tribal fire departments. Many tribal fire-fighters lacked any formalized training at that time, he said, yet they were required to deal with very dangerous situations.

Although the training sessions targets Native American fire-fighting personnel, it is open to anyone in the fire services, according to McCuddy.

Training during the session is diverse and demanding. Probably the most spectacular part of the training is dealing with an actual LP gas fire, McCuddy says. The flame from the burning bottle is very intense and training participants get hands-on experience in controlling the blaze.

Handling hazardous materials emergencies is another aspect of the course this year. Again hands-on training will occur with a mock



emergency involving a hazardous substance. The trainees will be taught how to use a foam application in the simulated emergency and also taught what substances they should attempt to control and which would require more expertise in case of an emergency.

Other sections of the course include training in the use of hosestreams and application; rescue techniques; arson and the point of origin.

Herman Fisher, BIA Fire Management Specialist, will be the primary instructor for the school. However, personnel

from the Ashland Fire Department will also be part of the training as will representatives from the Elkhart Brass Manufacturing Co., who will demonstrate the use of a foam application.

McCuddy feels the course offers a good basic fire-training course and has been beneficial to both the Indian and non-Indian community fire departments who have participated in the past.

Inquiries regarding the training school should be directed to Chuck McCuddy at (715) 682-4527.

NUKEWATCH WATCHING EXXON

From Nuke Watch
Dear Friends,

Wisconsin peace, environmental and tribal activists met April 20 in Tomahawk. The participants decided to continue meeting as a statewide coalition on radioactive waste, and scheduled its next meeting for Sunday, July 20, in Stevens Point at 11:30. (for details on the place, call Paul Hlina, 715-341-7496, or Rick Thompson-Tucker, (715) 345-0196.)

There are several meeting dates coming up during the summer that are of importance to the radioactive waste issue:

First week in June: A meeting of politicians from second site candidate states will be held in Madison. There may be an opportunity for citizens to participate. For information contact the Radioactive Waste Review Board, 608-266-0597.

Throughout the summer: A new group, the Wisconsin Citizens Against the Nuclear Waste Dump, will be meeting periodically in the Marshfield area, and would appreciate help and input. Contact Don and Linda Wyeth, Route 1 Box 103, Granton, WI 54436 (715) 238-7513.

August 16 - WIND of Waupaca is planning an educational Raft Trip down the Wolf River. For details, contact Megan Karth, Rt 1 Box 613, Waupaca, WI 54981 (715) 258-3305.

The following dates concern the proposed copper/zinc mine at Crandon, WI:
May 15 — release of the Draft EIS on the proposed mine
Sometime around the end of June — public education meeting to be held by DNR in the Crandon area on the topic of the draft EIS (Contact the DNR)

This meeting will be followed by a two week period during which written comments can be sent in to DNR.

September — release of the final EIS
Early 1987 - Master hearing on the final EIS and mining permit applications;

To obtain a copy of the EIS, and for details on this schedule, contact

Bob Ramharter, Exxon Project Coordinator

Department of Natural Resources

PO BOX 7921

Madison, WI 53705 HOTLINE Phone No: 1-800-BEAR-DNR

For more information on the proposed mine, and to get involved on this important issue, contact the Wisconsin Resources Protection Council, c/o Roscoe and Evelyn Churchill, N3386 - C&J, Ladysmith, WI 54848 (715) 532-3868. Roscoe also suggested that we each write to Governor Earl, asking him to explain his pro-mining stand.

Issues discussed and plans made at the Tomahawk meeting included the following:

Land-owners rights: WIND will coordinate printing and distribution of signs stating that DNR crews are not welcome on privately owned land, and will look into similar campaigns for state, county and other land.

Civil Disobedience: The group decided there was a need for a series of non-violence trainings and smaller regional discussions of civil disobedience and direct action. These meetings will be coordinated by CATE, to be held throughout the state during the summer and fall. Local groups wishing to host a training should contact Tom Hastings, PO Box 1024, Hayward, WI 54843. (715) 634-3891.

Copies of a videotape by Helen Caldicott on nuclear power will soon be available from Don Wyeth (Rt 1 Box 103, Granton, WI 54436.)

DOVETAILS is a new group organizing in the Elcho area, and has available skits, puppetry and other theater ideas and programs. They're willing to travel and can be reached at PO Box 86, Elcho, WI 54428, (715) 275-3198 or 275-3031.

Steve Hinniker, chairman of a state Environmental Political Action Committee, will be putting together information on the level of concern about radioactive waste of elected officials and those running for office. To get involved in exerting pressure on the state's politicians, contact him at 2 Sherman Terr. 1, Madison, WI 53704 (608)244-3471.

The Repository Action Committee of Stevens Point will be drafting sample letters for help with writing of elected officials. For sample letters, and a list of addresses of congresspeople, contact them c/o Paul Hlina, 1750 A College Ave, Stevens Point, WI 54481.

The use of Nuclear Free Zones was discussed. A nuclear free zone is a municipality that has voted or otherwise decided (through county board, etc.) to go on record against the use, manufacture, storage, etc. of nuclear weapons and power (waste). Ordinances may not be binding, but would have to be challenged by DOE. For information, contact NUKEWATCH, 315 West Gorham, Madison, WI 53703. For information on the resolution adopted by the Rusk County Board, Contact Rosco Churchill (address in mining information, Page 1)

The NRC and the EPA are both in the process of relaxing regulations governing the permissible levels of worker and environmental exposure to radiation and the safety standards for new nuclear reactors. To comment on these important regulations, contact Jim Wiese for information (c/o WIND, Rt 1 Box 631, Waupaca, WI 54891) or contact the Nuclear Information and Resource Service, 1616 P Street NW, Suite 160, Washington, DC 20036.

Many people expressed an interest in making contact with citizens organizing in other states. Megan Karth of WIND will be working on this. A list of contacts in other states is available from CATE, Box 1024, Hayward, WI 54843, and from Northern Thunder, 22 1/2 North Barstow St, Eau Claire, WI 54702. Many people hoped to see this networking result in a multi-state conference sometime in 1987.

In addition to the above, groups at the meeting were each working on local, regional and in some cases statewide educational and organizing efforts, concentrating, on summer opportunities to reach residents and tourists at county fairs and other gatherings. Letters to the editor, public meetings, presentations to churches, rotary clubs, sportspeople clubs, and other organizations, gifts of educational materials to libraries, displays at libraries, banks and other public gathering places and programs in the schools were some of the suggestions for outreach.

Several groups are circulating petitions, many with different wording. The group decided that was fine, and to suggest the wording of the enclosed petition for groups wishing to begin using a petition as a local organizing and outreach tool. Please hang onto copies of petitions, in case we ever want to present them to the DOE, or the Governor.

Many people at the meeting also expressed a need to keep the focus of the radioactive waste debate in Wisconsin as much as possible on the production of the waste, through production of nuclear power. Nukewatch will be producing a short fact sheet on where nuclear waste comes from in the near future, which will be available at the July 20 meeting.

And one last note: I will be moving to Hayward at the end of June, and will continue to work on the radioactive waste issue for Nukewatch. My address will be PO Box 1024, Hayward, WI 53843, (715) 634-3891.

Hope to see you on July 20, and until then enjoy the summer.

Cassandra Dixon

P.S. If you did not get a copy of the statewide list of contact people and groups (3 pages of labels) and would like one, please send me a self-addressed envelope at Nukewatch, 335 West Gorham St., Madison, WI 53703 before June 25, and I'll send you one.



TROUBLES ELSEWHERE



"One more step on the way to genocide"

PAGE 7 MASINAIGAN

NABC News Special Edition

From: The North American Bioregional Congress (NABC II) Coordinating Council, The Ozark Area Community Congress (OACC) Coordinators, and The Fayetteville (Arkansas) Big Mountain Support Group

An urgent call for concerted support and action in defense of the people and sacred land of Big Mountain

In an action almost impossible to believe in 20th Century America...

In an action ranking fully with some of the worst of the depredations of perpetrated upon the Native American tribes of the 19th Century...

Over ten thousand Navajo people in the area around Big Mountain in Arizona are being relocated—forcibly if authorities consider it necessary—off their sacred homelands through the agency of the U.S. Government and Public Law 93-531, passed by a misinformed Congress in 1974. The relocation is scheduled to be completed by July 1986. Presently there is continual harassment of Native people on the land. Ninety per cent of the live livestock they depend upon for their livelihood has been confiscated. They are not allowed to build or repair homes or any structures. The process of forcing them off the land is well underway. For large numbers of the people, location is life threatening, so bound together are the life, soul, and spirit of the people with the land.

The reason the Government gives for this is that there is a "land dispute" between the Navajo and the Hopis. Yet the traditional Navajo and Hopi Elders stand together in saying there is no land dispute. The "land dispute" is a fabrication of the Government, given official status by the Government-imposed Hopi and Navajo Tribal Councils. The Tribal Councils are a form of government alien to most of the Indian people, and supported by a small minority, some of whom may stand to profit from resource exploitation. This "land dispute" is being used to get the traditional people out of the way for corporate development of the land, chiefly related to exploitation of the coal, uranium, and other resources located under the Big Mountain region, also known as Hopi/Navajo "JUA" (Joint Use Area).

For more detailed information write: Big Mountain Legal Defense/Offense Committee (BMLD/OC), 2501 4th St., Suite 18, Flagstaff, AZ 86001 (602) 774-5233.

Special to IPN: By Jose Barreiro
MINNEAPOLIS, MN (IPN) - Judy Fairbanks, an Ojibway Indian living in the metropolis but originally from White Earth Reservation, calls it "one more step on the road to genocide."

Rudy Boschwitz, U.S. Senator from Minnesota calls it a "fair and equitable effort to settle complex issues." They are talking about a new bill approved by Minnesota legislators March 7 that attempts to "settle" title to more than 100,000 acres of the White Earth Chippewa Reservation.

The controversial bill, strongly supported by Minnesota's Washington representatives, was quickly put through both the U.S. Congress and the Minnesota legislature.

The politicians are hailing the bill as a "negotiated compromise" but many of the affected Indians feel they have not been adequately consulted. There were prayer vigils and intense lobbying visits at the Minnesota legislature last week for a last-minute stay before the legislative package goes into effect.

The bill proposes to provide a \$22.6 million package to the White Earth Chippewa land, specific heirs and state agencies in exchange for clear title to the disputed acreage. The state would also give 10,000 acres to the tribe.

The money would be divided as follows: \$15 million for the heirs, \$10.4 million for the tribe, with an additional \$500,000 to the state attorney general's office to search for heirs.

Many among the Indian heirs to the land in question reject the bill because it severs their legal right to land set aside by their chiefs through treaty. Judy Fairbanks, an heir, is typical in the opinion that the Indian heirs will be effectively "terminated" by the terms of the new law. She is a spokeswoman for an organization called Anishinabe Akeeng, which counts on support of several hundred tribal

members, and which has lobbied intensely against the bill.

Jerry Rawley, secretary-treasurer of the White Earth Tribal Council, said Chippewa people "must start litigation" to overcome the effects of the bill. The federal legislation provides a period of 180 days before the title to the land would be cleared and funds transferred.

Anishinabe Akeeng and the majority of the White Earth Tribal Council proposed a counter measure during their lobbying effort. They argued the tribe, including the heirs, is entitled to recovery of all lands fraudulently taken or taken where the federal government failed to protect Indian interests guaranteed by treaty.

They proposed current owners should sell to the tribe and lease "life estates" from the tribe. Current owners would also have the right to trade their property for federal land.

The new law's primary sponsors, Representative Arlan Stangeland and Senator Rudy Boschwitz, argued against further debate on their measure because of the urgency to clear title for the current owners.

The St. Paul Press has editorialized that 165,000 acres of former White Earth lands now held by the state should be returned to the tribe as part of the new settlement. Tribal chairman Darrell Wadena testified in favor of the bill, much to the chagrin of his own tribal council.

Last Century, in treaty with the federal government, White Earth Chippewas reserved some 825,000 acres in Northern Minnesota. The U.S. assumed trust responsibility but in the early 1900s abrogated it in a series of laws which induced common Indian land holdings to be sold by individual Indians. Of the original Indian acreage only 55,000 acres, or 6 percent, is in Indian hands today.

Fairbanks is one of several hundred descendants of Indian land-holding families from White Earth Reservation whose right to treaty-guaranteed lands will be permanently altered by the new measure. She blames the land allotment policy set up by Congress in the 1890s, as well as outright

fraud, for the loss of her family lands.

"The big worry is about the clouding of titles because of our land claim," Fairbanks said. "So the farmers and loggers and the tourist industry got the politicians to push through this so-called agreement."

Minnesota state alone holds 165,000 acres of former White Earth Reservation land, much of it acquired through foreclosure after state legislative action opened up Indian lands to taxation.

Other opposition to the law comes from the Office of Management and Budget, which had criticized the \$15 million financial settlement that would go directly to the tribe as "extravagant." There is a possibility Reagan will veto the bill unless the tribe accepts a smaller money package.

The big losses of land for the White Earth Chippewa began occurring between 1905 and 1907, under old legislation sponsored by Minnesota Senator Moses E. Clapp. That legislation removed the special trust status of lands allotted to mixed-blood Indian, Individual Indians, rather than just the tribe, could thus sell land. Under allotment terms, too, inheritance of land is governed via the fractionated heirship policy, which requires progressive subdivision by all heirs in subsequent generations.

"The fractionated heirship policy doesn't make sense," Judy Fairbanks said. "It causes trouble within the families and erodes the tribal land base over the generations."

According to Fairbanks, her grandmother lost her allotment in the 1920s. "My grandmother was living here in the city. A state agent came to her and told her that her relatives back on White Earth were starving. If she would sign over her allotment title, he told her, they would feed her family. So she did. She didn't have a way to check on what he said. It was a lie. Her folks were alright. But that way the state acquired her title and the title of many others in the generation. My grandmother's name is Winnefred Jourdain."

Fairbanks and other heirs plan to bring a common suit against the new law.

OUR APOLOGIES...

to Charles Bronte, Fisheries Biologist for the Red Cliff Fisheries, whose name was omitted from the report on the Michigan Waters of Lake Superior report which ran in the March, 1986 edition of MASINAIGAN. The report was compiled through a joint effort of Mark Ebener, GLIFWC biologists, and Charles Bronte.



WELCOME TO NEW GLIFWC STAFF



Running the bookkeeping department are right, Etta Burns, Finance Aide and Dennis Duckart, Bookkeeper.



Delores O'Clare, Secretary.



Geraldine "Jigs" Wiggins, Interim Executive Secretary.



Ron Parisien, Wildlife Aide.

BUSIAHN PRESENTS PAPER

Commercial fishermen, tribal fishermen, sports fishermen - representatives of all user groups - must meet face-to-face to define their interests, areas of agreement and areas of disagreement, according to Busiahn.

Protection and sound management of the resource may be an initial point of agreement for all user groups, he said. However, should any group place other items at a higher priority, such as harvest allocation or political damage control, co-management is likely to be unsuccessful, Busiahn contends.

Another important basis for co-management is the development of a common ground based on scientific data. This, he feels, must be a prelude to agreement or negotiations. Busiahn feels that the Wisconsin Chippewa tribes and the WDNR have made much progress in the establishment of such a data base.

The conference, which was funded through the Social Sciences and Humanities Research Council of Canada, heard a variety of papers throughout the three days, each defining problems or prospects for improving effective resource co-management.

The proceedings of the conference will be published both in a popular and an academic version. The publications would be available through Evelyn Pinkerton, School of Community and Regional Planning, University

of British Columbia, Vancouver, Canada.

A comparison of Wisconsin's management of Lake Superior vs. that of inland waters was the topic of a paper presented by Tom Busiahn, Chief biologist for the Great Lakes Indian Fish & Wildlife Commission, Odanah, at a conference on the "Co-Management of Local Fisheries," at the University of British Columbia, Vancouver, Canada, May 8-10.

Representatives from throughout North America were present to discuss problems entailed in fisheries co-management. "People were expressing dissatisfaction with the management of local resources by a central government," Busiahn stated.

Busiahn's paper dealt specifically with the differences apparent in Wisconsin's approach to management of the resources in Wisconsin waters of Lake Superior and Wisconsin inland lakes.

In Lake Superior, Busiahn contends that the state of Wisconsin emphasizes resource management and problem solving; whereas in the inland lakes, he states the State panders to the pressures of "political damage control" and uses "intimidation" rather than management principles.

The conference dealt with the need for new institutional arrangement to be put in place in order to confront the demand for effective co-management. Busiahn said



**In honor of all who have come before;
Where the sacred Megis Shell was last
seen;
Where the Great Buffalo's bones remain;
With thoughts of those who will follow;
A sacred fire of the Ojibewa people
burned**

Not only remembrance of Chippewa ancestors was observed during a ceremony on Madeline Island on Memorial Day Monday, but observance was also given to the Island itself, the place where the Megis Shell was last seen. Chippewa people from various bands came to the site, near the grave of Chief Buffalo, for a time of culture, spiritually, remembrance, and, as one participant said, for a time to think of those yet to live.

As part of the ceremony the sacred fire was ready, in fact had been lit on Friday and kept burning and tended since then by Jim La Grew, Bad River. As La Grew explained, a sacred fire is tended constantly to ensure that it is a clean, pure fire - one ready to accept the tobacco offerings of those who come.

A Circle of Life encompassed the fire made from carefully layed cedar boughs. At the entrance of the circle was a can of tobacco from which people could take to offer into the fire.

The Circle of Life is appropriately named. Those who come enter the circle, as in birth; offer their tobacco to the fire, and exit the same way they entered (as in death). As one person stated, people have come from earth and return to earth.

It was especially important to those present to be on Madeline Island last Monday at the site of Buffalo's grave and looking over a plot of grassy land holding the bones of many Chippewa ancestors, because just several years ago that plot of land was almost turned into a development.

As Victoria Gokee, one of the Red Cliff coordinators of the event stated, the news of the proposed development on the burial area shocked the Chippewa people. Following the advise of Joe Shabaish Sr., Chippewa Medicine Man,



Offering tobacco - participants in the Memorial Day ceremonies entered the Circle of Life, formed with cedar boughs, to offer tobacco which was burned in the sacred fire. Chippewa tradition was honored as well as those forebearers of the Chippewa people who are buried on Madeline Island.

the people lit a fire at the site and played the Drum, seeking assistance from the Great Spirit.

Today the site is free from the threat of development...but the Chippewa people can still look around them and see what development has already done to the burial grounds of their people.

Slightly to the north is the Madeline Island Marina where a canal was dug to allow the entrance of sailboats. Andy Gokee, Red Cliff, told those at the ceremony that when the canal was dug, bones of Chippewa people were found and carried to the dump to be burned.

Joe Shabaish Sr. looked across the small spot being preserved to the Madeline Island Golf Course on the hillside above. He pointed to twin pine trees on the golf course which mark the burial spot of twin Chippewa boys, who, had they lived, would

have been the next in line as Chief of the Chippewa nation.

Much has been desecrated to satisfy the insatiable need of the white man to develop. Golf courses and marinas sit atop sacred burial sites. Typical of the non-Indian society, pleasure and money sit as monuments above bones of those who originally fought, and labored, and loved the land.

It is, indeed, a wonder that the small lot remains, unencumbered by condominiums for the rich, allowing Chippewa bones to rest in peace.

As Leo LaFornier, Red Cliff Vice-Chairman, stated, an effort similar to "Hands Across America" should occur among the Chippewa Bands to erect a permanent memorial on this site in honor of those who preceded and proved for us, to the best of their capability under unprecedented odds, what we have today.

Chief Buffalo's bones lay yet undisturbed beneath four towering pines on Madeline Island, not far from the "Indian Cemetery," a small plot outlined as such and disregarding the fact that the burial ground actually extends over a vast area overlooking the shores of Lake Superior. Chief Buffalo's bones lay not far from the old treaty hall, where the 1854 Treaty was signed, following his heroic trek to Washington, D.C. during his old age. By canoe, by train, he made his way to Washington following news of the Removal Order in 1850. He wanted to save his people from war; he wanted to save his land. He did what he knew he had to do - magnificently.

So, we look to those who have come before us and we think, also, of those who must follow, and we offer in this Circle of Life all that we must.



Fresh fish was part of the feast on the Island.



A new Medicine tree replaced this one which has stood since last memorial day.

MICHIGAN'S TREATY DAY

March 28, 1986 was officially declared Michigan's Treaty Day. The omission of mention of treaties and the significance of treaties in the formation of the state during preparation for Michigan's 150th anniversary in 1987 got the attention of several Indian tribes.

The Treaty of Washington in 1936 between the Ottawa and the Chippewa and the U.S. government did, after all, cede half of the land which makes up the state.

Michigan's Governor Blanchard received a history of the treaty's making as well as resolutions of support from the Bay Mills Indian Community, & the Grand Traverse Band of Ottawa and Chippewa Indians.

The result was a Michigan Treaty Day!



GLIFWC softball team in action at one of its first games of the season.



GLIFWC softball team member and biologist, Bob Williamson, looks tense during one of the recent games.

Published by Great Lakes Indian Fish and Wildlife Commission

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GREAT LAKES INDIAN, FISH, & WILDLIFE COMMISSION
P.O. Box 9 • Odanah, WI 54861 • 715/682-6619

MASINAIGAN is (usually) a monthly publication of the public information office of the Great Lakes Indian Fish and Wildlife Commission, P.O. Box 9, Odanah, WI 54861. The name is an Ojibwa word for paper. Some of the items printed in the publication are from other sources. As such, MASINAIGAN focuses on treaty rights and environmental issues. Subscriptions are free on request. If you have questions or suggestions, write to the office at 715/682-6619.

Co-Editors/Writers

The Bay Mills Indian Community, located in Chippewa County, Michigan, has approximately 2,189.51 acres. This includes Sugar Island which was obtained by treaty in 1855. Bay Mills has a population of about 800 members. Of this, approximately 2/3 live on or near the reservation.

Wade Teeple has been the Chairman at Bay Mills since July 1985. Before this he was Chairman from November 1979 until he resigned in December 1984. Teeple will be up for re-election in November 1988.

The Executive Tribal Council members presently include: Wade I. Teeple, President; Clinton J. Parrish, Vice-President; Laurel F. Keenan, Treasurer; Armella B. Parker, Secretary; and Vicky Jo Newland, Council Member. The council is elected to two year terms and meet when the need arises. The general council at Bay Mills, which can include anyone over the age of 18, holds the ultimate authority.

Located on the reservation are a dental and a medical clinic which are very beneficial for the Bay Mills Community. These clinics are run by the Michigan Rural Health Service with the space being leased to them by Bay Mills, explains Teeple.

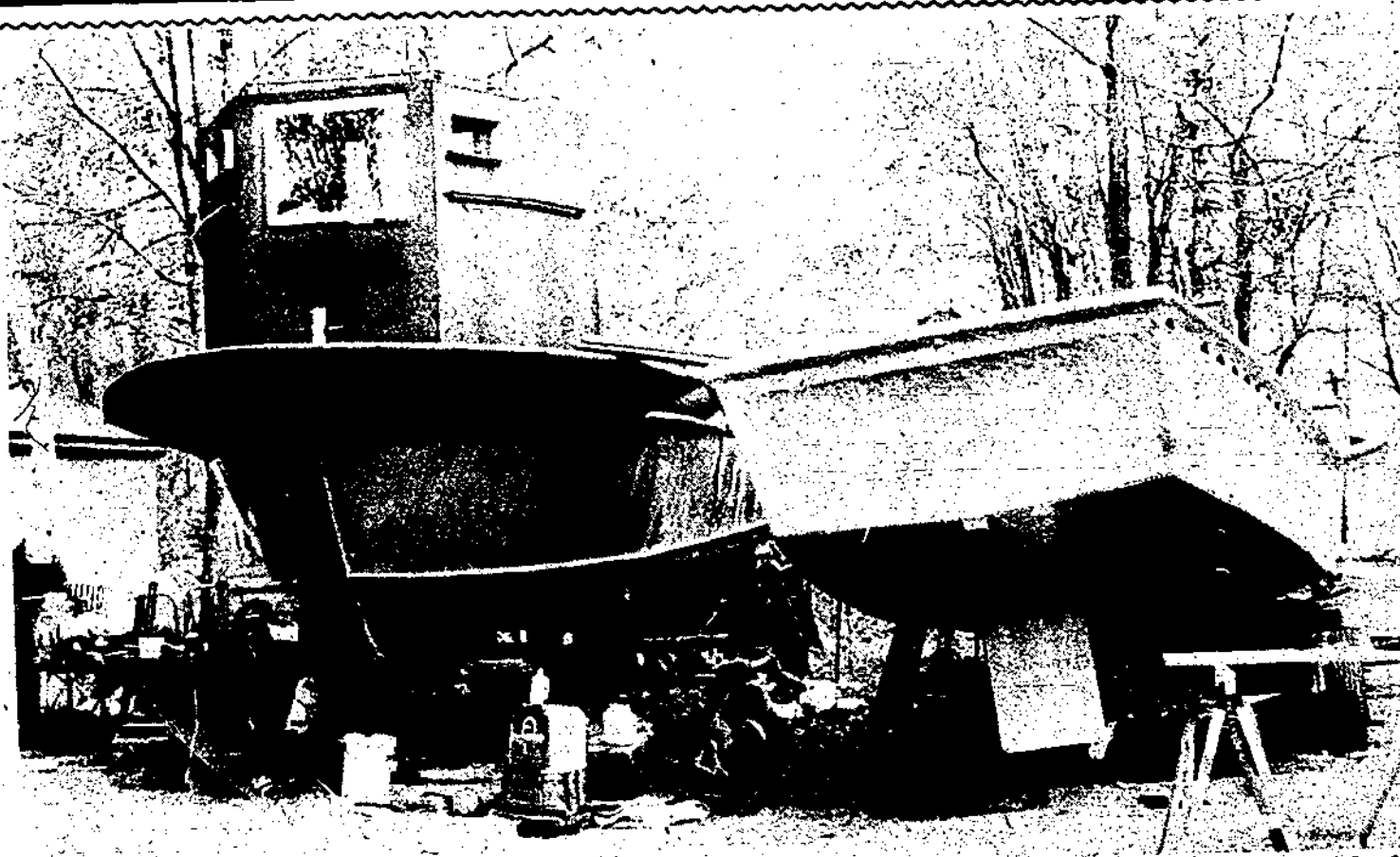
Tribally run programs by Bay Mills include: law enforcement, conservation enforcement, conservation court, tribal court, Indian health service program, education program, gas station and garage, housing authority, gambling casino and bingo. Bay Mills also began the Ojibway Market, a small convenience store, which is now being leased and run by a private individual.

According to Teeple bingo takes place on Friday and Saturday nights only. The Bay Mills Bingo operation started back in 1980. With the lack of funding and cutbacks, Bay Mills, being a small tribe, is struggling. The bingo operation, even though it is small, helps pull the tribe through during hard times.

Many enterprises have been started at Bay Mills including: a net manufacturing company, mechanics for the garage, the Ojibway Market and a construction company, says Teeple, but because they were losing money and because of lack of overall community support which is detrimental to businesses, the enterprises eventually had to be shut down.

(continued on page 2)

THE BAY MILLS INDIAN COMMUNITY



FISHING: A WAY OF LIFE



Ralph Wilcox, Bay Mills commercial fisherman displays a whitefish.

Fishing is a major part of life at Bay Mills, both in the past and present for subsistence and trade.

Technical expertise will be provided to Bay Mills in the operation of larger tugs for the purpose of possibly converting to larger gill net operations, conservation warden Clinton Parrish explains. Bay Mills fishermen can only go in areas which are safe for them. Most of today's fishermen only have 16' boats and are restricted to 2 to 4 miles off shore for safety reasons. With tugs the fisherman can go out into deeper water, stay out longer and do a better job fishing. This in turn keeps the fishermen from overfishing certain areas.

Certain areas are restricted to small boat fishermen because of low accessibility to the beach, land area, fishing grounds and the distance between the shores. With larger tugs fishermen can leave for days at a time to do what has to be done to make a decent living, he says.

Many of the commercial fishermen at Bay Mills are seasonal. There are approximately 45 commercial fishing boats registered at Bay Mills, said Parrish. Of the 45 there are about 30 active full time fishermen. The remainder are part time or seasonal holding other jobs.

Just off the reservation Ralph Wilcox, Bay Mills tribal

member, runs a commercial fishing operation and sells a limited amount of his catch from a small fish market located there. His family has been commercial fishing for generations. Wilcox is proud to be a fisherman, but explains it is a lot of hard work leaving little time for other interests.

Wilcox said that when the courts first affirmed the rights of the treaty fishery, there was a rush of fishermen. Many of these fishermen knew little about the water or about fishing. At that time there were a lot of fish in the shallow waters which the state had planted for the commercial fishermen. The new fishermen caught these fish and were making money when they first started, but they only fished five or six years until the fishing places were overfished and their boats and nets were beyond repair, according to Wilcox. "These people didn't learn a fishery, they didn't learn how to catch fish, or how to find whitefish and they are no longer fishing," he says. They were out for the easy dollars and when they weren't making them anymore, they quit.

Wilcox explains that it is tough to make a living because of the constant changes in the regulations. Another factor affecting fishing is the weather. On the average Wilcox believes the weather will only permit you

200-230 days of fishing per year.

Another major factor influencing the fishery today is the change in markets. The fishery is years behind time, said Wilcox. Many of the people today do not want to go through the complete process of buying the fish at the fish markets and cleaning them. Most people would rather go to the supermarket and buy them ready for eating.

Trucking is also a major factor in the commercial fishing business. With many trucking companies going out of business, Wilcox feels the fisheries will be in danger of having no way of getting their fish to the markets.

There is never a consistency in the catches of fishermen. You never know from one day to the next what your lift will be. On the average, it takes about four people lifting per boat, but with prices the way they are today, many fishermen can't afford to hire help so they usually fish with two or three people, explains Wilcox.

There is always repair work to be done when the weather doesn't permit fishing. The fishermen left today are the ones whose families have fished for generations. These people are dedicated to fishing and will keep fishing until they are no longer able to.

BAY MILLS

(continued from page 1)

Teeple explains, that the Bay Mills conservation court enforces the U.S. vs. Michigan fishing case which has been a major battle over the years. In 1979 the Fox Decision affirmed the rights of the tribes to fish free of state regulations. Since this decision, there have been negotiations for the allocation of the fishery. In March 1985 an agreement went into effect, with the opposition of Bay Mills. Since this agreement, there was a certain amount of dollars, a trust fund was supposedly set up says Teeple, so the tribes could use the interest and numerous other programs set up. However, he indicates that it has been over a year since the agreement, and Bay Mills has seen very little of anything coming out of this agreement. 11,500 square miles of water was lost in the agreement, which was over 2/3 of the tribes ceded waters.

Currently, Bay Mills is back in court again. This time, Teeple says, the dispute is between Bay Mills, Sault Ste. Marie and Grand Traverse.

Grand Travers filed a case saying that 1/3 of the money that was negotiated through the agreements should go directly to the tribes. Bay Mills and Sault Ste. Marie are saying that the Management Authority should be the governing body handling the funds. Bay Mills is at a standstill now, waiting for the case to be heard.

Another case in court for the tribe is the gambling case. The federal government is trying to shut down the black jack casino located on the reservation. This case is not only in federal court, but in congress also.

In the summer of 1975, the casino employed 78 people. Since this time, the Sault Ste. Marie tribe opened a casino and Bay Mills lost a substantial part of their business to them. The profits from the casino just barely meet the payroll. It is a tough situation now for Bay Mills, just trying to operate on a break even basis. The casino is tribally run by a separate board of directors with the profits being handed to the tribes.



Each night at 6:30, the Bay Mills Tribal Office opens up for the Triple 7 Club black jack casino and lounge.



The Ojibwa Market, once tribally owned and operated is now leased to a private individual.

POLICE DEPARTMENT



A tribal police department also exists at Bay Mills. Sharing the office with the conservation department, both are housed in the tribal center.

Wade Teeple, current Bay Mills tribal Chairman was one of the original two officers when the police department originated back in 1974.

Michael Kinney, member of the department explains that the police operate with 4 officers and one dispatcher. Officers are on duty 20 hours per day, with someone on call the

remainder of the time. The officers have the authority to enforce all laws of the Bay Mills Indian Community, but can only enforce serious offenses or assist with investigations off the reservation.

Like the conservation department, the police department is also cross-deputized with Chippewa County. The department assists the state, sheriff and conservation departments when necessary. All departments work closely to ensure that all laws are enforced he says.



Clinton Parrish, conservation warden and Bay Mills Executive Tribal Council Vice-President.

Bay Mills Conservation Department has been in existence since 1978. There wasn't much of a need for conservation enforcement at that time since the fishing rights were not yet confirmed, explains Clinton Parrish, conservation warden. In 1981 the department became more permanent with the help of the Bureau of Indian Affairs.

With a staff of five officers and a secretary the Bay Mills conservation office deals with conservation and law enforcement on the reservation. Within the ceded territory the department is limited to conservation enforcement and fish management. The department works seven days a week and are on call 24 hours a day.

Even with the aid of the state and the two surrounding tribes, there still is not enough man power for the vast amount of area to be covered, said Parrish. Therefore, as a rule the department mainly acts on complaints. The complaints range from traffic accidents to transporting patients to the local hospital.

Parrish explains that at all times, the conservation depart-

ment keeps close tabs on the tribe's fishermen, knowing both where they are and what kind of fish they are harvesting for. Over the years the department has established what they consider hot spots, closed areas and sanctuaries. These areas are monitored closely by the conservation staff.

Most people resent law enforcement, says Parrish. At Bay Mills this doesn't exist. He feels a good working relationship and understanding is present with Bay Mills fishermen. The fishermen are well informed about the law, and those choosing not to be are cited for any violations occurring.

Parrish said that a good relationship also exists between Bay Mills conservation department and area agencies which include: state, federal and county. The department works closely with neighboring tribes and assists the state when necessary.

The conservation wardens also have the authority to assist the tribal police when needed and are cross-deputized with Chippewa County. Being cross-deputized, the officers can enforce federal, state and tribal laws.

CONSERVATION COURT



Bay Mills tribal court clerk is Armella Parker, Administrative Magistrate. The types of cases handled in tribal court include: divorce, misdemeanor, juvenile, criminal, motor vehicle, civil cases and possession.

In 1975 the court was established and operated under the Code of Federal Regulations (CFR). In March, 1976, the court was operating under the Bay Mills tribal code.

Judges are elected every two years. The current judge, Laurel Keenan, is a Bay Mills tribal member. The court is operating with one judge and two clerks at the present time.

The case load is approximately 200-25 cases each year. Court is held when the need arises.

The magistrate is also elected for a two year term. The magistrate holds arraignments which have to do with motor vehicles and the criminal division.

The court handles approximately 20-25 citations per month depending upon the season and number of fishermen. Court is held two times a month if possible. A wide range of cases are handled in conservation court, some of those include: closed waters, license fines and various miscellaneous fines.

Phyllis Kinney, working with Bay Mills since June 1985, is the conservation court clerk. The conservation court was formed in 1980.

The prosecuting attorney for the cases at Bay Mills is Patrick Shannon who is currently the prosecuting attorney for Chippewa County. The conservation judge for Bay Mills is Carol Andary.

Kinney handles tickets, takes pleas from fishermen calling in, maintains files for the court and handles fines. More than half of the fishermen cited are prosecuted in conservation court.



Also located at Bay Mills is the Bay Mills Community College. Bay Mills Community College is chartered by the Bay Mills Indian Community. Control is held by a Board of Regents, which elects officers of the administration and establishes the overall institutional policy.

The President of the College is Martha Ness McLeod. McLeod explains that the College serves all six federally recognized tribes of Michigan.

In 1981 the College started with a total of eleven students housed in the basement of the Bay Mills tribal center. Since that time, the College has moved to their present facility. Total enrollment at the College now is 200 students.

Currently, Bay Mills Community College is the only functioning Indian-controlled community college in the state of Michigan. The College is a member of the American Association of Community and



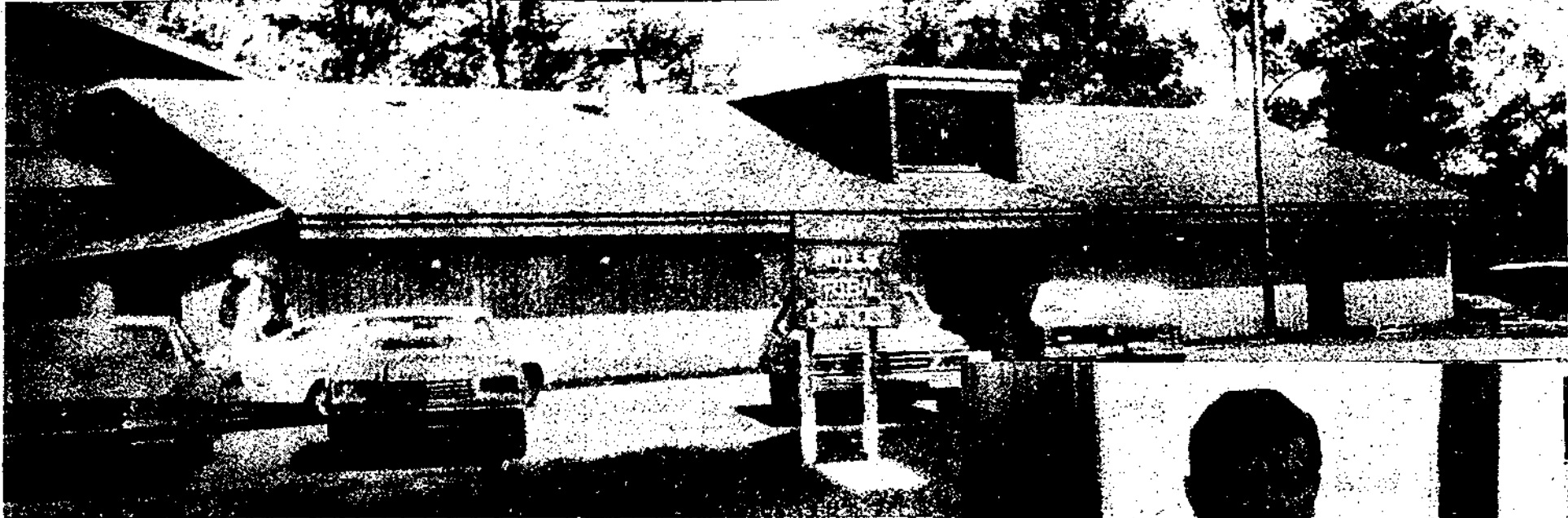
Junior Colleges, and credits are transferable to five accredited state colleges and universities.

The programs are primarily one year certificate programs. However, there are two associate programs running for two years. These programs are: Secretarial Science and Business Administration. The one year programs are: Accounting, Clerical, Clerk/Receptionist, Management, Secretarial and Word Processing. Full time students go to school 40 hours per week.

Bay Mills Community College has had a 100% job place-

ment record over the past three years. The average student is 26 years of age and the enrollment is 75% women. The students are very dedicated and are expected to adhere to very strict rules.

Thirty-one students will be graduating from the Bay Mills Community College this year. Last year the school graduated 15. The students, when graduating do not walk to "Pomp and Circumstance." The whole ceremony is done with drums. Graduation exercises this year will be held on June 14 at 1:00 p.m. For more information, contact the Bay Mills Community College.



AN HISTORICAL ACCOUNT

For approximately 450 years members of the Bay Mills Indian Community who are descendants of Chippewa or Ojibway bands have been identified with the upper Great Lakes Region. The Chippewa who migrated from east of Montreal settled along the shores of Lake Superior. The area known then as St. Mary's Falls, presently Sault Ste. Marie, held a promise of prime fishing and hunting locations. St. Mary's Falls thus became one of the earliest permanent settlements of the Chippewa.

Providing the basic essentials for living, the Chippewa were lured to the woods and waters. With the exception of occasional battles with nearby tribes the Chippewa remained free from outside interference. The Chippewa occupied the Sault area for approximately three generations before the arrival of European explorers in the early 1600's. During this time, they were able to develop a well-established and largely self-reliant society.

The Sault region was little suited for farming so the Chippewa were largely dependent upon fishing and hunting for their survival. Trading was done with the southern Michigan Indians who traded supplemental agricultural products for the Chippewa's furs and other products. Thus, a trading center was established here long before the arrival of whites.

Large villages were established during the spring and summer where abundant fish populations were found. Other activities during the spring and summer months included gathering and drying berries, producing maple

sugar, planting potatoes and corn and constructing birch bark canoes. During the winter, when there was a limited supply of fish, the villages split up forming small winter hunting camps where moose, bear and other game were sought.

Religion was another important aspect of Chippewa life. Through religion the Chippewa sought to ward off evil spirits and come in contact with spirits which would guide and protect them.

The French maintained peaceful relations with the Chippewa, since obtaining furs from them was of prime importance to the French trade economy. However, the British were also competing for furs from the Indians and helped instigate rivalry among Iroquois and Chippewa while competing for hunting territory. For ten years following, the Chippewa were at war with the Iroquois. In 1660 after being driven west, the Chippewa returned and overcame the Iroquois and Iroquois Point, located approximately five miles from the present Bay Mills Indian Community. The Bay Mills Indian have occupied the Sault area since that time.

In accordance with their religious views, the Indians had no conception of land ownership. Lands and waters were not to be owned nor exploited but used by all for survival needs. Lands and waters were not considered as merchandise or personal property which made the white man's continual pressure to buy Indian land mysterious and confusing.

In 1622 French explorers arrived in the region of St. Mary's Falls and Whitefish Bay. By this time Chippewa society

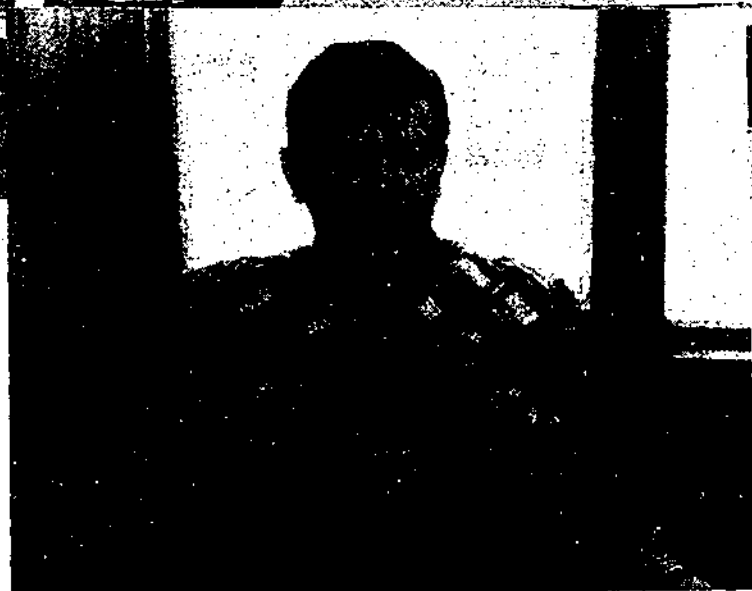
had already been established. Because of supplying fish and furs, guiding the explorers through the woods and lakes, and teaching the white man to hunt, fish and gather food from the land; the Chippewa proved to be of crucial value to the survival of the explorers.

White contact had taken its toll on Indian culture by 1760. During this period Indians were congregated in trading centers such as Sault Ste. Marie and Michilimackinac and largely dependent upon trade with the invading explorers. During this period of intense trade, continual contact with whites resulted in cultural breakdowns for the Indians. Indians materially began living more like whites and were affected by numerous religious missions and became dependent on trade items supplied by whites.

By promising annual payments of goods, by the use of force and by distributing liquor freely, the Americans induced Indian tribes to sign a series of treaties by which they surrendered their lands to the United States. Reservations were originally founded as those lands the Indians needed to survive by following their traditional life style.

By 1880 Indian settlements at the Sault were gone with many moving to the present Bay Mills Indian Community, Iroquois Point and Sugar Island. The checkerboard pattern of the present Bay Mills Community and surrounding land holdings, in addition to the predominately marginal land, are characteristic of land left after being picked over by whites.

With the opening of a lumber mill at Bay Mills Point



Wade Teeple, Bay Mills Tribal Chairman.

in 1875, the isolated Indian community was greatly affected. Within 20 years the area expanded into a well-developed town with a population of 1,900, mostly whites. Two sawmills, a sash and blind factory, pulp and paper mill, post office, railroad, and 2 churches were also developed there. During this period employment was available other than fishing and hunting. A fire in 1904 destroyed the town and decreased the population to 75. The Bay Mills Indian Community presently returned to a more traditional lifestyle of fishing and hunting. Many left to find work in Raco and Sault Ste. Marie where work was attainable.

Bay Mills ran their own school up until 1938 when the students started attending Brimley public school. The students attending the school had to walk for miles to wait for the bus. Community life has always been an important aspect of Bay Mills with many activities provided through the church and school.

In the late 1930's a main gravel road was constructed through part of Bay Mills. During the rum-running days, cars started appearing at Bay Mills and electricity was provided in 1948.

In 1937 land was purchased for Bay Mills, and the Bay Mills Indian Community was organized with the adoption of their Constitution and Charter

in November 27, 1937. Although Bay Mills was not federally recognized as an Indian reservation until 1937, occupation by Chippewa at Bay Mills has been continuous since at least 1848.

Bay Mills members were previously employed at a lumber mill, leather tannery and dredging firms located in the Sault. In 1937 an Indian Camp, resembling the Civilian Conservation Corps, began at Bay Mills paying \$1.00 per day plus room and board. The work consisted of planting trees, cutting wood and constructing roads and irrigation ditches on the reservation.

Fishing has always been an important aspect at Bay Mills. Prices were 1½ to 3 cents per pound for herring in the 1930's and the fish had to be dressed, boxed, iced and taken to Brimley to be shipped by train. During the early 1900's many Bay Mills fishermen were employed by white commercial fishing firms which were developed in the area. Employment continued with the whites until Bay Mills fishermen could afford to buy state licenses and equipment to set up their own fishing operations.

The past history of Bay Mills reflects white America's neglect of the native population. Current activities and the future of Bay Mills will be a result of Bay Mills efforts to shape its own destiny.